ELECTIONS AND DEMOCRATIZATION IN THE MIDDLE EAST

The Tenacious Search for Freedom, Justice, and Dignity

Edited by
Mahmoud Hamad &
Khalil al-Anani

Elections and Democratization in the Middle East

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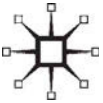

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CHAPTER 1

INTRODUCTION: DEMOCRATIC BEAUTY AND ELECTORAL UGLINESS IN THE MIDDLE EAST

NATHAN J. BROWN

DEMOCRACY IS BEAUTIFUL IN PRINCIPLE, but democratic politics is often ugly in practice. The Arab world is entering a new electoral era—one that, as the contributions to this volume make clear, not only is based on the promise of democratic beauty but has also already brought much of the ugliness of democratic politics. The various chapters explore not only what is new but also how much the new is still tethered to the legacy of the past. The question in this complicated political environment is, how much of the beauty of democracy can be recovered? The definite answer will come in next few years, but there are worrying initial signs.

Democracy is beautiful because it promises accountability and a voice for the people in determining who leads them and what polices are adopted. But democratic politics can e divisive, manipulative, fissiparous, and fickle.

In recent years, scholars who specialize in authoritarian systems and those who focus instead on democracy have come into increasingly close intellectual contact. Indeed, the study of political regimes more generally has led scholars to grapple with a very complicated reality based on a series of realizations: authoritarian regimes regularly use democratic mechanisms, transitions away from authoritarianism are not necessarily

moves toward democratization, democracies can have illiberal features, democratic politics can deeply disappoint those who toil on its behalf, those societies in which "the people" are sovereign often discover that there is no single "people" with an identifiable will, and even in established democracies some basic democratic institutions (such as political parties) are in crisis.

None of these realizations detract from the normative attractiveness of democracy. Nor have they led scholars to abandon democracy as an object of interest. But they collectively suggest that the upheavals of the Arab world in the past few years are unique only in their details, not in the way in which they combine the beauty of democracy with the ugliness of democratic politics.

Democratic mechanisms, especially of the electoral variety, are not new in the Arab world; indeed, they have been well established in some societies since the middle of the past century. They have hardly resulted in democratic systems, however. In this essay, I will first review what sort of mechanisms and democratic commitments are well established in Arab politics—but also why they came to be democratically meaningless. I will then focus on what is new in the current democratic moment in the Arab world. But in the third section I will explore why the current democratic promise does not seem to be delivering on the tremendous hopes placed in it.

WHAT IS NOT NEW

Those who see the current moment—the aftermath of the Arab uprisings of 2011—as unprecedented have many things to point to in support of the novelty of the current political moment. But that should not obscure how much past generations of residents of the Arab world were given democratic promises. The contributions to this book show how much democratic mechanisms existed in pre-2011 systems (with Libya perhaps an exception, at least in recent decades), but none of them show such democratic mechanisms as having given birth to a full democracy.

In three particular ways, Arab citizens have heard much democratic talk and even seen pockets of democratic practice.

First, popular sovereignty is well established in constitutional forms and in political rhetoric. There are, to be sure, monarchical systems in the Arab world, but even some of those implicitly acknowledge not simply that they have been entrusted with the welfare of the community but also that a degree of authority comes from the people as well. And the republics—now all Arab states outside of the Arabian Peninsula with only two surviving exceptions (Morocco and Jordan, both with written

constitutions and elected parliaments)—openly proclaim the sovereignty of the people.

If the principle that authority stems from the people is firmly established (if not universal) in Arab politics, what about the practice? Arab political systems have claimed to be democratic, many of them since independence. Again, the monarchies are an exception but only a partial one—Morocco, Jordan, Kuwait, and Bahrain have all included guarantees for popular representation in legislation and governance. Even blatantly authoritarian governments claimed to be democratic.

Over the past two decades, there has been frequent talk—first in Arab intellectual circles and then in Western scholarship—of an "authoritarian bargain" emerging, sometimes in the guise of Arab socialism, in the postindependence era. Regimes are held to have given the promise of welfare benefits in return for acquiescence in authoritarian rule. The problem with such an image is twofold: the regimes in question never repudiated democracy, and no popular assent to authoritarianism was ever given. There simply was no such bargain, either explicit or implicit, in the Arab world. Rather than promising an end to accountability, regimes promised a new and far more effective set of mechanisms to make those who wielded authority accountable to the population. Even as rickety multiparty systems and parliaments were hollowed out or dismantled, new structures and practices were emerging that promised to represent and serve all the people. The claim was often that the old structures and leaders served only themselves. The central creed of the revolutionary and socialist era, then, was not simply that leaders would act in the people's interest but that they would speak with the people's voice. Socially and politically dominant elites could no longer rule for their own benefit; they had to account for their actions to the people.

But of course they never really did. And that brings us to the third element that is not new: not only were Arab peoples told they were sovereign and promised democracy; they were also summoned to the polls regularly to vote in elections. In some Arab countries, elections predated independence; in most of the remaining ones, elections came with or following independence. And with a few exceptions, those elections came regularly on all kinds of issues—who is in parliament, whether a draft constitution should go into effect, who should serve as head of state, and even some fundamental policy issues. In some countries, voters were even given a choice of candidates and parties to vote for; in other countries the choice was helpfully winnowed down for them to a single option.

But in almost all Arab elections—even those in which choices appeared on the ballot—the result was either irrelevant or easily known in advance. Elections served to coax the opposition out into the open or cow it into

submission, obtain formal ratification for choices already made, or allow leaders to present themselves as people's representatives.

Indeed, a central theme in most of these chapters is the legacies of past practices—in Yemen and in Libya we see the recent past affecting the operation of and expectations for democratic futures. In Morocco (and, outside the Arab world, in Turkey), we see past structures founded in nondemocratic orders continuing to affect (in the former case especially effectively) the operation of the democratic mechanisms that do exist. The authors in this book find the necessity of grounding their understandings of current politics historically as well as comparatively.

What is new: Democratic beauty

In short, before 2011, democratic forms were everywhere and democratic substance was virtually invisible. What has changed since the uprisings of that year? Three developments are new.

First, Arab societies that have had elections are now more regularly presented with real choices. In the post-uprising societies (Egypt, Libya, and Tunisia), there was no attempt to keep important players off the ballot (the Egyptian presidential elections were a partial exception in this regard, though the disqualifications there seemed to follow a strange and strictly legal rather than political logic). In Morocco, Islamists who had been participating in elections did not find the rules so carefully stacked against them.

Second, Arab voters have gone to the polls several times since 2011 without the result being known in advance. In a sense, uncertainty is a (and in the minds of some, *the*) defining feature of democracy: if one actor is guaranteed to win any election, democracy is not in operation. In the first parliamentary elections in Libya, Tunisia, and Egypt, the electoral performance of some parties surprised even their leaders. The Egyptian presidential race of 2012 resulted in a photo finish between two starkly different candidates. In some cases examined in this book—Egypt and Libya, for example—uncertainty seemed especially high. But even in those cases in which there appears some more stability (Tunisia, where some understandings have been reached among the political elite, and Morocco, where the monarchy still dominates), authors seem a bit reluctant to project too much of that stability into the future.

Even referenda have been competitive. In Egypt, in the referendum on constitutional amendments of March 2011 and a permanent constitution proposed on December 2012, a "yes" vote was widely

expected, but between a quarter and a third of voters rejected the proposals—a surprisingly high proportion by past regional standards (and indeed constitutions are rarely rejected in referenda anywhere). So elections provide meaningful choices and voters are actually allowed to choose.

But the most fundamental change is also the one least visible from afar: the emergence of an Arab public sphere—or set of public spheres—where political talk is surprisingly extensive and free. In a more purely authoritarian era (and in the remaining pockets of high authoritarianism in the Arab world), talking freely about politics was risky. Few engaged in it, and those who did found few venues.

But that is no longer the norm. In the 1970s and 1980s, some countries partially liberalized their own press, allowing for a few mildly critical voices to be heard. Those voices often challenged what were referred to as "red lines" and were sometimes able to push them outward; at other times they were sharply punished for transgressing unwritten rules. In the 1990s, pan-Arab press emerged as a strong voice that crossed borders in ways that sometimes eluded the rigidly enforced domestic rules. And late in the decade, satellite television became a fixture in many Arab homes and coffee houses, bringing surprisingly lively and entertaining (if not always elevated or edifying) political debates.

Many participants in the 2011 uprisings spoke of how the barrier of fear had been broken. And much of it certainly had been removed. But what was on display at that time was less a product of a sudden collapse than it was a result of years of steady erosion. Few taboo subjects existed in personal political conversations in many countries, and open criticism of the rulers could be voiced in many of them. When one moved from personal conversations in homes or small public gatherings to mass media, rulers retained some harsh instruments to police discussions—and they used them. But it had become impossible to reproduce the monotonous and turgid pro-regime public discourse that prevailed a generation earlier; even in places where change in any practical sense seemed impossible, it was easier to debate it.

And after 2011, the authoritarian tools seemed to work no longer in a coherent manner. That is not to say that they were not used—the underlying legal and institutional framework, even in some post-uprising countries, remained unchanged. And new social actors emerged, who attempted to police debate on their own, with some salafi movements earning an unsavory reputation in that regard, especially in Tunisia.

And this was democracy in all its beauty: real debate, real choices, and political power up for grabs with the winners decided by the people.

Electoral ugliness

Yet it did not feel like heaven after all. Partly this was inevitable: the hopes that arose in the heady days of early 2011 could never be fully met. But the problems were more than a loss of youthful idealism. In many places, citizens are not merely wizened; they are disappointed, frightened, and angry. And they are deeply divided. The actual experience of electoral politics proved a bit less pretty than expected and in some countries aggravated existing problems, frustrated a wide spectrum of actors, and led to far less pretty politics than expected. Why did democratic beauty give birth to electoral ugliness in the Arab world?

There were four main reasons, and some of them can be traced back to authoritarian legacies.

First, most actors went into democratic politics a bit suspicious. It was not so much that they lacked democratic commitments (though some did) but more that they doubted their adversaries and regarded any democratic process as full of potential pitfalls. Here they paid for decades of their rulers' dishonesty of delivering democratic promises and mechanisms but no democratic substance.

The emergence of democracy in Europe generally came as a result of more bitter but also more honest struggle. For most of the nineteenth century (and into the twentieth), the chief battle about democracy focused on two very specific institutional questions: who would vote in parliamentary elections, and what authority did parliament have (especially over the executive). The battle over democracy not only had clear battle lines; it was also fought quite frankly, with none of the pious fiction that everyone is democratic. Those who opposed democratic reform said so and resisted extending the franchise or empowering the legislature. In some countries the battle was slow; it was also sometimes violent.

In the Arab world, by contrast, those two battles were generally easily won—on paper. When elections were first introduced in some countries, there was some experimentation with two-stage elections, and some even openly called for literacy requirements. Women were sometimes denied the right to vote. But most of those battles were brief and not seriously fought (only women's suffrage proved a bit of an extended struggle, especially in Kuwait but also much earlier in Egypt).

And parliaments proliferated with all sorts of legislative and oversight powers. Indeed, the frequent recourse to constitutional language promising that various rights and procedures would be "defined by law" maximized parliamentary authority.

And political practice hollowed out these promises. Rigged elections, single-party systems, and patronage systems that encouraged everyone to

toe the line, all these devices meant, as we have seen, that democracy existed only on paper. Entering the post-uprising environment, therefore, all political actors had learned to read the fine print on every promise and procedure and to not believe those until seeing them in action. In short, there was a deeply engrained mistrust that apparently democratic procedures would really be fair. Democratic promises had been so freely made in the past, they had lost a considerable portion of their street value.

The reasons for this mistrust emerge most clearly in the Moroccan case, but they have deeply infected all the other cases examined in this volume.

Second, the sudden burst of democracy opened every single contentious issue before ways had been devised for resolving them. In the authoritarian era, social differences were suppressed or denied; in the post-2011 flowering, it became possible to mobilize on the basis of religion, ethnicity, and sect. There were good reasons to place these issues and identity in the public sphere for deliberation, debate, and decision, but plunging directly into such divisive issues tended to overheat the political atmosphere before clear structures could arise for managing tensions or even deciding some basic issues.

Third, in those countries that did not experience uprisings but knew limited democratic politics, the effect of the uprisings was sometimes to enhance the promise of democracy without delivering anything in practice. And the result was to harden divisions. In both Jordan and Kuwait, opposition movements that had reluctantly played the political game for the benefits that it offered saw the possibility of pushing for more openness. When they did not get it, they boycotted elections.

In this volume, the nature of the dilemmas for electoral politics is illustrated most clearly in the Iraqi case. Iraqis have been summoned to the polls on several different occasions, but it is not clear that they have yet been able to construct a system that avoids entrenching their divisions but instead helps them navigate and manage them.

And that leads to the fourth problem: in both the post-uprising countries and those that did not experience an uprising, the basic rules of electoral competition are mistrusted and contested. A stable democratic system is one in which the rules are known in advance but the victor is not. Arab elections lacked both features in the past: the rules were constantly written to serve those in power with the result that elections only returned those already in power. Now the Arab world is divided between societies where results are foreordained (as in the past) and those where they are not. But in no country are the rules by which elections operate stable or accepted. In that respect, there is a continuity from the pre-2011 period. In every case examined in this volume, the basic rules of democratic politics are not merely contested but shifting. Tunisia may

have achieved a precarious stability (or at least a clear trajectory). Other countries have found that the fact that elections should be held gives little guidance on how to hold them and have their results accepted.

And indeed, this point can be made more generally. The 2011 uprisings changed a lot, but they did not erase the legacies of authoritarian rule.

A SWAN SONG OR A LAST LAUGH FOR ARAB AUTOCRATS

Democracy itself is not the cause of all the electoral ugliness that Arab politics has uncovered. While the mundane realities of democratic politics are not particularly pretty anywhere, they still offer real possibilities that Arab societies still strongly aspire to obtain for themselves. But democracy is not born pristine; it is erected on the foundations of politics built under autocratic rule. And here is where it has turned out to be easier to get rid of autocrats than the stains on political practice they left behind.

Authoritarian politics is poor practice for democracy. By discrediting democratic promises, leaving a legacy of distrust and suspicion, suppressing healthy organizations in both civil and political society, and failing to bridge gaps among various ethnic and sectarian groups (or allowing them to develop language or mechanisms for discussing those gaps), autocrats have left democrats with a difficult legacy. They may learn to cope with the results, but it will not always be pretty.

Chapter 2

Tunisia between Democratization and Institutionalizing Uncertainty

Kevin Koehler & Jana Warkotsch

The Tunisian Revolution not only led to the fall of one of the region's most entrenched dictators, but it also made Tunisia stand out among the countries of the Arab Spring as the country 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 also 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 past 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 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 toward 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, we 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 14, 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 15, 2011, the Constitutional Council

applied Article 57 of the constitution and announced that the 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 the 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 14th of January 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 14th of January 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 24, 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 27, with the number of RCD ministers decreasing significantly, and on February 27, 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 15, 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. Second, 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