

BETTER ACTIVISM, FEMINIST ORGANISATIONS RESPONSES IN POST-REVOLUTION TUNISIA

Nawel Ghali*

ELTE Faculty of Social Sciences, Budapest, Hungary

Abstract

In the post-revolution period, women's rights in Tunisia was a primary topic debated all through the new constitution drafting process. A heated debate between the Islamists and the so-called secularists about this issue was raised that has created tension between the two sides. Tunisia has collaborative and vibrant civil society activists who played a crucial role in protecting women's rights. This research intends to focus on the discourses of change in gender roles that have been raised in post-revolution and on the role played by civil society in protecting women's rights. This study aims to analyse data and recent events related to this subject, relying on secondary data sources to draw a clearer picture and to construct a deeper academic analysis of this topic.

Keywords

Tunisian women • rights • article 28 • demonstration • civil society

1. Introduction

By August 2012, the National Constituent Assembly subcommittees submitted their constitution's article drafts for revision by the coordination committee. Some articles in the new constitution draft were highly criticised and rejected by many activists in civil society, particularly the article 28, which was related to women's rights. In fact, the article contains the statement 'women as men's complements'. This article provoked secularist feminists and other Tunisian activists. It created sharp discourse and debate in public and private spheres between the so-called secularists and the Islamists in Tunisian society. Therefore, many Tunisians, women's organisations, the General Union of Tunisian Workers, many members of other non-governmental organisations and other citizens protested on the streets to voice their refusal of article 28. These huge demonstrations and movements put pressure on the National Constituent Assembly MPs to drop this article. The outcome of these movements forced the lawmakers to replace this article with another text that states 'all male and female citizens are equal in rights and duties', in which gender equality is clearly stated without any ambiguity of translation or of interpretation (Marks 2013, 10–11).

The main aim of this research is to examine and analyse how civil society changed in post-revolution Tunisia, the changing discourses concerning gender that have risen in the post-revolution period, and the role played by civil society in the protection of women's rights. The main characteristics of the

Tunisian post-revolution civil society are activism, autonomy, mediation, communication, and diversity of association. Civil society activism in Tunisia post-revolution has become more visible. Activists in civil society played a crucial role in voicing their rejection of the new formulation of article 28 in the constitution draft as a sign of women's rights backsliding. This paper is divided into two main sections: the first part provides insights into historical and current dynamics of feminism and women's rights in Tunisia; the second part discusses the position of women in Tunisian law and political discourses, with special focus on article 28 and the role played by civil society in post-revolution Tunisia to protect women's rights.

2. Theoretical Framework

In his book *Democracy in America* (volume1) (2002), Alexis de Tocqueville discussed the utility of political associations and how they are essential key elements to build a successful democracy in the United States. According to him, 'An association consists simply in the public assent which a number of individuals give to certain doctrines, and in the engagement which they contract to promote the spread of those doctrines by their exertions' (214). In fact, political associations have more power and more influence than the press. The political associations represent societies, they

*Corresponding author e-mail: nawelghali@yahoo.fr

adopt their opinions, and they form their authority through meetings between active and energetic individuals who made the execution of the activity possible; this has more force than what is written in the press, which in many contexts remains ink on paper. They might also choose members to represent them in the assembly. They apply the representative system to a party. Indeed, they construct 'a government within the Government' (215). The political associations limit the power of the government and partisans, which control many of the positions in the administration. The role of political associations is to contain the partisans' power and 'to direct but not to enforce opinions, to suggest but not to make the laws' (216). The political associations do not only speak; they act as an 'exercise of freedom' to direct the power to serve the individuals. The political associations are 'a necessary guarantee against the tyranny of the majority'. That is why the right of association must be protected in the same way as personal liberty (ibid. 2002, 217).

According to Habermas (1991), the private and public spheres could not be defined in a universal way because every society has its own ideology. Therefore, based on the structural differentiation between societies, every society has its own specific public and private form and its own discourse about that, which is debated differently over time and space. This spatiotemporal variation produces different conceptions and different meanings in each society. Although there is a dichotomy between the public and the private spheres, they are 'mutually dependent'. 'The bourgeois public sphere may be conceived above all as the sphere of private people come together as a public' (27). In fact, the socialisation process and the social interconnection between individuals make the private sphere inclusive within the public sphere. The structural transformation of the society created a 'tension-charged field of state-society' to create a public sphere in 'apolitical form' (29), the state from above and the society from below. One of the forms discussed by Habermas is the public sphere as the mediating force between the state and the society 'through the vehicle of public opinion, [which puts] the state in touch with the needs of the society' (31). But the bourgeois discourse in the public sphere serves only the interests of a specific group of the dominant class and excludes the others. Indeed, all dependents and women were excluded from the political public sphere. Property ownership and education function to construct individual freedom and facilitate the political emancipation of civil society (ibid.). In many regions in the world, such as Latin America, Africa, Eastern Europe, and Asia, civil society mobilisation was crucial to construct democratic change. Citizens as individuals and as groups collaborate in several movements to put pressure on the autocratic state to prevent backsliding, and to serve the peaceful transition to democracy and to consolidate the democratic change (Diamond 1994) 'considered the celebrity

of democratic resistance and transition'. A robust civil society helps at all the stages of the democratisation process (Linz and Stepan 1996, 9). Thus, civil society functions not only against the authoritarian regimes but also against exclusionary practices during the democratic transition (Diamond 1994).

The popularity of theoretical discussion of civil society and social change peaked during the transformation of the Eastern European countries toward democracy. The concept of civil society was reconstructed by many contemporary intellectuals 'as a realm of popular economic, social and political activity outside the state. Their critique of Communism focused on the Communist state's suppression of such civic activity, and they theorised the creation of civil society as the means of freeing people from state domination and creating liberal pluralist democracies' (73). Therefore, civil society is autonomous and distinct from the state and from the society. It works apart from them. For example, political parties: civil society's members might ally with some political parties to voice their demands, but if they were captured or dominated by certain political parties, they risk losing their function of mediating and democracy-building (Diamond 1994). According to many scholars, the autonomy of civil society became quite critical. Also, the boundary between the state and civil society is not distinctly cut, as the state could intervene in shaping civil society, and civil society could not measure its expectation toward political liberation because of the different types of power relationship (local and international networks). That is why a narrower definition of the notion was constructed. Hence, 'the narrower definition, usually implicit in the Western policy approach to CSOs activism, relates to the impact that CSOs are expected to have in terms of regime change and social transformation' (Atlan-Olcay and Icduygu 2012, 158). According to many scholars such as Timothy Mitchell, James Scott and Joel Migdal, the state is capable of exercising its power on social associations, as it is more organised and more manipulative (Lust 2018). In the Middle East and North African regions and in other colonised countries, civil society emerged to struggle for independence. In post-colonisation, the new authoritarian regimes controlled civil society, as its members are from the opposition and advocate oppositional issues. Thus, the states in the region were not open for a local or a global civil society; they consider the intervention of civil society in politics as a threat to their power, to the 'natural order of things' and to their political decision (El-Sayed-Said 2005, 67). In the case of Tunisia before the 2011 revolution, the state allowed some organisations (NGOs) to mobilise but not others. It controlled some NGOs operations and movements through certain regulations that are formed based on its interest in dominating their activism. For example, Leila Trabelsi (the wife of Ben Ali) supported some women's groups to serve the interest of the state. These groups are used as a tool to disempower the space of the public sphere (Charrad and Zarrugh 2014).

While many scholars theorise civil society as radical politics and progressive social change and as a sphere or a space other than the state and economy sphere, Iris Young (1994) constructs a different theory of civil society, considering it as the social activity of institutions and organisations 'understood as civic' which adopt a cause or a program in different areas such as charity, political, education, services, and so on... different from the state and economy activities, which are called by Young 'public voluntary associative activity' (77). She considers civil society 'both a means and a goal of social change', re-ordering a whole society was not witnessed, but only activity, a civic, civil movement devoted to liberating social groups discriminated against or excluded because of their race, gender, physical disabilities, and so on, or to improve their social status to achieve justice (82–83). 'Creative acts of civil disobedience often force power to become naked', powerless and shaming, a 'politics of embarrassment to de-legitimise the power used for the sake of peoples' will' (86–87). Considering these theories about civil society – Habermas's (1991) theory of civil society as a public sphere, as a mediator between state and society, state from above and society from below, De Tocqueville's (2002) theory of civil society as political associations that 'direct' and 'suggest' to create democracy against the tyranny of the majority, and Young's (1994) theory of civil society as a public, voluntary associative activity, civic activity or movement adopting a 'cause' or a 'program' to de-legitimise power – this paper will examine the Tunisian civil society post-revolution 2011. Tunisian society has faced a progressive and a predicate civil society, significant social change, and a more dynamic public sphere during and in post-revolution 2011. A new civil society emerged; its activities were those that were limited by the old regimes. After the uprising, the number of associations and parties greatly increased, which played a crucial role in the democratic transformation process (Charrad and Zarrugh 2014). According to Linz and Stepan (1996), 'democracy is more than a regime; it is an interacting system' (15), in which some or all arenas interact together and influence each other to function properly. For example, the political society could affect the constitution-writing or craft certain major laws, as was the case in post-revolution Tunisia. Therefore, the mobilisation of the associations affected the politics' trajectory. Among these associations are the women's rights associations that have been mobilised and have organised debates in the public sphere on women's rights in the new constitution draft, mainly article 28 (Charrad and Zarrugh 2014).

3. Research Methodology

The main purpose of this paper is to examine and analyse civil society activism in post-revolution Tunisia, the changing gendered discourses debated in the post-revolution, and the

crucial role played by civil society in defending and advocating for women's rights. The main characteristics of the Tunisian post-revolution civil society are activism, autonomy, mediation, communication, and diversity of association. Activists in civil society played an important role in voicing their rejection of the new formulation of article 28 in the constitution draft as a sign of women's rights backsliding. This qualitative research tends to use secondary data sources dealing with the analysis of evidence, such as legal documents analysis and reviews adequate and relevant literature, reports and statements to address the research objectives, to examine and to analyse data and events and to draw a clear picture of gendered political discourse in the public sphere in post-revolution Tunisia. The main units of the analysis are based on legal articles, mainly article 28, in the constitution draft of 2012 using data arranging, contextualisation and boundaries setting as approaches to examine and analyse data, recent events and contexts and to create explanations and interpretations related to civil society activism in post-revolution Tunisia in demanding gender equality.

4. Analysis

4.1. Feminism and Development in Tunisia

During the twenties, some urban families started to send their daughters to school. This wave of educating girls encouraged many feminist voices during the twenties and thirties to pronounce and demand women's rights and equality between men and women. The first women's association was created in 1936: The Tunisian Women Islamic Union (Ben Salem 2010). Preceding the socioeconomic and political changes, women in Tunisia became more involved and active in public life and shared with men many duties and obligations for building the modern nation. At first, only women from high class and women from educated families had participated. But this new change in the society's culture and mentality spread into many families in the country from different classes. Due to the compulsory education system for all citizens regardless of their gender, race, class, and the region they live in, the number of educated Tunisian people increased.

During the seventies and the eighties, women's organisations were established. Many Tunisian women became active members, they joined and participated in many public debates and activities, and they spread feminist discourses in Tunisian society. Many socioeconomic and political reforms guaranteed women many rights in the constitution and in the Personal Status Code. In fact, these organisations were very active in defending women's rights (her children's right to have her nationality and other issues related to divorced women and the custody system) and protecting women from domestic violence. The feminist organisations also supported

women with low income. Therefore, they asked and urged the government to introduce a law to protect women from work discrimination (Dahlerup, Danielsson and Johansson 2012). Two non-government organisations that defended women's rights, the Democratic Association of Tunisian Women (ATFD) and the Association of Tunisian Women for Research and Development (AFTURD), were founded in 1982, but they were legalized only in 1989 by the second president, Ben Ali (Daniele 2014). There were other women's organisations that were supported and financed by the government and controlled by Leila Trabelsi (Charrad and Zarrugh 2014). Therefore, women's movements in Tunisia were controlled by Ben Ali's authoritarian regime. In this context, the co-founder of the organisation Ilham Marzouki (1990) said:

The current women's associations, set up on such a difficult ground, have not realised that what is at stake could represent the re-establishment of a just balance since their elite formations have turned more towards a political partnership, rather than a social mobilisation.

Therefore, some women's organisations failed to be more autonomous institutions. Their aims were to fight the regime's dictatorship and all types of discrimination against women and to achieve complete equality between men and women, but at that time, feminist activists were controlled and dominated by the state (Daniele 2014, 20).

In the post-revolution era of 2011, feminist organisations became more autonomous and more active. Another type of feminism has appeared, which is Islamic feminism. This type of feminism was banned during the Bourguiba and Ben Ali era, as both regimes were against any activism related to religion. In fact, Islamic feminism states that their mission is to liberate Tunisian women who are still attached to the traditional interpretation of the Quran, which is based on a patriarchal belief. They emphasised that women do not need to abandon their religion in order to be liberated. In their movement, they used the Quran to reject inequalities and to promote more women's rights and equality. Islamic feminism accepts that women and men should have different roles as they are biologically different. However, this difference should not make women morally and intellectually inferior. Islamic feminists identify the difference between the two concepts 'Islamic' and 'Islamist'. Therefore, according to them, the Islamists are the extremist radicals who refuse any change in society, promote conservatism, and reject modernism. However, the Islamics are the Muslims who are open-minded and accept cultural and societal changes. They promote openness and modernity and adopt different interpretations of the Quran. Indeed, Islamic feminism emphasises that people should not mix the two. This movement used the concept 'ijtihad', which is a tool in Islam that gave the right

to Muslims to interpret the Quran. For a long time, the Quran was interpreted in a patriarchal way because only male scholars were interpreting the Quran until the middle of 1990. Nowadays, due to the emergence of women scholars with secularist or religious backgrounds, readings exist showing that God considers that women and men must be treated equally. These are based on some texts extracted from the Quran. Women scholars have made an analysis that showed that Muslim women can stay believers and at the same time enjoy the same rights as men (Tchaicha and Arfaoui 2011). After independence in 1956, a Personal Status Code was adopted in Tunisia. This legal document granted for women many rights that served to enable them to play a great role in Tunisian society. The state broke with sharia law, repudiation and polygamy were abolished, and abortion and adoption were legalised (Grami 2008). During the Bourguiba era, wearing the scarf was not allowed in public places and the niqab was banned, as it was considered as 'Wahabi' women's style of clothing. Traditionally many Tunisian women wore the sefseri (a yellowish cover) as a style of clothing. Bourguiba had made many speeches about women's rights in order to promote equality with men and strengthen their status in society. He considered the veil as a sign of backwardness, and he even dared to take off the veil from the heads of two women in public during the fifties. At that time, Tunisians were very attached to their traditions; however, this act was accepted because it was made by Bourguiba, as he was a very good orator (Touati and Zlitni 2014). Following the Bourguiba era, Ben Ali also continued the abolishment of the scarf and exercised religious persecution.

One of the fundamental rights that gained ground after the revolution is religious freedom. In the post-revolution period, depending on their religious orientation, women in Tunisia are free to choose their attire, either to wear the scarf or not. But they are not allowed to wear the niqab in public places and at schools and universities. The wearing of the niqab was rejected by many Tunisians for many reasons. First, for a security reason: because under this dress, no one could know the identity of the person, and this dress could be used as a tool by terrorists to kill people. Second, for cultural and religious reasons, Tunisian Muslims living according to 'the Maliki' branch of Islam; the niqab is the dress of Muslims who are following 'the Wahabi' school of Islam, like in Saudi Arabia. So, that is why most Tunisians are refusing this dress and are claiming that this dress is not a part of their culture or of their tradition. It is seen as a strange style of clothing in Tunisian society (Mighahed and Lack 2013). But others considered wearing the niqab as an individual freedom that should be protected. In this context, Mighahed and Lack (2013) said:

The niqab ... [face veil and full cover] surfaced in Tunisia after the Revolution...and has been the cause of

heated debate within Tunisian society. Women wearing the full veil are presently a common sight in all cities of the country, and this has divided public opinion. On the one hand, many reject the phenomenon as a negation of women's emancipation, claiming it has nothing to do with Tunisian tradition, while others say that wearing the niqab is a manifestation of freedom of the individual in post-Revolution Tunisia. (Mighahed and Lack 2013, 202-204)

Throughout Tunisian history, women were active in social movements, and it is not by chance that they participated in the revolution of 2011. Rather, they were struggling hand in hand with men in many social and political occasions during the course of history against the authoritarian regimes. In fact, they were fighting against French colonisation, they joined many demonstrations and strikes against the regimes such as the riot of bread in 1984 (at that time, the country was facing an economic and political crisis). Also, they were present in the uprising of the Gafsa mining basin in 2008 to reject the corruption of Ben Ali and his family. Many of them were arrested or jailed; others fled the country and had lived for a long time as political refugees; some of them died because of police violence and torture, while others were injured in demonstrations and others had been in prisons (Gondrova 2014).

4.2. Women in Law and Political Discourse

Tunisian women stepped up a long way toward gender equality for more than seventy years after the adoption of the new constitution of Tunisia and after the creation of the Personal Status Code in 1956. In the post-colonisation era, many anti-discrimination laws were elaborated, and many discriminatory practices were abolished. In the post-revolution era, women in Tunisia have faced new challenges. They have tried to safeguard their past achievements and have been thinking about future uncertainties. At that time, no one knew if they would lose their rights or strengthen them. During the revolution, women have played an important role. Since December 2010, they were fighting on the front lines of the protests, side by side with men, to overthrow the tyrannical regime of Ben Ali. Tunisian women were present in all marches and demonstrations, not only as participants but also as leaders against political and social segregation. They were active on the streets and on social media, as bloggers on Facebook and Twitter. During the uprising period, 77% of accounts of social media users were Tunisian people aged between 18 and 34 years old, and 41.5% of all accounts were those of women. Many women activists were blogging on the internet to urge the Tunisian people to join the demonstrations on the streets. One of them was Lina Ben Mhenni. She had taken the risk to cover many of the conflicts and the bloody battle between the police of Ben Ali and the protestors. Ben

Mhenni won El Mundo's International Journalism Prize in 2011 and was awarded the Deutsche Welle International Blog Award for her activism (Touati and Zlitni 2014).

4.2.1. Article 28, Equality vs. Complementarity

In October 2011, members of the new National Constituent Assembly were elected. On the third of October 2012, a new constitution was drafted. After that, in January 2014, Tunisia officially adopted a new constitution that contains nine chapters. In each chapter, there are two articles that guarantee women's rights explicitly. The National Constituent Assembly is composed of six committees that were responsible for drafting the new constitution to replace the former constitution of 1959. Each committee was represented by 22 members: nine members from the Ennahda party, three members of Congress for the Republic, two members from Ettakatol, four members from the Democratic Coalition, one independent member named Ben-Hassin and two members from the Dignity and Liberty Coalition. This constitution was written after many negotiations that sometimes ended with agreements and other times ended with disagreements between the members of the National Constituent Assembly. One of the issues that faced a disagreement between the members of the Assembly was the women's rights law known as article 28 in the 2012 draft of the constitution of the Republic of Tunisia. Ennahda party members in the National Constituent Assembly suggested using the word 'complementary' of women to men instead of total gender equality (Charrad and Zarugh 2014, 234). These flashpoints raised concerns about the future of the status of women in Tunisia. This was taken as a serious issue that should be discussed deeply and seriously to protect women's rights.

During the revolution's days, Tunisian women were fighting side by side against the tyranny of Ben Ali and the atrocities of the police. In the post-revolution era, many issues concerning women's rights were negotiated. Indeed, two foundational texts addressed the gender issues in Tunisia: the Constitution and the Personal Status Code. The legal documents aim to promote equality between all citizens and guaranteed all their rights under the control of the Tunisian state. In post-revolution 2011, during the constitution drafting process, women themselves, as representatives in the National Assembly, were engaged in debating and shaping the citizenship of Tunisian women. A long history of reforms of civil rights that are beneficial to women continued until the Ben Ali era. In the post-revolution, a new Constitution was drafted. Therefore, a debate about article 28 on women's rights in Tunisia created a public dialogue about the different interpretations and translations of this article. In the second chapter, named 'Rights and Obligations' of the draft of the Constitution of the Republic of Tunisia, article 28 read as follows in the draft of the constitution of 2012:

The state shall guarantee the protection of the rights of women and shall support the gains thereof as true partners to men in the building of the nation and as having a role complementary thereto within the family. The state shall guarantee the provision of equal opportunities between men and women in the bearing of various responsibilities. The state shall guarantee the elimination of all forms of violence against women. (The Constitution's draft of 2012, 16)

Many negotiations were raised in the National Constituent Assembly to decide whether the word 'equal' or 'complementary' should be used. Many members of the Islamic party Ennahda were supporting the term 'complementary', and many members from other secular parties were arguing in favour of the term 'equal'. The use of the ambiguous word 'complementary' (in Arabic, 'mokamel', which could be interpreted and identified differently) was not accepted by many Tunisians. The opponents of the Ennahda party considered this word ambiguous, which might affect the status of women and their achieved rights. During that time, the political scene was tense and fragile, which created heated debates between many politicians and activists. The opponents of the Ennahda party stated that the party is using double meanings that increased their doubts about the future of the political system in general and women's rights in particular.

The terms 'equal' and 'equality' are used several times in many articles in the draft of the new constitution. Many debates were raised among activists women and men to claim the absence of the term 'equality' in the article covering gender equality, and to criticise the term 'complementary' which was used instead of the term 'equality'. By using the term 'complementary' not only will women be subordinate to the men in the family, but also this article focuses only on married women, neglecting single women. In this context, Salma Hajiri, an activist in the Tunisian Association of Women, said: 'Women are not given rights as individuals...only in reference to men' which means that women's rights were limited in the clause reading 'complementary', which would affect women's individualism and women's rights.

Also, Salma Mabrouk, who is a politician, joined the protest against article 28, saying, 'I am a Tunisian woman and before I am a woman or a Tunisian, I am a human being and a stand-alone citizen', to express her refusal of article 28's ambiguity (Charrad and Zarugh 2016, 149–51). Tunisia has a vibrant civil society that played a crucial role before and after independence. Civil society has had a great influence on the process of building the new modern nation and during the transition to democracy in the post-revolution era.

4.2.2. The Outcomes of Civil Society Activism

Following the Ben Ali regime withdrawal, civil society has participated in many public debates (Mansouri 2016, 16–17). Tunisia is characterised by a strong civil society that has developed strongly from 1988 to 2009. The number of organisations increased from 2000 to 9000. It is made up of a great number of well-educated middle-class people who are supporting and promoting women's rights since 1956. In this context, Mansouri said in 2016 that Tunisia 'has had relatively well-developed civil society structures for a long time; the labour movement, strongly represented by the country's labour union umbrella organisation, the Tunisian General Labour Union' (Mansouri 2016, 17).

The General Foundation of Tunisian Workers was founded in 1924 by Mohamed Ali Alhami. It is a trade union that played a crucial role in Tunisian society. In 1946 a powerful nonstate institution named the General Union of Tunisian Workers (UGTT) was created by the activist Farhat Hached. Since that time, this institution has been considered as the most powerful nonstate institution in the country. It was one of the few organisations that continued working during Bourguiba and the Ben Ali era. More than half a million of the total population are members of this institution. Its main aim is to defend workers' rights. During the Tunisian uprising, activists and many jobless university graduates supported by civil society institutions such as the General Union of Tunisian Workers, the Tunisian Association of Democratic Women, Tunisian National Order of Lawyers, the National Syndicate of Tunisian Journalists, and the Tunisian Human Rights League have participated in demonstrations in several Tunisian cities to strengthen the movement against the Ben Ali regime (Omri 2015, 19). In the post-revolution period, over 5000 new associations were registered in the first two years (Hudakova 201). The mobilisation of the associations' members, of ordinary citizens and of all components of civil society has had an influence on the political dynamics and on the women's question (Charrad and Zarugh 2014). Hence, civil society which was restricted during the old regimes has been present on many occasions during the transition to democracy. They have contributed to the drafting of the new constitution, and they have played the role of mediator in the 2013 political crisis following the assassination of two main figures of left-wing parties through launching 'a national dialogue' led by four CSOs (The Tunisian General Labour Union, UGTT, Union Générale Tunisienne du Travail), The Tunisian Human Rights League (LTDH, La Ligue Tunisienne pour la Défense des Droits de l'Homme), The Tunisian Confederation of Industry, Trade and Handicrafts (UTICA, Union Tunisienne de l'Industrie, du Commerce et de l'Artisanat) and The Tunisian Order of Lawyers (Ordre National des Avocats de Tunisie), to construct a pluralistic democracy and to maintain a peaceful transfer of power and free elections. During that period, many

movements and debates took place concerning several topics, such as the topic of the 'women question'. Therefore, not only women's organisations have participated in these debates and mobilisations but also other actors in civil society have supported them to drive a political change (Hudakova 2019, 2). Many activists have taken to the street to demand change in article 28 in the new Constitution draft. After the departure of Ben Ali, the composition of the government was changed, and the new Constitution was written by elected National Constituent Assembly MPs. More than that, the Ministry of Human Rights and Transitional Justice achieved its goal to get the Organic Law on Establishing and Organising Transitional Justice. A new commission was created, which is composed of activists, experts, groups of civil society's organisations, and many other politicians to make plans for a democratic transition. It put pressure on the authority to not have a non-transitional president; to install a president only after adopting the new constitution in 2014. Tunisia has a vibrant civil society which has played an important role to guarantee a successful political transition period. Civil society has played a major role in defending human rights and liberties for maintaining democracy during the transition period (Mansouri 2016, 18). In October 2015, the civil society contribution was recognised, and the coalition of the Tunisian civil society was awarded the Nobel Peace Prize for their strong collaborations and for their crucial role played during the transition to democracy (Chan 2015).

The civil society and the media in Tunisia succeeded in changing the law concerning women's rights proposed by the political decision-making body. In fact, they have a great influence on the state's democratic transition in the post-revolution. During the constitution drafting process, new vocabularies related to gender identity were suggested, and many questions were raised, such as 'equal' or 'different', by some of the representatives of the national assembly. During the drafting process period of the Constitution, women and Islam was the main topic discussed between secularists and Islamists. Therefore, article 28 on women's rights was proposed by the commission. It was approved by 12 members: 9 of them are members of the Ennahda party. Eight members belonging to other parties voted against the article. Article 28 of the constitution draft was discussed in private and public spheres. These discussions urged many members of civil society to demonstrate on the streets in order to protect women's rights by refusing the usage of the notion of the 'complimentary', which might affect the status of women in Tunisian society. Their main demand was to change the article 28 draft with a new one which states equality clearly, to guarantee for women liberty, dignity, and security (Charrad and Zarugh 2014, 235–236). More than 6000 women were on the streets of the capital, Tunis, on 13 August 2012 (which was the date of the fifty-sixth anniversary of the creation of the

Personal Status Code, also named Women's Day), raising the slogan 'We are complete not compliments!' to demonstrate and to refuse article 28 (Charrad and Zarugh 2016, 151). Alexis de Toqueville (2002), in his book *Democracy in America*, discussed the important role played by the political associations or civil society. In this context, he said: 'it is true that they have not the right of making the laws, but they have the power of attacking those which are in being, and of drawing up beforehand those which they may afterwards cause to be adopted' (215).

Accordingly, civil society in Tunisia succeeded in putting pressure on the decision-making body to omit the clause that includes the word 'complementary' from the constitution draft and to change the whole text with a new one, which became article 21 in the Constitution. It states:

All citizens, male and female, are equal in rights and duties and are equal before the law without discrimination. The State guarantees to citizens, male and female, individual and collective rights and freedoms, and provides them with the conditions for a dignified life. (Tunisian Constitution 2014, 10)

This article was reinforced with article 46 in the Constitution, which states:

The state commits to protect women's accrued rights and work to strengthen and develop those rights. The state guarantees the equality of opportunities between women and men to have access to all levels of responsibility in all domains. The state works to attain parity between women and men in elected Assemblies. The state shall take all necessary measures in order to eradicate violence against women. (Tunisian Constitution 2014, 9–10)

Article 46 strengthens women's political rights, encourages their participation in the political sphere, and protects them from violence. To translate this article into practice needs time; it could not be achieved immediately. Government, NGOs, and activists in civil society have to set plans, budgets, policies, programs, conferences, and workshops to translate this law into practice and not to remain ink on papers. It is important to raise awareness among people about the importance of women's rights, their status in society, and their security.

5. Conclusion

The debate about article 28 in the Constitution draft has emerged in many discussions about the concepts of 'equality' and 'democracy' among feminists, activists, and other

Tunisians. The whole text of the article and particularly the 'complementary' word raised controversial public debates during the democratic transition period. The doubt created around article 28 urged activists in civil society to mobilise in order to protect women's rights and the revolution's main goal, which is to achieve democracy. Due to the major role played by civil society, women's achieved rights were protected, and other rights are gained. Despite promising legal text, women's participation in the political domain remains low. A bridge must be built in order to connect legal texts with the social and political practices.

References

- Atlan-Olcay, Ozlem, and Ahmet Icduygu. 2012. "Mapping Civil Society in the Middle East: The Cases of Egypt, Lebanon, and Turkey." *British Journal of Middle Eastern Studies* 39, no. 2: 157–79.
- Ben Salem, Lilia. 2010. "Tunisia." In *Women's Rights in the Middle East and North Africa*, edited by Kelly Sanja and Julia Breslin. New York: Freedom House.
- Chan, Sewell. 2015. "Nobel Peace Prize Is Awarded to National Dialogue Quartet in Tunisia." *New York Times*, October 9, 2015. https://www.nytimes.com/2015/10/10/world/europe/national-dialogue-quartet-tunisia-nobel-peace-prize.html?_r=0/.
- Charrad, Mounira, and Amina Zarugh. 2016. "Constructing Citizenship: Gender and Changing Discourses in Tunisia." In *Gendered Citizenship and the Politics of Representation*, edited by Hilde Danielsen, Kari Jegersted, Ragnhild L. Muriaas, and Brita Ytre-Arne, 137–58. London: Palgrave.
- Charrad, Mounira, and Amina Zarugh. 2014. "Equal or Complementary? Women in the New Tunisian Constitution after the Arab Spring." *Journal of North African Studies* 19, no. 2: 230–43.
- Daniele, Giulia. 2014. "Tunisian Women's Activism after the January 14 Revolution: Looking within and towards the Other Side of the Mediterranean." *Journal of International Women's Studies* 15, no. 2: 16–32. <http://vc.bridgew.edu/jiws/vol15/iss2/2>
- De Tocqueville, Alexis. 2002. *Democracy in America, Volume 1*. Translated by Henry Reeve. University Park, PA: Pennsylvania State University.
- Dhlerup, Drude, Elin Danielsson, Elin, and Emil Johansson. 2012. *The Gender Gap Policy in Tunisia*. Brussels: European Parliament.
- Diamond, Larry Jay. 1994. "Toward Democratic Consolidation." *Journal of Democracy* 5, no. 3: 4–17.
- El-Sayed Said, Mohamed. 2005. "Global Civil Society: An Arab Perspective." In *Global Civil Society 2004/5*, edited by Helmut Anheier, Marlies Glasius, Mary Kaldor, and Fiona Holland, 60–75. London: Sage Publications.
- Gondorova, Eva. 2014. "The Position of Women in Post-Revolutionary Tunisia and Their Role in Political Decision-Making Processes." *Moving the Social* 52: 27–47.
- Grami, Amel. 2008. "Gender Equality in Tunisia." *British Journal of Middle Eastern Studies* 35, no. 3: 349–61. https://www.jstor.org/stable/20455615?seq=1#metadata_info_tab_contents.
- Habermas, Jurgen. 1991. *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*. Cambridge, MA: MIT Press.
- Hudakova, Zuzana. 2019. "Civil Society in Tunisia: From Islands of Resistance to Tides of Political Change." *The Journal of North African Studies* 1: 1–29.
- International Idea. 2012. *The Draft of Tunisian Constitution*. Stockholm: IDEA.
- Jasmine Foundation. 2014. Constitution of the Tunisian Republic, Final Edition. Ariana, Tunisia: Jasmine Foundation. https://www.constituteproject.org/constitution/Tunisia_2014.pdf/.
- Linz, Juan J., and Alfred Stepan. 1996. *Problems of Democratic Transition and Consolidation*. Baltimore: Johns Hopkins University Press.
- Lust, Ellen. 2018. "Layered Authority and Social Institutions: Reconsidering State Centric Theory and Development Policy." *International Journal Middle East Studies* 50, no. 2: 333–36.
- Mansouri, Fethi. 2016. "Prospects for Democratization in the Middle East Post-Arab Spring." In *The Arab World and Iran: A Turbulent Region in Transition*, edited by Saikel Amin, 9–28. New York: Springer Nature.
- Marks, Monica. 2013. "Women's Rights before and after the Revolution." In *The Making of the Tunisian Revolution: Contexts, Architects, Prospects*, edited by Nouri Gana, 224–51. Edinburgh: Edinburgh University Press.
- Mighahed, Nagwa, and Stephen Lack. 2013. "Women's Rights and Gender-Educational Inequality in Egypt and Tunisia." In *Education, Dominance, and Identity*, edited by Diane B. Napier and Suzanne Majhanovich, 201–22. Istanbul: Sense Publisher.
- Omri, Mohamed Salah. 2015. "No Ordinary Union: UGTT and the Tunisian Path to Revolution and Transition." *International Journal on Strikes and Social Conflicts* 1, no. 7: 7–14.
- Tchaicha, Jane, and Khedija Arfaoui. 2011. "Tunisian Women in the Twenty-first Century: Past Achievements and Present Uncertainties in the Wake of the Jasmine Revolution." *Journal of North African Studies* 17, no. 2: 215–38.
- Touati, Zeineb, and Sami Zlitni. 2014. "Social Networks and Women's Rights Activism in Post-revolutionary Tunisia." In *Handbook for Arab Spring and Arab Women: Challenges and Opportunities*, edited by Muhamad Olimat, 121–33. 1st ed. Abingdon: Routledge.
- Young, Iris Marion. 1994. "Civil Society and Social Change." *Theoria: A Journal of Social and Political Theory* 83/84: 73–94. www.jstor.org/stable/41802644/.