



AUTHORITARIAN NEOLIBERALISM AND THE STATE OF EXCEPTION: READING KAIS SAIED'S TUNISIA THROUGH AGAMBEN'S BIOPOLITICS

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ABSTRACT

This article examines how Giorgio Agamben's concept of the state of exception is relevant to explaining Tunisia's failure to shift away from authoritarianism. Kais Saied's leadership's use of the state of exception routine is not merely seen as an attempt to expand his power. More deeply, the state of exception represents a normal state for governing every aspect of Tunisian society through authoritarian-neoliberalism discourse. Through an analysis of legal decrees, political speeches, and secondary literature, this study finds that Saied has transformed the emergency situation into normal governance by integrating legality, morality, and security into a permanent form of government. These findings reveal that democracy itself latently legitimizes the state of exception as a paradigm exploited by the privilege-determiners. The state of exception, repeatedly declared by ruling regimes, no longer serves to expand power but rather to ensure the continued regulation of social and physical life. Through the state of exception, authoritarianism infiltrates democracy, arbitrarily suspending the constitutional order and the separation of powers. Saied inherited this normalization only in a more subtle form through the co-optation of parliament, the delegitimization of the opposition, and the fragmentation of progressive political movements in the name of "securitization." Thus, the state of exception is not a suspension of the law, but rather the law itself. From an Agambenian perspective, the article argues that the primordial political relationship is one of abandonment: the state absorbs everyone into its order while simultaneously abandoning them to bare life, rendering Tunisian society a bulwark where violence is inevitable.

Keywords: Saied, authoritarian neoliberalism, state of exception, privilege-determiner, bare-life

INTRODUCTION

Tunisia is experiencing a unique political dilemma a decade after the Jasmine Revolution. The International community has praised Tunisia for being the only democratic success in the Arab world. However, it has lapsed back into authoritarianism. The severe economic crisis, together with the political party breakdown, allowed for the

rise of Kais Saied. An austere, anti-elite constitutional law professor, Saied promised political and systemic reform. However, as Weilandt (2022) points out, reform rhetoric has quickly turned into the consolidation of power and the diminishing of Tunisia's democracy.

On July 25, 2021, Saied invoked Article 80 of the 2014 constitution which was, as a matter of fact, intended only for emergencies. To this end, he unilaterally interpreted it as a license for suspending the constitution, dissolving parliament, removing the prime minister, as well as assuming both the executive and legislative powers. Tunisia has since then, and for the first time in history, been living under an open ended state of emergency. Saied revised the constitution to serve his ruling by decree and to consolidating his powers, and dismantling the oversight institutions (López, 2022; Schumacher & Ghannouchi, 2024). His government prosecuted opposition to include leaders, the media, and trade unionists as state conspirators (Emig, 2025; Gobe, 2023). Tunisia's social protests, once a symbol of freedom, have, under pressure and exhaustion, weakened (Pilati et al, 2023). Simultaneously, Saied expanded the discourse on counterterrorism to justify political repression (Han, 2020; Maryon, 2024; Emig, 2025). He employed disinformation to divide citizens into the "true people" and the "enemies of the nation" (Abuamer, 2025). Saied has reactivated authoritarianism in the name of the people, under the guise of "morality" and "law", transforming the state of emergency into a permanent regime of governance.

Tunisia's political transition is often treated in the literature as the "Tunisian exception." But, as recent scholarship has shown, the transition to democracy has been both fragile and incomplete. Sigillò (2017) contends that, while the revolution created aspirations for democracy, the authoritarian legacies of Bourguiba and Ben Ali continued to influence the new, political arrangements that comprised elite settlement, and political, and social exclusion. Other authors are more concerned with Tunisia's transition giving rise to a hybrid of neoliberalism, populism, and authoritarianism. For instance, Maryon (2024) argues that the politics of counterterrorism operates as a type of performative authoritarian and neoliberal statecraft. By presenting Islamist and terrorism threats to social order, the state justifies authoritarian practices, wrapping them in a discourse of national salvation while deflecting from the state's failures to deliver social justice, as envisioned in the neoliberal order. Emig and Schumacher (2025) explain how Saied has weaponized the 2015 counterterrorism law and turned it into a political shield. Using counterterrorism as a guise for authoritarianism, he has gradually dismantled democracy, what they call "legal authoritarianism." This dynamic Cimini (2024) describes as a "crisis of authority" in Gramscian terms, where the collapsing old order is neither replaced nor transformed, and thus allows the coercive order to rule unchallenged.

According to Desrues and Gobe (2025), Saied has moved from nationalism-centric constitutional populism to Caesarism, anthropomorphizing the polity, and Justifying unfettered power. Within this framework, the new Tunisian authoritarianism operates on the axes of legal morality, security, and populism. Notably, Rivera-Escartin (2022)

highlights the growing political paralysis of Tunisia's "consensual democracy" and its risible effects on democracy. Saied's diverting attention by appointing himself savior of the nation "consented" to autocratic rule solely by deepening presidential power. This, Khaddar (2023) contends, is naked presidential authoritarianism cloaked under a purported restoration of popular sovereignty. Worsening economic conditions, coupled with political fragility, further entrenched what he calls a "pseudo-democracy." As noted by Tamburini (2020), the logic of exceptionalism has been present, and is beneficial to Tunisian rulers, who rely on it to justify the suspension of law and the authoritarian imposition of order in the name of stability. Desrues and Gobe (2021) characterize the post-revolutionary protests as a "crisis of governance," which acknowledges the persistent authoritarianism in Tunisian democracy discourse.

Nonetheless, prior research has not sufficiently clarified how the processes of authoritarian consolidation and institutionalization endured in Tunisia after the year 2011. This points to the question of why, in the case of Tunisia, authoritarianism persists within its politics even following a revolutionary episode that promised democracy. This question is complemented by an investigation into how the practice of the state of exception, as a principle of political control, has become habitualized and normalized by President Saied. This study argues that Tunisia's authoritarianism is not a case of political regress, but rather is a case of continuance of sovereign structures inherent to the modern state. The state of exception operates as a political control mechanism that has been and is being, in an incremental and systemic fashion, utilized to effectuate a style of governance that has been characterized as moral populism and neoliberal rationality. The moral aspects of Saied's consolidated power have been fashioned through security policies, anti-corruption discourses, and emergency legislations. The criminalization of dissent and militarization of civil functions are acts of profound civil repression to redefine the relationship between the state and people. The state determines inclusion and exclusion from the political order. Those categorized as a threat to order are rendered governable, disposable, and controllable.

This text analyzes how Tunisia's democracy morphs into a new authoritarian regime and suggests a revisionist view of Tunisians' enduring sovereignty as power governed over through a permanent state of exception. With a blend of populism, legality, and security, Saied bridges affirming and claiming sovereignty, whereby the state and moral authority delineate the contours of the real and the possible of the political. This explains the contribution made to the debates on sovereignty and biopolitics: Tunisia in the aftermath of the revolution, law's suspension as the new political order, and the reconstruction of authoritarianism within the frameworks of legality, morality, and security.

Travelling Agamben

Giorgio Agamben refers to contemporary politics as biopolitics, a form of power which focuses on the governance of life itself. This means the state not only attends to

the laws and institutions of governance. It also focuses on the systematic and shaped management of existence, productivity, health, and security. Expanding on Michel Foucault's biopower, Agamben adds the problematic of law and politics, asserting that the logic of the state of exception must be incorporated into any account of biopolitics (Christiaens, 2021).

From Agamben's account, the paradox of inclusion and exclusion is how biopolitics operates. It is the legal order which includes and, at the same time, exposes humans to the threat of abandonment. This is how "bare life" is produced. It is the life that is denuded of political value, power, and violence. It is left unmediated and exposed. The sovereign occupies the extreme point of the law and life. He is the one to adjudicate who is to join the political community, and who is reduced to mere life. Thus, biopolitics is the system that results in the abandonment of life and the exercise of power, even in the suspension of law (Agamben, 1998).

Centering on Agamben's critique of contemporary governance, biopolitics and the state of exception are inextricably intertwined. In *State of Exception* (2005), Agamben contends that the distinction between democracy and authoritarianism is not the presence of law, but the normalization of its suspension. In the name of public safety, executive power temporarily 'legally' suspends the law under the conditions of war, terrorism, or economic crisis. What is meant as temporary becomes a permanent fixture. The state of exception is no longer extraordinary; it becomes the very architecture of the political order.

Within that architecture, sovereignty is fully expressed. Agamben states that the sovereign is the one who decides on the exception: the law may be simultaneously transgressed and obeyed. In that liminal space, the law and the lawless converge. This threshold of undecidability, as Agamben calls it, is a hidden foundation of modern politics (Kisner, 2007). His insight shows that mechanism unfolds not just in totalitarian systems, but is democracies' structural element as well. Modern democracies maintain their legitimacy through an emergency, sustaining ordinary governance as a technique of rule.

The rationale becomes even more evident under neoliberal logic. As noted by Christiaens (2021) and Lemke (2005), neoliberalism acts as a biopolitical regime that governs life through a complex interplay of risk management, productivity, and insecurity. The justifications of austerity, surveillance, and the deregulation of economies as responses to a crisis are self-fulfilling. What Agamben describes as a crisis is not an interruption of a system, but the means by which it reproduces itself. The governing of neoliberalism operates through the continuous management of insecurity.

In this scenario, the state of exception is where biopolitics, neoliberalism, and authoritarianism overlap. Neoliberalism operates on the premise that crisis management justifies intervention, authoritarianism hides coercive power within law, and biopolitics connects the two. The paradox of law is that it works by suspending itself, thereby

creating what Agamben calls the “camp” (Agamben, 1998), a political structure in which legality and violence coexist.

When a state of exception is normalised, democracy is stripped of its meaning. The institutions remain in place, but their lifeblood evaporates. Parliaments are powerless to deliberate, laws become a means of control, and security measures infringe on rights. To Agamben, this is not a deviation but a logical concluding scenario of a juridical order based on the exception. The exception state reveals the biopolitical foundation of modern sovereignty: a power that grows by suspending the law and by the power of life and death.

Agamben's insights, in this sense, are not limited to Europe. It helps understand how contemporary states, especially those undergoing postcolonial transitions, mask domination as legality and reform. The case of Tunisia illustrates this phenomenon. Political existence, much of which was once deemed a temporary imposition in response to a crisis, is now permanent. Tunisia, through reform discourse that predicates on security and morality, illustrates how the state of exception crosses political regimes and ideologies to turn democracy into a means of life governance.

From Neoliberal-Authoritarianism to Authoritarian-Neoliberalism

The convergence between neoliberalism, authoritarianism, and the state of exception creates a unique model of governance, where the market and the state begin to function in tandem. The coercive application of neoliberalism is no longer a consequence of an exception, but a core and permanent feature of the rule. As understood by Wendy Brown (2015) and William Davies (2014), neoliberalism transcends and includes the economic rationality of a regime to the political rationality of restructuring the roles of the citizen and the state, the practice of the politics, and the structuring of the socio-political order and relations in the geopolitical unit. The socio-psyche of the populace and every aspect of their life is organized, rationalized, and dominated by a neoliberal regime and for the purposes of capitalism, in an excessive manner of order, efficiency, competition, and individual self-responsibility (Peck, 2010; Harvey, 2005).

When its authority is contested or when there is social resistance, authoritarianism utilizes disinformation as an sustaining mechanism. Here, the state of exception per Giorgio Agamben (1998, 2005) represents the intersection of the crisis and control dynamic. It simultaneously allows justification of the suspension of legality in order to maintain order and discipline the self, and the unstable order counter the unchecked loss of control. Thus, neoliberal reason does not eliminate authoritarianism; it incorporates it into ostensibly objective and technocratic frameworks of governance.

This phenomenon became more distinctive after the Cold War, when exceptionalist governance accompanied the further neoliberal globalization. Gill and Brown (1995, 2015) evangelize how neoliberalism translates sovereignty into a shield that depoliticizes the sovereignty of the state, safeguarding capital, while dismantling the democracy. Emergency powers are justified through the reiterating state of economic and health crises and increase the hand of the state to serve market dictates per Cooper (2017). In the halt

of the state, Agamben (2005) calls this “the paradigm of government today,” wherein a system of rule incorporates the legal and the illegal. From this perspective, we are better placed to understand Tunisia after 2011. The shift not a departure from Ben Ali to Saied’s exceptionalism, less to explain the absence of a break and more to say that the same structural logic continues.

It is crucial to understand the complex inter relations in the use of the terms neoliberal authoritarianism and authoritarian neoliberalism. Neoliberal authoritarianism describes situations in which authoritarian rule is put in place and then followed by neoliberal reforms. It’s within these regimes that austerity, deregulations, and privatizations become a mechanism of reinforcing elite domination and depoliticizing dissent (Harvey, 2005). On the other hand, it is authoritarian neoliberalism that occurs when neoliberal restructuring provokes social crises that can only be resolved by state coercion (Bruff, 2014; Tansel, 2017). Streeck (2016) argues that regulatory neoliberalism has reached a point in which the state has to use emergency powers to protect the market from democratic disruptions. Neoliberal authoritarianism encompasses authoritarian regimes that control dissent through neoliberalism, while authoritarian neoliberalism describes the tendency of neoliberal regimes to develop authoritarian control from within. In the case of Tunisia, the political paradigm shift from Ben Ali to Saied illustrates this exactly. Ben Ali employed neoliberalism as a tool of domination, while Saied relies on exceptional rule to sustain a neoliberal order.

During Zine El Abidine Ben Ali’s rule (1987–2011), Tunisia was a prime example of neoliberal authoritarianism. In the 1990s, the IMF and World Bank’s structural adjustment programs made the state move from a provider of welfare to a facilitator of the market (Hibou, 2006). Political repression was accompanied by the liberalization of the economy. Along with modernization, the regime rhetoric thick with surveillance, censorship, and patronage. In describing the state as ‘privatized’, Béatrice Hibou (2011) pointed to the merging of political power and economic accumulation within perverse elite circles. The focus on ‘reform’ discourses served to depoliticize the inequalities resulting from economic liberalization, which was cloaked as authoritarianism. Under this model, neoliberalism became the legitimizing rhetoric for domination, with limited economic liberalization for the ‘elite’ and political exclusion for the masses.

The structures of power that emerged from the 2011 revolution changed but did not vanish. The Troika government (2011–2014) coalition, led by Ennahda alongside secular partners, took over under the same economic reasoning, with the same frameworks of emergency rule. While claiming to enact social justice, the government practiced fiscal austerity, locked social spending, serviced the external debt, and kept the security apparatus intact (Yerkes & Muasher, 2018). The government’s reliance on external debt and subsequent imposition of austerity lent a technocratic veneer, with politically motivated austerity framed as a ‘rational’ economic measure. Agamben’s framework on the transformation of emergency rule helps explain how this period turned emergency governance from a temporary imposition into a mundane aspect of democracy. Each

instance of unrest—be it terrorist incidents, assassinations, or widespread protests—was dealt with through emergency laws that obfuscated civilian-military authority. What began as a temporizing solution to a crisis of governance became an stable form of governance by the control of ‘insecurity’, effectively superseding the practice of democracy.

Under Beji Caid Essebsi (2014–2019), this transformation deepened. His administration maintained the democratic veneer while reinstating authoritarian rule. Nidaa Tounes, which Chomiak (2016) described as a reconstitution of the old elite, neoliberalism disguised as democracy. The state of emergency initially imposed in 2015 on the grounds of terrorism, has been renewed indefinitely, allowing the president to govern with little parliamentary control. In practice, emergency governance was used to execute and justify an economic austerity policy. The legal order was reorganized to formalize the exclusion of citizens, demonstrating Agamben’s notion of inclusive exclusion. The extraordinary became the norm, and democracy as a whole became procedural.

Table 1. Comparative Features of Neoliberal Rationality and the State of Exception in Tunisia

| Regime | Neoliberal Rationality | Practice of the State of Exception | Political Effects |
|---|--|--|--|
| Zine El Abidine Ben Ali (1987–2011) | Structural adjustment and privatization; IMF–World Bank conditionalities; technocratic depoliticization of the economy; repression of labor and opposition. | Frequent invocation of emergency laws; pervasive surveillance; fusion of political authority with economic elites under the guise of stability. | Authoritarian consolidation through economic liberalization; depoliticization of social life; intertwining of market and coercive power. |
| Troika Government – Ennahd-led Coalition (2011–2014) | Continuation of austerity and donor dependency; neoliberal reforms sustained under revolutionary legitimacy; prioritization of efficiency and investor confidence. | Recurring emergency decrees during political crises; military involvement in civilian governance; normalization of exceptional measures in the transition. | Maintenance of democratic façade amid neoliberal continuity; expansion of executive discretion and erosion of legislative power. |
| Beji Caid Essebsi (2014–2019) | Reassertion of pre-revolutionary elites; deepening privatization and foreign debt; technocratic governance framed as democratic stability. | Continuous renewal of state of emergency; securitization of politics; decrees overriding parliamentary oversight. | Institutionalization of authoritarian neoliberalism; normalization of emergency rule; weakening of democratic accountability. |

Source: DCAF (2024)

When Saied became president in 2019, the foundation for governance by exception was already in place. His decision to suspend parliament, rule by decree, and rewrite the constitution in July 2021 did not indicate a break from this legacy, but the consolidation of it. Nevertheless, Saied’s undertaking serves as a new phase in this trajectory. Whereas Ben Ali’s authoritarianism instrumented neoliberalism to control, and Essebsi’s neoliberalism used emergency powers to sustain control, Saied simultaneously integrates

both tendencies under a single logic of rule. His government combines a moral dimension with technocratic discourse, framing centralization as a means of purification and rationality as a moral absolute.

Under Saied, the exercise of sovereignty consists solely of the act of decision. Instead of serving as a limit to power, law becomes the means through which power is exercised. The sovereign does not merely suspend the law; the sovereign sets the law with their decree. This reality illustrates Agamben's point that the sovereign occupies both the legal and illegal realms. In Saied's Tunisia, legality is exercised as an instrument of exclusion: obedience is celebrated as virtue, and dissent is treated as treason.

The transition from neoliberal authoritarianism to authoritarian neoliberalism constitutes an inversion of neoliberal authoritarianism. In the first case, neoliberalism is consolidated by authoritarianism, whereas in the latter case, neoliberalism spawns authoritarianism as a means of self-perpetuation. Tunisia illustrates this transition. The routine suspension of constitutional provisions, the moralization of legality, and the intertwining of economic and political control exemplify how the state of exception is functioning as a paradigm of governance.

In contemporary Tunisia, neoliberal and authoritarian rationalities operate in a single undifferentiated framework. The entire political spectrum from Ben Ali's technocratic authoritarianism to Essebsi's procedural centralism and Saied's moral populism has produced an ever-tightening synthesis of market control and sovereign power. The steady state of emergency, once an extraordinary measure, now constitutes the ordinary architecture of power. Through this synthesis, sovereignty no longer merely suspends law in moments of crisis; it governs through continuous exception, shaping both political order and social life in its image.

From Constituted Power to the Privilege Determiner

Saied's consolidation of power and reconfiguration of the political system in Tunisia are indicative of a broader change in the triad of law, sovereignty, and democracy. He demonstrates, in the context of Tunisia, how the state of exception, presumed temporary, has become the norm in a political order. This is due, in part, to the post-revolution history of Tunisia, in which the institutions that professed to represent the people absorbing the people's founding will. Democracy, according to Agamben (2005), is paradoxical in nature; the people who are instrumental in creating a political order are also its 'deciders' and yet are excluded from that order once it is institutionalized. Saied's Tunisia is a case in point about the aforementioned paradox where the narrative of popular sovereignty is hollowed out in practice.

In the context of democracy, Agamben (1998) highlighted the tenuous balance between the people's creative power and the law, which coordinates that power. The Jasmine Revolution was a politically and morally powerful distinct moment of collective action, where the people rose to oust decades of authoritarian rule and demanded accountability and dignity. However, this collective will did not translate into a political order.

With the decline of political enthusiasm, state control returned, this time through the neoliberal and bureaucratic layers of the authoritarian state in place of the “democratic” governments that had followed, from the Troika coalition to Beji Caid Essebsi’s administration. Sadiki and Layla (2024) point out that once post-revolutionary stability was achieved, the energies provided by marginalized groups were sidelined. Repeated national dialogues, often heralded as steps towards democracy, singularly returned the elites to their consensus. Civil society, once the valiant resistance, became an equipment of the State’s institutional normalization. For that matter, the Tunisian General Labour Union, and its democratic struggles, endlessly postponed the fight during Saied’s power concentration in 2021.

As Agamben (2013) argues, every constitution makes possible its own suspension. Predatory, constituted power monopolizes sovereignty and distances itself from its original source. Consider Tunisia’s 2014 Constitution. For all its purported democratic promises, it failed to move the democracy paradox. Article 80 and the infamous emergency powers that permitted the president to take “necessary measures” in exceptional circumstances. Without an operative Constitutional Court, the emergency powers, coupled with waning parliamentary oversight, rendered the provisions perilous. The president straddled legality and lawlessness. Tamburini (2021) argues that Saied’s presidency exceptionalism was possible because institutionalized analogy was already a normalized form of exceptional governance Tunisian State.

When Saied implemented Article 80 of the Constitution in July 2021, the state of exception had already become Tunisia's hidden political foundation. It only took a few months for him to suspend parliament, dismantle independent bodies, and rule by decree. Without any form of judicial oversight, his interpretation of legality was never challenged. Human Rights Watch (2021) reported how Saied had extended the emergency measures for an indefinite period and absorbed the judiciary, electoral commission, and administration of the state into the executive. This collapse between emergency and everyday normality is described by Agamben as the suspension of law becoming the law itself. Maryon (2024) describes this as a politics of performance, where the state reasserts its power through a series of acts of domination, rather than through the institutional mechanisms of power. Saied's decrees are acts of performative power, turning the ritual of control into a legal act. This process is described by Butler (1993) as performativity, where power is reproduced through an act of repetition. Every decree is an act that legally 'performs' sovereignty, rather than just exercising it.

Saied's appropriation of power was consolidated in the 2022 constitutional process. He established a consultative commission for a new constitution that excluded most political and civil stakeholders. The constitution draft was ultimately submitted under his direct oversight. The document was then voted on in the July 2022 referendum, which passed with 94.6 percent approval, although it had only a 30 percent turnout, raising legitimacy concerns. The Venice Commission also remarked the process was not democratic, in both form and function, and for the substance of the constitution, the newly

defined powers of the president did not maintain the separation of power, and included direct control over the courts and the legislature. Tunisia was redefined in Article 5 as a member of the Islamic community, and was called to comply with “authentic Islam.” The omission of reference to human rights in the preamble, and the regression in the rights and equality in the text, were the final abandonment of democratic promise.

Saied went on to revise the electoral law to remove proportional representation and gender parity. The 2022 elections were boycotted by the major parties and registered a record low in votes. Despite this, Saied saw the silence of the public as a form of approval. This is an example of what Agamben (2005) calls the sovereign fiction, where the ruler is absent, yet claims to represent the will of the people. In Tunisia’s new republic, the discourse of sovereignty remains, but the power to exercise it is fully in constituted power. Desrués and Gobe (2025) write that for Saied, Caesarism now includes the rationalization of power consolidation through moral populism. While an “incorruptible” figure, Saied is a neoliberal rationalist and paradoxically a coercive neoliberal populist, as Bruff (2019) defines neoliberal governance. His corruption and foreign influence-control narratives are primarily oppositional and rationalize presidential autocracy. Saied’s rejection of political parties and unilateral representation of the populace rationalizes the elimination of political pluralism and the conflation of sovereign and citizen.

The consolidation of authoritarianism and neoliberal policies is a “given” in the case of Tunisia. Saied’s complete and totally unrestrained, with the complicity of the legal order, exercise of executive power has been legitimized with the protection of the Revolution. After 2011, the political discourse shifted to rationalize the expansion of legal coercion in the name of order and protection of the Revolution. Maryon (2024) notes the discourse of social justice was replaced with that of national security. Saied has been able to position all extraordinary measures as necessary for the “salvation” of the nation. Agamben (1998) warns that the sovereign who saves the law suspends it, thereby complete disorder. Legality and disorder are in a single order.

The Tunisian state is operating within and outside the parameters of legality at the same time. The constitution remains in place while the constitutional substance decays. Decrees replace discussions and legality is more of a performance than a principle. Weber’s (1998) performative sovereignty encapsulates the essence of the situation: authority must be performed over and over in order to be deemed real. The public addresses delivered by Saied and the control-seeking decrees are a restatement of sovereignty in action. Law no longer sustains sovereignty, but its ceaseless repetition.

The fragile and unresolved conflict between the energy of the post-revolution bureaucracy and the normalization of order is illustrated in this case. The desire for popular empowerment remained, but was not translated into enduring participatory systems. Instead, technocratic elites framed the post-revolution project within a neoliberal order, thus depoliticizing it. Khaddar (2023) argues Tunisia’s evolution, neoliberal and otherwise, was to the country’s present revolutionary goals. The Administrative

Reconciliation Law of 2017, which absolved corrupt officials the state was meant to be accountable to, symbolized this abandonment of the revolutionary order. The Truth and Dignity Commission, undermined by the very elites it was designed to confront, was intended to pursue transitional justice. The 2019 Saied campaign, which focused on a more authoritarian rule than the one it sought to replace, offered moral renewal to a public disappointed by these failed promises. It is not that Saied's regime represents a deviation from the norm, but rather that it is the culmination of a longer historical sequence and the logic of power consolidating the neoliberal rationalities that have weakened and hollowed out democratic institutions. Hall (1978) argues that states in crisis reconstitute legitimacy through the moral and coercive face of power. This is exactly what Saied's regime delivers: a regime that is justified through a discourse of moral purity and exercised through decrees that conflate the legal and the moral, rendering the coercive order virtuous.

Agamben's framework captures the deeper meaning of the developments surrounding Saied's regime. The sovereign declares a state of exception and determines who is included and who must be excluded from the legal order. The latter is a situation in which individuals are citizens of a state, yet legally and politically stateless because the law rationalizes their exclusion. This is the condition of Tunisia: the constitution is in place, elections are held, and legality is proclaimed, but the people's creative power rests involuntarily. This is the condition of the political community envisioned by Agamben (1998) as the camp: life is included in the community only through the exclusion of all democratic rights. The people are a ritualized symbol of the power that legitimizes the state rather than active citizens who shape that power.

Table 2. Tunisian President Kais Saied's Emergency Decrees (2021–2022)

| Date | Decree Number | Purpose |
|----------|--|---|
| 7/26/21 | Presidential Order No. 69 (2021) | Dismisses PM and cabinet effective July 25 |
| 7/29/21 | Presidential Order No. 80 (2021) | Suspends parliament and lifts immunity |
| 8/24/21 | Presidential Order No. 109 (2021) | Extends suspension of parliament |
| 9/22/21 | Presidential Order No. 117 (2021) | Extends exceptional measures, suspends constitution |
| 10/11/21 | Presidential Orders No. 137–138 (2021) | Nominates new PM and government |
| 1/20/22 | Decree No. 4 (2022) | Repeals powers of Supreme Judicial Council |
| 2/12/22 | Decree No. 11 (2022) | Establishes Provisional Supreme Judiciary Council |
| 4/22/22 | Decree No. 22 (2022) | Gives president power to appoint electoral members |
| 5/19/22 | Decree No. 30 (2022) | Creates commission to draft new constitution |
| 5/25/22 | Presidential Order No. 506 (2022) | Sets referendum on constitution |
| 6/1/22 | Decree No. 35 (2022) | Grants authority to fire judges/prosecutors |
| 6/30/22 | Presidential Order No. 578 (2022) | Announces publication of new constitution draft |

Source: DCAF (2024)

Saied has carried out politics that go beyond plain authoritarianism. His governance can simply be characterized around the figure of the Privilege Determiner. Following Agamben in *The Kingdom and the Glory*, 2011, sovereignty entails not only the power to decide on exceptional measures, but also the power to allocate and distribute the privilege of determining who stays within the law and who lies outside the law. In Saied's Tunisia, the law becomes a selective privilege. The president self-appoints the role of the arbiter of exception, deciding which citizens or which institutions have legal standing. To regulate privilege is to regulate participation in the political order.

Saied's position allows him to move beyond being just a conventional autocrat. Unlike centralizers of power, The Privilege Determiner restructures the very essence of authority. His acts disdainably categorize citizens as either legally acknowledged or legally obliterated. It transforms the Tunisian state into a constellation of legally recognized and unrecognized citizens, where collective rights are no longer exercised and discretion determines the benefits of legality. Within this setup, the absence of politics is the administration, and the power of sovereignty is exercised not legally, but through the decision of who remains under the law's protection. Tunisia exemplifies the contemporary situation of Agamben's warning, where exception becomes the rule, and power's organizing principle is privilege, not right.

Politics of Military Control

Tunisian post-revolution experiences have not been characterized by a departure from authoritarianism in its entirety. Among the remnants of this authoritarianism is the increasing involvement of the military in politics and the lives of civilians. The decade after 2011 was marked by military influence consolidation, displacing any expectations of reform and democratic consolidation stemming from the 2011 aspirations, and normalization of the state of exception. The unprecedented extension of military governance—complete with oversight of civilian life, unrestricted impunity, and exceptional sovereign judicial acts—evidently confirmed a return of the military as a principal agent of governance.

Saied did not trigger this remilitarization; rather, he intensified a trend established during the Troika and Beji Caid Essebsi's rule. Under both administrations, and particularly after the 2011 revolution, Tunisian state governance, policy, and democratic order reconstruction used the blunt instruments of state coercive and security apparatus redeployed after the revolution. Significantly, and with US aid, Tunisia's military budget allocated for spending in 2011-2016 expanded the military complex, creating state military intelligence and security agencies, and broadening the military's oversight of critical border control. As a consequence, control of the military and resources of state transitioned from the Ministry of Interior to the military in a decentralized fashion.

Bou Nassif (2022) describes in detail how multiple factors consolidated the army's position. First, General Rachid Ammar's refusal to open fire on the civilians during the 2011 protests earned the army a significant reserve of moral legitimacy. Furthermore, the

decline of the Interior Ministry and the weakening of the police's dominance in the public order sector, along with the rehabilitation of officers from Barrakat Essahel, renewed internal cohesion of the institution. Retired officers starting to assume local administrative roles, combined with the military jurisdiction described in the 1957 Code of Military Justice which still prevails, allowed the executive to try civilians. Finally, the regional diversification of the officer corps, which has been named the "Fifth Bureau", provided the institution with a semblance of national representation. Such changes embedded the army within the political framework, which virtually erased any distinction between military authority and civil authority.

The Troika period's response to political unrest and social discontent was peace through securitization (Mabon, 2018). The redefinition of dissent, opposition, and social unrest as existential threats was a thinly-veiled discourse of state violence justified by coercive expansion. Egypt and Algeria underwent similar 'regional' post-revolutionary transitions, with security agencies, and not the citizenry, pulling the transitions' levers (Bellin, 2012; Khondker, 2019). Tunisia, under Troika, suffered neoliberal reforms and additional state-sponsored securitization. Authoritarian neoliberalism characterizes the state's repressive enforcement of economic liberalization and neoliberal policies (i.e., deregulatory economic policies, state-controlled economic liberalization, and neoliberal state violence) alongside international liberalization norms (Moustafa, 2014). During that period, the centralized executive, judicial 'reforms' and repressive legislation, in the form of new legal tools, served to economically justify state of repression. Disguised as fear of terrorism, the 'repression' of democratic rights and liberties coerce opposition.

Saied's presidency escalated these phenomena. Bou Nassif (2022) notes three reasons for his military reliance. First, Saied has no consolidated political base. His anti-establishment posture resonates with disaffected citizens, but because he still requires institutional allies, the military becomes indispensable for control. Second, the armed forces enjoy considerable public trust (Albrecht, Bufano, and Koehler, 2021). Saied has converted this trust into political legitimacy through public displays of allegiance to the military and by appointing military personnel to civilian roles. Third, the strong presidential model benefits the military, as Saied allows them to assume the role of state protector against political rivals, especially Ennahda. This mutually beneficial dynamic secures Saied's power and the military's role in governance. Saied's governance operates with the assumption of institutionalized exceptionalism. He has not declared a dictatorship because the state-sanctioned mechanisms of repression were in place after 2011. By appointing decrees, he extended the military's role in the administration as a permanent rather than a temporary custodian. With the suspension of parliament and the silencing of political dissent, the state operates with the opposite assumption of emergency as a governing principle rather than a response.

Under Saied, the military's role is also about moral and bureaucratic legitimacy. Officers now oversee local governance, economic supervision, and administration. The intertwining of civil and military functions has been further strengthened by legislation

expanding the reach of the military and providing the forces with legal immunity. The military has also been allowed to try civilians accused of crimes of denigration against the president or state institutions, (Desrues and Gobe, 2025). As a result, the oversight of civilians has disappeared, and the legal system has been institutionalized with impunity. This is what Agamben refers to when speaking about a political space of the exception, where the rhetoric of safety and order claims legitimacy for the intertwining of legality and illegality.

Emergency decrees and extraordinary tribunals share the same rationale: the law must be set aside in order to preserve it. Saied no longer relies on constitutional legitimacy. The constitution has become a tool to authorize its own suspension, (Agamben, 2005). This is the transformation of law into a form of rule that governs through absence. The temporality of the exception has also shifted from a response to a situation, to one of continuity. The situation is constructed by Saied through repeated moral decrees of national salvation and the imposition of a series of decrees. A political order is now in place where the crisis is perpetual.

Economic and administrative considerations are part of remilitarization. Scarcity, unemployment, and reliance on foreign credit contracts are challenges for Saied. Hibou (2022) notes that in crisis militarization, order is maintained through control over life and resources. In Tunisia, life is governed under a state of emergency and biopolitical control through disciplinary law. Saied's extraordinary courts illustrate this logic. From a procedural perspective, he has control over the constitution and courts. In Agamben's terminology, these are "zones of indistinction" where civilian and military order, legal and illegal are merged. Through the normalization of judicial exceptionalism, Saied's command over the military takes root in the very fabric of legislation, erasing the command/justice dichotomy and intertwining them directly through the phantom of military law.

The remilitarization posed in consideration here offers mainly symbolic importance. In Saied's discourse, state dignity, popular sovereignty, and emancipation revolve around the discipline of the individual. In Agamben, the sovereign decision also works through a linguistic framework, as it articulates the inclusion and exclusion of a political community. Saied's identification of opposition figures, journalists, and activists as threats to sovereignty operates as what Foucault (2003) describes as a security dispositif, a constellation of elements that rationalizes unbounded criminalization of political will in the name of public security. Instrumentalization of the public perception of the army to be "trustworthy" serves unbordered populism as well. Albrecht et al. (2021) describe how the "trust" redistributed in the public gossip network, as the army kept "neutral" in the political conflict of 2011, earned the army lasting reputation. Saied's populism presents him as the true "people's president" and positions a "disciplined and patriotic" military as his support base. This public trust in the military, however, reiterates the permanence of the exclusion: the military operates extrajudicially, and all forms of dissent and critique are illegitimate and traitorous.

The building blocks of Saied's authoritarian rule are three, and each one provides support to the next. First, emergency governance permits the aberration of legality, turning it into an administrative tool. Then, the military is lauded as the guarantor of stability, amalgamating coercion with government. Finally, the institutionalization of extraordinary courts provides a façade of legality to the perpetration of impunity and the daily governance of an extraordinary regime. Collectively, these manifestations of governance mark the absorption of Tunisia's democratic promise into a renewed authoritarian order. Circumventing the use of overt violence, the reign is predicated on the normalization of emergency governance, impinging on citizens' freedoms through the weaponization of legality.

Politics of Bare-Life

In contrast to Carl Schmitt, who views the state of exception as a legal phenomenon to protect sovereignty and the constitution, Giorgio Agamben considers it a biopolitical practice which places the management of life at the center of political concern. For Agamben, modern democracy conceals the sovereign power of life administration under a façade of legality and legitimacy. Employing the concept of biopolitics as developed by Michel Foucault, Agamben alters the discussion of the relationship between sovereign and biopolitical power. While Schmitt articulates sovereignty as the authority to decide over life and death, Foucault speaks of biopolitical power as the shifting of state mechanisms from the right to kill to the regulation of life through surveillance, normalization, and discipline. Agamben combines these views by insisting that sovereignty is the basis of biopolitical control. In this way, the state incorporates individuals into its legal order as a form of inclusion, only to expose them to abandonment. The paradox of this political order is that it encompasses citizens, yet leaves them exposed to state-sanctioned violence.

When the suspension of the law becomes routine, the state of exception, the exercise of violence, and the arbitrary suspension of the law stop being exceptional. They are incorporated into the normal governance of everyday violence. Democracy, understood as a form of emancipation, continues to subordinate human life to the logics of administrative rationality. In this configuration, human beings are reduced to what Agamben calls bare life: a life devoid of all political significance and exposed to the arbitrary exercise of power. This life can be controlled, imprisoned, or eliminated without the state losing its moral justification, because its exclusion is rationalized as a form of protecting the body politic.

The way Saied's rule is unfolding suggests that the logic of the exception acts as a permanent structure behind the veil of a democratic façade. The closure of parliament in July 2021 showed that emergency governance had become Tunisia's standard operating procedure. Saied circumvented the declaration of martial law while using the 2015 Anti-Terror Law and Decree No. 54 of 2022 on Cybersecurity to silence dissent and justify the imposition of state control. The state assumed moral and legal powers to define, manage,

and eradicate “dangerous bodies.” The sweeping arrests in February 2023 included the “state security conspiracy” detentions of Khayam Turk, Abdelhamid Jelassi, and Kamel Eltaief (Amnesty International, 2023)—. This is the first clear evidence of the consolidation of a biopolitical order in which the law envelops the exercise of exclusionary freedom.

Table 3. Tunisian President Kais Saied’s 2023 Arrest Campaign

| Date | Type | Name | Affiliation | Role |
|-----------|--------|------------------------|--|--|
| 2/11/2023 | Arrest | Khayem Turk | Ettakol | Secretary General until 2015; currently directs a think tank |
| 2/11/2023 | Arrest | Abdelhamid Jelassi | Ennahda | Former Leader |
| 2/13/2023 | Arrest | Kamel Feki | – | Businessman and Lobbyist |
| 2/13/2023 | Arrest | Taieb Rached | – | Former First President of the Court of Cassation |
| 2/13/2023 | Arrest | Bashir Akremi | – | Former Prosecutor Republic’s Court of First Instance |
| 2/13/2023 | Arrest | Noureddine Bhiri | Ennahda | Senior Official/Deputy Leader; Former Minister of Justice; Head of Mosaïque FM |
| 2/13/2023 | Arrest | Noureddine Boutar | Nidaa Tounes | Former Head, lawyer and politician |
| 2/22/2023 | Arrest | Walid Abdel Rahim | – | Former Member of Parliament |
| 2/22/2023 | Arrest | Chaima Issa | National Salvation Front | Leader |
| 2/23/2023 | Arrest | Issam Chebbi | Al-Joumhouri | Head |
| 2/23/2023 | Arrest | Jaouhar Ben Mbarek | National Salvation Front | Leader |
| 2/23/2023 | Arrest | Mehdi Jlassi | National Syndicate of Tunisian Journalists | Head |
| 2/24/2023 | Arrest | Ridha Chalgoum | Democratic Current Party | Former Head; Lawyer |
| 2/27/2023 | Arrest | Shida El-Chaouchi | National Salvation Front | Leading Figure; Lawyer |
| 2/27/2023 | Arrest | Sadok Belaid | – | Opposition Activist |
| 3/1/2023 | Arrest | Ridha Mouakher | – | Former Minister of the Environment |
| 3/15/2023 | Arrest | Abdel Nasser Ben Aissa | UGTT | General Secretary for Culture |
| 4/1/2023 | Arrest | Rached Ghannouchi | Ennahda | Leader; Former Speaker |

Source: DCAF (2024)

The act of labeling an individual a terrorist or a conspirator is a form of biopolitical strategy. It reconstitutes political dissent as a biological threat and turns political subjects into objects of surveillance. In this case, the biopolitical power poses as moral protection while justifying coercive biopolitical acts. Agamben (1998, 2005) argues that sovereignty is exercised through the exclusion of bare life, life that can be extinguished without

murder as it has been removed from the political community. In Tunisia, the regularisation of the state of emergency has made it possible for the state to impose violence while speaking of legality. It is the law that provides the moral grammar of violence. In this sense, the post 2021 period is a case study of the harmonisation of authoritarian biopolitics, where the state cloaks the organisation of social panic with the language of democracy, civil order, and reform.

Table 4. Individuals under Investigation, Arrested, or Convicted on Charges Relating to Freedom of Expression by Tunisian President Kais Saied (2022–2024)

| Date | Name | Position | Details |
|-----------|--------------------|--------------------------------|--|
| June 2022 | Lotfi al-Hidouri | Journalist | Arrested for work with news site <i>Achahad</i> |
| June 2022 | Saleh Attia | Journalist | 3 months in jail for criticizing the role of the army in politics |
| Oct 2022 | Ahmed Hamada | University Student | Detained for social media post about a protest |
| Nov 2022 | Nizar Bahloul | Journalist | On trial for an article with general criticism of authorities |
| Dec 2022 | Ayachi Hammami | Human Rights Lawyer | Under investigation for radio remarks about the Minister of Justice |
| Feb 2023 | Noureddine Boutar | Head of Radio Mosaïque FM | Arrested for conspiracy against the state |
| May 2023 | Mohamed Bougalleb | Journalist | Charged for criticizing the Minister of Religious Affairs; sentenced to 6 months in jail |
| May 2023 | Monia Arfaoui | Journalist | Criticized the Minister of Religious Affairs |
| May 2023 | Khalifa Guesmi | Correspondent | Sentenced to 5 years in prison for disclosing national security information |
| July 2023 | Chadha Hadj Mbarek | Journalist | Arrested for work with digital media critical of Saied |
| Jan 2024 | Zied el-Heni | Journalist | 6 months in prison for insulting the Minister of Commerce |
| May 2024 | Mourad Zghidi | IFM Radio Journalist | Arrested for comments and social media post in support of Bougalleb |
| May 2024 | Borhen Bsaiss | IFM Radio Journalist | Arrested for comments on radio |
| May 2024 | Mahdi Zagrouba | Lawyer | Arrested for criticizing Saied |
| May 2024 | Sonia Dahmani | Lawyer & Political Commentator | Arrested for sarcastic remarks about Tunisia on TV; sentenced to 1 year |
| May 2024 | Saadia Mosbah | Activist | Arrested and charged with money laundering; known for criticism of Saied |

Source: DCAF (2024)

This change can be seen in the criminalization of dissent, along with the gradual dismantling of the civil society framework, all of which were pillars of the democratic equilibrium post the 2011 revolution. Saied replaced the rhetoric of saving the nation from corruption and conspiracy with redefinition of dissent as some sort of biological and moral contamination. Political adversaries, journalists, and dissenting activists are treated

as bodies that need to be disciplined, surveilled, or rendered inert. The conflation of biological and political domains exposes the dystopic reality whereby democracy is a means of control.

The ambivalence of the UGTT reflects the paralysis of Tunisia's democracy. Unable to turn to the UGTT and the nebulous trade unions as a source of democratic momentum, the Tunisian state remains captive to Sisyphean modes of electoral politics, where every election reinforces the regime-generating impasses of the Tunisian political system. The reluctance of the UGTT to engage in a consolidation of political hegemony demonstrates deep differentiation, adaptation, and co-optation of the UGTT as a political institutional actor. As Tanzini (2018) illustrates, the Tunisian state has had an ambivalent and uneven political posture toward the UGTT for decades, allowing the UGTT to mobilize and contest state power while orchestrating and containing the mobilizations of the UGTT. Saied has not invented a new authoritarianism; he has simply, and rather desperately, reanimated the aged and tired politics of domestication.

The disintegration of the UGTT as an organization of organized labor reflects a deeper hollowing out of democracy in Tunisia. The labor movement, historically the moral compass of national politics, has now been captured and subjected to biopolitical control that regulates, but does not represent, labor. In this sense, the state of exception is transformed into an everyday reality, where rights are present in name but vanish in practice. The Tunisian experience demonstrates how the promise of democracy can transform into a regime that governs via the management of fear, the control of access to resources, and the reduction of citizens to a state of bare subsistence.

CONCLUSION

In this article, I show how Tunisia's authoritarian turn is a result of a long continuum of neoliberal rationality, sovereign decisionism, and normalization of exception. By identifying the transformation from Ben Ali's technocratic despotism to Saied's moral populism, I demonstrate how the state of exception goes from being an emergency measure to a fundamental principle of governance. The fusion of legality, morality, and security has turned Tunisia into a foremost exemplar of twenty-first century authoritarian neoliberalism. In Tunisia, as the law becomes internal to the violence of the state, sovereign power is enacted through a crisis of law that is perpetual. Saied's role as the Privilege Determiner encapsulates this transformation of sovereignty, which is no longer restricted to the suspension of law but lies in the provision of legal 'privilege,' determining who is a member of the political community and who is disposable.

In this article, I extend Agamben's work to a postcolonial, neoliberal context and attempt to shift the conversation beyond the Eurocentric focus in his writings. I encapsulated the essence of the state of exception as a political economy of a rule rather than a temporary juridical anomaly. This article adds to the literature on North African authoritarianism by demonstrating the collapse of democracy from within through the convergence of neoliberal governance and moral populism, alongside militarized legality.

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