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The Languages of the Arab Revolutions

Abdou Filali-Ansary

The Freedom House Survey for 2011

Arch Puddington

Tunisia's Transition and the Twin Tolerations

Alfred Stepan

Forrest D. Colburn & Arturo Cruz S. on Nicaragua

Ernesto Calvo & M. Victoria Murillo on Argentina's Elections

Arthur Goldsmith on "Bottom-Billion" Elections

Ashutosh Varshney on "State-Nations"

Tsveta Petrova on Polish Democracy Promotion

Democracy and the State in Southeast Asia

Thitinan Pongsudhirak ■ Martin Gainsborough

Dan Slater ■ Donald K. Emmerson

TUNISIA'S TRANSITION AND THE TWIN TOLERATIONS

Alfred Stepan

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For many of the most influential theorists of secularism and modernization, religion was seen as something "traditional and irrational"—a force for authoritarianism and an obstacle to the quest for "modernity and rationality" that alone could lead to democracy.¹ Was their perception correct? My study of actual democratization efforts in countries ranging from Brazil, Chile, India, and Indonesia to Senegal, Spain, Turkey, and now Tunisia tells a different story. The experiences of these countries over the last several decades suggest that "hard" secularism of the kind associated with France's Third Republic or Mustafa Kemal Atatürk's post-Ottoman Turkey is not necessary for democratization, and may even create problems for it.

An examination of the transition in Tunisia helps to illustrate the point. Over the past year, I have made three research trips to this small, predominantly Sunni Muslim country in North Africa where the Arab Spring began. Tunisia's recent story is complex, and here I have room to cover only part of it—but it is an important part that observers, particularly in the West, should take care not to overlook or underappreciate.

In 2011, Tunisia achieved a successful democratic transition, albeit not yet a consolidation of democracy. It did so while adhering to a relationship between religion and politics that follows the pattern of what I have called in these pages and elsewhere the "twin tolerations." What are the twin tolerations? The first toleration is that of religious citizens toward the state. It requires that they accord democratically elected officials the freedom to legislate and govern without having to confront

denials of their authority based on religious claims—such as the claim that “Only God, not man, can make laws.”

The second toleration is that of the state toward religious citizens. This type of toleration requires that laws and officials must permit religious citizens, as a matter of right, to freely express their views and values within civil society, and to freely take part in politics, as long as religious activists and organizations respect other citizens’ constitutional rights and the law. In a democracy, religion need not be “off the agenda,” and indeed, to force it off would violate the second toleration.² Embracing the twin tolerations is a move that is friendly toward liberal democracy because the embrace involves a rejection not only of theocracy, but also of the illiberalism that is inseparable from aggressive, “top-down,” religion-controlling versions of secularism such as Turkish Kemalism or the religion-unfriendly *laïcité* associated with the French Third Republic and its 1905 “Law Concerning the Separation of Churches and the State.”

Before exploring how the “twin tolerations” gained a purchase in Tunisia, contributing to that country’s promising start as a democracy, it will be helpful to review the Tunisian transition itself. On 23 October 2011, following the Jasmine Revolution that ousted longtime dictator Zine al-Abidine Ben Ali in January, Tunisia held its first free election since gaining independence from France in 1956. Voters chose a 217-member Constituent Assembly, whose largest single party (with 41 percent of the seats) is the Islamist movement known as Ennahda (sometimes also called al-Nahda). The Assembly has since elected a prime minister, Ennahda’s former secretary-general Hamadi Jebali, and a president, human-rights activist Moncef Marzouki. They and the rest of the government’s members were sworn in and began their duties on 23 December 2011, marking Tunisia’s achievement of a successful transition. In an estimated twelve to fifteen months, after the constitution is completed, there will be new elections for all these posts.

In my view, Tunisia can be said to have accomplished this transition—and now turns to face the more protracted challenge of democratic consolidation—because it has met all four of the requirements that Juan J. Linz and I have argued, based upon our study of numerous cases, are crucial for such a shift.³ The first of these requirements is “sufficient agreement” on “procedures to produce an elected government.” The second is a government that comes to power as “the direct result of a free and popular vote.” The third is this government’s *de facto* possession of “the authority to generate new policies,” and the fourth is that “the executive, legislative and judicial power generated by the new democracy does not have to share power with other bodies *de jure*” (such as military or religious leaders).

Nothing is certain, of course. Democracy is always only “government pro tem,” and always faces dangers that must be guarded against by a

constitution with protections against majority tyranny, a vigilant independent judiciary, a robust and critical civil society, and a free press. Although Tunisia needs many reforms and much institution-building, it already has in place a reasonable number of credible constraints that should help to make democracy more secure and give it a fair chance to deepen and consolidate.

One key constraint is that Ennahda fell short of a majority in the Constituent Assembly. It won its 89 seats based on 37 percent of the popular vote. Thus it had to form a coalition with two secular parties, Marzouki's Congress for the Republic (CPR), which won 29 seats, and Ettakatol, which won 20 seats. Should Ennahda succumb to pressure from militant Islamists in its base, its secular partners could withdraw—a total of 109 seats is needed to form and sustain a government—in order to threaten Ennahda's control over the Assembly. Indeed, under the Assembly's parliamentary procedures, Ennahda could even find itself subjected to a vote of no confidence that could lead to the accession of a new ruling majority in that body.

Another constraint is suggested by the agreement on the free and fair nature of the October 2011 voting on the part of virtually all the opposition-party and government leaders with whom I spoke—notably including Ahmed Nejib El Chebbi of the Progressive Democrats (PDP), the top secular opposition party, which did worse than expected. While affirming the integrity of the balloting, Chebbi went on to express his certainty that another competitive election will be held within a year to eighteen months after the Constituent Assembly has completed its work. When I asked him why his party had done so poorly, he said that he had erred in heeding the advice of U.S. election consultants who urged him to focus on televised campaign advertising. He told me that next time, the Progressive Democrats will do more grassroots organizing and predicted that, given the problems of the world economy and the pressure on Ennahda to deliver on material expectations and promises, a broader coalition of opposition parties will have a serious chance to govern.

Chebbi, like virtually all the party leaders I talked to, sees elections as “the only game in town” when it comes to gaining political power. He and others praised the work done by the Independent Electoral Commission and international observers, and want and expect them to play a major role in the next election. Attitudes such as these, as Linz and I have argued, are key if democracy is to take root.

Preparing the Way for Transition

How did Tunisia, late in 2011, carry out a transition process that won the approval of even those parties who came out (for the time being, at least) on its short end? The answer lies in the events of early 2011, when

a process of consensual national decision making laid down the ground rules for what would unfold later in the year. Within days of Ben Ali's flight into Saudi Arabian exile on January 14, an interim government filled with his appointees decreed a new organization to craft procedures for a rapid presidential election, presumably aimed at allowing Ben Ali's longtime premier, Mohamed Ghannouchi, to become the new chief executive.

Soon, however, a strong, nonviolent civil society protest outside the prime minister's office, as well as demands for full participation in decision making by newly emergent and solidly united groups within political society, secured a change of course. There would be a fresh entity comprising not Ben Ali holdovers but representatives from all parties as well as civil society. Generally known as the Ben Achour Commission after its chairman, attorney Yadh Ben Achour, this turned out to be one of the most effective consensus-building bodies in the history of "crafted" democratic transitions. It stands in particularly stark contrast with the situation in neighboring Egypt, where dictator Hosni Mubarak fell shortly after Ben Ali but was replaced not by an open civilian body, but rather by the Supreme Council of the Armed Forces (SCAF), with its penchant for attempting to manage fundamental political change by means of unilateral communiqués (more than 150 of which have been issued so far).

In November 2011, I talked at length with Ben Achour himself, two of his expert (but nonvoting) legal advisors, and various commission members from political parties as well as civil society. I also received copies of many of the key documents upon which the Commission had voted. Here are the main points they discussed at length and the decisions they made:

1. The Commission members recognized that many changes were important for improving Tunisia and consolidating democracy. Yet they wisely took a "process-first" view and agreed to concentrate as a body only on decisions that were *indispensable* to the creation of a democratic government capable of carrying out reforms legitimately and with public consent. Key decisions thus concerned matters such as voting rules and guarantees of electoral freedom and fairness.

2. The Commission decided that the first popular vote to be held would be to choose the members of a constituent assembly. As the name implies, this body's central task would be to draft for voters' approval a new constitution that would set up a presidential, a semipresidential, or a parliamentary system. This "decision to defer the decision" was important because an alternative course, such as early direct election of a president, would have lowered incentives for party-building as prominent national figures lined up to run as

nonparty candidates for president (as happened in Egypt), and would have given whomever was the directly elected president great capacity to shape the still not fully formed constitution.

3. The Commission agreed that the Constituent Assembly, as a legitimately elected body, should possess powers like those of a parliament in that it would select a government that would be responsible to the Assembly and be subject (as in the Indian and Spanish transitions) to its vote of no confidence.

4. The Commission agreed that the electoral system would be one of pure proportional representation (PR). This decision was correctly understood to have crucial antimajoritarian, democracy-facilitating, and coalition-encouraging implications. Had a Westminster-style “first-past-the-post” system of plurality elections in single-member districts been chosen, Ennadha would have swept almost nine of every ten seats, instead of the slightly more than four in ten it was able to win under PR.

5. To help ensure strong participation of women in the constitution-drafting process, it was agreed to aim for male-female parity in candidates by having every other name on the candidate lists be a woman's.⁴ By all accounts, the first party to accept this gender-parity provision was the Islam-inspired Ennadha.

6. To ensure that all the contesting parties would have confidence in the fairness of the electoral results, it was decided to create Tunisia's first independent electoral commission, and to invite many international electoral observers and give them extensive monitoring prerogatives. In Egypt, by contrast, the SCAF initially barred international observers with the claim that they would be violating Egypt's sovereignty. Eventually, the SCAF allowed entry to “election followers” (authorities insisted that they not be called observers) in smaller numbers and with weaker prerogatives than observers in Tunisia had enjoyed.

7. On the issue of what to do with Ben Ali's official party, the Commission decided to ban the party and some of its most important leaders from being candidates for the first election. However, in order not to exclude a large group of citizens from participating in the first free elections, the Assembly declared that former Ben Ali party members or supporters were free to form new parties.

On 11 April 2011, approximately 155 members of the Ben Achour Commission voted on this package of measures to create a democratic transition. Two members walked out and two more abstained, but all the

others voted for the package. The formal basis of a successful transition to democracy had been laid, providing a foundation for the October 2011 election.

The Egypt Comparison

The scholarly literature on democratic transitions normally makes a distinction between the tasks of resistance within “civil society” that help to deconstruct authoritarianism, and the tasks of “political society” that help to construct democracy. Among political society’s constructive tasks is to bring opposition leaders into agreement on plans for an interim government as well as elections capable of generating constitution-making authorities with democratic legitimacy. When to hold such elections and under what rules often figure among the most important questions that postauthoritarian leaders must resolve.

In my judgment, the civil societies of Tunisia and Egypt produced some of the most creative and effective civic-resistance movements in the history of democratization struggles. Yet as of this writing in March 2012, Egypt has done remarkably little to create an effective political society, while Tunisia has made reasonable strides toward endowing itself with one that is relatively autonomous, democratic, and effective. Much of Tunisia’s superior record in this regard can be credited to Islamic and secular leaders, who have worked to overcome their mutual fears and distrust by crafting agreements and credible guarantees in political society. In the process, they have begun to build (or rebuild) a type of religion-state-society arrangement friendly to the “twin tolerations” that had been foreclosed for many years by the aggressive top-down secularism of modernizing autocrats.

Drawing on the contrasting experiences of Egypt and Tunisia, I would suggest that in countries where religious conflict is likely to be salient, the sooner the major secular and religious parties accept both of the “twin tolerations,” the better. In practice, this means that parties with religious roots must refrain from asserting special claims, based on access to the divine, to wield an authority capable of nullifying or superseding human laws. It also means that secular parties must not deny the right of citizens influenced by religion to articulate their values democratically in civil and political society.

A second lesson is that, from the standpoint of democratization, the critical thing to study is not the military itself, but the nature of civil-military relations. The less inclined civilians are to abdicate their right to rule to soldiers—in an “Eighteenth Brumaire”-style exchange for military protection against perceived threats from class or sectarian rivals newly empowered by democracy—the better the chances for a successful democratic transition not constrained by excessive influence or privileges in the hands of the military.⁵

A third lesson is that the more political actors do to reach consensual agreement on the rules of democratic contestation by negotiating among themselves, the better.

Over the last year, Tunisia has seemed to be heeding all these lessons, while Egypt has seemed to be doing the reverse. This may go a long way toward explaining why the former had completed all four of the classic requirements for a democratic transition before the end of 2011, while the latter has yet to complete one.⁶

This is not to deny that there have been deep fears and Brumairian temptations in Tunisia. In March 2011, when I interviewed journalists and leading secularists in Tunis, I found many of them extremely frightened by the prospect of free elections and the expected appeal of Islamists. Indeed, some of those I interviewed were, like their counterparts in Egypt, toying with the idea of trading away the prospect of civilian democratic rule for the security that an authoritarian body such as the army could supposedly offer. Yet within a month, the urge to knock on the barracks door, if not the fear behind the urge, had begun to recede in Tunisia. Why?

In 1997, I had interviewed in London and Oxford Ennahda's exiled leader, Rachid Ghannouchi. In March 2011, after Ghannouchi returned to Tunis, we met again immediately following my interviews with three top Muslim Brotherhood (MB) officials in Egypt. I quickly asked Ghannouchi what he thought about the Egyptian Brotherhood's still-unrepudiated 2007 platform plank declaring that no woman or Christian could make an acceptable president of Egypt. He did not hesitate: "Democracy means equality of all citizens. Such a platform excludes 60 percent of all the citizens and is unacceptable."⁷ He calls himself an "advocate of absolute equality of men and women."⁸

Ghannouchi said that he had entered into agreements (confirmed in numerous interviews and documents) with a number of political parties as early as 2003, promising that Ennahda would not try to reverse the family code. We also discussed the proposed Shari'a Council that appears in the Egyptian MB's 2007 platform as a forum for reviewing parliamentary legislation to ensure its compliance with Islamic law. Ghannouchi made it clear that he saw this as an unwarranted intrusion of religious authority into the realm of democratically constituted political authority—a violation of the twin tolerations. He insisted to me that neither he nor his party would push for such a body.

In May, I saw Ghannouchi again. This time we were joined by Hamadi Jebali, whom the Constituent Assembly would later elect to the premiership but who was then serving as Ennahda's elected secretary-general. When I asked if Ennahda considered itself closer to the Egyptian MB or to Turkey's ruling Justice and Development Party (AKP), Jebali said:

We are much closer to the AKP than to the Muslim Brotherhood. We are a civic party emanating from the reality of Tunisia, not a religious party.

A religious party believes it has legitimacy not from the people but from God. A religious party believes it has the truth and no one can oppose it because it has the truth.

Ghannouchi concurred and added that the goal was for Tunisia to be “a civic state, not a religious state.”⁹ As the campaign went on, Ghannouchi and Jebali continued to try to tamp down fears of Islamic fundamentalism. Many, if not most, secularists remained unconvinced, but at least Ennahda did not have an unreputed platform (such as the Egyptian MB’s) that was clearly hostile to the twin tolerations and open to secularist denunciations.

Unlike Egypt, where military men have held the presidency continuously since the Free Officers took power on 22 July 1952, Tunisia has never had a military strongman. Founding president Habib Bourguiba and then later Ben Ali deliberately kept the military small, and preferred to rule through sprawling and hated police and intelligence services that dwarfed the tiny army. Nonetheless, a senior soldier, General Rachid Ammar, had played a key role in facing down the police and ushering Ben Ali out of the country. There might have been a move to draft him into the presidency somehow, but there was not. Within less than a month of Ben Ali’s flight, civilians in political society had demanded, and received, responsibility for crafting the key rules needed to make the democratic transition work.

A Useable Past

If understanding the success of the October election requires understanding the success of the Ben Achour Commission’s deliberations earlier in the year, understanding the two together requires widening the optic still further to encompass events that took place nearly a decade ago, in June 2003. In France during that month, representatives from four of Tunisia’s major nonregime parties (Ennahda, the CPR, Ettakatol, and the PDP—all of which hold seats in the current Constituent Assembly) met in order to negotiate and sign a “Call from Tunis.”¹⁰ This document endorsed the two fundamental principles of the twin tolerations: 1) any future elected government would have to be “founded on the sovereignty of the people as the sole source of legitimacy”; and 2) the state, while showing “respect for the people’s identity and its Arab-Muslim values,” would provide “the guarantee of liberty of beliefs to all and the political neutralization of places of worship.” Ennahda accepted both these fundamental agreements. “The Call” also went on to demand “the full equality of women and men.”

From 2005 on, these four main political parties, together with representatives of smaller parties, met to reaffirm and even deepen their commitment to the Call’s principles. One document that they produced un-

der the heading of “The 18 October Coalition for Rights and Freedoms in Tunisia” stressed that, after a “three-month dialogue among party leaders,” they had reached consensus on a number of crucial issues. All the parties, including Ennadha, supported in great detail the existing, liberal family code.¹¹ Moreover, the document added, any future democratic state would have to be a “civic state . . . drawing its legitimacy from the will of the people,” for “political practice is a human discipline [without] any form of sanctity.” Finally, the manifesto asserted that “there can be no compulsion in religion. This includes the right to adopt a religion or doctrine or not.”¹²

In building for the future, it often helps to be able to look to the past. There is historical evidence that Tunisia was already becoming what we might call “twin tolerations–friendly” as long ago as the nineteenth century (and perhaps even earlier, if one wants to search back as far as Ottoman and medieval times for cultural roots of tolerance and openness). Recently, Tunisian democrats have explicitly evoked this legacy in order to explain their own thinking and their hopes for their country.

Important aspects of Tunisia’s cultural heritage are indeed friendly to both of the twin tolerations. Tunisia has a long intellectual and educational tradition that combines important secular and spiritual elements. Moreover, nineteenth-century Tunisia played a pioneering role in building constitutional and state structures that were religiously neutral and rights-enhancing, and it was home to politically engaged Islamic thinkers who argued for a more rights-based reading of Islam, especially in the area of rights for women.

Perhaps *the* iconic figure in Tunisian cultural history is Ibn Khaldun (1332–1406), the Tunis-born writer who is seen by many as a foundational thinker in the fields of sociology, historiography, and economics due to his rational and systematic methods for studying empires and cultures and comparing them to one another. Today, his statue is the only one that adorns the long plaza running down the Avenue Habib Bourguiba, the center of public, social, and café life in Tunisia’s capital city. But what made Ibn Khaldun a great thinker, scholar, and hero of Tunisian culture? Most analysts of his work fail to mention his appreciation of religious contemplation as an end in itself and also as a way of helping rational thought. Indeed, many assert that Khaldun’s way of thinking had little connection to Islam. They tend to ignore his great intellectual and spiritual attention not only to rational analysis but also to the study of Sufism, saints, and mystics.

Among the more important aspects of Tunisia’s cultural history are the country’s links to the old Muslim kingdom of Andalusia in southern Spain and to the Ottoman Empire, of which Tunisia was a *de facto* autonomous part from 1580 until the imposition of the French Protectorate in 1881.¹³ Ibn Khaldun, who himself came from an Andalusian family, makes a point of stressing in his monumental *Muquaddimah*

that Tunis in his day had become a preferred destination for Muslim and Jewish emigrants; he estimated that the “bulk of inhabitants of 13th century Tunis were of Andalusian families who had emigrated from the Spanish Levant.”¹⁴ These emigrants, Muslims as well as Jews, brought from Spain such extensive high-level experience in governing and administration that many of them, for centuries, filled high posts under the Hafsid Dynasty (1229–1574).¹⁵

Some of Tunisia’s most prestigious institutions were religious, and some were secular. The Islamic-based Zeitouna Mosque University was founded in Tunis in 737, making it more than two centuries older than Cairo’s Al-Azhar University. Sadiki College was founded as a secular institution in 1875, and rapidly became the most prestigious and competitive school in Tunisia. Sadiki was noted for the religiously mixed character of its students: As late as the 1950s, about a third of its nearly four-thousand students were Tunisian Jews.

An important part of Tunisia’s useable past—one to which secular and religious democratic activists alike enjoy appealing—is the middle of the nineteenth century, a time that saw significant constitutional reform and steps toward the building of a religiously neutral state.

The high degree of *de facto* autonomy that Tunisia and Egypt enjoyed as nominal provinces of the fading Ottoman Empire allowed the two of them—and Tunisia especially—to become arguably the most liberal and rights-friendly polities in the Arab world. In 1846, two years before France banned slavery in its dominions, Tunisia adopted abolition after an effective campaign of pressure and argument driven by both religious and secular groups. This was a first for the Muslim world, and occurred 19 years before abolition in the United States (1865), 42 years before Brazil (1888), and 116 years before abolition in Saudi Arabia (1962).¹⁶

In 1861, Tunisia adopted the first written constitution in Arab history. The French social scientist Jean-Pierre Filiu, who lived for four years in Tunisia, argues in a recent book that this constitution “enshrined a political power distinct from religion: Islam was barely mentioned, only to stress that the text was not contradicting its principles, and it was not even explicit that the Bey [the ruler] had to be Muslim.”¹⁷ Articles 86 to 104 of the 1861 Constitution, drafted under the influence of the statesman and political theorist Khayr al-Din (who later served briefly as grand vizier of the Ottoman Empire), declared that everyone in the kingdom, “whatever their religion have the right[s]” to be judged by tribunals including some of their coreligionists, to enjoy complete physical security, and to engage in all types of commerce. Filiu notes that this basic law had been preceded by a “Covenant of Social Peace” emphasizing “public interest, equality before the law and freedom of religion.”¹⁸

To be sure, neither the covenant nor the constitution was ever fully enforced, but at least they introduced into Tunisian discourse the idea

that people from *all* religious backgrounds should enjoy equal rights. As Albert Hourani notes:

[This Tunisian] experiment in constitutional government . . . left its mark: it helped to form a new political consciousness in Tunis, and to bring to the front a group of reforming statesman, officials and writers...until they were scattered by the French occupation in 1881. This group had two origins: one of them was the Zaytuna Mosque [University], where the influence of a reforming teacher, Shaykh Muhammad Qabadu, was felt; the other was the new School of Military Sciences.¹⁹

Zeitouna and Sadiki, together with the new School of Military Sciences, produced some major political thinkers who argued, *from within Islam*, for the expansion of rights, including women's rights. The most important such work was written by Tahar Haddad (1899–1935), who in 1924 had cofounded the first major free trade union in Tunisia. Haddad argued in his *Notre femme dans la Législation Musulmane et dans la Société* that a correct reading of the Koran should lead to women's equality. The cover of this book, first published in 1930, depicts a stationary and completely veiled woman in the front, and soaring up behind her, a curly-haired young female basketball player in athletic attire.²⁰ Haddad was building on the work of Khayr al-Din, who Nathan J. Brown argues “advances a powerful argument for a constitutionalist policy, and locates constitutionalism not only in European practice but also in the Islamic tradition.”²¹ In the 2003 “Call from Tunis” that signaled the readiness of secular and Islamic oppositionists to cooperate, al-Din and Haddad are both praised by name as defenders of constitutionalism and the rights of women.

Thus, without following a path toward “exclusive humanism” or hard, religion-unfriendly *laïcité*, Tunisia at independence in 1956 was a country where rational and religious reasoning and insights had a place in public argument in an environment that was relatively friendly to the “twin tolerations.” What happened at independence to set this process back for a time?

The Lost Decades, 1956–2011

As the independence movement's leader, Bourguiba had appealed to Muslim sentiments. As president, he followed a bare-knuckled policy of French- and Turkish-style state-led “modernization” peppered with harsh denunciations of “so-called religious belief.”²² He closed Zeitouna University despite its broadened curriculum and replaced it with the thoroughly secular and French-inspired University of Tunis. As part of his aggressive land-reform program, he nationalized the “pious trusts” (in effect, landholding foundations whose revenues paid for mosques and some Muslim social programs). He cut the study of religion in public schools to a single hour a week, and required teachers to be able to

teach in French as well as Arabic (the vast majority of imams knew only the latter). Private Koranic schools “all but disappeared.”²³

While there were major religious losers under Bourguiba, there were major secular gainers, especially women, who not only enjoyed greater protections under Bourguiba’s new family code, but also began to enroll in higher education in larger numbers.

Tunisia’s secular parties and Islamists have a chance to add to the world’s repertoire of ways in which religion, society, and the state can relate to one another under democratic conditions.

During his 31 years in power, Bourguiba never allowed a free election. Part of the reason why his middle-class urban constituency, female and male, did not demand elections was his implicit raising of the question: “After me, what?” Everyone knew that his modernizing and secularizing reforms had been imposed by the sheer power

of the state riding roughshod over the misgivings of traditional Muslims. In free elections, what would happen, and what would be the fate of the changes that Bourguiba had pushed through?

In 1987, Ben Ali ousted Bourguiba in a bloodless “doctors’ coup” (it was alleged that Bourguiba had dementia), and a brief thaw ensued. Key dissidents came home from exile, and slightly more competitive legislative elections were held in 1989. In the context of the 1979 Iranian Revolution, the growth of the Islamic Salvation Front in neighboring Algeria, pent-up resentment among Tunisian Muslims angry at their exclusion from politics, and the emergence of Zeitouna and Sadiki graduate Rachid Ghannouchi as the leader of a political group, Ennahda, that could mobilize this opposition, more aggressive Muslims challenged Ben Ali. Ennahda was not legalized and so could not run as a party, but it fielded candidates competing as independents.

In what was certainly not a fair election, even Ben Ali’s officials acknowledged that Ennahda’s candidates took 15 percent of the nationwide vote (and 30 percent in greater Tunis). In a polarized atmosphere, two people died in explosions. It is still unclear who committed the bombings, but Ben Ali charged Ennahda. According to estimates offered by a Tunisian human-rights group, Amnesty International, and Ennahda, respectively, in the next few years at least twenty-thousand Ennahda members were tried for subversion and sent to jail, and about ten-thousand went into exile, many after passing through Algeria, like Ghannouchi.²⁴ The thaw had turned to ice.

The new polarization helped Ben Ali to prolong his authoritarian rule for two more decades. To Bourguiba’s warning that Islamists would reverse the gains of secularism, Ben Ali, helped by the spectacle of the bloody civil war between Islamists and the military that raged through-

out most of the 1990s in neighboring Algeria, added the fear of Islamist violence, which he argued that only he and his regime could prevent.²⁵

But, in post-Ben Ali Tunisia no such violence has occurred. Indeed, the country's secular parties and Islamists have a chance to add to the world's repertoire of ways in which religion, society, and the state can relate to one another under democratic conditions. Analysts often downplay the importance of Tunisia, overshadowed as it is by its much larger and strategically weightier neighbor, Egypt. But since Tunisia is so far the only Arab country to have met the four requirements of a democratic transition, analysts and activists alike should pay it more attention, especially for its example of how secular and religious actors can negotiate new rules and form coalitions.

When considering Muslim countries, too many commentators focus on the "missing factors" that they see as necessary for democracy but lacking in these countries. Much of what they see as "missing," however, draws from the repertoire of what these observers think, rightly or wrongly, actually existed in this or that Western country when democracy emerged there. A better and more imaginative approach might be to look for actions and events—whether deliberate or fortuitous—that may aid the emergence of "twin tolerations-friendly" practices. And it is important to be aware that their emergence does not presuppose the need for "exclusive humanism" and aggressive secularism to triumph, or for a decline in religious participation, or for a Muslim-world variant of the Protestant Reformation (and its follow-on wars of religion?) to transpire, or for uniformed authoritarians to come along and impose secularism as in Kemalist Turkey.

In the century or so leading up to independence in 1956, Tunisia showed signs of movement toward the "twin tolerations" model, but the modernizing autocrat Bourguiba disrupted all that by imposing authoritarian secularism from above. Worse still, he created an objectively pro-authoritarian constituency of frightened secularists that served as a source of support for both his own and his successor's dictatorial rule.

It should be counted as all the more remarkable, then, that as early as 2003, secular and religious opposition activists were agreeing on a common program for "the day after Ben Ali" that to some extent drew upon their shared useable past to imagine a democratic future. With secularists agreeing that Islamists could participate fully in democratic politics, and Islamists agreeing that popular sovereignty is the *only* source of legitimacy, Tunisia was surprisingly well situated to make a good showing at the work of democratic transition when the moment to undertake that work came around.

NOTES

1. Alfred Stepan, "Multiple Secularisms of Modern Democratic and Non-Democratic Regimes," in Craig Calhoun, Mark Juergensmeyer, and Jonathan VanAntwerpen, eds.,

Rethinking Secularism (New York: Oxford University Press, 2011), 114–44. John Rawls once went so far as to assert that, in the name of arriving at an “overlapping consensus,” religious arguments should be “taken off the public agenda.” See his *Political Liberalism* (New York: Columbia University Press, 1993), 151–54. Charles Taylor, in his book *A Secular Age* (Cambridge: Harvard University Press, 2007), has explained the complex historical processes that led the North Atlantic world to embrace the idea that a mostly religion-free “exclusive humanism” is the only ground upon which public policies can be designed and defended. See especially 19–21, 26–28, 642, and 674.

2. See Alfred Stepan, “The World’s Religious Systems and Democracy: Crafting the ‘Twin Tolerations,’” in *Arguing Comparative Politics* (Oxford: Oxford University Press, 2001), 213–53. A shorter and less heavily annotated version of this essay appeared as “Religion, Democracy, and the ‘Twin Tolerations,’” *Journal of Democracy* 11 (October 2000): 37–57.

3. Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Baltimore: Johns Hopkins University Press, 1996), 1.

4. The actual outcome of the elections unfortunately did not produce the hoped-for parity. Although all parties ran slates that were 50 percent female, most of them (with the notable exception of Ennahda) failed to place any women’s names first. In many constituencies, only a single candidate from the party won, and thus many more men than women won seats. Nevertheless, about a quarter of the members of the Constituent Assembly are women.

5. My use of the “Eighteenth Brumaire”—a term made famous by Karl Marx’s 1852 work *The 18th Brumaire of Louis Napoleon*—is a reference to the date on the French Revolutionary calendar (9 November 1799) when Napoleon Bonaparte staged a coup against the Directory and made himself a military dictator. Tensions between different Revolutionary factions had led some of them to make deals with Napoleon (in hopes of using him for their own ends) that created the opening for him to seize power.

6. For reasons of length, this essay focuses on Tunisia, but I present substantial evidence for my assertion about Egypt in my “The Recurrent Temptation to Abdicate to the Military in Egypt,” 13 January 2012, at <http://blog.freedomhouse.org/weblog/2012/01/two-perspectives-on-egypts-transition.html>.

7. Author’s interview with Rachid Ghannouchi, Tunis, 26 March 2011.

8. Since about 1980, Ghannouchi (who was born in 1941) has stressed the need for much greater equality of men and women within Islam. See Azzam S. Tamimi, *Rachid Ghannouchi: A Democrat Within Islamism* (Oxford: Oxford University Press, 2001).

9. Author’s interview with Rachid Ghannouchi and Hamadi Jebali, Tunis, 30 May 2011.

10. I received a copy of the “Appel de Tunis de 17 juin 2003,” with signers’ names and affiliations listed, from several of those who took part in the meetings that produced it. A version in French is now available at www.cprtunisie.net/spip.php?article30. Participants included the current presidents of the CPR, Ettakatol, and the PDP. Ennahda’s two top leaders were, respectively, in jail and unable to obtain a French visa, so the Islamist movement was represented by the head of its Political Bureau.

11. Tunisia’s family code, widely agreed to be the Arab world’s most progressive, was decreed by President Habib Bourguiba in 1956. It abolishes polygamy; requires mutual consent before marriage; entitles women to start divorce proceedings and to enjoy an equal division of goods after divorce; forbids husbands from unilaterally ending their marriages; and raises the minimum marriage age for girls. In 1966, Bourguiba’s

government launched a family-planning program that included free birth-control pills and legal abortion.

12. I received a copy of this document on 11 November 2011 while visiting the Tunis headquarters of the most secular party in the current ruling coalition, Ettakatol. The person who gave it to me was one of the drafters, Zied Dooulotli. The Arabic-to-English translation is the work of Mostofa Henfy.

13. For example, see Maria Rose Menocal, *The Ornament of the World: How Muslims, Jews, and Christians Created a Culture of Tolerance in Medieval Spain* (New York: Little, Brown, 2002). On religious toleration in the Ottoman Empire, see Karen Barkey, *An Empire of Difference: The Ottomans in Comparative Perspective* (Cambridge: Cambridge University Press, 2008).

14. For this estimate by Khaldun, see John D. Latham, "Towards a Study of Andalusian Immigration and Its Place in Tunisian History," *Les Cahiers de Tunisie* (1957): 203–52.

15. For the names of Jewish high officeholders and the posts that they held in Tunisia, see Latham, "Towards a Study of Andalusian Immigration," 216–20.

16. For the religious and secular reasons behind early abolition in Tunisia, see Roger Botte, *Esclavages et abolitions en terres d'Islam* (Brussels: André Versaille, 2010), 59–92.

17. See Jean-Pierre Filiu, *The Arab Revolution: Ten Lessons from the Democratic Uprising* (London: C. Hurst, 2011), 142.

18. Filiu, *Arab Revolution*.

19. Albert Hourani, *Arabic Thought in the Liberal Age: 1798–1939* (New York: Cambridge University Press, 1983), 65.

20. For a picture of the cover, see *Pensées de Tahar Haddad* (Tunis: Snipe, 1993), 38. As early as 1904, the influential Sheik Thaalibi argued in his *The Liberal Spirit of the Koran* that a true reading of the Koran would lead to overdue political and social reforms.

21. Nathan J. Brown, *Constitutions in a Nonconstitutional World: Arab Basic Laws and the Prospects for Accountable Government* (Albany: State University of New York Press, 2002), 19.

22. These and other similar speeches are cited in Mark A. Tessler, "Political Change and the Religious Revival in Tunisia," *Maghreb Review* 5 (January–February 1980): 8–19. Also see Lotfi Hajji, *Bourguiba et l'Islam: Le politique et le religieux*, trans. Shiem Bouzgarou Ben Ghachem (Tunis: Sud Editions, 2011).

23. Tessler, "Political Change and the Religious Revival in Tunisia," 10.

24. Author's interview with Samir Ben Amor, defense lawyer and secretary-general of the Ex-Prisoners' Association, Tunis, 29 May 2011. See also Amnesty International, "Tunisia: Prolonged Incommunicado Detention and Torture," March 1992, MDE 30/004/1992.

25. This regime-orchestrated "double fear" served Ben Ali well. As one account noted: "Many secular democrats have been grudgingly complicit in Ben Ali's authoritarianism. . . . [viewing it] as the lesser of two evils." Christopher Alexander, *Tunisia: Stability and Reform in the Modern Maghreb* (London: Routledge, 2010), 66.