

# **Ideological Polarisation as an Impediment to Democratic Consolidation in Tunisia**

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A thesis submitted in fulfilment for the degree of  
Doctor of Philosophy

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September 2020

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## Abstract

In the aftermath of the 2011 Revolution, Tunisia faces the twin challenges of entrenching democracy, while also resolving its crisis of identity. Given that these challenges are inextricable and interdependent, this thesis aims to identify the most important link that ties both endeavours together. It argues that consensus on the fundamentals of a given State and societal model is required to consolidate democracy in Tunisia, which primarily hinges on concord on the role of Islam in the polity and public institutions. That is, the lack of a “meta-consensus” on the underpinnings of nationhood and statehood has obstructed the full blossoming of Tunisia’s democratic experience. This “meta-consensus” is defined here as the profound ideological rapprochement across secular and Islamist doctrines that can achieve agreement of all major players on the foundations of a democratic polity.

Using a mix of quantitative and qualitative methods, this thesis first demonstrates the lack of this meta-consensus in Tunisia, manifest in an ideological polarisation of a secular-Islamist nature. The analysis then argues that this fractionalisation is impeding democratic consolidation in Tunisia in at least three major respects. First, it exposes the nascent democracy to the pitfalls of reversion in which undemocratic forces play on ideological divergences and the accompanying political tensions to seize power illegitimately and disrupt the democratic transition. Second, the doctrinal divide is stalling the reform of the security system, which is key determinant of the process of democratisation. This can be seen in the ways in which the security apparatus acts as a non-neutral arbiter in how to reconcile State identity with democratic rights and liberties. Third, the transitional justice process further embroiled the country in secular-Islamist ideological cleavages, which has hampered national reconciliation and democratic renewal.

## Acknowledgements

First of all, I would like to express my sincere gratitude to La Trobe University for offering me both its Full Fee Research Scholarship (LTUFFRS) and Postgraduate Research Scholarship (LTUPRS), as well as for kindly accepting to extend the latter for a period of three months, which allowed me to finish my thesis in the best possible conditions.

Further, I would like to tremendously thank my principal supervisor Daniel Bray for the thoughtful comments and recommendations on this dissertation. He continuously provided encouragement and was always willing and enthusiastic to assist in any way he could throughout the research project. Our interactions have always been warm, smooth, productive and cordial. We worked collaboratively in total symbiosis. Jasmine Westendorf's contribution to the thesis, first as a principal then as a co-supervisor, was also precious and enriching. Jasmine's maternity leave has prevented her from accompanying this research project to the end, but she was able to catch up at the crucial stage of finalisation and pre-submission. My supervisors' insightful feedback was extremely useful in sharpening and finessing my research from various perspectives. Therefore, we all worked as a team and without any serious encumbrances along the way. Professor Nick Bisley, the Head of Humanities and Social Sciences and Research Panel chair, who got his promotion while presiding the panel, has from his side been very helpful in mentoring the whole process and easing its way to completion. While I have had much less exchanges with him than with my supervisors, which is normal given his position, the few talks and face-to-face meetings we had were very constructive, whereby he showed great professionalism and will to facilitate the success of my research project. In short, dedicated support and guidance has been there from all parties involved, which enhanced my resolve to meet the University's and this team's expectations. Four years of work on this research project has been long enough to see changes in positions and personal circumstances of all implicated, and fortunately, most of these were happy events.

I cannot also forget to thank my family and friends for all the unconditional support in this very intense academic year and exceptional worldwide circumstances marked by the dramatic effects of the Covid-19 pandemic. Hopefully, humanity will surmount this sad juncture.

## **Statement of Authorship**

Except where reference is made in the text of the thesis, this thesis contains no material published elsewhere or extracted in whole or in part from a thesis accepted for the award of any other degree or diploma. No other person's work has been used without due acknowledgment in the main text of the thesis. This thesis has not been submitted for the award of any degree or diploma in any other tertiary institution.

**Mohamed Nejib Gorgi**

**1 September 2020**

## Introduction

Tunisia appears to be the ideal place to study Arab Spring democratisation because it is both the country that ignited the series of Arab revolutions and the sole candidate for establishing a full-fledged democracy. It is regarded as the most promising, if not the only, case of veritable democratisation in the Middle East and North Africa as it has, at least at the institutional level, laid the foundations for a resilient democratic system.<sup>1</sup> But serious questions remain about whether democracy is taking deep root in the widely-considered 'political laboratory' of the Arab Spring.

On the surface, Tunisia has made major strides toward democracy since the 2011 act of regime change, not least by avoiding the state of violence, lawlessness, and reinvigoration of authoritarianism witnessed in other Arab Spring countries (Libya, Syria, Yemen, Bahrain and Egypt) that engaged in similar but quickly aborted democratisation experiences. Besides the adoption of a new Constitution that was hailed as one of the most forward-looking charters in the Arab world,<sup>2</sup> Tunisia added another milestone to its democratic edifice by holding two free and fair national elections in 2014 and 2019 (besides those of 2011), crowning in the best of manners – through a peaceful hand over of power – the democratic institution building process of the 'Second Republic'.

At first glance, Tunisia would also meet a fundamental criterion set by transitology for the successful inception of a democratisation process, that of elite settlements, boasting an ostensible effort from its major political elites, secular and Islamist, to overcome friction through coalition-building and power-sharing. The first coalition between these two pivotal political forces was concocted right after the 2011 elections and the second – and more significant one – after the 2014 plebiscite which concluded the interim period and remained alive till 2017. And, although elite compromises in transition literature are taken to precede rather than succeed regime changes, while involving moderates from both the ruling elites and the opposition, accommodations have had the same effect of conditioning Tunisia's pursuit of democracy in the various stages of its post-regime change political transformations.

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<sup>1</sup> See Culbertson, S 2016, "Tunisia Is an Arab Spring Success Story", *The Observer*, 20 April, viewed 22 June 2017, <<http://observer.com/2016/04/tunisia-is-an-arab-spring-success-story>>; The Wall Street Journal 2016, "An Arab Spring Success. Tunisia's Parliament Votes to Oust a Premier. No Bloodbath Follows", *Wall Street Journal*, 3 August, viewed 25 June 2017, <<https://www.wsj.com/articles/democracy-in-tunisia-1470178227?mod=e2two>>; Diamond, L 2015, "Tunisia Is Still a Success", *The Atlantic*, 23 March, viewed 25 June 2017, <<https://www.theatlantic.com/international/archive/2015/03/tunisia-is-still-a-success-terrorist-attack/388436>>; Bennett-Jones, O 2015, "How Tunisia is keeping Arab Spring Ideals Alive", *BBC News*, 12 October, viewed 25 June 2017, <<http://www.bbc.com/news/world-africa-34491553>>.

<sup>2</sup> Murphy, E 2014, "After Three Years of Turmoil, Tunisia has the Arab World's Most Progressive Constitution", *The Conversation*, 30 January, viewed 28 June 2017, <<https://theconversation.com/after-three-years-of-turmoil-tunisia-has-the-arab-worlds-most-progressive-constitution-22511>>.

By these standards, Tunisia's democratic enterprise is thus a relative success as the elite-made choice for political compromise has transformed politics from a zero-sum game to a bargaining game, with previously antagonistic factions reorganising their relations and negotiating the formal and informal rules to restrain belligerent partisanship and inimical political conduct. Beji Caid Essebsi and Rached Ghannouchi – the two major standard-bearers of secularity and Islamism – wisely recognised the high risks of enmity-based politics. At the height of the ominous 2013 political crisis which hit Tunisia after the assassination of political figure Mohamed Brahmi, both leaders – hitherto staunch political and ideological adversaries – declared that the pursuit of politics as a confrontational game could lead to democratic breakdown and drag the country into devastating political violence or even a deadly civil war.

Hence, after an electoral campaign still marked by a secular-Islamist contest, the post-2014 election politics shifted into a consensus-driven style. Operating against a backdrop of virulent anti-Islamist orthodoxy within his party, Essebsi, founder of *Nidaa Tounes*, the secular party that won the 2014 parliamentary and presidential elections, worked for a rapprochement with the Islamist party Ennahda, which did not preserve its 2011 electoral victory but came about with the biggest parliamentary bloc due to divisions within *Nidaa*. In his accommodationist spirit, Essebsi found a ready ally in Ghannouchi, Ennahda's leader, a politically astute strategist and long-time proponent of negotiated transitions within the Islamist movement, who also led his party to a more flexible attitude toward modernists. Afraid of being jettisoned from the State apparatus, Ennahda strived to have its say in moulding Tunisia's future. Were it in a well-entrenched democracy, the Islamist party would have settled in the opposition as a counterweight to the winning party's exercise of State power. But, in a country where the democratic institutional fabric is still fragile, tolerance by the ruling majority of a serious political challenger is not certain. In Tunisia, there is yet no guarantee of democratic equilibrium wherein the opposition can counterbalance the majority's legislative dominance and restrain its temptation to monopolise power. Absent those norms and stable rules, the risks of abuses of power are real and threaten democracy.

This serves as a reminder that the gains made so far in terms of democratisation are at best shaky and perhaps reversible, testifying to Tunisia's tenuous path to stable democracy. In fact, despite the praiseworthy efforts for political compromise, democratic prospects after the 2014 elections have actually worsened, and the democratisation process entered into what can be considered as a state of limbo. This is because the abovementioned settlements proved to be tactical rather strategic, having the effect of stymieing instead of stimulating democratic progress due to their multiple drawbacks.



This deterioration in democratic prospects resulted from a series of unproductive undertakings that trespassed the ideals of the 2014 Constitution and alienated Tunisians from the political process along the way. The year 2017 was remarkable in this respect, for within a short lapse of time (11-18 September), the governing elites took a series of disconcerting steps that, taken together, were totally counterproductive to democracy's advance: adoption of the Administrative Reconciliation Law granting amnesty to public officials involved in misappropriation of State funds under Ben Ali, enshrining a lack of transparency and accountability; repetitive postponement of local elections in spite of their importance for the process of decentralisation and further democratisation at the provincial level (finally held in May 2018); and the inclusion of former Ben Ali ministers in a reshuffled cabinet against the spirit of the Revolution, which pledged to mark a full rupture with an authoritarian history.

All these developments hampered the democratic process. They were contrary to previous political steps, undertaken within a consultative and all-encompassing spirit, and signalled the government's disinterest in public participation. Even more importantly, the secular-Islamist compromise embodied by the coalition government, despite helping to stabilise the political scene, has not decisively served the cause of democracy as Tunisia drifted back toward some old authoritarian reflexes. The consensually elaborated Constitution and the power-sharing arrangements, which appeared to put an end to the ideological polarisation that emerged soon after regime change, proved in hindsight to be precarious when the same secular-Islamist dichotomies and binary oppositions continued unhindered, resurfacing all too frequently. In this context, a democratic building block as important as the Constitutional Court remained hostage to intense political bickering, testifying to the deficiencies of those superficial understandings. A perfect illustration is *Nidaa Tounes's* announcement in December 2017 of the break-up of its alliance with Ennahda, which revealed the tactical nature of that alliance, and framed the polemics which surrounded the 2018 introduction of a presidential bill to institute parity in heritage between males and females, which attested to the lingering secular-Islamist ideological divergences. Minimal national consensus whereby "alternations between ephemeral moments of revolutionary reconciliation and moments of divergence where everything seems out of control"<sup>3</sup> thus neatly captures the intricacies of the Tunisian transition to democracy. The democratic process gives at times the impression of being on the right track, only to provide other signs of vulnerability and risks of derailing as the inherited system dwindles and the new one is struggling for crystallisation. As this thesis will explore, dissensus on the new political system's fundamentals remains unabated and keeps undermining democratic consolidation.

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<sup>3</sup> Dakhli, L 2013, "A Betrayed Revolution?: On the Tunisian Uprising and the Democratic Transition", *Jadaliyya*, 5 March, viewed 2 July 2017, <<http://www.jadaliyya.com/pages/index/10463/a-betrayed-revolution-on-the-tunisian-uprising>>.

So, what is certain up to now, is that a firmer concord between Islamist and non-Islamist political forces, which would cement a common vision on the normative foundations of the country's polity, seems out of reach, even though most political energies were directed at surmounting ideological cleavages at the expense of more sustained developmental efforts and deeper political reforms. Memory of dogmatic confrontations and repression still fuel the fears and mutual recriminations exchanged by both main parties of the defunct coalition. In *Nidaa Tounes*, high-profile modernist activists, intellectual leftists and disbanded ruling party affiliates, who had experienced the alleged radical Islamist militancy of Ennahda during the 1980s, have fed these concerns.<sup>4</sup> Inside Ennahda, the trauma of mass arrests and torture – backed or endorsed at the time by individuals belonging henceforth to *Nidaa Tounes* – is still very vivid, particularly among grassroots militants.<sup>5</sup> And, even when a secular party like *Nidaa* fades, similar parties vow to keep up the anti-Islamist crusade.

As former enemies turned into ephemeral partners, Islamist and secular forces were, in addition, striving to preserve their political essence and unity; inner frictions tended to emerge in accordance with the bolstering or withering of each side's leveraging inside the coalition, which evidences again the tactical rather than strategic grounding of the political arrangements. Moreover, channels of political debate and crisis management were not institutionalised as they remained personalised by Ghannouchi, Ennahda's president, and Essebsi, the former head of State who continued to stand in occasionally as party leader. When Essebsi died in 2019, the gentlemen's agreement fell apart. This confirms the fragility of Tunisia's elite settlements and the uneasiness of a coalition whose efforts for survival superseded effective action to solve Tunisia's main problems centred on lack of concord on a sociopolitical model.

## Main Hypothesis

It is thus proposed that Tunisia's secular-Islamist arrangement was not sufficient to end the country's protracted ideological polarisation which has obstructed its democratic transition.

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<sup>4</sup> Sahlieh, SA 1996, "Le Mouvement Tunisien de la Tendance Islamique, La Loi Islamique et les Droits de l'Homme", *Annuaire de l'Afrique du Nord*, pp. 379-404.

<sup>5</sup> Cited in International Crisis Group 2018 (Briefing n°62), "Restoring Public Confidence in Tunisia's Political System", viewed 22 February 2019, <<https://www.crisisgroup.org/middle-east-north-africa/north-africa/tunisia/62-tunisie-depasser-les-querelles-pour-restaurer-la-confiance>>.

Based on a Rawlsian understanding of political liberalism, corroborated by Drysek's notion of "meta consensus", and the convergence school of transition, which establishes a strong link between deep-down consensus and democracy, I will argue in this thesis that the failure to translate political settlements into profound doctrinal congruence complicates Tunisia's democratic prospects. I will maintain that without a solid agreement on fundamentals, particularly on the place of Islam in governance, the binary oppositions between Islamists and secularists will likely persist, thereby continuing to hamper Tunisia's prospects for democratic consolidation.

The presumption of this thesis is that due to disagreement on the normative foundations of a new order, the contest will remain open for these two antonymous worldviews to define public culture and set the contours of the common space according to each doctrine's own terms. As this is taking place in an environment whereby democratic norms have not yet been internalised via habituation, pluralism in worldviews (which is in itself healthy for democracy) is giving way to animosity because it is not accompanied by an underpinning consensus on normative fundamentals. The unresolved doctrinal dichotomies and firmly established exclusionary attitudes are perpetuating the cycle of conflict and political strife, fed as that is with the strive to dominate and prevail despite the apparent conciliatory stances. True, the accommodationist and pragmatic attitudes shown by the emblematic figures of the secular and Islamist doctrines have stabilised the political scene and spared Tunisia the hazards of open conflict, helping it keep its chances intact to achieve a full-fledged democracy in the future. Yet, these short-term political deals are leading the democratic process to an impasse because the coalitional efforts do not tackle the heart of the problem, which is ideological in essence. And while ideological cleavages in political science can take various shapes, like class conflict, it is here apprehended as divergence over state doctrine to be secular or Islamic. Furthermore, these settlements are inhibiting radical reforms in the polity due to a simmering polarisation, the overcalculation of political costs vis-à-vis the rival and the existence of veto players from both sides to the coalition who could not overcome their reservations towards real rapprochement. Indeed, the persisting tensions, against a backdrop of mutual mistrust, are imposing an indefinite postponement of the reforms promised by the Constitution. As indicated earlier, the Constitutional Court, whose role can be decisive in case of a political and institutional crisis, has not yet been established due to the same ideological fractionalisation.

The independent constitutional bodies conceived in the afterglow of the uprising to ensure good governance by consecrating the principles of integrity, impartiality and neutrality, while addressing age-old problems like the public administration's deficiencies,<sup>6</sup> so far lack any real autonomy due to interferences conditioned by secular-Islamist divisions. The March 2017 amendments on the 2016 Supreme Judicial Council (SJC) law would have given the executive enough room to regain its judicial process interventions as well as weakened the judiciary's effective functioning and the good administration of justice in several respects. The security system has not been significantly reformed, while the transitional justice process was so tumultuous and deprived of real political support despite its importance for national reconciliation. Moreover, safeguarding conditions for power rotations proved to be a laborious exercise for both parties in the coalition due to continuous mutual apprehensions, as demonstrated in their long struggle to put in place the judicial and organisational schema for future electoral cycles (Electoral Law and Independent High Authority for Elections – ISIE). By under-investing in the strengthening of democratic institutions and spending more time trying to keep itself alive, the coalition threw the country into a grey zone of democratisation, especially given that the gap between the constitutional principles - drafted in symbiosis with international standards during the interim phase following regime change - and the quotidian of the political scene today is becoming more and more noticeable.

Indeed, each side of the coalition kept worrying that its current partner would just annul the arrangement once there was no political need for it. Ennahda affiliates were often concerned that *Nidaa Tounes* would corner them into a marginal opposition role and gradually erode their party's freedom of action and mobilisational capacities by resorting to old authoritarian practices, if not eventually outright dictatorship, in collaboration with a largely unreformed, anti-Islamist security system. On the other side, *Nidaa Tounes*'s partisans, and the modernist camp in general, were worried that, once preponderant, Ennahda would impose its ideological hegemony on a readily conservative society, thus disturbing the country's long-established balance of power in its favour and that of the new political coterie.

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<sup>6</sup> These are the Commissions for: Elections, the Audio-Visual, Human Rights, Sustainable Development and Future Generations' Rights, and Good Governance and Anti-Corruption.

Hence, against all appearance, the secular-Islamist accommodation embodied by the *Nidaa-Ennahda* partnership (2014-2017) was not really a coalition of the willing but rather a 'marriage of convenience', with the former in need of a strong partner to be able to rule, and the latter risking isolation and narrowing down of the space of its political action if it joined the opposition. This was especially the case in a context marked by the dramatic ousting of the Egyptian Muslim Brotherhood and the heavy pressure exerted by regional and international forces, which were unfavourable to political participation of organisations born out of that movement. The vulnerability of that settlement was confirmed by its dismantling just a few years after its concoction and the endemic resurgence of past tensions and feuds. Admittedly, doctrinal convergence *per se* is hard, for it goes beyond a mere political settlement, as for Islamists it requires giving up attempts to introduce more Islamicity and to legislate in arenas related to religious morality, thus on the very ground of the community's projected ethical development. For modernists, compromise means at least allowing the state greater control over personal life in arenas considered private in such a manner that it can also discredit the whole postcolonial 'progressivist' narrative. To elude these difficult equations, the two belligerents did nothing but postpone, conceal or just dampen their conflicts, which are resuscitated whenever the need arises and the context is advantageous.

Therefore, the taming of the secular-Islamist ideological conflict did not provide enough momentum for democratic consolidation, since the arrangement – in its ephemerality and shallowness - was rather tantamount to an exercise in post-authoritarianism garbed in political pragmatism. It consisted in Islamists and modernists (notably former regime adepts) negotiating their mutual recognition and monopolisation of the postrevolutionary political space while frenziedly battling to gain political advantage. Ordinary Tunisians, meanwhile, were alienated from the political process, given the absence of veritable reforms along the way. This is not to undervalue Tunisia's success in securing a negotiated democratic transition, which also allowed it to leave behind political strife and approach normalcy through the brave art of bargaining and compromise. It is this understanding, fuelled by a dose of realism, that helped keep the country on the rails of a fragile democratic transition. However, this has had the unintended consequence of locking the nascent democracy into a turbulent grey zone where a strong autocratic urge threatens to pull down a tortuous march toward consolidation.

Furthermore, a new democracy faces the major challenge of undertaking serious socioeconomic reforms after the demise of authoritarianism, and this task necessitates an efficient government<sup>7</sup> capable to take the hard decisions, perhaps even very unpopular ones. Transitology also makes the flourishing of any nascent democracy contingent upon the new authorities' ability to generate socioeconomic progress.<sup>8</sup> Yet, no palpable accomplishments have been made at that level since the formation of the post-2014 coalition. On the contrary, all the indicators testified to the worsening of living conditions, manifest mainly in the slowing down of economic activity, the soaring of public debt, high inflation rates and a rising unemployment.<sup>9</sup> Moreover, the unevenness in development levels between various geographical areas also continues to destabilise sociopolitical life, hence accentuating social unrest, in turn breeding recurrent mass protests. In sum, the negotiated mode of political transition Tunisia embarked on, despite its virtues, has not led to the consolidation of democratic gains and to palpable socioeconomic progress.

In terms of transitology, supporters of elite settlements argue that the negative by-products of transactional bargaining tend to linger in the short-term.<sup>10</sup> They caution that old authoritarian practices and power concentration patterns die hard; long-ingrained hatred and distrust die even harder. This optimistic view holds that trust and cooperation between antagonistic forces (such as Islamists and modernists) takes time to mature, but will gradually improve via intricate political intercourse to replace unchecked competition for dominance. Looked at from that angle, political congruence is thus a long-term affair which requires perseverance for it to deepen and transform into longstanding concordance on fundamentals.

The sceptics, however, argue that the touted pay-offs are unlikely to transpire without a real ideological rapprochement and a strong normative commitment to democracy that will foster consolidation, but also help forge a coherent political vision and strategy to tackle festering economic grievances and regional disparities which are at the heart of social unrest and political disaffection. At its core, the fixation on the taming of contentious politics at the expense of other crucial issues like the fight against corruption and the introduction of deep socioeconomic reforms, they maintain, can make the exercise of power borderline 'rotten'.<sup>11</sup>

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<sup>7</sup> Bielasia, J 2005, "Party Competition in Emerging Democracies: Representation and Effectiveness in Post-Communism and Beyond", *Democratization*, vol. 12, no. 3, pp. 331–356.

<sup>8</sup> Haggard, S & Kaufman RR 1997, "The Political Economy of Democratic Transitions", *Comparative Politics*, vol. 29, no. 3, pp. 263–283.

<sup>9</sup> World Bank 2020, "Tunisia's Economic Update — April 2020", *The World Bank*, 16 April, viewed 22 August 2020, <<https://www.worldbank.org/en/country/tunisia/publication/economic-update-april-2020>>.

<sup>10</sup> Di Palma, G 1990, *To Craft Democracies: An Essay on Democratic Transitions*, University of California Press, Berkeley, CA.

<sup>11</sup> Marzouki, N 2015, "Tunisia's Rotten Compromise", *Middle East Research and Information Project*, viewed 10 July 2017, <<http://www.merip.org/mero/mero071015>>.

Consequently, as elucidated above, while elite settlements *per se* can smooth a transition, they are insufficient to support democracy, hence the salience of concurrence on fundamentals.

Given the lack of this essential ingredient thus far, it is important to consider if the observed stagnation in political development is transient or durable. This can help gauge Tunisia's potential for democratic entrenchment. Adherents to the elite convergence thesis, as we will see in this project, argue that elite-made arrangements during interim periods of passage from authoritarianism to democracy might hijack democratic processes if they become fixtures in themselves. Indeed, as Higley and Burton point out, tamed politics stemming from settlements do not guarantee democracy, as they can actually hamper further political development.<sup>12</sup> Alan Knight has underscored the fact that Mexico's 1928-1929 partial settlement "did not promote a consolidated democracy; if anything, it stood in the way of full democratization."<sup>13</sup> Terry Karl has likewise regarded "foundational pacts" as producing a "markedly circumscribed" democracy.<sup>14</sup> As stressed by David Martin, an fundamental elite consensus is needed that can repulse demagogues' attempts to subvert the system,<sup>15</sup> hence ensuring the resilience of a democratisation process. So, in Tunisia's case it all depends on whether elite settlements are a mere stumbling block in the long road to democratic consolidation until agreement on fundamentals is reached at the societal level, or if these understandings end up undermining the democratic 'acquis' if they remain tactical and transform into permanent fixtures. Simply put, it is important to consider whether secular-Islamist settlements will mature over time towards doctrinal rapprochements, entrenching democracy along the way, or whether they will become the prevalent state of affairs, locking Tunisia into a democratisation grey zone, if not aborting its democratic experience altogether.

Since important nuances distinguish rooted consensus from ephemeral political coalitions, this thesis aims to investigate whether the suspected lack of consensus on normative fundamentals, particularly concerning the place of Islam in politics, might be actually behind the current stasis. This is an important project because the Tunisian democratisation case is a supposedly praiseworthy experience of cohabitation, lauded rather precipitously by Alfred Stepan as an embodiment of the principle of "Twin Tolerations."<sup>16</sup>

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<sup>12</sup> Higley, J & Burton, M 2006, *Elite Foundations of Liberal Democracy*, Rowman & Littlefield, Lanham-Boulder, p. 101.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Martin, D 1959, "The American System in Crisis", *Political Science Quarterly*, vol. 74, no. 4, pp. 481-497.

<sup>16</sup> Stepan argued that Tunisia's modernists and Islamists are involved in a promising political cooperation endeavour, or "twin tolerations", that bodes well for democracy's thrive, as these "tolerations" help organise the relationship between religion and politics. "First, religious leaders cannot lay claim to veto power over democratically elected representatives; Second, citizens are free to publicly organize around religious goals that do not contradict the Constitution." These "twin tolerations" challenge the "oft-held assumptions in political theory that exclude religious institutions, ideas and actors from the public sphere." See Stepan, A 2012, "Tunisia's Transition and the Twin Tolerations", *Journal of Democracy*, vol. 23, no. 2, pp. 89-103.

In investigating why Tunisia's nascent democracy faces such enormous difficulties, I will accordingly focus on the role that deep ideological dissensus is playing in complicating its democratic prospects, leading thus far to the stalling of its democratisation.

## Theoretical Grounding

I will therefore demonstrate in this thesis that unless an ingrained consensus across secular and Islamist comprehensive doctrines is reached, the prospects of democratic consolidation in Tunisia will remain compromised. For, any political order that lacks broad adherence from across the ideological spectrum will suffer from a problem of legitimacy, and therefore remain inherently contested from serious ideological challengers, as was the case with the secular postcolonial establishment which was long disputed by Islamists. In nascent democracies, ideological feuds always run the risk of degenerating into bloody conflicts or at least creating forces that destabilise democracy.

In the scholarly literature, the consensus argument is based on the proposition in political theory that substantial societal consensus on fundamental principles, particularly amongst the political elites who tend to be more ideologically engaged, is vital for democracy. The need for overarching concurrence on certain key ideas is eloquently captured by Broom and Selznick, who locate consensus in "an opinion [that is] is very widely held and cuts across all groups in society."<sup>17</sup> In confirmation of the salience of consensus for democracy, Norman Stamps argues that: "Democracy is a delicate form of government which rests upon conditions which are rather precarious.... It is impossible to overestimate the extent to which the success of [parliamentary] government is dependent upon a considerable measure of agreement on fundamentals."<sup>18</sup> Joseph Schumpeter points out how such consensus is crucial for national unity and the common good: "democratic government will work to full advantage only if all the interests that matter are practically unanimous not only in their allegiance to the country but also in their allegiance to the structural principles of the existing society."<sup>19</sup> Such allegiance is possible only when those very structures are agreed upon, hence freely and wilfully adhered to. Once there is largescale, implicit accord on certain credos and principles, deviation from these commonalities becomes reprehensible.

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<sup>17</sup> Quoted in Leznoff, M 1956, "Sociology: A Text with Adapted Readings. Leonard Broom, Philip Selznick", *American Journal of Sociology*, vol. 61, no. 5, pp. 511-512.

<sup>18</sup> Stamps, NL 1957, *Why Democracies Fail: A Critical Evaluation of the Causes for Modern Dictatorship*, University of Notre Dame Press, IN, pp. 41-42. Brackets added.

<sup>19</sup> Schumpeter, JP 1950, *Capitalism, Socialism and Democracy*, Harper & Row, New York, p. 296.



In referring to consolidated democracies, pluralists like Claus Offe “contend that no common denominator, highest goal or lexical priority rule is possible to resolve clashes between incommensurable identities, worldviews or types of claim.”<sup>20</sup> The irreconcilable nature of ideological divergences is, however, much thornier in post-authoritarian systems as discord on fundamentals is more a characteristic of deeply-divided, newly-democratising societies than entrenched Western democracies wherein systemic foundations are largely subject of consent following long centuries of crystallisation.

Ideological polarisation in these Western countries does not seriously threaten democracy or social peace. Scholars who worry about the risk of conformity must contend with this reality. In transitioning countries afflicted with stubborn cleavages, however, the conflicts are more acerbic. Understandings that will bury ideological and identity schisms will consequently be more difficult to attain, since the foundational pillars of the political system are themselves fought for and still under negotiation, while the democratic channels amenable to mediate conflict are still weak. This thesis holds that osmosis at a large societal scale in identity-torn nations new to democracy, like Tunisia, is a perilous and painstaking enterprise that may be ultimately reached either via deliberation and consent or out of the very confrontations and clashes between competing models. Consensus, as conceived in this thesis, preserves rather than stifles pluralism. Indeed, I will argue below that it is out of such meta consensus that pluralism itself can be sustained.

The necessity of consensus for democracy advocated herein will be grounded in both John Rawls’ theory of political liberalism and the convergence school of democratic transition. Since Tunisia is in a gestation stage between transition and consolidation, I have opted for these two theoretical paradigms to reconcile the exigencies of both stages of democratic development. Despite having been conceived in liberal contexts, the Rawlsian notion of consensus is pertinent to discussing how congruity in entrenched democracies should look like and the problems the search for consensus might yield. Drysek’s notion of “meta consensus”, which underlines the need for agreement on certain fundamental *a priories*, will come to further elucidate the overall connotations of consensus as approached in this thesis.

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<sup>20</sup> Offe, C 1998, “Homogeneity and Constitutional Democracy: Coping with Identity Conflicts through Group Rights”, *Journal of Political Philosophy*, vol. 6, no. 2, pp. 113-141, p. 119.

### *Rawls' Notion of "Overlapping Consensus"*

For John Rawls, diverse conceptions of the good can be held by the individual due to the multiplicity of theological, esoteric and ethical influences of modernity, which form "comprehensive doctrines,"<sup>21</sup> or "conceptions of what gives life value and meaning."<sup>22</sup> Rawls resolves the difficult equation wherein "free and equal citizens profoundly divided by reasonable though incompatible religious, philosophical, and moral doctrines"<sup>23</sup> manage despite it to build "a stable and just society,"<sup>24</sup> via his concept of "overlapping consensus."<sup>25</sup> This mode of consensus is the outcome of tacit confluences across those comprehensive doctrines, giving everybody free room to follow his/her own perception of welfare based on different moral reasoning but stemming from "similar political judgements."<sup>26</sup> In contrast, a social order supported only by precarious power equilibriums between conflicting doctrines is deemed insufficient. Rawls views this arrangement in terms of vulnerability, referring to it as a "potentially unprincipled and unstable" type of "modus vivendi."<sup>27</sup> Conversely, the "overlapping consensus" is robust, but also fair, due both to the all-encompassing nature of the civic approach to justice underlying it and that approach's neutrality towards the inherent moral, philosophical and religious doctrines, which in turn approach consensus from different perspectives. Only by not privileging any specific all-encompassing worldview can an "overlapping consensus" be unbiased towards various conceptions of the good, while serving as a common denominator between the diverse doctrines therein embedded, hence its presumed fairness.<sup>28</sup>

So, owing to wide ethical diversity, and given that a just state derives its legitimacy from the consent of the citizenry, consensus is achieved once this political conception is ingrained in the values of the prevalent political culture. Hence, in Rawls' view, there is a need for rules that govern public deliberation conducive to a consensual political paradigm, as well as debates to change this framework. By safeguarding individual autonomy throughout deliberation, these rules ensure that consensus is generated freely, without coercion. Hence, Rawls relied on the notion of reasonableness, which entails the imperative for each comprehensive doctrine to duly respect the freedom and equality of other citizens in a deliberative process regardless of their doctrine.

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<sup>21</sup> Rawls, J 1987, "The Idea of an Overlapping Consensus", *Oxford Journal of Legal Studies*, vol. 7, no. 1, pp. 1–25.

<sup>22</sup> Ibid.

<sup>23</sup> Rawls, J 1993, *Political Liberalism*, Columbia University Press, New York, p. xx.

<sup>24</sup> Ibid.

<sup>25</sup> Rawls, J 1999, *A Theory of Justice* (Revised Ed.), Harvard University Press, Cambridge, MA, p. 340.

<sup>26</sup> Ibid.

<sup>27</sup> Rawls, *Political Liberalism*, pp. 134–49.

<sup>28</sup> Ibid., pp. 192–194.

The envisaged consensual dynamic thus publicly recognises every comprehensive doctrine whose tenets are commensurate with the principles permeating the prevalent political culture, which transcends all doctrines but is also the product of their interaction. Whether secular or religious, these doctrines are an integral part of the consensus. Once abiding by the rules of the democratic game, they are entitled to enmesh political morality. To ensure a good exercise of political power, a political entwining of the various comprehensive doctrines is thus needed. Accordingly, Rawls insists on the importance to see all discrepant worldviews, *per se*, as authentic and acceptable in the exercise of reason to appreciate the way human beings should live.<sup>29</sup>

By grounding the political order in fairness, the envisioned stability of the system goes beyond ensuring social peace and preventing the eruption of overt, potentially violent conflict amongst adepts of incompatible comprehensive doctrines in a democracy. Thus, the existence of a commonality of values traversing all conceptions of the good vests consensus with legitimacy and credibility to serve as a widely-recognized model of political organisation. Rawls views the overarching adherence to the “overlapping consensus” on the political conception as the bulwark against ‘unreasonable’ doctrines that do not abide by the same principles. These doctrines are containable without prejudicing the justice and unity ideals.<sup>30</sup>

Despite their conception within a liberal democratic context, the major tenets of Rawlsian political liberalism (inclusiveness, representativeness, legitimacy, freedom and fairness) can be of universal reach, especially in terms of the need in a democracy for an agreed upon frame of reference underpinning the political system for it to be well-grounded. I will therefore draw heavily, though cautiously, on these normative tenets in advocating the importance of consensus on fundamentals for consolidating democracy in Tunisia. Cautiousness is of the essence because consensus is not reducible to a maximal abstraction from controversial worldviews, in Charles Larmore’s fashion.<sup>31</sup> Similar to Rawls, Larmore expects public deliberations to be based on purely political grounds, removed from divisive incommensurables, so as to shield rights and liberties from conflict and therefore to save democracy from auto-dislocation. However, this abstraction requires in the first place an “overlapping consensus” on exclusively liberal precepts to avoid fractionalisation.<sup>32</sup>

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<sup>29</sup> “[Reasonable comprehensive doctrines] are not simply the upshot of self- and class interests, or of people’s understandable tendency to view the political world from a limited standpoint.” Rather, they embody in part the work of free practical reason within the framework of free institutions (*Political Liberalism*, p. 37).

<sup>30</sup> Rawls, *Political Liberalism*, p. 64.

<sup>31</sup> Larmore, C 1990, “Political Liberalism”, *Political Theory*, vol. 18, no. 3, pp. 339–360; and Rawls *Political Liberalism*, pp. xvii and 141–144.

<sup>32</sup> In *Political Liberalism*, where Rawls explicitly refers to Stephen Holmes (See Holmes, S 1988, “Gag Rules, or the Politics of Omission”, in J Elster and R Slagstad (eds), *Constitutionalism and Democracy*, Cambridge University Press, Cambridge, pp. 19-58.

The problem is that this liberal underpinning is itself subject to disagreement in non-Western contexts. When the nature of the underlying consensus is still negotiable and has not yet crystallised, as it is the case in Tunisia and the rest of the Arab world, imposed liberalism does not result in common ground and those excluded risk becoming outlaws, or simply resort to violence to make their voices heard. This was indeed the fate of the Islamist movement in Tunisia and most other parts of the Arab world in the pre-revolutionary period.

In deeply-divided, ideologically polarised societies, wherein religion matters significantly to the population, severing the justice ideal from disputable ethical and transcendental dimensions is untenable. This is because 'the right' in its essence may be equally divisive as 'the good', especially given that the boundaries between the 'mundane' and the 'supernatural', the 'communal' and the 'individual' cannot be easily demarcated. Furthermore, when conflict is contained rather than resolved in nations still struggling with an authoritarian legacy and identitarian crisis, the persisting grievances will remain latent. Indeed, the outburst of Arab revolutions was a reaction to those ills, for allegiances to different sets of values and precepts will sooner or later challenge illegitimately-coerced hegemonic narratives. Indeed, democracy is not a ready-made model as its configuration and way of crystallisation reflects the character and evolving circumstances of a particular people.

Due to a perceived resurgence of religion, Rawls himself reappealed to the theological in his pursuit of political justice, which came in recognition of the need for more inclusiveness. So, when approached to give his "assumptions on the question of coexistence between religious and secular doctrines in the political sphere,"<sup>33</sup> in his last published interview, he stressed the amenability of religion and faith as sociocultural cornerstones in influencing politics; and highlighted their salience for a reasonable and equitable way of governance.<sup>34</sup> Rawls thus admitted religion's contribution to the liberal ideal, after discarding it in his earlier theoretical endeavours, establishing it henceforth as a key to democracy's sustenance.

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<sup>33</sup> Prusak, BG 1998, "Politics, Religion, and the Public Good: An Interview with Philosopher John Rawls", *Commonweal Magazine*, vol. 125, no. 16, pp. 1-5.

<sup>34</sup> Ibid.

Rawls' revised approach is useful for this thesis because it links issues of consensus and legitimacy, while simultaneously providing support for the idea that the theological is not antithetical to modern democracy and its underpinning foundations. Perhaps taking into account what critics like Weithman, Quinn, Connolly, Neal, Murphy and Galston<sup>35</sup> considered as unjustified restrictions and constraints imposed earlier by Rawls on religion's public presence, his altered views allow new room for the religious to entwine the public sphere and influence political morality, thereby enhancing the prospects of consensus on fundamentals, particularly in non-liberal contexts and embattled societies such as Tunisia. The reasonableness test applies equally to religious and nonreligious comprehensive doctrines,<sup>36</sup> provided that the former are assimilated into the consensually-forged reference frame and acquiesce to the predominant political ideals and conception of justice.<sup>37</sup> Therefore, secular and religious credos are weighted evenly in the entitlement to construe political morality once deemed reasonable by the majority.<sup>38</sup> In that way, democracy is fostered.

This rectified political view of justice can be credited with its acceptance of diverse approaches to the good to entwine consensus at both public and individual ends.<sup>39</sup> The consensus dynamic allows deeper and wider recognition of the various political principles and values common to all citizens without sacrificing the public involvement of the spiritual.<sup>40</sup> This vests the consensual process with a significant inclusive character that is of great worth. Indeed, while useful to democracy, mere accommodation of difference or coalition-building – akin to the Tunisian elite settlements - does not serve entirely the purpose of ideological concordance, for it may presuppose a hierarchical classification of doctrines (be they political, moral or philosophical), rather than placing them on an equal footing. In short, the Rawlsian notion of “overlapping consensus”, on which this thesis builds, advocates the intermingling of all-encompassing doctrines; each doctrine contributing to the overall political conception from its own perspective.<sup>41</sup> And, besides its crosscutting and non-discriminatory nature, the consensual process is also dialectical in that it impacts those various doctrines along the way.

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<sup>35</sup> Weithman, PJ 1994, “Rawlsian Liberalism and the Privatization of Religion: Three Theological Objections Considered”, *Journal of Religious Ethics*, vol. 22, no.1, pp. 3-28 ; Quinn, PL 1997, “Political Liberalisms and Their Exclusions of the Religious”, in P Weithman (ed.), *Religion and Contemporary Liberalism*, Notre Dame, University of Notre Dame Press, pp. 162-181 (especially 176-177); Connolly, WE 1999, *Why I Am Not a Secularist*, University of Minnesota Press, Minneapolis, p. 151; Neal, P 2000, “Political Liberalism, Public Reason, and the Citizen of Faith”, in R Peter George & C Wolfe (eds), *Natural Law and Public Reason*, Georgetown University Press, Washington DC, pp.171-201; Murphy, AR 2001, *Conscience and Community: Revisiting Toleration and Religious Dissent in Early Modern England and America*, Pennsylvania University Press, University Park, PA, pp.247-269; and Galston, W 2002, *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice*, Cambridge University Press, Ch.2.

<sup>36</sup> Rawls, *Political Liberalism*, p. 170.

<sup>37</sup> *Ibid*, p. 200.

<sup>38</sup> *Ibid*, p. xxxix.

<sup>39</sup> *Ibid*.

<sup>40</sup> *Ibid*.

<sup>41</sup> *Ibid*.

While Rawls' revised thesis was aimed at preserving democracy's vibrancy within Western political liberalism itself, his thoughts – I allege – are applicable to societies which are characterised by stronger attachment to religious teachings and manifestations of faith. In Rawls' perception, the main religious doctrines have generally been politically-reasonable and are able to adhere to the political conception of justice.<sup>42</sup> Thus Islam, which is the predominant religion in Tunisia and the MENA region, is not discarded from this presumption, a view which alienates culturalist approaches that question the compatibility between Islam and democracy. Indeed, this thesis does not dwell on the *problématique* of whether Islamist parties in themselves can affect democracy, contrary to the bulk of the scholarly debate on the matter. Rather, its motive is to demonstrate the salience of an underpinning consensus on fundamentals, ensuing eventually from the overlap between secular and Islamist doctrines, for any political system in Tunisia and elsewhere in the Arab world to be legitimate, representative and democratic. Since popular consent is at the heart of democracy, value-consensus would be its best incarnation.

Accordingly, the secularist worldview, as enforced throughout Tunisia's post-independence, was inherently antidemocratic because it was obtrusive and antagonistic to religion. Its implementation as a policy could only be ensured through the coercive and corrosive means of governmental authority.<sup>43</sup> Forced secularisation is thus a despotic practice, which is both antithetical to consensus and prejudicial to pluralism, while any political stability originating from it is untenable. Democracy needs to generate the optimal possible accord on fundamentals without oppressing any of the various conceptions of the good. Consensus does not omit commitment to discrepant religious, moral, and philosophical views, but promotes social cooperation on fair terms, universally-upheld, to secure a stable and just society.<sup>44</sup>

While these tenets of Rawlsian political liberalism can help address pluralism's inherent problems within contemporary democratic societies in general, they are even more valuable in the search of ways to resolve ideological conflicts within deeply-divided societies. Tunisia displays an acute identitarian crisis of a secular versus religious nature, and is afflicted with a legacy of authoritarianism. Political liberalism is thus normatively useful for understanding the nature and significance of a lack of consensus on fundamentals as an impediment to democratic consolidation in Tunisia, despite the different context from which it originated. The convergence school of transition provides additional empirical insights for dealing with this same question.

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<sup>42</sup> Rawls, *Political Liberalism*, p. 170.

<sup>43</sup> *Ibid*, pp. 47 and 147.

<sup>44</sup> *Ibid*, p.460.

### *The Convergence School of Transition*

The elitist transition model focuses on those groups which have direct impact on the formulation and implementation of national policy and the leeway to shape up the rules of the political game through which power may be allocated, exercised, and constrained. They are elites, or leading groups,<sup>45</sup> according to Mosca and Mills, by virtue of their capacity to organise collective action and thus to exert influence.<sup>46</sup> But elites are not always homogenous. Higley & Burton see them as “consensually unified,” “ideologically unified,” or “disunified.”<sup>47</sup>

Consensual elites are characterised by a high level of cohesiveness and value congruence.<sup>48</sup> They might take dissonant policy stances in public, but consistently strive to contain their *non-fundamental* disagreements, cooperating within political institutions to manage differences through a “positive-sum game” spirit, or “politics as bargaining,”<sup>49</sup> as understood by Giovanni Sartori. This elite type appears mostly in consolidated democracies.

Ideologically unified elites are typical of totalitarian regimes of the former Communist bloc, where a monolithic ethos is coerced. Strong solidarity bonds, unconditional support for public policies, membership of a centralised party or movement, but especially adherence to a dominant ideology that determines official political discourse, unite those elites. While this thesis advocates value-consensus as the solution to Tunisia’s dogmatic frictions, it is far from such monolithism in that it preserves pluralism and does not undermine or annihilate it. Moreover, accord emerges within a democratically-conducive environment rather than being imposed by a dictatorship. Therefore, it does not stifle dissent, which in turn does not jeopardise the underlying consensus.

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<sup>45</sup> The term ‘leading groups’ will be used here as a synonym for elites.

<sup>46</sup> See Mosca, G 1939, *The Ruling Class*, McGraw-Hill, New York; Mills, CW 1956, *The Power Elite*, Oxford University Press, New York.

<sup>47</sup> Higley J & Burton MG 1989, “The Elite Variable in Democratic Transitions and Breakdowns”, *American Sociological Review*, vol. 54, no. 1, pp. 17-32.

<sup>48</sup> Burton M, Gunther R & Higley J 1992, “Introduction: Elite Transformation and Democratic Regimes”, in J Higley, R Gunther (eds), *Elites and Democratic Consolidation in Latin America and Southern Europe*, Cambridge University Press, Cambridge, p.11.

<sup>49</sup> Sartori G 1973, “What is ‘politics’”, *Political Theory*, vol. 1, no. 1, pp. 5-26.

Disunified elites are fragmented and do not share the same values. They distrust each other and fail to hold back societal divisions and political crises,<sup>50</sup> thus often getting embroiled in the “zero-sum game” or unchecked political infighting that Sartori depicts as “politics as war.”<sup>51</sup> This elite type features in unstable political systems, both democratic and authoritarian. This characterisation fits the Tunisian case because, despite their compromises, secular and Islamist elites are still highly fragmented. The leftist wings and former regime proponents within the secular tradition, and some orthodox factions within the Islamist movement, tend to push the dogmatic divergences to the brink as they did during the 2013 political crisis. Those diametrically opposed fractions are still pulling the thread of division by arousing virulent dichotomies and polemics, resisting any real doctrinal rapprochement conducive to value-consensus, thereby keeping secular-Islamist frictions alive and national elites disunited. Value-consensus is a chimera when rivals question each other’s very political legitimacy.

The ideal type proposed by Higley & Burton, and adopted in this thesis, is the consensually-unified elites whose existence is a precondition for democracy given their ability to manage *unsubstantial* differences by non-violent and institutional means.<sup>52</sup> Despite political variances, these elites often act in concert in pursuance of the national good. Their cohesiveness is not tantamount to monolithism, as they cleave to pluralism, which is essential to a democracy. It can thus be deduced that for a transitioning country like Tunisia to deeply democratise, its disunified elites must ideologically converge to attain needed unity.

Within its comparative-historical perspective, the elitist transition model conceives of two modes of transformation. First, it occurs through a short-term elite settlement, when after virulent conflict the elites decide willingly to adopt a more compromising attitude, just like the Tunisian secular-Islamist coalition which ran the country after the 2014 elections. In keeping the elite caste disunified and fragmented, that type of arrangement, reminiscent of Rawls’ “*modus vivendi*”, is insufficient for democratic consolidation, often reflecting national identity and political legitimacy problems.<sup>53</sup> The second type is long-term elite convergence, an end-product of a moderating process that gradually and exponentially bridges deep ideological gaps, ultimately cementing a consensual elite unity. Ideational convergence converts ephemeral deals into enduring rules that sustain the credibility of commitments, enhance the resilience of mutual understandings, and end protracted ideological conflicts.

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<sup>50</sup> Burton MG & Higley J 1987, “Elite Settlements”, *American Sociological Review*, vol. 52, no. 3, pp. 295-307, p. 297.

<sup>51</sup> Sartori G 1970, “Concept Misformation in Comparative Politics”, *The American Political Science Review*, vol. 64, no. 4, pp. 1033-1053.

<sup>52</sup> Burton & Higley, *Elite Settlements*.

<sup>53</sup> Binder, L, Coleman JS, Lapalombara, J, Pye, LW, Verba, S & Weiner, M 1971, *Crises and Sequences in Political Development*, Princeton University Press, Princeton.



Similar to Higley and Burton's concept of consensually unified elites, this type of concordance, I contend, is the remedy to ideological polarisation in Tunisia and the primary conduit for its democracy's entrenchment. In this respect, Scott Mainwaring has demonstrated in his analysis of Latin new American and Southern European democracies that elite consensus over the legitimacy of existing political institutions and the political game's rules, compounded with a normative commitment to democracy, were determinant factors for democratic consolidation.<sup>54</sup> But as I will show in chapter one of this thesis, elite consensus advocated by transitology has also to be backed up by meta-consensus at a wider societal scale for it to be more entrenched.

Crucially, elite settlements in and of themselves may be detrimental to democracy. As Terry Karl argues: "the very decision to enter into a pact can create a habit of pact-making and an accommodative political style based on a pact to make pacts."<sup>55</sup> Such a 'corporatist' political style may eventually discourage political participation, affecting the quality of an emerging democracy. So, the pacting practice can durably stymie the political process, yielding a stasis that blocks further progress toward sustainable democracy. This may happen via a concocted political scheme which "demobilises new social forces while circumscribing the extent to which all actors can participate or wield power in the future."<sup>56</sup> The problem Karl guards against is demonstrated in Tunisia under its vulnerable elite settlements during the *Nidaa-Ennahda* coalition.

The same concern about the long-term repercussions on issues of dissent and policymaking is shared by Przeworski, who cautions: while those arrangements "protect embryonic democratic institutions by reducing the level of conflict about policies and personnel, the cost that their success extracts from society may be too high to bear."<sup>57</sup> Inherent in pacts is the risk that they turn into "cartels of incumbents against contenders, cartels that restrict competition, bar access, and distribute the benefits of political power among insiders. Democracy would then turn into a private project of leaders of some political parties and corporatist associations, an oligopoly in which leaders of some organizations collude to prevent outsiders from entering."<sup>58</sup> Przeworski also warns about the risk of avoidance: "Pacts made by political elites include an agreement to fix basic policy orientations, that is, to remove certain political issues from competitive party politics."<sup>59</sup>

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<sup>54</sup> Mainwaring, S 1994, "The Role of Elites", *Journal of Democracy*, vol. 5, no. 1, pp. 144-146.

<sup>55</sup> Karl, TL 1990, "Dilemmas of Democratization in Latin America", *Comparative Politics*, vol. 23, no. 1, pp. 1-21, p. 15.

<sup>56</sup> Karl, TL 1986, "Petroleum and Political Pacts: The Transition to Democracy in Venezuela" in G O'Donnell, P Schmitter & L Whitehead (eds), *Transitions from Authoritarian Rule: Latin America*, Johns Hopkins University Press, Baltimore, pp. 196-219, p. 198.

<sup>57</sup> Przeworski, A 1991, *Democracy and the Market*, Cambridge University Press, New York, p. 8.

<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

Allusion is made here to the risks of pacted transitions in monopolising political power and masking problems, which was evident in the *Ennahda-Nidaa* 2014 pact. Especially clear was their unwillingness and/or impotence to tackle endemic corruption. Burton and his coauthors' unease about a negotiated transition's potential drawbacks led them to also guard against a situation of prolonged *status quo* that elite settlements may yield.<sup>60</sup> The collusive decision-making style marking the transition may thus transform over time into a permanent fixture inhibiting the burgeoning of a more competitive, representative democracy.

Despite facilitating the inception of a democratic process, a pacted transition can thus impede democratic consolidation by undermining good governance, marginalising civil society and undermining political contestation. Hence the emphasis made in this thesis on the importance of a deeper consensus to underpin the democratic enterprise in Tunisia instead of a "*modus vivendi*." Accordingly, for the secular-Islamist "elite settlement" to mature into "elite convergence," it will have to create a more profound normative agreement conducive to democracy. Rather than being content with mere peaceful coexistence, Tunisian elites ought to reach common ideational ground by "transforming the accidental arrangements, prudential norms and contingent solutions that have emerged (during transitions) into structures, i.e. into relationships that are reliably known, regularly practiced and habitually accepted."<sup>61</sup> Accord on fundamentals is the key. In this respect, Dryzek invokes the necessity of reaching "meta consensus" on the political system's main bedrocks and defining features.<sup>62</sup>

A key illustration of how a qualitative leap forward from "elite settlements" to "elite convergence" can serve democracy is the case of Spain, considered the most successful model of consensual democratisation.<sup>63</sup> Spain could consolidate its own democracy through the ideologically all-encompassing nature of its political arrangements and the fusion of all efforts for the sake of national interest. Its pacting model, the Moncloa Accords, gained extensive adherence from across the "ideological spectrum: Communists, Socialists, Christian and Social Democrats, regionalists and conservatives."<sup>64</sup> Political concord also benefitted from high levels of social backing, including from "the Catholic Church, the business community and the labour movement,"<sup>65</sup> thereby transforming into an all-encompassing meta-consensus.

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<sup>60</sup> Gunther, R 1992, "Spain: The Very Model of the Modern Elite Settlement", in J Higley & R Gunther (eds), *Elites and Democratic Consolidation in Latin America and Southern Europe*, Cambridge University Press, Cambridge, pp. 38-80, p.33.

<sup>61</sup> Schmitter, PC 1993, "Some Propositions about Civil Society and the Consolidation of Democracy", *Reihe Politikwissenschaft*, Institut für Höhere Studien, Politikwissenschaft, no. 10, Wien, pp. 1-19, p. 4.

<sup>62</sup> Dryzek, JS and Niemeyer, S 2006, "Reconciling Pluralism and Consensus as Political Ideals", *American Journal of Political Science*, vol. 50, no. 3, pp. 634-649.

<sup>63</sup> Przeworski, *Democracy and the Market*, p. 8.

<sup>64</sup> Encarnación, O 2005, "Do Political Pacts Freeze Democracy? Spanish and South American Lessons", *West European Politics*, vol. 28, no. 1, pp. 182-203.

<sup>65</sup> *Ibid.*

Actually, only marginal groups such as the subversive CNT union, the antidemocratic far right and the ETA armed separatist movement were left outside of this consensus dynamic. Besides establishing consensual traditions, this high level of inclusiveness had its unquestionable dividends in entrenching Iberian democracy.

The integrative spirit ensued from the lessons drawn out of the traumatic Civil War. As Spain undertook to democratise, its political class was convinced that only consensus could eradicate the types of antagonisms that once dramatically destroyed democracy. According to former Deputy-Prime Minister Fuentes Quintana (1977-1979), the political polarisation which had “plagued the Second Republic,” eroded “the legal and social order”<sup>66</sup> and led to democracy’s eventual collapse, awakened Spanish politicians to the perils of fragmentation, for “while history does not repeat itself, historical conditions do.”<sup>67</sup> Concord was thus pivotal. Spanish consensus-making was served by close institutional interactions between negotiators and policymakers, and the general public directly affected by the accords. Citizen adherence was ensured by civil society mobilisation for the consensus enterprise. This demonstrates the importance of involving the masses in consensus-building and the overall democratic exercise.

The Spanish model hence shows that not all pactly-forged democracies fall into stasis. Long after exiting authoritarianism, Spain still represents an epitome of democratic-friendly consensual transition. The Spanish case demonstrates that democratising countries can overcome pacts’ dilemmas pertaining to their immediate dividends (a safe democratic transition) and their potential long-haul drawbacks (an unconsolidated and non-inclusive democracy). It is this type of model Tunisia can build on to entrench its democracy, especially that the North African country shares with the Iberian nation a strong religious tradition. Yet, the success of such endeavour will always depend on an underlying accord on fundamentals.

Based on the above, the development of democratic traditions which symbiotically digest a plurality of visions, avoiding the excesses either of despotic secularism or absolutist Islam-based doctrines, is the central challenge currently facing Tunisia. While the fierce debate that divided Europe during the Enlightenment ended via a clear option for secularity, the denouement of such a struggle in the Arab world is still uncertain, as it may yield a different formula, perhaps a fusion of Islamist and secular doctrines, or a different “overlapping consensus” whose main merit is to gain adherence from across the political spectrum and to go largely uncontested, regardless of its ideological essence.

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<sup>66</sup> Cited in Encarnación, OG 2003, *The Myth of Civil Society: Social Capital and Democratic Consolidation in Spain and Brazil*, Palgrave Macmillan, New York, p. 203.

<sup>67</sup> Ibid.

## *Pertinence of the Democratisation Perspective*

As is evident in my line of argumentation, I distinguish in this thesis between democracy by consensus as a mode of governance in consociational democracies (*a posteriori*) - whose main advocate is Arendt Lijphart - and the deeper, more rooted (*a priori*) accord on a societal model and state foundations underpinning the polity - as developed by Rawls and the convergence school of transition. The latter concerns the internalisation of ideals and norms enmeshing the sociopolitical value-system, including the “cultural prerequisites” or “necessary attitudes” that underlie, sustain and boost the democratic fabric, which “must be sufficiently widespread to be accepted as norms of desirable conduct so that deviations therefrom are subjected to questioning and usually social disapproval.”<sup>68</sup>

Accordingly, I will contend that Tunisia’s democratic consolidation will be a long-term, complex and perilous endeavour, with agents deliberating, disputing and often clashing over modes of running state affairs and perceived weight in decision making, but especially over ethos and credos, given the nature of the ideological divide. It will be a nonlinear process, sometimes permeated with destabilising frictions, until the country can attain a new equilibrium conducive to a more stable political order based on firm democratic principles and grounded in a national concert that triumphs over fractionalisation. Consequently, this thesis will weigh the Tunisian political development process according to progress along that consensus-building track and exclusively with democratisation criteria. I will assume that stumbling blocks, halts, and even potential setbacks are inherent to that very tortuous journey, which is full of twists and turns. When intervening difficulties arise and blockages occur, they do not necessarily signal authoritarian endurance or de-democratisation, but they certainly affect consolidation. This approach avoids the scholarly temptation to revive the autocratic persistence mantra whenever deterioration of democratic prospects are observed in the MENA region, or in a country like Tunisia, while also eschewing the vicious circle of reconceptualization each time new, ephemeral, political realities emerge within a fast-transforming Arab world. Indeed, according to Jack Goldstone,

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<sup>68</sup> Griffith, ES, Plamenatz J & J. Pennock, R 1956, “Cultural Prerequisites to a Successfully Functioning Democracy: A Symposium”, *The American Political Science Review*, vol. 50, no. 1, pp. 101-137, p. 101.

no matter how disastrous things appear in the first few years of a revolution, things can turn out quite differently just a few years hence... The events of 2010-2014 in the Arab world thus need to be analysed in the framework of “Revolutions” – but not as a mythic ideal. Rather, they should be examined in light of the full range of revolutionary processes as we understand them, from state breakdown to power struggles and counter-revolution, to the emergence of dictatorships, chaos, or in rare cases more democratic regimes.<sup>69</sup>

Therefore, “We need to put aside the mythic (and rarely realized) view of revolutions that they mark sudden transitions from one type of political regime to a completely different one. That is often an ideal, distorted by hindsight.”<sup>70</sup> This viewpoint is commensurate with this thesis’ non-teleological approach, as it contemplates the possibility of the short-term elite settlements in Tunisia to eventually produce long-term elite convergences over time.

Still, it is necessary to further scrutinise the theoretical contours of a grey zone of democratisation, or ‘hybrid’ regime type, in which Tunisia finds itself at present. A strict contrast between democratic and authoritarian regimes has long dominated scholarly work on political systems. However, the proliferation of grey zone typologies or ‘hybrid’ regimes, which qualify polities as neither democratic nor authoritarian, has caused conceptual confusion and posed serious empirical challenges, with different classifications assigned to somewhat analogous cases. So, as noted above, when pondering those phases of uncertainty and ambiguity often characterising democratic transitions, we need to consider whether we are dealing with resilient institutional arrangements tantamount to full-fledged regimes. Aware of the implications of regime characterisation, Fishman espouses cautiousness in terms of typology, asserting that regimes “are more permanent forms of political organization.”<sup>71</sup> That is why a grey zone situation is not necessarily synonymous with a ‘hybrid’ regime, since we are uncertain about its durability, given the subjectivity of the timescale. Consequently, it is difficult to devise clear-cut typologies and assign specific timeframes in light of which one can decide whether a particular democratising case like Tunisia has effectively been stuck in a grey zone. In addition, circumstances amenable to the resurgence of outright authoritarianism in polities having embarked in and seriously engaged in democratic transition is now harder, and stronger coercion must be deployed to reimpose acquiescence.<sup>72</sup>

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<sup>69</sup> Goldstone, JA 2015, “Revolutions in Motion: The Transformations of the Arab World, 2010-2014”, *Aljazeera Centre of Studies*, viewed 21 February 2017, <<http://studies.aljazeera.net/en/reports/2015/06/20156194926761107.html>>.

<sup>70</sup> Ibid.

<sup>71</sup> Fishman, R 1990, “Rethinking State and Regime: Southern Europe’s Transition to Democracy”, *World Politics*, vol. 42, no. 3, pp. 422–440, p. 428.

<sup>72</sup> See Carothers, T 2020, “Dictators in Trouble: Democracy Isn’t the Only System Under Stress”, *Foreign Affairs*, 6 February, viewed 22 August 2020, <<https://www.foreignaffairs.com/articles/2020-02-06/dictators-trouble>>. See also Dahl, RA 1971, *Poliarchy: Participation and Opposition*, Yale University Press, New Haven.

Accordingly, there is a very real risk that the *status quo* will persist in Tunisia, yielding a permanent ‘hybrid’ regime. But, given the unlikelihood of a relapse into outright authoritarianism, this thesis adopts the democratisation perspective as main reference frame for understanding the ‘grey zone’ situation of political flux and indeterminacy that the North African country finds itself in.

## Methodology

The equal importance I accord to the elite and citizen contribution to the consensus ideal as a conduit to democratic consolidation in Tunisia will be echoed in my thesis’ methodology. The thesis adopts a mixed-method approach to provide an explanatory account of Tunisia’s stalled democratisation, focussing on identifying the nature and extent of ideological polarisation and its impact on democratic consolidation.

A quantitative approach, capturing the heterogeneity of the masses, will measure public attitudes during the August 2013 competing protest movements that opposed modernists and Islamists and almost led to the breakdown of the nascent Tunisian democracy, which testified to the sheer dangers of intense fractionalisation. The quantitative data will be in the form of readily-available datasets derived from a survey conducted collaboratively by Princeton University and the Project on Middle East Political Science (POMEPS) at the height of the political crisis abovementioned.<sup>73</sup> My examination of these quantitative datasets aims to detect whether the unified protest coalition in the 2011 Revolution maintained or lost its cohesiveness and commonalities. In the case of fractionalisation, the data is used to investigate whether the schisms were class-based, as most schools of democratic transition would suspect, or along normative lines if the problem was in fact ideological. Measuring protesters’ perceptions and attitudes precisely at the moment of protest allows for stronger inferences about which considerations matter most in shaping collective actions. Surveyors asked pro-government (mainly Islamist) and anti-government demonstrators (mostly secular) to complete ten-minute questionnaires over a ten-day period comprising a range of attitudinal, demographic, and behavioural questions. To provide for thoroughness, a team of trained Tunisians hired by Princeton carried out face-to-face surveys of both protest areas, based on protest density estimations.

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<sup>73</sup> The main question in this survey (see appendix) was the following: To what extent do you agree with the following statement? “Religion must be separate from government.”: 4. Agree strongly; 3. Agree somewhat; 2. Disagree somewhat; 1. Disagree strongly.

As a more convenient research design for small and better contextualised samples, the qualitative approach will focus on an equally crucial phase of democratic transition, that of elite re-constitutionalisation which took place in the period 2011-2014. Combining idealist and strategic-realist perspectives of constitutional theory, I will delve into the debates that accompanied the Constitution-writing process, particularly regarding the most contentious issues which constitute discord between modernists and Islamists in Tunisia: the place of religion in politics and freedom of conscience. Given that the elites represent an intellectually and politically attuned caste that is more prone to ideologisation than the general populace, scrutiny of their positions can disclose much more elaborate opinions and standpoints than those detectable via the masses.

Tunisia is indeed an ideal case study of ideological polarisation. For Cavatorta and Ismail, Tunisian political feuds better fit a secular-Islamist faultline prototype than anywhere else in MENA due to a strong heritage of state-condoned, French-modelled, assertive secularism.<sup>74</sup> Also painting dogmatic divisions in Tunisia as “profound,” Haugbølle and Cavatorta consider inter-ideological convergence to be extremely difficult to achieve in such an environment.<sup>75</sup> The Arab Spring did but amplify the pre-existing polarisation and accentuate the relevance of modernist/Islamist sub-identities.<sup>76</sup> They are henceforth more conspicuous and elaborate. And, while Tunisia is presumably an extreme case of ideological polarisation in MENA, the secular-Islamist cleavage is present to various degrees in most other Arab countries (including Egypt, Algeria, Morocco, Libya, Syria, Jordan, Palestine, and Kuwait). Hence the findings of this thesis regarding the impact of ideological fragmentation on democratisation has implications for the entire region, which shares an analogous search for democracy and crystalised identity.

Analysis of the underlying rationale of agents’ positions through both studies will reveal consistency and inconsistency in attitudes, as well as the dynamics driving the transformations inherent in Tunisia’s quest for a new political order. It will also unveil the substrata facilitating or obstructing unity via consensus-promotion or cleavage-exacerbating action. Additionally, whereas predominant democratic transition accounts overwhelmingly focus on elites and institutions, my focus on the non-elite variable in my quantitative study can yield additional insights into cases of halted democratisation such as that of Tunisia.

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<sup>74</sup> Cavatorta, F 2009, “Divided they Stand, Divided they Fail’: Opposition Politics in Morocco”, *Democratization*, vol. 16, no. 1, pp. 137–156; Ismail, S 2003, *Rethinking Islamist Politics*, I.B. Tauris, New York, NY, pp. 141–144.

<sup>75</sup> Haugbølle RH, Cavatorta F 2011, “Will the Real Tunisian Opposition Please Stand Up?”, *British Journal of Middle Eastern Studies*, vol. 38, no. 3, pp. 323–341, pp. 326 and 330.

<sup>76</sup> Mason, L 2015, “‘I Disrespectfully Agree’: The Differential Effects of Partisan Sorting on Social and Issue Polarization”, *American Journal of Political Science*, vol. 59, no. 1, pp. 128–145; Tajfel, H 1982, *Social Identity and Intergroup Relations*, Cambridge University Press, New York, NY.

Capturing both agents' moves and motives, the mixed-method design of concurrent triangulation I use will aggregate and analyse data separately yet simultaneously. Within that approach,<sup>77</sup> both quantitative and qualitative methods will dwell on the same *problématique* of fragmentation and its potential effects on democracy but from different vantage points;<sup>78</sup> from a general public (*quantitative*), as well as the elites (*qualitative*) angles. This triangulation technique is based on Howe's mixed methods' conception,<sup>79</sup> which brings together both designs to bear on the same question, not merely to test convergences and divergences of datasets, but also to come up with a more comprehensive explanatory framework. This in between-methods triangulation<sup>80</sup> does more than simply report the results of two separate research studies,<sup>81</sup> as it offers more than the sum of each part.

Furthermore, determination of whether fractionalisation is identifiable solely at the elite level or affects the national community at large, and if such fragmentation has detrimental effects on democracy, will also be better served by this dual approach as complex sociopolitical phenomena like ideological polarisation are not prone to single-variable studies. A joint qualitative-quantitative design can thus improve testing efficiency by integrating diverse cognitive methods so as to balance the limitations of one type of data by the strengths of another. Indeed, for Rogers: "Complex social issues tend to be unforgiving to rigid probes by inflexible researchers who are insisting on their personal epistemological stance while ignoring the realities of the practical."<sup>82</sup> Tarrow agrees: "a single-minded adherence to either quantitative or qualitative approaches straightjackets scientific progress."<sup>83</sup> A mixed-method approach hence "side steps the contentious issues of truth and reality, accepts philosophically, that there are singular and multiple realities that are open to inquiry and orients itself toward solving practical problems in the 'real world'."<sup>84</sup> For Creswell, that way "the use of quantitative and qualitative approaches, in combination, provides a better understanding of research problems than either approach alone."<sup>85</sup> Consequently, Greene supports "the intentional, and connected or linked, use of more than one social science tradition, methodology, and/or method in service of better understanding."<sup>86</sup>

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<sup>77</sup> Bryman, A 1988, *Quantity and Quality in Social Research*, Unwin Hyman, London, p. 47.

<sup>78</sup> Denzin, NK. 1970, *The Research Act in Sociology*, Butterworth, London, p. 297.

<sup>79</sup> Howe, KR 2012, "Mixed Methods, Triangulation, and Causal Explanation", *Journal of Mixed Methods Research*, vol. 6, no. 2, pp. 89-96.

<sup>80</sup> Denzin, NK 1978, *The Research Act: A Theoretical Introduction to Sociological Methods*, McGraw-Hill, New York, NY.

<sup>81</sup> Teddlie, CB, & Tashakkori, A 2009, *Foundations of Mixed Methods Research: Integrating Quantitative and Qualitative Approaches in the Social and Behavioral Sciences*, Sage, Thousand Oaks, CA.

<sup>82</sup> Rogers, PJ 2008, "Using Programme Theory to Evaluate Complicated and Complex Aspects of Interventions", *Evaluation*, vol. 14, no. 1, pp. 29-48.

<sup>83</sup> Tarrow, S 1995, "Bridging the Quantitative-Qualitative Divide in Political Science", *American Political Science Review*, vol. 89, no. 2, pp. 471-474, p. 474.

<sup>84</sup> Feilzer, MY 2010, "Doing Mixed Methods Research Pragmatically: Implications for the Rediscovery of Pragmatism as a Research Paradigm", *Journal of Mixed Methods Research*, vol. 4, no. 1, pp. 6-16.

<sup>85</sup> Creswell, JW & P Clark, 2011, *Designing and Conducting Mixed Methods Research*, (2<sup>nd</sup> ed.), Sage Publications, Thousand Oaks, CA.

<sup>86</sup> Greene, JC & Caracelli VJ 1997, "Defining and Describing the Paradigm Issue in Mixed Method Evaluation", in JC. Greene & VJ Caracelli (eds), *Advances in Mixed-Method Evaluation: The Challenges and Benefits of Integrating Diverse Paradigms*, New Directions for Evaluation, Jossey-Bass, San Francisco, CA, pp. 5-17.



In that respect, it is more the research problem than the method of investigation that is prioritised through this pragmatic strategy, which seeks strong evidence for a consolidated argument. Insofar as the goal is to trace fragmentation among the public at large, analysis touches upon the wide spectrum of protestors who participated side by side at the 2011 uprising but took divergent paths after regime change. An exhaustive capturing of variation via this big sample helps measure the magnitude of the fractionalisation phenomenon, thus achieving the purpose of generalisability. But, since public opinion tends to be volatile, particularly in a period of flux like a democratic transition, there is a pressing need for additional research to sharpen the preliminary findings qualitatively, check their concordances and synergies, but also identify the more persistent tendencies and attitudes that are traceable at the elite level. Focus on the constitutional process and elite views will help achieve that goal.

The mixed-method design is especially pertinent since, as Coppedge shows in his comprehensive democratisation surveys, each of the three main comparative politics approaches (case studies and comparative histories, formal modelling, and large-sample statistical analysis), while accomplishing one fundamental research goal like “thickness,” integration, or generalisation well, they respectively do the other two poorly.<sup>87</sup> Thanks to its duality of research and its crosschecking capacity, the alternative method can palliate that weakness and do all the three tasks well, thus better fitting democratisation studies. Hence, through multiple data analysis combining the experimental (*quantitative-massive*) with the interpretive (*qualitative-narrow*), one can establish a firmer causation between the sophisticated secular-religious divide phenomenon and the condition of democracy in Tunisia.

From a purely methodological standpoint, mixed-method approaches, once considered as a joining of incommensurables,<sup>88</sup> are henceforth acknowledged as useful in solving these types of research problems, but also the technical issues proper to each method. So, while a quantitative study’s sizable sample can cover a domain too variegated to be captured through a small qualitative sample, thereby achieving the purpose of generalisability, this method’s main drawback is often the alienation of data collectors from the culturally-imbued phenomenon. Researchers’ unfamiliarity with those sociocultural specifics can engender deficiencies, especially in statistical selections.

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<sup>87</sup> Coppedge, M 2012, *Democratization and Research Methods (Strategies for Social Inquiry)*, Cambridge University Press, New York, NY.

<sup>88</sup> For instance, Morse complains that this new approach “had brought to the fore awkward and unanswered questions about mixing qualitative and quantitative approaches within a single set.” See Morse, JM 2005, Evolving Trends in Qualitative Research: Advances in Mixed-Method Design”, *Qualitative Health Research*, vol. 15, no. 5, pp. 583–585, p. 583.

As far as qualitative research is concerned, it has its own problems as well in terms of generalisability because of the lack of representativeness of small-scale studies and researchers' subjective interpretations which might distort results. True, some sort of general social pattern is observable even within narrow samples, which can be revealed by a deep, thorough and elaborate theoretical analysis that can exclude accidental interferences. Yet, social processes can themselves be fluid, given that actors often utilise action spaces to develop new social practices, something which may result in some sort of contingency and unpredictability that might intrigue researchers. For instance, the risk of mixing elite settlements with elite convergences exists for a scholar as renowned as Stepan, via his "twin tolerations" portrayal, which precipitously misjudged the robustness of Tunisia's political deals.

Like any other design, a mixed-method approach is not perfect. First, scholars using qualitative and quantitative methods often differ in epistemic presumptions, belong to dissimilar research schools and differ in scholarly backgrounds in such a way that may hinder synthesis.<sup>89</sup> This problem can be surmounted with the Convergent Parallel Design which I will use by separating the data assemblage and analysis stages until the phase of overall interpretation when the results are synthesised at the point of interface. Second, data generated via varied methods is likely to yield discrepancies that are hardly reconcilable at the interpretive stage. Mixed-methods theorists addressed this problem by differentiating inconsistent findings, deemed manageable, from contradictory findings denoting problems with research techniques. Indeed, for Teddlie and Tashakkori, consistent findings are not necessarily required.<sup>90</sup> Together with other theorists like Erzberger & Kelle and Greene, they affirm that incompatibility between various batteries of results can reveal information that might otherwise be undetectable, as well as the possibility it offers to gain new theoretical insights on the investigated phenomena.<sup>91</sup> Third, a mixed-method design is time-consuming and resource-demanding. My recourse to readily available datasets, except for a few interviews I conducted personally, allowed me avoid that trap, by directing all my efforts to the analysis and interpretation exercises. This will also provide ample room to select best representative samples and check compatibilities between quantitative and qualitative datasets, while allowing time for further investigation in case discrepancies or non-conclusive results emerge.

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<sup>89</sup> Brannen, J. 1992, *Mixing Methods: Qualitative and Quantitative Research*, Avebury, London (Reprinted), pp. 3-38.

<sup>90</sup> Teddlie & Tashakkori, Foundations of Mixed Methods Research.

<sup>91</sup> Erzberger, C., & Kelle, U 2003, "Making Inferences in Mixed Methods: The Rules of Integration", in A Tashakkori & C Teddlie (eds), *Handbook of Mixed Methods in Social & Behavioral Sciences*, Sage, Thousand Oaks, CA, pp. 457- 490; Greene, JC 2007, *Mixed Methods in Social Inquiry: Research Methods for the Social Sciences*, Jossey-Bass San Francisco, CA.

Besides this mixed-method approach to be used in the first part of my thesis, various other methods will be implemented in the second part, and this according to the theme discussed in each chapter. Discourse analysis will be the most utilised technique as it can easily identify the discordances in worldviews and rhetoric between the main protagonists of the ideological divide herein discussed; that is Islamists and secularists. This will also reveal their socio-psychological predispositions, while placing their standpoints in their own context. Some historical and issue-based case studies will also sporadically be resorted to for a closer scrutiny and more in-depth examinations of the questions at hand, particularly the aborted democratic transition experience of the late 1980s-early 1990s.

## **Thesis Structure**

In this introduction, I have delineated my main hypothesis, which proposes that ideological polarisation in Tunisia reveals a lack of consensus on normative fundamentals and therefore constitutes a primary impediment to its democratic consolidation. I have outlined how the country managed to achieve a relatively successful democratic transition thanks in great part to its elites' conciliatory attitudes, which helped accomplish some major democratic building blocks. While stabilising the country and keeping the democratic process on track, however, those settlements were insufficient to help achieve a major breakthrough in terms of ideological rapprochement between the two primary political opponents: Islamists and the secularly liberals. I proposed that this has impeded Tunisia's further political development on the path towards democratic consolidation, given the disagreement on a given societal model and Islam's place in the polity, keeping the country in a grey zone of democratisation.

I have built this line of argumentation on the common, yet not uncontested, premise of democratic theory that consensus is essential to democracy, using the Rawlsian concept of "overlapping consensus," which advocates consonance between the major comprehensive doctrines on certain inextricable political foundations. I have fleshed out this notion of consensus with the argument of the convergence school of transition that elite settlements can hamper democratic entrenchment if they become 'rituals' in themselves and do not mutate into normative, enduring and institutionalised elite concordances. This theory grounds my scepticism of ephemeral types of arrangements short of elite unity, which may mire the country into prolonged political stasis, halting its democratisation and entrenching a 'hybrid' regime. Since Tunisia has not yet reached that stage of total blockage in democratic progress, it is still unclear whether the current democratic impasse is transient or permanent.

Consequently, the democratisation paradigm is the best placed framework to explore the political issues in this thesis. In terms of methodology, I have opted for a mixed-method approach that matches the composite nature of my task: to investigate whether democratic consolidation has been impeded by a problem of ideological polarisation in Tunisia which takes the shape of a secular-Islamist cleavage.

Confirmation of the existence of such doctrinal fault lines (or lack thereof) is a necessary first step towards a subsequent discussion of the potential impacts of those cleavages on Tunisia's prospects for democratic consolidation. My dissertation will thus comprise two parts. The first part investigates the extent and nature of ideological polarisation; the second part analyses its consequences and impacts on Tunisian democracy.

Chapter One is a quantitative study focussed on the populace. It will determine if the urban revolutionary coalition preserved its cohesion or fragmented after the demise of autocracy. The 2013 political crisis that engulfed Tunisia after two political assassinations, amid an increasingly deleterious relationship between the Islamist forces in power and a staunch secular opposition, manifested in the competing protest phenomenon which opposed pro- and anti-government factions. This event will constitute the testing ground of the above hypothesis. Civic urban uprisings, spontaneously forming through massive popular mobilisations that quickly gather momentum and force regime change, tend to inherently suffer from the lack of a unifying ideology, leadership and time to forge strong solidarity bonds amongst demonstrators. However, this does not mean that they inevitably disintegrate following regime change and close scrutiny of that phenomenon is needed to look for commonalities that tie the movement together. Also, given that this thesis looks to ascertain whether there is a case of ideological polarisation in Tunisia along a secular-Islamist binary, the coalition's fractionalisation is not enough to confirm the existence of normative conflicts, since fragmentation may be socioeconomically-grounded, as most polarisation literature would expect. Ultimately, my study will demonstrate that the coalition indeed fragmented to its primary secular and Islamist sub-components, confirming the incidence of an acute ideological polarisation in Tunisia.

Chapter Two is a qualitative study that explores whether the elite caste, in having its doctrinal divergences tamed via the arrangements which ended the 2013 crisis, could reach an ideological rapprochement via the constitutionalising process (2012-2014). That reconstitution phase was crucial in Tunisia's democratic transition as the deliberations concerned the pivotal questions of state identity, individual freedoms and gender. The constitutional exercise was thus a test of the Islamists' and the secular liberals' ability to overcome conflicts about state foundations and governance frames, which involved reaching consensus on Islam's public place and the way to preserve personal liberties. In particular, the key conflict was over whether Islam would be declared as the official religion, and if so, how the state's guardianship of the sacred would concomitantly safeguard rights and freedoms. Those dilemmas attested to the protracted and complicated nature of normative conflicts. Consequently, the covenant could be adopted only by maintaining a 'constructive ambiguity', which left unresolved the two major conundrums of how to reconcile the concept of a state which is civil but whose official religion is Islam; and how to ensure that any conflict between these two notions does not encroach on rights and liberties.

These studies support the conclusion that Tunisia is afflicted with an secular-Islamist rift affecting both elites and masses which runs deep and prevents, at least presently, more decisive steps towards democratic entrenchment. Triangulation of the results of the quantitative and qualitative studies, by virtue of my mixed-method approach, will thus show that Tunisia is divided at the general populace and elite levels, revealing the existence of a serious problem of dissensus on fundamentals and a continuity in doctrinal rifts that had its roots in the pre-revolutionary era but was amplified at the various transition stages (early regime change, reconstitution and post-constitutionalisation). By establishing a case of ideological polarisation, these findings fulfil my thesis' first objective.

Chapter Three will further scrutinise the problem to explain why the secular-Islamist settlements, having protected the democratic experience from disruption, failed so far to coalesce into accord on fundamentals that is crucial for national consolidation and whose absence prevents Tunisia from achieving consolidation. This entails tracing the genesis and evolution of the secular-Islamist cleavage to identify the obstacles to ideological rapprochement, elucidate the identity problem and grasp the postrevolutionary stakes at play by clearly delineating the nature, scope and substance of the ideological polarisation. I will explore in more depth the fundamental issues considered pivotal by both Islamist and secular camps in their conceptions of future Tunisia, which are primarily derived out of the talks which surrounded the 2014 Constitution. I will argue that the cause of democracy will triumph when a synthesised shared identity crystallises, but whose attainment remains uncertain.

Therefore, emphasis will be made on the importance of reaching a common vision and united worldview conducive to the much-needed societal cohesion and accord on national identity foundations that absorbs frictions and ideological cleavages, meanwhile preserving pluralism.

Having outlined the secular-Islamist binary in Part I, Part II of the thesis will analyse the repercussions of fractionalisation on Tunisian democracy's present and future prospects via three major interrelated vectors: ideological polarisation as a persistent threat of reversion to authoritarianism; an unrepugnant and largely unreformed security sector; and a tumultuous transitional justice enterprise that failed to achieve the objective of national reconciliation.

Chapter Four will argue that as long as the secular-Islamist divide is not seriously overcome, democracy will remain under the constant threat of disruption, and a relapse into authoritarianism cannot be totally discarded. This claim is based on the experience of the 1990s when President Ben Ali launched an ambitious programme of largescale political liberalisation, coupled with promising initial steps towards democratisation, only to change his agenda a few years later when he perceived a serious challenge to Bourguibist modernism from a rising Islamism. Rather than integrating Islamists into the political process, Ben Ali decided instead to stop democratic reforms, to enact repressive policies and to regress into outright dictatorship. True, the postrevolutionary democratic prospects are more solid, notably with the milestones already achieved, but democracy is still vulnerable and amenable to backsliding given the acute ideological binary and dissensus on the foundations of the state system.

Chapter Five will demonstrate that the same secular-Islamist binary hampers serious reforms of the security sector, which by resisting a major overhaul and dampening the initial revolutionary momentum, may still constitute a threat to democracy. This is because it has served the intractable interests of former regime officials rather than demonstrate a commitment to republican values, international human rights standards and the common good. Given its deep anti-Islamist bias, it is questionable whether the security apparatus will work to preserve democracy or back illegitimate ways of gaining power if such a political circumstance presents itself within Tunisian state institutions.

Chapter Six will emphasise that fragmentation along political-ideological lines marred the transitional justice process, just as it did with all other major transitional endeavours, resulting in a failure to accomplish the national reconciliation objective. Instead of reinforcing the national unity necessary for enhancing democracy, the process further nurtured polarisation and division as it was politicised from the outset. All steps undertaken within it – especially regarding the issues of reparations and lustration - were interpreted as favouring or disadvantaging either of the two main ideological foes: Islamists and the secular liberals. The process was embroiled in a vicious circle wherein politicisation further fuelled ideological polarisation and vice-versa, thus supporting the argument that the lack of consensus on fundamentals is the principal impediment to Tunisian democratic consolidation.

In summing up my main findings, the conclusion will stress that as long as Tunisians remain divided over normative dimensions concerning whether state foundations ought to be strongly secular or imbued with stronger Islamic impregnations, democracy will remain vulnerable and subject to possible regressions. In this context, the prospects for consolidation will remain uncertain and vulnerable to the shifting imperatives of political coalitions.

## **PART ONE: THE CASE FOR IDEOLOGICAL POLARISATION**



# Chapter 1

## Revolutionary Coalition Fragmentation

In the Introduction, I suggested that the secular-Islamist elite settlements were insufficient in boosting the democratisation process in Tunisia. True, these arrangements helped shield the democratic experience from the perils of total disarray, a significant achievement not to underestimate given the travails of other Arab Spring revolutions. Yet, the pact-making practice risks transforming into a political ritual which obfuscates democratic consolidation. I pondered whether those understandings will mature into more grounded consensus on normative fundamentals, not only among the elites but also among the demos, for democracy to thrive. This proposition is based on the Rawlsian notion of an overlapping consensus and the inextricable link between democracy and consensus within the convergence school of transition, all backed up by Drysek's notion of "meta consensus". I have undertaken to investigate empirically, through a mixed-method approach, whether the Tunisian polity does indeed suffer from profound schisms that need to be resolved, and if so, whether those cleavages are ideological. This will be a two-stage enterprise. In this chapter, I will conduct a quantitative study at a mobilised public level and in the next chapter I will conduct a qualitative study on elite attitudes, before proceeding with triangulation of both studies to determine the nature and extent of ideological polarisation.

Given the demos' crucial role in the very inception of the democratic process, as the uprising was in essence a mass-driven social movement for liberation from dictatorship, this chapter will examine its composition and then examine that revolutionary coalition's cohesion. The pertaining quantitative study focuses on mobilised publics, or that popular fraction which is more vocal, active and engaged in politics and the public arena, whose perceptions and attitudes are more illustrative of predominant sociopolitical narratives and mobilising drives. This populace focus, which counterbalances transitology's emphasis on elites and institutions, aims to gain insights into Tunisia's case of stalled democratisation, whereby a revolutionary regime change is facing an uncertain future.

For, while street action set the stage for institutional transition to democracy, it became troublesome after regime change due to its high frequency and factional character. From a positive force for change that successfully challenged one of the most impervious Arab regimes, forcing its eventual collapse and ushering in a new era of democratic statecraft, popular ferment turned counterproductive via endless protests and parochial conflicts. That destabilising new turn was deleterious to an emerging and still vulnerable new political order, even more so amid a complicated socioeconomic situation, rather producing the commonality of purpose for a more efficient developmental pattern.

An urban civic revolution may best be characterised as an insurgency aimed at regime change, culminating in a gathering of socially and ideologically heterogeneous masses in a landmark urban location in response to a dramatic event, like Bouazizi's act of self-immolation. The question is whether demos-initiated regime change of the Tunisian kind are inherently problematic. That is, we must examine whether by their very composition, i.e., their heterogeneous character, they may imprint future collective action within postrevolutionary politics. As one of transition's most critical events, the 2013 political crisis is my testing ground, as it marked a peak in street action and a new way of doing politics in the postrevolutionary era, whereby electoral success was henceforth insufficient to secure full governing legitimacy and had to be backed by constant popular approval. This crisis is also critical because it yielded the secular-Islamist elite settlement probed in this thesis.

This chapter will first contextualise the postrevolutionary street mobilisation to trace the emergence of the competing protests. Rectifying the comparative literature's lack of synchronisation between pre- and postrevolutionary periods, I will establish a link between revolutions and the ensuing political transitions. Primarily, I will assess whether the Tunisian civic revolution presents a case of revolutionary coalition fragmentation, and if so, examine the nature of the faultlines driving fractionalisation. I will split up that main *problématique* into four interrelated sub-hypotheses. First, I will determine if the postrevolutionary competing protests have their roots in the original revolutionary coalition that brought about regime change, given the latter's very heterogeneous composition. As a corollary, I will initially examine those rival protests away from ideological interferences to determine whether these street mobilisations represent rather one facet of the confrontation between democratising forces and counterrevolutionaries in a way that may refute the fragmentation premise; that is, by denoting instead a struggle between democratic reformers and reactionaries.

To test the protests' class-based nature, the second sub-hypothesis explores if the feuds are ignited by wealth disparities. The third and most pivotal query is to establish whether antigovernment protesters were simply animated by their animosity towards an Islamist-run government; that is by purely dogmatic grievances; and whether the response of progovernment demonstrators had as a primary drive to defend first and foremost the Islamist project of governance. This will answer the question of whether those rival groups epitomise an alleged secular-Islamist divide. A fourth and final will propose that divergences in evaluations of governance and material wellbeing drove the protests in order to further test the non-ideological dimensions.

The envisaged nexus between pre-revolutionary and post-regime change situations will also help place the Tunisian Revolution in a comparative perspective with other contemporary social movements against authoritarianism to assess its originality, while scrutinising the evolutionary pattern and the direction of the transitional phase after the fall of dictatorship. This comparative analysis will reveal a great deal about that experience's commonalities with its analogues as well as its unique features, making it a challenging case for classification. Building on Mark Beissinger and Jack Goldstone's civic urban revolution studies, which link revolutionary mobilisation with patterns of collective action observable in the postrevolutionary span, I will test those patterns' compatibility with the way the Tunisian democratic transition is unfolding. Of great interest is Beissinger's departure from theorising on revolutions that is overly focused on transforming class relations and his juxtaposing the success of social movements in the primary goal of fracturing an existing political order and their lesser impact in bringing about substantive change in their immediate aftermath.<sup>92</sup> Goldstone's extensive expertise on revolutionary social movements substantiates his assessments of the Arab Spring, particularly in his placing of MENA uprisings within a long-term perspective of fruition or failure. Goldstone's open-ended approach to revolutions is commensurate with this thesis non-teleological approach, as I ponder whether short-term elite settlements can mature into long-term convergences via multiple twists and turns, in contrast with democratic transition's often linear conceptions.

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<sup>92</sup> Those ideas were especially developed in his work in progress *The Urban Advantage in Revolution*, examining how urbanization and the global shift of power to cities has affected the incidence, practice, and consequences of revolutions around the world over the last century. See Beissinger, MR, "The Urban Advantage in Revolution", viewed 29 March 2017, <<https://scholar.princeton.edu/mbeissinger/home>>.

## 1.1 Background to the 2013 Political Crisis

After an inadvertent protest coalition deposed the Ben Ali regime in 2011, Tunisia began to experience episodes of competing protest between supporters and opponents of the Ennahda-led Troika government, which was elected in the first democratic elections in postcolonial history. While appearing to accept the election results, the lay opposition showed discomfort with Islamists' ascent to power, all the more so because a public plebiscite bestowed them with a long-denied legitimacy. Modernists rejected all cooperation offers made by the Islamist party – especially in setting up a national unity government to run the interim period before the advent of permanent institutions – while also launching intimidation campaigns via a largely liberal and anti-Islamist media. Consequently, Ennahda often found itself on the defensive, helpless in countering the vehement attacks targeting it, except through its proven street mobilisation whenever needed.

Ennahda was repeatedly accused by its detractors of exploiting its electoral mandate to imbue the constitutional text under negotiation with an upsetting conservative agenda. Its governance strategies were also much contested,<sup>93</sup> as the state of the economy deteriorated owing to alleged mismanagement and poor governance, although this was actually one of the main outcomes of the revolution's disruptive effects. In its timid response, Ennahda held former regime loyalists and the secular left responsible for such predicament and for using sabotage to disrupt its work and obstructing reform to perpetuate the Ben Ali regime.

In that context, social and political protest became part of the routine, as “demonstrations and sit-ins remained the primary means of negotiating with various political actors.”<sup>94</sup> But these protests escalated and took on more political significance upon the February 2013 assassination of the eminent leftist figure, Chokri Belaïd, the first of its kind in postrevolutionary times and a rare incident in Tunisia's entire contemporary history.<sup>95</sup>

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<sup>93</sup> El Issawi, Fatima 2012, “The Tunisian Transition: The Evolving Face of the Second Republic”, in N. Kitchen (ed.), *After the Arab Spring: Power Shift in the Middle East?* IDEAS Reports - Special Reports. LSE IDEAS, London School of Economics and Political Science, London, UK, pp. 18-22. See also Pickard, D 2012, “The Current Status of Constitution Making in Tunisia”, *Carnegie Endowment for International Peace*, viewed 24 April 2018, <<https://carnegieendowment.org/2012/04/19/current-status-of-constitution-making-in-tunisia-pub-47908>>.

<sup>94</sup> Noura, S 2011, “Obstacles on the Path of Tunisia's Democratic Transformation”, *Carnegie Endowment for International Peace*, viewed 24 April 2018, <<http://carnegieendowment.org/sada/?fa=43347>>.

<sup>95</sup> Reuters Online 2013, “Teargas as Thousands Protest Top Opposition Leader Assassination in Tunisia”, *Reuters Online*, 6 February, viewed 22 March 2018, <<http://rt.com/news/protest-tunisia-assassination-opposition-556/>>.

Less than six months later, rioting further metastasised after the assassination of National Constituent Assembly (NCA) member, Mohamed Brahmi. Massive demonstrations, whether in support or opposition to the government were held regularly, virtually halting social and economic life. For opponents, the Islamist-led Troika was politically responsible for both dramatic acts due to its security failures, which spawned a climate conducive to political violence, especially owing to its supposed leniency towards Salafist radical militancy. As put by Monika Marks: “The fragile security situation – compounded by suspicions that Ennahda’s Islamist identity made it ideologically sympathetic to, if not actively supportive of, Salafi jihadism – played a major role in provoking opposition to the coalition which also found popular roots in these broader-based grievances.”<sup>96</sup> Supporters discredited the protests as nothing but a trespass against the results of the ballot box, for they so blatantly “represented an attack on the Troika’s [very] electoral legitimacy.”<sup>97</sup>

Arriving on the heels of analogous duelling protests in Egypt that led to Islamists’ dismissal from power, the August 2013 competing demonstrations disrupted the 2011 uprisings repertoires of popular unity and national solidarity. Each side claimed to be the ‘original’ revolutionary precursor, explaining their return to the streets by the urge to defend the revolution’s ideals from perversion by ‘opportunistic’ opponents. Those protests and counter-protests grew outside of nascent formal channels for democratic participation. Two diametrically-opposed visions of the revolution, the state and social order hence collided, with both constituencies vying to capitalise on that ‘extraordinary’ moment of reconstitution to turn to their advantage the situation of popular ferment and the political opportunities it provided to score points against their ideological rivals.

The competing protests became so sustained and disruptive that they forced the National Constituent Assembly (NCA) to suspend its activities and Ennahda to enter into negotiations leading to its removal from power, given its alleged failure in managing state affairs and in preserving peace and stability in the country. So the whole context was politically explosive. It did but inflame prior grievances and bellicose predispositions. As indicated by Guellali, Brahmi’s assassination “only intensified a long-running political conflict between the ruling troika...and the secular opposition. The rhetoric on both sides [grew] more radical.”<sup>98</sup> Nonstop agitation threw Tunisia into a state of deadlock and its democracy into the unknown.

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<sup>96</sup> Marks, M 2015, “Tunisia’s Ennahda: Rethinking Islamism in the Context of ISIS and the Egyptian Coup”, *Project on U.S. Relations with the Islamic World at Brookings*, viewed 5 May 2018, <[https://www.brookings.edu/wp-content/uploads/2016/07/Tunisia\\_Marks-FINALE-5.pdf](https://www.brookings.edu/wp-content/uploads/2016/07/Tunisia_Marks-FINALE-5.pdf)>.

<sup>97</sup> Marks, M 2015, “How Egypt’s Coup Really Affected Tunisia’s Islamists”, *The Washington Post*, 16 March, viewed 9 May 2018, <[https://www.washingtonpost.com/news/monkey-cage/wp/2015/03/16/how-egypts-coup-really-affected-tunisias-islamists/?noredirect=on&utm\\_term=.11c91a75e50a](https://www.washingtonpost.com/news/monkey-cage/wp/2015/03/16/how-egypts-coup-really-affected-tunisias-islamists/?noredirect=on&utm_term=.11c91a75e50a)>. Brackets added.

<sup>98</sup> Guellali, A 2013, “Tunisia: Political Crisis and Transition Priorities”, *World Policy*, viewed 12 May 2018, <<https://worldpolicy.org/2013/08/12/tunisia-political-crisis-and-transition-priorities/>>.

Only after protracted deliberations could the crisis be contained. By common accord, the elected Troika coalition had to relinquish its power in favour of a 'technocratic', apolitical government to ease the tension and relaunch the constitutional process then still underway. The ensuing understandings gave also rise to elite secular-Islamist arrangements aimed at convening on future electoral cycles, eschewing future crises and the spoiling of the democratic process. This type of settlement distinguishes itself from the classical elite-generated agreements conceived by transitologists, first in terms of timing as it succeeded rather preceded regime change, but also because it involved a new political caste instead of the old ruling class and opposition moderates. Furthermore, rather than being an elite enterprise, the compromise ensued from mobilised publics through street pressure after the destabilising effects of opposing ideological orientations became manifest. Hence the deal took the shape of a secular-Islamist compact, which is rather uncommon in the Arab world.

Due to its gravity, the 2013 crisis ought therefore to be recognised as a critical juncture, a swerve of massive proportions in the trajectory of postrevolutionary politics. It represented the culmination of successive protest episodes and a real test for the sustainability of the revolutionary coalition, rendering ordinary governance untenable under those explosive circumstances. It consequently provides the ideal context for analysing the Tunisian revolutionary movement's cohesiveness and its potential effects on democratic transition.

To determine that the crisis was not a contest opposing revolutionary forces and reactionaries, I will assess below whether it was a case of counterrevolutionary backlash against a democratising coalition. Then I will study the consequences of postrevolutionary collective action, as they unfolded, on the course of Tunisia's democratic transition. Realised at the height of the August 2013 political crisis, the selected raw survey (see Appendix), through which my four abovementioned hypotheses will be tested, was conducted by Princeton University's Survey Research Centre (SRC) and financed by the Project on Middle East Political Science (POMEPS). First, it is necessary to address some theoretical shortcomings that limit the explanatory power of transition situations in MENA countries.

## 1.2 Pre/Post Transition Synchronisation: Theoretical Shortcomings

As I indicated in the Introduction, given scholarly vacillation between democratisation and authoritarian endurance frameworks, the complexities of MENA political realities were overlooked, a lacuna brought to the open by the Arab Spring uprisings. By taking socio-political phenomena as conducive to either democratisation or authoritarianism's further entrenchment only, both paradigms were not equipped to anticipate political upheavals. Far from burdening scholarship with predictive power,<sup>99</sup> more attention should have been accorded to dynamics deemed extraneous or insignificant but proved to be pivotal, like the role of social media in accentuating authoritarian regimes vulnerabilities and exposure to change. Developments long in the gestation can converge with newly emerging circumstances, thereby impacting individuals and groups' motives and repertoires. By the same token, those very theoretical shortcomings made it difficult to discern elements of change and continuum in the fabric of societies having undergone political cataclysms, as pre- and post-regime change spans cannot fully be separated. It is necessary to recognise the increasing empowerment of the masses as catalysts of new political dynamics, as opposed to middle-classes, which are often taken as the primary protagonists of change within predominant democratisation paradigms. The effect of popular street action on Tunisia's democratic process renders it salient for investigating political dynamics at the core of contention and deliberation processes during transition events like the climactic 2013 crisis (contention) and its unfolding (deliberation).

The above theoretical gaps are reflected in the Arab Spring scholarship, generally grounded in disparate literatures, each of which pertains to a specific timeframe in the larger trajectory of revolution and democratic transition (as illustrated in Figure 1 below). Structural theories of revolution for MENA countries are macro-historical, with class formation, international influence, and generational value shifts utilised as the main systemic variables.<sup>100</sup>

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<sup>99</sup> As correctly pointed out by Marc Lynch: Lynch, M 2014, "Response to Howard and Walters", *Perspectives on Politics*, vol. 12, no. 2, pp. 415–416.

<sup>100</sup> Skocpol, T 1979, *States and Social Revolutions: A Comparative Analysis of France, Russia, and China*, Cambridge University Press, Cambridge; Huntington, S 1968, *Political Order in Changing Societies*, Yale University Press, New Haven, CT.

Conversely, political process approaches build on social movement theory<sup>101</sup> to point out the more proximate dynamics prompting the engagement in collective action to defy sclerotic regimes,<sup>102</sup> a school which is more commensurate with my thesis, given Tunisian revolutionaries' active role in defeating dictatorship and their subsequent conflict over the revolution's repertoires. Indeed, not only have the uprisings shattered the persistence of authoritarianism myth, Gerges posits that they have also discredited the powerlessness of popular agency thesis.<sup>103</sup>

Yet, while the agentic school is more useful as an explanatory paradigm for regime change in Tunisia and some other Arab countries, MENA revolution scholarship ceases to provide valuable theoretical insights once the completion of the revolution is defined and observed in the Arab Spring case by the departure of a former head of state. Hence there is a theoretical void in linking shorter-term patterns of revolutionary ferment in the region - those variables captured by the political process approach to revolutions - with political contestation dynamics observed once the regime falls and transitioning work begins. These different junctures should instead be approached as dialectically linked, intertwined and mutually-influential; that is why systemic factors should certainly not be discarded.

Establishing a continuum between impending states of affairs (of the 2013 crisis type), on the one hand, and the historicity of social and political phenomena (such as the problematic issue of Islam and politics pervading postcolonial narratives), on the other, allows for a better appreciation of the complexity of the postrevolutionary competing protest phenomenon and its underpinnings in Tunisia. Since existing theoretical models of revolution and political transition do not establish that nexus, critical postrevolutionary protest events and their future political consequences may not be identified. Accordingly, investigating crucial post-regime change politics in Tunisia, and elsewhere in MENA, has to go beyond the classical research on pre-revolutionary agitation causality to explore continuing effects on patterns of postrevolutionary collective action and transitional ramifications. Scholars like Brownlee et.al have pointed to this necessity of theorising continuity between pre- and postrevolutionary times in their long-term institutional and structural correlations.<sup>104</sup> The different approaches are depicted in Figure 1 below.

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<sup>101</sup> Kitschelt, H 1986, "Political Opportunity Structure and Political Protest: Anti-Nuclear Activism in Four Democracies", *British Journal of Political Science*, vol. 16, no. 1, pp. 57– 85; Tarrow, S G 1994, *Power in Movement: Social Movements and Contentious Politics*, Cambridge University Press, Cambridge; Tilly, C 1978, *From Mobilization to Revolution*, Addison-Wesley, Reading, MA.

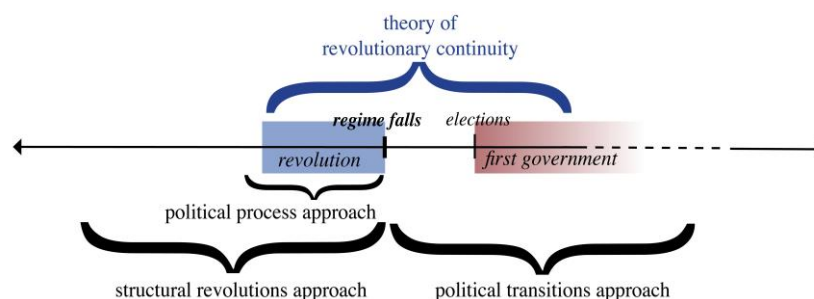
<sup>102</sup> Kurzman applies this perspective to the 'Arab Spring' protests. See Kurzman, C 2012, "The Arab Spring Uncoiled", *Mobilization*, vol. 17, no. 4, pp. 377-390.

<sup>103</sup> Gerges, FA (ed.), 2014, *The New Middle East: Protest and Revolution in the Arab World*, Cambridge University Press, Cambridge, pp. 9-15.

<sup>104</sup> Brownlee, J, Masoud, T & Reynolds A 2013, "Why the Modest Harvest?", *Journal of Democracy*, vol. 24, no. 4, pp. 29-44.



**Figure 1: Theoretical Approaches to Democratic Revolution**



Models of nonlinear democratic transition, like Hale's regime cycles and Slater's swerves, adopted partially in this thesis due to their recognition of revolutions' twists and turns, have their own theoretical problems. These relate to casting elite interactions, whether via alliances or confrontations, as sole determinants of patterns of crisis, stasis and retrogression in new or would-be democracies. Hale's regime cycles thesis conceptualises revolutionary ferment episodes not as starting points of a linear transition towards ever-higher political development levels, but rather as recurrent turnarounds within a "fairly predictable" democratic opening/curtailment cycle, oscillating between autocracy, democratic overtures, lapse to more autocracy and renewed democratic momentum.<sup>105</sup> As for Slater, instead of setbacks, democracy can be embroiled in an indefinite process of "democratic careening" – an "heuristic term encompassing a variety of unpredictable and alarming sudden movements, such as lurching, swerving, swaying, and threatening to tip over."<sup>106</sup> Both Hale and Slater's models echo transitology's general elite bias by approaching popular mobilisation patterns as derivative of elite bargaining processes, rather than as causal phenomena in their own right.<sup>107</sup> Yet, as events in Tunisia, in MENA and some other parts of the world have recently demonstrated, non-elite collective actions often exert powerful influence over a democratic transition's course, when new formal institutions of political representation happen to be in flux,<sup>108</sup> and may particularly be exposed to the weighty effects of contentious politics.

<sup>105</sup> See Hale, HE 2005, "Regime Cycles: Democracy, Autocracy, and Revolution in Post-Soviet Eurasia", *World Politics*, vol. 58, no. 1, pp.133 – 165, p. 134.

<sup>106</sup> See Slater, D 2013, "Democratic Careening", *World Politics*, vol. 65, no. 4, pp. 729 – 763, p. 730.

<sup>107</sup> Collier, RB 1999, *Paths Towards Democracy: The Working Class and Elites in Western Europe and South America*, Cambridge University Press, Cambridge.

<sup>108</sup> In Tunisia for example, over 100 parties stood for the NCA election in October 2011, with parties widely arrayed on several lines of contestation; as Chomiak aptly summarizes regarding Tunisian party formation, "The spectrum of ideologies includes centrist, leftist (socialist, democrat socialist, communist, Marxist and green), right wing (nationalist, republican, or Bourguibist), multiple Islamist

In gauging the trajectory of Tunisia's democratic transition, equal attention shall consequently be accorded to the nature of protest coalitions *per se*, that is to the attitudes, backgrounds and motives of non-elites involved in collective action during and after insurgencies, which can reveal a great deal about their social and political support bases. This will help one better capture this type of social movement's eventual influence on the overall democratic experience, by gaining insights on the initial then evolved propensities and predispositions of its main adherents toward future developments in institutionalised politics. For, in the short run, protest movements tend to "modify individuals' options and capacities to effect change"<sup>109</sup> by subsuming heterogeneous long-term preferences under common shorter-term goals, such as regime change or the ousting of an unpopular elected government. But once this immediate objective is accomplished, the diverse social and ideological makeup of these insurrections might become a challenge for their sustainability. Most saliently, potential splits or shifts in the nature of protest coalitions or their composition may prove crucial for the success of democratisation via protesters' ability to (either/or) catalyse change, define the political agenda, push for reform, compromise, or bicker, which may provoke crises similar to the political stalemate of August 2013. In light of this, I will empirically test the ramifications of Tunisia's urban civic revolt on collective action patterns observed during its postrevolutionary transitional period at the height of that particular crisis.

### 1.3 Revolutionary Coalition Status: Empirical Hypotheses

After providing this historical and theoretical background, it is now time to outline and test the hypotheses outlined in the introduction through the selected empirical data, which reveal the social and ideological profiles of demonstrators at the competing protests that provoked the political crisis of August 2013. As a scope condition, hypothesis 1 explores the link between the 2013 protests and the 2011 revolutionary coalition in terms of composition. Hypotheses 2-4 test a range of different attitudinal and socio-economic factors that could explain the coalition's postrevolutionary status. If none of these factors are shown to have a significant impact on the coalition, they are deemed to be nullified.

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movements, as well as some 10 pan-Arabist parties." See Chomiak, L 2011, "The Making of a Revolution in Tunisia", *Middle East Law and Governance*, no. 3, pp. 68 – 83, p. 73. Many parties merged or split once more before the crisis of August 2013, with new parties and coalitions announced frequently during this time.

<sup>109</sup> Yashar, DJ 1997, *Demanding Democracy: Reform and Reaction in Costa Rica and Guatemala, 1870s–1950s*, Stanford University Press, Stanford, CA, p. 4.

### **Hypothesis 1: Tunisia is a Case of Revolutionary Coalition Fragmentation (Scope Condition)**

Via Hypothesis 1, I test empirically whether both protest groups are fragments of the revolutionary coalition or entail a counterrevolutionary backlash against a democratising coalition. This is to ascertain that antigovernment demonstrators were not simply *ancien régime* supporters wanting to disrupt the nascent democracy. If the fragmentation hypothesis is evidenced, I will use competing protest indicators to model the axes along which that fractionalisation occurred. Hypothesis 1 is confirmed when both competing protest groups in 2013 feature participation levels relatively commensurate with those during the 2011 Revolution. The statistical data generated by Princeton academics from the questionnaire conducted at the protest sites will serve to determine the proportion of protesters who took part at the two competing demonstrations after having also participated at the regime-change uprising. Hypothesis 1 may be falsified if: (a) revolutionary protest levels in both groups are not significantly higher than among the general population, as they won't then signal strong engagement for a cause translated into sharp mobilisation in defiance of the other; and b) the revolutionary protest level in one competing group far exceeds the other numerically, for that will signal a majoritarian view timidly challenged by a minority, rather than a protest phenomenon between relative equals demonstrating acute competition.

### **Hypothesis 2: Postrevolutionary Protest Groups are Divided along Class Lines**

Hypothesis 2 tests Goldstone's initial polarity thesis as postrevolutionary class-based conflict over wealth distribution, with one faction advancing a more 'radical' redistribution agenda. A historical review of Tunisia's political economy may give credence to this class-based model of revolutionary coalition fragmentation, since the neoliberal developmental policies, which led to drastic wealth disparities, are often cited as a key explanation for the 2011 uprisings.<sup>110</sup> Worsening inequalities are commonly attributed to the IMF-dictated Structural Adjustment Program (SAP), launched in 1986, which ushered in accelerated privatisation policies, reduced domestic industry protections and financial liberalisation to promote trade and foreign investment.<sup>111</sup> The SAP induced a decrease in public employment, a rollback of social services to the poor and further marginalisation of rural/inland areas, mostly deprived from joining in the new liberal economy predicated on tourism, services and value-added manufacturing.<sup>112</sup>

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<sup>110</sup> Volpi, F 2013, "Framing Political Revolutions in the Aftermath of the Arab Uprisings", *Mediterranean Politics*, vol. 19, no. 1, pp. 153 - 156.

<sup>111</sup> Harrigan, J & El-Said, H 2010, "The Economic Impact of IMF and World Bank Programs in the Middle East and North Africa: A Case Study of Jordan, Egypt, Morocco and Tunisia, 1983-2004", *Review of Middle East Economics and Finance*, vol. 6, no. 2, pp. 1-25.

<sup>112</sup> Richards, A & Waterbury, J 1990, *A Political Economy of the Middle East: State, Class and Economic Development*, Westview Press, Boulder, Co.

Anne Murphy summarises the effects of these developmental policies on Tunisia's social fabric by highlighting that: "Ben Ali's rule has been marked by a consolidation of the horizontal stratification of society as individuals...With the implementation of structural reforms, economic status has become a more tangible and visible phenomenon."<sup>113</sup> Likewise, there were predictions of major political conflict over stratification and social support issues during the transition,<sup>114</sup> as these were one of the uprising's main driving forces. Consequently, Hypothesis 2 is confirmed if competing pro- and anti-government protest groups are significantly disunited over support for redistribution, thereby mobilising along class lines.

### **Hypothesis 3: Ideological Fragmentation of the Revolutionary Coalition is Driven by Conflicts over the Role of Islam in State Institutions**

Hypothesis 3 probes the case of an ideological fragmentation driven by conflict over Islam's role in shaping the state's character and institutions, which is my thesis' primary concern. Conflict over the place of religion in governance has featured since the country's independence in 1956.<sup>115</sup> Postrevolutionary politics did but harness that struggle with political Islam's powerful resurgence, both in its moderate (Ennahda) or more conservative, anti-state forms (Salafism). As Cammett notes, "the election campaign [of 2011] exposed an important rift between Islamists and secularists that will have enduring effects on Tunisian politics."<sup>116</sup>

Hypothesis 3, therefore, contemplates the possibility that members of the pro- and anti-government protest groups are significantly fractioned over support for state secularism and its relationship with Islam.<sup>117</sup>

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<sup>113</sup> Murphy, EC 1999, *Economic and Political Change in Tunisia From Bourguiba to Ben Ali*, Palgrave Macmillan, New York, p. 228.

<sup>114</sup> See Anderson, L 2011, "Demystifying the Arab Spring: Parsing the Differences between Tunisia, Egypt, and Libya", *Foreign Affairs*, vol. 90, no. 3 (May/June), pp. 2-7; Ayeb, H 2011, "Social and Political Geography of the Tunisian Revolution: The Alfa Grass Revolution", *Review of African Political Economy*, vol. 38, no. 129, pp. 467-479; Gherib, B 2012, "Économie Politique de la Révolution Tunisienne. Les Groupes Sociaux Face au Capitalisme de Copinage », *Revue Tiers Monde*, vol. 212, no. 4, pp. 19-36 ; Merone, F 2015, "Enduring Class Struggle in Tunisia: The Fight for Identity beyond Political Islam", *British Journal of Middle Eastern Studies*, vol. 42, no. 1, pp. 74-87;

<sup>115</sup> By comparison with neighbouring states in North Africa, Tunisia's first President Habib Bourguiba pursued extensive policies of secularisation; in addition to anti-religious legislation on personal status issues such as women's rights and mandated secular education, Bourguiba moved explicitly to break the power of Tunisia's independent Islamic institutions and to bar religious parties from participation in Tunisian government. As a result, pre-revolutionary Tunisia held a strong reputation in the Arab world for state secularism and cultural liberalism, while religious parties were repressed and excluded from political participation. See Perkins, K 2014, *A History of Modern Tunisia*, 2<sup>nd</sup> ed., Cambridge University Press, Cambridge, pp. 137-160.

<sup>116</sup> Cammett, M 2011, "The Limits of Anti-Islamism in Tunisia", *Foreign Policy* [Online], October 31, viewed 5 March 2018, <<http://foreignpolicy.com/2011/10/31/the-limits-of-anti-islamism-in-tunisia/>>. Brackets added.

#### **Hypothesis 4: Divergent Evaluations of Governance and Individual Material Wellbeing are Driving the Protest and Causing Paralysis within the Polity**

Following Goldstone's paralysis argument, Hypothesis 4 considers whether the fragmentation phenomenon is instigated by divergent evaluations of postrevolutionary progress in fulfilling the revolution's demands, not by antonymous ideological visions of state foundations. Antigovernment protesters will thus be erstwhile revolutionaries who report worse-off governance and wellbeing metrics, while progovernment demonstrators do not complain of such a lapse. This hypothesis builds on the questioning of the Ennahda-led coalition's competence by antigovernment protesters, who highlighted a downslide in personal finances, purportedly caused by inappropriate management of the economy. This hypothesis is therefore based on the link established by antigovernment protesters between individual wellbeing and state policies under Ennahda's administration. However, the perception of worsening socioeconomic conditions – whether real or exaggerated – may simply be tied to the existence of an Islamist party in power, thus imbued with prejudice. For, as Ben Salem points out, “the economic crisis is a legacy of the Ben Ali regime”, that “has been deepened by the political instability of the transition phase as well as the existing security threats.”<sup>118</sup>

Hypothesis 4 is validated if pro- and anti-government protesters are significantly fractioned over whether their personal economic situation is worse than before the revolution. While this hypothesis shares its economic logic with hypothesis 2, the underlying constructs are both conceptually and empirically distinct. Conceptually, support for redistribution translates ideological fervour for a state role in social welfare and combatting inequality. By contrast, evaluation of change in one's own personal economic circumstances represents a highly conditional and iterative calculation of self-interest. While ideological support for redistribution is theoretically invariant to policies observed at any given time, evaluations of economic welfare are updated in keeping with changes to individual material circumstances. Empirically, therefore, these indicators are virtually uncorrelated in my analytical samplings.

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<sup>118</sup> Ben Salem, M 2015, “Social, Economic and Political Dynamics in Tunisia and the Related Short- to Medium-Term Scenarios”, *Istituto Affari Internazionali Working Papers*, vol. 15, no. 41, viewed 20 April 2018, <<http://www.iai.it/sites/default/files/iaiw1541.pdf>>, p. 10.

## 1.4 Survey Design and Sample

As stated earlier, the testing of these hypotheses will draw on Princeton University's Survey Research Centre (SRC) raw data. Their interviewing method consisted of using face-to-face surveying and a "twenty-step method"<sup>119</sup> technique to approximate a random sample. For that purpose, a team of trained Tunisians mobilised for the task of surveying competing pro- and anti-government demonstrators over a ten-day period in the capital, Tunis, during the August 2013 political crisis. Based on protest density estimations, the sampling frames were constructed spatially for both protest areas to encapsulate: 1) the protest site's "core" and "peripheral" areas; and 2) areas proximate to each protest site's unblocked entrances.

The ten-minute Princeton questionnaires comprised a range of attitudinal, demographic and behavioural queries completed by 286 pro-government and 267 anti-government rioters.<sup>120</sup> Figure 2 below displays a comparison of key identifiers for each group against all Tunisians. In addition to socioeconomic information, the survey addressed civic engagements, doctrinal persuasions and ensuing political choices. The detected similarities and dissimilarities among those demonstrating groups in terms of profile, political affinities and determinant of protest behaviour provide important insights into Tunisia's overall political contention, particularly in relation to the 2013 political impasse.

My selection of this survey is based on its comprehensiveness in scope and precision in formulation, as it poses the right questions for the purposes of this project. While strict scientific sampling is difficult under protest conditions, the interviewers' techniques were meticulous and cautious, especially guarding against the overt sample biases associated with other methodologies, including snowball sampling, questionnaires to be mailed in at the discretion of the demonstrator, or direction to a digital survey online.<sup>121</sup> Face-to-face sampling is the only protest surveying method that provides information about the overall percentage of non-responses or refusals (below 10% in both samples). Methodologically, the measurement of protesters' perceptions and attitudes precisely at the moment of protest also provides reliable data on the indicators that matter most in shaping collective actions; the relative stability of individual ideological orientations being a key assumption of this study.

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<sup>119</sup> In the twenty-step method, enumerators walk twenty steps after each questionnaire before attempting to survey the person on their immediate left. This technique of surveying in a crowd is aimed at improving randomness by preventing the surveying of groups of friends or relatives who are standing together.

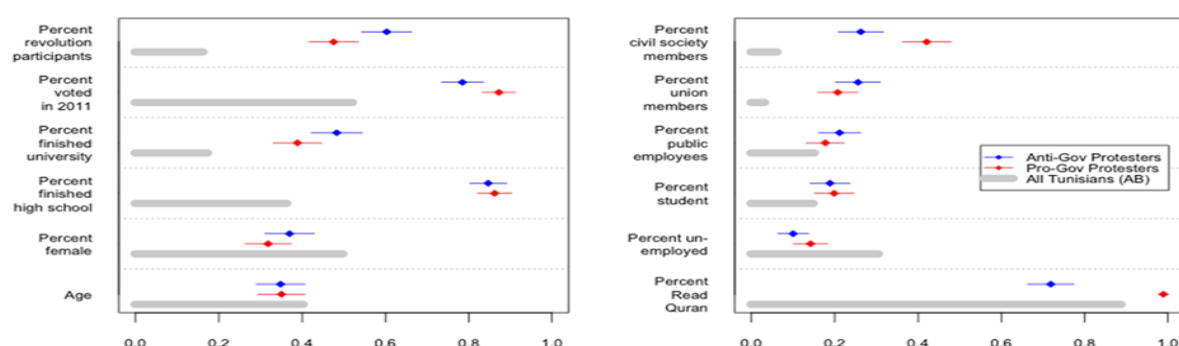
<sup>120</sup> Surveys were identical except for specifically tailored questions about motivations for protest participation on each side.

<sup>121</sup> These alternative strategies may be used to great effect, however, in situations deemed potentially dangerous for enumerators. Tufekci and Wilson, for example, used snowball sampling on protest groups in the days immediately following the Egyptian revolution, allowing these researchers to collect unique and timely data about protesters' use of communication technology. See Tufekci, Z & Wilson C 2012, "Social Media and the Decision to Participate in Political Protest: Observations From Tahrir Square", *Journal of Communication*, vol. 62, no. 2, pp. 363-379.

The problem of variability in these attitudinal indicators over time is answered through this very proximity of the sampling to the political behaviours in question.

How do the basic social and demographic characteristics of the two protest coalitions measure up? Figure 2 below helps us to understand how pro- and anti-government protest groups differ from each other and from the Tunisian population at large (Arab Barometer 2013 figures).

**Figure 2: Descriptive Comparison of Pro- and Anti- Government Protest Groups with Nationally Representative Sample**



Both groups are younger, more educated and male-dominated than the national average. They exhibit much higher voting turnouts in the 2011 elections and far greater civil society membership, both symptomatic of more pronounced political engagement and involvement in collective action. In terms of religiosity, pro- and anti-government protesters fall on either side of the societal spectrum, with 100% and 75% self-reported Quran readership ratios respectively (roughly 90% nationwide). Occupational categories are similarly distributed across protest groups as well, with a slightly bigger student number, a somewhat higher public employee percentage and an employment rate 50% higher than national average. Notably, although the biggest labour union leadership actively promoted anti-government protests, union membership is comparable at 20-25% in the two groups, hence not significant.

Since the likelihood of involvement in the 2011 Revolution was respectively threefold and fourfold more than the overall public,<sup>122</sup> the competing protest groups consequently feature high levels of participation in the revolutionary coalition. This provides statistical support for the Hypothesis 1 scope condition. That is, this data demonstrates revolutionary coalition fragmentation since a high proportion of demonstrators who revolted against the Ben Ali regime came back to street action, this time *entrenched in opposed camps as pro- and anti-government protagonists*. The antigovernment protesters had previously joined the movement for regime change in large numbers, so they were not rallying for the preservation of the *ancien régime* only a few months later, unless this was ‘a revolution within the revolution’, which simply did not occur in Tunisia. The antigovernment protesters were not reactionaries keen to stifle the emancipatory momentum; rather, they stood in defiance of the new ruling elites. In short, the competing protests were composed of people who rallied together to depose the Ben Ali regime, but then split into two opposing camps a few months later.

Given that fragmentation is evident, we now need to determine whether fractionalisation was programmatic or dogmatic; that is, driven by divergent evaluations of postrevolutionary progress in socioeconomic welfare, or by opposing ideological visions of the state and its societal interactions. The potential for either programmatic or ideological considerations to drive fractionalisation informs an empirical need for multivariate modelling, where the relative presence of hypothesised attitudes as predictors of adherence to either protest group indicates their strength or weakness as sources of division within the revolutionary coalition. An accurate identification of fragmentation’s driving forces should in turn help delineate the main faultlines and oppositions plaguing Tunisia’s wider society. This is especially the case since a Zogby Research Services survey conducted almost exactly during the same period (4-31 August 2013) also revealed “an extremely polarized society.”<sup>123</sup> Given I have established factual support for the fragmentation of the revolutionary coalition, the following section will empirically model the axes of this fractionalisation to test hypotheses 2-4.

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<sup>122</sup> Self-reported participation in important events such as revolutionary protest is often thought to suffer from falsification due to desirability bias. It is therefore somewhat likely that all three indicators of revolutionary protest - among progovernment protesters, antigovernment protesters, and the general public - are slightly inflated. Yet in order for falsification bias to nullify the results, protesters surveyed at these events would need to be three times more likely than the general public to falsify participation, a proposition for which there is no empirical support.

<sup>123</sup> Zogby Research Services 2013, “TUNISIA: Divided & Dissatisfied with Ennahda”, viewed 1 May 2018, <<https://static1.squarespace.com/static/52750dd3e4b08c252c723404/t/546e28d4e4b002cb0db882e4/1416505556271/Tunisia+v2.pdf>>, p.3.



## 1.5 Modelling Revolutionary Coalition Fragmentation: Results

To test those hypotheses, I first specify a logistic regression model with a binary outcome variable of pro-government (1) or anti-government (0) protest. Given both groups' large participation in the 2011 Revolution, this model captures the fracturing process of a revolutionary coalition into duelling postrevolutionary protests driven by incompatible attitudes and perceptions. The Coefficient's size and statistical significance will demonstrate each variable's relative importance in instigating coalitional fragmentation. Baseline model (Model 1) introduces support indices for secularism, redistribution and personalised evaluations of postrevolutionary economic conditions ("econeval"), as well as minimal demographic controls, into the below multivariate equation. Accordingly, for each competing protester:

$$Pro - gov_i = \beta_1 secularism_i + \beta_2 redistribution_i + \beta_3 econeval_i + X_i$$

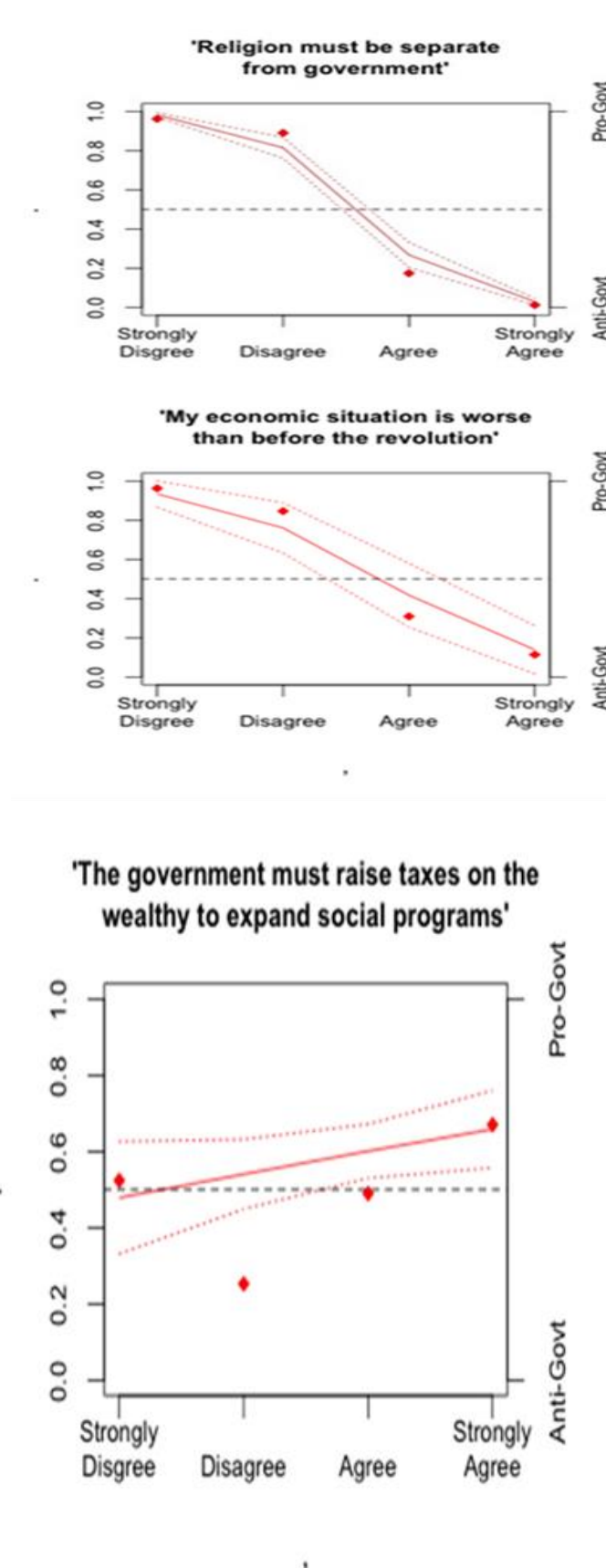
where attitudinal indices are captured by the four-point Likert Scales continuum, modelled after similar questions on the 2013 Arab Barometer, with possible answers ranging from "Strongly Agree," "Agree," "Disagree," to "Strongly Disagree."<sup>124</sup> The  $X_i$  element in the equation is a demographic covariates vector, which encapsulates age, gender and education. Model 1 findings are sketched out in Table 1 below, then reproduced graphically in probabilities plots, wherein a prognosticated probability of 1 indicates membership in the pro-government protest group and a prognosticated probability of 0 evidences membership in the anti-government protest group (holding covariates at their means).

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<sup>124</sup> Precise wording of question and operationalization for each indicator can be found in the Appendix.

Table 1: Sorting into Pro-and Anti-Government Protest Groups: Logistic Regression Results

	Pro-Government		
	(1)	(2)	(3)
Secularism	-2.485*** (0.183)	-2.555*** (0.216)	-2.482*** (0.297)
Redistribution	0.247* (0.146)	0.212 (0.153)	0.119 (0.227)
Econ Eval	-1.752*** (0.179)	-1.767*** (0.190)	-1.261*** (0.274)
Age	-0.021* (0.013)	-0.029** (0.015)	
Female	0.276 (0.309)	0.079 (0.332)	
Education	-0.276** (0.118)	-0.426*** (0.138)	
Worker		-1.217*** (0.467)	
Owner		0.374 (0.643)	
Unemployed		-2.312*** (0.523)	
Religiosity		1.528*** (0.513)	
Union		-0.309 (0.390)	
Revolution			0.336 (1.798)
Revolution X Secularism			-0.174 (0.389)
Revolution X Redistribution			0.385 (0.298)
Revolution X Econ Eval			-0.731** (0.362)
Constant	11.851*** (1.151)	10.581*** (1.587)	9.922*** (1.414)
Observations	519	497	544
Log Likelihood	-176.539	-152.624	-175.920
Akaike Inf. Crit.	367.078	329.247	367.841
Note: *p<0.1; **p<0.05; ***p<0.01			



**Figure 3: Predicted Probabilities of Sorting into Pro- or Anti-Government Protest: Results from the Logistic Regression**

Overall, it emerges that the most important predictor of pro- or anti-government protest behaviour is support for secularism: “Religion must be separate from government.” The second most significant are the personalised evaluations of postrevolutionary economic progress: “My economic situation is worse than before the revolution”. The strong performance of these indices as predictors of pro- and anti-government protest behaviour lends support to Hypothesis 3 (ideological polarisation over the government-religion relationship), in addition to Hypothesis 4 (apropos divergent evaluations of postrevolutionary governance).

The impact of the indicator on supporting redistribution is comparatively indeterminate. At first glance, the coefficient is positive and slightly significant at the 0.1 level, lending some support to Hypothesis 2 (class conflict). Yet, as the prognosticated probabilities plot shows, this indicator’s predictive power is far weaker than those for secularism and personalised evaluation of postrevolutionary economic progress. Whereas moving from “strongly disagree” to “strongly agree” in each of these indicators corresponds with greater than 90% difference in antigovernment protest probability, the corresponding movement pertaining to the question of redistribution yields less than 20% difference. The regression line in this case is also a poor fit for the examined data, which displays greater heterogeneity within and across groups than any other attitudinal variable. Furthermore, as I will detail in the next paragraph, this variable’s statistical significance in the baseline regression is not robust against alternative model specifications. Models 2 and 3 (see Table 1 above) will serve to further test these findings and respond to potential theoretical objections.

Model 2 introduces a broader range of demographic and behavioural covariates in my focal attitudinal variables, which encompass personal religiosity, occupational categories and union membership. “Secularism” and “Econeval” coefficients remain significant and sizable, while the “redistribution” coefficient loses weight and statistical significance. Model 3 overlaps focal attitudinal variables with a binary protest indicator of the 2011 Revolution. This serves to establish whether postrevolutionary protesters having participated in that revolution are animated by the same considerations/principles than nonparticipants in the same revolt. Again, the “Secularism” and “Econeval” coefficients remain significant, while the “redistribution” effect is further attenuated. The low statistical significance (at  $p=0.05$ ) of the interaction between “Revolution” and “Econeval” suggests that revolutionaries may be partaking in pro- and anti-government protest slightly more according to economic progress evaluations – and slightly less according to ideological commitments – than their nonrevolutionary counterparts. Yet in aggregate, Model 3 affirms baseline model findings in favour of Hypotheses 3 and 4 and against Hypothesis 2. So, taken together, Models 2 and 3 further demonstrate that class conflict is not the major catalyst of splits in the ranks of coparticipants in the 2011 Revolution.

Permeated with some attitudinal polarisation - this time inside each camp - the redistribution issue deserves more attention for it resonates with both protest groups, as displayed by Figure 4's first plot (see below). True, a majority either "agree" or "strongly agree" with the statement "the government must raise taxes on the wealthy to expand social programs" with only around ten percent in each group "strongly disagree(ing)" with this point. Nonetheless, logistic regression coefficients in Table 3 show occupational category within the entire protesting population (both pro- and anti-government) as the clearest polarisation drive regarding distribution. Thus, private sector employers and executives (making up nine percent and fifteen percent of the sample respectively) are very likely to "strongly disagree," while workers and students lean strongly to the opposite direction. Public employment is comparatively indeterminate. This suggests that both competing protests are mostly multiclass, explaining why redistribution attitudes do not correlate with protest tendency in the fragmentation model. Accordingly, although the revolutionary coalition's erstwhile members are divided over the Troika government's socioeconomic performance and view of religion's place in governance, they are almost unanimous in countenancing enhanced redistribution.

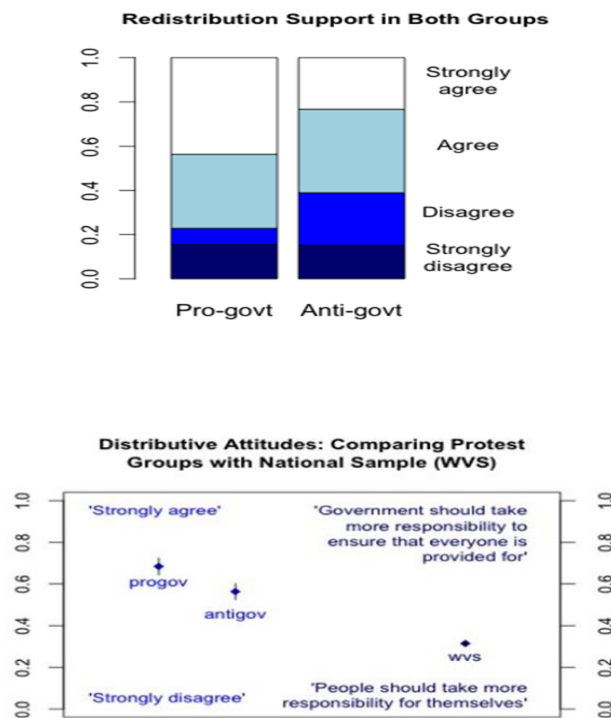
Table 2: Predicting opposition to redistribution among protesters

	"Strongly Disagree"				
	(1)	(2)	(3)	(4)	(5)
worker	-0.828*** (0.288)				
owner		0.960*** (0.236)			
manager			0.591*** (0.212)		
student				-0.537** (0.245)	
publicemp					0.014 (0.214)
Constant	-1.595*** (0.089)	-1.820*** (0.092)	-1.804*** (0.095)	-1.613*** (0.091)	-1.704*** (0.094)
Observations	538	538	538	538	538
Log Likelihood	-457.580	-455.575	-459.227	-460.231	-462.737
Akaike Inf. Crit.	919.160	915.149	922.454	924.462	929.473

Note:

\*p<0.1; \*\*p<0.05; \*\*\*p<0.01

**Figure 4: Breakdown and comparison of redistribution attitudes**



## 1.6 Analysis: Explaining the Results

Examination of Princeton Survey Centre data on pro- and anti-government protest during the 2013 turmoil supports Hypothesis 1 (revolutionary coalition fragmentation), Hypothesis 3 (ideological polarisation of secularism vs. Islamism) and Hypothesis 4 (divergent governance appraisals). Hypothesis 2 (class conflict) is uncorroborated given the cross-ideological nature of redistribution situations, as it was the occupational/income variable which determined viewpoints rather than secular or Islamist doctrinal affinities. Importantly, Hypotheses 2-4 are not considered mutually exclusive, since fragmentation can theoretically ensue from both class conflict and ideological-doctrinal polarisation, should these attitudinal indicators together have played a clear 'sorting' role amongst the competing protest groups, but this has not been empirically evidenced, as already shown in the abovementioned findings.

Given the salience of both religious and distributive issues to the overall Tunisian transition, the question is: what explains support for secularism's high impact on revolutionary coalition fragmentation? Drawing on post-independence historical evidence, I argue that fractionalisation mirrors divisions in the pre-revolutionary oppositional landscape. In keeping with an understanding of the urban civic revolution as a number of concomitant, impromptu riots against tyranny, the revolutionary coalition is likely - after the end of despotism - to disaggregate into its constituent segments, each of which maintaining a separate infrastructure for popular mobilisation. Tunisia's pre-revolutionary opposition forces were embroiled in secular-Islamist feuds, in part moulded by the Ben Ali regime's repressive strategies, especially those targeting Islamist groups after 1989 when Ennahda was banned and its leadership exiled, forcing it to operate essentially underground. Secular dissent, ranging from human rights activism to militant syndicalism, was a bit withstood. Some even connived in the oppression of Islamists, although vocal critics were also persecuted.<sup>125</sup> Moreover, the UGTT labour union leadership, which could have united the opposition over working class interests against the neoliberal state (as it did during the 1970s-1980s), was generally too co-opted to agitate for a paradigm shift in developmental policy.<sup>126</sup>

This bewildering history of social-class mobilisation and representation would have confounded postrevolutionary redistribution politics, despite the 2011 Revolution social justice mantra and protesters' (both pro and antigovernment) demonstrated commitment to better income equality during the August 2013 crisis. The UGTT once again abandoned its advocacy of working class interests, choosing instead a 'kingmaker' role, brokering secular-Islamist negotiations within the Quartet National Dialogue initiative that ended the 2013 crisis.<sup>127</sup> As a result, it was only through left-wing activism, led by the Popular Front alliance created in 2012, besides social democratic politics, that the egalitarianism agenda was advanced. While Ennahda has historically promoted a social justice platform,<sup>128</sup> its postrevolutionary governmental policy largely continued the Ben Ali government's economic policy programs.<sup>129</sup> So, during early transition, it may have remained unclear to protesters, as well as to the general population, which political faction, if any, represented redistributive interests, even if the far-left attempted rather unsuccessfully (given its continuous low electoral results) to appropriate that role. Consequently, redistribution emerged as a non-partisan issue that runs across the whole Tunisian political spectrum.

<sup>125</sup> Perkins 2014, *A History of Modern Tunisia*, pp.156-158.

<sup>126</sup> Ghrib, B & Makni A 2012, "Economie Politique de la Transition Démocratique", in H Redissi, A Nouira & A Zghal (eds), *La Transition Démocratique en Tunisie : Etats des Lieux*, Diwen Editions, Tunis, Tunisie.

<sup>127</sup> Hartshorn, IM 2015, "Corporatism, Labor Mobilization, and the Seeds of Revolution in Egypt and Tunisia", PhD thesis, University of Pennsylvania, Philadelphia, PA, <<https://repository.upenn.edu/dissertations/AAI3709471>>.

<sup>128</sup> Murphy 1999, *Economic and Political Change in Tunisia*.

<sup>129</sup> The World Bank 2014, "The Unfinished Revolution: Brining Opportunity, Good Jobs, and Greater Wealth to All Tunisians", *The World Bank Database*, viewed 7 May 2018, <<http://www.worldbank.org/en/country/tunisia/publication/unfinished-revolution>>.

The apparent correlation between secularism and economic evaluation does not confirm that they indicate the same phenomenon. Their effects on leaning towards pro- and anti-government protest ought to be seen as *independent but mutually reinforcing*, for two main reasons. First, this causality may plausibly stem from purposeful reasoning on the individual level. Government opponents may look more bleakly on their economic circumstances due to Ennahda's very religious nature, or its failure (for right or wrong) to generate postrevolutionary prosperity. Likewise, government supporters may be sanguine in their evaluation of economic progress as a result of their ideological support for the governing coalition. Consequently, reporting of personal financial circumstances is not an entirely 'objective' assessment, but often influenced by certain political commitments.

Another possible reading is that an alleged deterioration in everyday governance would galvanise an opposition rooted in doctrinal (secular vs. Islamist) cleavage, that might otherwise not have resulted in paralysing mass protest. That is, rioters are most motivated to act on their opposition when - based on dogmatic considerations - they view it as a failure in governance. Indeed, a less politically motivated and a more objective situational assessment would have acknowledged the circumstances and enormous challenges a postrevolutionary government of whatever ideological tendency was to face, especially the political instability brought about by revolutionary upheavals, particularly harmful to tourism, investment and productivity. On the other hand, in Tunisia as elsewhere, protests tend to occur in response to 'trigger' events, whether economic (such as high inflation hitting purchasing power), or related to security (like terrorist attacks against the military from across the border or Belaïd/Brahmi's political assassinations). This reading of the polarisation-paralysis link is consistent with activists' self-reported reasons for antigovernment protest, where concerns over security and economic management ranked highly. Consequently, economic evaluations and ideological leanings correlate not simply because of their subjectivity, but also owing to their propelling force in translating ideology into collective action. These explanatory factors help differentiate those Tunisians who opposed the Islamist government passively from those who chose to effectively demonstrate.

Those interpretations draw from the high statistical correlation between protesters' political affinities and their satisfaction/dissatisfaction with the Islamist government's performance. Thus, whereas secular opposition demonstrators' deep disgruntlement about worsening living conditions was largely attributed to the alleged incompetence, or at best inexperience, of Ennahda, supporters were much more positive in their assessments of the government's socioeconomic policies. Indicators under the Troika rule (2012-2013) showed in fact an improvement in Tunisia's economic outlook, rather than its purported decline.



According to a European Commission report, “After a severe recession in 2011, when the economy contracted by 1.9% due to the domestic political unrest and the Libyan conflict, a moderate recovery started in 2012 despite an adverse international and domestic environment, with real GDP growth picking up to an estimated 3.6%, helped mainly by the rebound in tourism and FDI inflows.”<sup>130</sup> And, despite the 2013 political crisis, Tunisia still managed to achieve a 3% growth rate that year.<sup>131</sup> These indicators support a motivation based on the ideological bias.

Thus, as it turned out, revolutionary coalitions in cases like Tunisia are strongly prone to fragmentation, as the disparate factions composing them are likely to engage in opposed protest activities in the postrevolutionary phase. I inferred that possibilities for continuity or change inside those protest coalitions in general tend to be embedded in the mobilisational dynamics of the initial revolutionary event according to the types of rapports built therein. Within those types of social movements, repertoires of contentious action are developed, whereby protesters may (or may not) form new attitudes, identities, and social ties amenable to structure future collective action, depending on the nature of the bonds forged amongst activists within those coalitions. Since Tunisian revolutionaries were not adept at building strong affinities/networks during the uprising given the swiftness of regime downfall, the unravelling of the revolutionary coalition logically flowed. Therefore, I first contend that as a civic urban revolution – in contrast with a protracted revolutionary insurgency – the Tunisian uprising is afflicted with some inherent weaknesses: intrinsic lack of cohesion, participants’ feeble self-identification with the insurrectional movement and unsustained engagement with the postrevolutionary state and its institutions. My second conclusion is that fragmentation occurred along ideological lines, concerning Islam’s role in governance, and not along class lines, as most transitologists would predict. The results reveal two distinct governance doctrines: one that is inspired by Islam and another that is secular-driven. I attribute this situation to the repression and co-optation patterns of the pre-revolutionary opposition landscape in Tunisia, in essence revolving around a real or imagined Islamist threat.

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<sup>130</sup> European Commission 2013, “COMMISSION STAFF WORKING DOCUMENT: Ex-ante Evaluation Statement on EU Macro-Financial Assistance to the Republic of Tunisia, Accompanying Document to the Proposal for a Decision of the European Parliament and of the Council Providing Macro-Financial Assistance to the Republic of Tunisia”, *European Commission*, viewed 8 May 2018, <[http://ec.europa.eu/economy\\_finance/eu\\_borrower/documents/ex-ante\\_evaluation\\_-\\_mfa\\_tunisia\\_en.pdf](http://ec.europa.eu/economy_finance/eu_borrower/documents/ex-ante_evaluation_-_mfa_tunisia_en.pdf)>, p. 4.

<sup>131</sup> Ibid

While the strive for a more equitable sharing of national wealth emerged as an important issue among protesters, the evidence does not support redistribution as a major cause of friction across both protest factions, for that plight tended to traverse the political spectrum, transcending secular-Islamist ideologies. Finally, those results validate my premise that, at the wider societal level, Tunisia is profoundly divided over the foundations of governance. Part Two of this thesis will argue that this divide is a major stumbling block to further democratisation. This was epitomised in the 2013 crisis which distressed the polity and emboldened reactionary forces in their resistance to reforms.

### **1.7 Urban Civic Revolution as a Negative Protest Coalition**

Lack of homogeneity is therefore a major challenge to the sustainability of urban civic revolutions. True, as highlighted by Beissinger, protest coalitions are powerful enough to disrupt the establishment's political and economic order, often resulting in the abrupt defection of key regime leaders.<sup>132</sup> Yet, the problem is that in mobilisational terms, the individual protester in a civic urban revolution is usually not committed to the broader revolutionary movement as participation tends to flow spontaneously and without premeditation or prior preparation. Well-conceived and thought out insurrections take time to build, requiring strategizing, high coordination, secrecy, patience and strong bonds of solidarity among revolutionaries – hence a greater commitment to the insurgency movement. Absent that commitment, a civic urban revolution is tantamount to a *negative protest coalition*, or mobilisation by a broad societal spectrum, spanning various political vocations, occupational categories and socioeconomic classes, whose common hatred of the regime elicits unity of action in the bridging of disparate interests to defeat ruling elites and their cronies and oust them from power. But, once the objective of unseating the regime is attained, the various clusters constitutive of the seemingly homogenous bloc tend to drift back soon into dissonance and pursue dissimilar ends. They may still subscribe to the revolutionary cause but look differently at the way forward. Different political motives and governance visions are translated into the new political order, leading to the loss of revolutionary momentum as the original aims get diluted and political rivalry replaces cooperation.

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<sup>132</sup> Beissinger, MR 2013, "The Semblance of Democratic Revolution: Coalitions in Ukraine's Orange Revolution", *American Political Science Review*, vol. 107, no. 3, pp. 574 - 592.

Even though occurring in different milieus and mobilisational cultures, two noteworthy popular contestations, Occupy Wall Street and the Tea Party, provide some clues as to why social movements typically vary in their chances of sustainability. Collective Identity Theory, in particular, would explain the Tea Party's resilience and more powerful influence – as opposed to Occupy Wall Street's lesser durability and impact – by a stronger sense of belonging, motivated by a common ideology and its slow but steady build-up of leverage. Obviously, some additional factors can be invoked, such as the larger financial resources at hand, media support and pronounced leadership, but the bonds of commonality and internal cohesion would be paramount. Most social movement studies have indeed highly valued the role of collective identity in empowering activists by endowing them with higher common consciousness and sense of kinship,<sup>133</sup> considered by Diani as the very essence of these mobilisational networks.<sup>134</sup> Via immersion, subsuming collective identities yield strong unity bonds, indispensable to the survival of a movement.

The same applies to protracted revolutionary insurgencies, like those of Ecuador and Cuba,<sup>135</sup> which in 'classic revolutions' scholarship view, need to sustain smaller mobilisational levels over lengthy timescales to achieve military victory, capture key territories, or shift elite allegiances.<sup>136</sup> Relentless commitment to these riskier movements hinges upon strong emotional and ideological ties amongst fellow participants,<sup>137</sup> as well as leadership ability to offer select incentives<sup>138</sup> and to efficiently direct insurgent action, so as to impose discipline. Adherents tend, therefore, to forge new bonds with revolutionary comrades, new identities and dispositions, as well as mechanisms, to maintain the revolutionary coalition's cohesion. These will evolve into enduring political engagements, even after revolutionary goals are met.

Conversely, civic urban revolutions rarely develop a sense of collective identity given their swiftness and absence of centralised revolutionary leadership. So, in Tunisia, there was no centre of gravity guiding the next moves, nor a guide to revolutionary behaviour. Improvised coalitions need to expand numerically rather than longitudinally by getting as many citizens as possible out into the streets on a handful of key protest days. They draw on a multiplicity of already-existing networks embedded in diverse social groups,<sup>139</sup> as time does not allow for the emergence of a revolutionary nucleus to reflect on and direct future action, while the rapid unfolding of unprompted events gives little time for mature planning.

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<sup>133</sup> See Diani, M 1995, *Green Networks*, Edinburgh University Press, Edinburgh ; Hetherington, K 1998, *Expressions of Identity*, Sage, London.

<sup>134</sup> Diani, M 1992, "The Concept of Social Movement", *The Sociological Review*, vol. 40, no.1, pp. 1–25.

<sup>135</sup> Among the leading scholars in that area have been or are Crane Brinton, Charles Brockett, Farideh Farhi, John Foran, John Mason Hart, Samuel Huntington, Jack Goldstone, Jeff Goodwin, Ted Roberts Gurr, Fred Halliday, Chalmers Johnson, Tim McDaniel, Barrington Moore, Jeffery Paige, Vilfredo Pareto, Terence Ranger, Eugen Rosenstock-Huussy, Theda Skocpol, James Scott, Eric Selbin, Charles Tilly, Ellen Kay Trimberger, Carlos Vistas, John Walton, Timothy Wickham-Crowley, and Eric Wolf.

<sup>136</sup> Wood, EJ 2003, *Insurgent Collective Action and Civil War in El Salvador*, Cambridge University Press, Cambridge.

<sup>137</sup> Petersen, RD 2001, *Resistance and Rebellion: Lessons from Eastern Europe*, Cambridge University Press, Cambridge, UK.

<sup>138</sup> Weinstein, JM 2007, *Inside Rebellion: The Politics of Insurgent Violence*, Cambridge University Press, Cambridge, UK.

<sup>139</sup> The value of a diverse protest coalition in terms of structuring the revolutionary outcome has some grounding in the "fourth generation" of revolutions scholarship, which observes that successful revolutions tend to be driven by "multiclass" or "multiethnic" coalitions rather than by participants drawn from one segment of society.

The Leagues for the Protection of the Revolution,<sup>140</sup> created to press for fulfilling the goals of the Tunisian uprising and confronting counterrevolutionary backlashes, were thus only possible after the former regime's ousting, not during the acts of defiance themselves. For, seldom do co-participants in that type of social movement have the opportunity to build new networks, form lasting alliances, or develop the levels of ideological congruity associated with revolutionaries of the protracted insurgency type. As non-cohesive revolutionary movements, urban civic revolutions may thus be conceptualised as coeval protest coalitions joined by rioters unaffiliated with any movement or political grouping to defy despotism. An inherent heterogeneity and members' weak organisational self-identification undermines the unity of purpose after the successful regime change act.

Tunisia's duelling mobilisation acts of August 2013, where both protest groups were hitherto constitutive of one solid bloc in the 2011 uprisings, demonstrated the revolutionary coalition's shattered solidarity and disintegration. Shortly after regime change, co-participants in the sizable, all-encompassing revolution ended up on opposite sides of the barricade.

While democratisation had seemingly been the common denominator across various revolutionary groups, some were revealed to be not totally antagonistic to the former regime but were increasingly disillusioned with its rigidity and lack of reform. Some perceived Ben Ali's reform 'package', announced precipitously in a hopeless strive to stop the uprising a couple of days before his ousting, as an opening they were quick to enthusiastically embrace. Content with that little political overture, they were not hostile to the despot's stay in power. Ahmed Nejib Chebbi, an emblematic opposition figure, is a typical case: "Despite [his] being a long-time opponent, the [regime's] crisis was an opportunity for negotiation – but not more." Based on his decisions, in his mind the situation was conducive to reform [i.e. a change from inside, through bargaining], but not revolution [i.e. a complete regime change]. As such, Chebbi "never sought or expected to overthrow the regime."<sup>141</sup> Consequently, as soon as regime change unfolded, a turn of events exceeding personal expectations, minimalists like him deemed the uprising goals largely attained, but also feared Islamists' rise to prominence.

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<sup>140</sup> See Seghaier R 2013, "Tunisia: What are the Leagues for the Protection of the Revolution?", *Europe Solidaire Sans Frontières*, 10 October, viewed 17 June 2018, <<http://www.tunisia-live.net/2013/01/23/what-is-the-league-for-the-protection-of-the-revolution/>>. See also Patel, I & Belghith S 2013, "Leagues for the Protection of the Tunisian Revolution", *Open Democracy*, 25 June, viewed 17 June 2018, <<https://www.opendemocracy.net/ian-patel-safa-belghith/leagues-for-protection-of-tunisian-revolution>>.

<sup>141</sup> Kchouk, B & Mamuji, A 2018, "Regime Change and Elite Behaviour: The Case of the 2010–2011 Tunisian Uprisings", *The Journal of North African Studies*, vol. 24, no. 6, pp. 896–913. Brackets added.

Indeed, one day after Ben Ali's departure, Chebbi accepted a ministerial position in the first interim government, despite it being composed of numerous Ben Ali ministers and led by his last Prime Minister.<sup>142</sup> This was "proof that he understood the situation as one of regime reform rather than reversal."<sup>143</sup> Chebbi's like-minded followers deemed further 'revolutionary' action unnecessary, even counterproductive, willing as they were to mobilise against it – as they did actually in the 'La Coupole' gathering that called for a return to calm.<sup>144</sup> Rallying against Islamists was also prominent in order to counter their mass mobilisation force. This was at a time when almost nothing changed after dictatorship's demise, as testified by the presence of a large number of former ruling party members in the first interim government concocted immediately following Ben Ali's departure.

At the other end of the spectrum, there was the more demanding revolutionary fraction with Islamists at the forefront, which required total rupture with the past through a revamp of the state and its institutions, including the elaboration of a new Constitution, and the bid for radical reforms to vanquish authoritarianism and deprive former regime affiliates of any chance of return. It was out of this faction's zeal and pressure, notably through two famous sit-ins in the vicinity of the premiership's office square, dubbed Kasbah 1 and Kasbah 2 (January-February 2011), that the idea of electing a Constituent Assembly to write a new covenant emerged, while the former ruling party was dissolved and its members barred from political participation (for a given period). Those revolutionaries also formed the abovementioned Leagues of the Protection of the Revolution in the strive to keep the reformative spirit and momentum of the insurgency alive.

Via these disparate attitudes towards the Revolution, the seeds of division were thus already evident in two groups whose ideological and political objectives were dissonant and could only grow deeper in the emerging new stakes of the nascent order, particularly regarding the text of the Constitution to be drafted and the forthcoming electoral cycle. More importantly, while the 2011 Revolution had no ideological considerations behind it, political action in its aftermath soon started to have doctrinal underpinnings and vindications. This mainly took the form of opposing secular and Islamist narratives and discourses, as the main protagonists had to convince the demos of their programmes and visions for governance, resulting in heated debates which the domestic media played a principal role in exacerbating.

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<sup>142</sup> Ibid.

<sup>143</sup> Ibid.

<sup>144</sup> Benghir, F 2011, "Tunisie – Rassemblement d'El Menzah: Ne Rien Lâcher et Revenir au Travail", *Webmanagercenter*, 5 March, viewed 12 September 2018, <<https://www.webmanagercenter.com/2011/03/05/102913/tunisie-rassemblement-d-el-menzah-ne-rien-lacher-et-revenir-au-travail>>.

## 1.8 How does the Tunisian Case Measure against other Civic Urban Revolutions’?

Thus far, I have empirically established that competing protests represented fragments of the very social movement that hastened regime change, ascertaining the link between the two mobilisational events and disproving the notion of counterrevolutionary backlash. Then I identified ideology as the primary vector of contestation stimulating fractionalisation. In this section, I will measure the Tunisian case against other civic urban revolutions that have fragmented to potentially identify similar/dissimilar patterns of disintegration. Goldstone distinguishes in this respect between three possible scenarios of disintegration: “constructive opposition, paralysis, or polarization.”<sup>145</sup> In an ideal course of events, once regime change unfolds, the revolutionary movement’s diverse groups engage in constructive opposition, using political parties as umbrellas for civic activities undertaken within a regulated democratic setting. They are animated by the same national objectives of advancing democracy and reinforcing the economy, even while vying for (re)election, since they manage electoral results as mutually respectful partners. Examples include the Eastern European and Baltic uprisings of the end of the 20<sup>th</sup> century which vanquished communism.<sup>146</sup>

In a second scenario of paralysis, the revolutionary coalition is, conversely, not predicated on a common platform. Even if the broad objective was democracy and the end of authoritarianism, dissonance soon emerged over governance modes, yielding a fractioned order. The resulting political deadlock later gives way to the election of populist statesmen and a relapse into authoritarian practices and abuses of power, as in Russia, Ukraine, Kyrgyzstan, Georgia, the Philippines, Nepal and Nicaragua.<sup>147</sup>

The third case concerns class-based protracted insurgencies that are strongly mobilised along ideological lines. Revolution ends up in polarisation wherein radicals press for drastic reforms, whereas the more accommodating groups advocate moderate change. According to this model, it is the accommodating faction that usually takes the lead at the beginning, but the more radical groups often benefit from the galvanising effect of mounting internal and/or external threats to the revolution to regain the initiative and defeat the less-radical faction in power, ruling through fear and outright tyranny. The end result is the revolutionary coalition breakup into warring factions that engage in sheer fratricide violence.

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<sup>145</sup> Goldstone, JA 2011, “Cross-class Coalitions and the Making of the Arab Revolts of 2011”, *Swiss Political Science Review*, vol. 17, no. 4, pp. 457-462, p. 461.

<sup>146</sup> Ibid.

<sup>147</sup> Ibid.

Even worse, the most fanatical fringe adopts an antagonistic, confrontational stance against its own people as it did during the French, Russian, Chinese, Cuban and Iranian revolutions.<sup>148</sup> The Bolshevik Revolution is a best example of an armed insurrection that bloodily overthrew the ruling caste and coercively imposed a federal system, ushering in a totalitarian system that stifled individual freedoms and forced dogmatic monolithism domestically and abroad, within satellite communist states.

As it has some similarities and differences with each of these three various scenarios, the Tunisian Revolution is difficult to categorise and may actually represent a new pattern of postrevolutionary unfolding. With “constructive opposition”, it shares the active participation of political parties in the democratic process. However, most of these parties shy away from collaborating for the national good, as they are entangled in incessant political wrangling. In relation to the “paralysis” scenario, the resemblance is in the absence of common platform in the revolutionary coalition, the postrevolutionary persistence of corruption and the incomplete rupture with an autocratic past. Yet, expectations of a ‘providential’ leader capable of delivering, as was the case in the Balkans, are not commonplace. True, disappointment with the meagre harvest of the revolution in terms of better socioeconomic conditions, and even a certain nostalgia for the Ben Ali era, are noticeable, but the general perceived solution is not to reimpose a new iron fist, as the virtues of newfound liberties are treasured. This was evident in the overwhelming rejection of military takeover upon the August 2013 political crisis, even among the army, despite the recent military coup in Egypt and the political vacuum that prevailed for weeks. The Bertelsmann Stiftung’s Transformation Index (BTI) indeed asserted in its 2016 country report on Tunisia that: “In the political crisis of 2013, calls for the army to step in went unheeded.”<sup>149</sup> Finally, as in the “polarisation” scenario, Tunisia has in common the eruption of postrevolutionary faultlines and binary oppositions but certainly not around class membership. The divergences may concern policies, but not ideologies *per se*, that would pit socialists against the economically liberal. In another article, Goldstone indeed confirms his aforementioned break with the tradition of class conflict as the primary driver of fragmentation in revolution scholarship, when he invokes the possibility of “polarisation” happening due to “strongly religious groups seeking to bring more religious ideology and practice into politics,”<sup>150</sup> a scenario which is more in tune with Tunisia’s case.

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<sup>148</sup> Goldstone 2011, Cross-class Coalitions.

<sup>149</sup> BTI 2016, “Tunisia Country Report”, viewed 5 April 2018, <[https://www.bti-project.org/fileadmin/files/BTI/Downloads/Reports/2016/pdf/BTI\\_2016\\_Tunisia.pdf](https://www.bti-project.org/fileadmin/files/BTI/Downloads/Reports/2016/pdf/BTI_2016_Tunisia.pdf)>, p.8.

<sup>150</sup> Goldstone, JA 2011, “Understanding the Revolutions of 2011: Weakness and Resilience in Middle Eastern Autocracies”, *Foreign Affairs*, vol. 90, no. 3 (May/June), pp. 8-16.

Democracy-related postrevolutionary outcomes in Goldstone's typologies are thus divergent, but they have in common the implied suggestion that the revolutionary coalition will inevitably crack after regime change. And despite the notable differences with Goldstone's taxonomy, Tunisia's case still provided an ideal testing ground for the perspective of revolutionary coalition fragmentation, given the multiple commonalities with the above postrevolutionary scenarios.

First, the 2011 Tunisian Revolution mobilisational dynamics are typical of an urban civic revolution; protests that began in mid-December 2010 climaxed through Ben Ali's abdication by January 14, 2011 due to sustained popular pressure. Second, a prior survey had established the multiclass, multi-ideological nature of the revolutionary coalition which caused the former dictator's ousting.<sup>151</sup> Finally, in the wake of the 2011 Revolution, Tunisia had experienced a sharp increase in popular ferment, showing the continued salience of protest as a disruptive repertoire. As pointed to by Boubekeur: "an extended and turbulent period of protests and counter-protests that shaped the post-revolutionary balance of power" occurred in the period 2011-2013 whereby "street politics... competed with – and eventually dominated – the formal institutional process."<sup>152</sup>

While an overarching comparative perspective is not one of this thesis purposes, it is worth noting that Tunisia's postrevolutionary experience, despite its peculiarity, is not quite idiosyncratic as it resonates with other urban civic revolutions both from outside MENA (1986 Philippines, 1998 Indonesia, 2004 Ukraine) and inside the region, especially that of 2011 Egypt, marked by the same secular-Islamist conundrum. This confirms that this social movement is highly amenable to fragmentation with an ensuing democratisation that is bound to suffer. While each of these cases retains its own particularities, they all share the following traits: a rapid protest mobilisation against an oligarchy via a *negative* coalition comprising citizens of diverse social backgrounds and ideological leanings, who are not united by a coherent vision of the state but only by common antipathy toward incumbent leadership.

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<sup>151</sup> Using survey evidence, Beissinger, Jamal, and Mazur argue that "the Tunisian revolution was more of a cross-class alliance than the Egyptian revolution, with workers 17%, students 19%, and unemployed 21%." The authors also show neither Islamism nor personal religiosity significantly predicts revolutionary behaviour, indicating that both secularist and Islamist Tunisians participated in the revolution. See Beissinger, MR, Amaney, J, & Mazur, K 2012, "Who Participated in the Arab Spring? A Comparison of Egyptian and Tunisian Revolutions", *APSA 2012 Annual Meeting Paper*, New Orleans, LA, 30 August-2 September, viewed 18 March 2018, <<https://pdfs.semanticscholar.org/bf96/ad6d9ce044ee0dd1865ded7dcaae75f198eb.pdf>>.

<sup>152</sup> Boubekeur, A 2015, "The Politics of Protest in Tunisia, Instrument in Parties' Competition vs. Tool for Participation", *German Institute for International and Security Affairs*, viewed 2 June 2018, < [https://www.swp-berlin.org/fileadmin/contents/products/comments/2015C13\\_boubekeur.pdf](https://www.swp-berlin.org/fileadmin/contents/products/comments/2015C13_boubekeur.pdf) >.



Each revolutionary coalition experienced fragmentation and breakdown, manifest in competing mass protests and/or in the dissolution of blocs entrusted to maintain revolutionary activism. Infighting in turn allowed room for conservative and/or antidemocratic forces, sometimes literally old regime partisans, to regain power through electoral or non-electoral means, stymieing or at least suspending democratic gains. Coalition fractioning is, moreover, a logical outcome of the urban civic revolutionary dynamic. The postrevolutionary scenario can occasionally take the form of “regime cycling,” consisting of an alternation between instances of democratic opening and autocratic entrenchment.<sup>153</sup> However, in Tunisia, the issue is much subtler and convoluted than a regime cycling, given the real democratic advance, even if consolidation still has a long way to go.

To take Egypt’s example, its 2011 revolutionary movement similarly comprised a broad spectrum, including Islamists and modernists, urban and rural people, labour and middle-class citizens.<sup>154</sup> The Muslim Brotherhood soon collided with the non-Islamist opposition, which in late 2012 formed the National Salvation Front (NSF), a coalition of liberals, leftists, secularists and Copts opposed to President Morsi’s handling of the Constitution-writing process. Rapid deterioration of the economic and security situations since early 2013 prompted escalation in antigovernment activity, giving rise to the *Tamarrod* (rebellion) movement and massive competing demonstrations, starting from June 30. On 3 July, the armed forces deposed Morsi and formed a nonelected interim government, presiding over an extensive curtailment of civil liberties, targeting Islamists, but also journalists, academics, and civil society activists, heralding a dramatic “return to autocracy”<sup>155</sup> that was worse than Mubarak’s, notably in terms of violations of human rights and individual freedoms.

The military’s political role notwithstanding, the dynamics of revolutionary coalition fragmentation in Egypt and Tunisia were similar. In both cases, an ideologically diverse, multiclass revolutionary protest coalition quickly succeeded in deposing a despot, then subsequently fractured into Islamist and secular factions, with mainstream Islamist parties winning the first postrevolutionary elections and secular forces including left, liberal, and centrist parties mounting a parliamentary opposition with intermittent episodes of popular protest. Apparently poor governance exacerbated opposition to the Islamist governments, draped in, or perhaps primarily triggered by, ideological considerations. Both governments were ultimately removed through non-electoral means following a series of mass competing demonstrations that contained fragments of the revolutionary protest coalition.

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<sup>153</sup> Hale 2005, *Regime Cycles: Democracy, Autocracy, and Revolution in Post-Soviet Eurasia*.

<sup>154</sup> Beissinger, et. al 2012, *Who Participated in the Arab Spring? A Comparison of Egyptian and Tunisian Revolutions*.

<sup>155</sup> Editorial Board 2014, “The U.S. Sanctions Egypt’s Return to Autocracy but Expresses Shock at its Repression”, *The Washington Post*, 24 June 24, viewed 4 May 2018, < [https://www.washingtonpost.com/opinions/the-us-sanctions-egypts-return-to-autocracy-but-expresses-shock-at-its-repression/2014/06/24/bf8b7492-fb22-11e3-932c-0a55b81f48ce\\_story.html?noredirect=on&utm\\_term=.3159add4a396](https://www.washingtonpost.com/opinions/the-us-sanctions-egypts-return-to-autocracy-but-expresses-shock-at-its-repression/2014/06/24/bf8b7492-fb22-11e3-932c-0a55b81f48ce_story.html?noredirect=on&utm_term=.3159add4a396)>.

In Egypt, this occurred through a coup d'état, and in Tunisia through the heavy political pressure exerted on Ennahda to voluntarily cede power, in light of the National Dialogue initiative that put an end to the August 2013 stalemate. Following these crises, both countries witnessed a deterioration in democratic prospects and a resurgence of conservative politics. However, Egypt's retrenchment has proven much more draconian than Tunisia's. In Tunisia, the Islamist party's ouster was relatively peaceful and some form of democratic politics was preserved, with Ennahda maintaining a strong presence and political influence via an elite settlement guaranteeing mutual coexistence with modernists, even if not tantamount to deep consensus. In short, these urban civic revolutions demonstrate that they are unlikely to involve a smooth and linear transitional path, as democratic expansion and contraction phases are commonplace in the intricate and fraught march to consolidation.

## **1.9 Conclusions**

Analysis of Princeton's SRC survey data from duelling pro- and anti-government protests during a critical juncture of Tunisia's democratic transition has revealed a fractured revolutionary coalition due to ideological polarisation over Islam's role in governance and paralysis over divergent evaluations of postrevolutionary governance. Doctrinal divergences are inherently complex, entrenched and latent, and their roots go back to the pre-revolutionary era. Nevertheless, the prompt deviation from an 'ideology-free' revolution into a transitional aftermath laden with fractious dogmatism is still striking, since Tunisia had just shown extraordinary levels of national solidarity and cohesion in the fight against dictatorship where democratic aspirations and better socioeconomic prospects were the priorities. The new context of revolutionary ferment, unprecedented liberties, the questioning of modernist governance narratives associated with the former dictatorship, and above all the struggle over the nation's self-defining attributes, all exacerbated the secular-Islamist polarisation and impregnated it with heavier stakes. Notably, redistribution issues were not the primary drivers of the revolutionary coalition's fragmentation. The brief comparative exercise with similar revolutionary experiences also confirmed how urban civic uprisings cases like Tunisia's are prone to fractionalisation, driven by contentious action between fractions of the original revolutionary protest coalition. I have linked this outcome to the way pre-revolutionary organised opposition evolved, as the secular-Islamist dimension was the primary driving force of cleavage even under dictatorship.

Enmeshed in ideological antagonism, perceived declines in personal economic circumstances also played a mediating role in galvanising collective action against the new governing elites. The liberal opposition had not accepted the 2011 elections that brought Islamists to power. Not only had the revolution empowered a hitherto 'outcast' political force, but had also vested it with a robust popular legitimacy. Consequently, anti-Islamists engaged in relentless effort, outside electoral mechanisms, to erode that very legitimacy through street mobilisation, vociferous media campaigns and eventually foreign-funded stratagems, which all culminated in the destabilising acts of summer 2013. This occurred against the backdrop of the recent military coup in Egypt, backed by MENA autocracies that were strongly hostile to the Arab Spring. The ambivalence of Western powers towards these regime changes, and the Muslim Brotherhood's violent ousting in particular, emboldened beleaguered secular forces to vehemently attack their ideological foe via massive protests that Islamists could only neutralise via their own street mobilisation capabilities. These clashes revolved around dogmatic divergences of an secular-Islamist divide.

These findings can contribute to an emergent literature emphasising how popular mobilisation patterns during a revolutionary protest cycle impact on political contestation dynamics in the wake of regime change. They can also illuminate the crucial role of time in structuring popular mobilisation's ensuing outcomes. Since preferences, identities, and ideological commitments are malleable, sustained revolutionary action against despotism helps unite revolutionaries of different backgrounds and orientations. While nearly all revolutionary coalitions in reality represent some divergent long-term preferences subsumed under common short-term goals,<sup>156</sup> protracted mobilisation helps unify commitments among revolutionaries, or at least engender a baseline of engagement for future power-sharing. When an autocrat departs shortly after intensive protest, however, the revolutionary coalition cannot surpass the embryonic coordination stage among its various constituencies, who may not even recognise each other's contributions to the revolutionary cause, as they come to discover their divergent interests and perceptions in shaping the postrevolutionary state. Dysfunctional politics will ensue, as each fragment lays claim to the revolution's legacy and aims to dominate in a new political order. As Goldstone notes, "what was just recently a remarkably tough coalition capable of unseating a regime... can become a pack of feuding forces in the aftermath of a successful revolt."<sup>157</sup> The schisms are thus extremely destabilising.

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<sup>156</sup> Yashar 1997, *Demanding Democracy: Reform and Reaction in Costa Rica and Guatemala*.

<sup>157</sup> Goldstone 2011, *Cross-class Coalitions*, p. 461.

So, while the bulk of transition scholarship focuses on elite cooperation and conflict, I have indicated how collective action patterns may also substantially shape political outcomes. Revolutionary coalition fragmentation is most likely to produce stalemates and crises in the midst of political transition, providing antidemocratic forces with the chance to return to power through electoral or non-electoral means or, at least, to hinder the accomplishment of further democratic milestones and stymie the reform process. Yet, revolutionary coalition fragmentation can unfold in a different mode to regime cycling<sup>158</sup> and democratic careening<sup>159</sup> patterns observed in some new democracies, since it can give way, as in Tunisia's case, to an 'accommodationist democracy' through elite settlements that - while not significantly advancing the democratic cause - can be credited with keeping the democratisation endeavour alive.

To further elaborate on the secular-Islamist divide, it has now been empirically demonstrated that, at the mass level, the revolutionary coalition fragmentation occurred along ideological lines, particularly concerning different visions of Islam's role in governance (and not class lines). Each protest group was internally heterogeneous in terms of social class and redistribution preferences. An overemphasis on distributive considerations as marking revolutionary coalitions hence risks obfuscating other dividing lines, which may be either overlapping or cross-cutting with these class cleavages, but can also transcend them, as is the case with doctrinal divides in Tunisia. Indeed, the clichéd association of material wellbeing with secularity and disadvantage with Islamism in Tunisia is not statistically corroborated.

In sum, through my quantitative study at the height of the summer 2013 political crisis, the evidence is strong enough to support the hypothesis of doctrinal cleavages amongst mobilised publics, albeit insufficient to entirely validate the secular-Islamist polarisation given the particularity of the examined juncture which, while certainly ascertaining pre and postrevolutionary continuities, had its own singularities which may weaken its evidence. According to the adopted mixed-method approach, validation will only be possible if my elite qualitative study results corroborate those obtained at the mass level. As indicated in my methodology, my interpretations and conclusions will be corroborated only when the findings of both empirical studies' are triangulated.

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<sup>158</sup> Hale 2005, *Regime Cycles*, p. 136.

<sup>159</sup> Slater 2013, *Democratic Careening*.

For Tepe, deep societal polarisation nourishes dogmatic cleavages amongst the literati. Consequently, notwithstanding the understandings and compromises reached by religious and secular elites to govern side by side in transcendence of their conflicting doctrinal convictions, their respective bases are often recalcitrant to follow suit.<sup>160</sup> I will test this assumption's empirical soundness when analysing the elite fractions of Tunisian society in the following chapter about the constitutional process.

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<sup>160</sup> Tepe, S 2013, "The Perils of Polarization and Religious Parties: The Democratic Challenges of Political Fragmentation in Israel and Turkey", *Democratization*, vol. 20, no. 5, pp. 831–856.

## Chapter 2

### An Elite Fractionalisation Unresolved by Constitutional Settlements

I demonstrated in the previous chapter how Tunisian protesters were deeply divided over religion's place in the public-political realm. A once united bloc, the civic urban coalition that gathered enough momentum to hasten dictatorship's downfall and force regime change, fragmented to its secular and Islamist sub-components due to intense ideological polarity, ephemerally concealed by the common objective of ending authoritarianism. Pending further evidence, I suggested that the post-2013 crisis elite settlements dampened the political atmosphere and kept antagonisms relatively at bay, albeit without solving the simmering problem of incongruity over fundamentals that plagues the polity and prevents democratic consolidation. Furthermore, I promised to investigate whether the daring, difficult and unprecedented compromises of elites, having avoided democracy's collapse, can offset mass-level fractionalisation. Evidencing dogmatic friction among elites will reinforce the hypothesis of an overarching secular-Islamist divide. By virtue of my mixed-method approach, in this chapter the quantitative study of mobilised publics will be triangulated with a study of elites.

Similar to the 2013 political crisis, which was critical for ascertaining the stances of the demos, the constitutionalising phase (2011-2014) was equally momentous for the overall democratic transition, given the pivotal issues it brought to the surface concerning the role of Islam in the polity and its relationship with rights and liberties. But unlike the quantitative analysis, confined to the competing protest phenomenon, the qualitative study will be more expansive over time to trace whether the 2014 Constitution put a firm end to the ideological dichotomies that permeated the drafting process. The constitutional arrangements will also serve as a litmus test for the resilience of elite pacts.

This chapter is comprised of four main sections. The first section will discuss the intensification of elite conflicts along the secular-Islamist axis, which afflicted Tunisian politics after regime change until the constitutional process. The second section will probe the most critical constitutionalising phase by focussing on its two most controversial issues: *Islam in governance* and *freedom of conscience*. The third section will assess whether the constitutional understandings that unfolded firmly terminated the longstanding ideological dissonances. Finally, I will provide a key example of these divisions by examining the ideological conflict over inheritance laws.

## 2.1 Post-Arab Spring Political Divisions

While the whole postcolonial period was embroiled in doctrinal frictions, the revolution did but usher in their intensification. I will first discuss the binary oppositions which emerged early on in the postrevolutionary era, then those that accompanied the constitutional process *per se*. Finally, and most importantly, I will gauge whether the endorsed constitutional text overcame the fractionalisation nexus which characterised the tumultuous pre-constitutional phase or left over lingering dissonances.

From Bouazizi's suicidal act (on December 17, 2010) to dictatorship's collapse (on January 14, 2011), Tunisians exhibited extraordinary levels of solidarity and communion. Throughout the revolt, the angry street did not conceive of autocracy's aftermath in doctrinal terms. The perception was rather of a replenishable and 'democratisable' polity based on shared aspirations for a fresh start away from authoritarianism. However, once the new political realities crystallised, this unprecedented symbiosis unravelled as normative frictions re-emerged. In hindsight, the uprising gave rise to fleeting and rare moments of rapprochement that broke briefly with the tensions of everyday politics and were tantamount to "fugitive democracy," a notion devised by Sheldon Wolin to depict fragmented polities whereby "a ...society composed of diversities can nonetheless enjoy moments of commonality when .... collective power is used to promote or protect the well-being of the collectivity."<sup>161</sup>

Within a new era marked by a shifting political game and reinforced liberties, persistent quandaries about Islam's presence in the reconfigured polity, as well as on modernism's contours, coalesced to overwhelm a now unprecedentedly open political realm. Within that context, the biggest novelty consisted of the first-ever legal recognition in post-independence politics of the Islamist party Ennahda (March 2011). For one of the Arabo-Muslim world's most secular and exclusionist polities, not only was a religiously inspired party a newcomer, but it also risked creating totally new political balances due both to a repertoire defying the predominant modernist narrative and strong electoral backing, even if still hypothetical at the time. It soon aroused staunch political feuds.

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<sup>161</sup> Wolin, SS 1994, "Fugitive Democracy", *Constellations*, vol.1, no. 1, pp.11-25.

Questions abounded on the lot of 'secular' and 'modernist' narratives should Ennahda win the upcoming October 2011 elections. Aside from Western circles uncomfortable with Islamist parties in power, this scenario haunted most formerly dominant elites, particularly those secularist zealots immersed in the anti-Islamist battle throughout authoritarianism. Those anxious politico-intellectual wonderings were heightened once the election produced a win for Ennahda in a Constituent Assembly that was to be tasked with developing a new covenant; an enterprise mired in the extremely intensive polarities afflicting Tunisia's overall sociopolitical landscape.

The election confirmed Ennahda's anticipated wide electoral appeal, shattering meanwhile the delusion of a Tunisia firmly-entrenched in secularity and modernity and inhospitable to Islamist parties, an image long propagated by the former regime and its internal and external allies. The powerful reintroduction of religion into the field of political competition and collective expression did but further entrench the protracted animosities and conflicts between Islamists and modernists. Throughout postindependence authoritarianism, Islam and modernism's official readings were a reserve of the state. The establishment severely checked and restrained traditional Islamic bodies and representations, dictating what it deemed to be the right Islamic teachings in a Tunisia thought of as being immersed in modernity and open to other cultures. Upon the demise of dictatorship, and amid a setting of relentless public liberties and a debilitated state, interpretations of Islam and the secular proliferated in the pluralised body politic.

Strong advocates of Islam's normative appeal strived for the freeing of discourse on religion and the extrication of Islamic bodies (mosques, religious schools, and *fatwas*) from state's control, while circumscribing all conduct judged antithetical to Islam. Guardians of 'modern' Tunisia were committed to unrestrained individual freedoms, even while paradoxically opposing certain articulations of Islam regarded as too problematic or 'unsound', such as massive Friday prayers outside mosques. Real or imagined faultlines emerged, pitting the self-proclaimed 'Islam-inspired' against the 'secular-modernists', with the attendant conflictual appreciations of liberty, its substance and guidelines.

This Islam-modernism divide, fused with disagreement over freedom's common space, did not revolve mostly around the nature of the new political system – Tunisians generally agreed that it should take the form of a republican electoral democracy (albeit with disagreement on the distribution of powers between legislative and executive branches). Rather, it revolved around the meaning attached to Islam being the predominant religion.<sup>162</sup>

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<sup>162</sup> That is why, in the next chapter, I will emphasise my decision not to adhere to the compatibility/incompatibility between Islam and democracy thesis, showing the irrelevance of that debate to this research project.



Fundamentally, these divergences concerned ways of being. Elites and the general populace contemplated, debated and strived to safeguard their individual routines as they saw fit (modernists) or reintroduce and reinvigorate a long-circumscribed, and believed to be unjustly-sidelined, attachment to religion (Islamists). As indicated above, along those dichotomies was an attendant conception of freedom envisaged by each side based on its specific ideological convictions and doctrinal approaches to the state and society's organisation and governance.

In this context, Malika Zeghal highlights that “an imagined sociology of one another's constituencies also circulated.”<sup>163</sup> Thus, an apocryphal self-representation of the ideological other gained sway, placing an uncompromisingly doctrinal polarisation at the heart of public debates. The two factions projected self-sustained stereotypes of each other that distorted a complex reality. Those stereotypes, nurtured and ingrained over time, were not just mere perverted portrayals of the adversary, real or fomented; for they also often served to mobilise recruits for one's own camp. They endowed the ‘Islamist’ and ‘modernist’ representations with a significant political weight and large electoral impact. Most notably, the modernist forces engaged in these representations because they were losing the battle for hearts and minds after the discrediting of the postcolonial secular regime. These early transition divisions would continue throughout the constitutional phase.

## **2.2 The Constitutional Process and its Main Faultlines**

Constitutional phases are, by definition, moments of contemplation over normative foundations. Covenants are imbued with values embodying a nation's ideals and what it holds dear. Therefore, the stakes are high, especially in a MENA country like Tunisia, embroiled in a dual struggle for democratisation and national identity. The constitutional exercise reflected the dilemmas of elites and the broader society, as part of the overall postrevolutionary political and intellectual debates.

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<sup>163</sup> Zeghal, M 2013, “Competing Ways of Life: Islamism, Secularism, and Public Order in the Tunisian Transition”, *Constellations*, vol. 20, no. 2, pp. 1-38, p. 24.

The reconstruction of legitimacy and its crystallisation pose tremendous challenges to any democratic transition, given the fights for political ascendancy it unleashes. As Gerges has pointed out, “a constitutional moment is fraught with uncertainties and tensions,” as divergent “conceptions of the political will compete in the formation of a new state identity,” especially in societies emerging from authoritarianism.<sup>164</sup> Given that complexity, the “endeavour of making a constitution in the midst of social and political upheaval, political transition, and even conflict, will be burdened by the challenges such environments pose.”<sup>165</sup>

The importance of constitutional debates also stems from the role of foundational charters in democratic institutionalisation and safeguarding liberties, as well as determination of the specific rules of the future political game. It is hence necessary to scrutinise those debates to gauge how political actors positioned themselves vis-à-vis fundamental issues, and conceptualised the contours of institutions and freedoms that would govern an avowedly democratic system. As an embodiment of crystallising power balances, a new constitution’s very drafting will be pervaded by a contest for political leverage, conflict of interests and often an opposition of incompatible norms.<sup>166</sup> It is thus a manifestation of the high stakes at play and political dynamics in motion.

Ensuing from a revolutionary end of dictatorship, constitutionalising can be seen within Tunisia’s overall political transformation as a process directed towards new bases of legitimacy. Owing to the civic urban revolution’s disintegration, the conception of the new legitimate order was subject to high levels of contestation. Prior agreement was solely on ending authoritarianism and the amorphous will for democracy and accountability, without agreement on the democratic system’s normative foundations in the absence of a unifying revolutionary ideology and leadership. So, beyond democratic aspirations naturally flowing from eradicating tyranny, the new order’s fundamental tenets were subject to profound dissensions, particularly concerning whether the state would be secular or religious. Unleashed within the Assembly, the fierce constitutional battle extended to the media and public space.

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<sup>164</sup> Gerges, FA 2014, “Introduction: A Rupture”, in FA Gerges (ed.), *The New Middle East. Protest and Revolution in the Arab World*, Cambridge University Press, Cambridge, pp. 1–38, p. 2.

<sup>165</sup> Miller, LE 2010, “Designing Constitution-Making Processes: Lessons from the Past, Questions for the Future”, in LE Miller & L. Aucoin, *Framing the State in Times of Transition. Case Studies in Constitution Making*, United States Institute of Peace Press, Washington, DC., pp. 601-666.

<sup>166</sup> Ibid., p. 163. Parentheses added.

This section will shed light upon the most polarising constitutional debates and their importance in revealing a lack of normative consensus in Tunisia. While examining constitutional substance, I will also explore the circumstances that framed the need for a new covenant and surrounded the drafting process, for the context is important to understanding the content. Examining the constitutional process in its sociopolitical context is in keeping with a new generation of constitutional scholarship which perceives charters as social institutions dialectically entwined with their environment,<sup>167</sup> reflecting a growing recognition that this enterprise and the conditions undergirding it matter as much as their outcomes.<sup>168</sup>

### *The Constitutionalising Context*

Soon after regime change, the political momentum generated by the revolutionary zeal elicited a fast-paced reform process whereby many former institutions and their main emblematic figures were supplanted by provisional *ad hoc* mechanisms tasked with the mission of designing a future roadmap. High on the agenda was the drafting of a new Constitution to substitute that which governed Tunisia since the republican system's creation in 1957. Since in a revolutionary context popular legitimacy transcends that of a pre-existing charter, street demonstrations were crucial in compelling the recalcitrant interim government to terminate the 1959 Constitution and proceed with the election of a National Constituent Assembly (NCA) tasked with writing a new covenant. The need for a metamorphosed political order was urgent, as the holding of elections under the old Constitution was abject. Opting for another covenant was therefore envisioned to initiate a fresh era that severed all links with the bygone age,<sup>169</sup> thereby ushering in a new chapter of politics in Tunisia. After two years of deliberations, the process yielded the unique Arab Constitution elaborated under an Islamist party's aegis in 2014,<sup>170</sup> and was crucial for Tunisia's democratic project.

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<sup>167</sup> Galligan, DJ, & Versteeg, M 2013, "Theoretical Perspectives on the Social and Political Foundations of Constitutions", in DJ. Galligan & M. Versteeg, *Social and Political Foundations of Constitutions*, Cambridge University Press, Cambridge, pp. 3–48; pp. 4 and 7. Parentheses added.

<sup>168</sup> Aucoin, L 2010, "Introduction", in LE. Miller (ed.), *Framing the State in Times of Transition*, United States Institute of Peace Press, Washington, DC., pp. xiiip–xviii. See also Miller 2010, *Designing Constitution-Making Processes*, p. 602.

<sup>169</sup> M'rad, H 2011, "Nouvel Ordre Politique, Nouvelle Constitution", *Le Temps*, January 21, viewed 9 August 2017, <<https://www.turess.com/fr/letemps/52196>>.

<sup>170</sup> Pickard, D 2015, "Al-Nahda: Moderation and Compromise in Tunisia's Constitutional Bargain", in F. Biagi & JO. Frosini (eds), *Political and Constitutional Transitions in North Africa. Actors and Factors*, Routledge, London & New York, pp. 4–32, p. 5.

Although the charter garnered overwhelming support (two-thirds) in the legislature, the talks to reach a deal were a “stormy affair.”<sup>171</sup> The Constitution-making experience was indeed complicated and contentious, permeated with many challenges, crises and blockages. Nathan Brown described it thus: “battling over the country’s identity in the country’s constitutional text is best seen as a proxy struggle for a deeper conflict over God, nation, and political community. And to be sure, that conflict is quite real and likely to lead to real policy debates over the coming years.”<sup>172</sup> Indeed, throughout the constitutional process, the resentments and mistrust between the two ideological rivals were deep, denoting not only a difficult coexistence, but also the complexity of reaching an ideological “overlapping consensus.” It was the lay opposition which exhibited the most hostile discourse, and more often than not it went on the offensive to corner Ennahda in the constitutional battle through recurrent destabilising street and civil society mobilisations.<sup>173</sup>

The liberal-secular elites were apprehensive of Ennahda’s alleged Islamisation motives, which would alter the societal model Tunisia had adopted since independence. Even though they were part of autocracy’s legacy, secularists did not hesitate to draw on old stigmas in postrevolutionary politics. Official discourse long depicted Islamism as the enemy of modernity and progress. The bloody confrontation between Islamist militants and the military in neighbouring Algeria throughout the 1990s and the post-9/11 worldwide antiterrorist campaign provided fertile ground to paint political Islam as a national security threat and portray itself as a guarantor of its eradication. The avowed danger stemmed from Islamists’ discomfort with “‘modern’ ways of life, particularly women rights,”<sup>174</sup> which they would use as a motive to change the state system. This discourse lingered following regime change and the advent of democracy.

Though less confrontational, the Islamist party’s discourse displayed anger at the minority’s allegedly deliberate manoeuvres to complicate matters and cause impasses, relegating ideological frictions to mere tactical obstructions provoked by its rivals. As a newcomer to the open political scene after a long history of suppression and stigmatisation, Ennahda tended to downplay the acuteness of secular-Islamist divide so it would not appear to be the ‘culprit’ of a fragmentation which risks destabilising the whole democratic transition.

<sup>171</sup> Carter Center 2015, “The Constitution-Making Process in Tunisia. Final Report”, *Carter Center*, viewed 28 August 2017, <[https://www.cartercenter.org/resources/pdfs/news/peace\\_publications/democracy/tunisia-constitution-making-process.pdf](https://www.cartercenter.org/resources/pdfs/news/peace_publications/democracy/tunisia-constitution-making-process.pdf)>.

<sup>172</sup> Brown, NJ 2011, “Do Tunisians Agree on More than They Realise?”, *Carnegie Endowment for International Peace*, 9 August, viewed 30 August 2017, <<https://carnegieendowment.org/2011/08/09/do-tunisians-agree-on-more-than-they-realize-pub-45318>>.

<sup>173</sup> Personal interviews with Selma Mabrouk, Rim Mahjoub and Hasna Mersit (Democratic bloc) and Samia Abbou (CPR), 28 May 2017.

<sup>174</sup> Zeghal, M 2012, “Veiling and Unveiling Muslim Women: State Coercion, Islam, and the ‘Disciplines of the Heart’,” in A. Esmail & A. Filali-Ansary (eds), *The Construction of Belief. Reflections on the Thought of Mohammed Arkoun*, Saqi Books, London pp. 127-149.

As just mentioned, postcolonial autocracies had always depicted the banned Islamist party as a threat to their self-perpetuated vision of Tunisia's national identity. Ennahda hence found itself both in search of integration and needing to dissipate fears despite its electoral appeal and majority in the Constituent Assembly. But this did not prevent it from some vehement counterattacks. Habib Khedher, the Constitution's General Rapporteur, claimed that hurdles in the process were not inherently constitutional; caused instead by "sabotage" from the NCA minority, but also from beyond.<sup>175</sup> Many other Ennahda senior members advanced similar grievances. However, while other factors further affected the constitutionalising process, the stumbling blocks were essentially normative rather than procedural - that is, over substance and constitutional wording not only in that stage of extraordinary politics, but also throughout the postrevolutionary era. This will be most clear through the deliberations regarding the status of Islam and freedom of conscience to be discussed below.

As demonstrated in the previous chapter, the year 2013 was the most conflict-ridden, marked as it was by the suspicious deaths of two political figures and a tumultuous climate within and beyond the NCA wherein the constitutional deliberations were held. So much did the political crisis escalate that NCA activities were halted *sine die* and talks had to be moved away from its precincts. Only after civil society's mediation was it possible for the constitutional process to resume. True, proportional to other MENA countries like Egypt, the constitutional process was somewhat less conflictual. Yet, for Tunisia the enterprise was also vexed and tenuous. Indeed, when the prior political order is delegitimised by a popular uprising, the engagement of an inclusive constitutional process inherently presents a substantial challenge, due often to cardinal disaccord over which visions and worldviews to be 'locked into' the new covenant. Corroborating Gerges, those tensions are typical of covenants envisioned in the aftermath of an authoritarian era, where past events can be either major sources of illumination or burdensome legacies to hereupon remedy (or both).<sup>176</sup>

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<sup>175</sup> Personal Interview with Habib Khedher (Ennahda), 2 June 2017.

<sup>176</sup> See Galligan & Versteeg 2013, Theoretical Perspectives on the Social and Political Foundations of Constitutions, pp. 8–18. Parenthesis added.

Given its reconstitutive nature, a foundational juncture elicits the special attention of elites to constitutional arrangements infused with normativity. This is perfectly illustrated by the type of provisions most hotly debated during the Tunisian constitutional deliberations, namely *state identity* (whether to be civil or Islamic) and *freedom of conscience*. In my focus on the Constitution's value-normative dimensions, it is these two issues which will form the basis of my analysis given their intricacies and the weak settlements that were reached. Their scrutiny will reveal the ideological and/or strategic factors impelling elites' endorsement of or opposition to the content of certain provisions and the overall covenant's philosophy and lexicon.

Systemic variables may circumscribe and contrive various stakeholders' leeway and leveraging in a constitutional process. Yet, the effective constitutional design and ensuing substance are attributable also to concrete political circumstances, hence the importance of the agents previously identified in this thesis as the key players in a transitional phase. It is especially elites' power to influence content that is more determinant for the outcome, hence the centrality of this category of actors in this study.

This is not to ignore the power of the demos in approving or rejecting ideas and principles under deliberation. Popular consent is determinant for democratisation as an integral element of the general context surrounding the constitutional process, but also as a force the elites ought to reckon with.<sup>177</sup> In closely monitoring constitutional points under deliberation and the manner of their handling, popular pressure arising out of the demos' interaction with the drafting process in Tunisia profoundly affected elites' choices and their behaviour.<sup>178</sup> Nevertheless, notwithstanding popular pressure, the final decisions remain an elite-prerogative in translating the deliberative outcomes into a final text.

My approach thus encompasses both dimensions of ideational content and contextual political atmosphere surrounding constitutional elaboration, with elites at the core of the exercise. In terms of substance, emphasis will be on the value-laden, more engaging and controversial articles with ambiguous meaning given my scrutiny of whether the constitutional arrangements achieved a consensus on normative fundamentals.

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<sup>177</sup> Ibid, p. 26.

<sup>178</sup> Ibid., p. 30.

## Relevant data

Conducting a qualitative case study on Tunisia's constitutional process presents a multiplicity of resources and techniques, given the wealth of information yielded by access to several datasets,<sup>179</sup> even though this prevents my research scheme's clear-cut delineation.<sup>180</sup> The reports of the Constitutional Commission will be my essential primary sources, while secondary sources will include opinion pieces produced throughout the process by scholars, observers and journalists. The most useful of these documents were the constitutional text's multiple drafts, necessary in identifying both the surfacing disagreements and settlements reached concerning hotly debated issues whose content and stakeholders' standpoints are crucial for my study. Examination of the successive drafts also helps to track the evolution of provisions and connect it to the overall analysis of deliberated issues.

Having drawn serious attention from both domestic and foreign observers since its inception, the 2014 Tunisian Constitution also generated abundant material (whether during the drafting process or in its aftermath), consisting of documented information, interviews and scholarly personal investigations aimed at gaining more insight into specific questions of interest.<sup>181</sup> A combination of in-depth and focused interviews, in particular, constitute a substantial and indispensable addition to the other branches of evidence and data triangulated within this research. Following Desmond, I conducted some interviews whereby key figures provide their viewpoints on main issues, while some other interviews were to verify and confirm the veracity of facts' or the authenticity of sources.<sup>182</sup> By using semi-structured interviews, interviewers give themselves room to remodel the sequencing of questions' and ample leeway to probe interviewees by following up on significant replies.<sup>183</sup>

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<sup>179</sup> Yin, RK 2009, *Case Study Research. Design and Methods*, (4<sup>th</sup> ed., vol. 5), Sage Publications, Thousand Oaks, CA, pp. 14 and 114.

<sup>180</sup> Bryman, A 2004, "The Nature of Qualitative Research", in A. Bryman (2<sup>nd</sup> ed.), *Social Research Methods*, Oxford University Press, Oxford, pp. 265–290, p. 268.

<sup>181</sup> Haugbølle & Cavatorta 2011, "Will the Real Tunisian Opposition Please Stand Up?"; Marks, M 2014, "Convince, Coerce, or Compromise?: Ennahda's Approach to Tunisia's Constitution", *Brookings Doha Center*, (10), February, viewed 31 August 2017, <<https://www.brookings.edu/wp-content/uploads/2016/06/Ennahda-Approach-Tunisia-Constitution-English.pdf>>, p. 35; Murphy, EC 2013, "The Tunisian Elections of October 2011: a Democratic Consensus", *The Journal of North African Studies*, vol. 18, no. 2, pp.231–247; Pickard, D 2014, "Voting on the Tunisian Constitution", *Atlantic Council Blogs*, January 14, viewed 31 August 2017, <<https://www.atlanticcouncil.org/blogs/menasource/voting-on-the-tunisian-constitution/>>; Thornton, C 2014, "The Rocky Path from Elections to a New Constitution in Tunisia: Mechanisms for Consensus-Building and Inclusive Decision-making", *Oslo Forum*, viewed 1 September 2017, <<https://www.hdcentre.org/wp-content/uploads/2016/06/The-rocky-path-from-elections-to-a-new-constitution-in-Tunisia.pdf>>; and Zemni, S 2015, "The Extraordinary Politics of the Tunisian Revolution: The Process of Constitution Making", *Mediterranean Politics*, vol. 20, no. 1, pp. 1–17.

<sup>182</sup> Desmond, M 2004, "Methodological Challenges Posed in Studying an Elite in the Field", *Area*, vol. 36, no. 3, pp. 262–269, p. 107.

<sup>183</sup> Bryman, 2004, *The Nature of Qualitative Research*, p. 321.

It has to be recognised that in capitalising on specialised think tanks and other observers' analyses, one is also dependent on their methods for gathering and processing data. Nonetheless, via my personal interviews and triangulation technique,<sup>184</sup> I verified and cross-checked the facts extracted from the multiple sources of evidence to foster informational validity.<sup>185</sup> This explains the rationale behind triangulation, which is to furnish a reliable corroboration to discount other interpretations – what Barbour construes as a “fixed point.”<sup>186</sup> Also, given my scrutiny of whether the issues presumed to have been settled in the constitutional final text have ceased to bother Tunisian elites, the recourse to several sources of data allows for a better investigation of prevalent beliefs and perceptions regarding those problematic questions over time, which are identifiable through scrutiny of recurrent ideas and statements. This will also determine variabilities in both substance and rhetoric detectable in the various discourses of elites.

### *State Identity and Freedom of Conscience as Sources of Division*

From the transition's onset, but especially within constitutionalisation, state identity was a major source of discord. The disagreements concerned both the coherence of the core elements of Tunisian nationhood, diffused within demos' collective consciousness, and their compatibility with safeguarded and consolidated rights and freedoms. The question was whether the new covenant would help Tunisia overcome its divisions and set it on a firm path toward democratic entrenchment or further deepen its ideological cleavages. Islam's place in general, and Islamic law in particular, pervaded deliberations about all substantive clauses and were highly controversial and polarising. That is why the “stakes were highest” within the Preamble Commission, whereby viewpoints towards Islam were most articulate.<sup>187</sup>

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<sup>184</sup> Triangulation is used both for this qualitative study, as well as part of the whole thesis' mixed-method approach.

<sup>185</sup> Mikkelsen, BH 2005, *Methods for Development Work and Research: A New Guide for Practitioners*, (2<sup>nd</sup> ed.), Sage Publications India Pvt Ltd, New Delhi, p. 96.

<sup>186</sup> Barbour, RS 2001, “Checklists for Improving Rigour in Qualitative Research: a Case of the Tail Wagging the Dog?”, *BMJ*, vol. 322, no. 7294, pp. 1115–1117, p. 1117.

<sup>187</sup> Personal Interview with Samia Abbou. See Supra Note 165.



Once the idea of a new Constitution took shape, the public debate shifted to the complex question of *state identity*: how to conceive of the relationship between religion and the state and its laws. This debate was centred on the ongoing relevance of Article 1 in the 1959 Constitution. The article merely stated a sociological fact: Islam is the religion of the majority, and no normative inferences could ensue from that assertion.<sup>188</sup> By playing on the ambivalence of those terms, the early-independence state vested itself with a secular imprint even while having Islam as its touchstone: “Its religion is Islam, its language is Arabic and the Republic is its regime.”<sup>189</sup> A widely-held belief in hindsight maintains that Constitution-makers of the time chose this wording dextrously to avoid declaring Islam as the state religion. The new constitutional context and the new political realities imposed a reinterpretation of Article 1. Controversy arose between upholders of a clear separation between Islam and the state and those who wanted an express “mention of Sharia as a source of legislation.”<sup>190</sup> Consequently, when reviewed for reinsertion in the new constitutional project, the article was criticised both by advocates of more pronounced secular connotations, and proponents of enhanced and clearer Islamic references.

Ultimately, Article 1’s wording was kept unchanged. Islamists saw in Islam’s renewed institutionalisation a counterbalance to potential excesses of democratic governance. Ceding on sharia law hinged upon constitutional safeguards for a role for the state in Islam’s custodianship. However, unlike the 1959 charter, Islamists now believe Islam has been declared as the state religion. Sanaa Haddad, an Ennahda MP, insisted on a reading of Article 1 as emphasising Islam as “people and state religion, not just people’s. [Were it merely people’s religion], it would mean that Islam does not constrain the state in any way.”<sup>191</sup> Besides requiring that legislation not contradict the Quran and Sunna, Sahbi Atig, a senior party figure, saw it necessary for Islam to pervade “the structures of the state, and not be a mere slogan,” adding that “Islam deals with individual life, family affairs, society’s rules, state foundations and foreign relations,”<sup>192</sup> hence adhering to the doctrine of Islam’s comprehensiveness as *‘din wa dawla’*, which means an all-encompassing system suitable to govern both state and individual affairs.

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<sup>188</sup> Belaid S 2010, “L’article 1 : La Tunisie est un Etat libre, indépendant et souverain ; sa religion est l’Islam...”, in “Les Dispositions Générales de la Constitution, Actes du Colloque de Commémoration du Cinquantenaire de la Promulgation de la Constitution du 1<sup>er</sup> juin 1959”, Association Tunisienne du Droit Constitutionnel, 23-24 janvier 2009, Tunis, p.34.

<sup>189</sup> 1959 Constitution Article 1.

<sup>190</sup> Redissi, 2014, “Raison Publique et Laïcité Islamique : la Constitution Tunisienne de 2014”, *Leaders*, 4 July, viewed 2 September 2017, <<https://www.leaders.com.tn/article/14489-hamadi-redissi-raison-publique-et-laicite-islamique-la-constitution-tunisienne-de-2014>>.

<sup>191</sup> NCA Session of July 6, 2013. Brackets added.

<sup>192</sup> NCA Morning Session February 28, 2012.

While falling short of these aspirations, the provision at least revitalised Islam's constitutional presence, however broadly the notion was defined. Maintaining the ambiguity, a senior Ennahda representative said that it all revolved around the notion of identity, abstaining from further elaboration on the significance of the "state's religion", save that the mission of public authorities is not to "be in command of" religion but rather to "govern it,"<sup>193</sup> insinuating that allotting a role for the state in religious matters means only administering Islam's institutions and not commanding them. Some contend that such vagueness is part of a deliberate ambiguity, alleging that Ennahda shrewdly diffused the sense of Islam being the state religion. Indeed, prominent Ennahda member Sadok Chourou, made explicit his interpretation of Article 1 as meaning that the state "derived its principles from Islam"<sup>194</sup> and that "Islam legislates for all aspects of life and guarantees justice and dignity."<sup>195</sup> This would undermine what appeared to be important concessions the Islamist party made regarding the consensual constitutional phrasing.

Conversely, the secular liberals wanted to diminish Islam's role. Desirous at first to eliminate altogether the mention of Islam, they half-heartedly agreed to reinsert Article 1 of the 1959 Constitution verbatim in the new charter. However, they still hold a minimalist view of Islam as being just the religion of the majority of the Tunisian population. Therefore, they objected to any increase in the role of Islam in the 2014 Constitution. MP Mouldi Riahi, from the left-of-centre Ettakattol party, fought against a state monopoly on religion and its interpretation. He argued that this would involve a "rigid and extremist religious reading," with the state "coercively meddling in citizens private lives," which risks "encroach[ing] on their rights and freedoms."<sup>196</sup> While condoning the state's custodianship of Islam, this camp called for the right to free choice in terms of religion to be enshrined in the Constitution, a rarity in the MENA region.

Thus, each from a different standpoint, the constituents mostly agreed on ascribing a role for the state in custodianship of Islam and sustenance of its religious institution. This hard and original compromise brought the novelty of a Muslim state that is free from Sharia's constitutionalisation. Yet, disagreements were not resolved over the nature, vigour and compass of the religious establishment. Three diverse visions can therefore be distinguished:

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<sup>193</sup> Ajmi Lourimi (Ennahda).

<sup>194</sup> NCA Session January 4, 2014.

<sup>195</sup> NCA Session July 6, 2013

<sup>196</sup> Ibid.

(1) a strong establishment that would manage and control Islam to restrict the sociopolitical influence of Islamism (leftist-liberal); (2) a potent establishment that would expand Islam's presence in the public arena and restrict non-Islamic ways of life (Islamist-conservative); and (3) a moderate, merely identity-focussed establishment that would not interfere with individual ways of life (the agonists/non-ideologically devoted).

However, this compromise about Islam's institutionalisation was blemished by significant inconsistencies, foreshadowing potential future problems and conflicts. Jawhara Tiss, an Ennahda MP recognised the elusiveness of Islam's connotations in Article 1, pointing to an inescapable ambiguity. She summarised the dilemma as follows: "The issue of religion lingers: of what Islam is and of how Tunisian elites portray Islam today. It is impossible to solve this issue in the constitution. The NCA debates yielded a faction which sees Islam as mere rituals [*tuqus*] and teachings exclusive to the relationship between the individual and Allah. The other view holds that Islam is one source of insight, consequently one source of legislation."<sup>197</sup> Indeed, the way Article 1 is phrased allows for two contrasting readings: Islam as *state* religion (political connotation) or just that of the *people* (sociological connotation). The first grants Islam much greater weight in the polity, while the second confines it to a symbolic dimension.

Jurisprudential perspectives on its semantic and legal implications have varied. One current interpretation views in the 'Islam as state religion' doctrine the impossibility for positive laws to contradict Islamic law.<sup>198</sup> While some other interpretations are more relaxed, they cling to functionality, i.e. demanding that Islam be among the sources of actual lawmaking.<sup>199</sup> Another interpretation strips that phrase of any legal weight to become a mere reflection of the cultural and sociological character of the Tunisian people, as majority Muslim.<sup>200</sup> Given those disparate readings, this constitutional provision's legal application or transpositional process from the general (the law) to the particular (actual situations), defies deductive logic. This is where dialectic reasoning intervenes and, depending on the case and even on the political context, will lean towards a given interpretation. So, convening to literally reproduce Article 1 of the 1959-Constitution in the new charter did not end the feud over religion, despite helping to pass this first constitutional stumbling block.

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<sup>197</sup> NCA Session July 8, 2013.

<sup>198</sup> Tekkari, B 1982, "Makanat al-Shari'a al-Islamiyya fi Dasatir al-Duwal al-'Arabiyya", *al-Majalla al-Qanuniyya al-Tunisiyya*, pp. 27-28.

<sup>199</sup> Charfi, M, "L'Influence de la Religion dans le Droit International Privé des Pays Musulmans (Volume 203)", *Collected Courses of the Hague Academy of International Law*, viewed 22 May 2018, <[http://dx.doi.org/10.1163/1875-8096\\_pplrdc\\_A9789024737260\\_03](http://dx.doi.org/10.1163/1875-8096_pplrdc_A9789024737260_03)>, p. 346.

<sup>200</sup> Amor, A 1987, *al-Wajiz fi al-Qanun al-Dusturiyy*, Markaz al-Dirasat wa-l-Buhuth wa-l-Nashr, Tunis, p. 142.

Meanwhile, there were attempts to introduce other normative statements that exacerbated Article 1's ambiguities. Aside from Article 1, Islam was invoked in Article 141, which declared inviolable the status of "Islam as the State religion,"<sup>201</sup> a highly polemical statement insinuating a radical change in the relationship between the legal order and Islamic normativity. Its critics saw in it an invitation for future interpreters to question the separation of the two normative orders and to require the compatibility of Tunisia's legal system with Islamic precepts,<sup>202</sup> despite the decision not to include Sharia.

The inviolability provision also affected the constitutional text's coherence as a whole, given the introduction also, and for the first time in a Tunisian covenant, of the notion of a civil state establishing citizenship as the only bulwark for rights and freedoms, in rejection of all forms of differentiation otherwise. The 'People's Will' and 'Legal Supremacy' clauses were added to reassert the positivity of the law and obstruct reference to any transcendental legal order (Islam). While averting the idea of a radical split between law and religion, the civil state provision was put forward by the liberal camp as an alternative to strict secularism, which was considered politically damaging. However, the assertion of the 'positivity of the law' renders the civil state irreconcilable with Islam's status as the state religion, especially from an Islamist angle. For instance, Ennahda MP Soulaf Ksantini defended her acknowledgment of the civil state in her own personal appreciation that "The state civil character [*madaniyyat al-dawla*] is not synonym with a state-religion separation."<sup>203</sup> And while the secular fringe also disfavours the total severing of the link between state and religion, each group interprets the connection differently according to its subjective understanding of Article 1. No attempt at compromising or conciliation, inside or outside the Assembly, was able to overcome the disagreement on the 'inviolability provision' until the final stages when it was removed upon recommendation of the Consensus Committee and replaced with a more flexible phrasing. The term "inviolable" was replaced with the phrase "cannot be amended", which arguably did not overturn the inalienable nature of the state religion. Despite this persistent ambiguity, the new wording won an overwhelming majority at the NCA, due to the inferred malleability in interpreting the two reference frames.

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<sup>201</sup> Article 3.9 (13 August 2012 draft), which became Article 148 (December 2012 draft), Article 136 (April 2013 draft), and Article 141 June 2013 draft).

<sup>202</sup> Berger, MS 2015, "La Commission de Venise et l'Elaboration de la Constitution Tunisienne du 27 janvier 2014", in *Etudes en l'Honneur du Professeur R. Ben Achour, Tome. (I) Mouvements du Droit*, Konrad Adenauer Stiftung, Tunis, pp. 227-263, p. 236.

<sup>203</sup> NCA Session July 6, 2013.

The reasons for Ennahda's acceptance of this amendment are unclear, but the fallout of the military coup in Egypt and the highly tense atmosphere in Tunisia against Islamists' might explain this concession. However, Ennahda's accommodationist spirit would have been counterbalanced by the indirect fulfilment of its Islamist aspirations in retaining, on their reading, the inalienable nature of Islam. As for non-Islamists, the acceptance of this change is attributable to exhaustion, the Islamist party's unwillingness for further concessions, and the will to hasten the charter's endorsement. Thus, the fundamental divide between the two camps remained unresolved, each of which preferred political pragmatism in arriving at constitutional settlement rather than a commitment to doctrinal conciliation. The deal was essentially built on a compromise that buries rather than disentangles the complex issue of the relationship between Islam and the state, foreshadowing future conflicts when the 2014 Constitution must be applied and interpreted.

In relation to *freedom of conscience*, an examination of Article 6 reveals sharper disagreements and contradictions. Article 6 stipulates that: "The State is religion's guardian. It guarantees freedom of conscience and belief and freedom of worship, as well as liberation of mosques and places of worship from all partisan instrumentalisation. The State undertakes to disseminate the values of moderation and tolerance, to safeguard the sacred and prohibit any attacks on it. It also vows to prohibit and confront calls for takfir [excommunication] and incitement to violence and hatred."<sup>204</sup>

Not only did Article 6 have no similar provisions in the former Constitution, according to Mandraud it was also a novelty in MENA,<sup>205</sup> which attracted international acclaim for its progressive aims. Predictably, this unprecedented article elicited controversy, as demonstrated in the numerous amendments that were introduced before its final endorsement. Islamists introduced amendments that were aimed at criminalising apostasy and attacks on the sacred, whereas the secular opposition was adamant about freedom of cult and the prevention of the use of mosques for political ends. Taken together, the disparate dimensions and conflicting imperatives yielded an ambivalent article that needed to balance diverse ideologies on a sensitive issue.

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<sup>204</sup> Tunisian Constitution, Article 6.

<sup>205</sup> Mandraud, I 2014, "Dans sa Nouvelle Constitution, la Tunisie Tourne le Dos à la Charia", *Le Monde*, 7 January, viewed 22 September 2017, <[https://www.lemonde.fr/international/article/2014/01/07/la-tunisie-officialise-le-renoncement-a-la-charia\\_4343892\\_3210.html](https://www.lemonde.fr/international/article/2014/01/07/la-tunisie-officialise-le-renoncement-a-la-charia_4343892_3210.html)>.

Article 6 emerged from the tensions between enshrining religion and preserving rights and freedoms in constituting state identity. The concomitant references to Islam, human rights and the civil state yielded a constitutional ambiguity apropos rights and freedoms, despite all attempts to clearly elucidate them. The state's ascertained role as guardian of religion and the sacred is infused with semantic ambiguity, for the terms "guardian" and "sacred" are polysemic, leading inevitably to disparate interpretations according to each individual case, particularly when it comes to personal liberties. That the state is Islam's guardian is amenable to two interpretations: it is either a general overseer, empowered only to manage its broad contours; or a promoter, and as such is invested with the power to refashion it, to enforce its teachings and to prevent its contravention with an attendant duty to sanction violations of the sacred. Therefore, any encroachments on religion can amount to apostasy or blasphemy, clashing with freedoms of thought and expression.

Given these discordances about the establishment of religion and its meaning, nature and compass in the Constitution, the Islamist and liberal camps, each fearing manipulations of the constitutional text in future legislatures, suggested mutually-limiting clauses. Uncomfortable with a blurred notion of the sacred, the liberal/secular elites wanted to free religious choice from state interference. Hasna Marsit, a non-Islamist MP from the center-left Congress for the Republic (CPR), saw in the sacred's hazy meaning and Article 6's unclear intent the risk of their "wrong use."<sup>206</sup> MP Mohamed Baroudi from the center-left Progressive Democratic Party (PDP) was also sceptical: "we interpret the religious text in different ways and we fear that a day will come when its reading will be influenced by a reactionary interpretation destroying the 1959-constitution's accomplishments."<sup>207</sup> As for liberal Afek MP Rym Mahjoub, she was opposed to any limits to human rights whatsoever.<sup>208</sup> In underlining the contradiction between a state that protects freedom of conscience while being "religion's custodian," Afek MP Chokri Yaich was likewise concerned about "minorities [who] are ignored, even though they are very few."<sup>209</sup> In sum, non-Islamists either rejected the constitutionalisation of religion or required more lexical accuracy to forestall future Islamist interpretations of the Constitution.

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<sup>206</sup> NCA Session July 6, 2013. Brackets added.

<sup>207</sup> NCA Session July 4, 2014.

<sup>208</sup> NCA Session January 3, 2014.

<sup>209</sup> NCA Session July 8, 2013. Brackets added.

Similarly, Islamists feared future secularist manipulations of the constitutional phrasing. In opposing the freedom of conscience principle, Ennahda MP Adel Ben Attia stressed: “The meaning of this kind of freedom is ambiguous, as each school of thought has its own understanding...I request a precise definition, a wording that avoids contradiction between an individual’s and a people’s freedom of conscience.”<sup>210</sup> Ennahda MP Kamel Ben Amara stated that: “When we speak of the state’s civil nature, we speak about it in the framework of civil, human and global values and not within absolute liberalism and secularism and laïcité principles.”<sup>211</sup> Accordingly, a freedom of conscience notion that would allow an individual to renounce his religion or choose another was unacceptable, for Article 1, in his view, limited such a freedom. Another Ennahda MP, Khalil Belhaj, also argued for specificity and limiting freedom of conscience by invoking ethical considerations: “Secular constitutions institute absolute individual freedom unbounded by morality [*akhlaq*]. It is a freedom tied by our culture and morals that we demand.”<sup>212</sup>

Even some non-Islamist MPs wanted to limit freedom of conscience. CPR MP Rabii Abdi warned against future conflicting interpretations of Article 6: “We have reservations about freedom of conscience. Some will equate it with reservations about freedom. There is no dispute about freedom. The problem is not freedom of conscience but its consequences.”<sup>213</sup> He invoked a series of problematic examples: objectors of conscience, doctors refusing to perform abortions, gay marriage, magistrates refusing to apply a law involving interest rates, and the radical Islamist group Ansar al-Sharia’s legalisation. In his view, freedom of conscience is problematic not merely because Islam is both State’s and people’s religion, but also because “freedom of conscience will contradict our legal pattern.”<sup>214</sup>

In short, each camp conceived freedom of conscience differently. To avoid vagueness (similar to Article 1), each side’s objective was to craft explicit and constraining limits on liberties in Article 6. Reconciling these two antonymous concerns posed a major challenge in terms of formulation, hence the several crises and blockages that marked its negotiation. And, peculiarly enough, even after its adoption, the divisions resurfaced. Thus, when the provision was presented for vote during the article-by-article constitutional review, several NCA members reengaged in an imbroglio over religion’s place in the Constitution, with a repeated invocation of the already passed Article 6 as a controversial clause.

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<sup>210</sup> NCA Session July 8, 2013.

<sup>211</sup> NCA Session July 11, 2013.

<sup>212</sup> Ibid.

<sup>213</sup> NCA Session July 6, 2013.

<sup>214</sup> Ibid.

The tense exchanges, flare-ups, disputes and emotional outbursts caused by this article was one of the most moving and critical times in the constitutional process. Aired live on National TV, those skirmishes aroused popular attention – with its consequent pressure and influence on the atmosphere in the NCA. Meanwhile, a contingent of imams roamed NCA premises petitioning representatives to oppose freedom of conscience and penalisation of *Takfir* (portrayed as an encouragement to apostasy), while other religious groups protested in the surroundings against these provisions. Furthermore, several international organisations and human rights NGOs lobbied the deputies in favour of Article 6, which further confirmed the high stakes at play. For a while, the conservative camp succeeded in garnering support for a withdrawal of the criminalisation of *takfir* provision, but an incident occurred that led to renewed – but this time more insistent - push to stop *takfir*.

In an infamous dispute, Habib Ellouze, an Ennahda hardliner, questioned openly the religious faith of his NCA co-member Mongi Rahoui, a radical leftist from the Chokri Belaïd's party, for being "known for his enmity of Islam."<sup>215</sup> Since Rahoui claimed that he had been subject to death threats shortly after, heated debates arose amid a polity alarmed by two prior political assassinations. This emboldened the opposition to press for the inclusion in Article 6 of a state prohibition of "incitement to hatred and violence, as well as *Takfir*." This provision thence took another turn, becoming the first of its kind to be revised and re-voted. As this conflict brought in "new elements," according to NCA regulations it had to be readdressed by the plenary. This tumultuous procedure set a precedent that was extensively replicated upon the covenant's final vote.<sup>216</sup>

Only by the end of NCA sessions was it possible to definitively pass the article, as negotiations necessitated lengthy national dialogues held inside and outside the Assembly. Article 6's final version was a compromise that kept in check the 'extremists' of each camp: those who might accuse fellow Muslims of apostasy or restrict the freedoms of religious minorities; and those who might publicise anti-Islamic statements and practices. This was an innovative settlement to mitigate the riskiest manifestations of an ideological cleavage, albeit one imbued with ambivalence as it subsumes a broad range of real-life situations involving religion and hence leaves the door open to future problems and conflicts. The shadow of Article 1's complexities continued therefore to hover over the relationship between politics and religion, resulting in this semantic ambiguity.

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<sup>215</sup> Arab News 2014, "'Death Threat' Delays Tunisia Constitution Debate", *Arab News*, 9 January, viewed 7 September 2017, <<https://www.arabnews.com/news/504386>>.

<sup>216</sup> Apprehensions were that the procedure's extensive use could prolong discussions and block finalisation. Following much debate, the task of arbitration on whether and when to resort to it was assigned to the heads of blocs. The procedure was implemented occasionally, often to resolve controversial issues.



The adoption of Article 6 did not end the controversy but actually complicated the equation by reinforcing the very incoherence it aimed at dissipating. The state, which was declared Islam's guardian and the sacred's sponsor, was also entrusted to safeguard the free exercise of faith and spiritual praxis. These various stipulations are not only intrinsically conflictual, but also clash with other constitutionally enshrined freedoms of opinion, thought, speech, information and publication.<sup>217</sup> Especially delicate is the balance for the state between its role as the guardian of religion (which may limit freedom of conscience and expression) and simultaneously the protector of rights and freedoms (which in prohibiting *takfir*, or apostasy accusations, might also encroach on other individual liberties).

True, the innovation brought by Article 6 substantially enriched Tunisia's constitutional tradition. Besides the freedom to exercise their own religion, Tunisians are henceforward free in their religious/irreligious convictions. However, as formulated, the provision limited freedom of conscience, since the state as Islam's custodian is not a neutral power vis-à-vis that faith – all the more so as Article 39 rendered explicit its pedagogical role, through education, in inculcating Islamic values with its citizens. Hence freedom of conscience is problematic for Islamists because it is seen as boundless and thereby antithetical to Article 1. Non-Islamists in turn feared the grave consequences for individual liberties that might ensue out of criminalisation of encroachments on religion. As discussed, those tensions crystallised into heated plenary discussions, vehemently opposing advocates of enhanced protections for Islam and those concerned about the violation of rights and liberties this could cause. The obvious result was conflict and brinkmanship.

As a consequence of a compromise difficult to reach, Article 6 took a middle path and allowed citizens to be Muslim (if they so wish) in different ways so long as certain mutually constraining redlines— *takfir*, as well as offenses against religion – were not crossed. It thus made the state the arbitrator of religious conflicts as well as the marker of borders between acceptable and unacceptable ways of life of its citizens.<sup>218</sup> In future times, the hardly compatible principles will of course generate trade-offs in implementation. So, the pending Constitutional Court's workload will be cumbersome, as it will be burdened with a heavy arbitration role.

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<sup>217</sup> Article 30 (1 June 2013 draft).

<sup>218</sup> Zeghal 2013, *Competing Ways of Life*.

In sum, the cleavages around religion split Ennahda and secular parties throughout the constitutional process.<sup>219</sup> Together with Article 1, Article 6 showed how fundamental the issue of Muslim identity was, and how divided elites were on questions surrounding Islam as the country's main religion. Article 1 rehearsed an old and ambiguous constitutional clause crafted under authoritarianism but vested it with new connotations in a free environment. As for Article 6, it translated an innovative but more perilous compromise reached in a democratic context, whereby the state oversees Islam and religious institutions while freedom *of* religion and freedom *from* religion stand as mutually-restraining, yet without having their exact limits specified. Both articles deferred interpretative issues for future adjudication in courts of law and in future legislative and public debates. They undoubtedly foreshadow future polarities and conflicts.

According to Amna Guellali, Human Rights Watch (HRW) Tunisia/Algeria Office Director, "Article 6 attempts the impossible task of reconciling two radically different visions of society. On the one hand, it caters to a hyper-religious audience that sees the government as a watchdog and protector of all things sacred. At the same time, the article describes a society that leaves each person the freedom of religious choice, without intrusion or interference. The two irreconcilable visions are forced together in a complicated and wordy fashion."<sup>220</sup> She warns that: "This ambivalence could hold grave consequences for the country."<sup>221</sup> Since Article 6 guarantees religion's sanctity, it can - according to detractors - censor freedom of expression vis-à-vis Islam, and can thus be used to indict intellectuals, artistic productions and critics of religious orthodoxy in a manner reminiscent of the controversy surrounding the Prophet Mohamed cartoons in Denmark and France. For conservatives, equality of treatment and reciprocity entails the right to charge adversaries of apostasy and blasphemy, in exchange for what they believe to be defamatory and false allegations of terrorism they continue to be targeted with. These contentious issues are far from resolved despite the foundational deals that produced Article 1 and 6. They mirror modernist versus Islamist faultlines that nourish ideological polarisation in Tunisia.

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<sup>219</sup> Pickard 2015, *Al-Nahda: Moderation and Compromise in Tunisia's Constitutional Bargain*, p. 22.

<sup>220</sup> Guellali, A 2014, "The Problem with Tunisia's New Constitution", *World Policy Institute*, 3 February, viewed 7 September 2017, <<https://worldpolicy.org/2014/02/03/the-problem-with-tunisia-s-new-constitution/>>.

<sup>221</sup> Ibid.

## 2.3 Constitutional Settlements: 'Constructive Ambiguity' or Recurrent Contradictions?

It took four drafts, five conciliation initiatives and some *ad hoc* arrangements to bring the constitutional process, once on the brink of implosion, to a successful conclusion. The outcome was mixed as the divergences were diminished without being surmounted. Indeed, the constitutional settlements, just like the 2013 elite compromises, were more an exercise in political pragmatism than in ideological rapprochement. 'Constructive' at first glance, the ensuing ambiguities were rather contradictions that prefigure forthcoming conflicts when time comes for practical textual interpretation and implementation. The elite deals producing a consensual text were historic, but fell short of radically absorbing the latent ideological cleavages that frame struggles over competing legitimacies and unresolved divisions. These profound ideological divergences are not surmountable merely through some vague accommodations within the tremendously malleable constitutional text. The constitutional accords were thus not symptomatic of a common vision on a societal project. Indeed, they raise the suspicion of a national identity crisis, manifest in conflicting narratives over what best represents the essence of Tunisians' collective consciousness and psyche.

Itself rife with complexities and feuds, the constitutional undertaking did not prevent the reappearance of secular-Islamist cleavages, even though the pertaining compromises were expected to mute profound dogmatic divergences. The secular camp in particular has not abandoned its mistrust, wondering repeatedly whether the Islamist party's constitutional concessions were merely tactical calculations dictated by its political constraints and the 2013 political crisis. Insinuations abound about a possible turnaround in Ennahda's postures once it has consolidated its now still vulnerable political power. From their side, Islamists are still wary of their adversaries' persistent eradicationist impulses. Before the Arab Spring, it was mostly the Islamist party which suffered prejudice and struggles for definitive acceptance given Tunisia's secularist tradition. This goes some way to explaining its post-2011 accommodationist posture to secure its place and ease the broader transition.

However, renewed political battles erupted in the 2014 elections, shortly after the Constitution's adoption. Instead of competing over socioeconomic political programmes, as expected in such an election, it turned once again into an ideological confrontation, almost a repeat of the same disputes that marked the period directly after regime change. And, contrary to more institutionalised democracies, the squeezing out of compromising and moderate discourses in the election campaign highlighted the relative fragility of the constitutional settlements as the debate turned again on normative fundamentals.

The 'secular-modernist' versus 'Islamist' forces polarisation was evident in the entrenchment of longstanding electoral cleavages among districts and subsequent pro-Islamist protests against plebiscite results in the South. The anti-Islamist campaign underlined the risk that another Ennahda victory would turn into repressive Islamist rule. Instead of clearly articulating political and socioeconomic programmes, secular politicians targeted Ennahda manifestos. On the other side, secular forces were accused of rekindling anti-Islamist propaganda in an endless effort of stigmatisation reminiscent of the heydays of authoritarianism. This polarity impacted on Tunisians' political attitudes and plebiscite choices. As Ege Ozen put it: "the Islamist–secularist cleavage was the primary determinant of the votes cast."<sup>222</sup> His statistical analysis revealed that being strong against Islamists increased the likelihood of voting for secular parties, while advocating Sharia law as a political system ran in Ennahda's favour.<sup>223</sup> As Knight and Johnson would lament, it was clear that the constitutional arrangements had not cemented the institutionalised acceptance of competing political forces' democratic legitimacy.<sup>224</sup> Respect for democratic processes was often just a recognition of the realpolitik of an inability to exclude the other, rather than a respect for the right to disagree that lies at the heart of an "agonist" political settlement,<sup>225</sup> or – better – a deeper normative consensus. This exclusionary mindset is detrimental to a well-functioning democracy, which is viable only when truly representing and amalgamating diverse subject positions and claims to legitimacy.

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<sup>222</sup> Ozen, HE 2018, "Voting for Secular Parties in the Middle East: Evidence from the 2014 General Elections in Post-revolutionary Tunisia", *The Journal of North African Studies*, vol.25, no. 2, pp. 251-279.

<sup>223</sup> Ibid.

<sup>224</sup> Knight, J & Johnson, J 1994, "Aggregation and Deliberation: On the Possibility of Democratic Legitimacy", *Political Theory*, vol. 22, no.2, pp. 277–296.

<sup>225</sup> Mouffe, C 2013, *Agonistics: Thinking the World Politically*, Verso, London and New York.

In sum, the hostilities in the 2014 election campaign are reminiscent of the bickering that pervaded the aftermath of regime change and the entire constitutional process, thereby attesting to a stubborn continuity of ideological conflict defying serious rapprochement in worldviews. Specifically, the constitutional agreements have not yet considerably impacted on the collective consciousness of Tunisians. Mutual differentiations are still widespread, whether concerning linguistic usages, cultural renditions or class membership, indicating dichotomous worldviews and ways of being. Secularists are generally perceived as belonging to the 'old guard', and therefore the acolytes of autocracy. Ghannouchi, Ennahda's leader, has openly associated laicity with the former dictatorship, lamenting that: "A State that divests itself from religion ends up into a mafia,"<sup>226</sup> in reference to the rampant corruption that would allegedly mire Tunisia once it divorced itself from Islam's moral values. Secular factions are also portrayed as the Western-styled affluent caste, with its French *laïcité* and Francophone culture. These attributes are depicted as alien to the customs and traditions of a country that is grounded in a millennium and a half of Arabo-Islamic civilisation. Islamists, meanwhile, are portrayed as representing Arabophone folks, of the less prosperous and poorer societal strata, who are over-focussed on Tunisia's Arabo-Islamic heritage, rooted as they are in conservative Levantine culture. Ennahda is thus held to typify the marginal, avenging themselves against the 'Francophone' bourgeoisie. Despite their inaccuracies, these reified depictions anchor 'Islamism' and 'modernism' as ways of political self-identification and differentiation, resting on longstanding and rooted postcolonial geographical, socioeconomic and cultural imageries.<sup>227</sup>

The confrontation between the two camps has been enmeshed in these discourses, which is evident in public forums and televised debates. Although liberated from the hitherto authoritarian state's machinations, they are still hostage to self-perpetuated representations. Both camps also believe it necessary to set boundaries to the newly acquired liberties for each to preserve or enhance its own ways of being within a political context henceforth malleable to all types of influences. Hence the ideological polarisation weighs heavily on perceptions of the limits of individual freedoms. For modernists, unfettered liberties risk undermining the modern 'acquis,' pointing to the request of female students in late 2011 to be allowed to wear a face veil (*Niqab*) on the La Manouba University campus, and the February 2019 case of the infringement of children rights in a Quranic school in Regueb (West-Central town) that led to its closure.

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<sup>226</sup> Center for the Study of Islam and Democracy, Conference on Secularism, Tunis, March 2, 2012, Rached Ghannouchi, "The Nation—Umma—is the only Manifestation of Divine Will through its Interactions and not any Particular Scholar, Party, or State", *CSID*, viewed 18 May 2018, <<http://blog.sami-aldeeb.com/2012/03/09/full-transcript-of-rached-ghannouchis-lecture-on-secularism-march-2-2012/>>.

<sup>227</sup> See Zeghal 2013, *Competing Ways of Life*.

As for Islamists, the freewheeling of modernists in the media risks offending a large section of the population. By illustration, they refer to the broadcasting in October 2011 by Nessma, a private television channel, of the movie *Persepolis*, criticised for subverting 'Islam's sacred values' through avowedly obscene and heretical scenes and Allah's representation in human form, which are both deemed iconoclastic. Those criticisms of 'unethical conduct' were abundant, but the most famous case was when a Syrian actor took to the stage naked during a play exhibited at the Carthage Theatre Days festival in December 2018.<sup>228</sup> The boundaries of freedom were allegedly trespassed via such artistic forms, which was deemed alien to Tunisia's ethical code and provoked a large outcry. Furthermore, personal choices concerning religious dress were staunchly defended, in strong denunciation of the tyrannical nature of its prior repression and recurrent calls for its curtailment. However, while the *hijab* practice, which the Ben Ali regime took pains to oppress in its anti-Islamism frenzy,<sup>229</sup> is now much less problematic, wearing the *Niqab* is still highly controversial, especially after its banning in 2019.

Remarkably, despite Tunisia's difficult economic situation, election discourses and public debates neglect socioeconomic problems, focusing instead on Ennahda's future role and religion's place in the polity. Despite unison around the uprising's non-religious groundings, eschewing an "Islamic revolution,"<sup>230</sup> Islam's societal and political presence still consumes public debates in a way tantamount to Michel Foucault's "discursive explosion."<sup>231</sup> It is especially the secular elites that have stoked such controversy via media campaigns, compensating for their abrupt descent from power. While wanting to marginalise the political significance of religion, by persistently bringing it up as a subject of public interest, they ironically make Islam as a political concept even more salient in public debates. Especially following the 2011 elections and throughout the 2014 elections campaign, most secular forces were disgruntled with the Islamist party's rise as a key political player. Theirs is often a French acceptance of the secular, or Kemalism-like *laïcité*, which is less tolerant of Islam's public presence than the Anglo-American model.

<sup>228</sup> Al Arabiya 2018, "Naked Actor Performing in Tunisian Theater Festival Causes Uproar", *Al Arabiya*, 11 December, viewed 23 June 2019, <<https://english.alarabiya.net/en/variety/2018/12/11/Naked-actor-performing-in-tunisian-theater-festival-causes-uproar>>.

<sup>229</sup> Geisser V et Gobe E 2007, "La Question de l'Authenticité Tunisienne": Valeur Refuge d'un Régime à Bout de Souffle", *L'Année du Maghreb*, no. III, pp. 371-408.

<sup>230</sup> Zeghal, M 2011, "The Power of a New Political Imagination," *The Immanent Frame*, blog post, February 22, viewed 25 June 2019, <<http://blogs.ssrc.org/tif/2011/02/22/the-power-of-a-new-political-imagination>>.

<sup>231</sup> Foucault, M 1994, *Histoire de la Sexualité I, La Volonté de Savoir*, Gallimard, Paris, p. 25.

Thus, whenever crucial political events like electoral campaigns or Constitution-drafting are underway, a 'war of labels' often dominates the political and media landscapes along the secular-Islamist faultline. Analogous mobilisations along that divide were abundant during the 2019 electoral year. For instance, Ennahda was accused of allegedly running a backdoor security system of its own, despite the judiciary's discrediting of that claim. As for the secular camp, it was charged with sabotaging the then upcoming election as opinion polls seemed in Islamists favour.

From a secular viewpoint, Ahmed Ibrahim, former *Tajdid* ex-Communist Party leader, captured brilliantly the binary opposition: "In today's Tunisia, there is an opposition between the modernist school in its strive for freedoms' enhancement and progressive values... and another trend that takes advantage of people's religious sentiments to try to dictate its will and impose a certain way of being."<sup>232</sup> And despite all Ennahda's efforts to allay these criticisms, especially through its moderate stance and constitutional concessions, the same concerns keep resurfacing. Other testimonies from secular and Islamist figures confirm antagonism towards the ideological rival, each 'exporting' the problem to the other camp. Yadh Ben Achour, a prominent legal expert, himself a secularist despite being a progenitor of two of Tunisia's most outstanding religious scholars, approached the Islamists versus modernists dispute in a way that clearly vindicated his secular credentials:

Islamists are torn between their basic convictions in espousal of Islamic legislation and a compelling reality militating for evolution: the weight of modernity, of international normativity – to take some examples. They resist such a reality, most apparent in positive law. Hence, they shield themselves through ambivalence. Their discourse depends on the circumstance, on the surrounding environs. It is a circumstantial party... They are entangled in their incongruities. Islamists are bewildered. They wish to mimic the Prophet's model of Medina. Nevertheless, they are confronted with facts which defy such a vision: women liberal swimsuits [bikini] and alcohol consumption. Tunisians have a strong faith but dislike inhibitions.<sup>233</sup>

So, in an over-simplification of facts, the problem is pushed onto Islamists, which are far from being Tunisian.

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<sup>232</sup> Reuters Online 2011, "La Gauche Tunisienne Juge que les Islamistes Menacent la Laïcité", *L'express*, 15 octobre, viewed 22 September 2017, <[https://www.lexpress.fr/actualites/2/monde/la-gauche-tunisienne-juge-que-les-islamistes-menacent-la-laicite\\_1041016.html](https://www.lexpress.fr/actualites/2/monde/la-gauche-tunisienne-juge-que-les-islamistes-menacent-la-laicite_1041016.html)>.

<sup>233</sup> Yadh Ben Achour Personal Interview, June 11, 2017. Brackets added.

Ajmi Lourimi, an Ennahda figurehead, obviously approached the faultlines in a contrasting way: “Islamists care for Islam, whereas modernists are fearful of Islam. Secularists are mostly worried about personal ways of life and individual liberties. Those do not pertain to politics, citizenship, or religious rights. Theirs are fears not to be able to buy alcohol from nearby, to be unfree in dressing ways.”<sup>234</sup> True, as stated by Lourimi, the secular liberals want to preserve their own free behaviour. However, the apprehensions go deeper and do actually concern ways of doing politics and organisation of the state. Indeed, Lourimi himself admitted the problem’s political import when he stressed the urge for a “new political culture” hospitable to Islamic presence in the public realm, notably assuring the “Ennahda’s democratic credentials.” For him, exclusion is purely secularist:

Who dominates? The secularists [i.e. especially through media and the deep state]. It is opponents of the ecclesiastical who wish to discard religion...We demand a civil state, predicated on institutional rules and an independent justice. Representation must hinge upon electoral results. We support political alternation, respect of minorities’ rights and tolerance of the other... Do these principles pertain only to the secular? No, these are the values of all Tunisians, with which Islam is not at odds. Also, we should revive mosques and their pulpits, which must stay away from political feuds to serve only for worship. They do not belong to political parties.<sup>235</sup>

Just like Ben Achour, Lourimi thence came to recognise the faultlines opposing Tunisian Islamists and modernists about Islam’s role in governance and state affairs, even while each ostensibly promoting democracy in his own way. Governance supposedly involves both patterns and guidelines for a given sociopolitical order, but also epistemological dimensions entwining belief and conduct.

This section has demonstrated that the secular-Islamist divide runs deep in elite disagreements over normative fundamentals. Nowhere is the lingering division more evident than in the controversies around gender inheritance parity. The 2018 presidential bill aimed at instituting equality in male-female inheritance revived antagonism along the secular-Islamist divide, proof of the insufficiency of the constitutional arrangements to cement consensus on normative essentials in Tunisia.

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<sup>234</sup> Ajmi Lourimi Personal Interview, June 13, 2017. Brackets added.

<sup>235</sup> Ibid.



## 2.4 Inheritance Laws: A Reaffirmation of Secular-Islamist Binaries

On National Women's Day (August 13, 2017), then President Beji Caïd Essebsi established the Commission on Individual Liberties and Equality (COLIBE) to identify necessary reforms for attuning existing legal codes to the 2014 Constitution and international conventions. Referring to COLIBE's 2018 Report recommendation on equal inheritance, Essebsi pledged to submit a bill to Parliament abrogating legislation allotting men double women entitlements. The proposal was soon rejected by Ennahda - Essebsi's primary political rival and hitherto temporary ally – for its avowed clash with peremptory Quran and Sunna edicts.

The ensuing debate quickly degenerated into another divisive 'culture war', polarising Tunisia over very disparate perceptions of the projected equal inheritance rights, ranging from an "Islamic law violation" (Islamists) to "revolutionarity" (the secularly liberals). This debate highlighted the vulnerability of the constitutional settlements and protracted nature of ideological disputes. Indeed, this is an important example of the tension between two constitutional principles. The first principle is the affirmation of Islam as the religion of the state and the need to protect the teachings of the Quran and Sunna, some of which run against gender equality. The second principle is the commitment to a civil state eliminating all types of discrimination, including those based on gender. This is consistent with the constitutional spirit of citizenship, but nevertheless challenges the Islam-inspired family law code.

It is the 1956 Personal Status Code (PSC) which manages the current inheritance laws. Being a promoter of women's rights, founding father Bourguiba was this 'progressive' code's architect, which notably outlawed polygamy and ended men's exclusive right to divorce. Despite his daring steps, however, Bourguiba was reluctant to pursue the fight over inheritance. The code instead incorporated Islamic scriptures virtually unabridged, which besides pinpointing the specific beneficiaries, determined everyone's exact shares, following the canonical precept to limit women's share to half of men. Still in conformity with Sharia, Tunisians were also discouraged from writing a will allocating their inheritance equally, except for one-third of the total, which still excludes judicially specified beneficiaries (immediate inheritors) unless with other heirs' consent. At present, citizens wishing to divide their endowments evenly, away from inheritance regulations, need to make transfers prior to death.

In rejecting the bill, Ennahda insisted on Quranic clarity on the matter: “for the male, the share of two females.”<sup>236</sup> Prominent imams and clerics also vehemently criticised the proposal as a “flagrant violation of Islam’s precepts.”<sup>237</sup> While Ennahda’s leadership had managed to come up with religious rationales for prior concessions, it found inheritance reform theologically untenable and extremely difficult to absorb by its base, especially given that prior women-friendly laws were meant to be in tune with Islam according to Tunisia’s version of Islamic reasoning. What further emboldened Ennahda is that a wide spectrum wished to preserve the *status quo ante*. A 2017 International Republican Institute survey highlighted that 63%, including 52% of women, opposed equal inheritance.<sup>238</sup>

In defending the bill, President Essebsi expressed his commitment to fight gender-based discrimination, declaring the existing practice in contravention of Tunisia’s 2014 Constitution, which enshrines parity between men and women, while giving international treaties on gender priority over domestic law. However, given that Tunisia retained a few of its reservations regarding some provisions of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), after removing some following the revolution, it cannot revamp national legislation to be in tune with the new Constitution’s citizen equality tenet<sup>239</sup> or international conventions until a parliamentary consensus is reached. Moreover, despite not stating Sharia explicitly as one source of legislation, the constitutional statement about Islam as the state religion is an appeal to it, especially given that the PSC is unanimously considered Islamic law-friendly. Consequently, courts of law – particularly the Constitutional Court – will need to adjudicate by translating the constitutional spirit into decision that resolves disputes. Until then, the battle remains exclusively political and ideological. This conundrum confirms the intricacies of normative conflict within a polity and wider society where the status of women pervades broader conflicts over Islam’s role in the post-authoritarian polity. These divisions indicate Tunisia’s identity-crisis vis-à-vis the role of Islam in state apparatuses and everyday life. Gender inheritance laws are only one clear example.

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<sup>236</sup> Chapter 4, Verse 11.

<sup>237</sup> Webmanager Center 2019, “Les Imams Tunisiens Montent au Créneau pour Barrer la Route du Projet de L’Egalite dans L’héritage”, 7 January, viewed 8 September, <<https://www.webmanagercenter.com/2019/01/07/429415/les-imams-tunisiens-montent-au-creneau-pour-barrer-la-route-du-projet-de-legalite-dans-lheritage/>>.

<sup>238</sup> Middle East Monitor 2018, “Tunisia Cabinet Approves Equal Inheritance Law”, *Middle East Monitor*, 26 November, viewed 18 September 2019, <<https://www.middleeastmonitor.com/20181126-tunisia-cabinet-approves-equal-inheritance-law/>>.

<sup>239</sup> Tunisia’s remaining reservations to CEDAW, <<https://treaties.un.org/doc/Publication/CN/2014/CN.220.2014-Eng.pdf>>.

## 2.5 Conclusion

To avoid stalemate, it was stipulated ahead of constitutional debates in Tunisia that, unless the Constitution is passed with a two-thirds majority, it would be submitted to a public plebiscite. There was an overall political accord on the salience of avoiding this probability to prevent a sharper societal polarisation within an explosive atmosphere. The result was a fragile settlement, vulnerable to conflictual interpretations. According to MP Rym Mahjoub, the Constitution was intentionally left ambiguous on certain points to “be acceptable to a plenary body” composed of “competing political and religious” factions.<sup>240</sup> Consequently, much has been left to the implementation phase, allowing considerable room for potential backdoor politics. Since constitutions are not stand-alone documents, they represent just a key step in a large and complex political process. Their success depends in large part on elites’ willingness and ability to work together for a societal consensus, allowing constitutional principles to efficiently address the divisive issues and longstanding grievances.

Constitutional debates were not between two extremes: advocates of an Islamic state versus advocates of the total uprooting of Islam. That Tunisia is a majority Muslim society was a given, for even secularists acquiesced on the country’s Islamically-predominant character. What caused discord was whether Tunisia’s Islamic brand guarantees enough rights and liberties for all and, if so, how to ensure the match between certain incommensurables. Therein is the whole challenge, the ensuing bewilderments and the subsequent controversies. Indeed, “A number of its provisions were considered irreconcilable, contradictory, or indeed schizophrenic.”<sup>241</sup> Some, like Guellali from HRW, predict that the ambivalences will have “grave consequences for the country.”<sup>242</sup> The great risk is that “The vagueness of certain provisions would allow lawyers, judges and politicians to interpret [them] however they see fit.”<sup>243</sup> Indeed, the monumental challenge confronting any constitutional endeavour lies in the interpretation and implementation exercises, when key provisions are then untangled and decrypted. Decisionmakers won’t often be constrained by the two-thirds majority consensus that prevailed upon the new Constitution’s adoption in the NCA, as most legislations require a simple majority to pass a parliamentary vote. The standstill regarding the long due Constitutional Court’s establishment is a testimony to the apprehension of politicians about having certain bills deemed unconstitutional, as well as fears that potential conflicts that may arise out of the disparate readings of those constitutional ambiguities will create political havoc.

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<sup>240</sup> Quoted in CMI Report 2016, “The Women’s Rights Champion. Tunisia’s Potential for Furthering Women’s Rights”, *CMI - Chr. Michelsen Institute*, viewed 9 September 2017, <<https://www.cmi.no/publications/5973-the-womens-rights-champion>>.

<sup>241</sup> Mersch 2014, Tunisia’s Compromise Constitution.

<sup>242</sup> Guellali 2014, The Problem with Tunisia’s New Constitution, p.1

<sup>243</sup> Ibid.

The elites are to be credited for their compromising efforts to create a consensual constitutional document and coalitional engagements that kept the country governable and 'democratisable', an endeavour unique to Tunisia within MENA politics. However, I have demonstrated in this chapter that the constitutional ambiguities and contradictions make it an unfinished journey to normative consensus. This validates and firmly entrenches, through triangulation of both quantitative and qualitative studies, my premise of a Tunisia that has failed to converge on fundamentals at both demos and elite levels, with the main divisions lying in Islam's place in governance. Absent a firmer concord on these normative basics, rifts will always resurface, even if they were temporarily resolved within the constitutional text. Indeed, as the convergence school of transition and the Rawlsian "overlapping consensus" tell us, the grounding of democracy lies deeper than procedural understandings: it ultimately rests on value and normative consensuses.

I have now demonstrated empirically at a mobilised public and elite levels that Tunisia suffers from a secular-Islamist divide that remains largely inconclusive despite the settlements reached to keep the democratic experience alive and the textual compromises forged to help pass the Constitution. Given the importance of the fundamental normative issues examined in this chapter for the whole thesis, I will expand on them in the next chapter to pave the way for a discussion of the repercussions of ideological polarisation on Tunisian democracy in Part II.

## Chapter 3

### Islam as a ‘Public Problem’ in Postrevolutionary Tunisia

In the previous two chapters, I demonstrated how the secular-Islamist divide triggered revolutionary coalition fragmentation and created constitutional complexities and ambiguities. The final version of the Constitution, in particular, revealed deep conceptual divergences on state foundations and governance reference frames. Its ‘constructive ambiguity’ left unresolved two apparent contradictions. First, the state declared Islam as its official religion, even while vesting itself with a civil or non-theocratic character. Second, its guardianship of religion collided with its concomitant pledge to safeguard rights and freedoms, particularly freedom of conscience. These tensions, I argued, reveal the protracted and complicated nature of sociopolitical rifts and doctrinal-normative dilemmas concerning the relationship between Islam and the state. In this chapter, I argue that these tensions concerning Islam as a ‘public problem’ reveal an identity crisis in Tunisia.

In outlining this ‘public problem’ of Islam and its salience for a national identity crisis, this chapter will unpack the rift between contradictory worldviews and societal models encapsulated by two comprehensive doctrines – post-Islamism and neo-modernism – whose proponents battle to capture the spirit of present-day Tunisia. The former vision advocates an enhanced role for Islam in public institutions, and the latter insists on diminishing that role. Each vision entails considerable implications for rights and liberties, hence the obvious ramifications for democracy. I will show that the postcolonial authoritarian state’s coerced uniformity triggered challenging counter-narratives; generating both conflicting influences on public collective consciousness, and rendering problematic Tunisian people’s ways of self-identification. This identitarian bewilderment complicated the postrevolutionary national reimagining and constitutional enterprises.

The newly established democracy has meant that no account of Tunisia’s soul and spirit will henceforth be unilateral and that any contemplation of its past, present and future will now have to compete with rival worldviews. This liberalised debate about national identity is necessary to converge on a given societal model that can support national consolidation. I will argue that only then can Tunisia entrench its achieved democratic acquis.

Meanwhile, both doctrines continue to face their own internal dilemmas in reconciling their visions of Islam in governance with political rights and liberties. Post-Islamists have to care for the less religious, whereas the neo-modernists must contend with the more pious. And, as Islam's establishment in the Constitution is now agreed upon, the main divide concerns whether its presence should be expanded or restrained within the public sphere. This elusive meta-consensus makes Tunisian democracy vulnerable.

This chapter will proceed as follows. First, I will discuss the issue of identity politics from a Discourse Historical Approach, a theoretical framework that decodes the two contrasting secular and Islamist discourses/grand narratives through juxtaposition. This will reveal how each comprehensive doctrine views the main dividing issues and their problems. This discursive approach will also help to avoid normative bias by placing the two comprehensive doctrines on an equal footing in terms of legitimacy within the ideological contest. Emphasis will be on each doctrine's political elites, rather than civil society representatives, due to the direct and influential impact these leading groups' discourses have on actual stances and policies.

I will then outline the postindependence conceptions of nationhood imposed during the Bourguiba and Ben Ali eras, which created a sense of identitarian bewilderment that the postrevolutionary liberalised public space has brought to light. It is these state narratives on sensitive and highly divisive issues, I will contend, that has compounded the national reimagining endeavour. The discursive juxtaposition will reveal the intractable nature of the ideological dichotomies, but also each discourse's inner weaknesses and the challenges it has in envisioning viable democratic options. Importantly, this discussion will reveal how difficult it is for Islamists and modernists to achieve consensus on fundamentals and the problems this poses for democratic consolidation. In keeping with Rawls, the premise is that concord on normative principles among different comprehensive doctrines ought to underlie political institutions for the national identity crisis to be resolved and for democracy to be consolidated.

### 3.1 Identity from Discourse Historical Approach Lens

In highlighting an identity contest's dynamics, Michael Billig points out that: "different factions...always struggle for the power to speak for the nation, and to present their particular voice as the voice of the national whole."<sup>244</sup> Within that contest, the "crucial question...is how the national 'we' is constructed and what is meant by such construction."<sup>245</sup> Identity-articulation is therefore apprehended both as "a form of talking" and "a form of life,"<sup>246</sup> which is heavily imbued with ideology either when imposed or when generating conflicting intimations. This will be clear when identity politics in pre-revolutionary and post-authoritarian Tunisia are explored to show how discourse and counter-discourse wield power.

Ascertaining this connection between discourse and ideology, Van Dijk affirms that: "Ideologies are largely expressed and acquired by discourse."<sup>247</sup> In its articulation, ideology is intensely-polarising across inner-world and outer-world(s), projecting contrasting self-positive versus other-negative images.<sup>248</sup> By representing "ideological collectivities" or "communities of practice,"<sup>249</sup> ideologies are socially rather than individually-constructed. Kymlicka speaks of "societal cultures,"<sup>250</sup> or the repertoire of common historical narratives that any distinct group taps into for the purpose of self-fulfilment.<sup>251</sup> By delineating the good, this ideological framework vests proclivities with sense,<sup>252</sup> besides serving differentiation.

Chiefly, discourse is a lever in the struggle for "semiotic hegemony,"<sup>253</sup> involving lexical choices, interactive and interpretive norms, meaning-making rules, as well as action and preference modes.<sup>254</sup> The secular-Islamist binary is a rivalry for such "semiotic hegemony," or narrative predominance. This is a Gramscian-like combat for cultural and political hegemony opposing two universalisms. This open contest for predominance revolves around redefining 'Tunisianity', a hitherto "specific nationalist imagery,"<sup>255</sup> imposed as the supreme postindependence story, as we shall see when examining Bourguiba's modernist vision.

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<sup>244</sup> Billig, M 1995, *Banal Nationalism*, Sage Publications, London, p. 71.

<sup>245</sup> Ibid., p. 70.

<sup>246</sup> Ibid., p. 60.

<sup>247</sup> Van Dijk, TA 2006, "Ideology and Discourse Analysis", *Journal of Political Ideologies*, vol. 11, no. 2, pp. 115-140, pp. 121-122.

<sup>248</sup> Richardson, J 2017, *British Fascism: A Discourse-Historical Analysis*, Ibidem-Verlag, Stuttgart.

<sup>249</sup> Ibid., p. 120.

<sup>250</sup> Kymlicka, W 1995, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, Clarendon Press, Oxford, pp. 76-80.

<sup>251</sup> Ibid.

<sup>252</sup> Ibid, p. 83.

<sup>253</sup> Wodak, R 2012, "Language, Power and Identity", *Language Teaching*, vol. 45, no. 2, pp. 215-233, p. 217.

<sup>254</sup> Ibid.

<sup>255</sup> Davis, E 2005, *Memories of State: Politics, History, and Collective Identity in Modern Iraq*, University of California Press, Berkeley, p. 2.

Normative and lexical control of the historically developed 'macro-structures' yields discursive power, evident in Tunisia's state-sanctioned anti-Islamism throughout its period of authoritarianism. In denying the legitimacy of competing worldviews, hegemony involves linking legitimate knowledge and power through the dissemination of a state ideology.

Blommaert further deconstructs ideological discourses as "structured semiotic practices in which intellectuals attack the ideas of their opponents and mould their own argumentation and lexicon into both a useful political weapon and an emblem of their class identity."<sup>256</sup> The discursive power in identity politics thus entails "a highly peculiar use"<sup>257</sup> of the self-representational matrix. Its main features are:

description of two camps as belonging to two distinct discourse worlds 'us and them'; b) the 'us' party is portrayed as epistemically superior to 'they' party who is presented as morally and epistemologically deviant; c) the 'they' party is described as 'situated in the here-and-now'; the 'we' party is portrayed "as absolute and timeless," in a "here-always" chronotope'. Finally, it is a discourse which politicises the attitudes and behaviour of the other by presenting them as a threat to such universal values. The resultant effect of this discourse is to represent the reaction of the 'us party' as being undertaken on "simple factual, rational observation."<sup>258</sup>

As we shall see when decoding both discourses, most secular rhetoric in Tunisia denounces Islamism as a threat to '*Tunisianity*'/modernity, whereas Islamism in general portrays the secular as alien to the country's centuries-old Arabo-Islamic cultural foundations.

In the specific MENA context, Blommaert's diagnosis is supported by Bryan Wilson, who notes a twofold dynamic through which identity and politics entwine and dialectically-interact.<sup>259</sup> First, a communal feeling induces power-generative self-differentiation towards disparate communities and/or the state. Second, identities are the predilection of states, having traditionally been manipulated via repression and/or co-optation to justify a given domestic order. In Tunisia, and in other MENA countries, concocted identities are politically consequential because they are validated via their institutional-embedding, which is then instrumentalised to invalidate opponents. It is in this way that an identity crisis is generated.

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<sup>256</sup> Blommaert, J 1997, "Intellectuals and Ideological Leadership in Ujamaa Tanzania", *African Languages and Cultures*, vol. 10, no. 2, pp. 129-144, p. 135.

<sup>257</sup> Blommaert, J 2016, *Identity Politics as Identity Without Politics*, viewed 1 April 2018, <[https://www.academia.edu/28814259/Identity\\_politics\\_as\\_identity\\_without\\_politics](https://www.academia.edu/28814259/Identity_politics_as_identity_without_politics)>.

<sup>258</sup> Ibid., p. 3.

<sup>259</sup> Wilson, B 1982, "Religion in Sociological Perspective", Oxford University Press, Oxford.



In keeping with Billig, Van Dijk, Blommaert and Wilson, this chapter's Discourse Historical Approach conceives of a nation as a mental construct, "an imagined discrete community,"<sup>260</sup> whose re/production, perpetuation, justification, reshaping or debunking is tied to discourse.<sup>261</sup> As I will demonstrate through a close scrutiny of the two competing discourses and their evolution, re/production, perpetuation and justification were the overt norm and practice throughout authoritarian Tunisia. As for the postrevolutionary era, while there were considerable changes in discourses, this amounted to transformation rather than destruction. Indeed, the interpretation of Islam's public place changed somewhat in the 2014 Constitution, yet not radically, as it built in ambiguities that leave open different readings depending on the specific issue and circumstances. In this way, the constitutional settlements have not resolved the 'public problem' of Islam.

### 3.2 The Parameters of Secular-Islamist Discourse Analysis

While the bulk of scholarship on Tunisia has focused either on secularity or Islamism (especially the latter), these two comprehensive doctrines are best construed through a contrastive discourse/counter-discourse approach i.e. via juxtaposition. Besides helping to decode Tunisia's national identity *problématique*, this approach moves beyond the traditional and overwhelming focus on the compatibility of Islam and democracy. Indeed, this literature's modernity-secularisation-democracy nexus, often depicts political Islam as an antithesis to democracy. In so doing, it unilaterally declares secular liberalism as the only viable option for democratisation in the Arab world. To depart from this theoretical bias in tackling Tunisia's complex-politics, a paradigmatic binary deconstruction is needed, which will unravel uniformist approaches to democracy-building.

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<sup>260</sup> Anderson B 1991, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, Verso, London.

<sup>261</sup> Wodak, RE 2018, "Discourses about Nationalism", in J. Flowerdew & JE. Richardson (eds), *The Routledge Handbook of Critical Discourse Studies*, Routledge, Abingdon, pp. 403-420, p. 408.

Usefully, Mohamed Talbi places both doctrines on an equal footing in terms of their democratic/undemocratic potential, deeming “an intolerant secularism as destructive as an intolerant religion.”<sup>262</sup> This runs counter to Ilter Turan’s secularisation theory, which denounces religion’s uncompromising nature, stressing the need in a functional democracy to disentangle the political sphere from the theological.<sup>263</sup> Accepting this premise means that the involvement of Islamists will imperil a democratic transition.

Yet, as Michelle Angrist has pointed out, Ennahda has demonstrated throughout transition a remarkable commitment to democracy in its handling of several major crises.<sup>264</sup> The Tunisian case consequently refutes the argument that Islamists are inherently undemocratic, while unravelling the modernist’s sole claim to democratic credentials. This view is confirmed by Mark Lilla, who argues that secularism is a political theology in its own right arising out of centuries of confabulations within the Christian philosophical tradition, emphasising the need for each religious praxis to align its own interpretive endeavour with its ecclesiastical underpinnings.<sup>265</sup>

This is even more so in MENA countries where support for incorporating religion in politics is considered relatively more pronounced than elsewhere.<sup>266</sup> Accordingly, Arab countries can experience their own version of republicanism that is different from the French dyad republic/laïcité,<sup>267</sup> as stressed by the moderately-secular ex-President Moncef Marzouki (2012-2014). This echoes Lila’s notion of plural modernities, defying “monocivilizational narratives of ‘Western modernity’”<sup>268</sup> and their local adherents that seriously question Islamism’s modern credentials.<sup>269</sup> Indeed, democracy cannot travel unedited from its Western bastion to an Arabo-Islamic milieu. Rather, modernity has to be seen – in Wodak’s fashion – as a discourse of power, an assertive self-differentiation lever. That is how the concept was coercively instrumentalised throughout pre-revolutionary Tunisia to quell dissent, stigmatising Islamist movements as deviant and monolithic in rejecting the spirit of modernity.

<sup>262</sup> Talbi, M 2000, “Arabs and Democracy: a Record of Failure”, *Journal of Democracy*, vol. 11, no. 3, pp. 58-68.

<sup>263</sup> Turan, I 1984, “The Evolution of Political Culture in Turkey”, in A. Evin (eds), *Modern Turkey: Continuity and Change*, Schriften des Deutschen Orient-Instituts. VS Verlag für Sozialwissenschaften, Wiesbaden, pp. 84-112.

<sup>264</sup> Angrist, MP 2013, “Understanding the Success of Mass Civic Protest in Tunisia”, *The Middle East Journal*, vol. 67, no. 4, 2, pp. 547-564, p. 563.

<sup>265</sup> Lilla, M 2008, *The Stillborn God: Religion, Politics, and the Modern West*, Vintage, New York.

<sup>266</sup> Tessler, MA & Gao, E 2005, “Gauging Arab Support for Democracy”, *Journal of Democracy*, vol. 16, no. 3, pp. 83-97.

<sup>267</sup> Marzouki, M 2007, “L’Idée Républicaine dans le Monde Arabe – Réflexion d’un Acteur Politique”, in P. Baquiast, & E. Dupuy (ed.), *L’idée Républicaine dans le Monde, XVIIIe/XXIe Siècles : Nouveau Monde, Afrique, Monde Musulman : La République Universelle*, Tome 2, Le Harmattan, Paris, pp. 129-139.

<sup>268</sup> Nilüfer, G 2000, “Snapshots of Islamic Modernities”, *Daedalus*, vol. 129, no. 1, pp. 91-117.

<sup>269</sup> AL-Azmeh, A 1993, *Islams and Modernities*, Verso, London and New York.

This compelled Ennahda to in turn defend its modern credentials, which distanced itself from Western patterns and attuned it to a Tunisian habitus and religious ethos.<sup>270</sup> As it claims, its commitment to democratic principles “since its founding”<sup>271</sup> ensured its conversion to a modern party promoting “natural vessels for dialogue and consultation”<sup>272</sup> in the transitional context.

This thesis embraces Habermas’s notion of a sovereign public will to defend “citizens’ free and equal deliberations on the laws that should govern their life together in the polity.”<sup>273</sup> Inclusive deliberative processes are paramount for building consensus on the normative foundations of the democratic system and its rules of the political game. Drawing on Habermas, I claim that attempts by competing actors or institutions to unilaterally impose a certain conception of the polity is detrimental to democratic consolidation. Concord on a set of political rules and institutional designs should instead be derived either through contestation and/or deliberation to form a public will. Further to Lila, legitimacy rests on public will because it translates the demos into the polity. Oliver Roy would agree as he does not see any obligation for postrevolutionary Arabs, including Tunisians, to stick to the secularity/liberalism mantra for them to qualify as democrats.<sup>274</sup> Indeed, Anne Wolf notes a scholarly haste in declaring Tunisia a modern and secular nation, incognisant of Islam’s weight.<sup>275</sup> Tunisian state identity has therefore to be reflective of its demos’ will and its characteristics. In what follows, a narrative deconstruction of the main discourses vying for legitimacy will reveal these distinguishing features.

Deconstruction will reveal two crucial factors in assessing the prospects for democratic consolidation in Tunisia and the wider MENA context: a) whether and how democratisation seriously addresses the controversial issues of national identity and belonging (national reimagining); and b) whether that yields sufficient accord on a given societal model (national consolidation). The national identity conundrum that democratising nations like Tunisia face emerges from the daunting challenge of reconciling multiple imaginings of nationhood: pan-Islamism, pan-Arabism and ‘Mediterraneanism’ (overlapping Eastern-Western influences immanent in a Mediterranean space of belonging). For some MENA countries territorial nationalism is also relevant, involving an ambition for geographical unity after colonial partitioning, which affected their contemporary articulations of nationhood/statehood following the demise of both the Ottoman and European empires.

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<sup>270</sup> Chomiak, L 2011, “The Making of a Revolution in Tunisia”, *Middle East Law and Governance*, vol. 3, no. 1-2, pp. 68–83.

<sup>271</sup> Ennahda Statement, 06.06.2014.

<sup>272</sup> Concluding Statement of the 9<sup>th</sup> Ennahda Party Conference, 16.07.2012.

<sup>273</sup> Thomassen, L 2008, *Deconstructing Habermas*, Routledge, New York, p. 44.

<sup>274</sup> Roy, O 2012, “The Transformation of the Arab World”, *Journal of Democracy*, vo. 23, no. 3, pp. 5–18.

<sup>275</sup> Wolf, A 2013, “An Islamist ‘Renaissance’? Religion and Politics in Post-revolutionary Tunisia”, *The Journal of North African Studies*, vol. 18, no. 4, pp. 560–573.

While not the sole determinant of democratisation in an Arab-Muslim country, a coherent national identity is fundamental to securing its normative foundations. Accordingly, I will argue here and throughout my thesis that unless Tunisia engages in thorough national reimagining and consolidation, it cannot immunise its nascent democracy from backsliding. A non-existent or weak collective narrative will lack legitimacy and open itself to oppositional forces that seek to undermine democracy and the state system on which it is predicated. Without a unifying national identity, the state is also tempted to oppress dissenting forces that represent a large part of the population. Hence Tunisia needs broad societal agreement on normative fundamentals to entrench its thus far vulnerable democratic polity.

In framing and deconstructing the debate on national identity in democratising Tunisia, three areas are explored: (1) national reimagining; (2) legal and institutional reforms to the state; (3) and the adaptation of pluralism to demands for national cohesion. *National reimagining* is the newly gained chance to readdress past traumas and censored events. Re-narrativization and redressing past grievances via transitional justice could have healed the mutual distrust, hostility and suspicions among belligerents that affect the survival of Tunisian democracy. Yet, as will be demonstrated below and in Chapter 6, that process's intense polemics prevented national reconciliation and consolidation.

Reimagination initiates *legal and institutional reforms* to accommodate new or rediscovered nationhood, whether via symbolic acts like constitutional preambles,<sup>276</sup> or more tangible reforms like the setting-up of a supreme legal body to guarantee the constitutionality of legislative acts and counter threats to individual liberties. Even though it has been narrowed, the divisiveness over Islam's place in state institutions is enduring given the Constitution's ambiguities, while partisan bickering hampers the creation of the Constitutional Court, enmeshed as it is in ideological polarisation.

National reimagining is further cemented when *pluralism is safeguarded*. Since democracy is an "ethos of pluralisation,"<sup>277</sup> to repeat William Connolly, different conceptions of the good can coexist peacefully or ideally fuse into a Rawlsian "overlapping consensus."<sup>278</sup> Once an agreement on a societal model emerges, ideological variances cease threatening the democratic systems and instead become part of substantive politics and actual policy-making.

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<sup>276</sup> Zubrzycki, G 2006, *The Crosses of Auschwitz: Nationalism and Religion in Post-Communist Poland*, University of Chicago Press, Chicago.

<sup>277</sup> Connolly, WE 1995, *The Ethos of Pluralization*, University of Minnesota Press, Minneapolis, MN.

<sup>278</sup> Rawls, J 1987, "The Idea of an Overlapping Consensus", *Oxford Journal of Legal Studies*, vol. 7, no. 1, pp. 1–25.

Tunisia falls short of national consolidation due to intractable cleavages over that very societal model and mismanagement of pluralism's demands. Indeed, Tunisia's major challenge is to develop a broadened and pluralistic nationhood that reflects diverse religious orientations and understandings of liberty. Equally sanctioned by Islamists and modernists, the civil state principle, that might have encapsulated this, instead conceals *de facto* antithetical stances regarding governance. Its semantic ambiguity frees actors from the duty of clarity, be it for a secular or Islamic-tuned state. A long history of postcolonial identitarian shifts is behind such a deep-seated predicament.

### **3.3 Tunisia's Identity Shifts**

Tunisia has undergone three major identity shifts in half a century, exposing it to diverse societal models and competing views that have given Tunisians a sense of identitarian bewilderment. The first arrived with independence from France in 1956, the second upon Ben Ali's 'constitutional coup' in 1987, and the third during the current postrevolutionary era. It is those sociopolitical upheavals, examined below, which engendered a problem of identity that is still unresolved and prevents national consolidation, a fundamental handicap to democratic entrenchment.

#### *Bourguibist Modernism*

Even though French colonialism was generally characterised by a heavy dose of cultural imperialism, France never really attempted to sociologically transform Tunisia, for its main emphasis was on Algeria. And, while France established a full colonial administration in Tunisia, it left to Tunisians the freedom to regulate their own judicial affairs, which kept traditional Islamic education largely untouched. When freed from French occupation, however, Tunisia underwent its first identity shift and perhaps the most significant. The reimagining exercise started when the first President Habib Bourguiba (1957-1987) introduced the notion that Tunisians were progenitors of a cultural-civilizational mixture of Eastern-Western influences, rather than the mere product of a Levantine monoculture.

Bourguiba aimed to turn Tunisians away from a predominantly Arabo-Muslim cultural sphere, shunning pan-Arabist/pan-Islamist trends in order to cultivate a modern and purely 'Tunisian' state. Wary of antagonising a large part of the population, he did not seek to eradicate Islam but instead draped himself in the garb of a religious reformer, ascribing the Islamic world's decline to "rejection of reason, a shortage of ingenuity, unwillingness to challenge bad rulers, degenerate clergy, orthodox scholars and Sufi orders, which restricted ratiocination, culminating in Islam's decay."<sup>279</sup> "Our concern," he said in 1959, "is to revitalise religion."<sup>280</sup> This was an astute discrediting of strict abidance by Islamic credos and praxis in favour of a socially-liberal agenda, a logic used for example to criticize the hijab as a "face-hiding sinister shroud."<sup>281</sup> Early on in the liberation drive, Bourguiba grasped the political convenience of turning the people's Islamic fervour to his advantage, alert enough to intercept any other movement's turn to such religious sensitivities to nourish political dissent.

Bourguiba's cautiousness is attributable to two main factors. First, Islam and Arabism represented pivotal mobilising drives within the independence fight. Second, these very civilisational traits were the rallying cries of his staunch political rival Salah Ben Youssef in defying modernist agendas, triggering a conflict that placed Tunisia on the brink of civil war.<sup>282</sup> True, that battle ended in Bourguiba's favour, but it forced the Arabo-Islamic dimension into the Constitution to appease detractors and provide an identity for the nascent state. A feud with the Youssufi political wing, attached to the Arabo-Muslim identity, was indicative of "the secular-Islamist dichotomy that emerged in postindependence Tunisia."<sup>283</sup> The Tunisian Association of Bourguibist Thought and the Tunisian Association for the Youssufi Movement Defence represent these enduring political rifts in today's civil society.

For Hermassi, Tunisia's doctrinal cleavages, ensuing from the Bourguiba-Ben Youssef duel arose out of a clash of two opposites: a logic of "adjustment" and another of "resistance."<sup>284</sup> Bourguiba's doctrine entailed a "logic of adjustment" to Western culture. Conversely, the Youssufi movement constituted a fierce "logic of resistance" to that very logic:

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<sup>279</sup> Shahin, EE 1998, *Political Ascent: Political Movement in North Africa*, Westview Press, TX, pp. 35-36.

<sup>280</sup> Tessler, M 1980, "Political Change and Islamic Revival in Tunisia", *Maghreb Review*, vol. 5, no. 1, p. 11.

<sup>281</sup> Hamdi, MH 1998, *The Politicization of Islam: A Case Study of Tunisia*, Westview Press, Boulder, CO, p. 13.

<sup>282</sup> Perkins, K 2004, *A History of Modern Tunisia*, Cambridge University Press, Cambridge, p. 130.

<sup>283</sup> Perkins, K 2013, "Playing the Islamic Card: The Use and Abuse of Religion in Tunisian Politics", in N. Gana (ed.), *The Making of the Tunisian Revolution: Contexts, Architects, Prospects*, Edinburgh University Press, Edinburgh, pp. 60-61.

<sup>284</sup> Hermassi, A 1996, "The Political and the Religious in the Modern History of the Maghrib", in J. Ruedy (ed.), *Islamism and Secularism in North Africa*, St. Martin's Press, New York, pp. 87-99, p. 98.

Zaytouna mosque-students founded the Association for the Safeguard of the Koran [...] in 1970 to express their anguish over the diminishing Muslim identity of Tunisia and the parallel deterioration of moral standards, both of which they attributed to government's secularization and Westernization policies. Framing its message primarily in cultural and religious terms, the Association urged Tunisians to place Islam at the center of their personal lives as the essential first step towards overcoming these ills.<sup>285</sup>

Instigated by Yusefists, the "logic of resistance" in its embryonic form ushered in the formation in 1981 of the 'Islamic Tendency Movement', which was rebranded 'Ennahda' in 1989.

In its alertness to and recognition of Islam's weight, Bourguiba's "logic of adjustment" demarcated him from Mustafa Kemal, the Muslim world's most radical modernist. Unlike Atatürk, whom he revered, Bourguiba was careful to eschew a strictly secularist dogmatism that antagonises religious conservatives. His was a risk-averse pragmatism that would not arouse the people's Islamic sensitivities, but also would vest his programmes with stronger legitimacy.<sup>286</sup> This resulted in an ambivalent attitude toward Islam. Bromley points out the "draconian" streak of "Kemalist opposition to religious intrusion into public life," as "Kemalism was the exemplary instance of modernization against Islam," through a "militant secularization of the state."<sup>287</sup> In contrast, Bourguiba cared not to be taxed with iconoclasm or to make an enemy of Islamists, even though his softer modernisation programmes were similarly predicated on Islam's public marginalisation, especially by undermining traditional religious institutions and drying-up their financial repositories, "making them dependent on, and thus controlled by, the state."<sup>288</sup> Yet, the state-proffered Islam lacked real popular appeal. So, although he did overcome the religious establishment, Bourguiba failed to tap into Islamic ideas for political legitimacy. Meanwhile, his discourse considerably dampened religious fervour, as when discouraging fasting for productivity considerations. "During Ramadan," Bourguiba lamented, "work stops. At this moment when we are doing the impossible to increase production, how can we resign ourselves to seeing it almost slump to null?"<sup>289</sup>

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<sup>285</sup> Perkins 2014, *A History of Modern Tunisia*, p. 159.

<sup>286</sup> Shahin 1998, *Political Ascent*, p. 36.

<sup>287</sup> Davison, A 1998, *Secularism and Revivalism in Turkey: A Hermeneutic Reconsideration*, Yale University Press, London, p. 135.

<sup>288</sup> Masri, SM 2017, *Tunisia: An Arab Anomaly*, Columbia University Press, New York, p. 235.

<sup>289</sup> Ibid., p. 240.

Via similar rhetoric, he managed to “marginaliz[e] religion when he thought it could retard the pace of modernizing change.”<sup>290</sup> Yet, ultimately, Bourguiba’s zealous ‘progressivist’ agenda weakened but did not stifle religion.<sup>291</sup> Another notable difference with Ataturk is that in concretisation of his secular agenda, Bourguiba manipulated Islam to press for change and largescale reform while enhancing state control. Waltz has underlined how “Islam has been made subservient to a secular state and its role in society has been progressively circumscribed.”<sup>292</sup>

Bourguiba thus contrived the notion of ‘*Tunisianity*’, an ambiguous and multifocal patriotic narrative highlighting Tunisia’s particularities, its glorious history and unique ways of self-representation,<sup>293</sup> a deviation from which was labelled aberrant or ‘un-Tunisian’. Propagated throughout postindependence, this modernist, ‘progressivist’ narrative mainly emphasised the country’s belonging to a broader sphere transcending the Arab-Islamic environment, and opened it to Western influence and modernity’s achievements.

Bourguiba’s notion of ‘*Tunisianity*’ has shaped the state’s postcolonial identity. And, once instilled into the educational system, it conditioned the identity of the population. “[T]riumphant laicity”<sup>294</sup> earned him the reputation as MENA’s staunchest zealot of modernism.<sup>295</sup> Via this modernisation project, channelled through the *Tunisianity* identity, Bourguiba’s imposed political idiom has long served as a yardstick, measuring the legitimacy of ideological agendas by their compatibility with his own definition of the ‘right’ Tunisian national identity. As Laurence de Cock notes, “it is a tyranny of history and memory that was set up in Tunisia and the Bourguibist discourse offered a national mythology as a foundation of the collective memory,”<sup>296</sup> hence transforming into Tunisia’s “central myth.”<sup>297</sup>

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<sup>290</sup> Ibid., p. 224.

<sup>291</sup> Wolf, A 2017, *Political Islam in Tunisia: The History of Ennahda*, Oxford University Press, New York, pp. 26–27.

<sup>292</sup> Waltz, S 1986, “Islamist Appeal in Tunisia”, *Middle East Journal*, vol. 40, no. 4, pp. 652–670, p. 660.

<sup>293</sup> Zemni, S 2014, “The Extraordinary Politics of the Tunisian Revolution: The Process of Constitution Making”, *Mediterranean Politics*, vol. 20, no. 1, pp. 1–17.

<sup>294</sup> McCarthy 2014, *Re-thinking Secularism*, p. 734.

<sup>295</sup> Alexander, C 2010, *Tunisia: Stability and Reform in the Modern Maghreb*, Routledge, London.

<sup>296</sup> Pierrepont-de Cock, Le “Projet National Bourguibien et Réalités Tunisiennes”, in M. Camau & V. Geisser (ed.), *Bourguiba: La Trace et l’Héritage*, p. 35.

<sup>297</sup> Hibou, B 2011, *The Force of Obedience: The Political Economy of Repression in Tunisia*, Polity, Cambridge, UK, p. 213.



Once well entrenched, Bourguibist modernism proclaimed itself a unique shield from 'anti-modern', 'backward' and 'obscurantist' Islamists, cognisant that "religious discontent was [then still] too diffuse and disorganized to threaten [his] political position."<sup>298</sup> Paradoxically, whenever his modernist doctrine got entangled in conflict, Bourguiba, automatically but defensively indulged in demonstrating his regime's Islamic credentials. This emboldened Islamist dissent from beyond the religious establishment to demand the reassertion of Tunisia's Arabo-Islamic identity and rehabilitation of mosques. Conversely, in the 1970s the nascent Islamist movement engaged in highlighting its modern credentials, upholding a contemporary Islamic lifestyle and a brand of pluralist politics that is religious-based, akin to that propagated by the state. This ushered in a hermeneutic criss-crossing that juxtaposed Bourguibist-modernists and political Islamists.

Aimed at vanquishing age-old Islamic institutions and discarding a societal nemesis, Bourguiba's undermining of conventional Islam thus inadvertently unleashed those very oppositional forces wanting to safeguard Islamicity, unconvinced by his claims to uphold religion. Briefly tolerated in order to counter mounting leftist opposition, Islamists were soon castigated as fundamentalist to be bereft of moral legitimacy. The defamatory campaign against political Islam, launched under the guise of protecting '*Tunisianity*' from an 'un-Tunisian' retrograde Islamism, largely succeeded in delegitimising it in public minds.

The reimagining endeavour was coupled with imposed legal-institutional reforms. Coerced reforms especially affected jurisdiction (the dissolution of *sharia* law courts), education (the elimination of Islamic instruction), as well as women and family affairs (abolishing polygamy and banning the *hijab*, among others). But, contrary to a Western secularity linked with democracy, human rights and the rule of law, Bourguibist secularism was despotic and devoid of pluralism. It was characterised by state patronage, advancement of the parochial interests of ruling elites and the silencing of opponents. Elizabeth Hurd laments, "whereas secularism in the West led to the spread of democratic values, in the Muslim world it has been associated with dictatorship, the violation of human rights, the abrogation of civil liberties, and the disempowerment of civil society."<sup>299</sup>

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<sup>298</sup> Moore, CH 1965, *Tunisia since Independence: The Dynamics of One-Party Government*, University of California Press, Berkeley and Los Angeles, p. 61.

<sup>299</sup> Hurd E, 2001, "Toward a Comparative Analysis of Two Theopolitical Orders: Secularism and Political Islam in Historical Context", *American Political Science Association Annual Meeting Paper*, The Johns Hopkins University, September 2001, pp. 2-34, p. 7.

Secularism was imposed from above by a modernising state and Westernised elite, hence its serious and counterproductive identitarian repercussions. Unsurprisingly, this triggered a counter-reaction. As Esposito puts it, resistance grew out from the fact that “[T]he secularization of processes and institutions did not easily translate into the secularization of minds and culture. While a minority accepted and implemented a Western secular worldview, the majority of most Muslim populations did not internalize a secular outlook and values.”<sup>300</sup> Similarly, Leonard Binder perceives a late twentieth century decline in the acceptability of secularism as an ideological underpinning of political liberalisation in the Arab world.<sup>301</sup> Fred Halliday also notes a paradoxical situation in which opposition to modernising agendas grew more radical whenever the pace of change was fast, citing the role of education and urbanisation

In Tunisia as much as in Iran, support for the Islamist movements draws on educated young people, often ones with a degree of scientific education. Another was urbanization, where large numbers of people moved into cities, an environment where they are more easily organized and mobilized by opposition forces and where the tensions and problems of social change, including corruption and government inefficiency, are more evident.”<sup>302</sup>

Bourguiba could have encouraged political liberalisation and democracy to better sustain his ‘progressive’ vision. Yet, in monopolising political activity through his uniformist, exclusionist and repressive methods, and in extending state control over religious symbols,<sup>303</sup> he actually stifled pluralism. He blocked any significant democratic opening, especially one that could defy his sociopolitical vision, and triggered enormous identitarian confusion owing to the suppression of alternative narratives. His Western-inspired modernity lacked its most important components: safeguards for rights and liberties, multiple parties and alternation of power among them. For Ghannouchi, Bourguiba’s ‘disingenuousness’ actually made him “the most infamous pretender of modernity in Arab history.”<sup>304</sup> Similarly, Shahin wonders whether Bourguiba’s strategies stemmed from ideological bankruptcy and inauthenticity by dictating a secular development model for a newly-established political system, rather than envisaging a viable cultural synthesis conducive to successful indigenous reform.<sup>305</sup>

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<sup>300</sup> Monshipouri, M 1998, *Islamism, Secularism and Human Rights in the Middle East*, Rienner, Boulder, CO, p. 213.

<sup>301</sup> Binder, L 1998, *Islamic Liberalism: A Critique of Development Ideologies*, The University of Chicago Press, Chicago and London.

<sup>302</sup> Halliday, F 1990, “Tunisia’s Uncertain Future”, *Middle East Report*, no. 163, pp. 25-28, p. 27.

<sup>303</sup> McCarthy 2014, Re-thinking Secularism.

<sup>304</sup> Tamimi, A 2001, *Rachid Ghannouchi: A Democrat Within Islamism*, Oxford University Press, p. 119.

<sup>305</sup> Shahin, EE 2008, *Secularism Manipulating Islam: Politics and Religion in Tunisia*, viewed 28 March 2018, <[https://pdfs.semanticscholar.org/b3bb/1d0931be8e133fa26945eca6314f7a5d6f31.pdf?\\_ga=2.46097824.502039184.1555047034-1104771444.1555047034](https://pdfs.semanticscholar.org/b3bb/1d0931be8e133fa26945eca6314f7a5d6f31.pdf?_ga=2.46097824.502039184.1555047034-1104771444.1555047034)>.

The second identity shift occurred during the reign of the man who toppled Bourguiba: Zine El Abidine Ben Ali (1987-2011). By playing on religious chords to contain Islamist fury,<sup>306</sup> Ben Ali tamed his predecessor's state secularism without deviating substantially from it. His initial sense was to allow religion to be a part of national identity, or rather "a specific Arab-Islamic identity."<sup>307</sup> However, Ben Ali's attempts to undermine the Bourguibist postcolonial narrative failed to generate a viable alternative due to his conspicuous lack of intellectual sophistication and political inspiration. This also testified to the robustness of Bourguiba's meticulously cultivated legacy. Ben Ali thus perpetuated Bourguiba's vision, albeit one that was devoid of ideological zeal and with more repressive policies starting from the 1990s.

Ben Ali's early openings towards Islamists turned out to be a façade, since his softening of Islam's social repression was more than counterbalanced by its incremental political suppression once it rose in prominence in the 1989 parliamentary elections. His presidency began with an appeasement of Ennahda, flirting as he did with religious sentiments, but his symbolic gestures aimed at accommodation were short-lived. Oppression quickly became the defining characteristic of his regime, culminating in the outright banning of the Islamist party. Whereas Bourguibist modernism was programmatic, built around some Enlightenment yardsticks, Ben Ali's was tyrannical, using brutal means to control Islam and monitor religious practices, sensing no need for Islamic reinterpretations to legitimise policies, as violence and repression were enough to ensure subjugation. He thus engaged in a ruthless anti-Islamist 'hunt', targeting all autonomous Islamic drives to shield his regime from any potential threats. Via this second postcolonial identity shift, therefore, not only was secularism maintained as a state doctrine, but Islamism was categorically suppressed.

As we have seen, Bourguiba's legal-institutional reforms led – inter alia – to the eradication of Sharia courts and the closure of Zaytouna University (the Muslim world's oldest Islamic teaching institution). Ironically, this was done in the name of Islam, with reference to Qur'anic verses and Islamic jurisprudence. It was a coerced societal secularisation garbed in personalised Islamic appreciations. Building on these policies, yet without resorting to doctrinal justifications since Islamism was simply portrayed as a national security threat, Ben Ali went even further in attacking Islam's sociopolitical foundations and outward articulations.

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<sup>306</sup> Ghorbal, S 2012, *Orphelins de Bourguiba & Héritiers du Prophète*, Cérès Editions, Tunis.

<sup>307</sup> Le texte intégral du Pacte National 1988, *La Presse*, November 8, p. 4.

He mandated the closure of mosques outside prayer times, controlled the hiring of imams and the content of Friday sermons, while introducing a strict application of the ban on public veil-wearing. As the sole cultural response to the rise of Islamism, a radical leftist, Mohamed Charfi (imprisoned under Bourguiba for Marxist activism), was appointed as Education Minister to counter the purportedly accumulated power of 'fundamentalism' within the educational system. Boasting of his policies, which removed all professed anti-modernist articulations from textbooks and syllabi, Charfi once jubilantly declared: "I left not a single schoolbook untouched in conducting the most thorough separation of state and religion in the Muslim world."<sup>308</sup> He drastically modified theological studies and introduced heavy doses of Western philosophy and other non-Muslim works in the syllabus. With sarcastic flair, Charfi stressed that: "No one could be a fundamentalist if they read Spinoza, Freud and Voltaire."<sup>309</sup>

This eradicationist program notwithstanding, Ben Ali created an intellectual vacuum. He diminished the critical thinking of Tunisian society by overturning Bourguiba's modernist narrative and offering none instead, virtually stifling political life. When ousted, given the political and intellectual void he generated, Tunisians were in desperate search of a grounded identity. The revolution itself was a response to his despotic rule, which muted dissent, virtually 'killed' political life, and indulged in a plethora of state brutalities and appalling human rights abuses.

The above decoding of authoritarian styles of 'nationalising' particular religious practices and discourses is critical for deconstructing postrevolutionary identitarian debates. I will expand on those policies in the next chapter to show how an alleged Islamist threat had always curbed democratisation and continues to do so after the revolution. But briefly here, we can see that Bourguiba and Ben Ali's orientations intersect (despite some notable variances) in terms of national reimagining, legal-institutional reforms and suppression of pluralism. Both instrumentalised discursive power to impose their own not so dissimilar, concept of '*Tunisianity*' – albeit through slightly different styles of appropriating Islamic symbolism. Bourguiba considered Islam an abstract moral touchstone, valid only if construed in symbiosis with modernity, and was consequently stymied and downgraded.<sup>310</sup> His was, for Boulby, "an Islam stripped of its institutional basis, challenged in almost the totality of its tradition and deprived by the state of any autonomy in the classroom or even the mosque."<sup>311</sup>

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<sup>308</sup> Jonathan, CR 1995, "Tunisia's Serenity Comes at a Cost: Restricted Rights", *Washington Post*, 6 July, viewed 31 March 2018, <[https://www.washingtonpost.com/archive/politics/1995/07/06/tunisias-serenity-comes-at-a-cost-restricted-rights/f2036d85-9dea-45b7-9c9e-449204b83109/?noredirect=on&utm\\_term=.c2004d86d954](https://www.washingtonpost.com/archive/politics/1995/07/06/tunisias-serenity-comes-at-a-cost-restricted-rights/f2036d85-9dea-45b7-9c9e-449204b83109/?noredirect=on&utm_term=.c2004d86d954)>.

<sup>309</sup> Ibid.

<sup>310</sup> McCarthy 2014, *Rethinking Secularism*, p. 739.

<sup>311</sup> Boulby, M 1988, "The Islamic Challenge: Tunisia since Independence", *Third World Quarterly*, vol. 10, no. 2, pp. 590-614, p. 595.

His monopoly over Islam's essence and applicability subordinated its normative power to the service of the state, which eventually triggered a backlash, and were simply countered with the unsubstantiated and bewildering claim that Islamic values were actually upheld.<sup>312</sup> This politically expedient 'bricolage' further clouded national narratives, whether secular or theological, since those very Islamic credentials were the then nascent Islamist movement's authentically-claimed terrain.

The cryptic nature of Bourguiba's identity project was accentuated by Ben Ali in his objectification of Islam to feed a national imagery agenda, whereby Tunisia was officially, yet hollowly and artificially, vested with an 'Arabo-Islamic sense of identity'. Not unlike his mentor, he first uncontested Islamists' religious blueprint, but soon changed strategy once their electoral appeal became apparent, chiding them as 'extremists' who "instrumentalise mosques for political purposes," while "prejudicing Islam along the way."<sup>313</sup> He proclaimed that safeguarding Islam was the exclusive task of the state to the dismay of the more pious among the Tunisian public owing to his dubious religious credentials. Ennahda's alleged anti-regime activities were deliberately inflated, so as to create a perception that it was a national security threat. This served to unnerve a populace averse to violence who succumbed to the painted gravity of the looming danger.<sup>314</sup>

To justify their oppression and silencing of political opposition, the Bourguiba and Ben Ali regimes claimed to act in defence of 'Tunisian Islam', ironically depicted as pluralistic and tolerant. 'Neutrality' toward religion, as a political leitmotif of secularity, was totally ignored as religious institutions, emblems, and places of worship were nationalised. A specific *version* of Islam was taught in public schools; other religions were publicly discriminated against; and rights and freedoms were partly dependent on the upheld religious doctrine.<sup>315</sup> In so doing, they chastised 'alternative Islams' as deviant, forcing their own religious version into state institutions and national identity. Their 'hegemonic Islam' discarded divergent interpretations and practices, thereby marginalising Islamists of all stripes. Signs of piety, such as veiling, were viewed as hostile to the regime, tantamount to political resistance.

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<sup>312</sup> Ibid., p. 740.

<sup>313</sup> Ibid., p. 754.

<sup>314</sup> Ibid., p. 754.

<sup>315</sup> Cesari, J 2014, *The Awakening of Muslim Democracy. Religion, Modernity, and the State*, Cambridge University Press New York, pp. 3-18.

Yet, neither Bourguiba nor Ben Ali pursued an outright severing of Islam from the polity. Simply put, “Islam had to be subordinated to and controlled by state authorities.”<sup>316</sup> Controlling religious institutions and creating an official state Islam was but one pillar of this project. The other part was the Islamic movement’s systematic delegitimisation, stigmatisation and dismantlement. Its strategy of incremental assertion was met with an increasingly repressive state machinery. So, while both regimes liked to portray themselves as secular, domestically and internationally, they did not meet secular criteria.<sup>317</sup> Hermassi argues that Tunisia is the sole Arab model of “modernist elites deliberately attack[ing] the institutions of Islam and dismantl[ing] its infrastructure in the name of systematic reform of the social and cultural order.”<sup>318</sup> Curiously, they did so by imposing their own interpretations of Islam’s place in politics, rather than unreservedly fracturing the link between religion and the polity. McCarthy emphasises that, in fact, Tunisian secularity never followed a clear-cut state-Islam binary logic, but instead aimed at state intervention into religious affairs and the instrumentalisation of Islam’s symbolism in a self-serving way.<sup>319</sup> Sharing this view, Agrama holds that instead of separation, state policies favoured an amalgam.<sup>320</sup> Islam was therefore politicised and branded by the state, heralding a counterbalancing Islamist reaction. Yet, although the manipulation of religion by the ruling elites did not succeed in halting a vigorous tide of Islamic revival, they undoubtedly induced a range of collateral moral and practical problems and dilemmas that amounted to identitarian bewilderment.

So, upon Ben Ali’s departure in 2011, the scene by then brimmed with intensely-disputed and passionate mixture of ideological and ecclesiastical articulations, flowing from a striking antinomy between state, Islamism and the wider society’s conflicting narratives and appreciations “of political, religious and social freedoms, and on the extent to which Islam should shape policy.”<sup>321</sup> Upon regime change, the relationship between Islam and the state was up for renegotiation. After studying Tunisia’s political transition, Laiq noted the acute normative contest under play, concluding that “transitions to democracy are defined not by political structures alone, but also by the continuing re/negotiation of each nation’s history, culture, politics, and identity, which in turn create a grammar of political action.”<sup>322</sup>

<sup>316</sup> Donker, TH & Netterstrøm, KL 2017, “The Tunisian Revolution and Governance of Religion”, *Middle East Critique*, vol. 26, no. 2, pp. 137–157, p. 142.

<sup>317</sup> Pfeifer, H 2017, “Islamisten und die Politik des Säkularismus in Ägypten und Tunesien. Autokratische Stabilität und das demokratische Moment der a-säkularen Arabellion”, *Leviathan*, vol. 45, no. 31, pp. 193–217.

<sup>318</sup> Hermassi, E 1984, “La Société Tunisienne au Miroir Islamiste,” *Maghreb-Machrek*, no. 103, pp. 39–56, p.40.

<sup>319</sup> McCarthy 2014, *Rethinking Secularism*, p. 734.

<sup>320</sup> Agrama, HA 2010, “Secularism, Sovereignty, Indeterminacy: is Egypt a Secular or a Religious State?”, *Comparative Studies in Society and History*, vol. 52, no. 3, pp. 495–523.

<sup>321</sup> *Ibid.*, p. 745.

<sup>322</sup> Laiq, N 2013, *Talking to Arab Youth: Revolution and Counterrevolution in Egypt and Tunisia*, viewed 3 April 2018, < [https://www.ipinst.org/wp-content/uploads/.../ipi\\_epub\\_talking\\_to\\_arab\\_youth.pdf](https://www.ipinst.org/wp-content/uploads/.../ipi_epub_talking_to_arab_youth.pdf) >, p. 80.

The renegotiation in Tunisia involved two main possibilities: a preservation of the *status quo*, wherein Islam's role was more symbolic than real in the public/political realm (defended by modernists/Bourguibists), or the expansion of religion's influence in political affairs (as advocated by Islamists). These divergent discourses interact and compete in a still indeterminate contest for a reconciled national identity.

### **3.4 The Postrevolutionary Identitarian Conflict**

At its core, the social movement against authoritarianism was symptomatic of a political legitimacy crisis that the revolution came to redress. Nevertheless, the democratic ideal inhabiting new Tunisia could not fill the identity vacuum left by Ben Ali, hence the pressing impulse to simultaneously address the issue of national belonging never before grappled with at a societal level. Within the revolutionary climate of newfound liberties, a bottom-up endeavour of identity (re)construction replaced the pre-transition top-down processes. Ben Ali's discredited legacies and the undermining of his predecessor's uniform narratives thus unwound ideological hegemony but also unleashed a Pandora's Box by laying bare hitherto muted and conflicting ideas of national self-representation.

Once the established narrative that pervaded the state was defoundationalised, other political subjectivities swiftly gained legitimacy and momentum. Animated by claims to 'historic truth', the previously oppressed and dormant Islamist doctrine was henceforth entitled to pronounce on national identity. As a politico-cultural movement, Islamism had actually the most to gain from democratisation, in terms of new opportunities for electoral and party participation, relaxation of restrictions on religious practice and the liberalisation of discourse away from state-sanctioned and uniformist rhetoric. For its opponents, Ennahda's victory in the 2011-elections did not constitute a simple electoral defeat but a threat to their thus far dominant, postcolonial secular-modernist narrative.

Since 2011, the identity question has thus permeated public space, dominating discussion in media, social networks, and parliament.<sup>323</sup> At the centre of this long-suppressed discussion was the enduring question of whether the country's predominant attributes are more 'Tunisian' or Islamic. It opposed the nostalgics of the Bourguibist legacy and the modernist societal project belying it with those keen to see the uniformist history rewritten via stronger Islamic norms. The primary contest thus pitted secularism against Islamism, the two pre-/post-revolutionary grand narratives and rival doctrines. While the secularist ethos prevailed throughout dictatorship, Islamist approaches to nationhood remained robust even while they hibernated, and quickly gained sway after the revolution to vie for supremacy. In partaking in discourses of national identity, the (re)emergence of Islamism obviously intensified ideological polarisation.

At the core of this contest was Bourguiba's concept of '*Tunisianity*'. The liberalisation of public space, which ushered in a rediscovered multi-dimensional discourse of collective consciousness, induced questioning of that long-held narrative of uniform *Tunisianity*, primarily from an Islamist perspective. It aimed to increase the weight of religion in shaping the new state, even while remaining vague on how to concretise that abstract vision. On the other side, neo-modernists sense no need for the redefinition of *Tunisianity*. According to them, the sociological fact of Islam as the country's predominant religion is not necessarily translatable into a more pronounced presence in the polity. The ensuing polarisation has become "the essential fact of politics in Tunisia."<sup>324</sup> Meanwhile, radical Islamist groups affiliated to ISIS/Al Qaeda have exploited this angst to promote their own societal project. Many Tunisian youth have been attracted to these ideologies, attesting to the existence of a painful identity problem many attribute to the void created by Ben Ali's oppression of Islamism.

A free but conflictual debate over ideologically and historically divisive issues thus emerged, arousing postrevolutionary strains typical of a task of reimagining the nation and state. Within scholarly debate, democratic transitions are indeed prone to consequential national reconstruction. Amid political upheavals, a nation's collective memory reservoir induces re-narrativization and redefinition of its founding story, akin to a "narrative shock."<sup>325</sup>

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<sup>323</sup> Perez, D 2016, "Mythes Fondateurs et Fabrique du Politique dans l'Hémicycle", in A. Gana & AG. Van Hamme (eds), *Elections et Territoires en Tunisie : Enseignements des Scrutins Post-révolution (2011-2014)*, Karthala, Paris.

<sup>324</sup> Steinvorth, D 2012, "Islamist vs. Secularists: The Post-Revolution Struggle for the Arab Soul", *Spiegel Online*, 4 December, viewed 1 April 2018, <<http://www.spiegel.de/international/world/islamists-and-secular-society-battle-for-freedoms-after-arab-spring-a-870652.html>>.

<sup>325</sup> Zubrzycki G 2013, "Narrative Shock and Polish Memory Remaking in the Twenty-first Century", in M. Silberman & F. Vatan (eds), *Memory and Postwar Memorials: Studies in European Culture and History*, Palgrave Macmillan, New York, pp. 95-115.



The reignited ideological fracture over societal models was thus but a reincarnation of society's deep fissures, polarised as postcolonial Tunisia has always been over articulations of nationhood and statehood. However, the postrevolutionary revival of the secular-Islamist binary has unconstructively redirected deliberation about democratic transition to identitarian cultural politics, although processes of democratisation and national soul-searching are interrelated and indissociable, especially since re-narrativization is inconceivable under dictatorship.

Even at the legal (here constitutional) and institutional levels, the consensual settlements have not profoundly bridged the dogmatic cleavages between diametrically-opposed national approaches to the relationship between Islam and the state. The ideological rifts are protracted and resilient, given the heavy dose of normativity infusing them. Lipset and Rokkan have observed that "systems will come under much heavier strain if the main lines of cleavage are over morals and the nature of human destiny than if they concern such mundane and negotiable matters as the prices of commodities, the rights of debtors and creditors, wages and profits, and the ownership of property."<sup>326</sup> Material trade-offs thus tend to be more malleable than the intractable ideological dichotomy Tunisia is embroiled in.

Moreover, the shallow secular-Islamist settlements painfully reached after the 2013 political crisis, which facilitated constitutional settlements and promoted power-sharing following the 2014 elections, turned into a stifling norm of elite transactions rather than fostering democracy. Since the National Unity government devised the 2016 "Carthage Document,"<sup>327</sup> stability and peaceful coexistence have overridden dissent, pluralism and constructive engagement, while obfuscating insistent and pressing politico-economic reforms. The consensus discourse of the former enemies, Ennahda and *Nidaa Tounes*, was not symptomatic of a serene sociopolitical context reflecting ideological rapprochement. Instead, it represented a precarious equilibrium among wary political forces, prone to renege on their coalitional commitments and *modus vivendi* at any time, while being increasingly alienated from social forces and their respective parties' recalcitrant powerbases. The vulnerability of this arrangement was evident in the September 2018 decision by Essebsi (*Nidaa Tounes* founder) to break the post-2014 election political deal struck with Ennahda.<sup>328</sup>

<sup>326</sup> Lipset, SM & Rokkan, S 1967, "Cleavage Structures, Party Systems and Voter Alignments: An Introduction", in SM. Lipset & S. Rokkan (eds), *Party Systems and Voter Alignments: Cross-National Perspectives*, Free Press, New York, pp. 1-64.

<sup>327</sup> The Carthage Agreement established six broad priorities for the National Unity Government —fighting terrorism; enhancing development, growth, and productivity; combatting corruption; public finances balancing; decentralization; and increasing government efficiency—but this was not translated into clear-cut action plan.

<sup>328</sup> Dbara, I 2018, *Essebsi Breaks with Ennahda, Farewell to Tunisia's "National Consensus"*, *Qantara*, viewed 15 August 2018, <<https://en.qantara.de/content/essebsi-breaks-with-ennahda-farewell-to-tunisias-national-consensus?page=0%2C1>>.

As this thesis argues, caught in “a politics of the absence of truth,”<sup>329</sup> such a “rotten compromise”<sup>330</sup> has fallen short of solving Tunisia’s secular-Islamist divide and identity crisis and therefore moved it away from the meta-consensus needed to consolidate democracy.

The accommodationist stances have tempered vulnerabilities, but they have yet to generate an all-encompassing shared identity, leaving the intricate re-narrativization exercise unfinished. They just masked profound divergences via an illusionary national unity deleterious of pluralism. True, the debunking of the uniform postcolonial narrative brought about by the revolution is a considerable step forward towards solving Tunisia’s identitarian crisis as it ushered in a process of national reimagining. Yet, it is not tantamount to national consolidation as it has not deepened the ideological rapprochement conducive to consonance arriving at a common societal model.

Overall, it has to be recognised that while the national identity crisis has stalled Tunisia’s democratic project, it has not derailed democratisation either. For now, democracy remains the primary common denominator of both discourses, despite disaccord on the nature of its norms and structure. With democracy the declared project of both Islamists and modernists, it is necessary to examine their visions of how religion is established and safeguarded in a democratic state. Via the discourse analysis parameters outlined above, in what follows I will focus on the mainstream ideas, hinting occasionally to extremist positions from across the political spectrum, mainly radical leftists on the one side and Jihadi-Salafists on the other.

### *Post-Islamists*

Thus, Islamists constitute one of two opposing doctrinal forces battling to capture the spirit of ‘being Tunisian’ today. Islamists champion an enhanced Islamic normativity in state institutions after abandoning - at least publicly and constitutionally - the ambition for Sharia law. Past concerns about a steady societal secularisation<sup>331</sup> were allayed by a spontaneous and vigorous re-Islamisation. At the same time, broader Islamic fervour cooled in recognition of Tunisia’s powerful secular tradition.

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<sup>329</sup> *The Gramscian Moment: an Interview with Peter Thomas*, viewed 22 March 2019, <<https://www.workersliberty.org/pt>>.

<sup>330</sup> Marzouki 2015, Tunisia’s Rotten Compromise.

<sup>331</sup> Bokhari, K & Senzai, F 2013, *Political Islam in the Age of Democratization*, Palgrave Macmillan, New York, p. 19.

So, during its May 2016 Tenth General Congress, Ennahda made the landmark decision to cease proselytising activities and focus solely on politics. Rached Ghannouchi, Ennahda's leader, explained that this transformation ushered in an exit from political Islam towards "Muslim democracy,"<sup>332</sup> as a natural outcome of the party's full integration into democratic politics: "Before the revolution our activities were confined to mosques, trade unions, [and] charities, because real political activity was forbidden. But now we can be open political actors."<sup>333</sup> Ennahda's mutation entailed a reappraisal of the ideological parameters underlying its discourse, whereby legitimacy is henceforth grounded on non-religious considerations. However, while condoning the Constitution's civil state principle, the Islamist party has not abandoned its "Islamic reference,"<sup>334</sup> still sensing a revolutionary momentum conducive to enhanced Islamicity in fashioning the contours of public space. As a figure of 'soft Islamism', Ghannouchi stands at the leading edge of this Islamist modernist discourse, which supports a democracy-friendly and voluntary societal Islamisation. Ascertaining Islam's own democratic credentials, he deems consulting on national affairs an Islamic *khuluk* (ethic),<sup>335</sup> rendering religiosity and attachments to Islamic precepts as guarantors of the democratic demeanour.

Defending Muslims' right to political choices consistent with their cultural-civilisational heritage, Ghannouchi denounces the Western liberal model's claims to superiority, denying it unique suitability for good governance.<sup>336</sup> He argues that the Islamic reservoir of Arabs gives them a moral force worthy of the same democratic standards, if not higher, once they insulate themselves from the Western overemphasis on the mundane and excessive individualism. Consequently, the cultural particularities of every people are essential and ought to be respected:

Today we can hear several voices championing democracy. Meanwhile, numerous are those voices calling for combating Islam and Islamists for being hostile to democracy. If democracy is about pluralism, then why the bias against other cultures, systems and peoples? Rather than merely invoking a world order, it is better to work for a democratic world order that promotes toleration of difference, not only through partnership between cultures, religions and peoples but also by reflecting those cultures, religions and peoples' diversities.<sup>337</sup>

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<sup>332</sup> Ghannouchi, R 2016, "From Political Islam to Muslim Democracy: The Ennahda Party and the Future of Tunisia", *Foreign Affairs*, vol. 95, no. 5, pp. 1-16.

<sup>333</sup> Ibid.

<sup>334</sup> McCarthy, R 2015, "Protecting the Sacred: Tunisia's Islamist Movement Ennahdha and the Challenge of Free Speech", *British Journal of Middle Eastern Studies*, vol. 42, no. 4, pp. 449-451.

<sup>335</sup> Quoted in Sadiki L 2004, *The Search for Arab Democracy: Discourses and Counter-Discourses*, Columbia University Press, New York, p. 370.

<sup>336</sup> Ibid.

<sup>337</sup> Ibid.

The fundamental argument is that democracy's outlook has to match a given society's civilisational traits, in contrast with a singular, abstract democratic model valid for all cultures. Ennahda's placing of religious ethics at the core of Tunisian identity is thus a reconstruction of modernity through Arabo-Islamic lenses in denunciation of the imposed secularist and 'Westernised modernisation' project which manipulated established Islam. The sense of Tunisia's self-alienation is indeed preponderant in the movement's public discourse. Nouredine Arbaoui blames Tunisia's identitarian crisis on its 'denaturalisation' by Bourguiba in his "declared war on Arab-Muslim identity."<sup>338</sup> Another Ennahda figurehead, Sahbi Atig, accused the 'modernisationists' of having estranged Tunisians from their civilisational repertoire through a coerced Westernisation that sidelined Islam. He does not see in an Islamic way of self-identification the "expression of a stagnant, glorifying, narcissistic attitude,"<sup>339</sup> but rather a "progressive vision"<sup>340</sup> capitalising on modernity's gains, its adepts' ingenuity and humanity's best accomplishments.<sup>341</sup> In denying any encroachment on the civil, democratic state principle, Atig views Islam's refashioned political locus merely as an "expression of and a respect for the demos' identity,"<sup>342</sup> since "every state has its enduring values and references that cannot be overstepped."<sup>343</sup>

So, for Ennahda, Tunisia's Arabo-Muslim identity is rather a non-contentious issue.<sup>344</sup> Previously distorted, the country's own cultural heritage and Islamic identity are simply in need of revival to buttress its new political system.<sup>345</sup> Politicians will accordingly have to attune and familiarise themselves with Islamic values.<sup>346</sup> A "balanced identity" can in this way prevail over "extremism and radicalism,"<sup>347</sup> but only when institutions such as Al-Zaytouna mosque and its reformist tradition are placed at the forefront of such educational project.<sup>348</sup>

<sup>338</sup> 2012, *نهاية البورقبيية: قراءة في الثورة التونسية*, تونس العاصمة، 2012 / Arbaoui, N 2012, *The End of Bourguibism, A Reading of the Tunisian Revolution*, Tunis.

<sup>339</sup> Atig, S "Al-Huwiyya – wa-l-hadatha" [Identity and Modernity], *al-Fajr*, 22 April 2011.

<sup>340</sup> Ibid.

<sup>341</sup> Ibid.

<sup>342</sup> Ibid.

<sup>343</sup> Atig, A "Al-dimuqratiyya-wa-l-marji'ia-al-Islamiyya" [Democracy and the Islamic Reference], *al-Fajr*, 24 June 2011, viewed 4 June 2018, <<https://www.turess.com/alfajrnews/29499>>.

<sup>344</sup> Interview with Imen Ben Mohamed on "Do I have to Say Anything At All?," by Paola Lepori. 22.10.2015, cited in Pfeifer, H 2019, "The Normative Power of Secularism. Tunisian Ennahda's Discourse on Religion, Politics, and the State (2011–2016)", *Politics and Religion*, vol. 12, no. 2, pp. 478-500.

<sup>345</sup> Ennahda Electoral Programme 2011.

<sup>346</sup> Ennahda Electoral Programme 2011. "For Freedom, Justice and Development in Tunisia."; Ennahda Statement Concluding Statement of the 9<sup>th</sup> Ennahda Party Conference. 16.07.2012; Ennahda Manifesto 2014. "Mhabet Tounes." 12.10.2014.

<sup>347</sup> Ennahda Electoral Programme 2014.

<sup>348</sup> Ennahda Statement Concluding Statement of the 9<sup>th</sup> Ennahda Party Conference. 16.07.2012.

What is at stake here from an ideological perspective is how to reconcile this view of Islam with democracy. From an Islamist standpoint, democracy's main virtue is its embodiment of the consultation (*shura*) ideal and its translation of Islam's values into law via public deliberations and parliamentary rulings. However, since there is no single accepted interpretation of Islam, nor a recognised authority or institution which could reconcile competing Islamic teachings, a political mechanism for managing religious pluralism is needed. Ennahda views no contradiction between the establishment of such a mechanism and its insistence on state neutrality as the primary foundation of Islamic democracy. While in Western traditions, state neutrality is usually equated with independence from all religious institutions, for Islamists it means enforcing *neither* one religious model *nor* a strict secularism. In contemplating "ways of liberating the state from religion,"<sup>349</sup> Ghannouchi has argued that Western societies indeed embraced the secular in response to a very particular set of problems in European history. Conversely, Muslim societies face a different challenge: how to liberate "religion from the state and [prevent the state] from dominating religion,"<sup>350</sup> therefore allowing for multiple interpretations of Islam and their societal toleration. Consequently, Ennahda values secularity's "proceduralism" i.e. "state's neutrality...towards religions and its abstention from interfering with people's consciences."<sup>351</sup> Nevertheless, the French "comprehensive secularity"<sup>352</sup> model i.e. laicism, in its hostility towards religion and its total exclusion from public life, is considered to be the state imposition of a secularist lifestyle on its people.<sup>353</sup>

To be democratic, a state must neither pursue such Western secular model, nor side with *one* Islamic school of thought, i.e. adopt a state Islam.<sup>354</sup> The state must not restrain free religious practices, as these are "matters of free personal choice."<sup>355</sup> Concretely, it ought to be neutral toward the spiritual by not interfering with religious institutions, for instance by training imams or controlling mosques, nor get involved in negotiating Islam's correct interpretation.<sup>356</sup> The interpretation task will be the prerogative of the envisaged 'political mechanism', which is yet unspecified, revealing again the party's ambiguity on practicalities.

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<sup>349</sup> Transcript of a Q&A Session with Rached al-Ghannouchi at Chatham House in London. 26.11.2012.

<sup>350</sup> Transcript of a Lecture Delivered by Rached al-Ghannouchi at the Center for the Study of Islam and Democracy. 02.03.2012.

<sup>351</sup> Ibid.

<sup>352</sup> Ibid.

<sup>353</sup> Summary of a Lecture Delivered by Rached al-Ghannouchi on Secularism and the Relationship between Religion and the State. 05.03.2012; Interview with Rached al-Ghannouchi on Al Jazeera, by Nazanine Moshiri. 07.02.2011.

<sup>354</sup> Ennahda Electoral Programme 2014; Interview with Rached al-Ghannouchi in Religioscope, by Mahan Abdein. 30.01.2011; Interview with Rached al-Ghannouchi in Weekly Zaman, by Esma Basbaydar. 24.09.2011; Interview with Rached al-Ghannouchi in the Washington Post, by Lally Weymouth. 12.12.2013.

<sup>355</sup> Ghannouchi, R 2011, "A Day to Inspire All Tunisians – Whether Islamic or Secular", *The Guardian*, 17 October, viewed 6 June 2018, <<https://www.theguardian.com/commentisfree/2011/oct/17/tunisians-islamic-secular-ennahda-election>>.

<sup>356</sup> Ennahda Statement 2015. Party Statement. 13.09.2015.

Ennahda thus clings to Islam as a pivotal inspirational source, within an agenda of cultural authenticity that reexplores Tunisia's Arabo-Islamic heritage, but remains hazy on its specific modalities. While abandoning its ambition for Sharia-based legislation, it is adamant that religion's normative and moral codes should permeate the state and political life, as Islam "provides...a system of values and principles that would guide...thinking, behaviour, and the regulations of the state to which we aspire."<sup>357</sup> This amounts to a post-Islamist worldview, which translates the movement's mutation into a socially-conservative party condoning a free and pluralist political system removed from Islamic law, while being imbued with Islamic references. Via this "conservative sociocultural agenda,"<sup>358</sup> Oliver Roy posits, post-Islamists convert Islamic norms into traditionalistic values as foundations of their national identity and public discourse.

In recasting theological credos as conservative ethics, Tunisian post-Islamists strive to strike the right balance between safeguarding personal liberties and fostering a public/political role for Islam after its liberation from the grip of the state. For, although "post-Islamism emphasises religiosity and rights,"<sup>359</sup> in lieu of an Islamism "defined by the fusion of religion and responsibility,"<sup>360</sup> these commitments need sharpening in practice. Islamists' major task has been to assure less-religious citizens of the inviolability of their freedoms under an Islamic politics. That is why Hmida Ennaifer recommends a formula guaranteeing the right of all to spiritual liberty while cushioning pluralism,<sup>361</sup> convinced as he is "that separation between religion and politics can never be complete."<sup>362</sup>

The pivotal *problématique* of how to conceive of religious creeds as landmarks of cultural identity without being translated into clear-cut legislative instruments is another major challenge. The dilemma was most conspicuous when Ennahda attempted to constitutionalise Islamic Sharia, only to concede that the enterprise was ideologically divisive within a Tunisian milieu. It therefore recalibrated its conception of Sharia into a loose inspiration instead of effective legal instruments to avoid further polemics. To Netterstrøm, "Shari'a was turned into a matter of values rather than legal norms, ... justifying the reference to the 'teachings' rather than the 'laws' of Islam in the constitution's preamble."<sup>363</sup>

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<sup>357</sup> Ibid.

<sup>358</sup> Roy, O 2013, "There Will Be No Islamist Revolution", *Journal of Democracy*, vol. 24, no. 1, pp. 14-19, pp.17 and 14.

<sup>359</sup> Bayat, A 2007, *Making Islam Democratic: Social Movements and the Post-Islamist Turn*, Stanford University Press, Stanford, CA, p. 11.

<sup>360</sup> Ibid.

<sup>361</sup> Ibid.

<sup>362</sup> Cited in Lee, RD 2008, "Tunisian Intellectuals: Responses to Islamism", *The Journal of North African Studies*, vol. 13, no. 2, 157-173.

<sup>363</sup> Netterstrøm, K Ly 2015, "The Islamists' Compromise in Tunisia", *Journal of Democracy*, vol. 26, no. 4, pp. 110-124, pp. 119-120.

Still, Ennahda faced the pressing conundrum of how to reconcile the state's duty to safeguard religious values and protect the 'sacred' with other individual freedoms, particularly freedom of conscience. This is indeed a difficult equation for a post-Islamist agenda that wants at once to revitalise an Islamic populace, consolidate Islamic normativity and incorporate Islamic principles into governance, even while surrendering the ambition of an Islamic state. Hence the movement is not clear about the details of its political project minutiae and the exact tenor of its religious foundations.

Ennahda's inconclusive internal debates about weighing personal liberties with a religious ethos testify to these difficulties. However, the dilemmas unveiled by these dialogues are not unique to the Islamist movement. They echo those having equally problematic impacts on the socially-conservative Christian-democratic movements. The reconciliation of two ideals – democracy with its embrace of diversity and a religious morality inducing dogmatic conformity – is indeed complex and political. Despite being often rejected by modernist forces as a mere strategy, the identity discourse is intrinsic to Ennahda's self-construal as a political movement. The Islamist party has never ceased to reappraise this identity vision in its continuous strive to embrace the times, leading them to willingly and increasingly accept the sociopolitical pluralism characterising Tunisia, a diversity that defies monolithism. As Riadh Chaibi, former Ennahda national assembly member, argued in 2011: "We are not a dogmatic but a pragmatic party, which reckons with Tunisia's pluralism. Proximity from Europe, not only geographically, contributes to that diversity as Tunisian society shares many of European societies' features."<sup>364</sup> However, despite those assurances, the precise solution to the Islam-democracy equation remains thus far elusive. These mainstream Islamist doctrines are of course challenged by the Salafist notion of an Islamist state, with its mission to create a Caliphate corollary and enforce Islamic law.

### *Neo-modernists*

On the other side are neo-modernists who, in their nationalistic posture, privilege a 'Tunisian' rather than 'Islamic' (supranational) approach to nationhood, while clinging to immersion in a Mediterranean cosmopolitanism imbued with Western values. Drawing on Bourguiba's societal vision, they champion an Islam with more contemporary articulations and a constrained presence in the public sphere. Their resuscitation of the Bourguibist legacy is intended to counteract the rival Islamist societal project via a powerful rallying dogma.

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<sup>364</sup> Cited in Cavatorta F & Merone F 2013, "Moderation through Exclusion? The Journey of the Tunisian Ennahda from Fundamentalist to Conservative Party", *Democratization*, vol. 20, no. 5, pp. 857-875, p. 870.

Despite his dictatorial heritage, Bourguiba still enjoys a privileged status as a role model for a liberal lifestyle, hence his postrevolutionary rehabilitation amongst neo-modernists. His meticulously developed vision was perpetuated and consolidated for so long that it survives in a democratic context. For its adherents, *Tunisianity* is still validated via a Bourguibist lens. Yet, that modernist story – while not totally discredited – is being increasingly interrogated and its sanctity unravelled. In democratic politics, Bourguiba has transformed into a polarising rather than unifying figure.

Lois Lee's definition of the "secular" as "a space in which religion is not the primary reference point or authority"<sup>365</sup> describes this vision which, while giving Islam a place at the official level, espouses "a regime that makes the absolute a matter for individual conscience, and intervenes only in the domain of the relative (socioeconomic choices, government administration, etc.)"<sup>366</sup> This mainstream neo-modernist school thus advocates a 'secular establishment of Islam. This softened, yet equally ambivalent, attitude towards religion is explicable by Islam's inclusion in state institutions and public space, generating a national identity composed of an unclear doctrinal amalgamation. The confusion is evident in the following response of a senior *Nidaa* member to a BBC question about whether his party was secular: "We are secular which means that we are all Muslims and all equal before the law. We do not mix religion and politics."<sup>367</sup> [Neo]modernists have always, in their own way, blended Islam and the state, despite their claims to the contrary. Similar to Islamists, the ambiguity is illustrative of this secular camp's confused stance on the relationship between Islam and the state.

Distancing themselves from the laic French model, 'soft' modernists view in the state's institutionalisation of democracy a bulwark against potential religious encroachments on individual rights. The state's appropriation of Islam maintains it under relatively tight control so as not to prejudice democracy.<sup>368</sup> For Riadh Guerfali, the preservation of the inextricable connection between the state and religion allows the secular to thrive. He criticises French laicity's ruining of that link, thus distancing secularity from its excesses.<sup>369</sup> This is because once Islam's declaration as the state religion is consistent with individual liberties, there is no apparent threat as democracy is mostly about the preservation of fundamental freedoms.<sup>370</sup>

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<sup>365</sup> Lois, L 2011, "NSRN Glossary" (unpublished paper), *The Religious Studies Project*, 28 April, viewed 9 June 2018 <<https://nonreligionandsecularity.files.wordpress.com/2011/11/nsrn-glossary-28-april-2011-lois-lee1.pdf>>.

<sup>366</sup> Charfi 2005, *Islam and Liberty*, pp. 175-158.

<sup>367</sup> Cited in Ben Ismail, Y 2014, "Tunisia: The Victory of Secularism over Islamism?", *Jadaliyya*, 3 November, viewed 15 August 2019, <<https://www.jadaliyya.com/Details/31442>>.

<sup>368</sup> Ibid.

<sup>369</sup> Guerfali, R 2011, "L'islam Religion d'Etat'. Disposition Constitutionnelle Garante du Processus Séculariste de la Démocratie Tunisienne", *Nawaat.Org*, viewed 4 April 2019, <<http://nawaat.org/portail/2011/03/31/islam-religion-detatdisposition-constitutionnelle-garante-du-processus-seculariste-de-la-democratie-tunisienne>>.

<sup>370</sup> Ibid.



Few Tunisian politicians envision a rupture between Islam and the state. However, large divergences revolve around how religion is to be established. Islamists embrace an establishment that frees religion from the grip of the state while keeping it under its umbrella, entailing a potential for a marriage between Sharia and positive law. For neo-modernists, the establishment is one that dismisses Sharia-based conceptions and presides over Islam's official status.

Therefore, neo-modernists still envision the state as Islam's regulator and restrainer, without being mindful of the consequences of such control for democracy. Without being systematically antidemocratic, they still balk at the idea of allowing a whole range of religious expressions and articulations to operate unhindered in the public sphere. By objecting to the unloosing of Islamic freedoms, their commitment to democracy is dubious and at times mere lip service, especially when their particular vision is challenged. As I will argue in the following chapter, Ben Ali acted like this when faced with a similar threat, deviating from his initial political liberalisation agenda. This Tunisian brand of secularism is therefore at odds with ideas of liberal secularity found in scholarly literature.<sup>371</sup> Indeed, Islam's public exclusion is feasible within this mindset, even given the religious establishment, as the pre-revolutionary autocratic model showed. In countering the liberalisation of Islam in the public sphere, secularity is prioritised over democracy. In this view, individual freedoms can be sacrificed whenever secularism comes under threat.

This ambivalence towards democracy has typically been embodied by extremist leftists who, despite their seeming opposition to tyranny, connived in Islam's oppression and public marginalisation.<sup>372</sup> They held the secular-driven authoritarian state as a hedge against an possible Islamist takeover, which was considered worse than secular autocracy. Labelling Islam as mere dogma, their vision is a polity free of religion. One of their major ideologues, the aforementioned Mohamed Charfi, castigates Islamism as a "universal pretention [that] already contains the seeds of expansionism, hence to domination and compulsion,"<sup>373</sup> urging believers "in absolute truth [...to] also believe absolutely in each person's freedom to share or not to share this truth, and to understand it by his or her own lights."<sup>374</sup> Abdelmajid Charfi, another leftist intellectual, reiterates the classic stigma of Islamists' instrumentalisation of the theological for political ends to discredit the doctrinal bedrock of their project for governance:

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<sup>371</sup> Asad, T 2003, *Formations of the Secular: Christianity, Islam, Modernity*, Stanford University Press, Saint Jose, CA.

<sup>372</sup> Haugbølle & Cavatorta 2011, Will the Real Tunisian Opposition Please Stand Up?

<sup>373</sup> Charfi, M 2005, *Islam and Liberty*, p. 120.

<sup>374</sup> Ibid.

“One cannot ask believers to abandon their convictions when they engage in political actions, but politics must nonetheless have its own rules external to religion. Politics must not instrumentalise religion. ‘None can pretend that his Islam is better than others’.”<sup>375</sup> Latifa Lakhdar calls even for the imposition of secularism, emphasising bluntly that “the state cannot be neutral toward religion, at least until society becomes secularised, a process that took many centuries in Europe.”<sup>376</sup>

Leftist exclusionists have kept the prospect of authoritarianism alive despite avowed democratic credentials, ironically declaring political Islam to be inherently ‘undemocratic’.<sup>377</sup> Animated by profound anti-Islamist sentiments, they supported the regime’s 1989 ban on religious-based parties, denying Ennahda the right to political participation.<sup>378</sup> They lamented the postcolonial state’s incomplete laicization; hence their postrevolutionary crusade to purge the new Constitution of Islamic references. Indicting such extremist views, Hichem Djait, a prominent non-Islamist intellectual, argued: “Intellectuals of the modern type have practically repudiated Islam, either to adopt Marxism or from adherence to modernist ideology, and in both cases from a Western cultural perspective. For now, intellectuals of [this] category are cut off from the masses by their doctrinal positions.”<sup>379</sup> Unable to negate the Tunisian population’s Arabo-Islamic component, these self-proclaimed ‘progressivists’ claim instead that *Tunisianity* is historically prior to Arabo-Islamic ascendancy, hence their rejection of the reduction of Tunisian identity to an all-encompassing pan-Arab/Islamism. History is thus marshalled to thwart Islamists’ alleged attempts to hijack an ‘immanently’ Tunisian identity, even while engaging in the very hegemonic historical interpretation it opposes. These positions were delegitimised by the 2014 Constitution, which cemented Tunisia’s Arabo-Islamic grounding. Yet, the far-left relentlessly portrays its conflict with Islamists as being fought in defence of the Enlightenment values, allegedly threatened by Islamist doctrines.

However, despite its weak popular appeal, evident in successive electoral failures, the far-left is still ideologically potent, furnishing the most articulate anti-Islamist cultural critique.

<sup>375</sup> Charfi, A 2004, *L'Islam Entre le Message et L'histoire*, Albin Michel, Paris.

<sup>376</sup> Cited in Lee, RD 2008, “Tunisian Intellectuals: Responses to Islamism”, *The Journal of North African Studies*, vol. 13, no. 2, pp. 157-173.

<sup>377</sup> 2001 توفيق المديني، المعارضة التونسية نشأتها وتطورها، إتحاد الكتاب العرب، دمشق، 2001، Arab Authors Union, Damascus.

<sup>378</sup> Haugbølle & Cavatorta 2011, Will the Real Tunisian Opposition Please Stand Up, p. 334.

<sup>379</sup> Lee 2008, Tunisian Intellectuals: Responses to Islamism.

This is evident in its staunch opposition to any secular-Islamist ideological rapprochement (like Salafists on the other end of the ideological spectrum). Dominated by a core of feminist and socialist hardliners, this group denounced, for instance, the agreements reached by some Islamist and modernist figures to conceive of a common platform and collaborate in the fight against authoritarianism.<sup>380</sup> These radicals still do not welcome an Islamist party partaking in power or in mainstream politics. Hence, little has changed in their anti-Islamist stance, despite the polity's deep transformations and the political settlements that have been reached. Islamists' counter-discourse targets this group's eradicationist and exclusionist nature, blamed on postcolonial educational and sociocultural 'extirpation' policies.

These antagonisms threaten Tunisia's democracy, given the deep disagreements on a societal model necessary for national consolidation and consensus. Each of the two clashing camps has its own ideological and political dilemmas in managing the 'public problem' of Islam. Islamists must constantly balance the hitherto unthinkable liberties now enjoyed in relation to free religious praxis, against those of nonreligious compatriots, particularly when it comes to apostasy and blasphemy issues. As for modernists, they henceforth must live with stronger forces for Islamisation, as well as with more ostensible symbols of religion deemed incompatible with their self-declared notions of *Tunisianity*.

The revolution thus unveiled a long-concealed and repressed side of Tunisia, which has coalesced in plural and radically different conceptualisations of Islam and its role in public life. Uncomfortable with this diversity, extremist leftists, and even professedly moderate modernists, tend to deliberately blur the distinction between moderate mainstream Islamists and the more radical Salafists in their quest for popular appeal, despite the deep divergences between these two currents of Islam. As for Islamists, they struggle to get their vision normalised as a legitimate way of governance within a Tunisian polity profoundly shaped by a secular legacy.

With respect to the relatively converging mainstream secular and Islamist views on the exclusion of Sharia from the Constitution, this is attributable to two centuries of radical transformation in Tunisia's linkages between Islam, Sharia and state that circumscribed the contribution of Islamic law to positive law. As an adjudicational guide, Sharia's application gradually narrowed, managing essentially family and women's affairs. This shift in Islamic law ensued from the modern state's expanded legislative role in juridically fashioning citizens' private lives to bring them in line with modernity's ethos. As underlined by Wael Hallaq:

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<sup>380</sup> Stepan, A 2016, "Multiple but Complementary, Not Conflictual, Leaderships: The Tunisian Democratic Transition in Comparative Perspective", *Daedalus*, vol. 145, no.3, pp. 95-108, p. 100.

“Whereas the traditional ruler considered himself subject to the law and left the judicial and legislative functions and authority to the 'ulama, the modern state reversed this principle, thereby assuming the authority that dictated what the law is or is not.”<sup>381</sup> Islamic law’s gradually diminished role under the modern state thus explains why Sharia as a legislative foundation lost much of its appeal to Ennahda. Yet, this seeming concurrence on Sharia does not obfuscate the substantial divergences between both doctrines on the Islam-state relationship, including on Islamic law itself, which is at the heart of the ‘public problem’.

### 3.5 Islam’s Place in Governance as the Most Polarising Issue

Democracy is “characterized by the establishment of a space that mediates between civil society and the state and which, through open debate, promotes the emergence of a public opinion.”<sup>382</sup> Absent in totalitarian regimes, this so-called “public space”<sup>383</sup> stages common platforms, themes and discourses that are essential to democracy, since all forms of public commitment partake of a shared world. For Charles Tripp, the unlocking of political systems entails a reenvisioning process predicated on a free public space,<sup>384</sup> or its “reappropriation,”<sup>385</sup> which intrinsically hinges upon “a practical restatement of republican ideals.”<sup>386</sup> Under the autocratic state, this public space was censored, controlled and manipulated, hence reduced to a “window-dressing civil society.”<sup>387</sup> During transition, it was converted into vivid arenas of political participation and expression, protest and vocal citizenship. The revolution enabled this public space to spring up, ushering in “an ongoing process of political struggle, ambition, and contestation, as different visions for the country take shape,”<sup>388</sup> one that is unquestionably more exposed and pliant to religious expressions in their several public guises.

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<sup>381</sup> Hallaq, WB 2004, “Can the Shari’a Be Restored?”, in YY Haddad & BF Stowasser (ed.), *Islamic Law and the Challenges of Modernity*, AltaMira Press, Walnut Creek, CA, pp. 21-53.

<sup>382</sup> Dacheux, E 2008, “L’Espace Public : un Concept Clé de la Démocratie”, in E Dacheux (ed.), *L’espace Public*, Les Essentiels d’Hermès, Paris: CNRS, pp. 7-30, p. 7.

<sup>383</sup> Ibid.

<sup>384</sup> Tripp, C 2015, “Battlefields of the Republic: The Struggle for Public Space in Tunisia”, LSE Middle East Centre paper series (13). Middle East Centre, LSE, London, p. 6.

<sup>385</sup> Ibid.

<sup>386</sup> Ibid.

<sup>387</sup> Ben Achour, S 2011, “Société civile en Tunisie : Les Associations entre Captation Autoritaire et Construction de la Citoyenneté”, in A Bozzo & PJ Luizard (ed.), *Les Sociétés Civiles dans le Monde Musulman*, La Découverte, Paris, pp. 293-312, p. 297.

<sup>388</sup> Ibid., p. 10.

The common space also shapes 'public problems', defined by Neveu as the "transformation of any social fact into a stake in the public debate and/or the intervention of the state."<sup>389</sup> In post-authoritarian Tunisia, that stake is political Islam's role in democracy. Having been denied a voice under dictatorship, new sociocultural and political dynamics reignited doctrinal rifts as "suppressed narrative[s] [are] raising [their] irrepressible head[s]."<sup>390</sup> This return of the repressed and the 'bubbling up' of dormant collective identities reflect the demos' altered conditions, which provided the first-ever postindependence possibility to 'espouse another trajectory' and exercise the 'right to diversity.' Within such a liberalised public space, Islam's articulation was at the heart of new political stakes and its sharpest cleavages, as the question of the "the proper relationship of Islam and politics"<sup>391</sup> in a nascent democracy was insistent and pressing, since it had for so long been excluded from public-political deliberation.

By entering public space via a reinforced normative appeal, Islam thus became a '*public problem*' whereby Islamists initially enjoyed political advantage thanks to their history of repression and victimisation. Nonetheless, modernists have rebalanced the situation owing to their powerful institutional allies (media, security services and trade unions), which has compensated for their weak grassroots mobilisation capacities. Modernists see Islam's resuscitation as threatening to social peace as they contemplate it. Given religion's authoritarian repression, its vehement comeback is perceived as a serious menace to the enforced 'progressive' values of pre-revolutionary secular statecraft. This is even more so since religious expressions within a liberalised public space can no longer be controlled and censored. As for Islamists, they deny that any hegemonic aspirations accompany Islam's return to the public scene. Far from impeding democracy, as depicted by adversaries, they see this as a logical public return of an Islamic identity long-marginalised and sidelined since independence. As stated above, Ennahda has never ceased to reclaim these origins as a primary cultural component of its societal project, in a nation where its traditional mores have been uprooted. It often presents the reintroduction of an Arabo-Islamic agenda as a reaffirmation of its pledge to reactivate a protracted and still inconclusive debate over national identity.

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<sup>389</sup> Neveu, E 1999, "L'Approche Constructiviste des 'Problèmes Publics' : Un Aperçu des Travaux Anglo-Saxons", *Études de Communication*, vol. 22, pp. 41-57, p. 41.

<sup>390</sup> Chatterjee, P 1993, *The Nation and Its Fragments Colonial and Postcolonial Histories*, Princeton University Press, Princeton, p. 233.

<sup>391</sup> Allani, A 2009, "The Islamists in Tunisia between Confrontation and Participation: 1980–2008", *The Journal of North African Studies*, vol. 14, no. 2, pp. 257–272, p. 257.

Those confrontations between two opposing discourses and worldviews, ensuing from a liberalised public space, are the embodiment of the vital yet indeterminate historical contest to reconstruct Tunisia's identity. Representing "political battles over historical memory,"<sup>392</sup> these conflicts pit an Arabo-Islamic civilisational reservoir against a heavily Western-influenced modernisation repertoire left by Bourguiba, whose legacy is henceforth a site of struggle. Admittedly, the soul-searching that national reimagining induces is a fraught undertaking in the context of the historical problems of the secular-Islamist binary. The complexity stems particularly from the inscrutability of religion upon which Tunisians appeal to in their reimagining exercise. For, behind a commonly held discourse in favour of Islam's continuous establishment lies contradictory interpretations of religion's role in delineating liberties. While confounding the reconstruction endeavour, this puzzle has favoured Islam's emergence at the heart of debates about the normative foundations of any post-authoritarian political system.

In sum, Tunisia's national identity problem is twofold. First, there are deep dilemmas about how to attach religious discourses/practices to established modernist ideas of *Tunisianity*. Second, there are serious challenges in accommodating different collective and individual choices in a nascent and unconsolidated democracy and deciding upon a role for the state in this pluralistic endeavour. Both issues centre on Islam's place in governance. They are still begging an answer in the political and deliberative process, while baffling each of the two camps who must contend with their own ambiguities and internal struggles.

These difficulties stem from the need for Islamist projects to reconcile their sociocultural and political worldviews with democracy's exigencies. If the secular is defined as a mere organisation and regulation of religion of whatever public configuration through specific institutional arrangements, then religious establishment may in itself be a form of secularity. Yet, in the modernist camp, the demarcation between secularity (moderate) and secularism (extremist) is blurred. Over the long term, the political transformations spearheaded by the Arab uprisings will likely reveal new configurations between the state and Islam that are democratically-viable, whether as new forms of secularity or attuned Islamism. Until these kinds of configurations are grounded in ideological rapprochement, dogmatic rifts and discord will keep debilitating democracy.

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<sup>392</sup> Zemni 2014, *The Extraordinary Politics of the Tunisian Revolution*.

### 3.6 Conclusion

This chapter has demonstrated how a secular-Islamist divide has provoked an identity crisis in postrevolutionary Tunisia. Inherited ideological cleavages freed from authoritarianism resulted in a postrevolutionary polarisation, whereby the previously suppressed question of Islam's proper place in governance is being vigorously contested. Each of the two conflicting camps discussed in this chapter contains important ideological ambiguities, internal disputes, as well as an uneasiness in meeting democracy's requirements, especially in terms of rights and liberties.

I contend that Tunisia's prospects for democratic entrenchment hinge upon a successful national reimagining process amenable to consensus on a given societal model. In this chapter, I have argued that in readdressing the national identity conundrum, through a free contest for doctrinal ascendancy, Tunisia has made a significant leap forward towards recognition and integration of diversity and reconciliation by enhancing deliberation and encouraging pluralism. However, the reimagining endeavour is incomplete, and legal-institutional reforms and the safeguarding of pluralism are still in need of solid democratic foundations.

The resultant lack of normative consensus adds a complex task of soul-searching to the already tenuous democratic struggle. Tunisia has yet to disentangle itself profoundly from this identitarian crisis towards consensus on a specific societal model. By examining the political situation in Tunisia in the 1990s, in the next chapter I will demonstrate how a democratic transition can falter without these firm normative foundations.

## **PART TWO: THE SECULAR-ISLAMIST DIVIDE AS AN OBSTACLE TO DEMOCRATIC CONSOLIDATION**



In substantiation of my thesis about lack of normative consensus as an impediment to democratic consolidation in Tunisia, I have conducted a mixed-method study in the first part to investigate whether there is indeed an ideological polarisation of a secular versus Islamist nature. Now that I have established that these doctrinal faultlines exist, Part Two will analyse how ideological polarisation impacts on Tunisian prospects for democratic entrenchment. In Chapter 1, I tested then validated the hypothesis that Tunisia's revolutionary coalition bifurcated along an secular-Islamist binary. I argued that this is a typical outcome of urban civic uprisings aimed at regime change, which tend to form impromptu then gather momentum, rapidly transforming into powerful insurrections that precipitate the downfall of dictatorships. Given the lack of strong solidarity bonds amongst demonstrators, with little in the way of a unifying ideology, leadership and time, protest coalitions will tend to fragment as soon as transitional phases start. In Tunisia's case, the insurgency primarily fragmented to secular and Islamist sub-components. Nowhere were these antagonisms more apparent than in the competing protest phenomenon, which caused the 2013 political impasse. The secular-Islamist elite settlements, which ended that predicament, saved Tunisia's democratic experience from collapse but fell far short of a profound ideological rapprochement conducive to democratic consolidation.

Chapter 2's qualitative study sought to determine whether the Tunisian elites, after burying their doctrinal divergences in the 2013 arrangements, were able to go down the road of ideological rapprochement in the constitutional process (2012-2014). I demonstrated how that reconstitution phase was crucial to democratic transition as the deliberations concerned Tunisia's most dividing and dichotomous questions. The constitutional exercise was thus a test of the ability of secular and Islamist elites to profoundly overcome their ideological frictions concerning the country's future state foundations and governance reference frames. The ensuing compromises were a considerable step in that direction as they narrowed-down normative divergences but were not tantamount to consensus on fundamentals that is needed to underpin the Tunisian state and govern its society. The 'constructive ambiguity' permeating the Constitution's final text left unresolved two major conundrums: First, Islam was declared the official religion of a state that was also conceived of as a civil state. Second, the state's guardianship of religion is hardly reconcilable with its concomitant pledge to safeguard rights and freedoms, particularly freedom of conscience. These tensions are evidence of the protracted and complicated normative cleavages, which will present significant challenges for constitutional experts and legal practitioners in faithfully translating the Constitution's letter and spirit at later stages of implementation.

I used the ongoing controversy over whether to institute gender inheritance parity to illustrate how dogmatic frictions are still largely unresolved, despite the significant compromises reached within the constitutional text. The dichotomy concerns the clashing principles of equality between citizens, which is a civil state's most fundamental attribute, and the state's boundedness by Islamic teachings, granting men double the share of women in terms of inheritance rights because Islam is its official religion and Sharia still pervades its family code.

Both studies (demos-quantitative and elite-qualitative) therefore yielded the same conclusion: that postrevolutionary Tunisia is afflicted by a secular-Islamist polarisation. Combining the results of the two studies thus validated my premise of a lack of consensus on normative fundamentals. Chapter 4 further elaborated on this *problématique* by establishing that Tunisia faces a national identity crisis revolving primarily around Islam's place in governance. This crisis consists in the struggle to redefine '*Tunisianity*' as the basis of national identity and the touchstone for determining how the state should protect religion while preserving rights and liberties.

In ascertaining the state of ideological friction in Tunisia, the first part of my thesis paves the ground for an examination of the impact of that predicament on its democracy's future. I will argue that the secular-Islamist divide prevents a breakthrough in the path towards consolidation. Chapter 4 will show how ideological conflict led to the abortion of the first-ever attempted democratic transition in the early 1990s, substantiating the idea that secular-Islamist cleavages represent a constant threat to Tunisian democracy. In the following two chapters, I will discuss how ideological cleavages blocked significant security sector reforms and marred the transitional justice process, hamstringing national reconciliation and curbing democratic consolidation.

## Chapter 4

### The Secular-Islamist Divide and the Failure of Tunisia's First Attempted Transition

Based on Tunisia's experience in the late 1980s and 1990s, this chapter will postulate that doctrinal conflict over first-order political principles impeded successful democratic transition in pre-Arab Spring Tunisia. I will consequently argue that ideological cleavages can constitute a systemic check on MENA democratic transitions, and by the same token, a constant threat to democracy even after regime changes. Since dogmatically minded Arab regimes vet their political opponents through an ideological lens, usually along secular-Islamist binaries, they tend to strongly resist meaningful democratisations that do not guarantee the pre-eminence of their (often *secular*) doctrines. In guiding their conceptualisation of the state and politics, the value systems from which such regimes derive their legitimacy must be obstinately protected from factions (chiefly *Islamist*) that imperil their hegemony.

Given the high uncertainties of democratic transitions, a MENA authoritarian regime, steeped in ideology, will unyieldingly safeguard its endeared dogma from the perils of power transfers, establishing its survival as a precondition for a transitional process to be set in motion. It will not hesitate to intervene if its ideological commitments are threatened, even after a democratic process starts as in Sissi's Egypt. Any political ideology antagonistic to the establishment will arouse a heightened threat perception inside a MENA regime, thereby factoring into its decisions on the strategic issues of opposition engagement, political liberalisation, and the initiation of a democratic process. A state-sustained, uniformly accepted doctrine that is politically and institutionally ingrained can therefore be as impactful on an Arab country's transition as a militarily-dominated regime or one rife with political cronyism, since it accentuates the risk in the transfer of power. Simply put, the authoritarian regime will not cede power if its doctrine is jeopardised.

Rustow argues that the single prerequisite of democratic transition is the unwavering immersion into a cohesive nationhood that transcends and prevents ethnic conflict.<sup>393</sup> This argument is corroborated by Linz and Stepan who note the detrimental effects on democratisation of multiple national intimations, or intense cultural diversity within a single state that has antagonistic sub-cultures. This heterogeneity complicates the prospects for agreement on democracy's fundamentals.<sup>394</sup> This is because "political polarisation conditions contingent cooperative behaviour: a higher degree of polarisation makes it less likely that political actors will compromise over fundamental questions of identity...during moments critical to the success of democratic consolidation."<sup>395</sup> An intensely conflictual doctrinal cleavage thus causes sociopolitical upheaval as it inhibits a commonality of purpose and vision that is necessary for making democracy work.

Based on these premises, this chapter will highlight the adverse effects of ideological conflicts on Tunisian democracy, using the late 1980s case of aborted democratic transition for illustration. I will first theoretically explore the political impact of ideology in the event that a certain state doctrine is established as an unchallengeable bedrock of governance and policy-legitimation. I will then critique Linz and Stepan's thesis restricting this kind of ideologisation to totalitarian regimes, pointing to the ability of authoritarian regimes to concoct equally robust and powerful dogmas. Particularly in dogmatically charged MENA countries, an authoritarian narrative such as Bourguibist modernism is imposing and pervasive enough to obstruct political change and democratic transition. Consequently, in the fourth section I trace the ideological roots of Bourguibism to elucidate its emergence as a hegemonic state doctrine and its transformation into one that inhibited democracy. In the final section, I focus on the early 1990s when Tunisia's first democratic transition was suspended by Ben Ali due to the perceived threat to secular-Bourguibism from the rise of Islamism. This case demonstrates the intense secular-Islamist cleavages that were at the heart of failed democratisation.

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<sup>393</sup> Rustow, DA 1970, "Transitions to Democracy: Toward a Dynamic Model", *Comparative Politics*, vol. 2, no. 3, pp. 337-363, pp. 350-352.

<sup>394</sup> Linz, JJ & Stepan, A 1996, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe*, Johns Hopkins University Press, Baltimore, MD, pp. 24-33.

<sup>395</sup> Ibid.

## 4.1 How Politically Impactful is Ideology from a Theoretical Perspective?

The literature generally approaches ideology as a belief system as well as a conduit for action, despite some other voices like Eatwell and Wright, who distinguish political doctrines as “ideal types,” that are “essentially the product of collective thought” from the “specific movements, parties or regimes which may bear their name.”<sup>396</sup> They thus dissociate philosophies as sets of ideals from the ensuing ideological political movements that are implemented through the effective running of the state. However, this clear-cut disconnection hardly stands in reality, for as Malcolm Hamilton conceives it, “ideology is a system of collectively held normative and reputedly factual ideas and beliefs and attitudes advocating a particular pattern of social relationships and arrangements, and/or aimed at justifying a particular pattern of conduct, which its proponents seek to promote, realise, pursue or maintain.”<sup>397</sup> Thus apprehended, ideology simultaneously underlies thought and legitimises policy. Hegemonic doctrines, in particular, follow a circular logic whereby certain claimed state and societal attributes validate officially sanctioned policies while invalidating antithetical worldviews. It is this recourse to doctrine in shaping and defending state behaviour that exemplifies a dogmatically-minded regime.<sup>398</sup> Mark Haas is more specific about political ideology’s instrumentalisation by “a particular leadership group...to legitimate its claim to rule and the primary institutional, economic, and social goals to which it swears allegiance.”<sup>399</sup> Once a zealous hegemonic doctrine frames regime behaviour, it tends to serve as a touchstone that will also obfuscate democratic change within authoritarian regimes. By undermining unity, supremacist doctrines consequently instigate cleavages conducive to severe political conflicts which are detrimental to democracy.

From this perspective, the scholarly literature highlights the recourse to ideology as inherently utilitarian and programmatic in nature that is used to defend specific political conducts and policies. An ideologically steeped regime can thus be defined as one that patently invokes doctrinal factors or ideal grand objectives in justifying political thought and action, which then tremendously constrain the compass of its choices and political behaviour.

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<sup>396</sup> Eatwell, R & Wright, A 1999, *Contemporary Political Ideologies*, Pinter, London, p. 17.

<sup>397</sup> Hamilton, MB 1987, “The Elements of the Concept of Ideology,” *Political Studies*, vol.35, no. 1, pp.18-38.

<sup>398</sup> The difference between ideology, doctrine and dogma are minor. As defined by the WikiDiff encyclopedia, “Dogma is an authoritative principle, belief or statement of opinion, especially one considered to be absolutely true regardless of evidence, or without evidence to support it while **ideology** is doctrine, philosophy, body of beliefs or principles belonging to an individual or group.” Given the small nuances, these words will be used interchangeably.

<sup>399</sup> Haas, ML 2005, *The Ideological Origins of Great Power Politics, 1789-1989*, Cornell University Press, Ithaca, NY, pp. 5-6.

In his regime typology, Linz reserved potent dogmatism to totalitarianism, classifying authoritarian regimes as non-dogmatic, thereby reducing their dispositions to mere 'mentalities'. Hence: "Mentality is intellectual attitude, ideology is intellectual content. Mentality is psychic predisposition, ideology is reflection, self-interpretation;... mentality is formless, fluctuating – ideology, however, is firmly formed."<sup>400</sup> This series of distinctions between ideologies and mentalities (encompassing essence, concordance, enunciation, extensiveness, perspicuity, sophistication and normativity), are semantically consequential, making mentalities less binding and coercively enforceable. The stakes therein are consequently less important since mentalities are not as elaborate and compelling compared to ideologies, thereby requiring less commitment and zeal. Accordingly, "Their constraining power to legitimate and delegitimate actions are very different."<sup>401</sup>

Yet, Linz envisages a possible overlap between ideology and mentality by acknowledging that "the distinction is and cannot be clear-cut but reflects two extreme poles with a large gray area in between."<sup>402</sup> He would therefore concede that certain authoritarian regimes – while falling short of outright totalitarianism – can also be so dogmatically-imbued as to have their hegemonic doctrines limit their political options. They can abide by an "elaborate and guiding ideology,"<sup>403</sup> similarly enacted to limit pluralism and emaciate citizen political engagement, while concentrating power within ill-defined but predictable boundaries. Linz's typology, premised on the idea that authoritarianism is devoid of dominant and elaborate political ideologies as determinative of decision-making, has dominated literature since the Soviet Union's collapse. However, some authoritarian – yet non-totalitarian – regimes also use ideological doctrines in support of policies to inhibit democracy, as I will demonstrate below in Ben Ali's twenty-year regime in Tunisia.

Given the ways in which supremacist doctrines privilege a certain definition of state and national identity to monopolise power, the debilitation or withering of these doctrines tends to affect regime credibility, systematically leading to a crisis within its ranks. Post-totalitarian (or authoritarian) regimes then often turn to socioeconomic performance measures to sustain their credibility, and when these prove inefficient, the gulf between the tenability of its ideology and performance-based legitimacy seriously destabilises those regimes. When its ideology wanes, the challenge a single ruling party faces from outspoken movements or the opposition consequently transforms into a fundamental menace.<sup>404</sup>

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<sup>400</sup> Linz, JJ 2000, *Totalitarian and Authoritarian Regimes*, Lynne Rienner, Boulder, CO, pp. 162-163.

<sup>401</sup> *Ibid.*, p. 163.

<sup>402</sup> *Ibid.*, pp. 162-63.

<sup>403</sup> *Ibid.*, p. 159.

<sup>404</sup> Linz & Stepan 1996, *Problems of Democratic Transition and Consolidation*, pp. 48-49. Brackets added.

For when the inextricable dogma is so deeply embedded in the state system *per se*, the intervening political challenge affects both. Therefore, although Linz's typology restricted the applicability of ideologies to totalitarian regimes, his logic is equally true for any autocracy using dogma as a primary basis for legitimisation. If a regime elevates its doctrine to a cardinal level – as “part of the presumptive background of thought and action”<sup>405</sup> – the urge to preserve it also becomes absolute, even for an authoritarian, ‘less-than-totalitarian’ regime. Once institutionalised, a hegemonic ideology must be sustained uncompromisingly and relentlessly, since its discrediting deeply affects a regime's (hypothetical) legitimacy, but also its legacy, hence the strive to forestall its demise. Within this typology of nondemocratic regimes conceived by Linz, the recognition of worldviews patently contrasting with the core establishment's doctrine thus precipitates the totalitarian (or authoritarian) model's downfall. For, once an autocracy uses a supreme ideology to legitimatise and dictate its actions, it will fiercely shield that dogma from dissenting doctrines. Hence, it is appropriate to apply Linz's concept to dogmatic-minded MENA autocracies, of which Tunisia is a good example.<sup>406</sup>

## 4.2 Ideology as an Obstacle to Democratisation in MENA

In short, once established as an authoritarian regime's hallmark, a supremacist doctrine serves as a benchmark against which rival doctrines are dismissed. By narrowing down the political compass, this spirit precludes change and thereby inhibits any democratic transition.

Nowhere is this more evident than in MENA; a region wherein, according to Waterbury, official discourse is ends-tailored, clothed as it is in a sacredness of a mission that annihilates all antithetical rhetoric as disruptive or repugnant. Autarchy as such is vindicated on the basis of a self-proclaimed paramount objective,<sup>407</sup> like in Nasserite Egypt or Saddam Hussein's Iraq.

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<sup>405</sup> Lustick, IS 1996, “Hegemonic Beliefs and Territorial Rights”, *International Journal of Intercultural Relations*, vol. 20, no. 3-4, pp. 479-492, p. 486.

<sup>406</sup> *Ibid.*, p. 77. Brackets added.

<sup>407</sup> Waterbury, J 2001, “Democracy Without Democrats? The Potential for Political Liberalization in the Middle East”, in G. Salame (ed.), *Democracy Without Democrats? The Renewal of Politics in the Muslim World*, I.B. Tauris, London, pp. 24-47.

Similarly broaching the ideological issue in MENA, Michele Angrist has highlighted the importance of ideological polarisation in shaping the region's political landscape. The post-independence regimes that emerged indeed partially mirrored the absence/existence of orientations embraced by a given party which menaced ruling elites' interests.<sup>408</sup> As also testified by Huntington's clash of civilisations thesis, the Arabo-Muslim world is allegedly the last bastion of potent political ideology following Communism's demise, hence its pertinence as a causal variable for democratisation. As we shall see with Bourguibism, a robust dogma can still shape civil and political reality, state organs and the economy, even when the circle of its defectors, opponents and disputants widens.<sup>409</sup> By way of illustration, Angrist refers to Turkey's experience of one-party-rule experience, which came to an end only when the Republican People's Party guaranteed the opposition's full adherence to the secular Kemalist doctrine underlying the state before accepting any free plebiscite.<sup>410</sup> The implication is that when the preservation of a doctrine's prevalence amounts to an existential concern for a dogmatically-imbued MENA regime, it will block transition once its hegemonic doctrine is threatened, lest this doctrine fails to outlive its rule. Given that dogmatic considerations are instilled in governance modes and practice, their inalienable character prevents the political arena opening up to contestation and pluralisation. If authoritarianism is infused with ideological dogmatism, voluntary democratic transition (not initiated by a revolutionary regime change) is thus improbable. Kemalist Turkey's case is pertinent, as Bourguibist Tunisia is its closest Arab replica in terms of forced secularisation and anti-Islamist fervour.

Since ideology translates the fundamental ethos and creeds espoused by the predominant sociopolitical caste, which are mass-ordained,<sup>411</sup> when that ideology is threatened by a dogmatically potent and antagonistic opposition movement (which in MENA is often Islamist in essence), democratisation is simply halted notwithstanding repercussions. Indoctrination is intended to traverse people's cognizance and change psyches so that the prospect of transcending the ideology is unimaginable and intolerable. No faction ought to disentangle itself from it or question its fundamental soundness.<sup>412</sup> Even when a new regime springs-up, the enforcers and guardians of a dogmatically minded establishment will fight hard to prevent their doctrine from lapsing. And, although authoritarian doctrines are not as suffusive and comprehensive as totalitarian ones, the reigning political culture will still firmly shield those dogmas and ensure their perpetuation to preserve the *status quo ante*.

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<sup>408</sup> Angrist, MP 2006, *Party Building in the Modern Middle East*, University of Washington Press, Seattle, pp. 13-21.

<sup>409</sup> Linz & Stepan 1996, *Problems of Democratic Transition and Consolidation*, p. 48.

<sup>410</sup> Ibid., pp. 158-87.

<sup>411</sup> Loewenstein, K 1965, *Political Power and the Governmental Process*, University of Chicago Press, Chicago, p. 9.

<sup>412</sup> Pranger, RJ 1988, "Ideology and Power in the Middle East," in PJ. Chelkowski & Robert J Pranger (eds), *Ideology and Power in the Middle East*, Duke University Press, Durham, pp. 19-24.



Consequently, only if the hegemonic ideology is safe, as in Turkey's case, may challenges to the monopoly on power be permitted and thus democratic change is conceivable. In contrast, when the challenge is concomitantly enmeshed in ideology, a peaceful handover of power is inconceivable as ideological frictions will constitute a systemic check on democratic transition.

This is especially true for early ruling elite generations, given their inherent and close self-identification with the doctrine, as opposed to subsequent generations which lack the enthusiasm and strong enthrallment of its instigators. Linz posits that a new generation, which lacks the founding fathers' zeal and devotion, can disentangle itself from the dogma's absolute authority as it will prioritise developing a governance programme over sustaining an all-powerful supremacist ideology.<sup>413</sup> A similar dynamic may occur within dogmatically minded authoritarian systems, as the masterminds that concocted regime ideology will strive to annihilate transition prospects without firm guarantees that the opposition will stay faithful to that ideology, whereas subsequent generations will be more flexible and open to new power configurations outside of those confines.

If the absence of ideological conflict in an authoritarian polity facilitates transition, then this implies that in an ideologically charged region like MENA dogmatic frictions will afflict politics in ways that complicate its prospects for democracy, even when a given regime seems 'democratisable' from several perspectives. This was the case in Tunisia's failed transition starting in the late 1980s, which to all appearances had a political system structurally-fit for democracy, with a baseline level of socioeconomic development, and had engaged in a substantive liberalisation process, only to fail in the democratisation process. Tunisia's example can provide an answer to Przeworski and his co-authors' query about why "[s]everal countries have waited much longer to make the transit to democracy than their conditions would predict."<sup>414</sup>

### **4.3 Ideological Conflict and the Failed Transition of the Early 1990s**

Similar to Michele Angrist's case of Kemalist Turkey,<sup>415</sup> Tunisia provides a good testing ground for studying the potential effects of ideological conflict on MENA transitions, as ideology was crucial to its postcolonial political and institutional development, especially under Bourguiba.

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<sup>413</sup> Linz 2000, pp. 76-78.

<sup>414</sup> Przeworski, A, Alvarez, ME, Cheibub, JA & Limongi, F 2000, *Democracy and Development: Political Institutions and Well-Being in the World, 1950-1990*, Cambridge University Press, Cambridge, pp. 87-88.

<sup>415</sup> Angrist 2006, Party Building in the Modern Middle East.

And, by tying its legitimacy to the state-building process, ideology inhibited its first-ever postcolonial democratic undertaking in the early 1990s when the regime-imposed secular doctrine met increasing Islamist resistance, contestation and defiance. Thus, Ben Ali drastically interrupted his ambitious and extensive program of liberalising reforms, amounting to an embryonic democratic transition, when the competing Islamist doctrine confirmed its capability to compete with and outpace his regime's secular ethos within a democracy. This conflict's overarching nature is evident in the fact that the whole Bourguibist-modernist elite, be it in power or in the opposition, colluded in such a move.

The new regime's initial opening was premised on the idea that all viable opposition endorsed officialdom's reigning secular doctrine. Nevertheless, the 1989 parliamentary elections threw up Islamists as the regime's greatest political competitors. While the election performance of Islamists was not as spectacular as to seriously threaten authorities, the perceived ideological threat posed by contestation of the main foundations of Bourguibist *Tunisianity* was alarming enough for the regime to launch a blistering and frenzied repressive crusade, plunging Tunisia into two decades of inexorable despotism. Bourguibism represented Tunisia's modernising secular-nationalism, components of which permeated some other MENA establishments, but nowhere else in the Arab world were these postulates more intricate, observed and entrenched as the core ruling doctrine than under Bourguiba's Tunisia.

Tunisia in the late 1980s appeared to have all the favourable conditions for a successful transition: respectable levels of socioeconomic development, an ambitious political liberalisation undertaking,<sup>416</sup> a vivid civil society boasting the first independent human rights league ever in the Arab world, and a promising elite bargaining/pact-making practice. Yet, these attributes were not enough to secure democratic transition. The secular-Islamist cleavage acted as a structural constraint not only in aborting the democratic transition, but also in rolling back the liberalisation programme launched earlier. I argue that had the regime not been confronted with a serious dogmatic challenge, Tunisia might have transitioned to democracy much earlier than 2011, given the aforementioned strengths.

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<sup>416</sup> Balamoune-Lutz, M 2009, "Tunisia's Development Experience: A Success Story?", Research Paper 2009/032, *UNU-WIDER*, viewed 22 December 2018, <[https://www.researchgate.net/publication/228368908\\_Tunisia's\\_Development\\_Experience\\_A\\_Success\\_Story](https://www.researchgate.net/publication/228368908_Tunisia's_Development_Experience_A_Success_Story)>, p. 1.

Only when the question of ideological polarisation was overshadowed and eclipsed during the revolution has democratisation become possible. Indeed, the conviction within regime and military ranks that Ben Ali's ousting would not jeopardise Bourguibism's pivotal status was crucial to Tunisia's 2011 regime change. Though this calculation turned out to be inaccurate, as Islamists quickly rose in prominence and mounted the challenge, the key to transition was the belief that the state's secular ideology would survive regime change. The appraisal that Ennahda was 'liquidated' by the Ben Ali junta generated a low threat perception inside the army towards Islamists. Notwithstanding a history of non-interference in politics, the military's decision to abandon Ben Ali thus stemmed from a persuasion that - given political Islam's debilitation - Bourguibism would be safe upon any regime change, especially given that no Islamist slogan was branded during the demonstrations.

Tunisia could have, therefore, transitioned to democracy in the early 1990s if the Ben Ali regime was as doubtless about Bourguibism's inviolability. Yet, the nascent democratisation and liberal reform momentum was essentially lost due to the regime's fears of an Islamist movement deemed robust enough as to represent a vital threat to the secular modernisation doctrine. As Bourguibism was at stake, Tunisia thus succumbed to ideological politics that not only ended democratic transition but turned into outright dictatorship. Democratic change later became possible only via popular revolt.

#### **4.4 Bourguibism as a State Doctrine**

Influenced by the European secularist tradition, particularly French republicanism, the Tunisian liberation movement espoused a modernisation ethos. This developed as a doctrine under the instigation of Bourguiba, whose close familiarity with French statecraft and ethos cemented his Francophile persona while still striving for Tunisia's emancipation.<sup>417</sup> Upon independence, this immersion into Western values permeated his state-building thought and strategy, including its secular values and policy.

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<sup>417</sup> Hopwood, D 1992, *Habib Bourguiba of Tunisia: The Tragedy of Longevity*, St. Martin's Press, New York, pp. 22-28.

Ideology was already salient as a political weapon during the 1950s in the intense rivalry between Habib Bourguiba and Salah Ben Youssef for the Neo-Destour party leadership. Rivalry transformed into outright animosity as a result of divergent traits and amplified personal ambitions. Nevertheless, the disaccord was essentially political, centring on profound ideological divergences over the trajectory of the fight for independence and postcolonial Tunisia's sociopolitical orientations. As Norma Salem affirms: "It is difficult to accept that personal competition for leadership of the Party, alone, could have led to the civil strife which Tunisia was to experience during the period."<sup>418</sup> As opposed to Bourguiba's secular modernism, Ben Youssef – once the party's second in charge – was committed to Arab nationalism and a pan-Islamic Maghreb unity.

Equally important in that duel was the deep disagreements over present and future relations with France. Bourguiba favoured a negotiated independence process rather than armed confrontation, coupled with a post-independence 'special relationship' rather than a total break-off. An admirer of France's sociopolitical model, he thought that his modernising, secular and West-looking vision could benefit from friendship and cooperation with the former occupying power, hence the importance of remaining on good terms. Consequently, the pan-Arab, North African confederacy advocated by Ben Youssef was totally anathema to him.

Ben Youssef and his camp (the Youssefists) totally rejected Bourguiba's vision. They perceived a confrontational path to emancipation rather as part of a larger regional drive that would force French colonialism out of the Maghreb, resorting to armed combat if needed.<sup>419</sup> Branding the catchcry, "the rifle instead of the ballot box,"<sup>420</sup> the Youssefists pursued a more uncompromising and militant approach than Bourguibists, viewing guerrilla warfare as the sole means to turn the French out of Tunisia and the entire region. No special relationship was on the agenda, nor any appeasement through gradual, peaceful moves toward independence. France had to quit immediately, surrendering all internal and external control over Tunisian affairs. A post-independence Tunisia, strongly immersed in Arabo-Islamicity, made a future alliance with ex-colonial France actually inordinate. This worldview thus disputed the essence of Bourguiba's secular modernising vision, rendering Youssefism intolerable and ideologically untenable to Bourguiba, as it could seriously jeopardise the ascendancy of the Bourguibist doctrine and its power inside the Neo-Destour.

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<sup>418</sup> Salem, N 1984, *Habib Bourguiba, Islam, and the Creation of Tunisia*, Croom Helm, London, p. 154.

<sup>419</sup> Alexander 2010, *Tunisia: Stability and Reform in the Modern Maghreb*, p. 31.

<sup>420</sup> *Ibid.*, p. 37.

Therefore, the contest for political control was imbued with an overt ideological dichotomy. The Bourguiba-Ben Youssef blocs had serious divergences over fundamentals: the route to independence and the postcolonial state's identity. This was not a mere tactical faultline revolving around armed struggle versus negotiation, but a deeper normative rift over Tunisia's future direction: a secular nationalist, Western-oriented Tunisia versus an Islamically-inspired state, immersed in its Maghrebi, Arab and Islamic cultures. Salem has also noted the divergent worldviews inherent in the different international alignments of Bourguiba and Ben Youssef: Bourguiba commitments to his first ally, France, against Ben Youssef's non-aligned bloc and support from the Arab world, stemming notably from the Pan-Arabist leader Nasser of Egypt.<sup>421</sup> These competing visions were irreconcilable given the zealous dogma permeating them and their high political stakes.

At the dawn of independence, socioeconomic development rather than democratisation was Tunisia's priority, impoverished and debilitated as it was by its long period of colonisation. The conflicts between Bourguiba and Ben Youssef took place at the stage of state-building rather than during a fully-fledged democratic transition. Nonetheless, the stark dogmatic antagonisms between these emblematic figures, culminating in Bourguiba's decision to expel Ben Youssef altogether from party ranks, demonstrate how detrimental ideological conflicts can be to national unity and future democratic ventures. This episode has reverberated throughout the whole postcolonial era. For, although the Ben Youssef faction was quickly neutralised (politically and even physically), the ramifications proved far-reaching. Ben Youssef's enormous popularity demonstrated the large ideological appeal of Islam and Pan-Arabism, which was threatening to an embryonic and relatively vulnerable Bourguibism in its search for sociopolitical grounding.<sup>422</sup>

Given this exposure, Bourguiba harnessed the state apparatus to pursue a long-term campaign to socialise Tunisians into a secular and Western-modernist ethos as the basis for a new national identity. The confrontation with Youssefism stoked intolerance of challenges from other ideologies under any circumstances. An integral part of this aggressive strategy was the targeting of political Islam, often depicted as a pernicious menace. Patently non-democratic, Bourguiba denied the right to political participation to Islamists of any stripe, who *ipso facto* repudiated his core political ideology, while secular opposition was either legalised or tolerated within certain bounds, which confirms his anti-Islamist convictions and orientations.

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<sup>421</sup> Salem 1984, Habib Bourguiba, Islam, and the Creation of Tunisia, pp. 153-55.

<sup>422</sup> Moore 1965, Tunisia Since Independence, pp. 69-70.

The 1981 elections, which were supposed to end one-party rule, saw the recently-created Islamic Tendency Movement (MTI) denied recognition and tens of its adherents apprehended for setting up an unauthorised organisation,<sup>423</sup> which combined Islam with politics and outstripped Islamism's stringent social confines.<sup>424</sup> The Bourguibist elite incessantly attacked the Islamist movement, dismissing its intention to induce more Islamicity into the public sphere as antithetical to all Western-secular-modernist principles.<sup>425</sup> The Westernisation, secularisation and modernisation processes were vehemently upheld. The importance of ideology in Tunisia's state-building and identity formation in this period is that it surpassed a mere 'mentality' to emerge as a philosophical dogma beyond questioning that deeply shaped state policy. In a challenge to Linz and Stepan's postulate, this confirms that some authoritarian regimes can establish doctrines as elaborate as totalitarian systems.

As mentioned earlier, given his personal history and individual inclinations, Bourguiba resembled Kamel Atatürk as the staunchest Arab champion of Western secularism. And, despite being more fluid and not as elaborate as Kemalism, Bourguibism was equally powerful in forging the mode of statecraft and governance. For, while Bourguiba was less philosophically rigid and doctrinaire than Atatürk, his privileging of tactics over doctrinal inflexibility was only circumstantial. He focussed on the Westernisation-modernisation endpoints instead of the precise journey<sup>426</sup> and this did not shake his French-style republicanism, operating to control and circumvent political Islam, while treating it as antithetical to secular modernity. He was thus a pragmatic adapter rather than a hardline enforcer. Yet, although less stringent and more tactically adaptable, political ideology in Bourguiba's Tunisia was as potent as in Kemalist Turkey in defining state contours and limiting its ambit, primarily determining political inclusion and even social mobility through affirmed ideological loyalty.

To undermine ideological opponents, Bourguiba enforced a simultaneous twofold method: aggressively jettisoning preeminent and impending threats to Bourguibism, but also softly insinuating that, as conventionally-applied, Islam induced backwardness. In emphasising the ancient glories of Carthage,<sup>427</sup> he capitalised on Tunisia's pre-Islamic heritage to deemphasize Islam, reorienting Tunisian identity along secular-nationalist lines, intuiting a return to the Carthaginian golden age of wealth and power as basis of national regeneration.

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<sup>423</sup> Alexander 2010, *Tunisia: Stability and Reform in the Modern Maghreb*, p. 50.

<sup>424</sup> Hamdi, ME 1998, *The Politicisation of Islam: A Case Study of Tunisia*, Westview Press, Boulder, CO, p. 43.

<sup>425</sup> Perkins 2004, *A History of Modern Tunisia*, p. 174.

<sup>426</sup> Moore 1965, *Tunisia Since Independence*, pp. 43-44.

<sup>427</sup> Noyon, J 2003, *Islam, Politics and Pluralism: Theory and Practice in Turkey, Jordan, Tunisia and Algeria*, The Royal Institute of International Affairs, London, UK, pp. 96-97.

Consequently, changing public mindsets and attitudes toward modernity was his prescription for socioeconomic development, decolonisation and progress. These modernisation and secularisation yardsticks threw deviants and renegades outside the compass of acceptable political thought and conduct.

The recognition that Islam's symbolism is deeply ingrained in the Tunisian psyche explains Bourguiba's heedful, but dexterous, policy of subjugation to the state's careful supervision. Those Islamic features deemed inimical to modernity were to be relinquished for the sake of progress, and it was he – as a “forward-looking visionary capable of transforming religion into a productive thrust” – who was bestowed with that mission of stimulating free religious inquiry and interpretation for a more cultured and thriving society. Despite having no Islamic expertise, Bourguiba thus indirectly acted as Tunisia's *mufti*, entrusted to rightly interpret religious law.<sup>428</sup> Aside from the clear strategy to deprive the conventional Islamic establishment of its freedom, the ideological dimension of anchoring the newly-independent state into secular modernisation was paramount. Socioeconomic progress was Bourguiba's priority as an ardent nationalist, and circumventing the political obstacle posed by Islam was pivotal to that goal's cautious and subtle accomplishment.

Nevertheless, with time and better anchoring, secularity was vested with sanctity and stopped being just a means to an end, translating the depth of Bourguiba's indoctrination. Secularity's embrace, combined with an imposed liberal view of Islam, were henceforth established both as the keys to progress and as tacit conditions for incorporation into civic-political life. As mentioned earlier, they became also the determinants of social standing, with advantage and status-climbing dependent on a secular profile. Francophone education lent sway and prestige not matched by a conventional Islamic instruction, inducing the marginalisation of Tunisians originating from stereotyped Islamic milieus, as well as the extirpation of theological (rather than symbolic) representations from the polity. Flexibility in implanting the state's doctrinal hegemony turned into intransigence in its preservation.

In sum, Bourguiba's inculcated ideology was intended to determine the nature of the state and protect it from challenge. Dissemination of his ideological credos ensured that Bourguibism permeated state bodies, religious institutions, but especially the norms and practices of the masses, in order to guarantee its hegemony. But aside from its ideological supremacy and increasing embrace through assimilation and habituation, Bourguibism's lasting legacy was autocratically ensured by suppressing the underlying ideological polarisation as a political threat, especially during the 1980s as challenges mounted from an increasingly influential Islamist movement. After his departure, the dogma still delineated the contours of the political landscape and acceptable ideological limits of state-guided politics.

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<sup>428</sup> Ibid., p.97.

The Bourguiba era thus pragmatically, but authoritatively, embedded a secular state ideology and a politically liberal Islam, thereby introducing a lasting modernist bias into governing institutions and culture. This sweeping Bourguibist ideology that was espoused by the political class shaped the atmosphere in which Ben Ali deposed Bourguiba and assumed the presidency. And, it was the political system crafted by Bourguiba and sustained during three despotic decades which, as we shall just see, later moulded and constricted the Ben Ali regime's political choices during the 1990s.

#### 4.5 The Failed Transition under Ben Ali

Zine El-Abidine Ben Ali, then Prime Minister, deposed Bourguiba in a bloodless coup on 7 November 1987. Having served two stints as National Security Chief, Ben Ali was recruited by Bourguiba precisely because of his intransigent anti-Islamist stance, which was needed to keep the Islamist movement at bay.<sup>429</sup> Yet, once nominated as head of government, Ben Ali swiftly managed to topple his mentor, medically certifying that Bourguiba was unfit for rule due to senility, thus abiding by constitutional provisions.

Ben Ali and some other cabinet members had a hard time dealing with a sick and aging Bourguiba, but the final stroke came when the President stubbornly ordered retrials of MTI Islamists to toughen sentences and impose capital punishments, including against its leader Ghannouchi. As Paul Legg affirmed, "After a number of small bombs exploded in the tourist resorts of Sousse and Monastir in 1987, Bourguiba is said to have demanded the mass execution of suspects. Ben Ali balked at and ignored the order. It was said to be a defining moment in crystallising his determination to take power in his own right."<sup>430</sup> A human rights activist cited by the New York Times noted: "It would have been civil war,"<sup>431</sup> stressing that the chief of government's move to assume the leadership of the country was amply justified.

In fact, external reactions to Ben Ali's bloodless coup were rather positive, especially in Western circles:

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<sup>429</sup> Hopwood 1992, Habib Bourguiba of Tunisia, p. 103.

<sup>430</sup> Legg, P 2011, "Ben Ali's Smooth Rise to Power in Tunisia Contrasts with Sudden Decline", *The Guardian*, 15 January, viewed 2 February 2020, <<https://www.theguardian.com/world/2011/jan/15/ben-ali-power-tunisia>>.

<sup>431</sup> Delaney, P 1987, "Senile Bourguiba Described in Tunis", *The New York Times*, 9 November, viewed 2 February 2020, <<https://www.nytimes.com/1987/11/09/world/senile-bourguiba-described-in-tunis.html>>.



Tunisia watchers could see that Ben Ali was the darling of the western embassies. Well known to the French and American militaries, he was someone the diplomats believed could be trusted to maintain Tunisia's secular, pro-western policies and keep the country out of the orbit of its dangerous, larger neighbour, Gadaffi's Libya. Ben Ali had no need of outside support to plan and carry out his seizure of power, but he did so confident in the knowledge of western support.<sup>432</sup>

Despite his recruitment to lead repression of the MTI, Ben Ali objected to the anti-Islamist escalation, resisting the pressures from Bourguibist regime hardliners. He had shown political astuteness by lending a voice of moderation concerning the trials, as he grasped the perils immanent in an extremely radical response. This boded well for Islamists, who came to trust him.

Ben Ali was quick to liberalise the Tunisian polity, breaking with Bourguibists' monopolisation of the political realm and discarding their fierce resistance to reform. Thus, exiled opposition figures were permitted to return, and many were granted clemency from outstanding criminal charges. All political prisoners were amnestied, while having their civil rights restored. The (extrajudicial) Security Court was dissolved, formerly pronounced death penalties were converted to life sentences, while Amnesty International was for the first time allowed to be active in the country.<sup>433</sup> The new press code and association-formation legislation henceforth encouraged uncensored dialogue and political pluralism. Preventive detentions were banned, the UN Covenant on Torture was ratified and a hiatus on capital punishment enforced.<sup>434</sup> In his 1991 assessment of Tunisia's political situation, the North Africa scholar William Zartman judged Ben Ali's liberalisation ventures as "not mere atmospherics; they were evidence of a basic change in the nature of the political system, opening it up to pluralism of opinion and debate without incrimination."<sup>435</sup> Ben Ali's encouragement of political pluralism was made explicit in his inaugural speech: "Our people deserve an advanced political life,"<sup>436</sup> adding in a later speech that: "No rule not abiding by popular sovereignty, via the free and direct election of its leaders, can claim legitimacy."<sup>437</sup> Christopher Alexander writes that:

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<sup>432</sup> Legg 2011, Ben Ali's Smooth Rise to Power in Tunisia.

<sup>433</sup> Zartman, IW 1991, "The Conduct of Political Reform: The Path Toward Democracy", *Tunisia: The Political Economy of Reform*, Lynne Rienner, Boulder, CO, p. 16.

<sup>434</sup> Alexander 2010, Tunisia: Stability and Reform in the Modern Maghreb, p. 53.

<sup>435</sup> Zartman 1991, The Conduct of Political Reform, p. 16.

<sup>436</sup> Cited in Murphy, EC 1999, *Economic and Political Change in Tunisia: From Bourguiba to Ben Ali*, St. Martin's Press, New York, p. 167.

<sup>437</sup> Zartman 1991, The Conduct of Political Reform, p. 20.

Ben Ali spoke...the language of liberal democracy. He not only talked about multiple parties, competitive elections, and equal rights for women. He also talked about the rule of law and individual rights and liberties, including the right to hold and express opinions that differed from the majority or from the government. The new government's reforms, cast in language that suggested a deeper commitment to democracy, generated real enthusiasm across the country. Ben Ali's liberal commitments seemed ... credible.<sup>438</sup>

Far from mere rhetoric, Ben Ali took specific measures in implementation of his political reform agenda: the formation of political parties was legally authorised (except for parties predicated on religion, language, race, or region), while authorisations that were declined had to be duly and officially justified. True, this was intended to disallow MTI legal recognition, but it opened the door for future authorisation pending some adjustments.<sup>439</sup> Ben Ali launched a dialogue with the major secular opposition (Movement of Social Democrats (MDS), the Tunisian Communist Party (PCT), and the Popular Unity Movement (PUP)),<sup>440</sup> while heading nationwide political deliberations in the lead up to the November 1988 National Pact. The pact included (besides the RCD ruling party) the abovementioned opposition parties, the main unions, major organisations, and an MTI delegate. It emphasised Tunisia's Arabo-Islamic cultural identity and pledged for transparent plebiscites, checks and balances, rule of law, republican values, and protections for human rights and civil liberties. It unabashedly denounced the abuses of power and constitutional breaches under Bourguiba.<sup>441</sup> The pact was so inclusive that some RCD members expressed reservations that it could undermine their own advantageous status inside the system.<sup>442</sup> Also, Ben Ali was so steadfast in the implementation of his far-reaching liberalisation and democratisation programmes that the opposition, which long yearned for greater freedom of organisation and expression, was enticed to join government, although this ended-up taming Tunisia's overall political opposition.<sup>443</sup> For alert observers, Ben Ali indeed resolutely "stayed a step ahead of those who

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<sup>438</sup> Alexander, C 2016, *Tunisia: from Stability to Revolution in the Maghreb*, Routledge, Abingdon, Oxon, p. 50.

<sup>439</sup> Zartman 1991, *The Conduct of Political Reform*, p. 21; Murphy 1999, *Economic and Political Change*, pp. 172-73. The MTI, rather than test the new regulations, did not initially apply for legal recognition, choosing instead to wait until June 1989, at which point it was rejected based on a technicality.

<sup>440</sup> Alexander 2016, *Tunisia: from Stability to Revolution in the Maghreb*, p. 53.

<sup>441</sup> Murphy 1999, *Economic and Political Change*, pp. 173-76.

<sup>442</sup> Tessler, M 1990, "Tunisia's New Beginning", *Current History*, vol. 89, no. 546, pp. 169-184, p. 172.

<sup>443</sup> *Ibid.*, p. 54.

might otherwise be his critics by demonstrating a clear if sometimes cautious commitment to democratic reform.”<sup>444</sup> His overtures seemed ingenuous.

As mentioned above, even Islamists were certain of real change. In confirmation of this trust, senior Ennahda figure Nouredine Bhiri stated that: “We are proud to see Tunisia now turning to democracy,” and “we believe the president is sincere about reform and the right of all political parties to participate in the freeing of Tunisia’s future.”<sup>445</sup> Michael Ross also observed that: “Thanks to the liberalizing reforms introduced by President Zine Abidine Ben Ali... Tunisia’s Islamic fundamentalists have not only come out of hiding but have moved uptown.”<sup>446</sup> This indicates that it was widely recognised that Ben Ali’s reforms and liberalising initiatives were uncommonly broad and unique across the region, not just simple window-dressing. The reform package’s magnitude exceeded that of a liberalisation strategy simply intended to serve only as a release of pressure on the system. Freeing political detainees is a frequent and widely-used autocratic manoeuvre, but Ben Ali instantly released 2,487 detainees in 1987 (besides all forced army conscripts), 2,044 in March 1988, 32 more in July, and the remaining 2,119 political detainees in November.<sup>447</sup> So within a one year he released all political prisoners without exception, and no guileful leader feigning liberalisation just to consolidate power would enact such an overarching amnesty program that would make a subsequent quelling of opposition much more complicated. As mentioned above, Ben Ali also effectively amnestied or invited back home all significant regime opponents, without restraining their freedom of action, organisation and communication, liberalised press regulations and accepted monitoring by national and foreign human rights organisations – all of this suggests his genuine support for opening political contestation and initiating steps toward democratisation at this time.

In addition to taking effective steps towards democratic transition, the environment also appeared to be propitious in the late 1980s Tunisia. It is an ethnically-homogenous country, with an overwhelming majority population of Arabo-Muslims (98%) – unlike the two other Maghrebi countries, Morocco and Algeria, which have significant Berber minorities.<sup>448</sup> Nor does Tunisia suffer from the ethnic and sectarian cleavages afflicting some other Arab countries, whether opposing Muslims and Christians (e.g. Egypt, Lebanon) or Sunni and Shi’a

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<sup>444</sup> Ibid.

<sup>445</sup> Ross, M 1988, “Gaining Confidence of Opposition Once Silenced by Bourguiba : Tunis Leader Winning High Marks for Reforms”, *Los Angeles Times*, 15 October, viewed 4 February 2020, <<https://www.latimes.com/archives/la-xpm-1988-10-15-mn-3336-story.html>>.

<sup>446</sup> Ibid.

<sup>447</sup> Zartman 1991, *The Conduct of Political Reform*, p. 16.

<sup>448</sup> CIA World Factbook 2019, *Tunisia*, CIA, last modified 26 June 2019, viewed 5 February 2020, <<https://www.cia.gov/library/publications/the-world-factbook/geos/ts.html>>.

(e.g. Iraq, Syria), bestowing it with advantages for national unity. It had a high schooling ratio and a sizable middle class, as well as respectable socioeconomic indicators.

Indeed, Tunisia boasted a mid-level national income and a diversified economy, “outpacing other Middle Eastern and North African and lower-middle-income countries’ average.”<sup>449</sup> Furthermore, its political development gave the impression of meeting O’Donnell and Schmitter’s criteria<sup>450</sup>: that is, a fracture between regime conservatives (Bourguibists) and the less-rigid (the Ben Ali camp), promising liberalisation/democratisation policies and a newly-established tradition of regime-opposition negotiation in motion embodied by the National Pact. And, despite the repeated questioning of the transition paradigm, it is still reasonably accepted that regime splits, liberalisation, multiparty politics and pacting practices usually facilitate successful democratic transitions. At the time, Ben Ali enjoyed real legitimacy and high popularity, both for saving Tunisia from an unknown fate under a senile Bourguiba and for reinvigorating politics. It appeared that he had nothing to fear from free elections. Communism’s demise also made the international environment more conducive to democratisation, placing Tunisia, with its important reforms and national assets, in a historically favourable position for democratisation. From this perspective, Ben Ali’s ventures cannot be read as a manipulative form of liberalisation aimed at avoiding genuine democratisation.

Contemporary accounts testified to the cogency of Ben Ali’s liberalising and democratising agenda and to the seriousness of Tunisia’s prospects for political development. Zartman has summarised it well: “Tunisia at the end of the 1980s represents a striking case of transition toward democracy. The opportunities, intentions, and decisions are all clear and present.”<sup>451</sup> After enumerating the diverse sociopolitical reforms, he noted: “Enhanced civil liberties, a pluralized political system, and competitive, non-violent elections were their undeniable result.”<sup>452</sup> Zartman added that “[r]eforms do not leave the reformer unchanged,”<sup>453</sup> since the vast unoccupied political space would potentially lead to vigorous multiparty politics outside RCD’s control.<sup>454</sup> This positive appraisal was not unique to Zartman. In surveying the 1990 Tunisian political setting, Mark Tessler viewed Ben Ali’s strides as heralding a new phase of promising and greater political development. This is because “[he]

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<sup>449</sup> Achy, L 2011, “Tunisia’s Economic Challenges”, *Carnegie Middle East Center/The Carnegie Papers*, viewed 5 January 2020, <[https://carnegieendowment.org/files/tunisia\\_economy.pdf](https://carnegieendowment.org/files/tunisia_economy.pdf)>, p. 4.

<sup>450</sup> Schmitter & O’Donnell 1986, *Transitions from Authoritarian Rule*.

<sup>451</sup> Zartman 1991, *The Conduct of Political Reform*, p. 9.

<sup>452</sup> *Ibid.*

<sup>453</sup> *Ibid.*

<sup>454</sup> *Ibid.*, pp. 25-28.

has proclaimed a new beginning and made a transition to democracy his highest priority.”<sup>455</sup> The National Pact, in addition to the series of constitutional amendments and reprieves, ushered in “significant progress”<sup>456</sup> towards democracy, despite its remaining loopholes.

Lisa Anderson was also confident about Tunisia’s prospects for a successful democratic transition. In commenting on the 1988 Ben Ali regime-opposition pact, she noted in 1991 that:

[a]s leader of the country and, more important, as an advocate of a pluralistic vision of society and politics, he [Ben Ali] needed a device that would permit even those who opposed his policies to pledge their allegiance to the country and articulate a common vision of politics and society within which they might disagree on specific policies.<sup>457</sup>

In ascertaining the genuine move towards democracy, Anderson stressed how:

Ben Ali made it quite clear that he did not intend it to be merely empty words: in reshuffling his Cabinet the day after the elections he appointed the head of the Tunisian League of Human Rights – long a bane of the Bourguiba government – and a prominent former member of the executive committee of the MDS [opposition party] to important posts.”<sup>458</sup>

She then concluded that:

Far from introducing a conservative bias into subsequent political relations, this pact may be better understood as an effort to foster the tolerance of dissent and opposition which is a cornerstone of democratic politics. That the Pact itself is only a first tentative step in that direction should be apparent; there are many pitfalls in any transition of a regime. What is significant is not necessarily how far the National Pact has taken the Tunisians, but the direction in which it points.”<sup>459</sup>

Anderson hence distinguished Ben Ali from the other secular Arab autocrats, which is noteworthy of a scholar with widely recognised and sophisticated insights into the Arab world. While she recalibrated her position subsequently, her account demonstrates how powerful

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<sup>455</sup> Tessler 1990, Tunisia’s New Beginning, pp. 169-172; pp. 182-184.

<sup>456</sup> Ibid.

<sup>457</sup> Anderson, L 1991, “Political Pacts, Liberalism, and Democracy: The Tunisian National Pact of 1988”, *Government and Opposition*, vol. 26, no. 2, pp. 245–260, p. 252. Emphasis mine.

<sup>458</sup> Ibid., p. 259. Brackets added.

<sup>459</sup> Ibid., p. 260.

the impression Ben Ali's gave during his early rule that he was earnestly and genuinely flirting with democracy.

This positive scholarly appraisal was also shared by journalists and foreign correspondents. For example, a 1989 *New York Times* article reported that:

Tunisia is undergoing a transition from a one-man dictatorship to a much more open society with a sleight of hand that could furnish lessons for Mikhail S. Gorbachev, the Soviet leader. In terms of tolerance and bitter scores that have so far been left unsettled, the Tunisian experience has been virtually unique in the third world."<sup>460</sup>

In short, Ben Ali's acts and discourse painted him as a true democrat. This was further confirmed by his embrace of international human rights conventions to underpin his national reconciliation policies, which meant it was unsurprising to have a comparison with Gorbachev run in his favour.<sup>461</sup> Given the broad magnitude of the reforms and the extraordinary democracy and human rights rhetoric, late 1980s Tunisia's democratic overall prospects were promising and decidedly uncommon in the region. Such an extensive liberalisation agenda, coupled with relatively free elections, were unknown to other Arab regimes. On this basis, the contemporary optimism about Tunisia's democratic chances was well-founded, as progress toward democracy – though incremental – was evident.<sup>462</sup> All of this demonstrates that Ben Ali's policies were not aimed at establishing a cosmetic democracy. True, the first national elections in 1989 were not paragon of freedom and fairness, marred as they were by a number of substantial flaws, including the ban of Ennahda which forced its candidates to run as independents. But, while Ben Ali's initial reforms were not perfect, they were deep enough not to look spurious. They contrasted starkly with a sovereign seeking exclusively to entrench his one-man rule. Consequently, despite emerging from Bourguiba's repressive security apparatus he once headed, the new President's initial moves suggested serious intent to liberalise politics.<sup>463</sup>

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<sup>460</sup> Markham, JM 1989, "Tunisia Is Pulling a Democratic Rabbit Out of a Dictator's Hat", *New York Times*, 10 April, viewed 5 July 2019, <<https://www.nytimes.com/1989/04/10/world/tunisia-is-pulling-a-democratic-rabbit-out-of-a-dictator-s-hat.html>>.

<sup>461</sup> Perkins 2004, *A History of Modern Tunisia*, p. 194.

<sup>462</sup> Zartman 1991, *The Conduct of Political Reform*, pp. 23-25.

<sup>463</sup> Sadiki, L 2002, "Political Liberalization in Bin Ali's Tunisia: Façade Democracy", *Democratization*, vol. 9, no. 4, pp. 122-141, p. 132.

### *Halted Democratisation*

These promising democratisation prospects, however, turned out to be illusory as Ben Ali's Tunisia descended into a spiral of authoritarianism as political challenges from Islamists emerged. Not only did the country stop far short of democracy, it slipped into an outright dictatorship which was eventually worse than Bourguiba's. In addition to the outlawing of Ennahda, a massive campaign of arrests was conducted in the period 1990-1992, followed by a largescale crackdown on activists, resulting in 8000 incarcerations.<sup>464</sup> The Gulf conflict also exacerbated the regime's perception of Ennahda as a serious ideological threat, as it rejected the official Bourguibist, pro-Western foreign policy in opposing the deployment of 'infidel' troops on Muslim soil, and in escalating anti-American rhetoric with the war's progress.<sup>465</sup> Ben Ali also profited from Western forces' increasing preoccupation with international jihadism to intensify his persecution of Islamists and further circumscribe overall personal liberties.

The increasingly confrontational approach of Islamists also antagonised the Ben Ali regime, especially in a context of secularist-Islamist conflict and violent political turmoil in nearby Algeria. The regime managed to exploit ordinary Tunisians' anxieties about a possible upheaval similar to Algeria, which was deliberately amplified to suppress a staunch ideological opponent while unleashing an tide of autocratic policies. For example, critical foreign journalism was censored, with external correspondents forced to leave, while noncompliant local press was hamstrung after customer and advertisers boycotts and the systemic harassment and intimidation of vocal journalists.

But it was especially at the human rights level that Tunisia turned into a real tragedy. There was wide and systematic use of torture and severe restrictions were placed on human rights groups, which were undermined through the infiltration of regime affiliates. Prominent activists were barred from holding official political party positions, arrested in large numbers, tried on bogus charges and hit with travel restrictions. Heavy sentences were given to activists and detention conditions were poor.<sup>466</sup> In 1997, Alexander accurately captured the abrupt reversal in trajectory:

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<sup>464</sup> Alexander 1997, *Back from the Democratic Brink*, pp. 58-60.

<sup>465</sup> Murphy 1999, *Economic and Political Change*, pp. 196-97.

<sup>466</sup> Main international human rights organisations, such as Human Rights Watch and Amnesty International, in addition to US State Department reports, among others, were crammed each year with records of these violations.

Ben Ali's November 7, 1987 coup inaugurated the heady period of political reform that swept across the Middle East and North Africa in the late 1980s. The new president promised to establish the rule of law, to respect human rights, and to implement the kind of democratic political reforms that Habib Bourguiba had steadfastly refused. Along with Algeria, Jordan and Yemen, Tunisia rode the leading edge of what many hoped would be a wave of democratic transitions in the region. Ten years later, it would be difficult to find another country that has moved so far in the opposite direction.<sup>467</sup>

Undoubtedly, the Ben Ali regime's course of action in the early 1990s substantiates this reappraisal as Tunisia succumbed to increasingly authoritarian rule, at least by Freedom House and Polity standards. Indeed, Ben Ali backslid on each liberalising step he had undertaken, descending into outright despotism, as evident in the absurd vote shares he supposedly won in elections (94% in 2004 and 89% in 2009).<sup>468</sup> In hindsight, in the early 1990s Tunisia came to resemble most other Arab regimes, where limited liberalisations were tenuous, if not an outright feint, and democracy was out of reach. But, given the aforementioned record, Tunisia was among the worst in its anti-Islamist crackdowns.

In a nutshell, Tunisia's transition ended before it could surpass the embryonic stage. Not only were democratisation moves curtailed, but the liberalisation program was totally buried. As a result, most opposition parties decided to boycott the 1990 municipal elections when the regime rejected insistent calls for reform. But, given the above account, such policy reversal cannot be simply depicted as part of a premeditated strategy of deception. Backsliding was a fact, but it was not programmed in advance.

### *The Salience of Ideology*

As a possible interpretation of such dramatic turn, sceptics contend that Ben Ali never had bona fide democratic intentions; his inaugural reform agenda was simply a liberalising form of authoritarianism, rather than reflecting a sincere will for democratic opening and liberalisation. According to this view, his various moves were premeditated to reinforce his

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<sup>467</sup> Alexander 1997, *Back from the Democratic Brink*, p. 34.

<sup>468</sup> Fuentes, GM, 2010, "Divisive Electoral Policies within Authoritarian Elections: the Tunisian Casuistry (1989–2009)", *The Journal of North African Studies*, vol. 15, no. 4, pp. 521-534.



monopoly on power through a democratic façade aimed at manipulating the opposition.<sup>469</sup> Proponents of this reading perceived the regime's discourse as deliberately misleading internal and external observers into a false impression of inclusion and political life dynamism in Tunisia. Consequently, Tunisia would represent a classic MENA case of false democratisation, deliberately fomented to obscure the persistence of a one-party rule system resentful of political contestation and pluralism.

Despite this sombre assessment, however, and irrespective of what unfolded subsequently, Ben Ali was most likely serious in his democratisation ventures. Given its thoroughness and extensiveness, at least initially his democratisation program was well-intentioned and cannot easily be dismissed as a feint to simply consolidate power. From this angle, the abrupt change in discourse and drastically authoritarian turn the rest of his rule took was unexpected and resulted from the advent of utterly new circumstances.

So, what was behind Ben Ali's volte-face? The answer lies most certainly in the performance of Islamists at the first-ever relatively free elections in postcolonial Tunisia in 1989. This exceeded regime expectations, posing a serious ideological threat to the Bourguibist secular-modernising doctrine. Absent pre-election polling data, there was no viable means to weigh diverse political forces and the support levels of parties, especially those of Islamists. So, the Tunisian electorate's direction was uncertain. The vote share of the Islamist independents, ranging from 10% to 17% according to official figures,<sup>470</sup> although not that close to a majority still was considered alarmingly high from the perspective of ruling elites, as the latter had anticipated a far lower support given that Islamists were an underground, long-oppressed group. This was all the more so given that the vote excluded so-called 'extremists' adhering to Ennahda 'fanaticism'.

Indeed, Ben Ali's authorisation of the electoral participation of Islamists as independents, rather than banning them altogether, served in the first place to measure their popularity and political influence. Given the uncertainty about voter inclinations, granting full legal status was too risky a venture, so the safe option was to circuitously let them partake to assess the depth of popular support.<sup>471</sup> The outcome was disconcerting to the prevailing Bourguibist political order, as the presupposed unpopularity of Islamists proved false. The

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<sup>469</sup> See e.g. Brownlee, J 2002, "...And Yet They Persist: Explaining Survival and Transition in Neopatrimonial Regimes", *Studies in Comparative International Development*, vol. 37, no. 3, pp. 35-63; Brumberg, D 2002, "The Trap of Liberalized Autocracy", *Journal of Democracy*, vol. 13, no. 4, pp. 56-68; and Sadiki 2002, Political Liberalization in Bin Ali's Tunisia: Façade Democracy.

<sup>470</sup> Leveau, R 1989, "La Tunisie du Président Ben Ali : Equilibre Interne et Environnement Arabe", *Maghreb-Machrek*, no. 124, avril-juin, pp. 4-17, p. 10.

<sup>471</sup> Alexander 1997, Back from the Democratic Brink, p. 57.

appeal of Islamists to an important societal segment gave them a strong baseline of support, and revealed the surprisingly weak capacity of secular parties to mobilise grassroots support. This realisation catapulted Ennahda to the centre of regime's ire, whereas it was previously presumed to be too weak to challenge regime supremacy due to its long containment and oppression. The modernist opposition's performance, heretofore held as the primary competitor, was poor. The three first in vote shares were: the Movement of Social Democrats 'MSD' (3,8%), the Party of People's Unity 'PPU' (0,7%) and the Unionist Democratic Union 'UDU' (0,4%). Overall, these and the rest of secular parties barely reached 6% of the entire ballot.<sup>472</sup> Had these parties performed better, it would not have been so disturbing as it would have maintained intact the secular Bourguibist establishment. Supposedly vanquished and weak, while also disadvantaged under new electoral rules, Islamists were not expected to emerge from the electoral process with respectable shares of the vote and reap the dividends of democratisation. Their surprising performance was intolerable.<sup>473</sup>

Ideologically speaking, the challenge the Islamists presented was deemed existential. Their solid societal support, translated into political capital through electoral performance, was threatening due to their doctrine's antagonism to Bourguibism. This doctrine challenged secularism and Western alliances, the establishment's longstanding legitimacy foundations, which provoked a regime crisis through a questioning of its *raison d'être*.<sup>474</sup> As conceived by Bourguiba, the establishment rested on the trilogy of nationalism (versus pan-Arabism/pan-Islamism), secularism, and partnership with the West. Islamists disputed the validity of all these foundations to variable extent.<sup>475</sup> This is despite Tunisian Islamism's demarcation from its Arab counterparts in its incorporation of Western concepts deemed compatible with Islam, which explains its endorsement of democracy before any other MENA Islamist movement.<sup>476</sup> This eclecticism notwithstanding, Ennahda still embraced Islamic law and jurisprudence in rejection of secularist doctrines which was antagonistic to the regime.

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<sup>472</sup> Nohlen, D, Krennerich, M & Thibaut, B 1999, *Elections in Africa: A Data. Handbook*, Oxford University Press, Oxford, pp. 919-20.

<sup>473</sup> Alexander, C 2012, "Tunisia: The Best Bet", in *The Islamists Are Coming: Who They Really Are*, Woodrow Wilson Center Press, Washington DC, pp. 39-48, p. 41.

<sup>474</sup> Zartman 1991, *The Conduct of Political Reform*, p. 27.

<sup>475</sup> Hamdi 1998, *The Politicisation of Islam*, pp. 135-56.

<sup>476</sup> Noyon 2003, *Islam, Politics and Pluralism*, p. 100. A taste for the distinctly Tunisian brand of Islamism can be seen in Ghannouchi's writings, e.g. Ghannouchi, R 2000, *Al-Harakah Al-Islamiyah Wa-Mas'alat Al-Taghyir*, al-Markaz al-Maghribi lil-Buhuth wa-al-Tarjamah, London, or in analyses of his political thought such as Tamimi, AS 2001, *Rachid Ghannouchi: A Democrat Within Islamism*, Oxford University Press, New York; Glancy, B 2007, *Liberalism Without Secularism? Rachid Ghannouchi and the Theory and Politics of Islamic Democracy*, Columba Press, Dublin.

Ben Ali unequivocally rejected the worldview of political Islam, relegating it in a UNESCO speech to mere “extremism [that] seeks to wipe out modernity’s achievements.”<sup>477</sup>

The risk confronting Bourguibism was enormous, for Islamists openly questioned a political philosophy designed to interpenetrate Tunisian nationhood itself. The post-electoral slide down the slippery slope of dictatorship thus occurred once the nature and size of this dissent became apparent to Ben Ali and the modernist state machinery. The “regime now treated Ennahda as a threat to national security and the terms “Islamists” and “terrorists” became interchangeable within regime circles”<sup>478</sup> to legitimate persecutions.

Peculiarly, as opposed to Algeria where the army-FLN (ruling party) tandem annulled effective electoral victory of the FIS (Islamist party), Ben Ali’s disproportionate reaction occurred despite his RCD party’s comfortable parliamentary majority. Nonetheless, he was still adamant that ‘the Islamist peril’ should be eradicated. And in contradistinction with his once open and liberal stance, he now ensured that all political dissent was muted. His despotic turn strikingly coincided with a new political reality marked by the rise of Islamism. The fact that backsliding and the relinquishing of political reform occurred after the elections reveals serious vexation at Ennahda’s vote share as an electoral outcome and new political truth.

This sensitivity to ideology is also true for Ben Ali’s liberalisation approach at large, where the regime was considerably more hospitable to similar ideologies than to Islamists. As mentioned above, the regime initiated legalisation of and dialogue with some secular parties, but deprived Ennahda from electoral participation. Ostensibly, this discriminatory attitude accords with archetypical autocracy-buttressing strategies of Middle Eastern regimes, which differentiate between opposition groups by almost always making Islamist parties illegal and co-opting secular dissent into compliance. This was certainly Ben Ali’s post-election strategy, but his earlier attitude was different. Before the election, Ennahda was integrated into the National Pact and its eminent figures were given full amnesties or extricated from exile. This demonstrates Ben Ali’s openness to dissent and gradual democratisation, provided that Bourguibism was safe from doctrinal challenge. Again, his liberalisation reforms were too far-reaching to be labelled as cosmetic or a mere façade. As he came to power through a coup, he could have followed a dictatorial policy from the very beginning, rather than engaging in

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<sup>477</sup> Hamdi 1998, *The Politicisation of Islam*, p. 123.

<sup>478</sup> Wolf, A 2013, “Tunisia: Signs of Domestic Radicalization Post-Revolution”, *International Relations and Security Network*, viewed 2 October 2019, <<http://www.isn.ethz.ch/isn/Digital-Library/Articles/Detail/?id=157419>>.

largescale political reforms. Consequently, the argument that he spurned all political opposition does not stand scrutiny.

Upon taking over, ideological concerns about Islamism were first cautiously met via an initial strategy of containment rather than its eradication from the political scene. Nevertheless, when the 'Islamist peril' was electorally confirmed, the counter-reaction was immediate to ensure Islamists did not get the chance to thrive. Monica Marks captures this mindset:

"Bourguiba and Ben Ali, in turn, sensed a political threat in Ennahda's religious rejoinders, and sought to vilify the group as extremist and even terrorist in nature. After aborting Ennahda-affiliated independents' attempts to contest the 1989 elections, Ben Ali reneged on promises to initiate a democratic 'changement' in Tunisia. Instead he reversed course, cracking down on opposition activists and using electoral lists to round up party members and their families."<sup>479</sup>

Following this logic, if the secular parties (MSD or PPU) gained the lion's share of opposition votes, Ben Ali would not have interrupted the democratic process but was likely to persevere in his gradual reforming approach, opening up the political system to further contestation. Indeed, in some early-rule cabinets, he included as ministers well-known figures from the secular opposition, especially from the Tunisian Human Rights League, like Saadeddine Zmerli, Dali Jazi and Mohamed Charfi.<sup>480</sup> His downward authoritarian spiral was therefore a reaction to the emergence of Islamists as the chief opposition, jeopardising the state's hegemonic Bourguibist doctrine that was beyond questioning.

With regard to the secular opposition, which proved equally antagonistic to Islamists as the Ben Ali regime, its attitude was predictable given its similar adherence to Bourguibism's Francophile modernist orientations. The prospect of a Tunisia controlled by Islamists was likewise dreadful, and their electoral success made that prospect, although remote, a foreseeable one in the future. To annihilate the Islamist "green threat"<sup>481</sup> and quell its own ideological fears, the secular dissent did not oppose Ben Ali's crackdown (if not quite cheered-it on), which facilitated his transformation into a real despot. It was therefore indirectly complicit in the cessation of the democratic process. Echoing the establishment's gradual democratising agenda predicated upon the preservation of its state ideology, the support of

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<sup>479</sup> Marks, M 2015, *Tunisia's Ennahda: Rethinking Islamism in the context of ISIS and the Egyptian Coup*, Brookings Institution, viewed 3 February 2020, <[https://www.brookings.edu/wp-content/uploads/2016/07/Tunisia\\_Marks-FINALE-5.pdf](https://www.brookings.edu/wp-content/uploads/2016/07/Tunisia_Marks-FINALE-5.pdf)>, p. 2.

<sup>480</sup> Arab.Org, Tunisian League of Human Rights (LTDH), Arab.Org, viewed 4 February 2020, <<https://arab.org/directory/tunisian-league-of-human-rights/>>.

<sup>481</sup> Perkins 2004, *A History of Modern Tunisia*, p. 194.

the secular opposition for democratic and liberal reform depended on preventing Islamists from reaping the benefits. Ben Ali thus benefited from this silence to severely repress Ennahda and then annihilate all opposition. Ultimately, this dictatorial U-turn, and its dashing of all democratic hopes, obviously left no illusions about Ben Ali's intentions, leaving Tunisia languishing under his tyrannical policies for two decades.

#### **4.6 Ideological Polarisation as a Determinant of the Aborted Transition**

Ideology was thus a primary force in the aborted transition, despite a relatively favourable background for democracy and the opportunity for a fresh start. The previous section outlined how Ben Ali appeared to be genuinely committed to liberalising reforms conducive to political pluralism. In the years 1988-1989, Tunisia was indeed flirting with a successful democratic transition: the regime initiated liberalisation policies that foregrounded democratisation based on a National Pact encompassing all meaningful players, including Bourguibist zealots for whom any Islamist opposition was anathema, and Ben Ali-led moderates who appealed for prudence and for malleability towards Islamists. While electoral rules still privileged the ruling RCD party, the non-Islamist opposition and civil society were permitted to operate virtually unhindered; an astounding development given Tunisia's postcolonial authoritarian legacy. The only group that suffered repression – Islamists – was the only one that openly disputed secular Westernisation, despite their inclusion in the National Pact and independent participation in the election. Ben Ali's democratic credentials were not a given, but he seemed committed to a process ushering in a qualitative leap towards political pluralism, albeit – as it later transpired – with the crucial proviso that the Bourguibist state doctrine was inviolable.

Secular-Islamist conflicts were thus at the heart of it all. Bourguibism was not an inflexible state ideology, allowing Ben Ali the option to aggressively protect its hegemonic status without annihilating any and every ideological variant. However, armed with a heightened threat perception, he chose to perceive the dogmatic post-electoral challenge represented by Islamism as existential, giving himself license to launch a merciless anti-Islamist campaign and stifle democracy. Michael Koplow has deftly captured the continuity in the postcolonial establishment's view of Islamists:

Bourguiba, like Mustafa Kemal Ataturk in Turkey, viewed Islamists as an existential threat to the very nature of the Tunisian state. He viewed the promotion of secularism as linked to the mission

and nature of the state, and because Islamists differed with him on this fundamental political principle, they were not allowed into the political system at all. Bourguiba displayed no desire for compromise on this question, calling for large-scale executions of Islamists following bombings at tourist resorts. He was also often hostile toward Muslim religious traditions, repeatedly referring to the veil in the early years of Tunisian independence as an 'odious rag.'

Ben Ali ...has taken a similarly hard line. Unlike other Arab leaders such as Morocco's King Mohammed VI or Egyptian President Hosni Mubarak, he has been unwilling to adopt any sort of religious title or utilize Islamic imagery to justify his rule. Most importantly, Ben Ali never attempted to co-opt Islamists by controlling their entry into the political system, but instead excluded them entirely.<sup>482</sup>

Further elucidating how Islamism was suppressed throughout the pre-revolutionary era, Koplow supports my earlier argument that the Tunisian uprising would indeed have probably failed to instigate regime change if Islamists were involved:

The nature of the opposition and the willingness of the Tunisian government to back down are not coincidental. If it had been clear that Islamist opposition figures were playing a large role in the...unrest, the government would likely have doubled down on repressive measures. The Tunisian government is rooted in secular Arab nationalist ideology and has long taken its secularism and its nationalism more seriously than its neighbors.<sup>483</sup>

Consequently, while the spectre of ceding power was not an immediate concern in the late 1980s, the erosion of the state ideology certainly was. Ben Ali and the RCD could reconcile themselves to the prospect of a power transfer to another Bourguibist secular party in due course, and they seemed to pave the way for such eventuality. The redline, however, was the probable takeover by an Islamist party that jettisoned Bourguibism. Even if this was only a long-term prospect, democratic politics appeared advantageous only to Islamism. This generated the will to asphyxiate that ideological trend via severe oppression. According to Human Rights Watch, "the overwhelming majority of persons convicted for politically motivated offenses in Tunisia" were Islamists.<sup>484</sup> A 2009 Amnesty International report also

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<sup>482</sup> Koplow, MJ 2011, Why Tunisia's Revolution is Islamist-Free, *Foreign Policy*, viewed 4 February 2020, <[http://www.foreignpolicy.com/articles/2011/01/14/why\\_tunisias\\_revolution\\_is\\_islamist\\_free](http://www.foreignpolicy.com/articles/2011/01/14/why_tunisias_revolution_is_islamist_free)>.

<sup>483</sup> Ibid.

<sup>484</sup> Moumneh R & Goldstein, E 2010, "A Larger Prison: Repression of Former Political Prisoners in Tunisia", *Human Rights Watch*, viewed 16 July 2018, <[https://www.hrw.org/sites/default/files/reports/tunisia0310webwcover\\_0.pdf](https://www.hrw.org/sites/default/files/reports/tunisia0310webwcover_0.pdf)>, p.1.

reported that: “the authorities continue to use their ‘security and counter-terrorism’ concerns to justify arrests and other repression of Islamists...and arrests and harassment of alleged Islamist youth are common.”<sup>485</sup>

Ideological cleavages therefore systemically impeded democratisation, extinguishing all prospects for transition in the immediate context. Once the electoral performance of Islamists went beyond predictions and superseded the other opposition parties, Tunisia’s nascent transition was doomed because of the regime’s placement of its state ideology beyond challenge. Being a comprehensive *status quo* doctrine (encompassing all societal segments while uncompromisingly supreme in its legitimation of the current political order), Bourguibism coped with doctrinal contesters from within the secular modernist frame, even if half-heartedly, but was extremely sensitive to ideological contestation that challenged that frame. The vote share of Islamist candidates was not high enough to significantly threaten Ben Ali’s rule, but Islamism signalled the longer-term threat to the preponderance of Bourguibism. Viewed through this prism of ideological conflict, Ben Ali’s descent into dictatorship was thus a direct response to unacceptable risks to Bourguibism.

The failure of this first attempted postcolonial transition is, consequently, a compelling demonstration of the serious impact of an ideological conflict on democratisation, be it in Tunisia or in the overall MENA region. The central secular-Islamist binary heavily affected Tunisia’s democratic horizons because the prevailing supreme doctrine was so intrinsically embedded in state institutions that a credible challenge represented a threat to the whole establishment. For Koplow, “the prospect of a strong Islamist opposition, and especially of an Islamist government at some point down the road, was too much for Ben Ali and the Tunisian state to bear.”<sup>486</sup> Absent this doctrinal conflict, an incremental political liberalisation and pluralisation process, eventually paving the ground for competitive electoral democracy, would have been far more likely.

Ben Ali’s Tunisia is accordingly an important case of the effects of secular-Islamist binaries effects on nascent MENA transitions. Experience has shown (also in Sissi’s Egypt) that once repression targets one ideological faction, this is replicated against all political opposition. So, once all vestiges of political Islam were believed to have been vanquished, all other opposition constellations also became intolerable for Ben Ali. Consequently, he went further than backtracking on his liberalisation and democratisation programmes, since his eradication of Islamism ultimately descended into thoroughgoing dictatorship. The result was

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<sup>485</sup> Amnesty International Report 2009, “Tunisia: Continuing Abuses in the Name of Security”, *Amnesty International*, viewed 24 July 2018, <<https://www.amnesty.org/download/Documents/48000/mde300102009eng.pdf>>, p. 2.

<sup>486</sup> Koplow, MJ 2013, “First They Came for the Islamists”, *Foreign Affairs*, viewed 6 February 2020, <<https://www.foreignaffairs.com/articles/139872/michael-j-koplow/first-they-came-for-the-islamists>>.

a despotic regime surpassing Bourguiba's in its ruthlessness, presiding over a police state that drastically encroached upon individual liberties and basic human rights.

Despite Ben Ali's swift turn to repression against a perceived Islamist threat, sceptics about his democratisation intentions and the sincerity of his early liberalisation must contend with the sheer depth, magnitude and reach of his reforms. It was the emergence of ideological conflict at a key juncture of political transition that ultimately tilted the balance in favour of authoritarianism over democratisation. This in no way justifies Ben Ali's dictatorial slide, turning Tunisia into one of MENA's most authoritarian countries, for all political contestation that was suppressed under Bourguiba and released during his rule was ultimately extinguished. Nor does ideological conflict in any way legitimise the eradication of a serious political opponent, since Ennahda was not only barred from politics; it was forced to disappear from public realm altogether to ensure that future generations would be utterly alienated from political Islam. Unlike Mubarak's Egypt, where Muslim Brotherhood's activism was somewhat tolerated despite the movement's legal ban, Ennahda was prevented from operating even via an amorphous and unpronounced manner.

While eliminating all Islamist specks from the public arena, Ben Ali stoked societal fears about an Islamist movement that he portrayed as willing to resort to violence to gain power. He portrayed Ennahda as an alarming security threat as a pretext to justify all human rights violations, while garnering the endorsement of Western governments for his anti-Islamist machinations in the name of fighting against religious extremism and of terrorism: "Ben Ali, like Bourguiba, portrayed Islamists as dangerous reactionaries who manipulated religious symbols to exploit the gullibility of the poor, uneducated, and misinformed. Islamism was caricatured in the media as a foreign import and a great menace to the national essence."<sup>487</sup> Indeed, as Anour Boukhars writes: "Both presidents scoffed at the notion that there are in fact different shades of Islamism. Reformist Islamism of the kind advocated by Ennahda was seen as an oxymoron; in the eyes of the regimes, there were only doctrinaire Islamist reactionaries and violent extremists, no reformist middle ground. Islamism was

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<sup>487</sup> Boukhars, A 2014, "In the Crossfire: Islamists' Travails in Tunisia", *Carnegie Endowment for International Peace*, viewed 6 February 2020, <<https://carnegieendowment.org/2014/01/27/in-crossfire-islamists-travails-in-tunisia-pub-54311>>.



maligned as a repugnant ideology that was unfit for political life and that deserved to be confined to obscurity.”<sup>488</sup>

The secular opposition also indulged in these pejoratives: “Fearful of radical social change and violence if Islamists came to power, an appreciable part of the secular elite under Ben Ali opted to come under the protective wings of authoritarianism, safely abiding by the regime’s rules rather than risking disorderly sweeps of democratization.”<sup>489</sup> Consequently, Anouar Boukhars argues that: “It is this fear of Islamism that led some secularists to condone Ben Ali’s attempts to uproot political Islamists from Tunisia,”<sup>490</sup> judging the establishment’s allegations as false, since “Islamist thoughts and conceptions were products of the local consciousness and have always manifested themselves, either independently or in combination with others.”<sup>491</sup> This demonstrates how detrimental the secular-Islamist cleavage was to Tunisian democratisation.

Indeed, in addition to its instrumentalisation of the Islamism-as-terrorism mantra, as shown in the previous chapter, the doctrinal faultline between Bourguibism and Islamism seeped into core identitarian problems. Bourguiba’s upholding of secularism and Westernisation as the uniquely valid approaches to progress and prosperity intrinsically collided with the Islamist view that these were the exact antitheses of a Tunisian state and society. The discord over these fundamentals, revealing disparate conceptions of Tunisia’s ways of self-representation, also explains Ben Ali’s frenzied program for the eradication of Islamists from public space.<sup>492</sup> His favourite policy was to “target the ‘sources’ which...fertilized political Islam,”<sup>493</sup> including books, school programs, mass media and the Internet. This ‘pedagogical purification’ abused fundamental human rights, going as far as banning headscarves and the growing of a beard. Actually, “Suspected ‘terrorists’ during the 1990s and 2000s could be virtually any of the hundreds of thousands of young Muslims in the country; such a suspect could be picked up on his way to Mosque one day and systematically tortured in police custody under the guise of anti-terrorism, due entirely to his appearance or moderate religious practices.”<sup>494</sup> Consequently: “On the pretext of struggling against religious

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<sup>488</sup> Ibid.

<sup>489</sup> Ibid.

<sup>490</sup> Ibid.

<sup>491</sup> Ibid.

<sup>492</sup> Sadiki, L 2002, “The Search for Citizenship in Bin Ali’s Tunisia: Democracy Versus Unity”, *Political Studies*, vol. 50, no. 3, pp. 497-513, p. 507.

<sup>493</sup> Mabrouk, M 2012, “Tunisia: The Radicalization of Religious Policy”, in G. Joffé, *Islamist Radicalisation in North Africa: Politics and Process* (ed.), Routledge, New York, pp. 48-71, p. 57.

<sup>494</sup> Ayeb, H 2011, “Social and Political Geography of the Tunisian Revolution: The Alfa Grass 39 Revolution”, *Review of African Political Economy*, vol. 38, no. 129, pp. 467-479, p. 479.

fundamentalism and terrorism...the dictatorship progressively and methodically succeeded in crushing any political, individual, or organized opposition and in reducing all media to silence.”<sup>495</sup> Nevertheless, this repression did not deal the desired fatal blow to political Islam, but was rather counterproductive since it nourished more fanaticism and anti-statism. As stressed by Willis, it “encouraged the blossoming of radical Salafism. This was the real and perverse consequence of the cruel and violent cleansing process. The disappearance of Ennahda from the political scene created an ideal opportunity for this alternative radical culture to propagate itself.”<sup>496</sup>

Throughout his rule, Ben Ali made the Tunisian polity an exclusively secular reserve. Thoroughly Westernized elites, staunchly attached to Bourguibism as a foundation of governance foundation and source of legitimacy, were the only permitted players. Internationally, despite his appalling human rights record, Ben Ali largely benefited from Western powers’ explicit or implicit support. This encouraged his claim to be a privileged partner in the War on Terror and the anti-jihadism fight, establishing his narrative of Tunisia as a beacon of regional security and stability.

## 4.7 Conclusion

This chapter has argued that ideology can play a central role in the politics and societal development of authoritarian countries. Kemalism did not weigh less in Turkey’s sociopolitical development than Marxism in the Soviet Union. Bourguibism in Tunisia was equally binding on the polity. Ideology was instrumentalised to legitimise official policies and determine state action, in this case to principally decide on whether to free political competition from state control.

A dogmatically minded authoritarian regime embarking on a transitional enterprise will thus always strive to shield its parochial ideology from contestation. Accordingly, democratisation is weighed against the sustainability of state’s self-proclaimed doctrine within a probable transition. Ben Ali moved markedly toward democracy, confident about Bourguibism’s ability to withstand challenge, but soon backtracked once political Islam

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<sup>495</sup> Ibid, p. 469.

<sup>496</sup> Willis, M 2012, *Politics and Power in the Maghreb: Algeria, Tunisia and Morocco from Independence to the Arab Spring*, Columbia UP, New York, p. 60.

confirmed its potential threat to that doctrine's continual ascendancy. From this case, I conclude that ideological polarisation concerning a polity's established normative foundations are amenable to postpone, obstruct, and even invert democratic transitions, at least in Tunisia and the Arab world.

True, the temptation to intervene in postrevolutionary political processes normal courses via military coups or counter-revolutions to bring back dictatorship is much costlier and complicated than when the reform process is voluntarily initiated by the regime itself, like in late 1980s Tunisia. But ideological conflict can still affect democratisation even in a postrevolutionary context that succeeds regime change. As Tunisia's case shows, the lingering effects of ideological frictions can hamper stronger democratic development and cause much political instability, given the complexity of the doctrinal divergences that emerge during transition. The case of Sissi in Egypt shows how policing these conflicts can lead to worse outcomes. And as long as state institutions, especially the military and internal security apparatuses, lack commitments to republicanism, the rule of law and the sovereignty of the people, democracy will remain under constant threat even after a democratic regime change. The following chapter will examine Tunisia's largely unreformed internal security system to make this argument.

## Chapter 5

### Ideological Polarisation as a Handicap to Internal Security Sector Reform

Since regime change in 2011, the democratic process in Tunisia evolved relatively smoothly with the organisation of three legislative and presidential elections and one municipal election, which were all deemed “genuine” and “competitive.”<sup>497</sup> Deep constitutional reforms were introduced, which laid the foundations for a sound pluralist system with robust checks and balances, despite the ambiguities of the constitutional text and the still to be created Constitutional Court. However, there are other important reforms which are lagging behind, notably in the fight against corruption, decentralisation, de-bureaucratisation, and guarantees for the judiciary’s total independence. While all these reforms are essential, even more crucial to safeguarding the public will and the Constitution are unfinished reforms to ensure that the Internal Security Force (ISF) abide by republican values and popular sovereignty rather than reinforce arbitrary power and partisanship. This is required given the ISF’s history of coup-facilitation, subjection to dictatorship, infiltration by lobbies and interest groups, and brutalities against the citizenry, but especially because of its absence of neutrality in the destabilising ideological polarisation opposing Islamists and secularists.

The revolution occasioned two major openings for deep reform of the security sector. One was generated by the uprising’s successful outcome, when public support was at its apogee, providing the greatest original impetus to undertake comprehensive political reforms that could also compensate for the vulnerability and weak authority of the interim governments formed upon regime change (being nonelected). The second reform catalyst was the first-ever democratic election in Tunisia’s postcolonial history of a transitional government which enjoyed the legitimacy to respond to popular expectations. Yet, as this reform momentum “was not sustained by sufficient unity of purpose, effective political coalition-building and social consensus, or coherent policies for change,”<sup>498</sup> these opportunities slipped away. Failure to capitalise on the reform momentum to effect real change enabled security sector ‘renegades’, especially former regime loyalists, to realign and instrumentalise the increasing political violence and terrorist acts that hit the country after

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<sup>497</sup> The Carter Center 2014, “Legislative and Presidential Elections in Tunisia. Final Report”, *The Carter Center*, viewed 23 January 2019, <[https://www.cartercenter.org/resources/pdfs/news/peace\\_publications/election\\_reports/tunisia-final-rpt-2014-elections.pdf](https://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/tunisia-final-rpt-2014-elections.pdf)>, p. 4.

<sup>498</sup> Sayigh, Y 2015, “Missed Opportunity: the Politics of Police Reform in Egypt and Tunisia”, *Carnegie Middle East Center*, viewed 23 January 2019, <[http://carnegieendowment.org/files/missed\\_opportunity.pdf](http://carnegieendowment.org/files/missed_opportunity.pdf)>.

the revolution to withstand efforts aimed at better transparency and accountability. However, it is particularly the incapacitating secular-Islamist political and ideological cleavages blemishing the transition which complicated efforts to “upgrade the security sector’s professional competence and operational capacity, let alone enforce respect for the rule of law, human rights, and governance.”<sup>499</sup> By resisting serious reform despite popular pressure for a major transformation, I argue that the security system remains a threat to democratic transition because it lacks a strong commitment to republicanism and non-partisanship.

This chapter will first outline the type of security system inherited by the revolution: an unrepublican, corrupt apparatus that used the police to keep the regime in power and quell dissent. Then I will explain the postrevolutionary reform momentum and the opportunities it presented for profound change within the system towards its democratisation and greater professionalism, revealing the persistent deficiencies that remained after the reform momentum was lost. Next, I will examine the climate of ideological polarisation along the secular-Islamist lines which inhibits political change and represents the main impediment to the emergence of a truly republican, professional and efficient security system. As Kara puts it: “Striking a balance between democracy and security in Tunisia requires a transformation of its security culture”<sup>500</sup> in favour of depoliticisation, republicanism and impartiality that “would enable a self-regulating “republican police” to be the professional guardian of national security.”<sup>501</sup> Until the security sector is seriously reformed to reach these norms, I argue, the lack of accountability in the ISF will persist and democracy will remain at risk. This, I will conclude, constitutes a great handicap to democratic consolidation in Tunisia that supports my thesis concerning the broader problem of lack of consensus on normative fundamentals.

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<sup>499</sup> Ibid.

<sup>500</sup> Kara, O 2017, “Tunisia’s Security Sector Since 2011: Promoting International Cooperation”, in Working Paper Collection: Promotion of Think Tank Work on Security Sector Reform and Socio-Economic Challenges in Tunisia, *German Council on Foreign Relations*, viewed 28 January 2019, <<https://dgap.org/en/node/30420>>, p. 4.

<sup>501</sup> Kartas, M 2014, “Foreign Aid and Security Sector Reform in Tunisia: Resistance and Autonomy of the Security Forces”, *Mediterranean Politics*, vol. 19, no. 3, pp. 373–391, p. 374 and pp. 382–383.

## 5.1 The Pre-revolutionary Security System

In postcolonial Tunisia, the ISF were instrumentalised by the state for political purposes. It was Bourguiba who first used the apparatus to intimidate, persecute and even liquidate his opponents, particularly the rival Youssufi wing of the liberation movement. The circle of the oppressed then progressively widened to include the far-left and syndicalists (1960s-1970s), before Islamists became the main target (1980s). Nevertheless, despite the largely authoritarian praxis, Tunisia under Bourguiba never transformed into a police state as such. As shown in the previous chapter, it was under the watchful eye of Ben Ali, an experienced veteran of the internal security apparatus, that the Tunisian state was fully-subordinated in service of regime interests after the short-lived early political liberalisation. The constitutional coup is enlightening in this regard. While many Arab rulers made their ascent via military coups, Ben Ali's takeover was ensured by means of domestic security organs – even though his initial career was in the armed forces. Prior to overthrowing Bourguiba, he had been the head of the ISF, which is composed of the Police, the National Guard and Judicial Police, in addition to special organs like the Intervention Forces and the Presidential Guard.<sup>502</sup> He was then promoted to the position of Interior Minister, held in tandem with his premiership. This strategic and unparalleled status provided him authoritative control over the whole security and intelligence apparatus, which he efficiently used in implementation of the 1987 putsch.

Throughout his rule, Ben Ali relied heavily on the internal security machinery instead of the military to sustain and consolidate his regime. It is crucial to note in this respect that Tunisia's security sector is exceptional amongst its peers in terms of its structure. Unlike Egypt, the oft-cited example, the regular army does not dominate the country's security establishment. The armed forces were kept at the margins of political life under Bourguiba and Ben Ali's leaderships and were designed to be merely defensive forces. This partially explains their modest size, being far smaller than neighbouring Algeria and Libya's armies.

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<sup>502</sup> Hanlon, Q 2012, "THE PROSPECTS FOR SECURITY SECTOR REFORM IN TUNISIA: A YEAR AFTER THE REVOLUTION", *Strategic Studies Institute, US Army War College*, viewed July 4, 2020, <<https://www.jstor.org/stable/pdf/resrep11601.pdf?refreqid=excelsior%3A97d61981e7d51fc21e23f8d682f11520>>.

Determining the size of the ISF is a daunting exercise. Given the pre-revolutionary tradition of subterfuge, the propagated number was deliberately inflated to 150,000.<sup>503</sup> The more accurate estimate is around 49,000 under Ben Ali,<sup>504</sup> whereby “part-time augmentation forces or paid informants”<sup>505</sup> represented roughly half of the total. To instil the perception of a ‘mammoth’ organisation for the purposes of discouraging and muffling dissent, the ISF had to work “unsustainably long hours, handling enormous workloads.”<sup>506</sup> With an extra 12,000 agents hired after regime change, the present number is approximately 61,000.<sup>507</sup>

Under Ben Ali’s rule, brutality, human rights violations and legal impunity, but especially virulent anti-Islamist policies, were the ISF’s *modus operandi*. This was spearheaded by the State Security service, or ‘political police’, which was a watchdog apparatus strictly detecting dissent by intruding on individual lives and their communications, and through community policing. With the ruling RCD party’s total complicity, this “amounted to little more than a hyper-localised form of surveillance.”<sup>508</sup> As Querine Hanlon argues, the ISF’s core mission thus was to cushion rulers rather than protect and assure the citizenry.<sup>509</sup> And in so doing, it committed a series of abuses which fuelled popular discontent and contributed to the uprising that precipitated regime change. As Derek Lutterbeck has summed it up: “Tunisia under Ben Ali was a police state par excellence.”<sup>510</sup> This is why the police were widely reviled: for cementing Ben Ali’s grip on power, as well as for atrociously targeting civilians before and during the popular revolt. A US State Department report, dated April 2011, strongly denounced Tunisia’s human rights situation in the run-up to the uprisings, mentioning for instance the excruciating bullying of journalists and retaliations against regime critics, but especially “arbitrary arrest, widespread corruption, official extortion, government influence over the judiciary, extremely poor prison conditions, and the abuse and torture of detainees and prisoners, involving a wide range of torture methods.”<sup>511</sup>

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<sup>503</sup> Ibid.

<sup>504</sup> Ibid, cited as interview with Mohammad Lazhar Akremi, Minister Delegate to the Mol, Tunis, January 25, 2012.

<sup>505</sup> Ibid.

<sup>506</sup> Bouguerra, B 2014, “Reforming Tunisia’s Troubled Security Sector”, *Atlantic Council*, 27 October, viewed 8 February 2020, <<https://www.atlanticcouncil.org/in-depth-research-reports/issue-brief/reforming-tunisia-s-troubled-security-sector/>>.

<sup>507</sup> See Supra Note 504, p. 6.

<sup>508</sup> Cited in Santini, RH 2018, *Limited Statehood in Post-Revolutionary Tunisia: Citizenship, Economy and Security Reform and Transition in the Mediterranean*, Palgrave Pivot, Cham, p. 85.

<sup>509</sup> Hanlon 2012, The Prospects for Security Sector Reform in Tunisia, p. iv.

<sup>510</sup> Lutterbeck, D 2013, “Tunisia after Ben Ali: Retooling the Tools of Oppression?”, *NOREF Policy Brief*, viewed 29 January 2020, <<https://www.files.ethz.ch/isn/164193/8a4a01231edc1bc44e19af1182314d46.pdf>>, p. 1.

<sup>511</sup> Refworld 2011, “United States Department of State, 2010 Country Reports on Human Rights Practices”, *Refworld*, viewed 31 January 2020, <<https://www.refworld.org/docid/4da56d7caf.html>>.

The police served both as the bedrock of the Tunisian despotism and as its main repressive machinery to subdue political dissent and emasculate resistance to Ben Ali's dictatorial regime. It was the Ennahda Islamists that were mostly targeted for oppression by the security apparatus, as "an estimated 30,000 of [the party's] members suffered detention and human rights abuses in the early 1990s."<sup>512</sup> This established a tradition of deep mistrust between security forces and the Islamist party which is still prevalent, as we will see below. I argue that this mistrust hinders the emergence of a republican ISF.

## 5.2 Lost Reform Momentum: The ISF Remain a Hurdle to Democratic Consolidation

### *Increased Reform Momentum*

As the Arab Spring unfolded, the new generation of political actors was thus confronted with an ISF committed to secularism and structurally designed to protect rulers rather than ensure public safety, the rule of law and national interest, as defined in established democracies. Like other MENA countries, the earlier logic of security in Tunisia had revolved around two objectives: protecting the regime against its own population, and protecting the incumbent from intra-regime struggles.<sup>513</sup> Anti-Islamism was also a main fixture. Consequently, regime collapse meant that the transition governments had to deal with a relatively sizable, yet unrepugnant ISF, which was predisposed to its arbitrary power and antagonistic to reforms.

On the positive side, postrevolutionary governments could rely on a revolutionary momentum conducive to change and to serious, rather than cosmetic, reforms. For, upon the democratic opening, there was a broader societal context of rejection of all previous authoritarian practices and a popular mistrust of the police, notably due to their attempts to subdue the uprising via oppression and the lethal use of force. This led Adel Jebali, from the National Union for Security Forces, to admit that "people perceive us to be criminals."<sup>514</sup>

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<sup>512</sup> Marks, M 2014, "The Tunisian Election Result Isn't Simply a Victory for Secularism Over Islamism," *Guardian Comment*, 29 October, viewed 31 January 2020, <<http://www.theguardian.com/commentisfree/2014/oct/29/tunisian-election-result-secularism-islamism-nidaa-tounes-ennahda>>. Brackets added.

<sup>513</sup> Svobik, MW 2012, *The Politics of Authoritarian Rule*, Cambridge University Press, Cambridge, p. 3.

<sup>514</sup> Ajmi, S 2012, "In Tunis, Protest Against Security Forces Union Open Strike", *Live-Tunisia.net*, 2 February, viewed 25 January 2020, <<https://allafrica.com/stories/201202021278.html>>.



These vehement indictments of the internal security apparatus translated into widespread demands for accountability, impartiality and commitment to the rule of law – even though there was a strong sentiment of forbearance and popular willingness to open a new page given a perceived volition of police repentance. This volition was especially manifest through a televised scene of some police officers asking their compatriots for forgiveness, claiming that they had merely carried out their superiors' orders out of fear of reprisal.<sup>515</sup> The scene elicited a wave of public compassion, and most Tunisians anticipated a whole new relationship with the police would be forged, nourishing high expectations for rupture with the dictatorial mantra of arbitrariness, torture, abuse, corruption and impunity.

Given this positive atmosphere, the reform potential was real, despite the legacy of authoritarianism, and especially given that public pressure for radical change in the security sector *modus operandi* was mounting. And, since Tunisia had just put an end to a history of oppressive, dictatorial rule, transitional justice was also expected to foster that positive atmosphere by encouraging national reconciliation and ensuring compensation for victims of despotism, including those subject to police brutalities during the uprising that ushered in the ouster of Ben Ali. Meanwhile, security agents were demoralised by the demise of their repressive power, disoriented as they were by the abrupt departure of their 'benefactor' who had ensured the sector's political influence. Their ability to withstand popular will and its powerful drive for change was thus seemingly weak:

Reform-minded officers were, moreover, emboldened to openly advocate a new ethos of professionalism, accountability, and public service. And crucially, the armed forces, which had long resented the security sector's ascendancy, sought to... assert a new balance following the downfall of Ben Ali, in which they had played a key part, and to forge ties with the new political actors that now competed for center stage.<sup>516</sup>

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<sup>515</sup> Minoui, D 2011, "Tunis: Quand un Policier Demande «Pardon» à la Foule...", *Le Figaro*, 24 January, viewed 7 February 2020, <<http://www.lefigaro.fr/international/2011/01/23/01003-20110123ARTFIG00244-tunis-quandun-policier-demande-pardon-a-la-foule8230.php>>.

<sup>516</sup> Sayigh 2015, Missed Opportunity.

That favourable climate boosted progress in police reform soon after the uprising, though in a disorderly fashion given “the revolutionary momentum and its haste for change in policing.”<sup>517</sup> Quickly, the State Security service, the most politically-blemished security organ, was dissolved due to its implication in massive torture allegations.<sup>518</sup> This unit was Ben Ali’s primary weapon to terrorise and intimidate political opponents, particularly Islamists. Run by an intricate web of operatives, it was constantly alert to any perceived signs of nuisance to the regime, which were then scrupulously reported, emasculated and repressed. Multiple intelligence bodies supported the process of surveillance and targeting for political control purposes, especially signs of religiousness and Islam-based activism. As stated previously, Ben Ali’s RCD ruling party played a key role in this respect by tyrannising political opponents via close monitoring and reporting back to the Ministry of Interior. Due to this oppressive legacy, the dismantling measure was widely welcomed, particularly by human rights activists, themselves victims of ‘political police’ abuses during authoritarianism times.

In addition to the dissolution of the State Security unit, there were some other major changes. Eleven security directors were dismissed and “a hundred officers left, although none went on trial for human rights abuses,”<sup>519</sup> since the procedure was just administrative and taken outside of any transitional justice process. Also, between January and March 2011 “the independent Interior Minister Farhat Rajhi dismissed the security commanders more closely associated with the Ben Ali regime, forced 42 senior Interior Ministry officials into mandatory retirement – including all 26 members of the General-Directorate for National Security.”<sup>520</sup> Subsequently, at the Ministry of Interior (MOI) “several ministers and secretaries of state for security affairs, regardless of their political affiliation, tried to follow the steps of Rajhi and dismissed staff.”<sup>521</sup> In addition to these purges, “a human rights guide for the police was crafted between the Interior Ministry and UNHCR”<sup>522</sup> to serve as a charter/code of conduct for security agents. Other reforms included the abrogation or modification of some articles of the MOI laws of establishment, yet “without bringing about major changes in the operational branches.”<sup>523</sup>

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<sup>517</sup> Mahfoudh, HB 2014, “Security Sector Reform in Tunisia Three Years into the Democratic Transition”, *Arab Reform Initiative*, viewed 2 February 2020, <<https://archives.arab-reform.net/en/node/602>>.

<sup>518</sup> Sayigh 2015, Missed Opportunity.

<sup>519</sup> Santini RH & Cimini G 2019, “The Politics of Security Reform in post-2011 Tunisia: Assessing the Role of Exogenous Shocks, Domestic policy Entrepreneurs and External Actors”, *Middle Eastern Studies*, vol. 55, no. 2, pp. 225-241.

<sup>520</sup> Ibid.

<sup>521</sup> Ibid.

<sup>522</sup> Walsh, A 2019, “Restarting Police Reform in Tunisia: The Importance of Talking About Everyday Security”, *Middle East Institute*, viewed 2 February 2020, <<https://mei.edu/publications/restarting-police-reform-tunisia-importance-talking-about-everyday-security>>.

<sup>523</sup> Sayigh 2015, Missed Opportunity.

In February 2011, the new interim government proceeded with further purges within security institutions aimed at discarding the most discredited cadres blocking reform so as to infuse a positive new dynamic into the system. Building on this reform momentum, human rights organisations called for a new legal framework to help improve relations between security forces and the citizenry and to redefine the priorities of a security apparatus known for its cruelty. In response, the interim government ratified a number of international conventions aimed at reinforcing respect for human rights. These included “the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, the first Optional Protocol to the International Covenant on Civil and Political Rights and the International Convention for the Protection of All Persons from Enforced Disappearance.”<sup>524</sup> On June 24, 2011, Tunisia also ratified the Rome Statute of the International Criminal Court.<sup>525</sup>

Meanwhile, a major step was taken ahead of the October 2011 parliamentary elections. The MOI was for the first time in postcolonial history divested of its long-held mission of superintending the whole electoral operation, further to the setting up of an electoral body independent from all state institutions and exclusively tasked with overseeing the electoral process. The decision to establish a non-governmental electoral monitoring commission was one of Tunisia’s most prodigious accomplishments and milestones on the path to democracy, since the interference of the MOI in the electoral process had always marred it with fraud and lack of credibility. Stripping the executive of this role was fundamental to ensure free, fair and transparent elections. The decision was salient both at the juridical and political levels, for it was one of the few decisions taken based on clear constitutional and legal foundations, which benefited from the backing of all concerned parties (including the security corps) and was also unanimously approved by civil society. In addition to constituting a cornerstone of democracy, credible plebiscites provide a propitious environment for any subsequent reforms, including those regarding the security sector itself.

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<sup>524</sup> UN General Assembly 2012, “Report of the Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Human Rights Council, viewed 2 February 2020, <<https://www.slideshare.net/amirayahyaoui0/human-rights-council-report-on-torture-and-other-cruel-inhuman-or-degrading-treatment-or-punishment-in-tunisia>>.

<sup>525</sup> International Commission of Jurists (ICJ) 2015, “Tunisia: International Treaty Status”, *ICJ*, viewed 2 February 2020, <<https://www.icj.org/cijlcountryprofiles/tunisia/tunisia-introduction/tunisia-international-treaty-status/>>.

Despite these advances, made possible only due to street pressure, there were few achievements in structural reform, especially in terms of depoliticisation and abidance by the rule of law. This is perhaps not surprising given that former regime officials still represented the backbone of the interim governments that were formed upon regime change: “These were unelected, temporary bodies that lacked the political will and legitimacy needed to undertake major structural reforms in any sector, including security. They were inherently conservative, preferring stability and continuity to unsettling revolutionary change.”<sup>526</sup> This is why, except for the establishment of the High Electoral Commission and the ratification of some international conventions, the changes they introduced were not substantial in terms of structural change as they consisted mainly of discarding or repositioning personnel. And even those changes of personnel were not removed from political calculations. For, in “an extremely fluid environment, political forces attempted to expand their influence on the system through recruitment, promotions and dismissals.”<sup>527</sup> In short, the purging measures and ostensible will to rally international norms and standards were superficial, a form of change within continuity to preserve the *status quo*. Perhaps they were even duplicitous, as they eluded the more fundamental issues of political neutrality, transparency, accountability, the rule of law, and safeguards to rights and freedoms, which touch upon the core problems of ISF’s overall mindset and *modus operandi*.

On assuming office after the 2011 elections, President-elect Moncef Marzouki (left-of-centre and close to Islamists) – who was known for his revolutionary zeal - insisted on the need for security sector’s “radical, swift and real reforms.”<sup>528</sup> Yet, however well-intentioned, the new elite in power forming this and all subsequent elected governments, although enjoying stronger popular legitimacy, were caught up in a climate of intense ideological polarisation and therefore did not benefit from strong political backing from the opposition. This backing was required for dealing with such a sensitive issue in a nonpartisan way. Consequently, few palpable measures were taken to accomplish the primary objectives of ISF reform concerning the professionalism and accountability of its operational capabilities, as well as the achievement of transitional justice goals. According to experts, the reforms could have included: reviewing legislation regulating the police corps and setting benchmarks for its

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<sup>526</sup> Sayigh 2015, Missed Opportunity.

<sup>527</sup> International Crisis Group 2015, “Reform and Security Strategy in Tunisia”, *Middle East and North Africa Report No. 161*, International Crisis Group, viewed 3 February 2020, <<https://www.crisisgroup.org/middle-east-north-africa/north-africa/tunisia/reform-and-security-strategy-tunisia>>.

<sup>528</sup> Ahram Online 2012, “Marzouki’s opening speech at the 29th Arab Interior Ministers’ Council in Hammamet. “Marzouki: Arabs Must Reform Security or Face Revolution”, *Ahram Online*, 15 March, viewed 3 February 2020, <<http://english.ahram.org.eg/NewsContent/2/8/36837/World/Region/Marzouki-Arabs-must-reform-security-or-face-revolu.aspx>>.

performance to ensure compliance with the highest legal and human rights standards; amending the Constitution to guarantee executive, legislature, and judiciary oversight and commitment to public service; conducting a major restructure of the MOI, better training and investigative capacities; as well as reconsidering enrolment procedures and reinforcing scrutiny of operatives.<sup>529</sup> Also, to ensure full transparency, interdepartmental cooperation and cohesiveness “the reform process should have unfolded under the oversight of committees combining the Ministers of Interior, the heads of security sector reform team, the judiciary and prosecution service, and representatives of governing parties and civil society.”<sup>530</sup>

Furthermore, however revolutionary a decision like the dissolution of the State Security unit may have seemed, it did not represent a catalyst for profound institutional security sector reform. Instead, within the climate of mistrust, the soundness of the decision itself came to be contested, with some crying that the apparatus as such was confused with some of its cadres, who were admittedly implicated in torture and malfeasance practices.<sup>531</sup> The decision, others argued, was also incognizant of the heavy responsibilities of this unit and its crucial intelligence capacity in countering the security threats Tunisia has been facing during the pivotal transitional period, such as terrorism and jihadism, extremism, organised crime, the arms trade, and illegal drug trafficking. In particular, the dissolution was denounced as having “crippled the fight against terrorism,”<sup>532</sup> as it reduced the ISF’s scope of manoeuvre.

The demise of the State Security unit, according to critics, created an operational and institutional void, affecting its capabilities to efficiently confront these grave threats, thus putting national security in jeopardy. The explosive postrevolutionary security situation at the domestic level was all the more exacerbated by the destabilizing effects of the civil war in neighbouring Libya, thereby complicating Tunisia’s overall security challenges. This discourse, which targeted this decision as ‘irresponsible’, was imbued with dogmatism as it was directed against the then ruling Ennahda, which was labelled as being lax on security and criticised for dismantling an otherwise ‘efficient’ and ‘well-disciplined’ security system.

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<sup>529</sup> Sayigh 2015, Missed Opportunity.

<sup>530</sup> Ibid.

<sup>531</sup> Al-Khayyari Kesho, S 2011, “What is Political Police.....and what is its Function?”, *Al-Shourouk*, 8 March, viewed 3 February 2020, <<http://www.turess.com/alchourouk/183686>>.

<sup>532</sup> Ould Bah, MF 2010, “Les Réseaux de la Finance Islamique en Afrique”, *Politique Etrangère*, vol. 4 (Hiver), pp. 805-817. <<https://www.cairn.info/revue-politique-etrangere-2010-4-page-805.htm>>.

Moreover, the series of purges were not sufficient to revive the image of security agencies in public perception due to their increasing resistance to change and methods of sabotage. The lingering suspicions were evident in accusations of a deliberate engineering of a security vacuum through a manifest neglect and trepidation to perform duties, particularly within the security agencies that were most involved in the repression of protests during revolutionary days.<sup>533</sup> This further tarnished the security establishment's reputation and diminished its credibility. Thus, instead of supporting the reform endeavour undertaken by governments to try to regain public trust, the old guard took the decision to purge its ranks as "a reason for spite, revenge and efforts within security departments to thwart reform attempts."<sup>534</sup> This occurred in the absence of efficient monitoring and rehabilitation frameworks and due to fear of potential legal charges for past wrongs. A more detailed account of these strategies of obstruction and its anti-Islamist underpinnings will be presented in following sections. As explained below, once the initial revolutionary thrust evaporated, the political atmosphere became resistant to serious security sector reform. This loss of the reform momentum was mainly due to resentment towards the new Islamist authorities within the overall ideological polarisation plaguing postrevolutionary politics.

### *Loss of Reform Momentum*

Generally speaking, the way in which democratic transition unfolded obstructed the possibility of a major overhaul of the security sector. The simple ascent of an Islamist party to power was still unacceptable to the secular modernist camp. Amid deepening political polarisation, the fundamental stumbling block was the overriding mutual mistrust between Ennahda and its Islamist supporters on one side, and a considerable segment of the Interior Ministry, together with most secular forces on the other.

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<sup>533</sup> Amara, T 2011, "Tunisian Minister Talks of "Conspiracy" after Attacks", *Reuters*, 1 February, viewed 28 August 2020, < <https://www.reuters.com/article/us-tunisia/tunisian-minister-talks-of-conspiracy-after-attacks-idUSTRE70J0IG20110201>>.

<sup>534</sup> Ben Mahfoudh 2014, Security Sector Reform in Tunisia.

Despite its debilitation, the security machinery managed to mostly retain its political influence as part of the deep state. The ISF was entangled in its oppressive past, wary of accountability for past abuses, and distressed by its postrevolutionary predicament, which meant it had to operate without Ben Ali's police state and the former ruling RCD party as a major ally. It was consequently a pernicious opponent of reform and viscerally hostile to the new elites in power given the history of animosity between both parties and the fear of reprisals. These problems were somewhat compensated for by the newly acquired freedom from political control brought about by democracy, but ironically were used to obstruct change. This new independence allowed the security apparatus to keep its distance from the new authorities and to stiffen its resistance to reform, primarily by preventing the Islamist-led governments from accessing information about security sector's operational branches.<sup>535</sup>

A major overhaul was thus hostage to a secular-Islamist divide, with an Islamist government seeking reform and a secular security establishment resisting it. While the ISF wanting to protect its former privileges and status has to be reckoned with as an impediment to change, it was primarily its long-established role as a guardian of a secular state that was at stake, as well as the huge psychological barrier in coming to terms with the rise to power of its persecuted ideological enemy, which amounted to a cultural shock and an 'earthquake' within the system. This is all the more so since the material situation and working conditions of security agents drastically improved after the revolution and the budget allocated to security increased dramatically (by 12.5% in 2018),<sup>536</sup> which more than counterbalanced the lost advantages under Ben Ali. Consequently, the obstruction of reform and lack of cooperation with the new elites was not primarily driven by material considerations, but rather by ideological commitments. As a result of these political-ideological rifts, only a series of *ad hoc* initiatives were adopted that did not amount to deep reform of a largely-disgraced security machinery, except the creation on October 9, 2013 of the National Commission against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.<sup>537</sup>

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<sup>535</sup> Hamza Meddeb, a Tunisian political scientist specializing in informal security and business networks, cited as interview with the author in Sayigh 2012, *Missed Opportunity*.

<sup>536</sup> Xinhuanet 2017, *Tunisia's Budget for 2018 Attends more to Defense, Security*, *Xinhua*, 23 October, viewed 25 May 2020, <[http://www.xinhuanet.com/english/2017-10/23/c\\_136698657.htm](http://www.xinhuanet.com/english/2017-10/23/c_136698657.htm)>.

<sup>537</sup> United Nations High Commissioner for Human Rights 2016, "Committee against Torture Reviews Report of Tunisia", *OHCHR*, viewed 3 February 2020, <<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=19858&LangID=E>>.

This commission was allowed access to all detention facilities to document cases of torture or mistreatment, to instigate penal or administrative investigations and to offer recommendations on how to stop police violations. But, overall, as Haykel Ben Mahfoudh has observed: “Legislation and policy changes have been largely technical, with the focus more on stability and cohesion of the security institutions than on the necessary structural changes for these institutions.”<sup>538</sup>

Furthermore, in a climate of police union rebelliousness, NCA members could have made major impact on security sector reform via their new constitutional drafting and legislative roles, but failed to do so due to intense ideological polarisation. Consequently, this important reconstitution juncture was a missed opportunity to introduce a system of checks and balances within the security sector that would prevent future abuses in a similar way to that of other nations with histories of oppressive security apparatuses during their democratic transitions. For instance, South Africa’s Constitution devotes an entire section to security oversight and accountability. In contrast, while the Tunisian Constitution depicts security forces as “republican”, it remains vague and does not provide practical modalities and mechanisms to ensure republicanism in practice. The only mention is in Article 18, which reads:

National security are republican forces that are assigned the duty of maintaining security and public order, protecting individuals, institutions and property, as well as enforcing law, while ensuring that freedoms are respected in a spirit of total impartiality.<sup>539</sup>

Due to mutual recriminations, the problem of fragmentation aggravated after political assassinations in 2013 and a series of terrorist attacks in Tunisia, especially the 2015 attack that targeted the Bardo national museum, a tourist resort in Sousse and a Presidential Guard bus in Tunis. In addition to the nebulous infiltration of militants and refugees from neighbouring Libya due to its armed conflict, this provoked considerable strain on the armed forces and security agencies. Owing to the surge of political violence, the priority of reform subsided as the attention drifted away from enhanced accountability and the rule of law to better efficiency in operational capacities, increased synergy between the various security institutions, as well as to revamped training and equipment. Consequently, the sense of urgency for deep and structural transformations lost momentum and the secular-Islamist divide was aggravated, due mainly to divergent approaches to new security threats based on ideological considerations and political calculations.

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<sup>538</sup> Ben Mahfoudh 2014, Security Sector Reform in Tunisia.

<sup>539</sup> 2014 Constitution of the Republic of Tunisia, <<http://www.aucegypt.edu/Gapp/CairoReview/Pages/articleDetails.aspx?aid=577>>.



Terrorist attacks, in particular, risked derailing the democratic process altogether and hit the economy hard. Their only positive effect was to open up security institutions to limited international monitoring around which consensus was gathered, even though it was again technical support that was emphasised rather than improved standards of ethics. Better adherence to international human rights benchmarks and democratic accountability, as the linchpins of reform, were thus sacrificed in favour of efficiency. Ultimately, the popular will for the democratisation of the sector and the external backing for structural reform were cast aside, leaving the standard operating procedures of security forces unchanged. While Tunisia has since “significantly improved its safety, both in terms of public perception and prevention of terrorist attacks, the good governance aspect of security reforms has lagged behind.”<sup>540</sup> As a result, outdated securitised answers to sociopolitical problems, enmeshed in virulent anti-Islamism, have made their reappearance.

Although they helped normalise the atmosphere, these refinements in the system’s administration and *modus operandi* after 2015 lacked in comprehensiveness and depth, resulting in the failure to mark a clear rupture with a repressive legacy in favour of a republican system that operates for the service of the people. Therefore, they did not form an integral part of the overall democratisation process in Tunisia. Consequently, like its counterparts throughout MENA, the Tunisian security system has not become more accountable since 2011, owing to its strong internal intractability and resistance,<sup>541</sup> which have been driven in large part by ideological considerations.

The enhancement of the antiterrorist campaign since 2015 has on the contrary liberated security forces from the obligation to abide by legal and human rights standards, thus returning to various oppressive policies reminiscent of the Ben Ali era. The fight against terrorism was used as an alibi to revive the anti-Islamist agenda, escape accountability and violate rights and liberties in the name of national security exigencies. Hence the indignation of the Tunisia Director of Human Rights Watch, Amna Guellali, in 2016: “Today there’s a sort of trivialization of torture, especially in terrorism cases,” and “[w]hen we speak up about the torture of terror suspects, we risk being considered traitors in the holy war against terrorism — and if we denounce torture, we’re considered pro-terrorist.”<sup>542</sup> Indeed, there was no notable improvement in the ISF’s code of conduct inherited from the Ben Ali era, with persistent anti-Islamist bias, abuses of authority, disproportional use of force and significant breaches of the bodily integrity of citizens.

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<sup>540</sup> Santini & Cimini 2019, The Politics of Security Reform in post-2011 Tunisia.

<sup>541</sup> Gaub, F 2013, “Reforming Arab Security Sectors”, *EUISS Brief No. 48*, viewed 4 February 2020, <<https://www.iss.europa.eu/content/reforming-arab-security-sectors>>.

<sup>542</sup> Cited in Ghribi, A 2016, “Tunisia’s War on Islam. Is Overzealous Prosecution of the War on Terror Contributing to Radicalization?”, *Foreign Policy*, 10 August, viewed 4 February 2020, <<https://foreignpolicy.com/2016/08/10/tunisias-war-on-islam/>>.

The domination of the security agenda by counter-terrorism, nourished by polarisation between a staunchly secular security sector and the Islamist forces, indeed still represents the biggest impediment to broader and more profound change within Tunisia's security system as it prevents depoliticised reform and the emergence of a republican ethic. Rather than approaching terrorism as a national security threat, requiring a united front, the antiterrorism campaign is often entangled in ideological considerations and mutual reproach in attributing blame for radicalisation and facilitating terror attacks.

The democratic agenda which accompanied the revolution was supposed to bring about a different framework for thinking about security. In democracies, security services are no longer committed to preserving a specific party or ruler – they abide by the rule of law and operate within a much more restrictive environment.<sup>543</sup> Yet, this endeavour proved to be complicated within a political climate marked by intense ideological polarisation, whereby imputing the political blame for any destabilising security act matters more than the solution. Persistent security threats also made it very difficult to reconcile democratic values with security requirements. While the ISF remains unrepublican, it is the security imperative that usually triumphs. As such, “police forces and security agencies genuinely accountable to democratically elected civilian authorities”<sup>544</sup> are yet to emerge. Moreover, the Ministry of Interior “remains a black box with an opaque decision-making process, governed by officer networks that have resisted meaningful reform, financial transparency, and political oversight.”<sup>545</sup>

### **5.3 The Secular-Islamist Divide as the Primary Obstacle to Reform**

Thus, my argument is that intense political polarisation inhibited unified political support for security sector reform, preventing transitional authorities from capitalising on the opportunity for radical change. The most polarised atmosphere was during Ennahda's (and its allies within the Troika government) rule in 2011-2013. Disagreement was over three major issues: (1) whether the reform orientation should be technical or normative; (2) responsibility for the deteriorated security situation; and (3) responding to Salafi-jihadi activism.

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<sup>543</sup> Derdzinski, JL 2009, *Internal Security Services in Liberalizing States: Transitions, Turmoil, and (In)Security*, Ashgate, Farnham.

<sup>544</sup> Sayigh 2015, *Missed Opportunity*.

<sup>545</sup> Ibid.

First, the inclination to perceive the sector's reform from an ideological perspective restrained an otherwise crucial debate over the extent and pace of the reform process. Within that context of sharp polarisation, two contrasting views emerged. One camp, represented by Islamists and revolutionary forces, saw the imperative of purging all *feloul* (former regime acolytes) to be faithful to the spirit of the revolution as they conceived it, but also to overcome the perceived obstruction of change coming from within the security establishment. The security apparatus had vested interests in keeping the *status quo ante*, especially due to its apprehension about having the whole reality of past atrocities against Islamists (and others) unveiled where the entire secular establishment could stand condemned. This explains, for instance, the huge controversy over access to archives that long impeded the work of the Truth and Dignity Commission (TDC) within the transitional justice process and the reported disappearance of piles of documents that indict the former dictatorship. As Sadri Khiari bemoans:

Especially during the moments of panic accompanying Ben Ali's departure...a so voluminous police archive disappeared. Besides the theft and hold-up of numerous dossiers, there was also the act of document eclipsing, probably from among the most "sensitive", by officials and former officials, anxious about erasing all vestiges of their crimes and wretched practices on which they have long founded their authority.<sup>546</sup>

Later, Khiari further laments that: "several documents would have been shred, burnt, diminished to trash, or at best, expiated from a lot of information which could have recast the truth about dictatorship and indicted the culprits, the masterminds, the zealous executors or accomplices to repression."<sup>547</sup> These acts led a revolted pro-reform activist to vociferate in exasperation: "Senior officers in the MOI do not have the intention to do reform. Those senior officers are not collaborating with the new government. They are resisting any reform and are seeking to protect their interests, their positions, and themselves."<sup>548</sup>

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<sup>546</sup> Khiari, S 2017, "Qu'en Est-il des Archives de la Police Politique ? ", *Nawaat*, 6 February, viewed 27 June 2020, <<https://nawaat.org/portail/2017/02/06/quen-est-il-des-archives-de-la-police-politique/>>.

<sup>547</sup> Ibid.

<sup>548</sup> Cited as author interview in Hanlon 2012, *The Prospects for Security Sector Reform in Tunisia*, p. 27.

In contrast, the other camp, represented by secularists and proponents of the *status quo ante*, emphasised efficiency to the detriment of better rules of engagement, stressing the importance of “retain[ing] professionally trained personnel and existing structures in order to preserve the skills and experience needed for effective law enforcement. This group included those who genuinely sought democratic governance of the security sector, as well as those who used the argument to block meaningful change.”<sup>549</sup> In an explosive security and social context, the ISF’s task was not only to regain the population’s trust, but also to overcome suspicion among the new political representatives who were eager to curtail the police forces’ prerogatives. As a result, this situation generated a sense of insecurity among the police, which opted for an obstructive rather than cooperative attitude towards the new authorities. This is why they emphasised technical reforms instead of deeper normative change that would revolutionise the sector from within. The confrontation between these two contradictory standpoints fed mutual accusations between Islamists and secularists of obfuscating serious progress in security sector reform, thus preventing consensus on a national vision for a major overhaul of that defective system.

A case in point is the rejection by Interior Minister Laarayedh (Islamist) of a White Paper on “Security and Development: for Democratic Security in Tunisia,”<sup>550</sup> prepared by a pool of secular specialists headed by Delegate Minister for Security Reform, Mohamed Lazhar al-Akrehi, just before the October 2011 elections that brought Islamists to power. The White Paper, which pledged to ensure the transformation of the security sector’s institutions and organisational culture,<sup>551</sup> was dismissed due to the involvement of former regime representatives in its development.<sup>552</sup> For supporters, the Paper recognised and dealt with a number of weaknesses within the MOI from structural and normative perspectives.<sup>553</sup> For critics, it was a blatant replication of the former regime mindset.<sup>554</sup> Nouredine Jebnoun, for example, asserts that this blueprint indeed adopted a depoliticised reform perspective, “by focusing on single technical aspects to be changed in order to improve the dysfunctionality of the security apparatus, rather than addressing the overly state-centric focus of security and shifting it towards a human-citizen security approach.”<sup>555</sup> As such, “while the document raised

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<sup>549</sup> Sayigh 2015, Missed Opportunity.

<sup>550</sup> Hanlon 2012, The Prospects for Security Sector Reform in Tunisia.

<sup>551</sup> Ibid.

<sup>552</sup> Ibid.

<sup>553</sup> Ibid.

<sup>554</sup> Ibid.

<sup>555</sup> Jebnoun, N 2017, *Tunisia’s National Intelligence: Why ‘Rogue Elephants’ Fail to Reform*, New Academia Publishing, Washington DC, See Chapter 4.

basic principles of oversight,” Jebnoun argues, it prioritised “the strengthening of operational capabilities and the need for foreign assistance, at the expense of democratic control, accountability, transparency and oversight.”<sup>556</sup> This view was corroborated by a 2012 report which indicated that “the organizational chart of the [Ministry of Interior] remains classified, which complicates the task of mapping the internal security structures controlled by it, as well as the oversight mechanisms within the ministry.”<sup>557</sup>

The fact that these divergences are focused on whether to pursue technical or normative reform reveals underlying ideological-political calculations. Mere technical reform would keep the security system under the control of secular and former regime figures because it would not drastically change its operational mindset (with its anti-Islamist bias) inherited from the pre-revolutionary era. Deeper normative reform, by contrast, would revolutionise the system towards republicanism and democratic control (which raised fears of Islamist control). In short, secularists advocated technical reform that kept the anti-Islamist bias within the security sector, whereas Islamists champion normative reforms in the name of republicanism and a democratic system in which they have strong popular support.

This is why the inconclusive strategic debate on security sector reform was coupled with mutual suspicions that each camp would use the system to serve their ‘narrow’ political purposes. Thus, Ennahda’s undertakings to inject new life into the Interior Ministry and other state institutions through new nominations and replacement of discredited senior officials, “which was normal for any incoming administration in a democratic context,”<sup>558</sup> were met with charges of hegemony and Islamisation from liberal adversaries and their allies from the former regime. This discord reverberated through mutual blaming for a deteriorated security situation.

Ironically, the same secularist forces which accused Ennahda of infiltrating the system, sought to embroil the party in a massive campaign of intimidation by labelling it soft on national security, despite the fact that human rights organisations and even “some police unions agreed that Ben Ali loyalists still held senior positions within the Interior Ministry.”<sup>559</sup> For Ennahda, this is why acts of destabilisation and opposition to its reform policies were only a strategy to maintain an atmosphere of insecurity and instability that

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<sup>556</sup> Ibid., pp.58–59.

<sup>557</sup> Cited in Hanlon 2012, The Prospects for Security Sector Reform in Tunisia. Brackets added.

<sup>558</sup> Sayigh 2015, Missed Opportunity.

<sup>559</sup> Lutterbeck, D 2012, “After the Fall: Security Sector Reform in Post-Ben Ali Tunisia”, *Arab Reform Initiative Research Paper*, viewed 5 February 2020, <<https://archives.arab-reform.net/en/node/592>>, pp. 21 and 19.

would derail the democratic process and cause the failure of the Islamist party. This led then Islamist Prime Minister Hamadi Jebali, in an interview with Tunisian national television, to cry 'sabotage' by launching a flurry of criticism targeting labour unions, the media, the judiciary, law enforcement forces and the central bank, among others.<sup>560</sup>

In addition, when the Islamist party reacted to the reluctance of police forces to operate responsibly and satisfactorily perform their duties "by proposing alternative or complementary means of tackling growing lawlessness and crime, this generated alarmist charges that they sought to create their own security structures."<sup>561</sup> Once the Islamist party proceeded with hiring "hundreds of recruits within the police to bring in new untainted officers to confront the rise in crime, weapons, and drug trafficking, and to replace the forces that had disappeared after the fall of the regime,"<sup>562</sup> according to detractors this represented a massive and wilful "attempt to modify the balance of power within the security sector, while also asserting major partisan control over it."<sup>563</sup> There was, in addition, another charge relating to the poor and inadequate training of the new recruits, raising a problem of government proficiency.

Thus, paradoxically, while Ennahda was criticised over its failure to maintain law and order, it was simultaneously "accused of building parallel security forces."<sup>564</sup> In particular, the Leagues for the Protection of the Revolution (LPR)<sup>565</sup> were suspected of behaving "as a moral police force vis-à-vis the population while being politically unaccountable."<sup>566</sup> Therefore, Ennahda's attempts to circumvent encumbrances within the security apparatus "by turning to community-based law-and-order initiatives"<sup>567</sup> and "appointing supporters to security posts in peripheral regions of the country"<sup>568</sup> were counterproductive as they became even more prone to a perception of Islamisation fostered by secular opponents. The Islamist party's alleged construction of a parallel security system, outside conventional state bodies, has been a lingering accusation over the last decade, but has never been proven thus far.

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<sup>560</sup> Hlaoui, N 2012, "Tunisian Prime Minister Unleashes a Torrent of Criticism", *Al-Monitor*, 3 June, viewed 5 February 2020, <<https://www.al-monitor.com/pulse/politics/2012/06/tunisia-hamadi-jebali-sees-criti.html>>.

<sup>561</sup> Sayigh 2015, Missed Opportunity; Sayigh, Y 2016, "Bringing Tunisian Transition to its Security Sector", Carnegie Middle East Center, Op-Ed 5 February, viewed 6 February 2020, <<https://carnegie-mec.org/2016/02/05/bringing-tunisia-s-transition-to-its-security-sector-pub-62563>>.

<sup>562</sup> Cited as author interview with members of the Youth Lawyers Association and the Lawyers Union, Tunis, Tunisia, January 24, 2012, in Hanlon 2012, *The Prospects for Security Sector Reform in Tunisia*, p. 32.

<sup>563</sup> Ibid.

<sup>564</sup> Baltayyeb, N 2012, "The Security Sector in the Throes of the Political Battle", *al-Akhbar*, 7 November, viewed 6 February 2020, <[www.al-akhbar.com/node/171033](http://www.al-akhbar.com/node/171033)>.

<sup>565</sup> The LPR was created at the end of 2012 and was an unarmed body supposed to ensure security at the community level. Accusations levelled against it emphasized its attempt to Islamize society from below.

<sup>566</sup> Sayigh 2015, Missed Opportunity.

<sup>567</sup> Ibid.

<sup>568</sup> Ibid.

The obvious political interests embodied by these contrasting positions is heavily imbued with dogmatism. Like the conflict over reconstruction of the Tunisian state's identity, to be more secular or Islamist, the country's security doctrine is entangled in the same divide. Fundamental reform is required because of the failure of the entire postcolonial secular establishment to avoid radicalisation and extremist tendencies, which is attested to by the rise of fanaticism, jihadism and terrorism in Tunisia, despite the stringent security approach which sacrificed rights and liberties in the name of national security. From the perspective of Ennahda, the exclusion and oppression of moderate Islamist tendencies by the secular forces is the cause of this predicament. This reading provides the Islamist party with more leverage to remodel the state system, including the security doctrine. For secularists, the more active involvement of Ennahda in politics and its alleged lenience in dealing with the extremist threat is presented as an evidence of the soundness of the pre-revolutionary policy of total eradication of religious-based parties from politics. From this perspective, their reintegration has worsened rather than improved the security situation by emboldening all Islamist tendencies of all amplitudes of militancy and activism to defy state institutions.

Accordingly, completely divergent positions regarding the rising Salafist threat was also a fundamental source of discord. Again, Ennahda was criticised for its alleged wavering attitude on security.<sup>569</sup> Two main accusations were notable in this respect: First, Islamists underestimated the peril in integrating extremists into the political mainstream, which contributed to the amplification of homegrown, militant and anti-establishment Salafism. Second, the Islamist party's supposed lax attitude on extremism provided an environment conducive to the massive influx of Tunisians to Syria for jihad. Admittedly, Ennahda's leaders dithered for a long time in outlawing Ansar al-Sharia (AST), a Salafi group that came into the open in May 2012, but was active since at least 2011. This group kept a low profile at first, privileging preaching over any political activity, but still in defiance of mainstream Islamism.<sup>570</sup> However, once emboldened by the climate of political liberties in the country, it became increasingly bellicose and was enmeshed in political violence. It was held culpable for orchestrating a number of illegal acts, such as the assault on the premises of the Nessma satellite channel, which was criticised for screening the allegedly heretical movie 'Persepolis', and the attack on the US embassy in Tunis in September 2012. This last 'raid' revealed a serious problem of law enforcement, exposing ill-discipline within the Tunisian security forces.

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<sup>569</sup> Cited as interview with security expert, Tunis, April and June 2017 in *The Politics of Security Reform in post-2011 Tunisia*. Supra note 16, p. 228.

<sup>570</sup> Merone F & Cavatorta, F 2013, "Salafist Movement and Sheikh-ism in the Tunisian Democratic Transition", *Middle East Law and Governance*, vol.5, no.3, pp.308–330.

It demonstrated: “The failure to respond effectively to evidenced gaps in institutional capacity, from situational awareness, command and control to coordination between security forces and senior government officials.”<sup>571</sup> For the secular camp, these incidents demonstrated the dangers inherent in a permissive attitude towards Islamist militancy. At very least, Ennahda was perceived to hold this permissive attitude, if not one of outright collusion as part of a deliberate strategy to infuse the state system with more Islamicity and dispense with its civil and non-theocratic nature.

Islamists in power accused their opponents, especially from the former regime, of masterminding the embassy incident, colluding with some elements within the security apparatus to poison their relationships with Western powers, particularly the United States. Indeed, Ennahda held the ‘enemies of the Revolution’ responsible for “turning peaceful demonstrations into destructive mobbing and manipulating anger... to divide the country and prevent Tunisia from building a robust democracy.”<sup>572</sup> They defended their early postrevolutionary dialogue with Salafists on the basis of the new climate of liberties within the country that was henceforth antonymous to exclusion. The Ennahda leadership maintained that the former dictatorship’s suppression of all political liberties led to the radicalisation of certain Islamist groups and that only dialogue could moderate these groups’ stances. For these mainstream Islamists, Salafists stick to a rigid and monolithic interpretation of Islamic scriptures conducive to a politically irresponsible behaviour but, with time, they can become less orthodox and abandon their extreme mindset.

In this respect, Ghannouchi expressed the conviction that Tunisia would alter young Salafists predispositions by bringing them to the middle, just as an early conservative Ennahda had once been transformed, declaring in a televised interview that “they reminded him of his youth and that Tunisians will make them change too just like they had changed al-Nahda.”<sup>573</sup> It was clearly overly optimistic to believe that young Salafists would be willing to join the mainstream, to rally to the political project of democratic Tunisia and to renounce recourse to violence for political ends, but these dialogues were also an attempt to avert despotism’s errors in making conditions ripe for pluralism and to ease sociopolitical tensions.

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<sup>571</sup> Hanlon, Q 2016, “SSR in Tunisia: A Case of Post-Authoritarian Transition”, in Q Hanlon and RH Schultz (eds), *Prioritizing Security Sector Reform*, USIP Press, Washington DC, Chapter 4.

<sup>572</sup> Bouazza, BB 2012, “Tunisia’s Ruling Party Condemns US Embassy Attack, *Associated Press*, 15 September, viewed 6 February 2020, <<https://news.yahoo.com/tunisias-ruling-party-condemns-us-embassy-attack-083828683.html>>.

<sup>573</sup> Guediche, S 2012, “Tunisie: le Double Discours de Rached Ghannouchi à propos des Salafistes”, *Tunisie Numérique*, 24, September, viewed 6 February, <<https://www.tunisienumerique.com/tunisie-le-double-discours-de-rached-ghannouchi-a-propos-des-salafistes/>>.



However, Ghannouchi's concept of gradual habituation to democratic norms is not unsubstantiated. It rests on the two-pronged approach of "moderation" and "democratic learning." The "moderation" concept advocated by Schwedler,<sup>574</sup> is founded on the premise that militant and defoundationalist movements are amenable to immersion into the democratic dynamic once they reach the conclusion that abiding by its rules yields important dividends like eventual electability, media access and inclusion into various forms of partnership with other political players. This causes the defoundationalist radical stance to gradually fade. As for the concept of "democratic learning" developed by Peffley and Rohrschneider, it propounds the idea "that exposure to the rough-and-tumble of democratic politics ... enhance(s) political tolerance."<sup>575</sup> Conditioning to peaceful coexistence contributes to the stabilisation of democracy as political actors acclimatise to the principle of mutual acceptance via constant interaction, despite the absence of substantial policy agreement.

Yet, however well-intentioned, the dialogue strategy adopted by the Islamist party failed, at least in the short run. It did not achieve the presumed objective of de-radicalisation and backfired politically because Salafists increasingly resorted to violence to make their voices heard, thereby embarrassing Ennahda by putting into question its policy of appeasement. Faced with this new reality, the Troika government had no choice but to outlaw Ansar al-Sharia (AST), abandoning at least temporarily the idea that repression only has the effect of further radicalising Salafists and feeding their jihadist temptations. So, in May 2013, following a series of violent confrontations between AST partisans and the police, the group was declared a terrorist organisation.<sup>576</sup> Despite this, Ennahda's previously accommodationist policy towards Salafists was used by its political opponents to accuse it of accentuating Tunisia's extremist security threats, hence of endangering public safety and social peace.

Within the Islamist camp, conspiracy theories are abundant claiming that the political violence and terrorist attacks, including some of those committed by the AST, were orchestrated by its domestic and international ideological foes who do not want Islamist parties in power and wanted to spoil the dialogue with Salafists, abort reform efforts and bring back dictatorship. Reference is made for instance to the then Interior Minister Laarayedh's thwarted attempt in early 2012 to sack the chief of the Intervention Forces (IF) who was being sentenced for ordering the shooting of defenceless protesters during the 2011 popular revolt.

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<sup>574</sup> Schwedler, J 2006, *Faith in Moderation*, Cambridge University Press, Cambridge.

<sup>575</sup> Mark, P & Rohrschneider, R 2003, "Democratization and Political Tolerance in Seventeen Countries: A Multi-level Model of Democratic Learning", *Political Research Quarterly*, vol. 56, no.3, pp. 243–257.

<sup>576</sup> Business News 2013, "Les Salafistes Font Vivre à la Tunisie une Journée Triste à en Mourir", Business News, 19 May, viewed 7 February 2020, <<https://www.businessnews.com.tn/les-salafistes-font-vivre-a-la-tunisie-une-journee-triste-a-en-mourir,519,38195,3>>.

Laaayedh had to back down when the IF, in charge of securing public spaces and facilities, went on strike in protest against the proposed dismissal. Laxness and negligence in the US embassy incident were also deemed to be part of sabotage and machinations to frustrate the government's mission. President Marzouki had to dispatch his presidential guards to the embassy to avoid the worst, "effectively muscling in on the country's military and police forces — a show of strength in an intense power struggle."<sup>577</sup> The necessity to intervene to avert a scenario similar to the siege of the US consulate in Benghazi and Ambassador's Chris Stevens killing in that incident, led to this exceptional measure. Marzouki's spokesman Adnen Mansar made it clear: "Half the arrests were made by our guards, whose job is only to protect the President and his staff."<sup>578</sup>

For the security establishment's part, it defended its unaccommodating stance towards Islamists in power by insinuating that "Ennahda was an illegitimate political force [despite being elected through popular plebiscite] operating against the interests of the State and pursuing a partisan, Islamist security agenda and not a national one."<sup>579</sup> Hence, it continued viewing the Islamist party from the exclusively secular lens of the former regime, as if no revolution took place in Tunisia that had completely changed the political reality. Ironically, with regard to the use of the IF at the US embassy, the unions now endorsed a principle of non-politicisation of security "as a means to deny the government's right and duty to assert its oversight or bring recalcitrant officers to account."<sup>580</sup>

These mutual accusations about sabotaging security sector reform are rife, although no evidence has so far been firmly established to substantiate either side's claims. All investigations so far have been inconclusive in proving one camp or another's allegations. Indeed, the exchange of ideologically motivated accusations often outweighs the ferreting for truth. Consequently, because of this deep ideological wariness between the Islamist party and the MOI, once largely complicit in its persecution, the security apparatus chose to remain cloistered from the new political reality and block reform. As a result of these ideological divergences and the mistrust and mutual accusations it creates, only timorous institutional reforms have crystallised, which did not fundamentally alter the ISF *modus operandi*. As indicated above, these involved "a procedural guide on human rights for internal security forces, the revision of laws governing arrest and detention, as well as the October 2013 Torture Commission Law, which subjected detention facilities to control by human rights monitors."<sup>581</sup>

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<sup>577</sup> Walt, V 2012, "Political Battles in Tunisia Shade Attacks on U.S. Embassy", *Time*, 16 September, viewed 4 February 2020, <<https://world.time.com/2012/09/16/political-battles-in-tunisia-shade-attacks-on-u-s-embassy/>>.

<sup>578</sup> Ibid.

<sup>579</sup> Ibid. brackets added.

<sup>580</sup> Sayigh 2015, Missed Opportunity.

<sup>581</sup> Ibid.

The ideological divide also hindered other more profound reforms from materialising. Among the important, but unaccomplished reforms, were those concerning the professionalisation of the prosecutorial system and Judicial Police, which are part of the MOI but operate within the Judiciary. Their mission consists of conducting investigations, collecting evidence and writing formal reports on behalf of internal security forces in substantiation of cases to be brought before the courts. Despite their crucial role, however, Judicial Police are ill-equipped to conduct proficient investigations through fingerprinting, DNA testing, or other advanced means of generating evidence, thereby relying uniquely on confession. During the Ben Ali era, the Judicial Police interrogation methods consisted mainly of torture and other means of coercion in the extraction as well as certification of confessions. There was no provision for “the presence of legal counsel from the moment of arrest to the conclusion of the investigation.”<sup>582</sup> Among the reform recommendations was “to allow legal counsel to be present during interrogations conducted by the Judicial Police,”<sup>583</sup> so as to protect defendants from maltreatment. As reformers suggested, ensuring due process, in compliance with the rule of law and human rights standards, required better training of security agents to be able to conduct professional investigations, instead of the largely-used practice of extorting information through torture, while training lawyers to proficiently represent their clients during interrogation. However, “enormous institutional obstacles and time constraints” limited “the will to undertake serious political reform,”<sup>584</sup> even though the judiciary is asserting a more independent role vis-à-vis the executive and no longer routinely accepts coerced confessions. Yet, its performance still falls short of meeting rigorous international standards, as officers lack the training and logistics to undertake free, law-bounded, proficient, thorough and transparent investigations.

The missed reform momentum reassured the security establishment, broadly averse to fundamental change and to the new Islamist elites, that the feared reform urge had faded and so they reverted to “an adversarial perception of citizens.”<sup>585</sup> This, in addition to the “rise of counterterrorism agendas in response to the threat of homegrown and cross-border jihadist violence”<sup>586</sup> restrained all efforts to revive a security sector reform agenda. In fact, these developments helped the security apparatus to retrench, using the justified claim for neutrality from political interference as an alibi to counter efforts aimed at more transparency

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<sup>582</sup> Ibid., supra note 54, p. 14.

<sup>583</sup> Ibid.

<sup>584</sup> Ibid., supra note 54, p. 32.

<sup>585</sup> Sayigh 2015, Missed Opportunity.

<sup>586</sup> Ibid.

and accountability. Consequently, “[t]hese dynamics allowed the culture of impunity within the security sector to reassert itself.”<sup>587</sup> These obstacles did not vanish even after the formation of an *Ennahda-Nidaa* coalition government, which toned down but did not eradicate the conflictual, zero-sum politics. Above all, the protection of the secular ideology and its old structures was paramount in the eyes of the security sector.

While ideological polarisation affects most security issues in Tunisia, as we have seen, it is keenly reflected in the disparate approaches to the issues of radicalisation and extremism, which prevents the development of a common vision to resolve these thorny problems. Secularists argue that this is a recent and foreign phenomenon; that it is a by-product of the revolution and an offshoot of Ennahda’s access to power and its tolerance of hardline religious currents like Salafism. The Islamist party has even been accused of facilitating Tunisian fighters joining ISIS in Syria<sup>588</sup> and therefore a threat to national security. Ennahda’s response is that such a complicated phenomenon cannot be a fallout of the revolution, simply because it is a protracted, simmering and latent predicament that was the outgrowth of the former regime’s repressive policies concerning religion. Given that dictatorship stifled all public expressions of Islam and monopolised religious discourse, alternate visions could only be found in the readily accessible satellite channels, mostly Saudi, that were often propagating a Wahhabi, more radical and hardline stream of Islam. Ghannouchi, Ennahda’s leader, noted in this respect that:

Some people are surprised that a country as moderate as ours can now export terrorists by hundreds and thousands. These people are by no means the product of the revolution. Rather they are the product of dictatorship. Under the ancien régime, there was a spiritual vacuum in Tunisia. Then, after the revolution, foreign ideologies were imported, taking advantage of this spiritual vacuum, to invade the country.<sup>589</sup>

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<sup>587</sup> Ibid.

<sup>588</sup> The North Africa Post Headlines, 2013, “Jihadist Recruiters Arrested in Tunisia”, *The North Africa Post*, 30 April, viewed 28 August 2020, <<https://northafricapost.com/3520-jihadist-recruiters-arrested-in-tunisia.html>>.

<sup>589</sup> Marwan, C 2015, “Terrorisme en Tunisie, ‘Ennahda N’y est Pour Rien’, soutient Ghannouchi”, *Kapitalis*, 15 November, viewed 28 June 2020, <<http://kapitalis.com/tunisie/2015/11/15/terrorisme-en-tunisie-ennahda-ny-est-pour-rien-soutient-ghannouchi/>>.

Former interim president Moncef Marzouki, a moderate liberal, expressed a similar view, by insisting that “those imbued with an obscurantist and terrorist way of thinking are those same people who attended Ben Ali’s, Mubarak’s and Bashar Al-Assad’s schools. These are not schools which instil freedom, democracy, a liberal and modernist culture.”<sup>590</sup> Indeed, “terrorism is the legitimate child of years of marginalization, dictatorship, arbitrariness and corruption.”<sup>591</sup> That is why “young Arabs are in a state of limbo and have no hope but migration to Europe where they live wandering under the bridges or joining death and obscurantism squads.”<sup>592</sup> Those divergent perceptions are not mere ideological debates between secular and Islamist intellectuals and politicians, spoken freely in the age of liberty, they more seriously lead to deadlock and lack of solutions within the polity through their vetoing effects, thus keeping the problem of security sector reform totally unresolved and democracy in jeopardy.

Regardless of the ideological orientations of its proponents or opponents, there is still a pressing need for a substantial reform of the security sector. Apart from ideology, objective assessments point out that the traditional method of stratified and authoritarian policing did but estrange and fractionalise Tunisian society. Indeed, the revolution was itself partly an answer to the ISF brutalities, as indicated earlier. The Geneva Centre for the Democratic Control of Armed Forces advocates in this regard a completely inverted approach to security reform in Tunisia, whereby the security forces ensure public safety and social peace and simultaneously abide by human rights and democratic ethics.<sup>593</sup> This will only be possible after the ideological handicap is transcended such that different approaches to reform are not perceived as an attack on the fundamental normative commitments of each camp.

## 5.4 Securitisation and Contained Polarisation as Obstacles to Reform

The understanding reached by the leading figures of the two main parties, Ennahda and *Nidaa*, facilitating the formation of a coalition government after the 2014 elections, has avoided Tunisia’s descent into more acute sociopolitical divisions. This was partly done by replicating the settlements born out of the constitutional process via what some labelled a “double caution: a strategy of ‘risk avoidance’ by Ennahda and of ‘containment’ by Nidaa.”<sup>594</sup>

<sup>590</sup> African Manager 2015, “Tunis-Marzouki : Le Terrorisme ‘Enfant Légitime’ de la Dictature”, African Manager, 28 November, viewed 30 June 2020, <<https://africanmanager.com/tunis-marzouki-le-terrorisme-enfant-legitime-de-la-dictature/>>.

<sup>591</sup> Ibid.

<sup>592</sup> Ibid.

<sup>593</sup> Aepli, P 2012, *Toolkit on Police Integrity*, Geneva Centre for Democratic Control of Armed Forces, Geneva.

<sup>594</sup> Marzouki 2015, Tunisia’s Rotten Compromise.

Nevertheless, since these secular-Islamist political arrangements did not amount to deep consensus on fundamentals, all reform efforts, especially those regarding the security system, have been stalled. To keep the alliance alive, the choice to evade divergences instead of tackling them thoroughly resulted, for the most part, in a vetoing phenomenon that has prevented the accomplishment of substantial reform, “as the two main political forces have refrained from dealing with and clashing over potentially explosive issues.”<sup>595</sup> Consequently, “the influence and eventual place of the security sector”<sup>596</sup> within a volatile political scene often remained “subject to intense negotiation and periodic contestation.”<sup>597</sup>

Due to these power-sharing exigencies, the scattering of authority across various state institutions (Presidency of the Republic, Government and Parliament) also created a problem of assigning responsibility by blurring the contours of each security agency’s mission. The resulting weaknesses in performance, due in large part to unclear task boundaries, risked derailing the whole democratic process because of the seriousness of mutual recriminations concerning political accountability for the security threats and terrorist attacks that subsequently emerged. These accusations were immersed in dogmatism and intensified the recurrent secular-Islamist conflicts whenever political violence emerged (such as in 2015). Worse were the pressing calls to privilege security over respect for human rights, implying that personal integrity and individual liberties can be sacrificed to deal with terrorist threats or even as preventive measures against extremism.

Islamists have always advocated a comprehensive approach to dealing with the roots of fanaticism and radicalisation, which encapsulates the fight against poverty, disparities in levels of development between various areas in the country and unemployment, as well as the educational-cultural aspects of de-radicalisation. Given their history of persecution and victimisation under dictatorship, they are sensitive to any strategy that neglects those dimensions and violates human rights. Secularists, by contrast, have privileged a securitisation approach through arrests, incarcerations and even torture. They see no use for dialogue, nor any empathy for the plight of militants. In fact, they accuse Ennahda of emboldening these ‘irremediable’ elements via their attempts for engagement, as we have seen above in their denunciation of the Islamist party’s lax attitude on terrorism. Back in 2013, old regime officials decried the “dismantling [of] the security organizations in the ministry of interior in the wake

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<sup>595</sup> Boubekeur, A 2016, “Islamists, Secularists and Old Regime Elites in Tunisia: Bargained Competition”, *Mediterranean Politics*, vol. 21, no. 1, pp.107–127.

<sup>596</sup> Sayigh 2015, Missed Opportunity.

<sup>597</sup> Ibid.

of the 2011 uprising as a ‘mistake,’ calling openly for their restoration to confront the growing threat of armed Salafists,<sup>598</sup> as “suspension of the Directorate of State Security in particular undermined the security sector’s ability to filter, analyse, and act on intelligence data.”<sup>599</sup>

Notably, police unions mushroomed after the revolution: “since the 2011 Internal Security Forces Statute, over one hundred police unions, large and small, have formed.”<sup>600</sup> They profited from this atmosphere to politicise their role and stymie the reform process, insulating the security system from meaningful reform, financial transparency and political oversight. These unions had initially been pressing to improve working conditions but some soon manoeuvred to obstruct reform whenever they perceived it to be ominous. Besides blocking prominent transitional justice cases, they resorted to illegal methods to shield fellow security agents from prosecution for pre-revolutionary abuses. For instance, in the 2012 Intervention Force case mentioned earlier, one of these unions physically prevented the dismissal of a former Ben Ali security official held responsible for shooting demonstrators.<sup>601</sup> By transforming strikes into a political weapon, pressing hard to prevent the effective implementation of reform policies once adopted, and lobbying extensively to shape the profile of the prospective Interior Minister, the security unions became a ‘destructive force’, enormously complicating the political reform task of the ailing security sector. Their sharp anti-Islamism was hardly disguised.

Ironically, these intensely politicised “police unions have argued for the independence of the police from the civilian administration on the grounds of national security, especially regarding the threat of terrorism.”<sup>602</sup> They often countered the political discourse criticising their anti-revolutionary stance, support for authoritarianism and disrespect for human rights with rhetoric privileging security over democracy when it comes to antiterrorism policies.

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<sup>598</sup> Head of the Initiative Party Kamel Morjane, who was briefly Defense Minister in the first interim government in 2011, interviewed in Al Arabiya. See Al Arabiya News 2013, “Tunisian Official: Dismantling Ben Ali’s Security Was a ‘Mistake,’” *Al Arabiya News*, 26 May, viewed 7 February 2020, <<http://english.alarabiya.net/en/perspective/2013/05/26/Ex-Tunisian-defense-minister-dismantling-Ben-Ali-s-security-was-a-mistake-.html>>.

<sup>599</sup> Bouguerra, 2014.

<sup>600</sup> A number of the unions were formed before legislation allowed it and were retrospectively legalized. See Al-Miqrani, W 2016, “The Role of Trade Unions in the Reform of the Security System in Tunisia”, International Security Sector Advisory Team (ISSAT), Arab Reform Initiative 2016, *Geneva Centre for Security Sector Governance*, viewed 18 January 2020, <<https://issat.dcaf.ch/Learn/Resource-Library2/Policy-and-Research-Papers/The-role-of-trade-unions-in-the-reform-of-the-security-system-in-Tunisia>>.

<sup>601</sup> A useful critique of the activities of the unions can be found in Grewal, S 2018, “Time to Rein in Tunisia’s Police Unions,” *Project on Middle East Democracy*, March, viewed 8 February 2020, <[https://pomed.org/wp-content/uploads/2018/03/Grewal\\_FINAL\\_180329.pdf](https://pomed.org/wp-content/uploads/2018/03/Grewal_FINAL_180329.pdf)>.

<sup>602</sup> See Walsh, supra note 93.

This ‘securitisation’ thesis made the case for security forces to be liberated from ‘partisan’ (read Islamist) ‘political machinations’ so as to enhance their ability to face security threats and ensure a more efficient fight against terrorism. However, in reality, it was the opposite that was frequently taking place with these unions, which were created just to defend the rights and privileges of their adherents, transforming them into a powerful obstructionist force that unduly interferes in the political process. This is especially the case once Islamists are in power, when they suggest that “challenges to police impunity represent support for terrorism.”<sup>603</sup> Numerous instances testify to this recalcitrant attitude. As an example, “[t]his tactic was evident in August 2014 at the police union protest at a Kasserine courthouse’s sentencing of a police officer for murder, where the unions equated the sentence with support for terrorism, thus generating a false antithesis between order and liberty.”<sup>604</sup> This kind of interference only perpetuated the impunity culture. In another illustration, on April 11, 2014 a military tribunal issued light sentences against Ben Ali’s top security officials such as Ali Sariati, former head of presidential security, who was in fact released after serving only three years, which was reduced from a twenty-year sentence. While in appearance, these unions pressed hard to preserve their own interests, their political-ideological agenda is obvious, as they tend to be much more vocal and disruptive whenever Ennahda leads the government and keep a low profile when a secular government is in office. Terrorist acts are their main opportunity to meddle in politics and pursue the anti-Islamist agenda.

Signs of an increased lack of accountability were apparent even before the series of terrorist attacks in 2015, which testified to a wilful attempt to revive authoritarian practices regardless of the country’s security situation. In August 2014, the then Mehdi Jomaa ‘technocratic’ government made recourse to Ben Ali’s antidemocratic legislation to defend illiberal policies. Overstepping his authority, the Head of Government “ordered the suspension of 157 Islamist associations for alleged links to terrorism, basing his decree on a 1975 law that had in fact been amended after the 2011 uprising to limit this power to the judiciary. The government also shut down several radio channels and mosques that it accused of promoting religious extremism without judicial orders, while in parallel police assaults on journalists multiplied.”<sup>605</sup> In addition, “the 2003 antiterror law used by Ben Ali to criminalize domestic opposition was once again put to use with the arrest of some 1,500 suspected jihadists in the first nine months of 2014 alone.”<sup>606</sup> Based on this evidence, the anti-Islamist agenda remained conspicuous in the security establishment.

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<sup>603</sup> Ibid.

<sup>604</sup> Ibid.

<sup>605</sup> Salah, OB 2014, “Liberty and Security in Tunisia”, *Carnegie Endowment for International Peace*, 16 September, viewed 8 February 2020, <<http://carnegieendowment.org/sada/2014/09/16/liberty-and-security-in-tunisia/>>.

<sup>606</sup> Ibid.



Perhaps the biggest threat to democracy were the intensive pressures exerted by police unions up to 2017 for the adoption by parliament of the Prosecution of the Abuses Against the Armed Forces Law, which would have granted security forces immunity from prosecution,<sup>607</sup> even in cases of deadly use of force. This need for reinforced prerogatives, it was argued, was to be better equipped to confront mounting terrorist threats. In addition to evading sanctions for potential human rights violations, immunity from prosecution would serve another major objective: allowing abuses of power to extract illegal benefits through various corrupt methods. These manoeuvres were meant to further destabilise a still vulnerable democracy, before an eventually consolidated democratic system emerged with appropriate levels of transparency and accountability, but also to prevent the Islamist party from asserting itself decisively as a preeminent political force in Tunisia.

Some observers characterised these measures by the police unions as attempts to ensure the ‘autonomisation’ of the security apparatus,<sup>608</sup> which would make it a “rogue force independent of civilian oversight”<sup>609</sup> and thereby insulated from reform. More importantly, these moves would allow them persistent leverage in stoking the amalgam between Islamism and terrorism in public consciousness. So, together with other old networks within the ISF (in addition to corrupt businesspersons, executives and bureaucrats), police unions can be viewed as a serious subversive force, antonymous to democratisation and a meaningful secular-Islamist ideological rapprochement, especially given that “they have acquired a quasi-veto power over various reform processes.”<sup>610</sup> And, even though the apogee of their power might have passed,<sup>611</sup> the securitisation discourse these unions propagate is heavily enmeshed in dogmatism. They will therefore remain a serious impediment to profound change within the security sector because they see themselves as vigorous guardians of state secularity and the bulwark against Ennahda’s deeper integration into governing bodies, particularly within security institutions.

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<sup>607</sup> Guellali, A 2017, “Draft Law Could Return Tunisia to a Police State: Parliament Should Reject Abusive Security Bill”, *Human Rights Watch*, 24 July, viewed 68 February 2020, <<https://www.hrw.org/news/2017/07/24/draft-law-could-return-tunisia-police-state>>.

<sup>608</sup> Kartas 2014, *Foreign Aid and Security Sector Reform in Tunisia*, p. 374 and pp. 382–383.

<sup>609</sup> Sayigh, Y 2016, “Dilemmas of Police Reform: Policing in Arab Transition”, *Carnegie Middle East Center*, 30 March, viewed 9 February 2020, <<https://carnegie-mec.org/2016/03/30/dilemmas-of-reform-policing-in-arab-transitions-pub-63090>>.

<sup>610</sup> *Ibid.*

<sup>611</sup> In 2014, the law was amended to allow police officers and soldiers to vote in municipal and regional elections. However, the low turnout of police officers in the 2018 municipal elections suggests a loss of political momentum for the police unions.

From within the security establishment and even for an important segment of politicians, it is indeed very questionable whether police reform can ever build capacity in favour of a “wholesale transformation towards a rights-based policing service.”<sup>612</sup> Indeed, notwithstanding the brief debate over strategy upon regime change mentioned earlier, no serious collective reflection has been undertaken among security experts or at the national political level at large on a more human-centred concept of security, appropriate police roles (that distinguish them from the armed forces), the reasons behind regional development disparities that often lead to political violence and extremist activities, and why citizens mistrust the security establishment. Worse, the draconian counter-terrorism policies did but further fuel the secular-Islamist conflict, together with “a revisionist trend within the security sector, threatening even the modest reforms made since the 2011 uprising.”<sup>613</sup>

Furthermore, while the 2014 Constitution enshrined the impartiality of security and military institutions, it provided little assurance of civilian supervision. Hence, it produced a limited mandate for the institutional overhaul of security system, statutory guarantees concerning rights, and enhanced accountability. The pervasive *ancien régime* mindset of lack of accountability appears to have continued unabated: “a complete lack of transparency, no real parliamentary or government oversight, and largely unchanged rules of engagement and training.”<sup>614</sup> Indeed, the attempts by Islamists at reform were vehemently countered by secularists on grounds of mixing religion with politics.

Numerous acts of police brutality that went unpunished demonstrate that the security system in Tunisia is still in need of a cultural sea change. Such violence, which exposes “an ineffective public order capability,”<sup>615</sup> highlights the uneasy relationship between the police and the wider public,<sup>616</sup> which includes mistreatment during investigations.<sup>617</sup> It is still people with a more religious background that suffer most from these abuses, which reveals the security establishment’s resolve to protect secularity and maintain its anti-Islamist bias. As for the lack of accountability, several incidents have highlighted this during the last few years.

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<sup>612</sup> Lotito, N 2017, “Security Reform during Democratic Transitions: Experimental Evidence from Tunisia”, SSRN Scholarly Paper, *Social Science Research Network*, 21 December, viewed 9 February 2020, <[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3090059](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3090059)>, p. 21.

<sup>613</sup> Sayigh 2015, *Missed Opportunity*.

<sup>614</sup> *Ibid.*, p. vii.

<sup>615</sup> “Public order capability” refers to the ability of the police to protect life, property and the law in situations where large crowds amass (e.g., demonstrations and sports matches).

<sup>616</sup> In a 2018 survey, 74% of respondents stated that they had “little” or “no confidence” in the police. See Zogby Research Services 2018, “Middle East Opinion”, viewed 9 February 2020, <<https://foreignpolicy.com/wp-content/uploads/2018/12/8a1be-2018SBYFINALWEB.pdf>>, p. 10.

<sup>617</sup> L’Organisation Mondiale contre la Torture claims that patterns of torture under the Ben Ali regime have persisted until today. According to its 2017 report, 34 individuals became torture victims in police stations. See Dumas, M 2018, “En Tunisie Aujourd’hui, on Torture Encore Comme Sous Ben Ali”, *Middle East Eye*, 15 February, viewed 9 February 2020, <<https://www.middleeasteye.net/fr/news/en-tunisie-aujourd'hui-torture-encore-comme-sous-ben-ali>>.

The most notorious case occurred in February 2018, when a band of security agents invaded a tribunal in the suburban city of Ben Arous to liberate a number of fellow policemen prosecuted for torture.<sup>618</sup> This act was just one of several similar instances wherein police officers abused of their authority to obstruct justice, shield their colleagues from prosecution and neutralise Islamists' new political clout.

## 5.5 Conclusion

Security sector reform in Tunisia was not substantially advanced during the postrevolutionary era despite the enormous opportunities for change offered by the 2011 democratic opening. Profound political-ideological antagonisms between Islamist and secular forces prevented the elaboration of convergent strategies, and underlay the staunch resistance to reform by recalcitrant and well-entrenched groups from inside the security apparatus. The vulnerability of Tunisia's democratic transition, heavily marred by doctrinal conflicts, was further complicated by several destabilising political crises, terrorist acts and security threats, especially those associated with the massive influx of refugees, weapons and militants from war-torn Libya. A securitisation approach increasingly gained sway to the detriment of reinforced transparency, accountability and civilian oversight, especially following terrorist acts. Some even contended that "far-reaching reforms amid the tumult could destabilize the security sector further at a critical moment, making it necessary to preserve its structures and personnel."<sup>619</sup>

Obviously, security sector reform is an intensely politicised affair with winners and losers along the way. And given that the security establishment was privileged during the pre-revolutionary era as the guardian of the secular order, those who benefited from such a system could not easily surrender to the new political reality marked by the rise of Islamists. This was the basis of their strong resistance to reform and animosity towards Ennahda as the spearhead of that reform.

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<sup>618</sup> Grewal 2018, Time to Rein in Tunisia's Police Unions, *supra* note 92.

<sup>619</sup> Radford, M 2013, "Tunisian Conference Probes Police Reforms," *Institute for War & Peace Reporting*, 4 February, viewed 10 February 2020, <<http://iwpr.net/report-news/tunisian-conference-probes-police-reforms>>.

Moreover, Tunisia's recent history demonstrates that over-securitising or repressing legitimate Islamic expression creates more insecurity. By eliminating traditional sources of religious authority and legitimacy, Salafi and narrow Islamic interpretations gained sway, including those minority narratives espousing violence. Political conflict, but especially ideological polarisation, have prevented successive governments from agreeing on a coherent vision or strategy that finds an appropriate balance for Islam in public affairs. Confrontation with jihadi-Salafists has further politicised and ideologised the debate over Islam in society. Many secularists accuse Ennahda of harbouring Salafi ideas and operating a secretive military apparatus. Islamists in turn see the state's secular approach as fuelling radicalisation. The reform impetus was stillborn amid these doctrinal divides and frictions.

Consequently, while Tunisia has accomplished major milestones towards a viable democracy, the largely unreformed security system remains one of the biggest obstacles to democratic consolidation. Admittedly, the autocratic legacy is not easily surmountable, but political will for change needs to be more evident. For, as Sayigh put it, "The unraveling of securocratic states constructed over decades of authoritarian rule will necessarily be slow and incremental, but it is crucial to sustain an active reform process and to insist on attaining interim goalposts."<sup>620</sup> For that to happen, security sector reform has to be placed beyond political considerations because in "transitional countries faced with legacies of deep distrust and severe political and societal polarization, it is essential for parties in government to avoid making the security sector (or the judiciary, especially) the object of rivalry and competition among them."<sup>621</sup> Sayigh also emphasizes that a "[m]eaningful dialogue be held with all stakeholders—governing partners, political parties, civil society organizations, and the security sector itself—in order to reach agreement on main goals and expectations. And that agreement is necessary to ensure that governments' proposals for reforming the security sector are not opposed as attempts to assert partisan control over it."<sup>622</sup> Partisanship here mostly entails ideological polarisation along the secular-Islamist divide. Ultimately, therefore, fundamental security sector reform is indispensable for the consolidation of democracy in Tunisia. And for that to happen, there has to be a concordance on a state security doctrine, underpinned by consensus on normative fundamentals.

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<sup>620</sup> Sayigh 2015, Missed Opportunity.

<sup>621</sup> Ibid.

<sup>622</sup> Ibid.

Serious security sector reform “is essential if Tunisia’s transition to democratic rule is to succeed in the long term.”<sup>623</sup> Otherwise, “there will always be the potential emergence of a new hegemonic sociopolitical system that accepts repressive policies toward any source of dissent or divergent community as legitimate, whether or not these derive from democratically elected authorities or conform to constitutional principles.”<sup>624</sup> Only when a republican, impartial security system emerges can Tunisia live up to its ambitions to eradicate torture, to stamp out corruption, and to rid the sector of any sociopolitical and ideological biases. The International Crisis Group has stressed the ripple effects of the lack of reform: “Without an ISF reform that would allow for the formulation of a holistic security strategy, Tunisia will continue to stumble from crisis to crisis as its regional environment deteriorates and political and social tensions increase, at the risk of sinking into chaos or a return to dictatorship.”<sup>625</sup>

Reform is also crucial in countering attempts by a cabal of political and security operatives to keep stoking ideological binaries and redeem citizenry’s ‘panic from the police’, as well as in halting the military’s continuous intervention in domestic security missions to counterweigh the ISF’s lacunas and poor management. More importantly, a republican security sector will prevent threats of reversion to dictatorship, and these are still looming. In June 2018, then Interior Minister Lotfi Brahemi was ousted for an alleged “coup d’état in coordination with the UAE intelligence services,” as “[h]is dubious moves made him questionable and resulted in the quick move of the Prime Minister Youssef Chahed who dismissed him after consulting President Beji Caid Essebsi.”<sup>626</sup> And, as recently as July 2019, “President Beji Caid Essebsi’s illness and the sudden announcement of his transfer to the military hospital twice in one week, has sparked a political and media crisis” “amid accusations of a ‘bloodless coup,’”<sup>627</sup> similar to that implemented by Ben Ali against Bourguiba in 1987.

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<sup>623</sup> Ibid.

<sup>624</sup> Sayigh 2015, Missed Opportunity.

<sup>625</sup> International Crisis Group 2015, Report 161/ Middle East & North Africa, “Reform and Security Strategy in Tunisia”, K, 23 July, viewed 9 February 2020, <<https://www.crisisgroup.org/middle-east-north-africa/north-africa/tunisia/reform-and-security-strategy-tunisia>>.

<sup>626</sup> Middle East Monitor 2018, “Source: Dismissed Tunisia Interior Minister Planned Coup with Help of UAE”, *Middle East Monitor*, 12 June, viewed 6 February 2020, <<https://www.middleeastmonitor.com/20180612-source-dismissed-tunisia-interior-minister-planned-coup-with-help-of-uae/>>.

<sup>627</sup> Asharq Al-Awsat 2019, “Tunisia: Essebsi’s Illness Creates Nationwide Controversy on ‘Bloodless Coup’”, *Asharq Al-Awsat*, 2 July, viewed 8 February 2020, <<https://aawsat.com/english/home/article/1794211/tunisia-essebsi%E2%80%99s-illness-creates-nationwide-controversy%E2%80%99bloodless-coup%E2%80%9999>>.

Hanlon contends that “transforming the security sector into one that is democratically accountable and functions in accordance with the rule of law is an important step toward averting the recurrence of insecurity and conflict and preventing newly democratic or transitioning regimes from reverting to authoritarian rule.”<sup>628</sup> Thus, entrenchment of Tunisia’s democracy requires a radical redefinition of the mission and procedural spirit of its security institutions, which is pivotal for fostering the public’s trust in the state and its foundations. From this perspective, ending the dogmatic secular-Islamist binaries that plague security issues is essential.

Even though transitional justice and security sector reform are two parallel and separate processes, both undertakings are closely-linked. Some of the incidents mentioned in this chapter about security sector operatives attempts to obstruct justice is just one example of that link. Transitional justice aims to heal the wounds of the past and the way it is managed will have a heavy impact on how security sector reform unfolds. Transitional justice is a backbone for successful democratic transition in Tunisia, but it is also lagging behind amid the same acute ideological conflicts, as will be discussed in the next chapter.

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<sup>628</sup> Hanlon 2012, *The Prospects for Security Sector Reform in Tunisia*, pp. iii-iv.

## Chapter 6

### Transitional Justice and the Unhealed Wounds of the Past

Transitional justice (TJ), which pertains to a relatively recent human rights field, is commonly taken to denote “the full range of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of large-scale past abuses.”<sup>629</sup> Tackling the past is deemed pivotal to developing human rights traditions, to institutional remoulding and to civil society rehabilitation. Accordingly, TJ is perceived as “both backward and forward looking in the sense that addressing the past is used as a political measure to construct the political and social infrastructure” of the future.<sup>630</sup> While UN expert Ruti Teitel views the justice-based answer TJ provides to the wrongs of past repressive regimes as only juridical,<sup>631</sup> it is understood to be more comprehensive by comprising nomistic as well as non-judicial “processes and mechanisms, including prosecutions, truth-seeking, reparations, institutional reform, vetting and lustration, or a combination thereof.”<sup>632</sup>

More importantly for the purposes of this thesis, transitional justice contemplates addressing past human rights abuses as a pivotal first step to a peaceful and rights-based democratic transition. Born first in the context of Latin American transitions, transitional justice expanded in South Africa, then became an almost universal and systematic tool adopted by the international community in post-conflict/post-dictatorial contexts. Henceforth globalised, the TJ discourse is increasingly seen as “a common lens through which to examine democratizing states.”<sup>633</sup> Indeed, there is a consensus in transitional justice scholarship that democracy is, or should be, among its “final ends.”<sup>634</sup> If its processes cannot be said to directly reinforce democratisation, it is expected that they will, in the long-term, have a positive impact on the overall democratic process. The four pillars on which the process generally rests are: trials, truth-seeking mechanisms, reparations (both material and

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<sup>629</sup> UN Doc. S/2004/616 2004, *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies: Report of the Secretary-General*, para. 8, UN, viewed 24 December 2019, retrieved from UN Database; UN 2010, *Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice*, viewed 24 December 2019, retrieved from UN Database; UN Doc. S/2011/634 2011, *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies: Report of the Secretary-General to the Security Council*, UN, viewed 24 December 2019, retrieved from UN Database.

<sup>630</sup> Arbour, L 2007, “Economic and Social Justice for Societies in Transition”, *Journal of International Law and Politics*, vol. 40, no. 1, pp. 1–27; Sharp, DN 2013, “Interrogating the Peripheries: The Preoccupations of Fourth Generation Transitional Justice”, *Harvard Human Rights Journal*, vol. 26, no. 1, pp. 149–178.

<sup>631</sup> See Teitel, RG 2000, *Transitional Justice*, Oxford University Press, New York, NY, pp. 54–59.

<sup>632</sup> Ibid.

<sup>633</sup> Robins, S 2011, “Towards Victim-Centred Transitional Justice: Understanding the Needs of Families of the Disappeared in Postconflict Nepal”, *International Journal of Transitional Justice*, vol. 5, no. 1, pp. 75–98, p. 75.

<sup>634</sup> Greiff, PD 2010, “A Normative Conception of Transitional Justice”, *Politorbis*, vol. 50, no. 3, pp. 17–29.

symbolic), as well as administrative reforms. These are aimed at promoting democratisation by enhancing civic trust, the rule of law and reconciliation,<sup>635</sup> while also serving the purposes of justice and prevention of future violence. And, even in cases where a transitional justice process did not accompany political transition, like in Canada, Brazil or Spain, that endeavour is believed to have contributed to democratic development in these countries.<sup>636</sup>

Besides reinforcing answerability in a nascent democracy by recognising victims and re-establishing their rights after periods of mass violations, TJ-introduced accountability standards in transitional contexts contribute to enhancing the sense of a common national identity that can help vanquish the legacies of tyranny and persecution. Therefore, if conceived as a foundational rather than merely problem-solving process, then transitional justice will intrinsically represent a *political* moment of redefining a society's social contract vis-à-vis its own past. According to this conceptualisation, transitional justice objectives are more ambitious than simply dealing with a bygone era. Aside from promoting justice and repairing past abuses, by raising deeper questions about this past's meanings and reintegrating society's victims, the process goes beyond to rethink the very nature of sociopolitical relations. For, among its definite aims is "contributing to mending social fragmentation, or achieving reconciliation by means of both judicial and non-judicial measures."<sup>637</sup> In delineating "who may now speak, who is a victim and what was the nature of the past violence,"<sup>638</sup> TJ is inherently *connotative*. It is a complex political struggle to reenvision a foregone history, present reality and future identity. Within that struggle, the belief systems of various players indeed "often function as markers of collective identities through the increasing importance of the relevant group membership to the self-concept."<sup>639</sup> That is, the way players identify with a given political camp determines their own worldviews.

Transitional justice is consequently crucial for a democratising country like Tunisia in both pushing forward democratisation and addressing its identity crisis; and it seemed well-placed to tackle its painful past given its relatively smooth and peaceful political transition.

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<sup>635</sup> Greiff, PD 2010, "Transitional Justice, Security, and Development: Security and Justice Thematic Paper (English)", *World Development Report 2011 Background Papers*, viewed 25 December 2019, <<http://documents.worldbank.org/curated/en/937211468151160151/Transitional-justice-security-and-development-security-and-justice-thematic-paper>>.

<sup>636</sup> Dobry, M 2000, "Les Voies Incertaines de la Transitologie. Choix Stratégiques, Séquences Historiques, Bifurcations et Processus de Path Dependence", *Revue Française des Sciences Politiques*, 50<sup>e</sup> année, n°4-5, pp. 585–614.

<sup>637</sup> UN High Commissioner for Human Rights 2012, "Statement by the United Nations Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence, Pablo de Greiff", *OHCHR*, viewed 27 December 2019, <[https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-46\\_en.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-46_en.pdf)>.

<sup>638</sup> Miller, Z 2008, "Effects of Invisibility: In Search of the 'Economic' in Transitional Justice", *International Journal of Transitional Justice*, vol. 2, no. 3, pp. 266–267.

<sup>639</sup> Brubaker, R 2015, *Grounds for Difference*, Harvard University Press, Cambridge, MA; DellaPosta, D, Shi Y & Macy, M 2015, "Why Do Liberals Drink Lattes?", *American Journal of Sociology*, vol. 120, no. 5, pp. 1473–1511; Mason, L 2018, *Uncivil Agreement: How Politics Became Our Identity*, University of Chicago Press, Chicago.



Tunisia could also benefit from previous TJ cases for inspiration. The South American 'right to truth' (reflected for instance in Argentina's 1983 National Commission on the Disappearance of Persons (CoNADeP) and Chile's 1990 National Commission on Truth and Reconciliation (TRC)), thus found its echo in Tunisia's Truth and Dignity Commission (TDC). Also, Tunisia proceeded with transitional justice constitutionalisation following the South African pattern. Yet, against a backdrop of state-sponsored secularisation, whereby Islam's place in the polity had been constrained, religion has surged as a polemical factor in the reconstruction of postrevolutionary national identity, as shown in previous chapters. Moreover, a transitional justice process recasting the historical 'modern-Tunisia' narrative had far-reaching implications for followers of Bourguiba's secularist tradition.

Indeed, TJ has acquired a greater importance in Tunisia because of its potential to reconceive the state's identity. Given their highly divisive nature, identity-markers heavily reverberated through the TJ process, further nurturing polarisation and therefore contributing little to national reconciliation and democratic transition. In Tunisia, transitional justice cannot tackle the legacy of authoritarianism, injustice and human rights violations without delving into the ideological rationale of these past wrongdoings. The entire postcolonial political experience, particularly the aborted democratic transition of the late 1980s, has demonstrated the importance of ideological factors in explaining state behaviour, especially towards the Islamist opposition. Accordingly, a thorough examination of pre-revolutionary history in the TJ process inevitably reopened debate about the ideological foundations of past abuses. That is why, as we shall see, transitional justice has been heavily ideologised from the outset.

This chapter will therefore demonstrate how the TJ process failed to achieve the national reconciliation objective necessary to enhance Tunisian democracy, due primarily to its political-ideological divisions. It will first outline the injustices and human rights violations committed throughout dictatorship and inherited by the postrevolutionary polity. In addition to the scores of victims of state brutality, the oppressive history occasioned a sense of bitterness and identitarian bewilderment owing to a coerced modernist vision. This vision was intrinsically exclusionist, especially of the Islamist approach to Tunisia's self-representation. The second section of this chapter will discuss how the fundamental political change brought about by the revolution dictated the inception of a transitional justice process that addresses past traumas and lays the foundations for national reconciliation by recognising abuses and ensuring they are not reproduced. However, instead of achieving the democratic milestone of national reconciliation, the process further nurtured fragmentation and division as it was politicised from the outset based on ideological considerations along secular-Islamist divides.

This was particularly the case during its second phase launched in the aftermath of the 2011 elections under Ennahda's government. Since then, all steps undertaken within the transitional justice process have been interpreted as favouring or disadvantaging either of the two main ideological camps, especially with regard to reparations and lustration issues. I will focus on these issues in this chapter because they were the most controversial and polarising. I will conclude that the TJ process was embroiled in a vicious circle of mutually nurturing politicisation and ideological polarisation between secularists and Islamists, thereby exacerbating the exact problems it was intended to resolve and leaving unfinished the project of national reconciliation and undermining Tunisia's entrenchment of democracy.

## 6.1 A Historical Legacy of Human Rights Abuses and Suppression of Islamists

When faced with the post-decolonisation dilemmas of identity and development, certain MENA regimes opted for the Western model of secular modernity. As secular nationalism commenced its global expansion in the 20<sup>th</sup> century, many postcolonial countries broke away from traditional ethnic-religious ways of self-identification.<sup>640</sup> However, in failing to achieve political and economic goals associated with modernity as postcolonial politics habitually descended into despotism and bad governance, the 'modernisation mythology' waned and the significance of religion has therefore surged. Thus, secular nationalism did not ultimately lead to a decline in religion's hold in societies, complicating instead the dilemmas of democratisation and identity, while leaving a historical record of human rights violations, especially connected to the suppression of Islamists.

Tunisia was a prototype of the postcolonial world's dilemmas and complexities. For, as soon as it gained independence in 1956, it 'joined the club' of states Alfred Stepan depicted as "the iron triangle of aggressive laïcité," that included Jacobin France and Kemalist Turkey.<sup>641</sup>

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<sup>640</sup> Thomas, SM 2000, "Taking Religious and Cultural Pluralism Seriously: The Global Resurgence of Religion and the Transformation of International Society", *Millennium: Journal of International Studies*, vol. 29, no. 3, pp. 815–841; An-Na'im, AA 2016, "The Individual and Collective Self-Liberation Model of Ustadh Mahmoud Mohamed Taha", in A. Bilgrami *Beyond the Secular West* (ed.), Columbia University Press, New York, NY.

<sup>641</sup> Stepan, A 2016, "Multiple but Complementary, Not Conflictual, Leaderships: The Tunisian Democratic Transition in Comparative Perspective", *Daedalus*, vol. 145, no. 3, p. 95-108, p. 100.

Although he always took into consideration that Tunisia was an Islamic country, Bourguiba chose to embrace and coerce a secular and Westernised-modernist conception of national identity. As indicated in chapter 3, Bourguiba's exclusion of Islam from the public sphere, in line with his Western-oriented development policy, starkly collided with the Ben Youssef pan-Arabist/Islamic movement's more radical decolonisation demands and intransigence about Tunisia's Arabo-Islamic identity. Having initially won the ideological-political contest, Bourguiba quickly quelled the rival political camp. Ben Youssef was exiled, sentenced to death *in absentia* and later assassinated in Germany (1961).<sup>642</sup> His supporters were persecuted, with more than 900 killed,<sup>643</sup> auguring in the subsequent practices of state-sponsored oppression and exclusion based on political identity and ideology. This legacy of victimisation and suppression made Ben Youssef an emblematic figure for the 'losers' in the independence fight, as well as a role-model of resistance for all of Bourguiba's victims. This bitter episode sowed the seeds of sociopolitical conflict in Tunisia. It persistently haunts examinations of postcolonial history and, through its ideological reverberations, represents one of transitional justice's thorniest issues, as we shall see later in the chapter.

Following the 1970s economic crisis, the Bourguiba regime's despotic outlook toughened. Leftist student movements and labour unions were the first victims of the bloody repressive cycle in 1971, 1972, and 1978<sup>644</sup> which almost completely dismantled them, leaving more room for Islamists to reorganise as a political movement. During this period, Islamists were actually somewhat encouraged to counterbalance the Left's rise and their mounting socioeconomic demands. Reinforced by the Iranian Revolution, they felt empowered enough to unify under the Islamist Tendency Movement's (MTI) banner and became more vocal. After a short period of permissiveness, however, Bourguiba reacted to the increased presence of Islamists by consolidating his absolute powers as the 'inimitable and unchallenged sovereign'.

In this move, Islam-based groups were directly targeted by the regime.<sup>645</sup> This began the battle between the state and Islamists which now represents the main fact of Tunisian politics and its primary axis of discord. Violent confrontations between the state and MTI escalated in the 1980s, owing to a series of attacks against tourist hotels and coffee shops, which were attributed to the Islamist movement and fed into a destabilising spiral of violence.

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<sup>642</sup> See Khelifi, O 2005, *L'Assassinat de Salah Ben Youssef, un Crime d'Etat*, MC-Editions, Carthage.

<sup>643</sup> Henry, C 2007, "Tunisia's 'Sweet Little' Regime", in RI Rotberg *Worst of the Worst: Dealing with Repressive Rogue Nations* (ed.), pp. 300-310.

<sup>644</sup> Alexander 2012, *Tunisia: The Best Bet*, p. 40.

<sup>645</sup> McCarthy 2014, *Re-Thinking Secularism in Post-Independence Tunisia*.

MTI activists were arrested in large numbers, tortured and judged in show trials, then incarcerated through heavy sentences, or forced into exile, while all its publications were interdicted.<sup>646</sup> Between 1984 and 1987, following a new series of bombing attacks on tourist attractions in Sousse and Monastir, thousands of Islamists, including the MTI President and founder Rached Ghannouchi, were arrested for “plot[ting] against the safety of the state.”<sup>647</sup> To date, there is still contradictory information about the veracity of Ennahda’s actual involvement and clear responsibility for these attacks.

After the brief period of political liberalisation instigated by Ben Ali in the late 1980s (detailed in the previous chapter), the early 1990s reverted back to the suppression of Islamism: Ennahda was banned, its members imprisoned, persecuted, and/or forced into exile. The eruption of civil war in neighbouring Algeria contributed to the acceleration and radicalisation of this anti-Islamist impulse, legitimised through ‘the fight against terrorism’. Ennahda affiliates were systematically harassed and arrested for “threatening national security”, while all forms of political association were interdicted. Several show trials were orchestrated that failed to provide due process or other fair judicial safeguards.<sup>648</sup> Torture became more systematic in the regime’s secret prisons and even in the Ministry of Interior’s underground cells. Although other vocal and active political opponents were equally targeted by the repression, most of the victims were Islamists.<sup>649</sup> The army was not spared. In 1991, Ben Ali responded to allegations of Islamist infiltrations, presented as a preparation for a military coup, with a campaign of detention and torture against more than 300 officers.<sup>650</sup> Yet, despite this suppression, Ennahda would survive and later emerged politically from its own victimisation.

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<sup>646</sup> See Amnesty International 2009, “Tunisia: Continuing Abuses in the Name of Security”, *Amnesty International*, viewed 31 December 2019, <<https://www.amnesty.org/en/documents/mde30/010/2009/en/>>, p.1.

<sup>647</sup> See Alexander 1997, *Back from the Democratic Brink*, p. 34.

<sup>648</sup> See Middle East Watch and the International Human Rights Law Group 1992, *Tunisia: Military Courts that Sentenced Islamist Leaders Violated Basic Fair-Trial Norms*, Middle East Watch and the International Human Rights Law Group, viewed 31 December 2019, <<https://www.hrw.org/legacy/reports/pdfs/t/tunisia/tunisia.92o/tunisia920full.pdf>>, pp. 28–29.

<sup>649</sup> See Goldstein, E & Moumneh, R 2010, “A Larger Prison: Repression of Former Political Prisoners in Tunisia”, *Human Rights Watch*, viewed 31 December 2019, <<https://www.hrw.org/report/2010/03/24/larger-prison/larger-prison>>, pp. 6–8.

<sup>650</sup> See Kourda, S 2012, *Le “Complot” Barraket Essahel: Chronique d’un Calvaire*, Sud Éditions, Tunis.

Despite a favourable international image in the 1990s, Tunisia's descent into a police state continued and it eventually became among the most despotic globally.<sup>651</sup> Its human rights record contained all types of abuses of individual liberties and bodily integrity.<sup>652</sup> In the post-September 11 global context, the regime boastfully played an active role in the 'war on terror', especially following the 2002 Al Qaida-claimed terrorist attack on the Djerba synagogue that killed nineteen people. This attack gave the government ample justification for its repression of Islamists and all manifestations of political dissent, operationalising with complete impunity a politics of fear through an omnipresent and ruthless internal security apparatus. A 2009 Amnesty International report stated that "security concerns and anti-terrorist preoccupations [were] being used to justify arbitrary arrest, repression of Islamists and political opponents in general,"<sup>653</sup> documenting cases of torture, forced disappearances and unfair trials. By accentuating the state's repressive machine, the severe 2003 antiterrorism law was a step further in reinforcing authoritarianism and suffocating liberties. Trials were assigned to a military court to avoid outside monitoring and scrutiny, with cases almost always grounded on torture-based confessions.

This political context, combined with a deterioration in the economy, produced the conditions of the 2011 Revolution. The systematic targeting of dissent became interlaced with the fallout of the 2008 world financial crisis, a significant rise in unemployment (particularly amongst young graduates), and increasing disparities in development levels between various provincial areas. The 28 days of turmoil that ultimately resulted in the Ben Ali regime's collapse on 14 January 2011, and opened a new page in Tunisia's history, caused the death of hundreds and wounded thousands. True, relative to other Arab Spring countries, especially Libya and Syria, the Tunisian uprising was far less bloody and more peaceful. Yet, the initial crackdown on public protest resulted in over 2300 casualties, whether murdered or injured.<sup>654</sup>

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<sup>651</sup> In 2003, during an official visit, French President Jacques Chirac affirmed that "the first of all human rights is the right to eat, to receive healthcare, and to have a home. From this perspective, Tunisia is doing better than most countries." See Puchot, P 2012, *La Révolution Confisquée. Enquête sur la Transition Démocratique en Tunisie*, Sindbad-Actes Sud, Paris, p.1.

<sup>652</sup> Tunisia was ranked among States such as North Korea, Zimbabwe, and Uzbekistan as a "rogue State." In the Freedom House Failed State Index, Tunisia received the lowest grade in terms of civil and political rights. See Henry, C 2007, *Tunisia's "Sweet Little" Regime*.

<sup>653</sup> Amnesty International 2009, "Tunisia: Continuing Abuses in the Name of Security", *Amnesty International*, viewed 31 December 2019, <<https://www.amnesty.org/en/documents/mde30/010/2009/en/>>, p.2.

<sup>654</sup> The casualty figure of 300 is commonly cited and was reported by United Nations Special Rapporteur on Torture, Juan Mendez, following a fact-finding visit to Tunisia in May 2011. See Hajjar, R 2011, "Tunisia: Higher Death Toll Challenges Claim of Smooth Transition", *Los Angeles Times*, 22 May, viewed 31 December 2019, <<http://latimesblogs.latimes.com/babylonbeyond/2011/05/tunisia-uprising-violence-repression-human-rights-torture-.html>>.

During the insurgency provoked by Bouazizi's suicidal act until Ben Ali's escape into his Saudi refuge, the security machinery brutally suppressed demonstrations in a largescale repressive onslaught.<sup>655</sup> This exacerbated Ben Ali's already appalling and egregious human rights record.

Consequently, one of the first TJ demands in the aftermath of regime change was to ensure that perpetrators of the brutalities targeting street rioters throughout the insurrectionary period (17 December 2010 to 14 January 2011) were held to account. This was set against the fact that the main culprits such as Ben Ali had escaped justice by leaving Tunisia and so were not present to account for their serious abuses. Moreover, given that the regime's downfall was swift and unheralded, the initial transitional phase of justice lacked coherence and was characterised by impromptu and disorganised answers to a plethora of different questions.

## **6.2 The Problems of Transitional Justice in Tunisia**

Soon after regime change, the transitional justice principle was quickly adopted as part of democratic transition and, with backing of outside world, its dynamic was unleashed. As detailed above, the repressive machinery of a long authoritarian era left a legacy of human rights abuses, including mass arrests, disappearances, torture and unfair trials. Hence, there was a revolutionary urge to shed light upon the most egregious acts of state violence, especially those committed during the uprising, holding culprits responsible, redeeming victims and rehabilitating them, while breaking with the culture of human rights violations and impunity. With the dissemination of human rights discourse as part of revolutionary vindications, those new aspirations for redress could find their best translation in the notion of transitional justice. In addition to addressing the legacy of injustice, the setting up of a TJ system was especially important to encourage reconciliation and buttress democratic prospects in the post-authoritarian juncture. This was the context within which the transitional justice process was commenced, which was encouraging given the revolutionary momentum, but proved to be deeply problematic and complicated.

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<sup>655</sup> Bangkok Post 2012, "Tunisia's Ben Ali Sentenced to Life for Uprising Deaths", *Bangkok Post*, 14 June, viewed 30 June 2020, <<https://www.bangkokpost.com/world/297990/tunisia-ben-ali-sentenced-to-life-for-uprising-deaths>>.

Indeed, the implementation of the TJ notion has been an acutely polemical and dichotomous enterprise at both political and normative levels. This is because the uprising unshackled heretofore suppressed communities, diverse ways of identification and discursive articulations after the disruption and disarticulation of the long-established narratives and hierarchies inherited from the dictatorial era. Consequently, transitional justice constituted a key site of continuing contestation for, at its core, it was about (re)incorporating certain factions and sidelining or discarding others in a newly-negotiated social contract. Groups with contradictory ideological agendas approached TJ in ways that advanced their ideas of national reconciliation and their respective social and political standing. As a consequence, ideological confrontation shaped the process from the beginning.

The stakes were consequently much higher than the mere reparation of past abuses, as it concerned the first-ever endeavour to rewrite Tunisia's contemporary history outside of the confines imposed by authoritarianism. On one side, the secularists attempted to entrench the modernist vision of the state which 'successfully' laid the foundations of socioeconomic progress and rid Tunisia from the 'destructive' effects of a more traditionalist and conservative approach that would have deprived the country of modernist gains. From this perspective, the revolution is perceived not as the culmination of historical injustices and the impasses of political development, but rather as an extension of the postindependence state's accomplishments in education, women's rights and formation of the middle-class. Consequently, there was no need for U-turns, revisionism or political correctness in the TJ process. As we shall see in more detail below, the Islamist claims to victimisation and oppression were not accepted as legitimate, well-founded and justified.

The Islamist vision, by contrast, saw in the launching of the TJ process the vindication of its longstanding struggle to question the whole rationale upon which the postcolonial state was built. It was an opportunity to redress the marginalisation of religion in the name of progress and the discarding of Islam-based parties justified by secularists as a disruption or delay in the modernist path Tunisia has undertaken since independence. Islamists insist on unveiling the truth about the crimes of dictatorship, particularly those inflicted on its own militants who bore the brunt of Ben Ali's brutalities. From this perspective, reparation of past abuse goes beyond its material aspects to encompass the attempt to remediate the identity crisis caused by the coerced Bourguibist-modernist vision. This vision alienated Tunisians without bringing about its avowed dividends in terms of economic prosperity and by shutting off all prospects for democratisation. National reconciliation had to deal thoroughly and efficiently with these thorny issues for Tunisia to move forward. The secular-Islamist divide conundrum thus pervaded the entire process and eventually undermined it.

Moreover, as transitional justice often involves discursive battles for supremacy during democratic transitions, the inception, understanding and operationalisation of the concept has served to legitimise an array of disparate, sometimes discordant, policies to deal with the past after decades of autocratic governance. In this sense, the open-ended discursive struggle over meanings – and the resultant ways of marking self-identification according to ideological affiliation – surely involved exercises of power for it entailed the “elaboration of political frontiers and the drawing of lines of inclusion and exclusion.”<sup>656</sup> In this way, the TJ involved conflict between two worldviews vying for ideological supremacy.

The policy path towards instituting a TJ model has consequently been highly tumultuous and has struggled to gaining unanimity, reflecting the deeply polarised transitional dynamic as a whole. Implanted as it was within the broader domestic backdrop of tempestuous political upheaval, transitional justice has been highly tenuous and politically conflictual. The TJ process had to address numerous sensitive issues such as its immediate and long-term aims, the nature of beneficiaries, the priorities, the means of implementation and the efficient solutions to heal the wounds of the past. And as all these issues were ideologised, the process has indeed proved to be a divisive enterprise in a way that does not positively contribute to democratic consolidation. In the remainder of this section, I will track these problems in two distinct phases that reflect the prevalent political mood, and the influence of the ideology of the governing party.

The first phase occurred from Ben Ali’s downfall until the October 2011 democratic elections. Given the great revolutionary momentum generated by regime change, policymakers were under intense popular pressure to take quick measures and mark a rupture with the past to demonstrate their goodwill and usher in a new democratic era. Yet, interim governments lacked enthusiasm and ample room for manoeuvre (being nonelected), given the volatile political and socioeconomic situation and the threat of counterrevolution represented by interest groups and former regime acolytes who were still active in state institutions. Yet, the political momentum was kept alive by enormous public pressure, added to the countless internationally-sponsored events held to sensitise the provisional authorities to transitional justice’s salience and ennoble its objectives to various national stakeholders.<sup>657</sup>

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<sup>656</sup> Howarth, D 2010, “Power, Discourse, and Policy: Articulating a Hegemony Approach to Critical Policy Studies”, *Critical Policy Studies*, vol. 3, no. 3-4, pp.309–335, p. 309.

<sup>657</sup> See, e.g., ICTJ 2011, *Addressing the Past, Building the Future: Justice in Time of Transition Conference Report*, ICTJ, viewed 31 December 2019, <<http://www.ictj.org/publication/addressingpast-building-future-justice-time-transition-conference-report>>.



This pressure yielded a number of important measures, including the disbanding of the former ruling party, the liberation and amnestying of all political prisoners, the official commitment to compensate victims during the uprising, the commissioning of scrutiny of past abuses, the decision to prosecute the former dictator and his associates, and the rallying of some international human rights conventions. But, given weak political will and the emerging signs of ideological polarisation, the interim authorities simply answered the most pressing demands of the revolution through manifold improvised *ad-hoc* measures, without adopting a clear strategy.

The second phase proceeds from the election of Ennahda until the present day, as the process is yet to conclude. Characterised by a comparatively more systematised and far-reaching approach, this second phase contrasted with the abovementioned incremental and *ad hoc* proceedings but was much more politicised due to official involvement of the Islamist government. A Ministry for Human Rights and Transitional Justice (MHRTJ) was thus established to ensure a coordinated process and facilitate National Dialogue on TJ, concluded via the 2013 Transitional Justice Law (TJL).

With the MHRTJ's formation and operationalisation, Ennahda's strong engagement in modelling the TJ process became evident, given that its leading figures had been involved in the struggle against authoritarianism. The importance of the transitional justice process to the beleaguered Islamist party was evident from the outset in the appointment as Head of Department of Samir Dilou, a senior Ennahda member and himself a victim of Ben Ali's oppression. Unsurprisingly, the decision to create the MHRTJ was criticised by the secular community, which perceived TJ's institutionalisation as a menace to the credibility and impartiality of the entire enterprise. The nomination of an Ennahda figurehead at its helm accentuated those concerns.<sup>658</sup> The government's strong position as a major player in the transitional justice process with a potentially heavy impact on the overall political transition therefore meant that TJ became subject to the perennial secular-Islamist divide. Consequently, there were only very limited advances in enshrining the transitional justice ethos given the political stalemate throughout this second phase. This is especially true since the whole endeavour amounted, for the secular camp, to an outright indictment of the entire pre-revolutionary era dominated by modernists. Due to this politicisation, the TJL – designed to “understand and deal with past human rights violations”<sup>659</sup> – could only proceed after the 2013 political crisis opposing Ennahda to secular dissenters was surmounted.<sup>660</sup>

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<sup>658</sup> Andrieu, K, Ferchichi, W Robins, S, Aloui, A & Hamza HB 2015, “To Participate Is to Have Hope’: Victim Participation in Tunisia’s Transitional Justice Process”, *Transitional Justice Barometer*, viewed 2 January 2020, <<https://www.york.ac.uk/media/cahr/documents/TJ%20Barometer%20-%20Victim%20Participation%20Tunisia.pdf>>.

<sup>659</sup> ICTJ 2013, Organic Law on Establishing and Organizing Transitional Justice, art. 1, *ICTJ*, viewed 2 January 2020, <<https://www.ohchr.org/Documents/Countries/TN/TransitionalJusticeTunisia.pdf>>.

<sup>660</sup> Spencer, C 2013, “Tunisia: Politics as Usual”, *Foreign Policy Blogs – The Middle East Channel*, viewed 2 January 2020, <[http://mideast.foreignpolicy.com/posts/2013/10/02/tunisia\\_politics\\_as\\_usual](http://mideast.foreignpolicy.com/posts/2013/10/02/tunisia_politics_as_usual)>.

The TJL provided for a Truth and Dignity Commission (TDC). Endowed with extensive competences to apply judicial accountability for historical wrongs, it was “entrusted not only with discovering the truth about human rights violations, but also of holding perpetrators accountable, providing reparations for victims and preserving and documenting the collective memory.”<sup>661</sup> In meeting these objectives, a “Fund for the Dignity and Rehabilitation of Victims of Tyranny”<sup>662</sup> was created, in addition to “specialised judicial chambers entrusted with adjudicating cases of gross human rights violations.”<sup>663</sup> Other mechanisms to investigate malfeasance and misappropriation of funds included the “Committee for Vetting Public Servants and Institutional Reform,”<sup>664</sup> plus “a technical committee for arbitration and reconciliation, which...consider[s] requests for reconciliation related to cases of financial corruption.”<sup>665</sup>

Politicisation and ideological considerations strongly affected the investigative timeframe. Following a polemical debate on whether the truth-seeking exercise ought to be restricted to the Ben Ali era or to extend much further back in time (unpacked in more detail in the next section), the decision was ultimately made for an overarching investigative scope which stretches from 1955 (one year before independence) up to the adoption of the TJL.<sup>666</sup> In digging out facts reaching back to independence, the truth-seeking exercise provided a backdrop against which the state’s modernist founding myth could be challenged.<sup>667</sup> In so doing, it touched upon the controversial relationship between Islam and the state, questioning the mainstream postcolonial historical narratives and well-established collective memory. The framework of transitional justice was thus conducive to a deep re-examination of the pre-revolutionary secularity and the state’s imposed conception of ‘*Tunisianity*’. Public deliberations and the TJ-associated rhetoric took another even more conflictual turn when the secular opposition mounted united attacks on the Ennahda-led Troika government’s attempt to ‘reopen old wounds of a painful past’.

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<sup>661</sup> Ibid.

<sup>662</sup> Ibid., art. 41.

<sup>663</sup> Including “deliberate killing, rape and any form of sexual violence, torture, enforced disappearance, execution without fair trial guarantees.” Ibid., art. 8. IVD sent the first criminal case regarding the 2011 uprising to the Specialized Chamber of the Court of Kasserine on 18 May. See Human Rights Watch 2018, “Tunisia: Truth Commission Sends Uprising Case to Trial”, *Human Rights Watch*, viewed 3 January 2019, <<https://www.hrw.org/news/2018/05/23/tunisia-truth-commission-sends-uprising-case-trial>>.

<sup>664</sup> Organic Law on Establishing and Organizing Transitional Justice, art. 43.

<sup>665</sup> Ibid., art. 45.

<sup>666</sup> Ibid., art. 17.

<sup>667</sup> Lamont, CK & Boujne, H 2012, “Transitional Justice in Tunisia: Negotiating Justice during Transition”, *Politička Misao*, vol. 49, no. 5, pp. 32-49, p. 41.

These two antagonistic discourses of TJ are separated by distinguishable, albeit fluid, semantic boundaries. Since the elaboration of policymaking on transitional justice has generally unfolded in the context of the move away from tyranny, involving the founding and structural grounding of democracy, the inherent discursive struggle was imprinted with the associated dichotomous overtones. As we have seen throughout this entire thesis, multiple faultlines accompanied the shift from dictatorship to democracy, from arbitrary rule to rule of law, and from sociopolitical strife to national reconciliation, whereby each side set about establishing a set of discursive binaries: 'maleficent, autocratic, anti-revolutionary' versus 'virtuous, free, pro-revolutionary'; 'antidemocratic' versus 'democratic' behaviour; 'perpetrator' versus 'victim' status. TJ's elaboration has evolved amidst these rhetorical contests. Within these frontiers of meaning attribution, adherents of both discourse communities vied to propagate their own privileged rhetoric to reinforce their public credibility and respective political statuses in the contest to refashion Tunisia's political future. For instance, the Islamist party's desire to appear as the representative of victims of all stripes, regardless of political affiliation, was discredited by the opposition discourse which accused Ennahda of prioritising Islamist political prisoners over all other victims. This was a political strategy to paint Islamists as the 'judge and jury' in the TJ process.

The political game around transitional justice policy is crucial here, for it is the nature of past behaviour that henceforth determines political inclusion and exclusion, as we will see when examining the compensation and lustration debates. Revolutionary behaviour, democratic attitudes and victimhood have formed the primary bases for political inclusion, which adherents of both secular and Islamist camps have strived to demonstrate. In contrast, associations with the *ancien régime* and/or counterrevolutionary behaviour, nondemocratic attitudes and implication in abuses of power were the determinants of exclusion (or marginalisation). Belonging to either the Islamist or the secular camps involved painting the other at the pejorative end of the binary and reinforced these lines of demarcation throughout the TJ process. These dichotomies thus encumbered the rhetorical field with a hostile lexicon and helped catapult certain interests and ideologies to the forefront while relegating or dismissing others from the policy process. In both discourses, the ideological adversary is depicted as an obstacle to a smooth transition. For Islamists, the threat emanated from secular 'counterrevolutionary forces' and the 'antidemocrats' who wanted to undo the revolution's achievements. For secularists, TJ is an Islamist scheme to delegitimise the entire modernist discourse for its alleged failure to bring democracy and development, and for leaving a legacy of grotesque injustices and repression. These claims will be unpacked in the following sections.

In addition to these domestic reference frames ascribing different meanings to transitional justice, the TJ rhetorical terrain has also been constrained by what each side deemed to be international best practices of TJ set out by the United Nations. These concern four dimensions regarded as essential to achieve reconciliation: (1) Fact-finding (usually entrusted to a truth commission); (2) Accountability for human rights abuses (investigations and prosecutions); (3) Compensation (as an acknowledgment of past wrongs); and (3) safeguards for non-repetition (structural reforms concerning particularly the justice and security systems). As testimony to this international dimension in TJ policy discourses, the Transitional Justice Law's deliberations were modelled along these four policy axes from the beginning.

Consequently, recourse to international best practice was instrumentalised to reinforce and give more credence to certain discourses and to criticise others. To strengthen certain standpoints, Islamist and secular forces tailored their respective discourses to positively assessed global experiences chosen selectively to suit their positions on relevant transitional justice policy issues, a tactic which also served to neutralise opposite ideas and points of view. That is, the political-ideological game for ascendancy in TJ involved instrumentalising international norms and standards to vest certain positions with substantial credit. An illustrative case is the secular opposition's labelling of the 'Political Immunisation of the Revolution' bill proposed by the Islamist government as the 'law of exclusion', drawing on an international TJ literature that warns against denying political participation as retribution for past wrongs. On the other side, to support claims for reparations, Islamists often referred to several TJ processes at the international level whereby compensation was an integral part of reconciliation. Global practices were thus appealed to for support in an ideologically charged TJ process.

### **6.3 Transitional Justice as a Highly Politicised and Ideological Process**

The TJ process evolved within a highly tense political atmosphere. After the previously banned Islamist party, Ennahda, emerged as a powerful political force, it witnessed a partial decline in popularity that was partly linked to the rise of the secularly opposition party, *Nidaa Tounes*. This newly formed party was to a large extent a regeneration or 'refurbishment' of the old RCD ruling party, but contained a considerable heritage from its troubling, authoritarian past.

Its move to combine previously disconnected opposition forces to challenge the well-organised, disciplined and cohesive Islamist party, contributed a great deal to the disruption of Tunisian politics, which climaxed in the crisis of summer 2013. The intensifying polarisation of political debates between reformist forces with a legacy of struggle against dictatorship, and an antigovernment camp opposing change further cemented antagonistic discourses over transitional justice policy and made TJ itself another bone of contention in the secular-Islamist conflict. So, amid an atmosphere of deepening political cleavages, the stakes in transitional justice grew higher and more divisive. As evidence, the December 2013 Law on Transitional Justice (TJL) could only be adopted after a settlement to end the political crisis was reached in the form of a deal that included a schedule for the new Constitution's completion and accord on the upcoming election cycle. A key component of this arrangement was Ennahda's acquiescence to relinquish power to an apolitical government, which contributed to toning down the politicisation of TJ, hence demonstrating again its hefty ideological dynamics.

Indeed, ideologically based politicisation, which permeated the transitional justice process from its inception, was a key factor in compromising its success. The political-ideological character of TJ is not unique to Tunisia, since truth-seeking and addressing of past injustices *per se* cannot be detached from political-ideological considerations once it opposes victims and perpetrators of all kinds of oppression (ethnic, sectarian, dictatorial etc.). However, what distinguishes the Tunisian experience from its peers is the destructive effects of ideological considerations on the whole process as they have seriously impeded its progress and obfuscated national reconciliation. Indeed, instead of buttressing harmony and concord, the debates surrounding it further polarised society and intensified conflict. So, whereas post-transition justice is supposed to positively contribute to democratic transition by remediating for the wrongs of the past and resolving simmering conflict, it was used in Tunisia to sustain political agendas. It is around these political conflicts that the whole transitional justice process revolved, particularly in its second phase. The secular-Islamist divide was the tinderbox of those antagonisms as it underpinned the dichotomous discourses and hardened the contrasting positions on TJ. Politicisation hence was closely tied to doctrinal fractionalisation, which obstructed real reconciliation, rendering more complicated and daunting the task of entrenching democracy. In what follows, I examine how this played out in the two most politicised TJ issues: reparations and lustration.

## *Reparations*

A decree promulgated on 19 February 2011 instituted a general legislative amnesty to all political prisoners incarcerated since 1989 (around 12,000). The decree also provided for a “reparations and rehabilitation scheme that includes the recruitment of all beneficiaries of the amnesty program into the public sector and the administration, as well as financial compensations and medical support.”<sup>668</sup> And, although this decree was adopted by a non-Islamist interim government prior to Ennahda coming to power, the secular forces launched an orchestrated campaign of defamation against reparations as such, depicting them as a means for the governing Islamist party to recompense its affiliates instead of a legitimate entitlement for having their human rights flagrantly violated. True, most beneficiaries of the amnesty and reparations programmes were Islamists, but this was logical since they were the ones most targeted and persecuted throughout the Ben Ali dictatorship.

Thus, rather than being dealt with as a normal outcome of the end of tyranny, the reparations issue was quickly politicised, and a significant part of the TJ policy conflict has revolved around this *problématique*. In addition to the polemics on the very right to compensation, the controversy was also indicative of the broader divisions on whether to perceive victimhood incurred under the former regime as an eventual wholesale condemnation of the postcolonial past. Both palpable and intangible instruments of acknowledging past suffering would also condition the integration of formerly marginalised groups into the postrevolutionary transition. And, regardless of the emphasis placed by critics on the financial costs of reparations, the stakes went far beyond the heavy budgetary burden this programme would incur on the state coffers.

Even the issue of whether political struggle against dictatorship as such and the consequent subjection to persecution should be materially rewarded was problematic. This made entitlements, eventually ensuing from a verified victim status, politically charged. The acknowledging of victim status through the compensation scheme was vested with an intensely politicised character, since clinging to or ceding on the right to reparations determined each political camp’s chances of emerging morally superior in the battle for credibility in public eyes. The discursive attribution of blame played a key part in this political game, for the ideal ‘victim’ was deemed to be ‘blameless’, one not ‘thirsty for’ reparations. When the persecuted asked for indemnity, as Islamists did, their secular opponents depicted

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<sup>668</sup> Andrieu, K 2015, “Confronting the Dictatorial Past in Tunisia: The Politicization of Transitional Justice”, *Justice.Info*, viewed 2 January 2019, <<https://www.justiceinfo.net/en/truth-commissions/1818-confronting-the-dictatorial-past-in-?>>.

it as a mark of opportunism. Their image was thus blemished, “both as an object of public empathy and in terms of [...] entitlement to formal compensation of the state.”<sup>669</sup> As McEvoy and McConnachie have pointed out, when the soliciting of compensation transforms into a source of blame,<sup>670</sup> the victim status becomes questionable. In this context, the victim’s ideology relative to other categories of victims became at stake. The embodiment and/or exhibition of a given identity transformed into a pivotal source of moral supremacy in the rhetorical contest, thus becoming a determinant factor in the claiming of victimhood. This led to the fragmentation of victimhood in accordance with affirmed political affiliation.<sup>671</sup>

Indeed, the compensation issue represented a persistent bone of contention in the contest over acknowledgement of victim status opposing Islamists and non-Islamists. The controversy, which concerned the ethical appropriateness as well as the means of financing the reparations programme, constituted a stubborn sticking point throughout the transitional justice process. The lack of solidarity of prominent leftist ex-political prisoners with victims, for the most part Islamist, further intensified the polarised dynamic. This was most manifest in the May 2012 joint petition whereby Leftists abjured their compensation claims for victimhood incurred during dictatorship times, thereby distancing themselves publicly from the plight of their Islamist fellows.<sup>672</sup> In this instance, ideology entered through ostensible scepticism about whether Islamist activism *per se* could actually qualify as political struggle against authoritarianism, as we shall see below. Objectors heavily lobbied against indemnification, depicting it as a ‘devious’ and ‘inappropriate’ undertaking instigated by the Ennahda coalition government to please its own power base. This was a direct questioning of the Islamist party’s own struggle against dictatorship and its stand on victimhood in order to deprive it of the political credibility it may extract from such a stand.

The presidential directive issued in June 2012 privileging amnestied political prisoners, victims and their immediate relatives in public sector recruitment, did but accentuate the conflict. The state-led hiring scheme was interpreted not only as an act of nepotism and partisanship, but also as a long-term Ennahda strategy to ‘infiltrate’ public institutions via bureaucratic positioning.<sup>673</sup> Leftist trade unions, in particular, vehemently denounced the move as unfair, allegedly compromising the hopes of desperate unemployed youth for job market access.

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<sup>669</sup> McEvoy, K. & McConnachie, K 2013, “Victims and Transitional Justice Voice, Agency and Blame”, *Social & Legal Studies*, vol. 22, no. 4, pp. 489–513, p. 493.

<sup>670</sup> Ibid.

<sup>671</sup> Ibid, Supra Note 9.

<sup>672</sup> Khelifi, W 2012, “Controverses: Indemnisations des Victimes de la Torture et des Anciens Prisonniers Politiques – 60 Militants de Gauche Refusent Tout Dédommagement”, *Le Temps*, viewed 3 January 2020, <<https://www.turess.com/fr/letemps/66108>>.

<sup>673</sup> Meftah, S 2012, “Projet de Loi relatif aux Dispositions Exceptionnelles pour le Recrutement dans la Fonction Publique: – L’UGTT Sort de ses Gonds”, *Le Temps*, viewed 3 January 2020, <<https://www.turess.com/fr/letemps/67142>>; Ouenniche, L 2012, “L’éditorial: Favoritisme”, *Le Temps*, <<https://www.turess.com/fr/letemps/67134>>.

Despite Ennahda not leading the general amnesty initiative, its governmental position after the 2011 elections was in fact very challenging, as it entailed the political burden of guaranteeing the enforcement of the legal right to indemnification at a time when every TJ move was susceptible to politicisation. Consequently, the Islamist party's heavy involvement was sure to arouse fears due at least to three factors. First, the greatest amnesty beneficiaries were certainly Islamists, who together with their families represent a solid Ennahda electoral base. Acknowledgement of their victim status will publicly exhibit the large number and the plenitude of the suffering of this category of political prisoners, most of whom were imprisoned solely for their ideological convictions that can now be freely expressed. Second, the history of victimisation is an integral part of Ennahda's political identity as an Islamist party which stood firm against state-imposed secularism, and emerged triumphant in the political-doctrinal contest in the post-regime change environment. Third, the acknowledgement at the state level – through the right to indemnification – of the Islamist party's freedom-fighter status represents an important foundation of its political legitimacy, absent its clear revolutionary credentials in precipitating the Ben Ali regime's departure. This will validate political Islam as a doctrine equipped to govern Tunisia.

Secular discourse maintains that most Ennahda affiliates were actually 'terrorists' rather than victims of persecution, thus rejecting Islamism altogether as a form of political struggle and thus as a viable doctrine for government even within a postrevolutionary context. And, in any case, because "no one asked them to be militants"<sup>674</sup> they are denied any political credit for their painful struggle against dictatorship and the heavy price they paid in terms of human rights violations, thereby undermining their very right to indemnification. In addition to contesting Ennahda's militant history, this discourse also discredits its contribution to the uprising that brought about regime change, thereby diminishing the activist credentials of Islamist victims together with the political party defending their cause. This incendiary argument rejects any rationale for prioritising Islamist political prisoners over all other categories of victims. Not only does this discourse question the foundation of Islamist's account of victimhood, together with their entitlement for compensation, it also simultaneously disputes Ennahda's leadership status as the spearhead and custodian of the rights of all categories of victims. More drastically, it denies the party any moral ascendancy in the democratic transition, depriving it of the political 'capital' that may be derived from such status. And, in insinuating that political self-interest and partisanship stand higher in the

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<sup>674</sup> Ben Cheikh, L 2012, "Tunisie : Gilbert Naccache pour l'Indemnisation des Prisonniers "Politiques", *Mag14*, viewed 3 January 2020, <<http://www.mag14.com/national/40-politique/604-tunisie-gilbert-naccache-pour-lindemnisation-des-prisonniers-politiques.html>>.



indemnification policy than democratic national reconciliation, this discourse doubts the Islamist party's commitment to the national interest, attributing to it a 'selfish' mindset that constitutes the main barrier to fulfilling transitional justice goals and, as a corollary, Tunisia's democratic ambitions.

Ennahda, on the other side, insists in its public discourse that it represents victims from all stripes, regardless of political affiliation. In this vein, former Justice Minister, Nouredine Bhiri, underscored the entitlement to reparations of all victims of repression, whether Islamist or not, a right that was bestowed on them by the January 2011 Revolution. Bhiri considered Islamist victimhood as part of an overall political struggle against oppression and dictatorship stretching back to colonisation and the Yusefists, which also encompasses the uprising's victims.<sup>675</sup> Therefore, those who contest the right to indemnification are dismissed as counterrevolutionary forces whose spirit is contradictory to that of the revolution and the 'noble' objectives it stands for. State moral responsibility for abuse had to be conspicuously ascertained, for "[t]he State has to admit its mistakes. [...] Those who shirk today at this duty towards victims renounce the essences of the Revolution."<sup>676</sup>

Ennahda officials and victims' advocacy groups further argue that TJ is simply a reactivation of the legislative amnesty provisions on reparations and rehabilitation, making frequent references to globally-set norms and international law, which establish reparations as a well-recognised universal right.<sup>677</sup> The experience of some other countries is also appealed to in justification of its robust stand on acknowledging and indemnifying victimhood. By way of illustration, in support of the 2013 'Assoumoud' (persistence) sit-in to enforce victims' right to compensation, Ghannouchi referred to the case of Algeria, which put in place an entire 'Ministry of Former Independence Fighters (or the *Mujahidins*).<sup>678</sup>

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<sup>675</sup> African Manager 2012, "Tunisie : Nouredine Bhiri Déclare la Guerre aux 'Ennemis de la Révolution'", *African Manager*, viewed 3 January 2020, <<https://africanmanager.com/tunisie-nouredine-bhiri-declare-la-guerre-aux-ennemis-de-la-revolution/>>.

<sup>676</sup> Habib, H 2012, "Affaire de l'Indemnisation: Mustapha Ben Jaafar Désavoue ses Alliés", *La Presse de Tunisie*, viewed 3 January 2020, <<https://www.turess.com/fr/lapresse/53337>>.

<sup>677</sup> As enshrined namely in the UN basic principles and guidelines on the right to a remedy and reparations for victims of violations to international human rights and humanitarian law of 2005, United Nations Human Rights, Office of the High Commissioner 2005, "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law", OHCHR, viewed 3 January 2020, <<https://www.ohchr.org/en/professionalinterest/pages/remedyandreparation.aspx>>.

<sup>678</sup> Business News 2013, "Rached Ghannouchi Solidaire avec le Sit-in 'Assoumoud'", *Business News*, viewed 3 January 2020, <<https://www.businessnews.com.tn/Rached-Ghannouchi-solidaire-avec-le-sit-in--Assoumoud-520,38839,3>>.

As indicated above, the temporal mandate of transitional justice was also highly contentious. The modernist faction preferred limiting the timeframe for investigating past abuses to the Ben Ali era, so as to preserve Bourguiba's legacy. Islamists, on the other side, wanted to extend the truth-seeking mandate back to the independence period to challenge the postcolonial system's secular underpinnings and reinvigorate its theological and pan-Arabist dimensions as symbolised by Yussefism. This would be an indictment of the ruling elites in the entire post-independence period. It is thus evident that the transitional justice process invokes deep questions of identity and remembrance, notably concerning the relationship between Islam and the state,<sup>679</sup> hence its highly ideologised and politicised nature from the very beginning.

Because it raised fundamental issues of memory, national identity and state essences, exchanges went beyond a purely technical and legalistic approach:

During dictatorship, MTI...members believed their movement's exclusion from the political process represented only the most recent manifestation of a systematic campaign, dating from before independence, to push Tunisian Islam to the sidelines. In their view, the rejection of Islamic values in favor of imported ideologies, all of which had failed to create a just society, was a grave error. Restoring hope to Tunisian people required a state committed to encouraging and assisting them to cultivate their deep, but long neglected, Islamic roots.<sup>680</sup>

Thus, due to Ennahda's own torment and painful fight against secular dictatorship, the TJ process *per se* therefore came to "challenge the modernist founding myth of the Tunisian state."<sup>681</sup> It is not surprising that the Islamist party, which represents high numbers of victims of human rights violations extending over the pre-revolutionary era, adamantly champions a more extensive mandate. TJ mechanisms could indeed be used to put forward its own victimhood narrative and rewrite the past in a way that ushers in its own 'rebirth' (Arabic *ennahda*) as an ideological movement, endowing it with a long-yearned for public legitimacy. Transitional justice was thus a useful sociopolitical instrument to reinforce its symbolic capital and promote its own vision of state history in deconstruction of the dominant secular and modernist narrative of Bourguibist Tunisia.

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<sup>679</sup> See Allani, A 2009, *The Islamists in Tunisia Between Confrontation and Participation: 1980–2008*, *The Journal of North African Studies*, vol. 14, no. 2, pp. 257–272, p. 257.

<sup>680</sup> Perkins 2004, *A History of Modern Tunisia*, p. 174.

<sup>681</sup> Lamont & Boujne 2012, *Transitional Justice in Tunisia: Negotiating Justice during Transition*.

Conversely, secularists pledged for a narrower temporal scope restricted to the Ben Ali era. Leftist victims, including the uprising's casualties, together with civil society's secular groups, were in general not that enthusiastic and even suspicious of TJ. While they have their own past of victimhood, they perceived that the recognition of their suffering and oppression needed to be weighed against the possibility that postcolonial history would be rewritten in favour of Islamists, a prospect that was too hard to swallow. As mentioned earlier, parts of Tunisian society continue to associate Islamism with terrorism, and consider, more or less openly, that these persons deserved their fates.<sup>682</sup>

Furthermore, although Ennahda's alleged violence was never proved, the charge can still bring dividends within the political game for moral and ideological ascendancy. In this context, the reparation demands of Islamist political prisoners were portrayed as a mark of 'venality', an expression of narrow interest, rather than a simple act of claiming a legal entitlement. The politicisation of victims, especially after the Islamist party's 2011 electoral victory, was thus meant to delegitimise their plight and to embarrass Ennahda in searching material compensation for a political struggle. Secularists propagated the argument that Islamists' ascent to power was rewarding enough to balance out the injustices, if any, they were subjected to during dictatorship times. Consequently, Islamists needed to be content with their new status and cease claiming reparations. Within that atmosphere of deep polarisation and politicisation, proactive Islamist victims who claimed their rights loudly thus risked losing credibility due to the political stigma.<sup>683</sup> This stigmatisation of pursuing indemnification, added to past trauma and pathology, discouraged many Islamists from actively organising themselves to obtain what they were legally entitled to. Even when they effectively mobilised through a public sit-in, they could not garner much political support since Ennahda itself distanced itself from their claims so as not to be accused of political opportunism and favouritism.

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<sup>682</sup> See Amnesty International 2013, "Tunisia: Ensure Justice for Tunisian Torture Victim Exhumed After 22-Year Campaign", *Amnesty International*, viewed 5 January 2020, <<https://www.amnesty.org/en/press-releases/2013/10/ensure-justice-tunisian-torture-victim-exhumed-after-22-year-campaign-2013/>>.

<sup>683</sup> The "phenomenology of victimhood" was developed by Pablo de Greiff. See Pablo de Greiff 2010, *A Normative Conception of Transitional Justice*.

These political disputes explain why delimiting the temporal scope of transitional justice and the nature of abuse was extremely confrontational. For Ruti Teitel, “justice in times of political change is extraordinary, contextualized, and partial,” since “what is considered as just is contingent and determined by the injustices that precede.”<sup>684</sup> Each side perceived TJ as a terrain of historical positioning involving disputes over the nature of the state and its relationship with Islam, rather than a project of national reconciliation. Within this context of intense doctrinal cleavages, the exact number and identities of beneficiaries became a subject of competition between Islamists and secularists.<sup>685</sup> This demonstrates the depth of the challenges raised by reparations. The basis and timeframe for determining ‘victims’ went beyond purely judicial question, as they touched upon fundamental historical-ideological matters. Even the appellations of ‘victim’ or ‘martyr’ acquired an important symbolic dimension as a site of memorial contestation. This is why so as not to appear anti-revolutionary, Islamists half-heartedly agreed to call Mohamed Bouazizi (the merchant who ignited the Tunisian Revolution through self-immolation) a ‘martyr’, even though Islam as a religion vehemently opposes suicide. Given these cleavages over victim status and their ramifications, TJ rehabilitation and indemnification schemes ultimately did not contribute to healing past wounds.

### *Identifying the Excluded through Lustration*

A pervasive fear of the former regime’s resurgence was present throughout the postrevolutionary era and has shadowed the entire transitional process. During early transition, in particular, strong revolutionary dynamics aimed at sweeping away the past (*tabula rasa*) by getting rid of all ‘counterrevolutionary’ forces competed with supporters of a more lenient, less punitive transitional justice process. This tension between a moderate TJ reformist agenda and the more radical revolutionary demands permeated the debates surrounding the bill on political exclusion, aimed at ‘The Immunisation of the Revolution.’ The secular-Islamist divide was again interlaced in the contest over whether to conceive of the revolution as a total rupture with the past, especially the state’s secular bias (Islamists), or just an opportunity to rectify postcolonial mistakes without fundamentally changing the

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<sup>684</sup> See Teitel, *Transitional Justice* 2000, p. 6.

<sup>685</sup> Carranza, R 2015, “A Measure of Dignity: The Beginning of Reparations in Post-Revolution Tunisia”, *ICTJ*, viewed 5 January 2020, <<https://www.ictj.org/news/measure-dignity-reparations-tunisia>>.

state's modernist doctrine (secularists). The choice to be made regarding this question would affect the magnitude of the purge; that is, whether to remove the entire postindependence establishment or only the most corrupt elements of the former regime. Submitted in April 2012, this bill was intended to prevent officials under Ben Ali's successive governments from holding any public office for a number of years. While proponents contended that this draft law was meant to protect the revolution from the former regime,<sup>686</sup> detractors denounced it on the basis that barring a whole category of people from exercising their political and civil rights was a form of discrimination.

Besides reparations, this question of whether RCD-affiliated senior state cadres can participate in shaping the postrevolutionary political order was one of TJ's most divisive issues. At a time when prosecutions of the Ben Ali family and the regime's closest associates grabbed most outside attention, within Tunisia the thorny issue was how to deal with the scores of former state officials implicated in prior wrongdoings but unlikely to be sued for criminal charges, which was far more politically charged and ideologically divisive.

Indeed, this issue of political accountability for past abuses poisoned the postrevolutionary atmosphere, accentuating cleavages among diverse transitional political actors,<sup>687</sup> particularly Islamists and the secular liberals, thereby further deepening the politicisation and polarisation of transitional justice debates. Supporters of lustration and vetting, mainly Islamists, saw it as a natural revolutionary outcome aimed at safeguarding democratic transition from renegades; whereas dissenters attacked it as mere ideological opportunism rather by erecting "legal mechanisms designed to disempower those advancing political projects reclaiming ...[the modernist] legacy of the Ben Ali and Bourguiba regimes."<sup>688</sup> Consequently, aside from the political stakes inherent in it, the battle was largely ideological. The Islamist insistence on lustration was meant to indict the whole political class and its modernist project that ruled Tunisia after independence; the Revolution as such proving this project's sheer bankruptcy. The Bourguibist-modernist line of defence insinuated that discarding the backbone of the state's secular cadres was nothing but an attempt to pave the way for an Islamist infiltration of official institutions and their consequent Islamisation, which would destroy established modernity. The controversy was accentuated by the political

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<sup>686</sup> The draft was finally rejected. See Human Rights Watch 2013, "Tunisia: Sweeping Political Exclusion Law Proposal Violates Fundamental Rights", *Human Rights Watch*, viewed 3 January 2020, <<https://www.hrw.org/news/2013/06/15/tunisia-sweeping-political-exclusion-law>>.

<sup>687</sup> See Tolbert, D 2013, "Tunisia's Black Book: Transparency or Witch Hunt?", *Al Jazeera*, viewed 4 January 2020, <<https://www.aljazeera.com/indepth/opinion/2013/12/tunisia-black-book-transparency-witch-hunt-2013128517156923.html>>.

<sup>688</sup> Lamont, CK 2013, "Transitional Justice and the Politics of Lustration in Tunisia", *Middle East Institute*, viewed 4 January 2020, <<https://www.mei.edu/publications/transitional-justice-and-politics-lustration-tunisia>>.

conflict between the Ennahda-led coalition in power and its main challenger *Nidaa Tounes*, whose political constituency contained people with well-known alliances with the former RCD party. Against this backdrop of rivalry, lustration focused primarily on the electoral landscape via legislative procedures targeting certain political actors whose collusion with the Ben Ali regime could disqualify them from taking part in the fresh democratic process, and hence disenfranchisement from the electoral process.

The question of lustration was most insistent during three critical junctures of the transition. The first coincided with the pre-October 2011 electoral phase, with the adoption in June of that year of a law banning former RCD officials from being elected to the future National Constituent Assembly. This legislation reflected public concerns that were justified by the creation, soon after the demise of the *ancien régime*, of an interim government awash with disbanded party loyalists. Second, there was the ‘Immunisation of the Revolution’ bill mentioned above, which vowed to bar Ben Ali regime associates from candidacy for the upcoming 2014 elections to be organised under the aegis of the new Constitution being negotiated at the time. The bill was criticised for its attempt to modify the electoral map in practical and symbolic ways via political disenfranchisement based on past institutional affiliation<sup>689</sup> and by stigmatising the former ruling party’s political legacy:

The subject is recurrent and used ad nauseam since the beginning of the Revolution. It concerns...Ben Ali’s former political party, the RCD. The party, or rather its former members, keep being mentioned at every occasion. It is like a ‘scarecrow’ thrown in face as irrefutable claim regarding any person, initiative or organisation one wants to get rid of on the cheap. Suffice to say ‘he/she is an ex-RCDist’ for the case to pass and for everybody to fall silent.<sup>690</sup>

The third critical juncture was the creation of the December 2013 Transitional Justice Law, which provided for “the vetting and lustration of individuals deemed implicated in the repressive workings of the Ben Ali regime – without, however, explicitly prohibiting their electoral participation or defining the line between their dismissal and rehabilitation.”<sup>691</sup> The advocates of this initiative affirmed it was congruent with other countries’ lustration and vetting experiences, notably in Eastern Europe, and that proceeding in this way was in

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<sup>689</sup> Ibid.

<sup>690</sup> Gmati, A 2012, “Point de Mire: Exclusion Intéressée”, *La Presse de Tunisie*, viewed 4 January 2020, <<https://www.turess.com/fr/lapresse/53255>>.

<sup>691</sup> Organic Law on Transitional Justice and its Organisation, Art. 14, 43.4.

preservation of the aims of the revolution and in 'protection of martyrs' blood'. This 'cleansing' urge was pressing given the rapid return of figures tied to the Ben Ali and Bourguiba regimes, especially within the party *Nidaa Tounes* created in 2012.

As indicated previously, Ennahda was the primary victim of Ben Ali's authoritarianism and its prominent members had their own individual experiences of exclusion under the 'maleficent' regime. Consequently, lustration was morally and politically justified for the beleaguered Islamist party. Critics, however, denounced it, emphasising how discriminatory it was to potentially deprive nearly 20,000 citizens of their political rights<sup>692</sup> on the sole basis of their past political affiliation. They added that the law contradicted many human rights principles, including the right to political participation. They claimed that this form of exclusion is also contrary to the principle of no retroactivity, for RCD membership was not a crime during the pre-revolutionary period in question. This was all the more so since RCD membership was often imposed by the authorities as a condition for employment, healthcare, free transportation, universities and public service in general.<sup>693</sup> For these opponents, the Immunisation Law thus resembled more a 'purge' or 'witch-hunt' than a true vetting process in a fair TJ framework. The latter would indeed require an individual and case-by-case assessment of the integrity and responsibility of each civil servant before depriving anyone from political participation.

Description of the bill in a dichotomous terminology: 'political immunisation' for supporters and 'political exclusion' for objectors neatly encapsulates the divergent positions on the matter. These opposite characterisations reveal antonymous interpretations of the bill's aims. Proponents argued for its moral legitimacy, derived out of a revolution meant to mark a rupture with the past; detractors argued that the primary end was the elimination of a political adversary. Ironically, however, both camps substantiated their positions on democratic grounds, one contending that the newly established democracy was not feasible with antidemocrats in key positions (Islamists), while the other asserting that lustration is against the principles of inclusion and pluralism, which are major hallmarks of democracy (modernists).

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<sup>692</sup> Two million Tunisians were believed to have been members of the RCD. See Camau, M & Geisser, V 2004, *Habib Bourguiba : la Trace et l'Héritage*, Karthala, Paris; Bouguerra, A 1993, *De l'Histoire de la Gauche Tunisienne : le Mouvement Perspectives, 1963-1975*, Cérès, Tunis.

<sup>693</sup> See Khémira, C 2009-2010, "L'Elite Dirigeante du Rassemblement Constitutionnel Démocratique: Étude sur le Personnel du Comité Central et du Bureau Politique (1987-2003)", PhD thesis, University of Law and Political Science, Tunis.

For Islamists, the first victims of oppression, the “political-strategic rationale goes that the law is paramount for protecting Tunisia’s nascent democracy from counterrevolutionary forces.”<sup>694</sup> These forces were trying to deviate a delicate transition from its path and sought to deprive Ennahda, as an Islamist party, from governing in normal circumstances. The main objective of Islamists is to definitively put an end to a dark era by depriving elements of the *ancien régime* of the opportunity to reinvade the body politic and ruin the revolution’s accomplishments. Criticism of the law was labelled a “betrayal of the martyrs of the Revolution.”<sup>695</sup> Later, when the political and security situation deteriorated, the strategy of neutralising counterrevolutionary nuisance came to encompass the other objective of blocking old regime attempts to instigate more sociopolitical disruption and violence, as emphasised by Ennahda former ANC member Walid Al Bennani.<sup>696</sup> The argument goes that the RCD is the spearhead of the counterrevolution and the key organisational power base of the old regime, hence it is a legitimate target of preventative mechanisms to stop it fomenting further trouble.<sup>697</sup>

In addition to this moral-political standpoint, there was also a jurisdictional line of substantiation. Following a rationale of transitional path dependency, the lustration bill was justified based on continuity with the legal procedures enforced in the immediate aftermath of the revolution. In this vein, Samir Ben Amor, a figurehead from the former CPR party (then part of the Troika coalition government) and lustration ‘firebrand’, invoked in a press interview in May 2012 the judicial implications ensuing from the legal verdict to disband the former RCD in March 2011:

As far as the RCD is concerned, we must not forget that its legal dissolution dictates the pre-emption of its reappearance under the guise of new political parties defending its principles and programmes. Its main figures must not have come back to the political scene in the first place. However, it was the lack of vigilance from public authorities in the application of the law having dissolved the RCD which obliges us today to submit the draft law in question, so as to prevent the confiscation of the decision to outlaw Ben Ali’s party.<sup>698</sup>

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<sup>694</sup> Blaise, L 2013, “La Loi d’Immunité de la Révolution Votée à l’Assemblée”, *Nawaat de Tunisie*, viewed 4 January 2020, <<http://nawaat.org/portail/2013/06/28/la-loi-dimmunité-de-la-revolution-ou-la-difficulté-de-sortir-du-processus-revolutionnaire/>>.

<sup>695</sup> Ibid.

<sup>696</sup> ANC 2013, “Plenary Session: Transcript of General Debate on the Law for the Political Immunisation of the Revolution”, *Marsad*, viewed 5 January 2020, <<https://majles.marsad.tn/fr/docs/518e5bfc7ea2c422bec25383>>.

<sup>697</sup> Piser, K & Dhaouadi, R 2014, “Excluding the Old Regime: Political Participation in Tunisia”, *Muftah*, viewed 5 January 2020, <<https://muftah.org/excluding-the-old-regime-political-participation-in-tunisia/#.XiWd7SNCfIX>>.

<sup>698</sup> Quoted in Demerch, A 2012, “Projet de Loi visant à Exclure les Destouriens de la Vie Politique: Est-ce une Punition Politique Collective?”, *La Presse de Tunisie*, viewed 5 January 2020, <<https://www.turess.com/fr/lapresse/50182>>.



Ben Amor also rejected the charge that lustration is contrary to human rights:

For those who categorically reject the proposed law deeming it undemocratic, or that its content is at odds with human rights, primarily that of political participation, I think they are unaware that a Revolution took place on 14 January 2014. As such, they have to review their standpoints and comprehend that each society ought to shield itself from whatever perils.<sup>699</sup>

In contrast, those who opposed lustration argued that the suggested bill was actually a self-interested political scheme of the ruling Troika to Islamise the state, while consolidating its grip on power. Rather than serving to neutralise counterrevolutionary forces, as presented by its advocates, the move itself was considered counterrevolutionary since it encouraged exclusion to prepare the ground for Islamist infiltration. For Ahmed Nejib Chebbi, an eminent opposition figure, it was reminiscent of Ben Ali's power abuses via pre-electoral tactics.<sup>700</sup> Political science Professor Hatem M'rad summarises this account as follows:

It is not about memory politics anymore, but the law is rather one of political calculus. The Troika fears the rebalance of the political game by Nidaa Tounes. In terms of timing, the exclusionary law is presented at the very moment when Nidaa Tounes's rise in opinion polls becomes threatening.<sup>701</sup>

In support of the anti-lustration argument, opposition rhetoric also resorts to a counter-narrative strong with references to globally-recognised legal procedures and human rights benchmarks, presenting this piece of legislation as a "disproportionate and arbitrary limitation on citizens' political participation, in contravention to Tunisia's human rights commitments such as the International Covenant on Civil and Political Rights (ICCPR)."<sup>702</sup> Beji Caid Essebsi, *Nidaa Tounes* chief, went so far as to label it a blatant "withdrawal of citizenship."<sup>703</sup> Depicted as a means of 'collective punishment', the bill was denounced for being too extensive in its exclusionary ambit, for it failed to take into account specific

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<sup>699</sup> Ibid.

<sup>700</sup> Leaders 2013, "Caid Essebsi: La Loi d'Immunité de la Révolution Equivaut à une Déchéance de la Nationalité", *Leaders*, viewed 5 January 2020, <<http://www.leaders.com.tn/article/caidessebsi-la-loi-d-immunité-de-la-révolution-equivaut-à-une-déchéance-de-lanationalité?id=11712>>.

<sup>701</sup> Leaders 2013, "Loi d'Exclusion : Cinq Grandes Questions", *Leaders*, viewed 5 January 2020, <<https://www.leaders.com.tn/article/10416-loi-d-exclusion-cinq-grandes-questions>>.

<sup>702</sup> Ibid.

<sup>703</sup> Ibid.

individual situations. It might thus harm a great number of people who were just superficially connected one way or another to the old regime in such a manner that did not amount to criminal offense. In espousing international human rights discourse, objectors also emphasized that, even when lustration had its own plausible rationale, the bill was still too expansive, touching on an unwarranted stream of cases.

Based on these discordant lines of argumentation, transitional justice politics forced two diametrically opposite discourses into conflict, establishing rigid political barriers between self-proclaimed democratic/legitimate versus antidemocratic/illegitimate positions. The contest for power is evident, yet the whole polemic over lustration goes beyond a mere political competition. It embodies Tunisia's dilemmas concerning the revolution's implications for democratic transition and particularly the difficult question of whether to privilege structural reconstruction over reconciliation (or at least how to balance them). Each of these choices has its own implications. Structural reconstruction entails the debunking of the Bourguibist-modernist narrative and an enhanced role of Islam in the polity, whereas reconciliation would privilege a shared commitment to democracy but without radically changing the state's doctrinal bedrock.

The draft was ultimately rejected, partly due to the situation in neighbouring Libya, where a similar law led to a relapse into violence, as well as the example of Iraqi *De-Ba'athification*.<sup>704</sup> But, more importantly, debates around it aggravated existing political-ideological polarities and tensions: the revolutionary dynamic's thrust did not necessarily chime with the democratic transition's delicate balances, with all the attendant dichotomies and battles that were enmeshed once again in the secular-Islamist binary. For Islamists (and radical revolutionaries), the Immunisation Law belongs to a revolutionary agenda enshrining collective responsibility: anyone associated, one way or another, with the former authoritarian, laic (extremist in its secularity) regime is deemed guilty. For secularists, democratic transition should instead prioritise national reconciliation through the individualisation, rather than 'collectivisation', of guilt and – potentially - the reintegration of the non-corrupt and democratically-attuned ex-ruling elites into the body politic.

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<sup>704</sup> The case of Iraq is a landmark for the dangers of unfair and radical vetting processes. See Sissons, M & Al-Saiedi, A 2013, "ICTJ, A Bitter Legacy: Lessons from De-Baathification in Iraq", *ICTJ*, viewed 5 January 2020, <<http://www.ictj.org/sites/default/files/ICTJ-Report-Iraq-De-Baathification-2013-ENG.pdf>>, pp. 31–32.

Transitional justice was thus an inherently political-ideological project in Tunisia, involving deep identity and collective memory issues. TJ seeks to transform how a society understands the foundations of justice and to advance a particular conception of the state and its institutions. By reflecting on the best means to address a problematic past, postrevolutionary Tunisia has dwelled on fundamental normative issues, inviting a reappraisal of the state-Islam relations and of the postcolonial state's foundational narrative in search of an identity which is more compatible with, and attuned to, a nascent democracy. It is precisely owing to its in-depth consideration of issues of identity, memory and inclusion/exclusion that TJ generated intense political controversies. In the context of intricate discussions of Islamism(s) and secularism(s), transitional justice thus represented one of the most politically-charged issues. Increasing polarisation bred mutual charges of politicising the TJ process, which in turn aggravated the trenchant secular-Islamist cleavages.

Post-transition dynamics have actually shown that, contrary to an outwardly impression of harmony, Tunisia is riddled with a sharp ideological polarisation that confounds the elites as well as the general population.<sup>705</sup> It is unsurprisingly that they reverberated through the transitional justice process. Which political side led a given TJ undertaking was thus very significant. The creation in January 2012 of a Ministry of Human Rights and Transitional Justice was an initiative lauded as "entirely new in the field and history of transitional justice, as no other country had ever decided to institutionalize the transitional justice process, and had dedicated as much to an entire ministry in order to do it."<sup>706</sup> Yet it was decried domestically because the initiative was launched by the Ennahda-led government, and secular forces considered it threatening to the neutrality of the transitional justice process. This was despite the fact that the Ministry's creation was only to facilitate national dialogue and promote symbiosis between civil society and national and international players implicated in the process.

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<sup>705</sup> McCarthy 2014, *Re-Thinking Secularism in Post-Independence Tunisia*, p. 734.

<sup>706</sup> Andrieu, K 2016, "Confronting the Dictatorial Past in Tunisia: Human Rights and the Politics of Victimhood in Transitional Justice Discourses Since 2011", *Human Rights Quarterly*, vol. 38, no. 2, pp. 261-293, p. 281.

From the other side, Gray and Coonan have showed that the women persecuted under dictatorship for affiliation with Islamist groups “were particularly disappointed with secular women’s rights organisations such as the Tunisian Democratic Women’s Association for not coming to their defense and not accepting them as ‘victims’ because of their Islamist identity.”<sup>707</sup> The vestiges of the policy of subjugating religion to state purposes, associated with the severe repression of Islamist movements and their dehumanisation, substantially affected the TJ process and democratic politics after the revolution. Domenica Preysing perceives TJ vicissitudes as being caused by deep secular-Islamist cleavages, unleashing a “two-way tug-of-war with no clear winners or losers emerging from the meaning making process of transitional justice *à la tunisienne*. Policy discourse formation has been a highly antagonistic, conflict ridden affair, which saw two increasingly defined antagonistic discourse communities pitted against one another, waiting ‘before the law’.”<sup>708</sup> Seemingly irreconcilable approaches to postcolonial history and to postrevolutionary politics pervaded the democratic transition. Transitional justice has been a key locus of this rhetorical battle, implicitly delineating the lines of inclusion/exclusion based on affinities or hostilities to the old regime.

Accordingly, instead of promoting genuine (rather than superficial) ideological-political and historical reconciliation to reinforce national unity, transitional justice further accentuated divisions and antagonisms. This is why the secular-Islamist ideological polarisation was identified as the most daunting challenge for the success of the overall Tunisian TJ endeavour. As the president of an active NGO lamented:

Many things that happened during this process, criticisms included, came within a certain political context that ...brought for the very first time in our political history an Islamist party to power...So this aroused a lot of resistance amongst the secular and leftist forces and affected the transitional justice process. Unfortunately, that this process was launched within such a political context meant that there was no possibility to get past ideological polarization and reach the highest human rights standards of transitional justice.<sup>709</sup>

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<sup>707</sup> Gray, DH & Coonan, T 2013, “Notes from the Field: Silence Kills! Women and the Transitional Justice Process in Post-Revolutionary Tunisia”, *International Journal of Transitional Justice*, vol. 7, no.2, pp. 348–357.

<sup>708</sup> Preysing, D 2016, *Transitional Justice in Post-Revolutionary Tunisia (2011-2013) : How the Past Shapes the Future*, Springer VS, p. 5.

<sup>709</sup> Quoted in Kazemi, E 2019, “Transitional Justice in Tunisia: When Religion Meets State”, *International Journal of Transitional Justice*, vol. 13, no. 3, pp. 590–607, p. 605.

The heavily politicised and ideologised tenor of the transitional justice endeavour was confirmed by the turn of events after the 2014 elections. The shift in political power in favour of non-Islamists has changed priorities, rendering the TJ agenda secondary to other concerns. Sabotage was even permitted. Instances of semi-official hindrances included the aborted attempt by Truth and Dignity Commission (TDC) President, and former human rights activist, Sihem Bensedrine, to retrieve files from Presidential archives that contained six decades worth of material documenting corruption and state-sponsored violations.<sup>710</sup> Placating corruption has even been justified by the need to rebuild the country by finally moving away from the past.<sup>711</sup> The most telling example is President Essebsi's 'Economic Reconciliation Bill', introduced in 2017, which granted amnesty for "economic crimes and corruption committed by civil servants and businessmen under the Ben Ali regime in exchange for closed-door confession and pay-backs" to the government.<sup>712</sup> It too detached economic crimes from TDC investigations, moving these files from the TJ process to the executive to avoid the truth-seeking element of such crimes. This prompted the emergence of the vociferous youth traction '*Manish M'sameh*' (I will not forgive) campaign, which rapidly transformed into a nationwide movement. The deliberate obstacles erected reveal the extent to which political backing has diminished. There were serious questions about the commitment of that government to the transitional justice process. This occasioned a popular disenchantment with the TJ experience for its failure to meet civic aspirations of justice and national reconciliation needed to immunise Tunisian democracy from the pitfalls of backsliding. It remains to be seen whether transitional justice will regain its momentum after the 2019 elections, which appears unlikely given the ongoing secular-Islamist conflict.

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<sup>710</sup> The Guardian 2015, "Attacks by 'Deep State' leave Tunisia Truth Commission in Crisis, *The Guardian*, viewed 5 January 2020, <<https://www.theguardian.com/world/2015/sep/11/attacks-state-tunisia-truth-commission-crisis-democracy>>.

<sup>711</sup> The "Reconciliation Law," promoted by President Essebsi after the March 2015 terrorist attack on the Bardo museum in Tunis, would protect public servants and businessmen from prosecutions, even if they were involved in corruption and embezzlement of public funds. The President argued that such measure was necessary in order to recover stolen assets and to create a more trustful environment for investors. See Guellali, A 2015, Human Rights Watch, "Tunisia: Transitional Justice in the Crosshairs", *Human Rights Watch*, viewed 5 January 2020, <<https://www.hrw.org/news/2015/09/08/tunisia-transitional-justice-crosshairs>>.

<sup>712</sup> Chomiak, L 2016, "The Revolution in Tunisia Continues", *Middle East Institute*, viewed 5 January 2020, <<https://www.mei.edu/publications/revolution-tunisia-continues>>.

## 6.4 Conclusion

Transitional justice policy has been one of the most contentious enterprises in Tunisia's democratic transition. This is due, first, to competing visions and interests between those political elites who seek to probe and uncover past crimes and punish perpetrators while granting reparations to victims (mainly Islamists); and those who seek to turn the page on abuses despite their gravity without even indemnifying the victims (primarily secularists). That is why, as I have shown, the issues of compensation and lustration were the mostly politicised, conflictual and ideological. Indeed: "By putting forward a specific categorization of victims, and by promoting certain reparation schemes, a specific story about the past was told, and, thereby, a different form of political project was served."<sup>713</sup>

Second, the question of whether to expand the time span for investigating past abuses from late colonialism to the revolution, so as to encompass decolonisation and the whole postcolonial era, has sharpened the polarisation of the process and further enmeshed it in the secular-Islamist divide. Third, the shifting political contexts in which transitional justice has taken place has led to its prioritisation or sidelining depending on the political and ideological affiliations of the governing elites. This has deprived the process from the strong and continuous political support needed for its success. The gradual return of former regime officials, unsupportive as they have been of the TJ process beyond symbolic arrangements, has further debilitated the transitional justice undertaking. These erstwhile ruling elites have widely promoted the idea that, instead of reinforcing the project of national unity, TJ can be disruptive, as it may fester unhealable wounds and generate more sociopolitical conflict rather than bring peace and reconciliation.

As a result of these acerbic political battles, reflecting the deep ideological divergences between Islamists and secularists, the Tunisian transitional justice process remains inconclusive. The main faultlines still oppose claims for 'the oppressed', 'pro-change' and 'democratic' status, with allegedly well-founded demands ensuing from this subject position, to those epitomising 'the oppressor', 'anti-change' and 'anti-democratic', with all the political repercussions that can result from such status. Each side has strived to ensure the moral and political ascendancy of its own discourse by depicting the 'Other' in negative terms, while counteracting the opposite camp's efforts to project an unpleasant image within the endemic secular-Islamist divide. While polarisation is a feature of many of today's polities, it is imbued with heavier ideological overtones in post-authoritarian, deeply-divided societies seeking national reconciliation. It prevents consensus on a societal model and the normative fundamentals of the political system.

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<sup>713</sup> Andrieu 2015, *Confronting the Dictatorial Past in Tunisia*.

Between critics who believe the transitional justice process is set up to serve primarily Islamist victims, with Ennahda seeking ownership of a different historical narrative, and victims lacking sufficient political support due to ideological considerations, TJ was virtually lost. This was the logical outcome of a transitional justice process whose emergence, evolution and policy discourse have been inextricably linked with the enterprise of political transition launched after the revolution. In this context, political actors are competing to shape the political identity and direction of the post-Ben Ali era. These intricate negotiation processes at play have strongly pervaded the Tunisian democratisation endeavour, curbing its forward trajectory. In the meantime, impunity and lack of accountability remain, reinforced by the absence of justice or security sector reforms.<sup>714</sup> Most importantly, the national reconciliation needed to entrench democracy is still elusive. Fragmentation along ideological lines marred the TJ process, just as it has in all other major transitional endeavours.

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<sup>714</sup> See World Organization Against Torture 2015, “*Tunisie: Affaire Barraket Essahel: Les Avocats sur le Banc des Accusés et les Victimes Livrées à Elles-Mêmes*”, *World Organization Against Torture*, viewed 6 January 2020, <[www.omct.org/fr/urgent-interventions/tunisia/2015/12/d23538](http://www.omct.org/fr/urgent-interventions/tunisia/2015/12/d23538)>; Sérén, JP 2012, “*En Tunisie, l’Echec d’un Procès*”, *Le Monde Diplomatique*, viewed 6 January 2020, <<https://www.monde-diplomatique.fr/carnet/2012-01-25-Tunisie-l-echec-d-un-proces>>.

## Conclusion

Since its 2011 Revolution, Tunisia has been a true democratiser, as it has achieved tremendous advances in political pluralism, free contestation and voting, the expansion of rights and liberties and the peaceful handover of power, all under the watchful eye of a vibrant and alert civil society. But democratic transition has been tempestuous and riddled with intricacies and conflicts. While hurdles are not unexpected for any political upheaval of such magnitude, it is the constant risk they represent to democracy's sustainability and entrenchment that is of concern. This thesis has argued that the greatest impediment to a decisive democratic breakthrough is the persistent lack of consensus on the normative foundations of the political system between neo-modernists who insist on keeping the state's secular ideals, and post-Islamists who strive to introduce more Islamicity into the polity. The primary discord is thus over the type and extent of the relationship between Islam and the Tunisian state, whose configuration has to be in symbiosis with postrevolutionary rights and freedoms.

This thesis was partially guided by the democratisation literature, which scrutinises the process of transition from authoritarianism to democracy. I asserted that twists and turns are an integral part of democratic processes and do not necessarily signal de-democratisation. However, given the lacunas of the democratisation literature related to the MENA region, particularly its elite bias and scant discussion of the link between consensus and democratic transition/consolidation beyond elites, I brought together the Rawlsian idea of an "overlapping consensus" and the convergence school of transition as the major theoretical underpinnings. Between adepts of consensus as the core of political legitimacy in a democracy and those sceptical of its capacity to withstand deep political conflicts, this thesis upheld a middle ground whereby a "meta-consensus"<sup>715</sup> can help conciliate the competing demands of consensus and pluralism. Indeed, democracy requires accord on a set of basic values, or what Dryzek and Niemeyer refer to as "normative consensus."<sup>716</sup> Such consensus serves as a touchstone for the legitimacy of contested values, the validity of disputed judgments, the acceptability of competing preferences, and the applicability of contested discourses, all of which are vital to democracy's vibrancy. Even the agonist Chantal Mouffe argues that "pluralist democracy requires a certain amount of consensus."<sup>717</sup>

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<sup>715</sup> Dryzek, JS and Niemeyer, S 2006, "Reconciling Pluralism and Consensus as Political Ideals", *American Journal of Political Science*, vol. 50, no. 3, pp. 634-649.

<sup>716</sup> *Ibid.*, p. 6.

<sup>717</sup> Mouffe, C 1999, "Deliberative Democracy or Agonistic Pluralism?", *Social Research*, vol. 66, no. 3, pp. 745-758, p. 756.



“Normative meta-consensus” also chimes with Habermas’s notion of interactive ratiocination, which while not requiring a standardising invariability as far as normativity is concerned, requires a transcendental cluster of well-recognised norms to guide dialogue and action. However, the advocated “normative meta-consensus,” as I stressed, should not necessarily be constrained by conventional and fundamentally liberal ethics, in Galston’s fashion.<sup>718</sup> As argued by Berlin, it can be forged pragmatically and contextually,<sup>719</sup> by emerging from within the very culture and dynamics of a certain community. Only via prolonged ideational and value confrontation can a “normative meta-consensus” emerge,<sup>720</sup> presumably through synthesis or symbiosis, depending on circumstances. The democratic legitimacy of outcomes will hinge upon the unhindered and reasoned embrace of the “meta-consensus” by all major players.<sup>721</sup>

Most pluralist scholars who question the worth, soundness and practicality of consensus in a democracy overlook the importance of the biggest consensus in Western democracies: secularity as the state doctrine. Christianity’s place in the political systems of these consolidated democracies is seldom, if ever, deliberated. Even the biggest moral, philosophical and political conflicts, like those regarding LGBT rights, take place within the confines of liberalism values. Such concordance on the state’s main attribute, secularism, is missing in identity-torn MENA countries, which have not yet definitively decided on the place of Islam in the polity and the overall public arena, for even the most secularist Arab postcolonial regimes, with Tunisia as an archetype, have incorporated religion into their politics. Indissociable, the strive for democracy and for a national identity are going on in tandem, but the two processes do not necessarily chime. They are actually still colliding rather than converging, because the formula amenable to resolve the State-Islam equation is so far evasive, notably with respect to the needed safeguards on rights and liberties, which complicates both enterprises of democracy and reconciliation.

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<sup>718</sup> Galston, WA 2002, *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice*, Cambridge University Press, Cambridge.

<sup>719</sup> Berlin, I 1969, *Four Essays on Liberty*, Oxford University Press, Oxford.

<sup>720</sup> Ibid., p. 8.

<sup>721</sup> Ibid., p. 16.

In nascent democracies, the absence of such concord yields political crises whose severity tends to threaten the whole democratic edifice, given the fragility of the democratic spirit, the vulnerability of the newly-established democratic institutions, and the implacability of political actors concerning doctrinal commitments. That is why issues involving deep moral conflicts require an unshakable, “stable normative meta-consensus”<sup>722</sup> to shield democracy from disarray by serving as a referential yardstick, while preserving pluralism via free contestation of policy. Accordingly, “consensus belongs at the meta-level while pluralism belongs at the simple level.”<sup>723</sup> Consensus and pluralism hence are correlative.

It is this deep consensus that is still illusive in Tunisia, despite the few coalitional and power-sharing arrangements attempted by Islamist and secular forces since regime change and the narrowing down of ideological differences through compromises in the constitutional text. With its weighty and intractable secular-Islamist binary, Tunisia is indeed a good illustrative example of how “normative meta-consensus is especially urgent in situations featuring deep difference in identities and value commitments,”<sup>724</sup> particularly when the political field is opening up to political actors and movements with a religious reference and leads to increased contestation. The increased presence of religion in politics and the public sphere thus led to the accentuation of ideological conflicts that had no way of being resolved.

Chapter 1 outlined the revolutionary coalition’s fragmentation along a secular-Islamist binary. The revolution amalgamated all efforts in an exceptional moment of symbiosis wherein the end of tyranny was the highest priority beyond all other considerations. Any signs of ideological conflict would have disrupted the mobilisational dynamic and allowed the dictatorial regime to retrench and play on frictions from within the insurgency ranks. The nature of the insurrection itself as a civic urban uprising, formed impromptu and without careful planning, was not conducive to ideological strategizing. For, neither its all-encompassing streak, nor the accelerated pace of events within a short lapse of time, nor the absence of leadership orienting the revolutionary zeal towards a certain direction, were amenable to doctrinal calculations. After such an extraordinary instance of solidarity and communion, few would have expected the ideological factor to come to the fore with such speed and intensity in the aftermath of regime change, especially given that, due to its sheer heterogeneous character, the uprising at first gave no indication of it. It was only after regime change unfolded along with the democratic transition that the major forces composing it

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<sup>722</sup> Dryzek & Niemeyer 2006, *Reconciling Pluralism and Consensus*, p. 12.

<sup>723</sup> *Ibid.*, p. 14.

<sup>724</sup> *Ibid.*, p. 15.

started to crystallise, yet quickly and vehemently, revealing Ennahda Islamists and the secular liberals *a posteriori* as the preeminent protagonists. The frictions and tumult since then culminated in the deep political crisis of summer 2013 that constituted the first major test of the democratic transition's ability to avoid a fatal blow. Owing to its salience, I chose this episode of competing protest between the two primary forces, secular and Islamist, for my quantitative study, which revealed not only that the revolutionary coalition was inherently incongruous, but also that democracy was not the unique objective of its proponents. A race for hearts and minds was equally underway whereby contradictory worldviews and contemplations of Islam, the state and society collided after long emasculation and suppression by an authoritarian state.

That is why the secular-Islamist political settlements that led to the end of the crisis, through a kind of "twin toleration," while dampening the political atmosphere, could not overcome the protracted ideological conflict between two divergent visions staunchly competing to shape Tunisia's future. Doctrinal frictions are not actually amenable to resolution through *modus vivendi* type of political arrangement between antagonistic factions, though these had the great merit of keeping Tunisian democratisation on track, for subsequent entrenchment. But, for all their worth and importance, the settlements did not amount to an ideational consensus that can buttress the new political system and thus lay the ground for democratic consolidation.

It was only through the constitutionalisation process that a certain ideological rapprochement was achieved, although it was not sufficiently deep to yield a shared vision on a socio-political project. The reconstitution endeavour, examined in Chapter 2, was indeed the first-ever serious collective exercise in pondering Tunisia's defining features since its independence in 1956. The new climate of liberties helped raise the most difficult questions long muffled and hibernated; those that the country had to grapple with seriously anyway if it wanted to go a step forward in the twin tracks of democratisation and articulating its nationhood. The crux of deliberations revolved around the recalibration of the linkage between Islam and the state type. For, in contrast with societies opting for secularity, hence virtually discarding religious interference in public affairs, the irony of the situation in Tunisia and many other MENA countries is that while the state imposed secularity as its core, it continued to instrumentalise the theological for political purposes. This resulted in a status wherein Islam kept its presence within the polity and the public realm, even while it was meant to be muted and to disappear. Following a tumultuous and volatile process, I explained that Islam was ultimately accorded an increased symbolic weight, in comparison with the

defunct 1959-Constitution, by being declared the official state religion. Nevertheless, the civil state concept that was introduced for the first time in an Arab Constitution, came to subtly counterbalance, and perhaps neutralise, the accrued Islamic dimension. The game also led to a state duty to protect the sacred, in support of more Islamicity, that was again counterweighed with the criminalisation of *takfir* and the notion of freedom of conscience, itself a novelty in MENA constitutions, in vindication of the secular liberalism. The political battle for political ascendancy between secular and Islamist forces is evident, but is a delicate balance to strike once a clear choice for secularity or Islamicity is not reached. While delineating rights and freedoms in any democracy is always complicated, in Arabo-Muslim societies the endeavour is even more difficult when conflicts of identity are prominent and waged by influential and ideologically divided factions.

All in all, the Tunisian Constitution managed to preserve democracy and simultaneously meet a substantial societal group's aspirations to vest it with an Islamic dimension. Meanwhile, it crystallised and sharpened the practical issues subject to secular-Islamist discord, hitherto not clearly elaborate. But the eventual compromises came at the price of clear-cut answers to dividing questions. As the qualitative study of elite attitudes to constitutionalisation concluded, the 'constructive ambiguities' satisfy "all the contradictory demands and leaves the real sticking points unresolved."<sup>725</sup> Indeed, a civil state in which Islam is the primary and official source of legislation, while Sharia is not applied, remains ambiguous. This at once nonsecular, but also nontheocratic system, challenges prevailing notions of political modernity due to the difficulty of placing it on the classical traditional-modern spectrum and would represent one of the "multiple [political] modernities" identified by John Voll.<sup>726</sup> I argue that those numerous tensions pervading the constitutional relationship between state and religion, left unresolved in the 2014 covenant, translated into an acute identitarian crisis in a nation torn between two dichotomous worldviews.

Islamists' strive to ensure Tunisians have a better grounding in their Arabo-Islamic civilisational traits thus clashes with modernists defence of a "*Tunisianity*" open to universal values and rooted in the country's reformist history. This issue is still the subject of discord despite the narrowing of ideological variance in its respect. By dominating the constitutional process, the identity crisis examined in Chapter 3, prevented a better focus on realising the goals of the uprising, notably on how to immunise the democratic transition from backsliding. I argued that this identity crisis was imbued with a secular-Islamist doctrinal divide.

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<sup>725</sup> Schmitt, C 1993, *La Théorie de la Constitution*, PUF, Paris, p. 162.

<sup>726</sup> Voll, J 2011, "Modern movements in Islam", in M. Kamrava (ed.), *Innovation in Islam: Traditions and Contributions*, University of California Press, Berkeley, p. 2013.

How to resolve this identity crisis, which is at once the cause and effect of the ideological polarisation, is daunting. Agreement on a societal project and a political system that are firmly secular or with a clear Islamist foundation is still elusive and subject to continuous negotiation, keeping open the soul-searching enterprise. Balancing Islam and public life is still fraught with uncertainties, especially with regard to how to prevent Islam's politicisation in a way that encroaches on newfound freedoms, and how to prevent an extreme application of the secular from suffocating religious free practice. Confrontation with jihadi-Salafists has further politicised the debate over religion. Advocates of a greater role for Islam see many of the country's security problems as stemming from the state's legacy of repressing religion, holding the secularist approach responsible for fuelling radicalisation. They fear secularists will use legal methods to constrain their freedoms once again and return to authoritarian methods. Those who want to maintain a separation between religion and politics fear that the power of Islam and success of Islamist parties at the ballot box could be used to impose religious norms and curtail basic freedoms, including women's rights, accusing Ennahda of harbouring Salafi ideas and operating a secretive military apparatus. Given the intensity of political polarisation, it won't be easy for post-authoritarian political elites to strike the right balance between these two contradictory viewpoints. Ambivalence toward regulating Islam beyond monitoring and a security-dominated policy will keep Islam a deeply divisive issue among Tunisians in the foreseeable future.

Historical experience demonstrates that state-led efforts to impose a certain identity and specific norms are counterproductive. Over-securitising or repressing legitimate Islamic expression creates more insecurity by empowering radical Salafi and other narrow Islamic interpretations, including those minority narratives espousing violence. As long as the government does not lead in articulating a clear policy toward regulating religious affairs, non-state actors, including Salafi groups and extremist leftists, will continue to stoke division. The difficulty of the challenge is that Tunisia's identity is indeed complex; comprised as it is of multiple layers of culture and experiences that cannot be easily summed up or defined in such broad terms as religious or secular. The controversy over inheritance laws is a case in point. The politicisation of religious issues of this nature and similar attempts to impose legislation affecting religious principles without sufficient debate will further polarise both the elites and citizenry and divert the country further away from the needed consensus.

In short, Tunisia's progress towards a genuine democracy is considerable but it should be backed up by more decisive moves in ideological convergence to avert potential deterioration of democratic prospects, including risks of reversion to authoritarianism. And, if anything, the abortion of the late 1980s embryonic democratic experience, discussed in Chapter 4, is resplendent with lessons. Admittedly, the context is different as that democratic opening was led from above and proved, in retrospect, to be conditional; whereas the current democratisation endeavour is much more extensive, all-encompassing and 'grassrooted' after a revolution that forced a cataclysmic regime change and ushered in deep transformations within Tunisia's political landscape. Nevertheless, what makes Ben Ali's early-rule overtures pertinent is the one substratum that is still persistent: the lack of consensus about normative essences and defining features of the political system that gains overwhelming adherence from across the ideological spectrum. That is why this thesis cited this dramatic experience as a testimony to the dangers always posed by profound doctrinal divergences and cleavages on a nascent democracy like today's Tunisia.

On the surface, the major problem which caused the abortion of the first-ever serious postcolonial democratic undertaking was overcome. The Islamist party Ennahda, which was at the time so outcast as to be banned, and whose performance at the 1989 elections was judged alarming enough to the establishment as to justify the unleashing of an avalanche of state-engineered repression, has witnessed a normalisation of its status as henceforth part of the mainstream and an active player within Tunisia's political game in the postrevolutionary era.

However, against all odds, the integration of moderate Islamists into the overall body politic remains subject to great resistance from the secular-dominated (in terms of spirit and legacy) political establishment, despite their affirmed legitimacy through numerous public plebiscites that served as popular referenda on their inclusion in newly-democratic Tunisia. A leftist radical and extreme modernist cabal, even though numerically far from a majority, is culturally potent and influential in the media. It keeps stoking exclusion and animosity, and is consequently capable of reversing the current course of events.

It has to be recognised that Tunisia has made major strides towards grounding democracy as a fact of life, which may have driven it substantially away from a reinstallation of dictatorship similar to that of Egypt. Nonetheless, that probability though much less imaginable than in the early postrevolutionary years, is still alive as long as democracy has not firmly consolidated and as long as both elites and citizenry have not definitively overcome the

most pernicious aspects of the secular-Islamist divide. As evidence, the ongoing fight against terrorism and Salafist radicalism has all too often led to encroachments upon the painfully achieved, yet still tenuous, individual rights and freedoms. Moreover, this fight keeps flirting with lumping moderate and extremist Islamists together in a way that de-legitimises moderate voices.

Even more serious are the two reported coup attempts in 2018 and 2019. True, these alleged plots to subvert the democratic process were unsuccessful, but their very concoction bears witness to the vulnerability of Tunisian democracy and the absence of a commitment from a certain fraction of elites to democratic principles. It might be argued that illegal means of ousting the executive have witnessed a sharp decline worldwide and are met henceforth with overwhelming rejection within the international community. Yet, again this does not totally confirm that nondemocratic means of accessing power are inconceivable in today's politics. The case of the last attempted coup in Turkey, dating as recent as 2016, is a strong reminder that subversive takeover methods are still possible even for a country which has accomplished tremendous steps towards democratic consolidation. That case is also so relevant because the secular-Islamist polarisation is still raging there and that the disruption was mainly fomented by secular forces against the Islamist government of Erdogan.

The West's muted reaction to the ouster of Egypt's freely-elected president, as well as the more than ambiguous attitude towards developments in Turkey, highlight a deeply troubling trend where democratic backsliding is ignored in favour of security considerations, which can embolden potential coupmakers in their antidemocratic ventures. What saved Turkish democracy from the attempted putsch was the staunch domestic disapproval of such blatant assault on democracy's fabric, a spirit which may constitute the best guarantee against coup-fomentation, given the ambivalence of great powers and their unreliability as democracy-promoters. In brief, the coup mentality itself has to vanish in Tunisia and elsewhere in MENA, for democracy to entrench and consolidate. Among the best safeguards is the agreement on the essences of the political system and its fundamental bedrock to resolve the protracted ideological polarisation that is the major source of trouble and unrest.

As I argued in Chapter 5, this will be also one of the main prerequisites of the reform of the security system in favour of republicanism, which will be a major guarantor of democratic sustainability. Indeed, internal security deficiencies and coup-fomentation or facilitation have traditionally been closely linked in Tunisia. For, unlike most other Arab regimes which rely on the military to ensure their stranglehold, Tunisian dictatorship was

installed in the first place, then maintained, with the internal security machinery's total intent to gradually transform Tunisia into an outright police state. No wonder that the rumoured 2018 putsch was masterminded by then Interior Minister Lotfi Brahmi. And, throughout the postrevolutionary phase, the security sector showed a stubborn resistance to reform, despite some timid attempts. By being tightly-connected to postcolonial authoritarian regimes, that sector derived all its power and privileges from the leverage it gained from its anti-Islamist role in subduing Islamist dissent, and preserving the secular autocracy's survival through repression, violation of human rights, suffocation of individual freedoms, and guarding the interests of ruling elites and powerful lobbies. Consequently, the preservation of accumulated advantages garnered by senior operatives, and even those lower in the echelon, came to be tied with the perpetuation of autocracy and a strong anti-Islamism. Moreover, since the post-independence state claimed to be secular, the security apparatus was also imbued with that doctrine and guarded against 'infiltration' of the slightest Islamist scintilla. Simultaneously, it was arbitrarily used as the watchkeeper of the official Bourguibist-modernist narrative and state doctrine.

That meant a systematic rejection of democracy and antagonism toward everything Islamist, for being anathema both to its interests and long-instilled dogma. The revolution, with its seismic effects, had at the beginning seriously shaken the security establishment, but it managed to quickly retrench and regain a major part of its previous sway, especially by making use of the extremist and terrorist threats to indulge in a securitisation approach that relentlessly attempts to stifle the climate of liberties and reinforced human rights in the country. The system's resistance to change serves at once to prevent any serious revamp of Tunisia's security doctrine, and to reinforce counterrevolutionary endeavours to maintain the backbone of previous regimes' clientelistic and authoritarian nature. Therefore, while its aversion to Islamists is dogmatically visceral, and the preservation of the secularity of the state is paramount, anti-Islamism also stems from the threat new powerful elites represent to its standing and privileges and those of the old guard it supports. That is why security reforms tended to be politicised and portrayed as part of Islamisation agendas, presented as a threat to modernist Tunisia's supposed *acquis*. And again, deliberate and sustained efforts are still underway to make Ennahda-like Islamism and that of radical groups look virtually undistinguishable. Police syndicates, in particular, have played a major role in sharpening ideological polarisation as a cover for staunch resistance to reform. This demonstrates the endemic nature of the ideological factor in the reform of the security system.



True, some advances have been made in consolidating the rule of law, thanks to the general context of democratisation in the country, but the security system remains largely unrepublican. This means that its allegiance is not oriented towards legitimate state institutions and its elected representatives, but to vested interests of its own secular and authoritarian mindset. As long as the *status quo ante* prevails, democracy is under the threat of subversion from a security system, which instead of protecting the democratic experience, does not yet abide by a republican ethos that will place national interest above any ideological and parochial interests and respect electorate choice. The persistence of the secular-Islamist divide does not provide a climate adequate to deep reform, due at least to disagreement on a security doctrine, while at the same time provides interest groups from within the system the opportunity to play on those divergences to maintain leverage. Consequently, the withering of ideological polarisation will certainly expose the security establishment to inevitable overhaul; and so consensus on the state's normative foundations will go a long way toward removing obstacles to a 'revolution' in the system as such.

Furthermore, entangled in its own vicissitudes, the transitional justice (TJ) process did not help reconcile the secular and Islamist political forces so as to contribute to national reconciliation, which is one of the most fundamental prerequisites of democratic consolidation. Indeed, the TJ process, investigated in Chapter 6, was itself embroiled in the very problematic issues it was supposed to aid in surmounting, as it was politicised and mired in ideological polarisation from the outset. As I argued, the stakes were so high because it was the first ever attempt since independence to freely settle on the secular-Islamist battle for moral and political supremacy, which would determine the victor in such a crucial doctrinal contest. Indicting the whole secular Bourguibist establishment would have vindicated Islamist hopes, whereas the mere condemnation of the most despotic and corrupt fringe would have sufficed to keep the state's secular vibrancy. This struggle has not unfolded yet in favour of one faction or another.

This ideological fight undermined the objective of national reconciliation. The polarisation of the debate between pro- and anti-transitional justice forces intensified in strong correlation with the overall political-ideological fight between Islamists and modernists. Indeed, the implication of both sides of the debate in the TJ dynamic was essentially driven by the aim to ensure some sort of command over history with an eye on moulding the future. Especially after the tumultuous passage in 2013 of the Organic Law on Establishing and Organizing Transitional Justice, the Truth and Dignity Commission (TDC), its main executive body, was marred by feuds that curbed its mission. Further to the 2014

plebiscite, which saw the victory of the newly created *Nidaa Tounes* with Ennahda coming second, the TDC tried in vain to strike a delicate equilibrium between forces battling over dogmatic ascendancy within the legislative. The coalition between these two antagonistic parties, an arduous venture in several respects, was particularly fraught on the question of transitional justice. *Nidaa Tounes*, the party actively aligned with the old guard, was weary of the potential negative impacts of the entire TJ process on its own coterie of affiliates. The anti-transitional justice rhetoric was clear in Essebsi's 2014 presidential campaign, when he rejected the process as an unsound revival of the past that could hamper democratic transition. The party was active in suggesting circumventing schemes to avoid the TDC and other transitional initiatives and shield itself from mobilisation of shame effects. In its deep-seated and wholesale aversion to the TJ process, and by tabling surrogate mechanisms that would eclipse the Transitional Justice Law, the secular party was bent toward normalising pre-revolutionary politics. As for the Islamist party, Ennahda, it pushed hard to smooth the transitional justice process and bring it to a successful conclusion, but basically failed in its aims to craft it into a potent political force.

The questions of reparations and lustration were the most divisive within the transitional justice process, but also within the entire political transition. First, the issue of compensation of amnestied political prisoners, mostly Islamist, was heavily ideological. Islamists stressed the heavy price they paid in their resistance to secular dictatorship, and hence the legitimacy of their bids for reparations made possible by the revolution. While material compensation was of the essence, it was especially the recognition of their suffering and torment under a secular, Islam-oppressive establishment that mattered most. That would also usher in their full integration in Tunisia's political mainstream after decades of exclusion. Accordingly, interrogation of the legitimacy of the plights of Islamist political detainees within this discourse amounted to an affront to and relinquishment of the revolution and its aspirations. The opposing modernist discourse contested Islamists' entitlement to reparations, as well as to political leadership within the democratic transition, for their alleged lack of active participation in the uprising that led to regime change in the first place. Even more ideological was their claim that the pre-revolutionary militancy of Islamists was not political struggle against dictatorship; it was perceived as unjustified acts of violence and destabilisation that were in fact prejudicial to national security. Consequently, they had no right to indemnification. Hence, the victim status of Islamists was a subject of polemics, even incurring blame when compensation is solicited.

The question of lustration was equally divisive. Indeed, the *problématique* of the rationale, degree and methods to curb *ancien régime* affiliates' involvement in the polity was a resurgent and very polemical issue throughout the process. Whereas the Islamist community perceived vetting as an ethically justifiable means to boost revolutionary goals of dignity and justice, the secular community overemphasised its exclusionary nature, showing it to be antonymous to the overall principles of integration, diversity and democracy. Whether regarding reparations or lustration, each of the two factions was sensitive to the implications of discarding or incorporating their own ideological adherents on grounds of their respective standpoints regarding the former dictatorship or the revolution. In short, transitional justice was heavily burdened with politicisation and dogmatism in addressing the past and looking to the future.

Overall, the post-authoritarianism transitional justice process has served both as an open tribunal for the voicing of past atrocities and a significant channel for unveiling long-concealed state repression. It played a salient role in promoting truth-seeking and acknowledgement of the myriad of post-independence brutalities. Nevertheless, the politicisation and polarisation of the process deprived it of the needed togetherness and cooperation between all sociopolitical forces to heal the wounds of the past. Indeed, rarely has a transitional justice process been so tumultuous and marred with ideological fights as the one in Tunisia, since it was overwhelmed with partisanship and lacked the political support that can ensue from unity over its noble purposes. Consequently, the TJ exercise remains unfinished and inconclusive despite its formal finalisation. The whole process did little to boost the overall democratisation venture in the country, as it should have done if it was supported unreservedly by all political forces, so as to contribute to national reconciliation and consolidation.

To sum up, ideological polarisation within Tunisian democracy has prevented it from taking further steps in its consolidation, which is evident in lack of concordance on the character of the state and related failures in the reform of the security sector and transitional justice. This keeps the political system under strain and democracy vulnerable to the threats from undemocratic forces. The precedent of the late 1980s democratic transition rupture serves as a lesson, despite the different circumstances that marked that juncture. Neither the largely unreformed and unrepublican security sector, nor the incomplete transitional justice process has eradicated those threats. Indeed, both processes revealed the problems posed by ideological polarisation rather than contributed to solutions, which has left Tunisia unable to surmount its legacies of authoritarianism and ideological antagonisms inherited from the postcolonial era.

Tunisia is at the crossroads of democratisation. It has real potential for democratic consolidation, but at the same time the risks of backsliding or reversion to authoritarianism cannot be dismissed. It all depends on the nature and durability of the democratic consensus. This thesis has argued that resolving the secular-Islamist binary, and by extension, the country's identity crisis, is required to tilt the balance towards democratic entrenchment. And for that to happen, consensus on normative fundamentals is crucial. Although Tunisia's newfound freedoms are its greatest assets, this very achievement makes reaching a consensus on identity somewhat elusive. Given Islam's fraught history in Tunisia, it is unlikely that its sociopolitical role will be resolved in a conclusive way in the near future. This is especially given that identity is fluid, and as Tunisia develops, its national identity will continue evolving. So, Islam and democratic norms will coexist in ways that may not soon deliver the decisive outcomes that partisans on either side of the debate want, and that most Tunisians can accept as their cultural and historical legacy, making the lure of consensus on fundamentals all the more entreaty and insistent.



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# Appendix

## Survey Questions and Operationalizations

This section details how each indicator used in this analysis was measured using face-to face surveying of protesters. I list the indicator and then the question(s) used to operationalize it.

### Revolution Participation

“Did you participate in the protests against former President Ben Ali in December 2010 or January 2011?”

- 1. Yes
- 0. No

### Support for Secularism

To what extent do you agree with the following statement? “Religion must be separate from government.”

- 4. Agree strongly
- 3. Agree somewhat
- 2. Disagree somewhat
- 1. Disagree strongly

### Support for Redistribution

To what extent do you agree with the following statement? “The government must raise taxes on the wealthy in order to expand social programs.”

- 4. Agree strongly
- 3. Agree somewhat
- 2. Disagree somewhat
- 1. Disagree strongly

### Economic Evaluations

To what extent do you agree with the following statement? “My economic situation is worse than before the revolution.”

- 4. Agree strongly
- 3. Agree somewhat
- 2. Disagree somewhat

1. Disagree strongly

**Private Sector Worker, Private Sector Owner, Public Sector Employee, Unemployed, Student**

Operationalized as dichotomous indicators (1 = yes, 0 = no) from this list question on occupational status.

**“Current occupation of the respondent”**

1. Employee in public sector
2. Worker in the private sector
3. Skilled worker in the private sector
4. Manager in the private sector
5. Owner of a company with more than 15 employees
6. Owner of a company with fewer than 15 employees
7. Student
8. Housewife
9. Retired
10. Government employee
11. Unemployed

**Labor Union**

“Are you a member of a labor union or professional syndicate?”

1. Yes (write-in name)
2. No

**Civil Society**

“Are you a member of a civil society group?”

1. Yes (write-in name)
2. No

**Religiosity**

Operationalized as an additive measure of two questions on personal religiosity:

“Do you read Quran?”

1. Yes



2. No

“Do you fast during Ramadan?”

1. Yes
2. No

### **Voting**

“Did you vote in the National Constituent Assembly elections in October 2011?”

1. Yes
2. No

### **Revolutionary Narratives**

“How would you describe the majority of participants in the revolution against Ben Ali?” (Each indicator is dichotomous, and each respondent may indicate as many or as few groups as he/she wants.)

0. The poor
1. The wealthy
2. Religious people
3. Secular Liberals
4. Urban people
5. Rural people
6. Youth
7. Elderly people

“How would you describe the majority of people who opposed the revolution in 2011?” (Each indicator is dichotomous, and each respondent may indicate as many or as few groups as he/she wants.)

1. The poor
2. The wealthy
3. Religious people
4. Secular Liberals
5. Urban people
6. Rural people
7. Youth

8. Elderly people

“Who were the people who suffered most under Ben Ali? Choose one answer from each category.”

1. The poor or the wealthy?
2. Islamists or the secular opposition?
3. Urban people or rural people?

