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## **The Politics of Consensus: Al-Nahda and the Stability of the Tunisian Transition**

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### **Abstract**

Tunisia's transition away from authoritarianism has been shaped by a politics of consensus, which has brought together representatives of the former regime with their historic adversary, the Islamist movement al-Nahda. This article argues that consensus politics was a legacy of the authoritarian regime that was re-produced during a democratizing transition. The politics of consensus was encouraged and enabled by al-Nahda, which prioritized its inclusion within this elite settlement to provide political security for itself and the broader transition. However, this came at a cost, engineering a conservative transition, which did not pursue significant social or economic reform. The Tunisian case shows that historical legacies, such as consensus politics, can shape a transition as much as contingent, pragmatic decisions by political leaders.

Keywords: Tunisia, democratization, consensus, Islamism, al-Nahda

Scholars have long acknowledged that historical factors can play a role in shaping democratic transition and consolidation. Early conceptions of historical legacies were broadly conceived: a country's past might either constrain a transition because of socio-economic 'confining conditions' or enable democratization if it offered a 'usable democratic legacy'.<sup>1</sup> Recent attention to specific historical legacies offers new insights into the unfolding of strategic interaction, the significance of path-dependent variables, and the role political parties play in transferring ideas and managing political interactions.<sup>2</sup> This article identifies one such historical legacy, the use of a politics of consensus by an authoritarian regime, and addresses its re-adoption during a democratizing transition. It looks at the case of Tunisia since the uprisings of 2010-11 and the role of the Islamist movement al-Nahda, a former underground opposition group which became a party of government. Although al-Nahda had been long

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excluded from the authoritarian-imposed consensus, it prioritized inclusion in a consensual elite settlement after 2011 to provide political security for itself and for the broader transition. This article argues that the path dependency of historical legacies, such as consensus politics, can shape a transition as much as contingent, pragmatic decisions by political leaders. The effect in the Tunisian case was to overcome a fraught period of political polarization but at the price of delivering a conservative transition, which avoided deep social and economic reforms.

Tunisia's political process diverged into two competing strands in the years after the uprising of 2010-11. Following the second legislative elections of October 2014 the political elite in Tunis reached a 'historic consensus' (*al-tawafuq al-tarikhi*) of shared policies and interests. This alignment was embodied in a formal policy pact in July 2016 signed by nine political parties, two trade unions, and the main employers' representative. At the heart of this pact was a reconciliation between two former adversaries: Nidaa Tounes, a party which largely represented the interests of the former political and business elite, and al-Nahda, which had only been legalized after the uprising. However, this elite-level reconciliation coincided with a sharp decline in trust towards political institutions and a rise in popular protest. Turnout at successive elections fell and opinion surveys consistently showed widespread perceptions of administrative corruption and sliding confidence in government, courts, parliament, and political parties.<sup>3</sup> Hundreds of demonstrations were held every month from late 2014 onwards, with demands for jobs, social justice, transitional justice, transparency over natural resources, 'dignity', and 'rights'.<sup>4</sup> From the perspective of this widening popular dissent, the 'historic consensus' looked less and less consensual.

Political developments since the fall of the former president Zine el Abidine Ben Ali had initially seemed to follow a script written by scholars of democratization. The political elite early on established Di Palma's 'easy rules for admission' to the new competitive

political market, with quick elections, proportional representation, the legalization of a multitude of political parties, and an agreement on if not a parliamentary system then at least a semi-presidential system of government, all of which fell in line with the '*garantismo*' model of coexistence rule-making.<sup>5</sup> A new constitution was approved almost unanimously, a reformed party representing old regime interests accepted the new rules of the democratic game, and there was a peaceful alternance of power when the winner of the first free elections accepted defeat in the second. Politicians forged a relationship between religion and politics that accorded with Stepan's 'twin tolerations' of religious citizens towards the state and the state towards religious citizens.<sup>6</sup> The successful crafting of a new democracy was reflected in a Freedom House 'freedom ranking' of two out of seven from 2015 onwards, by far the highest in the Arab region.<sup>7</sup> Opinion surveys showed that a growing majority of Tunisians (86% in 2016) considered democracy to be better than other systems of political rule, one of Linz and Stepan's tests for the successful consolidation of a democratic system.<sup>8</sup> From an institutional perspective, the Tunisian case sits at the opposite end of the spectrum to Libya's, as Jean-Louis Romanet Perroux describes in his contribution to the special issue.

However, I take seriously the ambition to look not at 'what ought to be' in a path towards democratization, but rather to study 'what in fact is'.<sup>9</sup> From 2014, the fabric of Tunisian politics began to change. Elite decision-making came to echo the eclipsed era of authoritarian rule. The mechanism of political pacts and notions of consensus and national unity were reproduced in new forms. Scholars have begun to identify how elite consensus came to resemble a 'rotten compromise',<sup>10</sup> which shut down 'agonistic' debate,<sup>11</sup> and echoed the 'stability' rhetoric of the Ben Ali regime.<sup>12</sup> This is significant because it is not just military coups and dramatic breakdowns that unseat new democracies, but also the 'danger of decay', of incremental regression and corrosion.<sup>13</sup> Such reappraisals expose the role played

by historical legacies at the moment of transition and the unanticipated cost of elite settlements.

In this article, I demonstrate the influence of historical legacies on the transition and ask what role al-Nahda played within this context in securing the fragile post-authoritarian political process. I show that al-Nahda prioritized its inclusion within the pacted ‘historic consensus’ in order to provide political security for itself and for the broader transition. By political security I mean here ensuring the organizational stability of the state and the government.<sup>14</sup> While al-Nahda pursued political integration for fear of a return to repression and marginalization, the movement had to diverge from its original transcendent Islamist ideology and adopt new strategies to meet the demands of consensus. This article draws on interviews with al-Nahda leaders, archival research of al-Nahda writings, and several field trips to Tunisia since 2011, to show how the movement’s inclusion within this consensus drove it into a risk-averse agenda which, first, prioritized security policies and, second, put technocratic reformism ahead of far-reaching social and economic change. Consensus politics may have avoided the dangers of political polarization, but it introduced a conservative bias, which meant a reluctance to make redistributive economic reforms, and promoted an impression of stability which obscured a highly contested transition.

### **Historical legacies, consensus, and pacts**

A democratic transition is characterized by complexity, involving pragmatic concessions, unintended consequences, mistakes, episodes of crisis, and ‘a great deal of historical baggage’.<sup>15</sup> How can the role of these historical legacies be assessed? Kirchheimer argued that the social and economic environment set a ‘conditioning perimeter’ at the moment of regime change within which choices had to be made.<sup>16</sup> The perimeter could be expanded in the new political context by the release of ‘new psychic energies’. What applies to socio-economic conditions, can apply to other legacies of the past. Pridham highlights the

significance of historical patterns of behaviour and attitudes, arguing that the hardest legacy to change is not institutional but attitudinal.<sup>17</sup> Taking the example of Portugal after 1974, he notes that a long period of authoritarian rule ‘often inhibits acceptance of political conflict as central to the idea of pluralism and competition’.<sup>18</sup> Likewise, O’Donnell found a legacy of restrictive and fraudulent past democracies in Latin America meant that leftist and populist parties came to be wary of political democracy, which they saw as a mechanism by which dominant classes contained their followers and manipulated their aspirations.<sup>19</sup> As Capoccia and Ziblatt argue, ideologies, resources, and institutional legacies all shape the choices actors make at a foundational moment.<sup>20</sup> Of course, historic legacies may be favourable to democratization rather than detrimental, but in either case it is reasonable to expect they will set constraints on future behavioural patterns. These constraints then interact with contingent, pragmatic decisions taken by political party leaders during intense periods of negotiation. The two processes are not mutually exclusive, and over time the constraints can be modified or lessened by political party behaviour. Political parties play a central role here as agents of transmission and change of historical memories.<sup>21</sup> Parties make new, short-term strategic decisions during transitions and have the ability to reconfigure their constituencies.<sup>22</sup> I argue here that during the Tunisian transition al-Nahda was interacting with rival parties within a set of historic constraints, including a legacy of consensus politics.

Paying attention to historical dimensions does not mean falling prey to a rigid path dependency. The Tunisian transition might have developed into a much more polarized contest despite the legacy of consensus politics. In fact, it nearly did. But for one vote, the new electoral law of 2014 would have banned senior officials from the ruling party from standing for election, an exclusionary outcome that would probably have produced a much more conflictual political process. Alternatively, the Tunisian political elite might have agreed on a consensus path even without a previous legacy of consensus politics. After all,

the most celebrated consensual transition, ‘the very model of the modern elite settlement’, occurred in 1977-78 in Spain, a country which had inherited a highly divisive legacy of division and polarization from the Civil War and the subsequent Franco era.<sup>23</sup> In Spain, it was the popular perception of Franco’s death in November 1975 as the end of an era that provided the opportunity for political parties to propose a new moment of national reconciliation from which a consensual, pacted transition emerged. Historical legacies do not predetermine future political behaviour, but they can shape it.

A first way to think of consensus is as an agreement over rules and procedures. Rustow’s early model of a democratic transition as a ‘prolonged and inconclusive political struggle’ required only a minimum of consensus, including on the adoption of democratic rules, but even this was part of the process rather than a prerequisite.<sup>24</sup> His conception of democracy as a second-best outcome means no pre-existing democratic political consensus is necessary, allowing for ‘democracy without democrats’.<sup>25</sup> Drawing on such rules and procedures, Lijphart contrasts majoritarian democracies, which concentrate power in single-party centralized governments, with consensus democracies, which have proportional representation, multiparty coalition governments, and checks like federal government, bicameral legislatures, and judicial review.<sup>26</sup> Lijphart’s consensus democracy is characterized by ‘inclusiveness, bargaining, and compromise’ rather than being ‘exclusive, competitive, and adversarial’.<sup>27</sup> We will see that for the first three years after the Tunisian uprising, the political elite adopted a set of procedures much like Lijphart’s consensus model, with proportional representation, multiparty coalition governments, a semi-presidential system of government, and a proposed constitutional court for judicial review.

However, political consensus may be as much substantive as it is procedural; in this way rather than enabling a pluralist political process it may instead generate constraints. In an authoritarian system, a regime may impose concepts of national consensus or national unity,

for example, in order to win legitimacy, to co-opt political opponents, or to buy time in order to remain in power. In the Tunisian context, authoritarian regimes in the decades after independence used a discourse on national unity as a ‘straightjacket’ to curb pluralism and a plurality of arguments.<sup>28</sup> In similar ways, consensus in a democratic system may also act to curb pluralism. Mouffe argues that consensus emerges as a result of an unchallenged ‘post-political’ neoliberal hegemony, in which political decisions are presented as mere technical challenges to be solved by experts.<sup>29</sup> This ‘stifling consensus’ emerges from the negation of antagonism, in other words the suffocation of a plurality of conflicting alternatives.<sup>30</sup> This pursuit of a rationalist consensus leads, Mouffe argues, to voter apathy, loss of trust in political parties, and a disengagement from political participation.<sup>31</sup> Though Mouffe is arguing from the context of modern Western democracies, this de-politicization is also a feature of authoritarian contexts, particularly in the Middle East, and draws attention to a normatively troubling ‘convergence of governance’ between liberal democracies and authoritarian systems, explained by accelerating capitalist globalization and the state’s retreat from economic policymaking.<sup>32</sup>

Connected to questions of substantive consensus is the elite bargain or political pact. Such elite settlements usually arise at times of crisis for a regime leadership. Pacted agreements do not inevitably herald the demise of an authoritarian system; in the Middle East they were often used to reinforce a regime at a moment of weakness by imposing a set of identities, values, or rules, as with the November 1988 National Pact in Tunisia and the June 1991 National Charter in Jordan.<sup>33</sup> In both cases, initial promises of political opening receded once regimes had regained sufficient resources to re-impose themselves. Instead these agreements operated as part of a broader reconfiguration, or ‘upgrading’, of Arab authoritarianism, in which regimes conceded space to certain opposition parties and civil society while maintaining tight constraints on political practice.<sup>34</sup>

At moments of transition away from authoritarianism, pacts look discursively similar but operate rather differently. Now, rather than presenting obstacles to participation, they establish mutual guarantees, redistribute benefits, or rewrite the rules for the exercise of power.<sup>35</sup> This is O'Donnell and Schmitter's 'political pact', which is focused on collaboration between parties in distributing offices and making policies.<sup>36</sup> In this form of pact a 'package deal' among a cartel of leaders of electorally competitive parties works to limit the policy agenda, share the distribution of benefits, and restrict participation in decision-making to certain political parties.<sup>37</sup> However, such a pact brings significant costs. A pact is drafted among elites, in secret, limiting accountability to a wider public and controlling the policy agenda. It introduces to the democratic process a conservative bias, which can 'lock in' existing privileges and block progress toward further political, social, and economic reform.<sup>38</sup> This was the case after the 1958 transition to democracy in Venezuela, where pacts institutionalized a conservative bias, demobilizing new social forces and limiting greater democratization.<sup>39</sup> It also characterized political life in 1980s Brazil, where the political pacts of the transition hindered future democratization, in this case by allowing the military to retain key prerogatives and by perpetuating state clientelism.<sup>40</sup> The paradox is that consensual pacts often play a crucial role in navigating and regulating a transition from authoritarianism, but they can also lead to 'excessive accordism', which reduces the competitiveness necessary for the successful consolidation of democracy.<sup>41</sup>

### **A Tunisian history of consensus**

Analysis of Tunisia's political process after 2011 is often written as if strategies developed from contingent, reactive motivations. When historic precedents are considered they have tended to comprise a gilded repertoire: the fourteenth century historian Ibn Khaldun with his notion of social solidarity or *asabiyya*, the 1861 constitution, and the late nineteenth century



reforms of Khayr al-Din, all amounting to what Stepan, for example, calls ‘a useable past’, as if they offer a toolkit of resources to contemporary politicians.<sup>42</sup> This history is undoubtedly part of the nation-building process. However, these idealized pre-colonial precedents, which seemed to enable a democratic transition, were the very same drawn on by previous authoritarian regimes for legitimization. They were ‘useable’ in contradictory ways. This selective repertoire occluded moments of crisis and alternative historical trajectories, for example the 1864 Sahel uprising against the constitution or Salah Ben Youssef’s challenge for the leadership of the nationalist movement at the moment of independence.<sup>43</sup> Hibou, writing about the Ben Ali era, argued that summoning these precedents represented an ‘obligatory reference to history’ which worked to forge a myth of reformism as a mode of governance.<sup>44</sup> Contemporary technologies of power, including, for example, emergency laws, continue to draw from a set of historic behaviours.<sup>45</sup> In the same way, the concept of consensus did not enter the post-2011 political stage as a neutral solution to the new challenge of democratization; it was instead shaped by historical legacy.

In April 1981, when Tunisia’s aging president and independence leader Habib Bourguiba was faced with a mounting legitimacy crisis, he promised a political opening through a ‘national consensus’. He used the mechanism of a pact in which parties should, in Bourguiba’s words, ‘commit to preserve the higher national interest’.<sup>46</sup> The pact required parties to accept the ‘immunity’ of Bourguiba, who had installed himself as president-for-life, to respect the state and its ‘gains’ achieved since independence, and to address social challenges not on the basis of a class struggle but by promoting ‘harmony’ and ‘social peace’. Parties should also reject not just violence but ‘intellectual terrorism’, the particular accusation raised against the new political challenge presented by Islamic Tendency Movement (MTI), the forerunner of al-Nahda. However, rather than deliver a political opening, the document instead defined and limited both the policy agenda and the articulation

of political discourse. Although the first multiparty elections were held in November 1981, the pact's exclusionary intent was quickly apparent. When in June 1981 the MTI asked for authorization, its leaders were arrested and jailed. By 1983 only three parties had been authorized and even they were denied representation through voter thresholds, financial constraints, and press censorship.<sup>47</sup>

In November 1988 Ben Ali too turned to 'national consensus' regulated by the mechanism of another pact. Again this was engineered not just to win legitimacy after his coup a year earlier, but also to define the conduct of political debate which would 'unite the Tunisians around a single consensus' led by the ruling party.<sup>48</sup> The pact sought to co-opt and undercut the Islamist challenge by defining a 'specific Arab-Islamic identity' for Tunisia and a reformist project of '*ijtihad*'.<sup>49</sup> The document insisted on 'reform', 'tolerance', 'solidarity', and the 'cohesion of Tunisians' around the state. Representatives from six political parties signed the Pact, as well as several trade unions, the main human rights organization, and the Islamist lawyer Nouredine Bhiri, representing al-Nahda. However, the pact failed to herald the significant political opening which both politicians and scholars anticipated. Al-Nahda's surprisingly strong showing in elections in April 1989 was met with arrests, military show trials, long prison sentences, and two decades of repression. The regime succeeded in co-opting many secular opposition figures who endorsed this repression of the Islamists in a carefully curated public sphere. Indeed, consensus was to become a key element in Ben Ali's mode of governing. For Hibou this 'central technology of power' persuaded citizens they too had adopted measures introduced by the state and weakened perceptions of authoritarian political constraint.<sup>50</sup> Consensus was fashioned as an element of national identity that meant accepting the regime's way of governing as well as its definition of and policies towards those outside the consensus, like al-Nahda, who were heavily repressed.

Under both Bourguiba and Ben Ali, the combined mechanism of a political pact and the conceptual imposition of consensus in political life became a successful strategy of authoritarian legitimation over three decades. What is significant is the attitudinal and behavioural legacy this left at the moment of the uprising in 2011. For example, since the early 1980s al-Nahda had made a constant effort to gain entry into the system constructed by this consensus. When the Islamists first announced a political platform, as the MTI in June 1981, they challenged the one-party Bourguiba regime, siding with the oppressed (*al-mustad'afun*) against the oppressors (*al-mustakbirun*) and claiming an Islamic state.<sup>51</sup> But the MTI sought to enact its claims, at least in part, within the political system, applying for legal authorization in 1981, changing its name to al-Nahda to meet the requirements of the new parties law in 1988, signing the National Pact later that year, and agreeing to compete in the 1989 elections as independents, acquiescing to the constraints imposed by the regime. Even in the years of repression from the 1990s onwards, leaders in exile abroad continued to press for reconciliation with the Ben Ali regime. Indeed, in the Tunisian case it was arguably political exclusion, rather than inclusion, that drove moderation.<sup>52</sup> At al-Nahda's eighth congress, held in London in June 2007, the movement suggested it serve as a 'constructive opposition'.<sup>53</sup> In February 2006, when Hamadi Jebali, the de facto leader of the movement within Tunisia at the time, was freed after sixteen years in jail, he insisted that 'reconciliation' with the regime was now an 'urgent necessity'.<sup>54</sup> Separately, in the mid-2000s the movement agreed a joint platform with opposition parties, making ideological concessions in favour of a shared vision of a future Tunisia.<sup>55</sup> In light of this historical pursuit of inclusion, al-Nahda's strategic alignment with Nidaa Tounes after 2011 becomes less surprising.

## **The return of consensus**

Despite its disciplinary history, the reification of consensus quickly returned after the fall of Ben Ali in January 2011. As early as February, when Ben Ali's largely unchanged cabinet remained in power, al-Nahda called for 'consensus' (*al-tawafuq*) as the basis for decision making. It argued that the transition required an end to 'unilateral decisions' and instead 'a return to a collective and consensual legitimacy'.<sup>56</sup> It was members of Ben Ali's ruling political elite, who were well aware of the regime's past techniques of rule, who took the first decisions on the shape of the transition, in conjunction with a respected legal scholar, Yadh Ben Achour, scion of a prominent Tunisian family. Ben Achour later argued the imperative of making a break with authoritarianism required a 'consensus' to prevent an excessively powerful majority; it was to become not merely a procedural device, he said, but an 'essential principle' of politics.<sup>57</sup> 'It is power and counter-power. For those in power it maintains cohesion, for the opposition it maintains pluralism and participation.'<sup>58</sup> In mid-March 2011, a broad 155-member body, the High Authority for the Realization of the Objectives of the Revolution, Political Reforms, and the Democratic Transition, was established to manage the passage from revolution to elections. It gathered representatives from political parties, including al-Nahda, but also many others from civil society, the interior regions, families of those killed in the revolution, and prominent public figures. The High Authority designed a non-majoritarian democratic system, which would start by electing a constituent assembly through proportional representation to draft the new constitution.

The assembly elected in October 2011 rapidly developed into an arena for robust debate. Rival political positions were articulated and compromises negotiated between Islamists, leftists, and secularists, and from 2012, the political and business elite of the former regime, represented in a new format by Nidaa Tounes, a party founded by Beji Caid Essebsi, a former interior minister under Bourguiba. Al-Nahda made a series of far-reaching

ideological and strategic concessions: it dropped its initial demand for the shari‘a to be a source of legislation; it relented on its plan to criminalize ‘attacks on the sacred’, effectively an attempt to outlaw blasphemy; it acceded to demands from other parties for a semi-presidential system of government, rather than the parliamentary model it had first preferred; and it withdrew a proposal to state explicitly in the constitution that Islam was the religion of state. These concessions and debates culminated in the new constitution of 2014, which contained several progressive measures, including not just freedom of conscience and belief (article 6), but also a commitment by the state to strive to achieve social justice (article 12), parliamentary oversight of natural resource contracts (article 13), equality of men and women (article 21), prohibition of torture (article 23), the right to join trade unions and to strike (article 36),<sup>59</sup> the right to peaceful demonstration (article 38), the right to work (article 40), and guaranteed health care for all citizens (article 38).

A robust common framework emerged to resolve political deadlock. After the July 2013 assassination of the opposition politician Mohamed Brahmi, the second political killing that year, crowds staged weeks of protest against the al-Nahda-led coalition government. This crisis pitched al-Nahda, with its strong plurality in the assembly, against its rival Nidaa Tounes, which only a minority of deputies composed of defectors from other parties. The two parties, Ghannouchi later wrote, were like ‘two huge trains that were bound to crash’, until Ghannouchi and Essebsi reached an agreement at a private meeting in a Paris hotel in August 2013.<sup>60</sup> A National Dialogue Quartet of civil society groups was established to resolve the dispute and to create a framework for cross-party negotiations. These negotiations bypassed formal institutions to take place in private among experienced but unelected figures, primarily Ghannouchi, Essebsi, and Houcine Abbassi, head of the Tunisian General Labour Union (UGTT). Their negotiated roadmap effectively provided political security at a moment of great fragility in the transition. It led to the near-unanimous approval of the new

constitution in January 2014, the subsequent departure of al-Nahda from government, the preservation of the elected Constituent Assembly, the formation of an interim cabinet of technocrats, and the promise of new legislative and presidential elections later that year. This Quartet framework succeeded by allowing adversarial parties to resolve their disputes through Mouffe's 'agonistic' politics and so avoid the violent polarization which characterized the parallel political crisis in Egypt.<sup>61</sup>

However, what followed in the months afterwards marked a shift away from this period of negotiated dissent. It began with a more formal rapprochement between al-Nahda and its former adversary Nidaa Tounes, an alignment that was most intently pursued by Ghannouchi, the Islamist leader. He argued that co-operation between the two largest political forces in the country was essential for a stable transition, reviving the rhetoric of 'national reconciliation' from the 2000s. This new strategy meant reshaping al-Nahda itself, from what had been a religious movement with political ambitions into a professional political party. It required Ghannouchi to allay the frustration of his ordinary membership, who were dismayed as much by the new alliance with Nidaa Tounes as by the dilution of an Islamizing agenda. Al-Nahda leaders pursued this contested path largely motivated by the fear that polarization between the Islamists and the former regime elites could once more descend into the costly subjugation of the 1990s, particularly after the repression of the Muslim Brotherhood in Egypt from mid-2013. The movement leadership calculated that tolerating the return of the former regime to political life was less costly than the risk that further polarization might lead to repression. The rapprochement between the representatives of the former regime and its primary adversary looked like Di Palma's '*garantismo*', a broad constitutional coalition of the middle road to avoid the reciprocal stalemate of recalcitrance and polarization.<sup>62</sup>

The realignment took shape at the moment of the October 2014 elections. After coming second in the legislative elections, al-Nahda's leaders chose not to back a candidate in the subsequent presidential elections, a stance their membership took as an effective endorsement of the eventual winner, Essebsi, the founder-leader of Nidaa. In the weeks after the elections, al-Nahda negotiated itself a role in the new Nidaa Tounes-led coalition. The four-party coalition government commanded the vast majority of seats in the new assembly, 179 out of 217. Despite their apparent ideological differences, in fact Nidaa and al-Nahda were both socially conservative, economically liberal political parties. In July 2016, this new partnership developed into a formal political accord, the Carthage Agreement. However, the agreement was reminiscent not of the ad hoc deals reached since 2011 but of the 'national consensus' of Ben Ali's 1988 pact. Rather than embodying conflict resolution, the new reconciliation between Nidaa Tounes and al-Nahda was a shared pursuit of risk avoidance. Ben Achour, the legal scholar who had argued for consensus early in the transition, now warned this unexpected compromise 'in putting off crises could make them worse for the days of disillusionment yet to come'.<sup>63</sup> The disciplinary violence and the authoritarian expedience of the Ben Ali era was gone, yet this agreement acted to limit accountability to a wider public and to control the policy agenda.

First, the Carthage Agreement was orchestrated from above, with Essebsi, now president of the republic, explicitly cited as its originator.<sup>64</sup> Indeed, an empowered Essebsi was soon suggesting a revision of Tunisia's constitution to return to the all-powerful presidentialism of the past.<sup>65</sup> Second, the agreement was constructed on a much broader basis than any other formal or informal accord since 2011. Nor was it simply a national unity government agreement. Instead, it was signed by nine political parties, among them all four coalition partners and five opposition parties, as well as the UGTT, the farmers' and fishermen's union, and the employers' representative (the Tunisian Confederation of

Industry, Trade and Handicrafts, UTICA).<sup>66</sup> Third, the agreement silenced the robust agonistic debate of 2011-14 by insisting on the ‘necessity of national unity’ at a time of ‘real crisis’.<sup>67</sup> It limited and prioritized policies, putting security and technocratic concerns above all others, and in so doing it introduced a conservative bias into the transition and blocked further social and economic reform. The first priority was to be ‘winning the war on terror’, followed in order by: improving growth and providing jobs; fighting corruption; controlling public finances; establishing decentralized policies; and improving the functioning of government. Within this pact the UGTT and UTICA acted as veto players, constraining government policy by resisting both reductions in public sector employment and corporate tax increases. What was excluded by this policy consensus were the original revolutionary demands of the 2011 uprising, not least questions of transitional and social justice and material economic improvement. In this way, the Carthage agreement engineered what Di Palma describes as a ‘conservative’ transition, in which reforms are limited to rules for political competition rather than significant social and economic change, and which therefore incurs high social costs.<sup>68</sup>

### **Security first**

The first element of this new consensus for al-Nahda to adopt was the securitization of public policy. Initially, al-Nahda had acted with some naivety when assessing the destabilizing challenge of Salafist radicalism after the 2011 uprising. At first it saw Salafist groups as an unruly expression of new political and religious freedoms. It considered them members of the same ideological family who could be encouraged to accept the democratic process through negotiation and debate, not least because the main Salafist group, Ansar al-Shari‘a, initially stood against violence within Tunisia.<sup>69</sup> Ghannouchi frequently recalled how he had been deflected from the path of radicalism as a young man: ‘Tunisian society re-educated me and absorbed me.’<sup>70</sup> He argued the Salafists too would be re-educated and absorbed. However,



from early 2013, following the assassination of Chokri Belaïd, an opposition politician, al-Nahda's rhetoric towards violent radicalism began to change. In May, the al-Nahda prime minister, Ali Laarayedh, warned his government would act with 'strong defiance' against violent groups rebelling against the state,<sup>71</sup> and in August, shortly after the second political assassination that year, he declared Ansar al-Shari'a a terrorist organization.<sup>72</sup> Not all in the movement were comfortable about the wave of arrests. Ajmi Lourimi, on the progressive wing of the leadership, argued that security policies should not return to the 'demonization' and 'Machiavellian instrumentalization' of the past.<sup>73</sup> However, by March 2015, al-Nahda's rhetoric became more strident. In the days after a terrorist attack at the Bardo museum in Tunis, Ghannouchi said Tunisia was now fighting 'ignorant people' in a 'war against terrorism'.<sup>74</sup> By May 2016, at al-Nahda's tenth congress, the group committed to 'confronting and eliminating terrorism'.<sup>75</sup> In signing up to the Carthage Agreement, al-Nahda explicitly consented to a securitized discourse, which echoed the vocabulary once used against the Islamists themselves. The pact included, for example, a commitment to 'draining the springs of terrorist financing' which recalled the campaign of the late 1980s to eradicate al-Nahda's social and cultural base also known as 'draining the springs'.<sup>76</sup>

The gradual encroachment of security preoccupations into al-Nahda's rhetoric was in part a reaction to genuine security threats. An early indication of the coming challenge came with an attack by protesters on the US Embassy in Tunis in September 2012, which was followed by the two political assassinations of February and July 2013 and clashes between armed groups and the military in the Chaambi mountains, on the Algerian border. There was then a string of four serious terrorist attacks: a shooting at the Bardo museum in Tunis in March 2015, another shooting on the beach in Sousse in June that year, a suicide bombing of bus carrying Republican Guards in central Tunis in November, and an armed assault on the

town of Ben Guerdane, near the Libyan border, in March 2016. However, al-Nahda's security rhetoric continued to intensify even as the terrorist threat appeared to decline from 2016.

What was notable was not that al-Nahda was speaking out against these attacks, but that its language was converging with the language Nidaa Tounes and the establishment elites used. This was reflected, for example, in al-Nahda's developing attitude to the state. For decades, al-Nahda had challenged the post-colonial state, both over its secularizing interventions and its authoritarian nature. Now al-Nahda acknowledged the need to accept the idea of the national interest, a concept which Lotfi Zitoun, a senior advisor to Ghannouchi, admitted had been 'weak and confused' for the Islamists.<sup>77</sup> As Zitoun put it, this meant reimagining the role of the state:

Our long-term goal is to normalize our relationship with state and society but you cannot do this in opposition. We have had a long tradition of confrontation with the state and if we go into opposition in a volatile situation it will degenerate into a new confrontation. That might mean us facing a new repression, or jail, and perhaps a violent response from our young people.<sup>78</sup>

Although al-Nahda has sometimes been described as fearful and distrustful of the state,<sup>79</sup> in fact the group was fundamentally re-orientating its approach. Al-Nahda's leaders now saw in the state an authority and a strength that should be recognized and respected. In this way, al-Nahda began to mirror its rival Nidaa Tounes, which had campaigned successfully in the 2014 elections on a promise to restore 'state prestige' (*haybat al-dawla*). Ghannouchi, in his speech at the inauguration of the May 2016 congress, declared that the values of Islam included supporting the state in its development work and in countering the challenge of violent Islamic extremism. He railed against those who would challenge the state:

The Tunisian state is our ship which must carry all Tunisia's sons and daughters without exception, exclusion, or marginalization. We ask here: for how long will insolence against the state continue? And in whose interest is it to weaken the state, and to be insolent towards it, and to resort to anarchic methods to promote law breaking?<sup>80</sup>

This criticism of ‘anarchic’ challenges to the authority of the state came at a time when there were hundreds of demonstrations a month across the country, ranging from individual acts of protest over unemployment, to industrial strikes, to political movements criticizing the government on issues such as the slow pace of transitional justice and the management of natural resources.

This was not a rhetorical sleight of hand. Once al-Nahda returned to power as a junior member of the Nidaa Tounes coalition, its leadership supported a policy of mass arrests, and in July 2015 nearly all the al-Nahda bloc in the assembly voted in favour of a new anti-terrorism law, even though human rights groups warned it was more repressive in places than Ben Ali’s old law.<sup>81</sup> Nahdawi deputies came under pressure to approve the bill as proof of their anti-terrorist credentials.<sup>82</sup> By then al-Nahda, itself once the victim of decades of repression, was part of a coalition government which deployed security measures in a way described by Amnesty International as ‘arbitrary, discriminatory and disproportionate’ with practices including the targeting of individuals based on their perceived religious belief, for growing beards, and for wearing religious clothing.<sup>83</sup> The cost of acceptance within the consensus was that the movement was now acquiescing to the very practices it had once opposed.

## **Technocracy**

If adopting a new national security approach was the first element in al-Nahda’s consensual strategy, the second element was a new embrace of technocracy. Al-Nahda’s leaders were initially wary of bringing technocrats into government and considered that most with technical management skills were those who had prospered under the former regime. When Hamadi Jebali, the then al-Nahda prime minister, proposed a government of technocrats in February 2013 as a resolution of a political crisis, he was overruled by the movement and resigned his post. However, by the time of the second elections in October 2014, al-Nahda

had embraced an entirely technocratic agenda in which religious references were heavily diluted. The movement's 2014 election manifesto was titled 'Towards a Rising Economy and a Secure Country'. A campaign leaflet handed out at rallies in Sousse, the prominent coastal city with a strong base of al-Nahda support, was even more prosaic in its technocratic ambition. The leaflet, entitled 'The al-Nahda Movement in the Service of Sousse', gave a list of seventeen pledges, including promises to: rehabilitate the tourist sector; revitalize industrial zones; address public transport shortages and traffic jams; complete a local deep-water port project; and turn the city's port into a tourist attraction and move commercial shipping elsewhere. The emphasis was on local, civic projects and there was a determined effort to avoid any issues that were ideologically inflected. At the same time, Ghannouchi emphasized the need for 'social cohesion and national unity', inadvertently echoing the language of Ben Ali.<sup>84</sup>

Technocratic ambition soon defined al-Nahda's new identity. At the movement's tenth congress, in May 2016, delegates voted to 'specialize' their organization as a political party that would formally separate itself from its original religious, cultural, and social activities. Al-Nahda would no longer be a religious social movement, but solely a conservative, national political party. Tunisia had entered a 'post-ideological stage', according to the senior advisor Zitoun.<sup>85</sup> Ghannouchi declared that though al-Nahda would continue to be 'inspired' by the values of Islam, it would now 'seek to create solutions to the day-to-day problems that Tunisians face rather than preach about the hereafter'.<sup>86</sup> Where there had once been a comprehensive vision of religion and politics intertwined, now the new ideology was a mundane problem-solving technocracy.

This new technocratic strategy reflected the reality of policy-making at a time of globalization, particularly for a country like Tunisia which was still heavily dependent on international financial institutions, which required reductions in subsidies, slimming of the

public sector, privatizations, and steps to increase foreign investment. Indeed, these structural constraints would have likely inhibited redistributive reforms whether or not the democratic transition and consolidation were consensually negotiated. Yet al-Nahda's technocratic vision did show neoliberal tendencies. Several senior al-Nahda figures talked of the need to reduce citizens' dependency on the state,<sup>87</sup> or argued against state control of the economy, saying the state should play a 'transformative role'.<sup>88</sup> Rafik Abdessalam, another of Ghannouchi's senior advisors, argued that al-Nahda wanted a 'neutral, non-intrusive state' which respected society and public culture.<sup>89</sup> This was a particular vision of a light-touch, non-interventionist state that would have some regulatory powers but which would otherwise empower the private sector to create wealth. For al-Nahda it marked a dramatic shift from the class struggle approach adopted in its first political programme in 1981.

However, there was still a conscious choice by the movement to adopt a risk-averse approach for which technocratic promises provided cover. This was evident in al-Nahda's shifting attitude to the former regime elites. At its congress in July 2012 the movement committed to ban senior figures from the former ruling party, the Democratic Constitutional Rally (RCD), from political life.<sup>90</sup> However in August 2013, as popular protests mounted against the al-Nahda government, Ghannouchi told his movement to compromise. By April 2014, he just managed to convince enough al-Nahda deputies in the assembly to defeat (by a single vote) a draft article of the new Electoral Law, which would have excluded senior RCD figures from contesting elections. In September 2017 al-Nahda supported the return of former RCD ministers into the cabinet in key positions, and then voted in favour of Essebsi's 'administrative reconciliation' bill to allow public officials and 'others like them' accused of corruption under the former regime to repay the money they stole and avoid prosecution.<sup>91</sup> An indication of how significantly al-Nahda's approach had changed was the extent of internal discord this provoked. These decisions to avoid excluding former regime figures and

to countenance a political alliance with Nidaa Tounes produced more intense internal debate than the movement's earlier self-limiting concessions over Islamization. Hamadi Jebali, al-Nahda's first prime minister, resigned from the movement in December 2014 in frustration at its 'fatal error' of failing to offer a presidential candidate. Al-Nahda, he said, was pursuing inclusion in government from a position of 'weakness' not of balance and would 'lose its position in society and on the political scene'.<sup>92</sup> Abdelhamid Jelassi, a former vice-president who had briefly resigned his post in protest at the alignment with Nidaa Tounes, warned the unprecedented coalition risked becoming a 'deal of the gullible' (*safqat al-mughaffalin*).<sup>93</sup> In September 2017, half the al-Nahda bloc in parliament failed to support its leadership in backing the administrative reconciliation bill, either voting against, abstaining, or staying away from the chamber.<sup>94</sup> Government policies were now presented not as an agonistic choice between rival political programmes but as expert solutions to technical problems. The difference with the Ben Ali era, of course, was that where dissent was once almost literally unsayable, now it flourished as a highly energized form of claim-making in the shape of street marches, mass demonstrations, sit-ins, and workers' strikes. The more entrenched the consensus became, the more dissent outside the formal political sphere rose in intensity, an indication of widespread disillusionment with consensus as a device for political legitimization.

## **Conclusion**

To trace the re-emergence of a politics of consensus is not to deny the many achievements of the Tunisian transition from authoritarianism. The ideological and strategic compromises made by al-Nahda amounted to disproportionate concessions given the movement's considerable electoral legitimacy. They played a central role in enabling a renegotiation of the Tunisian political model. The robust debates in the Constituent Assembly, in which secular and leftist parties challenged the Islamists, eventually produced a remarkably progressive constitution and established a far-reaching transitional justice process in the

Truth and Dignity Commission, which made progress despite efforts to undermine its work. The negotiated resolution of the political conflict of mid-2013 provided a political security which avoided the bitter polarization and descent into violence that aborted the parallel transition in Egypt. Even without violent clashes, endless polarized debates over identity in the media and the assembly had appeared to many Tunisians to be a costly distraction from the primary socio-economic challenges that lay behind the 2010-11 uprising. Arguably al-Nahda's vote in April 2014 not to exclude members of the former regime from political life, thereby opening the way to consensus politics, was the critical juncture that prevented a subversion of the transition by powerful excluded elites. Consensus in the first stage of the transition has, therefore, avoided the perils of polarization and delivered stability at the level of elite politics.

However, this article does not try to adjudicate the success or failure of the transition, not least because recent history encourages a wariness of attributing 'success' given the way the concept was politicized by the Ben Ali regime and then endorsed by its international supporters, who once hailed this '*bon élève*' of economic reform until the collapse of the system in January 2011 exposed its myriad contradictions.<sup>95</sup> After all, transitions away from authoritarianism may lead not to consolidated democracies but to an uncertain 'political gray zone' characterized by 'serious democratic deficits'.<sup>96</sup> What the Tunisian case demonstrates is the superficiality of those analyses of post-2011 Arab politics that remain trapped in the framework of an Islamist-secularist cleavage. What happened in Tunisia was in fact a gradual alignment of the main Islamist and ostensibly secularist political forces, which had more in common as socially conservative, economically liberal political parties than a quick reading of their ideological differences would suggest. More significantly, the Tunisian case demonstrates how a historic legacy of consensus politics set constraints on future behavioural patterns. These constraints interacted with contingent, pragmatic decisions taken by political

party leaders during intense periods of negotiation. Research on democratic transitions in post-communist Europe suggests that pacts need not inhibit economic reforms and that those countries which are most successful in consolidating democracies are also those which undergo the most rapid economic transformation.<sup>97</sup> However, in the Tunisian case the reproduction of a politics of consensus introduced a conservative bias which held back sweeping redistributive reforms and which delayed and diluted the transitional justice process. Prolonged and rising popular protest across the country revealed just how much the most profound socio-economic challenges of the transitional period continued to go unanswered.

This article has shown the particularity of consensus as a problematic source of legitimization, one which can limit and prioritize the policy agenda and which enables a backsliding towards conservative tendencies and authoritarian techniques. Al-Nahda, historically the outsider, secured itself a role within the consensus and adopted the required politics of security and technocracy. Yet though this elite convergence has overcome the problem of polarization for now, the resort to consensus reveals how strong a hold the politics of the past still exerts over the contemporary transition.

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<sup>2</sup> Geoffrey Pridham, 'Confining Conditions and Breaking with the Past: Historical legacies and political learning in transitions to democracy', *Democratization* 7:2 (2000); Giovanni Capoccia & Daniel Ziblatt, 'The Historical Turn in Democratization Studies: A New Research Agenda for Europe and Beyond', *Comparative Political Studies* 43:8-9 (2010).

<sup>3</sup> Pamela Abbott & Andrea Teti, 'Key Findings from the Arab Transformations Project', (Aberdeen: University of Aberdeen, 2017), pp.18-19; Michael Robbins, 'Tunisia Five Years after the Revolution: Findings from the Arab Barometer', (Arab Barometer, 15 May 2016), p.8.

<sup>4</sup> According to data collected by the Forum Tunisien pour les Droits Économiques et Sociaux, in 2014 there were 1,055 individual and collective acts of protest recorded nationwide; by 2017 there were 11,079. Source: [www.ftdes.net](http://www.ftdes.net).

<sup>5</sup> Giuseppe Di Palma, *To Craft Democracies: An Essay on Democratic Transitions* (Berkeley: University of California Press, 1990), p.55.

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<sup>7</sup> Under the Freedom House scale, in which one out of seven represents the 'most free' and seven the 'least free'. 'Freedom in the World 2015', (Washington: Freedom House, 2015).



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- <sup>17</sup> Pridham, 'Confining Conditions', p.49.
- <sup>18</sup> Pridham, 'Confining Conditions', p.50.
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- <sup>21</sup> Pridham, 'Confining Conditions', p.46.
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- <sup>59</sup> In line with the historically apolitical role of the Tunisian military, members of the army were denied the right to join trade unions and members of the internal security forces and customs officers were denied the right to strike.
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- <sup>90</sup> Harakat al-Nahda, *al-Bayan al-Khitami li-l-Mu’tamar al-Tasi’ li-Harakat al-Nahda [The Concluding Statement of the Ninth Congress of the al-Nahda Movement]* (Tunis: Harakat al-Nahda, 2012), p.7.
- <sup>91</sup> The bill was formally titled Draft Law No.49/2015 on Exceptional Measures Relating to Economic and Financial Reconciliation and was passed on 13 September 2017, with a narrow majority of 117 votes in favour (out of a possible 217). During the revisions of the draft, it was renamed the Administrative Reconciliation bill.
- <sup>92</sup> Thierry Brésillon, ‘Tunisie : après son départ d’Ennahdha, Hamadi Jebali s’explique’, *Le Nouvel Observateur*, Paris, 19 December 2014.
- <sup>93</sup> Mongi Khadhraoui, ‘‘Abd al-Hamid al-Jilasi al-qiyadi fi al-Nahda li-l-Shuruq: Tahaluf al-Nahda wa-l-Nida’ ... safqat al-mughaffalin [Al-Nahda leader Abdelhamid Jelassi to al-Chourouk: The Nahda-Nidaa Alliance is ... the deal of the gullible]’, *Al-Chourouk*, Tunis, 22 September 2016.
- <sup>94</sup> In the final vote, 31 al-Nahda deputies voted in favour of the law, 5 voted against, 1 abstained, and 32 were absent from the chamber.
- <sup>95</sup> Marzouki & Meddeb, ‘Tunisia: Democratic Miracle or Mirage?’; Hibou, ‘Le Réformisme’.
- <sup>96</sup> Thomas Carothers, ‘The End of the Transition Paradigm’, *Journal of Democracy* 13:1 (2002): p.9.
- <sup>97</sup> 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 Postcommunist World*, ed. Valerie Bunce, Michael McFaul, and Kathryn Stoner-Weiss (New York & Cambridge: Cambridge University Press, 2010), p.11.