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The Crisis of Democratisation in Tunisia: Causes, Indicators, Lessons Learned

Asmaa Elbanna

Abstract

The democratic transition in Tunisia was unique in the Arab region before it veered off course. The current political crisis is the most precarious, disruptive moment yet seen in the country. This study aims to highlight the reasons for the failure of the Tunisian democratic transition and the lessons that can be drawn from the experience. Beginning with a definition of democratic transition as a theoretical introduction, the study uses a descriptive analytical approach to describe and explain the failure of the democratic transition in Tunisia. It concludes that despite the existence of various instruments of democratisation in Tunisia, such as the peaceful transfer of power, guarantees for rights and freedoms in Tunisian constitutions, a consensual constitution, and participatory transitional institutions, the transition in Tunisia has faltered. The most important lessons the study draws from the stalled transition are: economic development is an important factor in democratisation; the peaceful rotation of power is not sufficient to ensure the success of the transition; genuine consensus must be built between elites and the opposition; and finally, the lack of specific constitutional institutions may hinder the democratic transition.

Keywords: Tunisia; Democratic Transition; Authoritarianism; 2022 Constitution, Lessons Learned

Introduction

The topic of democratisation has received considerable academic attention in the last decades of the twentieth century. Since the mid-1970s, the world has witnessed what has become known as the third wave of democratisation. Starting in southern Europe in Portugal in 1974 and then moving to Spain and Greece, in the 1980s this wave extended to many countries in South America and some parts of Asia, and then to Africa in the late 1980s and early 1990s. Notably, the Arab region

was the democratic exception during this period. That exception ended with the eruption of the Arab uprisings in 2011, which began in Tunisia.[1] The Tunisian experience represented a real exception to the other trajectories taken by the Arab Spring, one that could be emulated in the transition to a legitimate model of democratic pluralism. However, the structural and institutional crises that accompanied democratisation in Tunisia led the process to stall and ultimately sent it back to square one.[2]

Democratic transition has been a major topic in the field of political science since the second half of the 1970s, with numerous studies appearing over the past three decades that address the issue from various perspectives. The literature has examined and discussed a wide range of issues and variables associated with the transition process, including its inputs (causes), its models (modes of transition), and its outputs (the nature of post-transition political systems).[3]

Theoretically speaking, 'democratic transition' refers to an intermediate stage—in most cases, sub-stages—during which the old, non-democratic system is dismantled or demolished and a new democratic system is built. The transition process typically encompasses various elements of the political system, such as constitutional and legal structures, political institutions and processes, and patterns of citizen participation in politics. In addition, the transition to democracy may see conflicts, compromises, and negotiations between key political actors.

Much of the literature considers the transition to be complete when several milestones are reached, including: the creation, by consensus among the main political actors, of constitutional and institutional arrangements for the new political system, especially a new constitution; the formation of a government through free and fair general elections, provided that this government has the ability and authority to exercise power and adopt new policies reflecting the transition to democracy; and the absence of other forces that contest the powers and competencies of the executive, legislative, and judicial authorities.[4]

Although scholars disagree on the definition of the stages of the democratic transition, three primary stages can be identified: the collapse of the authoritarian regime, the transition phase itself, and democratic consolidation. Researchers believe that the most important, and riskiest, of these stages is the second one because of the heightened potential for political setbacks as a result of the hybrid structure of the political system. If the institutional structure created in this stage is unstable, a second transition may begin, or there may be a reversion to an evolved form of the old system, known as authoritarian backsliding or resurgent authoritarianism.[5]

Patterns of democratic transition vary depending on the different actors in the process. The transition may be top-down (the role of the ruling elite) or bottom-up (the role of the masses), or may be imposed by external force (military intervention by another country, for example). It may similarly be negotiated by the ruling elite and the opposition or set in motion by protest and social movements.[6]

Tunisia's democratic transition began from below. This model is associated with popular mobilisation against the authoritarian regime and growing popular resentment against the regime due to the deterioration and weakness of the political system and the erosion of its credibility, which fuels popular hostility against the regime and spurs the traditional opposition

to join the movement. Regimes' reaction to this mobilisation varies. Weak, fragile regimes with little to no popular base may collapse entirely in the face of these protests, as happened in Tunisia. The problem with this model is instability, confusion, and a lack of trust among political actors. Democratic transitions of this kind are thus usually characterised by indecision and uncertainty, and may give rise to new authoritarian regimes if the transition to democracy is not completed.[7]

This paper attempts to identify the causes of the democratic impasse in Tunisia and the lessons that can be drawn from this experience. To this end, the paper adopts a descriptive analytical approach to understand the experience of democratic transition in Tunisia. The study first addresses the stages of democratic transition in Tunisia up to the adoption of the new constitution, and then discusses the causes and indicators of democratisation in Tunisia. Finally, it draws lessons from the failure of the democratic transition.

Stages of Democratic Transition up to the New Constitution

The Tunisian revolution began on 17 December 2010, after Mohamed Bouazizi set himself on fire when a policewoman prohibited him from peddling his wares in the streets of Sidi Bouzid. This incident sent thousands of Tunisians into the street to demand the overthrow of the regime, prompting the country's president at that time, Zine El Abidine Ben Ali, to flee abroad.[8] That event marks the beginning of the democratic transition in Tunisia. Mohamed Ghannouchi, prime minister under the Ben Ali regime, was subsequently appointed as interim president, soon followed by Speaker of the Chamber of Deputies, Fouad Mebazaa, in keeping with Article 57 of the Tunisian constitution. Tunisian forces and political parties agreed to hold parliamentary elections,[9] and the 2011 elections for the Constituent Assembly produced a new party map populated by forces and parties that did not have a presence in the previous era. The Ennahda Party led the field, followed by the Congress for the Republic and then the Popular Petition movement. The Troika government was formed accordingly.[10] The Higher Authority for the Realisation of the Objectives of the Revolution, Political Reform, and Democratic Transition was also formed, which in turn created the Independent High Authority for Elections (ISIE).[11]

Over the next three years, Tunisia's democratic transition experienced many upheavals, but by 2014 it had produced, after numerous consultations and agreements between the various parties, a democratic constitution based on a broad political consensus, which in turn paved the way for the election of a president and a parliament in free and fair elections.[12] The results of the 2014 elections differed little from those of 2011 in that no single party obtained an absolute majority that would enable it to form a government on its own without the need to negotiate with other parties. After inter-party consultations, the Habib Essid government was formed; after several shuffles, it included four parties and various independents. In June 2016, President Beji Caid Essebsi launched an initiative to form a national unity government. Talks between the various parties culminated in the Carthage Document, signed by a number of parties and organisations, which outlined the priorities of the national unity government. Confidence was

withdrawn in the Habib Essid government, and Youssef Chahed was tapped to become the head of the new government.[13]

Since the 2019 legislative and presidential elections, Tunisia has witnessed unprecedented political ferment and fundamental disagreements due to political conflicts between the leading institutions of government and the weakness of the Tunisian parliament. These conflicts came to a head in July 2021 when President Kais Saied sacked the prime minister and suspended parliament, pulling back the curtain on the backstage conflict between the prime minister, president, and parliament.[14] On 22 September 2021, he issued Presidential Order 117-2021, which suspended most of the constitution, granted the president (himself) the exclusive right to enact laws by decree, dissolved the interim body to review the constitutionality of laws, and prohibited the repeal of laws through the Tunisian Administrative Court. On 12 February 2022, Saied dissolved the Supreme Judicial Council, the highest independent judicial body established in 2016 to insulate the judiciary from government meddling. Saied thus weakened the independence of the judiciary while giving himself broad powers to interfere in its work.[15]

Moving further towards autocracy, on 30 June 2022, President Saied published a draft of a new constitution that cemented Islam as the state religion[16] and curtailed rights and freedoms.[17] The draft also granted broad autonomy and powers to the president at the expense of both the prime minister and parliament.[18] On 8 July, a second draft was released with several revisions, which the president justified by pointing to spelling and numerical errors in the original version. Whether in terms of substance or procedure, Kais Saied, over the months of his rule, consciously entrenched the idea that the coming referendum would be a referendum on him and his mandate rather than a genuine question about whether citizens approved or rejected the new constitution.[19] That is, approval of the new constitution would be tacit approval of the steps and policies adopted by Saied since he assumed power to isolate, exclude, and undermine various state organs, such as the judiciary, parliament, and prime minister, on the grounds that these institutions were the cause of the country's economic and social woes.[20]

On 25 July 2022, Saied organised a referendum on the new constitution. According to official figures issued by the ISIE, the 'yes' vote won a landslide victory, receiving 94 per cent of the votes; 5 per cent of voters cast their vote for 'no', with the remaining vote share consisting of blank or cancelled ballots. But turnout was low at just thirty per cent,[21] calling into question the popular legitimacy of the new constitution and making it difficult for the president to defend the result. Nearly three of every four Tunisians did not respond to his call to vote, despite a campaign that unlawfully made use of state services and agencies—youth centres, public media, administrative vehicles, etc.—to mobilise the electorate to vote for the constitution. Despite Kais Saied's populist rhetoric and claims to embody the will of the people, the low turnout confirmed what all indications have pointed to since Saied assumed power: the people were not enthusiastic about the president's project and did not engage with it. At best, the president can claim that nearly a quarter of Tunisians support his constitutional reform, which is a very narrow base indeed.[22]

Without waiting for the announcement of the final results, Kais Saied published the constitution in the Official Gazette, inaugurating a Tunisian Third Republic that allows the president to monopolise power. The new constitution introduces significant changes to the 2014 text. It establishes a presidential system in which the president is unaccountable to any other state organs: parliament cannot remove the president from office, and the prime minister, now appointed by the president, is stripped of many powers and authorities. Additionally, the judiciary is reduced to a mere functionary authority, and local authority, the cornerstone of the 2014 constitution, has been eliminated. While the new text refers to the minimum basic levels of rights and freedoms, it allows for limitations of them pursuant to law. Article 55 of Chapter Two allows for restrictions of rights and freedoms that may be necessary for reasons of national defence or public security without clarifying controls or criteria for determining and defining the scope of such public security, or who determines it and under what circumstances. Article 5 of Chapter One states that Islam is the religion of the state and the state shall endeavour to achieve its purposes. This article has provoked intense debate in the country, amidst fears that Islamist parties will exploit it to expand their reach and influence.[23]

Causes of the Crisis of Democratic Transition

In recent years, political science has turned its attention to explaining the disintegration and collapse of democracies, having focused primarily since the 1980s on the conditions of the democratic transition. The literature on the demise of democracies assumes that disintegration is usually the product of an interaction between three variables. The first is the exacerbation of societal divisions, which in turn can become political divisions that form the basis for political mobilisation. These divisions may take the form of class, economic, religious, ethnic, or regional cleavages. The second variable is the fragility of existing political institutions and their inability to contain or mitigate these political divisions, or to address the severe political and social crises facing the political system. The third variable is the nature of political elites' choices (and behaviour), which may protect the democratic system or facilitate its disintegration.[24] The current political crisis is the most precarious, disruptive moment in the process of democratic consolidation since 2013. The causes of the failure of the democratic transition in Tunisia are multiple and are discussed below.

The failure of political and party elites

Steps towards governance and transitional management floundered. Successive political elites failed to govern—sometimes miserably so—proving unable meet the aspirations of large social constituencies (the population of the country's interior and countryside, young people in marginalised urban belts) for work, development, and social services. This exacerbated feelings of deprivation and frustration, which in turn posed a threat to the entire democratic transition.[25] Since the beginning of the democratic transition, the conflict between Tunisia's ruling political elites has led to the fall of several governments and the collapse of Tunisia's economy into a profound crisis;

divided elites were unable to institute needed reforms and saw their legitimacy eroded. For many years, the situation in Tunisia has been worsening. Between 2011 and 2013, political clashes erupted as a result of the conflict between Islamist and secular elites. These ended in a fragile reconciliation and compromise around the 2014 constitution, which established a hybrid system that resulted in a new conflict between competing centres of authority. Elite conflict also led to a state of chaos and the lack of political vision, also contributing to economic and social collapse. While the state did not play an active role in development planning that took into account class and regional imbalances, groups and party forces tended to engage in graft, seeking to control the levers of the state for their own interests and strengthening interest-based relations with the forces of money and business and networks of corruption. This in turn exacerbated the plight of the middle and poor classes, contributed to quelling their enthusiasm for involvement in the public sphere, and led them to disengage from the democratic transition after the revolution. Meanwhile, political forces and parties and social institutions have only produced bureaucracies rife with corruption, which have become rent-seeking groups that plunder state wealth and do not care about the interests and needs of the people.[26]

In addition, there has been little democratic practice within the parties themselves and their structures have not evolved. In fact, political parties acted out of expediency, making narrow, sectional demands, and persisted in this approach to the detriment of state and society. This resulted in major divides between these elites and the general public, who felt frustrated and disappointed with existing parties and institutions and lost confidence in democratic mechanisms and procedures after seeing party forces take advantage of them.[27] Critical voices have thus emerged within existing parties that are calling on their leaders to step down and make way for young leaders and blaming old leaders' behaviour, actions, and alliances for the reversal of the hoped-for democratic transition.[28] The result has been multiple successive governments with little to no achievements and the paralysis or dysfunction of a number of state organs and institutions. Since July 2021, the situation has reached the level of open conflict between the president on one hand and the cabinet and parliament on the other, further exacerbating the already strained political climate. Of course, all of this hindered deliberation or research into how to revive the economy or improve people's living conditions.[29]

Lack of political socialisation

Political socialisation through education and the experience of democratisation has been an area of profound debate in the literature on democratic transition. It is undeniable that schooling aims not only to instil knowledge, but also to politically socialise students and inculcate democratic values; the school is not merely a space or arena but is also an educational dynamic striving to support the values of citizenship and democracy. The school is thus of strategic importance in the various stages of societal transformation.[30] Looking at a sample of Tunisian youth, especially in marginalised provinces that have not benefited socially and economically from democratisation, one finds that political socialisation over the past decade did not genuinely contribute to instilling knowledge of democracy or shaping democratic positions. Democratic socialisation through

institutional means, particularly the public school system, has always fallen somewhat short. The changes in Tunisia's political system since 2011 have not been emphasised in any purposeful way in the curriculum. In fact, although history and civics have been taught in the public school system since 1956, these curricula have not been significantly updated since 2002. Indeed, when it comes to the events of 2011 and the new political system, the Ministry of Education has resisted any major updates to textbooks and curricula precisely because the country is still in a transitional phase and ideological and political conflicts continue to stoke tensions. There is thus is no large-scale project within the education system to introduce new concepts of citizenship and democracy and their practice, or develop a common framework to understand the differences between the previous and current regimes or the current challenges and opportunities raised by Tunisia's transition.[31]

On the contrary, political concepts and values continue to be transmitted largely from generation to generation within families and across social milieus like coffee shops and youth centres. Young people in marginalised areas—who suffer from a lack of decent work options and persistent geographic and cultural isolation, and who are denied any updated form of political socialisation in the school system—still have little confidence in democratic institutions and processes.[32] Young people's disengagement from the current political system appears to have important implications for the long-term consolidation of democracy, especially during this crisis. The democratic transition and the political class have failed to create a positive impression of politics, and there has been no paradigm shift in the political socialisation of youth. On the contrary, the actions of the political class have been counterproductive, as corruption spread and social media spaces and media platforms were transformed into arenas for mutual recriminations and insults between political parties. Violent, charged rhetoric about the opposition has also given rise to stereotypes among young people that devalue political participation, political action, and participation in the public sphere. Rising youth anger with politics and politicians has further been reflected in patterns of youth political participation, pushing young people to participate in protests rather than become involved in political parties.[33]

Economic development and democratic transition

The literature on the relationship between economic development and democratisation is divided into two broad tendencies. The first, the modernisation tendency, posits that there is no necessary relationship between democracy and development.[34] In contrast, the second tendency views democracy and economic development as intimately related, contending that the economic variable is of utmost importance; the starting point for the democratisation process is economic development, after which political development will follow.[35] Martin Lipset believed that capitalism represents the heart of democracy. Based on comparisons between countries, he posited a correspondence between economic development and the democratic system: economic development is associated with greater education and greater participation; it also lessens the severity of political interactions, creating intersecting interests and multiple affiliations that

facilitate the building of democratic consensus and political stability.[36] Nevertheless, this hypothesis has been met with some criticism. Economic development may not always support democracy, and in fact, capitalism can lead to the consolidation of dictatorship, as was the case in some Latin American countries in the 1980s and 1990s and in the Gulf states today.[37] A consideration of the economic crisis and its relationship to democratisation in Tunisia shows that the two variables are positively correlated. Economic growth in a country may therefore lead to the building and strengthening of democracy.

Tunisia is experiencing a worsening economic crisis due to the absence of policies and solutions necessary to improve the economic and living conditions of citizens. Unemployment and poverty have increased with the continued decline of state revenues from important economic sectors, especially tourism. According to the Tunisian National Institute of Statistics, the official unemployment rate in 2021 was eighteen per cent, compared to 16.6 per cent in 2020. Tourism revenues also fell by eighty per cent in July 2021, while economic growth contracted by twenty-one per cent and GDP fell six per cent. Inflation, as measured by the consumer price index, rose from 161.8 points in March 2020 to 169.5 points in March 2021, representing an increase of 4.75 per cent.[38] The economic research firm Capital Economics projected that Tunisia's public debt to GDP ratio would rise to 1.5 per cent by 2025.[39] The Covid-19 pandemic and the government's wretched management of the crisis inflicted serious damage on the economy, pushing tens of thousands of Tunisians into unemployment and poverty. The crisis revealed that the real problems of the majority of Tunisians, primarily food security and health, are not a priority for the ruling political elites.[40] The Russian war on Ukraine has exacerbated the problem of food security.[41] As conflicts erupted between various governing institutions and economic indicators stagnated, the state resorted to borrowing from the International Monetary Fund, imposing a strict fiscal austerity program in exchange for the loan.[42]

The close relationship between economic development and democratisation in thus visible in the case of Tunisia, as economic crises have brought the democratic transition to a standstill. The middle class has also been eroded, which is not only an indicator of the deterioration of economic conditions, but also a warning bell for potential broader instability in the country. Indeed, protests and sit-ins have continued in recent years in many Tunisian cities and regions, from the south to the centre to the northern coastal cities. The slogans raised in these protests were the same ones heard at the beginning of the revolution: 'jobs, freedom, national dignity'. This has thrown the entire democratic transition in Tunisia off its path.[43]

Indicators of Democratic Transition in Crisis

Democratisation in Tunisia has encountered many obstacles due to several factors, including the lack of economic development, the failure of political elites to manage the transition, the weakness of political parties and their failure to represent popular constituencies, and the lack of political

socialisation. The stalled democratic transition was reflected in several indicators, the most important of which are discussed below.

Exclusion and policing of the opposition

Since 25 July 2021, the opposition in Tunisia at all levels, including parties, associations, and dissenters within official authorities such as judges and parliamentarians, have been subject to successive changes in composition, political practice, and discourse by the authority represented by President Kais Saied. With his state of exception, the president is endeavouring to reshape the space for political opposition.[44] Presidential Order 117, for example, granted the president unilateral control over the legislature, the power to determine the mechanisms for the rotation of power, and the authority to define the institutions and parties participating in politics.[45] As the old and new opposition strive to build political and organisational tools to confront this new power, Saied is seeking to diminish the role of the opposition and curb its social and political effectiveness, taking measures to exclude and defame all those who oppose him and describe him as corrupt. Presidential rhetoric tends to turn politics into a morality play between two sides: the axis of goodness and honesty, which is beyond reproach according to the president, and the axis of evil, made up of corrupt conspirators and opportunists who belong to the dustbin of history. This strategy strips opposition action of any political rationale and associates it with negative values; the political opposition is thus no longer a component of the political system that pushes it towards renewal and development. This strategic approach to opposition leads the authority to gradually drift towards political exclusion—that is, the exclusion of everything outside it.[46]

Since the beginning of 2022, the president has augmented his authorities against any institution that might hinder his decisions and form an oppositional force to him. The Supreme Judicial Council was dissolved in February, and a draft of a highly restrictive and repressive law was submitted to amend legislation on freedom of association. Action was also taken to prosecute former deputies in the Assembly of the People's Representatives, place them under house arrest, or prevent them from leaving the country. More than fifty judges were fired, mostly for refusing to comply with the demands of the executive branch. Police repression and harassment of activists and social movements is at its worst in the twelve years of democratisation. In the city of Agareb during the recent garbage crisis, the government used force and tear gas to disperse protesters.[47] On 14 January 2022, security forces deployed water hoses and tear gas to disperse peaceful protests celebrating the eleventh anniversary of Ben Ali's ouster and expressing fears about actions taken by Saied to strengthen his authority.[48] The new constitution also includes unjustifiable restrictions on the fundamental rights and liberties established by the revolution in Tunisia and the 2014 constitution.[49]

Restrictions on civil society

A bill to regulate civil society organisations—recently leaked—would give the authorities broad powers and discretion to interfere in the way these organisations are formed, their functions, their

operation, their funding, and their ability to speak publicly about their work and express their views. In a taped address on 24 February 2022, President Saied accused civil society organisations of serving foreign interests and attempting to interfere in Tunisian politics, declaring his intention to prohibit such groups from obtaining foreign funding. Currently, civil society organisations in Tunisia operate pursuant to Decree 88-2011,[50] which provides for the freedom of Tunisians and foreign residents to form civil society organisations, engage in a wide range of activities, lobby authorities on laws and policies, speak publicly about their work and opinions, and obtain funds from abroad without government authorisation.[51] In fact, the authorities have neither officially confirmed that they will amend existing law nor have they published the draft law, and it remains unclear whether changes have been made to the leaked version. The leaked bill places restrictions on the establishment of associations by requiring a government permit before the organisation can operate legally, as was the case under Ben Ali. The bill also requires the approval of organisations' fundraising by the Tunisian Financial Analysis Committee, a unit of the Tunisian Central Bank in charge of combating money laundering and terrorism financing. The bill further gives the authorities in the Department of Associations, a government body, the ability to dissolve civil society organisations that have been inactive for some time without warning. It may also allow the authorities to dissolve these organisations whenever they wish, without the need for a court order.[52]

Restrictions on media

Steps were first taken to restrict the press and media with the abrogation of the 2014 constitution. Although President Saied pledged to preserve the sections on rights and freedoms in the context of his declaration of extraordinary measures, throughout the exceptional period since July 2021, the Tunisian Journalists Syndicate has issued repeated statements warning of a setback to press freedom—the most prominent gain after the 2011 revolution—in response to the prosecution and investigation of journalists and bloggers based on their opinions or journalistic work. Tunisian journalists are again fighting to preserve the gains of freedom of expression and struggling against all forms of prior censorship on their work, especially under the exceptional measures, which concentrate all powers in the hands of the president. Their concerns about these freedoms are justified given the lack of structures that could curb abuses of power, the president's policy of unilateralism in conducting public affairs, the attempt to seize public media, and the continued smears directed at the media.[53] Tunisia has slid in the ranks of the 2022 World Press Freedom Index issued by Reporters Without Borders, placing ninety-fourth, down twenty-one slots from the previous year. In its report, the organisation asserted that the monitoring of journalists has become commonplace in Tunisia, and dozens of journalists, including international correspondents, have been subjected to violence while covering protests. The report also noted the increasing frequency of verbal attacks against journalists and the media by politicians.[54]

Lessons Learned from the Tunisian Experience

The crisis of democracy in Tunisia demands that we draw lessons and reflect on the factors that prevent the continuation and consolidation of emerging democracies. The most important of these lessons are discussed below.

The importance of economic development for democratisation

The Tunisian experience holds an important lesson about the significance of the economic factor in ensuring the success of democratic transition. Guarantees for rights and freedoms in a democratic system are insufficient in maintaining popular consent; they must go hand in hand with economic advancement, improvement of people's conditions, and responsiveness to economic and social crises. Martin Lipset and Samuel Huntington see an inextricable link between the democratic transition and people's everyday demands, arguing that genuine political democracy only becomes a reality when its socioeconomic dimension is realised. If democracy fails to achieve sustainable development and economic stability, the existence of personal rights and freedoms will not prevent people from supporting other types of government, as demonstrated by the triumph of fascism in Europe in the first half of the twentieth century and the rise of military dictatorships elsewhere in the world in the second half.[55] Tunisia has faced major economic problems, including low growth rates, high unemployment, low levels of investment, budget deficits, debt accumulation, food insecurity, and high levels of poverty. These problems have affected the size of Tunisia's middle class, which is one of the most important components of the democratic transition. If the economic situation in Tunisia continues to deteriorate, it could lead to a mass explosion that threatens the entire democratisation process.[56]

Peaceful rotation of power does not mean successful democratic transition

Elections are one of the most important mechanisms for a successful democratic transition and ensuring a peaceful transfer of power. Samuel Huntington asserts that a democratic transition is not possible without free, fair, and transparent elections that provide equal opportunities for competing parties.[57] With a view to promoting the peaceful rotation of power, Tunisia successfully built transitional institutions on a common consensual basis. The Higher Authority for the Realisation of the Objectives of the Revolution, Political Reform, and Democratic Transition was formed, comprising most political parties and civil society organisations. This institution paved the way for the election of a National Constituent Assembly and the writing of a consensual constitution, on the basis of which legislative and presidential elections were held in 2014. The electoral system was adapted to the needs of the transition through the adoption of proportional representation, which allowed for the representation of all segments of society.[58] In short, the democratic experiment in Tunisia was able to provide for the peaceful rotation of power through participatory transitional institutions, a consensual constitution, and an appropriate electoral system. Following elections in 2011, 2014, and 2019, power was transferred on the basis of free and fair elections with the participation of all political parties.[59] Nevertheless, the peaceful rotation of power did not prevent Tunisia's democratic transition from faltering. The Tunisian experience

thus shows that the peaceful transfer of power is not enough for the experiment to succeed; the formation of solid constitutional institutions is also important.

The need of building genuine consensus between political elites and opposition

Consensus in Tunisia went through several stages, the most important of which were: 1) the formation of the Higher Authority for the Realisation of the Objectives of the Revolution, Political Reform, and Democratic Transition in February 2011 2) the Troika government 3) the national dialogue in July 2013, following the second political assassination, of Mohamed Brahmi, a member of the Constituent Assembly from the People's Movement, Tunisia witnessed a severe political crisis in which demands were made for the fall of the government and the dissolution of the Constituent Assembly, which was preparing to ratify the final version of the constitution. In the face of this situation, the Paris meeting was held,[60] which launched the national dialogue. The dialogue culminated in an agreement on a roadmap that entailed the accelerated ratification of the constitution, compromises on points of disagreement, the resignation of the government, and the formation of a new technocratic government whose main task was to prepare for legislative and presidential elections 4) the Habib Essid government, a coalition government of many parties formed after the 2014 elections, and 5) the Carthage Document[61] and the national unity government.[62]

When we consider Tunisia's path to consensus between the various currents and subsequent political actions and initiatives, we can conclude that consensus in this case was reduced to an ad hoc political position limited in time and space. While the Higher Authority succeeded in formulating a roadmap for the transition and bringing together intellectually and ideologically divergent political forces, it failed to resolve disagreement over core issues. In the same vein, the Troika failed to set the stage for genuine collective politics. This suggests a flaw in the Tunisian political consensus; it is a consensus that culminates in the signing of documents and avoids confronting truly contentious substantive issues, which makes it less capable of establishing a political project with the capacity to change.[63] Consensus leaders and theorists did not succeed in transforming the political contract that brought them together into a popular political culture capable of acting as the engine of the country's programs and projects for advancement, which clearly explains why the political consensus was unable to make any developmental and economic progress on the ground. In the end, it was a horizontal, elitist political arrangement that failed to persuade people and could not bring a truly aspirational national project to fruition.[64] Fragile consensuses also postponed the secularist-Islamist debate rather than confronting and resolving it.[65]

Lack of constitutional institutions may lead to a failed transition

The delay in establishing important constitutional institutions, such as the Supreme Constitutional Court, reinforced the divide between various political groups, especially in the absence of rules

governing the political and constitutional relationship between them. In this context, Gangsheng Bao believes that it is not enough for post-authoritarian constitution-framers to be mindful of guarantees for the separation of powers and draft rules for the rotation of power if they neglect to make the political authority strong enough to perform its functions and build the capacity of the state and its institutions. He posits that when a democracy lacks an effective, high-capacity state, there are significant chances of failure, especially in the face of severe economic, political, and social crises.[66] Tunisia is experiencing a constitutional crisis resulting from the failure to form the Constitutional Court. The 2014 constitution provides for the establishment of the court and the selection of its twelve members no later than one year after the legislative elections. However, due to the lack of a consensus within parliament, the Constitutional Court was never formed, despite multiple attempts to hold a vote in the chamber. The fate of the Tunisian Constitutional Court is currently unknown, with President Kais Saied refusing to sign a law amending the court statute, arguing that it violates the constitution. This opens the door for a new constitutional crisis, on top of all the other crises facing Tunisia.[67] Since Saied instituted his exceptional measures, the controversy over their constitutionality has escalated, especially in the absence of the Constitutional Court. If that court had been formed, it would have helped resolve the severe political deadlock by ruling on the constitutionality of Saied's decrees, which have caused a major constitutional crisis over the separation of powers and the scope of executive power.[68]

Conclusion

Tunisia's experiment with democratisation began in 2010 when Bouazizi set himself on fire, triggering widespread popular protests that sent Ben Ali into exile. Since then, Tunisia's transition has gone through several stages, all have which have shaped the contours of the current crisis. In light of this, the study discussed the phases of the democratic transition in Tunisia, starting with the uprising in December 2010, followed by the 2011 parliamentary elections, the consensual constitution of 2014, the legislative and presidential elections of 2019, and finally the new constitution of 2022. Since Saied assumed the presidency in 2019, Tunisia has witnessed political conflicts related to Saied's actions against the legislative and executive authorities, which have resulted in political deadlock and brought the democratic transition in Tunisia to a standstill. Saied's decisions, however, are not the only reason for democratic backsliding. There are multiple causes, most importantly the failure of political and party elites to manage the transition due to their adoption of fragile consensuses and attempts to control state institutions for their own personal benefit at the expense of the public interest of the state and citizenry. Other factors include the lack of political socialisation, with the important result that young people are disengaged from the values of democracy and citizenship and reluctant to engage in politics; and the lack of economic development, which fuelled citizens' discontent and numerous protests and destabilised the political process. This crisis has manifested in a number of ways, most significantly the exclusion and policing of the opposition, the restriction of civil society, and curbs on the press and media.

The Tunisian experience demonstrates that the presence of mechanisms for democratic transition does not necessarily entail a successful transition. Tunisia achieved the peaceful transfer of power through regular elections in 2011, 2014, and 2019, and political forces succeeded in establishing consensual, participatory institutions such as the Higher Authority for the Realisation of the Objectives of the Revolution, Political Reform, and Democratic Transition. The authority brought together most parties and organisations, thus facilitating the election of a National Constituent Assembly and the drafting of a consensual constitution based on democratic foundations and providing for rights and freedoms. Nevertheless, Tunisia has failed to overcome obstacles and complete the transition.

There are many lessons to be learned from the failed experiment, perhaps most importantly: 1) economic development is vital to a successful democratic transition, as democratic guarantees for rights and freedoms are not sufficient to maintain popular consent in the absence of such development; 2) it is important to build a genuine, strong consensus between political elites that allows for the resolution of fundamental differences and helps build an integrated political project; 3) the peaceful rotation of power through periodic elections and consensual institutions did not prevent the faltering of the transition in the absence of the Constitutional Court; and 4) in the absence of constitutional institutions (here, the Constitutional Court), democratisation may take an authoritarian turn that deviates from the constitution.

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