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The Role of Civil Society in the Tunisian Democratic Transition

Veronica Baker

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Thesis Adviser:
Dr. Jessica Martin | Department of International Affairs

Defense Committee:
Dr. Jessica Martin | Department of International Affairs
Dr. Rolf Norgaard | Department of Writing and Rhetoric
Dr. Vicki Hunter | Department of International Affairs

ABSTRACT

This paper explores the effects of civil society's involvement in the Tunisian democratic transition through a case study on its contributions to the constitution drafting process. Tunisia gained widespread international attention following its popular uprising against authoritarian leader Zine el-Abidine Ben Ali and successful transition to democracy. Many, however, have dismissed Tunisia's triumph as a lucky break aided by the country's small size, religious and ethnic homogeneity, pre-existing liberal social values, and "relatively moderate" Islamist party. Those focused on such "Tunisian exceptionalism" conclude that the country's transition has little to teach other countries in political flux.

This research contests that notion, and proposes that Tunisia's transition has succeeded instead due to the presence of a strong and collaborative civil society, which grew discreetly throughout periods of authoritarianism and has matured in the post-revolution years. This paper specifically analyzes the debate concerning women's rights in the constitution as an example of state-civil society interaction during the transitional period. The efforts of actors within Tunisia's vibrant civil society – including activists, non-governmental organizations, unions, and the media – significantly changed the outcomes of political decision making in the transitional period. Examining the processes and outcomes of Tunisia's transition allows not only for better insight into the vital role of civil society in Tunisian politics and culture, but also offers a new understanding of the potential influence of non-state institutions on the evolution of the state. This case study proposes several lessons that should be used to inform decision making in future projects of peacebuilding and political change in the Middle East and throughout the world.

PREFACE AND ACKNOWLEDGEMENTS

In September 2012, I visited Tunisia for the first time and saw the dynamic, resilient nature of Tunisians working to build a democratic society. As a result, I became deeply interested in understanding the roles of Tunisia's diverse elements of civil society in the country's political transition. Over the next three years, I returned to Tunisia during elections and other political events, studied in Egypt to gain a comparative understanding of political change in the Middle East, and conducted research as a visiting scholar at the Center for Maghrib Studies of Tunis (CEMAT).

This document is the product of travel, study, and research made possible by a number of people. First of all, I must thank my primary adviser, Dr. Jessica Martin, for igniting my interest in Middle East politics during my very first semester of college, guiding me through an independent study on the Arab Spring, and working with me through every step of the creation of this thesis. I would also like to express my gratitude to Dr. Rolf Norgaard, Dr. Vicki Hunter, and Dr. Heidi Burgess for their tremendous support and insight throughout this process.

Additionally, I would like to thank Dr. Mounir Khelifa for serving as an inspirational educator during my periods of study and research in Tunisia. I would like to express my gratitude to Dr. Laryssa Chomiak, Dr. Hamadi Redissi, and Dr. Corinna Mullin for their advice during my time at CEMAT. I would like to thank Mark Baker, Jonathan Barsness, and James Glassman for their invaluable help during the writing and editing of this thesis. Finally, I would like to thank the International Affairs Department, Office of International Education, and Undergraduate Research Opportunities Program at the University of Colorado at Boulder; the Hazel Gates Woodruff Memorial Scholarship; and the Boulder Chapter of Rotary International for the grants and scholarships that enabled my research in Tunisia.

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CIVIL SOCIETY GROUPS IN TUNISIA[1]

	Association of Ennahda Women	Arrhma: Association des Femmes Nahdaouis	
◊	Association of Tunisian Judges	Association des magistrats tunisiens	(AMT)
	Association of Tunisian Women	Nissa Tounsyat	
◊	Association of Tunisian Women for Research on Development	Association des femmes tunisiennes pour la recherche sur le développement	(AFTURD)
	Center for Research, Documentation and Information on Women	Centre de recherches, d'études, de documentation et d'information sur la femme	(CREDIF)
	Health Workers' Union	La fédération générale de la santé	
◊	International Association for Support of Political Prisoners	Association internationale de soutien aux prisonniers politiques	(AISPP)
◊	Liberty and Justice Association	Association liberté et justice	
◊	Modernization Movement of the Tunisian Union of Industry, Trades and Crafts	Mouvement de modernisation de l'Union tunisienne de l'industrie, du commerce et de l'artisanat	
◊	National Council for Liberties in Tunisia	Conseil national pour les libertés en Tunisie	(CNLT)
	National Council for the Protection of the Revolution	Conseil national pour la protection de la révolution	(CNPR)
◊	National Order of Doctors	Ordre national des médecin	
◊	National Order of Lawyers	Ordre national des avocats	(ONAT)
◊	National Union of Specialist Doctors and Free Practice	Syndicat national des médecins spécialistes de libre pratique	
◊	National Union of Tunisian Journalists	Syndicat national des journalistes tunisiens	(SNJT)
	National Union of Tunisian Women	Union National de la Femme Tunisienne	(UNFT)
◊	Organizations of Emigrants	Les organisations d'émigrés	
	Postal Workers' Union	Les travailleurs de la Poste tunisienne	

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[1] List sourced in part from Alcinda Honwana, *Youth and Revolution in Tunisia*, xii-xiv; and Ellen Lust, *The Middle East*, 811-812.

Primary School Teachers' Union	Syndicat National des Enseignements de l'école primaire	
Secondary School Teachers' Union	Syndicat National des Enseignements	(SNES)
◊ Tunisian Association of Chambers of Notaries	Association tunisienne des chambres de notaires	
◊ Tunisian Association of Democratic Women	Association tunisienne des femmes démocrates	(ATFD)
◊ Tunisian General Labor Union	Union générale tunisienne du travail	(UGTT)
◊ Tunisian League for the Defense of Human Rights	Ligue tunisienne pour la défense des droits de l'Homme	(LTDH)
Tunisian Union of Industry, Trades and Crafts	Union Tunisienne de l'Industrie, du Commerce et de l'Artisanat	(UTICA)
Union of Independent Tunisians for Freedom	Union des Tunisiens Indépendants pour la Liberté	(UTIL)

◊: Member of the Higher Authority for the Realization of the Objectives of the Revolution, Political Reform, and Democratic Transition, the body of associations that "determined the direction of the constitutional process, the interim government, and its authorities."[2]

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[2] Ellen Lust, *The Middle East*, 811.

INTRODUCTION

Tunisia stunned the world in 2011 when it became the first Arab country to successfully rise up against repression and demand regime change, inspiring a series of region-wide protests known as the Arab Spring. Tunisia's movement, named the Jasmine Revolution, was powered by largely nonviolent means and called for reform and democratization. In three years, Tunisians created a constitution hailed internationally for its progressive focus on human rights and civil liberties. The document represented a genuine compromise overcoming the secular/religious divide that halted the progress of other transitioning countries in the Middle East and North Africa, such as Egypt. Scholars and journalists alike have traced Tunisia's achievements to a plethora of factors, from the lack of interference by the army to religious homogeneity. A deeper analysis, however, finds the collective actions of civil society to be the single most influential factor in the course of Tunisia's transition. It is through their dynamic and diverse civil society that Tunisians have successfully expressed their collective will in the transitional period and advocated for their rights, in ways that have positively shaped their post-revolution political institutions.

A functioning civil society, comprised of the non-governmental organizations and institutions through which public engagement is channeled, is one of the fundamentals of a strong democracy. For a state to maintain its democratic status and protect against despotism requires citizens to embrace civic values (the elements of civic culture that train citizens in activism, reason, and engagement) that help them shape their own political lives.[3] The resultant civil society is a natural extension of these individual-held values, expressed collectively to achieve community goals.

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[3] Gabriel Almond and Sidney Verba, *The Civic Culture*, 7-30.

In the case of post-revolution Tunisia, a strong group of civil society actors – including but not limited to activists, unions, non-governmental organizations, media, and an educated and involved public – have been integral to the creation of a new system of laws defending civil liberties at levels unprecedented in most countries throughout the world. It is by the efforts of a strong civil society in Tunisia that legitimate political institutions have formed, maintained the democratic nature of the transition, and sustained the liberal interpretation of human rights and freedoms that Tunisia has maintained since the nation's independence. This was internationally recognized in October 2015, when the Norwegian Nobel Committee awarded a coalition of Tunisian civil society organizations the Nobel Peace Prize for their integral role in the democratic transition.

Despite the magnitude of Tunisian civil society's achievements, the literature on its development is scarce. This work aims to address this problem through an in-depth case study of Tunisian civil society using a basis in theory, history, and analysis of recent events. Chapter 1 surveys theories of civil society and its role in democratization, giving specific attention to scholars' observations of and theoretical explanations for what they identify as a lack of civil society in the Middle East and North Africa. Chapter 2 establishes a historical framework of civil society in Tunisia, tracing its development through the pre-colonial, colonial, and independence eras. Chapter 3 provides a brief background on Tunisia's revolution, key transitional institutions, and modes of civil society involvement in the constitution development process. Chapter 4 examines the debate concerning the status of women in the constitution drafting process as a case study for the interaction of Tunisian civil society and the state, bringing light to key moments that demonstrate the collaborative, and sometimes confrontational, relationship between the two. Finally, Chapter 5 highlights central lessons of

the Tunisian case, and proposes ways in which these lessons can be applied to future democratization projects in other countries to increase odds of success.

This research primarily relied upon analysis of books and journal articles to establish a theoretical and historical background of the subject. News articles were essential to the case study of Tunisia's constitution drafting process and the debate over the status of women, given the recent nature of events. Publications and reports by international non-governmental organizations provided deeper academic and policy-oriented analysis of recent events. In addition, the author's periods of study, travel, and research in Tunisia, spanning from September 2012 to March 2015, provided essential context to this project.

CHAPTER 1: Civil Society and its Role in Democratization

Tunisia's successful political transition came about through the deep and consistent involvement of civil society – from the moment the uprising began, through the constitution drafting process, and into its current era of newly democratic statehood. The diverse array of actors that make up Tunisian civil society did not appear overnight; rather, they developed over centuries to serve civic functions. Historically, scholars have held that the Middle East is devoid of civil society due to Arab and/or Islamic culture, and thus unlikely to democratize.[4] However, the readiness of the Tunisian activists, unions, non-governmental organizations, and media to fill the roles of civil society in the transitional period calls this assumption into question.

Civil society

The term *civil society* has many interpretations. Broadly, it is the sum of actors that contribute to civic engagement. The concept of civil society has deep roots in Western philosophy and politics, emerging from the writings of Greek and Roman philosophers dating back to the 5th century BCE. Aristotle, in *Politics,* describes a "political community" (*koinōnia politikē*) separate from the state, characterized by a set of norms and through which man worked toward a common wellbeing. This concept, translated by the Romans as *societas civilis,* formed the basis for the modern concept of civil society, which scholars and policymakers have increasingly identified as a critical counterbalance to government power and a vehicle for citizen voice.

It is important to note that the philosophical roots of civil society go back not only to the origins of Western political thought, but also to those of the Middle East. The concept of civil

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[4] Bernard Lewis, "The roots of Muslim rage"; Sean L. Yom, "Civil society and democratization in the Arab world," 15.

society (*al-mujtama' al-madani*) exists within Arab discourse and is central to current political debates.[5] Citizens in the Middle East, increasingly involved in politics, often frame their engagement through the debate over civil society's boundaries.[6]

What constitutes modern civil society?

In modern academic and political discourse, the term 'civil society' is often simplified to mean the aggregate of non-governmental organizations and institutions, without giving significant consideration to the way other sectors can contribute to civic goals. Approaching the measurement of civil society this way is easily quantifiable, which can explain why so many scholars and organizations have done so. The World Bank, for example, has adopted the following definition of civil society "developed by leading research centers":

> The term civil society is to refer to the wide array of non-governmental and not-for-profit organizations that have a presence in public life, expressing the interests and values of their members or others, based on ethical, cultural, political, scientific, religious or philanthropic considerations. Civil Society Organizations (CSOs) therefore refer to a wide of array of organizations: community groups, non-governmental organizations (NGOs), labor unions, indigenous groups, charitable organizations, faith-based organizations, professional associations, and foundations.[7]

The strength of civil society is difficult to gauge. A variety of institutions not normally considered CSOs can play overlapping and important roles and serve civic functions in both overt and non-obvious ways. The depth of people's support for their civil society organizations is also hard to measure, but essential to the tenuous work of democratization.

The main weakness of measuring civil society purely by counting the number of organizations present is that it fails to take into account the full stratum of actors that form a

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[5] Eva Bellin, "Civil Society in Formation: Tunisia," 121.
[6] Eva Bellin, "Civil Society: Effective Tool of Analysis for Middle East Politics?" 510.
[7] The World Bank, "Defining civil society."

strong civil society in a given society. Using such a definition, some may characterize a society that lacks a particularly strong NGO sector as lacking a civil society. However, this line of reasoning does not take into consideration the possibility that other groups within society not typically thought of as CSOs may have taken on the duties of civil society in a way that circumvents an oppressive regime.

Alternatively, relying upon organization counts to measure civil society can overstate the presence of civil society. A state in which there are a plethora of associations may appear to have a strong civil society upon first glance; however, if such bodies fail to act as true vehicles for civic empowerment and act in the interest of the people, such a characterization may be false. This distinction is key when evaluating the presence and strength of civil society. From the outside, a community with a strong associational sector and a community with a strong civil society may appear very similar. This has been especially true in the Middle East, where scholars have identified some countries as having a strong civil society simply by counting the number of associations per capita, while failing to realize that many of those groups pursue uncivil aims, and therefore should not be considered elements of civil society.

CIVICUS, known as the "global civil society alliance," proposes a useful yet incomplete definition that includes typical CSOs as well as individual activists (including online activists, artists, writers, and human rights defenders) when they act in the public sphere to advance or defend a viewpoint that others may share.[8] This definition is more well rounded than those that simply emphasize the importance of the NGO sector, but it still fails to encompass the true breadth of civil society.

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[8] CIVICUS World Alliance for Citizen Participation, "State of Civil Society 2013: Creating an enabling environment," 10.

Civil society is more than the groups and individuals themselves: it is the sum of all collective civic action aimed at accomplishing community goals. It is comprised of a wide array of actors, including the media, unions, professional associations, nongovernmental organizations, and activist or interest groups that seek to influence politics for civic purposes. However, significantly, its strength is determined by the depth to which civic engagement permeates public life. Civil society must be measured by an assessment of the degree to which the concepts of civic activism and engagement have been internalized by a society and expressed in its actions, in addition to the traditional barometers of non-governmental organization and association counts.

The role of civil society in democratization

Civil society is widely understood to offer the social underpinnings for democratic forms of government.[9] It "advances democracy in two generic ways: by helping to generate a transition from authoritarian rule to (at least) electoral democracy," and by "deepening and consolidating democracy once it is established."[10] Alexis de Tocqueville, writing during his travels in the United States in the early 19th century, was among the first to describe the relationship between civil society and democratic culture. De Tocqueville noted that Americans had a strong propensity for organizing private associations, which he believed were "schools for democracy" for their ability to teach private individuals the skills of coming together for public purposes.[11] He argued that this network of organizations would foster civic values and prevent tyranny – functions essential to the survival of a new democratic state.

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[9] Clement Moore Henry, "Post-Colonial Dialectics of Civil Society," 11, in Yahia H. Zoubir, *North Africa in Transition: State, Society, and Economic Transformation in the 1990s.*
[10] Larry Diamond, "Civil Society and the Development of Democracy," 25.
[11] Francis Fukuyama, *Political Order and Political Decay,* 482.

Civil society is critical to the development of not just democracy, but especially *liberal democracy*. Liberalism, the tradition that seeks to protect an individual's natural and political rights, has become an inseparable part of the concept of democracy in the Western world. An *illiberal democracy* is one that fails to protect the rights of its citizens despite being chosen by them.[12] Civil society is a key force pushing the state towards liberalism by supporting public interests and holding political actors accountable.

Theories connecting the concepts of civil society and democracy were furthered significantly in the 20th century, when the former was resurrected by political scientists during the Cold War in an effort to describe political changes occurring at the time.[13] Soon after, theorists including Gabriel Almond and Sidney Verba further developed the connection between civil society and democracy through their argument that civic culture was essential to a democratic order.[14] Political sociologist and democratization expert Larry Diamond furthered the discussion of the relationship between political elites and the public by arguing that while political elites are indispensable to bringing about democracy and making it work,[15] they cannot act alone. "Democracy, and especially liberal democracy," he writes, "requires multiple avenues for 'the people' to express their interests and preferences, to influence policy, and to scrutinize and check the exercise of state power."[16]

Active civil societies are integral to the production and maintenance of strong political institutions, which are a key element of democratic transitions. These institutions – including rule-abiding political parties, an inclusive and participatory legislature, and a clear and fair legal system – can prevent conflict, address fragility, rebuild trust, and reconnect the citizen-state-

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[12] Fareed Zakaria, "The Rise of Illiberal Democracy."
[13] Eva Bellin, "Civil Society in Formation: Tunisia," 120.
[14] Gabriel Almond and Sidney Verba, *The Civic Culture*, 7-30.
[15] Larry Diamond, "Civil Society and the Development of Democracy," 1.
[16] Ibid., 3.

society relationship in a transitional period, supporting political settlements and reducing the potential for renewed conflict.[17] Such institutions serve to prevent the tyranny of the majority[18] that can exist even with a strong civil society by fostering civility, legally mandating tolerance and adherence to the rules of the game,[19] while also defending civil liberties (the guarantee of the individual's most basic freedoms) regardless of political persuasion.[20]

The ability of civil society to positively contribute to a democratic system depends upon the depth and reach of civic values and community engagement in that society. Political scientist Robert Putnam's seminal 2000 text, *Bowling Alone,* shifted the civil society debate by arguing that it extends far beyond explicitly political and civic organizations, and into all dimensions of human interaction that contribute to an individual's sense of community. Echoing de Tocqueville, Putnam sees voluntary associations as an opportunity for members to gain social capital and civic skills – making them "schools for democracy."[21] This concept is critically important to understanding the breadth and depth of civil society in 21st century Tunisia, where associations of all kinds have become training grounds for community engagement (even during periods of repression) and have fostered civic activism in the transitional period.

The social capital gained from community involvement reinforces legitimacy, deepens the level of trust within a society, strengthens shared values, and builds the networks that hold society together. Thus, the strength of democratic institutions is heavily reliant upon social capital.[22] In communities in which social capital is high, individuals are more likely to

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[17] United Nations Development Programme, "Inclusive and Participative Political Institutions in Select Arab States, 2012-2013," 2.
[18] John Adams, "A Defence of the Constitutions of Government of the United States of America," 291; see also James Madison, "The federalist no. 10."
[19] Edward Shils, "The Virtue of Civil Society," 3-20.
[20] Eva R. Bellin, "Civil Society in Formation: Tunisia," 122.
[21] Robert Putnam, *Bowling Alone: The Collapse and Revival of American Community,* 338.
[22] Ibid., 349.

participate in public goods, such as contributions to public broadcasting, and less likely to circumvent the system – for example, evading taxes.[23] A decrease in associational activity, and the resulting decrease in social capital, weakens a democratic society.[24]

Civil society also has a positive influence on the strength, transparency, and functionality of political institutions. Francis Fukuyama's 2014 *Political Order and Political Decay*, which examines the relationship between social conditions and liberal democracies, makes a strong case for the necessity of civil society in a liberal democratic state. Fukuyama considers a few cultural conditions necessary to a stable, well-functioning liberal democracy: "politicians and voters cannot have a winner-take-all attitude towards their opponents, they must respect rules more than individuals, and they must share a collective sense of identity and nationhood."[25] Fukuyama also describes the interaction of political and civic institutions as essential for the creation and maintenance of a stable, functional liberal democracy: "not just elections for a president or legislature but also well-organized political parties, an independent court system, an effective state bureaucracy, and a free and vigilant media."[26]

Fukuyama observes that the overthrow of authoritarian power without the proper framework of civil society and stable, transparent institutions fails to bring about liberal democracy. The architects of the 2003 U.S. invasion of Iraq, for example, expected that democracy would appear "spontaneously" upon the removal of Saddam Hussein.[27] However, both the Bush and Obama administrations have spent more than a decade attempting to oversee the creation of democratic institutions largely absent before the invasion and without which Iraqi

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[23] Ibid., 347-348.
[24] Francis Fukuyama, *Political Order and Political Decay*, 482
[25] Ibid., 428
[26] Ibid.
[27] Ibid., 429.

democracy cannot come about.[28] The Iraqi experience illuminates the necessity of civil society

in countries undergoing political transitions and the devastation that can occur when a state is

transformed without a civil society to help it take root.

Those who question the thesis that civil society can bring about democratic change

sometimes dispute the presumption that the collective force of civil society can compel

authoritarian governments to instigate periods of democratization.[29] Indeed, the effectiveness of

civil society initiatives for democratic change under authoritarian leadership is unclear. Civil

society initiatives sometimes result in reactionary policies that lead to the deeper entrenchment

of undemocratic behavior by authoritarian leaders. In periods of transition, however, civil

society has a unique opening for effective action.

While the scholarly literature tends to overemphasize the primary role of elites in leading,

crafting, negotiating (or imposing) democratic transitions, Diamond stresses the importance of

the role of "the public…organized and mobilized through civil society" – in many prominent

cases of democratization. The widespread mobilization of the public was specifically witnessed

in democratic transitions of the "Third Wave,"[30] a phrase coined by Samuel Huntington in 1989

describing the surge of democracy that spread to Latin America, Asia-Pacific, and Eastern

Europe in 1970s and 80s.[31] In many cases, civil society has played a crucial role, if not the

leading role, in producing a transition to democracy[32] through such methods as election

monitoring,[33] petitions,[34] and demonstrations[35] that contribute to a "popular upsurge"[36] and keep

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[28] Ibid.
[29] Sean L. Yom, "Civil Society and Democratization in the Arab World," 14-15.
[30] Larry Diamond, "Civil Society and the Development of Democracy," 25.
[31] Samuel P. Huntington, *Democracy's Third Wave.*
[32] Larry Diamond, "Civil Society and the Development of Democracy," 28.
[33] Ibid., 29.
[34] Ibid.
[35] Ibid., 32.

the revolution on course towards liberal aims. The collaborative efforts of civil society –
"students, [religious groups], professional associations, women's groups, trade unions, human
rights organizations, producer groups, intellectuals, journalists, civic associations, and informal
networks" – create opportunities for civil society to negotiate during challenges that arise during
the transition.[37]

Civil society has a specific opening to influence positive change in national dialogues
that result in the drafting of a peace agreement or constitution. Analysis of case studies of peace
agreements over the last fifteen years finds that "high or moderate civil society involvement in
peace negotiations appears to be strongly correlated with sustained peace in the peace-building
phase."[38] Although authorities may be hesitant to include civil society in peace negotiations for
worry of having too many voices at the table, "the absence of these voices and interests… can
prove fatal" to the agreement in the post-conflict phase.[39] Participatory constitution-making can
"confront deep-seated regional, ethnic, or religious issues in a way that top-down, elite-driven
constitutional reform may not,"[40] by building trust among communities; creating new
institutional arrangements, rights, or guarantees; empowering previously marginalized peoples;
and providing an opportunity for the nation to "forge a common vision on the identity and core
values of the nation."[41]

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[36] Ibid.
[37] Ibid.
[38] Jason Gluck and Michele Brandt, "Participatory and Inclusive Constitution Making," 11.
[39] Ibid., 12.
[40] Ibid.
[41] Ibid.

<u>Civil society and democracy in the Middle East</u>

Theorists articulating the concept of civil society in the eighteenth and nineteenth centuries often subscribed to orientalist ideas. Montesquieu, Hegel, de Tocqueville, and Mill contrasted their dynamic civil societies with "static" Oriental or Islamist ones.[42] Arguments have been made against the potential of Middle Eastern countries to democratize, citing the region's relative lack of change during the Third Wave. Many consider either Islam or Arab culture responsible for the region's lack of liberal democracy.[43] Because of this, many of the normative assertions of theorists studying civil society excluded Arab and Islamic societies from those considered capable of having a significant civil society.

Before the Arab Spring, some scholars disputed the thesis that civil society can instigate democratic change in repressed societies in the Arab world, instead arguing that civil society as it exists in the Middle East serves only as a tool for use by authoritarian leaders to further strategize control over their populaces.[44] However, such a view failed to take into consideration the full spectrum of "civil society." The expansion of associations under the Ben Ali regime in Tunisia, the Mubarak regime in Egypt, and others did indeed often serve as a function of these rulers' strategized control. However, a more nuanced definition of civil society includes the civic values, knowledge of democratic processes, and desires of the people that are conducive to democratic governance. Because some scholars of the Middle East and North Africa have equated civil society to associational life, while others have expanded civil society's definition to include the sociological and psychological roots of civic culture, there is not a clear consensus in the literature as to whether any particular state in the Arab world had a strong or weak civil society under their authoritarian regimes, nor a consensus on the strength of their civil societies

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[42] Clement Moore Henry, "Post-Colonial Dialectics of Civil Society," 11.
[43] Francis Fukuyama, *Political Order and Political Decay,* 427.
[44] Sean L. Yom, "Civil Society and Democratization in the Arab World," 14.

today. Adopting the second definition, which includes the scope of civic culture in measuring a country's civil society, finds that Tunisia had a diverse and active civil society that was restrained in its abilities to act under periods of dictatorship, and has begun to thrive in a new era of freedom.

Measuring civil society in the Middle East requires a broader, more dynamic lens of analysis due to the region's unique history of authoritarianism and repression. Though civil societies in the Middle East may not appear in the same way they do in more liberal countries, that does not mean civil society does not exist. This idea is articulated by political sociologist Asef Bayat, who asserts that there is no separation between everyday public life and the collective actions of civil society. He describes "nonmovements" as crucial and under-recognized phenomena of civic activism:

> [U]nlike social movements, where actors are involved usually in extraordinary deeds of mobilization and protestation that go beyond the routine of daily life (e.g., attending meetings, petitioning, lobbying, demonstrating, and so on), the nonmovements are made up of practices that are merged into, indeed are part and parcel of, the ordinary practices of everyday life. Thus, the poor people building homes, getting piped water or phone lines, or spreading their merchandise out in the urban sidewalks; the international migrants crossing borders to find new livelihoods; the women striving to go to college, playing sports, working in public, conducting "men's work," or choosing their own marriage partners; and the young appearing how they like, listening to what they wish, and hanging out where they prefer— all represent some core practices of nonmovements in the Middle East and similar world areas…The power of nonmovements rests on the power of big numbers, that is, the consequential effect on norms and rules in society of many people simultaneously doing similar, though contentious, things.[45]

Even under dictatorship, Bayat explains, civil society has been an effective force in the region: "Surveys on civil society in the Middle East suggest that, despite the authoritarian nature of many states, human rights activists, artists, writers, religious figures, and professional groups

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[45] Asef Bayat, *Life as Politics,* 20.

have brought pressure to bear on the governments for accountability and openness."[46] Though

they have not succeeded in overthrowing their country's leadership, people are gradually

opening their societies and challenging the boundaries of public life in the Middle East.

The Arab uprisings of 2011 significantly disrupted static assumptions about the

entrenchment of authoritarianism in the Middle East and North Africa, causing scholars to

reconsider the potential of Arab states to democratize. Fukuyama believes that these events put

to end simple arguments that that the Arab world was exceptional and would passively accept

dictatorship.[47] While the hesitation to believe in Arab countries' ability to democratize persists,

the perception that Arab authoritarian leaders are immovable has diminished, and the academic

and policy communities have started to realize that Arab states are now in a rapidly evolving

period of social and political change.

Attempts have been made to compare the Arab Uprisings of 2011 to the Third Wave

democratic transitions in Eastern Europe. Fukuyama explains that the fundamental difference

that makes these comparisons futile is that most of the countries Latin America and Eastern

Europe already had some experience with democracy. He contextualizes the periods of

dictatorship these countries experienced in the mid-20th century as "interruptions" in the

historical path of these regions, with the return to democracy a "restoration of an older political

order."[48] Fukuyama proposes that critics of the chaotic results of the 2011 Arab uprisings should

consider the long and violent nature of the democratization of Europe, on the basis of medieval

Europe and the modern Middle East's shared lack of experience with democracy.[49]

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[46] Ibid., 68.
[47] Francis Fukuyama, *Political Order and Political Decay*, 427.
[48] Ibid., 429.
[49] Ibid., 428.

<u>Assessing the potential for democratization in Tunisia</u>

Scholarly analysis described Tunisia's outlook for democracy in the two decades preceding the Arab Spring as mixed. Tunisia possessed the social conditions conducive to the development of a vibrant civil society: an educated middle class, a lack of religious or ethnic fragmentation, a lively private sector, and a plethora of associations fostering civic values, among others.[50] However, Ben Ali's hold seemed unbreakable, and his policies made the landscape of civil society organizations in Tunisia "ineffective, controlled, and dysfunctional."[51] Given the widespread belief that the Middle East was lacking in civil society and democratic experience, it is not surprising that most concluded that Tunisia did not have a significant chance of democratizing. [52] Others were more optimistic, looking to Tunisia's aforementioned qualities and giving it greater prospects for democracy than any other country in the region.[53]

Although Tunisia has not historically been a democracy, it does have a long history of civic engagement in the public sphere via unions, associations, and a tradition of protest movements and other forms of political activism (described in Chapter 2). The success of civil society in shaping post-revolution Tunisia contradicts scholars' claims that civil society is not the answer to "stubborn authoritarianism in the Middle East."[54] Tunisia has long possessed the foundations of democracy – namely, strong civil society and widespread civic values – that have made its recent political transition successful. By stating that the Arab world has "no prior experience of democracy," scholars such as Fukuyama completely overlook the existence of democratic roots and experiences in Tunisia throughout the nation's history.

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[50] Eva R. Bellin, "Civil Society in Formation: Tunisia," 147.
[51] Francesco Cavatorta, *Civil Society Activism Under Authoritarian Rule: A Comparative Perspective,* 75; Hamadi Redissi, "Etat fort, société civile faible en Tunisie," 89-118.
[52] Eva R. Bellin, "Civil Society in Formation: Tunisia," 147.
[53] Ibid.
[54] Sean L. Yom, "Civil Society and Democratization in the Arab World," 14.

<u>Conclusion</u>

Civil society is an essential component of democracy. It serves the critical roles of holding political institutions accountable, preventing the tyranny of the majority, and providing a vehicle for citizen political participation. Despite its important functions, civil society is sometimes hard to identify. A society may have a large number of associations, but a weak civil society. Alternately, it may have a strong civil society – that is, a wide array of actors that act as positive agents of change and advocate for civic values – but these actors may take different forms than the organizations and formal associations typically included in measurements of civil society.

The inclusion of a wide range of civil society actors (including the public at large) in participatory, inclusive, and transparent processes can "transform the relationship between citizens and their government, particularly in countries emerging from totalitarian or authoritarian regimes." Specifically, the "constitutional moment" can help to construct a new national identity that rejects repression and violence and embraces a new era of democratic governance.[55] The next chapter will explore the historical evolution of Tunisia's civil society, illuminating ways in which it has formed in both traditional and atypical ways, to serve civic functions and force political change.

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[55] Jason Gluck and Michele Brandt, "Participatory and Inclusive Constitution Making," 12.

CHAPTER 2: The History of Civil Society in Tunisia

Civil society in the Arab world has been both developed and impeded by a history rife with imperialism and authoritarianism. The development of civil society in Tunisia can best be seen as a layering of different influences, spanning centuries. These influences fostered the growth of the public sphere while at the same time challenging it, forcing Tunisian society to act in solidarity and evolve to fit changing circumstances.

Throughout Tunisian history, associations, nongovernmental organizations, the media, and norms of public engagement have expanded. Though constrained – first by the French, then former president Habib Bourguiba's restrictive policies, and finally his successor Zine el-Abidine Ben Ali's brutal repression – Tunisian civil society has found creative ways to not only survive, but press for change through activism and social movements. Though civil society in Tunisia has become dramatically more open and visible in the years following Ben Ali's departure, it is important to recognize that the uprising was "preceded by years of more tedious activism, rendering the revolution's timeline much broader."[56] It is through generations of activism and civic engagement that Tunisian civil society developed the experience to support the country in the 2011 uprising and subsequent democratic transition.

Early Tunisia (antiquity – 1881)

Tunisia's pre-colonial history – from its native roots in Berber heritage to its rule by the Ottoman Empire – represents centuries of influences, governments, and social systems. Contrary to the beliefs of many Western scholars, this time period was not without civil society, but rather comprised the beginning of it. While sometimes these early examples of civil society differ from

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[56] Corinna Mullin, "Tunisia's Revolution and the Domestic-International Nexus," 89.

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a Eurocentric model of civil society development, they nevertheless contributed to social capital and traditions of self-determinate governance that would provide the foundation for more formal civil society in the future.

Conquered by a number of empires, but always retaining a significant degree of autonomy, early Tunisia was exposed to the influence of many different political systems. Carthage (located in modern-day Tunis) served as the capital city, spanning thirteen centuries under the Phoenicians, the Carthaginians, the Romans, the Vandals, and the Byzantines. From time to time, however, the Berber population asserted their independence and succeeded in forming short-lived kingdoms, such as those of Massinissa, Jugurtha, and Juba.[57] These systems of non-centralized governance developed early on the sort of community decision making foundational to democratic governance.

Under the Ottoman Empire, the region known as *Ifriqiya* was divided into three *ojaks*, or "regencies," – Tripoli, Tunis, and Algiers, more or less forming the modern borders of these states.[58] The decentralized structure of the Ottoman Empire allowed the North African states greater autonomy than many other colonial territories of the time. This lax form of governance kept local systems of government intact in a way that supported civil and political life despite colonial rule. Among the states under Ottoman rule, Tunisia stood out as particularly progressive. For instance, from a legislative perspective, Tunisia was the first state in the region to adopt a bill of rights (1857) and a constitution (1861)[59] and the first Muslim state to abolish slavery.[60] Paralleling Tunisia's early political development, the first clear examples of civil society in Tunisia can be traced to those that addressed immediate community needs: water

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[57] Wilfrid Knapp, *North West Africa: A Political and Economic Survey*, 346.
[58] Ibid., 347.
[59] Amor Boubakri, "A prospective opinion on the Tunisian revolution."
[60] Roula Khalaf, "Tunisia: After the revolution."

associations, philanthropic groups, and the *waqaf*, or charitable foundations. Common throughout the Ottoman Empire, these extensive networks constitute major examples of the "autonomous working" of civil society and the public sphere in this era.[61]

Colonial period (1881-1956)

French colonialism was a complicating factor in the development of civil society in Tunisia. It impeded civil society's development, via institutions of colonial rule that attempted to squelch the civil societies and public sphere that already existed. At the same time, the colonial experience resulted in an expansion of civic thought, via the importation of liberal French values, and increase in political activism, through movements against occupation.

Prior to the arrival of the French, Tunisia had a developed structure of associations and political bodies fully capable of governance. Chambers and Cummings (2004) articulate this dynamic:

> When Tunisia became a French protectorate in 1881 it already had a centralised political structure with a developed administrative apparatus, borders which were largely accepted by its relatively homogenous population and strong interactions between the political centre in Tunis and rural groups, based on a long history of external trade.[62]

The French administrative structure kept many Tunisian institutions intact. The Bey, the prime minister, and his advisers remained in place, and the Tunisian system of caids, khalifas, and shaikhs was retained in local government. However, effective power rested with the resident-general, the commander of the French forces, the French director-general of finance, and the *controleurs civils* (civilian controllers). Tunisian courts were recognized and their codes

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[61] Miriam Hoexter, Shmuel N. Eisenstadt, and Nehemia Levitzion, *The Public Sphere in Muslim Societies*, 77.
[62] Victoria Chambers and Clare Cummings, "Building Momentum: Women's empowerment in Tunisia," 28.

modernized, though French courts tried Europeans. An institution known as the Grand Conseil, formed of Tunisian and French sections, both elected, was given budgetary responsibilities. The French did not destroy Tunisian systems of governance, choosing instead to preserve them or include Tunisians in new ones,[63] preserving Tunisia's political identity in a way that allowed it to carry through to the post-colonial era. This contrasts starkly with Algeria, where the French directly annexed the country and put strict French administrative structures in place, leaving it less ready to govern post-independence.

Trade unions in Tunisia, first established in the early 20th century, played critical roles as political bodies and early civil society organizations. Mohamed Ali al-Hammi founded the General Federation of Tunisian Workers in 1924, but it was from Farhat Hached in 1946 that the country gained what would become the single most powerful non-state institution in Tunisian history: the General Union of Tunisian Workers (UGTT). Hached learned union activism and organizing as a member of the French General Confederation of Labor (CGT) for 15 years before splitting from it to create the UGTT,[64] demonstrating the direct influence of the French colonial experience on the growth of Tunisian civil society in that time. The UGTT quickly gained support, clout, and international ties, which it used to pressure the French for more social and political rights for Tunisians.[65]

During Tunisia's period as a protectorate, the French worked to create a modern and loyal elite of civil character. In 1896, the French approved a charter for the promotion of civil and sophisticated discussion. This initiative resulted in the creation of the Khaldun Society (*Al-Jam'iyah Khalduniya*, named after famous Tunisian philosopher and historian Ibn Khaldun),

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[63] Wilfrid Knapp, *North West Africa: A Political and Economic Survey*, 351-352.
[64] Mohamed-Salah Omri, "Trade unions and the construction of a specifically Tunisian protest configuration."
[65] Mohamed-Salah Omri, "Trade unions and the construction of a specifically Tunisian protest configuration."

which served as a cultural society that aimed to link modernity with "rootedness" (*asalah*). The Society provided free courses on European topics and provided a forum for intellectual and philosophical debate among Tunisians. This institutionalized the French exportation of political and social theory to Tunisia, and contributed to the increasing French culture of the Tunisian elite.[66]

Within a decade, the Khalduniya attracted some 150 people at its lectures and counted nearly 5000 readers in its library. The Khalduniya was followed in December 1905 by the establishment of a further association, the *Sadikiya*. The Sadikiya, as well as forming a "meeting ground" for reformers, gave itself the task of popular education and followed various French examples (including that of French Roman Catholic activist Max Sangnier and his movement, the *Sillon*) in organizing lectures and seminars.[67] Both organizations provided civic education and forums of debate critical to the evolution of civic thought among Tunisian elite in that period.

Civil resistance against the French, from the end of World War II to 1956, existed through illegal informal networks and formal associations that the authorities periodically suppressed.[68] This was known as the *pays reel* (the illegal informal networks and formal associations), in opposition to the *pays legal* (the associations within the public sphere allowed by the French Protectorate). The concept of a pays reel conveys a broader understanding of civil society than may typically be recognized in analysis of Tunisia. [69]

Tunisia's tradition of cultural critique – expressed through public meetings, associations, and protest movements – "dates back at least to the decolonial struggle against French

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[66] Wilfrid Knapp, *North West Africa: A Political and Economic Survey*, 355.
[67] Ibid.
[68] Clement Moore Henry, "Post-Colonial Dialectics of Civil Society," 12.
[69] Ibid.

colonialism in the 1930s and 1940s."[70] Tunisian scholar Nouri Gana (2013) notes evidence of

"cultural and critical economic capital" in the formation of the intellectual Against the Wall

Group (*jama' ittahta al-sur*), "which brought together a heterogeneous collection of intellectuals

and helped raise awareness about the colonial condition through regular meetings and debates

organized in popular cafés." He also notes the significance of "Tunisia's foremost national poet,

Abul-Qasim al-Shabbi, and Tunisia's foremost national playwright, Mahmoud al-Messadi," who

both wrote about freedom, "political paralysis," and "defiance of French colonialism." Al-

Shabbi's poetry was used by early protesters in Tunisia and Egypt, signifying "an evocation of

the inextricable relationship between foreign and indigenous forms of oppression, and the need

to fight both."[71]

Tunisia's protracted anti-colonial struggle (in comparison with Morocco, which had a

shorter period of struggle) provided an incubation period for the development of strong

nationalist organizations and civil society.[72] In the colonial period, Tunisian civil society evolved

to both support community needs and challenge the power of the French. The expansion of

unions, non-governmental organizations, academia, public education, and the media, and the

development of a nationalist independence movement against the French, reveal the growth of

civil society during colonial occupation.

Led by future president of Tunisia Habib Bourguiba and assisted by the powerful UGTT

labor union, the expulsion of the French culminating in the revolution of 1956 was a unifying

and defining period for Tunisian society. The collaborative actions of the labor unions, human

rights advocates, and other community groups instilled in Tunisians a recognition of civil society

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[70] Nouri Gana, "Tunisia," 1-23; Corinna Mullin, "Tunisia's Revolution and the Domestic-International Nexus," 89.
[71] Nouri Gana, "Tunisia," 1-23.
[72] Clement Moore Henry, "Post-Colonial Dialectics of Civil Society," 18.

as a check on the power of the state. The groups that fought against French occupation would continue to exist in Tunisia and form the basis of an active, involved civil society.

<u>Bourguiba period (1956-1987)</u>

Tunisia's era under Bourguiba witnessed the continued role of civil society, though limited in power by an undemocratic regime. Bourguiba saw civil society as a threat, and focused efforts towards weakening it. According to Middle East scholar Clement Moore Henry, the period of Tunisian nation-building following independence involved a dialectical process progressing through three stages corresponding to three paradigmatic elite responses to the colonial situation. First, the Tunisian elite sought to assimilate perceived "Western" values, including liberal constitutionalism and nationalism; second, they rejected them in the name of Islam and national authenticity; and third, they appropriated those values fully for purposes of national emancipation.[73]

In 1956, immediately after Bourguiba came to power, he enacted the Personal Status Code (CSP), a legal document recognizing the equality of men and women. The CSP abolished polygamy, mandated consent by both spouses prior to marriage, set a minimum age for marriage, and gave women legal divorce and inheritance rights. The Personal Status Code became a symbol of Tunisia's progressive, modern stance on women's rights, and a stern dismissal of Islamists who maintained that men and women are not equal. Following the promulgation of the CSP, Bourguiba also gave women the right to vote and run for office (1957); introduced wage equality, mandatory education, and access to contraception (1960s); and legalized abortion

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[73] Clement Moore Henry, "Post-Colonial Dialectics of Civil Society," 13.

(1970s).[74] The CSP became a symbol for women's rights in Tunisia, and future social movements in favor of women's rights were commonly framed as movements defending the CSP.

The UGTT only grew in power in the postcolonial period, and has played a large role in resistance efforts ever since. It was one of the very few organizations allowed under Bourguiba and Ben Ali with significant power.[75] The UGTT counts more than half a million dues-paying members, about five percent of Tunisia's total population.[76] It has been called "Tunisia's largest civil society organization."[77] By fighting for laborers' rights, the UGTT provided an early example of the kind of resistance against the regime that would reach its height in the Jasmine Revolution.

The Bourguiba period also saw an enormous reform of the public education system, which included components of civic education. The first reform (1958) sought to universalize access to education for all Tunisian children, starting at age six.[78] The second reform (1989) engendered the creation of the *cityoen moderne*, or "modern citizen," through the teaching of civic values.[79] Tunisian psychiatrist Fatma Boubet de la Maisonneuve notes, "The men and women marching for democracy [in 2011] were all the children and grandchildren of women who had grown up with an education and a sense of their rights."[80]

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[74] Pelin Gönul Şahin, "Women's liberties and gender equality in Tunisia: The asthma of the Arab Spring?" 163.
[75] Shelley Deane, "Transforming Tunisia: The Role of Civil Society in Tunisia's Transition," 13.
[76] Sarah Chayes, "How a Leftist Labor Union Helped Force Tunisia's Political Settlement."
[77] Alcinda Honwana, *Youth and Revolution in Tunisia*, 66.
[78] Néjib Ayed, et. al., "Education, Diversité Et Cohésion Sociale En Tunisie," 278, in Akkari, et. al. "Education, Diversité Et Cohésion Sociale En Méditerranée Occidentale."
[79] Ibid., 279.
[80] Victoria Chambers and Claire Cummings, "Building Momentum: Women's empowerment in Tunisia," 28.

<u>Ben Ali period (1987-2011)</u>

Following the coup that ousted President Bourguiba and brought former Prime Minister

Zine el-Abidine Ben Ali to power, civil society continued to be repressed despite the

government's continued commitment to Western-oriented liberal values. In Tunisia, unlike in

many other countries in the region, leaders throughout the independence era (even in periods of

authoritarian rule) publicly encouraged the growth of some forms of civil society, embracing the

economic growth that a more freethinking society can bring. As one of the first Arab countries

to break with "Arab socialism" and pursue a more liberal development strategy, Tunisia created

the space early on for a strong private sector and the cultural norms of entrepreneurship and

individuality.[81] Instead of outlawing civil society organizations entirely and losing face

internationally, Ben Ali instituted selective liberalization and a corporatist or state-monopolized

civil society framework. Such frameworks can be highly appealing to authoritarian leaders who

want to support economic development but are concerned about its pluralist effects.[82]

Civil society was unable to reach its full potential due to the wide-reaching grasp of

authoritarianism.[83]   Ben Ali extensively used economic mechanisms (via the financial and

banking sectors) as methods of repression pervasive through everyday life.[84] In addition, Ben

Ali's rule was founded on an illusion of legitimacy. He knew that he could not replicate the

charismatic rule of Bourguiba; thus, obvious repression and controversially autonomous

leadership were not sustainable options. Ben Ali deflected international criticism for more than

two decades by self-legitimization through discreetly fraudulent elections, relatively successful

economic policy, preservation of many of the liberal elements of the original constitution

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[81] Eva R. Bellin, "Civil Society in Formation: Tunisia," 124.
[82] H. J. Wiarda, *Civil Society: The American Model and Third World Development*. Found in Shelley Deane, "Transforming Tunisia: The Role of Civil Society in Tunisia's Transition."
[83] Eva R. Bellin, "Civil Society in Formation: Tunisia," 147.
[84] Béatrice Hibou, *The Force of Obedience: The Political Economy of Repression in Tunisia*.

(including the Personal Status Code) and use of state-funded think-tank The Tunisian Strategic Studies Institute (IEST) to "engineer his own brand of democracy" and maintain an illusion of legitimate leadership.[85] His policy of allowing Tunisian civil society to exist through restricted state-approved organizations, such as unions and professional associations, forced the more revolutionary aspects of civil society underground. This dynamic created a civil society landscape of formal non-governmental institutions and informal activist networks that united to form the resistance against Ben Ali in 2011.

During Ben Ali's rule, the Tunisian public actively engaged in "formal and informal modes of resistance" through grassroots, social media, and youth movements.[86] Activist efforts were also channeled through existing institutions. The UGTT actively engaged in resistance efforts: in 1984, it aligned itself with the protestors during the bread revolt; in 2008, it was the main catalyst of the disobedience movement in the mining basin of Ghafsa; and in December 2010, UGTT teachers' unions and local offices were leaders in the uprising against the dictator.[87]

As part of the UGTT, the Secondary School Teachers' Union (SNES) had a long history of opposition to the regime.[88] In April 2007, teachers – who are one of the most militant sections of the UGTT – went out on national strike. UGTT teachers' union general secretary Lassad Yacoubi explains that in November 2007, three teachers – whose contracts were not renewed after the strike – went on hunger strike demanding reinstatement and inspiring international protests and solidarity actions. She calls this "the first time [the unions] managed to really

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[85] Larbi Sadiki, "Bin Ali's Tunisia: Democracy by Non-Democratic Means," 64.
[86] Laryssa Chomiak, "The Making of a Revolution in Tunisia," 68-83; Corinna Mullin, "Tunisia's Revolution and the Domestic-International Nexus," 89.
[87] Mohamed-Salah Omri, "Trade unions and the construction of a specifically Tunisian protest configuration."
[88] Alcinda Honwana, *Youth and Revolution in Tunisia*, 67.

damage the core of the regime of Ben Ali."[89] Human rights author Buthayna Bsais notes that

prior to the 2011 uprising, "the UGTT had conducted economic education work, reaching out to

college students, particularly low-income students," who would later become protesters in the

2011 uprising.[90] In these ways, the UGTT's academic elements had a direct influence on the

growth of activism against Ben Ali in the decades leading up to the revolution, and contributed

social capital that would support Tunisian society in the years following.

Though activists and large organizations such as the UGTT played significant civic roles

in the Ben Ali period, it is also important to also recognize less explicit activism carried out in

everyday life. As Gana (2013) notes,

> I am not here speaking merely about historical political opponents and opposition leaders
> such as Rachid al-Ghannouchi, Hamma al-Hammami, and Moncef Marzouki, among
> others, but about everyday Tunisians, journalists, novelists, playwrights, filmmakers,
> intellectuals, lawyers, high school teachers, as well as school and university professors…
> [e]ven soccer players, singers, and other popular figures have at times embraced and
> passed on the tradition of dissent in the Tunisian public sphere, whether through explicit
> or encoded means and intents.[91]

The beginning of serious challenges to Ben Ali's regime came in 1998 when activists

created the National Council for Liberties in Tunisia (NCLT), an illegal human rights NGO. The

organization produced reports on the human rights situation in Tunisia, and in doing so inspired

other activists to begin challenging the regime.[92] One such activist was journalist Taoufik Ben

Brik, who in 2000 carried out a hunger strike protesting his unfair treatment by the regime. After

this event, which received significant attention in the international media, hunger strikes became

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[89] Isabelle Merminod and Tim Baster, "The post-revolution challenges for Tunisian workers."
[90] Tula Connell, "Tunisian Women: Sustaining the Fight for Equal Rights," 5.
[91] Nouri Gana, "Tunisia," 1-23.
[92] Amor Boubakri, "Interpreting the Tunisian Revolution: Beyond Bou'azizi," 71-72, in Larbi Sadiki, *Routledge Handbook of the Arab Spring: Rethinking Democratization.*

a very common tool of civil resistance against Ben Ali.[93] Opposition to the Ben Ali regime

would continue through grassroots movements, union-led strikes, and protests that would finally

reach critical mass in the Jasmine Revolution of 2011.

Conclusion

The development of civil society in Tunisia has been gradual, dynamic, and strategic.

Under the Ottoman Empire, associations showed the potential for strong civic engagement by

Tunisians early on. Due to the controlling nature of the state in the colonial and post-colonial

eras (1881-2011), NGOs representing views or objectives contrary to the interests of the

government were not permitted. Instead, civil society had to channel its efforts through groups

that were either state-approved or hidden deep underground.

The most visible example of Tunisians using a state-approved organization for civic

functions is the labor union (UGTT). It was "the cornerstone of the nationalist movement during

the colonial era," and "has always played a key pat in Tunisian politics" due to its ability to "link

social needs with political demands by acting independently from the state apparatus."[94] Its size

and history enabled it to challenge the regimes in ways that smaller organizations could not. The

UGTT – along with other unions, professional associations, and human rights and legal

organizations – formed the structure of civil society through which the public pressed for change

during important periods in Tunisian history (including the independence movement against the

French and the decades of civil disobedience against Ben Ali).

After a long history of opposition against the French and Ben Ali, Tunisian civil society

had the tools and experience to act with efficacy in the Tunisian revolution and transitional

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[93] Ibid.
[94] Alcinda Honwana, *Youth and Revolution in Tunisia*, 66.

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period. The next chapter will illuminate key ways in which the collective force of civil society

contributed to the final overthrow of Ben Ali, advocated for change during the democratic

transition, and served as a powerbroker in the constitution drafting process.

CHAPTER 3: The Tunisian Revolution and Democratic Transition

This chapter provides an introduction to the events, institutions, and processes of the Tunisian revolution and democratic transition, and the involvement of civil society throughout both periods.[95] The Tunisian people suffered for more than two decades under the corruption, repression, and abuse of the Ben Ali regime. His failed economic policy, compounded by the 2008 global financial crisis, proved crushing for millions of lower- and middle-class Tunisians. These grievances led to strikes and demonstrations in the years 2008 – 2010, but it was December 17, 2010 that proved to be the culminating point of years of strife.

The self-immolation of Mohammad Bouazizi, a fruit vendor harassed by police, was a catalytic moment in the growing movement against the regime. Following his act, the revolution continued as a spontaneous civil society movement, not led by any particular ideology, party, or political figure.[96] What began as small, localized protests by young people demanding better economic policy spread in a matter of days to the capital and the wealthier northern areas, where protestors' demands shifted to the removal of the regime and the creation of a new democratic system. Ben Ali fled on January 14, 2011, and as protests spread across North Africa and the Middle East, Tunisians started to pick up the pieces of their state and begin a new era of democratic governance.

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[95] For the purposes of this study, the "transitional period" is defined as the period of time from President Ben Ali's departure on January 14, 2011, to the adoption of the new constitution on January 26, 2014. Democratic transitions are long, gradual, and non-linear processes, and it would be inaccurate to assert that these dates demarcate the beginning and end of the transition in Tunisia. However, given the recent nature of events, this study focuses only on this three-year period.
[96] Pelin Gönül Şahin, "Women's liberties and gender equality in Tunisia: The athsma of the Arab Spring?" 162.

Civil society in the revolution

Though youth unemployment and corruption were the initial grievances that inspired the uprising, civil society groups played a significant role in widening and sustaining the movement[97] and broadening the demands to include regime change and democracy. New activists built on the accumulated experience of decades of collective action in Tunisia.[98] Ben Ali's overconfidence in his power monopoly over the unions and NGOs, and the powerful alliance of creative young protesters and experienced activists, gave strength to the Tunisian revolution and contributed greatly to its success.

Tunisia's uprising was instigated by cyber activists and unemployed university graduates, but sustained and supported by civil society organizations – most visibly, the labor union (UGTT), Tunisian National Order of Lawyers (ONAT), the Tunisian Human Rights League (LTDH), the Tunisian Association of Democratic Women (ATFD), and the National Syndicate of Tunisian Journalists (SNJT). These organizations supported the revolution by mobilizing their members across the country to grow the protest movements and consolidate the movement's focus in the capital by "involving public intellectuals and middle class social and political activists."[99]

Groups within the UGTT, including the Primary School Teachers' Union, the Secondary School Teachers' Union (SNES), the Health Workers' Union, and the Postal Workers' Union were all early supporters of the revolution. The SNES was even reported to have transported Bouazizi to the hospital for treatment following his self-immolation.[100] The UGTT leadership initially wanted to stay out of the conflict and act as a mediator between the regime and the

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[97] Alcinda Honwana, *Youth and Revolution in Tunisia*, 66.
[98] Shelley Deane, "Transforming Tunisia: The Role of Civil Society in Tunisia's Transition," 15.
[99] Alcinda Honwana, *Youth and Revolution in Tunisia*, 69.
[100] Ibid. 67.

demonstrators, but abandoned its neutral position when local and regional chapters of the UGTT (which had joined the protesters) convinced the national leadership to join in support.[101] On January 11, 2011, the UGTT called for peaceful marches throughout the country, followed by a series of national strikes. The labor strike of January 14, which brought hundreds of thousands of Tunisians into the street, was the final event that led to Ben Ali's departure.[102]

Some scholars have considered the joining of the UGTT to be the pivotal point at which the demands of the revolt shifted from socioeconomic grievances to regime change.[103] Others also credit the efforts of the dissident network Takriz with shifting the aims of the uprising towards more political demands.[104] No matter which organization was the most influential, it was the combined efforts of activists and more formal organizations (NGOs, unions, professional associations) that together articulated the political demands of the protests.

Women were critical participants in the revolution, organizing "strikes, sit-ins, marches, protests, and…demonstrations" in which they played instrumental roles.[105] "Women were empowered," in part, "because they had for years participated in social mobilization activities by their unions. Activities 'to demand improved working conditions and to defend core labor rights of decent work have been characterized by a massive presence of women,'" says Tunisian Association of Democratic Women member Saida Garrach, "lead[ing] to the important participation of women in the Tunisian revolution."[106]

Lawyers played the essential role of keeping the protests focused on human rights and civil liberties. They organized demonstrations in front of courthouses to express their

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[101] Alcinda Honwana, *Youth and Revolution in Tunisia*, 67.
[102] Ibid.
[103] Ibid.
[104] Ibid.
[105] Tula Connell, "Tunisian Women: Sustaining the Fight for Equal Rights," 2.
[106] Ibid.

dissatisfaction with the regime and advocate for political and social change. The National Order

of Lawyers also organized national demonstrations on December 31, 2010, to spread their

message throughout the country.[107]

Islamists did not initially play a large role in the uprising, and only joined in the last few

days before Ben Ali's departure.[108] Ennahda, Tunisia's largest Islamist political party, was slow

to join the protests (like many Islamist parties in the region) in part because it had much to lose

should the revolution fail. A history of managed pluralism and selective political openings

strategized against the Islamists has been typical of tactics of repression in the Middle East under

authoritarian regimes.[109] Due to this, Islamists have historically suffered increased restrictions

and limitations when advocating for greater political power, perhaps influencing their

apprehensive reaction to the uprising. Following Ben Ali's departure, Ennahda mobilized to gain

political power, and civil society played a critical role in negotiating and compromising with

Tunisia's more religious elements once the political transition codified.

Institutions of the transition

The early transitional leadership that grew following Ben Ali's departure was primarily

comprised of activists, many of whom had been exiled by the former regime, and remaining civil

servants who were not close to Ben Ali and, therefore, were not pressured to step down. In the

early days of the transition, the transitional leadership moved away from truly revolutionary aims

and toward the preservation of the previous regime's institutional apparatus. Fearing that the

elites would subvert the intentions of the revolution, Tunisian civil society (particularly youth

activists) took to the streets again to force radical political reforms, and succeeded. Their

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[107] Alcinda Honwana, *Youth and Revolution in Tunisia*, 66; Ryan Rifal. "Timeline: Tunisia's uprising."
[108] Alcinda Honwana, *Youth and Revolution in Tunisia*, 70.
[109] Daniel Brumberg, "The trap of liberalized autocracy," 56-68.

pressure resulted in the final dismantling of old political institutions, changes to the composition of the government, and plans for an entirely new constitution written by an elected National Constituent Assembly (NCA).[110] The transitional authorities created the High Commission for Political Reform (later renamed by the prime minister the Higher Authority for the Realization of the Objectives of the Revolution, Political Reform and the Democratic Transition).[111] This organization was a "group of civil society organizations, professionals, experts, and unionists [that served] as an interim, transitional parliament."[112] This organization was responsible for decision-making in the months immediately following the revolution that dictated the planned course of the transition. Comparative political scientist Alfred Stepan called the Higher Authority "one of the most successful consensus-builders in the history of democracy."[113]

Political leadership showed restraint in politicizing the transition early on by making the primary goal of Tunisia's first transitional years the creation of a new constitution instead of immediately holding elections to choose Tunisia's new ruling party. All elections prior to the adoption of the constitution were considered transitional: the country did not choose a new non-transitional president until 2014. Tunisians across the political spectrum focused on the integrity of the transitional process, overwhelmingly choosing negotiation and compromise over heated political battles. This contrasted sharply with Egypt,[114] where the transition was markedly political from the day President Muhammad Morsi left and the constitution did not receive the focus it deserved.

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[110] Alcinda Honwana, *Youth and Revolution in Tunisia*, 7.
[111] The renaming of the Commission was significant: "The new name was symbolically important because it combined 'revolution,' 'reform' and 'transition,' demonstrating that the Higher Authority was attempting to go beyond the position of the [High Commission for Political Reform] and that of the interim government." Alcinda Honwana, *Youth and Revolution in Tunisia*, 103.
[112] Ellen Lust, *The Middle East*, 790.
[113] Ibid., 791.
[114] Jason Gluck and Michele Brandt, "Participatory and Inclusive Constitution Making," 7.

After the departure of Ben Ali, civil society shouldered much of the responsibility of planning and instating reforms. The task of transforming Tunisia's single party state structures fell to groups working inside the existing political institutions (such as the unions and opposition parties that existed in the Ben Ali era), and to the newly created civil society activist networks.[115] The process was instigated by a "spirit of solidarity" among the elements of civil society that had united against the Ben Ali regime.[116] While the legislature and other transitional political institutions played important roles in the process of post-revolution reconstruction, it was civil society's ever-evolving involvement and support that had the most significant effect on transitional outcomes.

Civil society in the transition

Tunisians demanded from the beginning that transitional processes be open to public involvement. Focus group research indicated demands for the National Constituent Assembly to "listen to the people," warning that the Assembly "should not forget what happened to Ben Ali; the Tunisian people revolted once and can do so again." According to polls, 80 percent of Tunisians expressed interest in voting on the constitution at referendum,[117] which would only happen if the constitution failed to gain a two-thirds majority in the NCA.

Public engagement in the constitution drafting project was vital to its success. This occurred through CSOs as well as through more informal meetings held throughout the country. As noted by Jason Gluck, senior political affairs officer at the United Nations, and Michele Brandt, founder and director of Interpeace's Constitution-Making for Peace Programme:

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[115] Shelley Deane, "Transforming Tunisia: The Role of Civil Society in Tunisia's Transition," 9.
[116] Roula Khalaf, "Tunisia: After the revolution."
[117] Jason Gluck and Michele Brandt, "Participatory and Inclusive Constitution Making," 7.

Inclusion, transparency, and consultation were lacking during the early stages of Tunisia's constitutional review, but picked up after the NCA presented its first draft to the public in August 2012. Following publication of a second draft, the NCA launched a two-month outreach campaign that included public meetings in the NCA representatives' constituencies, hearings with interest groups, and television broadcasts of most NCA debates and proceedings. The United Nations Development Programme supported a dialogue in 2012 and 2013 between NCA members and citizens and civil society organizations in all twenty-four of Tunisia's governorates; no fewer than 6,000 citizens, 300 civil society organizations, and 320 university representatives provided input directly to NCA members.[118]

The constitution drafting process became "the site of struggle, popular outcry, and national dialogue in a way that signifie[d] a restructuring of Tunisian politics and illustrate[d] the significance of a burgeoning civil society."[119] Throughout the three-year transitional period, civil society served as a voice of public opinion and a counterbalance to the power of political elites. It pushed for accountability, transparency, and compromise via the media, non-governmental organizations (NGOs), unions, and informal associations.

Tunisian civil society primarily employed two strategies to influence policymaking in the transitional period. Representatives of civil society worked directly with lawmakers to determine the wording the constitution and negotiate between political parties when progress stalled. At the same time, diverse elements of Tunisian civil society encouraged public action to shape the debate occurring outside of the walls of the legislature. It is through this two-pronged approach that the broad array of actors that make up Tunisia's civil society was able to influence the constitutional drafting process and keep the original aims of the revolution – namely freedom, dignity, and democracy – front and center.

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[118] Ibid., 10.
[119] Mounira M. Charrad and Amina Zarrugh, "Arab Spring and Women's Rights in Tunisia."

<u>The official inclusion of civil society in the constitution drafting process</u>

Helping civil society's influence on the work of the National Constituent Assembly was by the fact many NCA members themselves held significant roles in civil society. Many elected members of secular parties were active defenders of civil rights and leaders of civil resistance under the Ben Ali era, and Islamist NCA members likewise had a background of civil resistance against the previous regime in their fight for religious freedoms. The makeup of the NCA, therefore, made it especially open to collaboration with civil society, given the representatives' prior relationships with many of the organizations. Examples of NCA members with civil society experience include Moncef Marzouki (one of the placeholder presidents during the transition), who had a long career of human rights activism against the Ben Ali regime and founded both the National Committee for the Defense of Prisoners of Conscience and the National Council for Liberties (CNLT); transitional Prime Minister Hamadi Jebali, who was a journalist and activist prior to the revolution; and Mustapha Ben Jafar, former president of the NCA, who previously founded the Tunisian Human Rights League (LTDH).

Civil society's influence was formally integrated into the constitution drafting process through relationships between the NCA and representatives of NGOs, as well. The NCA formed an Assembly Bureau in February 2012, with one of its specific functions being NCA-civil society relations. The NCA appointed member Badreddine Abdelkefi to the leadership position of this task force. Abdelkefi and his team established novel mechanisms for the inclusion of civil society in the process of drafting the constitution, including workshops, public meetings or "national dialogues," and receiving constitution drafts prepared by civil society organizations.[120]

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[120] Jasmine Foundation, "An Interview with Badreddine Abdelkefi: The Role of Civil Society in Drafting the New Constitution."

The Constituent Assembly offered representatives of civil society official spots at the table in

drafting sessions and consulted with the public more broadly at community meetings.

<u>The external influence of civil society on the constitution drafting process</u>

Tunisian unions, religious groups, and media shaped the debates around the country's

political transition and constitution. The UGTT "emerged as the key mediator and power broker"

during the early stages of the transition as "perhaps the only body in the country qualified to

resolve disputes peacefully." It directly influenced NCA decision-making: "it was within the

union that the committee which regulated the transition to the elections of 23 October 2011 was

formed." The UGTT also promoted its unionist interests by "us[ing] its leverage to secure

historic victories for its members and for workers in general, including permanent contracts for

over 350,000 temporary workers and pay rises for several sectors, including teachers."[121]

Tunisian scholar Mohamed-Salah Omri considers the UGTT a strategic and powerful

institution in the transition:

> As Tunisia moved from the period of revolutionary harmony in which UGTT played host
> and facilitator to both a political and ideological phase, characterized by the multiplicity
> of parties and the polarization of public opinion, UGTT was challenged to keep its
> engagement in politics without falling under the control of a particular party or indeed
> turning into one…Today all parties speak through UGTT and on the basis of its initiative,
> which consists in dissolving the current government, the appointment of a non-political
> government, curtailing the work of the National Constituent Assembly, reviewing top
> government appointments and dissolving the UGTT's arch enemy, the Leagues for the
> Defense of the Revolution. Union leaders are known to be experienced negotiators and
> patient and tireless activists. They have honed their skills over decades of settling
> disputes and negotiating deals. For this reason, they have been able to conduct marathon
> negotiations with the opposing parties and remain above accusations of outright bias.[122]

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[121] Mohamed-Salah Omri, "The UGTT Labor Union: Tunisia's Powerbroker."
[122] Ibid.

Religious groups were vocal in the transitional period, particularly concerning issues of corruption. The social movement "Ekbes" ("Get a move on") was formed in 2011 by a youth wing of Ennahda. Ekbes "put pressure on the government to launch a 'purge campaign' against those formerly aligned with the Ben Ali regime."[123] While the group was unsuccessful in forcing all former regime members from government, its movement does represent civic activism that shaped public discourse during the transition.

The most conservative Islamists, known as *Salafists*, "advocated for sharia-inspired law and constitutionalism."[124] Its two main bands, "scholarly" Salafism (*salafiya ilmiyya*) and "jihadist" Salafism (*salafiya jihadiyya*) "publicly band[ed] together against democracy and ask[ed] for the implementation of sharia law without delay."[125] This movement was uncivil in nature and opposed to democracy, and therefore it is disputable whether Salafist activism constitutes true civil society activism. Nevertheless, initiatives by Salafists formed a component of the landscape of movements during the political transition that deserves consideration.

Non-religious groups formed many social and political movements in the transitional period. The Open Government Initiative (OpenGovTn) is an initiative started in November 2011 by a group of young cyber activists with the goals of increasing transparency and decreasing corruption in the transitional government[126] and encouraging civil society to "define the modalities of good governance and transparency."[127] OpenGovTn's media campaign "7ell" ("Open") was an effort coordinated through the media and aimed at spreading the message of open government both to the public and to policy makers. The campaign was so successful that the transitional president and several members of the NCA publicly supported the initiative, and

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[123] Ellen Lust, *The Middle East*, 812.
[124] Ibid.
[125] Ibid.
[126] Alcinda Honwana, *Youth and Revolution in Tunisia*, 119.
[127] Ibid., 120.

the National Constituent Assembly agreed to 7ell's proposed legislation commencing public broadcasts of the Assembly's meetings.[128]

The media played an important external role in the transitional process by disseminating information from activists and civil society organizations creatively through social media, online magazines, radio stations, and print media.[129] The sector rapidly expanded following Ben Ali's departure.[130] Over 220 new Tunisian print publications were created in the 2011 to 2012 period,[131] providing citizens with a variety of perspectives on the ongoing political process. The press focused upon debates concerning the status of women, the role of religion in society, and requirements for presidential candidates (including the controversy over whether former members of Ben Ali's political party should be allowed to serve in government). The media significantly affected the outcome of Constituent Assembly deliberations by raising concerns about constitutional articles, deciding which issues to highlight, and mobilizing the public for or against certain initiatives within the Assembly.

The NCA adopted measures to provide transparency in the process, and online news source Tunisia Live was allowed to stream and record NCA proceedings. However, limited computer use in Tunisia made it likely that a large percentage of the population did not see the proceedings as they occurred.[132] Citizens likely received more news from newspapers, although the live streams heavily informed news articles.

In the final days before the signing of the constitution, the media spearheaded a campaign to change certain articles of the draft constitution, namely Articles 122 and 124, which would

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[128] Ibid.
[129] Ibid.
[130] Afef Abrougui, "Tunisian media in flux since revolution."
[131] Fatima el-Issawi, "Tunisian Media in Transition," 6.
[132] The Carter Center. "The Carter Center Encourages Increased Transparency and Public Participation in Tunisia's Constitution Drafting Process; Calls for Progress Toward Establishment of Independent Election Management Body," 4.

have undercut the authority of the country's media regulator the High Independent Authority for

Audiovisual Communication (HIAAC). This regulator was an important advocate for media

freedom. The media criticized the government for its interference in public radio and recent

police crackdown on journalists. The HIAAC also sponsored workshops to strengthen the media

in Tunisia. Just ten days before ratification the head of the National Union of Tunisian

Journalists met with the NCA and proposed amendments in support of media freedom. The

delegates approved these amendments, which increased the regulatory authority of HIAAC.[133]

Breaking the deadlock

Over a three-year period, constituent assembly members wrote and debated all elements

of the new constitution. Little substantive progress was made, however, under Islamist party

Ennahda's leadership. In the summer of 2013, progress on the constitution stagnated due to a

majoritarian political dynamic[134] in which issues raised by the opposition on key topics of

disagreement were "almost impossible to solve in the framework of the Joint Committee for

Cooperation and Drafting," according Mustapha Ben Jaafar, President of the NCA. He said the

gridlock forced the assembly to "find a formula where everyone would feel involved and

represented… We really wanted everyone to participate."[135]

That "formula" was the involvement of civil society.[136] After months without progress,

four powerful civil society organizations stepped up to lead a national dialogue and find

openings for compromise within the NCA. In the summer of 2013, The UGTT labor union

partnered with the Tunisian Association of Human Rights (LTDH), the National Order of

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[133] Michael Snyder, "Tunisia's New Constitution: An Eleventh-Hour Victory for Press Freedom."
[134] Jason Gluck and Michele Brandt, "Participatory and Inclusive Constitution Making," 10.
[135] Ibid.
[136] Ibid.

Lawyers (ONAT), and the Tunisian Union of Industry and Trade (UTICA) to form an organization known as the Tunisian National Dialogue Quartet. The organization "brokered talks between the different forces and got them to agree a roadmap that included compromises on the constitution, a technocratic caretaker government and an independent election commission."[137]

In August 2013, the Quartet presented a plan for Ennahda to step down from their positions of leadership. By depoliticizing the constitution drafting process and shifting power to a nonpartisan technocrat government, the coalition would create an opening for negotiation over the main sticking points of the constitution. The proposal won the support of the majority of Tunisians, who after two years of economic stagnation and growing Islamist extremism were ready to see Ennahda relinquish their position. Members of the NCA negotiated the terms of the deal while work on the constitution continued.[138]

After two months of discussions behind closed doors, Ennahda agreed to the plan. The agreement provided a way for Ennahda to save face: crucially, Ennahda's step down was branded not as an admittance of "defeat," but instead a demonstration of their willingness to compromise for the sake of the Tunisian people. The UGTT hosted a press event for the signing of the Road Map, as it had come to be called, in October 2013. Upon arriving at the event, and discovering that they would be signing the document in front of dozens of TV cameras and reporters, many politicians balked. It allegedly took multiple hours of off-stage convincing between the UGTT leadership and Ennahda leader Rachid Ghannouchi to persuade the party to go through with the deal. Forcing all of the political parties to sign the agreement publicly was critical to making each of the signatories accountable to the document.

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[137] Julian Borger, Angelique Chrisafis, and Chris Stephen, "Tunisian national dialogue quartet wins Nobel peace prize."

[138] Zaid Al-Ali and Donia Ben Romdhane, "Tunisia's new constitution: progress and challenges to come."

The Quartet proved to be the single most influential factor in the success of the Tunisian constitution drafting process. The unions and professional associations were able to serve as strong power brokers in negotiations between political parties thanks to their long history in the Tunisian public sphere, non-partisan nature, and authority gained over decades as representatives of the public and private sectors against the state. Because they do not belong to one political or religious orientation, the unions are seen as the representatives of "the people." It is through this reputation, forged through decades of resistance against the state, that the UGTT was able to have such a productive influence the NCA and convince parties to make real compromises.

Conclusion

The National Constituent Assembly put forth drafts of the constitution on August 13, 2012, December 12, 2012, and April 30, 2013.[139] The NCA adopted the final constitution on January 27, 2014 – just four months after Ennahda gave up power. Over 90 percent of the assembly (200 members) voted for it, with 12 voting against and four abstaining.[140] This was well over the two-thirds majority needed, meaning it did not go to public referendum as opinion polls indicated the vast majority of Tunisians initially desired. However, public discontent was mitigated by the assembly's "deliberate and organized efforts to reach out to and consult with people during the negotiation," which had amassed widespread support for the constitution and given it a sense of legitimacy despite not having gone to public referendum.[141]

Civil society benefitted greatly from new articles concerning laws of association, which created novel legal provisions for association networks in Tunisia. These include Article 26, which states that two or more associations may establish an associations network; Article 29,

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[139] Mounira M. Charrad and Amina Zarrugh, "The Arab Spring and Women's Rights in Tunisia."
[140] Tristan Driesbach, "New Tunisian constitution adopted."
[141] Jason Gluck and Michele Brandt, "Participatory and Inclusive Constitution Making," 10.

which allows networks to acquire legal personality independent from the personality of its member associations; and Article 30, which stipulates that networks may accept branches of foreign associations in its membership.[142] These laws not only provide freedoms of association and assembly to groups, but to citizens as well. The political activities allowed under Decree 88 are broad ranging and match international norms and principles.[143]

Civil society had a significant effect upon the transition by publicly supporting the inclusion of rights and liberties in the constitution, challenging the coalition government, and advocating for legislative changes.[144] According to Gluck and Brandt, "[p]ublic reaction to the first draft contributed to at least three substantive changes, while lobbying from civil society groups helped secure guarantees regarding separation of powers and rights and freedoms."[145] While politicians argued amongst themselves, plagued by rivalries and historical grievances, elements of civil society were able to step in and promote the interests of the public in a nonpartisan way. The actions of the unions, activists, media, and NGOs, among others, ensured that the public had a voice in the constitution drafting process. The accomplishments of the Quartet were recognized in October 2015 when it received the Nobel Peace Prize for "its decisive contribution to the building of a pluralistic democracy in Tunisia in the wake of the Jasmine Revolution of 2011."[146]

The steady development of civil society throughout the course of Tunisian history gave it the authority, experience, and reputation to act. It did so by demanding accountability from lawmakers, lobbying for changes in the constitution, and acting, when needed, as a mediator between political parties. The presence of civil society presence during Tunisia's constitution

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[142] Shelley Deane, "Transforming Tunisia: The Role of Civil Society in Tunisia's Transition," 14.
[143] Ibid., 23.
[144] Ibid.
[145] Jason Gluck and Michele Brandt, "Participatory and Inclusive Constitution Making," 10.
[146] Norwegian Nobel Committee, "The Nobel Peace Prize for 2015."

drafting process contributed a valuable focus on human rights and civil liberties found in no other constitution in the Middle East.

Given the diversity of Tunisian civil society and the depth of its involvement in the transitional period, its efforts and effects are perhaps best observed through the targeted analysis of one issue in which civil society was involved. Women's rights – specifically, the legal status of women in the constitution – was one of the most intensely contested issues during the transition. Tracing the evolution of the debate concerning women's constitutional rights, and identifying key moments of key civil society involvement, finds that Tunisian civil society was a proactive force in the constitution drafting process by voicing the concerns of the public, negotiating with policymakers, and significantly altering the outcome of political decision-making in the democratic transition.

CHAPTER 4: Case Study – Civil Society in the Debate Over Women's Constitutional Rights

During the four-year constitution drafting process, public interest in the constitution spiked following controversial events, such as the September 14, 2012 attack on the U.S. Embassy, the assassinations of opposition leaders Chokri Belaid and Mohamed Brahmi, and the proposal of divisive articles. These "flash points" represent moments when the constitutional debate extended far beyond the walls of the legislature and into the public sphere. The articles on women's rights and Islam were by far the most controversial of any in proposed drafts in the constitution.[147] The polarizing political climate between Islamists and secularists played out in the battle over women's rights in the constitution and made women's rights a central and hotly debated issue.[148] It inspired the activism of multiple sectors of civil society, which together convinced the Islamist-led government to recognize women's equality. This particular debate offers an opportunity to identify and assess the roles various civil society organizations and actors played in the constitution drafting process.

On August 13, 2012, the constitutional assembly released the first draft of the constitution, several articles of which came under public scrutiny. Article 28, proposed by the Commission of Rights and Freedoms, was particularly contentious:

> 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.[149]

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[147] Maaike Voorhoeve, "Women's rights in the new Tunisian constitution."
[148] Alcinda Honwana, *Youth and Revolution in Tunisia*, 166-167.
[149] Draft Constitution of the Republic of Tunisia, 2012.

The commission approved the article by a 12-8 vote; nine of those in favor belonged to Ennahda.[150] Much of the dissatisfaction with the article, widely expressed by non-Ennahda members of the constituent assembly and the public, resulted from the term "complementary" (*yetekaamul*). Many called it a contradiction to the other parts of the draft constitution that emphasized unequivocal gender equality.[151]

The public outrage over Article 28 signified a shift from "politics from above" to "politics from below," as the text of the constitution entered public discourse and received attention across all sectors of society. [152] Discussion of the article "flourished across political parties and civic organizations and groups."[153] The debate over women's rights in the constitution was a catalyst for the widespread and passionate involvement of civil society across multiple sectors, making it a prime example of the interaction of civil society and the political process in Tunisia.

Activists

Immediately following the revolution, activists in Tunisia expressed concerns for the rights of women, fearing "the threat of a loss in the gains made since the passage of the [Personal Status Code] in 1956 and the reforms related to women's rights in the areas of marriage, divorce, and child custody it inaugurated."[154] On August 13, 2011, nearly two months before Ennahda came into power, more than a thousand women marched in Tunis to commemorate the 55th

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[150] Alice Fordham, "Tunisia's draft constitution brands women 'complementary' to men," *The National*.
[151] Charrad and Zarrugh, "Equal or complementary? Women in the Tunisian Constitution after the Arab Spring," 235.
[152] Ibid., 236.
[153] Ibid.
[154] Ibid., 234.

anniversary of the passage of the 1956 Personal Status Code and express their support for

women's rights in the post-revolution period.[155]

Women planned to celebrate the anniversary again on October 13, 2012, but the event

suddenly became an opportunity for protest upon the release of the draft constitution that same

day. In response to Article 28, they "changed the celebrations into protests and organized a rally,

which included at least 20,000 to 30,000 demonstrators.[156] They also waged a media campaign

and circulated petitions against the proposed language. The demonstrations brought the issue to

international attention, as it started to be discussed in international media and forums such as the

United Nations Human Rights Council.[157] The protests united women across Tunisian society,

as Mounira M. Charrad and Amina Zarrugh of the University of Texas at Austin describe:

> Women in attendance were either unaffiliated with any organisation or identified with
> organisations such as the Democratic Women's Association, La Ligue Tunisienne des
> Droits de l'Homme (LTDH), and Association des Femmes Tunisiennes pour la
> Recherche sur le Développement (AFTURD). Women held signs including slogans such
> as 'Rise up women for your rights to be enshrined in the constitution' and 'there is no
> Tunisian future without women,' which demanded unambiguous rights for women.
> Women, young and old as well as rural and urban, attended the large-scale protest and
> held signs that featured French and Arabic. In addition to critiques around the term
> 'complementary' were concerns about the specificity of complementarity within the
> family. For some activists, the clause not only defined women's rights vis-à-vis men but
> also only as married women, which represented another affront to women's interests.[158]

Students, too, were heavily involved with the debate over women's rights. College

students facilitated discussions around the proposed "complementary" article, and women's

presence in the discussions "highlighted their key role."[159] Universities, which often served as

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[155] Ibid., 234.

[156] Tula Connell, "Tunisian Women: Sustaining the Fight for Equal Rights," 4.

[157] Drude Dahlerup, Elin Danielsson, and Emil Johansson, "Gender equality policy in Tunisia," 6

[158] Charrad and Zarrugh, "Equal or complementary? Women in the Tunisian Constitution after the Arab
Spring," 236.

[159] Tula Connell, "Tunisian Women: Sustaining the Fight for Equal Rights," 5

locations for the public meetings held by the NCA, became a breeding ground for activism and protest against government policy, such as the proposal of Article 28.

Conservatives, too, joined the debate over the article. Islamist women, particularly Ennahda members in the NCA, voiced their support for the article. Some of these women argued that opposition parties misinterpreted the language of the article. Among the staunchest defenders of the article, Ennhada Executive Council member Farida Labidi declared that "[o]ne cannot speak of equality between man and woman in the absolute." The diversity of positions advocated by supporters and opponents of Article 28, and the nuanced conversations that ensued about the specific meanings of terms like "complementary" and "equality," illustrate the deep internalization of the debate over women's rights by the public in the post-revolution era: a significant departure from the top-down gender policy that prevailed in earlier periods.[160]

Non-governmental organizations

Non-governmental organizations were central to ensuring women's equality in post-revolution Tunisia. Even before the proposal of Article 28, they moved to increase women's voice through their numbers in the National Constituent Assembly. The Association of Tunisian Democratic Women (ATFD), in particular, exerted its considerable influence to demand electoral parity.[161] This rule, passed by the higher authority in April 2011,[162] required that candidate lists for the 2011 National Constituent Assembly had to alternate between men and women, making half of the candidates of any given party female and half of them male (Decree

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[160] Mounira M. Charrad and Amina Zarrugh, "The Arab Spring and Women's Rights in Tunisia."
[161] Tula Connell, "Working Women Empowered: Making Democracy in Tunisia."
[162] Alcinda Honwana, *Youth and Revolution in Tunisia*, 122.

35, Article 16).[163] Because some political parties won an odd number of seats and chose to appoint more male representatives, women gained only 27 percent. Nevertheless, the Assembly's makeup of 27 percent women (significantly higher than the world average of 19 percent) was enough for women to have a significant voice within the NCA. In this way, women's organizations such as the AFTD had an early influence on the protection of women's rights in the constitution.

Women's organizations played the crucial role of uniting women across ideological lines. While women on either side of the ideological spectrum disagreed fundamentally on the role of women in society, women's organizations tried to reframe the debate away from a perceived Islamist/secularist battle and towards issues that could unite the majority of Tunisian women.[164] Women's organizations were also active in shaping perceptions of Ennahda. Ennahda experienced a number of controversies during its time in power, many related to women's rights. Women's groups claimed that Ennahda "behind its modern rhetoric is concealing a reactionary project, the implementation of which it has postponed to a more appropriate moment."[165] Prominent Ennahda member Souad Abderrahim, in a radio interview, called single mothers "a disgrace to Tunisia," stating that they do not have the right to exist, they should have limits on their freedom, and that one should not make excuses for those who have sinned. The interview provoked impassioned responses from Tunisian women's groups, which contributed to the perception that Ennahda was anti-woman and hypocritical[166] – a reputation that contributed to their ousting in the summer of 2013.

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[163] Drude Dahlerup, Elin Danielsson, and Emil Johansson, "Gender equality policy in Tunisia," 5; Nedra Cherif, "Tunisian women in politics: From constitution makers to electoral contenders," 2.
[164] Alcinda Honwana, *Youth and Revolution in Tunisia*, 9.
[165] Drude Dahlerup, Elin Danielsson, and Emil Johansson, "Gender equality policy in Tunisia," 13
[166] Alcinda Honwana, *Youth and Revolution in Tunisia*, 148-149.

Other non-governmental organizations allied with women's organizations to fight for women's equality. The Tunisian Human Rights League (LTDH) and the Tunisian National Order of Lawyers (ONAT), the two non-union members of the National Dialogue Quartet, organized demonstrations for women's rights and participated in direct negotiations with legislative representatives. This alliance strengthened their collective ability to fight for women's rights in the constitution, particularly due to these two NGOs' status as members of the powerful and influential Quartet.

Unions

The UGTT labor union, as part of the National Dialogue Quartet, was well situated to negotiate changes to Article 28. It used its status to push for women's equality both in formal negotiations with the NCA and through public protests. The UGTT was one of the leading organizations of the August 13 rally against Article 28. Organizers within the UGTT called on women and men alike, arguing that "this issue affects everyone." [167] On International Women's Day, March 8, 2013, the UGTT formally "urged the government… to activate the UN's Convention on Elimination of All Forms of Discrimination Against Women" and eliminate the "complementary clause" of Article 28.[168]

The UGTT's pre-revolution efforts also paved the way for liberal social movements in the transitional period that supported women's rights. The organization's economic education work contributed to youth community involvement that was visible in the transition and specifically in debates concerning the status of women. Notes Tunisian human rights author Buthayna Bsais:

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[167] Tula Connell, "Tunisian Women: Sustaining the Fight for Equal Rights," 5
[168] William Rogers, "UGTT: New Tunisian Constitution Must Guarantee Women's Equality."

Prior to the uprising, the UGTT had conducted economic education work, reaching out to college students, particularly low-income students. These students later joined in the constitutional debates that followed. College students facilitated discussions around the proposed "complementary" article, and women's presence in the discussions highlighted their key role.[169]

Additionally, skills and experience gained by female UGTT members helped them to act as leaders in the transition. By "offer[ing] a supportive space for women to connect, develop skills, and pool resources," the UGTT "ensured the success of the democratic transition." [170] The unions fostered the creation of networks and associations that became essential in the mobilization for causes such as the fight against Article 28.[171]

A successful outcome

Following the strong domestic and international reaction to the content of the proposed article, the "complementary" clause of Article 28 was omitted, as were specific references to sharia law as the official and primary source of legislation in the country.[172] The article on women's rights in the final version of the constitution is as follows:

Article 46: Women's rights

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.[173]

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[169] Ibid.
[170] Ibid., 6
[171] Ibid.
[172] Mounira M. Charrad and Amina Zarrugh, "The Arab Spring and Women's Rights in Tunisia."
[173] Constitution of the Tunisian Republic.

Women's rights are also enshrined in the Preamble and Article 21, which state the equality of rights and duties between all citizens, male and female; Article 34, which guarantees women's representation in elected bodies; Article 40, which states that every citizen, male and female, has the right to work, decent working conditions, and a fair wage; and Article 74, which gives men and women the right to stand for election to the position of President of the Republic.[174]

Conclusion

Tunisian women marched alongside men in 2011 with hopes of freedom, dignity, and democracy. However, they did not do so in the pursuit of a distinct feminist agenda.[175] Women's rights were not central to the demands of the 2011 protests, nor were they initially a priority for the lawmakers elected to write the constitution. The constitution drafting period "marked a turning point for the role of women in the public space, as [it] opened unprecedented opportunities for women to be directly involved in the promotion of their rights."[176]

Even though Tunisian women have enjoyed freedom for more than half a century, it did not arise from a natural feminist movement. Tunisia's progressive stance on women's rights, codified in the personal status code, arose from a "top-down, state-centered modernization project" pushed by the Bourguiba regime in part to fight the Islamization of society.[177] Since 2011, feminism in Tunisia has grown significantly,[178] with women engaging in public debates

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[174] Ibid.
[175] Pelin Gönül Şahin, "Women's liberties and gender equality in Tunisia: The athsma of the Arab Spring?," 163.
[176] Nedra Cherif, "Tunisian women in politics: From constitution makers to electoral contenders."
[177] Alcinda Honwana, *Youth and Revolution in Tunisia*, 168.
[178] Ibid., 168.

and fighting for their own rights.[179] Their level of participation in the transition and efficacy in

changing the wording of the constitution "attests to the strength of women's engagement in civil

society"[180] while also showing that "the new ruling forces in Tunisia are receptive to pressure

from the national and international women's movements and from international institutions."[181]

Despite gaining legal parity, women in Tunisia still have work to do to gain full social

and economic equality. As explained by Tula Connell:

> Some women are more optimistic than others about the future of civil society in the new
> Tunisia. However they view the future, though, they intend to play a significant role in
> shaping it. Women in the nation's capital, Tunis, are reaching out to women in
> impoverished rural communities, providing food and health services while engaging them
> in education about their rights as citizens. The UGTT National Committee of Women
> Workers is partnering with other allied groups to create a new organization to combat
> violence against women, which has dramatically increased in the wake of the uprising.
> Says Aida Al-Zawee, a UGTT board member, 'Through supporting the legislation of the
> union, supporting women's committees, through conducting many meetings— meetings
> through which we can cooperate to a great extent with other women's organizations—this
> is the solution.'[182]

The success of Tunisians uniting across ideological and social lines to push for women's

equality, despite the efforts of the governing party to give women complementary status, speaks

to the strength of civil society in the Tunisian democratic transition. The movement exemplifies

the coalescence of multiple elements of civil society – unions, NGOs, the media, activists,

students, religious groups, professional associations – to debate this issue and determine

Tunisia's future. The ability of these groups to strategically advocate for change, and the ways

in which the transitional government responded to them, serve as key lessons on the potential for

positive collaboration between civil society and the official leadership during political

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[179] Ibid., 20.
[180] Ibid., 168.
[181] Drude Dahlerup, Elin Danielsson, and Emil Johansson, "Gender equality policy in Tunisia," 6
[182] Tula Connell, "Tunisian Women: Sustaining the Fight for Equal Rights," 5.

transitions. The next chapter will propose five central lessons gained from Tunisia's experience

that may be used to strengthen processes in other countries undergoing transitions.

CHAPTER 5: Lessons from Tunisia on the Role of Civil Society in Democratization

The success of Tunisian civil society's efforts in the democratic transition offers lessons for other countries undergoing political change. Whether in the beginning stages of opposition against a dictator or in the process of drafting a new constitution, societies (and those supporting them) must consider the strength of civil society and the nature of its relationship to the state. Tunisia's experience offers insights regarding the ability of civil society to broker negotiations, encourage compromise, and keep the democratic transition on track by balancing the power of transitional political institutions. Moreover, it shows that civil society involvement does not just have to come from NGOs and revolutionaries, but can also come from more formal institutions (such as unions and trade associations) that have encouraged civic education among the public in more discreet ways.

In cases of democratic transition, international organizations, foreign governments, transitional leaders, and native populations would all benefit from an increased recognition of the importance of civil society. The events of Tunisia's transitional period illustrate the ways in which government and civil society can collaborate in a post-conflict situation to develop a legal framework in an inclusive, participatory process. Tunisia's example can offer insights on the need for a shift in thinking regarding what civil society is, how it is identified, how necessary it is to political transitions, the multitude of ways in which it can engage with the transitional process, and the ways it can benefit all actors in a political transition. Given the difficulty many countries have faced in developing and maintaining new systems of government – not just in the Arab world, but worldwide – it is all the more impressive that Tunisia developed a constitution passed by more than 90 percent of the legislature. Taking into account the historical context

provided in previous sections, this chapter will identify ways in which lessons from Tunisia's transition may be applied elsewhere to produce positive and progressive change.

<u>Policy Recommendation #1: Prioritize inclusivity of non-governmental stakeholders</u>

Despite the relatively small number of what would typically be identified as "civil society organizations" in the pre-colonial, colonial, Bourguiba, or Ben Ali periods, Tunisia was not lacking in the foundations of civil society. Instead, civil society took on more discreet forms (both through civic culture and informal networks, as well as government-approved unions and associations). In Egypt, associations were prolific even under Mubarak, but these organizations were not civic in orientation. Scholars in the pre-Arab Spring period, looking only at associations per capita, incorrectly concluded that Egypt had a stronger civil society than Tunisia. In reality, the single most powerful element of civil society in the drafting process (the UGTT) had existed prior to the revolution, and is representative of the sort of atypical civil society organizations that had a positive influence on the drafting process. While adopting a more flexible understanding of civil society requires deeper case-specific analysis, the rewards are significant. Conceptualizing civil society in more nuanced terms than just associations per capita offers the opportunity for better understanding and interpretation of civil society and its roots in developing countries, increasing the chances of more accurate approaches in future transitions. Beneficial metrics would include the passion people have for principles of civic activism, the level of public participation in civil society organizations, and the history of community organizing and consensus-building regarding community issues.

One of the most important and commendable decisions made by the Tunisian National Constituent Assembly was the nomination of a member in charge of relations with civil society.

This member officially integrated civil society in the constitution drafting process through initiatives designed to include many different strata of civil society, representing a plethora of different concerns and visions. Doing so not only provided fresh ideas for the constitutional design, but also deepened citizens' sense of inclusion in the drafting process. This heightened feeling of inclusion may give citizens a greater attachment to and respect for the laws created, which has the power to increase lawfulness and decrease corruption in the future. According to Gluck and Brandt, "[t]he more inclusive, transparent, and participatory process employed [in Tunisia] seems to have helped the country eventually reach a greater consensus that conferred some degree of legitimacy to the constitution and, by extension, Tunisia's democratic transition."[183] In a broader way, the participative constitution drafting process benefitted the society a method of post-conflict peace building. They note:

> Inclusiveness and participation seems to have taught Tunisians a new paradigm of political discourse and conflict resolution. "Tunisians didn't know how to communicate before," remarks Abdullah Fadhli, of an association of unemployed people. "We were so used to being afraid to say anything of substance outside of our own homes, in case there was an RCD spy nearby. Now we are learning to talk together again." The benefits of inclusion and participation have been felt in other ways as well. According to one member of the NCA, "Before the Revolution, there was no clear role for Civil Society in decision-making and no conception of how people should participate in public debates." Inclusion "brought people closer together. People have learned to listen to each other…a culture of dialogue [is] emerging." There are already plans for the next parliament to set up mechanisms for further strengthening relations with civil society.[184]

Policy Recommendation #2: Draft and implement the constitution before holding elections

Tunisia's decision to focus the initial transitional period on the drafting of a new constitution, and not elect official leaders until after that job was completed, helped to focus the efforts of the transition and reduce the amount of political posturing and competition that occurred. In contrast, Egypt (the only other country to undergo an attempted democratic

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[183] Jason Gluck and Michele Brandt, "Participatory and Inclusive Constitution Making," 10.
[184] Ibid., 11.

transition after the 2011 uprisings) held elections very early and did not give as much regard to the constitution. Tunisia's mostly nonviolent democratic transition, compared with Egypt's violent power struggle between the Muslim Brotherhood and the army, can be at least partially credited to the focus on consensus building around the constitution rather than political battles.

Policy Recommendation #3: Democratization processes should be internally led and externally supported

Civil society also filled many roles in the constitutional process not officially sanctioned by the NCA. Actions taken by civil society – channeled through activists, unions, and NGOs, in particular – served to preserve national unity and solidarity despite lengthy periods without progress on the constitution. The media played a critical role by transmitting the ongoing debates to the public, letting them in on the decisions being made, and in doing so, increasing their sense of inclusion.

The leadership roles taken on by civil society kept the transition on track by providing leadership when elected officials were unable to do so themselves and acting as a mediator between parties when conflicts became unproductive. The Quartet's coordination of Ennahda's voluntary step-down from power was a pivotal moment in the transition without which the constitution drafting process would have been severely compromised. The unsolicited involvement of unions, professional associations, and other civil society organizations as interparty mediators is demonstrative of the breadth of crucial functions civil society can fulfill in a transitional process if given the opening to do so.

<u>Policy Recommendation #4: Strengthen political linkages between government and civil society</u>

The way in which the Tunisian transitional leadership designed the country's new political system had great implications for the future of civil society involvement in the future. By creating a strong, responsive parliamentary system, Tunisians implemented a system more likely to sustain new norms of civil engagement. As explained by conflict analyst Shelley Deane:

> The structure of the political system shapes the way CSOs act. A strong parliamentary system tends to have fewer barriers to entry for CSOs, with fewer restrictions and regulations on CSOs' activities and funding sources. While governments have incentives to regulate CSOs – particularly exclusive ones such as the Salafists that exclude rather than include others – parliamentary systems are more likely to provide an open environment for CSO access to government. In a strong parliamentary system of government, CSOs are more likely to be viewed as agents who can inform government by articulating the preferences of civil society.[185] As a result, parliamentary systems provide far greater access points for civil society activism. Tunisia's parliamentary system is best placed to sustain the spirit of collaboration established by civil society associations during the revolution.[186]

The decision to create a system in which much of the power rests in a strong, flexible parliament has a positive effect on the chances of a continued collaborative government-civil society relationship in the future. Such a strategy may be implemented in other transitional societies to likewise increase the odds of positive and productive government-civil society relations.

<u>Policy Recommendation #5: Increase political participation among nontraditional actors</u>

Civil society serves as a valuable vehicle for civic engagement for those who may otherwise not choose to involve themselves in politics. While Tunisian youth are still widely

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[185] Elizabeth Bloodgood, et al. "National styles of NGO regulation," found in Shelley Deane, "Transforming Tunisia: The Role of Civil Society in Tunisia's Transition," 22.
[186] Shelley Deane, "Transforming Tunisia: The Role of Civil Society in Tunisia's Transition," 22.

disconnected from and disinterested in the formal political process, they are not apolitical or apathetic. They consciously reject the political party system, and instead choose to engage in civil society organizations and protests to fight for social and political change.[187] Though they largely refuse to enter traditional political structures, such as parties, young Tunisians participate actively in social movements and civil society initiatives to express their political demands and contribute to the building of a democratic state.[188]

Conclusion

Tunisia's successful democratic transition was the result of hard work and collaborative efforts made by political leaders, civil society actors, and the public as a whole. This dedication led to the creation of a nearly universally supported constitution that managed to overcome the Islamist/secularist divide that so deeply entrenches conflicts throughout the Middle East and North Africa. Tunisia's inclusive constitution drafting processes, civil society-government relations, collaborative planning, and involvement of nontraditional actors serve as valuable examples for strategies used to further democratic transitions in post-conflict societies.

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[187] Alcinda Honwana, *Youth and Revolution in Tunisia*, 19.
[188] Ibid., 121.

CONCLUSION

Tunisian civil society's involvement in the drafting of the constitution provides a case study on the avenues through which communities can initiate public-backed legal reforms during political transitions. The struggles and successes of Tunisia's civil society illuminate a number of findings that challenge conventional thought about Tunisia, the Arab world, and political transitions as a whole.

Contrary to many scholars' observations and predictions prior to 2011, Tunisia had a strong, pre-existing civil society capable of strategically and forcefully demanding change. The speed and depth to which Tunisian civil society took up the responsibility of lobbying, negotiating, and otherwise promoting human rights, civic values, and public interests in the post-revolution political realm demonstrates that civil society prior to the revolution not only existed, but thrived. This misjudgment on the part of scholars may be attributed in part to a narrow understanding of civil society that values associations per capita over the broader appreciation of civic values.

It also challenges the notion that the success of Tunisia's transition can be primarily attributed to Tunisian politicians' civility and willingness to compromise. With so little progress made on the constitution until Ennahda's departure in 2013, much credit should be given to the unions and professional associations involved in orchestrating the shift in leadership and implementation of the new political road map that led to a constitution in less than four months. The roles of the UGTT and others as mediators and powerbrokers represent an important lesson on the resources gained from involving nontraditional parties in the constitution drafting process.

On a broader level, the ability of Tunisian civil society to push for change and contribute to the constitution drafting process defies the assumption that Arab or Islamic societies are

unable to democratize. Despite societal divisions entrenched over years of colonialism, dictatorship, and religious/secularist animosity, Tunisians were able to produce a widely-supported constitution in a relatively short time frame due to the collaborative nature of the drafting process. Tunisia's example must be taken into account when considering other democracy-supporting initiatives in the Middle East and North Africa. This case study illuminates the need for multi-level, integrative approaches to consensus building in any political transition or significant legislative project. Taking such steps can greatly improve the quality and inclusiveness of legislation, providing a stronger foundation for society moving forward.

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