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# Coup in Tunisia

## TRANSITION ARRESTED

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On 25 July 2021, after a day of popular protests against the government, parliament, and largest Islamist party (Ennahdha), Tunisian president Kais Saied invoked Article 80 of the constitution, the emergency clause. Declaring the parliament and government existential threats to the state, he sacked Prime Minister Hichem Mechichi, froze parliament's activities for thirty days and stripped its members of immunity, and appointed himself head of the public prosecutor's office. At the end of the thirty days, during which Saied neither named a new prime minister nor agreed to discuss next steps, he extended the exceptional period indefinitely. On September 22, he announced the suspension of parts of the constitution and his assumption of the power to govern by decree.

Saied claimed to be acting on behalf of “the people” to restore the promise of a revolution cut short by political elites, their “lobbies” of corruption, and the political parties they supposedly control. It is difficult to gauge precisely how many Tunisians find this argument compelling at a time when speaking out could result in house arrest or a travel ban. Nevertheless, Saied's move against the elected parliament appeared to enjoy broad popular support, at least initially—largely because ten years after ousting their former dictator, most Tunisians were still awaiting the prosperity and good government that democracy was supposed to deliver. And the institutions one might have expected to constrain the president—Ennahdha, the Nobel-prize winning Tunisian General Labor Union (UGTT), the country's robust civil society, and the international actors who have trumpeted the importance of Tunisia's

democracy—seemed to be either unwilling or unable to confront Saied, especially before he suspended the constitution.

After much public and scholarly attention to the supposedly unique challenges of building and sustaining democracy in an Arab-Muslim country, it came as a surprise to many that the forces which have upended Tunisia's democracy are cosmopolitan. Tunisia has achieved remarkable feats in its decade of democracy, including repeated competitive elections, peaceful transitions of power, the development of a robust civil society, and the adoption of a constitution that lays out many of the features of a modern democratic state. But recent works on the doldrums of many new democracies have emphasized that it is easier to establish electoral democracy than it is to solidify the strong institutions and rule of law critical to making democracy satisfying to citizens and self-sustaining.<sup>1</sup> In Tunisia, the difficulty of establishing distinct and durable political parties thwarted the ability of postuprising governments to address long-term challenges related to economic stagnation, corruption, and security-sector reform. These failures not only created the impression that the elected legislature was of little value to average people, but they also left the state vulnerable to subversion.

It is not yet clear whether these events presage the dawn of a new authoritarian era in what has, for the last decade, been the Arab world's most competitive democracy. In part because Tunisia's lauded democratic transition and the constitution it produced failed to deliver on their promises, a political crisis had long been brewing and was ripe for exploitation. As a result, the lone success story of the Arab Spring has once again fallen into the hands of an autocratic would-be savior seemingly overnight. How did the crisis reach this point and can Tunisia regain what it has lost?

## The Rise of Tunisia's Second Republic

The January 2011 departure of dictator Zine al-Abidine Ben Ali after 23 years in power did not automatically trigger an orderly transition to popular rule. Instead, the protests and violence continued to escalate, and there was little consensus among elites on how to respond. Members of Ben Ali's regime initially tried to fashion a limited transition around a national-unity government and unelected committees tasked with figuring out how to revise the constitution, combat corruption, and render justice to those wronged by the regime. But after six weeks, with protests continuing to swell, it became apparent that this path would not calm the turmoil. In early March, under pressure not only from protesters but also from a nascent political coalition spearheaded by a reconstituted Ennahdha and the trade unions, the government agreed to suspend the 1959 Constitution, dissolve the ruling party, and hold elections for a constituent assembly.

The concession of these elections, however, masked continued ambivalence about political parties. This stemmed partly from a distrust of parties that was rooted in decades of single-party rule. Ben Ali's Democratic Constitutionalist Rally (RCD), despite claiming to be the vanguard of a pluralistic form of modernization, had functioned mainly to surveil citizens, disseminate political propaganda, and dispense patronage.<sup>2</sup> Prior to the uprising, most Tunisians had studiously avoided opposition parties, and in 2011 the average person knew little either about the country's parties or about the theoretical virtues of these institutions. Allowing Tunisians to participate in mass politics outside the framework of the RCD was a widely held goal, and the number of legal parties multiplied from nine to 110 in 2011. But another goal was to create a neutral, nonpartisan state administration. Many Tunisians feared that among the newly formed parties seeking office might lurk a new RCD.

Ennahdha, which had presented the strongest opposition to Tunisia's first president, Habib Bourguiba, and Ben Ali in the 1980s, had been bludgeoned in the early 1990s and remained split between exiles scattered across dozens of countries and a small group of former political prisoners who began trying to reanimate the movement in the late 2000s. Ennahdha, whose leaders started trickling back into the country after Ben Ali fled, quickly became the best-known party in the country and the presumptive frontrunner in any election. To some, the Ben Ali regime's victimization of the party served as evidence of its steadfast commitment to the struggle for democracy and good governance. But many others regarded it with suspicion. According to the Arab Barometer survey conducted weeks before the 2011 election, 30 percent of Tunisians expressed no trust in the party. Ennahdha was not the only party to stir suspicion. When Ennahdha's presumed chief rival, the Progressive Democratic Party (PDP), took out billboards and newspaper advertisements depicting its two leaders, the image reminded many Tunisians of propaganda featuring Ben Ali and his wife.

There was significant pressure on political parties to address the social and economic problems that had motivated the uprising and had continued to mount. The largest parties developed platforms mainly by assembling committees of experts. These platforms often included promises of future prosperity. The parties' policy positions were not highly distinguishable from one another. Ennahdha projected that it would create 590,000 jobs and lower unemployment from 18 to 8.5 percent by 2016. The PDP promised to achieve 40 to 45 percent aggregate growth over the next five years. As one member of the PDP later observed to me, "Tunisians would learn that whoever promises more, lies more."

The choices in the October 2011 elections were bewildering, with the median governorate offering voters 54 different electoral lists to choose from and one governorate offering a staggering 95. As expected, Ennahdha won a large plurality. After the elections, it joined two other parties

(Ettakatol and the Congress for the Republic) to form a government that would be known as the Troika. Former political prisoner Moncef Marzouki became president of the Republic. Marzouki stepped down as leader of his political party, Congress for the Republic, to avoid the appearance of any conflict of interest. Former Islamist political prisoners assumed several key government posts, including prime minister, interior minister, and justice minister. By some accounts, Tunisia had completed its transition to democracy.

The Troika government inherited a mess. According to the September 2011 Arab Barometer, 46 percent of Tunisians perceived their personal and family security to be worse than it had been in September 2010. Balancing imperatives to reform the security forces and to restore security, the interim government had replaced many top Interior Ministry officials. But it also had hired new police and authorized the formation of police unions to advocate for the officers.<sup>3</sup> Meanwhile, GDP had contracted by nearly 2 percent. Shortly after taking office, President Marzouki asked Tunisians for a “social truce” to give the government time to work. This plea largely went unheeded. The state’s response to protests after the elections illustrated that reforming the security services would not be easy. In March 2012, the Interior Ministry banned protests on the Avenue Habib Bourguiba, the main drag in downtown Tunis. When thousands of protesters nonetheless stormed the avenue in April, police beat and teargassed them. In November, authorities fired birdshot at jobless young people who were protesting in impoverished Siliana, blinding more than a dozen of them.

The government also struggled to address corruption. An ad hoc commission founded in 2011 and led by the prominent jurist Abdelfattah Amor revealed an extensive network of corruption. Dismantling it would be difficult without reforming the judiciary, which Ben Ali had turned into a tool to support his family and political allies. For decades, the opposition in Tunisia had called for an independent judiciary. But establishing judicial independence while breaking up existing networks of corruption would prove difficult. Upon forming a government, the Troika gave the important Justice Ministry to lawyer and former political prisoner Nouredine Bhiri. In May, Bhiri fired approximately eighty judges for alleged corruption. But the judges’ union responded with a national strike, and in 2013 the administrative court ruled that many of the firings had violated due process and ordered the judges’ reinstatement.

The Troika responded to the multitude of demands in part by expanding public employment. In 2011, the provisional government added a net 48,000 public-sector workers—a sizeable increase in a country with a labor force of fewer than four million. In 2012 and 2013, the Troika government added another 88,000 public-sector jobs.<sup>4</sup> The public-sector wage bloc thus increased from 10.8 percent of GDP in 2010 to 13.1 percent of GDP in 2014. Government spending on fuel subsidies also

consumed a growing portion of the budget during this time. In 2012, fuel-subsidy spending increased by almost 40 percent over 2011 spending, and in 2013 it increased by 75 percent over 2012 spending. Meanwhile, the government struggled to collect revenue, in part due to increasing tax evasion.<sup>5</sup> To pay for these salaries and subsidies, the Troika sought foreign financing, eventually signing a large loan agreement with the IMF.

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The Constituent Assembly and government struggled to handle their main jobs. The weakness of the political parties that had formed or expanded in 2011 quickly revealed itself. During the assembly's three-year tenure, many representatives resigned from their original parties and joined others, inspiring the neologism "party tourism."

Compared to other parties, Ennahdha appeared uniquely professional. Throughout the rocky three years of the Constituent Assembly, only three Ennahdha members resigned from the party's bloc, whereas nearly half those outside Ennahdha switched parties. Ennahdha members participated in more than 80 percent of the votes, far more than any other bloc. But Ennahdha nonetheless experienced significant divisions, especially over whether to include *shari'a* in the new constitution and whether to bar members of the former regime from holding public office.<sup>6</sup>

The government also struggled to deal with a rise in political violence that claimed roots in Islam. Ennahdha was accused of ignoring the emergence of radical voices in the public sphere. In September 2012, after the online publication of an Islamophobic film, hundreds of protesters, allegedly organized by the militant group Ansar al-Shariah, stormed the U.S. embassy and set fire to the American Cooperative School of Tunis. As the Troika grappled with this situation, its opponents continually questioned the legitimacy of the Assembly itself. Shortly after the Troika's formation, longtime statesman and former transitional prime minister Béji Caïd Essebsi began to excoriate the government for its performance. In July 2012, he formed a new party, Nidaa Tounes, which would attract many anti-Islamist politicians. As the one-year anniversary of the Assembly approached, prominent political actors, including the UGTT, began to declare that time was up for the assembly's work and to call for a national dialogue and eventually the resignation of the Troika.

Claiming electoral legitimacy, the Troika resisted these pressures, but a tumultuous 2013 would eventually bring it to the table. In February, an Islamist militant assassinated leftist politician Chokri Belaid. Although Ennahdha resisted calls to step down entirely, it did hand over the key

power ministries—interior, justice, foreign affairs, and defense—to independent, nonpartisan figures, thereby prefiguring the nonpartisan, technocratic governments that would later become the norm. Following the July 2013 military coup in Egypt, the assassination of another leftist politician in Tunisia, a boycott of the Constituent Assembly by much of the opposition, and the emergence of a mass protest movement calling for Ennahdha's downfall, party leader Rached Ghannouchi quietly met with Essebsi in Paris. Afterward, the Troika agreed to participate in the national dialogue and eventually agreed to make way for a technocratic caretaker government. A constitution was ratified in early January 2014.

### Tunisia's Second Republic

The peak of Western fascination with Tunisia's transition occurred in 2014. The international community celebrated the national dialogue, giving the four organizations that convened it—the UGTT; the Tunisian Confederation of Industry, Trade, and Handicrafts; the Tunisian Human Rights League; and the Tunisian Order of Lawyers—the Nobel Peace Prize. The caretaker government performed reasonably well. The assembly agreed to a new electoral law, which paved the way for legislative and presidential elections scheduled for later in 2014. A voter in the average district still had a surplus of choices (44 parties), but the menu had become more manageable. Two poles oriented the party system: The Islamist Ennahdha and the anti-Islamist Nidaa Tounes. Nidaa Tounes promised to restore the proper functioning of the state and to protect society from what it alleged were Ennahdha's plans to Islamicize the state. Ennahdha claimed that it would serve as a bulwark against the restoration of authoritarian rule. Each party promised that it would not enter into government with the other.

The elections offered Tunisians an opportunity to hold Ennahdha, the Troika, and members of the Constituent Assembly accountable for the preceding, very difficult three years. Nidaa Tounes triumphed in the elections, winning 38 percent of the vote and 86 of 217 seats. Essebsi advanced to the presidential runoff against incumbent president Moncef Marzouki and defeated him. Ennahdha, whose national vote share shrank by 10 percent, seemed poised to retreat into the opposition. The vast majority of the newly elected legislators had not served in the Constituent Assembly.

But the party that won the elections was not much of a party. It was already absurdly fractious even before it faced the challenges of governing Tunisia. Prior to the elections, the party could not summon the consensus to hold a national convention. In accord with what was becoming tradition, Essebsi stepped down as party leader after assuming the presidency of the Republic. Government formation proved difficult. Instead of appointing a powerful partisan as prime minister, the party opted for a

nonpartisan figure, former interior minister Habib Essid. Perhaps rightly concerned that it would not be able to maintain the support of its own members, Nidaa Tounes formed a broad coalition government that, contrary to its preelection promise, included Ennahdha.

If Nidaa Tounes failed to keep its promise to govern without Ennahdha, it also struggled to keep its promise to govern well. The new government was beset by security issues, including three major terrorist attacks in 2015 and a March 2016 battle with ISIS. The economy sputtered, and inflation increasingly sapped purchasing power. Despite early support in the legislature, the Essid government did not last long. In July 2016, Essebsi formally called political elites, including nine political parties, the UGTT, and the business association, to a month of dialogue—an event intended to evoke the celebrated dialogue of 2013. The meetings produced a new program to guide the government as well as an agreement on a new prime minister, previously unknown Nidaa Tounes member Youssef Chahed. To reflect a supposed consensus, the cabinet included not only members of parties such as Ennahdha and Nidaa Tounes but also independents and members of parties that had failed to win seats in the legislature.

Despite broad support, the Essid and Chahed governments failed to adopt important measures to complete the transition. The constitution included mechanisms for achieving regional equality, social and economic rights, political freedoms, and an independent judiciary. But implementing these principles proved difficult. Municipal elections were repeatedly delayed until May 2018. The legal code—which allowed civilians to be tried in military courts, included criminal punishments for insulting public officials, and featured brutal punishments such as thirty years in prison for smoking marijuana—remained largely the same as before the revolution. Despite a deadline to appoint members to the Constitutional Court (an institution critical to the new political system) within a year of the constitution's passage, the legislature succeeded in appointing only one of four members.

Meanwhile, the parties in the legislature continued to show almost comical instability. Nidaa Tounes began to collapse in early 2016, losing its majority to Ennahdha. In late 2018, Nidaa suspended Prime Minister Chahed, who went on to form a rival party. At around that time, Nidaa announced a merger with businessman Slim Riahi's party, offering Riahi the secretary-general position. But Riahi was under investigation for financial crimes and fled the country soon after. By mid-2019, nearly 60 percent of the non-Ennahdha parliamentarians had switched parties.

As prime minister, Chahed initially tried to portray himself as an anticorruption warrior. His first shot was the arrest of businessman Chafik Jarraya and a number of others allegedly involved in smuggling. But it was difficult to discern whether Chahed's move against Jarraya was a neutral application of the law or an attempt to hamstring his political



rivals. Meanwhile, despite new laws protecting whistleblowers and requiring public officials to disclose their personal assets, Tunisians perceived a lack of accountability for alleged crimes. In mid-2017, with the support of Nidaa Tounes and Ennahdha, parliament passed a law first championed by Béji Caïd Essebsi, which allowed public officials who had engaged in corruption before the revolution to secretly make amends, bypassing public accountability. While some criticized the impunity enjoyed by the old regime, others pointed to Ennahdha, which had been accused of accepting foreign financing and trying to bury investigations of the recent political assassinations.

Although Westerners continued to trumpet Tunisia's accomplishments, Tunisians started to develop bitter memories of the revolution. In an October 2019 survey that I conducted with Milan Svolik, we found that approximately two-thirds of Tunisians felt worse off financially than they had before the revolution, and two-thirds felt worse off in terms of personal security. Although majorities thought that the state of political and religious freedoms had improved, 62 percent reported that corruption had gotten worse, and 71 percent believed that unemployment had increased.

## Against the System

The failures of electoral democracy precipitated the wave of antipartisanship that culminated in the election of Kais Saied. In the May 2018 municipal elections, parties such as Ennahdha promised to include independent candidates on their lists. Although Nidaa and Ennahdha still performed well at the polls, so too did independent lists, which together outperformed any single party. In June 2019, several months before the presidential and parliamentary elections, a new poll came out that shook the political establishment: If an election were held "tomorrow," the poll reported, the top three presidential candidates would be three outsiders—media magnate Nabil Karoui, constitutional-law scholar Kais Saied, and Abir Moussi, a former member of Ben Ali's ruling party. For the parliamentary elections, "Karoui's party"—which did not yet exist—came in second.

Saied was an enigmatic figure. He had been unknown before the revolution and had avoided politics before participating in 2011 protests. A constitutional expert, Saied became a minor celebrity during the drafting of the 2014 Constitution, appearing frequently on television to offer his analysis. Saied later developed a brand as a fierce antipartisan and reluctant politician who only sought to apply the rule of law. Calling parties outdated institutions, he claimed to have never belonged to a political party or voted in an election. He criticized Tunisia's political parties for "aborting" the revolution. Posturing as a professor rather than a politician, Saied barely campaigned and insisted that his preelection

activities constituted an “explanatory” rather than “electoral” campaign. Saied emphasized that he had no policies to offer and instead proposed reforming the political system by devolving power to the local level and incorporating practices of direct democracy such as recalls.

The man who would eventually face Saied in the October 2019 presidential runoff was cut from a different cloth. Karoui and his wife had been close to Ben Ali before the revolution. Afterward, Karoui was among the initial funders of Nidaa Tounes and had facilitated the 2013 Paris meeting between the “two sheikhs,” Ghannouchi and Essebsi. Karoui was also part of a group (which included former Italian prime minister Silvio Berlusconi) that owned the Nessma television channel. In 2016, Karoui was accused of money laundering and tax evasion but did not face trial at the time. In 2017, he began traveling to poor areas of the country giving out staple goods, earning the nickname Nabil Macaroni, a moniker he eventually embraced.

Abir Moussi had been an unapologetic booster of Ben Ali, and she referred to Ennahdha as the Muslim Brotherhood and Islamic State. She accused Ennahdha of accepting foreign funding and supporting terrorism and called for it to be investigated and dissolved. Moussi’s platform centered around a “transition to a third republic” free of the “rule of parties.” Alarmed by the rise of these antisystem politicians, parliament quickly cobbled together a reform to the electoral law that would exclude politicians who had been accused in the past year of benefiting from a political association (mainly Karoui) or who had glorified human-rights violations (Moussi). The measure passed and went to President Essebsi, who was gravely ill and did not sign it. Karoui and Moussi were not only free to run but had further solidified their anti-Ennahdha credentials. Shortly before the elections, Karoui was jailed for his alleged longstanding financial crimes. Although the charges may have had merit, the timing was suspicious and his supporters saw his incarceration as a move by Chahed to sideline a rival.

The two main parties—Ennahdha and Nidaa Tounes—experienced public convulsions. Nidaa effectively collapsed following the 92-year-old Essebsi’s death on 25 July 2019. And as elections approached, Ennahdha, which had long projected a united front despite internal divisions, began to show its fissures. Some party leaders criticized Rached Ghannouchi for allegedly monopolizing decision making in advance of Ennahdha’s scheduled 2020 conference, during which he would theoretically be required to step down. Ghannouchi unilaterally changed some of the party’s lists and installed himself as its top candidate in the important district of Tunis 1. These decisions caused many longtime party leaders to publicly criticize him. Some even resigned.

In the first round of the presidential race, held on September 16, Saied and Karoui advanced, even though Karoui was in jail at the time. The October 6 parliamentary elections, meanwhile, produced an ab-

surdly fragmented body, with six parties winning fifteen or more seats. Ennahdha had again won a plurality, but it held less than a quarter of the seats and had pledged not to govern with the parties that finished second and third, Karoui's Qalb Tounes and Moussi's Free Destourian Party (PDL), which Ennahdha had dubbed the parties of corruption and dictatorship, respectively. Karoui was released from prison several days before the October 13 runoff, but his electoral chances soon dimmed. In a nationally televised debate, Saied eviscerated Karoui and went on to win 73 percent of the vote in the runoff. In the survey that I conducted immediately afterward, the median respondent rated Saied 10 out of 10 on competence and integrity.

### **The Collapse of the Second Republic**

If Saied and others emphasized in the run-up to the elections that the system was not working, the following months would bear out that assertion. Ghannouchi became speaker of parliament after securing the support of Karoui's Qalb Tounes, a party that he had previously derided. The Ennahdha leader would preside over a fractious assembly, rich in political theater, including fights, protests, sit-ins, and hunger strikes. Having won a plurality, Ennahdha had an opportunity to form a government. But its choice of prime minister, Habib Jemli, took two months to name a government and then failed to win parliament's support. All along, Saied continued to excoriate the parties and the assembly. On the ninth anniversary of the 2010 uprising, Saied traveled to its birthplace, Sidi Bouzid, and delivered an incendiary speech alleging that unnamed actors were working to destroy the Tunisian state from inside and out. It was a charge that he would often repeat, always without evidence.

After Ennahdha's failure to form a government, Saied appointed Elyes Fakhfakh as prime minister in January 2021. Fakhfakh, a businessman who had served as minister of finance under the Troika, formed a government comprising half independents and half partisans, including members of Ennahdha. Assuming office just as the covid-19 pandemic was taking hold in nearby Italy, Tunisia's new government was soon challenged. It largely succeeded in containing the virus, quickly going into lockdown.<sup>7</sup> But Fakhfakh and his government were unable to parlay this initial success into a mandate. In June, Fakhfakh was accused of a conflict of interest due to his ownership of shares in a company with government contracts. Some in the press speculated that Ennahdha and Qalb Tounes had engineered the downfall of a strong prime minister to put the ball back in parliament's court. Fakhfakh himself seemed to blame the anticorruption commission and fired the head of the independent body, a move of questionable legality. In the end, Fakhfakh stepped down, giving Saied the opportunity either to name a replacement or call new elections.

Fakhfakh's fall marked a new stage in a conflict that would end with Saied freezing the legislature. Ennahdha reportedly asked Saied to take greater responsibility and name a full slate of ministers, but he refused. Instead, he appointed Interior Minister Hichem Mechichi, a bureaucrat with little charisma. Mechichi took office just as the pandemic's second wave was starting to spread. With the economy in freefall, however, the government struggled to impose restrictions, and the country experienced a deadly outbreak.

Moreover, a wave of scandals in November 2020 highlighted alleged corruption in the public administration, judiciary, and electoral system. The customs authority uncovered the illegal importation of tons of municipal waste from Italy, and an investigation revealed the complicity of the then-environment minister, who was fired the next month. Also in November, two judges publicly lobbed accusations of corruption at each other, raising doubts about the independence and integrity of the judiciary. Finally, the Court of Auditors issued a bombshell report alleging financial improprieties by political parties and presidential candidates in the 2019 elections, especially Karoui. With the country embroiled in another political crisis, the UGTT again pushed for national dialogue. Saied demurred.

Meanwhile, the parties in parliament began to push for a government reshuffle. With Mechichi now dependent on the continued trust of parliament, he became increasingly close to Ennahdha and Qalb Tounes and embroiled in conflict with Saied. In January 2021, Mechichi dismissed Interior Minister Taoufik Charfeddine, a Saied ally whom Mechichi suspected of trying to consolidate control of the ministry. Mechichi then pushed for a cabinet reshuffle, which parliament approved. But Saied claimed that several of the new ministers had "suspicions of corruption" hanging over them and simply refused to administer the oath of office. With the country increasingly enveloped in a constitutional crisis, parliament again tried to fill the Constitutional Court. To do so, it passed a law that lowered the parliamentary threshold required to appoint a member to 60 percent. Instead of signing the bill, Saied drafted a stern letter to Ghannouchi, stating that the law was unconstitutional, in part because the appointment deadline had passed.

The first seven months of 2021 were dismal. In January, often a month of unrest in Tunisia dating back at least to the bloody repression of a 1978 general strike, mass protests broke out in many parts of the country, including the poorer neighborhoods of Tunis. Police responded with a heavy hand, which only stoked more demonstrations. In the early months of 2021, after the government had failed to procure sufficient vaccines and to get them into the arms of Tunisians, the highly contagious delta variant of covid began to circulate, causing the worst outbreak in all of Africa. In July, the government staged a poorly designed one-day vaccination campaign that led to unrest and the firing of the health minister.

On July 23, with protests scheduled for July 25, Saied extended the state of emergency by six months, an unusually long time. On July 25, protesters converged on public buildings and political-party offices. That evening, appearing before a set of military officers, Saied announced that he was invoking the constitution's emergency clause, firing the prime minister, and freezing parliament's activities for thirty days, subject to renewal.

### Exceptional Times

Saied's departure from Tunisia's constitution seemed to be greeted with much relief and little opposition. It clearly violated the spirit of a constitution written to create a powerful parliament and strong judicial oversight. According to prominent jurists, the president's move also violated the letter of the law, as Article 80 requires parliament to operate throughout the exceptional period and the president to consult with the head of the body, in this case Ghannouchi. Nonetheless, Saied maintained that he was merely applying the law, and supporters filled the airwaves with justifications for his actions. The Constitutional Court that would have adjudicated such a question did not exist.

Immediately after the announcement, Ghannouchi and Ennahdha supporters rushed to parliament, but soldiers posted there denied them entry. Despite the party's show of strength in a February march for democracy, it now seemed to do everything possible to avoid confrontation. Ennahdha's cautious response was a function of the apparent popularity of Saied's move, the party's diminished public image, the fear of repression, and profound internal divisions. It may also have been a strategic decision to let Saied bear the burden of governing a country in crisis. In any case, Ennahdha began to splinter, with prominent rivals of Ghannouchi resigning and pledging to form a new party. The party had been a fixture in the country's postuprising government and had become the face of a disappointing transition to many Tunisians. And repeated compromises with the former regime had rendered Ennahdha unrecognizable to much of its former base.

Apart from Ennahdha, many other political organizations approached Saied with caution. Some parties initially issued critical statements and then tried to backtrack. Others offered full-throated support for Saied. The UGTT, for its part, struck a broadly supportive tone, at least at first. The coalition supporting Saied shared an aversion to the status quo ante but little else. The UGTT seemed to be open to amending the constitution or electoral law, through some sort of dialogue in which it hoped to play a prominent role. Members of some of the political parties seemed to support Saied as long as his plan was to deal a fatal blow to Ennahdha and Qalb Tounes and then to hold early elections under the existing constitution. Others bought into the notion that Saied was a revolutionary figure with a plan for delivering on the people's demands.

Saied initially sidestepped these disagreements, focusing instead on

crafting an image as the savior who would rescue Tunisia from covid, corruption, and rising inflation. He received a boost in early August when the country received six-million doses of vaccines from abroad. On August 8, more than 550,000 Tunisians received a shot, sparking tremendous pride among Tunisians after the embarrassing vaccine rollout under the Mechichi government. Saied released daily videos in which he would pontificate about the importance of cracking down on price gouging and corruption. Some of his supporters were heartened by the arrests of legislators who had been previously protected by immunity.

Saied moved slowly and opaquely. He scoffed at the idea of releasing a roadmap and largely refused to meet with other important political actors. After 29 days, he extended the exceptional measures indefinitely with a late-night statement that was not accompanied by a speech. On September 22, he announced that he would govern by decree, suspending whatever parts of the constitution might contradict his edicts. He resisted pressure to appoint a prime minister until September 29, when he named previously obscure technocrat Nejla Bouden, who became the first female prime minister in the Arab world. But Saied chairs cabinet meetings and Bouden's authority appears limited.

Saied's supporters justified his suspension of parts of the constitution by arguing that he would preserve the good parts (rights and freedoms) and replace the bad parts (the organization of political powers). But among political elites, his September 22 abrogation of the constitution stoked more opposition than did his July 25 activation of the emergency clause, especially given Saied's refusal to discuss a plan for restoring the country to constitutional order. Beginning shortly after Saied's September announcement, a newly fashioned political movement called Citizens Against the Coup began to hold demonstrations at the shuttered parliament, calling for Saied to restore the body and hold early elections.

A number of arrests and actions have belied Saied's promises to safeguard civil liberties. He justified lifting parliamentarians' immunity by arguing that it was necessary to eradicate corruption. And indeed, many MPs and other figures have been arrested since July 25. Some are accused of complicity in corruption, such as Lotfi Ali, a Tahya Tounes MP who did himself no favors in the court of public opinion by barely attending parliamentary sessions. But many other MPs were charged with insulting or attacking state institutions. And although some of the charges pre-dated July 25, the state has also cracked down on political figures for their speech since then. Two MPs have been tried in military courts, and Amnesty International reports that the number of military trials of civilians under Saied has exceeded the total number of such trials between 2011 and 2018.<sup>8</sup> The state has also subjected a large number of Tunisians to house arrest and travel bans, often without due process. On August 20, police raided and closed the anticorruption commission.

Meanwhile, the police have violently cracked down on protesters, in-

cluding during a September demonstration in front of a theater on the Avenue Habib Bourguiba. They have also curtailed the right to peaceful assembly. In November, they blocked people from reaching the site of the Citizens Against the Coup demonstration. The president has distanced himself from these heavy-handed practices, repeatedly voicing fealty to political freedoms. Yet he has taken no serious steps to either punish or deter the police. Moreover, he has announced several new appointments in the Interior Ministry, suggesting that he sees the importance of establishing some control over that institution. While mainstream media outlets continue to broadcast critical voices, Tunisian civil society organizations have raised growing concerns over media self-censorship.

The public discourse has been particularly hostile to Western democracies, which are accused of being influenced by Ennahdha's lobbying. When the Group of 7 issued a statement in early September effectively calling for the appointment of a prime minister and some form of constitutional government—hardly a threat of foreign-imposed regime change—some Tunisian political elites used the statement as an opportunity to warn against foreign intervention. When a U.S. Senate delegation visited Tunisia, a number of MPs refused to meet with it. When Qalb Tounes MP Osama Khelifi called for Westerners to protect Tunisian democracy at a recent conference in Vienna, he was accused of treason and members of his party resigned. More recently, the Justice Ministry issued an international arrest warrant for former president Moncef Marzouki after he praised the postponement of an international conference scheduled to be held in Tunisia.

These sorts of violations of the rights and freedoms enshrined in the country's hard-won constitution have been facilitated by the failure of postuprising governments to build strong safeguards. Saied supporters label those who complain about brutal policing and the criminalization of speech today, but who failed to adopt reform when they held power, as hypocrites. If Nidaa Tounes and Ennahdha had managed to fill the Constitutional Court, Saied's idiosyncratic legal arguments would have been unlikely to stand.

It would be naïve to discount the possibility that Kais Saied can parlay his popularity into some sort of authoritarian regime. On December 13, Saied belatedly offered a vision for exiting the exceptional period, but the off-ramp is long. Saied calls for a technical committee to draft a new constitution by June, a popular referendum in late July, and legislative elections in December 2022. That timeline, during which the legislature is to remain suspended, would afford ample time for him to appoint loyalists in the state administration.

It is not hard, however, to imagine scenarios in which he is forced to relent. Saied now faces the same social demands that challenged Ennahdha and its partners. In recent weeks, citizens have clashed with police over the reopening of a landfill, rekindled a movement to hold the government accountable for employment and development promises around the Kamour oilfield, and pushed Saied to honor a 2020 law committing

the state to hiring the long-term unemployed. Saied has done little in response, and there are reasons to believe that these demands will only multiply in coming months. The country is on the verge of bankruptcy, and Saied's power grab has interrupted its ability to secure financing to pay public-sector salaries. Tunisia has a civil society replete with organizations experienced in holding politicians to account. Although Saied has been enjoying a honeymoon in the media, it is unclear how long it will last. If the media refocus on his eccentricities and failures, Saied's main asset, his popularity, may prove fleeting.

Even if Saied's popular support erodes, however, there is no clear path back to democracy. The idea of restoring parliament enjoys little support. Early elections under the 2014 Constitution would probably require a new electoral law and agreement on how to fill the Constitutional Court. Elite deliberation may be one way of fashioning that agreement, but it is hard to imagine the various players convening in this form. More substantial constitutional change would require even more difficult negotiations. And as the last year has demonstrated, the new document would only be as strong as the willingness of elites to safeguard it.

## NOTES

1. See especially Francis Fukuyama, "Why Is Democracy Performing So Poorly?" *Journal of Democracy* 26 (January 2015): 11–20; Thomas Carothers, "The End of the Transition Paradigm," *Journal of Democracy* 13 (January 2002): 5–21; Dan Slater, "Democratic Careening," *World Politics* 65 (October 2013): 729–63; Steven Levitsky and Daniel Ziblatt, *How Democracies Die* (New York: Broadway Books: 2018); Larry Diamond, *Ill Winds: Saving Democracy from Russian Rage, Chinese Ambition, and American Complacency* (New York: Penguin Press, 2019); Tom Ginsburg and Aziz Z. Huq, *How to Save a Constitutional Democracy* (Chicago: University of Chicago Press, 2018).

2. Béatrice Hibou, *The Force of Obedience: The Political Economy of Repression in Tunisia*, trans. Andrew Brown (Malden, Mass.: Polity, 2011).

3. Bassem Bouguerra, "Reforming Tunisia's Troubled Security Sector," Atlantic Council Rafik Hariri Center for The Middle East Issue Brief (October 2014).

4. These figures come from Mahmoud Ben Romdhane, *Tunisie: La Démocratie en quête d'Etat, ou, Comment reprendre la voie de la prospérité partagée* (Tunis: Sud Editions, 2018). See also Anne Brockmeyer, Maha Khatrouch, and Gaël Raballand, "Public Sector Size and Performance Management: A Case Study of Post-Revolution Tunisia," World Bank Policy Research Working Paper 7159 (January 2015).

5. Sahar Mechmech, "The Tunisian Tax Administration: A Broken-Down Instrument," Al-Bawsala, December 2020.

6. Sharan Grewal, "From Islamists to Muslim Democrats: The Case of Tunisia's Ennahda," *American Political Science Review* 114 (May 2020): 519–35.

7. See Yasmina Abouzzohour, "Tunisia May Have Beaten Covid-19, but Challenges Persist," Brookings, 30 July 2020.

8. "Tunisia: Alarming Increase in Number of Civilians Facing Military Courts," Amnesty International, 10 November 2021.