



Brandeis University

Crown Center
for Middle East Studies

Mailstop 010
Waltham, Massachusetts
02454-9110

781-736-5320
781-736-5324 Fax
www.brandeis.edu/crown

Middle East Brief

Judith and Sidney Swartz Director
Prof. Shai Feldman

Associate Director
Kristina Cherniahivsky

*Charles (Corky) Goodman Professor of
Middle East History and
Associate Director for Research*
Naghmeb Sohrabi

Senior Fellows
Abdel Monem Said Aly, PhD
Khalil Shikaki, PhD

*Myra and Robert Kraft Professor
of Arab Politics*
Eva Bellin

*Henry J. Leir Professor of the
Economics of the Middle East*
Nader Habibi

*Sylvia K. Hassenfeld Professor
of Islamic and Middle Eastern Studies*
Kanan Makiya

Drivers of Democracy: Lessons from Tunisia

Prof. Eva Bellin

Thirty-one months since the fall of Zine el Abidine Ben Ali, how far has Tunisia progressed in the transition to democracy? For crisis-chasing journalists as well as activists close to the political process, aberrant acts of violence and the noise of daily battle may obscure the country's true political trajectory and generate discouragement about Tunisia's future. But the perspective granted by distance reveals a different trend line—one that is surprisingly positive and encouraging. Tunisia's trajectory has so far been clearly democratic, and has been driven by a variety of factors. Some are consequences of deliberate choice and engineering, while others are the product of chance. This Brief will identify the various drivers of democratization in Tunisia over the last two years and will consider some of the key challenges the country faces as it pursues this process.

Democratic Drivers and Assets

Within the Arab world, Tunisia has long been considered one of the most auspicious candidates for democratization. The structural conditions that favor democracy in Tunisia are so familiar that enumerating them is practically a cliché: Tunisia has a large middle class, its population is relatively well educated, its society is ethnically homogeneous, and the country is closely linked economically to Europe. But thirty years of research on democracy have sensitized us to the structural indeterminacy of democratization. Countries

that have seemed structurally inhospitable to democratization (such as Mongolia) have successfully pulled off transitions to democracy (even if they have not always proven able to sustain their democratic initiatives); by contrast, other countries deemed structurally well disposed to democratization (such as Chile and Argentina) have sustained authoritarian regimes well past historical expectation.¹

In fact, the truth of democracy's structural indeterminacy is nowhere better demonstrated than in the case of Tunisia itself. When in 1987, Ben Ali finally unseated Habib Bourguiba, the country's autocratic founding father, many observers were optimistic that the country would quickly democratize thanks to its auspicious structural conditions. But this proved not to be. Political choices made and implemented by Ben Ali served as the proverbial Weberian switchman, orienting Tunisia down a different track—one of persistent authoritarianism—for an additional twenty-three years.

Yet today, Tunisia appears to be going in a more promising direction, making real progress toward building the foundations of democracy. Six of the most salient factors driving this trajectory—some the product of inspired political engineering, others the product of lucky accident—will be discussed in this Brief.

The Military

First among the factors that have favored democratic progress in Tunisia involves the character of the Tunisian military. Authoritarian regimes around the world live or die based on their military's investment in regime survival, and, more specifically, the willingness of the military to use its coercive power to sustain the regime. In Tunisia, for a variety of historical reasons, the military developed into an apolitical and professional entity not invested in the survival of Ben Ali's regime.² As a result, it did not oppose the fall of the autocrat and indeed refused to use lethal force to sustain Ben Ali's rule when mass protest erupted in 2010–11. Instead, the military leadership forthrightly expressed its support for the country's transition to democracy and vocally embraced the notion of civilian supremacy. It also eschewed the practice embraced by other militaries attending regime change of carving out unaccountable authoritarian enclaves that survive the transition. (Think Chile in the 80s and Turkey in the 60s through the 90s.) The military's stance in Tunisia eliminated, in one fell swoop, one of the most serious potential threats to successful democratization.

The Elite

The second factor that has proven key to Tunisia's progress towards democratization concerns the matter of elite commitment. At critical junctures when long-standing political institutions have broken down (such as right after the overthrow of an authoritarian regime), there is a moment when human agency plays a pivotal role in determining a country's political trajectory. This is why established scholars of democratization such as Larry Diamond insist on the importance of individual choice, strategy, ingenuity, courage, and conviction in shaping the course of democratization in any country.³ First among these steering agents is a country's political elite. Although democratization is possible without the elite's ideological conversion to democratic values (as Waterbury and Salamé argued so persuasively in their separate contributions to the landmark work *Democracy without Democrats*⁴), elite commitment to democracy is clearly an asset that increases the odds for successful transition. It has been responsible for steering even countries inhospitable to democratization (such as Mongolia⁵) in a democratic direction.

Eva Bellin is the Myra and Robert Kraft Professor of Arab Politics at the Crown Center and the Department of Politics at Brandeis University.

The opinions and findings expressed in this Brief belong to the author exclusively and do not reflect those of the Crown Center or Brandeis University.

In the case of Tunisia's critical juncture, when Ben Ali's regime was suddenly brought down by a surge of popular protest, the country was blessed with elites committed to democratization. This was true of the overwhelming majority of secular-minded elites serving on the High Commission for the Protection of the Revolution,⁶ the popular committee that helped guide Tunisia's political course for the first months after the fall of Ben Ali; but it was also so for *Islamist* elites, most notably extending to the Nahda movement, which had long expressed its commitment to free and fair elections and to the creation of a civic as opposed to a theocratically driven state.⁷

This is not to say that all of the political elites in Tunisia were thoroughly liberal in their ideological convictions. Significant differences in commitment to gender equality and freedom of expression, for example, would manifest themselves in battles fought out between Islamists and secularists during the first two years of Tunisia's transition. (See below.) But there was complete consensus across the elite spectrum with regard to breaking with authoritarian rule, eliminating its institutions (most notably, the ruling RCD party), and embracing free and fair elections as the way forward politically.

Inclusiveness

The third factor that has favored democratization's progress in Tunisia has been the political elite's commitment to the principle and practice of inclusiveness. That commitment has been evident from the start. The High Commission for the Protection of the Revolution strived for broad representation from Tunisian society, beginning with a roster of forty-two national figures of different political persuasions, along with representatives of twelve different parties and seventeen civil society and national organizations. When protest was nonetheless voiced that the Commission was insufficiently inclusive, the Commission quickly doubled its membership, paying special attention to the broadening of participation by women and youth.⁸ The newly formed electoral commission (the ISIE) thereafter committed itself to an extraordinarily inclusive process preceding the election of Tunisia's Constituent Assembly.⁹ It granted legal status to well over one hundred new parties—including secularists, Islamists, and Communists alike—and sought to facilitate the broadest possible level of participation by means of the voter registration process it adopted and by establishing public funding of political campaigns.¹⁰

In its subsequent deliberations, the newly elected Constituent Assembly also embraced the principle of inclusiveness. Its six constitutional subcommittees, tasked with crafting the new constitution, were each composed of twenty-two members—an unwieldy number, but one designed to ensure representation of all the major

groups that had had members elected to the Assembly. The subcommittees were instructed to aim for consensus among their members and were encouraged to take the process of deliberation to the people by holding meetings, both with their constituents and with groups in civil society, to discuss the contents of the articles they were drafting.¹¹

Overall, the principle of inclusiveness was prioritized, even if it came at the expense of other objectives, such as efficiency and clarity. Commitment to inclusiveness meant that Tunisia's first free and fair elections were a bit confusing (so many parties, so many changes in registration rules),¹² and that the process of constitution writing was painfully slow.¹³ (The Constitutional Assembly has produced what appears to be a workable draft of a constitution only after two years of deliberation.) It meant that some parties expressly opposed to democratic principles and institutions were granted legal status to participate in the electoral process.¹⁴ In this, Tunisia followed in the footsteps of Greece and Spain, successful democratizers who risked opening the playing field to formerly banned parties (in their case, Communist parties) in the hope of "keeping potential spoilers on board."¹⁵ Presumably, inclusion of even these risky partners would encourage "buy-in" on the part of all parties concerned and facilitate confrontation taking the form of peaceful competition at the ballot box and in the assembly hall, rather than violence in the streets.

Dialogue

The fourth factor that has bolstered the process of democratization in Tunisia is the elite's commitment to dialogue. Endless discussion, while enervating and sometimes exasperating, often proves the key to bridge-building, to keeping people on board, and to cobbling together working coalitions and compromises.

Commitment to dialogue has been a norm among the Tunisian elite since well before the fall of Ben Ali, and it continues today. For over a decade, secular and Islamist elites met in France to engage in dialogue about fundamental principles that would guide the country's governance; the platform they produced after extensive negotiations was first published as the "Call from Tunis" in 2003, was reproduced in 2005, and formed the foundation for elite collaboration after Ben Ali's fall.¹⁶

Commitment to dialogue is also the *modus vivendi* in the Constitutional Assembly, where subcommittee members are encouraged to deliberate until consensus is achieved. And that commitment is likewise evident in the "national dialogue conferences" – repeatedly hosted by groups in civil society in order to work through "contentious issues that have bogged down Tunisian politics."¹⁷ These

conferences typically bring together representatives from dozens of parties and groups in civil society, and their deliberations have proven key to settling such issues as whether Tunisians should be allowed the right to strike (ultimately, yes), whether the country should embrace a presidential or a parliamentary system of government (ultimately, a mix of both), what the final draft of the constitution ought to look like, and when elections should be held.

Acknowledging this principle is not to overstate the degree of comity found in contemporary Tunisian politics. Politicians in Tunisia call each other names, stomp off in anger, resign, fail to show up, and neglect to consult their constituents. There is lots of drama and insult. The press, in its role as the “second hand” of history, provides daily accounts of such misbehavior. But by focusing on the noise of such contentiousness, the daily press misses out on the larger process taking place: that dialogue is occurring, that consensus is building, that crucial compromises are being reached. Tunisian politics is no love fest, and the compromises negotiated leave no one fully happy or satisfied. But isn't that a mark of democratic success? Forging uneasy compromises nonviolently, across deep and seemingly incompatible divides, is the essence of the democratic venture.

Planning and Luck: Tunisia's First Election

Democratization in Tunisia was also helped along by the providential results of its first election—itsself the product of clever institutional engineering along with a dash of good luck. Tunisia's first elections, by all accounts largely free and fair, denied a majority to any single party. But they also delivered a large enough share of the vote to the top four or five parties to prevent debilitating fragmentation of the political system. Ultimately a coalition of three parties, a “troika” composed of two secular parties and the leading Islamist party, was able to put together a working government. The fact that no party enjoyed a majority provided an incentive for coalition building and accommodation. The fact that the country sidestepped fragmentation meant that Tunisia avoided political paralysis.

This auspicious result was in part the product of elite agency: the decision by the electoral commission to embrace a system of proportional representation rather than a majoritarian/first-past-the-post/single-member-district electoral rule.¹⁸ But it was also a matter of luck. Many Tunisians were unfamiliar with the varied political options before them and confused by the proliferation of upstart parties. They voted for the most familiar among the choices before them, often without deep conviction. The political indifference of the majority

persists to this day, as evidenced by public opinion polls that reveal the majority of the public undecided about upcoming elections.¹⁹ Luckily for Tunisia, this profound apathy has delivered electoral outcomes that deny any party a majority and encourage collaboration and accommodation across ideological lines.

Civil Society

The sixth factor that has fostered the progress of democratization in Tunisia resides in the country's robust civil society. Civil society has abetted democratization in two crucial ways: first, by playing watchdog—keeping track of the regime's performance and holding its feet to the fire when it strays too far from democratic and liberal ideals—and second, by facilitating dialogue and compromise across political divides when “normal politics” within Tunisia's formal political institutions hits an impasse.

In fulfilling its watchdog function, forces in civil society have played a crucial role in keeping the post-Ben Ali governments on the straight and narrow. When the first government, led by Mohamed Ghannouchi, seemed to be dilatory in breaking with the remnants of the Ben Ali regime, protesters (often organized by the national trade union federation, the Union Generale Tunisiene du Travail or UGTT) set up camp in downtown Tunis to force the regime in the right direction. When religiously conservative groups proposed an article in the constitution endorsing the principle of gender “complementarity” rather than equality, liberal and feminist organizations mobilized thousands to march in protest and force the assembly to reconsider.²⁰

When the Nahda-led government enacted measures that veered toward undermining freedom of the press, appointing political cronies to leadership posts at the national newspapers and dragging its feet on the creation of an independent media watchdog authority,²¹ the journalists union organized strikes that forced the government to correct its course.²² And when the regime compromised judicial autonomy, firing judges in violation of due process and failing to follow through on promised administrative reforms, the Association of Tunisian Judges organized protests to nudge the regime in the right direction.²³

In addition to long-established associations, thousands of new organizations have sprung up in civil society since the fall of Ben Ali, many focusing on issues of human rights, especially those of special concern to women and youth. Together they have created a remarkably muscular network that not only monitors and blogs about but increasingly influences the political course of the country.²⁴

Civil society organizations have also played a crucial role in sustaining a culture of dialogue among Tunisia's varied political camps when the normal channels of politics hit roadblocks. First in this role is the national trade union federation, the UGTT—the strongest organization in civil society and certainly the one with the longest and most august political history. Repeatedly over the past two years, the UGTT has convened national dialogue conferences that bring together dozens of political parties and associations to work through difficult issues. These conferences, while not always proceeding smoothly, have worked to bridge divides and have delivered workable compromises as described above. As such, the UGTT, in collaboration with other associations in civil society, has proved to be a critical asset in helping Tunisia find its way through the difficult shoals of transition to democracy.²⁵

Indicators of Progress

Thanks to these democratic drivers, Tunisia has seen real progress on the path toward democracy. This is evident in the achievement of some key institutional milestones. First among these was the free and fair elections for the National Constitutional Assembly conducted in October 2011. Although the elections were not without flaws, according to the accounts of both local and international observers they were overall “an outstanding success”: competitive, inclusive, transparent, and credible.²⁶ With the holding of these elections, Tunisia officially cleared what is conventionally considered the minimal bar of democratic transition.

Among other milestones achieved: Tunisia passed new press laws in November 2011 that considerably expand and protect the freedom of the fourth estate;²⁷ leading parties finally achieved consensus on the country's political structure—a mixed presidential/parliamentary system—in April 2013;²⁸ and the Constitutional Assembly finally succeeded in cobbling together a new constitution in June 2013—one which, though not perfect with respect to its protection of liberal ideals, creates a solid foundation, sufficient for moving forward toward new elections and further political negotiation.²⁹

But beyond these institutional milestones, and perhaps even more important for Tunisia's future trajectory, the past two years reveal a pattern of compromise, accommodation, and pragmatism among Tunisia's ideologically divided political elite that is auspicious for the future of democracy. This positive trend may elude local activists who are enmeshed in the often ugly contentiousness of day-to-day politics. But in fact some crucial compromises have been negotiated that are quite

encouraging, not least because they have been so bitterly contested. For example, from the start the drafters of the constitution were divided on the role that Sharia (Islamic law) would be assigned in the document. Would Sharia be designated as the primary source of legislation, or at least as one source of legislation (as is the case in almost every constitution in the Arab world today)? Secularists and Islamists were deeply divided on this issue. But by spring 2012, the leader of the Nahda party renounced any mention of Islamic law in the constitution. In an effort to reassure the secular camp, Rachid Ghannouchi announced that the first article of Tunisia's prior constitution, which stated that the country's religion is Islam and its language is Arabic, was “enough” in terms of asserting Tunisia's Islamic character. No mention of Sharia as either “a” or “the” source of legislation, he advised, was necessary.³⁰

A similar act of conciliation was evident several months later. An early draft of the constitution disseminated in August 2012 proposed several articles that severely challenged the liberal sensibilities of many Tunisians, especially the more secularly minded. These included Article 3, which originally made blasphemy a punishable offense, and Article 28, which embraced the notion of gender complementarity rather than equality. The two articles sparked significant protest in the liberal community, and they triggered equally indignant resistance by Islamists. But by October 2012 this divide had been bridged. The Nahda leadership agreed to withdraw the anti-blasphemy article from the constitution, and the article on women was rewritten to embrace equality.³¹

Similar compromises were evident in other areas. For example, the Nahda party differed from many of the secular parties in its preferred form of government for Tunisia. Nahda sought a parliamentary system of government, believing that such a system would enable it to capitalize on its broader grassroots base and thereby exercise greater political influence. Many of the secular parties, however, preferred a presidential system of government, convinced that the direct election of a president would deliver a non-Islamist leader, which would in turn curb Nahda domination. After months of contention the two sides came to an agreement in October 2012, settling on a mixed system of government—a compromise solution that partially accommodated the preferences of both.³²

Overall, these compromises bridging political divides seem driven less by ideological conversion to the reasonableness of the opponent's point of view than by pure and simple pragmatism. Although the Nahda party dominates the Constitutional Assembly and hence the government, its control of 41 percent of the seats forces it to recognize that it cannot rule alone. To corral the votes necessary to

achieve its major goals, Nahda must make compromises. Here again is evidence of the importance of electoral good fortune (specifically, the fact that the elections denied a majority to any one party), and the central role that such electoral luck plays in enabling and encouraging enduringly important institution-building compromises.

The compromises discussed so far have essentially gone in one direction, with Nahda conceding on some of its religious and ideological preferences in order to keep its coalition partners on board. But there have been notable compromises on the part of Tunisia's secular forces as well. Tunisian secularists are often militantly secular in a way that seems odd to many Americans but is in line with France's venerable tradition of "*laïcité*" in the public sphere.³³ Tunisian secularists have, for example, been adamant about reining in certain public displays of religiosity, notably forbidding women to don the full face veil (the *niqab*) on some university campuses. This stance is in line with French practice—which, as of 2010, has outlawed the *niqab* almost everywhere in the public sphere. But interestingly, in May, President Moncef Marzouki, the leader of the Congress for the Republic party and someone long identified with the secular liberal camp in Tunisia's political spectrum, spoke in support of Tunisian women's right to choose to wear the *niqab* in school settings. He condemned "discrimination" on religious grounds and argued that a person's choice of garb was a matter of freedom of conscience, which the Tunisian state was philosophically committed to uphold.³⁴

To Americans deeply ensconced in the liberal tradition, Marzouki's stance sounds like a self-evident upholding of freedom of expression and belief. But to many Tunisian secularists this was utter sacrilege, and many in Marzouki's camp expressed extreme dismay at his position. Yet, Marzouki's conversion to this stance was no doubt ultimately pragmatic, stemming from the recognition that some accommodation of his opponents had to be made in order for the political process to go forward.

Enduring Concerns

All this suggests that there is much reason to be hopeful about Tunisia's political future. But there is also reason for significant concern. Two issues in particular are routinely cited as challenging democracy's progress in the country.

The first is economic. Tunisia is not "out of the woods" economically. Since the overthrow of Ben Ali, the country has seen "respectable but not buoyant growth."³⁵ The structural problems that helped fuel popular protest

against Ben Ali's regime continue to bedevil the economy—most notably, a high level of unemployment. In addition, the country's political uncertainty, generated by the still incomplete constitution-writing process, the sporadic incidents of ideologically driven violence, and the sense of compromised security owing to the failure of security sector reform (see below), has not helped reinvigorate investment levels, both foreign and domestic, in the Tunisian economy.

Clearly this is a sub-optimal situation. But the question is whether anemic growth will necessarily derail democracy. Presumably the linkage proposed between the two stems from the belief that economic dissatisfaction will spur protest and violence, which in turn might legitimize the government's embrace of a state of emergency and the clamping down on essential freedoms. Alternatively, there might be a belief that economic dissatisfaction will lead Tunisians to find refuge in Islamist parties and award those parties majority rule, thereby diminishing their incentive to accommodate the liberal democratic preferences of others.

Neither of these hypothetical paths is impossible. But the fact that there is nearly complete consensus on economic policy among all major parties in Tunisia, Islamist and secularist alike, suggests that economic grievances may play less of a role than expected in Tunisians' choice of party.³⁶ Furthermore, economic malaise in the wake of regime change has historically not necessarily proven fatal to democratization. Many countries—Spain, Argentina, and Mongolia among them—have experienced significant economic hardship after the fall of authoritarianism and yet this did not derail their transitions to democracy.³⁷ So although Tunisia's economic difficulties are certainly of concern, they do not necessarily destroy the country's democratic prospects.

More troubling for the future of democracy in Tunisia is the increasing incidence of violence, and the general sense of insecurity this creates. Some of this violence has been sensational if sporadic, such as the murder in broad daylight of secular leftist activists Chokri Belaid in February 2013 and Mohamed Brahmi in July 2013.³⁸ Some of it has been dramatic if geographically contained, such as the confrontations of al-Qaeda-affiliated trainees with Tunisian soldiers in the Chaambi mountains in the northwestern portion of the country in June and August of this year. But some of this violence has been more endemic and low-grade, such as the repeated physical harassment directed at activists from the secular left by Salafi sympathizers. Although the Nahda-led government has taken a strong stance against the sensational and dramatic incidents of violence described above, it has been less vigorous in condemning the low-level harassment

carried out by Salafis and Salafi sympathizers. Some of this threatening behavior has even been institutionalized, with the creation of neighborhood vigilante committees loosely coordinated under an umbrella “League for the Defense of the Revolution”³⁹ and committed to preventing any attempt by old regime figures to make a comeback and “divert the revolution from its goals.”⁴⁰

The fact that these committees have targeted secular figures and embraced thuggish means only deepens the divide between the secular and Islamist camps, and the failure of the regime to supplant these neighborhood militias with effective local police forces diminishes the confidence of the citizenry in the state’s effectiveness and neutrality. In other contexts (notably in contemporary Egypt), this loss of confidence might provide an excuse for a politically ambitious military or police apparatus to suspend the democratic experiment. The absence of a politically ambitious coercive apparatus eager to exploit this opportunity clearly buoys the prospects for democracy in Tunisia.

Going Forward

But in other ways, the weakness of the police is a problem in terms of the long-term prospects for democracy in Tunisia, as is the weakness of several other crucial state institutions. The key to long-term democratic consolidation lies in the creation of institutions that can ensure true political accountability as well as the rule of law. Foremost among these are a capable and accountable police apparatus, an autonomous and uncorrupted judiciary, an effective party system, and a free and vibrant press. In each of these areas, Tunisia faces serious challenges.

With regard to the police, serious problems remain evident. Under Ben Ali, the primary charge of the police was regime protection rather than service to the people.⁴¹ To that end, the security forces employed methods (brutality, torture, forced confessions) that violated basic human rights. They were unaccountable to the common citizenry. And they were organized in byzantine fashion, with the different security branches fragmented and secretive—all part of the intended coup-proofing strategy of the Ben Ali regime. The upshot was a police force that was illegitimate, distrusted, inefficient, and, in some ways, crucially ineffective. To develop a police force that is service-oriented, rule-governed, accountable, and effective requires significant reform in the institution’s culture, training, and organization. And although the transitional governments have asserted that such reform is a political priority, so far only limited reform has been carried out.⁴²

As a result, the persistence of these issues has prolonged the sense of insecurity in Tunisia and undermined popular confidence in the government’s capacity to deliver the rule of law.

Tunisia also suffers from serious problems in connection with its judiciary. Under the Ben Ali regime, the judiciary was subject to executive domination, and portions of it were tarred by implication in the regime’s corruption. Since the fall of Ben Ali, however, the Nahd-led government has dawdled in the rehabilitation of the judiciary. Until July 2013 it blocked the reform and reconstitution of the High Judicial Council (which is responsible for overseeing and disciplining judges). Apparently it was unnerved by the prospect of creating a body that would be entirely independent, financially and administratively, of the executive branch. In addition, in 2012, the government carried out a purge of judges that was notable for its arbitrariness and lack of due process.⁴³ More recently the government has begun to take steps to remedy this situation. But Tunisia has a long way to go in terms of establishing a truly autonomous judiciary.⁴⁴

As far as a party system is concerned, Tunisia still faces very serious weaknesses. Its current party system is highly fragmented and inchoate: Over one hundred parties participated in the 2011 elections, and most were indistinguishable from one another save for the personalities heading their lists. Few parties, with the exception of the Nahda party, have any grassroots presence, and the notion of building a popular base through door-to-door campaigning seems foreign to most party leaders. The secular Left seems most debilitated by these weaknesses, although attempts to create umbrella coalition parties such as Nidaa Tounes may lessen some of the fragmentation. Still, the development of parties that can effectively aggregate and articulate citizens’ interests remains a long-term ambition rather than an achieved goal.⁴⁵

Finally, with respect to the press, Tunisia has seen substantial, though not unblemished, progress. The transitional government enacted a new press code in November 2011 that made a dramatic break with the repressive environment that had existed under Ben Ali. The new code explicitly endorsed the principle of freedom of the press and nullified prior laws that required print outlets to be licensed by the Ministry of Interior, thus substantially freeing the press from executive interference. It guaranteed basic media rights such as confidentiality of journalists’ sources and the protection of journalists against physical or economic threats from the state.⁴⁶ In addition, the transitional government created an independent authority, the High Independent Authority

for Audiovisual Communication (HAICA), vested with the power to regulate public broadcasting outlets and preserve the plurality and independence of broadcast media⁴⁷

In the wake of these reforms, the Tunisian press has flourished. Dozens of new outlets have emerged, public access to information has expanded, debate is lively, and the independence of the media has grown substantially. But there are still areas of concern. Until a constitution is enacted with explicit guarantees of freedom of speech, the media still lack an uncontested legal backstop.⁴⁸ Laws remain on the books that criminalize speech judged “defamatory” or “offensive to public order and public morality,” and this creates an opening for the judiciary to replace the Ministry of Interior as the government’s apparatus for policing public debate.⁴⁹ Journalists also feel threatened by the lax security environment and the government’s anemic response to violent attacks they have faced at the hands of both state and non-state actors.⁵⁰ And there is enduring concern about a lack of professionalism and a professional code of conduct within the journalistic community.⁵¹ So although Tunisia has made incontrovertible progress in revitalizing the press, there is still work to be done to secure a truly autonomous and muscular fourth estate.

Conclusion

In contrast to so many of its peers in the Arab world, then, Tunisia’s political trajectory over the past two years has been trending firmly democratic. A democratic future is not carved in stone for Tunisia, and specific incidents have occurred that test this optimistic assessment—most recently the reprehensible assassination of Mohamed Brahmi, which led sixty deputies to withdraw from the Constitutional Assembly and call for the Nahda-led government to resign. To keep the country moving in a democratic direction, Tunisian democrats must remain vigilant and willing to fight for this end. But this call to battle need not be discouraging. Contention, after all, is the essence of democracy, so long as it is institutionalized and violence-free. So far, and in happy contrast to the country’s prior experience in the late 1980s, Tunisia appears to be well on its way.

Endnotes

- 1 Laurel E. Miller et al., *Democratization in the Arab World: Prospects and Lessons from around the Globe* (Santa Monica, CA: Rand Corporation, 2012).
- 2 The reasons for the apolitical nature of the military in Tunisia are multiple. Historically, the Tunisian military did not play a major role in the country’s independence struggle and so was not in a position to claim political hegemony, as was the case in many other newly independent countries. Habib Bourguiba relied on his base in the Neo-Destour party to build his political infrastructure and expressly directed resources away from the military in order to discourage the possibility of a coup. The country’s geographic distance from military challenges, such as the Arab-Israeli conflict, also denied the military heroic status (as well as ambition), in contrast to many other Arab countries.

In order to sustain the coercive foundation of his regime, Bourguiba’s successor, Ben Ali, also kept the military at a distance politically and directed resources to the police apparatus rather than the military; the military was kept small and encouraged to focus on duties such as peacekeeping missions abroad and maintaining order in the remoter areas of the country. For more, see Querine Hanlon, “Dismantling Tunisia’s Security Apparatus: Security Sector Reform in Post Ben Ali Tunisia,” in *Building Rule of Law in the Arab World*, ed. Eva Bellin and Heidi Lane (forthcoming); Emily Parker, “Tunisia’s Military: Striving to Sidestep Politics as Challenges Mount,” *Tunisia Alive*, June 25, 2013;* Eva Bellin, “Reconsidering the Robustness of Authoritarianism in the Middle East: Lessons from the Arab Spring,” *Journal of Comparative Politics* 44:2 (2012), pp. 127–49.

- 3 Larry Diamond, *The Spirit of Democracy* (New York: Holt, 2008).
- 4 Ghassan Salamé, ed., *Democracy without Democrats: The Renewal of Politics in the Muslim World* (New York: I.B.Tauris, 1994).
- 5 Miller et al., *Democratization in the Arab World*, p. xxxi.
- 6 The full name of the commission was the High Commission for the Protection of the Objectives of the Revolution, Political Reform and Democratic Transition. The Commission began as an ad hoc collective composed of activists committed to preventing regression to the authoritarian practices of the previous regime. It was quickly absorbed into a committee organized by Prime Minister Mohamed Ghannouchi called the Higher Political Reform Commission, led by Yadh Ben Achour and tasked with overseeing political reform in Tunisia. The committee ultimately grew to 155 members. For more, see Asma Nouira, “Obstacles on the Path of Tunisia’s Democratic Transformation,” *Arab Reform Bulletin*, March 30, 2011.
- 7 Alfred Stepan, “Tunisia’s Transition and the Twin Tolerations,” *Journal of Democracy* 23:2 (April 2012), p. 96.*
- 8 Bruce Maddy-Weitzman, “Tunisia’s Morning After,” *Middle East Quarterly*, Summer 2011, pp. 11–17; Emma Murphy, “The Tunisian Elections of October 2011: A Democratic Consensus,” *Journal of North African Studies* 18:2, pp. 231–47.
- 9 The Constituent Assembly was tasked with writing a new constitution for the country as well as governing Tunisia until the first regular elections were completed.
- 10 Murphy, “The Tunisian Elections of October 2011,” p. 237.

- 11 Emily Parker, "Tunisia's Constitution: Revolutionary Reform or Roadblock?" *Fikra Forum*, September 27, 2012.* See also Amira Masrou, "Tunisian Civil Society to Weigh in on Constitutional Draft," *Tunisia Live*, December 19, 2012.*
- 12 Murphy, "The Tunisian Elections of October 2011," pp.236-7.
- 13 Parker, "Tunisia's Constitution."
- 14 By the end of 2012, four Salafist parties had been legalized, including Asalah, Jabhat Al-Islah, Al-Rahma and Hizb Al-Tahreer. This was the case even though technically Tunisia's constitution did not permit the establishment of political parties based on religious principles. See U.S. Department of State, Bureau of Democracy, Human Rights and Labor, *International Religious Freedom Report for 2012: Tunisia*.*
- 15 Miller et al., *Democratization in the Arab World*, p. 131.
- 16 Stepan, "Tunisia's Transition and the Twin Tolerations," p. 97.
- 17 Amira Masrou, "Long Awaited Consensus Reached on Key Political Issues," *Tunisia Live*, May 17, 2013.*
- 18 Had the commission opted for the latter, the Islamist party Nahda would likely have ended up with an overwhelming majority of seats in Parliament. Alfred Stepan estimates that Nahda "would have swept almost nine of every ten seats, instead of the slightly more than four in ten it was able to win under PR." Stepan, "Tunisia's Transition and the Twin Tolerations."
- 19 Marina Ottaway, "Learning Politics in Tunisia," Woodrow Wilson International Center for Scholars, *Viewpoints*, No. 26, April 2013.*
- 20 Monica Marks, "Speaking on the Unspeakable: Blasphemy and the Tunisian Constitution," Carnegie Endowment for International Peace, *Sada*, September 4, 2012.*
- 21 That independent authority was called HAICA—in French, Haute autorité indépendante de la communication audiovisuelle.
- 22 See Kevin Ivey, "Press Strike across Tunisia Stalls Headlines," *Tunisia Live*, October 17, 2012*; Sana Sboui, "Dar Assabah: The Resignation of Lotfi Touati," *Nawaat*, October 31, 2012 [in French].*
- 23 Amira Masrou, "Judges Strike over Judicial Independence," *Tunisia Live*, April 18, 2013.*
- 24 Mohamed Bechri, "Islamism without Sharia," *Fikra Forum*, May 21, 2012.*
- 25 The muscularity of civil society in Tunisia is all the more remarkable given the extraordinary repression it faced under the Ben Ali regime. Its resilience is no doubt a consequence of Tunisia's structural assets: a large middle class, a relatively well educated population, and the country's proximity to (and hence the modeling effect of) Europe—along with its high level of Internet connectivity (amounting to 39 percent of the population).
- 26 Murphy, "The Tunisian Elections of October 2011," p. 231.
- 27 Fatima el-Issawi, *Tunisian Media in Transition* (Carnegie Endowment for International Peace: Middle East Program), July 10, 2012.
- 28 Amira Masrou, "Ennahda Approves Mixed Political System," *Tunisia Live*, April 29, 2013.*
- 29 Shukri Hamad, "Despite Flaws, Tunisia's New Draft Constitution Promising," *Al-Monitor*, July 1, 2013, (trans. *Al-Monitor*; first published June 26, 2013, in *As-Safir* [Lebanon]).*
- 30 David Ottaway, "Tunisia's Islamists Struggle to Rule," Woodrow Wilson International Center for Scholars, *Viewpoints* No. 1, April 2012.*
- 31 Marks, "Speaking on the Unspeakable,," Mohamed Bechri, "Tunisia's Islamists Surrender on Blasphemy Law," *Fikra Forum*, October 18, 2012. Bechri reports Ben Jaafar (President of the Constitutional Assembly) saying that the agreement was reached because "the sacred is something very, very difficult to define. Its boundaries are blurred and one could interpret it in one way or another, in an exaggerated way." The new version of the articles concerned with gender is contained in Article 20 (which asserts equality of both sexes in rights and duties) and Article 45, which says, "The state guarantees the protection of women's rights and supports their gains. The state guarantees equal opportunity between men and women to assume responsibilities. The state guarantees the elimination of all forms of violence against women." Hamad, "Despite Flaws, Tunisia's New Draft Constitution Promising." Note that Nahda proved willing to make other key cultural concessions to the secularists as well. In particular, it handed over control of the Ministry of Education to a secular party (the Democratic Forum), despite its desire to revoke the "de-Islamizing" reform that had been carried out under former education minister Mohamad Charfi in 1989. That reform had introduced into the curriculum, among other things, Darwinian theories of evolution and the Big Bang theory. See Bechri, "Islamism without Sharia."
- 32 The mixed system of government gave the directly elected president control over security, foreign policy, and national defense. He also has the authority to appoint the prime minister, who is responsible to both the president and the Chamber of Deputies. In other respects, however, the president is not empowered to be "the architect of the state's public policy." See Hamad, "Despite Flaws, Tunisia's New Draft Constitution Promising."
- 33 The concept of *laicite*, literally translated as "secularism," refers to the French understanding of the principle of separation of religion and state. In contrast to the American tradition, the French understanding of "religious neutrality" goes beyond forbidding state establishment of religion, insisting as well on the erasure of prominent markers of religious difference in public places such as schools and government offices.
- 34 What Marzouki said was: "The Tunisian people are pluralist and should accept the other, including modernists, Salafists, and Islamists, without demonizing them or considering them as something to get rid of. . . . All Tunisians are equal, and I do not understand . . . discrimination against people because of their ways of practicing their religions or their clothes. In fact, the state recognizes the right of conscience and costumes." Marzouki gave the speech during the opening session of a national dialogue conference. See Amira Masrou, "President's Support for Niqab in Schools Angers Civil Society Groups," *Tunisia Live*, May 16, 2013.*
- 35 David Pollock and Soner Cagaptay, "What Happened to the Turkish Model?" *Fikra Forum*, January 7, 2013.*
- 36 Andrea Brody-Barre, "The Impact of Political Parties and Coalition Building on Tunisia's Democratic Future," *Journal of North African Studies* 18:2 (2013), p. 226.
- 37 Miller et al., *Democratization in the Arab World*, p. xli.
- 38 Both were shot by an assassin believed to be linked to al-Qaeda.
- 39 Not to be confused with the High Commission for the

Protection of the Revolution mentioned above, an entirely different entity.

- 40 Eileen Byrne, “‘Committees to Defend Revolution’ Deny Using Violence in Tunisia,” *Al-Monitor*, January 8, 2013.*
- 41 Querine Hanlon, “Dismantling Tunisia’s Security Apparatus,” in Bellin and Lane, *Building Rule of Law in the Arab World*. See also Aaron Zelin, “Tunisia’s Post-Revolution Blues,” *Foreign Affairs*, March 6, 2013, who discusses the insecure atmosphere in Tunisia and analyzes the dysfunction in the country’s security apparatus as attributable in part to the fact that “the Ministry of Interior which houses the police and national guard now consists of three factions: one loyal to Ben Ali, one loyal to Ennahda, and one loyal to no one. The competing interests have left the ministry in disarray, and it has failed to enforce security as a result.” Zelin goes on to say: “[T]he Ministry of Interior has also been accused of victimizing innocent civilians. Left-of-center Tunisians told me that when Islamist demonstrations break out, the police protect the protesters, whereas when secularists or liberals hold protests, the police attack them with tear gas. Members of Ansar al-Sharia, for their part, complained to me that employees of the Ministry of Interior are breaking into their homes and mosques, destroying possessions and making arbitrary arrests.”
- 42 Hanlon, “Dismantling Tunisia’s Security Apparatus.” Note that civil society has begun to play a novel role in the policing process. The Tunisian Association for Digital Liberties (ATLN is its French Acronym) has created a new platform called Yezzi (“enough” in the Tunisian dialect). Yezzi seeks to collect violence testimonies sent by cell phone, web, e-mail, and SMS and then place them on a Google Map. Yezzi deploys the concept of crowdsourcing in the service of mobile social mapping and a combination of social activism, citizen journalism, and geographical information. “It is “a ‘cop watch map in Tunisia’ which seeks to document and report police abuse ranging from taking bribes, physical or sexual abuse to racism and death threats.” ATLN says it created online platforms like Yezzi as a way to “help build a democratic, free and open society in Tunisia.” See “Yezzi.info Cop Watch in Tunisia Transparency against Violence,” *Tunisia.com*, July 11, 2013;* and “Yezzi.info: Copwatch Fi Tounes,” *L’Association Tunisienne des Libertés Numériques (ATLN) [in French]*.*
- 43 Mohamad Salah Ben Aissa, “The Judiciary in Tunisia: What Independence?” in Bellin and Lane, *Building Rule of Law in the Arab World*.
- 44 Emily Parker, “Two Years after Revolution, Judges Still Protesting Lack of Autonomy,” *Tunisia Live*, July 8, 2013.*
- 45 Brody-Barre, “The Impact of Political Parties and Coalition Building on Tunisia’s Democratic Future.”
- 46 el-Issawi, *Tunisian Media in Transition*.
- 47 The government procrastinated in actually creating this authority. Although the law creating it was passed in November 2011, the government did not get around to actually naming members of the authority until July 2013. See Reporters without Borders, “Government finally appoints Independent Broadcasting Authority” (press release), May 7, 2013.*
- 48 Mona Yahia, “Tunisia: Free Speech under Threat in Tunisia,” *AllAfrica*, July 1, 2013.*
- 49 See el-Issawi, *Tunisian Media in Transition*. See also Human Rights Watch, “Tunisia: Hollande Should Raise Rights

Concerns—Worrying Prosecutions over Free Speech” (press release), *AllAfrica*, July 2, 2013.* In fact, the regime has used these laws to prosecute numerous Tunisians, including bloggers who trumpeted their atheism on the Internet, a newspaper owner who published semi-nude photos, a rapper who sang a song about cops being dogs, a TV station owner who broadcast the film *Persepolis* (which was deemed blasphemous), a government critic who accused former foreign minister Rafik Abdessalem of misuse of public funds, and a blogger who publicly criticized the staff of a military hospital over the treatment of its patients. The last sort of prosecution is especially illustrative of the problem of squaring anti-defamation laws with the provision of sufficient freedom for whistleblowers to safeguard the functioning of the fourth estate. For more, see the Human Rights Watch press release cited earlier in this note.

- 50 Journalists covering protests have been assaulted by state police; others have faced periodic attacks by Salafi-leaning activists. For more details, see Freedom House, “Tunisia Must Provide Concrete Protections for Journalists following Attacks,” n.d.*
- 51 See Freedom House, “Tunisia: Freedom of the Press 2012,” n.d.*

* Weblinks are available in the online versions found at www.brandeis.edu/crown



Brandeis University Crown Center
for Middle East Studies

Mailstop 010
Waltham, Massachusetts
02454-9110

781-736-5320
781-736-5324 Fax
www.brandeis.edu/crown

Middle East Brief

Drivers of Democracy: Lessons from Tunisia

Prof. Eva Bellin

Recent Middle East Briefs:

Available on the Crown Center website: www.brandeis.edu/crown

Nader Habibi, "The Economic Legacy of Mahmoud Ahmadinejad" No. 74

Seyedamir Hossein Mahdavi, "Can Iran Surprise by Holding a "Healthy" Election in June?"
No. 73

Asher Susser, "Is the Jordanian Monarchy in Danger?" No. 72

Payam Mohseni, "The Islamic Awakening: Iran's Grand Narrative of the Arab
Uprisings," No. 71

Abdel Monem Said Aly and Karim Elkady, "The Good, the Bad, and the Ugly of Egypt's
Political Transition," No. 70

Dror Ze'evi, "The Transformation of Public Space in Turkey," No. 69

