

Tunisia, Five Years On: Has It Changed Regime?

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In 2016, five years after the start of the Tunisian revolution, the time for an initial assessment seems to have arrived. Colloquiums, special journal editions and commemorations have thus punctuated 2016, at the risk of producing an artefact, since 2016 is not, in and of itself, a significant year in the history of the Tunisian “transition.” In any case, one can consider whether Tunisia has actually changed political regimes or not, a question posed by many on this five-year anniversary. In any case, this question is only legitimate under the double condition of, naturally, not considering year five as a particular cut-off point – the question already arose in 2011, moreover, and has been posed regularly since then – and not offering an appraisal, whether early-stage or definitive.

What is at stake here? This tends to expand, at least since the 2014 elections won by Nidaa Tounes, the party of Bourguiba follower Beji Caid Essebsi, with a critical discourse denouncing the “return of the old regime,” if not its continuation. This discourse, particularly flooding social networks, comes from various segments of society, from a section of the political scene and from the spokespeople of the revolutionaries. They base themselves on vaguely identified indicators: some put forth the recycling of “people from the old regime,” others the continuation or upgrading of the most misguided practices from the past, such as

collusion between enterprise and politics, corruption – presented as generalized – and above all the persistence of multiple violations of basic rights (freedom of expression and human rights). Arbitrary police and judiciary behaviour or the use of torture are regularly reported, the symbols of a “deep state” as suggestive as it is mysterious. Attacks against the transitional justice process and the Truth and Dignity Commission, which is its emblematic expression, are likewise copious. And finally, it is the continuation or even aggravation of factors that sparked the revolution, such as social and territorial inequality, that could be considered the best criteria for establishing the absence of a true change in the political regime. These arguments are a way of enunciating a political viewpoint that is diametrically opposed to the transitional enthusiast discourse of those who, conversely, hold that Tunisia is truly on its way towards democratization, which has not yet been fully reached but is irreversibly on the horizon. The latter opinion is shared by political personnel, State institutions, Western diplomatic circles and international organizations.

A New Regime in Tunisia?

Ascertaining whether the 2010-2011 uprising was followed by a change in political regime therefore requires identifying what has changed (or not) according to a certain number of strictly defined criteria. A strictly juridical approach would lead to the assertion that Tunisia has completely changed regimes by adopting a new constitution on 27 January 2014. But the indicator of regime change is not always the adoption of a new constitution, contrary

to what specialists – above all jurists – have long believed,¹ particularly considering institutional practice by politicians.

The aggravation of factors that sparked the revolution could be considered the best criteria for establishing the absence of a true change in the political regime

Tracking the decrease or, conversely, enhancement of indicators of authoritarianism (limitation of pluralism, depoliticization of society, personalization of political leadership, absence of ideology) leads at first to an analogous but more qualified finding.

A limited plurality? Far from it, given that the number of party undertakings have multiplied since 2011: legalization of numerous parties hitherto banned, such as the Islamist Ennahdha party or the Tunisian Workers' Party (PTT), the creation of new parties (Afek Tounes, etc.), reactivation of legal opposition parties, etc. Though the trend is towards a reduction of the number of truly competitive actors, this narrowing of effective pluralism is not due to manipulation by the government: it is above all a result of the disproportion of economic resources, capacity for action and media connections of the different political forces. It is also true that the two parties heading the last elections, Nidaa Tounes and Ennahdha, far ahead of their competitors, are governing together. Though this pairing can seem unnatural, it is not, in and of itself, a sign of a return to the "unanimism" of the times when Bourguiba and Ben Ali sought to annihilate all opposition, nor is the frequent recourse to "consensus" in Tunisian politics. Germany is frequently governed by a "major coalition" revolving around its two main parties. Tunisia is no longer governed by a mini-clique legitimized by a party of cliques. Moreover, the alliance between Ennahdha and Nidaa Tounes by no means precludes conflict, which is expressed behind the scenes in negotiations and even internally, within parties.

A depoliticized society? Here we would have to agree on what a politicized society is, considering the difficulty of measuring politicization in a single individual. But if we define depoliticization as a policy aiming to orchestrate the withdrawal of "citizens" from politics or their indifference towards it, and incite them to dedicate themselves to their private lives, this is clearly nowhere to be found in post-Ben Ali Tunisia. True, the abstention rates in elections remain high and a whole sector of the population has been durably "side-lined." But this is more due to the mediocrity of representatives, the limits of public policies in quickly resolving problems revealed through the revolution and the shortcomings of public communication, which generate rejection of politics. Otherwise, the revolution has given rise to the engagement of a great number of Tunisians, perhaps less so in politics strictly speaking than in the sector called civil society, whose activities (mobilization, solidarity, advocacy) have an effect on politics.

A personalized leadership? Of the three presidents succeeding Ben Ali, none of them has managed – did they even have the intention? – to prevail as an uncontested leader. Foued Mebazaa reprised his position as President and anti-hero, limiting himself to humbly signing the statutory laws that paved the way for the transition to democracy. Moncef Marzouki never succeeded in selling the storyline he had imagined, which was the fabulous story of the outcast dissident turned consensual President of the young Tunisian democracy. Rejection of his presidency did not cease to grow over the course of his three years in office: under his rule, mockery became a regular form of political dissent. And finally, the Habib Bourguiba glasses that Beji Caïd Essebsi sported during his campaign apparently rendered him blind to background movements working on his own constituency, such that he went into the alliance with Ennahdha with a strong headwind. Bourguiba's former minister did propose a "presidentialist" understanding of the Constitution, but he had to scale down quite a few of his ambitions, beginning with his difficulty in imposing his son as his successor at the head of the party, a sign that the Carthage Palace is no longer identified as the cardinal point of power. But how can we fail to recognize the rapid

¹ ROUQUIÉ, Alain. "Changement politique et transformation de régime," in Madeleine GRAWITZ, Jean LECA, eds., *Traité de science politique*, Vol. 2 (*Les régimes politiques contemporains*), Paris, PUF, 1985, p. 599-633.

exhaustion of charismatic strategies in a context where the accelerated discrediting of people in positions of power seems to be a rule of political transition? What if this “revolution without leaders” had given birth to a democracy as “a power vacuum,” as professed by Claude Lefort?

An absence of ideology? Here again, the vigour of the parliamentary debate that marked the constituent process – note, in particular, the tense debate on the introduction of Koranic law in the first draft of the Constitution or on the complementary nature of men and women – shows that certain contradictory conceptions of societal coexistence have engendered many divisions. Some will miss the discretion of economically-oriented controversy regarding the legitimacy of liberalism in the role of the State, as opposed to the “overkill” of societal debate, but soft consensus on what is considered essential in post-revolutionary public debate has absolutely nothing to do with what it was in Ben Ali’s Democratic Constitutional Rally, where dismal slogans on the pursuit of economic development or support for youth or the Tunisian woman peppered party conventions, placed alternately under the auspices of such meaningless abstractions as “Perseverance” (1993), “Excellence” (1998), “Ambition” (2003) or “Challenges” (2008).

And Yet...

And yet, these latest refutations of a return to the former regime will not dispel the doubts of some and the convictions of others. There is, in fact, a subjectivity of criticism not entirely corresponding to any “objective” argument, especially since the elements on which this discourse is based are just as real. Let’s take a look at these arguments.

Recycling of the “people of the old regime”? No-one can contest the fact that senior political and administrative officials of the former regime have been reinstated in politics. But though qualitatively

highly visible, this phenomenon seems quantitatively small, with former senior officials who have not stopped working entirely having primarily gone into other sectors, mainly entrepreneurship and consultation. The absence of a monopoly of the “mauves” in post-revolutionary politics is moreover accompanied in large part by an adjustment of practices to the rules of pluralist competition: in the 2014 elections, former Ben Ali ministers competed for the votes of a now divided electorate.²

The revolution has given rise to the engagement of a great number of Tunisians whose activities have an effect on politics

Updating of past practices? The attributes of the former regime have certainly not all disappeared along with it. Collusion between politicians and certain economic agents was rearranged but did not disappear and corruption apparently grew worse after 2011.³ The security forces continue to evade democratic control: the main difference with the former regime is their ambition to independence from the political authorities.⁴ But the triad at the heart of Ben Ali power (Carthage, the security forces and business circles) has given way to a fragmented structure with multiple influences that do not necessarily converge towards a stabilization of the situation to the benefit of those in power. And the latter can no longer count on the support of the Tunisian General Labour Union, the powerful national trade union centre, which now clearly asserts its independence.⁵

As for persistence of multiple violations of basic human rights, that of torture is the most emblematic example. The report by thirteen Tunisian NGOs submitted at the 57th session of the United Nations

² HEURTAUX, Jérôme. “‘L’ancien régime’ à l’épreuve de l’élection concurrentielle. Abbès Mohsen, ancien maire de Tunis et candidat aux législatives du 26 octobre 2014,” *L’Année du Maghreb*, No. 13, 2015, p. 283-294.

³ “Tunisia: Transitional Justice and the Fight Against Corruption,” *International Crisis Group*, Report No. 168, Middle East & North Africa, 3 May 2016, available at: www.crisisgroup.org/middle-east-north-africa/north-africa/tunisia/tunisia-transitional-justice-and-fight-against-corruption

⁴ “Reform and Security Strategy in Tunisia,” *International Crisis Group*, Report No. 161, Middle East & North Africa, 23 July 2015, available at: www.crisisgroup.org/middle-east-north-africa/north-africa/tunisia/reform-and-security-strategy-tunisia

⁵ HÉLA YOUSFI, *L’UGTT : une passion tunisienne. Enquête sur les syndicalistes en révolution, 2011-2014*, Paris, Karthala, 2015.

Committee Against Torture established that torture is an institutionalized police practice in Tunisia. The revolution has not ended it: "Torture is widespread, in all its manifestations, and its practice tends to increase after each terrorist attack."⁶ Moreover, it remains little penalized: torture cases are among those the judiciary handles slowest. Insofar as the systematic criminalization of smokers of cannabis (*zatla* in Tunisian) which the preceding regime used to repress youth, this practice has remained after 2011. In 2015, drug-related offences represented 28% of the prison population, by virtue of the unilateral application of "Law 52."⁷ The only significant change since the revolution is that these phenomena have been emphatically publicized by activists in civil society organizations with many liaisons among politicians and diplomatic circles.

The security forces continue to evade democratic control: the main difference with the former regime is their ambition to independence from the political authorities

This is how mixed the situation is. And finally, if we measure the *persistence of social and economic factors that made the popular uprising of 2010-2011 possible*, one cannot fail to notice the aggra-

vation of the social situation in inland regions. In the Kasserine Governorate alone, the poverty index and unemployment rate have increased over the past five years, and whereas numerous economic projects (focussing on production, education, health and infrastructures) with a cumulative value of a billion dollars were programmed for this period, many of them have been interrupted for various reasons.⁸

To Conclude

Unequivocally answering the original question is ultimately a tall order. There has indeed been an institutional regime change and many of the attributes of a classic democratic political configuration have substituted the structures of authoritarian regime. At a time of multiple restructuring, indisputable infringement of the principles of the rule of law demonstrate the relevance of the heritage of authoritarianism, as well as the social and territorial marginalization of part of Tunisia. In the face of this contrasting situation, sociologists cannot but note the plurality of assessment operations, all equally legitimate. The subjectivity of perception is just as significant as a rational demonstration based on objective criteria. The factors demonstrating a "return to the former regime," which can be understood as a state of affairs or a process underway and liable to grow, must thus be seriously taken into account in the analysis.

⁶ "Tunisia: Report to the United Nations Committee Against Torture: 57th Session in Geneva, 18 April to 13 May 2016," *World Organization Against Torture (OMCT)*, 19 April 2016, p.13, available at: www.refworld.org/docid/5746b9674.html

⁷ "All This for a Joint': Tunisia's Repressive Drug Law and a Roadmap for Its Reform," *Human Rights Watch*, 2 February 2016, available at: www.hrw.org/report/2016/02/02/all-joint/tunisias-repressive-drug-law-and-roadmap-its-reform

⁸ "Kasserine, un milliard de dinars en suspens," *Inkyfada.com*, 18 October 2016.