

Moulay Hicham Alaoui

St. Antony's College
University of Oxford

Reconciling Democratization and Secularization in the Middle East:
Tunisia and Egypt in Comparative Perspective

Supervised by
Professor Michael Willis

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ABSTRACT

This thesis evaluates the potential for democratization in the authoritarian states of the Middle East and North Africa. It takes, as its starting point, the immense debate about the compatibility of Islam with democracy. That intellectual discussion has interrogated notions of secularism, and weighed whether societies with deep conceptions of faith can embrace democracy. In this milieu, this thesis argues that democratization can indeed be reconciled with Islam, and thus become not only possible but plausible in Muslim settings. Comparing Western tradition with the classical Islamic experience, it contends that taking secularism as a precondition to democratization is fallacy, because it recapitulates outdated theories of modernization. Political Islam, given its prevalence as a popular opposition force in many authoritarian states in the MENA region, reacts to this tension with the inverse demand to infuse politics with more religious norms and principles.

By contrast, this thesis argues that communities of faith can pragmatically adapt to new political circumstances and embrace the core institutional tenets of democracy, namely electoral competition and popular sovereignty – even if conflicts emerge around the role of religion and politics, as is likely in many countries where Islamists forces are active. The only requirement for democracy is mutual accommodation between the religious sphere and political authority. This accommodation can be reached through political pacts and bargains made in transitional moments, when autocratic order has collapsed and different actors attempt to formulate new rules of the political game.

This theory of pacted democracy, which this thesis rejuvenates from comparative theories of democratization, proceeds by analyzing how rational

actors competing for power can learn how to compromise and tolerate one another under conditions of intractable conflict. For the sake of mutual survival, ideological rivals can recognize that democracy represents the least costly option, for the only other outcome is collective demise. In contexts of extreme polarization, political parity, and normative diversity, competing actors can move beyond endless interpretive debates about religiosity and instead engage the practical task of negotiating new constitutions, elections, and laws.

This thesis applies such a theory of pacted democracy to the contrasting case studies of Tunisia and Egypt after the Arab Spring. It shows that the relative success of Tunisian democratization can be explained by the pacts and bargains made between Tunisian Islamists and secularists during periods of difficult transition and political tension. Egypt represents a case of failed pacting; its structural parameters were not as favorably predisposed to pacting as in Tunisia, and so Islamists and secularists failed to reach negotiated compromises that could have created a more positive outcome.

Careful comparisons between these two cases show that while not all political settings are equally amenable to pacting, such a pathway of bargains can lay the foundation for viable democracy. Moreover, with the advance of new democracies, as the Tunisian case shows, Islamist actors can learn to shift their own position within the religious sphere, and in so doing can produce new theological innovations that draw upon the rich heritage of Islamic traditions.

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INTRODUCTION

The reconciliation between secularism, religion, and democracy in the Islamic world stands as an enduring and pressing issue in the study of modern politics. There has been, for decades, vociferous debate about whether the notion of democracy can be compatible with the lineaments of social order as envisaged for Muslim societies. In theological terms, this remains an open, contested, and intense debate – one that is unlikely to be resolved any time soon. That leaves advocates and scholars of democratization in the Middle East in a dilemma: they are held hostage as bystanders as history unfolds.

Yet, there is an alternative to the grinding fate of simply waiting. Rather than viewing the potentiality of democracy in the Middle East and beyond as a function of religion or Islamic doctrine, we can instead imagine the possibilities of democratic breakthrough on grounds of pragmatic politics. If democracy is the outcome of constant political interactions between actors who remain, denuded of their religious content, *human* agents, then there is no reason why democratic politics cannot emerge in new environments, even those long derided by critics as lacking certain cultural or social precepts. Herein lies the universality of democracy.

In this vein, this dissertation therefore proposes a bold and novel argument about the emergence of democracy in the Middle East. The pathway it posits involves “pacted” transitions through which Islamic actors can and must participate, but which ultimately generates governing institutions that induce a bargained compromise allowing for what we might call political secularism – but by no means the end of religion. By political secularism, I mean not the deliberative reduction of religiosity from public life, but rather the institutional

separation of political authority from religious authority, such that policymaking and governance are not determined by legal imperatives drawn purely from faith. This argument leverages comparative political science's theorizing on pacted democracy, drawn from the Third Wave of Democratization as it transformed southern Europe and Latin America in the late twentieth century. Pacting is presented as the mechanism for successful democratization in conditions of extremely polarized conflict between political actors who seem initially reluctant to accept the existence of the other – conditions that match the aftermath of the Arab Spring and the next wave of authoritarian regime breakdowns in the region.

It then locates the structural and agential factors that facilitate successful pacted democracy (as in Tunisia) versus failed transitions (as in Egypt). It argues that bargained pacts can bring about democratization and overcome this contentious cleavage; and that, ultimately, such mutual adaptations between the realms of religion and politics are not alien to the Islamic traditions. On the contrary, such transitions can induce political secularization and theological changes on their own, expressing a recurrent theme that runs throughout the history of politics in the Islamic world. That theme is that Muslims are not bound by a uniform view of scripture, but instead inspired by its meaning and interpretation to pragmatically adapt to changing political circumstances. The engagement of political secularism, which is occurring now in democratic Tunisia, is the result not of theological debate within Islam, but rather the requirements of mutual coexistence between political actors. As an important observation, the term "Muslims" is employed throughout this chapter not as a normative injunction, or as a blanket category that ignores meaningful differences within and across communities of faith. It is simply used here to

express tendencies that could prevail among many or even most self-identifying Muslim believers within any given setting.

Thus, in opposition to the longstanding assumption that democracy requires secularization first, and in turn that Islam is antithetical to secular thought and practice, this thesis argues that modern Muslim societies can indeed embark upon democratic transformation. Far from Islam being incompatible with secularism, in fact reconciling the two is a matter of practical adaptation. Many Muslim societies have always sought to practically adapt their faith to specific times and environments, rather than remain within a single fixed interpretation. Of course, the general proposition against Orientalist theorizing that the realm of Islam is condemned to despotic religiosity, tethered by the yoke of “tyrannical” texts and closed minds, is not new. Its expression here resonates with a rich tradition of intellectual pluralism and progressive thought. However, its framework is unique in several respects.

First, it comes after the Arab Spring, which recast state-society relationships across much of the Middle East and North Africa (MENA) – the civilizational nucleus of the Islamic world. Where authoritarian regimes fell, polarized conflict between self-identifying religious (i.e., Islamist) and non-religious actors emerged. Such religion-politics struggles were characterized by polarization, uncertainty, and mistrust; they therefore represent a salient obstacle to overcome.

The juxtaposition of Tunisia and Egypt also makes for an elegant paired comparison. While carefully taking under consideration key differences, these cases present diametrically contrasting outcomes of successful versus failed pacted transitions between Islamist and non-Islamist actors. What distinguishes

Tunisia and Egypt is that prior to their regime transitions, both qualified as closed autocracies rather than competitive authoritarian regimes. While this distinction is fully discussed in Chapter Two, these institutional configurations matter vitally for the application of pacting theory. Like many Middle East regimes, neither allowed for meaningful political contestation in which opposition forces gaining power was remotely plausible. While both could have theoretically evolved to become such hybridized dictatorships, in empirical terms neither did. For that reason, their toppling took the form of sudden, massive, and overwhelming collapse that left in its wake a vacuum of power that Islamist and secularist forces sought to fill. Whereas transitions in competitive authoritarian states often proceeds in more gradual fashion, the totalizing ruptures that propel the breakdown of closed dictatorships as in the Tunisian and Egyptian cases require engagement between rival opposition actors in a way that makes a bargained trajectory for democracy the most viable mode of transition.

Second, the thesis makes bold comparisons between modern democratic models and classic Islamic experiences. If this chapter's discussion of terms like *maqāṣid al-sharī'a* and *siyāssa shar'īyya* illustrates how Islamic legal and political practices evolved through continuous elaborations, disputations, and interventions by human actors, then the case studies' application of pacted democracy in parallel shows that the same pattern seen in early Islam can be mobilized now – namely, that those representing religion and those representing politics interact with one another not in terms of doctrinal adherence, but rather through the realistic optic of *what works* in terms of upholding the well-being of the community, or in classical Islamic terms *maṣlaha al-ummah*.

Finally, as the conclusion suggests, the direction of change within the Islamic experience does not only run from the religion to the political – the causal arrow favored by Orientalists; rather, it also runs from the political to the religious. The compromises made between Muslims as they seek to construct a new political order can become the basis of new theological understandings, as Islamist and other religious voices canonize their experiences into new doctrine. The Tunisian case shows that within arenas of societal contestation, religious breakthroughs can be generated by political forces.

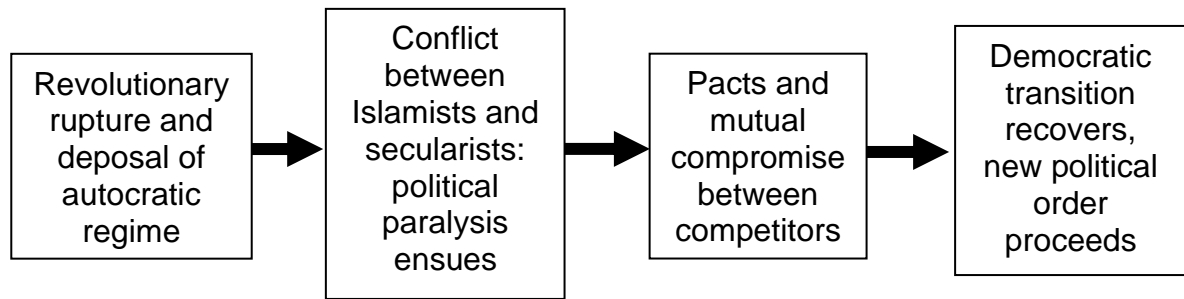
The Argument and Methodology

As Figure 1 displays, the proposition of this thesis is parsimonious but stands on rich theoretical foundations. The argument holds that following the revolutionary deposal of closed autocracies in the Middle East and other areas of the Islamic world, there will emerge competition between Islamists and secularists – the two primary political forces that characterize the post-authoritarian landscape. Each adheres to a distinctive ideological vision of political order; and each seeks to eliminate or marginalize the other. Yet paralysis can ensue when neither group is able to fully destroy the other.

At that point, *pacting* comes to the horizon as a technique to overcome division. Competing Islamist and secularist rivals can engage in bargained compromises that do not so much resolve theological debates and settle deep fears, but rather respond to a shared desire to avoid the worst outcome of all – mutual demise that could arise from constant, unending stalemate that might explode into worse violence and conflict. Piecemeal agreements, small-scale concessions, and habituated (if begrudging) toleration of the other allow these

competitors to set aside deep philosophical differences to instead forge a temporary framework to create a new, more democratic political order that allows for greater participation and inclusion than under the old authoritarian system. It is *this* dynamic – the capacity of ferociously divided and hostile forces to forego pacts – that ensures not just mutual survival but also continuing transition. This does not guarantee a healthy, liberal, and consolidated democracy: consolidation and institutionalization are processes that new democracies must undergo in processes separate from the frantic and uncertain years of transition. But pacting does help ensure that during those vital transitional periods, democracy can coalesce from a messy landscape of political contestation defined by suspicion and doubts that so separate Islamists from non-Islamists.

Figure 1. The Proposition of the Thesis.



In methodological terms, the case studies of Egypt and Tunisia allow for in-depth comparative research. It takes seriously the notion of case studies as unique configurations of causal attributes and empirical data that, when explored and compared in close detail, can help illuminate underlying explanatory processes that link initial conditions to final outcomes. This analysis will therefore be qualitative in nature, not least because there are only two cases. The precise form of analysis will entail detailed process-tracing of historical developments, including the legacies of colonial rule, the rise of Islamist movements, the nature of the Arab uprisings, the institutional landscape of post-revolutionary conflict, and finally the different choices and incentives facing competing political actors during the critical years following the end of old autocracies – generally, the 2011 to 2013 period, when these polities were in the process of crafting new rules and directions.

To that end, this thesis draws upon data gleaned from not only focused and structured library-based research into Arabic and English documentation, but also intensive fieldwork that involved interviews with relevant elite actors, including political officials, members of Islamist organizations, and societal activists involved in the actual process of post-revolutionary transition. That fieldwork required some creative adjustments during the research process, which sought to engage Islamist and secularist political elites with first-hand experience with the Tunisian and Egyptian democratic processes in semi-structured interviews. My forays into Tunisia were stymied by the Tunisian government, which ordered my deportation in September 2017 mere days after my arrival for prolonged fieldwork. As a result, many of my interviews with Tunisian elites took place in other countries or over the telephone.

Similarly, I could not access relevant Islamist and secularist political elites in Egypt; not only has academic research there become extremely dangerous, but most of the figures I sought to access – including high-ranking members of the Muslim Brotherhood, and political luminaries within the democratic civil state trend – left the country in exile after the July 2013 coup. As a result, those interviews took place in Europe, Turkey, and over the telephone. Collectively, the data garnered from those discussions, combined with historical knowledge and explorations of Tunisia and Egypt in comparative context, helped show the particulars of the pacting process in each case while also immersing them in broader theoretical frameworks.

This thesis makes a dual contribution in addressing multiple academic audiences and bodies of theoretical work. For political science, it resuscitates theories of pacting – a mode of democratic transition that has fallen off the intellectual radar screen in recent decades – and ambitiously applies them to a new region in the Middle East and North Africa. Such applications of pacting theory to this region are rare, and even more so following the Arab Spring. However, cases of regime transition like Tunisia and Egypt represent a great untapped field of study for transitology. As the argument here makes clear, such cases present pathways of pacted democracy, and the Middle East constitutes a promising frontier of further theory-building. The thesis shows that democratization can proceed when ideologically opposing rivals – Islamists and secularists – reach bargained compromises based not upon their unilateral victory, or philosophical correctness, but on the practical imperative to avoid collective destruction and worsening conflict.

For scholars of Islam, this project concedes that questions about the place of religion in politics remain unresolved; and furthermore, theologians and jurists have yet to reach consensus on these fundamental issues within political order in Muslim societies. However, it also argues that if true concord on doctrinal differences will require many more years, in the short-term an opening for democracy requires *side-stepping* theology in favor of pragmatic action within the temporal realm of politics. That is, it is possible to achieve *political* democracy without necessarily reaching *religious* harmony, a pattern that can induce as a natural byproduct some degree of secularization. While many mechanisms of reconciliation between the religious and the political exist, the pacting invoked by transitology represents a practical means. As this is a case-oriented thesis, the arenas of Tunisian and Egyptian politics during and after the Arab Spring represent an ideal testing ground to illustrate how the relationship between religion and politics can be mediated on democratic grounds.

Roadmap

The thesis contains the following chapters. Chapter One outlines the historical and theological circumstances of the Middle East and wider Islamic world. Drawing upon our knowledge of secularism, religiosity, Islamic history, and Western traditions, it shows why pacting as a type of mechanistic, institutional response to deep ideological division is a logical and necessary step towards democracy in many Middle Eastern countries. Chapter Two lays out a theory of pacting, illustrating the fundamentals of this framework from comparative political science. It shows the utility of pacting in reaching democracy throughout uncertain transitional periods after the downfall of authoritarian regimes in Latin

America in particular, but also concedes that the pacting process in the Middle East will require some variation. Above all, it establishes how three conditions across a political arena can facilitate successful pacting: *parity* of competitors, *polarization* of politics, and *diversity* of norms.

Chapters Three and Four discuss the case of Tunisia as an exemplary expression of pacting in action. These chapters attempt to walk a fine balance between structure and agency in terms of analytical weight. Chapter Three shows how long-term historical developments rooted in the colonial past and immediate post-colonial decades created political circumstances that, after the 2011 Jasmine Revolution, cast Tunisian Islamists and secularists onto a landscape defined by parity, polarization, and normative diversity. Those circumstances include the strength of civil society, weakness of the military, the shared understanding of Tunisian identity, the recent arrival of Islamist mobilization, and the highly centralized, Jacobin-like model of republican “stateness” that characterized Tunisian dictatorships. Chapter Four advances the explanatory narrative by showing how during the transitional process, contingent forces like mutual fear, geopolitical support (particularly from Western actors with vested interests in Tunisian democracy), and habituated learning allowed for bargained compromises to continue, even during periods of intense crisis such as the summer 2013 breakdown and the replacement of secularist opposition with new groups drawing from the old authoritarian order, namely Nidaa Tounes. The end result, however, was a successful transition to Tunisian democracy that incorporated both Islamists and secularists, although its future consolidation remains a fair question.

Chapter Five engages Egypt as a contrasting case of *failed* pacting. It shows how the brief ascent of the Muslim Brotherhood after the January Revolution was characterized not by adequate bargains and pacts between this Islamist force and secularists, but rather deepening hostility, concerns, and wariness. While this democratic experiment ended in July 2013 with the military coup, in analytical context elements of failed pacting help show why Egypt differed so much from Tunisia. Egyptian politics featured intense polarization and normative diversity after the Arab Spring, but *not* parity due to several factors. Among them was fragmentation within the Brotherhood; the strength of the Egyptian military, as an institutional backbone of the state apparatus, and the concomitant weakness of civil society; and the pivotal role of geopolitics, particularly divergent pressures from the Gulf and ultimate Western complicity with the coup. The implicit counterfactual is bold: had there been more parity between Islamists and secularists in Egypt after the fall of the Mubarak regime, and in turn less disruption from the military and other exogenous actors, then Egyptian democracy might well have survived through greater bargains and agreements between competing factions.

The conclusion ties the thesis together. It reiterates the theoretical implications of the project, emphasizing the importance of applying pacting theory to new regional environs while also squarely addressing the problem of neutralizing theological and philosophical debates about religion in politics. The solution, it articulates, to thorny and indivisible quarrels about how “Islamic” political order should be in the Middle East and beyond is to ensure that during periods of transition, such issues are placed off the agenda in favor of concrete bargains and practical arrangements that move an institutional process forward.

The long-term consequence, paradoxically, may well be theological insofar that shifts in religious doctrine under Islamists may reflect the pragmatic political decisions made and the democratic achievements unlocked by them. In this sense, the future of democracy in the Islamic world can be a future that begins not from theology and moves towards politics, but rather moves *through* politics with concomitant impacts upon religion, identity, and faith.

CHAPTER ONE: HISTORY, SECULARISM, AND ISLAM

This chapter commences the thesis by outlining the historical and theoretical milieu of democratization and religion in the Muslim world, and specifically in the Middle East. While the next chapter delivers the sweeping scope of the argument for pacting by drawing upon political science, this segment draws upon other disciplinary traditions, particularly the history of religion and sociological analysis, to make broader framing observations about *why* it remains so difficult to resolve debates about the place of religion in politics within the Middle East. By doing so, it sets the stage for pacting as an elegant solution to philosophical disputations that emphasizes institutional stability and democratic breakthroughs over the deeper resolution of disagreements regarding the identity and place of Islam.

The chapter begins by introducing the *problematique* – the perceived contradiction between Islam and democracy through the mechanism of secularization, which Muslim societies and states are alleged to be unable to implement. That is, without secularism first, democracy becomes impossible. The proposition for a possible Islamic-democratic reconciliation requires first interrogating the meaning of secularism and secularization, including how they relate to the notion of democracy as understood through conventional Western social science. It then proceeds by arguing how when freed from its Western caricature, secularization as understood through the pragmatic accommodations of religion and politics resonates with certain historical junctures across the Islamic experience over time. Islamic jurisprudence, and the practices of *maqāṣid al-sharīʿa* and *siyāssa sharʿiyya*, speak to this.

Next, the chapter orients towards the rise of Islamism as both a reaction to Western encroachment and the expressive need for religiosity by social forces. This situates modern Islamist movements and groups as the major political opposition in many Arab states, and thus one of the primary actors relevant for any post-revolutionary conflict and transition to democracy. Beyond that, the chapter makes the case for pacted transitions and bargains as not just a pathway to peaceful democratization, but also a contemporary surrogate to the earlier Islamic accommodations between religion and politics seen prior to the modern era. Finally, the chapter ends by highlighting an implication to be engaged against in the conclusion – that religious evolution, including doctrinal shifts and normative reformations, can occur as a result of concrete political changes, such as pacted democracy. Preliminary evidence from Tunisia suggests the precise process is unfolding now with Ennahda.

Secularism and Secularization in the Western Tradition

The starting point of the theoretical argument begins by addressing a prevalent subjective assumption still held by many observers of the Middle East. That assumption is that despite its entanglement in argument and counter-argument, the bare notion that Islam as both a lived religion and civilizational tradition remains incompatible with democratic politics is still accepted and reproduced by many voices. Unlike most other interventions that mobilize religious and political debates to maintain the possibility of Islamic democracy, the argument here departs from interpretative battles and instead focuses upon the institutional requirements of democratic transitions. Whether democratic elections and participatory pluralism can flourish in countries like Tunisia and

Egypt hinges far more upon the practical agreements, choices, and bargains made between political actors than theological consensus about whether Islam, in its ethical and religious tradition, allows for this-or-that policy. To fully advance this argument, it is first necessary to review the theoretical foundations of the anti-democracy argument.

Modernization and Secularism

Modernization theory, thus, requires treatment here, for it represents the prevailing way that political scientists have imagined the prospects for democratization around the world. Within the framework of modernization, democracy emerges only through the diminishment of religion in all areas of life – that is, societal secularism. By contrast, this thesis argues that democratization is not the long-term and inexorable product of societal-level transformation, but rather can be achieved in immediate terms when political actors make compromises and bargains.

Modernization theory held an inverse relationship between democracy and religion. At the conceptual level, it assumed that democracy was the inevitable product of an all-encompassing historical sequence of interconnected processes that came to be known as modernization. As conceived by sociologists like Talcott Parsons, and influenced by Weber and Durkheim, modernization is defined as the development of “traditional” societies through the transformative processes of urbanization, industrialization, secularization, and education.¹ These structural changes would inexorably eliminate the social and

¹ Talcott Parsons, *The Social System* (New York: Free Press, 1951). The same argument is given in Myron Weiner, ed., *Modernization: The Dynamics of Growth* (New York: Basic, 1966).

cultural significance of religion at the societal level, the argument known as the “secularization thesis.”² This occurred through the shifting of values at the individual level, as people would leave religious values and traditional faith behind in favor of materialistic goals and secular identities.³

Democracy occupies a central role in this scholarly tradition, because these modernizing processes result in both societal secularism and democracy. Democracy is generally defined as a state of popular sovereignty in which individuals have the capacity to influence government through elections and other means of participations.⁴ As Seymour Martin Lipset formulated, the transformative economic and structural processes of modernization not only catalyze secularization, but also induce people to demand political voice.⁵ As citizens become more educated, prosperous, and secular, they will desire to have greater say in the decisions and laws that govern their lives. Modernization theory thus holds that democratization and secularization are tightly correlated, and that democratic politics could best flourish against a cultural backdrop bereft of faith.⁶ According to this view, democracy requires structural prerequisites, and among those is reducing the salience of religion. In sum, the theoretical framework of modernization resulting in democracy incubates a very strong bias

² Such a thesis comes out most forcefully in works like Peter Berger, *The Social Reality of Religion* (London: Faber and Faber, 1967); David Martin, *A General Theory of Secularization* (Oxford: Blackwell Publishers, 1978); and Bryan Wilson, *Religion in Secular Society* (London: C.A. Watts, 1966).

³ Daniel Lerner, *The Passing of Traditional Society: Modernizing the Middle East* (New York: Free Press, 1958), 405.

⁴ Karl W. Deutsch, “Social Mobilization and Political Development,” *The American Political Science Review* 55, 3 (1961): 493-514.

⁵ Seymour Martin Lipset, *Political Man: The Social Bases of Politics* (Garden City, NY: Anchor Books, 1963), 27-53.

⁶ Ronald Inglehart and Christian Welzel, *Modernization, Cultural Change, and Democracy: The Human Development Sequence* (New York: Cambridge University Press, 2005), 34-37. A classical exposition of this correlation between democratization and secularization can be found in Daniel Lerner, *The Passing of Traditional Society: Modernizing the Middle East* (New York: Free Press, 1958), 405.

against religion: no secularism, no democracy. Political actors could emerge in democracies with core religious principles and identities, but they will inevitably become more secular over time; the Christian Democrats in Europe are a seminal example.

It is critical to interrogate modernization theory because it has long been an important tool for political scientists to evaluate the possibilities of democratic change. Secularism and other modernizing processes are framed as rites of passage for those countries hoping to become democratic. From this discussion it hence becomes clear that on balance, this theoretical body holds pessimistic views on the prospects for democracy outside the West, including the Islamic world. If democratic politics requires the retreat of religion and faith in all parts of society first, then much of the Middle East and other are condemned to dictatorship because the conceptual lineaments of secularism are alien to the canonical character of Islam.

What, however, is *secularism* as a concept? The notion of secularism stands upon a large and diverse literature spanning multiple disciplines, much of it reflecting the history and experiences of the West. In its broadest form, secularism as understood in the West originates from seven centuries of legal and theological thought. Two seminal theorists, Max Weber and Emile Durkheim, have described the process of Western secularization as one of the total transformation of society. Weber described secularism as a societal phenomenon characterized by mass “disenchantment” as the routines of material life, including the onset of economic capitalism, replaced religious

identities and values.⁷ Similarly, Durkheim foresaw modern countries redefining the boundaries of the “sacred,” as citizens began to lose their rapport with the “transcendental world” and social life instead anchored itself on scientific material foundations.

In both of these seminal views, secularism in the West is taught and framed as a kind of “master narrative” that, as Charles Taylor argued, demands religion play little or no role in shaping the social fabric of meaningful life.⁸ It manifested as the “emancipation” of belief systems from religious values and identities.⁹ It requires that the state itself take an active role in this process of eliminating religious influences amongst citizens.¹⁰ Specifically, the banishment of faith could occur in three spheres: institutional, meaning structures of governance; public spaces, meaning the realm of shared interactions outside the home; and private spaces, meaning the domain of personal belief and family life. These domains constitute the frontiers of secularization. The more religiosity recedes from these areas, then the more “secularized” a society and state become.

Importantly, while the West is commonly understood as the cradle of secularism, in historical perspective the reconfiguration of religion did not occur uniformly in the Western experience. In general, we can identify three pathways of Western secularization: the Protestant Reformation, the American model, and

⁷ Max Weber, *The Protestant Ethic and the Spirit of Capitalism*, trans. Talcott Parsons (New York: W.W. Norton, 2009[1930]), 59. See also Ernst Troeltsch, *Protestantism and Progress: The Significance of Protestantism for the Rise of the Modern World* (Boston: Beacon Press, 1958).

⁸ Charles Taylor, *A Secular Age* (Cambridge, MA: Harvard University Press, 2007), 391.

⁹ Steve Bruce, *God is Dead: Secularization in the West* (Oxford: Blackwell Publishers, 2002); and Robert Audi, *Democratic Authority and the Separate of Church and State* (Oxford: Oxford University Press, 2011).

¹⁰ Bruce, 12-14.

French laïcité.¹¹ First, the Protestant Reformation began with social and theological challenges to the Catholic Church, and led to the emergence of more fragmented state-based churches subservient to political authorities.¹² The American model developed through the *de facto* separation of church and state, not on the basis of mutual tolerance but rather the fear that a religious group might monopolize power – a fear of persecution that echoed Protestant fears of suppression by the Church during the Reformation.¹³ Both the Protestant Reformation and American model involve the secularization of governing institutions and public spaces.

Finally, French laïcité emerged from the specific breaks caused by different revolutionary moments that punctuate French history starting in the late 18th century. The predominant view among proponents of laïcité, as Guy Haarscher argued, was that religion was not only retrograde but an obstacle to liberty itself, and thus the state was needed to eliminate religious influences from all areas of public life.¹⁴ More so than the Protestant Reformation and American archetypes, however, French laïcité had spillover effects in terms of reducing the primacy of faith even in the home.

Political Secularism: A Reformulation

Secularism and secularization play a central role in the mechanistic view of modernization theory which sees Islam and democracy as incompatible.

¹¹ This disaggregation of Western secularization into these three models mirrors the framework given in Guy Haarscher, *La laïcité* (Paris: Presses Universitaires de France, 1996), 45-89.

¹² José Casanova, *Public Religions in the Modern World* (Chicago: University of Chicago Press, 1994), 19-21.

¹³ Ronald Thiemann, *Religion in Public Life: A Dilemma for Democracy* (Washington, D.C.: Georgetown University Press, 1996), 42-45.

¹⁴ Haarscher, *La laïcité*, 11.

Because the diminishment of religiosity is seen as a natural progression in the evolution of industrialized human society, any civilizational experience – such as that of Islam – that does not accord by Western-style secularism is therefore unable to achieve democracy. This notion is problematic on two grounds. First, theoretically, it creates a sweeping threshold that essentially bars any society from practicing democratic politics until it first adopts and emulates Western standards. Second, empirically, it ignores that among the realm of functional democracies today, the place of religion in public and political life varies dramatically. Contrast, for instance, the secular exemplar of France with the Muslim-majority democracy that is Indonesia, or the increasingly Jewish doctrinal character of the Israeli state. For this reason, the very notion of secularism must be reformulated.

Among its many problems, modernization theory so conflates secularization with Western identity that it becomes impossible to separate the two. For instance, there can be no American model in a non-American land because, by definition, that model required the cultural and historical specificities of the United States. To fairly export the basic concept of secularism outside the Western context, we must extract a more precise notion. That notion is not the general idea of secularism, because in the Western experience this entailed the weakening of faith and religiosity across multiple spheres of society but through distinctive pathways that each stood on unique patterns and conditions within the Christian experience that cannot be replicated elsewhere.

Rather, we need a *political* definition of secularism that is not held hostage to philosophical debates about values and norms within society. Political secularism applies only to the domain of institutions – that is, politics

and government, and hence makes no statement about religious values or religiosity itself outside of politics. It consists of the legal differentiation of government institutions from religious institutions, such that government authorities remain mostly or even completely free of formal religious influences.¹⁵ As such, it is the opposite of theocratic politics, defined as the fusion of religious and political institutions of authority within the state such that there is no functional difference between the two. Theocracy as a regime type, in turn, forecloses any permissible activities in non-institutional realm, namely public life and the private sphere, that does not conform to the dominant view of faith. At the same time, it is also not the most extreme form of secularism, which involves the *imposition* of anti-religious thought and practice from the political state and thus denies the right of religious groups to participate in politics and civil society.

Rather, there are two distinguishing features of political secularism. First, political secularism makes no sweeping moral claims about the superiority of abstract notions of scientific “reason” over religious tradition, which is highly problematic to communities of faith. That is, it does not require the banishment of faith or religiosity in the public realm or within private life. Such expectations clash with the experience of not only the Islamic world, but also the resurgence of religiosity in the rest of the world, such as the rise of the Christian Right in America.¹⁶ Indeed, as José Casanova notes, the lessening of religious influences in Europe – the paradigmatic example of societal secularism – was

¹⁵ This terminology of “political secularism” has also been called “state-centric” or “institutional” separatism. See, for instance, Noah Feldman, *Divided by God: America's Church-State Problem – And What We Should Do About It* (New York: Farrar, Straus & Giroux, 2005), 221.

¹⁶ William Martin, *With God on Our Side: The Rise of the Religious Right in America* (New York: Broadway Books, 1996), 17-23. For more on the resurgence of religiosity around the world and doubts about the secularization thesis, see Anthony Gill, “Religion and Comparative Politics,” *Annual Review of Political Science* 4 (2001): 117-138.

less a coherent “project of modernity and cultural programs” and instead the contingent product of specific historical events that cannot be reproduced or imposed elsewhere.¹⁷ By limiting secularism to the functioning of political institutions only, this concept is largely liberated from the cultural and historical baggage that comes with Western-style secularism. This conceptual narrowing is necessary because the secularism invoked by modernization theory is so synonymous with Western society that any theoretical attempt to apply it outside the boundaries of the Christian experience will fail and become nonsensical.

Second, within the domain of governance, political secularism does not mean that participation in politics requires surrendering religious identity. It does mean, however, that at the institutional level, elected policymakers and governing offices cannot be made subordinate to any religious authorities or legal dictates based upon faith. This means that not only can religious figures not directly rule on behalf of faith, but elected officials cannot be subjected to vetoes by nonelected religious authorities. Put another way, a democracy characterized by political secularism will have an elected government that is not subservient to any religious authority. Yet it can still be distinguished by a devout society, one where faith and piety permeate the economy, education, public displays, and private life.

The argument, thus, is that *political* secularism is needed for democracy. As Rajeev Bhargava has argued, “If democracy is to exist or survive, different religious groups, no matter their numerical strength, must renounce the idea that they can use politics to implement an agenda in toto, to create a society

¹⁷ José Casanova, “The Secular, Secularizations, and Secularisms,” in *Rethinking Secularism*, eds. Craig Calhoun, Mark Juergensmeyer, and Jonathan Vanantwerpen (Oxford: Oxford University Press, 2011), 55.

congruent only with their particular values and interests.”¹⁸ This renunciation must be not merely rhetorical, but be matched by deeds: for instance, Islamists who claim to be democrats can only be considered as such if they abide by this basic separation when in power. In this way, political secularism also ensures diversity and pluralism, which are crucial for democracy to exist, as John Rawls’ work has found. Rawls argued that democracy requires not the elimination of religion, but rather a single condition should religious actors choose to participate in politics. That condition is the requirement that no single religion can be allowed to impose its beliefs and rules upon any other community, for this would destroy the “overlapping consensus” that makes democracy stable.¹⁹ Political secularism would allow for this overlapping consensus with the understanding that disputes over political power are more amenable to peaceful compromise than grand questions of faith and religion.

How does political secularism manifest in practice? The legal separation of religious authority from government institutions requires two institutional benchmarks. The first the crafting a constitutional framework that guarantees basic rights and equalities for all citizens. Second, interactions between religious and political actors must abide by what Alfred Stepan has called the “twin tolerations,” which require a “principled” distance between religion and politics within the domain of governance.²⁰ That is, religious authorities and political authorities share mutual respect for the other’s autonomy as they are

¹⁸ Rajeev Bhargava, “Introduction,” in *Secularism and Its Critics*, ed. Rajeev Bhargava (Oxford: Oxford University Press, 1998), 11.

¹⁹ John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 58-62.

²⁰ Alfred Stepan, “Religion, Democracy, and the ‘Twin Tolerations,’” *Journal of Democracy* 11, 4 (2000): 37-57. See also Alfred Stepan, “The Multiple Secularisms of Modern Democratic and Non-Democratic Regimes,” in *Rethinking Secularism*, eds. Craig Calhoun, Mark Juergensmeyer, and Jonathan Vanantwerpen (Oxford: Oxford University Press, 2011), 114-144.

organizationally separated. Religious actors like churches, courts, and clergy have every right to exist, but they cannot have the authority to veto the decisions of elected lawmakers. Inversely, elected officials have no power to curtail any religious tradition, including its public or private practice. They may do so only if specific religious practices directly violate the constitutional rights of others.

It is crucial to observe that beyond institutional arrangements within the realm of government, political secularism makes no demand for the kind of diffuse, all-encompassing societal-wide secularism as imagined in broader definitions. That is, it does not require the decline of religious salience in the public sphere or within private life. It does not foreclose it, but neither does mandate it. Crafting new constitutions makes no imposition upon how citizens treat their faith in every sphere outside politics. A politically secular state can neither mandate nor banish religious devotion; whether or not a group of people wishes to attend public religious services regularly is beyond the scope of government, so long as those services do not involve the direct harm of other citizens. Neither does the act of religious and political forces reaching mutual toleration impose any mandate about the place of piety within areas like education. For instance, students cannot be forbidden from wearing religious symbols central to their faith unless doing so causes direct harm to others. As these examples show, how religion manifests outside politics will reflect other factors, such as the preferences of social forces, levels of economic development, public opinion and cultural shifts, and other facets outside the domain of governance.

This view of political secularism makes clear the conceptual object that can be fairly carried over to cross-cultural comparisons. It accentuates a single

realm of interaction – institutions of governance – and therefore implies secularization to be the visible process by which political and religious authorities become legally separate through a constitutional framework enshrining a twin toleration.

Beyond Interpretative Battle

Is political secularism possible within Muslim-majority countries, and if so, how? In practical terms, one need not look far in the Islamic world to find a paucity of theocratic states. In the MENA, for instance, almost all political regimes functionally separate religious authority from political power in practice, even if they are conflated symbolically. However, in theory, many analysts have nonetheless argued that the basic requirement that political institutions, elected or otherwise, be free of both direct oversight and legal veto by unelected religious authorities cannot be met in Islamic societies. The argument is consonant with orthodox Islamist thinking, but ironically also reverberates with the oldest notions of Orientalist thought.

Orientalist Battles

Orientalist theorizing held that any “authentic” articulation of Islam as both faith and tradition would reject the notion of separating religious authority from political institutions.²¹ Comparing Islam to Christianity, Bernard Lewis famously declared that the very act of political leadership in a Muslim society was religious duty, and that no textual evidence supported the separation of the two.²² In one

²¹ For more on how the concept of secularism has been received in Islamic history and intellectual thought, please see Chapter 2.

²² Bernard Lewis, *Islam and the West* (New York: Oxford University Press, 1993), 180-81. A similar argument arguing that the inseparability of religion from politics makes Muslim-majority

of his most frequently cited axioms, Lewis confers that in the ideal Islamic polity, Muslims need not make a choice between religion and politics because the two are one: “there is no Caesar but only God.”²³ Underpinning this presumption are the further arguments of classical anthropologists and sociologists like Ernest Gellner, who in studying preindustrial Islamic societies saw an inherent “tribal ethos” and orthodox yearning that rejected not only Western values but even the modern nation-state.²⁴ Because political institutions of governance as conceived today require the Weberian foundations of territorialized statehood, one that grants political authority both exclusive coercive dominion and bureaucratic means of governance, this suggests that a “true” Islam is repellant to secular statehood – and the democracy it allows.

The ethnocentric basis of Orientalism has been criticized repeatedly within academic circles. Abdou Filali-Ansary, for instance, has argued that secularization has already occurred in an implicit way – that is, without announcement but simply through the rise of new nation-states and the imperatives of authoritarian governance:

No Muslim society today is governed solely with reference to religious law; religious traditions no longer possess absolute or near absolute predominance (except perhaps in some remote rural areas); and newly emerging leadership classes are almost everywhere displacing or marginalizing the clerisy of theologico-legal experts who used to control meaning and organization.²⁵

The divergence with the West, he contends, lies in the fact that secularization has preceded any doctrinal reformation akin to the European

(such as Arab) societies incompatible with democracy is found in Elie Kedourie, *Democracy and Arab Political Culture* (Washington: Washington Institute for Near East Peace, 1992).

²³ Lewis Ware, “State and Society Under Islam,” *The Wilson Quarterly* 13, 4 (1989): 39-53.

²⁴ Ernest Gellner, *Muslim Society* (Cambridge: Cambridge University Press, 1981), 56-73.

²⁵ Abdou Filali-Ansary, “The Challenge of Secularization,” *Journal of Democracy* 7, 2 (1996): 79.

experience.²⁶ Likewise, Talal Asad has argued the entire basis of exploring secular avenues in the Islamic world is an unstable enterprise; it is less a social scientific task and more the incubation of extreme bias against all forms of faith, which is portrayed as the irrational and anachronistic opposite of modern reason.²⁷

However, the most powerful critiques sidestep the assumption that Islam denies secularism and instead emphasizes its embrace of democracy regardless of the secularization question. In recent decades, reform-minded Muslim thinkers like Khaled Abou El-Fadl and Abdulaziz Sachedina have argued that mutual engagement between Islamic tradition and liberal democracy is not only conceivable but possible due to the inherent resources within the former that can be marshalled for the latter.²⁸ Outside the tradition of Islamic scholarship and textual engagement, Western scholars too have argued that political actors who claim to speak on behalf of Islam and religious tradition, such as Islamists, should be trusted when they articulate a commitment to democracy on basis of their own willingness to reconcile tradition with electoral politics.²⁹

They perform a delicate balancing act in rejecting not just Orientalist prejudice but also the fundamentalist interpretations of Islam espoused by many Islamists as described later in this chapter. They do not dispute the infallibility of scriptural sources such as the Qur'an, but they do note that such sources are

²⁶ Ibid.

²⁷ Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford, CA: Stanford University Press, 2003), 21-30.

²⁸ Khaled Abou El Fadl, ed., *Islam and the Challenge of Democracy* (Princeton: Princeton University Press, 2004); and Abdulaziz Sachedina, *The Islamic Roots of Democracy Pluralism* (New York: Oxford University Press, 2001).

²⁹ See, for instance, Graham Fuller, "Islamists and Democracy," in *Uncharted Journey: Promoting Democracy in the Middle East*, eds. Thomas Carothers and Marina Ottaway (Washington, DC: Carnegie Endowment for International Peace, 2005), 27-56; and Noah Feldman, *After Jihad: America and the Struggle for Islamic Democracy* (New York: Farrar, Straus, and Giroux, 2004).

anchored to specific historical and cultural contexts – and as such, cannot overshadow the deeper ethical and legal values of Islam that, when read properly, are quite attuned to modern pluralism and liberalism. As such, because the demands of modern life necessitate the adaptation and evolution of Islamic practices, Muslims are both obligated and empowered to look beyond prevailing interpretations of their tradition.

These counter-formations, some of which support the notion that Islam can support democracy through political secularism, undermine the historical authenticity of Orientalist theories while conjuring religious and theological elements into the fold. Indeed, my argument that Islamic democracy can exist, and that such a democracy must be politically secular, is not based upon winning any battle over interpretation. Rather, it is based upon *avoiding* this task, for reason that in contemporary political reality, endless interpretative struggles are not useful in the concrete task of crafting new democratic political orders. During the Arab Spring, for instance, the downfall of autocratic incumbents in Tunisia, Egypt, Libya, and Yemen was not accompanied by a quiet period of theological reflection in which citizens and politicians agreed to engage in religious debate about whether their Muslim-majority societies should adopt a singular interpretative frame of Islam. It was accompanied instead by intense political competition between different parties and actors, some claiming to speak on behalf of Islam and others that saw little role for religion in a democracy and so desired a far more secular order.

In such fluctuating environs, asking political actors who happen to be Muslim to pause and try to discover an “essence” of Islam will only perpetuate conflict, because theological disputations have no final arbiter. Moreover, the

notion of interpretative victory itself means replacing one interpretation with another. An advocate of Islamic democracy through political secularism may reject the essentialist view of religion espoused by Orientalists, but only in favor of their own framing of Islam as an inherently pro-democratic discourse. In the views of such anti-Orientalist interlocutors, Islam is liberal, pluralistic, diverse, and accommodating. Some observers may prefer this interpretation as it seems less ethnocentric and culturally biased. However, any normative preference for it must accept that this view will not suddenly become the normative consensus. Whether a certain Qur'anic verse, a particular *hadith* (the utterances and actions of the Prophet), or a strand of Islamic jurisprudence should require Muslims to pursue a politically secular state is a critical debate, but it is just that – a debate, one that will not necessarily be relevant in the realm of real-time politics.

The interpretative debate is important but indeterminate. It does not furnish a practical blueprint for democracy in the contemporary Middle East. By this, I mean furnishing a template for the institutional rules and structures that might guide the creation of a new political regime during transitional periods in which elections must be had, constitutions must be crafted, and competing factions must not engage in open violence against one another. Yet, as the next chapters establish, the role of Islam in politics serves as the primary axis of conflict not only under authoritarian regimes, but also during periods of regime transition and post-autocratic change as the Arab Spring signified.

Therefore, the potential for conflict defined by mutual incompatibility looms large. For instance, during the twelve months that follow the crumbling of longstanding dictatorship, we might expect political actors to organize around the benchmarks of a new set of governing institutions, such as drafting a new

constitution, dealing with transitional justice, electing new legislative assemblies, selecting a fresh executive incumbent, and redrafting or relaxing old laws that legalized repression, closure, and other abusive modes of state intervention. In these high-stakes battles, it is highly unlikely that committed Islamists, whose agenda calls for the Islamizing of state institutions according to their orthodox interpretation, will disavow their position simply because they come across a more liberal, competing interpretation from modern reformists. Inversely, it is unlikely that secular-minded opponents, who wish to deny Islamists a voice in politics for fear of theocracy, will abandon their platform and instead become Islamist advocates. In such a situation of mutual unintelligibility, attempting to win the war of interpretation is absurd.

The alternative strategy invoked here is quite different. Rather than trying to excavate an unblemished essence of Islamic history and tradition, or to decipher the true meaning of God or Islamic purpose, one can look simultaneously backwards and forwards across time to find parallel practices of politics that suggest how political secularism can exist in Muslim contexts. This does not mean generating a comprehensive theological argument to demand that Muslims, and in particular Muslim political actors such as Islamists, should behave in particular ways. Rather, the purpose is to establish the *possibility* of innovative politics when times require. As the next chapter will show, pacting through compromise represents such a possibility. The underlying impulse is not scripture or God, but the exigencies of survival through pragmatic adaptations to changing circumstances. That is, politics comes before religion, not the other way around.

The next chapter lays out pacting as a political practice that can result in democracy in the context of religious disputes during regime transitions. Such a separation of religious authority from political institutions will take shape not because religious actors, such as Islamists, accept it *prima facie* but because it will be habituated over time as any new democratic order survives. In other words, the prospects for Islamic democracy depends less on what Muslims believe and articulate in religious terms, and more upon whether they can adapt to difficult circumstances of conflict to overcome discord and create a stable democratic system. Democracy will not come about by asking a community of Muslims to “find” secularism through interpretative battles that seek to define and redefine any essence of Islam. It will come about through compromise, bargains, and agreements that are the stuff of modern politics.

Cynics, of course, may argue that Muslims or Islamic tradition are not capable of such flexible thinking. In following the spirit of the anti-interpretative critique, overcoming this criticism requires not proving what Islam “is” but rather showing historical and legal records indicating that, in fact, Muslims *have always* engaged in creative choices and institutional innovations when faced with challenges of governance and conflict. A few key notions demand attention, in particular *fiqh* and *sharī‘a*. These are fundamental concepts of law and legal development deeply intertwined with the development of Islam itself, but the interrogation here reveals that far from being singular objects of revealed wisdom, they agglomerated through highly subjective understandings aimed at practicality rather than idealism. In turn, from their intellectual frameworks emerge two more specific practices, *maqāṣid al-sharī‘a* and *siyāssa shar‘iyya*. These are innovations that have allowed Muslim actors to adapt to new

challenges over the course of Islamic history, putting human agency over scriptural dictates. Taken further, they embody the indigenous resources within Islam that can generate democratic outcomes.

The Islamic Past

The revelation received by the Prophet Muhammad was the Qur'ān, which became the principal scriptural source in Islam. While the holy book embodied the truth, it gave little prescriptive injunctions on matters of law and governance. Indeed, out of its approximately 6,200 verses, only 500 touched upon legislative matters.³⁰ For guidance, thus, Muslims also looked to the *sunna*, the practices and deeds of the Prophet set as an example for all believers, some of which were recalled through the body of ḥadīth, or reports of the Prophet's teachings.³¹ For instance, while the Qur'ān stipulated that prayer was a pillar in Islam, the precise form of the prayer ritual came from the sunna. Legislative prescriptions from the Qur'ān, supplemented by the divinely inspired behaviors encompassed by the sunna (and as often reported by the ḥadīth), applied to two realms – 'ibādāt and mu'āmalāt.³² The first pertained to issues of worship, and the second to interpersonal relations. In accordance with Sunnī tradition, for three decades after the Prophet's death in 632 AD, this corpus of knowledge was preserved by the four Rightly Guided Caliphs, or the Rashidun (Abu Bakr, 'Umar, 'Uthman, 'Ali).

³⁰ Nathalie Bernard-Maugiron and Jean-Philippe Bras, *La Charia* (Paris: Dalloz, 2015), 9-10. The full chapter version of this text will include Arabic-language primary sources documenting work by classical fuqahā' to bolster this point.

³¹ Noel Coulson, *A History of Islamic Law* (Edinburgh: Edinburgh University Press, 1964), 54.

³² Tariq Ramadan, *Introduction à L'Éthique Islamique* (Paris: Presses du Châtelet, 2015), 19.

These nascent understandings of law and governance within Islam developed further during the rapid expansion of the Umayyad Caliphate after 661 AD, which created the task of administering a vast territory. In this period before the formation of systematic legal knowledge, Muslim leaders had to be pragmatic administrators when dealing with politics on an everyday basis. Indeed, as Albert Hourani noted, “such an empire demanded a new style of government,” one that could embody the Islamic character of the caliphate while dealing with practical issues of governance and commerce.³³

In some areas, military garrisons of Arab soldiers served to maintain order, enforce rules, and erect mosques. As Wael Hallaq has noted, these garrisons provided spaces for expressing the original Islamic values and behaviors of the Rashidun, and applying Qur’ānic knowledge complemented by Prophetic authority (i.e., the sunna and ḥadīth).³⁴ However, in areas where garrison rule was absent, Arab administrators including qāḍīs (judges) were forced to adjudicate local conflicts by drawing upon ra’y, or their own discretionary opinion, that could supplement Qur’ānic knowledge. Indeed, Hallaq notes that in some areas, such as the heavily garrisoned towns of Iraq, the practice of law in the name of Islam resulted in highly personalized and individualized operations.³⁵ The use of ra’y also meant that local customs, traditions, and other influences that predated the arrival of Islam also came to influence legal decisions, however implicitly. Such appeals to reasoned personal opinion became widespread and systematized. Indeed, by 770 AD, the method

³³ Albert Hourani, *A History of the Arab Peoples* (Cambridge, MA: Harvard University Press, 1991), 26.

³⁴ Wael Hallaq, *Sharia: Theory, Practice, Transformations* (Cambridge: Cambridge University Press, 2009), 34-36.

³⁵ Wael Hallaq, “From Regional to Personal Schools of Law? A Reevaluation,” *Islamic Law & Society* 8 (2001): 1-26.

of ra'y "incorporated systematic and logical arguments of the first order," including ijtihād al-ra'y, or mental exertion designed to reach a considered and reasoned opinion.³⁶

Already, thus, not just inspiration from divine texts but contingent interventions were the driving force for legal innovations and new traditions within Islam. Herein lays the start of fīqh, broadly defined as the body of knowledge regarding Islamic law and jurisprudence. The last decades of Umayyad rule prior to its collapse in 750 AD were marked by rising opposition from those who felt the Caliphate had "failed to put into practice the spirit of Qur'ānic legislation."³⁷ The rise of such "Piety-minded" opposition not only heralded the eventual rise of the 'Abbasid Caliphate, it also began the systematic reorganization of Islamic knowledge.³⁸

Over the next century, different and often competing madhāhib (schools of law) of Islamic jurisprudence emerged, and eventually consolidated down to a handful. The four doctrines that came to prominence within Sunnī Islam are the Ḥanafī school in Kufa, Iraq, founded by Abu Ḥanifa (d. 767 AD), the Mālikī school based in Medina, founded by Mālik ibn 'Anas (d. 795 AD), the Shāfi'ī school, founded by Al-Shāfi'ī (d. 820 AD), and the Ḥanbalī school, founded by Ahmad ibn Ḥanbal (d. 855 AD). The Ḥanafī school pioneered the use of istiḥsān, or juristic preference, which allowed Islamic thinkers to express their inclinations towards certain judgments over others when the Qur'ān, sunna, and ḥadīth provided conflicting or ambiguous guidance.³⁹ By contrast, the Mālikī

³⁶ Hallaq, *Sharia*, 49.

³⁷ R.M. Savory, *Introduction to Islamic Civilisation* (Cambridge: Cambridge University Press, 1976), 56.

³⁸ Marshall G.D. Hodgson, *The Venture of Islam: Conscience and History in a World Civilization*, Vol. 1 (Chicago: University of Chicago Press, 1974), 247-256.

³⁹ Hallaq, *Sharia*, 107-109.

school emphasized not only textual and Prophetic authority, but also the example of the Prophet's companions in Medina, from where this school originated.⁴⁰

Fīqh underwent a quantum leap with the rise of the Shāfi'ī school, which founded what became known as the *uṣūl al-fīqh*, or a systematic methodology by which authorities could extract laws, rules, and findings from textual sources.⁴¹ It is important to note that another scholar in the Shī'a tradition, Ja'far al-Ṣādiq – who was the Sixth Imam in Shī'a Islam – formulated similar principles independently. Through *uṣūl al-fīqh*, the Shāfi'ī school advanced a new juristic science, one that reiterated not only the centrality of the Qur'ān and the sunna of the Prophet.⁴² However, acknowledging that both the Qur'ān and Prophetic authority could not cover all matters of life, Shāfi'ī set forth two additional sources of law, namely *ijmā'* (consensus) and *qiyās* (analogical reasoning).⁴³ *Ijmā'* held when reached on certain matters, the consensus of the Muslim community was unquestionable, and therefore represented a source of jurisprudence and law. However, precisely because universal consensus was virtually impossible, the use of *ijmā'* effectively discouraged legal innovation. The last source of *fīqh*, *qiyās*, stipulated that individuals could reason by analogy when the other sources failed to provide sufficient guidance to reach an adequate judgment.

By the end of the 9th century, as Hallaq notes, the growing emphasis on *uṣūl al-fīqh* meant that textual sources and Prophetic authority as the foundation for jurisprudence discouraged the use of previous sources of legal reason, such

⁴⁰ Coulson, 38-46.

⁴¹ Hodgeson, *The Venture of Islam*, 332-334.

⁴² H.A.R. Gibb, *Mohammedanism* (London: Oxford University Press, 1968), 103.

⁴³ *Ibid.*, 59-60.

as *ra'y*.⁴⁴ Some scholars have argued this meant the end of theoretical innovation in Islamic law and thought. For instance, as R.M. Savory observes, “the jurists therefore felt that in future, no independent reasoning was necessary, and they confined their activities to interpretation and explanation of the law as it had been finally established.”⁴⁵ Thus, by the 9th century, as scholars like Joseph Schacht famously argued, the door of *ijtihād* or independent inquiry was closed.⁴⁶ Yet as the next section will show, this is disputable. Though the general corpus of Islamic legal knowledge had been stabilized, Muslims were still free and capable of creating new theoretical notions and legal innovations to help adapt their traditions and ideals to practical situations.

This preceding discussion suggests from the start, Muslims were compelled to adapt their traditions to address practical circumstances that the Qur'ān and Prophetic example had not anticipated. Indeed, intellectual practices such as *ra'y* demonstrate that the contentious craft of governance required, in many instances, the personal opinions and subjective judgments of Muslim thinkers. Though the formation of *fīqh* marked a far greater emphasis on textual sources and Prophetic authority, this did not mark the end of intellectual development. The strand of pragmatism expressed in the early years of Islam continued to manifest itself in future centuries, generating resources that show applicability even today.

Adaptation and Pragmatism: *Maqāsid al-Sharī'a and Siyāssa Shar'īyya*

⁴⁴ Hallaq, *Sharia*, 56.

⁴⁵ Savory, *Introduction to Islamic Civilisation*, 57-58.

⁴⁶ Joseph Schacht, *An Introduction to Islamic Law* (Oxford: Oxford University Press, 1964), 70.

Fīqh represents the broad canonical framework of Islamic jurisprudence, and thus is the body of knowledge that has been historically mobilized by jurists and scholars in their practice of lawmaking. To reach political secularism and pacted democracy from fīqh, however, Muslim actors will need to articulate solutions through the language of sharīʿa.

There are two meanings of sharīʿa, one literal and one figurative. Both have implications here. As Nathalie Bernard-Maugiron and Jean-Philippe Bras describe, sharīʿa describes the general corpus of laws and rulings that were the product of fīqh jurisprudence, and took recognizable form by the 11th century.⁴⁷

In this sense, because of the conservative nature of uṣūl al-fīqh after the 9th century, sharīʿa was extracted from the two fundamental sources – the Qurʾān and Prophetic authority – for which fīqh was the decoding prism. Put another way, sharīʿa was the vessel that stored the knowledge produced by fīqh. As a legal body, it came to be systematized.⁴⁸ For instance, human actions fell into five categories: they could be obligatory upon believers, recommended but not obligatory, indifferent actions, objectionable but not forbidden, and finally outright prohibited. Sharīʿa in this form also laid out categories of ḥudud crimes, which required fixed punishments as directed by God.⁴⁹ From this literal perspective, any modern articulation of the legal and political arrangements of government in a Muslim society requires reference to sharīʿa.

Second, however, sharīʿa also has a deeper meaning, one that could encourage intellectual innovation and legal creativity. Sharīʿa also means “the path” to God, outlining a “global conception of creation, existence, death, and the

⁴⁷ Bernard-Maugiron and Bras, *La Charia*, 6.

⁴⁸ Gibb, *Mohammedanism*, 100-101.

⁴⁹ Rudolph Peters, *Crime and Punishment in Islamic Law: Theory and Practice from the Sixteenth to the Twenty-First Century* (Cambridge: Cambridge University Press, 2005), 6-68.

way of life it entails, stemming from a normative reading and an understanding of scriptural sources. It determines ‘how to be Muslim.’”⁵⁰ This conception of sharī‘a is often juxtaposed in tension with its narrower meaning of law. If the latter implies strict adherence to formal rulings, then the former connotes the Muslim journey that aims to accumulate and refine a deep understanding of God’s truth. Because the divine can never be fully comprehended, this journey is a never-ending quest of constant discovery and self-reflection. Herein lays the potential for introspection and change.

As Hallaq and other critics have pointed out, the infamous dictum that the door of ij̄tihad had closed by the 9th century was not necessarily true. The actual practices of scholars, qāḍis, and authorities across the Muslim community in future centuries were not mirror-like reflections of the legal corpus.⁵¹ Further, given the ever-changing circumstances of politics, jurisprudential knowledge and methods still failed to provide unambiguous instruction on many practical matters of legislation and governance. This led the way for critical new developments that today can allow Muslim actors to envision political secularism and pacted democracy as a necessary accommodation to handle modern problems. These are maqāṣid al-sharī‘a and siyāssa shar‘iyya.

The use of istiṣlah allowed for the development of maqāṣid al-sharī‘a. As impactful as the Shāfi‘ī school’s framework of uṣul al-fīqh was in “stabilizing” Islamic jurisprudence by the end of the 9th century, the madhāhib continued to elaborate sophisticated developments.⁵² Based in Medina, the Mālikī madhab

⁵⁰ Tariq Ramadan, *Radical Reform: Islamic Ethics and Liberation* (Oxford: Oxford University Press, 2009), 359-360.

⁵¹ Wael Hallaq, “Was the Gate of Ij̄tihad Closed?” *International Journal of Middle East Studies* 16, 1 (1984): 3-41.

⁵² Coulson, *A History of Islamic Law*, 91-92.

advocated the notion of *istiṣlah* to complement *qiyās*, or analogical reasoning, as another pillar of *uṣul al-fīqh* in circumstances in which using *qiyās* would generate undesirable effects.⁵³ *Istiṣlah* means an orientation towards the public interest of the greater Muslim community. If *qiyās* was challenged effectively by this innovative emphasis on *istiṣlah*, then in a *de facto* way so too was the third pillar of *uṣul al-fīqh*, *ijmāʿ* (consensus). By articulating that one major purpose of Islamic law could be the fulfillment of public good, *istiṣlah* gave some latitude for Islamic thinkers to move beyond a purely literalist understanding of *uṣul al-fīqh*.⁵⁴

The refinement of *istiṣlah* into the 14th century resulted in a new resource. For Abu Ishaq al-Shatibi (d. 1388 AD), there existed immutable goals embedded in the *sharīʿa*, and thus could be inferred from its work through the “induction of rationales.”⁵⁵ *Sharīʿa* was seen not as a fixed collection of uncontestable rulings, but rather an instrument for fulfilling God’s greater goals, or *maqāṣid*. Although many scholars across the spectrum had invoked this notion before, within the Mālikī tradition, Shatibi was the most articulate in formally defining immutable goals for Muslims as *dīn*, *nafs*, *nasl*, *ʿaql*, and *māl* – religion, life, lineage, intellect, and property.⁵⁶ When fulfilling these *maqāṣid*, Islamic leaders could prioritize the collective over the individual. The public good of fulfilling these goals benefited the Muslim community, with the weight of that good measured proportionally to the number of believers who were protected.⁵⁷

⁵³ Bernard-Maugiron and Bras, *La Charia*, 35.

⁵⁴ Hallaq, *Sharia*, 506-508.

⁵⁵ Ibn Ashur, *Treatise on Maqasid al-Shari'ah* (London: International Institute of Islamic Thought, 2006), 15.

⁵⁶ *Ibid.*, 96-108.

⁵⁷ 'Alal Al-Fassi, *Maqasid al-shari'a al-islamiyyah wa-makarimha* (Cairo: Dar Al-Kalima Lil-nashr Wal-Tawzi', 2014), 58-59.

Scholars have argued that this new framework of *maqāṣid al-sharīʿa* (higher objectives of *sharīʿa*) expanded the ability of Islamic legal knowledge to deal with unforeseen challenges and complexities inherent in law and politics. *Maqāṣid* does not deny the prescriptive instructions of textual sources. However, it is my argument that it represents a more open interpretation of Islamic tradition that can potentially show how Muslims could accommodate political secularism and pacted democracy. As Ahmad al-Raisouni notes, *maqāṣid al-sharīʿa* compels rulers, jurists, and thinkers to focus on the underlying goals of *sharīʿa* rather than the textual body of the legalistic rulings themselves.⁵⁸ Indeed, as Ibn Ashur observes, while the overarching purpose of *sharīʿa* is “preserving the order of the world and regulating the conduct of human beings in it,” this can only be achieved by “acquiring what is good and beneficial” to the community.⁵⁹ I argue that political actors could thus justify that their legal institutions and governing rules must change over time if doing so is the best way to preserve the religion, life, lineage, intellect, and property of the Muslim community.

Maqāṣid al-sharīʿa represents a pragmatic and novel response from below that allowed Muslims to depart from the literalist use of *uṣūl al-fīqh* in order to deal with new challenges at the everyday level. However, there was a second distinctive legal resource that Islamic thinkers cultivated that addressed a parallel problem: how could legislators and rulers entrusted with governing the Muslim community similarly overcome problems when textual sources gave little guidance? In this vein, scholars advanced the notion of *siyāssa sharʿiyya*, or

⁵⁸ Ahmad Al-Raisouni, *Maqasid al-maqasid: al-ghayat al-ʿilimiyyah wal-ʿamaliyyah al-maqasid al-shariʿa* (Cairo: Dar Al-Kalima Lil-nashr Wal-tawziʿ, 2014), 13-14.

⁵⁹ Ibn Ashur, *Treatise*, 116.

governance in accordance with sharī‘a, to allow flexibility and expediency at the level of political leadership. Doctrinally, expositions on how to deal with the challenges of government and administration while always protecting the interest of the Muslim community, including upholding sharī‘a began with Al-Mawardi in the 11th century.⁶⁰

As it developed, the doctrine of siyāssa shar‘iyya allowed Muslim rulers to exercise discretionary powers in order to govern justly.⁶¹ It came about due to the practical challenges that rulers of the Caliphate faced in the course of governing their vast ever-changing empire. For instance, as Hallaq describes, every Caliph suffered an “inability, due to distance from the center, to control the excessive violence of provincial governors and their men, violence mostly wrought for the sake of extorting taxes.”⁶² In this context, the Islamic government could not rely upon a purely textual understanding of fīqh, which gave little practical advice on these matters. Siyāssa shar‘iyya suggests that the ruler could instead legislate new institutions and wield new powers that were not ordained by fīqh in a literalist way in order to resolve administrative issues like tax collection and land use.

The doctrine of siyāssa shar‘iyya continued to evolve during the 13th through 14th centuries by thinkers such as Shihab al-Din al-Qarafi, Ahmad Ibn Taymiyya, and Ibn Qayyim al-Jawziyya.⁶³ Though each thinker brought new methodologies to this theory, all limited their scope to carefully analyzing and justifying what expediencies that Muslim rulers should wield in order to overcome

⁶⁰ For the first noted development of this theory of Islamic governance, see Al-Mawardi, *Ordinances of Government*, trans. Wafaa Wahba (Reading, UK: Garnet Publishing, 2000).

⁶¹ Ibn Ashur, *Treatise*, 320.

⁶² Hallaq, *Sharia*, 200-201.

⁶³ Bernard-Maugiron and Bras, *La Charia*, 51-52.

the challenges and complexities of governing effectively.⁶⁴ It was not a theory about absolute power or blanket authority. At the same time, it also shows how Islamic ideals continued to be heavily inflected by a realistic understanding of everyday circumstance centuries after the formation of *uṣūl al-fīqh*. For instance, ideally, Muslim rulers were qualified for office by understanding *sharīʿa* and deferring to Islamic jurists when necessary, and so would never act unjustly. However, as Coulson observes, this was often fiction: there was no “constitutional machinery” or independent judiciary to institutionally check the ruler and ensure that “those powers would not be abused.”⁶⁵ The very existence of this tension reveals the broad gap between theory and practice within Islamic politics.

Though stemming from very different intellectual sources, *siyāssa sharʿiyya* parallels *maqāṣid al-sharīʿa* in a crucial way. Within Islam, they both demonstrate how strictly following textual sources and inscribed legal doctrines does not give comprehensive guidance on dealing with complicated matters of life and politics. Thus, they represent innovative responses to the varied practical challenges that have occurred, and will inevitably continue to transpire, within Muslim societies. This impulse represents an internal resource within the Islamic tradition that, in line with the overall argument, suggests that rather than ossifying a singular essence or fixed interpretation of Islam, the pathway towards democratization in Muslim countries today requires political and religious actors to make strategic choices in response to conflict and uncertainty. When divine sources of inspiration cannot provide the praxis necessary to actualize the ideal,

⁶⁴ Hallaq, *Sharia*, 214-216.

⁶⁵ Coulson, *A History of Islamic Law*, 129-134.

Muslims instead must innovate and adapt in order to establish a viable set of governing institutions and laws – especially when the alternative is instability and disorder.

Thus, there is not only a theoretical argument for sidestepping theological debates about interpretation when a new political order must be constructed, but an *historical* one for envisaging political action in the absence of established religious guidance. Such a resource is salient given the enduring nature of religious-political conflict in the Middle East today, and which as the Arab Spring validated will likely structure any post-authoritarian transitional process. As the next section confirms, Islamist actors will have undeniable relevance in shaping the design and function of political institutions following autocratic regime breakdowns. In the Arab world, they represent popular opposition forces under incumbent dictatorships, and in any regime transition they will not only contest the role of religion in politics, but also represent a major faction vying to win power and control the state.

The Rise of Islamism and Religious Conflict

The Arab Spring did not bring change everywhere to the region. Yet in demonstrating the consequences of popular mobilization, it also briefly exposed the potential power of Islamist movements. Although Islamists neither began nor led the various protest groups and social forces that drove the uprisings, they were main beneficiaries of the democratic openings that came afterwards in terms of post-revolutionary elections, the drafting of new constitutions, and political entry into governments. The failure of the Arab Spring to usher in stable democratic regimes across the Middle East should not obscure this reality that

was uncovered: namely, that political transitions in most Arab countries will necessitate the involvement and engagement of Islamist actors who desire that religion play a central role in organizing power and governing society – a stance that is implacably opposed by other actors who desire a more secularist stance.

Islamist ideology and Islamist organizations have changed considerably over the past century, evolving in close interaction with their environments and internal impetuses. Still, most Islamists today can still be ascribed with a coherent platform of ideas. Among these tenets are the impossibility of separating religion from the state, the primacy of the Qur'an and sunna in dictating thought, universal calls for personal piety, the construal of establishing an Islamic order as a divine struggle, and the necessity of social life being defined by moral justice and conservative values drawn from the Islamic past.⁶⁶ To understand the intensity of these religious preferences held by Islamists, it is necessary to review their rise and appeal.

Revivalism and Islam

The rise of Islamism as a modern political movement began in the late nineteenth century, in the twilight of the Ottoman Empire. The ascent of Western imperialism and crumbling of the last Islamic caliphate threw many Muslim scholars into crisis. Herein lies *inḥiṭāṭ*, or decline – the perceived cultural, technological, and economic decay of a once-proud civilization in the face of foreign pressures, with its Muslim inhabitants unable to mobilize coherent resistance. Intellectually, one response was launched by Muslim thinkers in the

⁶⁶ R. Hrair Dekmejian, *Islam in Revolution: Fundamentalism in the Muslim World*, Second Ed. (Syracuse, NY: Syracuse University Press, 1995), 36-54.

late 19th century, who in different ways sought to reverse this *inhitāṭ* by reinterpreting the tenets of Islam. Overcoming the external challenge of global modernity required the internal renewal of public faith.

Jamāl Al-Dīn Al-Afghānī and Muhammad ‘Abduh, for instance, led attempts to make Islam more legible by advancing modernist interpretations of Islam.⁶⁷ Critics of European encroachment and advocates of pan-Islamic unity, they urged Muslims to accept technological and educational improvements. They especially argued that little within Islamic canon forbade the introduction of new ideas and tools – particularly if doing so could enable Muslim societies to resist foreign impositions.⁶⁸ What orthodoxy could be salvaged, they embraced; elements unusable to their project of Islamic modernism were discarded. In this way, such scholars could be viewed as an indigenous version of Martin Luther, as they sought to shift established doctrine and create new theological vocabularies in order to justify religious reforms.

Al-Afghānī and ‘Abduh were among the more prominent voices starting in this period who sought to “rescue” Islam through internal renewal. In doing so, these reformists also unintentionally decentered it by shifting the Muslim worldview away from the abstract and towards the territorialized constraints of nation-states. In doing so, it constituted the genealogical foundations for modern Islamism. To understand Islamism’s origins, thus, it is critical to note the shifting relationship between religion and state authority. Until its downfall, many Muslims centered their religious self-conceptions within the *ummah*, which in a material sense referred to the community of believers, but more widely

⁶⁷ See, for instance, Charles Kurzman, ed., *Modernist Islam, 1840-1940: A Sourcebook* (Oxford: Oxford University Press, 2002).

⁶⁸ See, for instance, Albert Hourani, *Arabic Thought in the Liberal Age: 1798-1939* (Cambridge: Cambridge University Press, 1982), 130-160.

encompassed the totality of Islam and its human achievements. However, European colonialism in states like Egypt, Syria, Tunisia, Algeria, and Morocco underscored the new political reality of the territorial state. It created new political institutions with unprecedented jurisdiction to regulate social relations, extract taxation, project coercive capacity, and otherwise control public and private life – that is, *state-building*, with the aim of furnishing infrastructural and despotic power to a single locus of centralized bureaucratic authority.⁶⁹

State-building, however, was also secularizing. As scholars such as Asad have argued, colonialism was as much a project of imposing *societal* secularism upon Muslim peoples, with Islam seen as a shapeless object that needed to be codified, privatized, and ultimately controlled by a non-religious state apparatus (provided by imperial authorities) that could in turn recreate Muslim subjects into secular and therefore modern beings.⁷⁰ One of those means was the appropriation of Islamic discourse, which previously had been monopolized by the *‘ulama*, the jurists and scholars who were traditionally empowered to interpret and occasionally legislate social matters based upon their jurisprudential understanding. In these countries, political institutions under colonial rule, and then under post-colonial regimes, aggressively sought to co-opt the religious sphere by integrating the *‘ulama* as state employees, reorganizing and overseeing religious education, controlling mosques and other spaces of worship, and finally absorbing Islamic legal thought and practice (i.e., *sharī‘a*) into codified systems of civil and criminal law.⁷¹

⁶⁹ Michael Mann, “The Autonomous Power of the State: Its Origins, Mechanisms, and Results,” *European Journal of Sociology* 25, 2 (1984): 185-213.

⁷⁰ Asad, *Formations of the Secular*, 227-28.

⁷¹ Ebrahim Moosa, “Colonialism and Islamic Law,” in *Islam and Modernity: Key Issues and Debates*, eds. Muhammad Khalid Masud, Armando Salvatore, and Martin van Bruinessen (Edinburgh: Edinburgh University Press, 2009), 158-181.

Though elements of such institutional reconstitution could be found in the waning century of the Ottoman Empire through its post-*tanzimat* reforms, the effects are seen most clearly in Western imperialism in the Middle East, British India, and sub-Saharan Africa. In these environs, external legal traditions, with their emphasis on bounded rules and systemic constructs, replaced the free-flowing discourse of *sharīʿa*. “Continuous legal transplants from English and French laws as well as the codification of Muslim laws only ensured the gradual move of Muslim law towards legal positivism, thus disconnecting law from its ethical and moral moorings.”⁷² Both private life, in terms of family and marriage, and public life through worship, commerce, and behavior were recast through new taxonomic legal classifications and frameworks of practice.

As a result, by the early twentieth century, the heirs of the revivalist movement begun by Al-Afghānī and ‘Abduh, including the founders of the Muslim Brotherhood in Egypt and their contemporaries elsewhere, such as Abul A’la Mawdudi in British India, had little other choice but to see the capturing of the state as their primal goal. The goal was not simply power for its own sake. Rather, the overarching ideal of reviving Islam required state power since there was no longer any notion of an Islamic space that also did not coincide with state interventions and political legislation. As Olivier Roy and other scholars have argued, herein lies the paradox of the Islamist political imagination: it rejects the project of secular modernity, but in doing so must occupy (and thus claim as its own) the very institutional heart of that modernity in the form of territorialized state power and its bureaucratic requirements.⁷³ Indeed, even the creed of

⁷² Ibid., 168.

⁷³ Olivier Roy, *The Failure of Political Islam*, trans. Carol Volk (Cambridge, MA: Harvard University Press, 1994), 60-74.

protecting and restoring sharīʿa reflected the perverse consequences of colonial transformation.⁷⁴ By upending pre-colonial practices of religious jurisprudence and absorbing (or eliminating) independent Islamic authorities outside the institutional boundaries of new state structures, colonialism's intrusion created in its Muslim opponents the belief that only by rescuing sharīʿa as a state-imposed legal doctrine could they reshape public life and legislate new principles for society. Yet sharīʿa in the past was never experienced by Muslim societies as the codified intervention of a single, centralized, and bureaucratized state; and so imagining sharīʿa as necessary to Islam's renaissance unwittingly reproduces the statist legacy of colonial encroachment.⁷⁵

However, for all of its paradoxes and contradictions, the reality is that Islamism has become relevant in questions of political change in the Arab world given its popularity, which today far outpaces that of non-Islamist ideologies. As an academic neologism, Islamism has elicited an enormous scholarship equaled only by the political attention it has raised among Islamic and Western thinkers alike. Its defining quality is not simply the fusion of religion and politics, but rather the Islamization of society through the Islamization of governance, and hence the state. To be clear, Islamism has come to encompass a diverse category of religious movements with various offshoots, and indeed scholars have mapped out its spectrum using a dizzying array of terms such as "modernist," "radical," "accommodationist," "rejectionist," "neo-traditional," and above all "fundamentalist," with each characterized by a particular stance

⁷⁴ The argument has been made most ably in Sami Zubaida, *Law and Power in the Islamic World* (London: I.B. Tauris, 2004), 74-120.

⁷⁵ Ibid.

regarding scriptural authenticity, sharī‘a, and historical experience.⁷⁶ A more common dichotomy utilized today is that of “moderate” versus “militant” (or “extremist,” “takfiri,” or “radical”) Islamists.⁷⁷

Such typologies are useful but can also be problematic. Not only do they fail to reflect the changing fortunes, beliefs, and strategies of Islamists over time, they also embody hidden normative preferences that more visibly betray the desires of the observer rather than objective fact. For instance, “moderate” Islamists are supposedly those open to dialogue and willing to entertain liberal entreaties – until they are not, at which point they are consigned to the domain of militancy and so deserve suppression. Anti-Islamist voices do not believe that Islamism can be moderate at all, for instance, and see little difference between the Muslim Brotherhood, Hezbollah, and Al-Qaeda. While these typological disputes are important, a more productive enterprise would be to favor parsimony using uncontroversial empirical indicators. The Islamist entities that matter most for political change and which occupy the vanguard of many opposition forces can be called *mainstream* movements, which are defined by orientation towards peaceful methods, engage in politics via elections and mobilization, and hold that capturing state power will require gradual efforts, rather than overnight revolution. In this sense, it is distinct from Salafism in all of its quietist and violent manifestations, as well as the subset of Salafi-jihadist and other violent expressions of Islamist ideology.

Mainstream Islamism is embodied by the most prominent Islamist actor in the Arab world, the Muslim Brotherhood. Indeed, it is through this organization

⁷⁶ See, for instance, William Shepard, “Islam and Ideology: Towards a Typology,” *International Journal of Middle East Studies* 19, 3 (1987): 307-335.

⁷⁷ Tamara Cofman Wittes, “Three Kinds of Movements,” *Journal of Democracy* 19, 3 (2008): 7-12.

that Islamism's modern trajectory can be witnessed. The Brotherhood's founding in 1928 by Hassan al-Banna and his associates in Egypt reflected the efforts of a small group of activists to reinterpret Islam in a markedly different way than that of the traditional Egyptian 'ulama at Al-Azhar University. Al-Banna and most of his followers sought to relate the social, economic, and political problems they perceived as analogous to challenges that Islam had faced in its past. They preached that these modern ills could be overcome by returning to a more orthodox practice of Islam that more closely reflected the divine sources of guidance, in particular "Quranic provisions for personal and communal virtue" that would allow Muslims to "live freely and fully" in an era of wrenching colonial and post-colonial change.⁷⁸ They repeated the idiomatic message of the revivalists that civilizational decline had occurred because Muslims had strayed in their faith, but also more aggressively argued that a return to Islamic authenticity and an appropriate religious worldview required the rejection of outside tools and values, particularly Western ones. Instead, it necessitated collective action by the devout in terms of activism, education, and proselytization through public call (*da'wa*).

In sum, Islamism required an organized social movement that could reach the masses. The Brotherhood established chapters in other countries, and newer Islamist groups emerged as well. All sought to advance their call of Islamization at the level of society. Islamism became more explicitly political in the mid-twentieth century as marked by Sayyid Qutb's rise as a vocal member of the Egyptian Muslim Brotherhood. Qutb drastically transformed the defining

⁷⁸ Charles Butterworth, "Political Islam: The Origins," *Annals of the American Academy of Political and Social Science* 524 (1992): 35.

principles of the Brotherhood through a radical reinterpretation of past and present. By calling the present state of Muslims, in Egypt and elsewhere, as living under *jahiliyya* (pre-Islamic, and therefore impious, ignorance), Qutb contended that true salvation required nothing less than *jihad* (just war). Yet unlike past invocations of jihad by 'ulama, Qutb asserted that Islamists should be concerned not only with social activism at the grass-roots level, but also with politics itself – to relentlessly challenge the secular state with the ultimate goal of obtaining the juridical power necessary to remake law and society. Such a confrontational stance not only instigated controversy within the Brotherhood's ranks, but it also resulted in Qutb's own persecution, as well as a period of repression against Egyptian Islamists by the Nasserist regime. Nonetheless, Qutb's treatise and influence meant that by the 1970s, most mainstream Islamists saw politics as inseparable from their social and religious vocation.

The increasing popularity of Islamism as an ideology of opposition was punctuated by several exogenous trends in the region that weakened the bulwarks of authoritarianism, among them the Arab defeat in the 1967 Arab-Israeli War and the 1979 Iranian Revolution. The latter inspired a new wave of Islamist militancy, as it demonstrated that political activists with religious convictions could overcome even the most powerful Western-backed dictatorships. As expressed in not just its peaceful variants engaged in peaceful political activism, but also militant Salafist and more extreme varieties willing to employ violence, Islamist groups by the end of the twentieth century were poised as the predominant form of political opposition. This was a coherent trend, but not monolithic. For one, Islamist groups did not collaborate everywhere to form a regional front; many saw one another as opponents, and divisions ran deep on

basis of national identity, stances on controversial issues, and personality differences between leaders.⁷⁹ Second, Islamism also existed in both Sunni and Shi'a forms; whereas the Muslim Brotherhood, and its various chapters or inspired groups such as Tunisia's Ennahda represent the former, the latter were expressed by the Islamic Republic of Iran as well as Hezbollah in Lebanon. These doctrinal and sectarian wrinkles are important to acknowledge, although they do not occupy a central place in this analysis.

Third, Islamists occupied different political roles across the region. In Iran, Islamism formed the basis of the post-revolutionary state, and therefore reached the pinnacle of political power. The Sunni experience was far less successful. While Islamism was incorporated into the militarized regime of Sudan, and Islamist political groups like Hamas occasionally pulled off major electoral upsets, in no instance prior to the Arab Spring did an Islamist movement manage to not only win democratic elections but also have those results accepted by other political forces. The Turkish model involving the rise of the Islamist AKP in government was notable not only in its rarity but also by the fact that it occurred outside the Arab world.

More relevant for many Arab audiences, the prospect of Islamism in power provoked the Algerian civil war in the 1990s, waged between the militarized state and various Islamist groups, of which the most visible was the Islamic Salvation Front. That conflict broadcast different signals: for many Islamists, it represented the dangers of betrayal after trusting incumbent autocracies to honor their electoral triumph, whereas for many Islamist

⁷⁹ John Voll, "Relations Among Islamist Groups," in *Political Islam: Revolution, Radicalism, or Reform?* ed. John Esposito (Boulder, CO: Lynne Rienner Publishers, 1997), 207-230.

opponents, it signified the violent menace of allowing religious actors to dominate and shape politics. Not surprisingly, even the most peaceful Islamist groups and parties found their acceptance in the Arab world to vary dramatically.⁸⁰ Indeed, in some Arab states, reticence about their mobilizational potential resulted in complete prohibitions, as in Libya, Iraq, Tunisia, Syria, and most of the Gulf kingdoms. In others, autocratic regimes warily tolerated them as part of the political arena, albeit with restrictions; this was the case, for instance, in Egypt, Jordan, Yemen, Morocco, and Kuwait.

Nonetheless, such variegated treatment did not foreclose Islamists from making major strides during and after the Arab Spring. Some came due to the downfall of old autocracies and dominant performance in the first post-revolutionary elections, as in Tunisia, Egypt, and Libya. Other electoral successes came as a result of concessions and reforms made by extant regimes, as in Morocco and Egypt. In Palestine and Lebanon, Hamas and Hezbollah respectively maintained their domestic political visibility and social base. And while some countries steadfastly refused to allow for any new Islamist mobilization, as in much of the Arabian Gulf as well as Syria, this signifies well the ingrained fear of many regimes that relaxing repression in the slightest could allow for uncontrollable opposition against their power.

Islamist Mobilization

Starting in the 1990s, scholars portrayed Islamism in metaphorical terms as a surging tide of rage and desire – the “revenge” of Muslim society and

⁸⁰ Amr Hamzawy and Marina Ottaway, “Islamists in Politics: The Dynamics of Participation,” in *Getting to Pluralism*, eds. Marina Ottaway and Amr Hamzawy (Washington, DC: Carnegie Endowment for International Peace, 2009), 69-96.

voluntarist action flexing its muscle after decades of stagnation, or a “renaissance” of social action that reflected religious values but also expressed the desire of the masses to claim political voice.⁸¹ More concretely, social scientists argued that the Islamist “advantage” seen by the 2000s stemmed from logical factors. One was ideological functionalism. With the exhaustion of Arab Nationalism by the 1970s, a decline coinciding with the 1967 Arab-Israeli War, the death of Nasser, and the impossibility of creating a pan-Arab state, Islamism filled the ideological vacuum by providing Arab public spheres with a comprehensive framework to not just explain modern crises, but also provide a road to salvation through the mechanism of religious struggle.⁸² The defeat of communism during the Cold War and waning of leftist movements in the Middle East after the 1980s reinforced this trend. Islamist politics, in this notion, taps into the realm of ideas and identity and thus reaches individuals at a deep, cognitive level where it engenders fervent degrees of personal commitment.⁸³

Another argument emphasized the retreat of the state due to economic pressures. Though still able to repress civil society given their enormous coercive apparatuses and security services, most Arab states faced severe fiscal crises after the 1970s due to a combination of declining oil and aid rents, demographic growth, and the natural exhaustion of state-led development strategies emphasizing public sector employment and unproductive industries. The “retreat” of the state meant not only rising unemployment but also declining social services in education, health care, and other provisions – gaps in public

⁸¹ Emmanuel Sivan, “The Islamic Resurgence: Civil Society Strikes Back,” *Journal of Contemporary History* 25, 2/3 (1990): 353–64.

⁸² Adeed Dawisha, “Arab Nationalism and Islamism: Competitive Past, Uncertain Future,” *International Studies Review* 2, 3 (2000): 79-90.

⁸³ See, for instance, François Burgat, *Face to Face with Political Islam*, Second Ed. (London: I.B. Tauris, 2003), 24-58.

and private life that Islamist organizations readily filled.⁸⁴ In short, there was a material basis for political loyalty; Islamists could secure support because they could outperform the state in its own social and economic backyard, and thereby soak up the affinities of urban middle-income residents, including families, students, and professionals – their core constituency in most countries.⁸⁵

Finally, other scholars still have argued that Islamists excel politically because of their strategies of outreach and appeal in the realm of politics itself. Departing from ideological functionalism and materialist logics, such arguments contend that many Islamist parties such as those operated by the Muslim Brotherhood have learned how to excel, even under conditions of authoritarian suppression. They can exploit legislative electoral cycles, emphasize issues with high voting salience, highlight the corruption of incumbent politicians, and otherwise calibrate their operations to match the values and interests of potential supporters.⁸⁶ In other words, the Islamist “political advantage” stems from political strategies, and the reputation generated by Islamist parties and groups as they compete in elections and make tactical efforts to win support at the local level.⁸⁷

⁸⁴ Sheri Berman, “Islamism, Revolution, and Civil Society,” *Perspectives on Politics* 1, 2 (2003): 257-272.

⁸⁵ Carrie Rosefsky Wickham, *Mobilizing Islam: Religion, Activism, and Political Change in Egypt* (New York: Columbia University Press, 2002); Janine Clark, *Islam, Charity, and Activism: Middle-Class Networks and Social Welfare in Egypt, Jordan, and Yemen* (Bloomington, IN: Indiana University Press, 2004); and Mark Tessler, “The Origins of Political Support for Islamist Movements: A Political Economy Approach,” in *Public Opinion in the Middle East: Survey Research and the Political Orientation of Ordinary Citizens*, ed. Tessler (Bloomington, IN: Indiana University Press, 2011), 25-55.

⁸⁶ Tarek Masoud, *Counting Islam: Religion, Class, and Elections in Egypt* (New York: Cambridge University Press, 2014); Nathan Brown, *When Victory is not an Option: Islamist Movements in Arab Politics* (Ithaca: Cornell University Press, 2012); and Lisa Blaydes, *Elections and Distributive Politics in Mubarak’s Egypt* (New York: Cambridge University Press, 2010).

⁸⁷ Melani Cammett and Pauline Jones Luong, “Is There an Islamist Political Advantage?” *Annual Review of Political Science* 17 (2014): 187-206

Regardless of which of these contentions is more empirically accurate, an uncontroversial summary would suggest that as social movements and political organizations, Islamist entities like the Muslim Brotherhood operate simultaneously in ideological, economic, social, and political environments. Their endurance flows from both the challenges and restrictions facing their wider societies, as well as the internal decisions and resources marshalled by Islamist leaders in making gains, even under dictatorial conditions. Even when prohibited, their capacity to mobilize a strong following suggests that Islamists do have undeniable proficiencies in outperforming other actors. For instance, as Chapter 4 explains, Ennahda's prohibition and repression under the Ben 'Ali regime for nearly two decades did not impede its capacity to compete with non-Islamist parties and win a plurality in Tunisia's first post-revolutionary elections in October 2011.

Regardless of the determinants of their popularity, however, Islamists are symbolically linked by their desire for an ideal Islamic order through the reconstruction of social and economic life from the ambit of political rulership. Both societal and political secularism are rejected firstly as a matter of ideological principle, since the distancing of religious principles from public and private life is seen as the legacy of Western domination and modern corruption. Secularism is also rejected out of institutional necessity, however: since revitalizing Islam and Muslim life requires state power, there can be no meaningful outcome in which Islamists as religious actors do *not* occupy political office; thus Islam is both religion and state, *din wa-dawla*.⁸⁸

⁸⁸ Gudrun Kramer, "Islamist Notions of Democracy," *Middle East Report* 183 (1993): 2.

Crucially, Islamism is not a unique religio-political phenomenon in comparative perspective. Orientalists have suggested that Islamism embodies nothing more than the atavistic tendency of Muslims to reject modernity and retreat into religious fervor in response to the political and economic challenges of contemporary life.⁸⁹ Yet as one study suggested, contextualizing Islamism as one expression of religious fundamentalism that also include equivalent Christian, Jewish, Hindu, and Sikh movements reveals startling similarities, such as the common yearning for the past, hostility to scriptural errancy, and a moral Manichaeian worldview that separates believers from the sinful, doomed, and corrupt.⁹⁰ Goldberg's provocative comparison of Calvinist Protestantism and the Muslim Brotherhood's further underscored the commonality of marginalized communities who launch radical attacks on conventional bodies of religious practice in order to correct the iniquities of authoritarian political abuses.⁹¹

Still, given the apparent resistance that most Islamists have towards democracy and its secular requirements, it is little wonder that Islamist participation in electoral politics would elicit fears of theocracy.⁹² This fear is borne not simply out of reaction to the Islamist worldview, but also mistrust of Islamist intentions to honor democratic commitments made, such as maintaining the institutional scaffolding of democracy once they attain power, protecting the rights of non-Islamist voices and groups thereafter, respecting the constitutional framework of the state, and ultimately agreeing to cede power should they lose

⁸⁹ Abdelwahab Meddeb, *The Malady of Islam*, trans. Pierre Joris and Ann Reid (New York: Basic Books, 2003); and Bernard Lewis, *The Crisis of Islam: Holy War and Unholy Terror* (New York: The Modern Library, 2003).

⁹⁰ Gabriel Almond, R. Scott Appleby, and Emmanuel Sivan, *Strong Religion: The Rise of Fundamentalisms around the World* (Chicago: University of Chicago Press, 2003), 92-110.

⁹¹ Ellis Goldberg, "Smashing Idols and the State: The Protestant Ethic and Egyptian Sunni Radicalism," *Comparative Studies in Society and History* 33, 1 (1991): 3-35.

⁹² See, for instance, Bassam Tibi, *The Challenge of Fundamentalism: Political Islam and the New World Disorder* (Berkeley, CA: University of California Press, 1998).

elections for a parliament or presidential office to which they previously dominated. Indeed, fear of Islamist victories at the ballot box, fueled by nightmares of the Algerian civil war and deepened by Hamas' surprise success in the 2005 Palestinian elections, often tempered the enthusiasm of Western democracy promotion advocates prior to the Arab Spring.⁹³

In response, scholars have argued that assessing the democratic commitments of Islamist parties and politicians is a transparent enterprise, and should be judged no differently than religiously-motivated parties elsewhere in the world, including the West.⁹⁴ Moreover, while the lively debate around the "inclusion-moderation" hypothesis – or the notion that including Islamists in democratic politics will moderate even their most extremist tendencies – continues to evolve, there is strong consensus that Islamist parties that repeatedly participate in elections do not turn into violent, authoritarian actors.⁹⁵

However, much like interpretive battles about the meaning of Islam, theoretical debates about whether Islamists are truly democratic must be tempered with a dose of pragmatic reality. As the Arab Spring showed, it is highly unlikely that those opposed to Islamism on basis of their ideas will suddenly think of them as democratic forces in a single electoral campaign; likewise, there is little Islamists can do to win over the sympathies of anti-Islamist politicians and groups who find their ideological platform antithetical to modernity. Either side can appeal to undecided voters, but in relational terms

⁹³ Fareed Zakaria, "Islam, Democracy, and Constitutional Liberalism," *Political Science Quarterly* 119, 1 (2004): 1-20. Zakaria's argument preceded Hamas' victory in the Palestinian elections in 2005, but presciently predicted Western antipathy to it.

⁹⁴ Vickie Langohr, "Of Islamists and Ballot Boxes: Rethinking the Relationship between Islamisms and Electoral Politics," *International Journal of Middle East Studies* 33, 4 (2001): 591-610.

⁹⁵ Jillian Schwedler, "Can Islamists Become Moderates? Rethinking the Inclusion-Moderation Hypothesis," *World Politics* 63, 2 (2011): 347-376.

each competing faction within the political arena will be convinced to drop opposition to the other in a short period of time. Yet transitions are often short, and require these actors to make critical high-stakes decisions regarding the new government.

Herein lies the value of *pacting*, as a solution to the obdurate conflicts raised between Islamists and non-Islamists – conflicts waged on understandable grounds, and which reflect as much contentiousness over religious interpretation as they do the ugly legacies of colonial reconfigurations of religion and the state.

Conclusion

In laying out the purported case that Islam and democracy are not compatible, the preceding discussion treated several broad sets of literatures central to this thesis from which to create a new theoretical framework. It reviewed the tenets of modernization theory and secularism, including its anchorage in the Western experience and application to Orientalist arguments regarding Islam's supposed rejection of any separation between religion and politics. It showed that interpretative debates about the essence of Islam's meaning as guided by its textual sources of divine guidance are rich and varied, but do not provide a practical guide during regime transitions when competing political actors may have divergent notions of the role of religion in the state. It further reveals that rather than engaging in theological disputations, it may be more productive to engage the historical record to explore how Muslims have actually adapted to difficult political circumstances. Here, the fields of *fīqh* and *sharīʿa*, and the more specified concepts of *siyāssa sharʿiyya* and *maqāṣid al-sharīʿa*, have historically come into play. The latter two notions represent

innovations that reflected the efforts of Muslims to reconfigure their ideals to better accommodate complex challenges of politics and law, as well as difficult socioeconomic conditions. These constructions flow from the interpretation of texts, and are human elaborations aimed at reconciling religious ideals with political realities, much as what pacted democracy represents.

The chapter then laid the foundations for why religion and politics can seemingly appear to occupy a position of seemingly immutable conflict in much of the Middle East today. The origins and rise of Islamism reflect a variety of internal and external factors, among them Western encroachment and colonialism, indigenous responses to a perceived civilizational decline, and social mobilization to bring about the renewal of Muslim faith and life. In their mainstream form as nonviolent movements desiring to take political power, Islamists aim squarely to occupy the heights of the state – the same position as democratic actors when given the opportunity to recraft political order after the end of a longstanding dictatorship. Mistrust between Islamists and non-Islamists parties, wrought by ideological differences, historical rifts, and political disagreements, runs rife and will continue to do so. As a result, a regime transition that requires the redrafting of the constitution, the design of new institutions, and the selection of new leadership will entail fierce rivalry.

In this context, what are political actors to do? Neither Islamists nor their opponents can be dissuaded from their respective positions about the most appropriate form of political order for their societies on basis of theological argumentation. Neither can such competing factions be forced to work with one another from above. In these circumstances, such political rivals can still learn to bargain and compromise with one another through agreements that have

become known in political science literature as *pacts*. Pacting, as the next chapter explains, constitutes a creative response to stalemate and conflict which, if unresolved, generates the potential for violence and mutual destruction. It is not a theory of democracy but a theorized pathway *to* democracy.

CHAPTER TWO: A THEORY OF PACTED DEMOCRACY

This chapter lays out a theory of pacting as conceived in comparative political science. It draws upon existing literature and historical cases to explain why elite-oriented bargains between competing political forces are under certain conditions the most optimal mode of regime transition from authoritarian rule. It is not the only pathway to democracy, and like any transitional device suffers from certain weaknesses. Yet it may be the most applicable to many states in the MENA region given a particular alignment of factors that will characterize many political arenas in the aftermath of autocratic breakdown. The underlying claim behind the notion of pacting in countries like Tunisia and Egypt is that when incumbent dictatorships are removed from power, and opposition groups struggle to forge a new system, the most salient and divisive issue splitting the architects of the post-revolutionary political order will be *religion*. As the previous chapter laid out, the rise of Islamist opposition movements over the past half-century and the impossibility of achieving interpretative consensus means that when Islamists and secularists face one another, they are unlikely to agree on doctrinal issues – such as the place of faith in politics, and the organizing principles of law – through theological discourse alone.

If Islamists and secularists are unable to reach a theological understanding about the place of religion in politics, how can a post-authoritarian democracy be constructed? While pacting theory reveals *why* hostile actors that share mutual enmity reach reasonable compromises in order to inaugurate elections, constitutions, and other institutional desiderata of democracy (namely, to avoid mutual demise), needed also is an explanation that accounts for *how* opposing forces can reach this realm of overlapping preference and political

peace. To that end, the analysis here argues that several structural preconditions can pave the way for successful pacting between political elites during periods of uncertainty. Those include deep polarization between Islamists and secularists, with extreme hostilities marking their mutual relations; a rough parity of power between these two forces in which neither is able to unilaterally impose their will upon the other, with the former drawing upon the street and the latter entrenched in existing political institutions; and finally normative diversity, in that these political actors are not necessarily committed to liberalism or democracy from the start, and instead must cover significant ideological ground to reach negotiated settlements. Beyond this, the chapter also considers counterfactual scenarios in which elite-based compromises could fail, but nonetheless concludes that successful pacting represents the most hopeful trajectory for successful democratization in MENA countries.

Fairly, the argument here is not that the theory of pacting, drawn from past episodes of historical democratization, can be transposed into the MENA or Islamic context without any modification. Across time and space, there emerge important differences in terms of the political actors comprising the bargaining game: while in many known cases such compromises took place between an empowered civic opposition and an extricating regime that had lost legitimacy, the Arab Spring showed that when an incumbent autocracy is suddenly toppled from power, pacting must take place *between* competing opposition forces. Those opposition factions – namely, Islamists and secularists – can each represent different types of actors. Moreover, the deposed dictatorship need not be a unitary actor, as remnants of the autocracy can reconstitute themselves. Further, in some scenarios, as in Egypt, veto players like the military can

maintain presence throughout an entire transitional process because it is institutionalized as the backbone of the state apparatus. It does not so much restore the *ancien régime* as serve as spoiler to the bargaining dynamic by disrupting interactions between opposition groups, and thereby preventing democracy.

Such empirical nuances and theoretical wrinkles cannot be discounted, but nonetheless also should not obscure the underlying proposition: in revolutionary ruptures like the Arab Spring, the role of Islam in politics will serve as a primary axis of divergence among the ideological and political preferences of those responsible for crafting the new regime. As the analysis here will contend, what appears as theologically irreconcilable can nonetheless become politically surmountable and even compelling through the bargained logic of pacting.

Pacting Theory: Origins and Assumptions

Theories of pacted democracy were borne out of what political scientists called the “Third Wave of Democracy,” which began with the breakdown of the 1974 Salazar dictatorship in Portugal and ended in the 1990s, with the post-Communist transitions to democracy.⁹⁶ The experience of these nearly sixty regimes convinced many scholars that prevailing notions of democratization,

⁹⁶ The literature on the Third Wave as a distinctive cluster of democratic regime transitions is vast. See, for instance, Samuel Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman, OK: University of Oklahoma Press, 1991): 3-30; Terry L. Karl and Philippe Schmitter, “Modes of Transition in South and Eastern Europe and South and Central America,” *International Social Science Journal*, 128 (1991): 269-284; Doh Chull Shin, “On the Third Wave of Democratization: A Synthesis and Evaluation of Recent Theory and Research,” *World Politics* 47, 1 (1994): 135-170; Jørgen Møller and Svend-Erik Skaaning, “The Third Wave: Inside the Numbers,” *Journal of Democracy* 24, 4 (2013): 97-109; and Stephan Haggard and Robert Kaufman, “Democratization during the Third Wave,” *Annual Review of Political Science* 19 (2016): 125-144.

which drew heavily upon the slow-moving logic of modernization theory, missed the mark in capturing empirical reality – especially in Southern Europe and Latin America, which constituted the first major instances of Third Wave democratization. Pacting was integral to the development of new theories of democratic transition, or “transitology.”⁹⁷ The modernization paradigm was described in Chapter One as relevant to religion and secularization, but bears mention again here given its implications for pacted theory development.

For modernization theorists, democracy was simply one of many goods that was closely interrelated with a cluster of other cultural, economic, and social achievements that materialize gradually over time. Modernization theories suggested human societies evolved in linear fashion starting from an initial stage of traditionalism, generally defined by an agrarian economy, rigid class structure, primitive technology, and weak central political authority.⁹⁸ Over time, two related processes occurred. At the macro level, industrialization and urbanization generated a critical breakthrough in the form of a middle class, a new social force that began prioritizing political goods, such as freedom and participation, over basic material needs.⁹⁹ At the micro level, rising levels of income and education induce value change: individuals not only escaped from the commanding role of religion, but also engaged in new forms of social and

⁹⁷ This term was coined by Philippe Schmitter. See Philippe Schmitter and Terry Lynn Karl, “The Conceptual Travels of Transitologists and Consolidologists: How Far to the East Should They Attempt to Go?” *Slavic Review* 53, 1 (1994): 173-185.

⁹⁸ Seymour Martin Lipset, “Some Social Requisites of Democracy: Economic Development and Political Legitimacy,” *American Political Science Review* 53, 1 (1959): 69-105; Zehra Arat, “Democracy and Economic Development: Modernization Theory Revisited,” *Comparative Politics* 21, 1 (1988): 21-36; W.W. Rostow, ed., *The Economics of Take-Off into Sustained Growth* (New York: St. Martin’s, 1963).

⁹⁹ Alex Inkeles, “Making Men Modern: On the Causes and Consequences of Individual Change in Six Countries,” *American Journal of Sociology* 75 (1963): 208-25; and Karl W. Deutsch, “Social Mobilization and Political Development,” *The American Political Science Review* 55, 3 (1961): 493-514.

civic organization that in turn generated greater willingness to express their preferences.¹⁰⁰ In the end, in a seeming harmony of interlocking reciprocities, this trajectory of modernization created the ultimate upshot – a capitalist, individualistic, secular, and *democratic* society.¹⁰¹

Such a theory of democratization founders on theoretical grounds, as generations of scholars acknowledge.¹⁰² The archetypal modern social being is a crude caricature, indicating more the normative aspirations and prejudices of social scientists than it does the variegated experiences of developing countries outside the small handful of Western (and especially Protestant) countries that served as the basis of modernization theory's predictions. That democracy requires certain social and cultural prerequisites also reflects the extreme bias of "ethnocentric social scientists" who construed development as glorified Darwinism, and confuses correlation with causation.¹⁰³ It ignores multiple exogenous factors, from global interventions to religious specificities, that could inflect the social and economic relations underpinning societies. Finally, it is extremely deterministic and leaves little room for human agency. Thus democracy, understood through both its electoral foundations as well as liberal ideological components, is the natural outgrowth of human progress in the social and economic dimensions, not the deliberative attainment of political actors making conscious choices and critical decisions.

¹⁰⁰ Arnold S. Feldman and Christopher Hurn, "The Experience of Modernization," *Sociometry* 29, 4 (1966): 379-395.

¹⁰¹ Ronald Inglehart and Christian Welzel, *Modernization, Cultural Change, and Democracy: The Human Development Sequence* (New York: Cambridge University Press, 2005), 34-37.

¹⁰² Hans Haferkamp and Neil J. Smelser, eds., *Social Change and Modernity* (Berkeley, CA: University of California Press, 1992); Zehra Arat, "Democracy and Economic Development: Modernization Theory Revisited," *Comparative Politics* 21, 1 (1988): 21-36; and Axel Hadenius and Jan Teorell, "Cultural and Economic Prerequisites of Democracy: Reassessing Recent Evidence," *Studies in Comparative International Development* 39, 4 (2005): 87-106.

¹⁰³ John Waterbury, "Fortuitous By-Products," *Comparative Politics* 29, 3 (1997): 383.

While this recapitulation of modernization theory and its criticisms are well known, it bears mention here because the paradigm served as the foil to new theories of transitology and pacted democracy in the 1980s. In that last decade of the Cold War, the collapse of authoritarianism in Portugal, Spain, much of Latin America, and East Asia show that new democratic governments emerged not as a result of deep historical processes, but a more contingent cause – the instrumental decisions made by political elites in the aftermath of autocratic breakdown. Herein lays the core contribution of pacting theories, and indeed the wider field of transitology, relative to past models of democracy: strategic choices and interactions of a relatively small set of human actors, not the teleological will of macrostructural forces embedded in history, were the causal driver of democratic outcomes. As scholars noted, if there were cultural and economic requirements for democracy that were found primarily in a handful of European and Anglophone countries, then regime transitions would be impossible elsewhere – and yet they happened.¹⁰⁴ They especially came to Latin America. In 1978, just three countries south of the US were democracies – Costa Rica, Colombia and Venezuela. By 1992, though, 15 more had joined their ranks from Central America, the Caribbean basin, and South America.¹⁰⁵

By implication, academic understanding progressed to the consensus that democracy did not need an absolute and fixed set of preconditions, which arbitrarily excluded certain countries from consideration. Rather, democracy

¹⁰⁴ See, for instance, the introductory arguments in Enrique Baloyra, ed., *Comparing New Democracies: Transition and Consolidation in Mediterranean Europe and the Southern Cone* (Boulder: Westview, 1987), and James Malloy and Mitchell Seligson, eds., *Authoritarians and Democrats: Regime Transition in Latin America* (Pittsburgh: University of Pittsburgh Press, 1987).

¹⁰⁵ Frances Hagopian and Scott Mainwaring, eds., *The Third Wave of Democratization in Latin America: Advances and Setbacks* (Cambridge: Cambridge University Press, 2005).

could be studied as the outcome of a process of change initiated by human decisions, not impersonal historical forces set into motion decades or even centuries earlier. That democracy could result from not the morass of historical *fait accompli* but contingent observable *politics* generated the modern field of transitology. Transitions are the interval of time between one political regime and another.¹⁰⁶ Not all transitions result in democracy, and in historical perspective most regime transitions merely herald the replacement of one type of autocracy with another – for instance, a military government giving way to a personalistic dictatorship, or a ruling monarchy yielding to a revolutionary single-party system. Yet in its first decade, the Third Wave encompassed multiple transitions in different geographic environs that all resulted in some kind of democratic regime.

Consequently, a theory of pacting crystallized to explain how and why such transitions succeeded. These transitions notably were bereft of systemic violence. They were not revolutionary, insofar as involving mass uprisings that completely reconfigured the state, economy, and society. In observable terms, pacted transitions are elite-driven. It emphasizes the autonomy and choices of small groups of elites – that is, political figures with high degrees of influence and authority, such as military generals, opposition heads, party chiefs, civic directors, religious leaders, senior officials, and others – engaging in careful negotiations and compromises regarding both their status and the rules of the new political order.¹⁰⁷ In analytic terms, such a theory is strategic, insofar that it

¹⁰⁶ Guillermo O'Donnell and Philippe Schmitter, *Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies* (Baltimore, MD: The Johns Hopkins University Press, 1986), 6.

¹⁰⁷ John Higley and Michael Burton, "The Elite Variable in Democratic Transitions and Breakdowns," *American Sociological Review* 54, 1 (1989): 17-32.

demands close attention upon the incentives and rationale for why such elites would choose to cooperate or not. This means focusing upon the resources and power that each competing elite brought to bear; the scope of agency and autonomy that each possessed in choosing whether to cooperate or defect; and finally, the strategic incentives and contexts of these decisions, including the factors that could facilitate or impede a successful *modus vivendi*.¹⁰⁸ It is a strategic theory of pragmatism and choice that emphasizes that democracy can be “crafted,” not inherited or given.¹⁰⁹

To be clear, pacted transitions represent just one mode of regime transitions from authoritarianism to democracy. It represents an elite-driven model of change involving bargains between the leaders of major political factions. As the last section of this chapter will explain, it does not fit all contexts because it operates under a particular set of assumptions and leverages specific parameters during a transitional period to succeed. And as history has demonstrated, transformations can occur through other routes as well: there are as many *modes* of transitions as there are regime types.¹¹⁰ For instance, revolutions that singularly overthrow an entire regime (not just its leaders) and sweep away existing economic structures can also, in the right circumstances, bring about democracy through mass mobilization. This was the experience of many post-Communist regimes in Central and Eastern Europe after 1989. Between these two poles of elite-oriented pacting and mass-driven dislocation

¹⁰⁸ Donald Share, “Transitions to Democracy and Transition through Transaction,” *Comparative Political Studies* 19, 4 (1987): 525-548.

¹⁰⁹ Guiseppe Di Palma, *To Craft Democracies: An Essay on Democratic Transitions* (Berkeley, CA: University of California Press, 1990).

¹¹⁰ Gerardo L. Munck and Carol Skalnik Leff, “Modes of Transition and Democratization: South America and Eastern Europe in Comparative Perspective,” *Comparative Politics* 29, 3 (1997): 343-362.

are other possibilities predicated upon different degrees of collaboration between regime incumbents and opposition forces, ranging from coups and ruptures to extrications and collapse.¹¹¹ Democracy can also result from foreign imposition, through defeat in war and subsequent foreign occupation. However, the theoretical insight here is that pacts have been, and can still be, an effective mechanism through which democratic governments can coalesce in the aftermath of authoritarian regime failure.

Before engaging the mechanics and process of pacted democratization, it is necessary to first explicate the four underlying assumptions this theory makes about the nature of democracy, decision-making, and human actors. First, while democracy has innumerable definitions, the most practicable one construes the term in procedural rather than substantive terms. Rather than a broad ideology, or set of liberal norms and practices, democracy is conceptualized as the most effective way to avoid violence. Democracy as conceived as a “system of coexistence” that demands “careful crafting,” because actors must be *convinced* to buy into the notion that rather than fixating on a particular outcome, such as victory or defeat.¹¹² Regularized competition through elections is the best way to resolve conflicts between political forces peacefully, so long as all players agree to play by basic rules of the game – such as abiding by nonviolence, ensuring elections embody uncertainty rather than preordained results, and accepting that all political actors can participate in this process so long as they do not commit violence to exclude others.

¹¹¹ Huntington, 109-163.

¹¹² Di Palma, 41.

Democratization, thus, is the means by which political outcomes move from being the dictates of repressive regimes controlled by autocratic presidents, kings, and generals, and instead “subject all interests to competition, of institutionalizing uncertainty.”¹¹³ In this manner, democracy as concept or regime type imposes no sweeping claims about ideological content, the best cultural values, or the structure of society; it merely extracts from participants the promise that should they lose any particular struggle, such as an election or policy dispute, they will not resort to extra-judicial means such as violence or coup in order to overturn the results. The reason reflects the procedural sensibility of democracy as competition: losers of elections and policy debates have the incentive to comply with their defeat within an institutional framework that gives them a future opportunity to try again, and pursue their preferences and interests during the next bout of legal contestation.¹¹⁴

Second, political elites are rational. They are capable of logically ordering their preferences regarding the most desired outcomes, and from there are more likely than not to choose the course of action that best achieves their most preferred goal or else undermine an existing set of institutions. As one conception construes, “elites are persons and groups who have the *organized capacity* to make real and continuing political trouble,” because they are both aware of their influence and seek to utilize that influence regularly and substantially.¹¹⁵ While healthy debate has always surrounded the precision and predictiveness of rationalist theories of political behavior, the invocation of

¹¹³ Adam Przeworski, *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America* (New York: Cambridge University Press, 1991), 14.

¹¹⁴ *Ibid.*, 26-37.

¹¹⁵ John Higley and Michael Burton, *Elite Foundations of Liberal Democracy* (Lanham, MD: Rowman and Littlefield, 2006), 7.

rationality here importantly lays the foundation for underscoring a relatively uncontroversial finding. Elite actors may have varying preferences and aims, but they generally share a common anathema to the worst outcome of all – destruction. They wish to survive political conflicts; thus, their survival is the highest-ordered preference. As they gain more information and awareness under conditions of fluid uncertainty, they should favor choices that avoid or even foreclose the worst-off option of annihilation. While elite actors may initially have very different beliefs on how to achieve this, including conflicting preferences regarding how much to surrender or sacrifice, the rationalist backstop to their decision-making is this: all else being equal, they wish to survive. Pacting presents a rational resolution to this dilemma by finding a common thread. No elite may wish to compromise initially, all elites also wish to survive. Compromise is preferable to extermination, and therefore is the “least” worst-off option.

Third, uncertainty is inherent to many political transitions, insofar that competing elites do not necessarily know one another’s full capabilities, strategic calculations, or ultimate intentions. However, environments of uncertainty may be conducive environments by which to strike bargains that move the process of democratization forward. The logic of this draws upon prior assumptions about democracy being a procedure to avoid violence as well as that political elites are rational actors seeking to ensure their long-term survival. If opposing political elites are hypothetically crafting rules for a new political order, uncertainty means they have no reliable way of predicting who will win or lose the most in any future outcome. They have imperfect information. The optimal strategy, therefore, is to invest fully in institutions and rules that maximally protect not just everyone, but

in particular any political force that may suffer marginalization due to competitive defeat. Were elites, for instance, to opt for a political system that gives all power and resources to the most powerful faction to the detriment of weaker parties, they suffer the possible consequence that at some point in the future, they might become the weaker party. Given this reality of not being able to predict the future, and concomitantly wishing to avoid as much as possible the potentiality of their own demise, democracy becomes the most appropriate procedure. In sum, uncertainty helps birth the incentives to bargain for democracy, which in essence is a system that enables losers at any point in time to live to fight another day.

Finally, reacting strongly against the macrostructural tradition of modernization that emphasized prerequisites, theories of pacted democratization generally laid out just one preexisting condition that was necessary for successful transitions – a shared understanding among elites about the boundaries of the state and the constituency of the nation.¹¹⁶ Without agreement on the fundamentals of what constitute their country, including its legal basis of sovereignty and the territorial borders that mark areas under its authority, then political actors cannot tackle second-order questions about the rules of the political game. It is difficult to bargain over what type of government should be installed if there is no consensus about what state that government would theoretically control in the first place. Likewise, elites must also have a reasonably shared conception of citizenship and the frontiers of nationhood. Of course, debates can and will erupt regarding the status of minority groups as well as the social and cultural rights of different subnational entities, which may

¹¹⁶ Dankwart Rustow, "Transitions to Democracy: Toward a Dynamic Model," *Comparative Politics* 2, 3 (1970): 337-363.

be inevitable in diverse polities. Yet at the broadest level, political actors cannot deliberate over institutions of governance if they do not even consider one another members of the same national community.

Mechanics and Process of Pacting

The earlier part of this chapter introduced the theoretical genealogy of pacted democracy within the broader scholarship on political regimes and democratic transitions. Now, its mechanics and process must be explored.

Many studies interpret the theoretical tenets and conceptual notions of pacting in marginally different ways. Generally, it is possible to postulate a generic model of how pacted democratization occurs in sequential stages. First, the incumbent authoritarian regime suffers a severe loss of legitimacy, resulting in a rupture in authority. During the canonical cases of Third Wave pacting from Southern Europe and Latin America, the origins of autocratic discontinuity all involved a “crisis of historical obsolescence,” as regime challengers believed the founding crisis and legitimating reasons for dictatorial rule were no longer relevant.¹¹⁷ Military defeat in foreign wars factored in for some dictatorships, such as Argentina following its losses in the Falklands War. In yet others, illness of a long-ruling incumbent can introduce tensions regarding succession and the sustainability of the authoritarian system, as in the Spanish case in the last years of the Francoist regime. Economic crisis was often a trigger for regime debilitation as well, as statistical and cross-national studies have indicated, given the hardships that recessions and financial crashes pose for middle-class

¹¹⁷ Robert M. Fishman, “Rethinking State and Regime: Southern Europe’s Transition to Democracy,” *World Politics* 42, 3 (1990): 435.

citizens as well as the escalation of inequality that often follows.¹¹⁸ In some cases, the causes of regime weakening operate gradually, as in the Brazilian case when a combination of economic difficulty, civil society activism, and internal conflicts operated in tandem to move the military dictatorship towards political and democratic reform.

Second, during the ensuing interval of uncertainty – that is, the potential regime transition – a set of elites and decision-makers emerge with heightened influence over the political future. One classic interpretation divides such elites into four camps: hardliners and soft-liners within the political regime, and moderates and radicals within society.¹¹⁹ These descriptions describe elite camps with different thresholds of risk and interests. Hardliners entail those elites who desire to maintain power and retrench the regime, thereby foreclosing any democratic change. Soft-liners are their reformist counterparts, who believe that the status quo is untenable and that some type of reform, concession, or negotiation is required with challengers. Within society, including popular forces, opposition movements, and civic organizations, moderates and radicals share a similar bifurcation. Radicals include those who desire to capture power and eliminate the *ancien régime*, thereby enforcing an entirely new political regime. Moderates approximate soft-liners; they desire not drastic replacement but instead more measured changes through reformist covenants and mutual accords. For many theorists, democracy best emerges when soft-liners from the

¹¹⁸ Mark J. Gasiorowski, "Economic Crisis and Political Regime Change: An Event History Analysis," *American Political Science Review* 89, 4 (1995): 882-97; Stephan Haggard and Robert Kaufman, *The Political Economy of Democratic Transitions* (Princeton: Princeton University Press, 1995); and Daron Acemoglu and James Robinson, *Economic Origins of Dictatorship and Democracy* (New York: Cambridge University Press, 2006).

¹¹⁹ O'Donnell and Schmitter, 15-17.

regime and moderates from the opposition can enter into pacts and thus inaugurate democracy.¹²⁰

Such alignments do not uniquely overlap in all transitional contexts. There are not always splits within a regime coalition between identifiable hardliners desiring crackdown and soft-liners desiring reform, for instance. Furthermore, some regime breakdowns result in pacting actors that represent new political forces and existing opposition, not the incumbent autocracy. The operative insight is less about semantics and more about the nature of participating actors: in general, a pacted transitional period will feature some set of competing elites, each representing a powerful vector, that seek to control the political game during a period of fluidity. Such episodes expand “the boundaries of contingent choice... the dynamics of the transition revolve around strategic interactions and tentative arrangements between actors with uncertain power resources aimed at defining who will legitimately be entitled to play in the political game, what criteria will determine the winners and losers, and what limits will be placed on the issues at stake.”¹²¹

Third, the pact itself must be formulated. Pacts are bargained agreements that require participants to accept mutual, and often distasteful, compromises but also mutually binding guarantees for their vital interests (including guaranteed existence) of all those who enter it. As first defined by Guillermo O’Donnell and Philippe Schmitter, they are “an explicit, but not always publicly explicated or justified, agreement among a select set of actors which seeks to define (or, better, to redefine) rules governing the exercise of power on

¹²⁰ Przeworski, 71-72.

¹²¹ Terry L. Karl, “Dilemmas of Democratization in Latin America,” *Comparative Politics* 23, 1 (1990): 6.

the basis of mutual guarantees for the ‘vital interests of those entering into it.’¹²²

To reach such outcomes, pacting actors must compromise in two key ways.

First, they must each surrender their overarching desire to eliminate the other, and thus present “mutual guarantees” that ensure one another’s survival.¹²³

Second, they must learn to concede on key political and institutional issues that may be vital to their position but require conciliation in order to move forward.

These arrangements thus invoke the design of any new political system, such as writing a new constitution and laws, configuring a new system of elections and voting, and allocating power across different governing institutions. It must also deal with the legacy of the *ancien régime*, including redressing past crimes, issues of judicial immunity, and investigating human rights abuses.

Of course, these decisions are not forged in a single meeting. They result from the give-and-take rhythms of repeated confrontations and agreements between the leaders of political forces as they seek to create a new order that allows for mutual participation. Repeated strategic interactions induce a process of political learning, as opposing sides begin to understand the limits of permissible actions as well as which particular demands and interests overlap and which do not. Critical to this process, thus, are moments of learning and self-reflection in which leading decision-makers on ideologically opposite ends. In such points of inflection, these actors grasp that while their ultimate ideal preference is to impose their vision of order upon all others, it may not be possible to do so, and that continued conflict brings a realistic chance of their own demise – the worst of all outcomes.

¹²² O’Donnell and Schmitter, 37.

¹²³ *Ibid.*, 40.

Thus, because such agreements are often struck in iterated fashion through various meetings and concords, and sometimes in piecemeal ways, there is usually no single document that enshrines the pact itself. More often, the pact metaphorically refers to the broad understanding reached by all political actors about the rules and boundaries of the transitional process. As such, pacts are necessarily interim agreements, because they merely govern the expectations and status of those guiding the transition towards democracy; they do not include all the complex rules of politics, such as the full range of legislation to be passed. They are also likely to limit the scope of what is to be negotiated by excluding the most contentious points of disagreement, such as on religious identity, economic redistribution, and foreign policy. These are critical issues that the future government will engage, but since they elude short-term resolution are best left off the agenda. Furthermore, as pacts are elite mechanisms, they are also highly exclusive. They delineate who the core decision-making elites are, and in doing so insulate the political process from universal input during transitional periods. While this means much of society will not exercise voice, it also means that should opposition moderates and regime soft-liners successfully coordinate, then the extreme factions that could halt the transition – namely, opposition radicals and regime hardliners – will also not participate.

Fourth, the pact must be adhered to during the months and years that following the initial agreements, which generally corresponds to the writing of a new constitution, as well as the holding of the first and potentially second elections. This period can vary in length; Brazil's negotiated transition, for instance, began in the mid-1970s but stretched until 1985, whereas the

Argentine case spanned just a few years until the military's relinquishing of power in 1983. In either scenario, the success of these agreements depends upon political actors not defecting from their commitments. There need not be universal consensus to the pact among all the opinions and forces represented by elites, but no major faction can engage in extra-judicial means, such as violence, to overturn the process. Neither can they declare the process itself as invalid. This does not mean the pact itself is static: agreements can be reformulated to adjust to new conditions and to react to unforeseen crises. Yet the basis of the underlying compromises remains the same.

This kind of self-propelling momentum entailing mutual commitments is what Dankwart Rustow termed "habituation."¹²⁴ Actors become habituated as they become constrained and understand what is possible and what is not. Furthermore, as the notion of dialogue with opponents becomes rationalized and internalized over time, participants in pacting are less likely to abandon the process. Political elites must expend resources and capital to convince their followers that bargaining is preferable to struggle, and so suddenly defecting from this pathway as new laws and institutions materialize becomes increasingly costly. Moreover, the mass followings of political leaders themselves become invested in these arrangements. Therefore, over time, what began as elite-oriented affair becomes a more open social dynamic. Societal groups become stakeholders to the new political game, and likewise also prefer the normalcy of peace over the uncertainty of protracted conflict that characterized earlier periods.

¹²⁴ Rustow, 358.

In practical terms, habituation created by pacting means that actors abide by not just the first post-transitional democratic elections but also at least the next one, such that an institutionalized pattern of compliance is created. This broaches the literature on democratic consolidation, which exceeds the scope of this project but garners some discussion here. Consolidation is defined as the condition in which the transitional democracy becomes so ingrained and embedded that no major political actor seriously considers defecting.¹²⁵ Scholars differ as to what the precise threshold of consolidated democracy is; some argue that it occurs when the prevailing political culture has definitively removed the threat of autocratic revival by a non-democratic party or actor, while others contend that it requires at least two successful elections involving consecutive peaceful transfers of power between opposing parties.¹²⁶ The long-term success of democracy requires consolidation, but consolidation itself may require an entirely different set of variables to succeed. For instance, even during the intellectual ascent of transitology, analysts noted that while the short-term choices of elites could bring about a tentative democratic settlement, structural factors ignored by transitologists – such as ethnic homogeneity, economic development, cultural norms, civil society, and historical legacies – likely exerted some effect in shaping the new democracy’s long-term evolution and prospects.¹²⁷

¹²⁵ Ben Ross Schneider, “Democratic Consolidations: Some Broad and Sweeping Arguments,” *Latin American Research Review* 30, 2 (1995): 215-234; Andreas Schedler, “Measuring Democratic Consolidation,” *Studies in Comparative International Development* 36, 1 (2001): 66-92; and Karen Dawisha and Bruce Parrott, eds., *The Consolidation of Democracy in East-Central Europe* (New York: Cambridge University Press, 1997).

¹²⁶ The “two-turnover test” is still frequently invoked as an informal benchmark for democratic consolidation, because it proves that not just the victors of a democratic transition but *also* their opponents are willing to play by the rules of the constitutional game. Huntington, 267.

¹²⁷ See, for instance, Larry Diamond, Juan Linz, and Seymour Martin Lipset, “Introduction: Comparing Experiences with Democracy,” in *Politics in Developing Countries: Comparing*

In this regard, the theoretical conceit of this project is not to present an all-encompassing framework for Islamic democratization that projects the eternal resilience of democratic political systems in Muslim-majority countries in the MENA region. Rather, it engages the prospects for democracy *at the point where it becomes a viable choice in the first place* – namely, during transitional moments following the stumbling and breakdown of incumbent autocracies. Pacting is a means to carry elites through that transitional phase such that consolidation becomes possible.

The logic of pacting, in essence, is about survival in a context where competing political factions are struggling to gain control over the system during periods of uncertainty and tension. Pacted agreements to share decision-making prerogatives and compromise on new institutions allow rivals to settle into an uneasy yet sustainable equilibrium. They turn what initially appear to be zero-sum games into positive-sum scenarios, in which neither side is able to attain their primary goal of eliminating the other, but find that settling for the least worst-off (or rather, second-best) outcome of mutual toleration benefits all. Given this, the success of pacting through strategic interactions is made most probable through a particular set of political conditions that characterize the transitional period. While the absence of these dynamics does not make pacting impossible, their confluence raises the likelihood that given a context of uncertainty and competition, political elites will be able to strike pacted bargains. Doing so preserves one another's status while setting the stage for a new

Experiences with Democracy, eds. Diamond, Linz, and Lipset (Boulder: Lynne Rienner Publishers, 1992), 1-37.

constitution, founding elections, and other institutional fundamentals of the emergent democratic order.

These parameters are three-fold. First, there is *deep ideological polarization* dividing the political factions that each has a seemingly incompatible blueprint about what kind of post-transitional political system is best for the country. This polarization can stem from conflict over irreducible identities, ideologies, or value. As a result, each contender sees its goals as holistic and indivisible, and views rival elites as implacable enemies that need to be destroyed. In Latin America from the mid-1970s through the 1980s, for instance, that cleavage entailed deep ideological schism between right-wing dictatorships and Leftist social forces.¹²⁸ That schism, though dampened in the post-Cold War environment, was the salient political rift within many authoritarian states in the post-World War Two era. Right-wing dictatorships in Southern Europe and Latin America waged virtual war on social forces associated with the Left, such as student movements, intellectual groups, workers' unions, and other entities.

Such a divide also appeared in South Africa during its pacted transition in the early 1990s as it concerned race and racial identity. South African democratization unfolded against a backdrop of different elites, representing both the white minority regime and the African National Congress, struggling to find common ground over questions regarding the distribution of power and economic property rights in a post-Apartheid era. Prior to their democratization, few scholars initially studied these countries as potential democratizers given such vicious domestic discord, in which each side saw the other as obstacles

¹²⁸ These Left-Right ideological conflicts are laid out in James Malloy and Mitchel Seligson, eds., *Authoritarians and Democrats: Regime Transition in Latin America* (Pittsburgh: University of Pittsburgh Press, 1987).

that needed to be liquidated: their initial objective was not democracy, but to maintain power, gain it, or annihilate the other.¹²⁹

Second, closely related to this context of stubborn conflict is another condition – *parity of power*. This means that major competing groups cannot unilaterally impose their will upon any rivals because their resources are roughly equivalent. This does not mean they are precisely evenly matched, but rather that would-be powerholders are unable to extinguish their opponents. However, they are unable to do so because none possesses the definitive advantage to emerge victorious, such as far greater wealth, a monopoly over coercion, or vastly larger popular bases of support.¹³⁰ The result is intractable conflict. This stalemate is analytically important given the context of uncertainty and rationality. During transitional periods, political rivals do not necessarily know the full range of other elites' thinking or decisions. At the same time, they must balance their most idealized preference of winning the entire political game and destroying the other with their first-order goal of survival.

Parity, thus, brings about deadlock, which is a logical consequence but not the same concept. When parity holds, the resulting deadlock opens up the possibility of pacting because it forces political factions to recognize a critical fact. Waging conflict endlessly presents two possible outcomes: either triumph over all, or else continued struggle resulting in mutual demise, and hence the worst possible outcome.¹³¹ In historical cases of pacted transitions, competing elites responded to such scenarios by choosing to compromise instead, because this constitutes the clearest way to guarantee their first-order interest of survival.

¹²⁹ Karl, 7-8.

¹³⁰ Dankwart Rustow describes this as the "preparatory phase." Rustow, 352-355.

¹³¹ Guiseppe Di Palma, *To Craft Democracies: An Essay on Democratic Transitions* (Berkeley, CA: University of California Press, 1990), 28-30.

By contrast, if political elites do not have parity – that is, if one faction has vastly greater resources and power than the other – then only the weaker party possesses the incentive to bargain. Deadlock can still occur, because the two parties can fail to reach compromise. However, the stronger party's winning hand when presented with such stalemate is to simply play the numbers, and outmaneuver the weaker party by neglecting its demands, imposing its will, and waging a conflict it believes it is favored to win.

Third, pacting proceeds in the presence of normative diversity. Diversity here connotes *disagreement*. Political actors draw their agendas and beliefs from conflicting principles and ideologies that appear opposed to one another. Some may be liberal democrats; some may not be. Yet none enjoys consensual, mass backing during the transition as the most befitting successor to the authoritarian order. To put this in perspective, in the post-Communist transitions limited normative disagreement existed because much of society understood the discredited legitimacy of the old regimes: whatever alternative order emerged, it would need to be *non-Communist*.

That normative diversity exists among post-authoritarian political actors releases countries from any purported requirement that all must subscribe to the same liberal democratic cloth. Elites can learn to coexist with one another, and transact institutions and rules that eventually result in democratic order, even if some lack the appropriate credentials in the eyes of rivals. After all, if elites needed to subscribe in unison to the same liberal democratic culture beforehand, then they would not have been able to pact in countries without strong

democratic traditions and historical legacies.¹³² Yet this did not impede democratization in Spain or Portugal; in other Third Wave cases with virtually no democratic past, like Mongolia and Taiwan; and today, in newer examples of pacted democratization, such as Myanmar. Instead, as Dankwart Rustow foretold decades prior to these regime transitions, “Democracy... came as a fortuitous byproduct of the struggle” – with *struggle* serving as the mechanism of production, not any preexisting normative commitments.¹³³

If normative dissension holds, then rival elites can move from grand questions of ideological unity towards procedural decisions that need to be made regarding rules, laws, and elections. Pacting allows actors to set aside their philosophical commitments, and instead recognize the importance of practical bargains that move politics forwards in iterative, step-by-step fashion. In doing so, elites realize that the most important compromise is accepting the other’s existence. A democratizing pact only requires that different sides honor this mutual commitment, however distasteful in the short-term, but in return also allows them to retain their political outlook.¹³⁴

These contextual parameters explain the incentive to bargain to reach political settlements when transitional elites are locked in intractable conflict. Fear of demise and the imperative for survival motivates the decision to compromise.

¹³² Michael Burton, Richard Gunther, and John Higley, “Elites and Democratic Consolidation in Latin America and Southern Europe: An Overview,” in *Elites and Democratic Consolidation in Latin America and Southern Europe*, eds. John Higley and Richard Gunther (New York: Cambridge University Press, 1992), 339-40.

¹³³ Rustow, 353.

¹³⁴ John Waterbury, “Democracy without Democrats? The Potential for Political Liberalization in the Middle East,” in Ghassan Salamé, ed., *Democracy without Democrats? The Renewal of Politics in the Muslim World* (London: I. B. Taurus, 1994), 23-47.

Pacted Transitions with Hegemonic Dictatorships

Studies of transitology faded from prominence in comparative politics during the 1990s for understandable reasons. Pacting represents just one of many theoretical pathways to democracy. There is no single magic variable that exists in all cases across time and space. Indeed, the diversity of modes for democratization, as strongly inflected by region, hints at why scholars have not treated the Arab Spring cases of regime change through the prism of transitology.

Pacted democracy composed a compelling paradigm in the study of regime transitions within the first decade of the Third Wave – namely, Southern Europe (and in particular, Portugal and Spain) and Latin America. By contrast, later cases of regime change during the 1990s did not involve pacting, because the balance of power between political actors and institutional conditions in those countries were very different than the Iberian and Southern American examples.¹³⁵ For instance, single-party regimes in Central and Eastern European countries were so dependent upon the Soviet Union that its collapse led to their sudden demise through upswells of mass mobilization. Such “Velvet Revolutions” concerned the *imposition* of rules by relatively unified and victorious opposition over crumpled dictatorships, not negotiated compromises between feuding elites.¹³⁶ Likewise, many autocratic regimes in sub-Saharan Africa were built so heavily upon personalistic networks and cleavages of conflict, such as

¹³⁵ Michael McFaul, “The Fourth Wave of Democracy and Dictatorship: Noncooperative Transitions in the Postcommunist World,” *World Politics* 54, 2 (2002): 212-244; Grzegorz Ekiert and Stephen Hanson, eds., *Capitalism and Democracy in Central and Eastern Europe: Assessing the Legacy of Communist Rule* (New York: Cambridge University Press, 2003).

¹³⁶ Valerie Bunce, “Rethinking Recent Democratization: Lessons from the Postcommunist Experience,” *World Politics* 55, 2 (2003): 167-192.

ethnic animosities, that military transitions often occurred through violent means and exposed the fragility of extant state institutions.¹³⁷

Thus, regions vary. However, it is surprising that scholars have not invoked transitology once more in response to the Arab Spring. Political conditions in many authoritarian regimes in the Middle East make the likeliest openings for democracy quite amenable for analyzing through the framework of bargained agreements. The recurrent characteristic of many regional dictatorships is their *closed* nature. These are hegemonic rather than competitive autocracies. By this, I mean that even if many of these regimes tolerate some spaces for civic pluralism and open debate, virtually none prior to the Arab Spring allowed for meaningful contestation for power through electoral contests in which the possibilities of opposition victory were more than trivial.

Competitive autocracies represent a hybridized form of governance prevalence in the post-Cold War era. During the 1990s, theorists of democratization documented a major shift in the trajectory of authoritarianism. The end of the Cold War transformed the international system because it meant Communism was no longer a realistic challenger to liberal democracy. This shifted ideological struggles everywhere, and in general terms signified the ascendancy of distinctive norms and expectations for all governments, such as respect for human rights, greater accountability, and the centrality of political competition. In essence, democracy became the only “game in town.” The seeming triumph of Western liberalism became embedded in the international arena through processes of diffusion, in which democratic values circulated and

¹³⁷ Michael Bratton and Nicolas Van de Walle, “Neopatrimonial Regimes and Political Transitions in Africa,” *World Politics* 46, 4 (1994): 453-489; Staffan Lindberg, *Democracy and Elections in Africa* (Baltimore, MD: The John Hopkins University Press, 2006).

spread across regional spaces through structural linkages of media, education, trade, and communications.¹³⁸

Also aiding these efforts were concerted institutional collective action to promote democratic governance. This could be witnessed in the expanded role and agenda of regional organizations like the European Union and the Organization of American States, as well as the advocacy of multilateral institutions such as the United Nations.¹³⁹ The rise of the “democracy promotion industry,” as promulgated through Western foreign policies, transnational civil society, and practices like elections monitoring, also amplified systemic pressures upon recalcitrant dictatorships.¹⁴⁰ By both rewarding new democracies with foreign aid and ostracizing autocracies that lagged behind, the US and other actors sought to advance democratic governance through policy mechanisms.

Obviously, this was not the end of the story for authoritarians. Many adapted to the new geopolitical environment by absorbing and deflecting pressures for change. The general recipe took the form of partial liberalization and modest expansions of political freedom, such as the convening of regular elections, legalizing some opposition and civil society, and creating other formal

¹³⁸ Jeffrey Kopstein and David Reilly, “Geographic Diffusion and the Transformation of the Postcommunist World,” *World Politics* 53, 1 (2000): 1-37; Kristian Skrede Gleditsch and Michael Ward, “Diffusion and the International Context of Democratization,” *International Organization* 60, 4 (2006): 911-933; Mark Beissinger, “Structure and Example in Modular Political Phenomena: The Diffusion of the Bulldozer/Rose/Orange/Tulip Revolutions,” *Perspectives on Politics* 5, 2 (2007): 259-276.

¹³⁹ Jon Pevehouse, *Democracy from Above: Regional Organizations and Democratization* (New York: Cambridge University Press, 2005); Paul Poast and Johannes Urpelainen, “How International Organizations Support Democratization: Preventing Authoritarian Reversals or Promoting Consolidation?” *World Politics* 67 (2015): 72-113.

¹⁴⁰ Michael Cox, G. John Ikenberry, and Takashi Inoguchi, eds., *American Democracy Promotion: Impulses, Strategies, and Impacts* (Oxford: Oxford University Press, 2000); Thomas Carothers, *Critical Mission: Essays on Democracy Promotion* (Washington, D.C.: Carnegie Endowment for International Peace, 2004); and Susan Hyde, *The Pseudo-Democrat's Dilemma: Why Election Observation Became an International Norm* (Ithaca: Cornell University Press, 2011).

democratic institutions.¹⁴¹ Certainly, some domains of state power, such as the judiciary and security services, often remained in the hands of incumbent elites. Further, the *sine qua non* of democracy – elections – were never fair. Ruling parties and regime elites always stacked the deck in their favor through various manipulations, such as gerrymandering of districts, pro-regime media monopolies, selective repression of opponents, patronage and subsidies to supporters, and other extra-judicial means of gaining an advantage that democratic opposition could never attain.¹⁴² Nonetheless, such adaptation introduced enough substantial competition, uncertainty, and spaces for mobilization that it was still possible for some opposition forces to mount successful challenges and win power by elections, thereby dislodging incumbents from power. While there remains some debate regarding whether such hybridity is stable, or merely represents a transitory phase between worsening dictatorship and greater democracy, the operative point is that a new regime type emerged.

By the early 2000s, competitive authoritarian (that is, “hybrid”) could be found in most regions, including Latin America (e.g., Venezuela), sub-Saharan Africa (e.g., Zimbabwe), Central and Eastern Europe (e.g., Bulgaria), the Caucasus (e.g., Armenia), and Southeast Asia (e.g., Malaysia).¹⁴³ In such settings, elections functioned as the primary means to win office for legal opposition forces that were allowed to not only exist but even mobilize and compete – even as those elections were distorted by abuses of state resources

¹⁴¹ Marina Ottaway, *Democracy Challenged: The Rise of Semi-Authoritarianism* (Washington, D.C.: Carnegie Endowment for International Peace, 2003).

¹⁴² Steven Levitsky and Lucan Way, *Competitive Authoritarianism: Hybrid Regimes after the Cold War* (New York: Cambridge University Press, 2010), 9-16.

¹⁴³ The term “hybrid regimes” is most clearly typologized in Larry Diamond, “Thinking About Hybrid Regimes,” *Journal of Democracy* 13, 2 (2002): 21-35.

and violation of civil liberties on part of ruling parties and presidents. Elections were the fulcrum upon which political power swung, and became critical moments in which ruling authoritarians faced the actual possibility of defeat – and hence the end of the regime.

By contrast, Middle East dictatorships never hybridized, in the sense of becoming competitive autocracies. They remained closed hegemonic regimes. To be sure, the MENA was not immune to the spread of democratizing pressures and the rise of new global norms in the 1990s. Some responded by indeed adopting liberalizing reforms, such as introducing elections, ending martial law, legalizing opposition, and introducing other institutional hallmarks of potential competitiveness.¹⁴⁴ Egypt under Mubarak and Yemen under Salih represent republican dictatorships run by presidents-for-life that pursued such partial liberalization. Several monarchies, namely Kuwait under Emir Jabir and Morocco under King Hassan II implemented this strategy to a greater degree. Jordan under King Hussein was a latecomer.

Yet there was a major difference. Such liberalized autocracies in the MENA obscured the underlying reality that in no case could one claim that winning elections comprised a realistic means to gain state power.¹⁴⁵ Rulers retained such a tight grip on levers of executive authority and coercive domination that no opposition could mount effective challenges – hence, the *hegemonic* aspect of these regimes.¹⁴⁶ In republics like Egypt and Yemen, elections for parliament became more competitive but parliaments themselves

¹⁴⁴ Daniel Brumberg, “The Trap of Liberalized Autocracy,” *Journal of Democracy* 13, 4 (2002): 56-68.

¹⁴⁵ John Entelis, “The Democratic Imperative vs. the Authoritarian Impulse: The Maghrib State between Transition and Terrorism,” *Middle East Journal* 59, 4 (2005): 537-558.

¹⁴⁶ Eva Bellin, “The Robustness of Authoritarianism in the Middle East: Exceptionalism in Comparative Perspective,” *Comparative Politics* 36, 2 (2004): 139-57.

remained toothless, and still under the thumb of these presidents' ruling parties. Simultaneously, rare episodes of presidential elections were so constrained, suppressed, and manipulated that challengers never enjoyed even the remote possibility of victory.

In the monarchies, parliamentary elections likewise became more competitive. However, the true center of power remained a royal apparatus that was immune to executive contestation given its hereditary and historical claim to absolute rule: as kings were never elected in the first place, they could never be defeated by elections. When opposition did ascend into legislative office, as in the 1998 *alternance* in Morocco, an extraordinarily vast degree of state resources and economic sectors were kept off limits to any kind of parliamentary governance. Militaries, security services, businesses, bureaucracies, foreign policy, fiscal control, and other organizational pillars of these political systems remained tied to the personhood of royal sovereigns rather than the institutional authority of elected governments and parliaments.

Such conditions of political closure characterizing hegemonic dictatorship were the norm prior to the rise of competitive authoritarianism in the post-Cold War era. They captured the institutional configuration as well of the Southern European and Latin American military autocracies that collapsed during the Third Wave. In such systems, military leaders not only maintained a tight grip upon executive authority, they also restricted the political sphere in a way that not only foreclosed the existence of meaningful elections and other venues of contestation and participation, but also virtually eliminated all forms of legal, organized political opposition. So, too, were the Communist regimes part of this category of hegemonic governance. Rather than military-led governments,

those systems were characterized by the ideological, economic, and political domination of Communist Party organizations that both monopolized state institutions and precluded autonomous spaces for other major civic and political groups.

It is not impossible for such ardently closed forms of authoritarianism to gradually evolve towards competitive autocracy. Comparative studies of autocratic regimes show well that opposition forces under hegemonic dictatorships are not static, and can respond to varying institutional structures by uniting or fragmenting in dynamic fashion.¹⁴⁷ Yet in the Middle East, as the preceding analysis has argued, opposition never succeeded in turning this theoretical possibility into an empirical reality. Elections, even during periods of political liberalization like the 1990s, never served as a credible means for social forces to secure power away from monarchical and republican incumbents. Given these longstanding conditions of political closure, the Arab Spring showed that regime transitions hence needed to begin not with incremental openings advanced by political competition, but rather sudden anti-systemic uprisings that swept away the old order. In turn, when such mobilization succeeds, the resulting political vacuum allows old and new opposition actors to recraft the procedural rules and institutional parameters of a new government. Thus, whereas competitive authoritarianism connotes a gradual arc to stability or change, hegemonic dictatorships often end abruptly. Opposition elites thereby enjoy considerable autonomy during the transitional process to create a new political regime.

¹⁴⁷ See, for instance, Ellen Lust, *Structuring Conflict in the Arab World: Incumbents, Opponents, and Institutions* (New York: Cambridge, 2005).

The assumption that hegemonic versus competitive authoritarianism has predictive value is reinforced by political developments in the MENA region since the Arab Spring. By all observable empirical evidence, excepting the case of Tunisia, the non-democratic regimes that remain have not moved towards greater competition. On the contrary, they have become more rigid.¹⁴⁸ States that liberalized in the past and introduced some rudiment of electoral competition, as in Egypt under Sisi, Algeria under Bouteflika, Morocco under King Mohamed VI, Jordan under King Abdullah II, and Kuwait under Emir Sabah, have regressed. Executive incumbents remain as powerful, if not more so, than in the past, while violations of human rights and curtailments of civil and political liberties have become more pronounced. Elsewhere, those regimes that never considered liberalization in the first place, such as Saudi Arabia and most of the Gulf states, have cracked down even further. Syria, Yemen, and Libya remain so ridden with violence and fragmentation that their fundamental is not the rules of political order, but whether political order even exists.

Thus, as the Arab Spring validated, transitional openings in the MENA region tend to involve sustained mass contestation and popular insurrections from below because this remains the only way to gain power. As a result, such episodes of change are characterized by extreme uncertainty and volatility, as competing actors hope to take control of any new government that forms.

¹⁴⁸ See, for example, Morten Valbjørn and Frédéric Volpi, "Revisiting Theories of Arab Politics in the Aftermath of the Arab Uprisings," *Mediterranean Politics* 19, 1 (2013): 134-136; Tarek Masoud, "Has the Door Closed on Arab Democracy?" *Journal of Democracy* 26, 1 (2015): 74-87; Jülide Karakoç, ed., *Authoritarianism in the Middle East: Before and After the Arab Uprisings* (London: Palgrave Macmillan, 2015); and André Bank, "Comparative Area Studies and the Study of Middle East Politics after the Arab Uprisings," in *Comparative Area Studies: Methodological Rationales and Cross-Regional Applications*, eds. Ariel I. Ahram, Patrick Köllner, and Rudra Sil (Oxford: Oxford University Press, 2018), 119-132.

That none of the MENA regimes, including the deposed dictatorship of Ben Ali in Tunisia, can be classified as candidates for *competitive* autocracies is important, because it gives important clues as to how these regimes end: not necessarily gradually, and through electoral defeat, but instead through more sudden episodes of uprising and deposal that forces new political actors forward in the aftermath.

Thus, cases like Tunisia and Egypt are ripe for application within the framework of transitology. However, the literature on democratic transitions has not moved in this direction, despite these cases of regime change being nearly a decade old at this point. As Chapters Four and Five discuss, individual studies of Tunisia and Egypt tend to adopt highly deterministic views of their outcomes, with many of the former advancing a view of Tunisian “exceptionalism” and the latter emphasizing Egypt’s powerful military and structural conditions that militated against democracy. One of the rare works that links transitological analysis to the Arab Spring notes the relevance of pacted compromise in Tunisia, but nonetheless focuses more on the conditions that would allow religious practices and democratic institutions to mutually flourish rather than the deeper problem of how competing rivals in the form of Islamists and secularists could reach a position of corollary trust in the first place.¹⁴⁹ Likewise, a game-theoretic comparison of Latin American military regimes and the Arab countries underscores how seemingly non-democratic actors can change their preferences

¹⁴⁹ Alfred Stepan and Juan Linz, “Democratization Theory and the ‘Arab Spring,’” *Journal of Democracy* 24, 2 (2013): 15-30.

over time within a strategic environment of conflict, but gives little guidance as to how such stalemate can be overcome.¹⁵⁰

In this sense, the Islamist-secularist conflicts that coalesce after the downfall of closed authoritarian regimes in the Middle East offers a fertile ground for applying the framework of pacted democracy and transitology to new regional environs. It facilitates theory-building, and highlights nuances of political interaction that other paradigms do not illuminate.

Background Conditions for Pacting

Given that political transitions from hegemonic dictatorships will more likely occur through systemic change rather than election-driven participation, the practice of pacting takes center stage as the most likely pathway to democracy in the Middle East. Here, it is necessary to remind why the theoretical background conditions that facilitate successful pacting and institutional bargains between political elites during and after autocratic regime breakdown are present across much of the region. Those conditions, drawing upon the earlier exegesis, are three-fold: deep ideological polarization; parity between competing forces; and normative diversity without prior liberal consensus.

Ideological Polarization

In much of the MENA region, and indeed Muslim-majority countries across the world, political conflict today is waged over the role of religion in

¹⁵⁰ Shimaa Hatab, "Democratization from a Cross-Regional Perspective: How Can Game Theoretical Models of Latin American Transitions Inform the Arab Region?" *APSA-MENA Workshops Alumni E-Newsletter* 3 (2017): 13-15.

society, and hence in politics as well. Struggles over the meaning and function of Islam in governance is the most salient cleavage between opposing political groups, and thus the contemporary analogue to the Left-Right division in the Southern European and Latin American dictatorships that fell during the Third Wave. Whereas that divide reflected longstanding tensions within the Western ideological experience as it underwent the traumas of two world wars, the contemporary rift over religion in much of the Muslim world stems from the rise of Islamism and the mobilization of Islamist opposition groups against secular non-democratic regimes since the middle part of the twentieth century. As they manifest in politics, Islamist organizations such as Egypt's Muslim Brotherhood and Tunisia's Ennahda came of age in their respective countries as opposition movements that sought to influence or capture state power in order to install their vision of an Islamic state.¹⁵¹

As the preceding chapter discussed, debates over the content of Islam as both a faith and political system, including topics like the nature of law, the identity of believers, and the place of religion in the public sphere, have always occupied Muslim communities. Islamism, as we observe it today, is simply the modern manifestation of this profound attachment to religiosity. However, it must be argued that this orientation to Islam coexists with simultaneous desire for democracy. As the Arab Barometer's most recent wave of public opinion polls in the Arab world indicate, there is no contradiction between strong religious identification and popular support for democracy. The majority of respondents from every country-panel poll did not believe that democracy was

¹⁵¹ Tamara Cofman Wittes, "Three Kinds of Movements," *Journal of Democracy* 19, 3 (2008): 7-12.

incompatible with Islam; furthermore, only a minority agreed with the notion that religious authorities should interfere with the decisions of voters.¹⁵²

Long before the Arab Spring, the political chasm between Islamism and authoritarian rulers was antagonistic given their divergent visions of social and political order that each held.¹⁵³ Though both promised prosperity and stability, these ideological blueprints were incompatible since they drew upon different sources of inspiration and sought to impose different forms of government. Whereas Islamists clearly sought to install their version of an Islamic state where religion would structure virtually every aspect of political and social life, their opponents simply sought to rule, either for other ideologies (such as Arab Nationalism) or for the material ends of power. Notably, because Islamization as envisioned by Islamists would require wrenching changes in the fabric of social life, resistance and critique of Islamism came not only from authoritarian regimes but also from critics within society who, unaffiliated with their regime, felt threatened and saw the Islamists as merely replacing one form of dictatorship for another. For instance, in many MENA countries, secular civic associations, professional syndicates, and leftist organizations that filled civil society all saw Islamists as not simply competitors for public support but fundamentally antithetical to what they understood as democratic politics.

Thus, by the 1990s, one witnessed varying autocratic reactions to Islamism across the MENA in terms of toleration, ranging from Egypt's succinct treatment of the Brotherhood, where it remained legal as a charity and indeed held many political activists but could never compete as a political party as such;

¹⁵² Data from the Arab Barometer's 4th Wave, undertaken during 2016-17 in seven countries and two national non-state samples (Syrian refugees in Jordan and Syrian refugees in Lebanon). Data online <<http://www.arabbarometer.org>>.

¹⁵³ Gudrun Kramer, "Islamist Notions of Democracy," *Middle East Report* 183 (1993): 2-8.

to the initial accommodation-turned-crackdown in Tunisia, where Ennahda was driven out entirely by Ben Ali in the early 1990s.¹⁵⁴ In other countries, such as Jordan and Kuwait, Islamist movements were both legal and accepted as political organizations so long as they did not commit violence, abided by the supremacy of monarchy, and did not invoke revolutionary themes – that is, they remain or turn *moderate* in character, according to the perceptions of the regimes.¹⁵⁵ That is, Islamists were tolerated in a paradoxical situation – when they did not seek to overturn the very system that their ideology sought to overturn, and instead limited themselves to competing for symbolic power in parliaments and other venues that could never challenge the executive authority of the regime itself.¹⁵⁶ In some cases, such as Syria, Libya, and Morocco until the late 1990s, Islamist groups were prohibited altogether. The 1982 Hama massacre in Syria exemplifies this repression, in which the Asad regime slaughtered thousands and perhaps tens of thousands following a Brotherhood-led uprising. The Algerian case offers a bloodier example of regime-Islamist relations, given the decade-long civil war that followed the 1992 suspension of a political opening that saw Islamists claim victory in legislative elections.

In sum, there existed animosity and mistrust between Islamists and non-Islamist actors on the eve of the Arab Spring. During transitional periods, it is sensible that such conflict would be amplified in its ideational depth and

¹⁵⁴ Amr Hamzawy and Marina Ottaway, “Islamists in Politics: The Dynamics of Participation,” in *Getting to Pluralism*, eds. Ottaway and Hamzawy (Washington, D.C.: Carnegie Endowment for International Peace, 2009), 69-96.

¹⁵⁵ Whether inclusion within elections results in Islamist “moderation,” or else moderation precedes such inclusion, remains a debatable question. See, for instance, Schwedler, “Can Islamists Become Moderates?” The operative point is that Islamist participation in elections was seen as tolerable by autocrats only if Islamists publicly adopted a political agenda that did not explicitly challenge the executive power of the regime incumbent.

¹⁵⁶ Vickie Langohr, “Of Islamists and Ballot Boxes: Rethinking the Relationship between Islamists and Electoral Politics,” *International Journal of Middle East Studies*, Vol. 33, No. 4 (2001), pp. 591-610.

potentiality for violence because the stakes are not only high but real. The downfall of an authoritarian regime creates situations where political actors enjoy a realistic chance of gaining power and establishing institutions that enable them to define the very identity of the state apparatus. Whereas prior conditions of autocratic closure make the question of Islamization an abstract one given the trivial possibility of Islamist groups securing power through elections or through force, transitional episodes allow Islamists as participants in the political process to leave behind their religious imprint and thus induce the very changes that their more secular opponents dreaded from the start. Thus, the Islamist-secularist faultline during potential democratic transitions in the MENA would be typified by extreme polarization that would need to be overcome for the process of systemic change to proceed in peaceful ways.

Parity of Power

The second background condition that favors pacting as the preferred pathway for democratic transition is parity – that is, a balance of power between competing forces that renders any one faction unilaterally incapable of imposing its will upon all others, and thus produces deadlock. In turn, such stalemate introduces uncertainty and fluidity. Parity, in this sense, can refer to any of the resources that, during a transitional context, one political movement, organization, or side can bring to bear in order to eliminate its competitors. This includes popular backing, financial assets, international support, and coercive abilities. Parity does not refer to complete equality in terms of these resources between adversaries, for there will be inevitable variations. For instance, some parties will indeed trump others by possessing more money or greater popularity.

However, the marginally weaker side can successfully resist by blocking the entire process and bringing politics to a standstill through boycotts, defection, and unflinching opposition.

As argued earlier, such functional equivalence between competing actors is important because it engenders a situation of stalemate characterized by intractable conflict. The inability for any single side to irrevocably emerge victorious triggers a critical decision that invokes the strategic logic of elite pacting. Elites face the choice of either continuing to war against one another – a high-risk decision, since there is as much a chance of suffering defeat and thus liquidation as there is overcoming the opponents – or else consider the option of compromise and bargaining, which requires mutual toleration and tit-for-tat concessions. Parity ensures that *both* competing sides feel this pressure, thus reaching the conclusion that Rustow foretold: “A new political regime is a novel prescription for taking joint chances on the unknown.”¹⁵⁷

These circumstances match, and could continue to match, post-authoritarian transitions in many MENA countries for two reasons. First, the political repression inherent to non-competitive autocratic rule creates a natural levelling effect upon society. Competitive authoritarian regimes feature meaningful electoral contests where certain opposition groups, enjoying legality and participation, can pull ahead of others and stake out positions of primacy. By contrast, because hegemonic dictatorships are allergic to any window of contestation or participation that could remotely threaten their authority, all opposition forces, whether secularist and Islamist, face exclusion and suppression. As a result, the sudden collapse of these regimes not only

¹⁵⁷ Rustow, 358.

empowers these opposition groups to activate, it also simultaneously exposes their weakness and inexperience in governance. Second, as Chapter One elucidated, while secularist groups across civil society are well entrenched due to the historical legacies of colonialism, state formation, and ideologies like Arab Nationalism, Islamist movements in many countries swiftly caught up after the 1970s through their own strategies of mobilization and outreach. Islamists capitalized upon their networks of solidarity and discourse of emancipation, which attracted citizens disenchanted from the previous generation's failed ideology as well as failure of states to provide good governance. They were also able to maintain their coherence under authoritarian rule.

The most telling evidence that Islamists were able to "catch up" to secular trends in terms of political formation was the fact that these groups were victors in the first post-Arab Spring democratic elections in Tunisia and Egypt, not to mention Libya. The literature on the so-called "Islamist advantage" speaks to this.¹⁵⁸ Likewise, the leading political party in Morocco following its constitutional opening during the Arab Spring was the Islamist Party of Justice and Development. And yet, Islamists were able to catch up but not *overtake* secularists. Their parity with non-Islamist groups can be seen by the fact that in no post-revolutionary elections did triumph at the ballot box translate into supremacy over all non-Islamist forces. Islamist parties captured the plurality of votes in Tunisia and Egypt, albeit in slightly different fashion. In the former, Ennahda stood as the primary representative of political Islam in all elections.

¹⁵⁸ Janine Clark, *Islam, Charity, and Activism: Middle-Class Networks and Social Welfare in Egypt, Jordan, and Yemen* (Bloomington, IN: Indiana University Press, 2004); Tarek Masoud, *Counting Islam: Religion, Class, and Elections in Egypt* (New York: Cambridge University Press, 2014); Melani Cammett and Pauline Jones Luong, "Is There an Islamist Political Advantage?" *Annual Review of Political Science* 17 (2014): 187-206.

However, because it never won a numeric majority, Islamism could be identified as a powerful but not majoritarian force in post-revolutionary Tunisia. In Egypt, the post-revolutionary legislative elections featured the Muslim Brotherhood as the primary Islamist force, but also Salafists as a new political party; together, these Islamist groups indeed won a majority with nearly two-thirds of the vote – but only in numeric terms. Not only did the Brotherhood and Salafist factions prove unable to form a legislative supermajority bloc, but the Islamist advantage at the ballot box quickly evaporated. During Egypt's presidential elections in summer 2012, Muhammad Morsi, the Brotherhood candidate, won only with a razor-thin margin against Ahmad Shafiq, a secular official from the Mubarak regime. In this sense, it can be said that in neither Tunisia nor Egypt did Islamism as a political current ever clearly dominate non-Islamists and go unchallenged in a democratic landscape.

At the same time, secularists also possess a countervailing advantage. The disintegration of an authoritarian regime does not mean the elimination of its political constituency, such as party cadres and official elites. These forces have the ability to reconstitute themselves, which is a major reason why successful cases of Third Wave democratization always featured institutional clauses to reabsorb these regime remnants peacefully without endangering the new liberal system. The most successful post-Communist democratizers like Poland and Lithuania, for instance, were distinguished by allowances that enabled defeated communist political elements to compete once again in elections, which helped keep new democratic parties accountable and agile.¹⁵⁹

¹⁵⁹ Anna Grzymala-Busse, *Rebuilding Leviathan: Party Competition and State Exploitation in Post-Communist Democracies* (New York: Cambridge University Press, 2007).

In the MENA context, the return of authoritarian elements – however reconstituted in new parties and labels – is therefore a vital factor. Such regime remnants will not, upon their return, ally with Islamists, since they represent an older political order that saw Islamism as an existential threat, and which was deposed by popular uprisings that catapulted Islamists to the forefront of state legitimacy. These autocratic elements may mobilize to sabotage the democratic agenda, or they may fuse with secularist forces participating in the transition. In either scenario, they weaken the position of Islamists and ensure that however great their initial popularity, Islamists must still engage non-Islamist antagonists in some kind of political interaction.

Normative Diversity

Theories of pacting interpret democracy less by its liberal content, and more through its procedural quality of allowing for the resolution of conflicts without violence through competitive and participatory means. Democracy is a set of procedures to overcome disagreements; it does not require *prima facie* commitment to liberalism. Indeed, beginning from a context where few or no political actors stand as unambiguous representatives of liberal democracy with popular support facilitates pacted bargains.

It is wishful thinking to expect opposing actors divided by gaping political cleavages and relatively matched evenly in terms of resources to embrace one another's ideology during the short and uncertain period that characterizes any transitional process. In the MENA context, the rift between Islamists and secularists reflects historical and structural legacies that cannot simply be overcome through rhetorical appeals. For instance, it would be foolish to require

a devout Muslim Brother to welcome the secularist worldview brought by a civil society activist which, by definition, would denude the new democratic state of the very religious character that the successful application of Islamism would entail. Second, normative diversity allows for political agenda-setting. Matters regarding the role of religion in politics, among other ideological debates, cannot be resolved quickly. Because contestation is bound not only in political but also emotional investments, negotiated compromises can keep such divisive issues off the political agenda, and instead compel clashing elites to narrowly focus upon practical issues regarding electoral scheduling, power-sharing, rule of law, governance responsibilities, and other central functions.

It may be counterintuitive that normative diversity between Islamists and secularists can encourage pacting. However, this embodies a key logic of pacted transitions: democracy can arise without democrats, because the sum total of concessions, tolerations, compromises, and agreements between elites – even those who inherently mistrust liberalism and democracy – enables the transitional process to stay alive.

Critiques and Exceptions of Pacting

This chapter's discussion of pacted democratization has highlighted its core strengths and payoffs, which merit emphasis. First, pacted bargains between elites constitute a viable way in contexts of hostility between political opponents who perceive one another as implacable foes to avoid violence. It seeks to insulate ideological disagreements that could fuel open conflict away from the practical agenda of institutional crafting that follows the breakdown of closed autocratic regimes.

Second, pacting takes advantage of relatively short periods of fluidity and uncertainty, when elite actors have maximal autonomy to negotiate new compromises that will take institutional form in the new political system. In this way, transitional periods can be seen as “critical junctures,” in which the decisions and choices made early on can generate long-lasting effects upon consequent political developments.¹⁶⁰

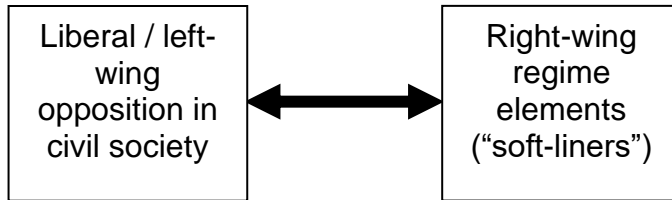
Third, the pacting process creates new patterns of political interactions and new possibilities for decision-making by placing the onus of responsibility upon those elites with the authority and standing to craft the new rules of the game and so usher in a new political order. In turn, because such interactions become institutionalized over time through the rhythms of electoral competition and coalition-making within government, actors that formerly opposed one another become habituated into more cooperative modes of politics.

Critically, the argument for pacting draws upon the historical success of this technique in driving Third Wave transitions forward in the Iberian Peninsula (Portugal, Spain) and much of Latin America. Many of these autocratic regimes were militaristic dictatorships that sought to extricate themselves from legitimacies of crises caused by leadership change, defeat in war, and other major shocks. As such, softliners from these regimes were participants in the pacting process, which proceeded with ideologically left-wing and liberal forces in society bargaining with right-wing authoritarian elites. Moreover, in many of these cases, there was antecedent democratic history that could be invoked by pacting partners, as many of these classic cases had featured the breakdown of

¹⁶⁰ Giovanni Capoccia and R. Daniel Kelemen, “The Study of Critical Junctures: Theory, Narrative, and Counterfactuals in Historical Institutionalism,” *World Politics* 59 (2007): 341-369.

democracy prior to the rise of militarized authoritarianism. All this left behind a relatively parsimonious configuration, in which ideological preference aligned with the regime-opposition division, as Figure 2.1 indicates.

Figure 2.1. Pacting Dynamics in Third Wave Cases (Latin America, Southern Europe)



By contrast, pacting dynamics in MENA cases like Tunisia and Egypt involve a different configuration. The rupture of the Arab Spring discredited incumbent dictatorships. The all-encompassing nature of the popular uprisings was sparked, unlike the Colored Revolutions, not by electoral manipulation per se, but the sheer accumulated weight of authoritarian repression and political closure over preceding decades, with the proximate trigger being Mohamed Bouazizi's self-immolation. Following these revolts, there was virtually no political space by which elites from the old regime could *initially* and credibly participate as a partner in the construction of a new system of governance.

In both Tunisia and Egypt, of course, remnants of the previous autocracies reconstituted themselves in the years following the initial transition – the former manifesting as Nidaa Tounes, and the latter in political elites like Ahmad Shafiq who sought a place in the transiting political system. However, in the first and most critical years of these transitions, the primary partners involved in bargaining were not regime-based but all members of societal opposition – first, Islamist political movements, like Ennahda and the Muslim Brotherhood; and second, secular factions, like CPR and Ettakatol in Tunisia and the civil state current in Egypt. Thus, the primary axis of political identification did not map out onto the regime-opposition divide, but rather *within* opposition. Another distinguishing element is that unlike many Third Wave cases, most MENA countries and many others in the Islamic world do not have sustained experienced in prior democratic government.

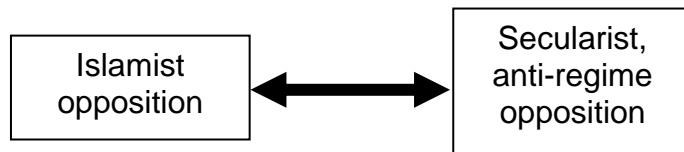
The totality of these factors imbues the bargaining sequence with a different character, as Figure 2.2 elucidates. As the case study chapters make clear, the initial stage of post-revolutionary politics involves Islamists squaring off

against secularist opponents who also largely aligned, previously, against the regime. However, over time, elements of the old regime reconstitute themselves and therefore become also a relevant actor in the pacting process. This division is relevant; as some scholars have argued, secularist forces may mutually reject Islamist politics, but this does not mean their preferences coincide in other aspects, such as whether an untested democracy is preferable to the restoration of the old order.¹⁶¹

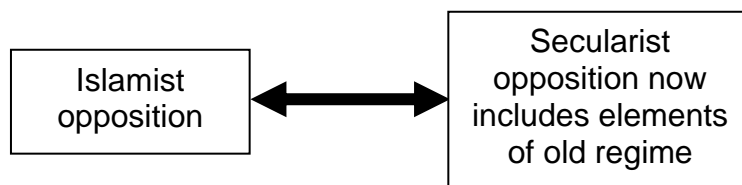
¹⁶¹ See, for instance, Michael J. Willis, "Political Parties in the Maghrib: Ideology and Identification. A Suggested Typology," *Journal of North African Studies* 7, 3 (2002): 1-28.

Figure 2.2. Pacting Dynamics in Post-Arab Spring Cases

Initial, Post-Revolutionary Process:



Subsequent Process of Pacting:



This empirical nuance is important, and validates that theories of pacting must adapt to the circumstances of application. Pacting is an iterative process where, as agreements mature and new political rules institutionalize, the character of those involved (and, more accurately, those permitted to be involved) change over time. In Latin America, for instance, radical left-wing elements were incorporated into the bargaining process later on – much as in Tunisia and Egypt, factions linked to the old regime entered the political arena within years.

However, as argued before, different types of political diversity in countries in the MENA and elsewhere in the Islamic world also should not obscure the most important center of logic here – in the first and most important stages, the primary partners, and thus also opponents, in a post-revolutionary scenario will be drawn from society rather than the regime; and the most irreducible locus of conflict will implicate religion, and its role in shaping political institutions.

There is another qualifying observation on pacting theory. Especially in the MENA context, the inculcation of political toleration through mutual acceptance may have the effect of initially avoiding seemingly irreconcilable ideological differences, but over time even purely political agreements can exert ideological effects. As the preceding chapter noted, Islam's theology is not immutable. The history of Islamic doctrine is not simply a history of doctrinal debates and textual breakthroughs, but rather of theologians and jurists who adapted Islamic discourse and practices around their political realities, which were dictated not by sacred imperatives but by the profane realities of conflict and survival. Given this, it is reasonable that should Islamist forces, whose

authority is predicated upon religious credentials, be compelled to accept a political system through compromises that do not abide by their tenets, then their response will likewise be one of adapting their discourse and belief system to validate the new democratic order in which now they are part. Such theological recalibrations in response to politics could entail not just rhetorical shifts but meaningful changes in their theorizing of sharī‘a and other pillars of Islamic thought.

While pacting has historically enabled regime transitions to actualize and result in new democratic systems in many countries, it is crucial to note that its success depends upon a confluence of background conditions which, if interrupted or changed, can drastically undermine the bargaining process. Indeed, pacting can fail as a method of compromise between competing elites in several hypothetical scenarios. Such exceptions must be stated, because examples of failed pacting are more examples of changing conditions that undermine the politics of compromise rather than the exhaustion of pacting as a logical response to uncertainty.

First, as mentioned earlier, pacting is not the only mode of democratic transition. As considerable scholarly debate has recognized, there are contexts in which elite bargains are not appropriate (because, for instance, its facilitating conditions are absent), and where democracy must come through other means – such as imposition from below or gradual sequential change from above.¹⁶² It would be fallacy to suggest that pacted democratization is the ideal mode of

¹⁶² For more on this debate about the limits of transitology’s application, see the debates contained within Thomas Carothers, “The End of the Transition Paradigm,” *Journal of Democracy* 13, 1 (2002): 5-21, and “The ‘Sequencing’ Fallacy,” *Journal of Democracy* 18, 1 (2007): 12-27; and Larry Diamond, Francis Fukuyama, Donald Horowitz, and Marc Plattner, “Reconsidering the Transition Paradigm,” *Journal of Democracy* 25, 1 (2014): 86-100.

transition for all countries. The argument here is far more precise: pacting is a viable and ideal pathway for regions like the MENA given the closed authoritarian nature of incumbent regimes, ideological polarization between Islamists and secularists, the parity of power between competing elites following regime breakdowns, and the normative diversity inherent within these political factions.

Second, pacting can fail when a key background condition – parity between actors – changes due to the entry of a third party that serves as a veto player who can arbitrarily empower one group over another, or block the agreements and decisions made over the course of time. In the case of post-revolutionary Egypt, for instance, Islamist-secularist bargaining from an early period was overshadowed by the role of the Egyptian armed forces. The military was not secularist per se (although often mistakenly labeled as such), but rather an entrenched institutional actor within the state apparatus seeking to protect its economic and political domains from any unfavorable transitional outcome. By alternatively siding with Islamists and turning against them, the Egyptian military helped prevent a meaningful sequence for concessional agreements and pacting between Islamist and secularist elites from taking place. The existence of veto players is disruptive to any type of sustained bargaining because it effectively reduces uncertainty, gives advantage to one side, and thereby distorts the rationale for both sides to favor pacting as the “least” worst-off option when facing the possibility of stalemate. Put differently, veto players can end stalemate through unilateral action.

Third, pacting can be disrupted if it no longer remains a purely domestic process. Theories of pacted democracy arose in the tail end of the Cold War,

when systemic bipolarity largely discouraged foreign actors from overtly intervening into elite-driven democratic processes.¹⁶³ Thus, during the Portuguese, Spanish, or Brazilian transitions, for instance, national elites had little worry about external powers from imposing their will onto the political arena due to perceptions that any democratic outcome would hurt their global strategic interests. The same cannot be said of democratization in the post-Cold War era. Especially in regions like the MENA, regional autocratic powers have begun asserting a more active role in preventing successful democratization in their neighborhood, for fear that democratic breakthroughs would become contagious and eventually diffuse and destabilize their own states.¹⁶⁴ At the same time, democratic powers have also exhibited greater willingness to incentivize successful regime transitions and the consolidation of more competitive political systems, as seen as by the EU's enlargement.

Either way, the potentiality of external actors intervening into previously domestic democratization episodes opens the door to the process being distorted, although these two scenarios have very different effects. In countries like Tunisia, where outside autocracies do not deeply intervene within domestic politics through proxies, and democratic powers like the EU and US incentivize transitional politics (for instance, by conditioning foreign aid upon the attainment of democratic benchmarks such as elections), the international environment reinforces the pacting process. By contrast, in countries like Egypt, autocratic

¹⁶³ Michael McFaul, "The Missing Variable: The 'International System' as the Link between Third and Fourth Wave Models of Democratization," in *Democracy and Authoritarianism in the Post-Communist World*, eds. Valerie Bunce, Michael McFaul, and Kathryn Stoner-Weiss (New York: Cambridge University Press, 2010), 3-29.

¹⁶⁴ Bülent Aras and Richard Falk, "Authoritarian 'Geopolitics' of Survival in the Arab Spring," *Third World Quarterly* 36, 2 (2015): 322-336; and Daniel Odinius and Philipp Kuntz, "The Limits of Authoritarian Solidarity: The Gulf Monarchies and Preserving Authoritarian Rule During the Arab Spring," *European Journal of Political Research* 54 (2015): 639-654.

powers like Saudi Arabia can project “sharp” interventions in ways that emasculate the incentives of elites to continue bargaining – that is, open initiatives to manipulate domestic politics through leveraging superior financial, coercive, or media resources.¹⁶⁵ For instance, such exogenous actors weakened some factions seen as threatening to their regional interests (e.g., Muslim Brotherhood), while strengthening others seen as integral to maintaining the stability of the status quo (e.g., Egyptian military). Because contemporary pacting can no longer be conceptualized as purely domestic and internal, it is vital to integrate this dimension in any analysis.

Beyond these variations, it is also necessary to point out that pacting can also produce democratic outcomes that, over the long term, exhibit some deficiencies and imperfections. Of these, the most commonly observed is what transitology studies have labelled “frozen pacts” – that is, initial agreements and institutional settings that do not deepen and widen over time to incorporate a broader array of political forces.¹⁶⁶ These are often referred to as “birth defects,” because the production of democracy by undemocratic means on the one hand may achieve meaningful shifts from the previous autocracy, but on the other hand can marginalize important political voices early on.¹⁶⁷ For instance, elite actors in some canonical Third Wave cases, such as Spain, sidelined the most radical segments of their camp (such as labor unions) in order to retain control over the process of bargaining.¹⁶⁸ By essentially enshrining political inequality

¹⁶⁵ Christopher Walker, “What Is ‘Sharp Power’?” *Journal of Democracy* 29, 3 (2018): 9-23.

¹⁶⁶ Omar G. Encarnación, “Labor and Pacted Democracy: Post-Franco Spain in Comparative Perspective,” *Comparative Politics* 33, 3 (2001): 337-355.

¹⁶⁷ Frances Hagopian, “‘Democracy by Undemocratic Means’? Elites, Political Pacts, and Regime Transition in Brazil,” *Comparative Political Studies* 23, 2 (1990): 147-170.

¹⁶⁸ Terry L. Karl, “Dilemmas of Democratization in Latin America,” *Comparative Politics* 23, 1 (1990): 1-21.

and exclusion upon the birth of a new political system, pacting can deposit long-term legacies that militate against inclusion in the future by privileging elite actors from the start. This can result later on in corruption and clientelism, since this type of process empowers a small set of politicians at the expense of others. Guarding against this requires a healthy civil society during the consolidation phase, where popular mobilization and activism long after the installation of a new democratic government can keep pressure upon political figures, and enforce the vertical accountability that was lacking during the pacting process.¹⁶⁹

Conclusion

This chapter introduced the theoretical fundamentals of pacted democratization, tracing its intellectual origins during the Third Wave of democracy due to the poor fit of modernization theory to explain new cases of regime transitions away from authoritarianism in the developing world. It unpacked the analytical framework of regime pacts, including the focus upon elites, the necessity of bargaining, and the logic of producing democratic institutional arrangements through negotiated compromises even when the political actor competing for power have no preexisting commitments. Their incentive to pact is predicated upon an intuitive and rational incentive: whereas intractable conflict can result in their defeat, subjecting politics to institutionalized uncertainty and learning to accept mutual toleration can at least ensure their survival – and, as well, the possibility of winning power now or in the future. The

¹⁶⁹ Philippe Schmitter, "Civil Society East and West," in *Consolidating the Third Wave Democracies: Themes and Perspectives*, eds. Larry Diamond, Marc F. Plattner, Yun-han Chu, and Hung-Mao Tien (Baltimore, MD: The Johns Hopkins University Press, 1997), 239-262; and Larry Diamond, *Developing Democracy: Toward Consolidation* (Baltimore, MD: Johns Hopkins University Press, 1999), 218-260.

analysis also engaged the relevant conditions among competing elites that make pacted transitions a favorable mode of change, namely ideological polarization, parity of power, and normative diversity.

These provisions are likely to characterize the nature of political contestation after the breakdown of authoritarianism in the MENA given not just the region's landscape of Islamist mobilization but also the limited hybridity of existing dictatorships. Because popular uprisings and sudden collapse are likely to typify moments of regime change, the actions and choices of elites during periods of intense uncertainty and fluidity take center stage. When those elites grasp their mutual vulnerability and thereby decide to cooperate, the result will be a tentative opening for democracy. The primary case validating this theoretical projection is Tunisia – the topic of the next two chapters, which lays out the historical development of the country, explaining why conditions of parity, polarization, and normative diversity held at the time of the Jasmine Revolution, and afterwards how pacted bargains and compromises enabled otherwise feuding actor to work across a gaping ideological chasm and push forward a democratic transition towards a post-authoritarian political order.

CHAPTER THREE: TUNISIA – DEVELOPMENT AND STATE FORMATION

Chapter Two laid out the theoretical fundamentals of pacting as a mode of democratic transition. Drawing upon the experiences of “Third Wave” democratizers in Latin America and beyond, the argument held that all else being equal, political actors following authoritarian ruptures could overcome interminable conflict by engaging in bargains and compromises that inaugurate electoral democracy. They do so even while experiencing mutual enmity and distrust, because in the absence of moving forward, the worst outcome of all will materialize – continued stalemate, further violence, and potentially mutual demise. Once underway, pacting can become a self-propelled contingent process, as bargaining partners become habituated to the “rules” of the democratic game. Yet the argument was not purely predicated upon the short-term elite choices, for pacting is more likely in the backdrop of certain conditions that make those elites more likely to understand the gravity of their circumstance and the imperative of negotiation. Those structural conditions were a parity of power preventing any one faction from unilaterally imposing its wishes; extreme ideological polarization, in which the beliefs and principles of each side are anchored in seemingly mutually exclusive doctrines; and finally, normative diversity, meaning there is not any unambiguous group or narrative that claims to speak for liberal democracy. The more of these conditions that obtain, then the higher the likelihood of pacting.

However, this invokes a deeper question: why do not all countries share in these favorable background conditions? That is, what accounts for the existence of these conditions that shape the preferences of elites towards pacted outcomes during post-authoritarian transitions? Here, a close look at the

Tunisian case *prior* to the Arab Spring illuminates why. Pacting theory only delineates that political actors will opt for bargaining resulting in new constitutional and electoral institutions given certain conditions. Consequently, analytic focus must fall upon the *origins* of those conditions that make pacting more likely in the first place. As this dissertation's primary case study, Tunisia illustrates that particular trajectories of historical development and country-level specificities help explain why parity, polarization, and normative diversity existed following the overthrow of the Ben 'Ali regime in 2011.

Organized around the determinants of these three conditions, the chapter shows how various antecedents in Tunisia's evolution in its late colonial and post-colonial eras converged to produce these dynamics. It does not chronologically regurgitate the history of contemporary Tunisia, a rich topic which has occupied many other studies. Nor does it seek to break new ground in the mode of original historicizing. Neither does it capture the more contingent factor of geopolitics during pacting moments, which can influence the potentiality of compromise in post-revolutionary situations (and are covered in detail over the next two chapters of the Tunisian and Egyptian transitions). Rather, the goal is theoretically attuned: it is to show that particular *attributes* of Tunisia, understood as a unique case, can be seen as advantageous to pacted democratization by encouraging conditions of parity, polarization, and normative diversity. This chapter reviews how these conditions developed over time, drawing upon various elements of the Tunisian experience: a coherent national narrative, well-mobilized civil society, and weak military paved the way for future parity; the nature of Islamist mobilization and the tradition of the Jacobin, secularizing state

laid the groundwork for extreme polarization; and, in an overlapping way, normative diversity resulted from the contentiousness of these social forces.

This is not the same as arguing for Tunisian “exceptionalism,” a simplistic claim rendered highly problematic in comparative context. The argument here is not that Tunisian democracy after the Arab Spring was preordained or overdetermined, for it was crafted in contingent steps by political actors. Rather, it was that analysts can locate favorable conditions that allow a theoretical outcome of pacting to obtain within the Tunisian case, and which can be argued were found in place such that actors could invoke them by the time the country held its first post-revolutionary elections in October 2011. Put another way, Tunisian democratization was never guaranteed, but its pacted trajectory was made more likely by the country’s inherited advantages and repertoires.

Debunking Tunisian “Exceptionalism”

As Tunisia’s post-revolutionary elections gave way to democratic governance under a coalition government seating Ennahda and competing secularist forces, analysts began praising the “exceptional” nature of Tunisian democracy. Such advocacy became even stronger as other frontiers of the Arab Spring devolved into retrenched authoritarianism or civil conflict. Egypt’s first steps towards democratization ended in military coup in July 2013; the Syrian uprising resulted in civil war; and violence and interventions scuttled the brief transitions of Libya and Yemen. Elsewhere, popular protest movements were successfully contained, as in Bahrain, or else fizzled in the face of autocratic manipulations and protest fatigue, as in Morocco and Jordan. In this context, Tunisia’s democratic trajectory appeared – at least to outsiders – steady and

constant, the lone bright spot in the darkening climate of the post-Arab Spring Middle East.

This argument about Tunisian exceptionalism must be unpacked in context. The proposition in this chapter is that Tunisia arrived at the moment of the Arab Spring and regime transition with palpable advantages that laid the groundwork for its political actors to shape their own destiny through pacting. That is, a combination of structure and agency serves as the causal driver in this argument. It concedes that the triggers for popular mobilization and authoritarian breakdown can be entirely exogenous and unpredictable, since virtually no revolution has ever been successfully prophesied. It more modestly suggests that what resulted in the bargained arrangements producing electoral politics after 2011 was not the inexorable weight of culture and history but rather the frantic decisions of imperfect human decision-makers who faced a difficult array of choices at different conjunctures within a process conditioned by Tunisia's historical trajectory of development. This proposition could be more accurately called one of Tunisian *singularity*. It emphasizes not any essentialist quality of the country that preordains long-term outcomes as if they were inscribed beforehand, but rather advances the analytically restrained position that observers can better understand the determinants of the background conditions and structural forces that produced a situation of potential pacting.

This differs from what can be called the argument for Tunisian exceptionalism, which shares *prima facie* similarities but takes a far more aggressive position in terms of how the post-Arab Spring period of democratization played out. The argument for Tunisian exceptionalism is parsimonious and alluring: it suggests that a particular constellation of factors

inherent to Tunisian state, society, and history all collectively expressed itself after 2011, thereby dictating the preferences of competing actors and therefore their ultimate calculus. It excludes all other outcomes from the realm of possibility. Often celebratory in tone, the exceptionalist position is effectively circular. It holds that the “Tunisian experience is uniquely Tunisian,” that what constitutes that “Tunisian” essence is immune to comparative analysis and cross-case similarities, and that such a deep and frozen “essence” is what explains the rise of democracy.¹⁷⁰

These immutable forces found in the colonial and post-colonial periods predetermined democracy by making Islamist and secularist politicians all but fated to avoid violence and instead embrace democratic compromises for the collective good. Tunisia is therefore unique, and perhaps incomparable, in the Maghreb and perhaps the entire Arab world. In sum, Tunisian political forces crafted democracy because they were *Tunisian*. In turn, this abstract notion of “Tunisia-ness” is exceptional simply because no other Arab country possesses this combination of variables and causes that pushed the wheels of historical momentum indelibly away from dictatorship or civil conflict. Tunisian democracy can therefore be explained by reference to the country’s deep structural origins, static cultural aspects, fixed political legacies, and other static qualities of Tunisia-ness. This situates Tunisian politics as not so much a case of Arab or even Islamic democracy, but simply the natural evolutionary outcome of its people’s inherited nature.

Exceptionalism and Its Weaknesses

¹⁷⁰ Safwan Masri, *Tunisia: An Arab Anomaly* (New York: Columbia University Press, 2017).

Yet this argument about Tunisian exceptionalism is not only analytically weak, it is also historically misleading. To illustrate this point, it is necessary to dissect the three primary variables invoked in this discourse to make this long-range, deterministic, and purely structural explanation. The first is Tunisia's macro-level context, namely its geography and demography. Tunisia is among the smaller countries in terms of its physical size and contiguity. It also possesses a relatively homogenous society largely free of deep identity cleavages found elsewhere in the Middle East, such as the split between Sunni and Shi'a Islam. In ethnic terms, most Tunisians univalently locate their racial and ancestral heritage as Arab. There is no major competing national group such as the Berber communities of Morocco and neighboring Algeria, or the Kurds of the Mashriq. Moreover, Tunisia was always upon the fringes of empire: it never experienced direct rule under the Ottomans, and was far less incorporated by the French than Algeria or Morocco. Relative location, small size, ethnically homogenous populations, or some combination of thereof, therefore advanced democratic politics.

This geography-demography nexus, however, is neither a consistent correlate of modern democracy nor a convincing explanation for political preferences. The thesis that small size favors democracy is a classic one in political science, but also one that has faded from the research agenda given its weak premise.¹⁷¹ There are numerous countries smaller in size than Tunisia, for instance, in the Middle East that remain robustly authoritarian, as in the Arabian Gulf kingdoms or (in populational terms) Jordan. Indeed, there are many countries around the same size and population of Tunisia, or smaller, in the

¹⁷¹ Dahl

world that have not broached democratic politics; consider, for instance, Laos, Cambodia, and Singapore in Southeast Asia or Tajikistan and Kyrgyzstan in Central Asia. Moreover, small size plus ethnic homogeneity itself does not predict democratic achievement, as the experiences of Brunei, North Korea, Belarus, and Eritrea suggest. As the experiences of these other non-Tunisian cases suggest, physical size and demographic composition are not definitive causes of any particular regime trajectory or set of political outcomes.

The second plank of the exceptionalism argument concerns Tunisia's "tolerant" or "moderate" culture, which prizes compromise over violence and cherishes consensus over conflict. This *tunisianité*, or "Tunisian way," suggests that "accommodation and moderation" beholds a deeper drive towards "erudition and of continuous and cumulative reform."¹⁷² In its most sweeping variant, the argument stretches back to Tunisia's Carthaginian civilizational roots and mercantile, seafaring traditions to link the ancient past to the contemporary present.¹⁷³ Its more restrained variant points to different assimilationist and expressive impulses that have characterized Tunisia's national identity in recent decades, and therefore makes the country "special" in comparative perspective. These include the incorporation of Bedouin tribes, the dominance of the Maliki school of *sharī'a*, the infrequency of civil conflict and violence, the weakness of an indigenous *ʿulama* class, and the tendency of Ottoman Bey dynasties from the late 16th century onwards to encourage pluralism and diversity, such as a thriving Jewish minority community.

¹⁷² Masri, 295.

¹⁷³ Masri, in fact, suggests that the Tunisian "model" may *not* be applicable to other countries in the Arab world because Tunisia's unique old history makes it not univalently "Arab," and instead a unique hybrid of pre-Arab, Arab, and non-Arab (e.g., European) cultural elements. Masri, 5-8.

These narratives also emphasize several punctuating moments in more recent Tunisian history. One was the 1861 Constitution, the first such written document in the Islamic world and one that, among other modernizing shifts, created a Supreme Court to review religious laws, reduced the powers of the Ottoman Beylical monarchy in favor of a delegated cabinet, and promoted financial transparency. Another was the special role of Khair Eddin Pasha, the Ottoman-Tunisian leader and reformer, in enacting land reform, modernizing commercial law, and constructing effective administrative institutions in the 1870s. Other legendary periods expressing Tunisia's proclivity towards pluralism and participatory politics include the 1930s, which saw the founding of the Neo-Destour party advocating Tunisian independence and it broke with the Destour ranks in 1934, and the 1940s, which witnessed the establishment of the Union Générale Tunisienne du Travail (UGTT), the national trade union confederation that likewise aligned itself towards national sovereignty.

In between, Tunisian politics was characterized by its orientation towards unity and solidarity, embodied by the promulgation of nationality laws in 1914 and 1921, and cemented by a ferocious national pride that supposedly anchored Tunisian political values and norms in non-violence. In this sense, Tunisian exceptionalism means aversion to violence and preference for dialogues in which extreme ideas are bridled and compromises are harnessed as the more important outcome. These ideas were apparent by the 1950s, according to these arguments, in which political routines came to be governed by tolerance. Even in subsequent decades, during the apogee of Bourguiba's post-colonial state projects, scholars trumpeted Tunisia's "tradition of reform and openness, its Western-oriented elite, and its progressive social policies" which suggested that

the country's politics would "culminate, sooner or later, in multiple political parties, competitive elections, and respect for human rights."¹⁷⁴

Such cultural interpretations of Tunisian history are problematic. Most broadly, these arguments extract essentialist notions arbitrarily from what, empirically, are long interlinked arcs of historical and social development that exhibit extraordinary nuance. It is difficult to link this ethereal backdrop of pluralism or toleration, supposedly expressed in the universal actions of Tunisians, to specific political choices or democratic preferences of elites in the post-Arab Spring period. Moreover, the cognitive ideal of a unified, monolithic Tunisian national identity and hence democratic sense of Tunisia-ness requires as much amnesia as it does remembrance. For instance, there are numerous periods of conflict and divergence that do not fit into this neat historical narrative. For instance, the 1861 Constitution was an institutional breakthrough, but it also alienated the tribal communities, rural landowners, and provincial voices; they were major social forces and often aligned against the core urban elites at whom the constitution was aimed. Moreover, the sense of Tunisian identity advanced by nationality laws in the early twentieth century was one that oriented nationhood towards being subject to Beylical authority under Muslim laws.

Furthermore, the crushing of internecine fragmentation and clashes between competing Tunisian actors frequently appears in colonial history. There were indeed centripetal forces under the French protectorate starting in 1881 that aimed towards a unitary, centralized ideal of nationhood, including the elimination of tribalism and the taming of previously restive peripheries. But the

¹⁷⁴ Christopher Alexander, "Back from the Democratic Brink: Authoritarianism and Civil Society in Tunisia," *Middle East Report* 205 (1997): 34.

mechanisms involved were the opposite of dialogue and tolerance, as in repeated interventions into Al-Zaytuna, the leading educational institution of Islamic theology; the crushing of tribal revolts and elimination of independent religious authorities; and the muting of the regional divide between the urban elites of the coast (*Sahel*) and the poorer, rural interior (*Dakhl*), in favor of the former – always the primary constituency of Tunisian governance, from the Ottoman and French to the post-colonial period.

Likewise, the rise of the Neo-Destour group under Habib Bourguiba in the 1930s required the suppression of the first Destour movement that formed a decade earlier, even as Bourguiba and other Neo-Destour activists were similarly targeted by French repression in the next two decades. The assassination of the UGTT's founder, Farhat Hached, in 1952 both signified the visibility of the labor movement as a power broker but also coincidentally removed a potential rival from Bourguiba's ascent. However, the true consolidation of Bourguiba's political power following Tunisia's independence in 1956 required overcoming tenacious opposition from Salah Ben Youssef, another leading Neo-Destour activist; the clash between the two forces nearly resulted in a civil war that was settled only with the brutal suppression of the latter. As all these examples show, the ideal of Tunisian toleration and moderation is built upon not the complexities of past struggles but the strategic forgetting of past conflicts in favor of a particular interpretation of culture that fits modern circumstances.

The final pillar of the Tunisian exceptionalist thesis emphasizes the post-colonial period of Tunisian history, and emphasizes the "enlightened" mentality of Tunisian political forces under the aegis of the Tunisian state, whose

authoritarian leadership was controlled by just two presidents between independence and the Arab Spring – Bourguiba and Zine ‘Abidine Ben ‘Ali. From the 1960s onwards, and especially under Bourguiba’s state-building and political consolidation strategies, Tunisia experienced several notable social policies, something consonant with the relentless expansion of the Neo-Destour Party’s power and its incorporation of different political groups and societal sectors under its corporatist structure. One policy was the massive expansion of education, particularly in rural and interior areas. No longer the province of urban commercial elites and the political vanguard of the Neo-Destour and intellectual movements, literacy enabled the post-colonial state to expand its reach into society.

The second was the secularizing thrust of the Tunisian state. Often (and mistakenly) compared to the French model of *laïcité*, post-colonial regimes under Bourguiba and Ben Ali commanded almost complete control over the religious sphere, from changing theological curricula to the elimination of all independent Islamic networks and groups. The third was the empowerment of women and reduction of gender inequality through the Personal Status Code. After 1956, the code was branded as one of the most progressive gender-related legislations in the Islamic world as it abolished polygamy and aligned family law closer to Western standards, among other changes. All of these social projects reflected not just the regnant belief that Tunisians should prize coexistence and equality, but also the wider imperative of enshrining Tunisian identity under its orientation towards modernism.

The problem with this argument about post-colonial enlightenment and Tunisian social policy is that it is not new, and has been linked to the stability of

Tunisian authoritarianism in the past. Indeed, prevailing explanations for the durability of the Bourguibist party-state or Ben Ali's over two decades of rule invoked the same factors, alongside frequent exhortations of "heroic" leadership or "successful" modernization.¹⁷⁵ As one Western testimonial exhorted years before the Arab Spring, Tunisia was a country "that works" given how quiet, calm, and moderate its society and development appeared when compared to other Arab countries.¹⁷⁶ For example, social policy was framed as a reason and justification for autocratic repression: it was precisely because Tunisians benefited in terms of universal access to education, the marginalization of public Islam, and reduction of gender inequality that Bourguiba and Ben Ali were so popular and democratic opposition so scarce.¹⁷⁷ Indeed, the French government under Chirac in the 1990s lauded the social and economic gains of Tunisia as a model for the Arab whole, while during the Jasmine Revolution, French Defense Minister Michèle Alliot-Marie contended the popular uprising was merely an internal security matter given the confidence that France placed in the Tunisian "model."¹⁷⁸

Thus Tunisian exceptionalism can explain, in one period, why Tunisians appeared "satisfied" or "loyal" – and just years later, why they acted as the Arab world's revolutionary vanguard and democratic leaders. This highlights the more difficult task of drawing a causal line between post-colonial social policy and post-revolutionary political interests. The argument neither accounts for why popular revolution and pro-democratic preferences took so long to manifest, nor

¹⁷⁵ Michel Camau, *L'exception tunisienne: variations sur un mythe* (Tunis: IRMC, 2018), 40-42.

¹⁷⁶ Georgie Ann Geyer, *Tunisia: A Journey Through a Country That Works* (Northampton, MA: Stacey International, 2004).

¹⁷⁷ Jocelyn Dakhli, *Tunisie: Le pays sans bruit* (Paris: Actes Sud, 2011), 85-103.

¹⁷⁸ "Tunisie: les propos 'effrayants' d'Alliot-Marie suscitent la polémique," *Le Monde*, 13 January 2011.

explains why in theoretical terms welfarist expansions or gender equality should make political actors, including Islamist ones, more likely to compromise on major political disputes.

Moreover, the argument also requires forgetting critical periods of authoritarian rule under the post-colonial state that embodied intolerance and violence rather than the enlightened moderation model suggested by the exceptionalist thesis. While it is true, for instance, that the UGTT and other major sectoral associations, civic groups, and political actors were partly absorbed into the Neo-Destour party starting in the 1960s as part of Bourguiba's construction of a unitary state, cracks began appearing in the late 1970s. After several years of growing wildcat strikes, the UGTT supported a general strike in January 1978 – a rupture that elicited a violent crackdown, mass arrests of over 1600, and the deaths of dozens during the rioting.¹⁷⁹ Likewise, the rise of Islamism in the 1980s triggered cycles of repression and abeyance by the Tunisian regime, and after a brief respite Islamists under Ennahda suffered a brutal campaign of liquidation and prohibition under Ben Ali starting in 1991. Indeed, the suppression of Islamism in the 1990s elicited little discomfit by other Tunisians, most of whom, as products of a tolerant cultural heritage, neither resisted nor criticized the anti-Islamist clampdown despite its obvious contradiction to political pluralism.

Beyond Exceptionalism

Rather than reproducing these tropes of Tunisian exceptionalism, the proposition favored here emphasizes the singularity of Tunisia's historical

¹⁷⁹ Nigel Disney, "The Working Class Revolt in Tunisia," *MERIP Reports* 67 (1978): 12-13.

developments in generating conditions that allowed for pacting to take place – but without predetermining any outcome. The exceptionalist logic leaves little room for human agency, while also essentializing culture and identity. The adroit response is not favoring agency at the expense of structure, as this would replicate the tenets of rational choice theory and its assumption that context does not matter so long as political actors can express preferences and make choices. Rather, it is that context *does* matter in shaping the circumstances under which political actors can *potentially* bargain during periods of uncertainty and transition.

The language favored here is not one of innate uniqueness, but rather “advantages,” meaning Tunisia did possess certain advantages related to its specificity after the Arab Spring. Those advantages relate to democratization by helping lay down the broad conditions conducive to pacting, namely a parity of power between competing forces, an extreme degree of polarization between Islamists and secularists, and the normative diversity inherent in the landscape of different but not inherently pro-democratic actors. As the next sections show, these advantages are not exogenous and random gifts of history, but rather specific confluences of institutional and political vectors that must be understood in close context. Those are the shared repertoire of Tunisian memory, the strength of civil society, the weakness of the military, the experience of religion and Islamism in Tunisian politics, and finally the political capacity of the centralizing “Jacobin” state. In different combinations and at different times, these factors will be demonstrated as positive forces that made possible – but, of course, did not preordain – the parity, polarization, and diversity upon which Tunisian elites pacted democracy.

Determinants of Parity: National Narratives, Civil Society, and Weak

Military

First, several Tunisian advantages helped forge circumstances of *parity* that, during the Arab Spring, put competing Islamist and secularist forces on relatively equal footing. These were the presence of a coherent Tunisian national narrative, a mobilized civil society, and weak military institutions that could not serve as veto players in state decisions. These factors helped create what could be stylistically called a relatively “level playing field” in distinctive, overlapping ways. The coherence of the Tunisian national narrative meant that during the democratic transition, there was a significant degree of mutual agreement regarding the boundaries of the Tunisian nation-state. The robust civil society created a repertoire of collective mobilization that allowed both Islamists and its secularist counterparts to rally an active base: simply put, the large-scale formation of well-disciplined cadres and supporters that stood behind a particular cause was not alien to the civic experience of Tunisian society. Finally, the absence of a hulking military favored future parity. Unlike Egypt, there was no brooding army council or coercive institution interwoven into the economic and cultural backbone of the state that could impose its will, tilt the scales of struggle, and otherwise unilaterally transform the rhythms of political competition. As a result, when Islamists and secularists squared off after the revolution, they did not face an endemic threat of military intervention that could distort the political game.

Coherent National Narrative

The role played by a Tunisian national narrative should be qualified. While the thesis for Tunisian exceptionalism is predicated upon cultural essentialism which can be analytically discarded, it would be fallacious as well to completely ignore the historical context. One should not toss out the baby with the bathwater. While no distinctive sequence, event, or agent of the Tunisian past preordained pacted democracy during 2011-12, there was nonetheless a coherent national narrative which conveyed a shared sense of belonging within a common Tunisian experience. This is not the same as suggesting a monolithic Tunisian identity that instantly crystallizes, once invoked, in the minds of social and political forces. Rather, it is that mutually reinforcing public discourses, which convey collective memories from the Tunisian past, create common *historical reference points* that in the past generated enduring national myths and today provide a shared framework for political engagement.

This carries importance in several ways. Most obviously, it fulfills the foundational – and indeed, nonnegotiable – precondition of building any new stable political order, democratic or otherwise: a coherent national character, defined not by absolute agreement about its content and aspirations, but rather general understanding about who belongs to the national community and who does not by virtue of long-term processes of state formation and societal developments. As Mohamed Kerrou argues, a legible Tunisian national body approximating an “imagined community” did coalesce by the late nineteenth century, one that identified a Tunisian state as its institutional cradle and a set of social and religious norms for Tunisian society.¹⁸⁰

¹⁸⁰ Personal interview by author with Mohamed Kerrou, Professor of Political Science at the University of Tunis-El Manar, Florence, Italy, 6 December 2018. See also Mohamed Kerrou, “La fondation du nouvel état en Tunisie [The New State Foundation in Tunisia],” (PhD diss., University of Lille, 1988).

Second, these “myths” from Tunisian history are indeed socially constructed, insofar that they require as much forgetting as remembering, and often must fashion certain events to create an idealized image. There is no singular definition of Tunisian authenticity, one that categorically prefers democratic compromise over authoritarian suppression. However, it is also true that myths are performative: when instrumentally deployed, they nonetheless generate a social reality of their own that exerts meaningful influence upon the choices of actors in distinctive moments. In that sense, the punctuating historical events mentioned by exceptionalism must be weighed not as democratic attainments in themselves, but rather as a flexible repertoire of memory and knowledge that could be later mobilized by political actors.

For instance, political breakthroughs in the latter half of the nineteenth century were certainly formative in the development of the modern Tunisian state. However, the 1861 Constitution was significant not because it became the precondition to future democracy, as if it were an Arab Magna Carta. Rather, it shaped subsequent generations of Tunisian nationalists as an enduring icon of political achievement, and thus served as a malleable, self-reproducing cultural marker around which discourse could be mobilized, shaped, and manipulated.¹⁸¹ Whereas the exceptionalist argument claims that the Constitution was the embryo of democratic practice, in historical fact its relatively modest gains were suspended in 1864 by the Hussaynid Bey under French pressure due to fears of social unrest. The indigenous Tunisian nationalist movement that emerged decades later appropriated this moment of constitutional insurrection, and thus

¹⁸¹ Indeed, Tunisian political actors today, including Ennahda and non-Islamist actors, refer to this constitution as a common historical reference point.

adopted the moniker of the *Destour* (constitution) movement. That type of constitutional discourse was a unique one, for it held that wide sectors of society could link the crafting of new legal rules with demands for political sovereignty from a global empire. The same sense of historical advances serving as cultural markers for future mobilization could be said for the 1846 abolition of slavery.

Well-Mobilized Civil Society

The second Tunisian historical antecedent that favors the parity of power and resources seen between political actors after the Arab Spring is a *well-mobilized civil society*. Habituated routines of activism and mobilization have deep social roots in Tunisia, playing a role in its nationalist struggles against the French and helping to translate popular interests into direct public expression and action. Political actors with competing claims to power therefore could be said to understand and appreciate that within Tunisian politics, popular mobilization is familiar mode of engagement: competing elites can bring to bear supportive citizens who can fill streets and occupy public spaces, equalizing the playing field. Moreover, an active civil society with the credible potential to exert pressure upon politics forces all actors to remain forthcoming and stay engaged in the process of bargaining. It is the social backdrop against which politics, as a public vocation, takes place: the most mobilized a civil society, the more that the choices of political elites have public ramifications.

The most prominent example is the *Union Générale Tunisienne du Travail* (UGTT), the national labor confederation founded in 1946 by Farhat Hached and other organizers after previous decades of worker suppression by French authorities. The UGTT was not the only syndicate in French Tunisia that chafed

against colonial authorities, but it was the largest and most powerful by virtue of its national base that touched wage-earners across a variety of sectors. As a labor movement, the UGTT worked with the Neo-Destour through the early 1950s to coordinate mass campaigns, including strikes and demonstrations, against the French protectorate. The UGTT's grassroots networks ran deeply throughout the country, enabling its leaders to draw upon an enormous reservoir of activists and supporters. While many post-colonial countries experienced patterns of nationalist protest and independence struggles, Tunisia was unique in that much of its mobilized efforts occurred under the aegis of the UGTT and Neo-Destour – two corporate organizations rooted in the first awakenings of nationalist sentiment, and which continued to exist long after independence.

Thus, upon Tunisia's independence in March 1956, observers noted that it was not anti-colonial politicians alone that had achieved Tunisian sovereignty but also the UGTT: "as a party of national unity in a one-party system, the Neo-Destour Party had two wings: a trade union wing embodied in the UGTT and a middle class wing."¹⁸² To be sure, during the transition to independence, the UGTT was not a neutral party in regards to the political conflict within the Neo-Destour. Bourguiba and Ben Youssef offered competing visions for the country, and it was the UGTT's support of Bourguiba at the November 1955 Sfax conference that Bourguiba's faction could expel Ben Youssef's faction and its pan-Arab platform from the party and its domestic progressive agenda. In doing so, the UGTT became incorporated into the party-state that embodied the post-colonial political order of the 1960s. However, the overall point is that the UGTT,

¹⁸² Bassam Tibi, "Trade Unions as an Organizational Form of Political Opposition in Afro-Arab States: The Case of Tunisia," *Orient* 24: 4 (1979): 84.

alongside the Neo-Destour, represented a major focal point of public activism for many Tunisian workers and wage-earners, introducing them to politics and habituating a sense of activism within civic spaces.

Following independence, popular mobilization became ingrained within political discourse as a functional part of the Neo-Destourian party-state and its corporatist ideals. The government established or subsumed many associations designed to both represent and channel the interests of key forces – in particular, workers, business, students, women, and farmers – into a corporatist umbrella that flowed into the ruling party.¹⁸³ The purpose of such peak associations was not only to squeeze out autonomous movements, but also to repeatedly “activate” members through meetings, rallies, and exercises to absorb their concerns and articulate their support for Bourguiba and the party-state.¹⁸⁴ Among those syndicates was the *Union tunisienne de l'industrie, du commerce et de l'artisanat* (UTICA), the largest private-sector business entity – and one anointed by the state as the most representative voice for the urban professional and industrial community.¹⁸⁵ These entities became the closest thing that many Tunisians encountered as venues of political participation.

After the 1960s, these associational nodes became the wellspring of new vectors of opposition. For example, the national student union, *l'Union générale des étudiants tunisiens*, became a powerful center for radical leftist opposition, as its members became disaffected from the regime. The UGTT's divorce from the ruling party would come in the late 1970s. UGTT activists and leaders, some

¹⁸³ Mounir Charfi, *Les Ministres de Bourguiba: 1956-1987* (Paris: L'Harmattan, 1989), 54-59.

¹⁸⁴ Lars Rudebeck, *Party and People: A Study of Political Change in Tunisia* (Uppsala: Almqvist and Wiksells, 1967), 35-42.

¹⁸⁵ For more on the origins of UTICA and industrial capital as a political force, see Eva Bellin, “Tunisian Industrialists and the State,” *World Development* 22, 8 (1994): 1211-21.

of whom had never truly accepted their federation's absorption into the Neo-Destourian system, became similarly disillusioned amidst economic slowdown, in which the regime grew more reliant upon the political support of business and industry.¹⁸⁶ The January 1978 general strike undertaken by the UGTT ended with the bloody takeover of the federation's headquarters, and the arrest of most of its executive council; repeated labor unrest were similarly crushed in the following years.¹⁸⁷ Though Bourguiba and later Ben Ali attempted to reach out to the UGTT and rehabilitate its presence within the political arena, the labor federation would never be fully integrated into the regime's ruling institutions again, save for a stratum of its leadership that was co-opted.¹⁸⁸ This, in turn, split much of the UGTT rank-and-file from its organizational elites, who were increasingly seen as clients of the state rather than authentic representatives of the labor sector.

At the same time, new civil society organizations coalesced, and became vehicles of grassroots mobilization. One notable example was the *Ligue tunisienne des droits de l'homme* (LTDH) in 1976, the first such independent human rights organization in the Arab world. The LTDH quickly drew thousands of activists, ranging from disaffected bureaucrats defecting from the ruling party to younger legal advocates.¹⁸⁹ That tradition of civic mobilization persisted even during the Ben Ali era, despite its associational restrictions and general repression. For instance, in 1992, the government passed a law that required organizations to admit anyone who wanted to join, a tactic that could enable its

¹⁸⁶ Eva Bellin, *Stalled Democracy: Capital, Labor, and the Paradox of State-Sponsored Development* (Ithaca, NY: Cornell University Press, 2002), 62-63.

¹⁸⁷ Disney, 14.

¹⁸⁸ Bellin, 105-108.

¹⁸⁹ Khadija Mohsen-Finan and Pierre Vermeren, *Dissidents du Maghreb: Depuis les indépendances* (Paris: Belin, 2018), 186-197.

functionaries to infiltrate these organizations. The LTDH particularly suffered under harsh constrictions, including prominent leaders who would later play a prominent role in the post-Arab Spring transition, such as Moncef Marzouki and Mustapha Ben Ja'far.

However, mobilization still existed. In October 2005, a diverse coalition of these groups, including Ennahda, the LTDH, UTICA, and the few legal opposition parties, coalesced to create a solidary forum against the authoritarian regime and in favor of democratic reform. This October collective did not achieve political change, but nonetheless expressed the proclivities of the Tunisian public in understanding activism in the public sphere as an avenue for change. Likewise, the UGTT continued to activate in its split with the regime, while wildcat strikes erupted in the Gafsa rural mining area in 2008.

Weak Military

If a coherent national narrative imbues a common vocabulary through which Tunisian actors could engage one another, and a well-mobilized civil society provides all competing elites with access to popular forces that can shape politics, then the final factor creating the favorable condition of parity is a weak military. Unlike many cases of abortive democratization, the Tunisian case featured an armed forces that was largely sidelined from political disputes and therefore could not bring to bear its coercive monopoly to dictate political outcomes. This is a major determinant of parity, for unlike the Egyptian case where the army served as a wildcard that could tilt the balance of power in any direction, within Tunisia the military was not even an effective player in the

transitional game. This was a legacy of its historical development as an auxiliary organ of the Tunisian state, not a central guardian of its ideological vision.

Unlike many other Arab countries, including the Maghrebi countries, the Tunisian armed forces were never implicated in either the origin or development of the post-colonial state. Unlike Algeria, the Tunisian military did not lead any nationalist struggle, for instance. Instead, the armed forces created by Tunisian independence in 1956 presented three unique institutional qualities. First, it was thoroughly subordinate to the civilian powers of Bourguiba and the party-state. Its mission was primary “defensive,” and had no “role in the decision-making process as a political elite” as embodied by the inability of either enlisted personnel or officers to join the ruling party.¹⁹⁰

While this mistrust allowed the military to institute a strict institutional norm of civilian control, and a professionalized culture of military attitudes that permeated the officer corps, it also meant that the armed forces generally was disconnected from the elite conflicts and political hierarchy that placed party over all else. Its lack of heavy weaponry and small size meant that the military was constructed simply to be “adequate for domestic needs” alone, attuned carefully to never “challenge the supremacy of the party.”¹⁹¹ This was not lost on Tunisian military officers, who by the 1980s believed their institution did “not believe it [was] receiving benefits commensurate with the burden the government [was] asking it to shoulder” in terms of even basic border security duties regarding Libya.¹⁹²

¹⁹⁰ Lewis Ware, *Tunisia in the Post-Bourguiba Era: The Role of the Military in a Civil Arab Republic* (Maxwell, AL: Air University Press, 1986), 48.

¹⁹¹ J.C. Hurewitz, *Middle East Politics: The Military Dimension* (Boulder, CO: Westview Press, 1980), 416.

¹⁹² Ware, *Tunisia in the Post-Bourguiba Era*, 53.

Second, particularly during the Ben Ali period, the Tunisian military became marginalized in terms of its funding and resource allocation. Internal security forces, represented by the civil and specialized police, gendarmerie, and intelligence directorate, consumed the lion's share of annual security and defense spending. From 1988 to 2011, for instance, the Ministry of Interior's budget exceeded that of the Ministry of Defense by an average margin of more than 50 percent.¹⁹³ By the time Ben Ali mounted his palace coup in 1987, the armed forces were perceived as a "bureaucratized garrison force that suffered from the perennial constraints of reduced budgets exacerbated over the years by mounting national insolvency" – marginalization that not even the occasional need for military muscle, from the 1978 labor unrest to a 1980 commando attack in the southern town of Gafsa, could reverse.¹⁹⁴ The Ben Ali period therefore accelerated and amplified the detachment of the armed forces from the political imperatives of authoritarianism. Indeed, budgetary cutbacks further made the military an afterthought in the institutional infrastructure of Tunisian autocracy, which relied heavily instead upon a complex infrastructure of civil police, domestic intelligence, and emotive fear to keep order.¹⁹⁵ A major purge in 1991, which removed nearly 250 military personnel thought to have suspect loyalties, followed by constant strategic rotations of units, further weakened the coherence of the armed forces.¹⁹⁶

In this way, the Tunisian military – constrained by its historical position as a relatively small, depoliticized entity – could play no role in shaping the parity of

¹⁹³ Hicham Bou Nassif, "A Military Besieged: The Armed Forces, the Police, and the Party in Bin 'Ali's Tunisia, 1987-2011," *International Journal of Middle East Studies* 47 (2015): 75.

¹⁹⁴ Lewis Ware, "Ben Ali's Constitutional Coup in Tunisia," *Middle East Journal* 42, 4 (1988): 594.

¹⁹⁵ Bou Nassif, 73-76.

¹⁹⁶ Nouredine Jebnoun, "In the Shadow of Power: Civil-Military Relations and the Tunisian Popular Uprising," *Journal of North African Studies* 19, 3 (2014): 299-303.

political forces during transition moments. This conclusion should stand regardless of the ongoing debate regarding why the military acted to support the Jasmine Revolution in *not* carrying out the regime's alleged orders to unleash fire upon protesters, and to "defect" from the dictatorship. Early pronouncements of the army's defection suggested that its choice was motivated by the fact that as an enervated, exhausted entity, it stood in solidarity with the revolutionary masses and against Ben Ali.¹⁹⁷ More recent research into the Tunisian officer corps illustrates a more basic calculus: the Tunisian army did not so much take decisive action in solidarity with society as remain protective of its narrow interests, in explicit hope that any political change resulting in a new regime would actually improve its institutional prestige and power.¹⁹⁸ Regardless of the correct perspective, these actions show that the Tunisian armed forces had stood far outside not just the realm of politics but the institutions of state power for decades. For that reason, it could not affect the relative equality of competing political actors in future junctures.

Determinants of Polarization: Religion and State

The previous section discussed how certain historical advantages characterizing the Tunisian experience of state formation, namely a coherent national narrative, a mobilized civil society, and a weak military sector, generated a structural context favoring parity between competing political forces after the rupture consuming the Ben Ali regime. As the second favorable condition to pacting, *polarization* refers to the ideational distance between the modal

¹⁹⁷ Risa Brooks, "Abandoned at the Palace: Why the Tunisian Military Defected from the Ben Ali Regime in January 2011," *Journal of Strategic Studies* 36, 2 (2011): 205-220

¹⁹⁸ See, for instance, Sharan Grewal, "A Quiet Revolution: The Tunisian Military After Ben Ali," Regional Insight of Carnegie Endowment for International Peace, 24 February 2016.

preferences of competing sides. In plain terms, this means competing elites hold political values and social beliefs that seem mutually exclusive to one another, and so dramatically divergent that cooperation seems impossible. In Tunisia, two interlocking dimensions of prior development shaped the Islamist-secularist divide that characterized the transitional period, namely the rapid and recent rise of Ennahda in the late twentieth century, and its subsequent assault by the Ben Ali regime; and the Jacobin nature of the post-colonial Tunisian party-state developed by Bourguiba and inherited by Ben Ali, which sought largely to control and deploy religion for instrumental ends.

By the former, I do not mean – as Tunisian exceptionalism often argues – that Islam under Tunisia is so qualitatively different from the expression of Islamic identity elsewhere that Muslims within are all but preordained to seek democracies. Rather, I mean that Islamism was not a well-integrated component of the post-colonial Tunisian state, meaning that on the eve of the revolution, political actors simply had little *exposure* to Islamism under the banner of Ennahda, which contributed to mistrust. Inversely, the existence of the Tunisian republican tradition gave its opponents a conceptual anchor: Islamists needed to be defeated in order to defend the secular, centralized political order that had become synonymous with Tunisian statehood for more than a half-century.

Islamism

In Tunisia's post-colonial experience, Islamism was the only other political ideology to exist outside the institutional monopoly of the Neo-Destour Party (and its heirs). Yet it was never predicated upon a well-mobilized mass

movement tolerated within the framework of party-based autocracy, unlike the UGTT and professional associations. The specificity of the Tunisian Islamist experience reflects the unique trajectory of religion. Generally, the post-colonial authoritarianism of Bourguiba and Ben Ali sought to control the interpretation of Islam both to reduce the potentiality of religious resistance as well as to legitimate their power as the supreme political authority. Such exclusionary strategies would breed an Islamist trend by the 1980s which would only briefly activate before its expulsion. As a result, on the eve of the Arab Spring, most Tunisian political actors had little experience in dealing with the Islamist movement – particularly during the Ben Ali era, when Ennahda experienced stern repression designed to banish it from Tunisian society. Thus, Islamism was never truly incorporated into the political system, unlike Egypt. That lack of experience, interaction, and trust between political actors across the religious cleavage contributed to extreme polarization: it is easy, I argue, to demonize a foe of whom there is little knowledge.

During the Ottoman period and later French occupation, Islam was not remarkably less important to political activism and social life than in other areas of the Middle East. There was a diverse class of ‘ulama often consulted in major legislative discussions, and which retained a considerable base of followers and supporters who were in constant interaction with local schools, the Beylical monarchy, and later French authorities.¹⁹⁹ Their social authority gradually declined through the early twentieth century due to a confluence of factors, such as educational changes, co-optation into administrative reforms, and periodic

¹⁹⁹ Arnold Green, "Political Attitudes and Activities of the Ulama in the Liberal Age: Tunisia as an Exceptional Case," *International Journal of Middle East Studies* 7, 2 (1976): 209-241.

anti-colonial uprisings, such as the 1911 Jellaz Cemetery riots. Partly because of French interventionism into private and public spaces of indigenous religiosity, many expressions of Tunisian nationalism, such as the Young Tunisians movement, held Islam as a central and proud element of political activism.²⁰⁰ Indeed, the French law of 1933, whose offer of French citizenship to qualified and mostly elite Tunisians was seen as affronting the basis of local Islamic laws, courts, and traditions in favor of French civil laws and authority.²⁰¹

The Neo-Destour nationalist movement that mobilized in the 1930s was not explicitly anti-religious, and recognized Islamic activists as part of the wider social and political landscape of occupied Tunisia.²⁰² Bourguiba himself, whether instrumentally or intently, trafficked heavily in Islamic symbolism through Arabic discourse during the 1930s through 1950s during the anti-colonial campaign. He grounded opposition to the French naturalization laws on religious principles, for instance, while ultimately framing himself as *al-mujahid al-akbar* (the greatest fighter) leading a grand *jihad* against imperial domination.²⁰³ The break from the past would occur with the first initiatives of the Bourguibist regime after 1956, when it became clear that “public” Islam – that is, the potentiality of religious voices explicitly resisting the new state – needed to be disciplined and instrumentalized to support the authoritarian center.

²⁰⁰ Kenneth Perkins, “‘The Masses Look Ardentlly to Istanbul’: Tunisia, Islam, and the Ottoman Empire, 1837-1931,” in John Ruedy, ed., *Islam and Secularism in North Africa* (London: Palgrave Macmillan, 1996), 23-36.

²⁰¹ These and other naturalization crises often triggered contestation over the role of religion and Islam. See, for instance, Richard Jones, “The Naturalization Crisis of 1933: French Analysis and Tunisian Response,” *Revue D’Histoire Maghrébine* 7/8 (1977): 165-178.

²⁰² Benjamin Rivlin, “The Tunisian Nationalist Movement: Four Decades of Evolution,” *Middle East Journal* 6, 2 (1952): 167-193.

²⁰³ Norma Salem, *Habib Bourguiba, Islam, and the Creation of Tunisia* (London: Croom Helm, 1984), 103.

Among other moves later described as “anti-religious,” President Bourguiba dismantled Al-Zaytouna, absorbing its religious function into the newly opened Faculty of Sharī‘a and Theology in Tunis University in 1960.²⁰⁴ The intervention was especially shocking given the support given to the Neo-Destour by Al-Zaytouna and other religiously pious forces in late-colonial Tunisia. During World War Two, for instance, tens of thousands of students, teachers, and activists affiliated with Al-Zaytouna had forged a grand alliance with the Neo-Destour, pledging to deploy their resources (including their well-read newspaper) in support of Bourguiba’s leadership.²⁰⁵ The new regime also dissolved sharī‘a courts, confiscated *habous* lands from religious authorities (which previously had financed mosques and other religious activities), dismissed or reassigned imam that criticized the Neo-Destour, and co-opted more passive ‘ulama who could certify that all such reforms were authentic expressions of Islamic *ijtihad*.²⁰⁶ The educational system was expanded and transformed, with religious content streamlined and eviscerated in order to adapt Islamic elements, such as Qur’anic scripture, as part of the broader pedagogy of teaching republican civicism under the authoritarian state.²⁰⁷ More publicly, symbolic gestures, such as Bourguiba’s personal reticence to heed Ramadan and encouraging businesses to remain open during the holy month, spoke to this trend. Those ‘ulama who resisted over

²⁰⁴ Malika Zeghal, “Public Institutions of Religious Education in Egypt and Tunisia: Contrasting the Post-Colonial Reforms of the Al-Azhar and the Zaytuna,” in *Trajectories of Education in the Arab World Legacies and Challenges*, ed. Osama Abi-Mershed (London: Routledge, 2009), 111-124.

²⁰⁵ Salem, 116.

²⁰⁶ Budi Juliandi, “Wakaf dan politik di Tunisia,” *Ahkam* 15, 2 (2015): 137-144.

²⁰⁷ Edward Webb, “The ‘Church’ of Bourguiba: Nationalizing Islam in Tunisia,” *Sociology of Islam* 1 (2013): 27-34.

this trend, such as by demanding the state more stringently enforce Ramadan, were pressured or imprisoned into silence.²⁰⁸

This distancing of religion from the state is often considered a Tunisian expression of French *laïcité*, and Bourguiba analogized as a Tunisian version of Atatürk. Perkins describes his actions as nearly a “social revolution,” given how divergent the pursuit of mass education, secularizing discourse, and women’s autonomy appeared to conservative Muslims.²⁰⁹ Yet this autocratic impulse was not to eliminate religion. Rather, it was to control the interpretation of Islam during a period of consolidation, enshrining its presence as part of Tunisian identity but constantly reshaping its expression in order to preclude political and social challenges against Bourguiba.²¹⁰ In doing so, the Tunisian state monopolizes religious vocabulary and symbolism, using Islam as a tool of authoritarian regulation. The goal was to integrate religion “into the project of modernity itself,” depriving society of any religious spaces within the public sphere that could possibly be used to question the logic of the Bourguibist party-state.²¹¹

Keeping this basic asymmetry of religion-state relations, Ben Ali’s regime worked to further retool the state-controlled religious realm to bolster his legitimation. The difference from Bourguiba’s strategy lay in the frequent emphasis upon Islam as an historic source of Tunisia’s national identity, and thus one that must be respected – so long as the regime’s interpretation was

²⁰⁸ Marion Boulby, “The Islamic Challenge: Tunisia since Independence,” *Third World Quarterly* 10, 2 (1988): 592-594.

²⁰⁹ Perkins, 140.

²¹⁰ Muhammad Al-Hilah, “Bourguiba wal-islam [Bourguiba and Islam],” in *Bourguiba, Bourguibiyun Wa-binaa’ Al-Dawla Al-Wataniyya [Bourguiba, Bourguibists, and the Construction of the National State]*, ed. Abdeljelil Temimi (Tunis: Temimi Foundation, 2001), 179-184.

²¹¹ Webb, 25.

dominant, which necessarily excluded non-state religious formations such as Ennahda.²¹² For instance, his regime expanded the Higher Islamic Council and the Ministry of Religious Affairs, which assumed greater power to appoint and regulate imams. The content of prayer meetings at mosques apart from fixed times were closely monitored. Mosques remained state property. Ben Ali also discouraged overt displays of Islamic piety through dress, for instance decreeing that wearing the hijab was a sign of “extremism” and often ordering the police to indiscriminately round up men wearing long beards.²¹³

Ultimately, autonomous religious activities were heavily circumscribed except those that took place under the tutelage of the state, which made visible Islamist mobilization difficult. In some respects, however, Islamist ideas were late in arrival given ancillary factors. Consider the educational sector. The curricula were sanitized of independent religious content early on. Yet unlike many other Arab countries, Tunisia never hired teachers from Egypt to staff its schools – something that, for instance, Algeria and Saudi Arabia did.²¹⁴ This is significant, because many of those teachers were members of the Muslim Brotherhood, who were able to enter and proselytize at the grass-roots level; in Algeria, this contributed to the rise of the FIS, whereas in Saudi Arabia it fed the rise of the *Sahwa* movement.

As a result of these policies, an indigenous trend towards Islamism did not appear until the 1970s, with the formation of the Movement of Islamic Tendency

²¹² Rory McCarthy, “Re-thinking Secularism in Post-Independence Tunisia,” *Journal of North African Studies* 19, 5 (2014): 742-745.

²¹³ Simon Hawkins, “Who Wears Hijab with the President: Constructing a Modern Islam in Tunisia,” *Journal of Religion in Africa* 41, 1 (2011): 40.

²¹⁴ For more on this comparison, see Lindsay Benstead and Megan Reif, “Polarization or Pluralism? Language, Identity, and Attitudes toward American Culture among Algeria’s Youth,” *Middle East Journal of Culture and Communication* 6, 1 (2013): 75-106.

(MTI) in 1979. The MTI was the genealogical heir of the state-tolerated Organization to Safeguard the Qur'an, which was created in 1963. It coalesced after several benchmark events, among them the widespread circulation of the Islamic magazine *Al-Ma'arifal* (knowledge), as well as notable incidents of violence between religiously conservative students and leftist opponents on university campuses.²¹⁵ The 1978 labor unrest also piqued the political interest of many religious activists. Though few Islamists proposed allying with the UGTT or other leftists, that battle between workers and the state during a context of economic crisis left behind the recognition that overtly political activism, and even confrontations, would be required in the future.²¹⁶

Renamed the Ennahda in 1989, the MTI under its founder and spiritual leader, Rachid Ghannouchi, suffered long cycles of repression during the 1980s punctuated by brief periods of toleration. For instance, during 1984-86, Bourguiba freed a number of jailed activists and pledged to tolerate Islamist activities – only to be followed by more sustained assaults on Islamist preachers, educators, and students.²¹⁷ Elements of the Islamist movement also engaged in violence, with a number of notable attacks targeting government institutions. Another interregnum occurred after Ben Ali's ascent, following the 1988 National Pact and the new president's promise to allow Ennahda to participate in elections in step with a wider project of purported political liberalization. Ben Ali's regime sought to exploit the Islamist trend to deflect growing pressures from the left, manifest in the ruling party's worsening relations with the UGTT. Yet

²¹⁵ Alaya Allani, "The Islamists in Tunisia between Confrontation and Participation: 1980-2008," *Journal of North African Studies* 14, 2 (2009): 259-60.

²¹⁶ Boulby, 603.

²¹⁷ Mohamed Elhachmi Hamdi, *The Politicisation of Islam: A Case Study of Tunisia* (Boulder, CO: Westview Press, 1998), 41-58.

when Ennahda secured 17 percent of the vote in the April 1989 general elections, Ben Ali responded by denying the Islamist group's various applications for official recognition, vocally expressing his antipathy towards mixing religion and politics, and beginning to arrest numerous Ennahda activists.²¹⁸

Thus by 1990 – the time when neighboring Algeria also experienced political crisis and autocratic crackdown on Islamist mobilization – the regime confidently pursued increasingly harsh measures against Ennahda under the belief that Islamism represented too credible a popular threat to be tolerated as a social movement, much less political force. Publications were shuttered, mosques closed, and activists were jailed; many leaders, such as Ghannouchi, eventually sought exile abroad. This period of suppression was mostly uniform, despite a brief possibility of *détente* during 2003-2005 when regime officials and Ennahda engaged in secret meetings.²¹⁹ Otherwise, Ennahda operated as an exiled actor with a dedicated but besieged cohort of supporters in Tunisia; it held congresses and meetings abroad in Europe, with intermittent contacts with oppositionists working against the Ben Ali regime, including leftists and unionists. Generally, hence, Islamism during the 1990s and 2000s had little role in the official realms of political discourse, social life, and major institutions, which remained under the tight grip of the Ben Ali regime.

Much of this political history of Ennahda, and the Islamist trend more broadly in Tunisia, has been expertly laid out in dedicated volumes. This brief section is not meant to question such intricate work, nor capture the hidden details of Islamist developments that are still being studied. The purpose here is

²¹⁸ *Ibid.*, 67-71.

²¹⁹ Allani, 265-67.

to harness what is known in order to make a separate argument: that the *nature* of Islamism in Tunisia played a contributing role in underwriting a structural condition of polarization dividing the political arena around the issue of religion following the Arab Spring. Islamist-secularist polarization witnessed after the Arab Spring can be convincingly linked to past developments in several ways.

First, the absence of Islamism from Tunisian politics meant that unlike other countries, Tunisian political actors did not have close-range exposure or social contact with Islamist activists prior to Jasmine Revolution and its post-revolutionary elections. Lack of sustained interaction, it can be argued, resulted in considerable mistrust and mutual suspicion: Tunisian elites simply had little experience and memory of working with Islamists, much less competing *against* them. This was particularly true because much of Ennahda's ideological evolution occurred overseas, through Ghannouchi and other leaders who networked across Europe. Amplifying this climate of mistrust was the relentless demonization of political Islam, and thus also Ennahda, starting in the 1990s by the Ben Ali regime. However, this should not construe that no organizational linkages existed between Ennahda and other opposition forces; for instance, Ennahda was one of the signatories to the October 2005 coalition. Yet while the Islamist movement's rank-and-file remained suffocated at home, the operation of its leadership abroad occurred beyond the sight and knowledge of many democratic activists.

Second, Tunisian Islamism emerged relatively late in Tunisia, partly due to its late colonial heritage, religious encroachment by post-colonial authoritarianism, and the extant strength and presence of other civil society entities, such as the UGTT, to shape popular mobilization. The "lateness" by

which Islamism became a noticeable social current meant that even by the late 1980s, at the civic level, most Tunisians' knowledge of Ennahda was drawn from either public portrayals by the state media or else descriptions given by non-Islamist civil society actors, like the UGTT.²²⁰ Ennahda was openly active for only a decade prior to its repression. The decade that followed, the 1990s, was typified in the Maghrib region by renewed fears and uncertainty against Islamism due to Algeria's civil war. Thus, much as elites had relatively little experience in generating sustained coalitions and agreements with the Islamist leadership, at the grassroots level so too did many Tunisians not have the benefit of accumulating collective experience in working with Islamist activists. For instance, prior to the Arab Spring, many Tunisians studying and working in France – and so who enjoyed greater political and expressive freedoms – openly debated who constituted the real “enemy” to democracy in their homeland – Ben Ali or Ennahda.²²¹

Finally, during Ennahda's brutal containment and attempted elimination during the 1990s, virtually no elements of Tunisian society defended the group. Apart from the LTDH, which criticized the arrest and torture of Islamists, neither the UGTT nor professional syndicates defended the place of Islamism within Tunisian politics. When Ennahda returned after the Jasmine Revolution and quickly mobilized and expanded its social base, its activists could argue that they

²²⁰ Abd al-Hakim Abu al-Lawz, “Alaqa al-harikat al-islamiyyah ma' al-anzhimah al-siyasiyyah: al-hala al-tunisiyyah, 1981-1991 [The Relationship between Islamist Movements and Political Regimes: The Tunisian Case, 1981-1991],” *Al-Majalla al-arabiyyah lil-'ulum al-siyasiyyah [Arab Journal of Political Science]*, No. 22 (2009): 147-151.

²²¹ Margot Dazey and Mathilde Zederman, “Oppositions islamistes à distance: Mobilisations tunisiennes et égyptiennes en France (1990-2016),” *Revue française de science politique* 67, 5 (2017): 837-855.

– not their secularist opponents – had been the true victims of the Ben Ali period of authoritarianism.

Jacobin State

Both Bourguiba and Ben Ali espoused an image of Tunisian stability built upon a united, loyal citizenry – the notion of *le tunisianité*. Though not identical, both visions of Tunisian authoritarianism required the domination of the religious sphere by a powerful, unitary, and centralized republican regime, a process begun by Bourguiba in a way that hampered Islamist mobilization and distorted its relationship with Tunisian politics. That political order entailed a hegemonic state apparatus dominated by the Neo-Destour party – a party which, in turn, was the nucleus of a corporatist system that allowed the UGTT, UTICA, and other economic and societal forces to voice their interests.²²² The subordination of religious spaces, sectoral actors, and political institutions into this party-state model can be conceived as a “Jacobin” model of *etatist* politics, one where an iron fist of repressive force stood behind a centripetal tendency towards national unity.²²³

This evolved greatly over time, of course. The corporatist promise dissipated in the late 1970s, as economic crisis upended the labor-party alliance and turned many unionists into dissenters. Under Ben Ali, further, the party-state model evolved into a more elite-oriented, neopatrimonial autocracy increasingly divorced from its popular basis. What survived the downfall of

²²² Emma Murphy, *Economic and Political Change in Tunisia: From Bourguiba to Ben Ali* (London: Palgrave Macmillan, 1999), 42-79.

²²³ The use of the term “Jacobin” to describe Tunisian state formation was used earlier in Webb, “The ‘Church’ of Bourguiba.” I expand its usage here to describe the vast transformative scope of political order envisioned under the republican banner in post-colonial Tunisia.

Jacobin order, however, was the image of a well-staffed and institutionalized republican state – one that secular advocates saw as their responsibility to protect from the radical advance of Islamism.

As Anderson has argued, upon the eve of independence, Tunisia enjoyed a high degree of central administration (including basic policing and taxation), bureaucratic regulation, and commercialization reflecting the lineaments of a functional state apparatus – something that could not be said in neighboring Libya, for instance.²²⁴ Yet a functional state bureaucracy did not preordain unity or peace. The transition to independence in early 1956 was marked by intense, and increasingly violent, struggle within the Neo-Destour movement between Bourguiba and Salah Ben Youssef, whose rival base within the party drew more upon the impoverished south and ideologically aligned more closely with Arab Nationalism.²²⁵ This was, by all accounts, a struggle for the heart of a political movement that would, by default, control the Tunisian state – and hence one marked by ferocious competition between cadres.²²⁶ Among their other points of contention, the Youssefists accused the Bourguibist leadership of conceding to excessive French demands as part of the negotiations for independence, while offering a more ardent vision of Tunisian autonomy inspired by Nasser.²²⁷ Tit-for-tat violence between Bourguibists and Youssefist guerillas resulted in a near civil war, which the former won partly aided by French assistance.

²²⁴ Lisa Anderson, *The State and Social Transformation in Tunisia and Libya, 1830-1980* (Princeton: Princeton University Press, 1987), 135-178.

²²⁵ Clement Henry Moore, *Tunisia since Independence: The Dynamics of One-Party Government* (Berkeley, CA, CA: University of California Press, 1965), 61-70.

²²⁶ Indeed, it could also be argued that Ben Youssef's more deliberative mobilization of piety and Islamic symbolism in his campaign against Bourguiba motivated the latter's desire to extirpate non-state forms of religious mobilization in subsequent decades. Ben Youssef, for instance, exhorted his tens of thousands of followers to affirm Tunisia's "Arab-Islamic personnalité," and often paid special attention to Zaytouna-affiliated groups as supportive activists. See further Salem, 157-58.

²²⁷ Salem, 152-154.

Next, with the swift deposal of the Hussaynid Bey and its monarchical claims, by July 1956 the Neo-Destour could begin to restructure the political arena around its centrality. Even before independence, the movement had established chapters and subgroups across the country in a sweeping scope that exceeded even the UGTT. In 1949, for instance, it could boast at least 100,000 members within its ranks.²²⁸ By the time Bourguiba had squashed the Youssefist challenge, it was poised to become a hegemonic organization coterminous with the entire political nation. Membership within the party became required for most Tunisians to advance politically, and in many cases professionally.²²⁹ By 1957, the party counted at least 325,000 members spread across the country, peaking at nearly 400,000 in 1,020 branches in 1965.²³⁰ As common with party-based dictatorships, the Neo-Destour became a vehicle for not just political power but also the redistribution of patronage, in particular jobs in the rapidly expanding public bureaucracy, through an extended system of clientelistic dependence that cemented its authority.²³¹

This set the stage for Tunisian state-building. Bourguiba and his allies did not attempt to construct a Jacobin state purely to emulate the French model of statism. Certainly, Bourguiba inherited the legal precepts for such a political order by virtue of taking reign over nascent administrative institutions that had

²²⁸ Michele Penner Angrist, "The Expression of Political Dissent in the Middle East: Turkish Democratization and Authoritarian Continuity in Tunisia," *Comparative Studies in Society and History* 41, 4 (1999): 749.

²²⁹ Perkins, 133-35.

²³⁰ Rudebeck, 141.

²³¹ Hafiz 'Abdelrahim, "Al-istilzam wal-ta'zib aliyah li-tahlil al-nasq al-siyasi al-tunisi fi-itar dawlat al-bina' al-watani min khilal al-namat al-'alaqi bayna bourguiba wa-'adhadihi [Patronage and Clientelism as a Mechanism to Analyze the Tunisian Political Structure within the Framework of the State of Nation-Building through the Relational Pattern between Bourguiba and His Followers]," in *Al-Sulta wal-aliyyat al-hukm fi 'asr bourguiba bi-tunis wal-bilad al-arabiyyah [Power and the Mechanisms of Governance in the Age of Bourguiba in Tunisia and the Arab World]*, ed. Abdeljelil Temimi (Tunis: Temimi Foundation, 2003), 103-116.

been constructed by French rule. However, that state – and the institutional growth it would experience – would be put to service for the underlying project of Tunisian modernization. The centralized, hierarchical, and autonomous state apparatus was therefore not an ideological end in itself, but rather the primary instrument to mold society into conforming with new political rules.

This style of autocracy is best described as reflecting an ideology of patriotic modernization that required “buy-in” from major social forces. There is still considerable debate amongst Tunisian analysts regarding whether the authoritarian political system endowed by Bourguiba, and thus perpetuated by Ben Ali, treated popular support from the Tunisian masses as a genuine mobilizational resource that could define and empower its institutions, or else simply as a necessary cost in the quest to construct a dictatorial Leviathan that could dispense with formal democratic exercises like elections.²³²

Regardless of intentionality, however, the fundamental reality was that the Tunisian republican party-state created after 1956 relied not only on repression, but also corporatist absorption in the service of coalition-building. Absorption referred to the early tendency of the party to integrate leaders of the largest non-party organizations in Tunisia into its structure, from the UGTT to other quasi-peak economic associations such as UTICA. During the 1960s, thus, the Tunisian state resembled a corporatist one in how the Bourguiba regime sought to control and dominate key sectors of society through a system of controlled interest representation within strictly defined limits. Well into the 1960s, party branches representing local groups and members were actively encouraged to

²³² See, for instance, Adnan al-Mansar, *Dawlat al-bourguiba: fusul fil-idiyulujjiyya wal-mumarasah, 1956-1970 [Bourguiba's State: Chapters in Ideology and Practice, 1956-1970]* (Tunis: Amal Editions, 2007), 102-111.

not only transmit information up the Neo-Destour hierarchy, but inversely the party leadership in the Political Bureau under Bourguiba actively reached out to grassroots constituencies to hold rallies, declare policies, and ensure political cohesion.²³³

Such vertically structured, mass party politics set the stage that decade for socialist economics that, while eventually leaving the country in dire financial straits, was impressive enough in its initial scope and broad backing that it garnered lavish praise from observers as a potentially new paradigm of development – “Destourianism,” as Entelis memorably suggested.²³⁴ This expressed in ideological terms the fluid mentality connoted by “*Bourguibisme*,” which some Western analysts invoked shortly after Tunisian independence to mean rapid, consensual, and secularizing modernization through a pragmatic mixture of societal mobilization and national incorporation.²³⁵ In economic terms, it means capitalizing on Tunisia’s key assets in the short-term – low-cost labor, agricultural experience, modest natural resources like phosphates, proximity to Europe, and growing urban centers – to create new state-directed industries and cooperatives that could quickly generate jobs and revenues.²³⁶

Such corporatist absorption would run into severe turbulence with the economic struggles of the 1970s, when the socialist policies of the 1960s had run their course. Yet the Jacobin leviathan was built upon co-optation and manipulation, too, in dealing with such challenges. Co-optation was facilitated

²³³ Charles Micaud, *Tunisia: The Politics of Modernization* (New York: Praeger, 1964), 106-112.

²³⁴ John Entelis, “Reformist Ideology in the Arab World: The Cases of Tunisia and Lebanon,” *The Review of Politics* 37, 4 (1975): 513-546. A similarly optimistic take on the neo-socialist economic experimentation of the 1960s can be found in Ghazi Duwaji, *Economic Development in Tunisia: The Impact and Course of Government Planning* (New York: Frederick Praeger, 1967).

²³⁵ Lorna Hahn, “Tunisia Pragmatism and Progress,” *Middle East Journal* 16, 1 (1962): 25.

²³⁶ Al-Mansar, 113-120.

by the massive networks of patronage created to tie supporters to the leadership, as party cadres ascended to new positions in the burgeoning public sector and bureaucratic institutions. Sometimes, it relied upon concessions; for example, during the 1960s the UGTT supported the Neo-Destour partly because it obtained the laws and concessions from Bourguiba desired regarding wages, labor rights, and workplace regulations.

Inversely, at times Bourguiba strategically implanted fissures into the movement, such as by supporting break-away unions that undermined the established UGTT leadership, only to encourage the labor sector to reunite under leaders backed by his party.²³⁷ Similarly, UTICA and business capitalists were made dependent upon state policies designed to facilitate their operations, ranging from trade protectionism to direct creation of heavy industry. In this way, the Neo-Destour was able to lay the foundations for a cross-class coalition linking the labor movement to its more bourgeois elements, namely urban professionals, merchants, and some landowners. Though this statist configuration exhibited a bias against the rural interior, it also incorporated the interests of the most vocal segments of Tunisian society.

State feminism was another venue of co-optation. In 1956, Bourguiba decreed a new Personal Status Code which extended many new rights to women, outlawed polygamy and the male guardian system, and gave women equal right to divorce. This marked the start of a generally progressive treatment of Tunisian women, which Western observers were quick to trumpet: as one French paeon proclaimed, Tunisian women “who were formerly the ‘dead souls’ of an archaic society have now become the free citizens of a living

²³⁷ Alexander, 36.

community.”²³⁸ State feminism came in indirect forms, too. For instance, the universalization of education in terms of access also benefited women. Indeed, in the 1960s, the government decreed that schools run double shifts in order to increase the number of students attending, which rapidly increased the number of girls in classrooms.²³⁹ Yet this perceived transformation of gender norms ensconced within the religious sphere was also strategic, reflecting the need to secure support among women in an urbanizing country.²⁴⁰ For instance, the aggressive expansion of schooling by Bourguiba was politically tethered to the broader project of constructing a Jacobin authoritarian system, where common educational norms worked alongside political routines to generate a loyal citizenry. In addition, the imposition of state-supported women’s programming further sidelined religiosity and its traditional pull.

Yet well before and long after the MTI’s birth, dissent within this republican model of party-based dictatorship did exist. It came not just in the form of opposition from below but also when former supporters, such as the UGTT, defected from the ruling coalition after the mid-1970s. Then, fiscal shortfalls and economic downturn following the failed socialist experiment of the 1960s rendered the state unable to satisfy the demands of the labor movement, while also exposing many Tunisians to uncomfortable levels of material privation.²⁴¹ Unemployment climbed to stubbornly high levels from the mid-1970s onwards, as lagging industrial production, diminishing state capitalization,

²³⁸ Pierre Rossi, *Bourguiba’s Tunisia* (Tunis: Editions Kahia, 1967), 119.

²³⁹ Barbara Degorge, “The Modernization of Education: A Case Study of Tunisia and Morocco,” *The European Legacy: Towards New Paradigms* 7, 5 (2002): 587.

²⁴⁰ Mounira Charrad, *States and Women’s Rights: The Making of Postcolonial Tunisia, Algeria, and Morocco* (Berkeley, CA: University of California Press, 2001), 202-232.

²⁴¹ Susan Waltz, *Human Rights and Reform: Changing the Face of North African Politics* (Berkeley, CA, CA: University of California Press, 1995), 68-70.

poor trade performance, and population growth foreclosed job opportunities for the urbanizing populace. From 1975 to 1984, for instance, unemployment rose from 15.7 to 16.4 percent.²⁴² That period was capped by the bloody *khubz* (bread) rioting of December 1983 to January 1984, after the removal of food subsidies – austerity strongly pressured upon by the International Monetary Fund – triggered angry public reactions.

Unlike the past, however, labor-driven unrest was met harshly by the Bourguibist regime, as in the 1978 rebellion discussed earlier. Grumblings of discontent were considerable by the 1980s, as the party-state struggled to maintain its authoritarian social contract amidst the UGTT's exit from the corporatist promise and economic austerity. Ethnographic and survey projects from this period by foreign research teams highlighted a generational gap, as younger Tunisians facing job insecurity were willing to increasingly voice their political doubts about Bourguiba and the ruling party.²⁴³ During this period, the regime strategically allowed for a façade of legal opposition parties that were tightly monitored, institutionally constrained, and politically outmatched given their lack of access to the vast patronage networks of the state – but still marked a far cry from previous decades, when the notion of multi-partyism was absent.²⁴⁴ Dissenting forces among the huge wage-earning sector represented by the UGTT faced similar experiences as other opposition forces and independent parties through the 1980s.

²⁴² Samir Radwan, Vali Jamal, and Ajit Ghose, *Tunisia: Rural Labour and Structural Transformations* (London: Routledge, 1991), 12-13.

²⁴³ Mark Tessler and Mary Keppel, "Political Generations," in *Change in Tunisia*, eds. Russell Stone and John Simmons (Albany, NY: State University of New York Press, 1976), 73-106.

²⁴⁴ Anderson, 245-248.

From Bourguiba to Ben Ali: Deepening Polarization

This period of liberalization ended when the Ben Ali regime consolidated after the short-lived 1988 National Pact. In the early 1990s, it became clear what vision of Tunisian politics was fronted by the Ben Ali regime – one defined not so much by unity as *uniformity*, built to eliminate political pluralism while creating a façade of social harmony.²⁴⁵ The function of the ruling party deteriorated, as Ben Ali dropped all pretenses of any mass-mobilizing ideology. The model of autocracy endorsed by Ben Ali was not so much patriotic modernization but instead political stability centered upon his image masked by a mirage of good governance, political liberalization, and economic productivity. Unlike the Bourguibist era, the locus of power fell much more squarely upon Ben Ali, his immediate circle, and security institutions.

During these last two decades prior to the Arab Spring, ideological polarization worsened in several ways. For one, repression played a more prominent role in this regard. As scholars have charted out, the mechanics of state coercion under Ben Ali greatly expanded upon Bourguiba's strategies in several respects. Innovative forms of state repression extended across various domains, among them Ben Ali's more consistent suppression of the UGTT; pressures placed upon independent civic and social groups; creation of state-sponsored associations to monopolize civil society; the weaponization of the judiciary; and new methods of surveillance and intimidation undertaken by a vast network of informants and overlapping units.²⁴⁶ One estimate in 2000 suggested that out of a population of nine million, the Interior Ministry had 133,000

²⁴⁵ Larbi Sadiki, "The Search for Citizenship in Ben Ali's Tunisia: Democracy versus Unity," *Political Studies* 50 (2002): 497-513.

²⁴⁶ Beatrice Hibou, *Le force de l'obéissance* (Paris: Le Découverte, 2006), 219-251.

informants and agents on its payroll charged with monitoring society – a vast expansion from the previous regime.²⁴⁷

Also distinctive from the Bourguibist period was the use of economic rents, from contracts and licenses to courts and regulatory tools, against potential opposition groups, a tactic that became increasingly popular as economic reforms and market-based openings in the 2000s created more rent-seeking opportunities.²⁴⁸ At the same time, the Ben Ali regime sought to portray an image of “good governance” to France and the international financial community with enlarged technocratic bureaucracies, which cooperated with World Bank and International Monetary Fund programming in order to secure foreign aid and capital.²⁴⁹

Another notable cleavage concerned the spatial geography of economic development. The Ben Ali period perpetuated a major division of privilege that long typified Tunisian social life but which was especially institutionalized during the Bourguiba period. Political elites (among them Bourguiba and Ben Ali) and the urban bourgeoisie predominantly represented the *sahel*, or coastal areas and cities like Tunis, whereas those Tunisians living in the *dakhil*, or rural interior and especially south, suffered exclusion and marginalization.²⁵⁰ Sahelian elites dominated not just the post-colonial regimes of Bourguiba and Ben ‘Ali but also the largest civil society organizations like the UGTT. Indeed, the Bourguiba-Ben Youssef struggle for the Neo-Destour on the eve of independence captured this

²⁴⁷ Michel Camau and Vincent Geisser, *Le syndrome autoritaire: Politique en Tunisie de Bourguiba à Ben Ali* (Paris: Presses de Sciences Po, 2003), 204-205.

²⁴⁸ Beatrice Hibou, “Domination and Control in Tunisia: Economic Levers for the Exercise of Authoritarian Power,” *Review of African Political Economy* 33 (2008): 185-206.

²⁴⁹ Houda Laroussi, “Politiques publiques et “bonne gouvernance en Tunisie,” *Mondes en développement* 145 (2009): 93-108.

²⁵⁰ L. Carl Brown, “Bourguiba and Bourguibism Revisited: Reflections and Interpretation,” *Middle East Journal* 55, 1 (2001): 50-53.

split, as the Youssefist faction drew heavily upon Arab Nationalist and rural elements grounded in the southern countryside.²⁵¹ The economic underdevelopment witnessed in the dakhil would persist even during the 1960s grand experiment in socialist reforms due to inadequate land redistribution, the failure of agrarian cooperatives, insufficient industrial capital, and other well-intended but poorly executed central policies issued from the metropolitan center of the state, Tunis.²⁵² This was concomitant with the political marginalization of many rural Tunisians (excepting, of course, party notables such as large-scale landowners and provincial businesspersons).

What is worth restating from this adequate academic literature is an inverse trend: as Ben Ali's regime turned the weaponry of the Tunisian state inherited from the Bourguibist period against society, it also abandoned many of the institutional strategies of co-optation and mobilization that characterized the previous presidency. Ben Ali's 1988 renaming of the old party, which had previously changed its title from the Neo-Destour to the Socialist Destourian Party in 1964, to *Rassemblement Constitutionnel Démocratique* (RCD), had more significance than nomenclature. Ben Ali abandoned some of the extant party-based patronage networks with his own preferred elite clans, including his extended family and other personal clients whose mediated contact with the regime came not through the party but through access to Ben Ali himself. This

²⁵¹ Michelle Penner Angrist, *Party Building in the Modern Middle East* (Seattle, WA: University of Washington Press, 2006), 108-111.

²⁵² Ezzeddine Moudoud, *Modernization, the State, and Regional Disparity in Developing Countries: Tunisia in Historical Perspective, 1881-1982* (Boulder, CO: Westview Press, 1989), 135-189. The failure of rural economic policies and its corollary political impacts upon local notables is further explored in Mira Zussman, *Development and Disenchantment in Rural Tunisia: The Bourguiba Years* (Boulder, CO: Westview Press, 1992).

removed considerable decision-making authority from the party's bureaus, which thus became disconnected from the new regime's political decisions.²⁵³

To be sure, Tunisian autocracy remained, institutionally, one still dominated by the RCD: one could not formally enter politics without first belonging to the party. Moreover, petty favoritism and small-scale corruption remained the province of the party's cadres.²⁵⁴ Yet functionally, the RCD became separated from the regime's internal decisions regarding major domestic and foreign policies. Over time, a diminishing proportion of Ben Ali's ministers and senior bureaucrats were party functionaries; they instead ascended into politics through personal dependency and allegiance to Ben Ali.²⁵⁵ Tunisia's Jacobin state remained centralized, large, and republican; but party politics, and appendages of the party such as national associations, no longer were integral to its function. This shift from party-based rule to a personalistic dictatorship, with its more visible scale of predatory corruption and familial kleptocracy linked to Ben Ali's circle, went hand-in-hand with the weakening military discussed in the previous section, and greater reliance upon civil police and internal security forces. It also explains the coalitional disconnect between state and society that, during the Arab Spring, helped generate momentum and space for spontaneous activism and dissent.

There are many reasons for why the Ben Ali regime diverged from the trajectory begun by Bourguiba in terms of style of authoritarianism, but the most intuitive one is that of different institutional strategies borne out of necessity. Bourguiba was forced to build a broad-based foundation of support starting from

²⁵³ Sadri Khiari, *Tunisie: le délitement de la cite – coercition, consentement, résistance* (Paris: Editions Karthala, 2003), 104-125.

²⁵⁴ Hibou, *Le force de l'obéissance*, 105-106.

²⁵⁵ Camau and Geisser, 192-197.

his position as an anti-colonial activist, and then needed to both overcome the Youssefist challenge while consolidating a popular cross-class coalition. By contrast, Ben Ali never had to mobilize widespread societal backing; he did not rise to power at the head of a mass organization, nor did he have experience in the organizational craft of party-building: unlike Bourguiba, the new president “faced no organized challenge and he did not have to court or compensate powerful constituencies that had contributed to his rise. Most Tunisians were simply relieved to see Bourguiba ushered offstage with minimal trauma.”²⁵⁶ To be sure, Ben Ali did not dismantle the bureaucratic depth of the Tunisian state that he inherited; the Jacobin model of a centralized and powerful state apparatus remained at the heart of politics. His regime also opportunistically deployed familiar tools, such as state feminism; during the 1990s, for instance, amendments to existing family laws further improved the status of women in regards to marriage, children, and property.²⁵⁷ What dramatically changed was the nature of the institutional organization of the regime that ruled it: it was less based upon party-based coalitions and cross-class support, and more predicated upon repression and exclusion.

In addition, as mentioned earlier, Ben Ali’s arrival to power marked a fundamental deepening of the anti-Islamist tendencies seen in the last decade of the Bourguibist order. Whereas the Tunisian state treated Islamism as an impediment to the imposition of its political rules previously, Ben Ali saw Islamism as a credible threat to his own power. For the new president, Islamism entities like Ennahda were not merely social movements that appeared

²⁵⁶ Alexander, 37.

²⁵⁷ Amel Grami, “Gender Equality in Tunisia,” *British Journal of Middle Eastern Studies* 35, 3 (2008): 354-56.

anomalous in a landscape of secularism, but rather as the vanguard of a real organizational challenger that could ideologically and politically question his position as ruler. For that reason, Ennahda suffered far more pervasive and violent efforts to exterminate its social traces from Tunisia than under Bourguiba; this greatly contributed to the widening gap of perception between Islamists and non-Islamists. For many Ennahda members, views of the secular defenders of the Tunisian republic under Ben Ali became inflected with deep animosity.

The mountain of works written about the mobilizational basis and emotive origins of the Jasmine Revolution suggest well why so many Tunisian youths felt alienated by the disconnected, crony-oriented, and personalized nature of Ben Ali's regime.²⁵⁸ The operative point that should be emphasized here, however, is that such revolutionary opposition did not express disputation against the republican basis of Tunisian political order. That is, the activists of the Jasmine Revolution sought to depose Ben Ali, but it did not seek to remake the tradition of Tunisian *etatism* – the legacy of the Jacobin model installed by Bourguiba before its withering under Ben Ali. Indeed, both CPR and Ettakatol positioned themselves after the October 2011 elections as defenders of Tunisian republicanism (though without directly invoking authoritarian figures like Ben Ali and Bourguiba), conjuring the myth of national unity and political consensus that characterized post-colonial consolidation.

Later on, Nidaa Tounes built upon this anti-Islamist orientation by aggressively trafficking in republican nostalgia. Its activists frequently invoked

²⁵⁸ The literature on the Jasmine Revolution quickly amassed given that this was the first major uprising and also the first major success of the Arab Spring. See, for instance, Laryssa Chomiak, "The Making of a Revolution in Tunisia," *Middle East Law and Governance* 3 (2011): 68-83; Nadia Marzouki, "From People to Citizens in Tunisia," *Middle East Report* 259 (2011): 16-19; and Michele Penner Angrist, "Understanding the Success of Mass Civic Protest in Tunisia," *Middle East Journal* 67 (2013): 547-64.

the name and legacy of Bourguiba, linking him to an explicit vision of the secular republican state.²⁵⁹ Indeed, secular activists from both the post-2011 political scene and Nidaa Tounes several years later engaged in a social construction of a Bourguibist “mythology,” one that could only reinforce the binary between them and Islamism while also seeking to legitimate their own claims upon power.²⁶⁰ Activists from both camps portrayed Ennahda as not necessarily foreign, given the undeniably Tunisian roots of the movement, but rather *anti-republican* in their religious scope. The dark possibility of Tunisia tilting towards theocracy under Islamism, and away from its civil institutions, became a fulcrum point that divided political discourse and separated Islamists from secularists.

Combined with the lack of collective memory and accumulative experience that Tunisian political actors outside Ennahda had in dealing with the Islamist movement, such dichotomous thinking between a deep tradition of secularized republicanism on the one hand and the potentiality of theocratic politics on the other engendered a situation that invited polarization after Ben Ali’s downfall. Such considerable distance created between Islamists and secularists within this space ironically made pacting more likely.

Normative Diversity: Contentiousness and Social Forces

Thus far, the analysis here has invoked two variables to contend that Tunisia was “ready” for pacting during 2011-12. First, post-authoritarian politics would be characterized by parity because a coherent national narrative, routines of civic mobilization, and an enfeebled military all worked to both emphasize

²⁵⁹ See, for example, Patrick Strickland and Nouri Verghese, “Tunisia’s Nidaa Tounes: Nostalgia for a Past That Never Was?” *Middle East Eye*, 10 November 2014.

²⁶⁰ Mathilde Zederman, “The Hegemonic Bourguibist Discourse on Modernity in Post-revolutionary Tunisia,” *Middle East Law and Governance* 8, 2/3 (2016): 179-200.

commonalities between elites while also ensuring their dependence upon the other. Second, any competition between Islamists and secularists would be typified by extreme polarization due to the recent creation and brutal repression of Ennahda, combined with the hegemonic presence of a large, secular, and autocratic party-state over society. In this milieu emerges the final factor: normative diversity. Normative diversity refers to circumstances of cross-cutting pluralism whereby among the multiplicity of political actors claiming democratic commitments, no single actor commands consensual backing by most of society. That context matches Tunisia, as its post-revolutionary forces were predicated upon Islamist and secularist ideals that appeared philosophically incompatible. Neither could be convinced through rhetoric alone to abandon their principles and accept the other, and neither could claim a preponderance of moral backing that it stood as the best alternative for post-authoritarian political order.

It is tempting to claim that at least the secularist Tunisian political forces that burst forth after the Arab Spring shared a deep ethical commitment to democratization. Yet in reality, many secularists functioned as tame, predictable opposition under the Ben Ali regime in ways that supported that political order. For instance, Ettakatol was not represented in parliament as it frequently boycotted or was excluded from electoral exercises; nonetheless, it was a legal party, suggesting that the regime found its presence both nonthreatening and conducive to the image of shallow liberalization it wished to present to foreign audiences. There were Tunisian exiles and repressed oppositionists that could claim “purer” credentials, such as Moncef Marzouki’s Congrès pour la République. Yet not only did some of these groups desire the elimination of Islamism from politics in a harsh rebuke to the inclusive spirit of liberalism, they

also protested little during the 1980s and 1990s, when Ennahda wilted under the coercive crush of the state. In the 1980s, for instance, the UGTT quickly halted the ascent of Islamist militants within the ranks of its labor hierarchy, feeding into the wider climate of leftist-Islamist hostility that persisted for decades.²⁶¹ While CPR and Ettakatol established some links with Ennahda and therefore signaled some potential for early tolerance, there was never a grand ideological platform or formal political framework through which Islamism would play a central role in any future Tunisian democracy.

Indeed, during the violent crackdowns suffered by Islamists prior to the Arab Spring, only the LTDH among prominent civil society groups raised protests. As Bellin points out, both UTICA and the UGTT – business and labor, bourgeoisie and wage-earners – were “contingent” democrats in this regard, being complicit and supportive of their authoritarian state’s relentless suppression of new opposition such as Islamists.²⁶² Each did so for different reasons, ranging from economic dependence and political clientelism under the state to more guttural hostility and fear of Islamism. Yet the undeniable fact remains that the founts of potential democratic activism within Tunisian society did little to defend Islamists when they faced violent suppression. Understandably, many Ennahda voices spoke out of experience after October 2011 when they doubted the commitments of their secularist opponents to allow for their peaceful, legal participation in politics. They rallied the familiar binary that both Bourguiba and Ben Ali presented in their political discourse when dealing with Islamists: the choice for the Tunisian people was either a united and

²⁶¹ Bellin, 138.

²⁶² *Ibid.*, 146-56.

peaceful nation-state under their rule, or else the chaos and theocracy inherent with Islamism.²⁶³

Inversely, Ennahda attracted inherent suspicions regarding democratic motives its own murky past. In the early 1980s, for instance, the incipient group as MTI participated in numerous incidents of violence, including campus riots and small-scale attacks on individuals and businesses seen as offensive to Islam.²⁶⁴ The regional context of Islamist ideology also weighed heavily in terms of motives, given the longstanding doubts of observers regarding the democratic beliefs of mainstream Islamist movements like the Muslim Brotherhood.

Such normative diversity stems from the same factors driving polarization, namely the recency of Islamist mobilization and the domineering power of the authoritarian party-state in penetrating society. The latter meant that many secularists competing for visibility and power after the overthrow of Ben Ali hailed from backgrounds that could be described as cooperative or even collaborationist, particularly with the clampdown against Ennahda. The former meant that Islamists had no longstanding basis by which Tunisians outside this stream could judge long-term democratic commitments.

Conclusion

There are two primary implications from the analysis laid out in this chapter, which was arranged not as a chronological retelling of Tunisian state formation or political evolution, but rather as a reconfiguration of Tunisia as a

²⁶³ Dakhliya, 42-44.

²⁶⁴ Hamdi, 53-54.

case to illustrate how different attributes of its previous developments could shape broad structural conditions that would later be favorable to pacting.

First, explanations linking Tunisian democratization through its Islamist-secularist bargains to an essentialist notion of Tunisian exceptionalism should be discarded. Not only is the idea of Tunisian exceptionalism a normative football, something just as easily leveraged to explain autocratic stability as democratic change, it is also empirically problematic. It selectively plucks events and episodes from Tunisian history out of context, ignores countervailing trends and currents, and traffics in cultural determinism. This does not mean, however, discarding the *specificity* of the Tunisian case. There are traits and features of Tunisia that, in particular forms and expressions, elucidate why political and institutional bargains were easier to make once a revolutionary rupture swept away the ramparts of authoritarian rule. They do not preordain democracy, but they do explain the underlying dynamics that made visible pacting among competing Islamist and secularist actors after 2011, as the next chapter shows.

Second, these structural conditions of parity, polarization, and normative diversity originate from important combinations of antecedent factors. The purpose of this analysis was not to uncover hitherto unknown facts as a purely historical work might do, but rather illustrate the differential impact of these variables in shaping politics over time. Thus, parity – defined as the future inability of competing groups to defeat one another outright, as in Ennahda and its secularist foes after the Jasmine Revolution – did not crystallize in a vacuum. It is the result of three overlapping variables: a coherent national narrative, that made it difficult for actors to exclude the other from national discourse; a well-mobilized civil society, in which participation and mobilization became part of the

repertoire of public expression and political strategy; and a weak military, which prevented the armed forces from becoming a veto player in any future political calculation.

Polarization resulted from the particular nature of Islamist origins and authoritarian statehood. Tunisian Islamism did not coalesce as a political force until the 1980s, and was never fully accepted as part of the national political equation until the downfall of the Ben Ali dictatorship. The Ben Ali period in particular exacerbated the Islamist rift; Islamism, therefore, was a phenomenon with which many Tunisians were simply not familiar or comfortable. By contrast, the tradition of the Jacobin party-state, with its strategies of domination, centralized power structures, and secularizing tendencies that evolved between Bourguiba and Ben Ali, furnished a deeply embedded point of reference for non-Islamists: Tunisian political order, for some, could exist through no other format except for this republican tradition. Finally, normative diversity comes about as a byproduct of sorts from these factors. Throughout Tunisia's political cycles, neither Islamists nor secular oppositionists could lay claim as the sole, overarching, and unambiguous voice of liberal democracy. The former never had unabated opportunities to display their democratic credentials, while the latter notably failed to side with Islamists during their suppression.

The upshot, as the next chapter will show, is that Tunisia's political actors vying for power after the revolutionary explosion of early 2011 faced a critical dynamic: parity in the context of extreme polarization and normative diversity would make the option of pacting most attractive, because such a situation removed easy "exit" options. Neither Ennahda nor its secularist counter parts could defeat one another on their own; nor would it be likely that ideological

cleavages could be overcome – or a single force emerge as the champion of democracy by moral example. The analysis in this chapter provides the backdrop and context to understanding why; the next chapter will focus upon *how* democracy was hence crafted through pacted compromises.

CHAPTER FOUR: TUNISIAN PACTING AND ISLAMIST-SECULARIST COMPROMISE

The previous chapter explained why Tunisia, as a case, presented certain historical “advantages” in making democratization more likely. The argument was not that Tunisia was inherently exceptional, and likely to embrace democracy in the absence of an alternative; it was that Tunisia’s historical developments and specificities made the generation of broad *conditions* likely – conditions that, in accordance with pacting theory, make political actors locked in parity and polarization and reflective of normative diversity willing to see bargaining as a way out of their morass. Those conditions encourage pacting for three reasons: they accentuate mutual weakness, underscore the intractability of the dividing issue, and therefore incentivize actors to begin to grudgingly accept compromises as a means of exiting this unending stalemate.

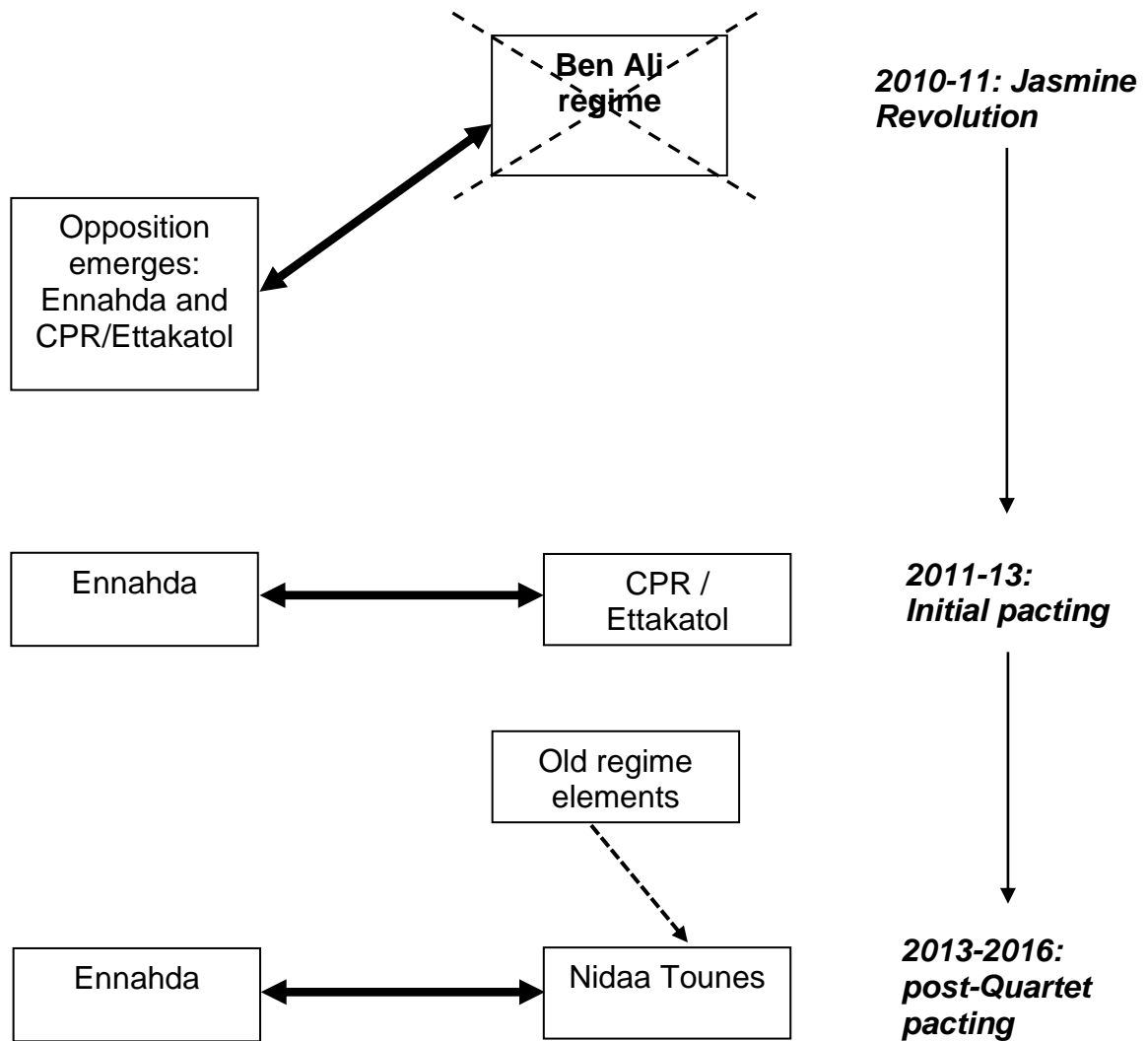
Building upon that, this chapter now squarely evaluates the pacted transition to democracy that occurred in Tunisia starting in 2011. It begins by reviewing the conceptual toolbox provided by pacting as a theoretical pathway to democratization. It then applies the mechanics of pacting to the post-revolutionary political landscape of Tunisia. It reviews the unrest and chaos of the Jasmine Revolution, and describes the relative position of each major political faction vying for power following the downfall of the Ben ‘Ali regime. It traces the ensuing dynamic between these actors, namely Ennahda and its secularist counterparts, and explores the institutional arrangements that resulted from their strategic interactions. It explains how early bargains made between these actors deepened over time into a compromise allowing for a new democratic system, from late 2011 through 2015.

In showing how this pattern of negotiation endured even during the crisis of late 2013, when engagement and cooperation dissolved into governmental paralysis, the chapter makes clear several points. First, all the conditions predicted by pacting theory as relevant to the success of negotiated bargains during transitions existed in the Tunisian case – namely extreme polarization, parity of actors, and normative diversity. Second, certain attributes about the Tunisian case render these conditions as logical and expected: among them are the historical processes outlined in the previous chapter that help account for the degree of Islamist-secularist mistrust, and the tenacity by which each of these sides clung to their beliefs; the weakness of the military and strength of civil society; and finally, the important contingent role played by international actors, including the West which incentivized democratization and the absence of regional forces interfering in the process. It concludes that pacting succeeded not because these were inherently democratic actors with a long-term vision, but rather because each sought to avoid the worst possible option – open conflict resulting in self-destruction – at key junctures.

The argument here is guided by the theoretical process elucidated in Chapter Two, as Figure 4 shows. The pacting process in Tunisia proceeded in several discrete stages: first, the Jasmine Revolution and the deposal of the Ben Ali regime; second, the 2011-13 period, in which Ennahda and its two primary secular opponents, CPR and Ettakatol, bargained in a difficult political period; and the 2013-16 period, in which Nidaa Tounes – a newer amalgamation of secularist forces that incorporated many old regime elements, became the more prevalent actor, but still continued pacting and compromising with Ennahda. What resulted from this sequence was the Tunisian transition to democracy,

which though unconsolidated, is the lone pathway emergent from the Arab Spring in which Islamists and non-Islamists successfully worked together.

Figure 4. Tunisian Pacting in Sequence.



The Jasmine Revolution's Chaotic Aftermath

The conditions for pacted democratic transitions, as laid out earlier, entail ideological polarization, parity of power, and normative diversity. As this analysis of Tunisia makes clear, these conditions did not become abundantly visible until nearly a year after the Jasmine Revolution toppled the longstanding Tunisian autocracy. However, it is critical to review the factors that came antecedent to these pacting conditions – that is, the conflicts and engagements within Tunisian politics that followed the revolution. Doing so will help explain why this unique constellation of structural conditions that enabled pacting did emerge in Tunisia.

The post-revolutionary political dynamic of Tunisia throughout 2011 was characterized by four salient features. First, the revolution consumed the regime but not the state. The departure of Zine 'Abidine Ben 'Ali and much of his family on 14 January signified the decapitation of a single-party dictatorship that had ruled for decades. However, the bureaucracy remained intact and key institutions continued to legally function. For instance, elements of the deposed autocracy, including the old ruling party Rassemblement constitutionnel démocratique (RCD) and supporters of Ben 'Ali, filled the rank-and-file of the security forces within the Interior Ministry.²⁶⁵ Upon the exit of Ben 'Ali, they turned inwards, continuing to function but cocooning themselves inside their institution. Likewise, the Tunisian armed forces under leadership of General Rachid Ammar was mostly unaffected by the regime change. The same could be said for most other state organs, from ministerial staffs to the civil service.

²⁶⁵ Derek Lutterbeck, "Tool of Rule: The Tunisian Police Under Ben 'Ali," *Journal of North African Studies* 20, 4 (2015): 815-818.

In sum, this was not a Libyan-style scenario where the end of an incumbent autocracy precipitated total collapse. Political actors following the Jasmine Revolution were not engaged in state-building, in the sense of destroying and recreating a state apparatus exerting its authority over the national territory. Tunisian political forces following the Jasmine Revolution instead concerned themselves with the nature of governance itself, including who would assume leadership positions and wield political authority within the offices of states institutions.

Second, there existed a strong convergence of preferences in that most groups desired a clean break from the past, as evidenced by patterns of popular mobilization. Indeed, this can be considered a healthy birthmark of the Tunisian transition, as different actors after the revolution ensured that any new political order would not be hijacked by elites from the old regime. Exemplifying this was the short lifespan of the caretaker government installed quickly after Ben 'Ali's ouster, headed by long-serving Prime Minister Mohamed Ghannouchi. Initially, many Tunisians desired to maintain the cohesion of the state itself while expelling elites affiliated with the old regime from its offices. Days after the interim government's installation on 15 January, fresh protests broke out in reaction to the inclusion of former ministers in the cabinet. In coming weeks, the government was forced to continually recapitulate itself in response to continuing popular demonstrations and worker strikes, including Mohamed Ghannouchi's removal (excepting himself) of all former RCD members from ministerial positions.²⁶⁶

²⁶⁶ Christopher Alexander, *Tunisia: From Stability to Revolution in the Maghreb* (London: Routledge, 2016), 83-85.

However, such concessions did not pacify the Tunisian street, which continued to press for a government with no continuity from the RCD-dominated past. In late February 2011, this unrest instigated two institutional responses. The first the resignation of the Ghannouchi caretaker government, which protesters perceived as a major victory in their efforts to ensure the revolution remained a true political rupture. Thus, while the body of the Tunisian state continued to stay constant, such as the rank-and-file of the Interior Ministry and other organs, political elites associated with the Ben 'Ali era continued to be deeply stigmatized and excluded from post-revolutionary politics.

The second was the creation of a new governing commission headed by respected jurist Yadh Ben Achour, the Conseil de l'ISROR (*Instance supérieure pour la réalisation des objectifs de la révolution*). This revolutionary commission carried the authority to review laws, implement new programs, and begin fleshing out a new constitutional framework. The commission, which began as a board of 14 juristic experts, ultimately expanded to encompass 155 members representing different sectors.²⁶⁷ This included the largest civil society groups (such as the human rights group Ligue tunisienne des droits de l'homme, or LTDH), professional associations and labor unions (such as the Union générale tunisienne du travail, or UGTT), and provincial councils. This commission also laid the groundwork for new legislative elections. Among other functions, they banned senior RCD officials from participating in those elections, and appointed a new electoral commission.²⁶⁸

²⁶⁷ Duncan Pickard, "Challenges to Legitimate Governance in Post-Revolution Tunisia," *Journal of North African Studies* 16, 4 (2011): 638-39.

²⁶⁸ Sami Zemni, "The Extraordinary Politics of the Tunisian Revolution: The Process of Constitution Making," *Mediterranean Politics* 20, 1 (2015): 7-8.

Third, the post-revolutionary political environment was marked by endemic uncertainty punctuated by a resurgence of civil society mobilization and political reformation by long-suppressed voices. By one count, by the end of 2011, Tunisia could boast of over 100 political parties – a far cry from the eight that legally existed under Ben ‘Ali – as well as 20,000 civil society organizations.²⁶⁹ The groups functioning in this milieu were unclear about their own popular strength and how their mass appeal would translate into political weight once the time for popular consultations came. Ennahda’s leadership, for instance, was initially engaged more in building an infrastructure to mobilize and rally new members rather than planning long-term political objectives. Unlike well-established civil society institutions, Ennahda had been driven underground by the Ben ‘Ali dictatorship, and so had fewer organizational resources in material terms. Rachid Ghannouchi, its co-founder and spiritual leader, returned from exile at the end of January. Over the next several months, he was followed by thousands of other members who formally re-entered the organizational fold after being released from prison or returning home from their own overseas exile.²⁷⁰

In March, Ennahda (among other new opposition parties) was legalized, and began recruiting a new generation of younger cadres energized by the revolution. However, from the start, Ennahda’s leadership was extremely cognizant of the Algerian example from the 1990s, when “too much” Islamist success at the ballot box triggered backlash and civil war. Regardless of their commitment to democratic ideals at this early stage, that sense of caution

²⁶⁹ Laryssa Chomiak, “The Making of a Revolution in Tunisia,” *Middle East Law and Governance* 3 (2011): 78.

²⁷⁰ Laura Guazzone, “Ennahda Islamists and the Test of Government in Tunisia,” *The International Spectator* 48, 4 (2013): 44.

tempered discussions of political power, and refocused efforts upon securing more grass-roots support through expanding their existing social networks and enhancing public visibility. They did not try to dominate political debates about the constitution or new regime.

Fourth, economic concerns took center stage in Tunisian politics, especially after the formation of Ben Achour's revolutionary council. From the inception of the post-colonial Tunisian state, material inequalities across society reflected the major geographic cleavage far predating the revolution, namely the developmental and political divide between the *sahel* (urbanized coastal areas) and the *dakhil* (rural interior). Also amplified was the deeper material deprivation that had partly driven the Jasmine Revolution, as evidenced by the continuing shortage of jobs, rising prices, persistent rural poverty, and other hardships that instigated continual protests. Indeed, a March 2011 survey undertaken by the Tunisian Bureau of Poll Studies indicated that 50.5 percent of the public believed that the government's priority should be reducing unemployment.²⁷¹ Throughout summer 2011, public and political discussions revolved around such issues of economic justice and social development far more than any incipient ideological division between the emerging frontrunners for the October elections, which were announced in June.

Those frontrunners included newly legalized parties like Ennahda and Congrès pour la République (CPR) headed by prominent secular oppositionist Moncef Marzouki, as well as older opposition entities like the center-leftist Forum démocratique pour le travail et les libertés (Ettakatol), headed by another vocal

²⁷¹ "Al-baji qa'id al-sibsi akthar ma'ruf yalih rashid al-ghannoushi [Al-Baji Qa'id Al-Sibsi Is More Well-Known than Rachid Ghannouchi]," *Essahafa*, 28 March 2011.

oppositionist, Mustapha Ben Ja'far. They articulated new party platforms, especially during the registration and campaigning that took place in September and October. Characterizing all of them were general promises to improve the economic situation and uphold the rule of law, but without many specific policy proposals. To be sure, such imprecision about economic reform characterizes many transitional contexts, as political actors filling the void of a departed regime often have little time to formulate a comprehensive economic platform.²⁷² However, the pertinent point is that material concerns preceded ideological conflict between Islamists and secularists, which did not begin until after the October 2011 elections.

Elections and Conflict: 2011-2012

The October 2011 elections for the National Constituent Assembly (NCA) marked not just the first electoral exercise of the post-revolutionary era, but also an institutional turning point that transformed the national landscape. They marked the first fair and competitive elections in Tunisian history, and which were produced through exhaustive planning and safeguarding against fraud.²⁷³

From 2012 onwards, the elections and its aftermath unleashed the issue of religion in politics as the fundamental conflict that would ultimately threaten the entire transitional process. Identity politics and the Islamist-secularist rift became the primary cleavage between competing forces. However, during 2012, which this section scrutinizes, it is also possible to see the beginnings of pacting through several mutual concessions from different camps. While the

²⁷² Stephan Haggard and Robert Kaufman, *The Political Economy of Democratic Transitions* (Princeton: Princeton University Press, 1995), 151-182.

²⁷³ Emma Murphy, "The Tunisian Elections of October 2011: A Democratic Consensus," *The Journal of North African Studies* 18, 2 (2013): 234-37.

most important compromises on both sides would arrive later in 2013, these early negotiations which unfolded progressively throughout 2012 were crucial in reflecting how conditions for pacting – polarization, parity, and diversity – had come into place in a new era of formal political parties and regularized competition between them.

Prior to the elections, interactions between new political groups were typified more by consensus about the need for economic redistributive justice than conflict over ideological issues. Not only were actors like Ennahda unsure about their political weight, but there was broad consensus about the need to ensure any new government decisively broke from the legacies of past authoritarianism. The prevalence of economic concerns among many across Tunisian society, especially the underserved and lower-income communities, also helped sustain a continual rhythm of popular mobilization that was aimed against interim governments to preserve the revolutionary ideal, rather than specific targets. Moreover, political campaigns were characterized more by patriotic and social appeals to voters rather than attacks on competition. For instance, according to Mustapha Ben Ja'far, the campaigning by secular parties like his Ettakatol made little mention of Islamism or Ennahda; there was no expectation of interacting with them in the future, as it was assumed they would not be victorious.²⁷⁴ Finally, it was unclear how dominant Ennahda would become from public opinion surveys. The Tunisian Bureau of Poll Studies' March 2011 survey, for instance, showed that while 37 percent of Tunisians saw Ghannouchi as the most important political figure, a greater figure (41 percent)

²⁷⁴ Personal interview by author with Mustapha Ben Ja'far, Former Speaker of Tunisian National Constituent Assembly, telephonic, 5 February 2018.

said the same of Mohamed Beji Caid Essebsi, a veteran politician who had served as the caretaker premier after Mohamed Ghannouchi's resignation since February 2011.²⁷⁵

The October general elections, however, changed this. Ennahda won nearly 90 out of 217 contested seats, representing 41 percent of the new body. The CPR and Ettakatol won 29 and 20 seats, respectively, while a self-styled new movement that would soon fade (Popular Petition) won a surprising 26 seats. Despite the relatively low turnout at 54 percent, all aspects of the election, including campaigning and balloting, were judged fair and clean.

Ennahda's success stemmed from several factors. They articulated a more coherent party platform based upon consistent political and ideological principles. They represented the most radical discontinuity from the old order, as its official program proposed a system to sweep away the past to "eradicate the roots of dictatorship."²⁷⁶ In the perceptions of many, Ennahda activists were also seen as having suffered the most of all opposition groups in terms of being victimized and repressed by the security apparatus.²⁷⁷ At the level of grass-roots support and first-time voters, Ennahda had constructed a mobilizational infrastructure in a short period of time, particularly in the dakhil provinces where their message resonated with lower-income and marginalized communities. Post-electoral surveys showed, for instance, that Ennahda voters were the inverse of CPR voters in terms of educational and income spread: the former's

²⁷⁵ "Al-baji qa'id al-sibsi akthar ma'ruf yalih rashid al-ghannoushi [Beji Caid Essebsi Is More Well-Known than Rachid Ghannouchi]," *Essahafa*, 28 March 2011.

²⁷⁶ Christopher Lamont and H la Boujney, "Transitional Justice in Tunisia: Negotiating Justice During Transition," *Croatian Political Science Review* 49, 5 (2013): 42.

²⁷⁷ Personal interview by author with Lilia Labidi, Former Minister of Women's Affairs, Tunis, Tunisia, 27 July 2017.

majority came from non-salaried classes and had only a primary education.²⁷⁸ Indeed, unlike some Western assessments which saw Ennahda's triumph as evidence of a rising Islamist wave around the Arab world, Tunisian analysts interpreted it in material terms. They found the Islamist current as heavily driven by the "social revenge" of the underprivileged against the old regime's coastal elites as well as the urban bourgeoisie, which were more strongly tied to secularist parties.²⁷⁹

In turn, such success made Ennahda far more visible. For one, it emboldened many new Tunisian members to embrace greater degrees of religiosity: Islam re-entered the public sphere through media, education, and discourse, no longer a tool of authoritarian instrumentalization.²⁸⁰ More obviously, it also animated and bolstered Ennahda's membership itself, particularly activists and constituencies who felt vindicated after the Ben 'Ali era of repression. Ennahda's leadership thus came into prominence by virtue of its newfound position, which became clear as the new Tunisian government formed following the election. In December 2011, an informal Troika of parties had emerged as the key players in the new government: CPR, whose head Moncef Marzouki was selected by the NCA as new president; Ettakatol, whose head Mustapha Ben Ja'far was chosen as the Assembly's Speaker; and Ennahda, whose political head Hamadi Jabali was appointed as Prime Minister, and so titular head of the new government. These were the leading vote-getting parties

²⁷⁸ Alia Gana and Gilles Van Hamme, "Ebauche de sociologie électorale des élections d'octobre 2011," in *Elections et territoires en Tunisie: Enseignements des scrutins post-révolution (2011-2014)*, eds. Alia Gana and Gilles Van Hamme (Tunis: IRMC, 2016), 93-99.

²⁷⁹ "Les outsiders d'Ennahdha [The Outsiders of Ennahda]," *La Presse*, 4 November 2011.

²⁸⁰ Mohamed Nachi, "The Construction of Religion as a 'Public Problem': The Emergence of Islam in the Public Space during Tunisia's Transition to Democracy (2011-14)," *Social Science Information* 55, 4 (2016): 500-504.

in the elections, but none had won an absolute majority, thereby necessitating the creation of a coalitional government. Knitting together the sinews of this initial coalition was the collective desire to make a clear break from the old regime, on the basis of revolutionary victory and the first successful democratic elections. Still, both ideological polarization and political parity quickly became realities in Tunisian politics throughout 2012.

Before discussing these conditions for pacting, it is worth summarizing the nature of the pacting process itself. After the October 2011 elections, the tense interactive dynamic between Ennahda and its secularist counterparts of CPR and Ettakatol was punctuated by a series of iterative bargains. When faced with the prospect of unending costly conflict, these groups began surrendering key demands and claims. Such negotiated concessions did not achieve their ideal preference of governing unopposed, but such imposition was impossible in the electoral landscape of the new system. Given the impossibility of unilateral victory, the least worst option was to compromise in ways that would help reduce tensions and alleviate burgeoning clashes with their opponents. Primarily, each side surrendered their maximalist desire to exclude the other from politics. Secularists gradually came to accept the existence and participation of Islamists in politics, a far cry from their original desire to restore the secularized character of the public sphere and political system. Inversely, Ennahda slowly came to accept that the new political order would not solely abide by Islamist principles, and that religious demands made upon laws and institutions had to be retracted.

In the immediate post-electoral aftermath, however, it was not clear that such a successful compromise could be made. First, ideological conflict between Islamism and secularism became extremely polarized. The earliest

fissures sprouted before the elections, and though not vocal gave preview of the coming clashes. In August and September 2011, Ennahda and its secularist counterparts disagreed about the term length and authority of the proposed Constituent Assembly, with the former believing the latter of attempting to curtail its potential influence in the event it did well in the elections.²⁸¹ The real conflict, however, started after the NCA began meeting in November 2011. By early 2012, the economic worries and concerns about transitional justice that characterized popular opinion in the previous year had become overshadowed by more overt disputes between Ennahda and its Troika partners over issues of religion and politics.²⁸²

These religious-political clashes took shape in three forms. The first was how heavily *shari'a* would shape the new constitution, which the Assembly was charged with drafting within one year. The constitution's drafting was highly public, with different committees and parties participating in discussions over various clauses and issues that were closely scrutinized by lawyers, parliamentarians, and journalists attempting to ascertain how the religion-state nexus would play out. The second, relatedly, was the role of women in society, including the state of women's rights and the future of the personal status code. While Ghannouchi had personally promised that Ennahda would leave the personal status code untouched, many Tunisian opponents of Islamism remained convinced that women would be greatly harmed by any alignment of Islam within the Tunisian state. The third issue was whether the new Tunisian democratic republic should adopt a parliamentary versus presidential model;

²⁸¹ Mohamed El-Khawas, "Tunisia's Jasmine Revolution: Causes and Impact," *Mediterranean Quarterly* 23, 4 (2012): 16.

²⁸² Mohammad Dawood Sofi, "Hizb al-Nahḍah: From Revolution to Government and to a Second Referendum," *Contemporary Arab Affairs* 8, 3 (2015): 402-4.

Ennahda firmly endorsed the former, believing that proportional representation would always given Islamists a safeguard against a powerful presidency, whereas most secularist parties embraced the latter option. These debates did not merely invoke controversy due to the divergent opinions attached to proposed laws, policies, and reforms. They implicated the identity of the Tunisian state itself – the biggest stake of all. Through these clashes within the Constituent Assembly, it became clear that despite having won the most votes and seats in the elections (though not an absolute majority), Ennahda was running into concerted resistance from the CPR and Ettakatol. In December 2011, for instance, one Tunisian expert characterized the political equation as a zero-sum game between Ennahda and everyone else, with any single mistake of a non-Islamist group (be it CPR, Ettakatol, or smaller parties) benefiting Ennahda’s seemingly ever-growing platform.²⁸³

In addition, at the societal level, the discord between alternative visions of Tunisia burst into the open. Rising displays of adherence to sharī‘a fueled clashes from the start. In late January 2012, Tunisian students protested against the ban on the niqab imposed by Manouba University, a sit-in that precipitated more than a year of disruptions, demonstrations, and campus clashes.²⁸⁴ This inaugurated a series of mobilizations and counter-mobilizations between protesters who supported either Ennahda and Islamism or else the secularist alternatives. In late February, for instance, several thousand demonstrators in Tunis rallied against Prime Minister Jabali and his government, which was countered by an Islamist protest in support of Ennahda. When thousands of

²⁸³ “Sana ba’d al-thawra: illa ayn yattajih al-mashad al-siyasi fi tunis [One Year after the Revolution: Where is the Political Scene Heading?]” *Alchourouk*, 30 December 2011.

²⁸⁴ Amanda Seeth, “Islamist-Secular Cleavages at Tunisia’s Universities,” *International Higher Education* 85 (2016): 21-22.

Tunisians marched on Independence Day on 20 March in support of a secular republic, Islamists responded by organizing a larger demonstration calling for *sharī‘a*.²⁸⁵

As harbinger of worsening polarization, a new political faction formed in spring 2012 – Nidaa Tounes, which was led by Mohamed Beji Caid Essebsi. Essebsi’s Nidaa Tounes identified itself as an avowedly secular current grounded in the legacy of the Bourguibist republic. While it would be incorrect to label Nidaa Tounes as inherently undemocratic, it is also indisputable that its most vocal proponents desired the exclusion of Ennahda from politics and the ultimate demise of Islamism as a meaningful ideology in Tunisian society.²⁸⁶ Indeed, Nidaa was able to draw upon the suspicions of many smaller parties that disagreed with the Troika’s government, as well as disgruntled members of the CPR and Ettakatol, who portrayed the Ennahda-led government as a “road back to dictatorship” – but this time, under an Islamist guise.²⁸⁷

Accentuating this worsening climate of mistrust and enmity was the rapid ascent of Salafism, which brought before public audiences new instances of religious intolerance. New Salafist groups and movements proliferated after the Jasmine Revolution, with the typical member hailing from the large demographic of socioeconomically marginalized youths.²⁸⁸ While many Salafist groups eschewed violence and strove instead towards cultural and social activities, others followed a more political stream and advocated the use of aggression and

²⁸⁵ “Tunisian Protesters Demand Islamic State,” *Al-Arabiya*, 27 March 2012.

²⁸⁶ Amel Boubekeur, “Islamists, Secularists, and Old Regime Elites in Tunisia: Bargained Competition,” *Mediterranean Politics* 21, 1 (2016): 116.

²⁸⁷ Mundhar Bidhiyafi, *Al-islamiyun wal-hukm: tajribah harakat al-nahdha fi tunis baina istihiqaqat al-thawre wa mutatallabat al-dawla* [Islamists and Government: Ennahda’s Experience in Tunisia between the Merits of Revolution and Requirements of Government] (Tunis: Waraqa Li-nashr, 2014), 50-52.

²⁸⁸ Monica Marks, “Youth Politics and Tunisian Salafism: Understanding the Jihadi Current,” *Mediterranean Politics* 18, 1 (2013): 110-12.

even violence. This latter category was responsible for the first signs of unrest. By early 2012, incidents such as an assault on a television station for showing the Iranian film *Persepolis* and attacks against shops selling alcohol had gained national prominence.²⁸⁹ Further, Salafist imams were able to gain employment under the new government; by the summer, at least several hundred of Tunisia's more than 5,000 mosques had become Salafist-led, although precise numbers were difficult to verify.²⁹⁰

The most well-known Salafist group was Ansar Sharī'a, which was founded in April 2011 with an initial membership of 2,000.²⁹¹ It provoked alarm on part of many Tunisians after holding its second annual conference in Kairouan in May 2012, which attracted 5,000 members and explicated its goal of an Islamic state but through illiberal rhetoric that made little mention of democracy.²⁹² More controversy followed. In June, Salafists destroyed an art exhibit in La Marsa because that many paintings were deemed inappropriate or insulting to Islam. In September, others attacked the US Embassy in an incident that made international headlines. The UGTT also attracted Salafist hostility, with several branches suffering fire-bombings in June. In December 2012, the UGTT's 60th anniversary commemoration of its founder Farhat Hached's passing fell under Salafist attack in a widely publicized incident.²⁹³

Initially, Ennahda and its officials were complacent towards this Salafist surge. While Prime Minister Jabali publicly condemned their acts of violence,

²⁸⁹ Malika Zeghal, "Competing Ways of Life: Islamism, Secularism, and Public Order in the Tunisian Transition," *Constellations* 20, 2 (2013): 266-69.

²⁹⁰ Anne Wolf, "An Islamist 'Renaissance'? Religion and Politics in Post-Revolutionary Tunisia," *Journal of North African Studies* 18, 4 (2013): 568.

²⁹¹ Fabio Merone, "Salafism in Tunisia: An Interview with a Member of Ansar Al-Sharia," *Jadaliyya*, 11 April 2013.

²⁹² Francesco Cavatorta, "Salafism, Liberalism, and Democratic Learning in Tunisia," *Journal of North African Studies* 20, 5 (2015): 778-79.

²⁹³ "Tunisia: Labour and the Capital," *Al-Jazeera*, 15 February 2013.

there was no systematic crackdown against Salafist groups. Inversely, secularists saw the rising visibility and popularity of Salafism as an extraordinary threat to the social liberties and personal freedoms enjoyed before the revolution. Many, including CPR and Ettakatol supporters, saw Ennahda as a willing accomplice to Salafism and the agent of a darker Islamization agenda, believing that Ennahda stood to gain much from the extreme acts committed by new Salafist factions. For instance, high-ranking CPR officials believed that the rising number of Tunisian Salafists volunteering to fight in Syria and Iraq could not have done so without the knowledge, if not consent, of Ennahda's leadership.²⁹⁴

Second, in addition to deepening ideological polarization that unfolded in both politics and on the street, the political interaction between Ennahda and secularist parties was characterized by relative parity of power. The most obvious evidence of this lack of unilateral supremacy was that no single member of the Troika was able to single-handedly govern by itself. As interdependent forces, they were constantly exposed to one another's reticence and sometimes antagonism. For example, Ennahda, CPR, and Ettakatol began a tradition soon after the Troika's formation of hosting trilateral meetings every Friday involving up to a dozen high-ranking officials, and with the following Tuesday reserved for a follow-up.²⁹⁵ These meetings were frequently contentious, as accusations and grievances were aired. In addition, these political groups faced various pressures from civil society as new interests group mobilized in the post-

²⁹⁴ Personal interview by author with Aziz Krichen, CPR member and former Adviser to the President, telephonic, 2 February 2018.

²⁹⁵ Personal interview by author with Moncef Marzouki, former President of Tunisia, telephonic, 9 February 2018.

revolutionary climate, of which the aforementioned Salafists represented one notable example.

Yet 2012 was characterized not by institutional meltdown, but compromise. Throughout 2012, Ennahda surrendered three important demands upon the constitution spaced several months apart. First, Ennahda abandoned demands to enshrine shari‘a in the new constitution as the “sole source of legislation” in its first clause, despite that doing so brought the ire of both Salafists and hardline Ennahda activists.²⁹⁶ As a compromise, it fell back in agreement with its secularist opponents in keeping the language of the previous 1959 constitution, which identified Islam simply as the religion of Tunisia and nothing more. It also assented to a new clause altogether in the constitution’s second article, which explicitly declared the Tunisian state as a civil state.

This concession, which was made through close deliberations within Ennahda followed by talks with other Troika partners, came in March, after a major wave of secularist protests against the perceived Islamizing of Tunisia. Despite that most such anti-Islamist demonstrations instigated counter-demonstrations by Ennahda supporters, it was clear that Ennahda’s leadership did not believe that continuing to pursue this initial core demand, however symbolic, would have any real benefit. As Rachid Ghannouchi noted in an interview featured in *Assabah*, regarding the symbolic issue of mentioning shari‘a in the constitution, Ennahda’s electoral majority did not suffice: for him, anything short of 70 percent majority NCA support would be insufficient, for even if a smaller majority was able to pass it, the collateral damage could have meant

²⁹⁶ Guazzone, 39.

the Troika's end.²⁹⁷ It is critical to note that opinions within Ennahda's founding committee were not unanimous: of the 66 members, 13 dissented against Ghannouchi's wishes to banish any reference to *sharī'a* in the new constitutional articles.²⁹⁸

Second, Ennahda also abandoned the inclusion of language in the new constitution that framed women as complements rather than equals to men. When the NCA released its first public constitution draft in the summer of 2012, a key article (Article 28) that referred to women and men as playing complementary roles inside the family provoked ferocious anti-Islamist protests on the occasion of Women's Day, 13 August.²⁹⁹ This confrontation over the legal wording and status of women came not long after the escalation of the Islamist-secularist divide wrought by the June art exhibit attack by Salafists. In both public discourse as well as political debates, Ennahda members came under renewed scrutiny and attack, as the party was accused of retracting gender equality and limiting women's freedoms in favor of a far narrower vision of proper Islamic norms. Indeed, the controversy over the issue served as the most powerful activation of Tunisian feminism in the post-revolutionary period.³⁰⁰ Again, despite its superior parliamentary numbers and voting base, Ennahda's leadership could not push this issue through intensifying secularist resistance. As a result, by September 2012, the group's officials pledged that it would revise

²⁹⁷ "Ghannouchi yufassir asbab 'itimad al-fasl al-awwal min dustour 59 [Al-Ghannouchi Explains the Reasons for Adopting Article One of the 1959 Constitution]," *Assabah*, 26 March 2012.

²⁹⁸ Malika Zeghal, "Constitutionalizing a Democratic Muslim State without Shari'a: The Religious Establishment in the Tunisian 2014 Constitution," in *Shari'a Law and Modern Muslim Ethics*, ed. Robert Hefner (Bloomington, IN: Indiana University Press, 2016), 112.

²⁹⁹ Nachi, 506.

³⁰⁰ Mounira Charrad, "Progressive Law: How It Came About in Tunisia," *Transnational Law and Contemporary Problems* 24, 2 (2015): 308.

this language and remove the language of complementarity, as it was seen as opposing the prior idea of gender equality that the past constitution articulated.

Third, in October 2012, Ennahda yielded in its intention to incorporate a blasphemy clause in Article 3 of the draft constitution that would have criminalized attacks against Islam, and which critics saw as an assault on freedom of conscience. Again, this concession emerged after a familiar pattern. A groundswell of anti-Islamist sentiment seemingly neutralized its political weight inside the legislature, compelling the leadership to act pragmatically in order to preserve the group's continuing leadership. In September, two explosive events further aligned both the CPR and Ettakatol as well as their supporters against Ennahda. The first was the attack against the US Embassy. Second, weeks later, civil society organizations publicly rallied to support a woman being charged with indecency after her rape by police officers.³⁰¹

Both issues invoked Islamism in a general way, and further put Ennahda on the political defensive. In this context, its leaders believed that sponsoring the blasphemy clause would be a losing issue, and that surrendering this claim would help defuse the spiking tensions and animosity shown to it by secularist forces.³⁰² At the same time, much like its justifications for the first, second, and sixth articles of the constitution, Ennahda's leadership maintained to its own base, as well as Tunisian society, that the retreat from its stance on blasphemy reflected an ever-evolving understanding of how Tunisians – as Muslims, but also as citizens of a newly democratic state – could strive for the general purposes of Islam but without tying concrete institutions and laws down.

³⁰¹ Imen Yacoubi, "Sovereignty from Below: State Feminism and Politics of Women against Women in Tunisia," *Arab Studies Journal* 24, 1 (2016): 268.

³⁰² Rory McCarthy, "Protecting the Sacred: Tunisia's Islamist Movement Ennahda and the Challenge of Free Speech," *British Journal of Middle East Studies* 42, 4 (2015): 458-59.

Pacting within the Troika: CPR, Ettakatol, and Ennahda

These pacts that characterized the Troika government did not come about because political forces were unequivocally democratic. If all actors involved were unambiguously inclusive and tolerant, then Tunisian democracy would have crystallized instantaneously from the start, without any conflict. Instead, what instantly transpired after the post-revolutionary elections of October 2011 was intense and worsening struggle between evenly matched sides. This is not an indictment of Tunisian politics. Rather, in historical and comparative perspective, it is inherent to most transitions where the groups battling for power after an authoritarian breakdown are those with little experience in regularized competition or political moderation, and which after long periods of repression battle for maximal gain.³⁰³ Still, democracy can still come about without democrats, as the Tunisian case signifies.

Critically, the compromises and decisions described here following the October 2011 elections represent the first identifiable phase of pacting, in line with the model provided in Figure 4. In this initial engagement round between Ennahda and its secularist peers, all bargaining partners did share a certain preference beyond the obvious imperative for survival – they wanted to immediately begin a political process that would ensure that the Ben Ali regime was irrevocably eliminated and would not return in any form. While the rise of Nidaa Tounes ironically did allow some elements linked to the prior autocratic order to organize and thereafter enter the political arena once more, in the

³⁰³ Nancy Bermeo, "Myths of Moderation: Confrontation and Conflict during Democratic Transitions," *Comparative Politics* 29, 3 (1997): 314-19.

opening stages of the transition, there was agreement that any new system of governance had to make a clean break from the past.

Yet even despite this common interests, early pacting also incurred serious costs to all involved – that is, this was not a mere matter of swallowing pride rather than incurring real political damage. For Islamists and secularists alike, compromise spurred intense friction between leaders and cadres. Many Ennahda members, for instance, rejected the prospect of bargaining with secularist parties rather than legislating political outcomes shaped purely by Islamist values. After all, they held the largest plurality in the Constituent Assembly; so if there was ever a time they could impose statutes and policies that embodied their identity and values, it would be now. The compromises of 2012 forced Rachid Ghannouchi and other leaders to busy themselves with the task of reconciling with hardline factions of the movement, as well as persuading many disillusioned young activists from leaving.³⁰⁴

Indeed, Ghannouchi frequently utilized theological and doctrinal reasoning to justify Ennahda's concessions. That is, Ennahda's shift towards compromise was predicated upon the explicit deployment of its spiritual understanding about the role of religion in order to reach an adaptive position that could accommodate the positions of those opposed to its existence. Several pieces of evidence support this. First, regarding Ennahda's retreat regarding shari'a, Ghannouchi publicly explained that such issues were merely being deferred rather than abandoned, and that Tunisian society would inevitably return to the issue after following its true pathway.³⁰⁵ An understated but vital mechanism for

³⁰⁴ Fabio Merone and Francesco Cavatorta, "Ennahda: A Party in Transition," *Jadaliyya*, 25 March 2013.

³⁰⁵ "Ghannouchi yufassir asbab 'itimid al-fasl al-awwal min dustour 59 [Al-Ghannouchi Explains the Reasons for Adopting Article One of the 1959 Constitution]," *Assabah*, 26 March 2012.

this deferral was the constitution's sixth article. That clause anointed the state in a contradictory position: it was both the *custodian of religion* (*ra'iyat al-din*) but also guaranteed citizens the freedoms of belief, conscience, and practice. In inducing collective agreement on this clause, Ennahda achieved two goals: it conceded to the demands of some actors, particularly Ettakatol, which desired as much distance between state politics and religious identity as possible; but it also achieved its own purpose in giving the Tunisian state an official role in the realm of religion, albeit one enshrined within ambiguity. For many in Ennahda, this abided by the classic doctrinal conception of *maqāṣid al-sharī'a* in allowing for a community of faith to align with the general purposes of Islamic practice, but without forcing official institutions into any obligation.³⁰⁶ That argument for *maqāṣid* would percolate through much of Ennahda's official positions as it navigated the juxtaposition of religion and politics in its discourse and policies.

Second, as Ghannouchi recounted in a personal interview with the author, Ennahda's Islamist goal was not theocracy defined by a monolithically imposing state, but rather an organic Tunisian community where popular government needed to be *infused* by the expression of faith.³⁰⁷ Ghannouchi justified Ennahda's acquiescence to secularist demands by citing the priority of shielding this community from division, which was the paramount goal of *maqāṣid*. In this sense, compromise was not just tolerable in theological terms but required, and therefore easily absorbed within Ennahda's doctrine. Despite the lack of

³⁰⁶ Zeghal, "Constitutionalizing a Democratic Muslim State," 123-27.

³⁰⁷ Personal interview by author with Rachid Ghannouchi, Leader of Ennahda, Tunis, Tunisia, 19 May 2014. The genesis and formalization of the ideas underlying this dissertation stemmed from these early meetings with Ghannouchi. These one-on-one discussions took place on the margins of two international conferences organized by the Hicham Alaoui Foundation. These were *Building Bridges: Towards Viable Democracies in Tunisia, Egypt, and Libya*, in Tunis on 28-29 March 2013, and *Les intellectuels et les transformations historiques dans le monde arabe*, in Tunis on 18-19 May 2014.

unanimity within the organization's upper ranks on these compromises, an overwhelming majority backed these propositions – much as, he suspected, many members in Ettakatol and CPR desired to forge these bargains in order to push the democratic process forward as quickly as possible.

The same costs of compromise applied to the leading secularist parties in the Constituent Assembly. Some members, including both younger activists and older officials, saw any engagement with Islamists as a sign of capitulation. So many CPR members accused their leadership of betraying the republican cause that party officials by early 2012 were regularly formulating outreach initiatives to placate disgruntled activists and members.³⁰⁸ Likewise, some Ettakatol activists argued that Ennahda was not trustworthy – not because Rachid Ghannouchi lacked credibility, but rather due to the perception that there was a wave of coming Islamization that would not moderate and thus had to be halted.³⁰⁹

Further, the fact that CPR and Ettakatol worked alongside Ennahda within a coalition government is significant given their deep philosophical resistance against its platform. These two groups saw Ennahda's Islamism as a populist ideology that threatened their republican vision of separating religion from state, which they believed embodied Tunisia's post-colonial trajectory. They conceived of democracy as system that must accommodate all political forces willing to abide by minimal institutional procedures, such as eschewing all forms of violence and accepting the results of fair and competitive elections. As a result, their commitment to liberal democratic political practices ran counter to the notion of legislating and governing on the basis of scripture, which they ascribed

³⁰⁸ Personal interview by author with Aziz Krichen, CPR member and former Adviser to the President, telephonic, 2 February 2018.

³⁰⁹ Personal interview by author with Mustapha Ben Ja'far, Former Speaker of Tunisian National Constituent Assembly, telephonic, 5 February 2018.

to Ennahda's platform. Many female supporters of CPR and Ettakatol, for instance, saw the clashes with Ennahda, and in particular the gender complementarity clause debate, as a red line. For instance, Ghannouchi claimed that the complementary clause enshrined "parity" because it illustrated the equal importance of women alongside men in a Muslim community.³¹⁰ This was rejected by many activists, however. In the words of Lilia Labidi, democracy in Tunisia required rejecting all religious terms invoking women, for it was control over the feminine body that traditional authoritarianism sought to establish.³¹¹

Yet for CPR and Ettakatol, accepting the presence of Islamists within not just the political system but potentially the heart of the Tunisian state was a sacrifice necessary in the name of procedural democratic politics. This concession was an integral part of the pacting process. As long as Ennahda accepted the rule of law and other basic mandates, there could be no justifiable argument for excluding the Islamist movement. Inversely, given their lack of electoral majority liberal secularists could only treat Islamists as equal partners. For instance, while Ennahda agreed in 2012 to concede its symbolic demand to enshrine *shari'a* in the constitution as the source of legislation, CPR and Ettakatol also agreed to accept to keep Article 1's ambiguous language of the old constitution, which framed Tunisia as "a free, independent, and sovereign state," and "its religion is Islam."³¹² This was done despite the demands of some to remove any mention of Islam as linked to the state, for reasons that religion and faith were individual choices rather than aspects of the state. Moreover, the

³¹⁰ Personal interview by author with Rachid Ghannouchi, Leader of Ennahda, Tunis, Tunisia, 29 March 2013.

³¹¹ Personal interview by author with Lilia Labidi, Former Minister of Women's Affairs, Tunis, Tunisia, 27 July 2017.

³¹² Bockenforde, 931.

cost of working with Ennahda as political partners also exposed the leadership of these parties to backlash from their popular base, because over time many activists and members increasingly left CPR and Ettakatol out of protest for conceding ground to Islamism.³¹³

Given these costs, it is now fruitful to deploy the overarching theory of pacting to explain why political actors bargained with one another. First, in the most general sense, the conditions necessary for pacting – ideological polarization, parity of power, and normative diversity – characterized Tunisian politics during this period. Politics after the Jasmine Revolution featured not just contingent forces reflecting the chaos of authoritarian rupture, such as outbursts of popular mobilization and public debates finally unbridled after decades of repressive closure. It also expressed the outcomes of past developmental processes that had guided the rise and consolidation of the Tunisian republican state, and societal forces. The absence of military interventionism after the toppling of Ben Ali nor the ease of popular protests should surprise those familiar with Tunisian history. The former reflected the institutional enervation of the armed forces under previous presidents, while the latter expressed the centrality of public mobilization and interest articulation within the Tunisian state. Indeed, the weak status of the Tunisian military will be discussed later in this chapter.

Regarding polarization, both Islamists and secularists found themselves deeply divided by the October 2011 elections, when the shared enthusiasm for post-revolutionary politics had begun to wear off. Ennahda's recent entry into politics, and prolonged suppression by the Ben Ali regime, made it a relative

³¹³ For instance, at least one Ettakatol deputy, Sélîm Ben Abdessalem, left Ettakatol in protest of working with Islamism. See further "Sélîm Ben Abdessalem: Le dissident d'Ettakatol," *Leaders*, 24 January 2013.

newcomer into the political arena despite the Islamist movement still maintaining a modest base of supporters within Tunisian society during its exile. While inter-opposition contacts between Ghannouchi and leftist opposition groups during the 2000s did occur, as in the October 2005 coalition, there was no sustained translation of such common dissent into a well-organized movement prior to the Jasmine Revolution. Meanwhile, the Jacobin state and its highly centralized nature had evolved under Ben Ali to become even more disconnected from Tunisian society. Collectively, these factors created considerable ideological space between Ennahda and its secularist rivals by the end of 2011.

Regarding parity, Islamists and secularists found themselves on relatively equal footing. The creation and sustenance of a national narrative gave Tunisian actors an essential basis by which to relate to one another as Tunisians. Two examples demonstrate this. First, Ennahda's deputies never disputed the major constitutional breakthroughs shaping Tunisia's self-conception of political order. For instance, Ettakatol voices argued that the 1861 Constitution should compose the backbone of any new constitutional documentation, and that post-colonial achievements like Bourguiba's Personal Status Code of 1956 needed absolute preservation – not just because of its gendered implications, but because they represented reference points in the legal landscape.³¹⁴ Crucially, Ennahda's leadership could not deny the shared importance of this narrative, nor of the historical accomplishments that guided the country's past political development. Instead, they argued for a closer religion-state connection on basis of building upon past achievements, a collective task in which they participated as fellow Tunisians rather than as

³¹⁴ Zeghal, "Constitutionalizing a Democratic Muslim State," 120-22.

Islamist outsiders. In this sense, Tunisia's historical trajectory constrained Ennahda.

Second, though Ennahda's internal ranks held a plurality of differing opinions, the leadership under Ghannouchi understood well what Larbi Sadiki has argued was "immutable" reality of Tunisian republicanism as produced by Bourguiba.³¹⁵ Though that republican heritage also installed secularist institutions and biases, the earliest constitutional compromises with Ettakatol and CPR revealed the implausibility of Ennahda denying the overarching role of the republican state as a provider of rights and incubator of politics. In blunt term, the installation of new Islamist precepts would require the radical denunciation of an institutional framework that was so deeply ingrained into the social lives of Tunisians. In this context, Ennahda sought to construct its programmatic vision *within* the boundaries of what its leadership saw as a cross-cutting discourse that was simply too entrenched to discard. Doing so would instantly anoint Ennahda as *outside* the Tunisian nation: "adaptation is the name of the game... finding a shared or '*wasati*' space for engaging self and other."³¹⁶

Finally, normative diversity is especially relevant. The range of political actors across Tunisia's institutional landscape showed remarkable variation, but a safe assumption would be that none appeared to enjoy standing as the mass-backed liberal democratic successor. The Troika government of Ennahda, CPR, and Ettakatol was "an alliance born of opportunism rather than ideological affinity," one constantly buffeted by suspicion and mistrust between Islamists and

³¹⁵ Larbi Sadiki, "Tunisia's Ennahda: Islamists Turning the Learning Curve of Democracy and Civic Habituation" in *The Politics of Islamism*, eds. John L. Esposito, Lily Zubaidah, and Rahim Naser Ghobadzadeh (Cham, Switzerland: Springer Nature, 2018), 87-126.

³¹⁶ *Ibid.*, 110.

secularists who often thought the worst of one another.³¹⁷ What makes this pluralism especially loaded was the fact that most opposition actors could claim some political credentials from having suffered marginalization or repression under the previous regime. Each commanded a popular base convinced that their actors stood as the most justified and well-equipped architects of a new political system. There was no mass consensus about which group was the most justified and appropriate successor, because each could ground their claim of power upon both electoral legitimation and suppression by the previous dictatorship.

In addition to these broad structural conditions that facilitated the first pact, there were contingent and immediate variables as well. One that proved relevant during 2012, when the post-revolutionary transition faced potential crisis, was the design of the constitutional crafting process itself. First, transparency was valued in both its procedural and substantive dimensions, in that the Constituent Assembly was constantly under public scrutiny and could not hide any of its proceedings.³¹⁸ Debates were linked to concrete articles in the constitution that could be written, read, and seen; they were not abstract disputations.

Second, because of the novelty of the post-revolutionary electoral process, party affiliations for most Assembly members throughout 2012 had not yet hardened into extreme and exclusive loyalties. Most were fluid and flexible in their thinking about political issues, motivated as much by a collective disgust

³¹⁷ Andrea G. Brody-Barre, "The Impact of Political Parties and Coalition Building on Tunisia's Democratic Future," *The Journal of North African Studies* 18, 2 (2013): 217.

³¹⁸ Amal Jamal and Anna Kensicki, "A Theory of Critical Junctures for Democratization: A Comparative Examination of Constitution-Making in Egypt and Tunisia," *Law and Ethics of Human Rights* 10, 1 (2016): 217-18.

with the Ben 'Ali regime and their desire for a clean break from it, as their divergent visions of political order.³¹⁹ Finally, the procedural requirement for constitution-crafting militated against unilateral defections. The constitution was required to obtain a two-thirds majority in the Constituent Assembly for approval, which effectively meant that no single party or group could impose its agenda unless it won an extremely unlikely supermajority.

The preceding institutional conditions depict the ideological polarization, parity of power, and normative diversity that theoretical literature predicts will facilitate the opening of a pacting process in a post-authoritarian transitional setting. However, in the Tunisian context, there are also specific reasons for why Ennahda, as the first initiator of this pact, chose to adopt the posture of compromise. Throughout 2012, several motivations were driving the Ennahda leadership's decisions to concede on key issues to CPR and Ettakatol, and in a wider sense the secularist constituencies they represented.

The first motivation was fear of destruction stemming from two sources. The most immediate emanated from its own political history in Tunisia. Ennahda was not mobilizing after the Jasmine Revolution so much as reconstituting itself after several decades of repression and persecution that had removed it from the Tunisian political equation. That distinct experience imbued a profound sense of reticence and caution borne out of the still-fresh memory of being targeted for mass suppression by the state. Understandably, despite its electoral victory and post-revolutionary shows of strength, the leadership did not feel fundamentally secure. The question was less whether it could eliminate perceived secularist

³¹⁹ Déborah Perez, "Mythes fondateurs et fabrique du politique dans l'hémicycle: le débat identitaire à l'Assemblée nationale constituante tunisienne," in Alia Gania and Gilles Van Hamme, eds., *Elections et territoires en Tunisie: Enseignements des scrutins post-révolution (2011-2014)* (Tunis: IRMC, 2016), 136-142.

opponents outright, but rather how to remain an indelible and ideally central part of political order. It thus did not wish to offer any pretext for the Tunisian state to return to the banning of Islamists. By rejecting a hardline stance on even symbolic theological issues that had instigated strong public reactions, Ennahda was in fact doing its utmost to ensure the past would never return.

The second logic of fear came from the lessons learned from the Algerian experience. Like the Islamic Salvation Front in Algeria, Ennahda had won a sudden and unexpected victory in a founding election. However, in Algeria, an overly ambitious push by the victorious Islamists precipitated an interruption of the political process that degenerated into an all-encompassing civil war. When this occurred, Islamists became framed as the enemy of the entire nation, a political actor that could never be trusted because it would exploit democracy only to impose theocracy, and thus had to be eliminated in a complete and unequivocal way. The Algerian conflict reverberated strongly across the entire Maghreb, and could not be ignored by Ennahda's leadership – particularly since Ghannouchi himself was exiled in Algeria during its abortive opening during 1989-90, and so witnessed firsthand the consequences of failure to compromise. Avoiding this nightmarish scenario required abandoning maximalist demands and approaches in politics, especially those that invited comparisons to Algerian Islamists. The priority of maintaining organizational standing was worth even losing some grass-roots support from hardline activists.³²⁰

However, Ennahda was not motivated by fear alone. As the marginally strongest member of the Troika and thus leading party of government, its

³²⁰ Kasper Ly Netterstrøm, "The Islamists' Compromise in Tunisia," *Journal of Democracy* 26, 4 (2015): 116-18.

strategy of compromise also reflected its desire to accommodate Western expectations for a peaceful transition. Throughout 2012, as tensions grew within the Troika and Tunisian society over issues of religious and political importance, the Arab Spring across the rest of the region began imploding. While the Egyptian transition stalled, Syria became immersed in civil war. Post-revolutionary Libya failed to coalesce into a unitary state, while the Yemeni transition disintegrated. From the perspective of the United States and European Union, which maintained strong diplomatic presences, it was crucial to maintain a nonviolent political transition. Multilateral global institutions like the International Monetary Fund and World Bank became involved, providing new loans and funding for the purpose of boosting development.³²¹ In doing so, Ennahda could gain international recognition in a short period of time, providing a lasting legitimacy that eluded many other Islamist organizations. Moreover, it could secure badly-needed economic aid and security assistance from aid donors. Khayam Turki, the second-ranking head of Ettakatol and its 2011 campaign director, verifies that the Troika's closed Friday meetings often raised the issue of badly-needed aid, and that attendees agreed a unified functional government would be considered more aid-worthy than a collapsed one.³²²

Crisis and Breakdown: 2013

If the period ending in the October 2011 elections represented revolutionary consensus, then the year following those elections saw that

³²¹ Adam Hanieh, "Shifting Priorities or Business as Usual? Continuity and Change in the post-2011 IMF and World Bank Engagement with Tunisia, Morocco and Egypt," *British Journal of Middle Eastern Studies* 42, 1 (2015): 119-134.

³²² Personal interview by author with Khayam Turki, Former Deputy Head of Ettakatol, telephonic, 4 February 2018.

consensus break down into open ideological conflict between Islamists and secularists, which not even a well-designed constitutional crafting process could foreclose. Throughout that year of 2012, however, such early struggle also generated the onset of the pacting process, as each side learned to give ground in a context of popular mobilization and rising tensions. Ennahda conceded on several constitutional issues, namely the incorporation of shari‘a, the language of gender equality, and the inclusion of the blasphemy clause. Inversely, secularist groups, in particular Ennahda’s Troika partners in CPR and Ettakatol, grudgingly began to accept that a powerful Islamist movement had installed itself within the heart of the Tunisian state and society.

Yet that relationship between Ennahda and other political actors was still fluid. Events throughout the next year, 2013, would severely test this ongoing pacting process, and bring the political system to deadlock. In addition, the most extreme and hardline voices on each side reasserted themselves, and imposed new demands upon the budding constitutional framework as well as the political arena. The crisis generated by these worsening contortions forced each side to reflect upon and reassess their role in this historical moment of political transition.

Crucially, even if tensions between the Troika partners could be defused at the elite level, within Tunisian society the cleavage between Islamism and secularism was becoming vaster. In January 2013, for instance, voices in the Tunisian press openly expressed their fears of civil war, noting that some Tunisians remained fearful of Ennahda’s alleged Islamizing agenda, and saw the

current political battle as an “existential struggle.”³²³ And indeed, turmoil erupted after the assassination of a prominent leftist and anti-Ennahda politician, Chokri Belaid, on February 6, 2013 by a Salafist. In the immediate aftermath, secularists pinned the blame of his killing upon Ennahda.³²⁴ In retrospect, while Belaid’s assassination had nothing to do with Ennahda’s activist wing or political leadership, the rise of new Salafist groups over the past year had also been tolerated by Ennahda’s leadership, which sought to accommodate and co-opt Salafists like Ansar Sharī‘a rather than suppress them outright.³²⁵ In this context, Ennahda’s past complacency towards the Salafist movement as mentioned before came to the forefront.

Crucially, if the Islamist-secularist clashes of 2012 as much involved the Troika parties as it did the Tunisian public, the unrest of 2013 completely engulfed the public sphere and could no longer be contained by the governing parties. One week after Belaid’s assassination, for instance, one study uncovered the astonishing loss of confidence that many secularist Tunisians had with CPR and Ettakatol: if parliamentary elections had been held then, opinion polls showed, these two parties would net only 3.5 and 2.9 percent of the vote, respectively.³²⁶ In this context, mass demonstrations rocked Tunis. Initially following Belaid’s death, tens of thousands of protesters marched across the country, calling for the downfall of Prime Minister Hamadi Jebali, a member of Ennahda. Some also called for the dissolution of Ennahda and its expulsion

³²³ “Al-khawf al-siyasi wal-harb al-ahliyyah al-mumkina [Political Fear and the Possible Civil War],” *Alchourouk*, 7 January 2013.

³²⁴ Bidhiyafi, 75-77.

³²⁵ Nicole Rowsell, “Tunisia: Foundations of Democratic Compromise,” *Adelphi Series* 55 (2015): 29-30.

³²⁶ “A la une, politique: seul contre tous [To the One, Politics: Alone against All]?” *Réalités*, 13 February 2013.

from the Tunisian state. The eruption was sustained and violent: as courts and schools closed in many locales due to unrest, Ennahda chapter buildings were burnt down as crowds called for the overthrow of the Troika government.³²⁷

In response, thousands of Islamist supporters launched counter-protests in support of the Islamist movement and the government. The crisis worsened when days after the assassination, President Marzouki announced that his CPR was leaving the Troika government. Although his party did ultimately remain in the coalition, the threat expressed the worsening climate of tensions. A week later, Jebali resigned, and Ennahda tasked another senior figure, 'Ali Larayedh, who had previously served as Interior Minister, to form a new government.

However, the emergency continued to deepen as open animosity between Islamists and secularists played out publicly and daily. The ambient confrontation also made headway into the Constituent Assembly, bringing to a standstill its primary mission of drafting the new constitution, which had been originally scheduled for completion by the end of 2012. For instance, in April and June 2013, the NCA considered the third and fourth drafts of the Constitution it was to ratify (previous drafts had come in August 2012 and December 2012).³²⁸ Each draft contained divergences reflecting the tense divisions between political factions, and remained unresolved. In turn, the immobilization of the Assembly's legislative and constitutional imperative fed into already inflamed public sentiments of anti-government and especially anti-Islamist anger. From January through the summer of 2013, thus, Tunis saw cycles of protests. Secularist

³²⁷ "Ghadhab 'aarim fil-jihat wa haraq li-ba'dh maqarrat al-nahda [Intense Anger in the Regions and the Burning of Some Ennahda Headquarters]," *Essahafa*, 7 February 2013.

³²⁸ Markus Böckenförde, "From Constructive Ambiguity to Harmonious Interpretation: Religion-Related Provisions in the Tunisian Constitution," *American Behavioral Scientist* 60, 8 (2016): 921-22.

groups and activists frequently marched for the Assembly's dissolution and against Islamism in general, which in turn triggered counter-mobilization by Islamist supporters backing what remained of the government and Ennahda's leadership. In general, anti-Islamist demonstrations were larger in size, leading many analysts to conclude that Ennahda had "started to lose the competition in the streets."³²⁹ It should also be noted here that Tunisia's rich and varied civil society helped sustain this atmosphere of continual mobilization and public participation. Particularly active were groups affiliated with women's rights and transitional justice.³³⁰

It is important to note that political actors during this period of time were neither monolithic nor stagnant. Ennahda had lost some members, especially those from the poorer and marginalized interior areas of the country, after its compromises on religious and symbolic issues during 2012. Some of those defectors either formed new groups or else joined the Salafists. Similarly, CPR and Ettakatol were losing some supporters, who instead flocked to Beji Caid Essebsi's Nidaa Tounes and its more ardent suspicions of Ennahda. These secular actors were not identical: CPR, Ettakatol, and Nidaa Tounes grounded their political platforms in different ideological traditions, and each represented a different sector of the economic and political classes. Nidaa Tounes, for instance, was most closely associated with remnants of the old regime, not least because many of its political representatives indeed had worked in government during the Ben 'Ali era.³³¹ Yet Nidaa was also regarded as the vanguard of the

³²⁹ Amel Boubekeur, *The Politics of Protest in Tunisia. Instrument in Parties' Competition vs. Tool for Participation* (Berlin: Stiftung Wissenschaft und Politik, 2015), 4.

³³⁰ Anna Antonakis-Nashif, "Contested Transformation: Mobilized Publics in Tunisia between Compliance and Protest," *Mediterranean Politics* 21, 1 (2016): 133-43.

³³¹ Raphaël Lefèvre, "Tunisia: A Fragile Political Transition," *Journal of North African Studies* 20, 2 (2015): 308-9.

secularist opponents of Ennahda. Significantly, for instance, Essebsi broke off all communications with Ghannouchi after Belaid's 6 February assassination, and the two would not meet face-to-face again until the *Building Bridges: Towards Viable Democracies in Tunisia, Egypt, and Libya* conference on 28-29 March 2013.³³²

The system was plunged into turmoil starting in July, when a Salafist assassinated another leftist and anti-Islamist politician and NCA deputy, Mohamed Brahmi. At this point, there emerged two flashpoints of religious-political conflict. Most broadly, many Tunisians led by Nidaa Tounes had formed a loose movement called the Salvation Front, which called for the Ennahda-led government's downfall. At the same time, supporters of the CPR, Ettakatol, and other groups more specifically targeted Ennahda as an Islamist entity, believing either its ideology or its membership was implicated in the killings of Belaid and Brahmi.³³³ A fresh wave of demonstrations erupted, which alongside a general strike paralyzed political life. A mass sit-in at Bardo, where the Constituent Assembly was located, attracted over 100,000 protesters featuring slogans such as *Rahil!* (departure), resulted in over 60 deputies walking out in solidarity.³³⁴

By this time Nidaa Tounes, which was not yet formally represented in the Constituent Assembly or government given its formation after the October 2011 elections, had come to most vocally espouse the anti-Islamist position. During August, Nidaa Tounes representatives reached out to the military to ascertain the possibility of an Egyptian-style coup that, much like what occurred a month earlier in Cairo against the Morsi government, would expel Ennahda and install a

³³² Netterstrøm, "Islamists Compromise."

³³³ Bidhyafi, 106-108.

³³⁴ Sami Zemni, "From Revolution to Tunisianité: Who Is the Tunisian People?" *Middle East Law and Governance* 8 (2016): 141.

non-Islamist government.³³⁵ Ettakatol officials reported that many business elites close to the party were openly sympathetic to the notion of such an intervention.³³⁶ The Egyptian coup against Morsi was especially resonant on the public consciousness, as Tunisians made competing appeals to the armed forces. In mid-July in the weeks following Morsi's downfall, for instance, Ennahda supporters flocked to central Tunis to voice their support for the Egyptian Muslim Brotherhood while also warning the army to not interfere in the democratic politics of an elected government.³³⁷ In response, many anti-Islamist protesters affiliated with the Salvation Front made the opposite invocation; while they did not openly call for a coup, they utilized thinly veiled language imploring the army and police to protect their rights and restore order in the absence of a functional government.³³⁸

Such a specter was taken seriously by the government. President Marzouki recounts that his own personal alarm over military intrusion had begun months earlier, even before Brahmi's July assassination, and that in response a variety of coup-proofing measures were undertaken.³³⁹ For instance, General Rachid Ammar, still a lionized figure since the revolution, resigned in June 2013 from his position as Joint Chief of Staff. Marzouki feared Ammar could return to politics as a "de Gaullist" figure, and as such quickly moved to replace key

³³⁵ Sharan Grewal, "A Quiet Revolution: The Tunisian Military after Ben 'Ali." *Regional Insight of Carnegie Endowment for International Peace*, 24 February 2016.

³³⁶ Personal interview by author with Khayam Turki, Former Deputy Head of Ettakatol, telephonic, 4 February 2018.

³³⁷ "Tahdir al-jaysh min tikraar ma hadatha fi misr [Warning the Army from Repeating What Happened in Egypt]," *Essahafa*, 13 July 2013.

³³⁸ "Une réunion en vue de la formation d'une instance de salut national [A Meeting for the Formation of a National Salvation Front]," *La Presse*, 29 July 2013.

³³⁹ Personal interview by author with Moncef Marzouki, former President of Tunisia, telephonic, 9 February 2018.

military positions with officers known to be “non-ideological” – including going so far as to recall the Tunisian defense attachés to Libya and Egypt back home.³⁴⁰

However, as the government suffered from paralysis, the group of civil society associations that would later become known as the National Dialogue Quartet began organizing a peaceful intervention to mediate the extreme disagreements between Ennahda, CPR, Ettakatol, and Nidaa Tounes.³⁴¹ Those associations were the UGTT, LTDH, UTICA (*Union tunisienne de l'industrie, du commerce et de l'artisanat*) and the Lawyers' Association. These groups served as mediators to reopen dialogue and prevent a complete governmental breakdown; for instance, the UGTT facilitated a series of close meetings in Paris between Rachid Ghannouchi and Beji Caid Essebsi in late August 2013.³⁴² As is well-known, through such efforts, the Quartet set forth a roadmap to reformulate the government and pass the constitution, a goal shared by all political actors.

The months of fall 2013 were punctuated by frequent protests and worsening violence, some stemming from political blockages and others expressing the frustration of the general public or else suspicions of competing supporters. Police treatment of these marches and sit-ins, as well as mutual enmities between competing protests, often resulted in clashes and occasional deaths. However, under guidance of the Quartet, Ennahda and its governing partners would make its largest compromises to date, which would not just preserve the democratic transition but also each other's survival. Most essentially, despite the preferences of Nidaa Tounes and other anti-Islamist

³⁴⁰ Ibid.

³⁴¹ Maryam Ben Salem, “The National Dialogue, Collusive Transactions, and Government Legitimacy in Tunisia,” *The International Spectator* 51, 1 (2016): 101-2.

³⁴² These meetings were well-documented. See, for instance, “Que se sont dit Rached Ghannouchi et Béji Caïd Essebsi à Paris?” *Jeune Afrique*, 20 August 2013.

voices, Ennahda could not be banned or eradicated given its electoral success. Inversely, Ennahda would make several compromises.

First, at the end of August, the movement formally severed its ties to Salafism with the government under Ennahda Prime Minister 'Ali Larayedh formally declaring Ansar Shari'a as a terrorist organization. Ennahda did not have formal linkages to Salafist groups, but could no longer afford to maintain an attitude or strategy of complacency. Salafist activism, which grew rapidly after the Jasmine Revolution, naturally increased the Islamization of the most marginalized sectors of Tunisian society, such as those in the dakhil. However, by neither formally endorsing Salafism nor outright calling for the prohibition of prominent groups like Ansar Shari'a, it was thought Ennahda could reap the benefits of Islamization and thus gain more support indirectly. By declaring Ansar Shari'a a terrorist organization, Ennahda essentially ended this approach during the peak of the political upheaval.³⁴³ With Ansar Shari'a explicitly blamed now for the assassinations against Belaid and Brahmi, the Tunisian military launched a campaign to eradicate the organization.

Second, in October, Ennahda agreed to leave the government altogether, with Larayedh resigning – a move presented as “consensus-building” to the public but which signified a deeper compromise.³⁴⁴ A new interim cabinet led by Mehdi Jomaa, an independent figure known as a technocrat, took over months later after several more rounds of shuttle diplomacy and talks between all parties held by the Quartet. This agreement did not foreclose Ennahda's future participation, nor did it impose any constraints upon its future politics and

³⁴³ Francesco Cavatorta, “Salafism, Liberalism, and Democratic Learning in Tunisia,” *Journal of North African Studies* 20, 5 (2015): 780.

³⁴⁴ Rowsell, 31.

electoral trajectory. The concession, instead, was that Ennahda exit the government, which brought the Troika era to an end, and that the interim national leadership hold elections no later than the end of 2014. To the old Troika members, this concession was interpreted favorably. For example, Ettakatol officials who cynically doubted Ennahda's motivations during its 2012 religious concessions admitted that leaving power by January 2014 was an extraordinary sacrifice, since it surrendered the one point of legitimacy that no other party had – an electoral victory.³⁴⁵

Third, as the NCA resumed meeting and debates over the constitution burgeoned, Ennahda abandoned two key institutional demands that had put its leaders at odds with Nidaa Tounes and some of its allies. First, it agreed to a mixed parliamentary-presidential constitutional framework, whereas previously it steadfastly endorsed a pure parliamentary configuration.³⁴⁶ A parliamentary system driven by proportional representation, Ennahda believed, would have favored it given its national membership base and mobilizational infrastructure. The assumption was not that Ennahda would consistently win a majority, but rather than it would always be represented in some capacity and thus remain a virtually permanent part of the political landscape – the opposite of its experience of repression under Ben 'Ali.³⁴⁷ By contrast, Nidaa Tounes, CPR, and Ettakatol learned more heavily towards a purer French-style presidential system, one that

³⁴⁵ Personal interview by author with Mustapha Ben Ja'far, Former Speaker of Tunisian National Constituent Assembly, telephonic, 5 February 2018.

³⁴⁶ Many Ennahda members knew their group held a clear organizational and popular advantage over any other single party in the post-revolutionary environment. For instance, if the NCA's October 2011 elections had been conducted under British Westminster-style "first-past-the-post" rules of plurality in single-member districts, Ennahda would have won nearly 90% of all seats. Alfred Stepan, "Tunisia's Transition and the Twin Tolerations," *Journal of Democracy* 23, 2 (2012): 93.

³⁴⁷ Monica Marks, "Convince, Coerce, or Compromise? Ennahda's Approach to Tunisia's Constitution," Brookings Doha Center Analysis Paper No. 10 (2014): 26-28.

gave the president broad discretionary powers that overshadowed the parliament. They assumed that an Islamist could never become a popular national figure. The mixed system finally agreed upon by all parties was the only arrangement that each side perceived to not unfairly favor the other.

Further, Ennahda agreed to allow former RCD members back into the political arena by retracting its demand that any affiliation with the former ruling was a disqualification for running for public office, a ban expressed earlier with the October 2011 elections. While this compromise would be embodied not so much in the constitution as in new electoral laws, the frozen Assembly could not consider any elections framework until ratifying the new constitution. Notably, while Nidaa Tounes naturally wished for this bargain, the CPR did not assent. Ennahda realized it would need to make this concession particularly because those affiliated with the RCD represented an enormous segment of the former political elite as well as professional constituencies in Tunisian society.³⁴⁸ Its leadership recognized that it would be difficult to function even as a majoritarian party in government if such a large audience was existentially opposed to Islamist participation because its own participation was prohibited by law due to their past affiliations. Indeed, during August 2013 as the crisis peaked, Rachid Ghannouchi hinted in various statements that he would relent on this longstanding issue, but it was not until the end of the year that Ennahda formally agreed to the bargain.

Still the driving force behind pacting during this early stage, Ennahda's compromises rejuvenated the democratization process by enabling the

³⁴⁸ Nadia Marzouki, "Tunisia's Rotten Compromise," *Middle East Research and Information Project Online*, 10 July 2015.

ratification of the constitution. This occurred in January 2014, with nearly unanimous support (well over the two-thirds minimum) in the NCA. This constitution embodied all the compromises aforementioned made by Ennahda since 2012, from religious and symbolic issues such as the role of Sharī'a, gender complementarity, and blasphemy, to more political and institutional issues regarding the presidential-parliamentary mixed system and the inclusion of former RCD members into politics.

Explaining Sustained Pacting during Crisis

This constitutional ratification is often framed as the successful outcome of the Quartet's intervention, which earned these civil society associations the Nobel Peace Prize and global praise. Not to be overlooked, however, are the extant conditions that as predicted by pacting theory and expressed in the Tunisian circumstance facilitated the continuation of pacting during a moment of potential breakdown. The parity, polarization, and normative diversity articulated earlier still held. First, the cycles of protests and counter-protests, and the ensuing political paralysis, showed that neither Ennahda nor its troika partners could emerge singlehandedly victorious within the realm of elite politics or at the level of grassroots mobilization. Second, as the preceding section described, ideological polarization remained endemic, with mutual mistrust and hostilities deepening to the extent of creating the political crisis of summer 2013. Normative diversity, thirdly, likewise held: though Ennahda, CPR, and Ettakatol were all participating in democratic governance, each side also accused the other of violating democratic norms and of betraying the spirit of the revolution.

There was no objective arbiter that anointed either side as the “true” carrier of the Jasmine Revolution, or the most ardently pro-democratic faction.

Beyond this rests the essential question of continuity through crisis: why did political actors, especially Ennahda, choose to make the compromises necessary to overcome deadlock and restore momentum to the democratic transition after summer 2013? It is vital to note that many observers remained cynical of the pacting process even after the constitutional bargains of the previous year. One Western analysis, for instance, accused Ennahda of deploying “delaying tactics in order to create the conditions for a definitive takeover of power at the end of the transition process.”³⁴⁹ Given the ongoing climate of mistrust, the explanation must draw upon the original reasons why Ennahda engaged in pacting during the crises that marred 2012, but in stronger form, in addition to new dynamics of organizational development and habituation.

First, the old fear that political maximalism and refusal to compromise would lead to open conflict and even civil war flared sharply amongst all sides, including not just Ennahda’s leadership but also Nidaa Tounes. By fall 2013, this fear had evolved to become more complicated. It now invoked two possibilities of violence – the Egyptian model, in which Islamists become the enemy of the state, or the aforementioned Algerian model framing Islamists as the enemy of the nation. The Egyptian model reflected what had occurred in July 2013, with the military launching a salvation-style coup against an Islamist-led government to not only decapitate the Islamist leadership but outlaw the organization

³⁴⁹ Eric Gobe and Larbi Chouikha, “Is the Tunisian Political Transition in Danger?” in *IEMed Yearbook 2013* (Barcelona: IEMed, 2013), 179.

altogether. This foreclosed the Brotherhood from ever entering politics again. This Egyptian-style interruption resonated not just because of its immediacy, but also because Ennahda observed that there were no perceived consequences, such as Western sanctions, against the Egyptian military after deposing the Muslim Brotherhood. Furthermore, there was no forthcoming international support for Egypt's Islamists as they were repressed during and after the coup.

However, the Egyptian-style model did not provoke as much fear as might be expected despite the immediacy of the July 2013 coup and Nidaa Tounes' entreaties for a military solution the following month. Simply put, the Tunisian military did not pose a credible threat through intervention given its institutional marginalization in the past, its historical distance from national politics, and sheer operational deficiencies that were only now beginning to become remedied due to greater funding under the post-Arab Spring governments. Ben 'Ali not only purged the military during the 1990s due to his suspicions of its loyalty, but also starved it of financial and material resources, favoring instead the dramatic enlargement of civilian policing and intelligence agencies to ensure his rule. As one observer noted, the Tunisian military simply had no institutional stake in Ben 'Ali's leadership.³⁵⁰ The post-revolutionary government under Marzouki began the process of reversing this decades-long marginalization. For instance, General Rachid Ammar frequently attended ministerial meetings and took command of the Interior Ministry security forces. Ammar's political elevation encapsulated the expanding budgets, attention, and standing given to the armed

³⁵⁰ Risa Brooks, "Abandoned at the Palace: Why the Tunisian Military Defected from the Ben 'Ali Regime in January 2011," *Journal of Strategic Studies* 36, 2 (2013): 219.

forces after 2011: thus, democratization helped the armed forces in Tunisia, unlike many other Arab states.³⁵¹

Thus, both Ennahda and Nidaa Tounes continued to fear the Algerian scenario of civil war and open-ended violence resulting from stalemate, when neither Islamists nor secularist forces would give ground. Notably, this sentiment was not only evident among these two bargaining partners, but it also resonated with some of Ennahda's old Troika partners. While some within CPR and Ettakatol feared an Egyptian scenario, others implicitly admitted that Ennahda's Algerian-oriented anxiety was more likely: "civil war" rather than a clean military break would have resulted from any rupture in civilian governance, because it would expose the fractures and tensions from within secularist forces as well.³⁵² Such assumptions seem to be well-founded. Unlike Egypt, Tunisia had never experienced a coup; its military had no legacy or record of intervening in politics and taking direct power. By contrast, Algeria's long civil war pitting Islamists against the military left a deeper psychological imprint on neighboring Tunisia, with which Algeria shared a common French colonial heritage and other cultural similarities.

Second, Ennahda had continued to evolve as not just a social movement but a governing political party as well. It might have shed any lingering fears of a return to Islamist repression, but it also exhibited increasing sensitivity to popular preferences in Tunisian society, as well as more awareness about the international stakes involved with keeping the Tunisian transition towards democracy on track. By summer 2013, it had become apparent that not just

³⁵¹ Jamal and Kensicki, 214.

³⁵² Personal interview by author with Khayam Turki, Former Deputy Head of Ettakatol, telephonic, 4 February 2018.

ardent Nidaa Tounes backers but many Tunisian citizens perceived the internal security situation to be greatly deteriorating. Even more worrisome, Rachid Ghannouchi and other leaders understood that the anti-Islamist rhetoric propagated by many secularist actors was becoming too extreme, including calls to ban the organization outright in the same manner that the Ben 'Ali regime had.³⁵³

While Ennahda could accept its declared opponents engaging in such rhetoric, it was not prudent to allow this radicalized view to prevail among other Tunisian voters. That is: Ennahda never sought to “win” over its secularist rival, but it could not afford to lose the Tunisian public. Its electoral victory in October 2011 came not because it managed to convert so many Tunisians into Islamists, but rather because it could appeal to enough non-Islamists as a credible political party. The calculation made was that if Ennahda stayed in government, it would severely weaken the group given the intensifying crisis and paralysis with which it had become associated. As Ghannouchi later explained in a January 2014 interview, leaving government was actually in Ennahda’s interest, for it allowed the party to recalibrate its strategy for the next parliamentary elections without the burden of running a failing government.³⁵⁴ At the same time, Ghannouchi noted that the values of consensus and compromise were not just compatible with but embraced by the Islamist platform of Ennahda, and that its exit should at least prove this to other interlocutors.³⁵⁵

³⁵³ 35 percent of Tunisians supported military rule during this period. These data are taken from the World Values Survey’s sixth wave, which coincidentally gauged public attitudes in Tunisia about a range of issues during the 2013 period that coincided with these events. See further <<http://www.worldvaluessurvey.org/WVSDocumentationWV6.jsp>>.

³⁵⁴ *Assabah*, “Al-Ghannouchi: sahih an khuruj al-nahda min al-hukm afdhal hadiyyah lil-nahda [Ghannouchi: It Is True That Leaving Government Is the Best Gift for Ennahda],” 31 January 2014.

³⁵⁵ *Ibid.*

Furthermore, Ennahda recognized that animating the tense rift with secularist opponents was not only religion, but a deeper cleavage within Tunisian society that predated the crisis. The *sahel-dakhil* split described earlier in this chapter heavily flavored the nature of political clashes. Ennahda's leadership understood that this "insider versus outsider" split mirrored longstanding geographic and economic divisions, not least because so much of its post-revolutionary membership (as well as Salafist mobilization) drew upon the latter category.³⁵⁶ Indeed, it was no coincidence that much of Ennahda's new support after its return to politics came from the south, which had the highest concentrations of poverty in the country and had long seen small-scale protests against the Ben 'Ali regime in preceding years.³⁵⁷ However, it also came to recognize that such a cleavage had the potential to alienate many Tunisians from Ennahda for the simple reason that its Islamist movement had become a proxy for the non-Sahel outsider community. By making concessions in a practical way, and thus reducing the intensity of this division, Ennahda was in effect insulating its Islamism from being identified with factors that had little to do with its political program, and instead expressed these deeper underlying tensions.

Finally, Ennahda did not want to appear intransigent to the US and the European Union, which were carefully watching the Tunisian transition and providing foreign aid. Here, the geopolitical context became more vital in shaping the calculations of Ennahda's leadership. By fall 2013, the Arab Spring had ended, and in its wake were left conflicts and security concerns high on

³⁵⁶ Fabio Merone, "Enduring Class Struggle in Tunisia: The Fight for Identity beyond Political Islam," *British Journal of Middle Eastern Studies* 42, 1 (2015): 81-84.

³⁵⁷ Habib Ayeb, "Social and Political Geography of the Tunisian Revolution: The Alfa Grass Revolution," *Review of African Political Economy* 38 (2011): 471-73.

Western priorities. The Syrian civil war had drastically worsened, and the formation of the Islamic State of Iraq and the Levant in April 2013 signaled the most extreme phase of violence yet experienced. Libya and Yemen remained fragmented and collapsed states. Insecurity and jihadist violence inside Tunisia likewise invoked Western fears of instability spreading across the Maghreb and consuming geopolitical allies like not only Tunisia but also Morocco and Algeria. Security sector reform, for instance, became a major priority among Western donors who wished to transform the coercive machinery of the Ben 'Ali regime into a civil policing service accountable to public inquiry.³⁵⁸ That the Tunisian political transition, however uncertain, remain on track and free of violence had strategic importance. Indeed, symbolically, Western powers came to value the Tunisian transition as a success story from the Arab Spring.³⁵⁹ Hence, not just diplomatic relations, but continuing economic and military assistance from both bilateral channels (i.e., the US and EU) as well as multilateral institutions remained at stake.

An additional factor that should not be discounted is the moderating role of certain elites themselves. First, consider Rachid Ghannouchi. Ghannouchi as not just the figurehead of Ennahda but also its uncontested leader. Ghannouchi's experiences in exile, as well as close observations of past Islamist failures in Algeria, shaped the proclivity towards compromise and dialogue during moments of potential democratic breakdown. While based in England, Ghannouchi's efforts to maintain Ennahda's executive leadership required him to moderate

³⁵⁸ Moncef Kartas, "Foreign Aid and Security Sector Reform in Tunisia: Resistance and Autonomy of the Security Forces," *Mediterranean Politics* 19, 3 (2014): 376-77.

³⁵⁹ Indeed, Tunisia was frequently held by policymakers as the lone success story of the Arab Spring. See, for instance, Frances Burwell, Amy Hawthorne, Karim Mezran, and Elissa Miller, *Transatlantic Strategy for a Democratic Tunisia* (Washington, D.C.: Atlantic Council, 2016), 10-16.

more radical opinions among the exiled Islamist community, including those that desired more militant confrontations with the Ben Ali regime.³⁶⁰ As a political strategist, Ghannouchi advocated for a gradualist approach in hopes of facilitating the return of Islamist life within Tunisia, a campaign deeply informed as well by his engagement with Muslim intellectuals and the necessity of finding intersections between Islamist ideals and democratic life. While it is always difficult to capture the complexities of personalities in singular statements, an uncontroversial position would hold that Ghannouchi's politics abroad helped produce a readiness to bargaining that, alongside his moral authority, helped overcome internal resistance within the senior ranks of the Islamist movement.

A similar argument can be made regarding President Marzouki. As a human rights lawyer and persecuted dissident, Marzouki understood well the need for maximal participation to legitimate a new democratic process. He did not figure publicly into the wrangling within the troika, as he had internalized a conciliatory posture that was magnified by his role as first post-authoritarian president. In essence, by doing very little, Marzouki did much in facilitating the interactions between the troika partners in finding overlapping agreements and overcoming misunderstandings.

Re-equilibration and Pacting Continued: 2014-15

Events during 2013 represented the most dangerous point of crisis for the Tunisian political transition after the Jasmine Revolution. The continuing process of bargaining, however, preserved the momentum for pacting to

³⁶⁰ Anne Wolf, *Political Islam in Tunisia: The History of Ennahda* (Oxford: Oxford University Press, 2017), 92-98.

succeed. While the Quartet provided a basic structure for reasoned interactions, they did not force any political actor to the table. Those preferences came from within. Concessions made especially by Ennahda on several issues helped unfreeze the governmental impasse and precipitated the eventual ratification of the constitution. By no means was Tunisian democracy guaranteed, but the persistence of compromise by the end of the year enabled political actors to avoid a systemic breakdown and the eruption of full-fledged conflict.

As a result, both Islamists and their secularist counterparts emerged more willing to play by the rules of the democratic game, with a renewed commitment to regular political contestation. That commitment to driving forward democracy manifested through the events of 2014 and 2015, which further progressed the Tunisian transition and revealed a collective preference for bargaining rather than facing a political and potentially violent rupture on part of all actors. The uncertainties that defined the post-revolutionary years began to be replaced by institutional continuity and predictable routines.

What emerged was what might be called the second stage, or phase, of the pacting process as elucidated in the model from Figure 4, in which Islamists remained within the political arena but now confronted a new secularist force infused by remnants of the old authoritarian regime. This political period following the post-revolutionary troika is significant. It allowed elements linked to, sympathetic with, and supportive of the old authoritarian regimes of Bourguiba and Ben Ali to return to the political forefront. Thus while the logic of pacting remained the same – Islamists and non-Islamists struggled to compromise in a context of mutual tensions and uncertainty – the character of the latter changed. No longer drawn from post-revolutionary opposition, now the opponents of

Ennahda included remnants of the autocratic past who shared in common with other secular oppositionists deep suspicions about the intentions and aspirations of Tunisian Islamism. Nidaa Tounes, certainly, was not *only* a vehicle of these regime remnants; as the preceding analysis illustrated, it encompassed a broad variety of Tunisians who had become disenchanted with extant secularist parties, including a number of bureaucrats and experts. For this reason, the decision-making and compromises that occurred after 2013 differed from those that came before.

The 146-article constitution ratified at the end of the January 2014 represented the material and legal outcome of the pacting process thus far. With it emerged as well the compromise government agreed upon by Ennahda and secularist forces through the Quartet's mediation, led by caretaker Prime Minister Mehdi Jomaa and a predominantly technocratic cabinet staffed with independent ministers. The Constituent Assembly also renewed the mandate of the Independent High Authority for Elections (*Instance Supérieure Indépendante pour les Elections*), which was initially selected a year earlier and was tasked with creating the legal framework for future elections, as well as ensuring their transparent and fair conduct.³⁶¹ With the constitution set, the commission finalized its work on drafting a new electoral framework. Its efforts culminated in an electoral law governing parliamentary and presidential elections that was ratified by the Assembly in May 2014. Critical to the passing of that law was the aforementioned rejection of a measure to exclude former RCD members and affiliates of the Ben 'Ali regime to run for office. Ennahda's disciplined

³⁶¹ Larbi Chouikha, "L'Instance Supérieure Indépendante pour les élections et le processus électoral tunisien: un témoignage de l'intérieur," *Confluences Méditerranée* 82 (2012/3): 171-85.

endorsement of allowing the RCD remnants to return, a pledge kept from the negotiations that occurred in late 2013, overcame objections by the CPR and other groups. That endorsement angered many of Ennahda's rank-and-file members, and led some to leave the party and movement altogether; but nonetheless, its leadership committed to the concession.

The months following the January ratification of the constitution also featured other events indicating the continuity of the democratic transition. For instance, the crackdown against radical Salafists, and especially Ansar Sharī'a, continued. In February, the suspected assassin of Chokri Belaid was killed in a police raid. In March, President Marzouki lifted the state of emergency that was originally imposed during the Jasmine Revolution, which symbolized the return – at least in legal terms – of some legal normalcy. While violence continued sporadically on the political margins, such as in ongoing military operations by the military against radical Salafists, the frequency and intensity of popular protests, aimed at either the government or specific groups, lessened.

These deepening commitments to abide by shared democratic procedures resulted in successful parliamentary and presidential elections at the end of the year. The October 2014 parliamentary contest ended the tenure of the National Constituent Assembly, and produced the new permanent legislature – the Popular Representative Assembly. While all political forces campaigned vigorously, the result of this election was as surprising as the outcome of the October 2011 election.³⁶² Nidaa Tounes won the largest share of seats (86 out of 217), while Ennahda came second with 69 seats. Nidaa Tounes' success

³⁶² Muhammad Muddassir Quamar, "Tunisia: Presidential and Parliamentary Elections, 2014," *Contemporary Review of the Middle East* 2, 3 (2015): 281-84.

dramatically overtook former Troika members CPR and Ettakatol, whose popularity had plummeted. Whereas CPR held 29 seats in the Constituent Assembly, it won just 4; and whereas Ettakatol had held 20 seats, it now had one. A month later, presidential elections were held. These marked the first competitive presidential elections in Tunisian history. Again, Nidaa Tounes emerged victorious in this two-round contest, with Essebsi beating the CPR's Marzouki with over 56 percent of the vote in the final run-off. Notably, Ennahda declined to either run its own candidate in the presidential elections, or endorse any of the candidates, in an agreement struck between its leadership and Nidaa Tounes.³⁶³

President Essebsi appointed from Nidaa Tounes Habib Essid as the new Prime Minister. The formation of a new government here carried on the pacting process by embodying a broader bargain between Ennahda, now reduced to the opposition party, and Nidaa Tounes as not just the most powerful party but also one whose members had raised deep suspicions about Islamism and Ennahda from its inception years earlier. Initially, Prime Minister Essid attempted to form a new government dominated by Nidaa Tounes and with little representation to other parties, but scuttled the plan after intense opposition from the Assembly. President Essebsi and other Nidaa Tounes leaders then intervened, negotiating across the aisle with Ennahda to formulate a coalition government. In February 2015, the unity government was formally approved, and consisted of both Nidaa Tounes and Ennahda.³⁶⁴ Each was given key ministries – e.g., the Foreign Ministry to Nidaa Tounes, and the Labor Ministry to Ennahda – while other

³⁶³ Boubekeur, "Islamists, Secularists, and Old Regime Elites," 121.

³⁶⁴ "Tunisia Unity Government Stirs Crisis in Leading Party," *Al-Jazeera*, 20 February 2015.

sensitive posts, such as the Ministry of Labor and Ministry of Justice, went to independents acceptable to both sides.

Understanding the Continuation of Pacting

At this point, the vital question that imposes itself is why the leading secularist actor would make political concessions to an ideological opponent now relegated to the opposition. Earlier, this chapter explained why not just institutional conditions but specific motives borne out of fear of destruction as well as positive incentives to the international system facilitated Ennahda's repeated decisions to engage in bargained compromises with CPR and Ettakatol during the Troika era. Notably, Ennahda maintained its inclination to pacting even after the Quartet's intervention, as evidenced by its agreement to neither contest nor influence the presidential elections at the end of 2014. By then, Ennahda was no longer the leading party in government. Yet like CPR and Ettakatol during the 2012-2013 period, Ennahda was nonetheless continuing to contribute to the pacting process by making compromises when necessary.

After 2014, the political balance of power had reversed in favor of secularists, embodied now in the more recently formed party of Nidaa Tounes. Much as Ennahda as the dominant faction during 2012 and 2013 led the pacting process through its compromises, Nidaa Tounes similarly as the prevailing political force maintained the pacting dynamic by its own bargains. Following the presidential elections which Essebsi won, initial efforts to form a Nidaa Tounes-dominated government failed. Yet what draws attention is the quickness by which the group then extended offers of inclusion to Ennahda in order to move forward. The decision was made to include Islamists as a stunning compromise

even prior to the formation of the new government. For the first time in the post-revolutionary government, a single secularist faction had gained the preponderance of power at the national level due to electoral victory. It had the numbers and means to fully exclude its Islamist rivals from power, and yet chose not to do so.

This is significant given Nidaa Tounes' ardent opposition to Islamism within the political sphere, resistance drawn from equal parts a nostalgia for a republican past and defiance from elites linked to the Ben Ali regime. At various points following the October 2014 parliamentary elections, Essebsi flatly ruled out the possibility of an alliance with Ennahda, arguing that there was no way the constituencies of Nidaa Tounes could work with an Islamist movement given the ideological divide.³⁶⁵ It is not surprising, thus, that many affiliated with Nidaa – including not just its members, but also protesters and civil society groups that had aligned with it during the summer 2013 protests against the government – reacted angrily to the formation of the unity government, calling it “unnatural.”³⁶⁶ Notably their resistance against Ennahda stemmed from a different source than CPR and Ettakatol. Those forces drew upon leftists and opposition forces previously excluded under the Ben 'Ali regime, and were committed to liberal democratic principles.

By contrast, Nidaa Tounes drew heavily upon different constituencies, including not just liberal secularists no longer supporting CPR and Ettakatol but also former elements affiliated with the Ben 'Ali regime, such as business and political networks. Because of this, many within Nidaa Tounes were motivated

³⁶⁵ “Ba'd 'taghazzul' al-ghannouchi bi-qa'id al-sibsi: tariq al-tahalluf [After the 'Spin' Al-Ghannouchi with Caid Essebsi: Road to the Alliance],” *Alchourouk*, 27 December 2013.

³⁶⁶ Ben Salem, 103.

not only from philosophical resistance against Islamism, which characterized CPR's and Ettakatol's position, but from more practical considerations of expediency. They saw in Ennahda a well-organized rival with a popular base that could be expected to consistently compete for power. An Ennahda-dominated government would be detrimental to their own economic and political interests, due to the possibility of being prosecuted for past involvements with the old regime.

The reasons for Nidaa Tounes' compromises thus overlap with, but also differ from, Ennahda's logic of pacting, and filter into three reasons – fear (driving pragmatism), habituation, and the international system. First, on practical grounds, the inclusion of Islamists within the unity government was justified on basis of stability, not philosophical considerations about the role of religion. Debates about symbolic religious issues, such as the inclusion of Islam as the state's religion in Article 1 of the constitution, carried less weight than the omnipresent factor of fear amidst ongoing political uncertainty. Nidaa Tounes' leadership recognized that after the 2014 parliamentary and presidential elections, survival as a political actor required keeping the entire transitional system functional – which in turn meant providing incentives to ensure that Ennahda would not exit the system. Furthermore, even if Ennahda could be entirely excluded from government, it was likely that the Islamist movement could return to power through the ballot box. After all, Ennahda was able to recompose itself and win the first post-Ben 'Ali elections despite having played only a minor role in the revolution. In this way, political marginalization of Ennahda would have been myopic. Ennahda could never be ruled out as a

viable political force, and any future return could be one tinged by a strong grudge against Nidaa Tounes. This would bring far higher costs upon all.

In addition, another element of uncertainty lay in rising political tensions with the Tunisian interior. Since 2012, unrest periodically flared in poor dakhil areas such as Siliana, Gafsa, and Tataouine, reflecting deep frustrations by local residents at economic and social marginalization that persisted in the post-revolutionary era. After the Belaid and Chokri assassinations, these worsening protests became inflected with renewed anti-government anger. From the perspective of Nidaa, then, further division with Ennahda had the dangerous potential to displace the material basis of this longstanding friction between rural periphery and urban center with the ideological element of political-religious struggle.³⁶⁷ This would not only intensify domestic conflict by re-nationalizing these localized sites of unrest, but also give Ennahda and other opposition an incentive to mobilize further. Keeping Ennahda in government, thus, was a way to keep this internal discord contained. In retrospect, such a move was prescient: days after the new coalition took office in January 2015, the death of a protester in the southern town of Dehiba precipitated a general strike, marking the beginning of another wave of violent protests against the government.³⁶⁸

A final corollary reason was tactical. Nidaa Tounes, given that much of its membership drew from political elites and figures connected to the old authoritarian order, understood that by moving the democratic process and thus stability forward, it could shield itself from legal proceedings in any transitional justice process. Pacting with Ennahda ensured further that even if it had to

³⁶⁷ Personal interview by author with Mohamed Kerrou, Professor of Political Science at the University of Tunis-El Manar, Paris, France, 27 July 2017.

³⁶⁸ "Southern Tunisians Protest Economic Marginalisation," *Al-Jazeera*, 29 April 2015.

surrender some ground to its Islamist rivals, the secularist party could also reconstitute old patronage networks through the creation of a stable governing majority.

Beyond fear, a second reason why Nidaa Tounes maintained the pacting dynamic stems from its own habituation. Habituation, as discussed earlier in the theoretical analysis of the pacting literature, refers to the process of political learning – that is, when elites come to understand and internalize the lessons learned when observing how major conflicts and obstacles are resolved.³⁶⁹ It is undeniable that many Nidaa Tounes elites did not wish to either share power with Ennahda or even confer recognition upon their Islamist rivals. However, it is also undeniable that the very survival of the Tunisian political transition in past years depended upon the fact that key forces conceded and bargained during moments of breakdown. No conflict was ever overcome in the post-revolutionary era leading up to the Nidaa Tounes government through sheer force or monopolistic imposition. These insights and lessons had an effect upon enough Ennahda decision-makers to make possible the compromises witnessed after 2014.

Here, it is worth again attending to the importance of individual elites. While Ghannouchi's role of compromiser has been discussed earlier, President Essebsi also played a facilitating role. He was not an opponent of concerted bargains, despite well-documented reticence regarding the role of Islamists within politics. Rather, as a veteran politician and statesman, Essebsi understood in his position as the titular head of both Nidaa Tounes and the republic itself that a catastrophic stalemate of government wrought by the

³⁶⁹ Rustow, "Transitions to Democracy," 358.

rollback of previous compromises would endanger the transitional process.³⁷⁰

While Essebsi's reputation makes him a more ambiguous party to Tunisia's democratization than, say, Ghannouchi or Marzouki, it would also be erroneous to conclude that Essebsi wished for the restoration of authoritarianism. Essebsi comprised an inextricable part of the elite communion of conciliatory figures that prodded along the democratic process during its most difficult moments.

The last major factor weighing heavily into these calculations was the international context, which like during the Ennahda-led governmental period provided a strong positive incentive for compromise at the domestic level. As the regional situation in terms of violent conflict and overall instability continued to worsen, the symbolic and geopolitical importance of maintaining a stable democratizing Tunisia only grew. By 2015, a stalled democratic transition – or worse, entrée into political conflict – would negatively impact political relations with Western powers, and with it would be cost not just prestige but the material benefit of receiving external support. Indeed, Tunisian political observers noted that however distasteful the Nidaa-Ennahda alliance seemed, the international community – including especially the US State Department – was exerting palpable pressure for such a unity government given the “*question de stabilité, de sécurité et d'intérêt régional et stratégique*.”³⁷¹ And indeed, aid figures bear this out. The years after the Jasmine Revolution saw unprecedented Western assistance to support Tunisian democracy. Between 2011 and 2013, for instance, Tunisia received €485 in total EU aid, with a continuing high level

³⁷⁰ The author knew Essebsi well on a personal level for a considerable time. While Essebsi did not sit for a formal interview as part of the research process for this study, the author is drawing upon his extensive personal knowledge in making this statement.

³⁷¹ “L'opinion laïque et le tandem Nida-Ennahdha [The Secular Opinion and the Nidaa-Ennahda Tandem],” *La Presse*, 29 September 2015.

promised so long as key democratic benchmarks like regular elections and rule of law continued to occur.³⁷² As one assessment put it, the “Tunisia Model” had become the lone bright spot in the Arab Spring.³⁷³

In sum, the years following the apex of political crisis that came in 2013 showed the payoffs of pacting. Even when given the majoritarian position, Nidaa Tounes opted to include Ennahda, and in a way mirror Ennahda’s desire to craft a coalitional government through the Troika after its October 2011 electoral victory. These mutual bargains not only ensured that the democratic transition would continue, it also removed the threat of any major political faction leaving the system, thereby reducing its credibility. By no means did this ensure the full consolidation of Tunisian democracy: after 2015, for instance, new concerns of corruption and stagnation emerged, further instigating protests and tensions. However, it is reasonable to conclude that the shared understanding reached by all major political entities, from Ennahda to its secularist counterparts, was secured. Each accepted not just the existence but the participatory rights of the other in ways that were unimaginable from the start.

Conclusion

This explanation of pacting in post-revolutionary Tunisia rests upon a critical assumption that should be unpacked here. The bargains and compromises made between competing political forces match the conceptual process theoretically introduced as pacting in the first part of the chapter for

³⁷² Tina Freyburg and Solveig Richter, “Local Actors in the Driver’s Seat: Transatlantic Democracy Promotion under Regime Competition in the Arab World,” *Democratization* 22, 3 (2015): 506-7.

³⁷³ Brian Klaas and Marcel Dirsus, “The Tunisia Model: Did Tunis Win the Arab Spring?” *Foreign Affairs*, 23 October 2014.

several reasons. First, the set of events and agreements summarized as a pact did not follow a teleological direction, with a preordained outcome. They were permeated by contingency, with neither Ennahda or its secularist rivals having a long-term vision or strategy. Each successive concession embodied a tit-for-tat dynamic, with actors learning over time what kinds of issues were worth defending and which positions could be winning ones. Second, there was a parity of resources and capabilities between Islamists and secularists. Neither side could impose their will or agenda upon the other by force, because none had a monopoly over the state, means of coercion, or superior economic resources. Simply put, no single faction could win outright. Third, at every major juncture of divergence and agreement, the motive for bargaining rather than exiting the political system altogether was not altruism but a very simple fear – the fear of demise that would result from an open-ended and violent conflict unresolved by political engagement alone. While all political actors could justifiably claim to have behaved patriotically, the ultimate factor that compelled them to the bargaining table was the desire to avoid destruction.

The final factor favoring pacted transitions, normative diversity, also appeared. The range of political actors across Tunisia's institutional landscape showed remarkable variation, but a safe assumption would be that not all were committed liberal democrats from the start. While all oriented themselves as post-revolutionary forces that sought to break from the past, it would be a mistake to assume that from the start, they subscribed equally to an ideal of inclusive participatory democracy in which opposing voices would receive equal attention to their own. If this were true, then Tunisian democracy would have crystallized instantaneously without any conflict. Instead, what transpired was

intense and worsening struggle between evenly matched sides that, if given the opportunity and without fear of consequence, would likely have excluded or even eliminated the other altogether. This is not an indictment of Tunisian politics. Rather, it is inherent to most transitions marked by extreme polarization where groups battling for power are those with little experience in regular political competition.

Another facet of pacting within the Tunisian context deserves explication here. Elite-driven bargains that take place between organizational leaders may seem highly exclusionary, especially during periods of popular mobilization. However, pacting is not one-dimensional. While elites attempt to build consensus through their own repeated negotiations, what emerges as an offshoot is often greater consensus with society as well. Ennahda provides a case in point. While Islamist compromises on both issues of religion and issues of institutional design were aimed at secularist leaders, the presentation and justification of these bargains necessarily required greater public engagement with society due to their highly emotional and symbolic nature.

In summary, this chapter has explained the origins and development of pacting between Islamists and secularists in Tunisia since 2011. It first presented a conceptual framework of pacting drawn from the well-established body of literature dealing with comparative democratization. It next unpacked the constellation of political actors that became relevant in the post-revolutionary landscape. Tracing the inception of conflict involving Ennahda, CPR, Ettakatol, and later Nidaa Tounes, it explored the logic of compromise for these competing groups after critical moments of potential breakdown during 2012 through 2014, with each year presenting a distinctive dynamic. As the analysis showed, both

Ennahda and its secularist peers made significant concessions in relation to the other, driven by pragmatic considerations of survival and the avoidance of the one scenario that would lead to their collective demise – an open-ended and violent struggle that would consume both politics and society.

Clearly, Tunisian democracy has yet to be consolidated. Yet even if it were to fail, this would not invalidate the core finding here that a political transition caught between polarized actors can still move along a successful democratic trajectory. At the same time, however, it should also be made clear that pacting is unlikely to emerge in all contexts of uncertainty and transition. Enduring patterns of bargaining between political rivals require certain conditions to be in place after the downfall of an authoritarian regime. The next chapter will present a counterexample to the Tunisian case with a treatment of post-Arab Spring Egypt, which will illustrate why pacting did not succeed there. By comparing these two countries, which represent the first breakthroughs of the Arab Spring and so were pregnant with possibilities of political transformation, one gains a stronger sense of the potential but also constraints of pacting.

CHAPTER FIVE: EGYPT AS CASE OF FAILED PACTING

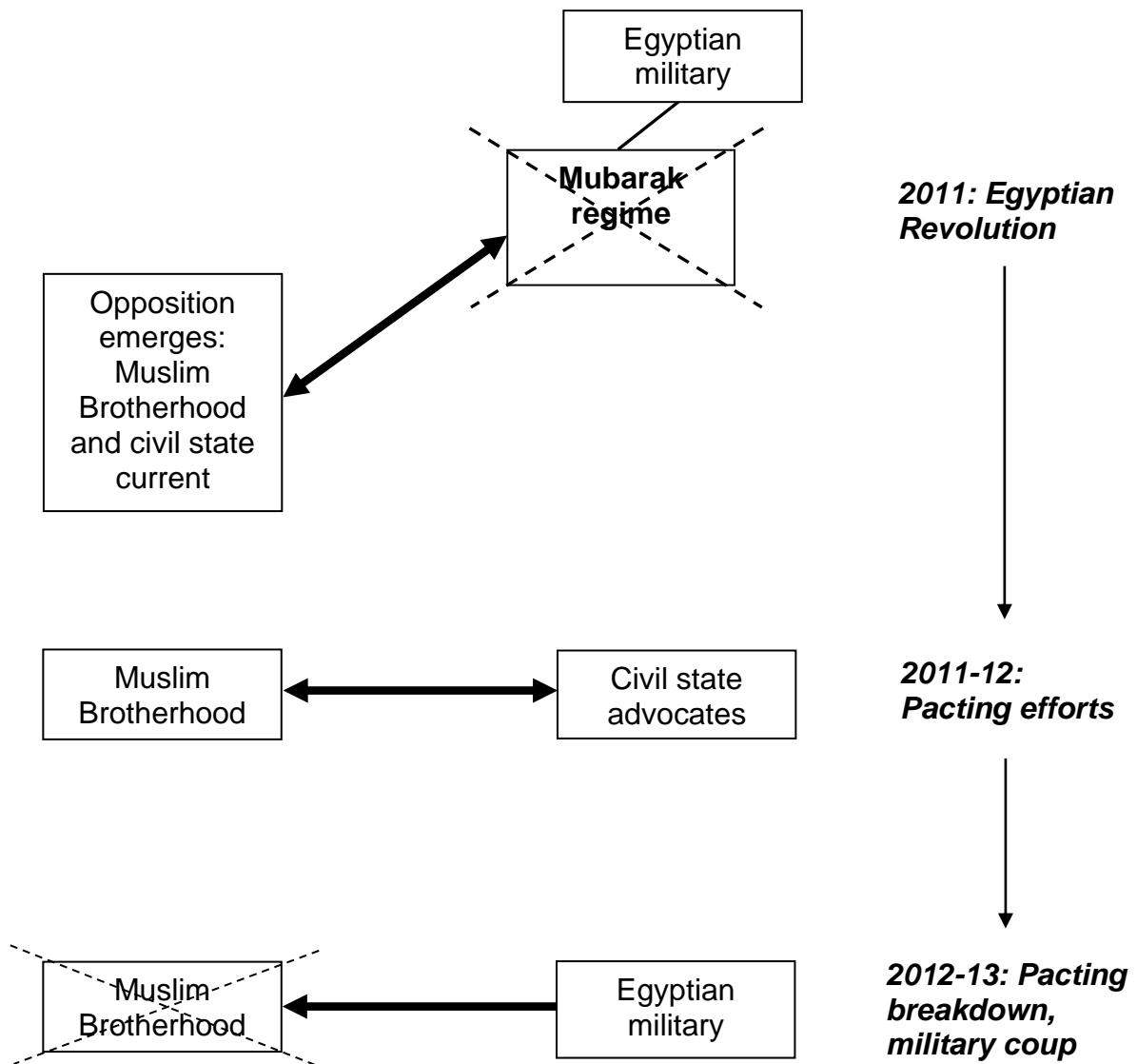
Chapters Three and Four laid out the Tunisian case in historical perspective, illustrating why certain advantages in that state's antecedent development laid down conditions that favored pacting after the Arab Spring – parity, polarization, and normative diversity. They also explored the transitional dynamics of Tunisia during 2011-16, emphasizing how these past developments combined with the contingency of fear and geopolitical support contributed to democratic breakthroughs, particularly during moments of crisis. Most relevantly, the chapters showed that in accordance with classic theories of democratic transition, pacted bargains can enable ideologically opposed factions to mutually survive and institute new rules of the game, who may hence agree to share power and subject their politics to institutionalized uncertainty – an outcome that, at the start of the transitional process, was not necessarily the first-order preference of any side.

This chapter explores post-revolutionary Egyptian politics as a contrasting case study. Egypt matches Tunisia in several ways: both experienced political revolutions in early 2011 against autocratic presidencies, both featured post-revolutionary elections won by Islamist organizations, and both Islamist groups faced hostility and resistance from secularist movements and opposition parties representing civil society. There were palpable moments of potential cooperation and pacted compromise. Yet their outcomes are dissimilar: both countries suffered political crises in summer 2013, but whereas Tunisian Islamists and secularists were able to overcome their near-breakdown, the Egyptian Brotherhood was targeted by the military backed by secularist protesters. By 2014, thus, Tunisia's democratic transition was continuing apace,

whereas Egypt's transition had fallen victim to a bloody coup and authoritarian renewal.

Figure 5 illustrates this failed pacting process in sequence, in parallel graphical structure to the Tunisian case. Each step previews a major section of this chapter: first, the revolutionary breakthrough, which removed the Mubarak regime – but *crucially* not the military, which remained present as a major economic and security actor as part of the state apparatus; second, bargaining efforts throughout 2011-12 between the Muslim Brotherhood and the civil state advocates, the latter emergent as the primary secularist counterparts to the ascendant Islamists; and third, the failure of pacting, such that by summer 2013, the Brotherhood was deposed in a coup that saw the return of military and, eventually, the creation of a new authoritarian regime.

Figure 5. Egyptian Pacting in Sequence.



What accounts for the failure of pacting in Egypt? In applying the theoretical framework developed earlier, the central argument in this chapter is that in Egypt, antecedent historical processes and political developments had generated only some of the conditions necessary for political actors to see pacting as an appropriate basis for interaction. Recall that, as per Chapter Two, pacting is most likely when there exists parity of power, extreme polarization, and normative diversity characterizing the relations between competing political forces vying to rule the post-authoritarian political order. Post-revolutionary Egyptian politics featured profound polarization and normative diversity splitting Islamists and secularists, but it did not feature *parity* – that is, relative equality between competing factions. Unlike Tunisia, the Egyptian Brotherhood had deep historical roots in society, and so was far larger – and more fractious. Moreover, Egyptian civil society outside the Islamist sector was weak, the Egyptian military was a supremely powerful veto player, and the international environment incentivized defection and division rather than bargained compromise. Finally, the geopolitical environment was not conducive to pacting, instead acting to worsen parity and exacerbate polarization given the frequent attempts by foreign powers, from regional actors like Saudi Arabia and Qatar to global powers like the US, to shape the ongoing transitional process.

All these factors, past and present, explain why unlike the Tunisian case, Islamists and secularists were not evenly matched upon the political playing field. Certainly, neither may have been liberal democrats in principle. Both despised one another, as the religion issue served as the primary cleavage between Islamists and secularists. Yet both were true in Tunisia as well. The core takeaway, then, is that the absence of parity is what helps account for

Egypt's pacting failure – a variable that, like Tunisia, reflects largely the impact of antecedent historical developments and the specificity of the Egyptian case.

Egypt as Comparative Case

As a case study, Egypt presents the analytical inverse of Tunisia. In Tunisia, as the preceding two chapters showed, an historical trajectory of political secularization that resulted in the repression of Islamism reversed itself after the Arab Spring. Following the downfall of the Ben 'Ali regime, Ennahda roared back into political life, resulting in a pacted democratic transition and institutional acceptance of political Islam. By contrast, Egypt entered its Arab Spring revolution as the product of a more Islamized historical backdrop. Yet the Muslim Brotherhood's more powerful position and the greater degree of religiosity in society did not enhance the prospects of the agreements and arrangements necessary for an inclusive democratic project.

It must be made clear that Egypt is presented as a viable case of potential democratization, not a strawman for authoritarian renewal. It was not doomed to fail. Because the Egyptian military has always dominated state institutions and the public economy in the modern era, and retained their levers of coercive power during the post-revolutionary period, some have argued that Egypt was condemned to democratic failure. The Egyptian "deep state" in this regard sabotaged any transition from the start, which renders pacting as irrelevant. However, the case presented here rejects this assumption, and any narrative in which Egypt is portrayed as doomed to fail. While this chapter does concede a "deep state" never existed in Tunisia, Egypt also possessed the same institutional potentiality of success after its revolution. Its Islamist and civilian

secularist forces competing for power could have formed power-sharing arrangements to preserve the transitional process despite their divergent visions of political order. Such an alliance could have prevented the July 2013 military coup and restoration of autocracy; as it stood, the Muslim Brotherhood was left bereft of allies in a weakened political field by that summer, making it unable to resist military pushback. In other words, the bargained pacts to be made were never between Islamists and military; they were between the Islamists and civilian secularists. The mechanism that halted the Egyptian transition was military coup, but the underlying problem was the inability of competing political forces attempting to maximize power in a context of diminished uncertainty.

In this light, this chapter unpacks the Egyptian case. The goal is to locate the conditions and factors that explain why, under conditions of uncertainty and polarization, Islamist-secularist pacting failed due to favored strategies on both sides that instead prioritized maximalist politics and zero-sum pursuits. It provides analytical contrast to the Tunisian case, and argues Egypt's historical and political specificities shed some structural light onto the suboptimal choices made by competing actors. It offers a variety of historical and structural reasons, including the lack of parity between Islamists and secularists during its transitional moment, the relative weakness of Egyptian civil society, the robustness of the military as a veto player, and geopolitical conditions that worsened polarization and undermined the potentiality of dialogue between Islamists and secularists.

This chapter proceeds in several parts. First, it sketches out the opportunities for cross-ideological engagements that manifest starting in early 2011, and traces out the failures of both Islamists and secularist groups to take

advantage of them. There were two critical junctures that *could* have generated pacted understandings and greater cooperation: 1) the early post-revolutionary months of 2011, ending in the Islamist success in pushing through a rushed constitutional referendum; and 2) the first months of the new Morsi presidency after the June 2012 elections, when no new settlements emerged to bind together divergent secularist trends and ascendant Brotherhood. Next, it highlights the lack of structural parity of power between these two forces in the post-revolutionary years. It locates the origins of this imbalance to the historical role of religion in Egypt, the weakness of civil society, the robustness of state power, especially the role of the military as a “veto” actor that imposed unique constraints upon political interaction, and finally the fragmentation of the Muslim Brotherhood itself. It finally reviews the import of external factors in the form of regional and global powers, including the US, EU, Saudi Arabia, UAE, and Qatar, in attempting to influence this uncertain transitional period, with very destructive consequences.

The analysis here abides by an important presumption: Egypt could have, and indeed could become in the future, a site of democratic transition through pacting. The reasons why pacted democracy did not take root during the 2011-12 period implicate not only the structural barriers to compromise, from geopolitical pressures to historical factors of religion and militarism, but *also* the choices made by diametrically opposing sides continually seeking to preserve their survival in a context of uncertainty. It is true that ingrained variables, such as the role of the military as a veto actor and the greater influence of the Muslim Brotherhood vis-à-vis its secularist peers, reduced this fluidity and uncertainty far more so than in Tunisia. Yet neither democracy nor autocracy results by default:

actors must still make viable and defensible choices in rapidly changing circumstances. Thus, the argument here suggests that had the initial conditions of the Egyptian transition differed even marginally, it was well within the realm of strategic possibility for either the Brotherhood or those secularist forces fighting for a civil democratic state to have interacted differently, and brought about a political transition that could have withstood the return of the military in July 2013. The reinstatement of authoritarianism then would have been difficult, if not impossible, had not just Islamists but secularists as well all mobilized, collectively, to defend democracy as partners.

First Pacting Failure: Post-Revolutionary Bargains and the Civil Statists

Recall that pacted democracy emerges as a rational outcome from the politics of uncertainty. In the aftermath of an authoritarian regime's collapse, political factions may be immersed in prolonged battle that will determine their supremacy and control over the system. In this context, negotiated pacts and compromises materialize as a pathway to survival whose byproduct is not just the avoidance of annihilation but also a mode of democratic transition. As discussed in Chapter Two, and as applied in the Tunisian case study, theorists have posited three conditions that raise the chances for pacting to be most successful: first, extreme ideological polarization between opposing political actors; second, relative parity of power between those forces, resulting in political stalemate; and third, normative diversity and the willingness to subordinate normative concerns to basic imperatives of survival.

As this section's historical analysis will show, post-revolutionary Egypt from January 2011 and ending with the July 2013 coup had these structural

preconditions save one: parity of power between Islamists and secularists.

Regarding polarization, there was indeed a bifurcating split between the Muslim Brotherhood, representing the historic mainstream Islamist trend, and the various factions and groups representing the “civil state” trend desiring more secular political institutions. As in Tunisia, these competing actors presented seemingly incompatible visions of political order.

Likewise, these forces displayed normative diversity. They drew upon ideas that appeared inimically opposed to one another, and each demonstrated an interest in their own survival according to the perceived benefits and costs of politics depending on their outlook. None enjoyed mass backing as the most likely successor to the Mubarak regime. Yet beyond extreme polarization and normative diversity, these contending rivals interacted within a context of pronounced asymmetry. Simply put, the Islamist camp was far stronger than its secularist counterpart, unlike Tunisia. In addition, the existence of an entrenched military establishment meant that the Islamist-secularist discussions also unfolded in a bounded arena with a built-in trump card: the army, backed by the judicial and civil organs of state institutions, could intervene at-will and select a political winner. Whereas in Tunisia, political competitors faced a stark choice between unpleasant compromise versus unending conflict, in Egypt post-revolutionary aspirants each had a third option – appeal to the kingmaker in order to subdue their opponent.

This asymmetry made for a very different bargaining playing field than in Tunisia. Normally, pacting succeeds when equally matched rivals fear their mutual demise given the intractability of conflict-ridden deadlock because neither is able to impose its will upon the other. Tit-for-tat concessions between

enemies seem unpleasant, but far more palatable than the prospective scenario of civil war. In Egypt, however, such fears were tempered and neutralized. From the start, Islamists were able to shape the terms of political transition far more influentially than their secularist peers. In addition, a contingent alliance struck between the Islamists and military early on served to sideline secularist forces greatly, leaving them marginalized during the initial process of constitution-crafting and especially during the year in which the Brotherhood had won legislative and executive power through electoral victory. Ironically, this would haunt the Islamists in the end, as the military coup that ended their elected government would be backed by the very secularist groups that could have been vital allies against such an autocratic reinstatement.

Revolutionary Pluralism Compared to Tunisia

While the particulars of the Egyptian Revolution have been mapped out descriptively elsewhere, the emphasis here enunciates the institutional imbalances of power that typified the many actors involved in both resisting the regime of incumbent President Hosni Mubarak and participating in politics afterwards. The revolutionary protests began on 25 January 2011, and most of its vanguard declared victory when Mubarak stepped down on 11 February. However, from its inception, the process of revolutionary mobilization that generated opportunities for pacting was distinctive from Tunisia in several key regards.

First, the Muslim Brotherhood played little role in organizing the protests. Although some of its younger activists did join demonstrations after 25 January, the official spiritual heads and most rank-and-file members remained on the

sidelines. The Brotherhood's leadership neither publicly supported anti-Mubarak unrest nor called upon cadres to protest for various reasons, including fear of post-revolutionary backlash in case the uprising failed as well as uncertainties about the commitments of the revolutionary youth activists.³⁷⁴ Well into the Brotherhood's time in government, Islamist officials continued to justify the organizational decision in more flattering ways, including the reasoning that doing so would instigate excessive repression upon those youths who were protesting.³⁷⁵

To be sure, the Brotherhood's political and social weight was apparent early on to the regime; when the embattled Mubarak appointed Omar Suleiman to the Vice-Presidency and Ahmad Shafiq to the Premiership on 29 January, one of their first initiatives was to reach out to the Brotherhood's leadership to ascertain their political input. Still, as a recognized opposition movement, the Brotherhood neither stood at the forefront of resistance activities on the street nor articulated a radical revolutionary voice during the unrest. In this sense, the Egyptian Brotherhood is analogous to Tunisia's Ennahda; that is, in neither Arab uprising did Islamists play either a leading advocacy role in the popular unrest or swing their full spiritual weight behind opposition mobilization. This stems from different reasons, however. Whereas Ennahda was fully banned by the Ben 'Ali regime by the time of the Tunisian insurrection, the Brotherhood was cautiously tolerated by the Mubarak autocracy.

³⁷⁴ Eric Trager, *Arab Fall: How the Muslim Brotherhood Won and Lost Egypt in 891 Days* (Washington, D.C.: Georgetown University Press, 2016), 18-23.

³⁷⁵ See, for instance, Tamir Abu Arab, "'Al-Arian yanqal bayan 'al-ikhwan' qabla al-thawra bi-6 ayam [Al-Arian Conveys the Brotherhood's Declaration Six Days Prior to the Revolution]," *Al-Masry Al-Youm*, 21 January 2013.

Second, unlike Tunisia, it quickly became apparent that fractiousness characterized many of the forces that would later constitute the leading edge of Egyptian civil society desiring a secular democratic state during the transition. Following the appointments of Suleiman and Shafiq, for instance, an *ad hoc* body of so-called “wise men” representing various intellectual and social currents self-organized in order to mediate any looming talks between the besieged regime and opposition forces. Among these committee members were recognized opposition figures like George Ishaq, renowned scientists like Ahmad Zuweil, establishment elites such as former Arab League head Amr Moussa, academics like Nabil Fahmy and Amr Hamzawy, and leftists such as Kamal Abu Magd. While these were recognized figures of public respect, in general this “Committee of Wise Men” failed to either control the pace of events on the street or negotiate an exit strategy with the Mubarak regime. The body had little inherent identity or political platform. While each of its members could credibly claim to support a democratic transition, they represented very different ideological trends and also had few surrogates that could control new waves of popular demonstrations authored by youth activists and grass-roots opposition. This contrasted starkly with the Tunisian revolution, in which strong support from secular actors with well-grounded historical identities, such as the UGTT, greatly amplified the singular revolutionary message.

Third, unlike Tunisia, the constellation of Egyptian groups aligned against an Islamist vision of post-authoritarian order congregated around a different conceptual language. Tunisian debates between Ennahda and its secularist counterparts early on were organized around a sharp cleavage between the specter of Islamization and the maintenance of the Bourguibist republican state

that imbibed a secular outlook. The relative “newness” of Tunisian Islamism meant that there, secularists lacked historical familiarity with indigenous Islamism. In Egypt, by contrast, the Brotherhood had long been part of Egyptian society, but that familiarity perversely bred deeper cleavages. For instance, within Egypt the notion of secularism carries negative connotations related to Western imposition and atheism, which has long forced non-Islamist parties and civil society groups to demand democracy instead through the terminology of *dawla madaniyyah*, the civil state, which they contrasted to *dawla diniyyah*, or the religious state.³⁷⁶ While both the Tunisian and Egyptian political arenas during the time of Islamist ascendance were organized around analogous cleavages between religious and secularist actors, the fact that Egyptian secularists needed to use this language of civil state-ness instead implied that they, unlike their Tunisian counterparts, were beginning their campaigns from a position of disadvantage. Rather than be tainted with the historical baggage of secularism, they instead needed to ensconce their claims using more neutral overtones.

In addition, the civil society and political party actors who ultimately advanced, in some form, a secular vision of political under the mantra of a civil state constituted not so much a coherent coalition as an eclectic spectrum of forces who commonly opposed the purported Islamization of the Egyptian state but often agreed on little else. If the Muslim Brotherhood, historically and in the post-revolutionary years, embodied the mainstream voice of political Islam that the most popular appeal, then there was no equivalent among civil state

³⁷⁶ Michelle Dunne and Amr Hamzawy, *Egypt's Secular Political Parties: A Struggle for Identity and Independence* (Washington, D.C.: Carnegie Endowment for International Peace, 2017), 3.

advocates. At various points during the February 2011 through July 2013 period, the following entities were involved in direct interactions with the Brotherhood and so represent potential partners in pacting: established opposition parties like the Wasat, Wafd, and Ghad; Nasserist groups like the National Unionist Progressive Party, as well as public figures subscribing to Nasserist ideology like Hamdeen Sabahi; democratic and liberal student movements like Kifaya and April 6; diffuse overlapping networks such as the Coalition of Revolutionary Youth; workers movements and groups, especially those outside the state-sanctioned national federation; liberal figures and intellectuals like Amr El-Shobaki; and independent elites with public recognition, such as Amr Moussa and Mohamed ElBaradei. In addition, during the Muslim Brotherhood government that began in 2012, Egyptian labor unions and trade federation became another point of failed compacts from non-Islamist quarters of the political arena.

Fourth, also unlike Tunisia, both the revolution and its aftermath were characterized by the heavy hand of the Egyptian military, which had historically occupied a far more central institutional role in girding the state and economy, as will be explained in the final section of this chapter. In Tunisia, Ennahda and its secularist rivals could engage one another in an open bargaining space, unconstrained (for the most part) by any credible threats of military intervention, much less face the constant pressures of military leaders structuring the rules of the political game by virtue of their veto power. By contrast, in Egypt the only real institutional departure from the Mubarak regime was the president himself and his circle of elite allies. The armed forces served as the guarantor of political stability both before and after Mubarak's tenure. As evidence of this, the

deposal of Mubarak on 11 February was followed by the formation of the Supreme Council of the Armed Forces (SCAF), comprising roughly two dozen senior military officers that almost immediately asserted emergency power to govern the country following the revolution. It was under the auspices of the SCAF and its facilities that much interaction between the Brotherhood and its secularist critics took place.

Islamist-Secularist Tensions, from SCAF to Parliament: February 2011-January 2012

Despite mobilizational differences between the Egyptian revolution and Tunisia's Jasmine Revolution, the Egyptian sequence of political transition matches the Tunisian case in its broad course of events: after a revolutionary rupture, there occurred an initial "honeymoon" period characterized by collective patriotism and relief that the old autocracy had seemingly ended, followed ultimately by difficult and contentious disagreements about what the new political regime ought to look like. The primary difference lay in how rapidly the potentiality of pacting diminished during the last phase, which began almost immediately following the end of the Mubarak dictatorship.

During the subsequent discussions to flesh out the lineaments of a new regime, Islamists represented by the Muslim Brotherhood and secularists represented by advocates of a civil state were unable to reach negotiated compromises on key constitutional issues and institutional dilemmas. The February and March dialogues between the two represented the first episodic test of such potential pacting, and it ended with the Brotherhood freezing out its critics by moving forward with military support for a constitutional referendum

that many secularists blasted was hurried and biased. Mutual mistrust deepened further from March 2011 until the end of the year, when the Brotherhood emerged as the overwhelming victor from the first post-revolutionary parliamentary elections. Preferring to stick with its contingent alliance with the military, the Brotherhood often sidelined secularist forces despite some moments of dialogue. One early point of contention concerned, mirroring the Tunisian case, constitutional provisions regarding the role of religion. The invocation of Sharīʿa in Article 2 as the principle source of national legislation, and reappearance in other clauses outlining the scope of Islamic law, became a heated controversy, with secularists seeking to downplay the centrality of Sharīʿa. According to one Islamist advisor, the speed with which both sides wanted to win this issue hampered constructive discussion: it was “as if we were trying to resolve 200 years of theological debate overnight.”³⁷⁷

Although the “Committee of Wise Men” and Brotherhood representatives all had contact with both Mubarak’s officials as well as the military during the revolutionary protests, the substantive phase of potential pacting through Islamist-secularist interaction took place after the SCAF assumed governing authority after 11 February. These meetings occurred in various places, including the headquarters of the Wasat Party, in an effort to create an institutional roadmap to democracy by discussing the new tenets of a post-Mubarak constitution, which would supersede the existing document based upon the 1971 Constitution.³⁷⁸ However, these negotiations and discussions broke down over severe disagreement about two issues: the role of religion and Islam

³⁷⁷ Personal interview by author with Saif al-Din Abdulfattah, former political advisor to President Muhammad Morsi, Istanbul, Turkey, 10 July 2019.

³⁷⁸ Amr Hamzawy, “Seven Years On: Why Egypt Failed to Become a Democracy,” *Middle East Eye* 12 December 2017.

in the post-Mubarak state, as well as the speed of the ongoing transitional process.

Critically, the bargaining dynamic began with the Brotherhood's initial promise to *not* seek power. On 10 February, a day before Mubarak's exit, the Brotherhood promised through its then-obscure spokesperson, Muhammad Morsi, that it would not seek political power if the revolution succeeded, and neither would it advocate a religious state.³⁷⁹ It is unknown, even today, whether this was a tactical move designed to temper alarmist fears of Islamist power, or else a legitimate policy commitment based upon the prioritization of other goals. Regardless, such an announcement gave civil state advocates a tentative reason to believe successful concord could come about. In the ensuing weeks, moreover, the Brotherhood continued to hammer home this message of potential toleration and openness. Senior leaders, for instance, appeared in interviews and conferences to assure the Egyptian public that they wished to "participate [within], not dominate" the budding political transition.³⁸⁰

For their part, many who identified as secularists understood that unlike Tunisia, the post-revolutionary Egyptian landscape presented a well-entrenched Islamist organization and a far more religious and conservative society. However, there was still a possibility of cross-ideological dialogue about the role of religious pluralism in any new constitutional framework, and the status of non-Islamist actors in the post-revolutionary political arena. Yet this engagement in the thorny but necessary religious-political nexus quickly became subsumed by a more controversial and urgent issue, namely the speed of the transition itself.

³⁷⁹ "Muslim Brotherhood: 'We Are Not Seeking Power,'" *CNN*, 10 February 2011.

³⁸⁰ Beverly Milton-Edwards, *The Muslim Brotherhood: The Arab Spring and Its Future Face* (London: Routledge, 2016), 42.

Early on, it became clear to many civil state voices that the Brotherhood desired not to install a new constitution but simply amend the existing one, which would also allow the holding of parliamentary elections as quickly as possible. This broached many suspicions among secularists that the initial Brotherhood promise to not seek power was pure deception, and that the Islamists could not be trusted as a democratically.³⁸¹ Whereas the Brotherhood's leaders claimed that waiting too long would allow the SCAF and thus the military establishment to subvert the goals of democratization, the civil state opposition argued instead for deliberative discussion. They accused the Brotherhood of muscling through superficial changes in order to hold elections that would exploit their advantage in political organization, and prevent secular opponents from consolidating their weaker position.

In particular, civil state advocates argued that any process of constitutional reform should occur through a neutrally appointed committee that would include all voices from the political spectrum and carefully debate major flashpoints of ideological conflict in a public, transparent way. On 15 February, the SCAF notably threw down the gauntlet by appointing an eight-person constitutional draft committee which, in ten days, would offer strongly suggested changes. Yet whereas secular oppositionists resisted, instead proposing alternative mechanisms to draft a new constitution, such as a national dialogue or judicial committee, the Brotherhood quickly backed this military initiative, claiming that all actors needed to move rapidly in order to protect the gains of the revolution. Indeed, signs emerged early on of shared understanding between

³⁸¹ Personal interview by author with Essam Abdelshafi, Director of International Relations Academy of Istanbul, Paris, France, 10 December 2018.

the SCAF and Islamists. For instance, the eight-person committee was headed by Tariq Al-Bishry, a respected jurist with some Islamist leanings, while another member was Subhi Salih, a Brotherhood lawyer. Further, the SCAF also did not resist the February 21 announcement by the Brotherhood that it would establish a new political party.³⁸²

While it is difficult to verify whether this contingent Brotherhood-military venture was anchored in a formalized agreement or came out of informal courtship, the outcome put secularists on the defensive by late February. The civil state advocates found themselves sidelined in their interactions with the Brotherhood, unable to either halt the military's appointed constitutional committee or instigate a new wave of popular protests. Large demonstrations erupted on 25 February at Tahrir Square to mark the one-month anniversary of the revolution, but these were suppressed by the military, as were wildcat labor strikes.³⁸³ Unrest continued into March, tinged as well by sectarian violence.

As a result, on 19 March, the SCAF held a supposedly all-encompassing constitutional referendum that presented changes to only eight articles that primarily dealt with electoral and presidential politics.³⁸⁴ While predictably none of the armed forces' prerogatives or institutional powers were touched, it is significant that also left untouched were articles of the constitution that dealt with state identity, religious authority, and the place of Islam, such as Article 2 (which established Shari'a as the principle source of all legislation) and Article 11 (which held that a woman's status in all fields could not violate Islamic jurisprudence, and needed to be harmonized with her duties towards family and

³⁸² Wickham, 170.

³⁸³ Sherif Khalifa, *Egypt's Lost Spring: Causes and Consequences* (Santa Barbara, CA: Praeger, 2015), 74-75.

³⁸⁴ Khalifa, 77.

society). These were articles that many civil state voices hoped to at least incidentally address in discussing a new constitutional framework, but the Brotherhood refused to entertain any inquiry or discussion into these religious issues. The outcome of the referendum surprised even the Brotherhood: nearly 80 percent of voters approved the changes, and every governorate supported it by at least 61 percent.³⁸⁵

On the losing side, civil state opponents argued that the referendum not only violated the spirit of the revolution but even hijacked it in favor of a potential Islamist-military binomial power structure. They also noted that the debates over sensitive issues, such as Article 2's invocation of Shari'a, were so deliberately rushed that appropriate discussions could not be had.³⁸⁶

Those military-related fears were prescient. On 30 March, the SCAF superseded the referendum entirely by declaring its own provisional declaration of a new constitutional framework, which amended an additional number of articles while setting up a sequence of future events: first parliamentary elections by end of 2011, then presidential elections sometime afterwards, and finally the promulgation of a new constitution by a 100-member drafting committee drawn from the parliament. Again, the Brotherhood steadily backed this imposition, while secularist factions opposed it vehemently, not least because it again set forth a rapid timeline for transition that seemed to exclude meaningful debate over religious and institutional issues while leaving the military's role dangerously ambiguous in any new civilian political regime.

³⁸⁵ Jeffrey Martini and Stephen M. Worman, *Voting Patterns in Post-Mubarak Egypt* (Santa Monica, CA: RAND Corporation, 2013), 8.

³⁸⁶ Some Islamist activists today believe the same, conceding that the excessive speed of these early February-March conversations – reflecting fear that prolonged debate would increase the likelihood of their defeat – contributed to the atmosphere of polarization and mistrust. Personal interview by author with Bilal Hisham, Brotherhood youth activist, Istanbul, Turkey, 11 July 2019.

This resultant Islamist-secularist schism widened throughout the rest of 2011, which represented the first stage of deteriorating relations between the Brotherhood and civil state advocates. In this stage, the Brotherhood exhibited growing “electoral self-confidence” by virtue of its recognition that far from a minority political actor, the movement could actually wield a central voice in the looming transition.³⁸⁷ Inversely, civil state advocates assumed a defensive position of suspicion and skepticism.

After the March 2011 referendum, for instance, many secularists called for rejecting the outcome altogether and questioned the integrity of the voting process. While some civil state advocates insisted that such rejection would only delegitimize any budding democratic agenda, the overall climate of dissonance reflected serious animosity and mistrust against an Islamist force that was perceived to be growing stronger and more allied with the military. Later in May, the Egyptian media published the manifesto for the Brotherhood’s new Freedom and Justice Party, which apart from its goal of embracing a “gradual Islamic approach” appeared unremarkable in its legal adherence to existing party and financial laws.³⁸⁸ What worried critics was the very mention of any Islamic approach, despite the Brotherhood’s emphasis of the term “gradual.” In July 2011, the gathering of tens of thousands of Islamists in Tahrir Square in a show of solidary support for the Brotherhood further undermined the perceptions of secularists. While the protest was originally intended as a joint event open to all opposition forces to further pressure the SCAF to speed the pace of

³⁸⁷ Nathan Brown, *When Victory Becomes an Option: Egypt’s Muslim Brotherhood Confronts Success* (Washington, D.C.: Carnegie Endowment for International Peace, 2012), 6-7.

³⁸⁸ Ahmad al-Khatib, “‘Al-Masry Al-Youm’ tanshur la’iha ‘al-hurriyah wal-‘adalah’ qabla taqdimiha li-‘shu’un al-‘ahzab’ [‘Al-Masry Al-Youm Publishes the Manifesto of ‘Freedom and Justice’ Prior to Its submission to ‘Party Affairs’],” *Al-Masry Al-Youm*, 2 May 2011.

democratic reforms, Islamist participants demanding Sharī'a resulted in many non-Islamists leaving the event.

In August 2011, a potential turning point came when the Grand Sheikh of Al-Azhar University forged an 11-point advisory charter signed by a number of political forces, including the Muslim Brotherhood. That document promised that all future constitutional and legal changes would protect individual liberties – but also pledged that any new post-Mubarak state would not contradict the Islamic basis of the country.³⁸⁹ However, the charter notably refrained from defining or promoting the meaning of “civil” in relation to religion. Thus, many secular critics of the Brotherhood saw this effort as crafting an informal coalition as biased, given the state-affiliated and Islamic orientation of Al-Azhar. As one advocate of the civil state trend noted, “If new laws need the consent of Al-Azhar, then that immediately means we are in a religious, and not a civil, state.”³⁹⁰ From the perspective of Islamists, it is plausible that the Al-Azhar Charter appeared as a concerted effort to reach beyond the worsening ideological rift in order to convey good-faith gestures of accommodation. Yet from the perspective of their opponents, the charter signified the opposite: not a genuine initiative for reconciliation, but instead the mobilization of a prestigious religious institution in order to sideline secularist interests.

Amplifying this atmosphere of wariness was ongoing civil strife punctuated the summer and fall, including sectarian violence targeting Coptic churches that many secularists accused the Brotherhood of either orchestrating or encouraging. The October 2011 Maspero massacre, in which mostly Coptic

³⁸⁹ Emad Mekay, “In Egypt, Islamists Reach Out to Wary Secularists,” *New York Times*, 21 September 2011.

³⁹⁰ “Al-Azhar Document: A Promising Step in Need of Clearer Safeguards,” *Human Rights First*, 29 June 2011.

protesters were assaulted by security forces after the demolition of a church, highlighted the brutality by the regime in the post-revolutionary era, though this time inflected by sectarian and religious concerns.³⁹¹ Much of the Egyptian and international media framed the massacre as evidence of an irreconcilable, even atavistic split between Muslims and Christians in the country, despite that Islamists condemned the killings. For detractors of the Brotherhood, fears of more confessional violence underscored renewed calls for a “secular constitution,” despite that the perpetrators hailed from the Egyptian state.³⁹² In November, concerted anti-SCAF protests erupted by Egyptians demanding a faster transition to democracy. Much of the secularist opposition supported those clashes, which left several dead and hundreds injured, in contrast to the Brotherhood, which condemned the demonstrations as threatening to national stability despite the presence of some younger Islamists protesting in solidarity.

In essence, the post-revolutionary months of 2011 were months of missed opportunities, in which Islamists and civil state advocates did not build bridges of mutual understanding with one another. This was capped by the November 2011 parliamentary elections, which generated an historically unprecedented victory for Islamism in Egypt. While many issues entered into public discussion, among them the status of minorities, the ongoing economic crisis, and foreign relations, the role of religion within politics was a predominant talking point that forced most candidates and parties to quickly align themselves.³⁹³ The FJP and other Islamist competitors, including the new Salafist party Al-Nour, exhibited far

³⁹¹ Khalifa, 91-93.

³⁹² Talal Asad, “Fear and the Ruptured State: Reflections on Egypt after Mubarak,” *Social Research: An International Quarterly* 79, 2 (2012): 289-90.

³⁹³ For more on the specificities and candidates of this election, which exceeds the scope of this chapter, see Hesham Sallam, ed., *Egypt’s Parliamentary Election, 2011-12: A Critical Guide to a Changing Political Arena* (Washington, D.C.: Tadween Publishing, 2013).

greater organization and national campaigning efforts than did any secularist party. In October, for instance, the FJP led an Islamist “charter” that discouraged Islamists candidates from attacking one another, defacing their posters, and other strategies of coordination.³⁹⁴ No such instrument existed among the alphabet soup of secularist parties that emerged in the post-revolutionary period.

When the last round ended in January 2012, the Muslim Brotherhood’s FJP emerged as the overwhelming winner, capturing 48 percent of all contested seats. The Salafists’ Nour Party surprisingly polled second with a 28 percent seat share. Far behind were representatives and surrogates of civil state advocates, such as the Wafd, Egyptian Bloc, and Wasat parties, which secured 8, 6, and 2 percent of parliamentary seats, respectively. Indeed, parties that could be associated with liberal politics and the civil state trend gained just 15 percent of the vote.³⁹⁵ Virtually absent were youth representatives, particularly candidates directly drawn from the enormous pool of young activists who had driven the revolution forward but failed to institutionalize themselves into electoral machines afterwards.

Though dominated by Islamists, the new parliament hardly attempted to “Islamize” the Egyptian state as feared by the Brotherhood’s critics. For one, even though collaboration with the military had contributed to its political rise and electoral success, the Brotherhood’s ties with the SCAF, which retained executive authority, remarkably worsened just months after the January inauguration of the first democratically elected parliament in Egyptian history.

³⁹⁴ “Al-Nour wa-hizb al-ikhwan yawqa’an ‘mithaq sharaf’ [The Nour and Ikhwan Parties Sign an ‘Honor Charter’],” *Al-Masry Al-Youm*, 26 October 2011.

³⁹⁵ Khalifa, 102.

The two bodies publicly clashed over various issues, such as divisive new laws, public crises like the Port Said massacre, worsening economic conditions, and a controversial ban against American NGOs.³⁹⁶ For another, the FJP-led parliament was also consumed by the challenge, one amplified by ongoing protests, to ameliorate the worsening economic crisis, including the problems of youth unemployment, mounting living costs, and rising crime rates.

However, secularists maintained their defensive posture, as many were clearly unprepared and even intimidated by an outright Islamist victory in the elections.³⁹⁷ This prevented meaningful dialogue around new conflicts that emerged in the legislative arena that could have plausibly induced a “reset” and generated cross-ideological understanding. A case in point is the wrangling over the constitution, an issue as steeped in debate and controversy as in Tunisia. Among the new parliament’s primary goals was the selection of a 100-member constitutional assembly that would draft the post-revolutionary constitution. In March 2012, the first version of this constitutional body was two-thirds Islamists, leading to calls for a more representative body from civil state advocates, triggering vociferous attacks from secularists, who accused the Brotherhood of trying to “monopolize” politics. The judiciary and SCAF also viewed the new body with suspicion. Such pressures compelled the Brotherhood to capitulate, such that after months of legislative skirmishes a new constitutional body was finalized on 12 June 2012. The new organ had fewer Islamists, and indeed 61 of its members came from outside, including 13 labor unionists, four Copts, and various independent scholars and jurists. Many secularists remained

³⁹⁶ Trager, 117-124. The Port Said massacre occurred on 1 February 2012, when inadequate policing at a football stadium following a match resulted in mass clashes that killed 72 and injured hundreds more.

³⁹⁷ Brown, 9.

dissatisfied, pointing out that Islamists were overrepresented, and therefore concluded the entire process proved the untrustworthiness of Islamists.³⁹⁸

Second Pacting Failure: Rise and Fall of the Morsi Presidency

The inability of the Muslim Brotherhood and its secularist counterparts to muster together negotiated agreements during the meetings of February and March 2011 represented the first failed opportunity for cross-ideological pacting. The following section situates the second failed opportunity in the early months of the Morsi presidency following his June 2012 electoral victory. The latter brought to power the first democratically elected government in modern Egyptian history, but it also illustrated the inability of the Muslim Brotherhood and civil state advocates to agree on further mutually acceptable arrangements that could enable the nascent transition to advance. The outcome of this failure of pacting was not the military coup of July 2013, which ousted this electoral regime, but rather the utter absence of any secularist mobilization against this authoritarian intervention. Had an Islamist-secularist compromise coalesced earlier, the intervening army would have found it much more difficult, or even impossible, to seize power in the face of popular expectations for democratic legitimacy.

Reneging Past Promises

Islamist-secularist relations frayed further in the months leading up to the presidential contest. Previously, the Brotherhood had pledged that it would not field a candidate in the first post-revolutionary presidential elections, acceding to both secularist requests as well as perceived popular pressures. However, in

³⁹⁸ Dunne and Hamzawy, 16.

April 2012, riding the momentum of its FJP's electoral success, the Brotherhood surprised the Egyptian public and international community by reneging on its past promise and fronting its second-highest ranking leader, Deputy Supreme Guide Khairat al-Shater, as its candidate.³⁹⁹ Al-Shater had been imprisoned since 2006, but was released in March 2011. On 1 April 2012, the SCAF formally pardoned al-Shater, enabling his candidacy. Yet when the National Elections Commission disqualified him on grounds of past criminal convictions a few weeks later, the Brotherhood persisted and nominated instead its backup candidate, new MP Muhammad Morsi.⁴⁰⁰ Morsi was little-known to the Egyptian public, and was simply the highest-ranking Brother whose credentials could meet the constitutional requirements for the presidency. It was also ironic, given that it was Morsi himself who delivered the Brotherhood's promise to not seek power on 10 February 2011.

Why did the Brotherhood retreat from its pledge and enter the presidential arena? One interpretation advanced by scholars concerns the lure of power; "the opportunity to field a candidate for president was simply too valuable to pass up, so once again, principle yielded to pragmatic self-interest."⁴⁰¹ Another is strategic hedging, according to the personal views of Islamist activists present in Cairo during that period: the Brotherhood simply reacted strongly against alarming rumors that the military and secularists would back Ahmad Shafiq, the last premier of the Mubarak era and a perceived opponent of Islamist participation in

³⁹⁹ Wickham, 254.

⁴⁰⁰ Milton-Edwards, 45.

⁴⁰¹ Wickham, 256. This view was also espoused by Bahey Hassan during our interview. Personal interview by author with Bahey Hassan, Director of Cairo Institute for Human Rights Studies, Paris, France, 15 December 2018.

politics.⁴⁰² Yet another intriguing possibility is that its own hands were forced by the surprise entry of Abdel Moneim Abou El-Fattouh, a well-known Brotherhood member who left the organization and declared his candidacy as an independent Islamist months prior to the March announcement. El-Fattouh's decision suggests internal division within the Brotherhood regarding its presidential disavowals, and hence precipitated its own formal entry.

Regardless of the true calculus, the move unnerved secularists, who pointed to early Islamist promises of self-restraint as both reason to mistrust the Brotherhood and further evidence that it was not a credible partner in any democratic enterprise. Indeed, it was ironically al-Shater himself who shortly after his release had promised the Brotherhood's position of not contesting the presidency.⁴⁰³ That the Brotherhood insisted even after al-Shater's disqualification to field a far more obscure candidate stemmed from two factors. First, it had grown extremely confident that retracting its initial commitments made to its secularist critics would not bring about any meaningful punishment. In other words, it felt no pressure to compromise with its potential bargaining partners, much as in the February and March 2011 meetings, which ended in the rushed constitutional referendum.

Second, the decision also demonstrated the Brotherhood's growing recognition that there existed elements of the Egyptian state apparatus, including civil bureaucracies, the judiciary, and armed forces, which had begun to grow fearful of Islamist mobilization and political authority. This is not to validate the idea of a coherent "deep state," as some scholars have inferred, since that would

⁴⁰² Personal interview by author with Ahmad Mouhsin, former youth wing secretary of Freedom and Justice Party's chapter in Faiyum, Istanbul, Turkey, 9 July 2019.

⁴⁰³ See, for instance, "Khairat Al Shater: The Brother Who Would Run Egypt," *Wall Street Journal*, 22 June 2012.

suggest a degree of coordination and organization that empirically did not exist between these many entities. However, it does indicate that certainly, there were civilian and military elements comprising the government that felt threatened by potential Islamist hegemony, and over time began to act in concerted ways to thwart this peril. Like its secularist peers, the Brotherhood did not systematically attempt to assuage or co-opt this audience, to its ultimate harm.

For instance, by summer 2012, much of the Egyptian media – including both state-aligned outlets as well as independent organs – had begun to consistently criticize the Brotherhood for its moralizing and political positions. As its FJP was the paramount party in parliament charged with the writing of a new constitution, the Brotherhood had also increasingly clashed with the SCAF given its ongoing calls to implement a civilian cabinet and end the SCAF's mandate. Some Islamist leaders believe that as early as spring and summer 2012, in fact, the Interior Ministry was busily engaged in mobilizing and directing *baltagiyyah* (thugs) to sow discord and violence in public areas, thereby heightening the climate of popular insecurity in hopes of turning sentiment against Islamists.⁴⁰⁴

The clearest indication of state-based resistance crystallized in June 2012, when after deliberation the Supreme Constitutional Court decreed the FJP-led parliament as invalid due to purported violations of candidacy rules. The edict came just days after the parliament had successfully generated its compromise version of a constitutional assembly. Immediately afterwards, the SCAF backed the Mubarak-era judges ruling from this high court, declaring that

⁴⁰⁴ Personal interview by author with Tarek Zomor, Secretary-General of the Construction and Development Party, Istanbul, Turkey, 12 July 2019.

the entire parliament would be replaced. The decision came after the Justice Ministry's issuance that restored some emergency powers of arrest and attention by the civil police and intelligence services, a ruling that signaled the rejuvenation of some autocratic tendencies. In addition, the Court overturned a law that would have disqualified Ahmed Shafiq from standing as a presidential candidate.

That latter verdict was well-timed, because such judicial intercessions occurred in the middle of the presidential elections cycle. The first round of the contest in late May featured a dozen major candidates; of these, Morsi captured a quarter of the vote, followed closely by Shafiq. Secularist candidates from, or associated with, the civil state trend followed in the form of Hamdeen Sabahi (20.7 percent) and Amr Moussa (11.1 percent). Abdel Moneim Abou El-Fattouh, the independent Islamist, garnered 17.5 percent). The Supreme Constitutional Court's well-timed finding enabled Shafiq to contest Morsi in the runoff stage of the elections during 16-17 June. Morsi narrowly won this bitterly contested round with nearly 52 percent. Crucially, not all secularist groups threw their support behind Shafiq given his strong affiliation with the Mubarak era. For instance, the April 6 Movement publicly endorsed Morsi, suggesting that significant elements of non-Islamist groups backing the revolution were willing to entertain the prospect of Islamist leadership so long as it abided by democratic procedures and liberal compromises.

Worsening Frictions and Morsi's Consolidation

Morsi's rapid rise, from a back-up presidential candidate to the Egypt's first democratically elected leader, represented more than a political success

story for Islamist supporters. For both civil state advocates and Egyptian state institutions, the events of June 2012 simply transferred Islamist dominance from the now-dissolved legislature to the executive branch, therefore completing its takeover. In the succeeding months, Morsi's actions as president seemed to substantiate their fears of Brotherhood supremacy. From its perspective, securing the presidency placed the Brotherhood in a position it had never enjoyed before – control over executive power – which triggered what one scholar called a “double dilemma:” on the one hand, the organization needed to tread carefully without triggered excessive backlash from its mounting list of critics, while on the other, as an Islamist movement it had an inherent ideological agenda that required the propagation of its beliefs and value.⁴⁰⁵

While Morsi operated within the boundaries of normal democratic politics in choosing to appoint many members of his own party in governmental positions, opponents of Islamism pointed instead to his executive initiatives that seemed to contravene secularist resistance. Indeed, several controversial moves bridled anti-Islamist critics from the start. First, in July 2012, Morsi decreed that the dissolved parliament be reinstated, contravening the Supreme Constitutional Court. Though he could not overturn the court's decision, he technically annulled the subsequent diktat by the SCAF to implement that dissolution. This was controversial: the SCAF had not only commanded legislative and executive authority since the fall of Mubarak, it also continued to exert substantial influence over all elements of lawmaking. Not long after Morsi's election, for instance, the SCAF issued a new law that enabled it to continually oversee the constitutional drafting process, including the power to dismiss the

⁴⁰⁵ Trager, 268.

constitutional assembly recently selected by parliament. This in turn increased the atmosphere of polarization with secularists, because many of the Brotherhood's opponents, such as the Wafd, by now openly supported the military's efforts to bypass democratic mechanisms so long as it undermined Islamist power.⁴⁰⁶

Second, in August, Morsi forced into retirement a bevy of high-ranking military figures, including the army chief-of-staff and his defense minister, and replaced the SCAF's final ruling with a unilateral declaration that put the president's office in firm charge of legislative and constitutional matters. This did not necessarily put the Brotherhood on the warpath against the military; after all, Morsi also never asserted control over the military's vast budget, or sought to investigate its enormous economic holdings which some estimates valued at 15 percent of the GDP.⁴⁰⁷ Yet it did highlight discomfort among military leaders over an increasingly unpopular president. Calls for Morsi's toppling became public by that fall, and "the generals seemingly realized that Morsi's uncompromising behavior had catalyzed a severe backlash and that the country's political polarization was rapidly reaching the point of no return."⁴⁰⁸

Third, also in August, Morsi also traveled to Tehran for a multilateral summit, marking a major potential shift in Egyptian-Iranian relations since the two countries broke ties in the early 1980s. The visit visibly perturbed many Arab states, including most of the Gulf kingdoms that had long framed Iran as an existential threat. Saudi Arabia felt threatened on two fronts – geopolitically, from this upending of the anti-Iranian stance; and ideologically, as a Brotherhood

⁴⁰⁶ Dunne and Hamzawy, 18.

⁴⁰⁷ Wickham, 270.

⁴⁰⁸ Trager, 184.

organization in power threatened its monarchy's claim to Sunni Muslim legitimacy.⁴⁰⁹ To be sure, Egyptian foreign policy did not undergo any radical reorientation during the Morsi presidency. For instance, the peace treaty with Israel remained safely intact, and indeed its maintenance was never seriously questioned by the Brotherhood government.

Further, in February 2013, Morsi pleased the Israeli government by ordering that many of the tunnels under the bordering Gaza Strip be flooded. While such an aggressive overture that had been previously contemplated by the SCAF, it was the Morsi presidency that in the end claimed to have closed many of the tunnels used for economic and military smuggling by Palestinians in Gaza, such that by the eve of the July 2013 coup, an estimated 80 percent of these tunnels had been destroyed.⁴¹⁰ Closing these underground lifelines was a major blow to the Hamas-led leadership in the Gaza Strip, contradicting the assumption that two neighboring Islamist governments would collaborate against Israel. Still, for many observers, the narrative of an Islamist power-grab deepened in the fall.

The fourth signature event came in November 2012. Then, frustrated after months of judicial resistance and blockage, Morsi decreed that all presidential rulings would be exempt from judicial review until the new constitution was ratified.⁴¹¹ The move instigated ferocious criticism from many judges, some of whom called for a strike. Though Morsi justified the move as necessary to protect the constitutional assembly from being dissolved by a judiciary still packed with Mubarak-era jurists, many secularists sided with judges in

⁴⁰⁹ Elizabeth Iskander Monier and Annette Ranko, "The Fall of the Muslim Brotherhood: Implications for Egypt," *Middle East Policy* 20 (2013): 118.

⁴¹⁰ Harriet Sherwood, "Gaza Low on Supplies after Tunnels Shut," *The Guardian*, 20 July 2013.

⁴¹¹ Khalifa, 144-49.

denouncing this policy. Likewise, the new constitution was finally completed by the assembly and promulgated by Morsi in December. Although the fundamental text resulted from the work of the diversified constitutional assembly, many saw this notable event as figurative for the continued deepening grip of an Islamist government over all of Egyptian public and political life.

Inversely, as Morsi flexed his presidential muscle, the Brotherhood found internal pushback from various actors within the Egyptian state – not, as argued earlier, through a grand conspiracy but rather through multiple and overlapping points of resistance by those sharing antipathy to the idea of an Islamist political order. At a quotidian level, many Islamist officials who served with Morsi report multiple orders from the president being mysteriously lost at the level of bureaucratic implementation. For instance, Morsi's efforts to lower fuel prices may have been stymied by entrenched suppliers and state firms within the energy sector overtly rebuffing executive directives to explain their cost structures and redistribute production.⁴¹² This resulted in a self-reinforcing cycle of executive entrenchment: as more state organs ignored presidential pressures, Morsi fell back upon the privileges of his office to issue even more aggressive instructions from above. A major consequence was that many secularists, including not just civil state advocates but everyday Egyptian voters increasingly inured to Islamist contestation, saw the Brotherhood and the Egyptian state as *synonymous*, as if the organization had singularly captured public institutions and were embarking upon a grand scheme of Islamization.⁴¹³ Such a perception

⁴¹² Personal interview by author with Hussein al-Kazzaz, former economic development advisor to President Muhammad Morsi, Istanbul, Turkey, 11 July 2019.

⁴¹³ Personal interview by author with Bilal Hisham, Brotherhood youth activist, Istanbul, Turkey, 11 July 2019.

was ironic given that Morsi faced endemic difficulties inducing his own bureaucratic institutions to carry out their roles under his presidential leadership.

Opportunities Lost for New Allies

Throughout this process, there were substantial opportunities for the Morsi government to strike bargains with key non-Islamist sectors rather than continue its pathway of worsening maximalism. Relations with the core set of groups and activists associated with the secularist trend remained moribund and hostile, with dialogue increasingly difficult impossible due to the heightening perception of Islamist hegemony. On 4 December, for instance, anti-Morsi protesters marched to the presidential palace in response to the November 2012 presidential decree, resulting in security clashes and street chaos. The next day, Mohamed ElBaradei, the well-known civil state advocate, was selected as coordinator for the new National Salvation Front (NSF), an anti-Islamist group.⁴¹⁴ The NSF rejected Morsi's offer for discussion at the palace, including even offers for greater secularist representation in his cabinet, and blamed the Brotherhood for worsening social agitations. It presented an ultimatum of its own, the summation of many civil state advocates' frustrations and anger – not just the abolition of the constitutional decree, but the halting of all work on the new constitution until a more representative set of institutions could be found.⁴¹⁵

In the end, Morsi did retract the November decree, but not through dialogue; it was weeks more of street violence and peaking tensions that compelled the president to back down. Yet tensions remained, especially after

⁴¹⁴ Khalifa, 151.

⁴¹⁵ "Jabhat al-inqath: la hiwar ma' mursi qabla ilgha' al-qirarat wa-lan nalja' lil-'unf [Salvation Front: No Dialogue with Morsi Before the Cancellation of Decisions, and We Will Not Turn to Violence]," *Dw.com*, 8 December 2012.

the NSF failed to prevent nearly 64 percent of the electorate from ratifying the new constitution in late December. That process sparked another round of accusations, with civil state advocates categorically rejecting the document as the product of Islamist domineering and exclusion, and the Brotherhood reproaching secularists for their refusal to play by democratic rules.⁴¹⁶ By 2013, little could convince the public that the Islamist movement was trustworthy despite the latter's periodic pleas of being open to discourse, such as a January 2013 statement by FJP head Saad El-Katatny that called for greater cooperation with secularist parties.⁴¹⁷

Throughout the course of these events, potential alliances broke down. For instance, consider the organized workers movement drawing upon leftist and socialist voices. In July and August 2012, in the first months of the Morsi presidency, many labor unionists vocally supported the new president. They cheered his August moves against the military as a signal that the repressive constraints against workers in the past were now well-lifted, and indeed interpreted the move as evidence of the democratic transition proceeding. However, by that winter, many labor unionists had soured on Morsi after the expansion of his executive powers, which signaled to some observers that the Islamist government was not to be trusted, especially in regards to its own promises of protecting workers' rights and improving employment conditions. Resurgent labor strikes and unrest afterwards demonstrated this growing rift. Indeed, there is scant evidence as well as the Islamist government made any

⁴¹⁶ See, for instance, Adil Al-Darajali, "Qiyadat al-ahzab: narfudh silq al-dustour [Leadership of Parties: We Reject the Constitution]," *Al-Masry Al-Youm*, 30 November 2012.

⁴¹⁷ Bahey Hassan, "'Al-Katatny' yad'u al-hukuma al-jadida lil-tashawur ma' al-ahzab tajannuban lil-infirad bil-qirar ['Al-Katatny Calls Upon the New Government to Consultations with the Parties in Order to Avoid Unilateral Decisions]," *Al-Masry Al-Youm*, 6 January 2013.

outreach efforts to either maintain its initial allies within organized labor, or else secure the support of new workers groups.

As another example, the judiciary represented another flashpoint of conflict. From the start, Brotherhood officials understood the intense opposition they faced among many judges. This was embodied in the June 2012 decision by the Supreme Constitutional Court to invalidate the Islamist-dominated parliament. However, at the same time, it was also apparent that a fair segment of judges adhered to the ideals of the revolution and so could be counted upon as political supporters. For instance, it was notable that both in January and June 2012, a number of jurists declared the Brotherhood's victory as legal and effective well before the Elections Commission had formally authenticated these results. In addition, during the August 2012 military dismissals, Morsi appointed Mahmoud Mekky as his vice-president. Mekky was a well-known independent jurist who had frequently clashed with the Mubarak regime over electoral fairness and judicial matters, but his appointment also marked a lost opportunity to select a more inclusive figure that could appeal to secularists, such as a woman, Christian, or non-Islamist.⁴¹⁸

Yet like the workers movements, the judiciary as a state institution remained largely outside the Brotherhood's political strategy. Morsi implemented his November 2012 presidential decree despite knowing well the intense pushback this would elicit amongst many in the judiciary, including not only judges who were ideologically aligned against Islamism but independent judges who, like Mekky, desired an effective system of checks-and-balances. The Islamist-led government rejected calls to back down from this enlarged scope of

⁴¹⁸ Trager, 163-64.

presidential power despite such sustained animosity from the judiciary in addition to virtually all secularist groups.

A third vector of political bargaining that was gradually lost lay in the business sector. During Morsi's year in power, the Egyptian economy was in free fall by any major indicator, such as the worsening budget deficit, the declining value of the Egyptian pound, worsening joblessness, and virtually zero net economic growth. While the Brotherhood could counteract angry protesters by marshalling its own activists onto the street, the Islamist government had no policy solutions to these deep economic dilemmas.⁴¹⁹ One potential solution lay in the business sector. From the start, the Morsi government was explicit in giving assurances to investors and business owners that the economy would continue to encourage initiative and investment. Indeed, Khairat al-Shater himself was perceived as a successful business entrepreneur, and he along with other Brotherhood officials reached out to many economic figures to reassure them that the Islamist government would be more amenable to reform than the Mubarak regime.

These interactions came in the form of numerous meetings and overtures, including a noted encounter in London between al-Shater and a number of Egyptian businesspersons who had fled the country after Mubarak's fall. In policy terms, the Morsi government could not halt the country's economic decline, which began during the Mubarak period but hastened during the time of Islamist leadership. The unemployment rate reached a record high of over 13 percent, and surging inflation drastically raised living costs. While this conforms to a familiar pattern with most democratic transitions, in that abrupt political

⁴¹⁹ Milton-Edwards, 47.

changes often go hand-in-hand with lowered industrial output and heightened demand for production, it is significant that the Morsi government made no systematic efforts to incorporate the voices of the business community into its policymaking throughout the crisis.

Breakdown and Coup

The preceding events took place against an intensifying atmosphere of public agitation and street protests against the Brotherhood. Indeed, daily demonstrations and anti-Islamist displays became a regular part of public life in Cairo during the Morsi presidency, with participants representing many secular and civil state trends accusing the organization of Islamizing or “Brotherhoodizing” Egypt. By the start of summer 2013, such unrest represented a gaping chasm of understanding between Islamists and non-Islamists, with the subsequent coup that installed Abdel Fattah al-Sisi as autocratic ruler interpreted by many observers as secularists “striking back” after a period of marginalization. In this milieu, the military plotted to depose the government in conjunction with the rise of Tamarrud, a new social movement opposed to the Morsi government. Popular calls for Morsi’s toppling were backed by mass protests that exceeded the size of the original revolutionary crowds and by the 3 July 2013 coup resulted in violent clashes with Brotherhood supporters, and the destruction of the Brotherhood’s facilities and government offices by secularist crowds unhampered by deliberate police inaction.

While the story of the Brotherhood’s post-coup dismantling and the rise of the Sisi dictatorship has been told elsewhere, it suffices to restate here that the breakdown of relations between Islamists and non-Islamist actors did not cause

the military coup of July 2013. Given the power and status of the army, admittedly any bargaining for a new political order could not have been conducted independently. However, it is also clear that an alliance between Islamists and secularists would have helped level the playing field and made any military intervention far more difficult to carry out. Such a coalition of transitional forces would have possessed not only more popular resources, but also greater electoral traction and thus bestowed upon their political process more legitimacy. The coup resulted in not just the return of military authoritarianism but also the evisceration of the Muslim Brotherhood, and thus reflected the embedded interests of the military, the most powerful actor representing the Egyptian deep state.

As argued earlier, the confrontations waged by this deep state against Islamists starting with the January 2012 parliamentary victory should not connote that non-Islamist forces acted in a unified and coordinated way. In other words, there was no singular deep state leadership that orchestrated the Brotherhood's downfall. However, there were multiple points of not just defiance but counterattack by various organs and institutions, which sometimes represented the desires of secularist activists within society and sometimes simply denoted the independent resistance of authoritarian interests who, unlike civil state proponents, had little appetite for electoral democracy.

A prominent example was the harsh portrayal of Islamism within the Egyptian media, which encompassed both state-affiliated outlets as well as independent newspapers, magazines, and broadcast programs. By the spring of 2013, most mainstream media voices had launched sustained campaigns of criticism against Morsi, calling into question not only his earlier presidential

decisions but also accusing the Brotherhood with the familiar refrain of wishing to roll back personal freedoms in favor of theocracy.⁴²⁰ Such accusations of Islamization resonated among many non-Islamist groups, including artistic collectives and intellectuals within Egyptian society who spearheaded a renewed anti-Islamist charge in May 2013. That month, the Culture Ministry under leadership of the newly appointed 'Alaa Abdel-Aziz, a conservative voice sympathetic to Islamism, canceled a performance of the opera *Aida* and dismissed the heads of the Cairo Opera House, General Egyptian Book Organization, and Fine Arts Sectors. The move enraged many voices in Egyptian civil society, who supported a guerilla campaign by many critics and artists to occupy the Culture Ministry in the ensuing weeks.⁴²¹

Another instance was the increasing refusal of state employees, in particular civil servants and the police, to perform their jobs in symbolic acts of anti-Islamist resistance. On numerous occasions, for instance, the Morsi government would find its directives at either the national or provincial level not implemented, with bureaucrats and officials challenging their imperatives. As anti-Islamist protests climaxed on 30 June 2013, many police officers simply stopped defending government buildings and civil complexes inhabited by Islamist officials and Brotherhood members, even after direct orders from the government. This forced the Brotherhood to mobilize its own members as a protective force, leading to more violent clashes with anti-Islamist demonstrators

⁴²⁰ Brotherhood leaders were cognizant of this media assault, knowing as well that many privately owned broadcasting stations and websites were connected to business figures tied to either the military or the Mubarak regime. See, for instance, Manal Abul-Hassan, "Qiyadiyyah ikhwaniyya tahmal al-mujtama' al-duwwali mas'uliyah 'azi mursi [The Brotherhood Leadership Ascribes to the International Community Responsibility for the Isolation of Morsi]," *Akhbar Al-Yawm*, 2 August 2013.

⁴²¹ Vivian Salama, "Brotherhoodization of the Opera: Egypt's Assault on the Arts," *The Atlantic*, 7 June 2013.

and accusations of Morsi embracing dictatorial rule. This precipitated a worsening spiral of mutual hostility: the Morsi government reacted rationally to the refusal of the civil police to perform their duties, but in marshalling its own activists inadvertently signaled to secularists that Islamist personnel could replace the state itself.

The military coup and its aftermath brought a host of new brutalities and human rights abuses to the Egyptian street, including the massacre of over 800 Brotherhood protesters and supporters in Rabaa Square six weeks after Morsi's deposal. This August event represented the worst mass killing in Egyptian history. It was followed in the subsequent months by a violent clampdown against the Brotherhood that drove many leaders into either prison or hiding, and in turn incentivized younger activists' increasing belief that violence and radical resistance rather than gradualist political participation was the best response.⁴²²

It is striking that a plurality of Egyptian society seemed not just to tolerate but to cheer this reversion to dictatorship, embracing the idea that the Brotherhood had "stolen" the revolution.⁴²³ Excluding institutions affiliated with the deep state, no major secularist group or civil state advocate publicly criticized the coup, or came to the defense of the Brotherhood during the ensuing crackdown. Neither did secularist voices oppose the Rabaa massacre, or decry the repressive destruction of the Brotherhood – a move that not even the Mubarak regime had ever ordered, and indeed returned state-Islamist relations

⁴²² Annette Ranko and Justyna Nedza, "Crossing the Ideological Divide? Egypt's Salafists and the Muslim Brotherhood after the Arab Spring," *Studies in Conflict and Terrorism* 39 (2015): 528-29.

⁴²³ Even today, anti-Islamist critics in Egypt continually publish recollections of post-revolutionary politics, accusing the Brotherhood of both electoral theft and ideological extremism. See, for example, Hassan Abu Abbas, "Kayf saraqat al-ikhwan al-thawra? Wa 'munhadar su'udihim' hatta suqut morsij [How Did the Brotherhood Steal the Revolution? The Slope of Their Ascent until the Fall of Morsi]," *Akhbar al-Yawm*, 24 January 2018.

back to Nasserist-era politics when the Brotherhood was prohibited altogether. There was no Egyptian equivalent of the LTDH: whereas that Tunisian human rights organization defended the right of Ennahda to exist even during the near-breakdown of the pacting process during the summer of 2013, in Egypt at the same time no equivalent human rights or legal association argued that Islamists deserved inclusion into the political process, much less political existence itself.

That secularists did not resist this anti-Islamist campaign even when the new military autocracy exceeded the worst abuses of Mubarak (including, eventually, to secularist and liberal groups themselves) is telling. It corroborates the failure of the Brotherhood and secularists to pact new alliances at several points of inflection during the January 2011-July 2013 post-revolutionary period. It further signals the severity of cross-ideological enmity and the absence of any mutual compromise that could close this gap. The result was the opposite of the Tunisian transition and the restoration of authoritarian rule.

The Failure of Pacting: Egypt in Comparative Perspective

The preceding analysis showed that the choices of Islamist and secularist actors at critical moments of political interaction did not generate iterative compromises that enabled a successful democratic transition. Tunisia experienced this after its revolutionary rupture from a long-ruling authoritarian regime, resulting in a transition that was not without its own troubles but nonetheless generated an electoral regime largely bereft of ideologically fueled violence. Now, it is necessary to explicate why Egypt did not result in a Tunisian-style outcome. In retrospect, it is easy to indict the Islamists for their refusals to make concessions to appease secular allies as the inevitable product

of its innately “shallow and opportunistic” ideology that predestined the group to failure.⁴²⁴ Indeed, this has been a major theme of analyses regarding the Egyptian Brotherhood since the July 2013 coup – that the premature end of the democratic transition was entirely the fault of an Islamist dinosaur incapable of seeing beyond its own subsistence.

Yet this misses the point: in typical transitional processes, all political actors are driven by the fear of destruction and the necessity of self-survival. Arguments that the Brotherhood was doomed to scuttle any democratic transition lose sight of the broader environment for decision-making. As the Tunisian case elaborated, the background conditions generated by antecedent historical forces are central because they influence how rational political actors perceive their environment for assuming costs, distributing benefits, and attaining goals. The institutional and structural context therefore accounts for why political forces may favor zero-sum, maximalist political claims rather than bargained compromises. To this may be added an additional factor – the geopolitical environment, which introduced further uncertainty and disincentivized mutual bargains between Islamists and secularists by heightening polarization and mistrust.

Imbalance and Factionalism

A fundamental lack of parity changed the incentive structure of the Muslim Brotherhood, who occupied the more powerful position and – identical to secularists – simply pursued goals and strategies that seemed logically

⁴²⁴ See, for instance, Ashraf El-Sherif, *The Egyptian Muslim Brotherhood's Failures* (Washington, D.C.: Carnegie Endowment for International Peace, 2014), 1-2. For a convergent view from Egyptian media, see “10 Khataya lil-ikhwan khilal hukm al-murshid... [10 Sins of the Ikhwan During the Government of the Murshid],” *Youm7.com*, 30 June 2017.

appropriate to its predominant aim of survival. The Brotherhood constantly felt far less pressure to make major symbolic and political sacrifices to its critics and opponents, because it had little to fear regarding potential destruction from protracted conflict with secular advocates. It was, simply put, the bigger actor, though it also recognized that the appearance of overwhelming superiority would alienate many Egyptians. As one Islamist official noted, the informal motto among many electoral strategists during the 2011-12 period was “akthariyyah wa la aghlabiyyah” – “*relative* majority but not [necessarily] *absolute* majority” meaning a desire to ensure a permanent place within Egyptian politics but not necessarily with the absolutely largest share of votes.⁴²⁵

Thus, while the Brotherhood did entertain the possibility of enduring partnerships with non-Islamist forces, the payoffs of defecting and instead engaging the political game alone were overwhelming. For the first time in Egyptian history, the Brotherhood could stake out an enduring claim to be the primary player in politics. On the other side of the equation, the secularists were as well far too quick to abandon initial commitments to dialogue and compromise, and instead seek extra-judicial means to remove Islamists in government. By the end of Morsi’s presidency, this meant siding with the very autocratic kingmaker from whom the Islamists sought support two years earlier – the army.

As noted before, the secularist camp as portrayed here during the Egyptian transition does not include the military or other deep state actors, who represent instead a veto actor that ultimately scuttled the transition altogether for

⁴²⁵ Personal interview by author with Saif al-Din Abdulfattah, former political advisor to President Muhammad Morsi, Istanbul, Turkey, 10 July 2019.

all political forces. As will be argued later, the military was not perceived by either civil state advocates or Islamists as the reincarnation of the Mubarak regime, but rather the institutional expression of a permanent Egyptian state whose overarching power could be harnessed to marginalize one another. Indeed, the military coup did not represent the victory of civil state advocates over Islamism; under the Sisi regime since 2013, *both* the Brotherhood and its liberal critics have been repressed, and the return of militaristic autocracy has decimated all voices that desired more democracy in 2011. The military's role, thus, should not obscure the deeper Islamist-secularist imbalance that played out across society and politics. As argued before, such cross-ideological arrangements may not have prevented praetorian interventionism altogether, but it would have made a military takeover far more difficult.

The lack of parity between Islamists and its secularist critics after the fall of Mubarak became apparent in several respects. The Brotherhood possessed more coherent political weight, in not only its historical standing but also its capacity to organize supporters and translate those cadres into fungible power through activism and mobilization. By the January revolution, Western analysts estimated the group had 300,000 members and millions of sympathizers, with particularly strong roots in the urban middle class.⁴²⁶ It knew as well how under Mubarak how to adapt to changing authoritarian circumstances – flexing its muscle after the 2005 parliamentary elections, for instance, while retrenching its public face during the repression afterwards to ensure its legal existence.⁴²⁷ It also commanded a national infrastructure of mobilization. For instance, it had

⁴²⁶ Steven Brooke and Shadi Hamid, "The Muslim Brotherhood's Role in the Egyptian Revolution," *CTC Sentinel* 4 (2011): 2.

⁴²⁷ Carrie Rosefsky Wickham, *The Muslim Brotherhood: Evolution of an Islamist Movement* (Princeton: Princeton University Press, 2013), 120-141.

developed a tried-and-true process of membership that entailed at least five years of ideological cultivation and social embedding, as well as a complex hierarchical structure that – from the top leadership post of *murshid* (spiritual guide) down to the very localized family (*usrah*) cells – was able to reach out to members on a truly national basis.⁴²⁸ Its well-developed media department, organizational liaisons, and social media networks likewise ensured a broad public audience beyond its membership base.

Such absence of parity diluted the natural uncertainty that accompanied post-revolutionary politics. As the February and March 2011 Islamist-secularist meetings revealed, the situation was not one of two pacting partners locked into interminable disputes but afraid, in the end, of annihilation. Yet this obscures the more fundamental question of *why* this structural lack of parity existed in the first place, and furthermore why it amplified and engendered worse tensions over time. The explanation given here draws upon comparing Egypt to Tunisia, and comes in four parts. This section focuses on the Islamist dimension, and makes the argument that the Egyptian Brotherhood was larger yet more fractured than Ennahda, and as a result made for an ineffective negotiating partner. The Brotherhood was stronger than secularists in the Egyptian transition because its prior social and political development implanted a far stronger role for religion within national identity. Yet at the same time, Egyptian Islamism was more fractured. While the Brotherhood was, by far, the most powerful societal actor that mobilized during the post-revolutionary period, paradoxically its size also resulted in the aggregation over decades of different wings, factions, and generations that could not always be held in uniformity.

⁴²⁸ Trager, 48-54.

Religion and Sociopolitical Development

First, Egyptian state and society possessed a strong Islamic identity prior to the Arab Spring, one far more prominent than Tunisia. Identity, here, means a self-conception encompassing constitutive values and norms that not only represent a social category but also shape preferences about political order. While the history of Islam in Egypt is of course far too vast to encapsulate in a brief section, a few key points of contrast to the Tunisian case bear mention here. Egypt has always stood closer to the heart of Islamic civilization in geographic and structural terms. Historically, the area played a central role in the propagation of the Caliphates. Afterwards, there were robust elements of Islamic identity within society during the long Ottoman centuries and which continued to thrive into the twentieth century. For example, there was a powerful self-organized class of 'ulama that applied shari'a to all spheres of life. Educationally, the existence of Al-Azhar University signified the role of the 'ulama as well as the Egyptian context more broadly to the development of Sunni Islam and its legal jurisprudence.

The centrality of Islamic identity continued under the modern period of Egyptian political history. The 1928 founding of the Muslim Brotherhood was not incidental; it showed that debates about the role of Islam in all aspects of life continued to animate social formations well into the twentieth century. Moreover, unlike the secularizing bent of French colonialism, which under laïcité targeted religiosity in administered territories as a threat to the state, the type of British imperialism raised in protectorates like Egypt exerted a more nuanced view that

allowed for considerable debates and developments to unfold within the progenitors of Islamism.

This pattern continued after the anti-monarchical coup of 1952 and the creation of a new republican state under Gamal 'Abdel Nasser. It is a gross simplification to label the Nasserist years of authoritarianism as one that suppressed Islam in favor of a new secularist ideology. To be sure, at an ideological level, both Arab Nationalism and Islamism implant revolutionary visions that require sweeping reconfigurations of post-colonial state structures, boundaries, and institutions.⁴²⁹ Yet the Nasserist regime sought not to eliminate religion as a source of identity, but rather subordinate it such that Islam could still infuse public life and legitimate political order. The co-optation and bureaucratization of Al-Azhar University exemplifies this strategy, as the Nasserist, Sadat, and Mubarak regimes all utilized Al-Azhar to both burnish their own Islamic credentials and control what each perceived as radical religious discourse by elevating their preferred 'ulama into positions of authority.⁴³⁰

However, fully understanding the evolution of Islamism and the Brotherhood requires more nuance. For one, the Brotherhood's leadership supported the rise of Nasser, who met repeatedly with Brotherhood leaders including Sayyid Qutb prior to his consolidation of power in 1954.⁴³¹ Indeed, some of the officers involved with the coup had close ties with the Muslim Brotherhood, which at the time operated under its founder Hassan al-Banna's

⁴²⁹ See, for instance, Adeed Dawisha, "Arab Nationalism and Islamism: Competitive Past, Uncertain Future," *International Studies Review* 2 (2000): 79-90.

⁴³⁰ Malika Zeghal, "Religion and Politics in Egypt: The Ulema of Al-Azhar, Radical Islam, and the State (1952-94)," *International Journal of Middle East Studies* 31 (1999): 371-99.

⁴³¹ This state-Ikhwan connection is not controversial, and remains commonly discussed in the Egyptian media today. See, for instance, Sami Sharaf, "'Abdel-Nasser wa-jama'at al-ikhwan [Abdel Nasser and the Muslim Brotherhood]," *Al-Ahram*, 27 December 2017.

belief in outreach (*da'wa*) rather than politics.⁴³² Only after Qutb's assertive calls for the Brotherhood to enter politics did ferocious repression begin, as symbolized by the imprisonment of Qutb and other activists. However, while the Brotherhood was defanged and removed from the political arena, it was never destroyed. Well into the 1960s, the Brotherhood was able to maintain not just a coherent internal organizational structure but also a continuing alternative ideology, especially as its ideas gain new life among student movements at sprawling institutions like Cairo University.⁴³³

The decade of Sadat during the 1970s officially rehabilitated the Brotherhood through the instrumentalization of Islam. The tolerance given to the Islamist organization stemmed from the regime's strategy of legitimating its authoritarian rule through alternative sources that could differentiate itself from the Nasser regime. Indeed, religion was aggressively invoked in the conflict against Israel. This relaxation of repression continued into the Mubarak years, although inconsistently. In the 1990s, for instance, the regime became more wary of the Brotherhood in a climate of worsening violence from radicalized groups like Islamic Jihad, prompting periodic crackdowns in Brotherhood-dominated venues such as university campuses, financial holdings, and professional syndicates.⁴³⁴ By the 2000s, a stable authoritarian formula had taken hold. While the Brotherhood remained excluded from politics as an organized entity, its members could run for office as independents (and sometimes win), while within society the regime recognized that the group

⁴³² Andrew McGregor, *A Military History of Modern Egypt: From the Ottoman Conquest to the Ramadan War* (London: Praeger, 2006), 250.

⁴³³ For more on the persistence of the Brotherhood in an era of incarceration, see Barbara Zollner, "Prison Talk: The Muslim Brotherhood's Internal Struggle during Gamal Abdel Nasser's Persecution, 1954 to 1971," *International Journal of Middle East Studies* 39 (2007): 411-33.

⁴³⁴ Wickham, 78.

commanded a large base popular support. That base was predicated upon a variety of factors, including the provision of social services, the pull of its ideology, and finally its tight infrastructure of organization.⁴³⁵

While there are innumerable other wrinkles in the history of state-Islamist relations in Egypt can only be ironed out in a lengthier treatise, it suffices to summarize here that the role of religion and Islamism as its political expression contrasted greatly with the Tunisian case, which Chapter Three unraveled. Prior to the Arab Spring, Egyptian rulers appropriated Islam and its political expressions in some fashion as part of the authoritarian ruling strategy. By contrast, the regime of Sisi has separated itself from Brotherhood completely, and sought its total eradication. At the same time, the Brotherhood's totalizing focus on the state and politics left gave it little opportunity to interact with secular political and civic forces during 2011-13. Increasing contact between secularists and Islamists among anti-Mubarak opposition forces did occur in the 2000s; Islamist activists, for instance, recall that elements of the Brotherhood's youth wing held strategic discussions with liberal activists prior to the 2005 parliamentary elections.⁴³⁶ Yet that exposure was clearly insufficient to induce sustained collaboration and bargains after the revolution.

A final word here is necessary regarding Islamist-secularist cooperation in historical perspective. Throughout its historical arc of evolution, the Brotherhood did join forces with non-Islamist partners within the political opposition on numerous occasions. During the nearly thirty years of Mubarak's rule, for

⁴³⁵ Indeed, so powerful did the Brotherhood seem to Western observers by the early 2000s that many likened them to the most likely candidate for social revolution. See, for instance, Sheri Berman, "Islamism, Revolution, and Civil Society," *Perspectives on Politics* 1, 2 (2003): 257-272.

⁴³⁶ Personal interview by author with Ahmad Mouhsin, former youth wing secretary of Freedom and Justice Party's chapter in Faiyum, Istanbul, Turkey, 9 July 2019.

instance, the Brotherhood often joined forces with secularist groups – opposition parties like the Wafd, popular movements like youth networks, and professional syndicates like the lawyers' association – for major events, such as to contest parliamentary elections and protest for the Palestinian cause.⁴³⁷ None were long-lived by virtue of cross-ideological divisions, fissures within participating organizations, and the constant manipulation and repressive threat of autocratic crackdowns. However, a history of enduring alliances is neither necessary nor sufficient for successful pacting between opposing forces, which theoretically must learn within their immediate circumstances of uncertainty and peril that the most viable pathway forward involves reciprocal bargains with mutual guarantees. Transitional circumstances differ from the suffocation inherent in repressive dictatorships insofar that competing actors have near-complete freedom to select new partners and engage in innovative politics.

Fragmentation of Islamism

As the preceding analysis explicated, political Islam as both an ideational force and corporate entity was far more entrenched in Egypt than in Tunisia in the decades preceding the Arab Spring. Yet such societal incorporation and exposure to politics also meant that far more so than Ennahda, the Egyptian Brotherhood also suffered internal divisions that undermined its ability to act in a unitary way.

At the broadest level, the presence of a strong Salafist current outside the Brotherhood during 2011-12 played the same role as in the Tunisian case:

⁴³⁷ Dina Shehata, *Islamists and Secularists in Egypt: Opposition, Conflict, and Cooperation* (London: Routledge, 2010), 83-115.

organized Salafism acted as an ideological anchor weighting hardline conservatism, and thus pressured mainstream Islamists to act accordingly. While Salafists, through their al-Nour Party, never commanded the hierarchical organization or political ambitions of the Brotherhood, their pressures influenced some decisions. For instance, Salafists amplified the demands of conservative Islamists within the Brotherhood during the early 2011 debates on the role of Sharī'a in the constitution, which for secularists created the illusion that all Islamists were united in a coalition to eliminate the possibility of a civil state.⁴³⁸

However, there also existed other, more salient endogenous sources of fragmentation. The Egyptian Brotherhood faced two points of weakness. First, whereas Tunisian Ennahda enjoyed a brief period of toleration prior to its repression, the Egyptian Brotherhood was the product of multiple historical swings and oscillations between toleration, repression, and control. Its eight *murshids* starting with Hassan al-Banna had to constantly adapt between the demands of public visibility and the imperative of political survival.⁴³⁹ Upon the Arab Spring, the Brotherhood had settled into a semi-legal status under the Mubarak regime, one whose lack of formal political voice contrasted with its deeper societal roots. It did not face an existential threat of annihilation as did Ennahda during the 1990s under the Ben 'Ali regime's crackdown. Whereas Ennahda treated the Arab Spring as a window of opportunity to return to the country and reconstitute itself under an uncontested leadership, the Brotherhood by the Egyptian revolution was essentially a product of Egyptian politics and authoritarianism. It had a symbiotic relationship with the Mubarak regime.

⁴³⁸ Personal interview by author with Tarek Zomor, Secretary-General of the Construction and Development Party, Istanbul, Turkey, 12 July 2019.

⁴³⁹ Sha'ban Hadiya, "Murashidu al-ikhwan al-muslimin min al-banna illa 'akif [Spiritual Guides of the Muslim Brotherhood, from al-Banna to 'Akif]," *Youm7.com*, 16 January 2010.

That protracted symbiosis fed into the second source of fragmentation, namely generational divides within the Brotherhood. Ennahda enjoyed, at least during the pacting process, a coherent and unitary organizational scheme given the rapidity by which it needed to reestablish itself after two decades of violent exclusion. There were few powerful dissenting voices, much less generational divisions, in this context. The Egyptian case is different. Because of the Egyptian Brotherhood's longer history, upon the Arab Spring there were effectively three major formations within the organization. The most traditional side represented the spiritual wing, some of whom identified with the founder, Hassan Al-Banna, in emphasizing outreach (*da'wa*) and the original call to Islam through education and other public services. Generally open to accommodating the authoritarian state and conservative in its orientation towards politics, this "conservative-pragmatist" wing by the 1990s had consolidated control over top positions of spiritual leadership within the Brotherhood.⁴⁴⁰

By contrast, there was another more vocal wing oriented more to party politics and electoral competition. This *jeel al-wasat* came from the gradual thaw of the Sadat period, when the Brotherhood emerged from under Nasserist suppression. This new generation was infused especially by new membership from new youth-driven movements like the *Gama'at Islamiyyah*, which took Qutb's calls for political participation seriously and sought to reorient the Brotherhood towards a more activist platform⁴⁴¹ Many of the Brotherhood's political elites who featured prominently during its brief period in power during 2012-13 hailed from this group, including Essam El-Erian, 'Abdulmoneim Aboul-

⁴⁴⁰ Abdullah Al-Arian, *Answering the Call: Popular Islamic Activism in Sadat's Egypt* (Oxford: Oxford University Press, 2014), 226.

⁴⁴¹ Al-Arian, 162-175.

Fotouh, and Saad El-Katatny, the latter of whom was chairman of the FJP and the Speaker of the FJP-led parliament.

Finally, by the late 2000s there also flourished a vibrant youth activist cadre. Unlike their elderly colleagues and organizational elite, these Brotherhood youths had only known the cautious toleration of the Mubarak regime. They were often frustrated with leadership decisions emphasizing outreach over interventionism or else gradual political action, including the official dictate to refrain from participating during the revolutionary protests starting 25 January. As a result, some acted independently, often with implicit alliances with secularist counterparts and liberal youth movements: “The Old Guard of the Guidance Bureau had barely designed to lift their voices in defiance of Mubarak while leaving it to the *shabab* [youth] to earn its place on its behalf in the new narrative of the Arab Spring.”⁴⁴² On 28 January, for instance, many in the Brotherhood’s youth wing defied the leadership in joining front-line protesters in Tahrir Square.⁴⁴³ For youths who openly criticized their conservative spiritual leadership, the argument prevailed that while the Brotherhood as an organization needed to remain more focused on its public works, individual *Brothers* as Egyptian citizens needed to support whatever party or faction seemed logically poised to bring about the most positive political change – not necessarily the Brotherhood’s own political party.⁴⁴⁴

While this fragmentation alone did not prevent bargaining, it certainly did not facilitate it. Internal divisions made it unlikely that the Brotherhood’s political representatives would encapsulate the diversity of thought within the

⁴⁴² Milton-Edwards, 47.

⁴⁴³ Milton-Edwards, 38-39.

⁴⁴⁴ Trager, 69.

membership, particularly the youth wing. Decision-making was often slow given the deliberative requirements of its governing Shura Council and, atop this consultative body, the Brotherhood's murshid. Indeed, one Brotherhood official has argued that the very complexity of the group's internal organization made popular mobilization easy but the introduction of new ideas at the elite level difficult.⁴⁴⁵ For instance, in September 2012, some advisers within the Brotherhood, influenced by the more promising Tunisian transition, urged the leadership to form alliances with civil state advocates and secularist parties at all costs.⁴⁴⁶ That such discussions never reached the level of official policy is telling. While it is difficult to project what might have been if the Brotherhood was as unitary as Tunisia's Ennahda was during the bargaining period, it remains a viable proposition that internal divisions reflected a movement that had grown pluralistic, though still disciplined.

The Absence of Islamist-Secularist Parity: Structural and Geopolitical Factors

In addition to the more formidable yet fragmented position of the Muslim Brotherhood, another set of structural constraints undermined the potentiality of pacted transitioning – the relative strength of civil society and state power, and the geopolitical climate. The former reveals that the institutional representatives of the secularist trend, the civil state advocates and their civic analogs, were far weaker and less autonomous than in Tunisia due to historical experiences of

⁴⁴⁵ Jamal Hashmat, "Li-awwal marra munthu thawra 25 yanayir al-ikhwan ta'tarif bi-'khatayaha' [For the First Time since the 25 January Revolution, the Brotherhood Admits Its Mistakes]," *Youm7.com*, 30 January 2017. See also El-Sherif, 12-14.

⁴⁴⁶ Issam al-Arian, "Al-hurriyya wal-'adalah yabhath muwajahat al-tahaluf al-madaniyya al-sabt al-muqbil... [Freedom and Justice Party Discusses Engagement of Civil Alliance the Next Saturday...]," *Youm7.com*, 25 September 2012.

being subordinated to authoritarian rule. In addition, the Egyptian military lurked in the background as an indelible veto player, one that could not only skew political interactions but also provide an easy way for Islamists to circumvent the bargaining process by seeking contingent alliances to overwhelm their opponents. Geopolitical pressures came into play from the start, as well: whereas Tunisia benefited from permissive international conditions that incentivized Islamist and secularist compromises on the road to democratization, Egypt suffered the opposite. External actors, especially from the Gulf, exacerbated ideological polarization and made it more difficult for different political forces to meet in the middle.

Weak Civil Society, Strong State

In addition to political Islam possessing a stronger role due to past developments, Egypt also differed from post-revolutionary Tunisia in having a far weaker civil society and by extension secularist political forces that could balance the influence and power of Islamism. Leading groups such as unions, syndicates, and parties have struggled to maintain independence and autonomy from the autocratic state, while in turn authoritarian regimes controlling those states have wielded enormous financial and coercive capabilities atop an impregnable foundation of militarization.

The strongest sectors of both Tunisian and Egyptian civil societies prior to the Arab Spring were unions. Here, differences in historical leadership emerge. Unlike Tunisia, in Egypt neither organized labor nor professional syndicates led a struggle of independence from Western occupation; there was no Egyptian UGTT, and later on certainly no Egyptian-style Quartet. As a result, Egyptian

labor unionism never had the nationalist credentials that could deepen leftist ideological commitments in a way that resonated with both members and society. Similarly, Egyptian syndicates were oriented differently than in Tunisia due to the nature of economic development there. During the Nasserist period, they were inhabited by bourgeoisie and what Nasser dismissively termed “reactionary” capitalists who rejected the socialist entreaties of Arab Nationalism, which not only heralded their future corporatist capture but also signaled their perceived distance from mass society at the time.⁴⁴⁷

The second historical reality is that these entities did not have a meaningful autonomy outside authoritarian control. Their weakness stems from the fact that since the Nasserist period, the state has co-opted and subordinated major civil society organizations, such as labor unions and professional associations, thereby foreclosing their autonomy. For instance, the Egyptian Trade Union Federation, the functional equivalent of the Tunisian UGTT, was established in 1957 as a corporatist arm of the state apparatus.⁴⁴⁸ It is telling that when worker unrest erupted in the mid-2000s, culminating in the 2008 Mahalla general strike, ETUF neither organized nor condoned such activities as doing so would concede the existence of self-directed worker movements outside its purview.⁴⁴⁹ Shortly after the Tahrir Square uprising began, independent labor groups formed their own organization, the Egyptian

⁴⁴⁷ Robert Bianchi, *Unruly Corporatism: Associational Life in Twentieth-Century Egypt* (Oxford: Oxford University Press, 1989), 91-97.

⁴⁴⁸ Marsha Pripstein Posusney, *Labor and the State in Egypt: Workers, Unions, and Economic Restructuring* (New York: Columbia University Press, 1997), 80-126.

⁴⁴⁹ Joel Beinin, “Egyptian Workers and January 25th: A Social Movement in Historical Context,” *Social Research* 79 (2012): 328-332.

Federation of Independent Trade Unions, but they were unsuccessful in making inroads into either parliament or other political institutions.⁴⁵⁰

Professional syndicates have historically maintained their own corporate identity more successfully, but nonetheless buckled as they became sites of state manipulation and political battles between authoritarian forces. For instance, Sadat during his “Corrective Revolution” in 1971 simply dissolved all syndicate boards in order to sideline his political rivals, and it was not until 1975 that membership in a professional association did not also require membership in the Arab Socialist Union, the Nasserist-era corporatist party.⁴⁵¹ In the Mubarak period, syndicates became arenas of further competition between co-opted affiliates of the ruling National Democratic Party (NDP) and the Muslim Brotherhood, with the latter often emerging victorious in the hotly contested elections for associational leadership.⁴⁵²

Secular parties, too, deserve mention as a civil society current that interacted directly with the Brotherhood during the 2011-12 transitional period. They included heritage parties like the Wafd and Nationalist Unionist Progressives, Mubarak-era entities like Ghad, and post-revolutionary creations like the Free Egyptians and Egyptian Social Democratic Party.⁴⁵³ Yet this sector was hampered by several obstacles. While opposition party life, almost by definition, is difficult under conditions of authoritarian rule headlined by a dominant party (e.g., the Egyptian NDP), Egyptian secularist parties also have lacked coherent ideological platforms since Nasserism and modest bases of

⁴⁵⁰ Beinin, 341-43.

⁴⁵¹ Reinhold Leenders, *The Struggle of State and Civil Society in Egypt: Professional Organizations and Egypt's Careful Steps towards Democracy* (Amsterdam: Middle East Research Associates, 1996), 8-9.

⁴⁵² Leenders, 19-25.

⁴⁵³ Dunne and Hamzawy, 8.

support. They were, partly as a result, fractious. During 2011-12, they often appeared disunited and fractious, with different representatives interacting with the Brotherhood at different times. Their poor performance in the 2011 parliamentary elections stemmed partly from their continually shifting and nebulous coalitions, which “confused voters” and “delivered considerable segments of the electorate to the Muslim Brothers and Salafis.”⁴⁵⁴

Thus, this same pattern of an inability to confront state power, much less compete with Islamist mobilization, held for other civil society forces by the time of the Arab Spring. In the two decades before the Arab Spring, the cumulative effect made by suffocating webs of strict associational laws, threat of repression, and political co-optation made it difficult for secularists to have developed a mass network, much less well-honed strategies of mobilization.⁴⁵⁵ In sum, while Egyptian society has generated many informal actors and civic forces since the late 2000s, including youth movements and elite-led organizations, their sheer size, popularity, and visibility paled in comparison to the well-established Brotherhood.

Military and State Power: The Veto Factor

Another unmitigable factor lay in the robust nature of state power in Egypt due to its militarized nature. The Egyptian army interfered with the pacting process because its sheer supremacy gave it the paramount position of veto player that could singlehandedly tip the balance of power – which, over time, incentivized secularists and Islamists to stop bargaining with *each other* and

⁴⁵⁴ Dunne and Hamzawy, 16.

⁴⁵⁵ Jason Brownlee, “The Decline of Pluralism in Mubarak’s Egypt,” *Journal of Democracy* 13 (2002): 6-14.

instead appeal to the armed forces to win their support. This greatly contrasted with the Tunisian case. There, pacting occurred in rough stages in which Islamists faced off against two different secularist groups – firstly, the CPR and Ettakatol, leftist opposition forces that shared with Ennahda opposition to the old regime; and secondly, after 2013, Nidaa Tounes, a newer secularist political faction that drew upon old regime elements, and therefore represented not just anti-Islamist groups in the old anti-regime opposition but also anti-Islamist, *pro*-regime elements. In Egypt, however, there was no second iteration of secularist opposition after the civil state current was unable to strike meaningful bargains during 2011-12. There was, instead, an interventionist military.

It is tempting to categorize the Egyptian armed forces as part of the regime – and thus characterize the post-revolutionary pacting process as a three-headed struggle between the Muslim Brotherhood, civil state advocates, and the army. In the most general sense, the military could be seen as an aspect of the regime, since both the Mubarak leadership and the armed forces shared in common a desire to prevent democracy. However, another perspective, and one favored here, is that the Egyptian army is best conceptualized as the institutional foundation of the *state*, and as such a necessary pillar of any political regime – but not the regime proper. That is, the Egyptian army preceded the Mubarak regime, and afterwards served as a brooding and powerful political player whose singular authority could tip the balance of power in any direction. After its intervention in July 2013, the renewed autocracy that crystallized was not a repeat of the Mubarak system, centered upon a ruling party and its patronage networks, but rather a far more

centralized and personalistic dictatorship under Sisi, where even the façade of electoral competition was removed.

The Egyptian army, through repeated conflicts and reformation, became an increasingly central pillar of political life since the early nineteenth century under Muhammad 'Ali Pasha. Its hegemonic power was sown, however, during the subsequent period of British occupation and imperialism. Similar to several other Arab mandates under British imperial tutelage, military modernization starting in the early twentieth century meant the professionalization and expansion of the armed forces, so that it could become an agent of social transformation. This differed from the French colonial experience of Tunisia, whose military served not to socially transform society but simply to protect borders and territorial integrity. The byproduct of this was an officer corps drawn from neither the peasantry nor landowning elite class, but instead staffed by an urbanizing middle-class "deeply imbued with nationalist ideas," including the newly burgeoning beliefs that would become Arab Nationalism.⁴⁵⁶ Indeed, following service under the British flag in World War One, significant rifts and political conflict occurred between leading officers and both British authorities as well as King Faruk and the ruling monarchical elite.⁴⁵⁷

By the time of Nasser's ascent in the 1950s, the military would constitute the social origin of authoritarian governance. In the post-coup era, its Arab Nationalist orientation and historic pathway to modernization produced its unquestioned role as the guardian of political order. Yet outside politics, it would wield extraordinary influence as well in a manner that far dwarfed the Tunisian

⁴⁵⁶ Anouar Abdel-Malek, *Egypt: Military Society—the Army Regime, the Left, and Social Change under Nasser* (New York: Praeger, 1968), 44.

⁴⁵⁷ McGregor, 201-239.

experience, where the military remained not only small but also subordinate to the party and regime institutions of Bourguiba. In Egypt, the armed forces incubated not just a significant portion of the post-colonial middle classes in its officer corps, but also contributed much of the manpower and skills required for post-colonial state building, such as land reform, public-sector industrialization, and administrative reconfiguration.⁴⁵⁸ It enabled the militarization of the the state, with the generation of multiple overlapping security organs designed to monitor society and crush popular threats.

Finally, it became a major economic actor, with its mandate over certain industrial domains expanding with repeated external conflicts such as the Suez War, the North Yemen intervention, and the Arab-Israeli Wars. The “military group,” as some historians characterized the army’s political core early on, came to control much of the financial and bureaucracy machinery, and in the process marginalizing the traditional landowning class and intellectual bourgeoisie.⁴⁵⁹ Thus, Mubarak’s reign may have been outwardly characterized by his powerful NDP and increasing personalistic cronyism, but such civilian rule simply overlay rather than substituted for the militaristic basis of order, as the military remained “central to the state’s control and power.”⁴⁶⁰ Crucially, many Egyptian elites affiliated with the old authoritarian regime justified rather than denied the army’s economic and political centrality, defending it as necessary for “popular development” and “national sovereignty.”⁴⁶¹

⁴⁵⁸ Abdel-Malek, 87-149.

⁴⁵⁹ Abdel-Malek, 167-68.

⁴⁶⁰ Imad Harb, “The Egyptian Military in Politics: Disengagement or Accommodation?” *Middle East Journal* 57, 2 (2003): 285.

⁴⁶¹ ‘Uthman Muhammad ‘Uthman, “‘An al-nishat al-iqtisadi lil-jaysh wa-hassatihi fi-natij al-mahli [On the Economic Activity of the Army and Its GDP Share],” *Al-Masri Al-Youm*, 8 October 2016.

Yet, as argued earlier, the centrality of the military and the robustness of state power in Egypt does not suggest a nebulous deep state in constant operation against the Brotherhood. At no point did every single element of the Egyptian state act in unison to scuttle the Morsi presidency and facilitate a coup in July 2013; rather, various organs and institutions held a shared preference of a non-Islamist government, and in their own ways acted distinctively. The more relevant point here is one of veto politics. The military was the most powerful expression of this old guard, and its leadership factored heavily into all political discussions during the transitional period starting in February 2011. It was the figurative kingmaker whom, all sides understood, not only commanded an influential historical role and indomitable role within the political economy, but also could act independently to squash any political experiment. For instance, Qutb al-Arabi, the former communications director for President Morsi, reports that army liaisons frequently approached Morsi and other Brotherhood officials with promises that they would back the Islamist camp, thereby ensuring their survival – only for them to learn that they had done the same for civil state advocates.⁴⁶² This greatly contrasted to Tunisia, where the army had been enervated by the Ben ‘Ali regime and so did not wield any credible threat of political intervention – and was seldom seen by Islamists and secularists as a counterweight to be harnessed against one another.

The omnipresence of this veto threat in Egypt had the effect of *reducing* uncertainty necessary to make pacted politics more successful, and *rewarding* zero-sum politics by encouraging each competing actor to “go for broke” and

⁴⁶² Personal interview by author with Qutb al-Arabi, former communications director for President Muhammad Morsi, Istanbul, Turkey, 9 July 2019.

pursue maximalist goals of marginalizing or even eliminating the other. During 2011-12, the Muslim Brotherhood began interacting with secularists as already the stronger side; but it also had a shortcut to tactical victory, because allying with the military enabled the Islamists to circumvent, and even defect from, any promises made to civil state advocates. This was the prevailing perception among many Egyptian political actors themselves during this process.

For example, many secularists within the civil state current openly believed the Brotherhood had struck a formal, high-level alliance with the military with the shared goal of eliminating all liberal democratic opposition; they pointed to evidence like the fact that far more than Mubarak, President Morsi conceded the military the right to try civilian dissenters within military tribunals.⁴⁶³ Other Egyptians pointed to the conspicuous absence of Brotherhood criticism of repression by security forces after the revolution, such as the violent clashes in the Muhammad Mahmoud street district in central Cairo in November 2011, as proof that Islamists and military planners were conspiring together.⁴⁶⁴

In hindsight, no binding coalition existed, and the army itself was acting in a fluid manner to sabotage the entire transitional process. The SCAF during 2011-12, for example, saw the Brotherhood simultaneously as both a mobilizational threat but also as a “stabilizing force,” since assuaging the Islamist sector with political and institutional lures could induce Islamist leadership to stand down its cadres.⁴⁶⁵ That is, it saw the Brotherhood as a means to an end,

⁴⁶³ Personal interview by author with Bahey Hassan, Director of Cairo Institute for Human Rights Studies, Paris, France, 15 December 2018.

⁴⁶⁴ Personal interview by author with Essam Abdelshafi, Director of International Relations Academy of Istanbul, Paris, France, 10 December 2018.

⁴⁶⁵ Patrick Haenni, “The Reasons for the Muslim Brotherhood’s Failure in Power,” in *Egypt’s Revolutions: Politics, Religion, and Social Movements*, eds. Bernard Rougier and Stéphane Lacroix (London: Palgrave Macmillan, 2016), 31-32.

no less than it would later magnify the disgruntlement of secularists to justify its seizure of power.

Nonetheless, the perceptions of that moment infused political interactions with more mistrust. By contrast, in Tunisia, there was no easy way out given the weakness of the military, which could not serve as a kingmaking entity whose support could herald the demise of one's opponents. Ennahda and its rivals were forced to negotiate and compromise *with one another* because the alternative was potentially mutual destruction. In Egypt, by contrast, the presence of this trapdoor in pacting reduced the incentives present for any bargaining side to remain faithful to promises made, and not to defect from the process. Later on, the military's presence enabled secularists to "defect" from democratic politics and, in their own way, upset the power balance away from Islamists, from the SCAF's early efforts to constrain presidential power after Morsi's election to the later mobilization of support for a military coup. The NSF, for instance, openly called for the army to intervene by January 2013 after rejecting Morsi's calls for dialogue the previous month, insisting that this was the only way to preserve Egypt as worsening economic and political instability took hold.⁴⁶⁶

Geopolitical Obstacles

Finally, the geopolitical environment militated against a successful transitional outcome. Tunisia was relatively secluded from the broader regional currents and strategic competitions occurring in the Middle East during and after the Arab Spring. Ennahda and its secularist could negotiate with one another

⁴⁶⁶ Dunne and Hamzawy, 20-21.

without any meaningful diplomatic or financial subventions from outside forces, apart from a burgeoning Western pressure to complete the democratic transition. Egypt, on the other hand, was a primary site of confrontation by the wealthy Gulf rentier kingdoms, which sought to advance their own ideal vision of a post-Arab Spring regional order. Such geopolitical crosscurrents introduced considerable tension throughout the political transition and further undermined the probability of success.

The primary confrontations in Cairo came not from Western powers, which were generally wary yet complicit with post-revolutionary developments, but from the Gulf. The US, for instance, adopted a neutral position. While critics accused the Obama administration of endorsing Islamism by virtue of its lack of opposition to the FJP's parliamentary victory followed by Morsi's presidential triumph, little changed in US-Egyptian relations from Mubarak to Morsi to Sisi in terms of diplomatic engagement, foreign aid, and military assistance.⁴⁶⁷ Indeed, one Egyptian analyst contends that President Morsi himself assumed that the West, including the US, would defend his elected government following the military coup of July 2013 given its clearly democratic basis.⁴⁶⁸

Much more dramatic pressures came from the Gulf. Given the shock of the Bahraini uprising and consequent efforts to squelch it, several of the Gulf kingdoms, namely Saudi Arabia, the United Arab Emirates, and Bahrain, became forerunners of the Arab Spring's counterrevolution. Already ideologically antipathetic to the Brotherhood, the Saudi-led coalition opposed a

⁴⁶⁷ For an example of such criticism, see Anne Pierce, "US 'Partnership' with the Egyptian Muslim Brotherhood and its Effect on Civil Society and Human Rights," *Global Society* 52 (2014): 77-78.

⁴⁶⁸ Personal interview by author with Bahey Hassan, Director of Cairo Institute for Human Rights Studies, Paris, France, 15 December 2018.

democratic breakthrough in Egypt, which signaled an Islamist breakthrough in a traditional Arab power. As a result, the Saudi-led counterrevolutionary bloc criticized the Brotherhood before and during its time in office, creating a climate of diplomatic hostility and external pressures. Aides to President Morsi report witnessing significant financial grants, for instance, emanating from Saudi and Emirati sources to support newspapers and websites with an anti-Islamist bent almost immediately following his election.⁴⁶⁹ After the July 2013 coup, it was also not coincidental that numerous secularist factions and parties met with the UAE Foreign Minister, Sheikh Abdullah bin Zayed Al-Nahyan, who encouraged and praised the anti-Morsi movement for its apparent role in helping to topple the Brotherhood from power.⁴⁷⁰

Opposing this coalition were two countries. The first was Qatar, under whose leadership of Emir Hamad openly supported the Brotherhood and welcomed its rise to power, and to a lesser extent Turkey and Iran.⁴⁷¹ Foreign aid flows also neatly reflect these competing imperatives: Qatar subsidized Egypt during the Morsi presidency with \$8 billion in total grants and loans, with the last \$3 billion batch announced in May, as both economic crisis and political instability were climaxing.⁴⁷² Yet immediately following the July 2013 coup the Saudi-led coalition poured its own massive resources to bolster the restored autocracy, now firmly led by the military.

⁴⁶⁹ Personal interview by author with Qutb al-Arabi, former communications director for President Muhammad Morsi, Istanbul, Turkey, 9 July 2019.

⁴⁷⁰ Bahey Hassan, "'Sabahi' yuhayyi mawqif al-imirat min '30 yunio' khilal liqaa'hi ma' wazir kharijiyat [Sabahi Salutes the Position of the UAE on 'June 30' during His Meeting with Its Foreign Minister]," *Al-Masri Al-Youm*, 5 August 2013.

⁴⁷¹ Monier and Ranko, 119.

⁴⁷² "Qatar's Aid to Egypt Raises Fears on Motives," *Wall Street Journal*, 17 May 2013.

The second was Turkey. While direct communications between Turkish President Recep Tayyip Erdoğan, and his ruling Islamist AK Party, with President Morsi and the Brotherhood remain difficult to pin down, the two countries engaged in visible and tightening partnership involving trade ties, naval exercises, diplomatic exchanges, and joint initiatives. Some observers suggested the Turkish-Egyptian partnership signaled an entirely new regional order, one built upon popular Islamist regimes and thus strongly flavored by religiosity.⁴⁷³ A more grounded conclusion would hold that with some ideological similarities between these two governments, the two countries sought a natural strategic alliance to counterbalance against the Saudi-led bloc. It is telling, also, that Erdoğan condemned the July 2013 coup, declaring Morsi as the legitimate president of Egypt and demanding his instauration.

In analytical terms, such geopolitical tensions undermined the pacting in numerous ways. For one, it worsened polarization. In Tunisia, no outside actor stigmatized either side, and in fact at several key points Western powers sought to sustain the democratic transition by supporting the continuity of a joint Islamist-secularist government. By contrast, in Egypt, the intensifying campaign against the Brotherhood waged by powerful regional players widened the gap between Islamists and secularists. It further backed Islamists into a figurative corner, and incentivized their action to seek a quick political alliance with the Egyptian military in order to overcome projected barriers and challenges. In addition, secularists in Egypt did not enjoy a foreign patron or reap international visibility in a way that could resuscitate the pacting process by the time of the

⁴⁷³ "Growing Ties between Egypt, Turkey May Signal New Regional Order," *Los Angeles Times*, 13 November 2012.

Morsi presidency. In Tunisia, the Quartet that intervened into the political process during late 2013 did so with massive Western support, which raised the stakes of the temporarily blocked bargaining process and incentivized its perpetuation by all players. In Egypt, however, none of the major advocates of the civil state ever gained such mainstream visibility with the West.

Conclusion: Implications of Failed Pacting

This chapter explored the case study of post-revolutionary Egypt, and in particular the first several years after the toppling of the Mubarak regime. It located the failure of pacting between the Muslim Brotherhood and its secularist rivals, focusing on two particular junctures – the initial February-March 2011 breakdown of potential dialogue, and the later period of the Morsi presidency. It further argued that the choices of these actors repeatedly veered away from pacted democracy, as opportunities for dialogue and compromises were lost to preferences instead for maximalism. The failure of these bargained interactions must be understood in light of the structural constraints and conditions of Egypt that differed from the Tunisian post-revolutionary backdrop, among them the religiosity of state and society, the weakness of secular civil society, the strength of state (and military) power, fragmentation within the Brotherhood, and geopolitical barriers.

Zooming back out to a macroanalytic perspective generates two important recognitions. First, Egypt and Tunisia are indeed comparable in many respects, even within the ambit of pacting theory. Both were marked by high degrees of polarization and normative diversity following the Arab Spring. However, the parity of power seen between Ennahda and its secularist opponents in Tunisia

was missing in Egypt. Rather than being relatively evenly matched, Islamist and secularists in Egypt sat upon a constantly shifting field of uncertainty shaped by a powerful military and geopolitical influences. In that environment, neither actor felt it made political sense to commit fully to a strategy of compromise where costs, benefits, and interests could be carefully apportioned through a shared framework. Instead was an environment where pacting was not perceived to be a viable strategy gain in the short-term.

CONCLUSION

This thesis develops an innovative and counterintuitive argument about democratization in the Middle East and North Africa. It establishes that that these Muslim-majority societies present a unique and important context by which to theorize political change, particularly the trajectory and development of Islam, the nature of authoritarianism, and the endemic conflict between religious and political forces. It resuscitates a theory of *pacting* as a fruitful mechanism through which democratic transitions can be crafted during the uncertain moments that follow the deposal of incumbent autocracies. It applies this proposition to Tunisia and Egypt, utilizing historical analysis and case-oriented analysis to uncover the contingent factors and background conditions that facilitate successful democratization. Tunisia and Egypt constitute appropriate cases given their near-simultaneous regime breakdowns in the Arab Spring, as well as the fact that both were still engaged in ongoing transitional processes when this project began in 2013. Their divergent outcomes today, as well as the consequences of the contestation witnessed between Islamists and non-Islamist political forces during these transitional periods, underscore the vital implications of this argument for scholars of democratization, Middle East politics, and Islam.

While the analysis of Tunisia and Egypt presented here is original, the primary contributions of this work are theoretical. First, for scholars of religion and Islam, it delivers a creative proposition regarding the democratic possibilities of the Muslim world, particularly the MENA region. It contends not that democracy is inevitable, or that Muslims must embrace democratic values. Indeed, it concedes that disagreement between theologians and jurists will continue to erupt over the traditions, values, and manifestations of Islam as both

legal body and cultural experience. Yet politics cannot wait for these interpretative battles to be resolved. My proposition is that consensus over these religious issues is not necessary for democracy to emerge in Islamic environs: rather, all that is required encompasses practical agreements between political forces, including those claiming to speak on behalf of Islam, to minimize conflict and craft new procedural rules during periods of transition. As will be explained later, this emphasis on politics before theology also creates a unique sequence of religious development, in which theological breakthroughs can occur *through* political bargains.

Second, for scholars of political science, I rejuvenate theories of pacted democracy and democratic transitions through compromise. Democracy can form regardless of cultural and religious environment when political elites struggling for power agree to disagree, compromising on key issues through short-term bargains that minimally ensures their collective right to survive and participate. In contexts where political rivals are evenly matched, ideologically divided, and normatively diverse, mutual concessions and therefore *pacting* is preferable to the worst option of all – continued struggle, civic violence, and the possibility of political demise. While these ideas are classical to the study of regime change within comparative politics, they have been not heavily utilized in decades given the popularity and relevance of other alternative theories of democratization. By excavating the argument, I show that the background conditions favored by pacting not only match much of the MENA region, particularly after the Arab Spring, but that pacting may represent the best way that Islamists and non-Islamists – the likely contenders for power in the

aftermath of autocratic deposals – can cooperate in order to share political space and accommodate one another.

To better ensconce these contributions in appropriate intellectual and regional context, this concluding chapter provides summary thoughts and teases out further implications for the argument to ongoing research agendas in religion, politics, and the MENA.

Authoritarianism Exceptionalism in Historical Context

Oceans of ink have been spilt in theorizing, debating, and arguing about why democracy remains so scarce in the Islamic world, and especially in the MENA region.⁴⁷⁴ Many observers have long argued that the MENA is “exceptional” given its Islamic heritage. Without wading too deeply into this important yet unresolved intellectual contest, the core assumption running through this work is that the language of exceptionalism is not fruitful in unpacking the reasons why democratic politics remain elusive. Rather, the difficulties of democratization reflect the *structural parameters* of politics in these countries – not any deep cultural paradigm, embedded psychological mindset, or inexorable forces of history. Those parameters entail a singular circumstance: how human agents compete for power in conditions of uncertainty when they heed seemingly incompatible doctrines or ideologies.

⁴⁷⁴ See, for instance, Michael C. Hudson, “Obstacles to Democratization in the Middle East,” *Contention* 5, 2 (1996): 81-105; Marsha Pripstein Posusney and Michele Penner Angrist, eds., *Authoritarianism in the Middle East: Regimes and Resistance* (Boulder: Lynne Rienner Publishers, 2005); Oliver Schlumberger, ed., *Debating Arab Authoritarianism: Dynamics and Durability in Nondemocratic Regimes* (Stanford, CA: Stanford University Press, 2007); Larry Diamond and Marc Plattner, eds., *Democratization and Authoritarianism in the Arab World* (Baltimore, MD: Johns Hopkins University Press, 2014); and Joseph Sassoon, *Anatomy of Authoritarianism in the Arab Republics* (New York: Cambridge University Press, 2016).

This is not to imply that history does not matter. Historical context can furnish crucial clues about how some of the most significant structural parameters of political interaction in the MENA countries have been shaped over time. Like many other regions, the MENA experienced traumatic episodes of imperial occupation. The final decades of colonial domination, as Ottoman rule gave way to European hegemony, were also the most invasive. Modern states took shape in the early to mid-twentieth century through the hand of European cartographers, administrators, and bureaucrats. Democracy did not come to the regimes and societies produced by this rapid, highly disruptive process – but neither did democracy indigenously emerge in most other regions as well exiting the shadow of Western colonialism. Thus at the post-colonial dawn, the MENA region presented a litany of experimental political orders and new governing structures led by different elites. Particular factions of elite powerholders – generals, kings, populists – all sought to cement their rule by reconfiguring these new states around their vision of authoritarianism. Many in their societies backed initial promises to forge responsive and new political systems that would give voice to the marginalized and celebrate the creation of new national bodies and institutions. They would be disappointed by the dictatorial politics that followed. Moreover, some early political orders gave way to coups and instability that ultimately produced even narrower illiberal regimes, as in the Ba’th party-states of Syria and Iraq.

The institutions and politics of post-colonial authoritarianism in the MENA command their own library of scholarship.⁴⁷⁵ Yet it is still necessary to briefly,

⁴⁷⁵ See, for example, Lisa Anderson, “Absolutism and the Resilience of Monarchy in the Middle East,” *Political Science Quarterly* 106, 2 (1991): 1-15; Jill Crystal, “Authoritarianism and Its Adversaries in the Arab World,” *World Politics* 46, 2 (1994): 262-289; and Nazih Ayubi, *Overstating the Arab State: Politics and Society in the Middle East* (London: I.B. Tauris, 1996).

and stylistically, recall this historical phase in the second half of the twentieth century, because it represents a long period of political ossification shattered by the Arab Spring. The predominance of nondemocratic governance in most MENA countries rested upon a familiar set of domestic tools, such as repression, co-optation, propaganda, fear, and controlled mobilization. During the Cold War, however, regional autocracies were also bolstered by geopolitical winds. Both the Soviet Union and Western patrons like the United States sought to reinforce their entrenched clients so as to deprive the opposing superpower camp of new assets. Through militaristic interventions, economic aid, and diplomatic cover, outside patrons buttressed the bulwarks of dictatorship and saw local democratic movements and voices as anathema. Particularly for the West, broader strategic interests, among them securing Arabian oil, took precedence. Another effect of such geopolitical meddling was virtually unconditional support for Israel.

The end of the Cold War and fall of the Berlin Wall raised brief hope that this long period of autocratic hibernation would dissipate, not least because the demise of superpower struggle would potentially remove the region's clientelistic networks of international support. Yet tepid efforts at political liberalization by many regimes did not match expectations for democratization, which would require at minimum that overarching power devolve from unelected kings and presidents and instead fall to those chosen by the ballot box. Moreover, while the international system left behind its era of bipolarity, the new period of uncontested American hegemony did not terminate the geopolitical linkages that induced Western patrons to continue providing diplomatic, economic, and military support to authoritarian allies. Further, if such alliances needed further buttressing, the rise of Al-Qa'ida and the 9/11 terrorist attacks fulfilled that

imperative, as the US and Western patrons further needed the cooperation and stability of regional autocracies to wage new wars across the region.

The decade prior to the Arab Spring was characterized by two convergent trends that collectively buttressed illiberalism. First, the destruction of Iraq and the US-led neoconservative agenda to transform the MENA into a purportedly more democratic form resulted only in exposing the hypocrisy of this agenda. Western pressures for regime change were highly selective, falling disproportionately on autocracies that also happened to resist American hegemony, such as Iran and Iraq. Most other regimes, particularly those that stood relatively closer to entertaining democratic reforms such as Morocco and Jordan, were instead strategically pampered. Moreover, the ugly externalities of the so-called global war on terror, such as encouraging regional allies to participate in illegal renditions, torture of detainees, and other criminal acts destroyed the credibility of any democracy promotion from the West. It also empowered and rewarded the most retrograde elements in these dictatorships.

Second, at the same time, many MENA autocracies developed a new tool of legitimizing their rule: a renewed appropriation of Islamic norms, in an effort to undercut the resurgent popularity of Islamist movements.⁴⁷⁶ Drawing upon the failed authoritarian pacts of the post-colonial period that promised prosperity in return for loyalty, and catalyzed by major events like the Iranian Revolution, Islamist social movements by the 1990s and 2000s had come to represent in many countries a credible alternative to the political systems advanced by aging rulers. In response, many regimes began trafficking in values, language, and arguments taken from the Islamist toolkit in order to engage in double-speak:

⁴⁷⁶ Hicham Alaoui, "The Split in Arab Culture," *Journal of Democracy* 22, 1 (2011): 5-16.

they informed Western observers and secular supporters in their own societies that gradualism and moderation were pillars of authentic Islam, while implicitly promising to Islamists themselves that they would act as guardians of Islamic tradition and repel Western liberal thought from their Muslim public sphere.

This long arc of historical development is one of authoritarianism, but to call it “exceptional” is to use that term so literally as deprive it of meaning. No other region across the globe experienced this unique configuration of domestic events and interplay of international pressures, but they experienced their own pathways to autocratic stagnation. Moreover, the dictatorships that emerged in the MENA from this sequence of history were no more despotic than those populating the rest of the world.

Even so, it took the Arab Spring to convince many observers that the MENA was neither exceptional in its authoritarianism nor alien to the yearnings for voice and democracy that characterized revolutionary uprisings in other regions. The Arab Spring represented an historic rupture in which the boundaries of dissent were enlarged, young citizens mobilized for change, and autocratic leaders faced unprecedented crises of legitimacy. And, in some countries – among them Tunisia and Egypt – longstanding dictators lost power altogether, as mass mobilization overcame resistance and repression by recalcitrant regimes.

Islam and Democracy

The popular uprisings of the Arab Spring smashed stereotypical assumptions of Middle Eastern societies being quietist and enfeebled by authoritarianism. It also raised the central question permeating those

stereotypes, and which lays at the heart of this work – namely, whether Islam and democracy are “compatible.” As discussed in Chapter One, this compatibility debate has a long scholarly genealogy touching upon equal parts religious studies and political inquiry. Whereas past versions of this interrogative stood upon Orientalist bias, imbuing Muslims and Islam with a mysterious religious essence that stood as the civilizational “Other” to the Western “Self.” Today, even denuded of its cultural prejudice, the question continues to be conveyed in a crude and blatantly simplistic form. Problematically, the very act of questioning whether Muslims are ready for democracy, or able to learn democratic practices, presupposed a teleological view of human progress in which Western liberal democracy stands as the apex of modern political achievement – and any society unable to attain it is consigned as backwards, atavistic, and traditional. This ethnocentric search for “prerequisites” of democracy has long been discredited in purely academic circles.

Still, given the urgency and popularity of this question as manifest in popular discourse, it is necessary to answer it on its own terms.⁴⁷⁷ There are three possible answers. First, Islam and democracy are inherently incompatible, and therefore virtually all devout Muslims will reject democratic institutions and political participation. Second, Islam and democracy are innately compatible, and thus Muslim societies will inevitably embrace democracy as a matter of functional advancement. Third, the coexistence of Islam and democracy within any political arena or national society is a question of interpretation.

⁴⁷⁷ Indeed, simply searching on Google Scholar for the topic of whether Islam is compatible with democracy yields *tens of thousands* of results since the Arab Spring alone. The question remains, for better or for worse, a predominant one in global public discussion.

As this project has made clear, the first possibility is empirically false, and supposes a mutual unintelligibility that contradicts the confirmed democratic experiences seen in Muslim-majority societies like Indonesia (and, more recently, Tunisia). However, the second labors under a similar problem of fixating upon essentialist characterizations, but merely inverted towards the opposite answer. It is impossible to formulate universal generalizations about the “fit” between two competing conceptual notions. One is the vast and rich religious tradition manifesting in innumerable spaces and expressions across the expanse of global geography. The second is the complex set of political institutions and rules known as democracy, which only recently came to characterize much of the West.

Whether democracy can emerge as the organizing framework of government in the MENA is therefore a question that requires interpretation. Here, though, another wrinkle must be unfolded. Interpretative debates play a central role in producing ideas, testing boundaries, and crafting conceptual innovations. Nevertheless, interpretative victories alone will not produce political outcomes on the ground. For example, the intellectual argument leveraged by many Muslim thinkers and statesmen is that sufficient religious reflection, doctrinal evolution, and hermeneutical inquiry will naturally induce Muslim communities to accept democratization. In other words, theology – or, in the Western lexicon, religious reform – is the prerequisite for Muslim democracy. The problem with this view is that theological exploration offers no concrete guide for political action. Not only are many scholars and ‘ulama engaged in this intellectual effort today connected to state interests, but their abstract debates often have little relevance to political and civic actors who face very different

exigencies in terms of lawmaking, such as how to write constitutions, which rules to craft, what elections to hold.

Thus, analytical focus should also fall upon the realm of the pragmatic, particularly how political agents in Muslim settings should engage in the matter-of-factly task of adopting, adapting, reconfiguring, and introducing democratic practices in their unique milieu. In this model, religious evolution and doctrinal change will necessarily still occur within Islam – but as a product of politics, not as its catalyst. As will be discussed later, the causal equation can be reversed: rather than theology changing political outcomes, political actions can change theology.

Secularism and Secularization

Relatedly, we must also dedicate attention to the process by which religion and politics have accommodated, and entered into dialogue with, one another in specific institutional contexts. This helpfully addresses a notable difference in the historical backdrops of the Islamic and Western experiences, namely the notion of secularism and its relationship with democracy. As discussed in Chapter One, religious authority and political power evolved in a very different intertwining relationship in Islamic tradition than in the West. Particularly with Sunni Islam, religion never propped up political authority as it did in classical Europe, despite multiple failed attempts by Muslim rulers. Only in the era of modern sovereign statehood have political rulers been able to fully monopolize and appropriate the religious sphere as a matter of legitimizing their power. Yet they have failed. If anything, the rise of Islamism and other religious movements distinctive from state power is evidence of this failure.

By contrast, as Chapter One outlined, the West experienced what is called today secularization and secularism through three pathways of political compromise and learning, namely the Protestant Reformation, the American model, and French laïcité. It is tempting to view the secularisms produced by these models of religious-political accommodation as mechanisms for democratic evolution in non-Western societies with their own powerful religious traditions. However, transporting such institutional templates wholesale into new environments is unfeasible: democratic practices flourish not when they are imposed from above, but rather when they arise indigenously and in close interaction with the social, economic, and spiritual demands of local society.

Hence, to conceive democracy in the MENA requires more than implanting a Western-style firewall dividing religious organs from governing bodies borrowed from, for instance, French civil law or American constitutional jurisprudence. Instead, it necessitates incorporating useful, fungible arrangements that can ensure a minimal level of political autonomy that allows human agents to make the most appropriate choices regarding their governing institutions *regardless* of context. As Chapter One proposes, the theoretical contention running throughout this work has been that democracy requires what Alfred Stepan has called the “twin tolerations” between the religious sphere and political power.⁴⁷⁸ In Christian, Muslim, and other settings, this configuration means that both religion and politics share a fundamental and mutual respect for the other’s autonomy. That is, religious authorities cannot veto the decisions of elected officials, who as the winners of fair, competitive elections hold legitimate

⁴⁷⁸ Alfred Stepan, “Religion, Democracy, and the ‘Twin Tolerations,’” *Journal of Democracy* 11, 4 (2000): 37-57.

power to make decisions for society, while conversely those elected policymakers – no matter how popular – cannot curtail any religious practices or faiths that do not infringe upon the constitutional rights of others.⁴⁷⁹

Moreover, religious parties can fully participate in democratic elections, and their presence must be tolerated and accepted by their opponents who cannot eliminate the representation of faith in political processes. Likewise, even the most devout religious actors (such as Islamists) must accept the presence of, and competition with, non-religious groups – even those who subscribe to the strictest version of Western secularist thought, and so deny their underlying doctrine of values.

Granted, critics may disagree with this contention. Some may argue that such delineated accommodation between religion and politics simply disguises Western-centric thinking as universalism. Inversely, others may remain suspicious of allowing religious voices to have any input into political matters, including running for office and constituting the government if they should win elections. However, there are two notable defenses. First, one need not throw out the baby with the bathwater. While it is necessary to discard the baggage of patronizing Western bias as manifest in Orientalism, modernization theory, and other intellectual constructs, it is both premature and illogical to label every lesson generated by the Western experience as invalid. Philosophically, the minimalist vision of political secularism advanced here is not a normative vision so much as a practical compromise, designed to *minimize* conflict in all settings – not promote any particular view or opinion. Second, the practical separation of

⁴⁷⁹ As argued earlier, while the boundaries and meaning of constitutionalism continually evolve in democratic settings, this framework of the twin tolerations puts the onus of justification upon those religious and political actors who seek to upend this balance and constrain the other.

religious authority and political power is not simply a Western notion. As Chapter One explained, it appears repeatedly throughout classical Islamic history as Muslim communities sought to adapt their sacred faith with the profane realm of public governance. The application of Islamic tradition to political life was never a uniform, self-contained act; rather, it was an ever-evolving and organic effort that was constantly defined, and then redefined, across time and space. Necessary compromise and mutual respect between religion and politics, in other words, rests within the Islamic repertoire and historical tradition.

Pacted Democracy

As the preceding sections laid out, this new argument about democratization in the MENA requires first acknowledging the historical trajectory of the region, then engaging debates about the compatibility of democracy with Islam, and finally grasping the importance of political power and religious voices tolerating one another in pluralistic fashion in order to coexist. While these arguments may resonate philosophically, creating democratic regimes is another matter. As Chapter Two laid out, a theory of pacted transitions comes into play here to fill this empirical gap, and illustrates how political forces can begin making the compromises and bargains necessary to actualize these premises. Democracy by pact originated from the experience of Third Wave democratization cases from Southern Europe and Latin America, and has been largely ignored by theorists of regime transitions. Its neglect by comparative political science stems from the fact that other modes of transition better captured democratization in other regions beginning in the 1990s. However, the circumstances of the MENA call for its rediscovery.

At heart, democracy by pacting describes a political process in which feuding elites locked in stalemate opt to bargain with one another in order to move beyond intractable conflict. Initial agreements involve setting aside the most implacable demands in favor of tolerating the other, such that the basic lineaments of a new governing system can be installed and worst consequences such as mutual destruction are averted. In this way, even the most hostile rivalries between competing forces can be defused, political paralysis overcome, and zero-sum struggles turned into positive-sum outcomes. Struggling leaders who ideally seek to impose their will upon politics and eliminate their adversaries come to appreciate that the institutionalized uncertainty represented by democratic procedures, among them competitive elections and rule of law, is not only the most objectively fair standard but also the “least worst” option because it guarantees their survival – and the potentiality for, but not guarantee of, political leadership.

Democracy does not instantly materialize, of course. It requires iterative, tit-for-tat agreements in which legal demands are softened, constitutions are debated, electoral guidelines are calculated, and competitive outcomes respected no matter how distasteful they appear to the losers. Elites must become habituated into democratic action. Moreover, pacting also is not a discrete, one-time event. As the Tunisian case shows, political transitions can feature varying factions of elites who rise and fall over time, and so different groups can occupy the role of bargainer as the new democracy crystallizes. Neither does pacting guarantee long-term democratic survival, for the factors associated with a young democracy consolidating are different than those

determining its initial emergence. Yet survival does not happen without emergence, and pacting represents one such route.

Pacting emphasizes the contingency of political actors responding to environmental uncertainty and making rational choices in order. As Chapter Two discussed, democratization can also emerge through other mechanisms, as in much of the post-Soviet bloc, where new democratic regimes were imposed from below given how swiftly that unitary public opposition discredited communist regimes. In the MENA, pacting is more appropriate because of the how popular uprisings like the Arab Spring tend to “reset” the political arena by sweeping away autocratic elites from power. Unlike competitive autocracies in which political change can come through electoral means or long-term campaigns of protest and mobilization, the closed nature of authoritarianism in the region has two implications. First, regime change more likely comes through swift moments of collective revolt that result in the overthrow of leadership, rather than gradual means. Second, the suddenness of such transitions gives remnants of the authoritarian system ample opportunity to reconstitute themselves, and even participate in the pacting process at later stages.

However, pacting is not guaranteed. Its incentive structure becomes more apparent when certain background conditions hold, which allow political actors to best grasp the logic of compromise. Those conditions involved ideological polarization, political parity, and normative diversity.

Ideological polarization characterizes much of the MENA, given its deep cleavages that pit Islamists against non-Islamists. As Chapters One and Two discussed, for decades Islamist movements have stood as viable challengers to authoritarian power in many countries. Yet though political opposition

themselves, they have also elicited harsh reactions from other forces, including both autocratic regime supporters and more secularist and leftist groups within civil society. Extreme polarization stems from incongruent vision of politics that result in intense mistrust and suspicions. Islamists desire to actualize the doctrinal norms and faith-based practices that, in their view, promise to liberate the devout. Non-Islamists desire a political system that either discourages Islamist politics, or else suppresses Islamist participation altogether on basis of protecting a particular view of rights and freedoms.

The second contextual factor facilitating pacting is political parity. Parity signifies that any one competing actor cannot unilaterally triumph over the other due to possessing greater financial reserves, coercive capacity, popular support, and other resources that would furnish an easy conduit to early victory. If one political force were far more powerful than the other, then the incentive to engage in self-limiting concessions vanishes. Parity ensures that in the absence of pacting, stalemate and conflict will endure. This typifies well the situation in many MENA countries that have well-developed Islamist movements. The third background condition is normative diversity. This refers to the pluralistic constellation of interests that characterize the political spectrum. The legacies of authoritarianism and depth of societal interests ensures that there is no obvious democratic alternative to the exiting regime; there is no “white knight.” Rather, there exist a multiplicity of contenders that each bring a compelling narrative of repression under the old dictatorship and aspirations to emancipate society through more enlightened leadership. It is *through* their pacted interactions, not

the univalent leadership of a single faction or moral imposition of a national savior, that democracy emerges without democrats.⁴⁸⁰

The more that these three conditions converge, the higher the probability that political actors will engage in pacting. The case studies of Tunisia and Egypt validate this. The post-Arab Spring transitions in Tunisia and Egypt during 2011-13 both featured Islamist actors struggling with secularist opponents. However, their contextual factors differed in one vital regard: there was no parity in Egypt. Islamists were by far the most powerful actor and therefore had lesser reason to bargain, while in turn the Egyptian military as the preeminent powerbroker constantly distorted the arena of negotiations.

Core Cases: Tunisia and Egypt

Throughout Chapters Three, Four, and Five, in-depth case studies of Tunisia and Egypt applied this argument for pacting, and explicitly demonstrated how variations in background conditions resulted in divergent outcomes. Both countries make for logical sites of inquiry: both were ruled prior to the Arab Spring by authoritarian presidents who, through ruling parties, had monopolized the state since the 1980s; both represented the first major uprisings of the Arab Spring; and both saw peaceful mass uprisings topple those leaders, resulting in the opportunity for suddenly reconstituted opposition forces to vie for power. In both cases, further, the primary challengers entailed Islamist movements that commanded a sizable base of popularity, as well as secularist groups who

⁴⁸⁰ The idea of “democracy without democrats” was famously expounded further in Ghassan Salamé, ed., *Democracy without Democrats? The Renewal of Politics in the Muslim World* (London: I.B. Tauris, 1994).

aligned with varying ideologies but commonly rejected the possibility of Islamists holding power and governing over all.

Tunisia embodies successful pacting given the early success of its democratic transition, in which the Islamist movement Ennahda and various secularist parties were able to forge compromises and bargains that sufficiently cemented the constitutional foundations of democratic governance. As Chapter Three showed, its political dynamics were shaped not only by the contingent uncertainty of the post-Arab Spring years, but also by the legacies of prior historical developments that endowed the country with a well-mobilized civil society, a weakened military apparatus, a shared (though oft-contested) sense of national identity, a coherent and unitary republican state, and a relatively new Islamist movement in Ennahda.

Those legacies helped generate circumstances of extreme ideological polarization, political parity between Islamists and secularists, and normative diversity starting in 2011. However, as Chapter Four made clear, those circumstances alone did not gift Ennahda and its secularist opponents – the CPR and Ettakatol parties during 2011-12, and Nidaa Tounes afterwards – easy choices. Rather, mutual fear of collective violence and political chaos, aided as well as Western support and habituation over time, enabled these otherwise opposing leaderships to form coalitional governments and move the democratic process forward. To be sure, CPR, Ettakatol, and Nidaa Tounes were not identical secularist parties; and neither is Ennahda a monolithic Islamist wing. Yet for purposes of analytical parsimony, all are generalized here as playing a functionally similar role of tenacious rivals who learned to tolerate the other for

lack of no other alternative – even if their first-order preference may have well been to eliminate competition altogether.

Chapter Five, which analyzed the case of Egypt, showed how differences in historical development and background conditions can make pacting far more difficult. That analysis revealed how the failure of the Muslim Brotherhood and the civil state current to strike power-sharing pacts stemmed not simply from their reciprocal hostility and suspicions. Sufficient ideological polarization and normative diversity existed. Rather, the breakdown of bargaining stemmed from the absence of political parity due to complicating factors. Above all, the Muslim Brotherhood stood on a far more powerful base of popular support than its secular opponents, even though it had not participated fully in the revolution. However, Egyptian civil society was also weak and disorganized, and geopolitical pressures from Saudi Arabia and other regional actors aligned against democratic breakthroughs. Moreover, the Egyptian military stood tall as the ultimate arbiter of political power and institutional anchor of the state even after the fall of Mubarak.

As a result, the Muslim Brotherhood began the process of political transition with little interest in compromising. Moreover, even when bargains and concessions were discussed, both the Brotherhood and advocates for a secular civil state were constantly buffeted by incentives to defect from any negotiation process during key phases, from the drafting of the constitution to the holding of new elections, and instead ally with the army's interest. Had Islamists and secularists been more evenly matched, and the Egyptian military – which was not a partner to pacting so much as a rigid element of the state left behind in the transition – been weaker, then a different kind of Egyptian democracy could have

coalesced. Such a democratic regime may have still featured strong Islamist representation, but it would have also represented the voices of secularist parties and elites. A government grounded in different constituencies of public support, in turn, could have well resisted militaristic efforts to retake power and restore authoritarianism, as happened in July 2013.

Making Theory Travel

In sum, Tunisia and Egypt demonstrate elegant asymmetry in their outcomes: successful pacting in Tunisia created a new democracy, while failed pacting in Egypt collapsed in military coup. Of course, a cynic may argue that such theoretical application merely exploits the specificity of Tunisia and Egypt – that is, the argument has little external validity. However, the argument for pacting here can travel regionally to other cases, because the conditions, choices, and outcomes encompassed by the theory can be found and tested in other environs.

Like all models of democratization, pacting requires facilitating conditions, and does not apply everywhere.⁴⁸¹ When the context is not propitious, and political actors have neither the space nor incentive to engage in bargains, then pacted democracy will not materialize. For instance, the Islamic Republic of Iran represents a problematic case where unless there is a complete institutional breakdown of the entire state, elite-based agreements for a more democratic order may fail. The tutelary power of its religious authorities and the totalizing nature of autocratic repression have produced a regime that arguably is as

⁴⁸¹ See, for instance, Philippe Schmitter and Terry Lynn Karl, "The Conceptual Travels of Transitologists and Consolidologists: How Far to the East Should They Attempt to Go?" *Slavic Review* 53, 1 (1994): 173-185; and Valerie Bunce, "Rethinking Recent Democratization: Lessons from the Postcommunist Experience," *World Politics* 55, 2 (2003): 167-192.

militarized as it is theocratic. At the same time, popular society remains vibrant and mobilized. As a result, elites often favored as the vanguard of political change, including civil society leaders and moderate Shi'a clergy, cannot alone craft new democratic rules if any remnant of the state persists. Moreover, the coercive impositions of the regime have become so suffocating since the 2009 Green Movement that much of society may desire not a bargained transition but a wholesale overthrow of the state and its supportive classes. The closest analogy of such a process of replacement is the collapse of communism in 1989.

Other cases where democratic pacting may not operate effectively include arenas of civil conflict where violence has escalated and spiraled into internecine warfare. In contemporary Libya and Yemen, for instance, as well as Syria for the past decade, political contestation between competing forces have been amplified by international interventions and geopolitical meddling. Violence has eviscerated state institutions and the rule of law. In these contexts where central state authority disintegrates through open war, political elites representing rival factions have no fear of collective violence because they are already consumed by it. Indeed, the bloody chaos represented by civil wars embodies what happens when political pacting fails and countries implode. Of course, civil wars can be mediated and violent conflicts resolved through peace agreements that resemble pacting, as warring elites seek to end anarchy and create a positive-sum scenario, as in the Ta'if Accords that ended the Lebanese Civil War. Yet such pacts are not democratic: their purpose is simply to end bloodshed, not to install entirely new participatory institutions that bridge the gap between rivals.

Thus, like all theories, pacted democratization does not apply perfectly to all cases of political division. However, it certainly applies to numerous cases

beyond Tunisia and Egypt, in which viable space for political compromise exists and where no endemic violence has already drowned political life. Algeria and Sudan today represent ideal cases, and both mirror one another in a key regard: mass opposition driven by civil society faced off against military leaders seeking to preserve authoritarian rule during these popular uprisings since early 2019. As of September 2019, the Sudanese transition has proceeded with an initial pact between opposition elites and the militarized regime that persisted after the downfall of the Bashir leadership. Those same conditions also characterize Algeria today, where an even more stubborn militarized regime seeks to preserve its autocratic prerogatives in a context of unprecedented unarmed insurrection demanding democracy.⁴⁸²

To be sure, there are some differences in these structural parameters. For instance, civil society organizations are far more mobilized in Sudan than Algeria, while the Algerian military commands a special legacy as the revolutionary heirs of the post-colonial state and therefore the political hegemons in the political arena who have always wielded unbroken influence. Moreover, the role of Islamism is complicated. In Sudan, Islamists enjoyed some previous time in power, whereas in Algeria the shadow of the 1990s civil war pitting Islamists against the military continues to resonate throughout collective memory. However, despite the discrediting of Islamist political alternatives, it is likely that any new democratic political order that emerges from these transitional environments must incorporate and allow for the representation of Islamist groups as part of any promise for pluralism and representation.

⁴⁸² Hicham Alaoui, "De l'Algérie au Soudan, un nouveau souffle pour les printemps arabes," *OrientXXI*, 9 July 2019;

Moreover, the compromises made thus far, and which could still be forged, in these transitional phases are cemented against a familiar backdrop. There is extreme polarization between military rulers and popular social forces. The military regimes are unilaterally unable to liquidate and suppress mass opposition given the latter's sheer size and scale. There is significant normative diversity, stemming from the broad spectrum of interests (including Islamist voices) within the opposition of these political arenas. Both Sudan's nascent pacting experiment, and Algeria's ongoing stalemate fueled by sustained mass protests, suggests the possibility (but, like all pacts, not guarantee) of meaningful democratic change.

Beyond Sudan and Algeria, pacting theory can also travel to another set of familiar cases – the monarchies of the MENA. Regime transitions in such cases of ruling monarchies can occur through one of two pathways. One is a republican revolution from below that overthrows not just the royal leadership but all institutions and symbols connected to the monarchy in favor of a radically new, anti-monarchist alternative. From the French Revolution to Russian Revolution to Iranian Revolution, such violent ruptures typically leave behind newer, more repressive versions of authoritarianism. The other pathway is a bargained model where democratic pacting occurs, as is the experience with many constitutional monarchical democracies ranging from classical European cases to newer examples like Bhutan and Tonga's ongoing transition. In such transitions, monarchies suffer a loss of legitimacy through popular crisis, and become party to the pacting process where they seek to preserve their symbolic role in the nation while recognizing that other competing actors and elites must constitute the new government by elections.

Pacted transitions could therefore occur in MENA kingdoms like Morocco, Jordan, and the Gulf monarchies, with several caveats. First, Islamists will certainly play a role in any process of compromise and agreement, because they occupy an important social and political force in many of these countries. Secondly, however discredited, these monarchical regimes must accept that they are no longer the architects of their political systems, and instead their constitutional figureheads; as a result, their role is important in helping to unify or structure political interactions between competing parties and elites helping to redesign the post-monarchist system. They may take an immediate step back and extricate themselves from politics, for instance, with the pledge that they will not later return with hopes of regaining control and reasserting their authority by restoring royal absolutism. This is roughly analogous to the Egyptian case, as discussed in Chapter Five, in which core components of the Mubarak regime returned in the late stages of the Islamist government to help engineer its downfall.

Finally, such democratic change by pacting between non-monarchist forces can only occur if the crises that force royal powerholders out are not massive and violent, and instead allow adequate space for civil society, Islamist voices, and political parties to structure public discourse and lead the process of fashioning new constitutional frameworks and electoral rules. However, the possibilities of such peaceful change grow dimmer if too much of these populations become inured and disillusioned with monarchism altogether.

Hence, as a theory of democratic transition, pacting offers a promising model for many – though not all – countries to follow. It helps fiercely opposing rivals come to basic agreements, lessens the intensity of conflict and suspicion,

and allows the most basic elements of democratic politics be constructed in periods of uncertainty. It is neither perfect nor universal, but it is a *viable* one, which has succeeded in Tunisia and could likewise do so in other contexts if attempted.

Theology through Politics

A final implication of this endeavor concerns the relationship between religion and politics in Islamic contexts. Pacting between Islamists and secularist actors in transitional contexts can bring about democracy, as the Tunisian case shows. However, an inevitable byproduct of this political act is theological change. That is, politics become the site and impetus of production for new practices and beliefs within Islamic debate. Whereas earlier interpretative debates often required Islamic thinkers to reconfigure doctrine to be more favorable to democracy and other political notions, the argument here holds the converse is more likely to happen. The logic is as follows: Islamist forces, when confronted with previously unsavory choices and institution arrangements, will justify the accommodation of secularist groups – including their own concessions on religious demands, such as no longer imposing Sharī‘a across constitutional matters – by reassessing and revising their religious doctrine. The hard realities of dealing with non-Islamists through close-range and earnest political interaction, and in turn the process of learning to accommodate and compromise, convinces Islamist groups to shift their own religious positions.

This is one creative and powerful mechanism for theological change. An exemplar came in May 2016, as Tunisian democracy stabilized through continued coalitional partnership between Ennahda and Nidaa Tounes.

Ennahda's leadership under Rachid Ghannouchi then announced that it would explicitly separate the movement's spiritual and religious activities, on the one hand, from its political party institution on the other. For instance, party leaders could no longer hold positions within the group's spiritual and civic associations; neither could they deliver sermons in mosques. Though cynics dismissed this move, claiming that Ennahda was merely relabeling itself from the category of political Islam towards the new term of Muslim democrats, observers detected a deeper shift in the movement's internal thinking and doctrine.⁴⁸³

This marked a major shift in the internal logic of an Islamist group whose founding ideology required that religious voices hold political positions, and that political institutions thus remain not just permeable but saturated with the imperatives of piety as articulated from below. In its stereotypical caricature, Islamism is framed as a rigid, unyielding set of conservative dictates that repels any engagement with modernity and pragmatism. Yet here in the Tunisian context, Islamism as articulated by its spiritual leadership, and circulated throughout the group's internal congress and mass membership, has insisted upon a functional division in the heart of its doctrine, a change very much a product of pragmatic engagement with modern politics. Though still committed to the advancement of *akhlaq* (morals), *tarbiya* (religious education), and other components of an Islamist ideal, Ennahda now would abide by *takhassus* (specialization) in its functions to better adapt to the needs of Tunisians and democratic politics.⁴⁸⁴ Such habituation, for many observers present at the conference, represented more than tactical maneuverings. It signified a

⁴⁸³ Hanna Pfeifer, "The Normative Power of Secularism. Tunisian Ennahda's Discourse on Religion, Politics, and the State (2011–2016)," *Politics and Religion* 12, 3 (2019): 478-500.

⁴⁸⁴ Maza Meddeb, "Ennahda's Uneasy Exit from Political Islam," Working Paper of the Carnegie Middle East Center, September 2019.

meaning “second founding” of Tunisian Islamism, one that veered away from external ideological slogans and instead embraced a new vision of “civic Islamism” – one that necessarily understood the distinction between what was fixed (*al-thabit*), such as the primacy of the Tunisian republican tradition, and what could be mutable (*al-mutaghayyir*) in the evolution of an authentically Tunisian social force.⁴⁸⁵

Certainly, anti-Islamist groups remain unconvinced of this move’s authenticity, instead preferring to portray all Islamists like Ennahda as little more than calculating actors that secretly harbored theological impulses. However, in the wider context of political Islam within Tunisia, the reality is likely different. Here, an Islamist movement is certainly not renouncing Islamism as a founding basis. However, it has not only dealt with a series of secularist groups through democratic interactions and multiple electoral cycles, but it has recognized pragmatically, and *radically*, that its own doctrinal framework needed to change to better reflect its political exigencies. As an ideology, Islamism has long been grounded in the unremitting belief of overlaying the political present with an idealized image of past religious traditions that would promise salvation. Yet herein exists an Islamist movement conceding that its political present requires that organizing traditions and founding norms be modified. Though time will tell whether such a creative shift in the religious basis of Islamist mobilization holds, its very existence validates the possibility of politics transforming theology.

Future Horizons

⁴⁸⁵ Sadiki, “Tunisia’s Ennahda,” 108-110.

Though presented as a self-contained theory about pacted democracy in the MENA, this project – like all scholarly endeavors – can elicit new lines of research to extend its implications and continue innovating new theoretical inquiry.

One such frontier links the initial act of pacting to long-term regime survival. Pacting facilitates the creation of democratic regimes. Once founded, however, new democracies face a new litany of challenges, and exploring those challenges remains a promising frontier of future research beyond this project. One relevant task lies in ensuring that initial commitments to honor electoral competition and tolerate opposition endures over time. In modern times, the rise of new populist movements has sternly tested those commitments. Populist leaders and parties today operate by taking advantage of democratic participation, and indeed uniquely draw their mandate from vertical accountability – that is, the legitimacy gained from winning at the ballot box, but at the cost of horizontal accountability, meaning the checks, balances, and constraints placed upon executive powerholders from other branches and institutions of the political system. One particular danger for pacted democracies stems from its elite-centric nature; pacting is fundamentally an elite affair. The visibility and preeminence of elite politics in pacted transitions give easy target to populist movements who decry perceived elitism in politics as a source of popularity. Yet once in power, populist groups often subvert democracy by hollowing out state institutions and predicating their abuses purely upon their electoral standing.

Populism has made headway around the world over the past decade. It is not inconceivable that disgruntled social forces in new democracies within the MENA, such as Tunisia, mobilize around some version of it in hopes of

transforming the political elite and pacted democratic system. Whether or not such nascent democratic regimes can withstand these new challenges remains an important task for future researchers.

A second research frontier returns to the arena of religious thought and its relationship to politics. A major assumption on part of many scholars of the MENA, and indeed the Muslim world, is that religiosity and piety will remain not just salient but integral to understanding the dynamics of politics. Few expect secularization through societal disengagement of faith and spirituality to occur soon. However, it is worthy to revisit this supposition. The rise of Islamism, and much of its sustenance over time, stems from confrontations with, and encroachment by, Western powers within many Muslim nations. The use of religion as a form of resistance against hegemony is not an Islamic phenomenon; Ireland and Poland, for instance, both saw Catholic communities mobilize around faith in response to outside domination.

Yet in today's globalized world, youth have unprecedented access to technological tools extending far beyond their religious spheres. Moreover, images and memories of Western domination are being replaced by the retreat of Western interests, as well as the assertion of alternative regional and international powers. In these contexts, religiosity has diminished because the founding conditions associated with its antecedent rise have also dissipated. If Muslim societies over the next generations follow this trend, then a worthy question to pursue would entail whether the Islamist-secularist fault line will remain as salient to the struggle for democracy as it is today. Consequently, this will influence whether democratic regimes can still be pacted.

These implicated questions represent the horizon of research inaugurated by this scholarly project.

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