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School of Global Affairs and Public Policy

CONSENSUS BUILDING IN TUNISIA: A STUDY FROM 2011 - 2013

A Thesis Submitted to the
Department of Public Policy and Administration in Partial
Fulfillment of the Requirements for the Degree of
Master of Public Policy

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Abstract

In the wake of the Arab Spring that swept North Africa and the Middle East in late 2010, different processes of political change have been underway in the region with different results in the nature of each political system. Some transitioned to democracy while others to new forms of authoritarianism or underwent cosmetic reforms without any real effect on the nature of the system. The interest of this research is to examine transition to democracy. It focuses on Tunisia as a case where a democratic transition was initiated after toppling the Former President of Tunisia, Zine al-Abidine Ben Ali. Tunisia is widely regarded as the closest to democratic transition as the outcome of its respective process is somewhat clear: a negotiated constitution was approved and permanent institutions were elected. Thereby, this research explores how the literature on democratic transition has dealt with consensus, as well as the dynamics and mechanisms of the consensus-building process in transitional countries. In doing so, the study shall also highlight the nature and impact of negotiating successful or failed pacts between key actors in Tunisia and the concessions that have brought about successful or failed consensus. As a final conclusion, the study reflects the mechanisms deduced from the literature review on the Tunisian case and attempts to develop a theoretical framework for consensus building in transitions. The research findings reveals that the Tunisian transition process that took place from 2011 to 2013 serves as a significant example that Arab transition politics does not have to be a zero-sum game and that a consensus led democratic transition is achievable.

Contents

1. CHAPTER 1: INTRODUCTION

1.1. Background

The 2010–2011 Tunisian revolution ended more than five decades of authoritarian presidential regimes under the initial leadership of the First President of Tunisia Habib Bourguiba (1959–1987) and then Ben Ali (1987–2011). Throughout this era, Tunisia adopted a one-party state, with the Constitutional Democratic Rally (RCD) holding strong majorities in both houses of parliament. Bourguiba and Ben Ali dominated political and economic life during their respective tenures, with the help of security forces, a devoted bureaucracy, and the RCD. Moreover, key opposition movements, such as Ennahda, remained under severe repression and dimness, and the other few legalized opposition movements were closely controlled by the government. Effective interest groups such as the Tunisian General Labor Union (UGTT) and the employers' Tunisian Union for Industry, Commerce and Handicraft (UTICA) were incorporated into the regime in an authoritarian corporatist arrangement. The human rights situation featured restrictions on human rights groups, harassment of opposition politicians, unfair trials, and extralegal arrests and assaults that targeted journalists and independent judges.[1]

In the aftermath of Ben Ali's departure after the 2011 Jasmine Revolution, Tunisia's transitional governments embarked on a process of reconstructing the political system and overcoming chaos and authoritarian resurrections that stoked the flame of the rest of the Arab Spring. During the first year of the revolution, Tunisia witnessed a drastic expansion of political freedoms and civil liberties, with the legalization of more than 100 political parties and the

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[1] Tunisia Country Report. (2014). *Bertelsmann Stiftung's Transformation Index (BTI).* Retrieved September 15, 2014, from: http://www.bti-project.de/uploads/tx_itao_download/BTI_2014_Tunisia.pdf.

foundation of an independent civil society. Consequently, the political scene in Tunisia became populated with a wide variety of political forces. Those forces have fluctuated between a consensual approach and sharp competition, and a polarization between Islamist and non-Islamist forces has rapidly emerged. However, the process, for all its problems and occasional bouts of violence, has remained relatively peaceful.

The significant momentum and landmark accomplishment in the transition process took place on January 26, 2014, when Tunisia's elected National Constituent Assembly voted overwhelmingly to adopt a new constitution that settled down the rule of the game. Following this was a political agreement under which Tunisia's main Islamist party Ennahda agreed to concede its leadership of the government in favor of a technocratic prime minister in order to contain the political stalemate triggered by the tension between the ruling parties and the opposition and the ongoing social and economic unrest.

1.2. Significance of Research

Consensus has gained significance in the context of the Arab Spring where politics are increasingly polarized and fragmented by deepening tensions between Islamists and non-Islamists, Sunni and Shia, and governments and activists. Thereupon, the importance of engaging in dialogue to bridge gaps has intensified and consensus building emerged as a necessary component of a successful transition. It begins with consultation among a group of political actors on basic rules of the game, where there are no winners or losers in contrast to the case of majoritarian democracies. The result of this process largely depends on how institutionalized the process is.

The literature on managing transition periods focuses on consensus building through multi-stakeholder negotiation as an essential element for countries in transitions because, on the one hand, actors become more diverse and intertwined than before and, on the other hand, the public heightens its expectations for more rational public policies that address the public good and divert the political platform from highly polarized debates.

My research is a contribution to develop a theoretical, consensus-building framework and apply it to the Tunisian case in the period from 2011 to 2013. I choose Tunisia because, of the Arab Spring countries, it is considered one of the most auspicious candidates for achieving a successful transition to democracy and making real progress toward the foundation of constitutional and institutional building measures. Further, the time in which the Tunisian case evolved was short and fast in comparison to the Egyptian, Libyan, Syrian, and Yemeni cases. This is an important factor in the analysis as I can have a complete snapshot of a successful case of democratic transition based on consensus, which is the consensus that I was not able to find as easily and with as much clarity as the Tunisian case. The limited number of domestic actors, foreign intervention, and army structure — in economy and politics — have important effects on obtaining fast, semi-successful results.

The objective of this research, accordingly, is to develop a theoretical framework for consensus building, which encompasses a conceptualization and operationalization of consensus. It also aims to set the logical basis for future studies on democratic transition in Arab countries emerging from authoritarian rule, by providing theoretical background and practical evidence on consensus attempts carried forth by key political players in Tunisia.

1.3.Research Question

The research attempts to answer the following central question:

What are the policies and decisions taken by Tunisian key political actors that have resulted in consensus building or undermined it? In doing so, I will also analyze the nature and impact of arranging successful or failed pacts between key actors that have divergent interests.

Accordingly, the study will be guided by the following sub-questions that tackle consensus building on both the macro and micro levels of politics:

1- Under what conditions have key actors in Tunisia managed or failed to form successful pacts?

2- What kind of institutional building measures have contributed to the success of failure of pacts and eventual consensus building?

Here the study will first address the macro political level; that is, the domestic conditions that served and facilitated arranging pacts such as the key actors' profile, orientations, and connections. Second, it will tackle consensus building on the micro level through focusing on the actors' involvement in the process itself in terms of how they deal and interact with each other and how they bargain their demands and conciliate their contradicting interests.

1.4. Literature Review

This section reviews different literature on political consensus to unravel definitions of the term and offer an understanding of the mechanism of consensus building.

1.4.1. Consensus in Social Contract Theories

The social contract captured a consensus, sometimes built on explicit consent, sometimes on implicit consent, and sometimes as a hypothesis of what people must agree on if they are reasoning successfully.

I will be looking at three of the major social contract thinkers: Thomas Hobbes, John Locke, and Jean-Jacques Rousseau. These thinkers held a few beliefs in common. One of these was the belief in "popular consent," which is the consent or support of the governed to the ruler, which determined the legitimacy of the ruler. A second common belief was that people lived in "a state of nature" before the formation of society or government. In the state of nature, all individuals existed free and equal, yet in relative isolation as they organized themselves in families or individuals groups, clans, and tribes following the order of nature.

Apart from what they held in common, they differed in defining popular consent and describing the state of nature. For example, Hobbes believed that all humans were living free and equal, though he characterized the state of nature as "a war of all against all" because some were probably more equal than others when it came down to a fight between groups or individuals. According to him, fear was a constant companion to living in the state of nature; this fear pushed humans to come together and form societies and unite around a powerful leader to protect them from other groups and individuals. To end a state of war, every individual would agree in a social contract to give up all his rights unto the leader who would rule to protect the subjects. Reciprocally, people must approve and support all the leaders' decisions and actions, whether

they are just or unjust, so as not to return to the state of nature.[2] This is what Hobbes termed a social contract between the ruler and the governed. Consent of the governed is, therefore, achieved when individuals enter into society with their free will and surrender their rights unto the sovereign leader.

The other social contract theorist, Locke, also believed in the idea of a state of nature where humans lived free and equal. However, it was not a state of war of all against all as Hobbes argued because people living in it were not possessed with a desire for absolute power and control, rather endowed with reason. He described the state of nature as one in which the rights of life and property were generally recognized under the natural law. Whereupon, humans coalesce in societies instinctively and then come together to put a government/leader through elections in which only property owners had the right to elect.[3] What Locke was pushing was not direct, but rather indirect or representative democracy. He differed from Hobbes insofar as he held that individuals who entered into society would not give up all of their rights unto the powerful leader of that society, because they had natural rights of life, liberty, and property that have to be respected and protected. Also, for him, obeying the elected government/leader under the social contract was conditional upon the protection not only of the person but also of private property. If a sovereign fails to do so or does not act justly, he could be overthrown. Clearly, a leader in this environment does not enjoy absolute power, so consent of the governed depends on popular acceptance and good governance.

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[2] Stanford Encyclopedia of Philosophy. (2002). *Hobbe's Moral & Political philosophy*. Retrieved September 15, 2014, from: http://plato.stanford.edu/entries/hobbes-moral/

[3] *Stanford Encyclopedia of philosophy*. (2005). *Locke's Political Philosophy*. Retrieved September 15, 2014, from: http://plato.stanford.edu/entries/locke-political/index.html#ConPolOblEndGov

The most prominent social contract theorist is French philosopher Rousseau. Unlike, Hobbes and Locke, Rousseau perceived the state of nature as encompassing amoral and asocial humans living with harmony and compassion for others. For him, people come together voluntarily to form societies not out of fear or instinctively, but rather to avoid whatever obstacle nature might throw their way. As people come together voluntarily, thereafter, he believed they should not need to abandon any rights to a leader and, even more, they do not need a leader to rule over them. Rather, the best way for these people to live would be on the basis of direct democracy,[4] in which each citizen would define the rules by which their lives would be bound and their needs of each other be served. In other words, through cooperation and compassion, people would gradually define the community and give it cohesion through establishing government that must rest on the consent of the governed, which Rousseau termed the "general will."[5]

In general, social contract theories shared the fact that: 1) The "state of nature" is a state of human interaction that exists before any social contract is made for people to live in peace together and 2) To establish a social contract there must be agreements within a group of people who decide to live together based on moral notions and judgments. In most cases, the social contract has a ruler or some form of ruling organization, to which people agree to obey in all matters in return for a guarantee of peace and securities. Further, the social contract theories of Hobbes, Locke, and Rousseau all stressed that the justification of establishing a government on the bases of a social contract depends, in some way, on the consent of each individual. So here

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[4] Sonia, A., Keane, J., & Merkel, W., (2011). *The Future of Representative Democracy*. Cambridge University Press. pp. 32-35.
[5] Ritchie, G. David (1891). *Contributions to the History of the Social Contract Theory*. Political Science Quarterly, Vol.6, No. 4, pp. 656-676. Retrieved September 18, 2014, from: http://www.jstor.org/stable/pdf/2139203.pdf?acceptTC=true

consensus is perceived as a tool to form governments that safeguard individuals, organize societies, and thus acquire political legitimacy.

1.4.2. Consensus in the Theory of Democracy

Since the 1950s, consensus politics have received considerable attention from theorists of democracy who tried to understand political stability in fragmented West European democracies, such as Austria and The Netherlands, [6] and specify the conditions that produce consensus.

1- Ralf Dahrendorf

The German sociologist Ralf Dahrendorf's writings in the mid-twentieth century viewed society as characterized by unequal distribution of power and competing group interests, thus should be understood in terms of constrain and coercion of some people by others rather than general agreement or consensus. He stated: *"Power is seen as unequally divided, and therefore as a lasting source of friction."* [7]

However, Dahrendorf did not see social conflict as a threat to society or undermining a society's social order and does not necessarily produce disorder or chaos. He adds: *"The dialectic of power and resistance determines the rate and direction of change."* [8] Clearly, he recognized that conflicts are ever-present as an essential part and parcel of social life and that society, instead of ignoring this fact, should deal with its normalcy by creating institutions to regulate conflict. Dahrendorf explains*: "Institutions have to be set up in such a way as to accommodate change, conflict, and the interplay of power and resistance…Such institutions*

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[6] Beyers, J. (2011). The *Europeanization of consensus politics in the Low Countries*. Paper presented at the *Biennial Conference of the European Union Studies Association*, Boston.

[7] Dahrendorf, R. (1968). *Essays in the Theory of Society*. London: Routledge & Kegan Paul. pp. 138.

[8] Ibid.

should allow for conflict; they should be designed to control power rather than to camouflage it behind ideology of consensus, and they should permit change.''[9]

In his influential book *Class and Class Conflict in Industrial Society* (1959), Dahrendorf emphasized the "positive" or "integrative" function of conflict that allows for the co-existence of various groups with overlapping and conflicting interests.[10] He postulated that the clash of values and interests, the conflict between what is and what some groups feel ought to be, can "prevent accommodations and habitual relations" in the social system by exerting pressure for innovation and creativity.[11] In other words, conflict can lead to a breakdown in social order, or to a positive change in the social order towards attempting to create consensus.

So Dahrendorf tried to create some balance through approaching society in terms of consensus and conflict, which he termed as the Utopian and the Rationalist model respectively. The first approach (consensus) emphasizes that social order results from a general agreement of values, which overcomes all differences of opinion and interest. The second (conflict) indicated that coherence and order in society are based on force and coercion of some people by others. The latter is the mover of change and the mechanism for consensus, as discussed earlier. Recognizing that all social systems have elements of both conflict and consensus, he claimed that theory should encompass both, but not necessarily within a single theory, to develop an equilibrium approach, otherwise it is incomplete.

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[9] Ibid. pp. 149.
[10] Dahrendorf, R. (1959). *Class and Class Conflict in an Industrial Society*. London: Routledge & Kegan Paul. pp. 207.
[11] Ibid.

2- Michael Mann

Mann criticized the idea that culture (symbols, values, norms, and ideas that define the structure of society) can act as a tool for social cohesion or integration. Rather, he viewed it as a tool to control because culture is not always an organized or cohesive system of beliefs, but is contradictory and open to interpretation by different social actors. Mann (1970) in his pioneering article on the *Social Cohesion of Liberal Democracy* argued against the positive relation between social cohesion and consensus in liberal democracies; he clearly contradicted the statement that there is a common culture system of values and norms in modern society that eventually produces consensus. His critique was based on four main objections: 1) Most values, norms, and social beliefs are extremely vague and can be used to legitimate any social structure. 2) Even if a value stated precisely, it may lead to conflict, not cohesion; some values unite men, others necessarily divide them. 3) The standards embodied in values are absolute ones, and it is difficult for them to co-exist without conflict. 4) Cohesion often results precisely because there is no common commitment to general core values.

He expressed his idea as follows: "*Cohesion in liberal democracy depends rather on the lack of consistent commitment to general values of any sort and on the 'pragmatic acceptance'[12] by subordinate classes of their limited roles in society.*"[13] The picture that Mann portrayed was one that emphasized the fragmentation of the social order and the absence of culture/value consensus.

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[12] Two types of acceptance: pragmatic acceptance, where the individual complies because he perceives no realistic alternative, and normative acceptance, where the individual internalizes the moral expectations of the ruling class and views his own inferior position as legitimate.

[13] Mann, M. (1970). *The Social Cohesion of Liberal Democracy*. American Sociological Review, Vol. 35 No. 3, pp. 423-439.

3- John Rawls

John Rawls was concerned with tackling how just society ought to work. Basically he focused on how a society can encompass major disagreements among its citizens about values and conceptions of the good. He perceived a modern democratic society as characterized *"not simply by a pluralism of comprehensive religious, philosophical, and moral doctrines but by a pluralism of incompatible yet reasonable comprehensive doctrines"*[14]. He further argued that no one of these doctrines is affirmed, or will ever be affirmed by all, or nearly all, citizens because no comprehensive doctrine is as appropriate as a political conception for a constitutional regime.

Clearly, Rawls stated that modern society is not based on consensus around the major values and issues because citizens differ in their perceptions about rights, justice, and the good human life. Given such conditions of reasonable incompatible doctrines, Rawls attempted to find how these societies can create a sense of consensus on the features of justice and stability. In other words, what political conception can gain the support of such an overlapping consensus?[15]

He stated that the only way to overcome this problem of democratic pluralism is to establish a liberal state that gives no privilege to one conception of good over another, but this is not enough because some policy issues arise that lead to fundamental disagreement and conflict among blocs of citizens. Rawls saw that we must add a commitment that every citizen needs to share, which is a commitment to legitimate democratic procedures (democratic values) that will supersede every citizen's religious, political, and moral convictions. Accordingly, citizens are first allowed to argue for or against a proposed legislation, then morally obliged to tolerate and

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[14] Rawls, J. (1996). *Political Liberalism*, New York: Columbia University Press. pp. xvi.
[15] Ibid. pp. xviii.

respect the democratically chosen policy as a legitimate resolution of the issue even if it is inconsistent with their own conceptions.

Here is how he defined the idea of an overlapping consensus of reasonable comprehensive doctrines: *"In such a consensus, the reasonable doctrines endorse the political conception, each from its own point of view. Social unity is based on a consensus on the political conception; and stability is possible when the doctrines making up the consensus are affirmed by society's politically active citizens and the requirements of justice are not too much in conflict with citizens' essential interests as formed and encouraged by their social arrangements."*[16] So Rawls asserted the idea that democratic societies can handle some degree of cultural pluralism and achieve stability only if there is consensus on key democratic values.

This somewhat contradicted the opinion put forward by Mann (1970) that social cohesion does not depend on shared values because there is no common culture system of values and norms in modern society that eventually produces consensus.

To sum up, Rawls highlighted that democratic society is a politically liberal one that must be regulated by principles on which there is an overlapping consensus. Each individual living in this society has his/her own conception of the good and the right, yet respects the fact that he/she is a member of a plural polity and recognizes the idea that his/her own fundamental conceptions could not legitimately override the democratic process when it comes to taking policies that involve incompatible conceptions of the good. Therefore, consensus is achieved when an individual puts commitment to democratic processes ahead of his/her conviction, when necessary.

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[16] Ibid. pp. 134.

The idea of political consent offered by Rawls resembled Rousseau's general will theory. Both stated that the "majority will" should not be overridden by one's own group even when the state contradicts the group's fundamental convictions. That is, the governed reach consensus by privileging their collective interest over particular interests. Yet, Rawls is realistic in that he acknowledged the presence of various conceptions among individuals and that the system must come up with an inclusive legal framework that considers diversity and manages consensus in a society.

1.4.3. Consensus in the Democratic Transition Theory

Political sociologist Larry Diamond set forth a distinctive and comprehensive theoretical perspective on democratic evolution and consolidation in the late twentieth century. He rejected theories that claim preconditions for democracy and argues for a "developmental" theory of democracy. This theory perceived democracy as a gradual process that occurs at different rates, in different ways, and in different countries, and thus is not confined only to rich or modernized countries.

Diamond affirmed that democracy is the most widely appealed type of political system but also the most difficult to maintain. Three paradoxes are stated in his article *Three Paradoxes of Democracy* (1990) that should be reconciled to develop and institutionalize democracy. These three tensions or paradoxes triggered "many of the problems that democracy has experienced in the developing world"[17] struggling to build lasting democracies:

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[17] Diamond, L. (1990). *Three Paradoxes of Democracy*. Journal of Democracy, Vol. 1, No. 3, pp. 48-49.

1) The tension between conflict and consensus. Democracy, he assumed, is by nature a system of institutionalized competition for power; in any democracy, tension exists between conflict and consensus. He explained, *"Democracy rests on a minimum of coercion and a maximum of consent…without competition and conflict, there is no democracy."*[18] As Diamond argued, *"Hence the paradox: Democracy requires conflict — but not too much; competition there must be, but only within carefully defined and universally accepted boundaries. Cleavage must be tempered by consensus.*"[19]

2) The tension between representativeness and governability. For a democracy to be stable, it must always be able to act and at times must do so quickly and decisively. Diamond explained that government must respond to interest-group demands, as well as resist them and mediate among them when necessary. To accomplish this goal, a democracy should have a party system that can create a stable and cohesive government entitled to represent and respond to competing interests in society without being paralyzed by them. He wrote, *"Representativeness requires that parties speak to and for these conflicting interests; governability requires that parties have sufficient autonomy to rise above them."*[20]

3) The tension between consent and effectiveness. Since democracy means "rule by the people," which is rule with the consent of the governed, as argued by social contract philosophers, Diamond emphasized that democracy depends on acquiring popular legitimacy much more than any other form of government. This legitimacy develops over time and generates from effective performance, with regard to social and economic challenges, and

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18 Ibid.
19 Ibid. pp. 49.
20 Ibid.

achieving some sort of order and justice. In Diamond's words, *"Democracy requires consent. Consent requires legitimacy. Legitimacy requires effective performance."*[21]

The prominent theorist of transition to democracy viewed consensus as a tool to mitigate social cleavages and achieve democracy.

Consensus as a tool versus consensus as a value

The above review of the development of the discussion around consensus underlines the fact that there are different ways of treating consensus based on different conceptions of consensus's function in society. Social contract theorists treated consensus as an empirical condition rather than an ideal; they viewed consent or agreement as a set of conventions shared by a public and as a gradual process developed by humans. Further, they suggested that consensus on proper procedures of forming government is a tool for establishing a society; that is, one becomes a member of a community by sharing its norms. Thus, consensus on procedures is a key to legitimate government. In brief, they saw consensus as an agreement on procedures as well as a tool to establish government and stabilize society, where conflict is a given and can be controlled by consensus. Democracy philosophers moved toward the treatment of consensus as a value that exists if most individuals in a society share the same core values and norms.

1.4.4. Conditions for Consensus in Stable Democracies

There are two different ways of treating consensus based on different conceptions of consensus's function in society. Some scholars believe culture can provide a basis for consensus and social integration. Others develop an institutional from of consensus arguing that consensus

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[21] Ibid. pp. 50.

is achieved through formal as well as informal institutions. This section is a constructive attempt to operationalize the concept of consensus into measurable factors. It focuses on operationalizing consensus in stable as well as transitional democracies in order to set the mechanisms a political system must possess to reach consensus.

1- Samuel Huntington

Samuel Huntington developed an institutional from of consensus in his book *Political Order in Changing Societies* (1968), arguing that national integration is exercised through recognized national lawmaking institutions. Huntington perceived political modernization as "*the rationalization of authority, the replacement of a large number of traditional, religious, familial, and ethnic political authorities by a single secular, national political authority.*"[22] Clearly, he expelled any value-based consensus advocating the fundamental role of institutions in preserving order and social cohesion.

2- Robert Dahl

Robert Dahl is a proponent of institutional consensus. He introduced his influential theory of polyarchal democracy, intending to emphasize a set of distinctive political institutions necessary to large-scale democracy[23] and distinguish modern representative democracy from all other political systems. This term was also used to describe a form of government in which power is invested in multiple people.

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[22] Huntington S. (1968). *Political Order in Changing Societies*. London: Yale University Press. pp. 34-35.
[23] Dahl, A., R. (1989). *Democracy and its Critics*. New Haven & London: Yale University Press. pp. 218-219.

Dahl formulated a scale to measure the degree to which political systems meet the minimum requirements for democratic process. He assumed that societal institutions must provide at least eight guarantees, all of which must exist for a government to be classified as a polyarchy.[24] These minimum institutional arrangements/guarantees for polyarchal democracy, as indicated by Dahl in *Polyarchy* (1971), are:[25]

1. *Freedom to form and join independent associations*: citizens have the right to form relatively independent bodies as independent political parties, interest groups, and syndicates.

2. *Freedom of expression*: the right to express oneself and criticize the government, the regime, the officials, the ideology adopted, and the socioeconomic policies without fearing punishment.

3. *The right to vote:* the electoral process must be largely inclusive of all adults in the country.

4. *Eligibility for public office:* all adults have the right to run for elective offices, with age as a limitation.

5. The right of political leaders to compete for support.

6. *Access to alternative sources of information*: it should exist, be protected by law, and citizens have the right to seek it out.

7. *Free and fair elections:* elections should be free of fraud and coercion.

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[24] Ibid. pp. 221.

[25] Dahl, A., R. (1971). *Polyarchy: Participation & Opposition*. New Haven: Yale University Press. pp. 3.

8. *Institutions for making government policies depend on votes and other expressions of preferences:* control over governmental decisions about policy is constitutionally vested in elected officials.

Together, these eight requirements serve as both a conceptual and an operational definition of polyarchal democracy. They can be used in ranking countries according to the extent to which each of the institutions is present in reality, consequently deciding on which countries are governed by polyarchy.

Dahl next drew two different theoretical dimensions of democratization: public contestation and inclusiveness. These dimensions vary from system to system, and thus would be fruitful in comparing different regimes. The first dimension referred to the amount of elections held, while the later implies the proportion of the population entitled to participate in contesting the conduct of the government.[26] Dahl presented an example for the right to vote in free and fair elections. He claimed this right is part of both dimensions. *"When a regime grants this right to some of its citizens, it moves toward greater public contestation. But the lager the proportion of citizens who enjoy this right, the more inclusive the regime."*[27]

Therefore, democratization, according to Dahl, is made up of as least two dimensions: political contestation and inclusiveness. Polyarchies are defined as regimes that are highly inclusive (right to participate in politics) and extensively open to public contestation (permits public opposition).[28]

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[26] Polyarchy. pp. 4.
[27] Ibid.
[28] Ibid. pp. 8

3- *Giovanni Sartori*

On the other hand, Giovanni Sartori provided a more comprehensive definition of consensus in his book *The Theory of Democracy Revisited.* First, he differentiated the concept from actual consent, arguing, *"Consensus does not imply the active consenting of each to something."*[29] Second, he claimed that consensus is a "sharing" that somehow binds. Third, he identified three objects of sharing and agreement: 1) ultimate values as liberty and equality, 2) rules of the game or procedures, and 3) specific government policies. He then categorized these objects into three levels: community level, regime level, and policy level.

Consensus on values was identified as "basic consensus," rules of the game as "procedural consensus," and policies as "policy consensus."[30] *Sartori*, however, did not regard consensus on values as a necessary condition of democracy; rather, he saw it as a facilitating condition of democracy for "it helps to establish its legitimacy."[31] In this sense, basic consensus is not a necessary condition of democracy. A lack or loss of this type of consensus, nevertheless, provides clear evidence of failings of democracy.

Sartori considered procedural consensus, which establishes the rules of the game, as a necessary prerequisite condition of democracy*: "This consensus is the beginning of democracy."*[32] He stressed that the rules that establish how conflicts are to be resolved are of

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[29] Sartori G. (1987). *The Theory of Democracy Revisited*. New Jersey: Chatham House. pp. 90.
[30] Ibid.
[31] Ibid.
[32] Ibid. pp. 91.

paramount importance because *"if a political society does not share a conflict-solving rule, it will conflict over each conflict … and this paves the way to civil war."*[33]

Consensus over policies and governments was stated by Sartori as the level that brings to the fore consensus as it addresses the personnel in government rather the form of government addressed by basic and procedural consensus.

Reviewing this three-tiered consensus, Sartori attempted to offer a definition that merges the two basic types of consensus: value and institutional. Nevertheless, he regarded the latter as the beginning of democracy whereas the former as only a facilitating condition of democracy.

4- Claus Offe

Claus Offe presented an analytical framework of the dynamics of transformation. He claimed that any stable political system operates through three hierarchical levels of decision-making, which he labels "triple transformation."

- First, and most important, is a decision on "identity, citizenship, and the territorial as well as social and cultural boundaries"[34] of the country. That decision must be made based on who "we" are, what our borders are, and what our population is.

- Second is a decision on rules, procedure, and citizen rights in relation to governance that shape the "constitution or the institutional framework"[35] of the regime.

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[33] Ibid. pp. 90-91.
[34] Offe, C. (1991). *Capitalism by Democratic Design: Democratic Theory Facing the Triple Transition in East Central Europe.* Social Research, Vol. 58, No. 4, pp. 865-892. pp. 869.
[35] Ibid. pp. 869.

- Finally, decisions on the distribution of political power and economic resources, i.e., who gets what, when, and how.

These levels, Offe added, have an asymmetrical relationship where the lower levels determine the higher ones; the third level of "normal politics" is a consequence of identities and constitutions. The author's three levels vary between cultural and institutional consensus. The first relates to agreeing on basic cultural boundaries and the second and third relate to institutional mechanisms necessary for political systems to operate.

Next, Offe specified three institutional mechanisms available to make collectively binding decisions, *"in principle, there are three, and only three, modes of explicit collective decision-making: voting, commanding and bargaining."*[36]

The first mode, explained the author, is basically a bottom-up aggregation of diverse individual preferences through voting and referendums. He criticized this form for being "future-blind" and "beset by passions"[37] since its outcome depends on primitive communication of yes/no or for/against to answer questions being asked or candidates being proposed, actions that cannot be made through voting or referendums.

Whereas the second mode is a top-down approach based on issuing binding commands by some type of supreme authority. This mode is somewhat future regarding as commands depend on the length of the term of office and the possibility for reelection. However, any democracy

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[36] Offe, C. (1995). *Some Skeptical Considerations on the Malleability of Representative Institutions.* In Joshua, C. & Rogers, J. (Eds.), *Associations and Democracy (pp.* 114-132). New York & London: Verso. pp. 118.
[37] Ibid.

based solely on commands confronts the risk of unresponsiveness of commands if citizens doubt the legitimacy of the supreme authority.

Finally, bargaining entails horizontal agreements among collective actors. This third method, from Offe's view, is superior to the other two because 1) it is capable of filtering out passion and 2) it has the capacity of extending even beyond a term office. Another advantage of intergroup bargaining is the fact that such negotiations are done behind closed doors, which minimizes "incompetent interference" from outsiders.

5- Arend Lijphart

In another attempt to explain how democracy remains stable, political scientist Arend Lijphart, the most prominent scholar of consensus politics, emphasized the failure of the majoritarian democracy to explain certain patterns of political interaction. In 1980s, the American scientist coined the term *consensus democracy, which* he describes as a form of political engineering tailored to explain divided as well as semi-plural societies.

Lijphart's consensus democracy is a form of government characterized by ten institutional devices — initially eight (1984) then ten (1999) [38] — that broaden the involvement of ethnic, religious, linguistic, and ideological minorities in decision making as widely as possible in politically heterogeneous and divided societies. In his own words, *"Instead of concentrating power in the hands of the majority, the consensus model tries to share, disperse, and restrain power in a variety of ways."*[39]

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[38] Lijphart. A. (1999). *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries.* New Haven, CT: Yale Univ. Press.
[39] Ibid. pp. 34.

In his book *Patterns of Democracy* (1999), Lijphart identified ten variables on which a particular country may be at either end of the consensus continuum or anywhere in between. He next typified these ten variables into an "executive-parties" dimension and a "federal-unitary" dimension.

1- *Oversized cabinets,* executive power sharing in broad coalition cabinets: in contrast to the Westminster model's tendency to concentrate executive power in one party and bare-majority cabinets, the consensus principle is to let all or most of the important parties share executive power in a broad coalition.

2- *Separation of powers,* executive-legislative balance of power: to make both the executive and the legislative more independent and their relationship more balanced.

3- *Multi-party system:* a system without any party coming close to majority status.

4- *Proportional representation*: the basic aim of proportional representation (PR) is to divide the parliamentary seats among parties in proportion to the votes they receive.

5- *Corporatist interest group system.*

6- *Strong bicameralism:* the principle justification for instituting a bicameral instead of a unicameral legislature is to give special representation to minorities, including the smaller states in federal systems, in a second chamber or upper house.[40] Two conditions must be fulfilled if this minority representation is to be meaningful: the upper house must be elected on a different basis than the lower house and it must have real power — ideally as much power as the lower house.

7- *Non-territorial federalism and decentralized government.*

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[40] Ibid. pp. 39.

8- *Constitutional rigidity:* a single written document containing the basic rules of governance that are amendable only by a supermajority.

9- *Judicial review:* a supreme court that has the right of judicial review.

10- *Independent central bank:* enjoys a high degree of autonomy.

Lijphart's eighth characteristic of consensus model — entrenched constitution — comes close to Satori's procedural consensus, which aims at consenting of the rules of the game, and Offe's the fundamental condition of deciding on rules and procedures of governance. These three consensus theorists stressed the significance of putting down rules and policies to preserve political order and protect citizens' rights.

1.4.5. Conditions for Consensus in Transitional Democracies

This section attempts to review how the democratic transition literature deals with the issue of achieving consensus in situations and phases of the transition where contexts are changing, parameters of transitions from authoritarian rule are in flux, and actors are not clear about their interests and ideals, thus, incapable of coherent collective action.

The four-volume work *Transitions from Authoritarian Rule* edited by Guillermo O'Donnell, Philippe Schmitter, and Laurence Whitehead (1986) emphasized the concept of transition, stating that it is not the revolution but the transition that is critical to the growth of a political democracy. They define transition quite broadly as "*the interval between one political regime and another.*"[41]

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[41] O'Donnell, G. & Schmitter, P. (1986). *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies*. Baltimore and London: Johns Hopkins University Press. pp. 7

In the last volume, *Transitions from Authoritarian Rule: Uncertain Conclusions*, coauthored by O'Donnell and Schmitter, the authors argued, *"Transition could be from certain authoritarian regimes toward an uncertain something else"*[42]. That "something" can be a political democracy, a new form of authoritarian rule, confusion, that is when successive governments fail to provide an enduring solution to instability, or widespread violent confrontation, eventually giving way to revolutionary regimes, which push for political changes. In their own words, *"Transitions are delimited by the installation of some form of democracy, the return to some form of authoritarian rule, or the emergence of a revolutionary alternative."*[43]

The coauthors suggested two dynamics to establish a political democracy: negotiating pacts and convoking elections. They claimed that these features are not prerequisites to a successful transition from authoritarianism, yet they can play an important role in any regime change based on gradual installment and enhance the probability that the process will lead to a viable political democracy. Further, they set "*important parameters on the extent of possible liberalization and eventual democratization.*"[44]

1) Negotiating Pacts

The volume defined pacts as a "negotiated compromise"[45] under which actors seek to redefine rules of governance on the basis of mutual guarantees. O'Donnell and Schmitter talk more precisely about pacts as *"an explicit, but not always publicly explicated or justified, agreement among a select set of actors which seeks to define (or better, to redefine) rules*

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[42] Ibid. pp. 3.
[43] Ibid. pp. 6.
[44] Ibid. pp. 48.
[45] Ibid. pp. 38.

governing the exercise of power on the basis of mutual guarantees for the 'vital interests' of those entering into it."[46] Some of the general elements of those pacts include:

- Clauses stipulating abstention from violence

- Prohibition on appeals to outsiders, whether military or masses

- Commitment to use pact as means for resolving future disputes

- Arrangements for regulating group competition and for distributing group benefits (e.g., cabinet offices, public jobs, budget shares, etc.)

It next distinguished analytically between a series of possible pacts, each coming at a specific moment of the transition.[47] First is a military pact that involves the military extricating itself from direct responsibility for ruling. The core of an extrication pact might be: "*the leader obtains an agreement from notable and/or moderate opponents that they will neither resort to disruption or violence ... nor seek sanctions against military officers for 'excesses' committed under the aegis of the authoritarian regime.*"[48]

Second is a political pact*[49]* based on a distribution of representative positions and on collaboration between political parties in policymaking. Such a pact involves agreement among the leaders of a spectrum of electorally competitive parties on a certain amount of detailed institutional elements:[50]

- Electoral law that discriminates against unwelcome voters and unwilling parties.

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[46] Ibid.
[47] Ibid. pp. 39.
[48] Ibid. pp. 40.
[49] It is "horizontal" elite agreements that serve as the vehicles through which mutual sectoral guarantees are tendered and the terms of the ensuing political competition are fixed.
[50] Ibid. pp. 41.

- Party finance arrangements that privilege contracting parties.

- Parliamentary distribution that preserves the representation of minority members to the pact.

- Formula for allocating public offices and budgets.

- Restrictive policy agenda that guarantees the essential interests of supporters.

- Suprapartisan arrangement that deals with military affairs.

- Commitment for some period to resolve conflicts arising from the operation of the pact by renegotiating its terms rather than mobilizing outsiders (military or masses) or excluding insiders.

The two pacts are sufficient to ensure significant regime change. However, they must be consolidated by a socioeconomic pact due to the increased role of modern state apparatus in managing economic and social affairs. This pact, according to the coauthors, seeks to reach agreement on "*how state agencies, business associations, trade unions, and professional organizations will behave during the transition and beyond it.*"[51] Such a pact strengthens collective efforts because during the transition it is acute to reach and implement a compromise among class interests. It is important to reassure the bourgeoisie that property rights will be preserved for the foreseeable future, and to satisfy working groups that their demands for compensation and social justice will eventually be met. Given the major impact of the socioeconomic pact on the economy's performance, the volume labels it a "*social contract.*"

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[51] Ibid. pp. 46.

2) Convoking Elections

This is the second mechanism of achieving consensus during transitions. O'Donnell and Schmitter regarded the announcement by those in transitional authority that they intend to convoke elections for representative positions as an act of consensus building. They argued that elections divert the political platform from highly polarized debates to the question of rules and procedures. Elections give incentives to opponents to cooperate with the regime and demobilize radical or militant elements.

Hence, convoking elections has a moderating function, but this purpose is only possible if a particularly significant condition, mentioned by the authors, exists: *"regime opponents believe they have some chance of gaining representation."*[52] Only then do most parties become willing to enter into implicit compromises or explicit pacts with the transitional authorities and other parties, as well as marginalize radical supporters.

According to the coauthors: *"Parties ... who estimate having a good chance of obtaining representation, show themselves to be not only, or not so much, agents of mobilization as instruments of social and political control."*[53] Parties start negotiating three dimensions: 1) the rules determining which groups will be permitted into the consent, 2) the formula for the distribution of seats within constituencies and the size and number of constituencies, and 3) the structure of offices for which national elections are held. Ultimately, founding elections makes a transition to democracy more viable in the long run.

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[52] Ibid. pp. 58.
[53] Ibid.

The authors focused on party elites as the main actors in negotiating pacts and pushing transitions to their completion through founding elections, yet demobilized civil society. *"Elite disposition, calculations, and pacts, largely determine whether or not an opening will occur … and set important parameters on the extent of possible liberalization and eventual democratization,"*[54] wrote O'Donnell and Schmitter. They confined civil society's function in participating in eroding the authoritarian regime; by then it loses relevance and should make way for political parties to lead in negotiations on the rules of the political game.

Based on the above literature review, it is apparent that the research contribution is theoretical, as it will propose, in light of the Tunisian case study, how consensus in transitions could be formulated/reached, which will be very important for a better elaboration of the democratic transition theory.

1.5. Methodology

1.5.1. Research Design and Data Collection

This study is a qualitative research paper with a descriptive research question and design, which aims at exploring the mechanisms of consensus building in Tunisia. It will employ qualitative methods that will rely on two data-sourcing approaches:

First: a literature review will be employed for primary sources such as scholarly articles, books, and analytic materials that tackle the definition and mechanisms of consensus. The review shall cover relevant theories on consensus including the social contract, democracy, and transition to democracy theories. Operationalization of the concept shall also be carried out to

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[54] Ibid. pp. 48.

identify the theoretical framework for consensus building and how is it relevant to Tunisia's transition. Moreover, primary sources will also be employed to cover Tunisian politics since independence until the Jasmine Revolution in terms of actors' behavior and civil liberties' status. Likewise, the three stages of transition will be approached in order to investigate the path to failed/successful consensus. For major incidents documentation, journalistic material retrieved online shall also be used.

Second: secondary sources in the form of interviews with Tunisian key political actors conducted by Tunisian local and regional newspapers and TV programs will also be used. Data collected are retrieved from Tunisia's Alchourouk online journal; Magharebia news website; and Aljazeera TV programs. Information collected herein will back primary data and help draw an in-depth picture on how negotiations and compromises were handled during the national dialogue.

The research proceeds in three parts. First it presents various definitions for 'consensus' and outline the operationalization of consensus in democratic transition theory. Second, it examines Tunisian pre- and post-revolutionary political landscape, including Bourguiba and Ben Ali's reigns, political and civil society actors, and the Jasmine Revolution. In the third and final section, it analyzes the Tunisian path to consensus, reflecting on the mechanisms the research conducted from operationalizing consensus building in transitions.

1.5.2. Research Limitation

This study has substantial limitations. First, the research question is relatively new, and academic literature covering achieving consensus in Arab Spring countries is quite limited. Second, Tunisia is still a country in transition, and political events are very volatile; so the study

focused on analyzing the period from 2011 to 2013 or until the constitution was adopted. Third, after several attempts to obtain a travel visa to Tunisia, I did not receive approval due to security concerns for parliamentary and presidential elections were being held during the time allocated for thesis writing. Thus, I could not conduct in-depth, semi-structured interviews, as planned, with key actors who participated in the Tunisian national dialogue. Nevertheless, this limitation is complemented by the local literature covering the process of conciliation and arranging pacts to reach an agreement on the roadmap.

2. CHAPTER 2: PRE- AND POST REVOLUTION POLITICAL LANDSCAPE

Prior to the 2011 revolution, Tunisia had only two presidents since independence: Bourguiba, a secular nationalist who helped lead Tunisia's independence movement, and Ben Ali, a former Interior Minister and Prime Minister who seized power in 1987 and enacted severe restrictions on political freedoms and participation.

2.1.   From Bourguiba to Ben Ali

A new government headed by Bourguiba came to power on the same day Tunisia proclaimed its independence from France, March 20, 1956. Only five days later, a constituent assembly was popularly elected with Bourguiba as its president as well as head of the government. The assembly was formed to draft a new constitution for the republic, which was voted for on May 28. 1959. On July 25, 1957, the Tunisian republic was proclaimed, abolishing the monarchy and placing Bourguiba in presidential office in the same year. Presidential elections then took place in 1959 and Bourguiba was the only candidate.

He ruled under the Neo-Destour Party, later renamed the Destourian Socialist Party in 1964, which gained credit from the role it played in acquiring independence. During the early years after independence, the Neo-Destour managed to rule the country effectively given the fact that it won all 90 seats in the newly elected National Assembly in 1959, and a new constitution was set in place. In this context, the Neo-Destour managed to push through reforms that successfully brought about political stability and economic growth. [55] Among these reforms was the recognition of the role of Islam in Tunisian society, yet the workings were to be exclusively

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[55] Abadi, Jacob. (2013). *Tunisia Since the Arab Conquest: The Saga of a Westernized Muslim State*. Ithaca Press, UK. pp. 483.

secular, and promotion of women's rights in the 1956 Code of Personal Status. This extraordinary document outlawed polygamy, gave women virtual legal equality with men, enabled women to initiate divorce, identified a legal minimum marriage age, and gave women the right to be educated.[56]

During the first years of his presidency, Bourguiba made education free and compulsory until the age of 16. This applied to all Tunisian children, including the poor and rural residents. He also dedicated the largest portion of the state budget to education and youth development and completely prohibited child labor.

Furthermore, the role of the military was firmly reduced so it was under the control of the civilian government, and the institutions forced a process of Tunisification to replace French workers with Tunisian ones.

The Neo-Destour managed to tighten the grip and monopolized Tunisia's domestic politics. Whereas some national organizations allowed for some popular mobilization and representation, by the 1970s liberals within the party could not bear Bourguiba's apparent tendency to centralize and retain power in his personnel. Eventually, unsatisfied liberals split up to form their own underground political movements in the 1970s. By that time, Bourguiba became more authoritarian and detached from the party's base. Consequently, the party itself lost effectiveness and interest in introducing more changes, and its leaders became more autocratic and less accountable to the Tunisian people. Thus, promises of political liberalization never materialized.

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[56] Encyclopedia Britannica. *Habib Bourguiba.* Retrieved October 1, 2014, from:
http://www.britannica.com/EBchecked/topic/75869/Habib-Bourguiba

The turning point was in 1974 when political activists and students began to protest Bourguiba and his party's poor political and economic performance. In order to silence this dissent, the Tunisian National assembly passed an exceptional law allowing Bourguiba to serve as president for life. No one was pleased with the law, which sparked riots against the regime, marking the decline of Bourguiba.

The deteriorating conditions of the 1970s pushed the government in 1983 to submit to demands by the International Monetary Fund and aid donors to withdraw some subsides and reduce many others. This decision was the last straw in a succession of widespread social uproar where unemployed workers, political factions, and Islamists formed the core of the protests. Bourguiba's inability to restore order following this crisis prompted a peaceful constitutional coup by his newly appointed Prime Minister and constitutional successor Zine al-Abidine Ben Ali, who ousted Bourguiba in 1987. Ben Ali claimed that Bourguiba was unable to carry out his duties due to deteriorating mental health. He assumed the presidency himself and vowed to continue Bourguiba's social and economic policies, but to loosen the political restrictions, make progress in the economy and society in general, and release political prisoners in order to achieve gradual transition toward democracy.

Ben Ali was expected to favor a somewhat less secular government than Bourguiba's, with a more moderate approach toward religious fundamentalists. Ben Ali expanded some press freedoms and freed a number of political prisoners[57]. However, the political openness he promised was short lived when the fraud 1989 elections took place and he continued with a hard

[57] BBC World. (2014). *Tunisia Profile Overview*. Retrieved October 1, 2014, from: http://www.bbc.com/news/world-africa-14107241

line against Islamist and leftist movements and tolerated no dissent. In 1991, he outlawed the Ennahda Party and intensified suppression of Islamic militants. From that point on, he came under increased criticism for human rights violations. The crackdown on Islamists was accompanied by a significant expansion of the security apparatus and tight restrictions on the media. In fact, Ben Ali created a police state in Tunisia where any form of political opposition was repressed.

However, the last couple of years featured a stagnating economy and a job market unable to cope with the high number of graduates. Youth unemployment and lack of future prospects for young Tunisians was becoming a growing problem.[58] According to The Tunisian Youth Observatory, unemployment among youth between 18 and 29 years old reached more than 29.8% in 2009.[59] Moreover, middle class families were coming under more pressure because of rising prices and personal debt. Also, corruption and nepotism were becoming more apparent in presidential circles and national wealth was concentrated in the hands of a small group linked to the regime. The deposed president's wife, Leila al-Trabulsi, and her family dominated a large share of Tunisia's economy through acquiring economic and financial institutions, and garnering commissions in order to facilitate the administrative financial processes. Estimates reveal that Ben Ali's family controlled over 40% of the total economic activity in Tunisia.[60] On the same

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[58] Thomas Schiller (2011). *Tunisia: A Revolution and its Consequences*. The Konrad Adenauer-Stiftung Regional Programme (KAS). pp. 10. Retrieved October 3, 2014, from: http://www.kas.de/wf/doc/kas_22802-544-2-30.pdf?110516130505

[59] عبد اللطيف الحناشى. (2012). *الأحزاب والمنظمات الوطنية التونسية ودورها فى الثورة ومجراها*. فى أ\ محمد مالكى (وآخ.). *ثورة تونس: الأسباب والسياقات والتحديات*. (ص 196-197). الدوحة: المركز العربى للأبحاث ودراسة السياسات

[60] Sadiqi, Larbi (2011). *Tunisia: Revolution of the Citizenry. Arab Center for Research & Policy Studies*. pp. 6. Retrieved October, 5, 2014, from: http://english.dohainstitute.org/file/get/7f179303-b35c-4525-a803-37c260a2607e.pdf

theme, the Transparency International 2009 annual report notes that Tunisia ranks 65 out of 180 countries on the global corruption scale.[61]

The social reality in Tunisia shows that over a third of Tunisia is marginalized. According to the National Statistical Institute's 2010 figures for general living conditions, 33.9% of the total population are deprived from basic services in their neighborhoods, that is services such as electricity, water, roads, waste disposal, and public health are not serviced by a local authority.[62] Thus, the economic and social conditions of Tunisia were a strong force that impacted the eruption of the revolution.

Political life was completely dominated by Ben Ali's Constitutional Democratic Rally party (known by its French acronym RCD), formerly called the Neo-Destour then Destourian Socialist Party, which controlled the majority of seats in Parliament in all the elections held starting 1989. This hegemony facilitated passing legislation and laws that favored the ruling party, such as approving the constitutional amendments that guaranteed Ben Ali continue in office. The first amendments in 1998 allowed a multi-candidate presidential competition. The second in 2002 abolished the term limit for presidential office and raised the maximum age for candidacy from 70 to 75 years. Such amendments allowed Ben Ali to run for more than three terms and legitimized the landslide win of Ben Ali in the presidential elections in 1989 and 1994 — unopposed. Even when multi-party presidential elections were introduced, Ben Ali still won in

[61]Transparency International. (2009). *Corruption Perceptions Index 2009*. Retrieved October 10, 2014, from: http://www.transparency.org/research/cpi/cpi_2009

[62] Sadiqi, pp. 8-9.

1999, 2004, and 2009 by an overwhelming majority after the constitution was amended twice so he could continue to serve in office.[63]

Partisan life in Tunisia was also monopolized by the RCD with other small loyalist parties revolving around the ruling party, whereas real opposition forces were liquidated. The most notable party that opposed Ben Ali's regime, the Ennahda movement, was excluded from the Tunisian political scene through a legal framework and further through police and judicial repression, including the prosecution of its members under various accusations and the imprisonments of its leaders and adherents.

Like the country's political parties, civil society groups have long suffered harassment throughout Ben Ali's regime through measures ranging from bureaucratic harassment to physical assault.[64] The regime ruled with an iron fist that did not tolerate any independent activism for civil society actors who opposed the regime, its oppression, and lack of freedoms. More often, these actors ended up either having to flee the country or face harassment and torture.[65] As a whole, the crackdown on political parties and civil society limited the political horizon and reinforced the hegemony of the one-party rule and the president. This reflected negatively on the economic, social, and legal life in Tunisia and created an atmosphere of political dissatisfaction among Tunisians who felt excluded and humiliated.

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[63] BBC World. (2011). *Profile: Zine al-Abidine Ben Ali*. Retrieved September 30, 2014, from: http://www.bbc.com/news/world-africa-12196679

[64] Sadiqi, pp. 11-12.

[65] Pentland L. T. (2012). *When Authoritarianism Failed in Tunisia: An Investigation of the Ben Ali Regime and the Factors that led to its Downfall*. M.A. Faculty of the Graduate School of Arts and Sciences of Georgetown University pp. 66. Retrieved October 20, 2014, from: https://repository.library.georgetown.edu/bitstream/handle/10822/557507/Logan_georgetown_0076M_11838.pdf?sequence=1

All these crises motivated the eruption of the January 14, 2011 revolt in Tunisia, which prompted Ben Ali to step aside, as it became clear, by then, that the long-maintained implicit deal the regime had with the people — an authoritarian political system in exchange for economic and social progress — was cracking[66]. The revolt demolished Ben Ali's tyrannical regime and inspired uprisings across the region that became known as the Arab Spring.

Overall, Ben Ali's autocratic regime was based on several political and administrative pillars, most significant were:

a) *Presidential system*: Virtually all state powers within Tunisia were in the hands of the president of the state. According to the 1959 constitution, he was head of the administration, military, and diplomacy. He also decided on war and peace, appointed civil and military senior offices, controlled government policies, appointed the prime minister and other members of the cabinet and fired them, and controlled the legislative and constitutional powers.[67] Personalizing the presidential office under the pretext of ensuring political stability, consequently, enabled for the liquidation of political rivals and blockade of plurality. Further, enforcing firm censorship over media outlets and civil society organizations and employing them to serve the interests of the authoritarian state created a political atmosphere that lacked transparency and accountability.

b) *Administrative centralization*: This contributed to reinforcing the clout of the president as he combined both the political and administrative role. That is, he decided on public policies,

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[66] Schiller, pp. 10

[67] لطفى طرشونة. (2012). *منظومة التسلط فى النظام السياسى التونسى قبل ثورة 14 يناير*. فى أ\ محمد مالكى (وآخ.). *ثورة تونس: الأسباب والسياقات والتحديات*. (ص 39-40). الدوحة: المركز العربى للأبحاث ودراسة السياسات

transformed decisions into legislative texts/laws, and finally enforced them.[68] This monopoly of policymaking and implementation, in the center and periphery, further consolidated autocracy and enabled him to rule with an iron fist.

2.2. Mapping Political Parties and Civil Society

After the independence of Tunisia, the RCD monopolized political, economic, and social life, hindering the progression of any opposing actor. Bourguiba's authorities posed restrictions on political parties, which were not recognized until a presidential decree in 1981 allowed a multi-party system but with limitations. This policy was mainly intended to block any organized opposition movement from being strong enough to compete or dismantle the authoritarian regime. However, in the first year following Ben Ali's seizure of power in 1987, the country showed significant progress toward a pluralistic political regime, although many obstacles remained in place. Even though the Chamber of Deputies elections were held periodically in 1989, 1994, 1999, 2004, and 2009, the electoral system was tailored to ensure that the ruling RCD always obtained the majority of seats. This was done through assigning only 12% of the parliamentary seats to legal opposition parties in 1994, which was raised to 19% in 1999 and then to 25% in 2009.[69] This portion was to be divided among real opposition parties and pro-Ben Ali parties. Similarly, when multi-candidate presidential completions were allowed starting 1998 and, accordingly, opposition figures were no longer denied participation, they were strictly banned from campaigning openly through the media and rallies. Therefore, legislative as well as

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[68] Ibid. pp. 43-44

[69] عزمى بشارة (2012). *الثورة التونسية المجيدة: بنية ثورة وصيرورتها من خلال يومياتها*. ص 154. الدوحة: المركز العربى للأبحاث ودراسة السياسات.

presidential elections were uncompetitive, but the electoral system had the appearance of pluralism.

Prominent Political Parties

The political milieu in Tunisia was dominated exclusively by the RCD during Bourguiba and Ben Ali's era. The political scene at that time had nine recognized parties; six of them were closely aligned to the government while the other three were genuinely critical of the regime. The RCD successively won large majorities in the legislative elections most believed were rigged. Some real opposition parties, such as Ettajdid, the Progressive Democratic Party, and Ettakatol were legalized to function in a limited manner. Others, such as the Islamist Ennahda and the Congress for the Republic, were banned yet operated from abroad. The most prominent political parties that existed long before the Tunisian revolution can be categorized according to their activism and how close or far they were from ruling authority into:[70]

2.2.1. Legal Parties Aligned to the Government

Five opposition parties viewed as closely tied and friendly to the government were allowed to run for the legislative election.

o *Movement of Socialist Democrats (MDS)*

The party was established in 1978 but remained illegal until 1981 when opposition parties were finally allowed to run for elections. It was one of three moderate opposition parties legalized in the 1980s. Upon Ben Ali's seizure of power, the MDS welcomed this movement as

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صلاح الدين الجورشي. (2012). تونس: المشهد الحزبي بعد ثورة الحرية والكرامة. فى أ\ محمد مالكى (وآخ.). ثورة تونس: الأسباب والسياقات [70] والتحديات. (ص 249-269). الدوحة: المركز العربي للأبحاث ودراسة السياسات.

many members believed in Ben Ali's call for reforms and liberalization. In the 1990s, a rift occurred in the party as some strove for cooperation with the government while others sought to oppose it. Eventually, those who advocated dissent defected and founded the Democratic Forum for Labour and Liberties (Ettakatol) under the leadership of Mustafa Ben Jaafar, now speaker of the NCA. When electoral law changed in 1994 to allow a parliamentarian representation of opposition parties, the MDS cast ten, thirteen, fourteen, and sixteen seats in parliament during the 1994, 1999, 2004, and 2009 elections respectively, making it the second-largest party represented in the parliament behind the RCD. After the Tunisian revolution, the party obtained only two seats in the NCA 2011 elections.

o *Popular Unity Party (PUP)*

Founded in 1981 and legalized in 1983, the nationalist party won only two seats in the 1994 elections, seven seats in 1999, eleven in 2004, and twelve seats in 2009. In the popular election for the NCA after the revolution, the PUP failed to win any seats.

o *Unionist Democratic Union (UDU)*

The party was founded and legalized in 1988. It holds a pan-Arabist ideology gathering Baathists and Nasserists members. In the 1994 election, the UDU received three seats and then seven in the 1999 and 2004 elections. Its portion reached nine seats in 2009. After the Tunisian revolution, the party failed to secure any seats in the NCA 2011 elections.

o *Social Liberal Party (PLS)*

It was also formed in 1988 with a liberal ideology advocating privatization and state-owned firms. It was not until the 1999 election when it received its first two seats in parliament and

managed to secure these two seats in the 2004 elections. The PSL then succeeded to quadruple its seats to eight in the 2009 election, ranking it the fifth-largest party in parliament.

o *Green Party for Progress (PVP)*

Founded and legally recognized in 2006, the PVP is the first party in Tunisia dedicated to ecological concerns. In the 2009 elections, it garnered six seats.

2.2.2. Legal Parties Not Aligned to the Government

Even though granted legal status and allowed to issue their own publications, some legal opposition parties, who fought against the Ben Ali regime, were subjected to different forms of police repression, including prosecution and imprisonments. The authorities derailed their activism, blocked their efforts to contest elections, and limited its geographical prevalence so as not to challenge the authoritarian regime.

o *Ettajdid Movement*

Ettajdid emerged as a center-left secularist party founded and legalized in 1993. The party won four seats in 1994 elections, five seats in 1999, three in 2004, and two in 2009, making it the smallest party represented in Tunisia's pre-revolution parliament. After 2011, it joined the Democratic Modernist Pole (PDM) secularist alliance, which was formed to counter Ennahda and Islamism in the NCA election. In 2012 it merged into the Social Democratic Path.

o *Progressive Democratic Party (PDP)*

A secular and social-democratic party founded in 1983 by Ahmed Najib Chebbi and Maya Jribi, the party gained legal recognition in 1988. It was repressed under Ben Ali, and Chebbi was

harassed by security forces and state-run media for years. After the PDP failed to participate in the legislative elections under the Ben Ali rule from 1989 to 1999, the party decided to boycott the last two elections in 2004 and 2009. Thus, it was not present in any of the pre-revolution parliaments. Further, Chebbi was banned from running for presidency in 2009. The party was headed by Chebbi until 2006, when he decided to step aside for Jribi to provide an example of democratic handover.[71] She became the first woman to head a political party in Tunisia. Chebbi and Jribi are well known for initiating a hunger strike in October 2007 after a court decision to remove PDP headquarters from Tunis. Their strike, which lasted for one month, was intended to defend political parties' right to use public space and protest the government decision. Thereupon, Ben Ali was prompted to revoke the court's decision as their strike exposed a lack of political freedom in Tunisia. In the post-revolution NCA election, the PDP won sixteen of 2017 seats, placing it at the fifth position. The party had perceived Ennahda as its rival, and after the revolution it was highly critical of the Islamist party and joined the opposition camp against the governing coalition of Ennahda with the CPR and Ettakatol. In 2012, it merged into a new party called the Republican Party along with other parties and independents.

o *Democratic Forum for Labour and Liberties (Ettakatol)*

Ettakatol was established in 1994 as a center-left secularist party but officially recognized only in 2002. Ettakatol played a secondary role during Ben Ali's reign, it was politically marginalized, could not obtain any seats in legislative elections, and its founder and current secretary-general Mustafa Ben Jafar was disqualified from running for presidency in 2009. After

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[71] Reuters. (January 2011). *Who are Tunisia's main opposition figures?* Retrieved November 2, 2014, from: http://af.reuters.com/article/tunisiaNews/idAFLDE70G1MA20110117?sp=true

the revolution, it won 20 seats of the NCA's 217 seats, ranking the fourth in the assembly; subsequently it entered into a coalition with Ennahda and the CPR to run the transitional period. According to the coalition agreement, Ben Jafar was elected speaker of the assembly.

2.2.3. Illegal Parties

Several parties could not acquire legal license for political activism and were not recognized by the state. The most important of these are:

o *Congress for the Republic (CPR)*

CPR is a center-left secular party created in 2001, but legalized only after the revolution. During the Ben Ali presidency, CPR was banned and its founder Moncef Marzouki was exiled to Paris after he ran for presidency against Ben Ali in 1994 but was disqualified and imprisoned. However, the party continued to operate from there until 2011.[72] In the 2011 NCA election, the CPR won 29 of 217 seats, becoming the second-strongest party in the assembly after Ennahda; accordingly, its then leader Marzouki was appointed an interim president of Tunisia by the NCA in 2011.

o *Ennahda (Renaissance) Party*

Founded in 1981, Ennahda is the largest Islamist party in Tunisia. At first it was a coalition of Islamist groups under the name of Movement of Islamic Tendency (MTI), initially calling for political and economic reform, respect for human rights, and a return to the fundamental

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[72] عبد اللطيف الحناشى.Pp.218-219

principles of Islam.[73] During the beginnings of the 1980s, the coalition developed into a well-organized social and political movement and expanded its grassroots support through engaging actively with the UGTT and other civil society organizations. When Ben Ali took power, he announced a package of political reforms that would allow the movement to run a list of candidates in the 1989 legislative election. However, Ben Ali changed course and initiated limitation measures that prohibited a party's name from containing any religious connotations, forcing the party to change its name to Ennahda in 1989. However, Ben Ali still refused to allow it to enter the election as a recognized party and mounted a long period of brutal repression of political opposition, including Ennahda members, and banned Ennahda from participating in the 1989 legislative election. However, some of its members took part as independents and managed to officially obtain about 13% of the vote, scoring the second place after the RCD.[74] Soon after winning this percentage of seats, Ben Ali sought to curb the party's popularity in the early 1990s by outlawing it and harshly repressing and detaining its members. By 1992, virtually all of Ennahda's leadership was imprisoned or were in exile in France and the UK, its organizational capabilities within the country were destroyed, and the movement was forced underground.[75] Thereupon, Ennahda founder and current leader Sheikh Rachid Ghannouchi was forced to flee the country to London from which he continued to run the party until January 2011. The regime justified the repression with claims that the party was linked to violent Islamist movements. After 20 years, in the wake of the revolution, Ghannouchi returned, and Tunisia's interim

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[73] American Foreign Policy Council. pp. 3. Retrieved November 2, 2014, from: http://almanac.afpc.org/sites/almanac.afpc.org/files/Tunisia_3.pdf

[74] Crisis Group Middle East/North Africa Report No.106. (April 2011). *Popular Protest in North Africa and the Middle East (IV): Tunisia's Way*. pp. 1. Retrieved November 24, 2014, from: http://www.crisisgroup.org/Africa/North%20Africa/106.pdf

[75] Shahin, Emad. (1997). *Contemporary Islamic Movements in North Africa*. Westview Press, United States of America. pp. 101-105

government granted the party legal recognition. It participated in the first free election in Tunisia's history, winning 89 of 217 NCA seats because, at that time, the party was one of the oldest and most organized forces with strong grassroots support in the country's poorest areas.

o *Workers' Party*

Formerly the Tunisian Workers' Communist Party (PCOT), it was founded in 1986 and outlawed throughout the Ben Ali years and hundreds of its members faced imprisonment and torture. In 2002, its leader Hamma Hammami was accused of being a member of an illegal organization and of inciting rebellion and was arrested accordingly. In September, he was freed on health grounds and eventually went into exile in France, where he stayed until the eruption of the revolution. The party was finally legalized on March 2011. Shortly afterward, the party held its first conference as a legal party and participated in the 2011 NCA election gaining three of the 217 seats[76].

2.2.4. Civil Society Organizations Activism

To understand the Tunisian revolution, one must shed light on Tunisia's vibrant civil society movements. Despite dominant and centralized role of the ruling party, Tunisia, however, had a vibrant civil society and strong labor and students unions that exerted pressure on the state in the 1970s and early 1980s.

• *Tunisian General Labour Union (UGTT)*

Founded in 1946, the UGTT played a vibrant role in Tunisian's decolonization struggle against France. It then became the major force of 'civil society' and the leading national trade

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[76] الحناشى. Pp. 208

union in the country. It allied with Bourguiba's political movement, which was the cornerstone in post-independence state building, participated in the 1956 Constituent Assembly, and was represented in parliament and successive governments.[77] This strategy of supporting and working cooperatively with state institutions soon turned into confrontation when Bourguiba and his party started to crack down on the union who opposed his liberal reforms and privatization strategy. Tensions reached their peak in 1978 when the union initiated a general strike to protest Bourguiba's government attempt to replace the union leadership.[78] The aftermath of the union's initiation of the strike was the persecution of its entire leadership and their replacement by regime loyalists. The army fiercely repressed further, popular riots organized in response to this, and tens of deaths were reported in what became known as Black Thursday.[79] By the same token, it faced the harsh brutality of the regime when it participated in bread riots in 1983-84.[80] These major social confrontations weakened the UGTT and perished its social and political role as a pressure group.

The UGTT failed to restore its role after Ben Ali assumed power as his government focused on consolidating its control over the union. By then, the UGTT entered into a new stage where the latter obviated any clash with the union top leaderships who, by then, deferred to the state. Eventually, Ben Ali succeeded in interfering in its appointments, co-opting the union and keeping it under the regime's thumb until his fall. Thereupon, the union leaders navigated much closer to positions in support of working cooperatively with the Ben Ali regime; it backed

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[77] الحناشي. Pp.212

[78] محمد عبد الباقي الهرماسي (1987). *المجتمع والدولة في المغرب العربي*. بيروت: مركز دراسات الوحدة العربية. ص 63

[79] عدنان المنصر. (2012). *الاتحاد العام التونسي للشغل: جدلية السياسي والاجتماعي*. في أ\ محمد مالكي (وآخ.). *ثورة تونس: الأسباب والسياقات والتحديات*. (ص 272-288). الدوحة: المركز العربي للأبحاث ودراسة السياسات.

[80] The implementation of a structural adjustment plan signed with the IMF forced the elimination of food subsidies and resulted in a rise in bread and semolina prices. This action, in turn, sparked unrest and Tunisia's first wave of "bread riots."

reelecting Ben Ali for presidency, and, in return, the UGTT forged an agreement to raise wages every three years[81]. However, some trade union sectors, such as educational, postal, and health workers, as well as some local officials, continued to challenge the regime. The split between the top leadership of the union and the contestatory orientation of some of its local officials and rank-and-file activists was very clear in the response to the 2008 Gafsa mining region revolt when phosphate mine workers in the mining basin of Gafsa went on strike[82]. Local UGTT leaders with contestatory orientation supported the strike, which continued for months; whereas the top leadership of the union, close to the regime, only played the role of mediators and often opposed the strike, causing major tensions within the organization.[83] Thereafter, the UGTT began to experience its first internal fracturing. [84]

Despite Ben Ali's iron grip on the UGTT leadership, he failed to prevent the union's rank-and-file activists or local officials from continuing to be deeply involved in social struggles for social justice and workers' rights. That was the case, notably, during the past few years where statistics revealed that the rate of strikes led by the UGGT activists increased from 382 in 2007 to 412 in 2008, and back again to 361 in 2009. Most of them were reported in the private sector, around 76% in 2007, 92% in 2008, and 89% in 2009.[85] There were several reasons behind these strikes, but most importantly were unpaid wages, a poor working environment in terms of safety and life insurance, and the opposition to firing or abusing trade unionists. For the same reasons, the working class also organized sit-ins to pressure for their demands. Labor demonstrations and

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[81] الحناشى, pp.213

[82] The strike began among unemployed non-union workers and students who were unable to get jobs in the mines. It was then supported by miners' widows and families, protesting unemployment, the cost of living, nepotism, and the unfair recruitment practices of the mining company.

[83] المنصر. Pp.290

[84] Ibid.

[85] الحناشى, pp.198-199

sit-ins have been on the rise in Tunisia during the last three years prior to the revolution. According to statistics revealed by the UGGT, the number of labor sit-ins rose from 27 in 2007 to 28 in 2008 and 36 in 2009.[86] Sit-ins were witnessed in various sectors (textiles, mechanical, mineral, and terrorism industries, etc.).

Most recently, when revolts first exploded in Sidi Bouzid, the union's local officials were determined not to repeat the Gafsa failure and used its local offices as headquarters to back the uprisings against Ben Ali because it had strong representation in remote areas where the revolution first erupted. Thereafter, the UGTT's top leadership was eventually replaced, and the organization sought to portray itself as an integral part of the Tunisian revolution and transition.

Now the UGTT, which has an office in each governorate and district and more than 500,000 members, has historical legitimacy based in part on its struggle for social justice and workers' rights, organizing several strikes, as well as its crucial role in ultimately bringing about the downfall of the Ben Ali regime.

- *Tunisia Bar Association (TBA)*

In the same manner as did the UGTT, many Tunisian lawyers led the fight for independence, then the resistance against Bourguiba and Ben Ali dictatorship. Founded in 1958, TBA has always been more of an activist organization than merely a professional union; it has advocated the rule of law, justice, and liberty for Tunisian people. It also challenged the authorities' continuous attempts to undermine the association and managed to retain its autonomy, resisting

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[86] الحناشى, pp.199-198

co-option efforts that effectively neutered other unions and parties.[87] Throughout the darkest years of the Ben Ali repression of Islamists in the 1990s, some anti-government lawyers defended Islamists with dissident opinions just to make sure the defendants had real legal representation.[88] In retaliation, they faced threats, police harassment, surveillance, confiscations, and imprisonment on daily bases. In 2002, the Bar Association was put under pressure by the authorities in response to a call for a one-day nationwide lawyers strike to protest state-imposed obstacles to the ability of lawyers to mount an effective defense in political trials and defendants' rights to fair representation. The government reacted sharply to the strike and lawyers affiliated with the ruling RCD filed a politically motivated lawsuit challenging the legality of the Bar Association's national council to call for a strike. They agued that the association's national council lacked the authority to declare a strike as it is not explicitly mentioned in the law governing the organization of the legal profession and must reside instead with the association's general assembly.

In the course of the revolution, TBA was one of the first professional groups to join street rallies. Thousands of lawyers were seen in the streets, wearing their professional uniforms, demonstrating with ordinary Tunisians. On December 30, 2010, lawyers organized protests in all Tunisian courts to voice solidarity with the demands of the people and commemorate the victims of regime brutality in Sidi Bouzid.[89] The police responded by harassing the lawyers in the courts and streets. From then on, the association has been centrally involved in crafting and consolidating a framework for transition.

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[87] الحناشى, pp.214
[88] الحناشى, pp.236
[89] الحناشى, pp.236-237

- *Tunisian League for Human Rights (LTDH)*

Established in 1977, the league aims at observing the human rights situation in Tunisia. It has long taken stands against the death penalty and called for the release of political prisoners. Startled by its activism, Ben Ali shuttered their regional office, replaced leadership with figures loyal to his own party, and prevented it from holding any conferences.[90]

2.3.   The Jasmine Revolution

The adoption of a one-party state, with the RCD holding strong majorities in both houses of parliament, and the domination of political and economic life with the help of security forces and a devoted bureaucracy flared a wave of mass street demonstrations in the final days of 2010. The protests were triggered after a young fruit and vegetable vendor named Mohamed Bouazizi set himself on fire when humiliated by local authorities and stopped from selling without a license. Bouazizi's suicide would not have triggered widespread sentiments if it were not for Tunisians' shared background of repression.

Protests against poverty, unemployment, and political repression gradually spread out across the country through social media networks demanding that Ben Ali resign. The security forces reacted with brutality to the first demonstrations in the country, killing dozens of protesters and injuring hundreds. This act provoked anti-regime sentiment rather than fear.

Dramatically, street demonstrations erupted into a revolution that called for ending more than five decades of authoritarian presidential regimes under the initial leadership of Bourguiba

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[90] الحناشى. Pp.216-215

(1959-1987) and then Ben Ali (1987-2011). Before his departure, Ben Ali made several attempts to calm the opposition by expressing deep regrets for the deaths of protesters, pledging to create jobs, introduce media freedoms, control food prices, and vowing to offer more political concessions. On January 13 he promised to step down as president at the end of his term in 2014 and on January 14 Tunisian state media announced that the government had been dissolved and legislative elections would be held in the next six months.[91] However, he failed to placate the unrest and was prompted the following day to step aside, fleeing the country to Saudi Arabia.

In the aftermath of Ben Ali's toppling, Tunisia's transitional governments embarked on a process of reconstructing the political system and overcoming chaos and authoritarian resurrections that stroked the fire of the Arab Spring. During the first year of the revolution, Tunisia witnessed a drastic expansion of political freedoms and civil liberties, with the legalization of more than 100 political parties and the foundation of an independent civil society. Consequently, the political scene in Tunisia became populated with a wide variety of political forces. These forces fluctuated between a consensual approach and sharp competition, with a polarization between Islamist and non-Islamist forces rapidly emerging. However, the process, for all its problems and occasional bouts of violence, has remained relatively peaceful.

2.3.1. First Stage of Transition

Tunisia, whose mass demonstrations in January of 2011 torched the regional conflagration that toppled four governments, entered a new political stage that is vastly different from the past five decades.

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[91] Encyclopedia Britannica. *Zine al-Abidine Ben Ali*. Retrieved November 24, 2014, from: http://www.britannica.com/EBchecked/topic/60277/Zine-al-Abidine-Ben-Ali

Following Ben Ali's departure, the constitutional council appointed the head of the Chamber of Deputies, Fouad Mebaaza, as interim president due to the permanent absence of the president based on Article 57 of the 1959 Constitution, which states that the head of the lower chamber of parliament, not the prime minister, should serve as interim president.[92] Ben Ali's long-serving Prime Minister since 1999, Mohamed Ghannouchi, formed an initial transitional government. However, the key Ministries of Interior, Defense, and Foreign Affairs were still occupied by the old guards of Ben Ali's RCD party.

The interim government did not last for long, as many Tunisians were not satisfied with the outcome because it did not break with the old ruling RCD. Ghannouchi reshuffled the government by the end of January, with Ghannouchi as the only remaining representative of the old guard. Nonetheless, the solution was deemed unsatisfactory. Amid political dissatisfaction, Ghannouchi resigned and a third transitional government was formed on February 27 under a new prime minister, Beji Caid Essebsi, who served as foreign minister in the government of Bourguiba. But again it was not in line with the desires of most Tunisians, and many ministers left the government.

Eventually, political unrest was stabilized by then-interim president Mebaaza's announcement on March 3 that elections would be held for a National Constitutional Assembly (NCA) on July 25, 2011[93] that would set up a draft new constitution. He stated in his speech that the 1959 constitution "no longer reflects the aspirations of the people after the revolution" and

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[92] Schiller, pp. 14
[93] Schiller, pp. 15-16

that a new interim government would run the country until the election of the NCA.[94] This announcement made a crucial difference as it paved the way for a real revolutionary break with the old system and rendered the old constitution ineffective.

However, due to technical difficulties, elections were delayed from July until October upon the request of the Independent High Authority for Elections (ISIE), which administered the electoral process. Tunisia was able to hold its first fair and free elections in October 2011, marking the end of the first phase. The handover of power — in almost ten months — to an elected body saved the Tunisian system from serious collapse and challenges to its governing legitimacy.

2.3.2. Second Stage of Transition

For the first time, Tunisia was governed by elected officials represented in the NCA, which was given the power to decide its bylaws as well as run the country throughout the second phase. The results of the October 23 NCA election showed that out of 217 seats, Ennahda came in first with 89 seats (37%), the Congress for the Republic (CPR), a nationalist center-left party, came in second with only 29 seats (8.7%), and the Democratic Forum for Labour and Liberties (Ettakattol), Tunisia's largest social democratic party, came in forth in the popular vote with only 20 seats (7%). Nevertheless, Ennahda's victory was not sufficient for the party to rule alone since it did not have the majority required. Therefore it had to coalesce with other parties because it seemed the only way to obtain majority. Accordingly, a coalition, known as the Troika Coalition was forged between Ennahda, CPR, and Ettakattol to reach a majority of 139 seats.

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[94] BBC World (2011). *Tunisia president Fouad Mebazaa calls election.* Retrieved November 26, 2014, from: http://www.bbc.co.uk/news/world-middle-east-12642942

This cross-ideological coalition reached an agreement that each coalition partner would hold one of the three so-called "presidencies" in Tunisia as follows: president of the republic from the CPR, prime minister from Ennahda, and head of the NCA from Ettakattol. Thereby, Hamadi Jebali from Ennahda was appointed as prime minister, Moncef Marzouki from the CPR held presidential office, and Mustapha Ben Jaafar from Ettakattol became speaker of the NCA.[95]

Troika was assigned the responsibility to administer the transitional period and the process of writing the constitution over the following year. On the other hand, the NCA was given enormous powers, including 1) drafting a new constitution for the Tunisian republic, 2) exercising legislative functions, 3) electing the president of the republic, 4) electing the president of the NCA, and 5) monitoring government performance.[96] Thus, before the end of 2011, Tunisia had a fully-fledged parliament, Constituent Assembly, an indirectly elected prime minister, and a president.

Despite the coalition and the settlement of the political roadmap, some factors contributed to widen the gap between Islamist and secularist forces. The first was the dispute over the role of Sharia (Islamic law) in the constitutional draft. Ennahda preferred that Sharia were the main source of legislation and Ettakattol decisively declared it would withdraw from Troika if there were any mention of Sharia in the draft. The heated debate escalated pro- and anti-Sharia street protests, which lasted for weeks until Ennahda clearly stated that it would not pursue any

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[95] Thornton, Christopher (2014). *The rocky path from elections to a new constitution in Tunisia: Mechanisms for consensus building and inclusive decision making*. The Oslo Forum Network of Mediators, background papers, pp. 59-67. Retrieved December 5, 2014, from: http://www.osloforum.org/sites/default/files/Thornton%20-%20The%20rocky%20path%20from%20elections%20to%20a%20new%20constitution%20in%20Tunisia%20-%20OF%202014%20Background%20Paper.pdf

[96] El-Sayed, Ahmed (2014). *Post-Revolution Constitutionalism: The Impact of Drafting Processes on the Constitutional Documents in Tunisia and Egypt*. Electronic Journal of Islamic and Middle Eastern Law, Vol. 2. The Center for Islamic and Middle Eastern Legal Studies (CIMELS), University of Zurich, Switzerland. pp. 43-44

reference to Sharia in the draft. The party justified the decision with the fact that the political authorities needed to focus on Tunisia's more pressing issues and that an ambiguous referral to Sharia might lead to misinterpretation by the judiciary or public.[97]

The second challenge was the question of the type of political system to be established. While Ennahda called for adopting a parliamentary system with a symbolic, indirectly elected president, other civil and secular parties, including CPR and Ettakattol, insisted on a semi- or fully presidential system. In fact, each party favored one system or another based on its own narrow party interest. For instance, Ennahda, which cast 39% of the NCA seats, believed it would still have a leading position given the polarized nature of the political spectrum. On the other hand, other civil and secular parties believed they could agree on a candidate who would be capable of reaping the remaining 60% of votes, thus having a dominant position over Ennahda.

The third factor that contributed to the continuing standoff between Ennahda and its rivals was the assassination of opposition leader Chokri Belaid (February 2013)[98], which entrenched the growing conviction that the Ennahda-led government was accommodating hardline Salafist groups by going easy on them and was reluctant to take any legal or political action against them to employ such groups in intimidating political opponents. This conviction prompted pro-opposition mass street protests against the government for failing to provide security, demanding a new caretaker government and full suspension of the NCA. On the other hand, Ennahda accused the opposition of conspiring with the remnants of Ben Ali to hold off political Islamists from proceeding in the government.

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[97] Ibid. pp. 45.
[98] Ibid. Tunisia Profile Overview.

Soon the political situation was destabilized even though Ennahda condemned the assassination. This catalyzed the country's worst political and social unrest since the revolution, which was likely to derail the transition process. Thereby, Tunisia stood at the brink of a severe political crisis. However, the Ennahda government, in a bid to defuse the continuing tension, announced that the Salafist *Ansar al-Sharia* was a terrorist group. Yet this decision did little to fix the crisis.

Ennahda Prime Minister Jebali attempted to contain the deteriorating political status quo by announcing that he would seek to accommodate the opposition's demand for a "non-partisan, technocratic cabinet" to restore trust between the two camps. Ennahda, however, refused to adhere to his idea, stating that such a movement would be a "coup against legitimacy.[99]" The refusal forced Jebali to step down and Ali Larayedh, also an Ennahda member, succeeded Jebali as the new prime minister.[100]

Following the resignation of Jebali and the UGTT mounting pressure on Ennahda, the party finally agreed, in April 2013, to form a technocratic government and give up control of the so-called Ministries of Sovereignty (Defense, Foreign Affairs, Interior, and Justice) to be held by independent technocrat ministers who are not Ennahda members, and other ministries being allocated to the various coalition partners.[101] For the time being, this step sufficiently reassured the opposition, evaded a major landmine that could have ended the Troika Coalition and paved

[99] الهاشمي الطرودي, *ما وراء الخبر: مآلات الأوضاع في تونس* (10-2-2013)
http://www.aljazeera.net/programs/behindthenews/2013/2/10/%D9%85%D8%A2%D9%84%D8%A7%D8%AA-%D8%A7%D9%84%D8%A3%D9%88%D8%B6%D8%A7%D8%B9-%D9%81%D9%8A-%D8%AA%D9%88%D9%86%D8%B3

[100] BBC World. (2013). *Tunisia: Ali Larayedh named new prime minister*. Retrieved November 22, 2014, from:
http://www.bbc.com/news/world-africa-21550375

[101] Thornton, pp. 61.

the way for then President Marzouki's initiative to establish a dialogue, comprising the main political and civil society organizations, to agree on a clear and feasible roadmap for political transition.

2.4. Remarks on the Post-Revolution Stages

Examining the first two years of Tunisia's transitional process, I can pinpoint the most remarkable features that distinguish Tunisian politics, which, despite some tensions, was largely peaceful and promising.

2.4.1. Gradual Process

Tunisian key actors made several attempts to stabilize the political arena. The consecutive events throughout the first 10 months, from January to October, reinforces the argument of the political sociologist Larry Diamond that there is no a specified set of preconditions for democratic consolidation, rather it is a gradual process that differs from one country to another. For the Tunisian case, decision makers made several attempts to stabilize the political arena. Ghannouchi first formed an initial transitional government then he reshuffled it as people were not satisfied. Shortly, he resigned and a third transitional government came in place, in less than two months, under the leadership of Essebsi, but again failed to win people's support. Tunisian decision makers realized, by then, that to stabilize the country, power should be handed over to an elected body that represents all political factions and articulates people's aspirations. That was when then interim President Mebaaza called for forming the NCA and stated that a new interim government should run the country until the election of the NCA members to avoid further government reshuffling and unrest. Thus, Tunisia created its own stabilizing formula gradually through trial and error and did not follow the traditional way of building a political system by

electing a permanent parliament and president, rather it formed a distinctive interim elected body and was granted enormous powers to run the country.

2.4.2. Frequent Threat of Backsliding

According to German sociologist Ralf Dahrendorf, social conflict does not always produce disorder or chaos, rather it often determines the rate and direction of change. Dahrendorf emphasized the "positive" or "integrative" function of conflict, which allows for the coexistence of various groups with overlapping and conflicting interests.[102] The Tunisian model proved, in the first two years, that conflict can lead to some sort of agreement as long as players acknowledge conflict and decide to deal with its normalcy by creating institutions to regulate conflict and attempt to create consensus. The NCA was established to perform various legislative and executive powers, yet it was a body directly elected to represent various political players who emerged in the wake of the revolution and had conflicting interests. Further, the NCA was not a stagy institution created only to contain different interests; it allowed for conflict but successfully regulated between what is and what some groups feel ought to be. Moreover, social conflict pushes for innovation and creativity in handling focal issues; the NCA creation was an innovative decision as it executed functions that compensate for the fact that there was neither a representative parliament, a permanent president, nor a government that fairly represented political parties and voice people's interests.

2.4.3. Cross-Ideological Efforts

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[102] Dahrendorf, R. (1959). *Class and Class Conflict in an Industrial Society*. London: Routledge & Kegan Paul. pp. 207.

The threat of backsliding pushed the UGTT, which is considered a non-partisan cross-ideological actor, to pressure the ruling government to adhere to opposition demands. For example, following the assassination of Belaid, the government insisted on maintaining its governability feature as it refused to fully accommodate the opposition's demand for a technocratic cabinet. The UGTT exerted mounting pressure on Ennahda, and the party reached a compromise solution, which was to form a technocratic government and relinquish the so-called Ministries of Sovereignty and have them held by independent technocrat ministers who are not Ennahda members, and other ministries being allocated to the various coalition partners. Notably, UGTT efforts to bring in compromise evaded a major landmine that could have ended the Troika Coalition.

2.4.4. Fear of the Past Systematic Repression

The Tunisian transition process was never a zero-sum game, mainly because of the joint/common background of systemic and violent political repression among different actors during the Bourguiba and Ben Ali era. Discriminatory policies reached their peak, during Ben Ali's time in power, in the beginning of 1990s when authorities intimidated and crushed Islamists. Nevertheless, wide-scale repression also included leftist, nationalist, liberals, civil society activists, dissidents, or the general population who opposed the regime.[103] Ben Ali sought to restrict their ability to take part in political life through human rights violations, surveillance, imprisonment, and extrajudicial punishment. Thus, the post-revolution era had an atmosphere of concern about the country's prospects and a fear of backsliding into the repressive old regime if politicians and activists could not negotiate and reach a compromise. In other words, the shared

103 صلاح الدين الجورشي. (2012). تونس: المشهد الحزبي بعد ثورة الحرية والكرامة. في أ\ محمد مالكي (وآخ.). ثورة تونس: الأسباب والسياقات والتحديات. ص 254. الدوحة: المركز العربي للأبحاث ودراسة السياسات

fear of political dysfunction and failure of the democratic project is what united the Tunisian political spectrum and compelled a political compromise.

2.4.5. Rocky Path to Democracy

Tunisia's struggle to develop and institutionalize democracy since the revolution was by no means a smooth process. The country witnessed several tensions and political impasses, what Diamond refers to as the *Three Paradoxes of Democracy.*

First, political forces fluctuated between a consensual approach and sharp competition, or in Diamond's words, they faced "*tension between conflict and consensus.*" Yet, consensual decisions were adopted at the end to save the country from slipping into chaos. For instance, in the first stage of transition when the country featured consecutive reshuffling of governments that Tunisians felt were not in line with the revolutionary aspirations, the president immediately called for creating the NCA to represent the wide variety of political forces, ease competition between them, and reach consent on crucial issues. Also, in the second stage of transition, after the NCA members were elected, Ennahda, who cast the majority of seats but did not have the majority required to rule alone, had to coalesce with other parties. The Islamist party choose to forge a cross-ideological coalition with the secularist CPR and Ettakattol to temper political cleavages and open the doors for democracy, which requires not only the rule of the majority, but also consensus between the Islamists and the secularists. Moreover, this coalition aimed to define a set of accepted boundaries for competition through the 'three presidencies agreement', which guaranteed that no single party would dominate the transitional process.

Second, when the Ennahda-led government faced the dispute over the role of Sharia'a in the constitutional draft as well as the opposition's accusation for going easy on hardline Islamist

groups, it tried to respond to oppositions' demands and mediate among them. Acting decisively and quickly, the government first announced that it would not pursue any reference to Sharia in the draft and announced that the Salafist group, believed to be behind the assassination of the opposition figure, was a terrorist group.

Third, it brought down Prime Minister Jebali, reshuffled the government, and relinquished sovereign ministers. These moves match Diamond's second paradox, *tension between representativeness and governability*, since the government managed to be representative by responding to opposition demands without being paralyzed by them. On the other hand, the government maintained its governability after the assassination crisis as it refused to fully accommodate the opposition's demand for a technocratic cabinet. This refusal, though it catalyzed division between the government and opposition, proved that the government had the autonomy to act.

However, Tunisia was still far from a genuine stable democracy due to acute polarization between Islamists and non-Islamists that hindered the government from acquiring popular legitimacy. This research will investigate in the next chapter Diamond's third paradox: *tension between consent and effectiveness,* that is, whether Tunisian key actors managed or failed to rule by popular legitimacy (consent) during the two years since Ben Ali's fall and why.

3. CHAPTER 3: FROM CONTENTION TO CONSENSUS

3.1. The Road to Political Settlement: Incentives and Challenges

A national dialogue conference between the parties was held in Dar Dhiafa, in Carthage, to resolve the political impasse through creating a forum for discussions on controversial issues related to security, the economy, and the next steps in the democratic transition.[104] The dialogue was initiated in April 2013 by then President Marzouki, and all political parties represented in the NCA were invited to participate. According to Marzouki, the goal of the dialogue was to *"calm the situation by reducing political tensions which result from campaigns of rumors, lies and mobilization"* and speeding up consensus-building ahead of the new constitution and elections.[105]

The event was attended by representatives from the three parties of the coalition in powers, as well as major opposition parties Nidaa Tounes (Call for Tunisia), the Republican Party (Al-Joumhouri party), the Democratic Alliance, Popular Petition, Al-Moubadara ,and Al-Amane. Other parties refused to take part in the dialogue, arguing that the president, who was also the leader of a political party in the ruling Troika, should not convene a national dialogue.[106] The UGTT also refused to participate on the basis that this process would be politicized due to its association with the presidency.[107] Nidaa Tounes withdrew from the process after subsequent sessions arguing that it failed to be inclusive and bring together the entire political spectrum to the negotiation table, thus talks has no chance to succeed. Beji Caid Essebsi, Nidaa Tounes's

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[104] Thornton, pp.62.

[105] Yahia, Mona (April 2013). *Tensions ma Tunisia Political Dialogue*. In Magharebia website. Retrieved December 17, 2014, from: http://magharebia.com/en_GB/articles/awi/features/2013/04/24/feature-03

[106] Ibid.

[107] Thornton, pp. 62.

leader, stated in a televised interview, *"When we were invited to participate in the dialogue we accepted, but there are preconditions for our participation in this process which includes the fact that it should have a chance to succeed. However, we found out that success reasons are not available because not all political forces are represented and most importantly, the UGTT was not on the table."*[108]

The process encompassed daily meetings aimed at setting a roadmap that determines the timing of: the next elections, finalizing the drafting of the new constitution, setting the electoral law, and creation of the independent electoral commission to organize the next elections. Furthermore, the dialogue covered outstanding issues including the status of the National League for the Protection of the Revolution (LPR) and the traditional question of the separation of powers between parliament, government, and president. After one month of subsequent meetings, the outcome of the Dar Dhiafa national dialogue showed that it failed to resolve these issues. The main obstacle that derailed the success of this dialogue was the fact that it focused on timing over substance, i.e. dates rather than controversial points as how to grantee the independence of the electoral commission and criteria of selecting its members. Inevitably, almost all dates agreed upon during the dialogue were missed[109] and the dialogue faded away. Nevertheless, discussion pertaining to the above issues laid the groundwork for future agreements in other forums.

In an effort to mitigate the political disagreement, in June 2013 the president of the NCA, Mustapha Ben Jaafar, adopted an amendment in the NCA's bylaws, which replaced the Joint Committee of the NCA with a Consensus Committee where all political parties within the NCA

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[108] نسمة تى فى. (2013, أبريل 28). *حوار مع الباجى السبسى*. https://www.youtube.com/watch?v=Q7bCuoRDYVM
[109] Thornton, pp. 63.

were given equal representative weight.[110] This change was supposed to restore much of the needed confidence as the new committee was assigned to rewriting the constitution and building consensus on the most controversial and contentious constitutional questions. This committee did manage to resolve many disputes on key constitutional questions, e.g. articles tackling the character of the state and the role of Islam. It also tacked the complex and divisive question of the separation of powers, finding agreement, for example, on the role of the president in the dissolution of government.[111]

Only one month later, Mohamed Brahmi, another opposition leader associated with the Popular Front[112] and an NCA member. was assassinated[113]. His death dragged Tunisia into a new political crisis after months of relative calm, deepened political polarization between the Troika parties and the opposition, and pushing more than 60 representatives of the NCA to suspend their membership and join a mass sit-in in front of the NCA headquarters for nearly the whole month of August.[114] The anti-government protesters, encouraged by the Tamarrud movement, similar to the one created in Egypt against Egypt's Former President Mohamed Morsi, demanded full dissolution of the NCA and the departure of the Larayedh government. On the other hand, pro-government supporters organized counter protests defending the legitimacy of the NCA and government.[115]

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[110] El-Sayed, pp.46.

[111] Thornton, pp. 63.

[112] The Popular Front for the realization of the objectives of the revolution (al-Jabha) is a political alliance formed in August 2012 constituting mainly nine small leftist parties established to be an opposition to the ruling Troika. The founding parties of the ftont included the Workers' Party, the Democratic Socialist Movement, the Baathist Movement, the Vanguard Party, the Tunisian Green Party, as well as others and independents figures.

[113] Ibid. Tunisia Profile Overview

[114] حمادى الرديسى. (يوليو 2014). *أى دور للحوار الوطنى فى تونس فى ظل حكومة المهدى جمعة. مبادرة الإصلاح العربى.* ص 3-7.
http://www.arab-reform.net/sites/default/files/A783%9F.pdf

[115] Thornton, pp. 63

By August 2013, a deep crisis of trust between the governing parties and the opposition reached its peak, threatening to derail the entire democratic transition. The opposition was angry as the constitution drafting and the transitional government lasted more than the originally foreseen one-year period; further, the political assassinations of two opposition leaders deeply affected the country. The political and security crisis gave popularity and prominence to the protest movement and regional committees of secular opposition alliance known as the National Salvation Front over the central authority.[116]

In an unprecedented move, Ben Jaafar suspended the work of the NCA on August 7 until the opening of a national dialogue to steer the country out of the political crisis and find consensus on a number of controversial questions. He further urged the UGTT to initiate this dialogue. His decision to suspend the NCA defused tension and gave some satisfaction to the angered opposition, yet kindled tensions within the Troika parties who were against the suspension.

In the next section, the research will shed light on how Tunisia addressed its transition impasses without getting trapped into violence or consumed by factional rivalries and deep political instability.

3.2. Role of Civil Society: Bridging the Divides

When ongoing tensions with opposition parties mounted and political deadlock threatened to derail the democratic transition, four civil society organizations led by the UGTT stepped in to facilitate a peaceful and constructive way out of the crisis through dialogue between the ruling Troika and the opposition. The National Dialogue was officially launched in September 2013 by

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[116] Kerrou, Mohamed (August 13, 2013). *Pulling Tunisia Back from the Brink.* Carnegie Middle East Center. Retrieved November 30, 2014, from: http://carnegie-mec.org/2013/08/13/pulling-tunisia-back-from-brink/gi7j

a quartet of leading national civil society organizations including UGTT itself, UTICA, LTDH, and the Tunisian Bar Association. They released a document entitled "Initiative of Civil Society Organizations for the Resolution of the Political Crisis" on September 17. The timing of the talks relates to stifling crises unfolding in Tunisia and *"the failure of two successive governments (the Jebali government and the Larayedh government) to complete the tasks that had been entrusted to them, the first of which is the completion of the long-awaited Constitution. The other tasks included the passing of an election law, the formation of an independent electoral commission to oversee elections, and the setting of a date for these elections that had been agreed upon by all parties"*[117].

The civil organizations came to be known collectively as the Quartet, and their duty was to assign these tasks to a competent, nonpartisan government whose members would not run in the next elections, but all political parties and organizations would gather around. This was done through forming a dialogue institution that functions to resolve disputes, bridge the gap between the opposition and ruling majority, set a calendar for the remaining milestones of the democratic transition, and get different parties to sign it. Thus, they initiated, managed and led Tunisia's National Dialogue with the participation of 22 parties.[118] Each party was granted equal weight on the basis of one representative member from each party regardless of its electoral share in the NCA.[119]

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[117] Fikra Forum. (October 2013). *Interview with Dr. Habib Kazdaghli. Tunisia's National Dialogue is the Last Hope for Solving Political Crisis.*. Retrieved May 12, 2014, from: http://fikraforum.org/?p=3986

[118] Tunis7TV Channel. (2013). *Interview with Hussein Abassi* (28 October 2013). Retrieved September, 14, 2015 from: https://www.youtube.com/watch?v=nZIeYes3vS0

[119] حمادى الرديسى. (يوليو 2014). *أى دور للحوار الوطنى فى تونس فى ظل حكومة المهدى جمعة. مبادرة الإصلاح العربى*. ص 3-7. http://www.arab-reform.net/sites/default/files/A783%9F.pdf

The Quartet-led dialogue sessions were first held in October 2013 without the participation of the Party of Loyalty and CPR, who boycotted any consultations with the ruling majority. The participants negotiated a roadmap that outlined in detail the agreements that would emerge from the dialogue and the timing of the next steps in the transition process.[120] The roadmap reached made some compromises that have been enough to forestall the escalating crisis. Ennahda accepted the idea of a technocratic government, and in return the opposition showed readiness not to dissolve the NCA. The dialogue constituted of three paths, incorporating internal committees formed for each path to reach consensus about several files:[121]

1- Committee on government: expected to reach consensus on an independent figure to lead a technocratic government, which will run the country until holding elections. The roadmap set dates for the resignation of the current government and the formation of a technocratic one to be within two weeks of the designation of the next prime minister who should be selected within one week from the first meeting of the national dialogue.

2- Committee on the constitution: assigned with finalizing and ratifying the new constitution within four week after the first meeting of the dialogue.

3- Electoral committee: tasked with selecting the members of the independent electoral commission to organize and monitor the elections, drafting the electoral law, and setting the date for the parliamentary and presidential elections. All these tasks were to be accomplished within four week after the first meeting of the dialogue.

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[120] Thornton, pp. 64

[121] Ibid., Interview with Hussein Abassi

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فاضل الطياشى. (18 اكتوبر 2013). *بين التصعيد والتهديد: هل يعجز الحوار الوطني عن تحقيق الوفاق*. جريدة الشروق التونسية. http://www.alchourouk.com/23159/151/AF.html

The talks became possible only after the quartet managed to exert significant pressure on the government to accept the terms of the roadmap. Further, opposition parties insisted on a written promise by the ruling Ennahda to abide by the roadmap's terms. By then, Prime Minister Larayedh signed a written pledge on October 24 to step down within three weeks of the beginning of the dialogue and dissolve the government in favor of a caretaker technocratic government, which would run the country until elections. This vow persuaded the opposition to take part in the talks; thereafter, the first session of the National Dialogue was held the following day.[122] Unlike the previous dialogue held by the presidency, most of the Quartet's talks were predominantly concerned with names, i.e. the name of the new technocratic prime minister and names of the Electoral Commission members, which was difficult to reach consensus on in two or three weeks. Thus, the deadlines set by the roadmap were all delayed and discussions died out with no agreement being reached. Thereafter, the UGTT secretary general, Hussein Abbasi, announced on November 4 the suspension of the dialogue[123], yet negotiations between parties continued.

The Quartet exerted more pressure on Ennahda to accelerate a political solution to the current crisis and gave the party an incentive to step aside in favor of a technocratic prime minster that was the veto right in appointing the next prime minister, which allowed Ennahda twice to reject the appointment of a prime minister that had obtained the majority of votes in the dialogue. This initial step maintained a balance between electoral legitimacy and consensus legitimacy.[124] Then, on December 14 the national dialogue restarted, and immediately a vote was held on who would

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[122] Thornton, pp. 65.
[123] Thornton, Ibid.
[124] الرديسى, pp. 6-7

supersede Prime Minister Larayedh. Political parties agreed on three nominees, out of ten, according to the number of votes received: Jalloul Ayed, Mehdi Jomaa, and Ahmed Mestiri.[125] Jomaa, the non-partisan Minister of Industry in Prime Minister Larayedh's government, won by nine votes to two against Ayed, whereas major opposition parties (Nida Tounes, Al-Joumhouri, and the Popular Front) abstained because they opposed the selection of a candidate coming from the government of Prime Minister Larayedh. Strikingly, he won by majority vote rather than consensus, and though opposition parties abstained, Jomaa's designation was not blocked due to the strong support he enjoyed from the civil Quartet and Ennahda.[126]

With meetings lasting nearly three months, the dialogue's first major outcome was in January 2014 when the constitution was approved, marking a historic event in Tunisia's path to democratization. A new caretaker government was formed under the leadership of Jomaa, and an Electoral Commission was elected to monitor the legislative and presidential elections scheduled to be held before the end of 2014. The role of the dialogue was not yet over because some of the points agreed upon in the roadmap have not been implemented. Most importantly, there were some pressing issues — regarding the legitimacy of the Jomaa government — that still required the resumption and intervention of the dialogue. Among them are:

First were the Ennahda party appointments made by previous governments. Estimates by the National Union for Transparency, Neutrality of the Administration and General Welfare revealed that by the end of 2013, the party possessed more than 80% of the key positions: "*19 executives*

سامي الطريقي. 14\12\2013. *حديث الثورة: الخروج من الأزمة السياسية بتونس*. قناة الجزيرة الإخبارية. [125] http://www.aljazeera.net/programs/revolutionrhetoric/2013/12/14/%D
[126] Thornton, pp. 66.

out of 24, and 229 commissioners out of 264"[127]. This issue was resolved when Prime Minister Jomaa replaced the 24 executives, followed by changes to the 264 commissioners.

Second, was the dissolution of the National League for the Protection of the Revolution (LPR)[128] and all its branches amid charges of being involves in acts of violence such as the attack on the official headquarters of the UGTT in September 2012. Jomaa decided to press for its dissolution based on the Quartet dialogue recommendations; he announced that Tunisia did not need anyone to protect the revolution, saying, "There is a state to do so."[129] The Court of First Instance in Tunis ruled on May 26, 2014 in favor of the dissolution of the LPR and decided to freeze and liquidate its property.

Overall, the Quartet dialogue, despite some delay compared to what the roadmap had scheduled, eventually succeeded in forcing everyone to compromise and to look for possible side deals. It accelerated efforts for finding as broad a consensus as possible and ensured broader participation in resolving controversial issues in Tunisia's democratic transition following months of political turmoil. It achieved remarkable success in leading the country out of its deep crisis that had almost pushed it off the path to democracy.

3.3. Arranging Pacts: Conciliation and Concessions

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[127] الرديسى. pp. 4

[128] The LPR first obtained a license to operate in June 2012. Its objectives were specified in its founding statement as "preserving the gains of the revolution and the completion of its objectives and to maintain the revolutionary consciousness and reinforce the Arab and Muslim identity in Tunisia."

[129] Arfaou, Jamel. (2014). *Tunisia dissolves protection leagues.* In Magharebia website. *Retrieved December 5, 2014, from: http://magharebia.com/en_GB/articles/awi/features/2014/05/27/feature-01*

The purpose of the Quartet dialogue initiative was to prepare the country for the upcoming elections through: 1) formation of a technocratic government within three weeks of the beginning of the dialogue and 2) finalization of the NCA's main deliverables, which include - approving a democratic progressive constitution, setting election laws, and nominating an Independent Election Commission, all to be done within four weeks. These dates were identified first before agreeing on the timing of the elections to prevent the partial failure of the Dar Dhiafa dialogue, which focused on timing of elections but were inevitably missed. According to the leader of the Popular Front, Hamma Hammami, *"This roadmap has the minimum preconditions necessary for democratic transition in Tunisia."*[130] These initial points were agreed upon and signed by most of the parties represented in the NCA except for the CPR, Tayar al-Mahabba (known as Popular Petition), and Reform and Development Party. Both camps, the Troika and the opposition, had different motives for agreeing on the roadmap. The Troika sought to reach consensus on a binding date for the endorsement of the constitution and for elections, after which it would agree to exit from the government, whereas the opposition wanted a pro-opposition technocratic government.

3.3.1. Governmental Pact

While the opposition protested in central Tunis, on October 24, demanding the resignation of Larayedh cabinet before entering into talks, two incentives pushed Ennahda leadership to compromise and step aside for a caretaker technocratic government that would lead the country until elections: 1) being granted the veto right in appointing a new prime minister

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فاضل الطياشى. (6 اكتوبر 2013). *الاحزاب السياسية في افتتاح الحوار: تفاؤل رغم الصعوبات*. جريدة الشروق التونسية. [130]
http://www.alchourouk.com/21835/566/1/%D9%85.html

and 2) giving the Laryada cabinet three weeks to resign and finalize the work of the NCA within four weeks provided that political parties reach consensus over a national non-partisan figure to designate the new government during the dialogue sessions. Many perceived such pre-conditions as a success for Troika, which was refusing to sign the preliminary Quartet initiative, which stated that the government should resign immediately. On the one hand, pro-Troika considered this compromise a severe defeat for them as it eventually meant that the Troika was being pulled out of governing. They also perceived it as complying to the will of the opposition and the civil Quartet. On the other hand, the opposition viewed this step as a defeat for Troika, which had always refused to resign, referring to its electoral legitimacy gained after winning the NCA election.[131] Nevertheless, Sheikh Rachid Ghannouchi, the co-founder and president of Ennahda Party, stated that exiting government proved Ennahda's democratic intentions, *"Nobody can claim that the Ennahda left government because it was forced to, but because various considerations, most important to which is, first, that our giving up government came within the framework of a complete move toward national agreement and issuing a constitution."*[132] In the end, Ennahda's voluntary concession to exit the government allowed the party to step into the legislative elections, claiming to have put Tunisia's internal stability ahead of its narrow party interests. All in all, Tunisian politician opted for compromise rather than zero-sum politics.

3.3.2. Constitutional Pact

[131] المرجع السابق

[132] Carnegie Endowment's Middle East program. (February 26, 2014). *Interview with Rachid Ghannouchi on Tunisia's Democratic Transition.* pp. 4. Retrieved April 2, 2015, from:
http://carnegieendowment.org/files/022614_Ghannouchi.pdf

As a pre-condition for Tunisia to transit to prepare its parliamentary and presidential elections, the NCA had to finalize a constitution that satisfied both the Islamists and secular opposition. This paved the way for reaching an agreement on many critical articles in the debates over the new constitution. The Ennahda-led government eventually compromised on touchstone demands of the opposition, such as: defining the Tunisian identity and the role of religion, the protection of women's rights, and freedom of expression and religion.[133] The party backed down on its demand to specify Sharia law as a main source of legislation, revised the wording of an article that characterized Tunisian women's roles only as complementary to those of men, and renounced a vague provision that outlaws blasphemy.[134] It also compromised by allowing a semi-presidential system to assure opponents that Islamists would not monopolize power.[135] What forced Ennahda and its opponents to negotiate significant concessions and compromises concerning contested issues was the pressure exerted by civil society groups and that to approve the constitution, NCA members must vote first on every single article then on the entirety of the constitution, with two-thirds majority needed to pass, otherwise the draft constitution would be presented for popular referendum.[136]

3.3.3. Electoral Pact

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[133] سارة ميرش (21 يناير, 2014). *الدستور التوفيقي في تونس*. مجلة صدى الإلكترونية, مؤسسة كارنيغي للسلام الدولي.
http://carnegieendowment.org/sada/2014/01/21/%D8%A7%D9%84%D8%AF%D8%B3%D8%AA%D9%88%D8%B1-
%D8%A7%D9%84%D8%AA%D9%88%D9%81%D9%8A%D9%82%D9%8A-%D9%81%D9%8A-
%D8%AA%D9%88%D9%86%D8%B3/gyzm

[134] McCarthy. Rory. (August 6, 2013). *Ennahda and the Challenge of Power*. Sada *online journal*, Carnegie Endowment's Middle East program. Retrieved April 2, 2015, from:
http://carnegieendowment.org/sada/2013/08/06/ennahda-and-challenge-of-power/ghko

[135] Dworkin, Anthony. (March 2013*). The Struggle for Pluralism after the North African Revelations*. The European Council on Foreign Relations (ECFR). pp. 27. Retrieved April 2, 2015, from: http://www.ecfr.eu/page/-/ECFR74_PLURALISM_REPORT.pdf

[136] سارة ميرش. مرجع سابق

Agreeing on an electoral law was planned to be accomplished after the government was formed and the constitution was approved.[137] After weeks of deadlock over a new electoral law and continued disagreement over the electoral calendar, interlocutors reached agreement on the date for the elections and appointed an electoral commission. They agreed that legislative elections should be held before a presidential vote and the electoral commission set dates for both elections on October 26 and November 23 respectively.

Compromise was thus established around an organic link between the governmental, constitutional, and electoral processes. The roadmap was followed by all parties and the new technocratic government was put in place. This government organized elections in October (parliamentary) and December (presidential) 2014, and insured stability until February 2015 when it handed over power to the democratically elected government of Tunisia. With a new constitution, a newly elected president, a newly elected parliament, and a newly approved government based on the new constitution and results of parliament elections, permanent democratic institutions were now in place in Tunisia.

3.4. Foundations of Consensus

Explaining the historic compromise: how Tunisia laid down the foundations of consensual legitimacy? Many factors contributed to bringing Tunisia to a more cooperative consensus and moving the transition forward smoothly without getting trapped into violence or consumed by factional rivalries. These included civil society rallying behind the UGTT-led Quartet and the conciliatory and decisive role played by political leaders.

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[137] Ibid., Interview with Hussein Abassi

3.4.1. Pragmatic Politics

After the assassination of the two leftist opposition leaders and the intense political crisis that threatened to derail Tunisia's path to democracy, political parties entered a national dialogue. Throughout the preliminary consultations that preceded the national dialogue initiation, political factions succeeded in overlooking their differences to develop a political framework and agree on the rules of the game. The opposition abandoned their demand that the constituent assembly be dissolved, yet insisted that the government be dissolved after three weeks from the start of the dialogue, even though it had previously demanded that it resign before entering into any talks. Ennahda accepted the demands to relinquish power out of fears of replicating Egypt's scenarios and that it could lose the next elections if it did not admit to some mistakes in governing so it offered compromise after a compromise. By and large, this step was a political calculation as it gave Ennahda more confidence that it could win the next elections[138]. The pragmatism approached by both camps allowed Tunisia to gain some stability.

3.4.2. Electoral Versus Consensual Legitimacy

Since the elections of 2011, Tunisia has witnessed a struggle for political legitimacy. The roadmap agreed upon at that October signing ceremony enshrined two fundamental compromises. It combined electoral legitimacy (only parties elected to the Constituent Assembly were invited to participate in the National Dialogue the agreement called for) with consensual legitimacy (each party had two representatives, regardless of the size of its constituency). And it

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[138] Fakir, Intissar. (May 25, 2014). *Tunisians Should Avoid the Politics of Polarization*. Carnegie Endowment's Middle East Program. Retrieved June 15, 2015, from: http://carnegieendowment.org/2014/05/25/tunisians-should-avoid-politics-of-polarisation/hbva

preserved governmental institutions (the assembly was not dissolved) while modifying their functions[139].

3.4.3. Balance of Power

The consensual basis was expanded by the fact that the ruling Islamists did not feel their party had the local strength or the roots to confront other actors in a zero-sum fashion. In particular, Ennahda hesitated to turn a blind eye to the country's influential trade union movement, the UGTT, which opposed the Troika government without seeking to present itself as an alternative or to fight the ruling power. The UGTT masterfully combined forces, for the first time in its history, with the employers' union (UTICA), the LTDH, and the Tunisian Bar Association, forming an influential counterbalance forcing the Troika government to negotiate. This Quartet's role was not only limited to the initiation and management of the dialogue, but was also expanded to include the follow-up of the implementation of the agreed upon roadmap as well as acting as a safeguard to ensure a peaceful transition to democracy. Yet, the UGTT asserted that it is neither seeking power nor competing the ruling authority and that it will "withdraw from the political game once agreement is reached".[140] All told, the Quartet managed to broker Tunisia's historic compromise, which wiped out domestic political polarization between the Troika, on the one hand, and the secular opposition — rallying behind the Nidaa Tounes party, the Popular Front, and other groups within the secular opposition alliance known as the National Salvation Front — on the other hand.

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[139] Chayes, Sarah (2014). *How a Leftist Labor Union Helped Force Tunisia's Political Settlement*. Carnegie Middle East Center. Retrieved June 15, 2015, from: http://carnegieendowment.org/2014/03/27/how-leftist-labor-union-helped-force-tunisia-s-political-settlement/h610

[140]Ibid., Interview with Hussein Abassi

3.4.4. Role of Political Leaders

The 2011 NCA elections imposed two prominent political leaders: Ennahda's Ghannouchi, who emerged victorious after the first democratic elections, and Beji Caid Essebsi, former prime minister and founder of Nidaa Tounes, which became the most important secular opposition party. On the one hand, the dual conciliatory attitudes of these popular leaders paved the way for consensus. At the height of the political crises, Ghannouchi and Essebsi held face-to-face meetings in Paris, marking the real turning point that revived the dialogue and led-up to the eventual compromise[141]. On the other hand, both leaders invested their political weight and individual reputations during the transitional period to convince their supporters and inner circles to accept a negotiated, consensual settlement of the crisis[142]. For example, Ghannouchi challenged his own party by accepting the removal of a controversial reference to Sharia in the new constitution, as well as by abandoning an article that had referred to the status of women as complementary to men. He also signed the roadmap that outlined the resignation of then Prime Minister Larayedh's Ennahda-led government as a prelude to negotiations on the formation of a technocratic government, the finalization of the constitution, and an agreement on general elections. For his part, Essebsi was also instrumental in pushing for more flexibility within Nidaa Tounes and other secular parties to accept dialogue with Islamists. The Quartet's efforts were successful in a large part because those holding power in Tunis proved willing to listen and open to compromise.

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[141] Kerrou, Mohamed (April 22, 2014). *Tunisia's historic step towards democracy*. Carnegie Middle East Center. Retrieved June 15, 2015, from: http://carnegie-mec.org/2014/04/22/tunisia-s-historic-step-toward-democracy
[142] Ibid.

4. CHAPTER 4: ANALYSIS AND CONCLUSION

In order to answer the research question, the study investigated a broad range of literature on consensus building. The literature review was significant as it tracked the development of the intellectual discourse-covering consensus in early social contract theories up to transition to democracy theories. It underlined the fact that there are different ways of treating consensus based on different conceptions of consensus's function in society and helped differentiate between value- versus tool-driven consensus, as well as cultural versus institutional driven consensus. Most importantly, it identified a theoretical framework upon which consensus formulation in Tunisia will be operationalized below. The mechanisms of consensus building depicted in this study were mainly derived from transition to democracy theorists, Guillermo O'Donnell and Philippe Schmitter, who offer the most convenient and relatively comprehensive theoretical framework that fits in the research design and formulation. The mechanisms put into place by the authors' help, to a great extent, explain how consensus was achieved in Tunisia's transition.

The review, first, examined consensus in social contract theories where consensus was treated as an empirical condition rather than an ideal; theorists viewed consent or agreement as a set of conventions shared by a public and as a gradual process developed by humans. Further, they suggested that consensus on proper procedures of forming government is a tool for establishing a society; that is one becomes a member of a community by sharing its norms. Thus, consensus on procedures is a key to legitimate government. In brief, they perceived consensus as agreement on procedures as well as a tool to establish government and stabilize society — where conflict is a given and can be controlled by consensus. Here, consensus was tackled in a

descriptive-prescriptive way, meaning that social contract theorists were describing how the social contract should be by giving prescriptions about its characteristics. However, they do not mention anything about how to reach a consensus or formulate a social contract as they focus on the content/ form and not the process of formulation itself, which is the topic of this research.

The second part of the literature tackled the theories of democracy, which moved toward the treatment of consensus as a value that exists if most people in a society share the same core values and norms. Democracy philosophers like Rawls presented the idea of political consent in a very realistic way, implying that the governed reach consensus through sharing a common value, which is privileging their collective interest over particular interests. He also acknowledges the presence of various conceptions among the individuals and that the system has to come up with an inclusive legal framework that considers diversity and manages consensus in a society. This is the Tunisian case in essence. Political actors agreed on the repulsion of oppression where the emergence of liberal and secular actors was socially endorsed, especially in the 2014 parliamentary elections with the major secular opposition party Nidaa Tounes preceding Ennahda and also in the presidential elections where a figure from the ex-regime, Essebsi, came to the fore from the first round and became the first democratically elected president of Tunisia. Unlike social contract theorists who perceived consensus as agreement on procedures as well as a tool to establish government and stabilize society, transition to democracy philosophers moved toward the treatment of consensus as a value that exists if most of society shares the same core values and norms.

Finally, and most importantly, in a constructive attempt to operationalize the concept of consensus into measurable factors, the review identified a theoretical framework upon which consensus formulation in Tunisia will be operationalized below. The mechanisms of consensus

building depicted in this study were mainly derived from transition to democracy theorists, O'Donnell and Schmitter, who offer the most convenient and relatively comprehensive theoretical framework that fits in the research design and formulation. The mechanisms put into place by the authors shall help, to a great extent, explain how consensus was achieved in Tunisia's transition.

Tunisia has generally achieved a remarkable shift toward democratic transition, making it the clearest example of a consensus-led transition. What makes this consensual model unique is the fact that no party felt it had the strength to confront other actors in a zero-sum game. Indeed, decision makers made several attempt to stabilize the political arena until they reached Tunisia's own stabilizing formula. For example, they formed the NCA to serve as a distinctive interim elected body tasked with managing the country until permanent institutions were in place. The creation of the NCA was an innovative decision as it executed functions that compensate the fact that there was neither a representative parliament, a permanent president, nor a government. Wining political parties entered into the Troika Coalition and divided offices accordingly. When the legitimacy of the ruling coalition was at stake and tension between the ruling parties and the opposition reached its peak in August 2013, represented parties in the NCA were pushed to participate in the National Dialogue under the supervision of civil society organizations to agree on the basic rules of the game that put forth electing permanent institutions. Here, the ruling party did not disregard the influential role of the UGTT but also proved willing to compromise and gave up some of its authority to preserve the democratic nature of Tunisia's transition. The process was inclusive, and the civil Quartet's role was not confined to the launch and management of the dialogue, but also included the follow-up of the implementation of the roadmap delivered on October 2013.

In the table below, I highlight the mechanisms of consensus building, as suggested by O'Donnell, Philippe, and Laurence Whitehead (1986) which will be used to identify the model of transition in Tunisia and whether it succeeded or failed to achieve consensus through the national dialogue.

Mechanism	Characteristics
Negotiating pacts	- Publically explicit - Participation of the leaders of a spectrum of electorally competitive parties - Negotiate compromise - Redefine the rules of governance - Mutual guarantees of participants interests - Prohibition on appeals to outsiders, whether masses, military, or foreign actor
Convoking elections	- Announced by the transitional authority - Participation and competition: opponents should believe they have some chance of gaining representation - Shifts attention to a new issue: parties start negotiating three rules/dimensions: 1) the rules determining which groups will be permitted into the consent, 2) the formula for the distribution of seats within constituencies and the size and number of constituencies, and 3) the structure of offices for which national elections are held

The co-authors suggest two essential dynamics to establish a political democracy through consensus:

First, negotiating pacts have been very significant in Tunisia. Despite polarization, political actors have been able to form alliances between ideologically different political forces as well as between secular and Islamist parties. In the second stage of transition after the elections of the NCA, Ennahda and two secular parties coalesced in what came to be known as the Troika that managed the transitional process until permanent intuitions came into place. More important was the weeks-long negotiated agreement between Ennahda and opposition parties reached on September 28, 2013, upon which Ennahda accepted a roadmap that comprises the resignation of the government and the designation of a non-partisan technocratic government, the adoption of the constitution, setting a new electoral law, and holding legislative and presidential elections. The most important factor in fostering negotiations and allowing implementing what the roadmap stated was the fact that the negotiations were exclusive of any interference from outsiders (military or foreign countries) and inclusive of internal actors (the ruling opposition and civil society forces).

Second, linked to convoking elections, the agreement on the roadmap was accomplished owing to promising to hold free and fair parliamentary and presidential elections. This written pledge encouraged political factions to come together for negotiations in order to stabilize the country and have official representation in permanent institutions. Likewise, Ennahda accepted the demands to relinquish power and enter into dialogue out of fears that it could lose the next elections if it did not admit to some mistakes in governing. The elections promise diverted the Tunisian political platform from highly polarized debates to the question of the democratic rules of the game and election procedures, as elaborated in the table. Political parties started to debate the formation of a technocratic government, finalizing and approving the constitution, the elections laws and nominating an Independent Election Commission. This debate was only

possible because different opposition forces believed they had some chance to compete for elections and gain representation. Therefore, they were convinced to enter into dialogue and abstain from illegal channels like street violence or military intervention.

Remarks on O'Donnell's Framework

As the study tackled the major actors in the transition of Tunisia — the ruling parties, the opposition, and civil society organizations — I argue that O'Donnell and Schmitter's theoretical framework fits the Tunisian case except for one limitation: O'Donnell's framework mainly focuses on the choices, calculations, and strategic behavior of party elites, while undermining the role of other actors such as civil society leaders. According to the literature on democratic transition, negotiating the democratic rules of the game that would usher in elections and a new democratic regime was the mere function of party elites, while excluding civil society leaders. O'Donnell and Schmitter downplayed the importance of civil society for achieving any meaningful transition. They focused on elite bargaining/interactions. For them, the transition process began with elite divisions and ended with elite agreement.

Studying the Tunisian transition models reveals that O'Donnell and Schmitter properly identified the mechanisms that can lead to a transition toward democratization and accomplish consensus; however, they were not sufficient. Their narrow focus of the transition period fell short to recognize the vibrant role civil society can play not only in the destruction of an authoritarian regime, but also the construction of a democracy. There is another significant actor who influenced the transition path in Tunisia. An actor that proved that in democratic transitions the political game should be inclusive, and that it should engage party elites as well as civil society. The UGTT along with other civil organizations mediated the national dialogue

negotiations that pulled Tunisia out of the political impasse. This third party resolved the confrontation between the Islamist and secular camps and positively affected the outcome of the negotiations, brought about the approval of the constitution, the technocratic government under former industry minister Mehdi Jomaa, and the promise of further parliamentary and presidential elections on the constitutional basis. Consequently, analyzing the Tunisian model could not be through an elite-centric perspective that largely overlooks civil society. Therefore, we should add a third mechanism to the theoretical framework suggested by O'Donnell and Schmitter, which is the existence of a "**vibrant civil society**." In other words, there must be organized groups of civil society activists who can not only mobilize against the authoritarian regime, but also interact with political parties and dialogue among themselves about how they can overcome political divisions and craft the "rules of the game" for a democratic alternative.

How Tunisia's democratic experiment will unfold is still unknown. Yet the transition process that took place form January 2011 to 2013 serves as a significant example that Arab transition politics does not have to be a zero-sum game and that a consensus led democratic transition is achievable.

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