



POLICY BRIEF

Tunisian democracy at a crossroads

Sharan Grewal

Eight years after the Arab Spring, Tunisians are frustrated with democracy's failures to deliver, offering a potential opportunity for a strongman figure to emerge.

EXECUTIVE SUMMARY

Tunisia has emerged as the one success story of the 2011 Arab Spring uprisings. While Libya, Yemen, and Syria have descended into civil war, and Egypt into military dictatorship, Tunisia has instead transitioned to and thus far maintained its democracy. Its transition has benefited from several structural advantages, including a homogenous population, a politically weak military, a strong civil society, and a relative balance of power between Islamists and secularists. Yet Tunisia's transition is still fragile. In recent years, the Tunisian public has become disillusioned with democracy for its failure to improve the economy. Meanwhile, governing elites have pursued a series of problematic laws and measures indicative of democratic backsliding.

This paper seeks to take stock of Tunisia's democracy eight years after the revolution by answering three questions. First, to what extent have Tunisians

become disillusioned with democracy? Second, if Tunisian democracy were to break down, how might this happen, and how likely is each scenario? And third, from that analysis, what lessons can we derive for preventing such a breakdown?

I find that the most likely form of democratic collapse in Tunisia would be the rise of a popular strongman, as opposed to a military coup or civil war. Given growing disillusionment with democracy, the 2019 elections could provide a ripe opportunity for such a figure to emerge. A potential strongman could subsequently draw upon two worrisome recent trends to consolidate his authority: first, the increasing level of police powers, and second, the politicized use of courts to go after political opponents. To constrain a future strongman, Tunisia should end military trials of civilians, form the Constitutional Court, and enhance the powers of the parliament ahead of the 2019 elections.

INTRODUCTION

Since the 2011 revolution, Tunisia has undergone a rapid political transformation to democracy. After six decades of autocracy, it has witnessed four consecutive free and fair elections, including the 2011 constituent assembly elections, the 2014 parliamentary and presidential elections, and the 2018 municipal elections. It approved a new constitution in 2014 that is progressive even by Western standards, enshrining not only freedom of religion but also conscience (permitting atheism) and mandating not just gender equality but an active commitment by the state to ensuring it. Tunisia has also passed progressive laws countering violence against women¹ and racial discrimination,² and famously saw protests against Saudi Crown Prince Mohammed bin Salman, highlighting the country's newfound freedom of expression.³

Four main structural factors help to explain why democracy has taken root in Tunisia while failing in other Arab Spring countries. First, Tunisia enjoys an ethnically and religiously homogenous population—98 percent Sunni Muslim—avoiding the sectarian or tribal divisions that contributed to civil war in Libya, Yemen, or Syria. Second, Tunisia's military had long been marginalized politically⁴ and chose not to follow the lead of its Egyptian counterpart in staging a coup. Third, Tunisia features a strong, Nobel Peace Prize-winning civil society, which helped to broker a crucial compromise between secular and Islamist forces when the transition appeared on the verge of collapse in 2013. Finally, Tunisia enjoys a relative balance of power between secular and Islamist forces, convincing both sides they have a shot at winning elections and thus can advance their interests under democracy.⁵

DISILLUSIONMENT WITH DEMOCRACY

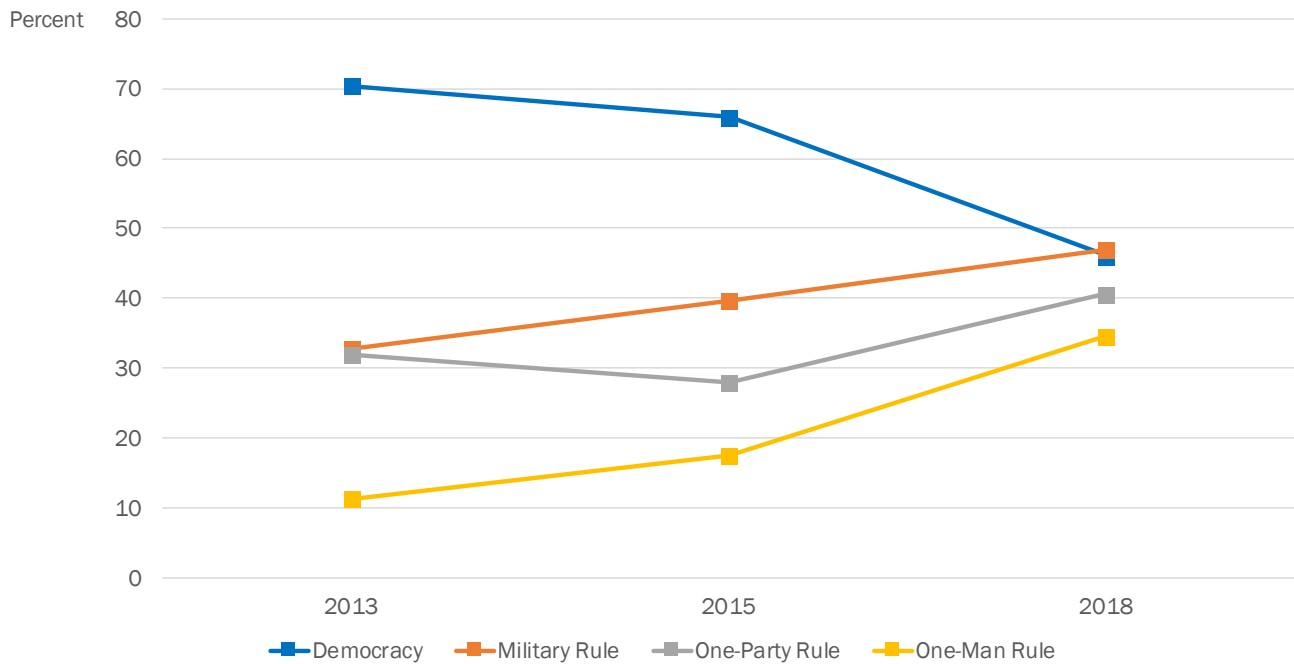
But eight years into democracy, Tunisians have become frustrated with its failure to deliver economically. The 2011 revolution, after all, demanded not just freedom, but also bread and social justice. Unfortunately, the economic situation has barely improved, if at all. The unemployment rate, which had remained at a steady 12 to 13 percent through the late 2000s, jumped to 18 percent after the 2011 revolution and remains at 15 percent today.⁶ The rate of inflation, 3 to 4 percent prior to the revolution, has doubled to 7.4 percent.⁷ Receipts from international tourism, the third-largest sector of the Tunisian economy, totaled \$3.9 billion in 2009 and have dropped to just \$1.7 billion today.⁸ By nearly all metrics, the economic situation is even worse than that which prompted the 2011 revolution.

Meanwhile, alongside failing to improve the economy, democracy seems only to produce political instability and infighting. Tunisia's government has been paralyzed by the fracturing and re-fracturing of President Beji Caid Essebsi's ruling party, Nidaa Tounes.⁹ Moreover, a grand coalition government between the secular President Essebsi and the Islamist party Ennahda has produced four years of compromise solutions that have frustrated supporters of each party.¹⁰ Perceptions of corruption have increased,¹¹ while 81 percent of Tunisians believe their politicians are not paying attention to their needs.¹²

Accordingly, Tunisians have become increasingly disillusioned with democracy as a solution to their day-to-day problems. Nationally-representative survey data from the Afrobarometer help to capture this disillusionment over the course of Tunisia's transition. While 70 percent of Tunisians in 2013 agreed that "democracy was preferable to other forms of government," only 46 percent agreed last year.¹³

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FIGURE 1: DISILLUSIONMENT WITH DEMOCRACY IN TUNISIA (AFROBAROMETER)



Source: Afrobarometer Dispatch No. 232, http://afrobarometer.org/sites/default/files/publications/Dispatches/ab_r7_dispatchno232_support_for_democracy_dwindles_in_tunisia_1.pdf.

Even more worrisome, many Tunisians appear to be pining for a return to authoritarian rule. The percent of Tunisians who agree or strongly agree with military rule has increased to 47 percent in 2018, one point higher than support for democracy. Similarly, support for one-party rule and one-man rule (literally, “abolishing elections and parliament”) have crept up to 41 and 35 percent, respectively.

Could this popular disillusionment with democracy actually manifest itself in a democratic breakdown? To answer this question, it is helpful to examine how exactly democracies break down. Typically, they collapse in one of two ways. The first is a military coup, which accounts for nearly 70 percent of all democratic breakdowns. The second is an incumbent takeover, which has become increasingly common since the end of the Cold War. In this scenario, a democratically-elected leader gradually dismantles democracy through rigged elections, controlled media, politicized trials, and when needed, the use of repression.

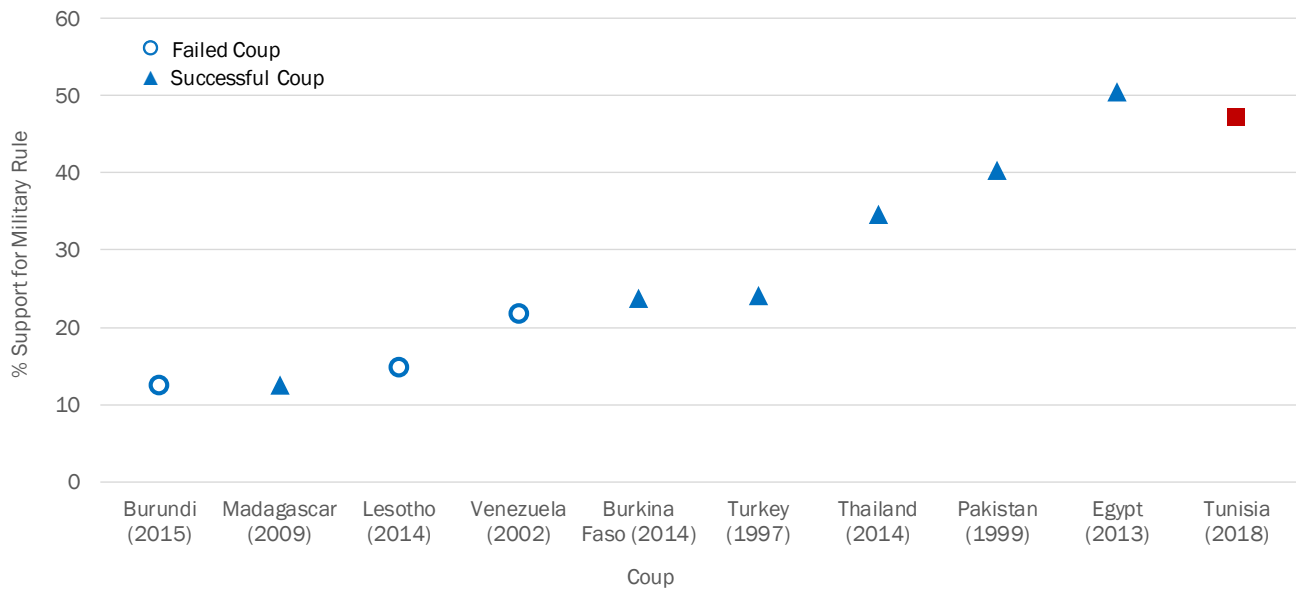
In both cases, public disillusionment with democracy can facilitate a breakdown.¹⁴ Popular support for a military intervention, especially when translated into mass protests such as in Egypt on June 30, 2013, can grant a coup a shroud of popular legitimacy.¹⁵ Popular resistance, by contrast, can occasionally defeat a coup attempt, as seen in Turkey in 2016.¹⁶ Similarly, populist strongmen are more likely to be elected, and less likely to face popular resistance, when the public has become disillusioned with democracy.¹⁷

Mass disillusionment is of course only one among many factors that facilitate a coup or incumbent takeover. How likely are each of these scenarios in Tunisia?

MILITARY COUP?

Let’s begin with a coup. To assess its likelihood, we must ask two questions: First, is there a sufficient level of public support for a military coup? Second, if so, would the military seize that opportunity?

FIGURE 2: SUPPORT FOR MILITARY RULE WITHIN TWO YEARS OF A COUP



Source: World Values Survey/Afrobarometer

As noted earlier, about 47 percent of Tunisians support military rule today. Figure 2 compares this level of support to other countries, plotting the percent who support military rule (from the Afrobarometer or World Values Survey) in the nine cases for which survey data is available in the two years prior to a coup attempt. The data suggest that the six successful coups had on average 31 percent support from the public. Tunisia's 47 percent comes in near the top of the list, similar to Egypt prior to the 2013 coup and above Pakistan (1999) and Thailand (2014). While the success of a coup depends on how many people actually mobilize in support of and against it, at least by this latent measure of support, the conditions appear conducive to a successful coup.

Despite this apparent public support for military rule, many believe the Tunisian military is a professional, apolitical force that would never intervene in politics. This narrative is based in part on its history: The Tunisian military has never been in power. However, as I argue in my dissertation and book manuscript, it would be more accurate to conclude that the Tunisian military had been kept far from

power, not that it was not interested in it. Tunisian military officers in fact did plot coups in 1962, alongside supporters of Salah Ben Youssef, and in 1987, alongside supporters of the Islamic Tendency Movement, but both plots were foiled. Moreover, former dictator Zine El Abidine Ben Ali was himself a military officer, and many of his colleagues in the military assumed ministerial roles in the early years (1987-90) of his rule. A minority of military officers, at least, have been willing to plot against the regime and even assume political power.

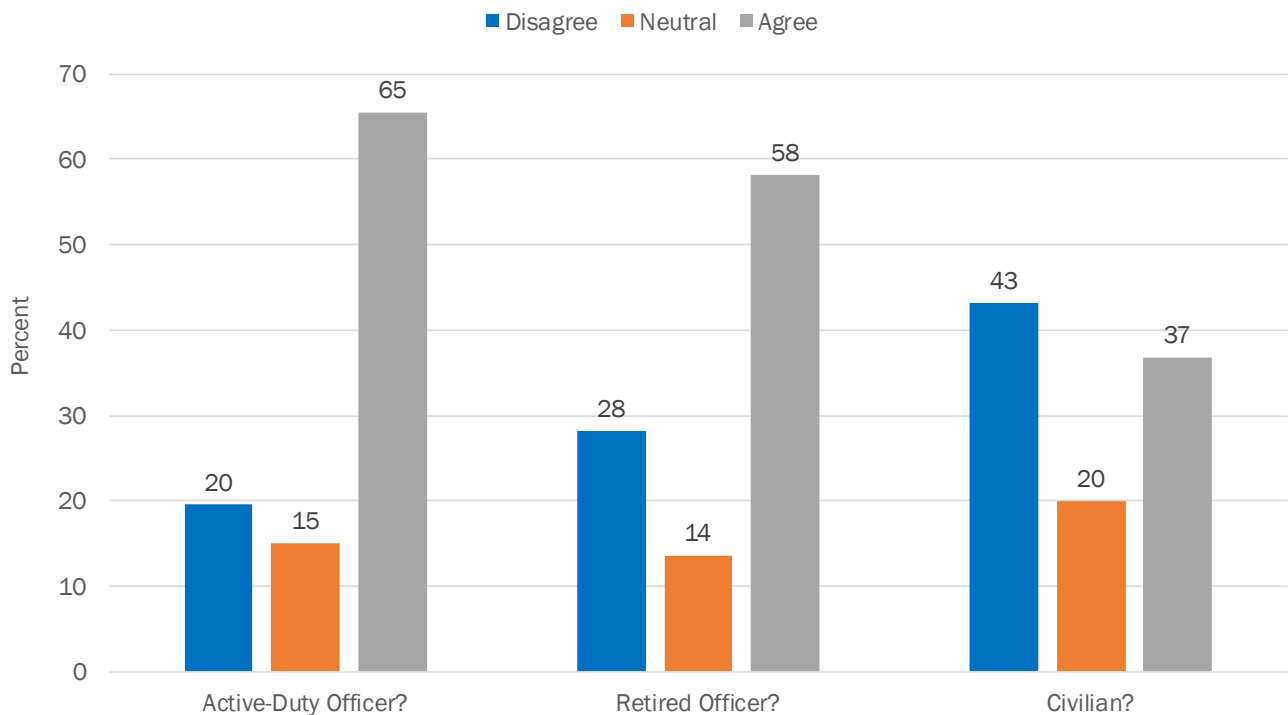
Moreover, certain professional norms, to the extent they existed before, appear to be eroding today. The Tunisian military has long been known as *La Grande Mulette* for its silence on political matters, both while active-duty and while retired. Today, however, retired officers are actively contributing to political debates in the media, and even running for elections. At least five retired officers ran—and won—in the 2018 municipal elections, with one (Houcine Nasri) subsequently chosen as mayor of Chebba.

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Retired military personnel have now formed two political parties to contest the 2019 parliamentary elections, including *Agissons pour la Tunisie* led by former army major Mustapha Saheb Etabaa, and the Five Star Party led by former non-commissioned officer Habib Fraj. As a blog post on the *Agissons* website declares, “its members were soldiers, they were apolitical, but by necessity they were pushed to be politicized. ... They firmly believe that staying out of the political sphere is equivalent to treason.”¹⁸ In an interview, Etabaa cited the many retired generals in the Trump administration as justification for their involvement in politics.¹⁹

Norms may be changing among active-duty military personnel, as well. While Tunisia has always had a defense minister with a civilian background, today, many military personnel would prefer one with military experience. In a non-representative survey²⁰ of 220 military personnel I conducted last summer, 65 percent supported having an active-duty officer as defense minister, and only 20 percent opposed it. Asked about a civilian defense minister, more military personnel were opposed (43 percent) than supportive (37 percent). To the extent that these norms regarding civilian control of the military existed before, they appear to be shifting today.

FIGURE 3: PREFERRED BACKGROUND OF DEFENSE MINISTER AMONG MILITARY PERSONNEL (N=220)



Source: Author's Survey of Tunisian Military, 2018

A military coup in Tunisia today is still unlikely, but for other reasons. First, under autocracy, the Tunisian military had been neglected and marginalized, but under democracy has now gained considerable material resources and political influence.²¹ Its budget has increased more quickly than any other ministry, it has enjoyed an influx of foreign military aid, it has gained input into security policy, and has even assumed operational command over its former rivals in the Ministry of Interior in the border zones. As I argue in my book manuscript,²² this reversal of fortune has wedded the Tunisian military to democracy, making a coup unlikely. In two surveys of Tunisian military personnel, I find that their support for democracy is considerably higher than that of the average Tunisian. The military appears content with settling for the bird in the hand (their gains under democracy) rather than attempting a coup for the two in the bush.

Second, the system of counterbalancing²³ the roughly 36,000-strong military with other security forces remains. Tunisia features two paramilitary forces outside of the military's chain of command: a 12,000-strong national guard, housed in the Ministry of Interior, and a 3,000-strong presidential guard, housed in the presidency. This counterbalancing makes it unlikely that these different forces with divergent institutional interests could coordinate a takeover. Moreover, the prospect of armed resistance from the other forces deters any one of them from attempting a coup.²⁴

In short, while a coup may be more likely than the "professionalism" narrative would suggest, it is still only a remote possibility. The larger threat to democracy in Tunisia emanates from the second mode of democratic collapse: an incumbent takeover.

INCUMBENT TAKEOVER?

The more likely scenario would be the election of a strongman who dismantles democracy from within. That strongman is unlikely to be the current

president, Beji Caid Essebsi, given his age (92), declining popularity, and continually-fracturing political party. However, the upcoming 2019 parliamentary and presidential elections provide a potential opportunity for a strongman candidate to capitalize on the growing disillusionment with democracy and come to power on a populist, anti-democratic platform.

Such a strongman could then accelerate two worrisome trends to help consolidate his authority. The first is the increasing use of courts for political ends. This takes two forms. First, courts have been used to silence criticism of the government and state institutions. In the most high-profile case, independent member of parliament Yassine Ayari was sentenced to prison by a military court for insulting the military.²⁵ Others have been sentenced or are on trial in civilian courts for insulting the president, prime minister, minister of interior, a member of parliament, and even a local council, typically through Article 128 of the penal code, which prohibits defamation.²⁶ Such abuse of the defamation clause sets a dangerous precedent for a potential strongman to silence freedom of expression.

Perhaps the even more troubling use of courts is to take down political opponents. In 2016, Prime Minister Youssef Chahed used a military court to try Chafik Jarraya and other prominent businessmen, ostensibly in a "war on corruption," but likely because they had been funding rivals within Chahed's party, Nidaa Tounes.²⁷ More recently, Slim Riahi, now secretary-general of Nidaa Tounes, filed a case in a military court against Chahed accusing him of plotting a coup. Finally, President Essebsi has asked the judiciary to investigate his primary political rival, the Ennahda party, on unfounded accusations of harboring a secret military apparatus.²⁸ The politicization of courts to weaken political opponents represents a dangerous trend that could be seized upon by a future strongman.

The second worrisome trend is the continued enhancement of police powers in the name of security. Since 2012, Tunisia has been rocked by a wave of terrorist attacks, including two political assassinations in 2013, three major attacks in urban areas in 2015, and a militarized attack near the Libyan border in 2016. With each attack, the security forces have been given a freer hand in combating terrorism.²⁹ The 2015 counterterrorism law permits authorities to detain terrorism suspects without charge and without a lawyer for 15 days, while including an overly broad definition of terrorism that could extend to peaceful political activity.³⁰ A state of emergency has been in place continuously since 2015, allowing security forces to conduct thousands of raids without a warrant and to arbitrarily apply travel restrictions on poorer and more pious individuals.³¹ Moreover, torture has reemerged, totaling more than 100 cases a year since 2013, according to human rights watchdogs.³² Only in three cases have police officers been convicted for such abuse, as rogue police unions have even stormed courthouses to bust out their colleagues on trial for torture.³³

The danger for Tunisia is that the politicization of the courts and enhancement of police powers—themselves indicators of democratic backsliding—could be used by a future strongman to consolidate his authority. It is not difficult to envision, for instance, a future president shuttering civil society organizations as being foreign agents, dissolving the Ennahda party on accusations of harboring a secret apparatus, or using the state of emergency to curtail opposition protests.

Readers may point out that Tunisia has a strong and vocal civil society that would raise awareness of democratic backsliding by a future president. This is true, but the defining feature of such backsliding is that it occurs so gradually as to never create the spark that leads to mass mobilization. Moreover, strongmen are often able to justify or legitimate such backsliding, fragmenting any resistance. Tunisia's use of military courts against civilian

businessmen, for instance, was justified in a war on corruption; its abusive counterterrorism law justified in a war on terrorism; its 2017 economic reconciliation law, which provided an amnesty for corrupt officials, justified in the name of economic growth. While Tunisia's strong civil society raised issues about each of these laws, they were unable to stop their passage. Unfortunately, a strongman could similarly outplay Tunisia's civil society.

Having outlined the potential danger to Tunisia's democracy, how could such a scenario be avoided? What steps can Tunisia take to help constrain a potential future strongman?

POLICY RECOMMENDATIONS

There are five measures that Tunisia should pursue prior to the 2019 elections to help prevent an incumbent takeover. The first is to finish choosing the members of the Constitutional Court.³⁴ The Court, which was created on paper in the 2014 constitution, has still not seen its 12 members approved over five years later. There is an interim judicial body, but it can only evaluate draft laws, and cannot, for instance, adjudicate disputes between the powers of the president and prime minister. A constitutional court, especially if filled with professional, pro-democracy judges, could provide a crucial check on a future president who seeks to consolidate power.

A second measure is to enhance the power of the parliament to exert a check on the president. Currently, the parliament is hamstrung by a lack of capacity. Al-Bawsala reports that 96 percent of bills voted on in 2017-18 were drafted by the government, not the parliament,³⁵ while 83 pieces of legislation are simply sitting in the parliament awaiting approval.³⁶ Its inability to review, let alone draft, legislation stems in part from its low capacity: it does not have a research center, individual offices for members of parliament, nor funding for them to hire specialized staff. The United States and Tunisia's other international partners would

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do well to invest in the parliament's capacity and thereby help it fulfill its constitutional role as an equal branch to the executive.

Third, the Tunisian parliament should remove or at least limit the crime of "insulting" public officials. These clauses include Articles 67, 125, 128, and 245-247 of the penal code, Article 86 of the telecommunications code, and Article 91 of the code of military justice. By doing so, Tunisia can remove the possibility of a future strongman using these defamation clauses as a proxy for silencing freedom of expression.

Fourth, the Tunisian parliament should end military trials of civilians. In 1998, a U.N. Special Rapporteur noted that "international law is developing a consensus as to the need to restrict drastically, or even prohibit that practice."³⁷ Article 110 of Tunisia's 2014 constitution stipulates that military trials are only for military crimes, but the transitional Article 149 permits such trials for civilians until the code of military justice is amended in accordance with the constitution. Tunisia should move quickly to exclude civilians from military courts.

Fifth, and perhaps most importantly, Tunisia must address the underlying drivers of disillusionment with democracy. The Tunisian government, with the help of its international partners, must act decisively to kick-start the economy. Important reforms include improving access to credit,³⁸ increasing public investment and service provision in interior regions, and ending the differential treatment of companies that produce goods for domestic use ("onshore") and for export ("offshore").³⁹ Improving the economy and thereby increasing public support for democracy will help to limit the ability of a future strongman to consolidate his control.

Ensuring the success of Tunisia's nascent democracy would have several important implications. Surveys suggest that a thriving, democratic Tunisia could inspire citizens of neighboring countries to view democracy more positively,⁴⁰ perhaps helping to push back against the intensifying repression in the region. In the West, meanwhile, a "Tunisian model" would counter re-emerging narratives of the Arab world not being ready for democracy. Most importantly, a vibrant democracy with a thriving economy would finally provide Tunisians with the bread, freedom, and social justice they deserve.

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ABOUT THE AUTHOR

Sharan Grewal is a postdoctoral research fellow in the Center for Middle East Policy at Brookings. His book manuscript, “Soldiers of Democracy,” examines why the Egyptian military staged a coup in 2013 while its Tunisian counterpart supported its country’s democratic transition. Sharan received a master’s and doctorate in politics from Princeton University and holds a Bachelor of Science, summa cum laude, from Georgetown University. He previously worked for the U.S. State Department.

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