

## **Kais Saied: the odd figure in the narrative of the “Tunisian model”**

Since its beginning, the narrative of the Tunisian revolt was framed by an increasingly dominant narrative: a “Jasmine Revolution”, which just needs “democratic transition” to respond to the majority’s expectations. A narrative reducing implicitly the social forces into one single social structure. Left out of this narrative is the deep antagonist social and economic pre-and-post-revolt structures and players. Democratizing, which by the end meant effectively holding cyclical election and some kind of a training electoral process, allowed politicians empowered financially, either by local or foreign players, to dominate power and thus annihilate the ability of politics to resolve the contradictions that caused the revolt in the first place. Drafting the constitution and the different alliances allowing it to pass, and then the 2014 elections bringing in an alliance between Islamists and seculars, reduced political conflicts to reoccurring forms of “consensus” among an elite preserving the interests of a renewed rentier class. Tunisian president Kais Saied, who with the awe of the traditional elite grabbed all powers on July 25, consistently presented himself as anti-elite and the enabler of what the “people want”. His rejection of the whole democratic transition process as a derivation of the “revolutionary explosion” makes him stand as the unwanted figure in the dominant narrative of the “Tunisian model.” The failure to read him and thus approach him by the different players is an essential reason for the current crisis. But it is also the best argument explaining why Tunisian democracy has been inherently ill and largely corrupt.

### **A surprising win of the “clean” populist**

Much of the debate since Kais Saied’s power-grab in July 25 was constitutional: was it a coup or not attracted much attention. Clearly the nice-looking decade-long “Tunisian model” was hurt. Regardless if it is a coup or not, Saied seems to be the odd element in the dominant narrative. Yet the indications that something went wrong should not be seen only since July 25. And if there is a “coup” against democracy, then the signs were much earlier.

The results of the 2019 elections were at odds with the dominant trend since the beginning of the democratic transition. Instead of the dominance of clearly

structured political parties, the majority of votes in both legislative and presidential elections were given to outsiders. Actually, they were dominated by different types of populist forces and candidates. The outcome of the first round of the presidential elections guided the general atmosphere: a face-off of two populist candidates.<sup>1</sup> Then the legislative elections moved on to weaken the post-revolutionary elite including the highly structured Ennahda party coming first yet losing hundreds of thousands of votes. However, the new populist parties and coalitions, such the old regime-supporters the New Doustouri Party led by Abir Moussi or the revolutionary-conservative Dignity Coalition led by Seifeddine Makhoul, got unexpectedly many votes, which positioned them to build opposing parliamentary blocs and later became leading agitators disrupting the parliament's proceedings.

Saied's win with 75% votes and nearly 3 million voters became the most popular figure in the country. A university law professor never involved in politics before the revolution and becoming politicized always from an independent position after 2011, he waited carefully for his chance. He became known for his frequent interventions through 10 years in the most watched program, the news of the state owned channel at 8:00 pm, about constitutional issues. With his classical Arabic and very rigid voice, he became an icon of the middle-class intellectual, emphasizing the early ideals of the revolution. A conservative-revolutionary yet with a tie. For Saied, the main issue since 2011 is that the "voice of people" has been marginalized by the elite; this happened mainly because of the political system, which according to him prioritized legality vs legitimacy.

The main background that should be emphasized when trying to understand Saied's surge and his growing influence and certainly his ability to grab more powers when activating article 80 in July 25 is not his political capacities as much as the rotten democratic process since 2011. Democratic transition emphasized building formal institutions and largely ignoring the persistent social wounds. As elections were recurring with the hails of the democratic international partners, the outcome did not result in any major changes in the failing economy. Worse: the new political elite became increasingly discredited, campaigning fiercely against

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<sup>1</sup> I provided a prediction of the results a day before:  
<https://www.washingtonpost.com/politics/2019/09/14/how-tunisia-presidential-election-could-result-populist-president/>

each other and then making political deals with one only goal in mind: that is, staying in power. The very idea that the winner would govern and the loser would be in the opposition was negated by the most influential figures of the political elite. Rached Ghannouchi, the leader of Ennahda present basically in most of the government since 2011, defended publicly many times the principle that in a “young democracy” there is no point to have the division between governments and opposition. The total disregard of antagonism and the willingness to build coalitions at any cost created the right context to allow populists to get the upper hand by 2019. Saied had the upper hand over the others most likely not only because he was perceived to be more anti-elitist (insisting unlike the other populists not to have a party and to stay away from the legislative elections) but also because he insisted on projecting an image of the “cleanest”, running a campaign in coffee shops, during which his campaign would spend money only on espresso shots.

### **Democratic legality vs revolutionary legitimacy**

It is in this disjuncture between democratic theory and praxis that Saied won the presidency in 2019, with his open-ended campaign slogan-platform *al-sha'b yurīd* and pledge to push for an administrative and political reconstruction to combat corruption and ensure a better economic distribution of resources. His intransigent interpretation of the presidency’s constitutional prerogatives and use of the bully pulpit to give fiery moralistic sermons on political corruption, in the absence of a full Constitutional Court augmented his presidential powers in ways his opponents were unable to counter.<sup>2</sup> Saied has frequently repeated his long-time frustration that the multiparty system, enshrined in the 2014 Constitution, perpetuates the bifurcation of Tunisian society between political and economic insiders (*haggara*) and outsiders (*mahgourin*) – a position that resonates with many Tunisians. This

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<sup>2</sup> Specifically, he has focused on wording and procedure. For example, Prime Minister Elyes Fakhfakh resigned following a parliamentary vote of censure, but prior to a formal vote of no confidence. Lacking a Constitutional Court to rule on the spirit of the law, Saied claimed he, not the parliament, had the right to name the successor Prime Minister. When Mechichi fired replaced several Saied-allied ministers in January 2021, the president refused to swear in Mechichi’s proposed replacements. While the constitution gives the Prime Minister the right to nominate and fire ministers, Saied argued, the constitution stipulates that they only come into function once sworn in by the president. Lacking a Constitutional Court, what might ordinarily be seen as decorum, was interpreted, by Saied, as constitutionally defined procedure

political-economic status quo, he believes, is in contravention of the spirit of the revolution captured in *al-sha' b yurid*.

Saied has spoken in great length about the difference between legality (الشرعية) and legitimacy (المشروعية), where only legitimacy can beget legality. This goes a long way in explaining his understanding of his actions, as well as the core of his support-base, and increasingly many other citizens. For Saied, a rule, set of institutions, or even the Constitution might be legal, but to be legitimate it must be in the interest of the majority, and not merely a reflection of the privileged few. And though an instructor of constitutional law himself, he never believed the 2011-2014 NCA constitution drafting process was an open discussion. Explaining his refusal to join the NCA's constitution experts commission in 2013, is reported to have [said](#): "I refuse to join this commission because it will only legitimate choices that have already been made." Though a radical position at the time, that way of seeing things had become the norm to many by July 25, Republic Day 2021. Perhaps this is because neither the NCA, nor the one and a half parliamentary sessions that followed were able to address three of the major priorities Tunisians want the democratic system to solve: transitional justice, fighting corruption and a more equitable, state-driven distribution of wealth.

Cognate to the word legitimacy, المشروعية, Saied's vision of governance is called المشروع, or 'the project' by his tight knit group of supporters. Best summed up in a [June 2019 interview](#), Saied proposes bottom-up legislative governance, with a stratigraphy of councils from the local to the regional to the national level. Elections in the 265 local councils (currently governorate sub-districts) choose 10 members to lead each council, which is supported by observers from the local administration. Members of the 24 regional councils are chosen, by sortation, from each of the local councils, and are tasked at coordinating local council development proposals, to be voted on at the national assembly. That body, in turn, is composed of one member of each local council, who is elected at the council level, and is tasked with passing national legislation and fructifying locally requested development projects. Executive power would function within a presidential system, where the president is elected by popular vote, and is responsible for naming a government with a prime minister passed by the national

assembly. Should the national assembly pass two votes of no confidence, the president must resign.

While clearly a system that would accumulate vast authority in the hands of the president, his project also proposes a bottom-up approach to economic development that takes local development concerns seriously. Local political decisions, not IFIs or elites, will control institutions and allocate state development monies, and collectively determine the contours of the national economy, including the highly political question of wealth redistribution and regional equity.

## **Conclusion**

Saied is not the real threat or the bad guy interrupting a nice dream. He is the product of a decade of democratic transition that produced in fact a fragile “corrupt” democracy discrediting in a record time the “new elite” (now it is already “old”). It is unclear if he would be able to impose a process to introduce his dream of a political system, which seems to be his major *raison-d’etre* for a longtime legacy. He imposed in September 22 a de facto new small constitution with a simple presidential decree (No. 117), which would allow him to prepare the scene for a referendum amending the constitution in the sections relating to the political system. This plan does not have a timeline. He sidelined most of the elite in his steps since July 25 including not only all political parties opposing or supporting him, but also the mighty union UGTT, usually very much present in managing such political major junctures. In addition, he will bear solely the responsibility of running government affairs given the prerogatives he gave to himself in decree no. 117. This in time of major financial challenges when the budget deficit is more than 3 billion dollars until the end of this year. Such a gamble that is facing off the whole elite yet going through an economic storm alone would be surprisingly successful. The current popular support may well decrease in the coming months. The real problem is what would happen when a strong believer with a lot of prerogatives and powers would fail. Maybe there looms the real threat.