Walking the Tightrope: Liberalization in North Africa

The North African countries of Morocco, Algeria, and Tunisia provide the opportunity for a fascinating regional examination of authoritarian regime behavior and how these leaders maintain power in a constantly liberalizing and globalizing world. They are cleverer than the West gives them credit for and it will be important to study them further as globalization helps their populations to identify more of the concealed authoritarian mechanisms hidden in their governmental systems.

When discussing North Africa, it is critical to understand its central position to countless challenges facing the global community in the present day. Due to the region’s proximity to Europe, the Middle East, and Sub-Saharan Africa, Morocco, Algeria, and Tunisia play a significant role in population issues such as northward migration (both to North Africa and to Europe via the Mediterranean Sea) and the ongoing refugee crisis stemming from the conflict in Syria that affect European Union States in a variety of ways. These African states have been involved to varying degrees in the United States’ War on Terror and now face even greater difficulties resulting from the spread of terrorist activities and recruitment efforts by the Islamic State and its affiliates. Additionally, these countries and their people are still experiencing the aftershocks of the 2011 Arab Popular Uprising. The APU toppled the Ben Ali regime in Tunisia and saw the establishment of a new fledgling democracy in the region, while also frightening authoritarian regimes across the MENA region and inciting the Syrian Civil War.

Due to the region’s position in the center of these dynamic regional and global issues, it is imperative that their domestic situations be considered in the equation. The purpose of this paper is to examine the relationships that have developed over time between the power wielders in each of these countries and the people, as well as the international community. Specifically, those with authority in Morocco, Algeria, and Tunisia have demonstrated an hesitancy to surrender power and
have structured their governments to conceal a deeply ingrained commitment to control and stability, even as the more visible mechanisms and institutions in each country appear to make the case that the leadership is working to liberalize their governments in accordance with domestic and international pressures.

These somewhat misleading presentations of liberalization serve a dual purpose. Focusing on international relationships, any efforts to present one’s state as liberalizing at least reduces scrutiny on the actions of those in power and helps them to avoid outside criticism. At most, promoting this narrative can benefit a country and its leadership by fostering healthier relationships and potentially even partnerships with powers like the United States or France. On the domestic side, the actions taken to liberalize a country often promote a sense of democratization, which can reinforce legitimacy even if expanded venues (like elections or civil society) for political participation are not accompanied by an increase in real political power. If the population feels empowered politically, they are less likely to question the regime, which facilitates efforts to conceal mechanisms put in place to counterbalance new levels of liberalization. A regime promotes liberalization to encourage a feeling of democratization, which in turn helps the regime to curb demands for liberalization. This process demonstrates an inconsistency between behavior and intention. The efforts made by regimes in North Africa seek to keep power consolidated, while simultaneously liberalizing to alleviate frustrations that could pose a challenge to their stability.

THEORETICAL CONSIDERATIONS

Before discussing the actions the North African governments, a distinction must be made between liberalization and democratization. There is a tendency to use the words interchangeably, often leading to a distortion in any work that considers the relationship between the two. Liberalization is a government-led process that involves expanding the political freedoms of citizens and civil society. Democratization is the process in which the citizens of a state experience an
increase in their real level of participation in the government. Though these processes can certainly occur simultaneously, this is not always the case. Liberalization can occur without democratization, which is to say that a government can expand political freedoms without acquiring consent from the people. This is the observable trend in Morocco and Algeria. Liberalization of political freedoms and institutions occurs, but ultimately the people’s say in government remains limited. However, the regimes have no doubt used the tendency to conflate these terms to their advantage. With liberalization often comes the promise of expanded political participation, but ultimately updates to the system fall short of democratization that also includes a legitimate increase in the public’s political power. Post-revolution Tunisia provides an interesting contrast to Morocco and Algeria. Having established a democratic system with political participation, one can now observe how actors from the former regime engage in behavior that reflects their time in the Ben Ali government.

In the cases of Algeria, Morocco, and Tunisia, the level of openness that the governments allow their populations to experience is often closely related to the stability of the state and, by extension, how secure they feel in their current position of power. In times of stability, governments feel safe in allowing a more liberal political life. However, it is often the threat or presence of instability that leads North African governments to liberalize in the first place. Ian Bremmer’s J-Curve model provides a reasonably effective metric for defining a country’s relationship with openness and stability. The model can be most efficiently broken down into three sections. On the left side of curve are countries with high stability and low openness. The regimes in these countries

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2 On the other hand, a citizenry can participate in a government and thereby consent to a system in which their freedoms are more restricted. A modern example would be Victor Orban’s call for “illiberal democracy” in Hungary.
rely on societal repression and authoritarian means to guarantee stability. On the right are countries that have committed to openness and, as a result, experience the much higher levels of stability associated with the flexible and strong democratic institutions. The center of the J-Curve model represents the period of instability that accompanies a period of transition from a closed society to an open society. The ideal trajectory for a country’s J-Curve is to shift from the left to the right as the regime concedes to domestic and international calls for openness, overcoming fears of instability in order to eventually achieve a more stable, liberal-democratic society. That being said, a country’s theoretical position on the J-Curve is extremely dynamic. It may even be that case that the model is too simple to account for the magnitude of complexity involved in such a process. While Bremmer suggests that instability in the center stems from initiating the process of liberalization (the opening of the state), in North Africa the opposite tends to be true, where instability yields concessions in the form of liberalization. Furthermore, the potential for backsliding is always present, even after a country has cleared the center section with the lowest stability. Simply marking a position on the model gives an incomplete view of a state’s actual trajectory.

When placing North African countries on the J-Curve, one can observe inconsistencies in potential interpretations. After the events of the Arab Popular Uprising – no doubt a moment of instability and transition for the entire MENA region – it is somewhat easy to see how one might move Morocco from the left to the right. One could use the APU movement as the period of instability and the regime’s concessions as justification for a shift to the right side of the curve. At the same time, the authoritarian mechanisms that remain in place in Morocco suggest that the state should remain on the left side. The model cannot properly account for this duality, which raises questions about why the regime is choosing to act this way.

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The end of the Ben Ali regime in Tunisia and the establishment of democracy afterwards no doubt demonstrated a rightward trajectory on the J-Curve. Here, the model fails to consider the consequences of authoritarian mechanisms that still exist in government institutions or how individual or group holdovers from the previous regime may continue to exist in the new system.\textsuperscript{5} The willingness to move these states from the left to the right proves that even modest liberalization is effective at convincing outsiders to reduce their level of scrutiny and raises the likelihood that one will overlook glaring issues remaining within a country’s governance. The J-Curve model is an important introduction to this discussion because it demonstrates how one can misjudge the North African countries as more liberal that they actually are.

The political reality in these countries demands their placement on the J-Curve to be split, half on the right and half on the left. These regimes demonstrate comfort with stability through both authoritarian and liberalized mechanisms. The J-Curve shows that these regimes exist both on the right and left, but remain terrified of existing in the middle for any length of time. Bremmer posits that this period of instability relies on some level of acceptance by the regime. In North Africa, regimes recoil away from any reality where instability exists. Though any regime would rightly be unsettled by instability, this still does not explain why they have not just relied on repressive tactics like other authoritarian states. It seems that, ideally, they would like to liberalize while avoiding the instability promised by the J-Curve. From here, it may be the case that North African regimes have determined to best way to do this is to tether the most stable components – the highest points – on the right and left of the curve and slowly proceed across, avoiding the unstable transition below.

Max Weber’s classic definition of the state is a “human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory.” In the state, one can broadly divide the two most common manifestations of this monopoly as the military and internal security forces. In each of these countries, the relationship between the regime and these two organizations is unique but equally important. Beyond this initial definition, Weber makes it clear that there is a difference between these institutions and the state. It is considered an action by the state to bestow legitimacy onto these organizations, which in turn gives the right to use physical force. The state has control over the jurisdiction and mandate of each of these organizations is a critical component ensuring stability, security, and preservation of power.

One can also consider Weber’s discussion of legitimacy, which he refers to as the “three inner justifications” of domination. He first introduces the authority of the “eternal yesterday,” which derives legitimacy from history or inheritance. Second, there is charismatic authority, by which leader is admired and therefore accepted. These two forms of legitimacy were present following North African independence. Morocco’s monarchy reasserted its historical and religious, pre-colonial legitimacies, while leaders in Tunisia and Algeria relied on the “heroism” of actions in their respective independence movements to command the loyalty of the people. The third form is legal legitimacy, in which a leader is both chosen by pre-established rules and then held accountable by that same set of rules. Since independence, North African states have compounded legitimacies or converted from one form of legitimacy to another in order to strengthen the regime’s claim to power. This trend has sought to build on a leader’s initial claim to power by adding legal legitimacy. With Tunisia as the exception, having experienced a rejection of regime legitimacy in 2011, Morocco

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7 Ibid.
8 Ibid.
and Algerian leaders again indulge in a duality, using the more liberal legal legitimacy to reinforce the autocratic forms of legitimacy that have begun to falter in the face of globalization and the desire for democratization.

Finally, consider Isaiah Berlin’s “Two Concepts of Liberty.” North African countries excel at creating an environment in which negative liberty appears to be flourishing. In these countries, as in other adept authoritarian regimes around the world, the regime has strategically organized the system of governance so that the population can enjoy the large majority of benefits as defined by the agency of negative liberty. However, should actors in a government institution, members of civil society, or the average individual cross the line for what has been deemed acceptable behavior, any or all mechanisms of repression and authoritarianism can easily be implemented to silence or eliminate dissident voices and return the state to a level of societal agency that allows the regime to feel secure.

In terms of positive liberty, North African states often provide their citizens with the tools for political participation. For example, elections are held for presidents, legislative representatives, and local officials, among others and varying by country. By varying degrees, these elections and other forms of political participation enhance an individual’s command of their own positive liberty. However, many of the institutions in North African countries are, by design, set up to appease the population’s desire for positive liberty while ensuring that the regime maintains sufficient control over the outcomes and their own position of power.

One of Berlin’s last points asserts that there is no guaranteed association between liberty and democracy. This echoes clearly in North Africa. While the governments may hand out opportunities for participation and the population may take advantage of them, the authoritarian

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mechanisms discussed above remain ready in the case of an individual or group exceeding the amount of liberty permitted by the government. These manifestations of fabricated, limited liberty certainly still represent progress on liberalization. However, one must remember that any progress is still tethered to the threat of authoritarian backsliding if the regime feels threatened by the outcomes of liberalization. Additionally, Berlin cites Benjamin Constant, highlighting the fact that a successful transfer of sovereignty does not increase liberty. Power shifting is a tactic used across North Africa, in a variety of institutions across the government, designed to distract from power consolidating efforts by the real power holders.

MOROCCO

Morocco presents the image of one of the most liberal countries in Africa and the Middle East. As a constitutional monarchy with strong institutions and significant political participation, it is incredibly easy to be satisfied by a cursory examination. The country’s monarch, King Mohammed VI, appears to work in the name of liberalization and has verbally communicated his intention to do so. However, the political freedoms he endorses only allow citizens to operate and produce products (legislation, election results, and government appointments) within limits he designates. Morocco’s King governs by a series of red lines. Political action, ranging from the individual all the way up through parliament, is permitted until it crosses a red line. At that point, the Moroccan government’s true structure is unmasked, revealing authoritarian mechanisms that can easily shut down any action deemed inappropriate by the King. This is not to say that these mechanisms are used flagrantly, but rather the opposite. Though the level of arbitrariness detailed in the constitution is high for the political power associated with such an intervention, the king avoids using it. Instead, a significant level of effort has gone into developing liberal institutions and processes that create barriers between the monarchy and threats to political homeostasis. A rising problem can be eliminated via one of these methods rather than an authoritarian style crackdown. If the monarchy’s will can be enacted
without turning to “red line” level responses, the King not only maintains the stability of the country, but the regime itself appears more progressive, which protects it from criticism.

In Morocco, the monarchy is everything and has been for centuries. In the post-colonial era, King Mohammed V and his successor, Hassan II, made sure that this historical supremacy was codified into the constitution. After Mohammed’s death, Hassan and a group of advisors wrote and passed the 1962 constitution with public support.\(^{11}\) With the monarchy overseeing the writing of the constitution (the set of rules that establish the monarch’s legal legitimacy), the document became compromised. Furthermore, the constitution does not merely establish legal legitimacy; it reinforces the already existing historical and religious legitimations. Article 41 establishes the King as the “Commander of the Faithful,” declaring him the leader of Islam in Morocco in addition to being the legal sovereign.\(^ {12}\) This double bulwark of “spiritual/traditional and the modern/temporal realms of power” makes the monarchy’s legitimacy impenetrable.\(^ {13}\) The constitution, originally proposed to the people by Mohammed V as a path to democracy, was more of a pivot than a step forward.\(^ {14}\) While the concept of a constitution certainly implies liberalization by defining the powers of the sovereign and other government institutions, Hassan II corrupted this symbol of democracy and instead used it to fortify regime stability for decades to come. This choice demonstrates the tether between liberalization and authoritarian stability. Today, the Moroccan monarchy benefits from dual


legitimacy, the nature of which seems to suggest he is both above criticism and yet also accountable to the rules established in the constitution.

The transition from Hassan II to Mohammed VI fostered much discussion concerning the faulty conflation against which Berlin and Constant warn. Though transitions of sovereignty should never be directly equated to progress, both the New York Times and the Washington Post hailed the new king’s coronation as an advent of liberalization in Morocco. The Clinton’s welcomed him into the White House and celebrated his ascension.\textsuperscript{15} Morocco’s population was optimistic about the potential for liberalization under the new king. However, as the new regime entered its second year, it became clear that Mohammed VI had limitations just as his father did. Harsh crackdowns on the press resumed, and state control was reinstated over privatizing industries, and progress for women stalled.\textsuperscript{16} As authoritarianism became visible once more in Morocco, citizens, especially the press, were reminded that criticizing the king was intolerable and illegal. In 2003, Ali Lmrabet was sentenced to four years in prison, fined 20,000 Moroccan dinars, and forced to close his two weekly publications. He was found guilty of “‘insulting the king,’ ‘undermining the monarchy,’ and ‘challenging the territorial integrity of the state,’” for publishing articles and political cartoons targeting the king, his finances, and Morocco’s presence in the Western Sahara.\textsuperscript{17} Lmrabet was charged under the 2002 Press Code, before the subsequent intensification of media suppression following the 2003 Casablanca terrorist attacks. The new anti-terrorism laws enacted after the attacks broadened powers to arrest journalists and shut down publications.\textsuperscript{18} The media’s only recourse was to redirect their frustration towards the government. Notice here, that when outside actors and the

\textsuperscript{16} Ibid, 15.
\textsuperscript{18} Ibid.
Moroccan people are content with the political trajectory of the country, praise is directed at the monarchy. However, when there is discontent or frustration, these sentiments can only be directed at the government, which acts as a proxy for dissatisfaction with the King.

Moroccan institutions are not powerless. They are simply under the control of the king. As such, they have the capacity to function independently, which in turn contributes to their legitimacy as liberal institutions. This is especially true in the case of parliament. It is allowed to operate largely on its own until something triggers intervention from the king or, more likely, another actor who represents his interests. This distinction is critical to understanding why the Moroccan parliament is so instrumental. The authoritarian mechanisms are concealed under multiple layers. There are multiple legitimate, institutional powers that must fail before the king himself would have to directly intervene in parliamentary proceedings to prevent the body from acting against his wishes. They are not limited to act only on his orders, as this would yield a stagnant parliament that could pass legislation only as fast as the monarchy could create and disseminate each individual bill. Instead, they are limited by what the king does not want, allowing them to function as a self-sufficient body the majority of the time. This is essentially veto power, which is not uncommon in democratic systems of checks and balances. However, in Morocco, the checks only lead in one direction, and there are no balances.

Just as building liberal institutions takes time and practice, so does the construction of authoritarian mechanisms within those institutions. Over time, the objective has been to distance the monarchy (the real center of power) from the institutions that are most directly involved with day-to-day governance. As domestic civil society and external actors demand more openness, the monarchy has sought to reinforce these power structures by creating a “new system of authoritarian
governance that controls and manipulates the reform process.”¹⁹ In 1996, Hassan II permitted citizens to elect the House of Representatives via universal direct suffrage. However, he also created a second legislative body, the House of Councilors, which he used to place a new check on the lower house. ²⁰ Here, Hassan II utilized bicameralism, a trait that normally indicates the strengthening of a state’s legislative institution (not unlike implementing a constitution!), to create a more modern and better-disguised mechanism by which the monarchy can interfere in the legislature. In this case, the new House of Councilors was controlled by the King and had final say in Parliamentary matters. ²¹ Additionally, Article 64 of the Moroccan constitution states that representatives will not be punished for opinions or votes cast, unless one “challenges the monarchical form of the State or the Muslim religion or constitutes an infringement of the due respect for the King,”²² The notion of a challenge is without further clarification, which allows the definition to be flexible. Article 46 states that the king is inviolable, which carries an absolutist connotation by definition. This means that the threshold for holding a member of parliament in violation of either article can be adjusted to the demands of a situation. While not inherently oppressive, the potential uses of these articles are certainly within the realm of authoritarian behavior.

In the aftermath of the Arab popular uprising, Mohammed VI responded with two major reforms. First, he announced that he would cede some of his powers to the prime minister.²³ The concern with such a statement is that, just three years prior, the same Prime Minister, Abdel El

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²⁰ Ibid, 42.
²¹ Ibid, 44.
Fassi, openly admitted that he was the executor of the King’s will.  
No doubt, he received those powers according to constitutional changes, but that does not guarantee his independence from the monarchy. The King’s second promise was to guarantee independence of the courts. Here, several issues arise. The king plays a considerable role in approving judges.  
Going deeper into the constitution, Article 115 states that the King presides over the Supreme Council of the Judicial Power, directly appoints five other members. It also suggests that he indirectly influences the appointments of the rest of the council.  
He also directly appoints half of the Constitutional Council and chooses its President, meaning that he has influence over any decisions the Council makes, which includes reviewing legislation passed in either legislative house.  
Not only does this prove that the judiciary is not independent, it also demonstrates yet another set of constitutional barriers that ensure the King can avoid using authoritarian mechanisms.

Morocco’s reputation as a liberalizing country has yielded positive returns. Protests in Morocco during the Arab popular uprising were mild compared to other countries in the Middle East and North Africa, demonstrating how the regime’s legitimacy ensured the preservation of the monarchy by easily appeasing a restless population with mild concessions. Furthermore, the same New York Times article that highlights the limited scope of the 2011 reforms goes on to recognize the King as a reformer and praises his “considerable effort” to address the desires of his people.

Paired criticism and praise is nothing new. When Hassan II unveiled his new constitution in 1962, French journalists Jean Lacouture and Maurice Duverger praised the document for its emulation of Charles de Gaulle’s France. Despite acknowledging concerns about the consolidation of power under the monarchy, both men agreed that the new constitution represented “progress towards democracy.”

Beyond the media, this process has earned Morocco the favor of the United States. From 1999, the year of Mohammed VI’s coronation, to 2008, Morocco fell from the forty-fifth position to the eightieth position on the Transparency Index. In this same time period, Morocco was designated a major non-NATO ally of the United States in 2004. In 2007, Morocco was awarded almost 700 million dollars in economic aid from the Millennium Challenge Corporation due to the country’s “commitment to good governance, economic freedom, and democracy.” As of June 2017, the MCC’s total investment in Morocco is over one billion dollars and the state is the largest beneficiary of the aid institution. In addition to this extensive and ongoing foreign aid package, Morocco has strong ties to the United States’ economy and military, much of which developed as Morocco fell on the transparency index. Even as relations with the United States remain strong, Morocco remains at eighty-first on the Transparency Index.

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32 Ibid.
Morocco’s economy follows a similar pattern. The economic stability of those at the top is prioritized, while a “stifling bureaucracy” limits the benefits for the average Moroccan.\(^{35}\) The ruling elites (aptly nicknamed the Makhzen, or the "storehouse") and the king have liberalized the economy since 2000 and growth has been impressive, with GDP per person increasing by 70% through March of 2018.\(^{36}\) Unfortunately, there is great disparity in how Moroccans experience these economic gains. Those closest to the king see their projects and business interests approved, while lower class and rural citizens observe the expansion of industries like tourism and luxury transportation that have no direct positive impact on their lives. One could even argue that, in the liberalization process, Morocco has experienced a “pauperization” of significant portions of the population.\(^{37}\) Rural youth unemployment in the north of the country is hovering at 40% (two times the national average) and working conditions have worsened even as GDP growth rates remain high and the government announces more big-ticket projects.\(^{38}\)

Just as with government mechanisms, the regime prefers to keep control over the economy in order to ensure its supremacy. The king recognizes the benefits of a liberalized economy, or else he would not allow the elites to continuing opening the economy further. Unfortunately, these benefits are only realized at the macroeconomic level and therefore, from the perspective of the average Moroccan, are superficial.\(^{39}\)

ALGERIA


\(^{39}\) Cavatorta, 2016, Page 94.
Of three countries discussed here, Algeria is farthest and most established to the left side of the J-Curve, meaning that it is highly stable but primarily due to its authoritarian structure. Despite this political reality, the revolutionary – now military – leaders who have reigned from the shadows since independence have enacted a similar process as Morocco, developing an “elaborate façade of democracy that nevertheless contains various means of political control.”

Known as le pouvoir, this group is made up of army leaders and, over the first 25 years of Algerian independence, they developed a “democratic veneer” by running the country through the executive and keeping themselves largely out of sight. In 2015, a close associate of then and current Algerian President, Abdelaziz Bouteflika, reported that he was unable to get in contact with the President and suspected that he had been “taken hostage by his direct entourage.”

This notion may not be far from the truth, and certainly does not only apply to the current leader. Since Algerian independence, le pouvoir has maintained a tight grip on the presidency as the enactor of the group’s will.

At the inception of military rule in Algeria in 1963, le pouvoir made a conscious effort to generate a viable source of charismatic legitimacy for their chosen leader. They selected Ahmed Ben Bella, a high-ranking Front de Liberation Nationale (FLN) leader during the Algerian War to lead the country. They hoped his role in the revolution would create a sufficient source of legitimacy when paired with a single-party government based in FLN-led nationalism. Ben Bella was ousted after trying to consolidate power away from the military leaders and beginning to infringe on the military’s “nationalist credentials.”

After Ben Bella’s removal in a bloodless coup, his successor, Houari

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41 Ibid.
Boumédiène, and the military realized that the charismatic claim of legitimacy needed to be strengthened by adding legal legitimacy. Actors in France and Algeria had begun to criticize the rule-by-decree style of governance occurring in the country. A constitution was developed and passed in 1976, reinstating the National Assembly and allowing the President to be chosen by direct, universal suffrage. Turnout for the vote to ratify the new constitution was 92% and led to the recognition of Boumédiène as the newly elected President of Algeria. Algeria used an infusion of political capital into the population to address concerns of authoritarian governance. In this instance, political capital can be understood as political power that can be conferred on one party from another. When the military decided to permit elections for the National Assembly and the Presidency, they appeared to be releasing some of their political power to the population. By allowing elections for both the executive and the legislative branches, the military leadership added electoral (legal) legitimacy to their credibility. In addition, it gave the people a sense of political participation, despite the fact that they only had one choice for president and all candidates for the national assembly were members of the FLN. Just as Morocco’s monarchy uses constitutional reforms, Algeria’s military doles out chunks of political capital in order to extricate itself from difficult political positions but keep its dominance.

In 1989, Algeria’s leadership found itself backed into a corner yet again. As oil prices had plummeted in the past decade, the Algerian government became unable to maintain its socialist-style, welfare economy, leading to the decline of many benefits to which the population had become accustomed. Out of oil money and handouts to placate their restless population, the military once again turned to political capital in order to regain their favor. Led by President Chadli Benjedid, the

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45 Ibid.
Algerian government rolled out a new version of the constitution with significant concessions of power and promises of liberalization.

In this iteration of the constitution, the most significant change was the end of single-party rule. Though the constitution did permit the existence of new parties, it did not openly state that they would be able to openly compete with the FLN.\textsuperscript{47} The articles allowing new parties were restricted in the legislative component of the process. While ensuring that the population supported of the constitution and voted to ratify it by a large majority, any sort of actual liberalization was limited by a lack of implementation.\textsuperscript{48} In addition, the document kept presidential powers predominant, allowing the military’s most direct representative in government to remain an effective tool.\textsuperscript{49} For a second time, a population was promised liberalization and approved constitutional changes that instead protected the authoritarian regime. This strategy allows Algeria to project the image of a strong, participation-heavy democracy where the people endorse their leaders and governing institutions. It is effective because both outside observers and the country’s population observe a change in the level of participation and believe liberalization has occurred with democratization as a direct effect. This perception again goes back to Constant’s warning – transitions do not equate to progress. By gaining the people’s support, regime stability is preserved rather than eliminated. It looks far better when a population endorses a system than when a country must resort to oppressive actions.

In addition to the manipulation of political capital, Algeria power brokers also utilized Islamism as a tool for stability and preservation. The 1990s are often called the Dark Decade, marred by a civil war between the Algerian government and Islamist factions in the country. The


\textsuperscript{48} Cook (2010), p. 39.

\textsuperscript{49} Ibid.
controversial element is the government’s intentionality in starting the war. After the Front Islamique du Salut (FIS) party dominated in local elections and then the first round of national parliamentary elections, the army began to crack down on Islamist groups and actors.\(^\text{50}\) As instability rose in the country, the army elites lost faith in Benjedid and forced him to resign, replacing him with another war veteran Mohammad Boudiaf.\(^\text{51}\) As the army continued to dismantle religious media outlets and mosques, Boudiaf began his own process of internal reforms in order to facilitate a more legitimate and democratic multi-party system.\(^\text{52}\) With limited options due to widespread support for Islamism and opposition from their most critical actor within the government, *le pouvoir* was forced to turn to authoritarian mechanisms. The FLN leadership had Boudiaf assassinated as he sought to reconcile with FIS leadership and avoid an already escalating conflict.\(^\text{53}\) The military blamed the Islamists for the assassination, canceled the second round of elections, declared a state of emergency and took full control of government.\(^\text{54}\)

This display of military force provides an interesting opportunity for consideration of Weber’s definition of the state. To be recognized as such, a government must have a monopoly on all legitimate forms of violence in their territory. As the military is the foundation of Algeria’s government, this has never been in dispute. So, in theory, this instance of a military takeover in the face of instability did not need to occur thirty years after independence. Prior to the 1990s, there


\(^\text{53}\) Ibid.

were two constitutional crises during which the military could have intervened to reestablish stability in the country, but they did not. In the previous cases, civil unrest was resolved by the dissemination of political capital to the population in the form of elections (1976) and the end of one-party rule (1989). This suggests that elites understand the benefits of developing a governmental system that uses liberalization as a solution instead of authoritarian mechanisms. Specifically, there are three main positive outcomes to this process. First, the creation of a constitution and a governmental system that adheres to the rules contributes to the legitimacy of that system and the regime.\(^{55}\) Second, having a more open government facilitates both the cooptation of opposition parties and the restructuring of governmental institutions if actions of appeasement are required.\(^{56}\) Establishing a constitution ironically provides for the preservation of political capital by the military. As seen in Morocco, future concessions can be milder compared to those that would be demanded of an authoritarian government without such a document. Cooptation benefits the regime by insuring that even those who are having their voices limited still are allowed to participate. Again, this strengthens the government’s credibility and reduces frustration in the opposition. Finally, it keeps the military out of daily governance.\(^{57}\) Like the Moroccan monarchy, the preservation of power is paramount over any single issue that might arise. The military elites have no need to be present as long as the country is stable and their hold on power is secure. Additionally, having these institutions and permitting manageable levels of free speech work together to direct criticism towards government institutions and away from the military.\(^{58}\) Much like the king of Morocco, \textit{le pouvoir} has erected multiple legitimate barriers to separate themselves from direct challenges to their authority.

\(^{55}\) Cook (2010), p. 41.
\(^{56}\) Ibid, 42.
\(^{57}\) Ibid, 43.
\(^{58}\) Ibid.
It is worth discussing that choosing to act against the Islamists was as much an act of opportunity as it was an act of desperation. Unlike Morocco or Tunisia, Algeria’s power brokers prefer to keep Islam distant, rather than bring them under the highest point of leadership, such as how King Mohammed VI holds the title of Commander of the Faithful. In Arab countries, populist Islamic groups pose an incredible threat to secular regimes, as demonstrated by their explosive victories in the Algerian elections and those after the revolution in Tunisia.\(^5^9\) Therefore, taking the opportunity to wage war against and crush them sends them even further from the center of power and eliminates the possibility for another surge in influence. As an added bonus, Western countries such as the United States and France, key allies for Algeria and the region, have their own complicated relationship with Islamist groups and are made anxious by their popularity in elements of civil society. Using authoritarian mechanisms and military force against specifically Islamists, rather than civilians at-large, draws less criticism from Western countries that fear an Islamist uprising.

*Le pouvoir*’s relationship with President Abdelaziz Bouteflika provides another opportunity to examine power dynamics in Algeria. Despite being inserted into the Presidency through a sham election, Bouteflika earned his own charismatic and performance legitimacies by reopening the country to relations with the United States and France and bringing the civil war against the Islamists to its conclusion.\(^6^0\) By the time the 2004 election arrived, he had generated enough personal legitimacy in the role to challenge the military and even forced some of the FLN elite to retire.\(^6^1\) More importantly, the army attempted to see him removed from office in 2004, but was

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\(^6^1\) Cook (2010), p. 60.
unable to do so. His leadership as Algeria emerged from a decade of civil war and his willingness to reopen the country added to his charismatic legitimacy, and the military was unable to field another candidate that could compete with him.

In his third term, Bouteflika led Algeria through the Arab Popular Uprising with ease. Despite being one of the more visible and oppressive authoritarian regimes in the region, Algeria was able to escape the movement with minimal consequences. Though he had opposed the army in the past, Bouteflika and the army both understood that the movement represented a threat to stability and legitimacy in the country. Unlike in the past, however, oil prices have been sky-high for a decade. Political capital was not needed to placate the population because the government could afford to isolate any protests by paying off populations with raised salaries or housing vouchers. When combined with the ongoing cooptation of opposition leaders, Bouteflika and the army successfully suppressed the potential uprising at their doorstep.

As the President has aged, the army has been able to regain a significant degree of control. Bouteflika is now 81 and suffered a stroke before the 2014 election. He now makes headlines for even the smallest of public appearances— which are rare – suggesting that his health has not improved. This was true even as the leaders of the FLN party (the army) asked him to run for a fifth term in 2019. It will be interesting to see if Bouteflika declines because, in his failing health, he

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66 Ibid.
has become most pliable presidential puppet the army has ever had. The military barely needs his consent to act on his behalf because he is so ill and far removed from daily decision-making. Should a new president be elected, or rather chosen, the international community and Algerians should be wary of any promises regarding liberalization or payoffs, as these will be designed to keep the public calm and the international community supportive as the army learns about its relationship with the new president. After learning the consequences of bringing in the young, determined Bouteflika and now having enjoyed more freedom in his old age, the army’s new choice would give a strong indication regarding their feelings about the country’s need for stability and the public’s need for promises of liberalization.

Though most of this discussion has centered on government institutions it is important to understand that the economy can also be a tool of the regime. *Le pouvoir* also controls the economy. Algeria’s oil represents 98% of the country’s revenue and is controlled by a state run company called the Société Nationale pour la Recherche, la Production, le Transport, la Transformation et la Commercialisation des Hydrocarbures (SONATRACH).67 SONATRACH was founded after independence in 1963 and has been an indispensable tool for funding projects in a variety of sectors and, just as importantly, managing the public. When the Arab Popular Uprising created instability across the region, high oil prices allowed the government to placate an enraged public with ease, raising salaries and doling out loans to anyone in need.68 Having state control over the country’s main revenue stream ensures that if an emergency arises, there is almost always an immediate financial recourse before the state must turn to military action. However, should the oil market decline at any point for an extended period of time, the government loses this alternative, which is what led to the riots in 1988 and the subsequent reforms in 1989.

68 Ibid.
While other areas of the economy have privatized, SONATRACH has remained under state control. Restructurings and reshufflings are common. Individuals in related government departments often trade places with SONATRACH officials.\(^{69}\) Appointments alternate between officials who obey \textit{le pouvoir} and those who re-stabilize the institution with progressive economic maneuvers and exposure to the private sector.\(^{70}\) In this way, the government keeps SONTRACH healthy enough to survive, but sufficiently under state control so that the government can use its resources.

Algeria remains a far more oppressive state, but on paper it is simple to draw significant parallels between the priorities and behaviors of the regimes in both Algeria and Morocco. They both aspire to maintain their own stability and facilitate an image of liberalization. The Moroccan monarchy has built up more credibility than the Algerian army, which is only 20 years free from a decade-long, military-led civil war initiated in the name of power preservation. This is not to say that the Moroccan monarchy is “better” at liberalization, as the reluctance to liberalize is evident in both systems of government. However, it may explain why actors in and out of the country are more willing to identify it as liberal or at least making a legitimate effort to liberalize.

TUNISIA

Tunisia provides a fascinating balance to the previous two countries because one could argue that it belongs on the right side of the J-Curve and, after the Arab Popular Uprising saw the removal of Ben Ali, has successfully transitioned into a democratic and liberalizing state. While the purpose here is not to dispute the magnitude of this success, one could argue that, since 2011, the global community has used Tunisia as the “latest showpiece” for the potential of democracy and liberalism in the Arab World while simultaneously ignoring or missing key developments in the transition

\(^{69}\) Ibid, 17.
\(^{70}\) Ibid, 19.
process and subsequent to it, which indicate elements of the authoritarian regime have not been
eliminated as promised. Though progress was made, observers must remain vigilant for signs of
authoritarian backsliding. To best understand the current environment in Tunisia, one must consider
some of the bolder elements of authoritarian control in Tunisia before the Arab Popular Uprising
and how they have manifested throughout and since the transition process.

The Tunisian state, as designed by Bourguiba and subsequently Ben Ali, was set up to appeal
towards Western states. Both dictators made a conscious effort to construct a state identity that
“featured a pro-West foreign policy, ‘liberal’ economic orientation, and strong state control over
religious institutions in the name of secularism and modernity.” Many of the initiatives dedicated
to maintaining this façade were quite legitimate, but governance remained authoritarian. The
traditional hallmarks of a dictatorship were in place, including fraudulent elections, an extensive and
oppressive police system, and illicit economic practices by the regime and a small network of critical
families and clans that supported Ben Ali and his regime while suppressing opposition voices.

The economy could be described as a “delicate authoritarian bargain,” in which the state
secured “legitimacy and political stability” by engaging in healthy economic practices (export
diversification, family planning social policy, embracing the service sector) that benefitted the public,
as well as the regime. Civil unrest before the revolution stemmed from the regime’s inability to
create jobs for an increasingly educated workforce and a rise in economic inequality – the bargain
was breaking down. Ben Ali’s regime came crashing down after Mohamed Bouazizi set himself on

71 Mullin, Corinna, and Ian Patel. "Contesting Transitional Justice as Liberal Governance in
72 Mullin, Corinna, and Ian Patel. "Contesting Transitional Justice as Liberal Governance in
74 Lahcen Achy, “Tunisia’s Economic Challenges,” The Carnegie Papers, Carnegie Endowment for
International Peace, December 2011.
fire after a police officer confiscated his produce cart, a representation of the modest livelihood to which a growing number of Tunisians aspired. A movement led by well-educated, unemployed youth turned into a revolution and toppled the dictatorship. 75

A key challenge for the Tunisian transition was the establishment of legitimacy in the absence of a written constitution (as the Ben Ali constitution was considered suspended). 76 This challenge notably manifested itself in the courts. When the Islamist Ennahda Party came to power, the judiciary was still regulated by the framework from 1959 and was designed to ensure that the executive had control of the courts. 78, 79 Ben Ali himself nominated eleven out of Tunisia’s nineteen members of the High Council of Justice, while the rest were elected from a pool of candidates also prepared by Ben Ali. 80 After the revolution, Tunisia continued to experience a “persistence of authoritarian tendencies” in the judiciary. 81 Judiciary executives for the Ennahda party rejected multiple reform plans for developing independent courts and went on to purge over eighty judges. One could argue that this was an attempt to clean house and remove Ben Ali holdovers from the government, or that the Islamists were new to good governance after decades of oppression. 82 Regardless, the extreme level of purging, in conjunction with the refusal of reform plans suggests that the Islamists and the new government coalition as a whole still leaned towards authoritarian mechanisms when it benefitted them. Though the new 2014 constitution guarantees an independent

75 Ibid, 70.
78 Note that when a regime was toppled in North Africa, it was in fact an Islamist party that was victorious in the first post-revolution elections. Though this does not excuse any regime’s deliberate targeting of Islamist organizations, it does validate the concerns of those regimes and ensures that they will remain a target in the future.
80 Ibid, 54.
81 Ibid, 58.
82 Ibid.
judiciary, it will be important to monitor how the judiciary develops over time, especially with the Nidaa Tounes party now in power.

Nidaa Tounes is the current ruling party after winning the 2014 elections. Emerging onto the scene as a reconciliatory, secular, and technocratic party, its leadership consists of several high-profile members of both the Bourguiba and Ben Ali regimes. Not only does this mean that these individuals participated in the authoritarian rule of Tunisia for decades, but that they have control of the country’s new democratic structure. The party’s founder and incumbent president, Beji Caid Essebi, served as interior minister under Bourguiba and led the Chamber of Deputies under Ben Ali. Both of these positions played a critical role in the management of the state’s stability, especially the interior minister, who had substantial control over the country’s internal policing and security apparatuses. Since the revolution, Tunisia has seen several instances where security forces have resorted to violence, denied rights to prisoners, and attacked members of the media both through physical aggression and new restrictive policies. Though this is a hallmark of Tunisia’s authoritarian past, the most impressive accomplishment of subtle authoritarianism in Tunisia has been its ability to successfully coopt the Islamists. Cooperation among parties in government is an essential component of a liberal democracy, but the history of cooptation in Ben Ali’s Tunisia and the circumstances surrounding this example give cause to be wary.

Though the Islamist Ennahda party won the first democratic elections in Tunisia in 2011, Nidaa Tounes was able to capitalize on their inexperience in government and the secular history of the country. Both Bourguiba and Ben Ali campaigned aggressively against any non-state sponsored

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manifestation of Islam during their respective reigns, preferring to demonize them. They associated the growth of Islam with “liberal political rights and access to the economy,” allowing the regime to both cultivate Islamic legitimacy and oppress more traditional Islamist movements.

Under the new democracy, those in Nidaa Tounes were forced to change their strategy. By 2013, the secular party leaders had formed the National Salvation Front, which attacked Ennahda for allegedly facilitating government collusion with terrorist movements. This group was announced following the assassination of a key opposition leader, suggesting that the Nidaa Tounes leaders were waiting for an opportunity to launch a valid campaign against Ennahda. Ennahda announced new elections in the aftermath of the controversy, during which Nidaa Tounes leaders called for a secular, technocratic government and claimed that the Islamists were outdated (after less than one term of government experience, no less). At this time, secular leaders also called for the shutdown of Islamist institutions and targeted sources of Ennahda power. The most critical moment in this process came after Nidaa Tounes claimed victory in the snap elections. Despite playing a major role in the ousting of the Islamists and claiming that Islamism was tied to instability in the state and the region, Nidaa Tounes chose to form a coalition with the Ennahda party in order to form the majority in the Tunisian government. Ennahda received only one ministry to oversee, while Nidaa Tounes controlled the rest, ensuring that they had primary influence over the government.

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87 Ibid.
89 Ibid, 221.
The decision to incorporate the Islamists into the majority resembles attempts during Ben Ali’s government to incorporate the most malleable elements of Islamism into the government while blocking out traditional elements that opposed the regime. The move was even more strategic because it incorporated the political arm of Islamism in the country, which is widely favored and supported by the people. Furthermore, this cooptation was occurred through the democratic process of forming a coalition. Not only are the technocrats now able to directly oversee Ennahda’s leadership, but also it eliminates a formidable opponent from the opposition, as the party has already demonstrated its ability to collect the favor of the masses. While all of this occurs under the umbrella of democracy, the level of preparedness on Nidaa Tounes’ end and their decision to both include and then limit the influence of the Islamists indicates a strategy designed to project democratic ideals and gain the favor of the public, while simultaneously eliminating a critical threat to their party’s control. While it might be fair to argue that this is a sound political strategy for befriending a political party’s largest opponent, it is also concerning because Nidaa Tounes entered the political scene as a radical reaction to the Islamist victory. Thus, it was surprising, even for members of the party, when they agreed to form a coalition with Ennahda in the first place. After Nidaa Tounes assumed power, evidence of other illiberal practices has revealed itself, such as the reemergence of the aggressive police state and accusations that President Essebi sought to have his son replace him as the leader of the party over its secretary general. With Essebi still involved in the party, it is not unreasonable to suspect that some of his experience as part of the Ben Ali regime will manifest itself in the now democratic government.

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CONCLUSION

Though these countries might fall on the J-Curve at different places, they all share similar tendencies when it comes to their regimes’ relationships with stability and openness. In each country, though the leadership may preach progress and liberalization, they are unwilling to experience instability in any form. The J-Curve’s primary flaw is an implication that a regime will choose to enter a period of instability and that power brokers will voluntarily cede their power to liberal institutions.\textsuperscript{95} Additionally, it suggests that instability is a mandatory part of the transition process. However, the regimes of North Africa abhor the prospect of instability, so much so that they try to skip it altogether. They identified that small promises of liberalization (even those on which they did not follow through) were sufficient to induce appeasement and sentiments of democratization among the people. Furthermore, establishing functional, liberal institutions to back up those promises is effective, even if authoritarian mechanisms exist behind them. Using political capital, cooptation, and constitutional revisions, those in power appear to trick their population and outside actors into perceiving substantial progress where there is little.

After proving that North African regimes attempt to maintain their grip on authoritarian power while projecting liberalization, it becomes clear that the immediate benefits are a reduction in scrutiny from both the population and external actors. Furthermore, a commitment to liberalization can be converted into partnerships that benefit the state financially or militarily. Certainly, these benefits are part of the incentive to engage in this contradictory duality, but it does not answer how these states hope to overcome instability in an uncertain environment.

It is peculiar that these regimes make a very conscious effort to avoid using authoritarian styles of power in public and yet work so hard to hold onto that same power in the face of liberalization. To add to the contradictory nature, they also commit a significant amount of time and

\textsuperscript{95} Bremmer, 2007.
resources to creating legitimate, functional liberal institutions that actually contribute to the governance of the state. When instability rises, whether it is associated with pressure to liberalize or unrelated, the regimes pass on utilizing authoritarian or oppressive tactics, instead preferring to rely on the institutions they have created to try and resolve the issue first. These figures and bodies promote stability in much the same way as in any democratic, liberal country, by allowing the people to participate and adhering to the rules of a constitution. Though the regime has power over these institutions, the urge to use it is disciplined. They are inclined to let political processes carry on without interference. The examples above demonstrate how, despite this lack of interference, there is always the distinct possibility of authoritarian intervention.

This hesitancy to act in an oppressive manner suggests that, on some level, the regimes recognize that they have started down a path of liberalization that will ultimately lead to a stronger stability than authoritarian mechanisms could ever provide. To turn back risks instability – retracting the freedoms already conceded will not elicit an appreciative response from the public. However, to move forward too quickly is to guarantee instability and, by extension, uncertainty regarding the fate of the regime. It also risks the unraveling of decades of work to cultivate stability and legitimacy, not to mention the reassurance of those authoritarian mechanisms. Instead of risking instability, the North African states choose a route not available on the J-Curve. They opt to walk across a tightrope connecting the two highest points of stability, performing a balancing act between authoritarian stability and liberal-democratic stability while staying far above the instability at the bottom.

This process, which was alluded to at the start of this piece, is North Africa’s response to resolving the disconnect between tradition and progress. Calls for liberalization will only increase, and will probably be followed by demands for legitimate forms of democratization as it becomes clear that current political participation has a tendency to be theatrical. A transition must occur, but
the regime wishes to avoid instability. Keeping one foot firmly planted in historical forms of legitimacy and governance while stepping out in a new direction serves to reassure regime as they step forward into new and uncertain territory.

This compromise benefits both the government and the people. As demonstrated above, the government begrudges liberalization and addresses the demands of the people or external actors in a way that allows them to feel secure in its own position. The people experience liberalization first. This is an important part of the formula because the regime has not yet ceded any of its political power. This is liberalization without democratization, at which point the regime is opening the country but still remains in control. The coexistence of authoritarian mechanisms with liberal institutions rewards the regime with stability and the public with temporary satisfaction, giving the regime time to adjust to the new political reality. As more liberal institutions are established and legitimized, the regime learns to rely on these institutions to address uncertainties and threats to instability rather than running back to harsher methods. In essence they are developing best practices of governance while ensuring stability throughout the entire process.

This interpretation of the North African liberalization process transforms what appears to be a manipulative and misleading endeavor by the government into a selfish coping mechanism for dealing with semi-voluntary liberalization. In Tunisia, one can observe a distorted version of the same behavior in the post-revolution era. Because democratization occurred rapidly in the aftermath of the revolution, actors and institutions are struggling to identify methods of reestablishing regime stability. Holdovers from the Ben Ali regime seek to incorporate the most effective components of the Ben Ali regime into the new democratic framework. While considerations and further research, if not deep insight into the regime, would be required to prove intentionality on the part of individual leaders, this is an observable trajectory for all three states. One of the biggest questions revolves around the process of implementing democratization. This would place the regime farther
away from its authoritarian foothold and carries the most risk and uncertainty. As it feels its power slipping away a regime could peacefully relinquish power or recoil back to old authoritarian habits.

All told, there is reason to be optimistic for a government that undergoes such a transformation. In “Politics,” Aristotle considers the ideal constitution to govern a city-state. Determining that most states would lack the resources for his ideal constitution, Aristotle outlines the “mixed” constitution, which combines “features of democracy, oligarchy, and, where possible, aristocracy.”96 Machiavelli built upon this notion in his “Discourses on Livy,” in which he describes the process by which Rome became a “perfect” republic. He describes a mixed governance similar to Aristotle’s, keeping the most effective components of principality, aristocracy, and popular government, even as each failed on its own.97 The strongest parts of each bolstered the others and prevented the mixed government from collapsing into the deviant Aristotelian versions (Tyranny, Oligarchy, and Democracy) of the individual governments.98 These notions of mixed government, especially the more procedural version discussed by Machiavelli, reflect the processes observed in North Africa. Regimes avoid instability by holding onto the authoritarian components of their rule as they establish legitimate liberal institutions. This sounds similar to the notion of a partial transition from rule by principality to rule by aristocracy. The next step in North Africa, democratization, resembles the concept of transferring power from state-controlled institutions to a public with full political participation.

This essay examines a duality occurring in North African regimes and attempts to understand the motives for what appears to be contradictory behavior over an extended period of time in the name of maintaining a grasp on power. What can ultimately be concluded, however, is

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98 Miller, 2017.
that the actions these regimes take cannot necessarily be ascribed to either good or bad intentions, but rather a desire for stability in a region that rarely provides any reprieve. This desire is inherently selfish, as this process slows the dissemination of power away from the center. Even if the deliberate slowing of the process is being done with the best of intentions – perhaps that stability benefits everyone even if it slows other improvements for the public - this does not mean that domestic or international communities should refrain from acknowledging unjust actions by North African regimes. Regardless this is not the case, as this behavior is most likely driven by fear and a desire for power. Even if one can praise these states for their progress on legitimate liberalization, it is equally important to remain critical of the false examples of liberalization, the unfulfilled promises, and the ongoing violations of civil liberties. Understanding the dynamics of this gradualist framework will allow for more pointed dialogue between regimes and citizens. Pro-stability sentiments have the potential to be a strong unifier and scholars should focus their attention on how this commitment to stability will affect the process of democratization.