The October 2011 Elections in Tunisia: Institutionalizing Uncertainty?

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The Tunisian Revolution not only led to the fall of one of the region's most entrenched dictators, but Tunisia also stands out among the countries of the Arab Spring as the case in which the taming of political dynamics by way of electoral processes has progressed furthest. While in Egypt extra-institutional forms of contention are commonplace and Libya and Yemen are plagued by intermittent fighting, in Tunisia the transitional process proceeded more orderly. The October 2011 elections have produced a National Constituent Assembly (al-Majlis al-Taʾsīsī al-Waṭanī, NCA) that by and large worked within a framework of pre-established rules. No major political force has contested the legitimacy of this assembly, and a constitutional draft has been presented to the public in late 2012. While political conflict is by no means absent from the Tunisian political scene, the degree to which elite contestation is carried out via institutional channels is what sets Tunisia apart from other countries.[1]

At the same time a less sanguine picture presents itself if we look at the degree to which the emerging political landscape is actually able to institutionalize political contestation by non-elite actors.[2] Not only has elite-level compromise so far not been translated into mass-level demobilization, but the Tunisian political scene continues to be characterized by strong regional disparities that overlap with social cleavages. Given the fact that the revolution originated in the social periphery of the country,[3] the stark differences in voting behavior between the marginalized central regions and the better-off coastal areas are a reason for concern.

In this chapter we analyze the October 2011 elections in Tunisia through the theoretical lens of actor-oriented theories of regime change. To be clear from the outset we do not argue that Tunisia is irrevocably set on a path toward a democratic regime, nor that the introduction of meaningful competition through electoral processes is in itself sufficient for democracy. As the examples of other countries in the region and of Tunisia's own political crisis of early 2013 demonstrate, there is ample potential for conflict not all of which can be contained by institutions. Instead we want to draw attention to a number of features of post-breakdown electoral politics in Tunisia that have contributed to the comparatively rule-bound nature of the transitional process in its first two years. While there is no guarantee that these steps will not be reversed in the context of escalating conflict, the initial compromise around a set of procedures that regulated the elections and the constitutional process is a remarkable achievement in itself and an auspicious sign for the future.

Following this introduction, we will briefly revisit debates on electoral politics in the Middle East and North Africa (MENA) in the last decades. We will show that the Arab Spring presents an opportunity to reevaluate these perspectives and to analyze the conditions under which electoral contests actually become meaningful avenues of elite conflict. Drawing on actor-oriented theories of regime change, we argue that the strategic situation in Tunisia after the fall of Ben Ali pushed political elites into a compromise that led to the institutionalization of uncertainty in the form of electoral competition. We will trace this process empirically and show how the process of institutional change was achieved that reflected this compromise. Finally, we will turn to an analysis of the electoral results. We argue that despite promising signs of enduring compromise on the elite level, significant divisions along regional and social lines persist on the mass level, raising questions as to the extent to which bottom-up pressure for political participation can be contained by the party political scene. In the conclusion we will recapitulate our argument and put the Tunisian experience into a broader regional perspective.

Electoral Politics and Political Regimes in the MENA

Electoral politics are by no means a new phenomenon in the MENA. Rather, the political openings that many regimes in the region underwent since the mid-1970s led to a resurgence of electoral politics across the board.[4] While elections in most countries remained tightly controlled by the respective incumbents, there was still disagreement about what they actually meant.

In the wake of the global third wave of democratization, a current of research emerged that saw MENA regimes on the path of top-down reforms that held the potential of meaningful democratization.[5] This current was inscribed into a larger school of thought that saw elections as either a sign of democratization, or a as a factor that would lead to further reform steps over the long run.[6] Although controlled from above, the creation of at least formally pluralistic party systems and the regular holding of elections would create a dynamic that could gradually lead to greater political freedom and ultimately to the emergence of democracy. The meaningfulness of elections, from this perspective, was not confined to those cases where they provided an immediate chance of government turnover. Rather they could acquire meaning also as the arena for a protracted game of 'democratization by elections.'[7]

A second current interpreted elections in the MENA as extensions of the respective authoritarian regimes through which the dynamics governing these regimes were reproduced.[8] Focusing on the role of clientelism in electoral processes,[9] emphasizing the subordinate and often servile position of opposition parties,[10] and pointing out the role of electoral processes in elite management,[11] such studies argued that electoral processes in the MENA could not be analyzed from a purely formal institutional point of view but had to be grasped as part of authoritarian regimes' adaptive efforts. In this way, this second perspective formed part of a larger current examining the nature of institutional politics under authoritarian regimes and emphasizing the stabilizing functions of institutionalization.

The way in which the events of the Arab Spring speak to this debate is not immediately obvious. While the authoritarian stability paradigm certainly overestimated the degree to which authoritarian rule in the MENA rested on secure institutional pillars, the actors and institutional arenas emphasized by the democratization-by-elections-perspective as drivers of regime change were conspicuous only by their absence in the Arab Spring. Electoral politics were controlled by the regimes to the extent of rendering them almost inconsequential except for some degree of intra-elite competition[12] and opposition parties were weak, co-opted, and lacked credibility.[13] At the same time, this did not mean that authoritarianism was safe. Rather, the challenge to authoritarian rule emerged from outside the arena of institutional politics, from a part of the population that had been neglected in the past by observers and authoritarian regimes alike.

We react to this conundrum by turning the question of the role of electoral politics upside down: While the effects of electoral politics have been in the center of much debate between proponents of the gradual democratization thesis on the one hand and scholars who emphasized the controlled nature of such contests in the MENA on the other, we ask for the conditions under which electoral politics took center stage after the Arab Spring. We argue that electoral politics in post-breakdown Tunisia could take on such a central role because political elites pragmatically accepted electoral competition as a second-best solution. This led to a transitional process that was comparatively rule-bound and oriented towards consensus.

At the same time, we emphasize the fact that the question of electoral processes and party politics is to a large extent a phenomenon of elite politics. Given the specific situation of regime breakdown by popular protest in the Arab Spring and the role played by regional and social marginalization in Tunisia in particular, we analyze the outcomes of the 2011 elections with a special emphasis on the problem of inclusion. The next section briefly examines these questions on the conceptual level, drawing on actor-oriented theories of regime change.

Institutionalizing Uncertainty?

Actor-oriented democratization theory emerged in contradistinction against earlier currents that had placed much emphasis on large-scale, structural 'requisites' of democracy.[14] In the wake of the Third Wave of democratization, scholars analyzed the empirical processes that lead to the establishment of democratic regimes after the breakdown of authoritarianism in Southern Europe and Latin America placing considerable emphasis on the strategic interaction of political elites, rather than on large-scale social structures. Although not rejecting the influence of structural factors, such analyses focused on 'underdetermined' forms of social change[15] and thus narrowed down their perspective to focus on the interests and resources of specific actors.

The idea of elite compromise is fundamental in the actor centered school of regime change. According to Dankwart A. Rustow's early formulation, a transition to democracy occurs as the consequence of "a deliberate decision on the part of political leaders to accept the existence of diversity in unity and, to that end, to institutionalize some crucial aspect of democratic procedure."[16] This 'great compromise,' he goes on to warn, "certainly will not represent any agreement on fundamentals" but – as a genuine compromise – will appear as a second-best solution to all players involved.[17] While different authors have used different words to describe this problem, there is a broad consensus that some 'democratic bargain'[18] needs to be struck embodying the 'contingent consent'[19] of the main actors.

It is important to note that the emergence of elite compromise in this sense does not presuppose or imply a normative commitment to some democratic ideal. Rather, as Guillermo O'Donnell and Philippe Schmitter explain, elites "agree among themselves, not on ethical or substantive grounds, but on the procedural norm of contingency."[20] Elite compromise alone by no means rules out the possibility of 'one man, one vote, one time:' Since elites' consent to a democratic bargain is contingent upon their interests and resources, changes in any of these factors might well lead such elites to renounce the

original bargain. Nor does such a bargain necessarily produce a stable set of rules since "rules can be changed according to rules"[21] and conflict about fundamental norms is thus far from precluded.

Elites might thus disagree about any number of substantive issues and might work tirelessly to secure their preferred outcomes, as long as they agree to disagree in the framework of a given set of rules. From such a perspective, an important step in the establishment of a democratic regime is the readiness to subject the realization of one's own interests to the insecurities of a collective decision making process. As Adam Przeworski famously put it,

> [the] crucial moment in any passage from authoritarian to democratic rule is the crossing of the threshold beyond which no one can intervene to reverse outcomes of the formal political process. Democratization is an act of subjecting all interests to competition, of institutionalizing uncertainty. The decisive step toward democracy is the devolution of power from a group of people to a set of rules.[22]

While the transitions literature thus postulated that elite level bargains were of central importance in processes of regime change, mass mobilization was seen as having the potential of obstructing the process and was consequently viewed with some skepticism. In this respect transitology inherited a distinct distrust for mass involvement in political processes from its modernization theoretical predecessor.

This does not mean that mass mobilization had no role to play whatsoever in this literature. But if mass mobilization could be instrumental in bringing about regime breakdown, it also held the danger of triggering authoritarian regression in the transition phase. According to Terry Karl, for example, transitions from below were likely to result in the reestablishment of authoritarianism in the wake of regime breakdown:

> To date, however, no stable political democracy has resulted from regime transitions in which mass actors have gained control, even momentarily over traditional ruling classes. […] Revolutions

generally produce stable forms of governance, but such forms have not yet evolved into democratic patterns of fair, competitive, unrestricted contestation, rotation in power and free associability […].[23]

Where mass involvement played a less prominent role during or after authoritarian breakdown, as in the formulation of O'Donnell and Schmitter (1986), it was relegated to a secondary role. It could either influence elite behavior by supporting moderates in their bargaining against hardliners within the regime, thus facilitating breakdown, or provoke a hardline take-over, thus thwarting chances for democracy. In successful transitions, however, mass mobilization was thought to tamper off after the initial stages with mass movements being pushed aside by more experienced political elites whose prominence increased with the growing institutionalization of political conflict.

Thus, the majority of the traditional transitions literature dealing in pacted transitions in Latin America not only held the view that transitions based on elite compromise were the most likely form of transition to occur, but also had the highest probability of success. The masses either "spoil[ed] the party"[24] or were simply less relevant than elite level interactions.

How this plays out in Tunisia's political transition remains to be seen. On the basis of the post-revolutionary political process that culminated in the holding of Tunisia's first free and fair elections we will try to show how elite compromise emerged, found its manifestation in the crafting of transitional institutions and the structuring of the electoral process. In analyzing the outcome of the elections, however, we will return to some of the questions approached above to shed light on the broader societal context of these processes.

The Emergence of Elite Compromise in Tunisia

While the departure of President Ben Ali from Tunis on January 14th, 2011 had meant the fall of the dictator himself, the institutions of the regime were still working. This was especially visible from the fact that the transition from Ben Ali to an interim president followed formal constitutional procedures: On January 15th, 2011, the Constitutional Council applied Article 57 of the constitution and announced that Speaker of Parliament Fouad Mebazaa would take over the presidency for an interim period[25] and two days later a national unity government was formed under the leadership of Mohamed Ghannouchi, the sitting prime minister and Vice President of the former ruling party, the Rassemblement Constitutionnel Démocratique (RCD). In this first post-revolutionary government, key personalities were maintained including Ghannouchi himself, along with Minister of Defense Ridha Grira and Minister of the Interior Ahmed Friaa, with the number of RCD-ministers amounting to ten.[26] A measure of change was achieved by the inclusion of three ministers from opposition parties and two from the Union Générale Tunisienne du Travail (al-Ittiḥād al-ʿĀmm al-Tūnisī li-l-Shughl, UGTT), but three of them resigned the next day in protest against the dominance of old elites. Initially change was limited to the displacement of Ben Ali while members of the old elite continued to dominate executive power. The composition of the Ghannouchi government was thus contested from the beginning and in the second half of January this contestation reached the streets.

In the course of these protests against the transitional government an elite compromise emerged that included both a broad array of opposition leaders and members of the old regime elite. On the basis of this compromise, the institutional framework of political participation was reformed, elections to a National Constituent Assembly were held, and a draft constitution was elaborated. While none of these processes proceeded without conflicts, the major political players refrained from challenging the legitimacy of the rules themselves and thus limited competition to substantive questions.

Kasbah Square, a central square in the government quarter at the margins of the old city of Tunis, became the center of protests against the dominance of old RCD elites in the transitional government. The square was occupied during protests that saw the participation of a coalition of mainly leftist political groups and the country's powerful trade union, the UGTT. Anxious to push for deeper change, the so called January 14th Front (Jabha 14 Jānfī) demanded the removal of former RCD members from the transitional government and the holding of elections within a year.

Before long, opposition elites including the January 14th Front, Islamist leaning al-Nahḍa, the left-of-center Congrès pour la République (al-Muʾtammar min ajli-l-Jumhūrriyya, CPR) and civil society groups coalesced into the National Council for the Protection of the Revolution (al-Majlis al-Waṭanī li-Ḥimāya al-Thawra, NCPR) which they tried to promote as an alternative to the transitional government, arguing that the body possessed revolutionary legitimacy whereas the government was a left-over from the old regime. In an impressive display of unity, the NCPR brought together political groups that were united by little more than their determination to push for the removal of old RCD elites from the levers of power.

Significantly, on January 24th Chief of Staff of the Tunisian armed forces, General Rachid Ammar, made his first public appearance since the fall of Ben Ali, speaking to the protestors in the square and assuring them of the support of the armed forces. As a result of these protests, the government was reformed on January 27th, with the number of RCD ministers decreasing significantly and on February 27th, Ghannouchi himself resigned due to continuing public pressure. The protests against the transitional government had thus achieved their main aims.

Having achieved parts of their goals with the resignation of the Ghannouchi government and its replacement by a cabinet under the leadership of Béji Caïd Essebsi, on March 15th, the NCPR merged with a commission for political reform that had been appointed by the interim government to form the High Commission for the Fulfillment of

Revolutionary Goals, Political Reform, and Democratic Transition (al-Hayʾa al-ʿAliyā li-Taḥqīq Ahdāf al-Thawra wa-l-Iṣlāḥ al-Siyāsī wa-l-Intiqāl al-Dīmūqrāṭī, High Commission). While the original reform commission had been appointed from above, the NCPR represented all major political parties and players including al-Nahḍa, the UGTT, as well as the Tunisian Bar Association and other professional and civil society groups.

This merger between the reform commission and the National Council predictably did not proceed without opposition since especially leftist political groups perceived it as an attempt by political elites to coopt and contain grassroots activities.[27] Despite such misgivings, the main political forces, including al-Nahḍa, the CPR, FDTL, and the UGTT joined the High Commission and were thus part of the negotiations revolving around the transitional process.[28] Emma Murphy described the significance of this process in the following terms:

> This cohering of the admittedly ad hoc political reform institutions of government and self-proclaimed 'revolutionary' opposition is, in retrospect, quite extraordinary, indicating a degree of consensus which extended beyond established political elites and more deeply into the broader professional classes […].[29]

The early weeks of the Tunisian transitional period thus saw the emergence of a relatively broad-based compromise including the most important parts of the organized opposition against Ben Ali, as well as more moderate representatives of the old elite. Two factors need to be emphasized to explain this fact. To begin with, continued mobilization against the transitional government was supported by a broad array of political forces. In contrast to the situation in Egypt, the opposition coalition did not disintegrate and the NCPR represented the institutionalization of a broad-based pro-revolutionary front. This unity after the breakdown of Ben Ali's presidency allowed opposition elites to assert their position, to secure influence over the course of the transitional period, and to push for the removal of RCD elites. Secondly, the basis of compromise was significantly enlarged with the merger of the NCPR into the High Commission, symbolizing the emergence of a

compromise between large parts of the opposition and supporters of the transitional government. In this way, in Tunisia the early post-breakdown period saw continued mobilization but also the inclusion of many stakeholders into the political reform process. This laid the foundation for an elite coalition around the institutionalization of uncertainty.

Reforming the Legal Framework of Political Participation

The first reform steps in Tunisia concerned the fundamental institutions governing political participation, mainly the party system and the rules for electoral processes. Reforming these institutions was a precondition for passing from the stage of protest mobilization and regime breakdown to the phase of electoral politics and regime foundation and the broad array of political forces assembled in the High Commission bargained about the content of these regulations and ultimately achieved consensus. This meant that the rules governing political participation were broadly accepted among political elites.

Political liberalization in Tunisia before the revolution had been extremely circumscribed. Despite the introduction of multiparty politics in 1981 and the regular holding of elections ever since the 1988 National Pact, actual political power remained concentrated in the presidency and a highly uncommon electoral law practically guaranteed most seats to the RCD. Under the mixed electoral rules, a strongly majoritarian tier was combined with a small proportional tier. The majoritarian tier contained the majority of seats and was always swept by the RCD, while opposition parties competed for the limited number of seats reserved for proportional representation and distributed according to the national vote share.

The core of the party political landscape in Tunisia had emerged from splits within the Neo-Dustūr. The first such breakaway from the single party was the

Mouvement d'Unité Populaire (Ḥaraka al-Waḥda al-Shaʿbiyya, MUP) that split in 1973. Founded by Ahmed Ben Salah, the main architect of Tunisia's 'radical phase' of socialist development in the 1960s, the MUP gathered supporters of socialist policies and collectivization and could draw on support in the UGTT, although it never developed into a mass party. After an internal split in 1977, a moderate faction of the MUP was officially recognized in 1983 and became a loyal opposition party under the name of Parti d'Unité Populaire (Ḥizb al-Waḥda al-Shaʿbiyya, PUP). Another opposition party, the Mouvement des Démocrates Socialistes (Ḥaraka al-Dīmuqrāṭiyyīn al-Ishtirākiyyīn, MDS), originated in a group of Neo-Dustūr elites around Ahmed Mestiri in 1978. Representing a moderate leftist current, the MDS became the strongest loyal opposition party under Ben Ali and a split from the MDS in 1992 led to the establishment of the Forum Démocratique pour le Travail et les Libertés (al-Takattul al-Dīmuqrāṭī min ajli-l-ʿAmal wa-l-Ḥurriyāt, FDTL). Together with two communist parties and a number of smaller loyal opposition parties, notably the Union Démocratique Unioniste (al-Ittiḥād al-Dīmuqrāṭī al-Waḥdawī, UDU) and the Parti Social Libéral (Ḥizb al-Ijtimāʿī al-Taḥrirī, PSL), these groups constituted the main players on the formal political scene in Tunisia under Ben Ali.

Despite the existence of numerous opposition parties, both legal and illegal, that functioned as venues for elite-level dissent, the RCD continued to control electoral processes in a quasi-monopolistic way reminiscent of its predecessor, not least because of the highly majoritarian electoral formula. Notwithstanding the introduction of multiparty elections one year before, the 1989 elections returned a Chamber of Deputies (Majlis al-Nuwwāb) without oppositional representation. In 1994, the RCD finished with 98 percent, taking all 144 seats in the majoritarian tier while four of the six legal opposition parties were collectively awarded 19 seats via the proportional tier. The proportion of opposition deputies was increased after the 1999 elections due to a change in the electoral law that brought the number of seats distributed via the proportional tier up to 34, or about 19 percent of the 182 seats. All 148 majoritarian seats were again swept by the RCD, while this time five opposition parties were accorded a share of the 34 proportional

seats. The same pattern was repeated in 2004 when the RCD claimed 87 percent of the vote and all majoritarian seats. The number of opposition representatives increased to an all-time high of 53 (24 percent) in the last elections before the revolution held in 2009. As these patterns clearly demonstrate, elections in Tunisia under Ben Ali were firmly controlled by the RCD. Not only was the number of oppositional deputies a direct function of the electoral law rather than of electoral competition, but given the closed list electoral system applied in the majoritarian tier the RCD also retained a close grip on candidate nomination.

What is more, the divided electoral system not only guaranteed RCD dominance in the majoritarian part of the system, but pitted the opposition parties against each other in the proportional tier. This institutionalized manifestation of the 'divide and rule' tactic well-known in electoral politics throughout the MENA decreased the chances of opposition unity since opposition parties were forced to compete among themselves, rather than with the RCD. In addition, the fact that only those opposition parties which had 'behaved' in between elections were rewarded with seats and hence party financing, led to divisions between those that gained entry into parliament and those that did not. Thus, the opposition parties most vocal in their criticism of the regime, the Parti Démocrate Progressiste (al-Ḥizb al-Dīmuqrāṭī al-Taqaddumī, PDP), as well as the FDTL never managed to 'win' a single seat in the National Assembly. Opposition parties in Tunisia under Ben Ali were thus unable to forge strong ties with their constituencies and existed mainly in a narrow sphere of elite politics.[30] As we will discuss below, the lack of institutionalization of opposition parties in Tunisia constituted an important challenge in post-breakdown electoral politics.

This system collapsed immediately after the fall of Ben Ali. To begin with, the RCD first saw its activities frozen by the ministry of the interior in early February and was subsequently dissolved by a court order on March 6th, 2011. Moreover, a wave of legalizations of previously illegal or new political parties started immediately after the

fall of Ben Ali and led to an explosion in the number of political parties.[31] Among the more significant of these new formations were the Islamist al-Nahḍa Movement (Ḥaraka al-Nahḍa) legalized on March 1ˢᵗ, the center-left Congrès Pour la République (al-Muʾtammar min ajli-l-Jumhūrriyya, CPR) registered on March 8ᵗʰ, and the Parti Communiste des Ouvriers de Tunisie (Hizb al-'Umal al-Shuyu'i al-Tunisi, PCOT) attaining official status on March 18ᵗʰ. Within a matter of weeks, the party political landscape in Tunisia had thus been completely transformed from a hegemonic party system dominated by the RCD to a multiparty system with high levels of fractionalization.

Legal and institutional reform, on the other hand, was pursued through the High Commission that first convened on March 17ᵗʰ, 2011. Although there were fierce conflicts, the commission worked efficiently and could already present a draft electoral law on April 12ᵗʰ, not even a month after its first reunion. In fact the electoral law had already been prepared in the context of a political reform commission in February and March 2011 and had been handed to the High Commission in its first session. The main debates concerned the electoral formula, the procedures for excluding members of the old regime from electoral competition, as well as the rules for ensuring gender parity. In the actual event, however, all provisions of the draft law were approved by the High Commission with margins of more than 90 percent, signaling that near unanimity had been achieved.

While a majoritarian system had been debated by the High Commission, the choice of a proportional electoral formula was explicitly justified by the need to constitute a broadly inclusive assembly. On the basis of interviews with members of the High Commission, Michael Lieckefett described the arguments in the following way:

> Many testimonies and analyses refer primarily to the specific character of the National Constituent Assembly: Since its main mission is the drafting of a constitution, its composition would necessarily have to be adapted to this task. In fact, what was at stake

was not the election of a legislative power and by extension of a government which is why a majoritarian electoral system favouring strong and stable majorities was inappropriate. By contrast, the choice of a proportional electoral system based on party lists raises the hope that "there would not be a single dominant political force" and that the NCA would be characterized by strong representativeness.[32]

With broad consensus existing on the need to ensure a representative NCA, the electoral law was voted on by the High Commission on April 11th, and promulgated by a presidential decree on May 10th, 2011.

On the substantive level, the formal rules under which the elections were to be held were geared towards representativeness as well: The electoral formula was one of pure proportional representation with closed party lists following the largest-remainder-system in 33 districts of different sizes (between 2 and 10 members, with a modal size of 9 members). Relatively large district magnitudes and the purely proportional nature of the electoral formula both favored smaller parties and thus promoted representativeness. At the same time, the sparsely populated interior and southern provinces were deliberately overrepresented, reflecting concerns about the inclusion of areas that had been marginalized under the old regime.

The elections held on October 23rd, 2011 marked an important stage in the political development of post-revolutionary Tunisia. The electoral contest pitted the Islamist Nahḍa Party against a number of non-religious parties and the question of Nahḍa's position on political democracy and social questions such as women's rights structured the debate. The Islamist camp advocated an early date for elections, while secular parties petitioned for a postponement. The situation was further polarized when the private TV station Nessma TV aired the movie Persepolis that was judged blasphemous by Salafi activists due to its depiction of god. During the ensuing protests, buildings belonging to the TV station were attacked and several protestors arrested.[33] Although al-Nahḍa officially condemned these acts in an effort to distance itself from the protests, the incident clearly showed the underlying tensions between the two camps.

Two factors, however, prevented all-out polarization in Tunisia. The fact that political elites from all across the ideological spectrum had already agreed on procedural rules through which political processes should be contained effectively lowered the stakes. Concretely, a proposal to restrict the powers of the NCA ventilated in September and supported among others by the strongly anti-Islamist PDP of Néjib Chebbi was rebuffed by the majority of political parties and all major groups agreed to restrict the mandate of the assembly to one year so as to allay fears of a possible monopolization of powers by the NCA or its majority faction in advance.[34]

At the same time, the non-religious camp in Tunisia had traditionally been split with regard to the question of cooperation with the Islamist movement. This meant that a significant part of the non-religious party political landscape, notably the CPR and the FDTL, did not share the PDP's strident anti-Islamist rhetoric and thus contributed to establishing a third way between the two camps. Rather, these parties had advocated dialogue and selective cooperation with the Islamist movement for a long time and insisted that such a strategy was appropriate for the transitional period as well.[35]

The elections held on October 23rd, 2011 resulted in a relatively clear victory for al-Nahḍa. The Islamist party secured 41 percent of the seats in the NCA, followed by the CPR with 13.4 percent. A surprise was the third-largest group, the Pétition Populaire Pour la Liberté, la Justice et le Développement (al-ʿArīda al-Shaʿbiyya li-l-Ḥurriyya wa-l-ʿAdāla wa-l-Tanmīya, PP) with 12 percent. In contrast to the other two parties, the PP had been completely unknown before the elections and won most of its electoral support in the marginalized regions of the interior and the south.[36] The PP positioned itself as a populist contender relying on anti-elitist rhetoric and a welfare oriented discourse that resonated with marginalized constituencies, but the degree to which it developed the institutional structures of a political party remained limited.[37] These three parties were complemented by 9.2 percent of the seats won by the FDTL, 7.4 by the PDP, as well as a

number of smaller parties and lists winning between 1 and 5 seats each.[38] Taken together, 20 different parties won representation in Tunisia's NCA.

As a result of the elections, three parties, al-Nahḍa, the CPR, and the FDTL formed a governing coalition based on a comfortable majority in the NCA of 63.6 percent. This coalition, known as the troika, agreed to share power supporting the election of CPR-leader and human rights activist Moncef Marzouki as interim president, while al-Nahḍa secured the post of prime minister for Hamadi Jebali, and FDTL-leader Mustapha Ben Jafar was elected to the post of speaker of the constituent assembly. Although power sharing was limited to some extent by the fact that al-Nahḍa dominated on the cabinet level, the maintenance of collaboration across the religious-secular divide was nevertheless significant. Within the NCA, moreover, coalition discipline was not enforced but both debates and votes followed fault lines that differed according to the topic at hand.[39]

The writing of a new constitution represented the culmination of the transitional period. A final constitutional draft has been issued by the NCA on December 14th, 2012,[40] a national dialogue about the document has been launched, and fresh parliamentary and presidential elections have been scheduled for late 2013 or early 2014.[41] Despite the overall consensus on the procedures of the constitutional process there were a number of issues that led to fierce debates within the assembly. To begin with, one of the assembly's first tasks after October 23rd, 2011 was the elaboration of a law that would regulate the balance of power between different state institutions in the transitional period. Law 6/2011 promulgated by the NCA on December 16th, 2011 regulated these issues.[42] Two main problems dominated the debate surrounding this law in the NCA,[43] the question of limiting the mandate of the NCA and the balance of power between the prime minister and the president. Concerning the first question, al-Nahḍa was criticized for reneging on their pre-electoral promise to limit the council's mandate to one year because Law 6 did not include clear provisions on that point. The second

issue pitted al-Naḥḍa who supported a parliamentary system against all other parties who preferred a mixed system and perceived the strong position of the prime minister in Law 6 as a prelude to a parliamentary constitution. Despite the fact that the parties represented in the NCA did pursue their self-interested goals, a spill-over of conflict to the extra-institutional arena was avoided and differences of opinion were settled by vote.

In terms of the constitutional process itself, the main controversial issues in the assembly were the definition of the status of women and the nature of the political system. The fact notwithstanding that the transitional government continued to be backed by the tripartite troika, the constituent parts of that coalition did have different positions on such controversial points. Thus, no single party or ideological camp had the ability to force their solution on other groups with the result that discussions in the NCA were oriented toward consensus. Asked for the reason for this consensual orientation, members of the NCA interviewed in September 2012 usually argued that the nature of a constitutional process necessitated the broadest possible consensus, while majority decisions belonged to the realm of day-to-day government.[44]

The issue of women's rights revolved around the question of whether the role of women should be defined as complementary to that of men in the constitution. Whereas a first version of the draft constitution had stipulated that "the state guarantees the protection of women's rights […] under the principle of complementarity with men within the family and as his associate in the development of the homeland,"[45] this formulation met with the fierce resistance of secular members of the NCA.[46] In the final version of the draft constitution published in December 2012, this article reads "the state guarantees the rights of women and supports their gains" (Article 7),[47] a formulation that reflects the concerns of secular activists.

In contrast to the issue of women's rights, the problem of the form of the future Tunisian regime was more clearly dominated by actors' interests in strengthening their own positions. As Samia Abbou of the CPR noted,

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The parliamentary system preferred by al-Naḥḍa is the best answer for the question of who rules, not how. Why? The one party that wins the majority will form the government with this majority; they will also elect the president and will of course hold the majority in the assembly. So the winning party, or, more precisely, the president of the winning party, will control the executive, the legislature, and also the judiciary via the ministry of justice.[48]

Given the fact that al-Naḥḍa could reasonably expect to do well at parliamentary elections, this party's preference for a parliamentary system of rule was clearly strategically driven and was thus opposed by virtually all other parties. While those within al-Naḥḍa who supported a parliamentary regime justified this decision by pointing to the need to avoid the emergence of another dominant presidency,[49] the position was not universally shared in the party[50] and the solution adopted in the final draft was the semi-presidential regime advocated by most secular groups.

Taken together, the constitutional process in Tunisia did not only follow the rules set out in advance on the basis of a compromise between a large group of political forces, but members of the NCA across the political spectrum were aware of the fact that writing a constitution was different from passing simple laws and that solutions should thus not be forced upon a minority. This approach reflected the underlying agreement to institutionalize a set of rules that would contain future political conflict while explicitly not trying to preempt the outcomes of such conflicts. A member of the NCA put this in the following words:

> I hope that we will be able to focus on one simple thing: it is not about who rules, but about how political power is exercised. If we manage to specify a system that determines how political rule is to be exercised, then the next president will not be above the constitution. If we just specify who will rule, it is easy to fall back to dictatorship.[51]

Patterns of Electoral Participation

As we have seen, on the elite level political processes in the first two years of Tunisia's transitional phase have been characterized by compromise and the establishment of a system of rules that was agreed upon by a broad coalition of actors. However, the extent to which this compromise has effects beyond the elite level is not entirely clear. As briefly discussed above, classical accounts of the role of mass mobilization in processes of regime change held that popular mobilization should subside after the breakdown of the old regime. Not only were successful transitions seen as elite-led processes, but continued mobilization threatened to provoke an authoritarian backlash or result in the establishment of yet another form of authoritarian rule. Moderate opposition elites, therefore, had incentives to work toward demobilization so as not to threaten the compromise they had struck with elements of the authoritarian regime.

We argue that while those Tunisian elites who backed the compromise around the rules for the transitional period had similar incentives to contain popular mobilization, the degree to which the electoral process was actually able to absorb such energies remained limited. Mobilization therefore persisted in parts of the country. Significantly, the electoral results show that in Tunisia's interior regions, the geographical birthplace of the revolution, the appeal of the troika was significantly more limited than in the rest of the country. This raises questions about the extent to which the emergence of elite compromise can be sustained in the face of a continuing gap between the elite sphere of party politics on the one hand and disenchanted mass movements on the other.

The protests which eventually led to Ben Ali's fall, while taking on a political undertone as mobilization was spreading towards the capital, originated as protests concentrated in the interior provinces against unemployment and a lack of economic opportunities. The interior is traditionally poorly integrated into the national economy in terms of infrastructural and industrial development, and over the years has been cut off from the steady income generated by tourism. It thus suffered from particularly high rates

of unemployment, resulting in hopelessness amongst its inhabitants that Tunisia's economic miracle, so often praised by Ben Ali, would benefit them as well. While unemployment was at around 15% nationally, unofficially it was much higher, especially in the interior regions, coming in at around 40% amongst the youth, twice the number of the national average.[52]

In the revolution's spread from the periphery of the interior provinces to the political center in Tunis, political elites joined the fray relatively late in the process. Starting out in Sidi Bouzid, the protest movement first spread to other towns in the surroundings (mainly Sidi Ali Ben Aoun, Menzel Bouzaiene, Regueb, and Souk Jedid in Sidi Bouzid governorate, as well as Thala and Kasserine in Kasserine governorate), before it arrived to the popular suburbs of Tunis (mainly Ettadhamon) and finally to the center of Tunis just before the departure of Ben Ali. Only on December 31st, 2010, did the Bar Association call for a day of protest in solidarity with the social movement in Sidi Bouzid and several lawyers were injured in confrontations with the police.[53] On January 9th, 2011, the UGTT declared its solidarity with the movement and organized demonstrations in Tunis[54] after having refused to embrace protests staged by trade union activists about a week before.[55] In addition, although local UGTT cadres and members of leftist political parties (mainly the PDP and PCOT) played some role in coordinating protests and acted as spokespersons for the movement, they generally became active only after protests had already erupted.[56]

In the aftermath of the revolution, while political actors in the capital struggled to redefine the political rules of the game, Tunisia's interior did not find peace. With income from tourism taking a sharp hit in 2011, unemployment further increased, thus making those that had ignited the revolution worse off economically and socially speaking than before.[57] The interior regions hence continued to experience protest mobilization against unemployment and neglect, often ending in clashes between protesters and security

forces, which even resulted in the deployment of the army in Ben Guerdane in early 2013.[58]

The continued social and economic marginalization of large parts of the population, epitomized by the ongoing wave of protests and clashes, was complimented by a lack of political integration. This lack of integration was partly due to fact that Tunisia's political scene was simply in disarray following the revolution. The mushrooming of new parties not only exceeded the capacity of most people to keep up with their names, content and figureheads, but confusion was added through the high degree of political volatility, with parties merging into coalitions or splitting into rival organizations on a daily basis. Thus, 44 out of 217 members of the NCA (about 20 percent) changed their party political affiliation between the elections and mid-2012, reflecting the fluid nature of the political landscape.

While this instability is not surprising given that many parties are relatively recent creations, it is interesting to note that virtually none of the opposition parties who had been represented in parliament under Ben Ali won a significant number of seats in the NCA. Of the five strongest parties in the NCA, three (al-Naḥda, CPR, PP) did not legally exist before the fall of Ben Ali, while two either boycotted elections or never won representation (PDP, FDTL). These parties between them hold more than 80 percent of the seats in the NCA speaking to the extent to which the traditional opposition parties had been discredited by their association with the regime.

However, not only the previously included opposition parties failed to build institutional structures that would have allowed them to profit from the post-revolutionary political opening, but the previously excluded or illegal parties were also plagued by this problem. Even more interesting in our context, however, are differences in the performance of parties emerging after the fall of Ben Ali. To begin with, the geographical distribution of the vote is revealing: While the troika won 65 percent of the seats in Tunis, it captured a mere 17.5 percent in Sid Bouzid. The geographical cradle of

the Tunisian revolution and the Arab Spring thus voted differently from rest of the country. It is even more striking to look at the level of individual delegations: In those places where the first protests broke out in late 2010 (Sidi Bouzid, Sidi Ali Ben Aoun, Menzel Bouzaiene, Regueb, and Souk Jedid), the troika won about 16 percent while the group profiting from the weakness of the three government parties was the PP with an average of 45.5 percent in these five delegations.

To understand if these patterns hold more generally, we formed four clusters of delegations on the basis of the rate of unemployment, illiteracy, and urbanization in each delegation (based on 2004 census data). Table 1 displays the average value of these three variables for the four clusters.

Table 1: Socio-Economic Clusters of Tunisian Delegations

	Unemployment	Illiteracy	Urbanization	N
Developed	12.65	15.98	97.13	96
Intermediate 1	12.58	22.81	68.08	42
Intermediate 2	17.18	29.38	37.62	65
Marginal	16.93	37.48	10.1	60
Total	15.21	25.28	57.93	263

As Table 1 shows, the three variables we used to construct the clusters point into the same direction in most cases. Thus, the group of the 96 developed delegations shows below average values of unemployment and illiteracy, while urbanization stands at almost 100 percent. The 42 delegations of the first intermediate cluster have similar levels of unemployment, but higher illiteracy and a lower degree of urbanization. The two less developed clusters, finally, show higher levels of unemployment, more illiteracy, and a smaller percentage of urban population. As Figure 1 shows, moreover, these clusters form regional concentrations with more marginal delegations situated in the center and the south, while comparatively better developed delegations are found at the coast and especially in the surroundings of Tunis and Monastir.

Figure 1: Socio-Economic Clusters of Tunisian Delegations
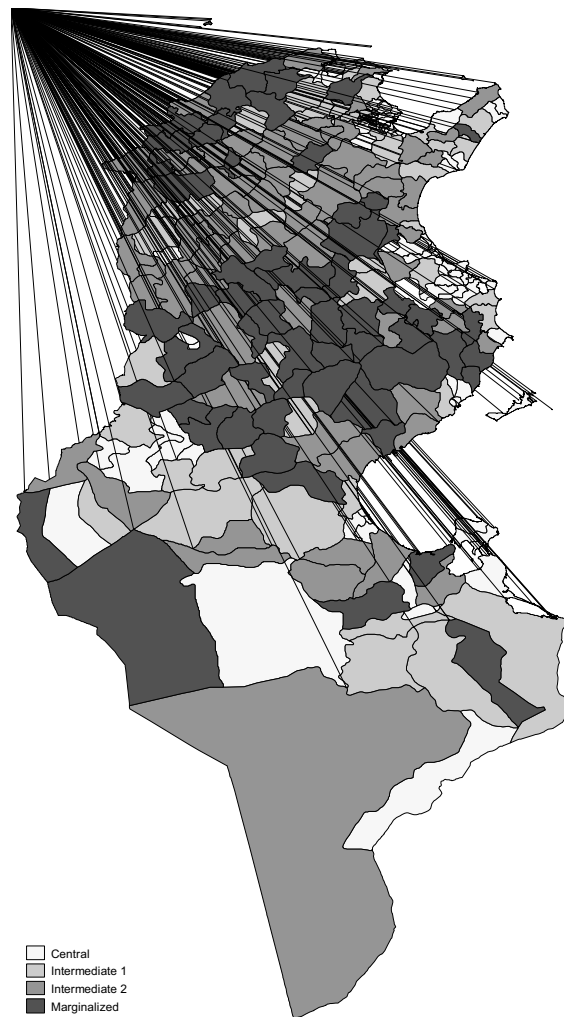
Next we calculated the vote averages of the four major parties (al-Nahḍa, PP, CPR and FDTL) along with the aggregate vote percentage received by the parties of the troika in each cluster. As Figure 2 demonstrates, there is a clear relation between the level of socio-economic development and the vote percentages captured by the main parties. While al-Nahda won more than any other party in all four clusters, the percentage of votes garnered by the Islamists tends downward with increasing marginalization. While it won slightly more support in the first intermediate cluster, the difference between the developed cluster and the marginal cluster is almost 10 percentage points (30.1 percent

vs. 37.2 percent). The two other members of the troika consistently decline in support as socio-economic marginalization increases and as a result the overall percentage of the troika also decreases with increasing marginalization. The only party among the four front-runners which shows the opposite pattern is the Popular Petition. Its vote share increases from about 3 percent in the central cluster to respectable 17.25 percent in the group of most marginal delegations.

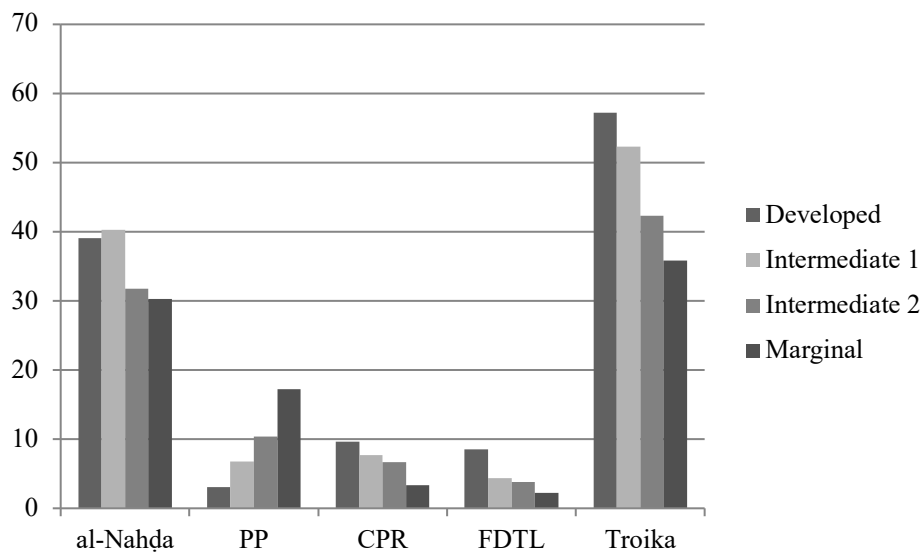Figure 2: Average Vote Percentages According to Socio-Economic Clusters

Figure 2 thus paints a somewhat sobering picture: While the three main representatives of the elite compromise underlying the transitional phase, al-Nahḍa, the CPR and the FDTL, won a majority in relatively more developed constituencies, their combined vote share declines with increasing social marginalization. Given the pivotal role played by social exclusion in mobilizing for the revolution this is reason for concern.

Moreover, the vote in marginalized areas was captured by a group that shows many characteristics of a populist anti-party.[59] The PP was founded by wealthy businessman and media entrepreneur Hechmi Hamdi from his exile in London and employed a strongly anti-elitist discourse that centred around the needs of the 'common

man' and denounced the elitist nature of competing political parties. The institutional structures of the group, however, remained extremely rudimentary and its program did not go far beyond the popular demand for increasing social welfare spending.[60] In this sense, almost 9 percent of the national vote, about 17 percent of the vote in the group of least developed delegations, and up to as much as 55 percent of the vote in specific constituencies went to a group that explicitly rejected the elitist politics of the mainstream parties.

Conclusions

As we have argued in this chapter, the elite compromise underlying the Tunisian transitional phase has remained remarkably stable despite these challenges. Forged in the immediate aftermath of the fall of Ben Ali, a coalition of actors that was broadly inclusive on the elite level participated in the elaboration of an institutional framework for the transitional period and continued to act within the confines of agreed upon rules. A brief glimpse at Egypt shows that continuing disagreement about the fundamental institutional rules can derail the electoral process: in the absence of a consensual set of rules, Egypt's first elected parliament has been dissolved by a court ruling, institutional reform has been pursued by decree, and intense political conflict pitted the presidency controlled by the Muslim Brotherhood against the judiciary and the military council. This conflict finally culminated in a renewed military coup in July 2013 in which Egypt's first freely elected president was deposed by the military in the context of massive demonstrations.[61] In brief, while political conflict has resulted in a struggle about the rules of the game in Egypt, the existence of broad elite compromise in Tunisia allowed for the containment of competition within such rules.

While elite compromise has spared Tunisia some of the political instability of Egypt or even Libya or Yemen in the transitional period, our analysis also shows that a gap persists between the main actors from the former opposition which dominated post-

revolutionary politics and those people whose plight had started the revolutionary process to begin with. Geographically centred in the impoverished areas of Tunisia's interior, the inhabitants of Tunisia's 'shadow zones' voted for a populist alternative in large numbers. While not a part of the original elite compromise, the PP arguably profited from the failure of the mainstream political parties to address the social issues that had fuelled the revolution. The result was that the gap separating the elitist sphere of party politics and the concerns of those who had set the Tunisian revolution in motion could not be closed. As the analysis above has shown, significant differences persist on the regional and social level; the integration of socially marginalized strata into the transitional process has largely failed.

In other words, the mainstream view that once the authoritarian regime has broken down and a transition towards a new regime is initiated, traditional oppositional actors like party politicians take over is validated by the Tunisian events. The reasons for this are manifold, beginning with the head start these actors have in terms of political experience, their greater political capital in terms of access to institutions, the media, as well as political networks, the physical location of 'high politics' in Tunis, cemented by decades of uneven development, to the lack of organization, experience and capacity of the protest actors themselves, who had carried mobilization. What is less clear at present, however, is what the medium and long-term effects of this persisting gap will be. With fresh elections scheduled for late 2013 or early 2014, competition for the allegiance of Tunisia's less fortunate strata enters into a second round; it remains to be seen whether the major political players will be able to capture the vote of the interior and whether the Tunisian revolution's original concerns will thus find their way into the political process.

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[25] Immediately following Bin Ali's departure on January 14th, then Prime Minister Mohamed Ghannouchi declared that he would assume the powers of the president in accordance with article 56 of the Tunisian constitution which stipulates such a procedure in cases of the president's "temporary disability." Only when the constitutional council declared Ben Ali's departure permanent the following day did the office of the president pass to Speaker of Parliament Fouad Mebazaa in accordance with the regulations of article 57 of the constitution.

[26] This number only takes into account members of the government with the rank of ministers. Of the total governmental personnel of 39 persons, 15 were RCD members.

[27] Souha Miadi, a national leader of the PCOT, explained that since "the High Commission was only meant to reap the fruits of the revolution, not to protect it," her party refused to join; interview, Tunis, 11 September 2011. Even representatives of the UGTT are critical of the High Commission, emphasizing that the union was the last to join and that, compared to the National Council, the High Commission was less successful in establishing compromise solutions; interview with Ali Ben Romdhane, Tunis, 12 September 2011.

[28] Houki Chaker, *Les conseils pour la protection de la révolution* (Tunis: L'Observatoire Tunisien de la transition Démocratique, 2011); Michael Lieckefett, "La Haute Instance et les élections en Tunisie: du consensus au « pacte politique » ?," *Confluences Méditerranée* 82 (2012): 133-144.

[29] Murphy, "The Tunisian Elections," 234.

[30] Camau and Geisser, *Le syndrome autoritaire,* Chapter 6; Willis, "Political Parties in the Maghrib."

[31] Yazid Debbich, "Paysage à (re)composer ?," *Outre-Terre* 29 (2011): 233-37.

[32] Lieckefett, "La Haute Instance," 136; authors' translation from French.

[33] See "Attaque déjouée," *La Presse*, October 10, 2011.

[34] See Murphy, "The Tunisian Elections," 238. The only exception to this was the CPR that argued that a three-year period should be foreseen for drafting a new constitution. In fact, this one-year limit on the mandate of the NCA became problematic when the date passed without the NCA having completed its task on 23 October 2012. Members of al-Naḥḍa and supporting parties argues that the commitment to this date had been 'political' or 'moral,' rather than legal, however, and that therefore there was no legal claim against the NCA; interviews with members of the NCA, September 2012.

[35] Indeed, Mohammed Bennour, a member of the national council of the FDTL characterized any dialogue not including the Islamist movement as useless arguing that dialogue implied the existence of differences in opinion (interview, Tunis, 14 September 2012).

[36] Alia Gana, Gilles Van Hamme and Maher Ben Rebah, "La territorialité du vote pour l'Assemblée Nationale Constituante tunisienne de 2011," *Confluences Méditerranée* 82 (2012): 51-69.

[37] There is some speculation about the PP's electoral success. Some argue that the party entered into a tacit agreement with al-Naḥḍa, while others suggested that the PP relied on old RCD networks. PP members themselves emphasized their close connection to 'the people' and their social demands; interview with Skander Bouallagui, PP, 13 September 2012.

[38] See "Final Results of Tunisian Elections Announced," *Tunisia Live*, November 14, 2011.

[39] NCA members of one of the troika parties insisted on the difference between the governing coalition and their work in the NCA which they saw as driven by the national interest rather than political expediency. Interviews in the NCA, September 2012.

[40] An Arabic version of the draft is available on the website of the NCA at http://www.anc.tn/site/main/AR/docs/divers/projet_constitution.pdf.

[41] See Farida Ayari, "Tunisia – The Rocky Road to Elections," *AllAfrica*, June 11, 2013.

[42] The text of this law can be found on the website of the NAC (in Arabic) at http://www.anc.tn/site/main/AR/docs/organisation_provisoire_des_pouvoirs_publics_tunisie.pdf.

[43] Alaya Allani, "The Post-Revolution Tunisian Constituent Assembly: Controversy over Powers and Prerogatives," *The Journal of North African Studies* 18 (2012): 134-35.

[44] Interviews with representatives of all major parties and groups represented in the NCA, Tunis, September 2012. Secular members of the assembly complained about clashing with Islamist constituents on substantive issues, but at the same time acknowledged the fact that the other side was open to debates and compromises on substantive issues.

[45] See "Avec les islamistes d'Ennahdha, la femme tunisienne devient seulement le « complément »de l'homme," Tunisie Focus, August 4, 2012; our translation.

[46] Interview with Salma Baccar, film maker and NCA member for PDM, Tunis, 19 September 2012.

[47] See Article 7 of the draft at http://www.anc.tn/site/main/AR/docs/divers/projet_constitution.pdf.

[48] Interview with Samia Abbou, NCA deputy for CPR, Tunis, 18 September 2012.

[49] Interview with Yamina Zoghlami, NCA member for al-Naḥḍa, Tunis, 19 September 2012.

[50] Interview with Suad Abderrahim, Tunis, 19 September 2012.

[51] Interview with Samia Abbou, NCA deputy for CPR, Tunis, 18 September 2012.

[52] Emma C. Murphy, "The Tunisian Uprising and the Precarious Path to Democracy," *Mediterranean Politics*, 16 (2011): 299-305.

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[55] "Rassemblement de syndicalistes, à Tunis, en l'absence des cadres de l'UGTT," *Le Temps*, December 28, 2010.

[56] Interviews with leading members of UGTT, FDTL, and PCOT, Tunis, September 2012.

[57] See "100,000 Jobs Lost in Tunisia Tourism Sector this Year," *Tunisia Live*, September 20, 2011.

[58] "Tunisia Marks Arab Spring Revolution Amid Tensions," *Africa Review*, January 14, 2013.

[59] Cas Mudde, "The Paradox of the Anti-Party Party: Insights from the Extreme Right," *Party Politics* 2 (1996): 265-76.

[60] Interviews with PP representatives, Tunis, September 2012.

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