

**POLITICS OF PARITY: GENDERING THE TUNISIAN  
SECOND REPUBLIC, 2011-2014**

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This dissertation is submitted for the degree of Doctor of Philosophy.



## **PREFACE**

This dissertation is the result of my own work and includes nothing which is the outcome of work done in collaboration except as declared in the Preface and specified in the text. It is not substantially the same as any that I have submitted, or is being currently submitted for a degree or diploma or other qualification at the University of Cambridge or any other University of similar institution except as declared in the Preface and specified in the text. I further state that no substantial part of my dissertation has already been submitted, or, is being concurrently submitted for any such degree, diploma or other qualification at the University of Cambridge or any other University or similar institution except as declared in the Preface and specified in the text. It does not exceed the prescribed word limit for the relevant Degree Committee. Parts of Chapters Three and Four were based on work I submitted for my MPhil at the University of Cambridge.



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## **NOTE ON TRANSLITERATION AND TRANSLATION**

Language from the Constitution is transliterated according to IJMES guidelines, as it is written and pronounced in Modern Standard Arabic. Names, political parties, organisations, and terms in Arabic follow spelling conventions popularly recognised in Tunisia. Since spelling sometimes differs across sources, some quotations will include variations from the text, e.g., Ennahdha in text versus ‘Al-Nahda’ or ‘Enahdha’ in quotations. Differences that impede understanding will be accompanied by an explanatory footnote. Terms transliterated from Arabic or translated from French are italicised for the first usage. Per IJMES guidelines, names of political parties or organisations are not italicised. Arabic words that are used in English are spelled according to common usage and are not italicised.





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## ACRONYMS<sup>1</sup>

AHDR	Arab Human Development Report
AFTURD	Association femmes tunisiennes pour la recherche sur le développement Association of Tunisian Women for Research and Development
ARP	Assemblée des représentants du peuple Assembly of the People's Representatives
ATFD	Association tunisienne des femmes démocrates Tunisian Association of Women Democrats
ATIDE	Association tunisienne pour l'intégrité et la démocratie des élections Tunisian Association for the Integrity and the Democracy of Elections
CECF	Club d'études de la condition des femmes Study Club on the Condition of Women
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CPR	Congrès pour la république Congress for the Republic
CSE	Commission syndicale d'études de la condition de la femme travailleur Union Committee on the Condition of the Female Worker
CSP	Code du statut personnel Code of Personal Status
IRIE	Instances régionales indépendantes pour les élections Regional Independent Election Commissions
ISIE	Instance supérieure indépendante pour les élections Independent High Commission for Elections
LET	Ligue des électrices tunisiennes League of Tunisian Women Voters
LTDH	Ligue tunisienne des droits de l'homme Tunisian Human Rights League
MENA	Middle East and North Africa
MTI	Mouvement de la tendance Islamique Harakat al-ittijah al-Islami Islamic Tendency Movement
NDI	National Democratic Institute
NGO	Non-Governmental Organisation
PDM	Pôle démocratique moderniste Democratic Modernist Pole
PDP	Parti démocrate progressiste Progressive Democratic Party

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<sup>1</sup> In Tunisia, acronyms are derived from the French name.

PSD	Parti socialiste destourien Socialist Destourian Party
RCD	Rassemblement constitutionnel démocratique Democratic Constitutional Rally
UGTE	Union générale tunisienne des étudiants General Union of Tunisian Students
UGTT	Union générale tunisienne du travail General Union of Tunisian Workers
UN	United Nations
UNDP	United Nations Development Programme
UNFT	L'Union nationale de la femme tunisienne National Union of Tunisian Women
UPL	L'Union patriotique libre Free Patriotic Union
UPT	L'Union pour la Tunisie Union for Tunisia
UTICA	L'union tunisienne de l'industrie, du commerce et de l'artisanat Tunisian Union of Industry, Trade, and Handicrafts

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# ONE: INTRODUCTION

## RESEARCH CONTEXT AND QUESTIONS

On 17 December 2010, Mohammed Bouazizi, a 27-year-old fruit seller, poured paint thinner over his head and self-immolated in front of a municipal building in Sidi Bouzid, sparking mass popular protests across the country. Tunisian men and women of all ages, across classes, and around the country flooded the streets chanting ‘*Dégage, Ben Ali!*’—‘Get out, Ben Ali!’—and calling for justice, dignity, and bread. Thirty-two days later, Zine al-Abidine Ben Ali fled, ending his 27-year regime and 58 years of authoritarianism in Tunisia. As the uprisings spread throughout the Middle East and North Africa (MENA), Tunisia became known as the birthplace of the ‘Arab Spring’.<sup>2</sup> Ten months later, on 23 October 2011, millions of Tunisians lined up to cast their votes for the National Constituent Assembly, the body tasked with drafting the country’s new Constitution of the Second Republic, in the first free and fair elections in Tunisia’s history.

Almost immediately after Ben Ali and his family fled the country, gender politics and women’s rights came to dominate the public discourse, despite the fact that ending gendered inequality was not a rallying cry of the protesters. However, gender has long been a central feature of Tunisian political history. The 1956 promulgation of the Code of Personal Status (CSP) and other reforms by Tunisia’s first president, Habib Bourguiba, set Tunisia’s reputation as the regional standard bearer on women’s rights and a bastion of secularism, two dynamics that have interrelated epistemologies and were developed in tandem. Both Bourguiba and Ben Ali utilised gender as a mechanism of state consolidation and control as well as for the creation of an international image of Tunisia as modern, progressive, and secular. These policies were part of larger authoritarian state-building tactics, but they also created future generations of women prepared and ready to engage in political contestation during the transition. Gender remained central in the post-revolutionary

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<sup>2</sup> I use the term ‘Arab Spring’ in the Introduction as a reflection of common international usage. The term is contested and throughout the dissertation I use ‘uprisings’ or ‘revolution’. The term revolution is also contested by academics. However, in Tunisia the uprisings are most commonly referred to as the ‘*thawra*’—revolution in Arabic—and I employ the term as a reflection of discursive consensus in Tunisia.

political discourse and the positions of political actors on women's rights became a vehicle through which to distinguish two broad political categories of "Islamism" and "secularism"—a continuation of the way gender has historically been deployed by political elites. Historically, secularism in Tunisia has not meant the classical separation of religion and politics, but rather an attempt to control, subjugate, and intervene in religion by the state (discussed in Chapter Three). After the revolution, secularism was renegotiated and, from a policy stand-point, was mostly expressed through constitutional debates on Article 1 and Article 28 (discussed in Chapter 5). As an identity, it is used here to refer most often to actors who identify as such and who lack a religious referent in their political philosophy. As both a cause and consequence of the centrality of gender, the interim authority passed a gender parity measure as part of the transitional Electoral Code in May 2011. The code required a roughly even gender split between Assembly candidates and for men and women to alternate on electoral lists, a method known as vertical parity, ensuring that gender would remain a critical feature of transition politics.

The dissolution of the Ben Ali regime in 2011 and the re-organisation of the political system ushered in unprecedented democratic pluralism and saw the re-emergence of Ennahdha, the Islamist party that had been brutally suppressed under Ben Ali. Ennahdha's superior grassroots organising, funding, and unassailable credentials as an opposition movement soon became clear as the country prepared for the elections. Ennahdha won a plurality of seats, taking 89 out of 217, beating the centre-left secular runner-up by a margin of 60. Ennahdha went on to form a governing coalition with two centre-left secularist parties, known as the Troika.

Aided by the new gender parity law, women were elected to 58 seats, 26% of the Assembly.<sup>3</sup> The vast majority hailed from Ennahdha, representing the first time that a cadre of powerful Islamist female political actors were visible in public square politics in Tunisia. Women's electoral performance was impressive, relative to the global underrepresentation of women in legislatures. The ratio of women in the Assembly came close to the globally recognised benchmark of 30%, outstripping the United States and much of Europe. However, there remained a wide disparity

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<sup>3</sup> Since the election in 2011, the number of women elected to the Assembly has often been cited as 49, with 42 hailing from Ennahdha. Those numbers are incorrect but continue to be used in academia and media.



between the number of female candidates fielded in the election and the number of women who ultimately took seats in the Assembly.

The strength with which Ennahdha emerged alarmed Tunisian secularists, who feared that the Islamist movement was non-democratic and would transform Tunisia into a theocracy. Secularist feminists' ideologies had dominated the marginal space for opposition and been reflected by the regime, were also fearful. After the uprisings, the space for gender-based activism had also pluralised and secularist feminists were facing discursive competition for the first time. Religiously-oriented women's organisations rapidly proliferated and *Islamiyyat* activists introduced new modes of gender subjectivities and politics into the national discourse.<sup>4</sup> The invisibility of secularist women relative to women from Ennahdha in the new Assembly, and the new modes of Islamic women's rights advocacy emerging in the public sphere, made secularist feminists deeply concerned for the protection of women's rights in the new Tunisia. A large swath of international observers mirrored these anxieties, questioning the possibility of a democratic Tunisia and wondering if the 'Arab Spring' could be 'good' for women with Islamists at the helm. These fears drew on historical narratives, perpetuated by Tunisia's former presidents, that positioned Islamism as antithetical to both feminism and democracy, erasing Islamist and Muslim feminists and democrats in the process.<sup>5</sup>

This dissertation explores how gender featured in and informed the early stages of the democratic transition. It examines women's access to formal political power and the way that female deputies, by negotiating male-dominated political institutions, gendered the foundational texts of the Second Republic. It also evaluates the successes and shortcomings of gender parity policies through analysis of gender parity legislation from its introduction in the interim Electoral Code in advance of the 2011 elections, through the Constitutional and Electoral Law drafting processes, to gender parity's implementation in the 2014 elections. Ultimately, this dissertation explores the gendered dividends of the transition and the ways that gender politics has

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<sup>4</sup> *Islamiyyat* is translated as 'Islamist women'. It can be used as a noun or an adjective.

<sup>5</sup> The term 'Islamic or Islamist feminism' is contested and many women who have engaged or engage in this discourse reject the label of feminism given its historical associations, discussed in Chapters Two and Three. For the purposes of this project, I use the term with the same caveats as Margot Badran. She employs 'the terms Islamic feminism and Islamic feminist descriptively and analytically and do not impose a label of identity upon those who refuse it but simply as a way of identifying what it appears particular actors think and do' (Margot Badran's 'Between secular and Islamic feminism/s: Reflections on the Middle East' *Journal of the Middle East Women's Studies*, 1.1 (2005), 6-28 (p. 15).

manifested in the domain of formal politics. In doing so, it reflects on what a gendered analysis of the first three years of the democratic transition reveals about Tunisian politics, power, and academic analysis.

## LITERATURE REVIEW

Before engaging with the specific literature on Tunisian women before and after the uprisings, I will first briefly sketch the wider body of scholarship on gender and the state in the MENA region prior 2011. I will then look at a body of comparative studies on “women after the Arab Spring”, in which Tunisia is almost always included, before looking at gendered Tunisia-specific literature before and after 2011.

### WRITING GENDER AS CENTRAL TO THE STATE

Since colonial times, women and gender relations in Muslim societies have featured as a site of contestation in political battles and struggles.<sup>6</sup> Building on Said, a body of feminist scholarship began to emerge in the 1980s that understood gender as central to the state and broader political, economic, and social processes, beginning with nationalism and fundamentalism. Jayawardena’s seminal 1986 text, *Feminism and Nationalism in the 3<sup>rd</sup> World*, ‘linked the emergence of feminist movements to anti-imperialist and nationalist struggles, a general move towards secularism, a new concern with social reform and modernity and the ascendance of an “enlightened” indigenous middle class’.<sup>7</sup> Chatterjee’s *The Nation and its Fragments* understood the development of the nationalist imagination to be based not on identity but rather on difference with colonial and Western nationalism, embodied in women, caste, religion, family, and class.<sup>8</sup>

Critical studies on the Muslim world have been key to theory building, elucidating the centrality of gender and the ‘women question’ in constructing

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<sup>6</sup> Edward Said, *Orientalism* (New York: Random House, Inc., 1978).

<sup>7</sup> Deniz Kandiyoti, ‘Introduction’, in *Women, Islam and the State*, ed. by Deniz Kandiyoti (London: Macmillan Press, 1991), pp. 1-21 (p. 3) referencing Kumari Jayawardena, *Feminism and Nationalism in the Third World* (London: Zed Books, 1986).

<sup>8</sup> Partha Chatterjee, *The Nation and its Fragments: Colonial and Postcolonial Histories* (Princeton: Princeton University Press, 1993).

national, cultural, and religious identity.<sup>9</sup> These studies shifted the way that gender featured in scholarship, as analysis of the position of women in Muslim societies came to be grounded in examination of the long-term political and religious projects of contemporary states and the historical process of post-colonial state-building. It showcased the ways in which women have been crucial in moments of transition, upheaval, and change and how these processes have had a multifaceted impact on women, both creating opportunities and threats for women agitating for their rights and access to and participation in public life. Scholarship has focused on the ways that women have mobilised nationalist and religious discourses to legitimise their participation in the public sphere and as a frame for their demands.<sup>10</sup> Conversely, other actors have employed those same discourses to delegitimise women's movements and rights in order to exclude them from political processes.<sup>11</sup> Additionally, scholars have explored the centrality of religion and the control of women's bodies to colonial rule as well as post-colonial state-building.<sup>12</sup> These authors have also elucidated the ways in which nationalist and anti-colonial movements have constituted women, their behaviour, and their bodies as the symbolic bearers of nation, imbuing them with the burden of reproducing local authenticity and

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<sup>9</sup> Margot Badran, *Feminists, Islam, and the Nation: Gender and the Making of Modern Egypt*, (Princeton: Princeton University Press, 1995); *Women in Muslim Societies: Diversity Within Unity*, ed. by Herbert L. Bodman and Nayereh Tohidi (Boulder: Lynne Rienner Publishers, 1998); *Women, Islam, and the State*, ed. by Deniz Kandiyoti (London: Macmillan Press, 1991); *Gender and Citizenship in the Middle East*, ed. by Suad Joseph (Syracuse: Syracuse University Press, 2000); *Identity Politics & Women: Cultural Reassertions and Feminisms in International Perspective*, ed. by Valentine M. Moghadam (Boulder, CO: Westview, 1994); Valentine M. Moghadam, *Modernizing Women: Gender and Social Change in the Middle East*, 3<sup>rd</sup> edn (Boulder, CO: Lynne Rienner Publishers, 2013); Mounira M. Charrad, *States and Women's Rights in the Maghreb: The Making of Postcolonial Tunisia, Algeria, and Morocco* (Berkeley: University of California Press, 2001).

<sup>10</sup> Badran, 1995, *Feminists, Islam, and the Nation*; Ellen Fleischman, 'The Other "Awakening": The Emergence of the Women's Movement in the Modern Middle East, 1900-1940', in *Social History of Women and Gender in the Modern Middle East*, ed. by Margaret Meriwether and Judith Tucker (Boulder, CO: Westview, 1999); F.S. Hasso, 'The "Women's Front": Nationalism, Feminism, and Modernity in Palestine', *Gender & Society*, 12.4 (1998), 441-465; F.S. Hasso, *Resistance, Repression and Gender Politics in Occupied Palestine and Jordan* (Syracuse: Syracuse University Press, 2005); Julie Peteet, *Gender in Crisis: Women and the Palestinian Resistance Movement* (New York: Columbia University Press, 1996).

<sup>11</sup> Nadjie Al-Ali, *Secularism, Gender & the State in the Middle East: The Egyptian Women's Movement* (Cambridge: Cambridge University Press, 2000); Laurie A. Brand, *Women, the State, and Political Liberalization: Middle Eastern and North African Experiences* (New York: Columbia University Press, 1998); Kandoyoti, 1991, *Women, Islam and the State*; Charrad, 2001, *States and Women's Rights*.

<sup>12</sup> Nadjie Al-Ali, *Iraqi Women: Untold Stories From 1948 to the Present* (London: Zed Books, 2007); Laura E. Bier, *Revolutionary Womanhood: Feminisms, Modernity, and the State in Nasser's Egypt* (Stanford: Stanford University Press, 2011); Marnia Lazreg, *The Eloquence of Silence: Algerian Women in Question* (New York: Routledge, 1994); Elizabeth F. Thompson, *Colonial Citizens: Paternal Privilege, Republican Rights, and Gender in French Syria and Lebanon* (New York: Columbia University Press, 2000); Charrad, 2001, *States and Women's Rights*.

collective identity.<sup>13</sup> The literature has also established the integral relationship of gender to economic and political change, wherein women were recruited into education and the workforce, becoming a marker of modernity and an instrument of state modernisation. A series of authors have examined the socially constructed nature of gender norms and identities, as tied to specific historical time periods, through elite discourse—both religious and political—as well as in the daily negotiation of gender in context-specific locations.<sup>14</sup> Ultimately, the trajectories of post-independence modern states, and the ways in which gender, and women as symbols, have been deployed by and in relation to various iterations of Islam, modernity, state ideologies, nationalisms, and oppositional social and civil movements came to be seen as integral to understanding the contemporary condition of women. This literature has also been vital in expanding the notion of the political beyond formal politics.

The broader field of Middle Eastern studies began experiencing shifts in the 1990s. Beginning in the 1970s, over 100 authoritarian regimes began processes of political liberalisation and democratic transition.<sup>15</sup> With the fall of the Soviet Union, the world was engulfed in a ‘Third Wave’ of democratisation, with the notable exception of the MENA.<sup>16</sup> Authoritarianism and autocracy in the region remained remarkably durable and consequently a scholarship emerged that focused on that failure to democratically transition. These scholars attributed the failure of democracy in the MENA to a lack of democratic prerequisites, embedding it within a global literature and asserting a type of regional exceptionalism, often based on an inherent incompatibility between Islam and democracy.<sup>17</sup> In response, a counteracting

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<sup>13</sup> Lazreg, 1994, *The Eloquence*; Beth Baron, *Egypt as a Woman: Nationalism, Gender and Politics* (Berkeley: University of California Press, 2005); Hoda Elsadda, *Gender, Nation and the Arabic Novel: Egypt, 1892-2008* (Syracuse: Syracuse University Press, 2012).

<sup>14</sup> Lila Abu-Lughod with Ahmed Sa'idi, *Nakba: Palestine, 1948, and the Claims of Memory* (Columbia: New York, 2007); Iman Bibars, *Women, Culture and Development* (London: Zed Books, 2001); Bier, 2011, *Revolutionary Womanhood*; Homa Hoodfar, *Between Marriage and the Market: Intimate Politics and Survival in Cairo* (Berkeley: University of California Press, 1997); *Intimate Selfing in Arab Families: Gender, Self, and Identity*, ed. by Suad Joseph (Syracuse: Syracuse University Press, 1999); Arlene E. Macleod, *Accommodating Protest: Working Women, the New Veiling and Change in Cairo* (New York: Columbia University Press, 1993); Judith E. Tucker, *In the House of the Law: Gender and Islamic Law in Ottoman Syria and Palestine* (Berkeley: University of California, 2000).

<sup>15</sup> *Political Liberalization and Democratization in the Arab World*, ed. by Rex Brynen, Bahgat Korany, and Paul Noble, 2nd vol (Boulder, CO: Lynne Rienner Publishers, 1995).

<sup>16</sup> Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (London: University of Oklahoma Press, 1991).

<sup>17</sup> See: Louis Cantori, ‘Democratization in the Middle East: Report, American-Arab Affairs, 36 (1991), 1-30; Michael C. Hudson, ‘After the Gulf War: Prospects for Democratization in the Arab World’, *Middle East Journal*, 45 (1991), 407-426; Muhammed Muslih and Augustus Richard Norton, ‘The

scholarship emerged, unsatisfied with the democratic prerequisites argument,<sup>18</sup> and contended that the “failure of democracy” frame was born of a ‘profound misconception of the working mechanisms of Arab politics and state-society relations’.<sup>19</sup> Further, these scholars contended that this frame collapsed all non-democracies, or not-yet-democracies, into the term authoritarianism.<sup>20</sup> These scholars shifted the focus to understanding the success of state power in the region, complicating the prevailing image of an authoritarian state as one entity acting on another distinct entity—society.<sup>21</sup>

Through the United Nations (UN) conferences on women beginning in 1975, the adoption of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) in 1979, and the 1995 Fourth UN Conference on Women in Beijing, a discourse of transnational and international feminism emerged, which focused on mechanisms of exclusion and institutional practices that disenfranchised women. Through this series of international conferences, women’s interests and rights came to be successfully reframed as human rights—as Hillary Clinton now-famously articulated in Beijing—shifting the arena of women’s empowerment from the national to the international. CEDAW has become a significant point of reference for secularist and internationalist feminist groups in the MENA, providing international

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Need for Arab Democracy’, *Foreign Policy*, 83 1991, 3-19; *Rules and Rights in the Middle East: Democracy Law and Society*, ed. by Ellis Goldberg, Resat Kasaba, and Joel S. Migdal (Seattle: University of Washington Press, 1993).

<sup>18</sup> Eva Bellin, ‘The Robustness of Authoritarianism in the Middle East: Exceptionalism in Comparative Perspective’, *Comparative Politics*, 36.2 (2004), 139-157.

<sup>19</sup> Holger Albrecht and Oliver Schlumberger, “‘Waiting for Godot’: Regime Change without Democratization in the Middle East’, *International Political Science Review*, 25.4 (2004), 371-392;

<sup>20</sup> Jill Crystal, ‘Review: Authoritarianism and its Adversaries in the Arab World Review’, *World Politics*, 46.2 (1994), 262-289.

<sup>21</sup> Robert Owen, *State, Power, and Politics in the Making of the Modern Middle East* (London: Routledge, 2004); See other relevant texts: Michael C. Hudson, *Arab Politics: The Search for Legitimacy* (New Haven: Yale University Press, 1977) p. 2; Elie Kedourie, *Democracy and Arab Political Culture* (Washington, D.C: The Washington Institute, 1992); Hisham Sharabi, *Neopatriarchy: A Theory of Distorted Change* (New York: Oxford University Press, 1988); Mohammed M. Hafez, *Why Muslims Rebel: Repression and Resistance in the Islamic World*, (Boulder, CO: Lynne Rienner Publishers, 2003); Nazih Ayubi, *Over-Stating the Arab State: Politics and Society in the Middle East* (London: I.B. Tauris, 1995); Sami Zubaida, *Islam, the People and the State: Political Ideas and Movements in the Middle East* (London: I.B. Tauris, 1993); Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order* (New York: Touchstone, 1996); Bernard Lewis, *The Crisis of Islam: Holy War and Unholy Terror* (New York: The Modern Library, 2003); M. Steven Fish, ‘Islam and Authoritarianism’, *World Politics*, 55.1 (2002), 4-37; Daniel Brumberg, ‘Democratization in the Arab World? The Trap of Liberalized Autocracy’, *Journal of Democracy*, 13.4 (2002) 56-68 (p. 56); Francois Burgat and William Dowell, *The Islamic Movement in North Africa* (Austin: University of Texas at Austin, 1993), pp. 63-65, 68; Olivier Roy, *The Failure of Political Islam*, trans by Carole Volk (London: I.B. Tauris, 1994), pp. 1 & 4.

legitimacy and funding. Subsequently, national calls for women's rights has increasingly been framed in relation to universal rights.

The danger here is the homogenisation of women's interests transnationally and an imposition of ideological values and power structures that crowd out alternative modes of being. Mahmood's seminal text *Politics of Piety* has eloquently critiqued the literature on Arab/Muslim women for framing women's agency as motivated by notions of a universalised feminist desire for emancipation as constructed through a liberal lens and as necessarily resistant and subversive to gendered hierarchies, discussed in the next chapter.<sup>22</sup> Nevertheless, this international- and transnationalist discursive shift spawned a proliferation of scholarship on the lack of political representation of women in the MENA. Scholars have analysed this gender gap in political participation through various lenses, focusing on patriarchal and traditional gender norms,<sup>23</sup> religion,<sup>24</sup> women's movements,<sup>25</sup> international coercion or pressure,<sup>26</sup> structural and economic factors,<sup>27</sup> the impact of institutions and institutional mechanisms,<sup>28</sup> and the impact of authoritarianism.<sup>29</sup>

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<sup>22</sup> Saba Mahmood, *Politics of Piety: The Islamic Revival and the Feminist Subject* (Princeton: Princeton University Press, 2005).

<sup>23</sup> Gihan Abou-Zayd, 'In Search of Political Power— Women in Parliament in Egypt, Jordan, and Lebanon' in *Women in Parliament: Beyond Numbers*, ed. by Azza Karam (Stockholm: International Institute for Democracy and Electoral Assistance, 2002); Gihan Abou-Zeid, 'The Arab Region: Women's Access to the Decision-Making process across the Arab Nation' in *Women, Quotas, and Politics*, ed. by Drude Dahlerup (New York: Routledge, 2006), pp. 168-193; Amal Sabbagh, 'Overview of Women's Political Representation in the Arab Region: Opportunities and Challenges', *The Arab Quota Report: Selected Case Studies* (Stockholm: IDEA, 2007), pp. 7-18.

<sup>24</sup> Fish, 2001, 'Islam and Authoritarianism'; *Women in Politics: Beyond the Numbers*, ed. by Azza Karam (Stockholm: Idea, 1998).

<sup>25</sup> Brand, 1998; Valentine M. Moghadam, 'Democratization and Women's Political Leadership in North Africa', *Journal of International Affairs*, 68.1 (2006), 59-78.

<sup>26</sup> Mona L. Krook, Diana Z. O'Brian, and Krista M. Swip, 'Military Invasion and Women's Political Representation', *International Feminist Journal of Politics* 12.1 (2010), 66-79; Aili Tripp, 'Legislative Quotas for Women: Implications for Governance in Africa', in *African Parliaments: Between Government and Governance*, ed. by Mohamed A. Salih (Houndsmills, Basingstoke: Palgrave, 2005), pp. 48-60.

<sup>27</sup> Michael Ross, 'Oil, Islam and Women', *American Political Science Review* 102.1 (2008), 107-123; Alice Kang, 'Studying Oil, Islam, and Women as if Political Institutions Mattered', *Politics & Gender* 5 (2009), 560-568.

<sup>28</sup> Alba Amawi, 'Against all Odds: Women Candidates in Jordanian Elections', in *From Patriarchy to Empowerment*, ed. by Valentine M. Moghadam (Syracuse: Syracuse University Press, 2007), pp. 40-57; Drude Dahlerup, 'Women in Arab Parliaments: Can Gender Quotas Contribute to Democratization?', *Al-Raida* 126.27 (2009), 28-38; Hanane Darhour and Drude Dahlerup, 'Sustainable representation of women through Gender Quotas: A Decade's Experience in Morocco', *Women's Studies International Forum*, 41.2 (2013), 132-142; David Assaf and Stefanie Nanes, 'The Women's Quota in Jordan's Municipal Councils: International and Domestic Dimensions', *Journal of Women, Politics & Policy*, 32.4 (2011), 275-304.

<sup>29</sup> James Liddell, 'Gender Quotas in Clientalist Systems: The Case of Morocco's National List', *Al-Raida*, 126/127 (2009), 79-86; Brand, 1998; James N. Sater, 'Reserved seats, patriarchy, and patronage in Morocco', in *The Impact of Gender Quotas*, ed. by Susan Franceschet, Mona Lena Krook, and

The uprisings that began in late 2010 in Tunisia and spread across the region, known initially as ‘The Arab Spring’, upended scholarship on the region. The protests were classified as Black Swans—‘large-scale events that lie far from the statistical norm and were largely unpredictable to a given set of observers’.<sup>30</sup> Initially scholars grappled with the origins of the uprisings and attempted to account for different outcomes across the region. Since 2011, there has been a proliferation of scholarship on the region in wake of the uprisings. However, gender remains situated as peripheral to studies that do not explicitly deal in gender—much of the sometimes hastily produced scholarship has been construed as ‘gender-blind’.<sup>31</sup> A binary between Islamism and secularism emerged as both a general frame of analysis and one with specific reference to gender. This framing was heavily reinforced by alarmist French and English media reporting, particularly with electoral wins by Ennahdha in Tunisia and the Muslim Brotherhood in Egypt in 2011 and 2012.<sup>32</sup>

The secularist/Islamist binary in relation to MENA, and in reference to gender specifically, is not new. Historically, analysis of social and political change had been ‘decontextually constructed by the Western and national liberal mind and understood within a paradigm of secular-modern-progressive/Islamic-premodern-traditional binary opposition.’<sup>33</sup> But this binary is a construction of both nationalists and international observers and policy makers, which collapses the complexity of the relationship between the mid-20<sup>th</sup> century nationalist project of secularisation with Islam, and the emergence of Islamism. Regimes co-opted and incorporated Islam as

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Jennifer M. Piscopo (New York: Oxford University Press, 2012), pp. 72-88; Marwa Shalaby, ‘Women’s Political Representation in Kuwait: An Untold Story’, (Houston: James A. Baker III Institute for Public Policy at Rice University, 2015).

<sup>30</sup> George Joffe, ‘The Arab Spring in North Africa: origins and prospects’, *Journal of North Africa Studies* 16.4, (2011), 507-532 (p. 508), in reference to Nassim Nicholas Taleb and Mark Blyth, ‘The Black Swan of Cairo: How Suppressing Volatility Makes the World Less Predictable and More Dangerous’, *Foreign Affairs* 90.3 (2011), 33-39 (p. 33).

<sup>31</sup> Maha El Said, Lena Meari, and Nicola Pratt, ‘Introduction’, in *Rethinking Gender in Revolutions and Resistance in the Arab World*, ed. by Maha El Said, Lena Meari, and Nicola Pratt, (London: Zed Books, 2014), pp. 1-32 (p. 4).

<sup>32</sup> Monica Marks, ‘Women’s Rights Before and After the Revolution’, in *The Making of the Tunisian Revolution: Contexts, Architects, Prospects*, ed. by Nouri Gana (Edinburgh: Edinburgh University Press, 2013), pp. 224-251 (p. 224).

<sup>33</sup> El Said, 2014, p. 20, referencing Mariz Tadros, ‘Introduction: Religion, Rights and Gender at the Crossroads’, *IDS Bulletin* 42.1 (2010), pp. 1-9.

part of a unifying ideology towards building ‘a state of legitimation’.<sup>34</sup> Hermassi, a prominent Tunisian scholar and former Minister of Culture under Ben Ali, writing on secularism and Islamism, makes a distinction between de facto and de jure secularism. In the West, de jure secularism formally separated church and state, while the Arab state maintained Islam as the religion of the state and society while de facto depoliticising it.<sup>35</sup> Taking Islamism and secularism as intrinsically linked, a dichotomised analytical approach is unproductive and unrepresentative of the ways in which historical circumstances have allowed for the promotion of either secular political projects or nationalism. Within this, women’s rights and issues have historically been linked to discourses on modernity and notions of national progress.<sup>36</sup> The post-colonial state-building project, regimes, particularly in Egypt, Tunisia (explored in Chapter Three), and Libya (under Qadhafi), solidified the binary by utilising women’s issues and rights as a vehicle through which to mark progress in modernisation and their version of secularisation. This positioned the state as the guarantor of women’s rights and Islam, or religion in general, as regressive, unmodern, violent, and necessarily in opposition to women’s interests.<sup>37</sup>

Media reporting on the uprisings, which comprised much of the early analysis, focused heavily on ‘the woman question’ of the Arab Spring—asking where women were located in the protests and what the status of their rights were in the transition periods.<sup>38</sup> Dominating these pieces were vague questions about the compatibility of “Islamism” with “democracy” and “women’s rights”. These terms functioned as homogenous and opaque concepts, drastically simplifying the political nuances of emerging democratic processes. A body of comparative academic research emerged focused on ‘women after the Arab Spring’.<sup>39</sup> Tunisia was often included in this

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<sup>34</sup> *Democracy without Democrats? The Renewal of Politics in the Muslim World*, ed. by Ghassan Salamé (London: I.B Tauris, 2001).

<sup>35</sup> Mohammed Abdelbeki Hermassi, ‘Islam, Democracy and the Challenge of Political Change’, in *Al-Nezam al-seyassi al-falastini ba’d Oslo (The Palestinian Political System after Oslo)* (Ramallah: Muwatin, Palestinian Institute for the Study of Democracy, 2006).

<sup>36</sup> Lila Abu-Lughod, *Remaking Women: Feminism and modernity in the Middle East* (Cairo: American University in Cairo, 1998).

<sup>37</sup> Ibid.; El Said, 2014; Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford: Stanford University Press, 2003).

<sup>38</sup> Lila Abu-Lughod and Rabab El-Mahdi, ‘Beyond the “Woman Question” in the Egyptian Revolution’, *Feminist Studies* 37.3 (2011), 683-691.

<sup>39</sup> Elham Manea, ‘The Arab Uprisings from a Gender Perspective’, *ZfP Zeitschrift für Politik* (Journal of Politics), 61 (2014), 81-100; Minky Worden, ‘Introduction: Revolution and Rights’, in *The Unfinished Revolution: Voices from the Frontline in the Global Fight for Women’s Rights* (New York: Seven Stories Press, 2012), pp. 1-15; Fatma Osman Ibnouf, ‘Women and the Arab Spring: A Window of Opportunity or More of the Same’, *Women & Environments International Magazine*, 92/93 (2013),



comparative work, given the state of its transition relative to the rest of the region, Tunisia's reputation as the regional standard-bearer on women's rights, and the prominent place that gender held in the transitional political discourse. The Islamist/secularist binary featured both explicitly and implicitly in this scholarship and was expressed in variegated but interrelated ways.

The gendered democracy deficit or the gender-based democracy deficit featured as the most common frame for comparative work that sought to explain or analyse often divergent gendered outcomes across the countries that experienced regime-change. The gender democracy paradox is an off-shoot of the democracy deficit, a term coined by David Marquand in 1979 in regard to the European community to describe the limitations of democratic legitimacy.<sup>40</sup> From a gendered perspective, it entails the marginalisation of women from the polity, often after a transition wherein the political space has been opened. The term became popular in feminist scholarship after the fall of the Soviet Union in order to understand 'the setbacks for women in Central and Eastern Europe in post-communist transition to democracy'.<sup>41</sup> In the context of the Arab Spring, the gender-based democracy deficit is anchored in historical context and then captured by descriptions of the high levels of enthusiastic and active participation by women in the protests and demonstrations only for them then to be excluded from the transitional process and/or experiencing a setback in democratic gains.<sup>42</sup>

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18-21; Sahar Khamis, 'The Arab "Feminist" Spring?', *Feminist Studies*, 37.3 (2011), 692-695; Hayat Alvi, 'Women's Rights Movements in the "Arab Spring": Major Victories or Failures for Human Rights?', *Journal of International Women's Studies*, 16.3 (2015), 294-318; Imad Salamey, 'Post-Arab Spring: changes and challenges', *Third World Quarterly*, 36.1(2015), 111-129; 'Now is the time', *The Economist*, 15 October 2011; Marwa Shalaby, 'Foreword', *Journal of Women and Human Rights*, 1 (2013), 1-2; Julia Retta, 'Consequences of the Arab Spring for Women's Political Participation', *Journal of Women and Human Rights*, 1 (2013), 3-19; Moghadam, 2006, 'Democratization and Women's Political'.

<sup>40</sup> David Marquand, *Parliament for Europe* (London: Jonathan Cape Ltd., 1979).

<sup>41</sup> Deniz Kandiyoti, 'Disquiet and despair: the gender sub-texts of the "Arab spring"', *OpenDemocracy*, 26 June 2012.

<sup>42</sup> For more on the opportunities and setbacks for women in moments of transition, see: Comparative: Georgina Waylen, 'Women and Democratization: Conceptualizing Gender Relations in Transition Politics', *World Politics*, 46.3 (1994), 327-354; Georgina Waylen, *Engendering Transitions: Women's Mobilization, Institutions, and Gender Outcomes* (Oxford: Oxford University Press, 2007); Nikki R. Keddie, *Women in the Middle East: Past and Present* (Princeton: Princeton University Press, 2006); Iran: Homa Hoodfar, 'The Women's Movement in Iran: Women at the Crossroads of Secularization and Islamization', *Iranian Chamber Society*, Winter (1999); Algeria: Meredith Turshen, 'Algerian Women in the Liberation Struggle and the Civil War: From Active Participants to Passive Victims?', *Social Research*, 69.3 (2002), 890-911; Miriam Cooke, 'Deconstructing war discourse: Women's Participation in the Algerian Revolution', *Duke University Working Paper*, 184 (1989), 1-26; Morocco: Fatima Sadiqi and Moha Ennaji, 'The Feminization of the Public Sphere: Women's Activism, the Family Law, and Social Change in Morocco', *Journal of Middle East Women's Studies*, 2.2 (2006), 86-

In explaining the gender-based democracy deficit or in accounting for gendered outcomes, the Islamist/secularist binary was solidified. It manifested both explicitly and implicitly and was expressed through various levels of discourse. Whether Islamist movements would be able to reconcile their ideologies with both democracy and women's rights emerged as a primary question in the wake of the 2011 Tunisian and 2012 Egyptian elections. Coleman posed this question directly in her pieces 'Women and the Arab Revolts' and 'Is the Arab Spring Bad for Women'.<sup>43</sup> However, this framing was evident throughout the literature. Often, there was an exclusive focus on Islamist groups and their relationship with women's rights and democracy. Simultaneously, there was a failure to disaggregate secularist movements from each other and ask the same questions of their democratic credentials or whether they have incorporated women or women's concerns (whatever they may be) into their structures.

Moghadam directly constructed a binary between Islamism and feminism/progressivism, when she wrote, 'Islamist forces—both moderate and militant—remain strong and represent a challenge to the objectives of progressive and feminist forces.'<sup>44</sup> Salamey wrote that the rising power of Islamist movements has 'reversed decades of secular and Western-supported democratic initiatives' including gender equality.<sup>45</sup> He posits that this secularisation has been the progenitor of advances in women's social status, referencing CEDAW, and euphemistically refers to traditional and religious values that have constrained equality between women and men. In sections on Tunisia, these dynamics were expressed with such language as:

The Islamist Ennahda party came to power briefly following elections after the revolution, and while women participate in Tunisian politics, there is deep fear amongst secularists and feminists that gradually these rights and freedoms will erode'.<sup>46</sup>

The same author constructed a matrix of opportunities, strengths, impediments, and

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114; Egypt: Mervat F. Hatem, 'The Pitfalls of the Nationalist Discourses on Citizenship in Egypt', in *Gender and Citizenship in the Middle East*, ed. by Suad Joseph (Syracuse, Syracuse University Press, 2000).

<sup>43</sup> Isobel Coleman, 'Is the Arab Spring Bad for Women?', *Foreign Policy*, 20 December 2011; Isobel Coleman, 'Why the Arab Spring Hasn't Been Better for Women', *The Atlantic*, 8 March 2012; Isobel Coleman, 'Women and the Arab Revolts', *Brown Journal of World Affairs*, 18.1, (2011), 197-210; Ruth Santini, 'What Women's Rights Tell Us About the Arab Spring', *Center on the United States and Europe* (Washington, D.C.: Brookings Institute, 2011).

<sup>44</sup> Moghadam, 2006, 'Democratization and Women's Political'.

<sup>45</sup> Salamey, 2015, p. 123.

<sup>46</sup> Alvi, 2015, p. 302.

weaknesses of and for Tunisian feminism post-2011. Many of the opportunities and strengths were based on the tradition of secular feminism in Tunisia, while the impediments and weaknesses were almost exclusively related to Islamism, with no mention of the massive proliferation of Muslim women's organisations in the newly pluralised Tunisian political and civic space.<sup>47</sup> The binary was also constructed more subtly, for example, in caveating the gender make-up of Tunisia's Assembly with:

...women now represent 20 percent of the parliament---but it will take more than top-down initiatives to secure their position. Eighty-five percent of the women elected (42 out of 49 [sic]) belong to Al-Nahda, and they are likely to stick to their party's platform.<sup>48</sup>

This framing is problematic on a number of levels. This lack of analysis into the gender politics or the democratic credentials<sup>49</sup> of secularist groups and movements implies that these are already established and known facts. These assumptions are ahistorical. Secular nationalism and secular modernist regimes have historically made use of the mobilisation of women while simultaneously side-lining their concerns in favour of the needs of the post-colonial state and regime. Neither Bourguiba or Ben Ali's fierce commitment to secularism produced democracy or intersectional and fully emancipatory gender politics—embedded as it was within the needs of an authoritarian state—as will be explored in Chapter Three. Ultimately, this framing essentialises political movements in Tunisia: secularist movements, feminists, and Ennahdha are portrayed as monolithic and homogenous entities with uncomplicated relationships to gender politics in the political sphere, failing to capture the complexity of the post-uprising Tunisian context. Furthermore, this framing erases the female deputies of Ennahdha and members of Muslim women's organisations who, while they may not use the term 'feminist' due to its historical context, are nevertheless powerful advocates for women's rights.

## WOMEN AND GENDER IN TUNISIA

The literature on Tunisian women and gender dynamics within the state prior to the uprisings is illustrative of the above themes. I will first sketch out the major

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<sup>47</sup> Ibid., p. 307.

<sup>48</sup> Coleman, 2011, 'Women and the Arab Revolts'.

<sup>49</sup> Mieczysław P. Boduszyński, Kristin Fabbe, and Christopher Lamont, 'After the Arab Spring: Are Secular Parties the Answer?', *Journal of Democracy*, 26.4 (2015), 125-139.

theoretical approaches to the literature. Then I will highlight three prominent texts that are fairly representative of the ways that pre-uprising academic scholarship has featured Islamist women—either erasing them or positioning them as non-agentive and passive objects.

Between 1956 and 2011, the Tunisian government relied on legislation as the primary tool of state consolidation, utilising it to politically and socially engineer the state to fit the vision of its leader and embody the modern, and therefore secular, post-colonial Tunisian state. Subsequently, much of the pre-uprising literature was dominated by discussion of the law, which, given the activist nature of the Tunisian state and the repressive and highly controlled research climate under Ben Ali, is hardly surprising. This provided the primary discursive frame through which scholars have analysed the development of women's rights.

Charrad employed the frame of gendered citizenship, or the ways in which women had been incorporated into the state by virtue of their gender, to deconstruct the gender-neutral view of citizenship inherent in liberal definitions (discussed in the next chapter). In the context of state formation in the Maghreb, Charrad charts the evolving relationship between the national state and kin-based tribal groups as a way to understand the structure of the state, its policies on women's rights, and the constitution of women as citizen-subject.<sup>50</sup> Chekir and Grami situated their discussions on the legal relationship between the state and women in a framework of equality, rather than citizenship.<sup>51</sup> Grami uses family law as a barometer of social change in Tunisia, and the broader MENA region, while Chekir uses family law as a stepping-stone into a conversation about replacing the patriarchal system with an egalitarian one. While Charrad locates her analysis in the theoretical, Chekir and Grami focus on the practical implications of Tunisian women's legal status as compared to that of men, citing the distance between law, implementation or

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<sup>50</sup> Mounira M. Charrad, 'Cultural Diversity Within Islam: Veils and Laws in Tunisia' in *Women in Muslim Societies: Diversity Within Unity*, ed. by Herbert L. Bodman and Nayereh Tohidi (Boulder: Lynne Rienner Publishers, 1998); Mounira M. Charrad, 'Becoming a Citizen: Lineage Versus Individual in Tunisia and Morocco', in *Gender and Citizenship in the Middle East*, ed. by in Suad Joseph (Syracuse: Syracuse University Press, 2000), 70-87; Mounira M. Charrad, 'State and Gender in the Maghrib', in *Women and Power in the Middle East*, ed. by Suad Joseph and Susan Slymovics (Philadelphia: University of Pennsylvania, 2001), 61-71; Mounira M. Charrad, 'Tunisia at the Forefront of the Arab World: Two Waves of Legislation', *Washington and Lee Law Review*, 64 (2007), 1513-1527; Charrad, 2001, *States and Women's Rights*.

<sup>51</sup> Amel Grami, 'Gender Equality in Tunisia', *British Journal of Middle Eastern Studies*, 35.3 (2008), 349-361, (p.360); Hafidha Chekir, 'Women, the Law, and the Family in Tunisia', *Gender and Development*, 4.2 (1996), 43-46.

enforcement, and practice. They are representative of feminist scholars whose work is not just analytic but also prescriptive of social change. This distinction is part of a larger conversation on how to reconcile the tension between feminism as an analytic framework versus a prescriptive political project.<sup>52</sup> In contrast, Brand, Anderson, and also at times Charrad, situate a discussion of the legal relationship of women to the state within a broader discussion of state manipulation and utilisation of women and women's rights within Tunisia. These authors focus more on the ways that the state's relationship to women fits into the broader narrative of Tunisian modern political history, one that is characterized by an activist state that continually undermines threats to state power through incorporation—ultimately transforming potential nodes of resistance into tools of state consolidation.<sup>53</sup>

There is a second body of pre-uprising literature that features non-state actors as the primary focus and elucidates the development of a semi-autonomous feminist discourse beginning in the 1970s. Marzouki, Arfaoui, Labidi, Gilman, and Brand all produce essentially the same narrative about the development of the semi-autonomous women's movement in Tunisia.<sup>54</sup> Starting with Study Club on the Condition of Women (CECF), a women's study group that was formed in 1978, the authors detail the beginnings of a discourse on women's rights and feminism in Tunisia outside of the state. Labidi articulates the process through which Tunisian feminists engaged in anthropological methods to explore the socio-specification of an internationalist

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<sup>52</sup> For a more detailed discussion on this tension, see: Mahmood, 2005, p. 10; Wendy Brown, *Politics Out of History* (Princeton: Princeton University Press, 2001); Judith Butler, *Bodies that Matter; The Discursive Limits of Sex* (New York: Routledge, 1999); Chandra Talpade Mohanty, 'Under Western Eyes: Feminist Scholarship and colonial discourses', in *Third World Women and the Politics of Feminism*, ed. by Chandra Talpade Mohanty, Ann Russo, and Lourdes Torres (Bloomington, IN: Indiana University Press, 1991); Marilyn Strathern, 'An awkward relationship: The case of feminism and anthropology', *Signs*, 12.2 (1987), 276-292; and Marilyn Strathern, *The gender of the gift: Problems with women and problems with society in Melanesia* (Berkeley: University of California Press, 1988).

<sup>53</sup> Brand, 1998; Lisa Anderson, *The State and Social Transformation in Tunisia and Libya, 1830-1980* (Princeton: Princeton University Press, 1986); Mounira M. Charrad, 'Policy Shifts: State, Islam, and Gender in Tunisia, 1930s-1990s', *Social Politics*, Summer (1997), 284-319.

<sup>54</sup> Brand, 1998; Ilhem Marzouki, *Le mouvement des femmes en Tunisie au XXème siècle: féminisme et politique* (The Women's Movement in Tunisia in the 20<sup>th</sup> Century, Feminism and Politics), *Exclusivité pour la France*, Maisonneuve et Larose, 1993); Khedija Arfaoui, 'The Development of the Feminist Movement in Tunisia, 1920-2000s', *International Journal of the Humanities*, 4 (2007); Lilia Labidi, 'The Nature of Transnational Alliances in Women's Associations in the Maghreb: The Case of AFTURD and ATFD', *Journal of Middle Eastern Women's Studies*, 3.1 (2007), 6-34; Sarah Gilman, 'Feminist Organizing in Tunisia', in *From Patriarchy to Empowerment: Women's Participation, Movements, and Rights in the Middle East, North Africa, and South Asia* (Syracuse: Syracuse University Press, 2007), pp. 97-119.

discourse on human rights to create a new Tunisian feminism.<sup>55</sup> The next phase of this narrative entailed the institutionalisation of the discourse. Each of the authors cite the founding of the Tunisian Association of Women Democrats (ATFD) and the Association of Tunisian Women for Research and Development (AFTURD), both of which were legalised during the relative openness of Ben Ali's first few years as president. These authors go on to create a narrative dichotomy of the women's movement—between the state, whose interests were articulated directly through the National Union of Tunisian Women (UNFT) and the non-state actor, represented by ATFD.<sup>56</sup> In other words, ATFD, and by extension secular feminism rooted in internationalism, dominated the narrative on the semi-autonomous women's movement in Tunisia.

In contrast to the thorough interrogation of the development of a secular, liberal feminism charted through the changing relationship between women and the state, Islamist women are rendered essentially invisible. There are several factors that could explain this invisibility. One could be the high level of censorship that existed under Ben Ali, particularly in terms of Islamists, as they represented the greatest threat to his power. Alternatively, secular feminists, who had international legitimacy and institutional space in Tunisia, were pitted against Islamists by the regime as a means of consolidating power. From the perspective of an activist, acknowledging nuance in feminism, and in particular the existence of any sort of Islamic feminism, could be seen as weakening their position vis-à-vis Islamists or as potentially damaging to their standing and right to operate within the state. Regardless, this invisibility is perpetuated through the positioning of Islamism as antithetical to the advancement of women's rights, reifying the Islamist/secularist binary. Furthermore, it robs Islamist women of agency by problematising their participation in an Islamist movement. This attempts to rationalise the perceived irrationality of Islamist women's motivations by explaining away their participation as a functionalist sociological phenomenon contextualized by a discourse of resistance to the West or manipulative religious elites. Next, I will highlight three prominent works which are fairly

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<sup>55</sup> Labidi, 2007, 'The Nature of Transnational', pp. 17-18.

<sup>56</sup> ATFD is classified as non-state insofar as it is not affiliated with the state party, but the term "non-state" is used while recognising that within a political system in which civil society is highly regulated and managed by the state, "non-state" remains a diluted concept.

representative of the limited discussion of Islamism and Islamist women in the pre-uprising literature.

Charrad, mentioned above, acknowledges that in discussions and policy decisions on women's rights that women themselves have been 'absent from the debates and their concerns considered secondary'. However, she collapses Islamist women within her narrative by characterising Ennahdha as 'Islamic Fundamentalis[m]' and illustrative of 'militant Islamic extremism' intrinsically opposed to women's rights, even while acknowledging that her understanding of the Islamist party is limited to a small number of secondary sources, rather than first-hand interviews.<sup>57</sup> She situates this in her broader understanding of the movement. Describing Ennahdha's base as largely consisting of 'a vulnerable and politically volatile segment' of young urban poor with a rural background, she describes them as a 'base ready for mobilization, with a detonator in place, should fundamentalist leaders decide to set it off'.<sup>58</sup>

Grami, also discussed previously, goes further in undermining the agency of Islamists, both men and women alike. She writes in 2008 that in the wake of an increasingly prominent Islamist discourse in the late 1990s, 'more Tunisian women are beginning to wear the headscarf, apparently under the influence of Tele-preachers on Arab satellite channels whose influence bypasses national boundaries'.<sup>59</sup> She then goes on to say that Tunisian feminists posit that the 'increasing number of veiled women reinforces traditional stereotypes and strengthens patriarchal ideology' and that these veiled women want 'equity not full gender equality'.<sup>60</sup> In doing so, she implicitly denies the existence of an Islamic feminism and placing Islamist women who wear hijab as opposed to equality, without necessarily elucidating a difference in discourse. She goes on to refer to the 'pressure exercised by religious extremist groups in neighbouring countries' on women to conform to Islamic edicts, positioning Islamism as an ahistorical and acultural movement in Tunisia within which women's participation is coerced.<sup>61</sup>

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<sup>57</sup> Charrad, 1997, 'Policy Shifts', p. 286.

<sup>58</sup> Ibid., p. 304.

<sup>59</sup> Grami, 2008, 'Gender Equality', p. 359; Headscarf and veil in this passage refer to the hijab, an Islamic veil that covers the hair and neck.

<sup>60</sup> Ibid., p. 359

<sup>61</sup> Ibid., p. 360

Waltz's 'Islamist Appeal in Tunisia' is one of the few studies of Ennahdha, then the Islamic Tendency Movement (MTI), from the 1980s. Her work begins with a caveat in which she admits that 'the local research climate is not one which fosters regular and critical scholarly exchange on this topic', reflecting the constrictive nature of Ben Ali's Tunisia.<sup>62</sup> Citing the observations of Hermassi, she posits that women were 'highly visible' in the movement.<sup>63</sup> Waltz expresses surprise at the apparent attraction that Ennahdha holds for 'young, well-educated women who presumably should have been basking in the freedom accorded them by Tunisia's much-touted Code of Personal Status', implicitly rendering Islamism and freedom as mutually exclusive and constructing a very narrow understanding of what freedom looks like.<sup>64</sup>

Waltz goes on to problematise participation in the Islamist movement, characterising it as attributable to economic or political theses or 'psycho-social explanations'.<sup>65</sup> Placing participation in the framework of political or economic theses necessarily requires the existence of an externally imposed set of economic and political constraints, originating in and disseminated by European powers and the United States. This robs Islamism of any sense of cultural authenticity or as existent outside of liberalised political and economic agendas of colonial and neo-colonial powers. The psycho-social explanation places Islamism in a similarly narrow discursive frame of discontent and cognitive dissonance. Waltz cites Dekmejian's seven 'crises'—of identity, legitimacy, elite misrule, class conflict, military impotence, and modernity and culture—as inspiring the rise of political Islam.<sup>66</sup> Waltz goes on to say that women feel this conflict most acutely and turn to Islamic dress as 'perhaps the only course of guaranteed safety' while trying to navigate the constrictive sexual politics of Islam that she describes. She also goes on to place the hijab in a framework of resistance to Western social and cultural norms or standards, as the hijab 'send[s] a clear message that the woman inside is observing conventional norms, not the new'.<sup>67</sup> In her study, Waltz dismisses political Islam as merely a reaction to the West, and therefore not culturally authentic. However, by the end, she

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<sup>62</sup> Susan Waltz, 'Islamist Appeal in Tunisia', *Middle East Journal*, 40.4 (1986), 651-670, (p. 652).

<sup>63</sup> Ibid., p. 661 in reference to Mohamed Elbaki Hermassi, 'La société tunisienne au miroir islamiste' (The Tunisian Society in an Islamist Mirror), *Maghreb Machrek*, 103 (1984), 39-56 (p. 43).

<sup>64</sup> Waltz, 1986, 'Islamist Appeal', p. 655.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid., p.659 in reference to R. Hrair Dekmejian, *Islam in Revolution: Fundamentalism in the Arab World* (Syracuse: Syracuse University Press, 1985).

<sup>67</sup> Waltz, 1986, 'Islamist Appeal', p. 669.



also argues that wearing the hijab is observation of conventional norms as opposed to the ‘new’ norms of the West, implicitly asserting that adherence to Islamic faith predates Western intervention and therefore implying a primordial authenticity in Islamism, a contradiction in terms to her previous claim.

These works fit into broader regional narratives about Islamist movements and the ways in which women fit into them, placing Islamist women in a limited frame. In *Politics of Piety*, Mahmood describes the collective surprise scholars expressed at the resurgence of the veil among ‘modern Egyptian women’ during the Islamic Revival. Attempting to reconcile the apparent contradiction between modernity and the visual indicators of Islamic faith, these authors also ascribed sociological causality to Islamist women’s decisions, rather than describing them as manifestations of piety—which is how these ‘desires are framed by the women themselves’.<sup>68</sup>

This reflects general trends in scholarship which position Islam and political Islam as primarily methods of resistance.<sup>69</sup> These characterisations of the veil and other Islamic practices as functionalist symbols of resistance ignores them as expressions of different forms of personhood, knowledge, and experience. In doing so, this literature construes the act of wearing the veil as merely a reaction to material constraints or as a moment of resistance. Constructing this act as either reactionary or resistant relies on the assumption of universal norms, i.e. liberalism, and consequently that agency is necessarily subversive of hegemonic norms, positioning reinforcement of norms as subjugation.<sup>70</sup> Ultimately, this naturalises the underlying ideological assumption of liberalism.

In sum, the body of literature on Tunisian women has only accounted for the construction of secular women as legal subjects. The resultant narrative leads to the presupposition that *Nahdhawiat*<sup>71</sup> women’s political successes were ahistorical and acultural, essentially othering Islamist women in their own political sphere. The implication is that the success of Ennahdha—Nahdhawiat in particular—represented an aberration in Tunisian politics. According to the codified historical knowledge of the development of secularist feminism—which situates secularist women as the most

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<sup>68</sup> Mahmood, 2005, p. 16.

<sup>69</sup> See: See Burgat, 1993; John Esposito, *The Islamic Threat: Myth of Reality?*, 3<sup>rd</sup> edn (New York: Oxford University Press, 1999).

<sup>70</sup> *Ibid.*, p. 9.

<sup>71</sup> Nahdhawiat (Singular: Nahdhawia) refers to female members of Ennahdha and can be used as a noun or an adjective (e.g. ‘Nahdhawiat from Kasserine’, or ‘Nahdhawiat deputies from Kasserine’).

advantageously positioned to access political power after the uprisings—Nahdhawiat success ruptured this linearly narrated progress. This, in turn, helped reanimate a secularist and Islamist conflict, as well as an antipathetic relationship between Ennahdha and secular parties, including secular feminist organisations, after the uprisings. Simultaneously, this narrative negates the possibility that other feminisms, such as an Islamic feminism, existed or exists in Tunisia in conjunction with the secular, liberal feminism that dominates the historical narrative on women in Tunisia. But again, the prominence of Nahdhawiat in contemporary politics implied a previously unwritten history of political organising, participation, and gender-based activism that has facilitated the rise of Islamist women following the uprisings.

#### POST-UPRISING LITERATURE: WOMEN AND GENDER IN TUNISIA

The electoral success of Ennahdha relative to its secular counterparts, and therefore the visibility of women deputies from Ennahdha, has made the continued erasure of Islamist women much more difficult. In comparison to the comparative work on post-uprising politics, literature that focuses solely on Tunisia paints a naturally more comprehensive and nuanced landscape of the way that gender has featured since 2011 and the pluralisation of the gendered discourse and women's rights activism in the public sphere. Authors in this literature have begun to recuperate parts of Islamist women's unwritten history of political organising. Despite the fact that "overcoming the secularist/Islamist binary" has become a relatively commonplace frame, some of the literature fails to avoid the problematic aspects of the scholarship discussed above. There also exist gaps and tensions within this body of work to which this dissertation will speak, as well as an emerging body of work to which this dissertation contributes.

Within Tunisia-specific literature, it has become universally understood that gender and women's rights emerged as a site of contestation after the uprisings. In exploring this dynamic, much of the literature on Tunisia and women's rights focuses on gendered activism within civil society. Charrad and Zarrugh claim that a new form of politics has emerged regarding gender and state policy-making.<sup>72</sup> Drawing on

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<sup>72</sup> Mounira M. Charrad and Amina Zarrugh, 'Equal or Complementary? Women in the new Tunisian Constitution after the Arab Spring', *Journal of North Africa Studies*, 19.2 (2014), 230-245; Mounira M. Charrad and Amina Zarrugh, 'The Arab Spring and Women's Rights in Tunisia', *E-International Relations*, 4 September 2013.

Habermasian theories of civil society, they argue that the emergence of a new and dynamic public sphere has facilitated a shift from ‘politics from above’ to ‘politics from below’. They use the constitutional debate around Article 28, and the controversial use of ‘complementarity’ rather than ‘equality’ (discussed in detail in Chapter Five), to illustrate the ways in which women’s groups have made demands on the state and successfully advocated for their concerns, yielding tangible dividends. Charrad and Zarrugh conclude that the mobilisation and activism required to successfully defeat the complementarity clause showcase ‘the dynamic and emergent civil society, an engaged citizenry, and political diversity in Tunisia’. However, Islamist women’s organisations, which experienced a massive proliferation after the fall of Ben Ali, are absent. While two paragraphs are devoted to members of Ennahdha who defended the complementarity language, ultimately Charrad and Zarrugh frame a secularist-feminist civil society as a successful check against the ‘likelihood of draconian governance of Islamist-inspired parties’.<sup>73</sup>

Grami’s analysis is similar, in that, ‘fears of the resurrection of a new theocratic dictatorship are mitigated by a dynamic civil society in which voices that were silenced or misused by the former regime of Zine al-Abidine Ben Ali are becoming distinctly vocal.’<sup>74</sup> The voices that are described as becoming distinctly vocal are the secularist feminist organisations that have been dominant in the gendered discourse prior to the uprisings—rather than emergent Islamic women’s organisations. Like Charrad and Zarrugh, Grami pits secularist feminists against the dangerous threat of Islamists, often eliding the more conservative Salafis with Ennahdha into a monolith. She also flattens internal *Nahdhawi*<sup>75</sup> dynamics, going so far as to call the Nahdhawiat in the Assembly ‘Silent Sisters’ who:

made no meaningful contribution to the debate on what needs to be taken into account in writing a constitution where gender equity and agency are the goal. The majority of women deputies from the En-Nahda Party in the Assembly have not been working in the interest of women’s rights’.<sup>76</sup>

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<sup>73</sup> Charrad, 2014, ‘Equal or Complementary’, p. 240

<sup>74</sup> Amel Grami, ‘The debate on religion, law and gender in post-revolution Tunisia’, *Philosophy and Social Criticism*, 40.4-5 (2014), 391-400.

<sup>75</sup> Nahdhawi is the adjectival form of Ennahdha. It can also be used as a noun to refer to male members of Ennahdha. The plural form of the noun is transliterated as Nahdawis in this text, as the plural form in Arabic has multiple spellings depending on placement in the sentence and grammatical cases.

<sup>76</sup> Grami, 2014, ‘The debate’, p. 397.

These ideas are consistent, however, with Grami's pre-uprising scholarship wherein she undermined the agency of women choosing to wear the hijab, as discussed above.

Gray writes against Grami in her piece 'Tunisia after the Uprising: Islamist and Secular Quests for Women's Rights'.<sup>77</sup> Gray explores the consequences of the state feminism characteristic of the Bourguiba and Ben Ali regimes. Gray operates within the framework set by Murphy's use of state feminism, in that, 'the state has been the chief agent of change, not only in introducing some enviably progressive legislation, but also in seeking to alter the productive and reproductive roles of women to an extent that justifies the use of the term "state feminism"'.<sup>78</sup> The maintenance of state feminism was intimately tied to the violent repression of Islamist men and women, predicated on the portrayal of Islamists as terrorists as well as existential threats to existing women's rights within Tunisia. The piece explores how the renegotiation of gender politics was impacted by the restoration of Nahdhawi political actors into the public sphere, many of whom were imprisoned or tortured themselves, were married to prisoners, or had gone into exile. The extent to which women of Ennahdha were imprisoned and tortured alongside Nahdhawis has only recently come to light during the Truth and Dignity Commission hearings that began in 2016. However, Gray's work, written in 2012, details how decades of repression had the unintentional effect of empowering wives of imprisoned Nahdhawis. They became heads of their households, supported their families with low-paying, menial jobs, and were denied employment commensurate with their credentials. They made weekly trips to visit their husbands in constantly-changing locales, as the state would move prisoners around to try and isolate them from their families. Often the women were forced to wait for hours before being let inside, giving them the opportunity to exchange information with other wives of prisoners, which essentially kept Ennahdha alive. Gray restores part of Islamist women's history of political organising, thickening the narratives of their self-making that are missing from pre-uprising scholarship. Gray hypothesises that this unintended empowerment under Ben Ali meant that Islamist women were:

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<sup>77</sup> Doris H. Gray, 'Tunisia after the Uprising: Islamist and Secular Quest for Women's Rights', *Mediterranean Politics*, 17.3 (2012), 285-302.

<sup>78</sup> Emma Murphy, 'Women in Tunisia: Between State Feminism and Economic Reform', in *Women and Globalization in the Arab Middle East*, ed. by D.E. Abdella and P. Posusney (Boulder: Lynne Rienner, 2003), pp. 169-194 (p. 169).

unlikely to assume subservient roles now in a climate of freedom, change, and dignity [and] also feel emboldened to stand up to those within their party who do in fact wish to relegate women to their role as mothers and wives in an effort to reclaim their own trampled-upon “manhood.”<sup>79</sup>

Gray’s hypothesis is supported by my own research and will be borne out in the following chapters.

In her work, Grami posits a very clear idea of what constitutes ‘women’s interests’. Consistent with trans- and internationalist discourse, religion and culture can be affirmed but sources of formal and informal law must be derived from international law. In terms of women’s rights, that means CEDAW should serve as the foundational set of statutes. However, Voorhoeve makes the point that what constitutes women’s interests in Tunisia are contested. She describes a confrontation between Bourguibist feminists and women with alternative notions of women’s rights. These alternative notions are not always framed in Islamic terms but as articulations of women’s interests. This indicates that ‘the two factions are often not talking about the same women, as what improves the position of some women may not improve the situation of others.’<sup>80</sup> Debuysere expands on this idea in her application of Chantal Mouffe’s ‘agonistic pluralism’ to the terrain of the Tunisian women’s movements. She draws on the conviction that diverse coalitions are the most effective way to achieve gender justice for all women.<sup>81</sup> Based on the premise that a ‘universal’ or ‘rational’ consensus forged through dialogue will always fail to be fully inclusive, ‘agonistic pluralism’ or ‘conflictual consensus’ shows how ‘political conflict, intrinsic in any democratic polity, can be accepted and channelled positively.’<sup>82</sup> In advocating for dialogue and cooperation between secularist and Islamist women’s groups, Debuysere points out that socioeconomic divisions—manufactured by decades-long policies of regionally uneven socioeconomic development—also fall along what are perceived to purely ideological fault lines. Secularist women’s organisations tend to be upper or upper-middle class and based in coastal cities, whereas Islamist women’s groups typically appeal to traditionally working-class communities in the south, interior, and rural areas. The intersectional nature of these divisions are compelling

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<sup>79</sup> Ibid., p. 301.

<sup>80</sup> Maaïke Voorhoeve ‘Women’s Rights in Tunisia and the Democratic Renegotiation of an Authoritarian Legacy’, *New Middle East Studies*, 5 (2015), p. 16.

<sup>81</sup> Loes Debuysere ‘Tunisian Women at a Crossroads: Antagonism and Agonism in the Tunisian Women’s Rights Movement’, *Mediterranean Politics* 21:2 (2016), 226-245.

<sup>82</sup> Ibid., p. 235.

justifications for inclusive and cross-ideological cooperation. Debuysere argues that this type of cooperation is vital in the construction of a democratic polity and in creating a check on the government to ensure that all women of Tunisia are served by it.

The need for an intersectional approach to achieving gender justice for all women in Tunisia is an important consideration in the aftermath of the 2014 finalisation of the Constitution. Legal scholars Alwas, Mnsari, and Ward have analysed the role of women in constructing the constitution and argued that Tunisian women, both in the Assembly and in civil society, ‘were able to use an autochthonous [indigenous] process to edify the country and set the foundation for greater rights consciousness.’<sup>83</sup> Furthermore, they conclude that the gender provisions ‘can be regarded as intermestic in the sense that [they] drew directly from both local and transnational sources’<sup>84</sup> as a result of ‘the coalescence of women as a critical presence’ that moved their ‘concerns from the margin to the center of the constitutional debates’.<sup>85</sup> However, they also make the point that the promulgation of a constitution is only the very beginning of a long process of translating provisions and guarantees into enforceable legislation that is felt and incorporated into women’s daily modes of existence. Given the different ways in which variegated axes of identity can mitigate access to ‘paper rights’, Debuysere’s advocacy of cross-ideological, and thus cross-class, cooperation as a crucial mechanism for inclusive gender justice is well-taken.

While much of the literature on women and Tunisia focuses on the ideological divide between Islamist and secularist women’s organisations and the reasons and ways in which to overcome it, Marks takes a different approach and writes against media and scholarly portrayals of Ennahdha as the biggest threat to women’s rights in Tunisia. Marks contextualises the primacy of the gendered discourse during the transition period by framing it as a useful wedge issue to distract from anaemic economic platforms by political parties across the board. She highlights six issues of importance to women’s rights: constitutional drafting, judicial reform, the rights of single mothers, transitional justice, and security reform. Ultimately, Marks argues that

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<sup>83</sup> Rangita de Silva de Alwis, Anware Mnsari, and Estee Ward, ‘Women and the Making of the Tunisian Constitution’, *Berkeley Journal of International Law*, 35:1 (2017), 90-149 (p. 94).

<sup>84</sup> *Ibid.*, p. 94.

<sup>85</sup> *Ibid.*, p. 148

‘in the context of Tunisians efforts to forge a truly democratic polity, threats to women’s rights are more likely to stem from deeply embedded social norms and weak institutions than from deliberate machinations of Islamist ideology’.<sup>86</sup>

Voorhoeve employs a similar methodology to Marks by analysing discourse around five issues related to women’s rights but comes to a very different conclusion, one that is more in line with the Charrad, Zarrugh, and Grami. Voorhoeve articulates how the battle over different conceptions of women’s issues is inscribed in a larger debate about what it means to be “Tunisian”. However, she explicitly positions moderate and modern (i.e. secularist) in opposition to Arabo-Islamic values without adequately accounting for the epistemological implications of this framing.

Voorhoeve examines five debates: the CSP, women’s employment, protection of single mothers, the Constitution, and CEDAW. She characterises these debates as ‘on the one hand, an attempt to change the authoritarian status quo [defined as the feminist policies of Bourguiba] and, on the other, a fear for such change’.<sup>87</sup>

Ultimately though, Voorhoeve concludes that there has been no rupture in the status quo, which showcases the strength of the secular opposition, including ‘the secularist women’s rights elite’.<sup>88</sup> Although Voorhoeve includes a section on the conceptualisation of key terms, in which she denounces the reductive Islamist/secularist and the associated episteme of progressive feminist versus backwards Islamist, her conclusions end up solidifying that very binary. I would also contend that her description of post-revolutionary debates on gender as “status quo versus rupture” is inadequate, particularly when it comes to the construction of a democratic constitution and particularly the gender parity policies resultant from that process, as will be expanded upon in this dissertation.

Whereas Marks’ work challenges the feminist/Islamist binary by foregrounding other threats to women’s rights in Tunisia other than Islamist ideology, Muhanna deconstructs the binary altogether. She argues that ‘the Islamist-secular feminist binary in Tunisian society is artificially constructed and does not reflect the actual gender politics adopted by the two self-identified groups’.<sup>89</sup> Muhanna

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<sup>86</sup> Marks, 2013, ‘Women’s Rights Before and After’, p. 226.

<sup>87</sup> Voorhoeve, 2015, ‘Women’s Rights in Tunisia’, p. 1.

<sup>88</sup> Ibid.

<sup>89</sup> Aitemad Muhanna, ‘Islamic and Secular Women’s Activism and Discourses in Post-Uprising Tunisia’, in *Rethinking Gender in Revolutions and Resistance: Lessons from the Arab World*, ed. by Mahea El Said, Lena Meari, and Nicola Pratt (London: Zed Books, 2015), pp. 205-231 (p. 205).

acknowledges that different ideological frameworks are employed by varied actors; however, she disputes that the de facto division between Islamist and secular women activists hinges on two different ideological orientations altogether. Rather, Muhanna asserts that women activists' gender politics are

influenced by multiple political, social, cultural, geographical, and more importantly, subjective factors reflecting the different individual experiences and histories of women leading these organisations.<sup>90</sup>

This sentiment highlights the importance of Gray's recuperation of Nahdhawiat political organising under Ben Ali, as it provides the tools to more fully understand the nuances of their gender politics.

Muhanna breaks down the binary by describing the richness of the discursive landscape of women's rights activism in the post-revolutionary space. She disaggregates radical from pragmatic democratic feminism and highlights the diversity of Islamic women's activism by exploring conformist versus moderate Islamic gender politics. Muhanna's work bears some similarities to that of Khalil, who has described the ways in which epistemological differences between groups did not preclude a common struggle.<sup>91</sup> Muhanna asserts that despite different ideological or discursive frameworks, Islamic and secularist women's groups worked on the ground towards the common objectives of: social justice, equality of access to education, employment, and political participation, as well as countering violence against women. This convergence has only deepened due to the shifting subjectivities of moderate Islamists and pragmatic democratic feminists through their interactions with each other. This is a dynamic that is explored in Chapter Five in regard to the constitutional drafting process.

## TENSIONS, GAPS, AND CONTRIBUTIONS

Much of the literature on women and gender politics in post-uprising Tunisia has focused on the women's movements—defined as civil society women's organisations—their ideological orientations, histories, inter-movement dynamics, and strategies for overcoming division. This orientation towards analysis of civil society fits with long-standing trends in feminist scholarship that seek to expand

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<sup>90</sup> Gray, 2012, p. 206.

<sup>91</sup> Andrea Khalil, 'Tunisia's women: partners in revolution', *Journal of North African Studies*, 19.2 (2014), 186-199 (p.198).



notions of ‘the political’ beyond formal politics—a domain from which women have historically and systematically been excluded. However, gender has been a central feature in formal transition politics. Gender’s primacy in formal political discourse, the development of gender parity policies at a state level, and the number of highly visible women in formal politics have created a terrain replete with unexplored opportunities for analysis, particularly at the critical juncture of political renegotiation regarding the character of the state. Furthermore, when female actors in formal politics are included in analysis, they are often elided into ‘the women’s movement’ alongside civil society activists and organisations. While there is overlap in terms of ideological orientation or political positionality, these two groups—civil society organisations and elected deputies—serve very different functions in a democratic polity, acting under constraints and opportunities specific to their positions. Consequently, these two groups of actors can impact the political process in distinctive ways. Expansive or imprecise conceptualisations of ‘the women’s movement’ risks thinning scholarly understanding of how gender has functioned within and informed the construction of the post-revolutionary state.

Focus on the women’s movements and their ideologies within this literature has often been embedded within analysis of Ennahdha’s broader ideology—specifically Ennahdha’s compatibility with democracy and women’s rights and its ideological relationship to the newly public Islamic women’s organisations. To a certain degree, this is understandable, particularly given the absence of Islamist women from the pre-uprising literature. Additionally, Ennahdha’s plurality in the Assembly positions it as a natural foil in discussions of state-society relations. However, as in the comparative post-uprising literature, this focus on Ennahdha’s ideology and democratic and feminist compatibility comes at the exclusion of commensurate analysis on secularist movements, parties, and coalitions. These gaps have broad and problematic implications for understanding how gender has featured in the transition and the barriers of access that women from across the ideological spectrum experience in accessing formal political power.

Many authors in the Tunisia-specific literature avoid explicitly reifying the binary and present a more complicated and nuanced understanding of the gender dynamics in Tunisian politics. However, the cumulative foregrounding of the ideological differences within the women’s movements and the total absence of analysis of the gender politics or the democratic credentials of the secular political

movements constitutes a critical gap in the literature. Ultimately, it reifies the Islamist/secularist binary, as it foregrounds questions on the compatibility of Islamist ideology with women's rights while also implying the epistemological relationships between secularism and feminism. This has left scholars with an inadequate and inappropriately critical lens for understanding gender in transition politics, particularly with the emergence of Nidaa Tounes as a political force. Nidaa Tounes (Call for Tunisia, sometimes referred to as Nidaa) is an umbrella secularist party founded in 2012 by Beji Caid Essebsi, former Bourguiba advisor and president of Tunisia since 2014, who has re-introduced a gendered discourse in the style of Bourguiba. Nidaa won both the legislative and presidential elections in 2014. Gender has continued to be a major feature of national politics and Nidaa Tounes' secularity has the potential to overshadow rigorous analysis of its gender politics.

Consequently, this dissertation is an important contribution to the literature in two major ways. Formal politics constitutes the site of analysis and I interrogate the gender politics of all formal political actors, including the secularist movements. As this dissertation will show, patriarchy has no religion. One of the major challenges that women face in accessing formal politics are the male-dominated political parties and movements themselves—irrespective of ideological or political orientation. Additionally, the scope of this dissertation, which covers the 2011 elections, the drafting of the Constitution and Electoral Law, and the 2014 elections, is unique, thus far, in the literature on gender and Tunisia after 2011. Gendered analysis of the post-uprising transition has not often gone beyond the Constitution, finalised in 2014. While the Constitution is a vital document enshrining the foundational ideals of the new Tunisian state, implementational legislation of those ideals constitutes an area of equal importance, particularly in regard to a community whose positionality has historically mitigated full access to rights. Delays in judicial reform and political paralysis in the Assembly of the People's Republic (ARP), the legislative body elected in 2014, stymied movement on further legislation implementing the gendered provisions of the constitution until late July 2017—when the ARP finally began debating, and subsequently passed, a law on preventing violence against women drafted a year earlier. However, the necessity of drafting the Electoral Law in advance of the 2014 elections provided a unique opportunity to understand how constitutional provisions—namely gender parity—were expounded on in further legislation, thereby revealing the way that ideal functions. Additionally, the bookending of

analysis on gender parity in the 2011 elections and the 2014 elections has allowed for a programmatic understanding of the ways that political rights—in this case women’s access to formal political power—is lived and experienced. With municipal elections on the horizon, the successes and shortcomings of gender parity law, as it was written, are crucial to understanding the gendering of future electoral processes.

## **METHODOLOGY**

While this dissertation draws on secondary sources, it is based largely on fieldwork undertaken in 2012 and 2013 to 2014 in Tunisia. Alongside countless hours of informal conversation and participant observation, I conducted roughly 200 interviews. These interviews were conducted in an iterative process, employing a semi-structured, qualitative format and a snowballing approach to broaden my informant pool. My interviews with 105 informants inform this dissertation. Fifty-nine interviews with 51 informants are quoted directly and are therefore listed in the references section.

Overall, I conducted interviews with 71 actors in formal politics, including those with failed candidacies in 2011, elected deputies in the Assembly, members of political party administration, and candidates for the 2014 elections—some of whom were currently serving in the Assembly at the time. I also conducted interviews with 27 members involved in civil society, either as individuals, experts, or as members of organisations, and five with international organisations. The gender split skewed female—70% of my informants were women. This dissertation centres the experiences of female political actors and this ratio serves to counteract the dominance of male political actors in the discourse and the media. For example, estimates put media coverage of female candidates in both the 2011 and 2014 elections at roughly 10%.

Before each interview began, I briefly introduced myself as a doctoral researcher from Cambridge looking at women in politics after the revolution and specifically gender parity. I asked for oral permission to record the interview and if I could use the conversation in my dissertation and other written works. I then asked if I had permission to use their names, providing the option of anonymity or a pseudonym. Roughly 95% of my informants agreed to the recording and the use of

their names, many expressing satisfaction that I had asked these questions before commencing the interview. If they consented to the recording, I asked these questions again on tape to record their permissions. The bulk of my informants were public officials, or operating within the public political sphere. Although non-anonymisation is atypical, I felt it was appropriate—with permission—given the focus of this research on formal politics.

I conducted the interviews in the language of choice by my informants—Tunisian Arabic or French. I speak French and have studied modern standard Arabic since 2006. Additionally, I am conversant in Levantine dialects of Arabic from living, working, and studying in the Arab world. With the help of a Tunisian Arabic tutor and language immersion, I became conversant in Tunisian Arabic over time. However, I wanted to avoid casual comprehension in my interviews, particularly those conducted in Tunisian Arabic, which can vary widely depending on geographic origin. To that end, Achraf Ayadi, my research assistant since 2012, accompanied me to most of the interviews to help with any issues of comprehension or to provide translation. As a Tunisian, he was also able to enhance the research in several ways. He was able to provide nuanced, local context in conversation with me after the interviews given his intimate knowledge of my material due to the longevity of our working relationship. Additionally, within the interviews, his positionality as a Tunisian allowed him to clarify my questions, anchor them to local context, or act as a sounding board with my informants to provide rich description or clarify cultural meaning. His status as a man, and my status as a foreigner, also created an educative atmosphere, which often prompted my informants to articulate assumed knowledge.

I was acutely aware of the loaded nature of the term ‘feminism’ given its historical role in undermining the agency of Muslim women and the ways in which women’s rights has been used in the past to justify neo-colonial violence.<sup>92</sup> I was also aware that my positionality as an American woman, with a secular appearance, and an interest in gender issues could impact the way my informants perceived me, either as antagonistic to gender activism that operates outside the liberal framework or as someone holding dismal stereotypes of the state of women’s rights in the Muslim world, engendering a desire to paint a rosy picture. The semi-structured qualitative interview form, using snowballing and employing iteration, was crucial in countering

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<sup>92</sup> See: Mahmood, 2005, pp. 1-39.

these potential obstacles, both in how my informants related to me and in how I related to the material. I would begin with broad questions about my informants' role in politics since the uprisings, and if relevant, their involvement with gender parity policies, which allowed them to set the terms of their self-representation. Centring self-representation by my informants helped counter my own ideological and theoretical biases based on my own subjectivity, along with extensive secondary source preparation before entering the field and previous experience working on gender in MENA. Employing snowballing illuminated the communities to which my informants aligned themselves, which allowed me to engage in a contextually specific iterative process. This helped to counter any agenda on the part of my informants, conscious or not, of painting an overly optimistic (or pessimistic) picture of the state of women's rights in Tunisia given my positionality as a Western foreigner.

Determining the representivity of my sample was a complicated process, one that reflects the fluctuating political context in Tunisia and of conducting fieldwork on an evolving set of events. Many of my informants occupied several positionalities, either at the same time or over the time period covered in this dissertation. For example, one informant, Bochra Belhaj Hamida is a current member and former president of ATFD. She also ran unsuccessfully for the Assembly in 2012 on an Ettakatol (The Democratic Forum for Labour and Liberties), list, but was successfully elected in 2014 from a Nidaa Tounes list. Relatedly, throughout the Assembly's tenure, and particularly after the formation of the Troika, political parties, coalitions, blocs, and movements experienced attrition, dissolved, re-formed, and reorganised, with the exception largely of Ennahdha, whose membership remained relatively consistent throughout the Assembly's duration.<sup>93</sup> The interviews were conducted in three blocks of time, roughly corresponding to the temporally linear structure of the dissertation. Broadly, interviews for Chapter Four, regarding the elections of 2011, were conducted in April of 2012; interviews for Chapters Five and Six were conducted between January and May of 2014; and interviews for Chapter Seven were conducted in September 2014 in advance of the October 2014 elections. These blocks of interviews required different pools of informants within the larger arena of formal

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<sup>93</sup> Although the original image is no longer online, see this Slate Afrique article which includes the diagram on political party membership changes: Sana Sboui, 'Mercato des partis politiques en Tunisie: L'inconstance règne' (Market of Political Parties in Tunisia: Inconsistency Reigns), *Slate Afrique*, 22 September 2015.

politics. Therefore, methodologies to determine representivity have shifted throughout.

In April 2012, I conducted a short fieldtrip for my MPhil research. Given the time constraints of that trip, I employed a research assistant, Achraf Ayadi, who helped identify a cross-section of informants and who would continue to work with me throughout my fieldwork. I conducted 41 interviews: 26 with actors in formal politics, including 20 deputies in the Assembly representing seven political parties, and six with members of four political party administrations. I also conducted 16 interviews with actors in civil society representing ideological orientations across the political spectrum, and five with international organisations.

The second block of interviews was conducted between January and May 2014. I conducted 25 interviews in total, with 15 deputies in the Assembly, five members of political party administration and strategy, and five representative of civil society organisations. When I arrived in Tunisia in September 2013, the country was in the midst of a political crisis, following the assassination of Chokri Belaid in July. The Assembly had suspended the constitutional drafting process until an agreement was hammered out through the National Dialogue. For the first four months of my fieldtrip, the future of the constitutional process was unclear, as was the extent to which gender would be featured within it, as the gender parity provision was not added to a draft until late December 2013 (detailed in Chapter Five). I used that opportunity to travel extensively outside of Tunis, gaining valuable knowledge that allowed me to contextualise my interviews, a particularly important endeavour given the major regional, geographical, and class divisions that exist within the country.

In January 2014, I began re-establishing and forging new relationships with deputies, with the help of Achraf, who had an existing network of working relationships with many of the deputies. Towards the end of January 2014, Rabiaa Najlaoui sponsored permanent access for me and my research assistant to the Assembly through the head of security, a major turning point in my access. Without permanent access, one had to telephone a deputy to be signed in and remain accompanied by him or her throughout the visit. With permanent access, my research assistant and I visited the Assembly almost every day that it was in session. This made me a relatively permanent fixture in the halls of the Assembly, outside the gallery, and in the tea room, which allowed me to form deeper bonds and friendships with members of the Assembly. This also meant that my research assistant and I could

split up if I had an interview scheduled at the same time as a session in the Commission on General Legislation, for example. The nature of my access set me apart from the influx of journalists and researchers who were not based in Tunisia and who would spend only a day or two in the Assembly. This had a noticeable impact on my ability to build a rapport with my informants, some of whom explicitly expressed happiness that I was taking the time to understand the issues and what was at stake or would seek me out in the halls of the Assembly to discuss new developments on gender parity.

To that end, I attended nearly every General Legislation and Human Rights commission meeting, as well as plenary sessions, related to gender parity. This also gave me the time and opportunity to have both informal and formal conversations, as well as engage in extensive participant observation. Through this process, I was able to identify a focused group—the vast majority of whom were women—as the main protagonists responsible for the constitutionalisation of gender parity and the drafting of parity in Electoral Law. In terms of political breakdown, which was complicated for the reasons enumerated above, my pool consisted roughly of 12 members of the governing coalition and eight members of the opposition, which approximates the political make-up of the Assembly.

The final block of interviews was conducted in September 2014, with 37 interviews in total: 29 with candidates running for a seat in the ARP (19 of whom were still serving as deputies in the Assembly), two political party operatives, and six members of civil society organisations. The representivity of this portion of the sample was simpler. Party affiliation was material to the specific analysis in Chapter Seven and informants' status as candidates clarified the capacity from which they were speaking. The political affiliations of my informants roughly mirror the share of seats each party received in the 2014 election. A more detailed breakdown of this dynamic appears in the introduction to Chapter Seven.

## **OUTLINE OF DISSERTATION**

### **2: THEORETICAL FRAMEWORK**

This chapter outlines the theoretical framework for this dissertation. It explores the origins of liberal citizenship and the ways in which gender quotas challenge its

ideological underpinnings. It also surveys theories of subjectivation in order to understand the ways in which the female citizen as subject was gendered between 2011 and 2014 in Tunisia. Finally, it lays out local specificities of the Tunisian context as an entry point to examining the construction of the female subject and citizenship in Tunisian history.

### 3: GENDER AND THE STATE IN MODERN TUNISIAN POLITICAL HISTORY

This chapter charts the constitution of the female subject and citizen through modern Tunisian political history until the uprisings by analysing the state's relationship with women. It explores the particular ways that gender has been positioned in national discourse and provides crucial context for understanding the ruptures and continuities wrought by the events following Ben Ali's overthrow.

### 4: REVOLUTIONARY AFTERMATH AND THE 2011 ELECTIONS

This chapter details the ways in which gender featured in the political discourse immediately after the fall of Ben Ali's regime. This analysis showcases how women's rights became a metaphor and vehicle for communicating broader values of Tunisian identity and a useful tool for political parties to differentiate themselves from each other by defining the two broad categories of Islamists and secularists. This chapter also details the emergence of the gender parity law in the interim electoral code established in advance of the 2011 elections, a process which challenged the narratives that had begun to develop around gender politics. Finally, it explores the outcomes of gender parity in the electoral process, revealing the challenges and opportunities for women in accessing political power.

### 5: CONSTITUTIONAL DRAFTING PROCESS, 2012-2014

This chapter narrates the process by which gender parity became constitutionalised and follows the female deputies whose cross-ideological and multi-partisan cooperation resulted in the gendering of the Constitution. It also examines how female deputies experienced shifts in their own subjectivities through negotiating the male-dominated Assembly resulting in the gendered transformation of the liberal genderless citizen.



## 6: DRAFTING ELECTORAL LAW, FEBRUARY-MAY 2014

This chapter articulates a yet untold story of how gender parity was written in Electoral Law, providing a unique opportunity to analyse the ways in which the gender provisions of the constitution were formulated at the level of implementational legislation. It thickens our understanding of political dynamics in the Assembly by mapping degrees of support for various iterations of gender parity policies against parliamentary blocs. This chapter also reflects on the ways that gender and gender politics cross-cut what are perceived to be ideological fault lines, i.e. Islamism and secularism. Ultimately, it reveals that coalitions were not organised around cohesive gender politics in the way that an Islamist/secularist binary—whose fulcrum is gender—would suggest.

## 7: THE 2014 ELECTIONS

This chapter explores the experiences of female candidates in the run-up to the 2014 elections and the ways in which political parties implemented the gender parity legislation formulated in Electoral Law. It reveals that neither Islamist nor secularist parties have adequately or equally incorporated women into their organisations, showcasing the remaining barriers for women in accessing formal political power and further breaking down the gendered epistemological associations inherent in the Islamist/secularist binary. The analysis concludes that without a horizontal parity provision in Electoral Law, a policy that regulates the gendered distribution among the heads of all fielded lists by a party or coalition, women will continue to be underrepresented in formal politics.

## 8: CONCLUSIONS

This chapter synthesises the theoretical framework with the rich empiricism of Chapters Four through Seven. The chapter explores the ruptures and continuities in terms of gender politics in the post-revolutionary context and the ways in which the women of the Assembly gendered the liberal genderless citizen through the transformation of their own subjectivities. Finally, it details the progress that has been made since the election of the ARP in the realm of women's rights.



## TWO: THEORETICAL FRAMEWORK

### THEORISING LIBERALISM AND LIBERAL CITIZENSHIP

Modern citizenship developed adjacent to the rise of the contemporary state as the dominant political collective in the 19<sup>th</sup> century. Although notions of citizenship do predate the modern state, ‘it was only with the establishment of precise social, territorial and political boundaries that an unambiguous membership role could be assigned to those associated with inclusive political units’.<sup>1</sup> Turner traces the emergence of modern citizenship to the American and French revolutions. Based on classical liberal political and social contract theories in the Anglo tradition, Turner defines citizenship as membership within a state.<sup>2</sup> This construction ‘locates the sovereignty of individual citizenship precisely in relation to the state—liberties are available because of and not despite the state’.<sup>3</sup> Expanding on Turner to include ideas of contractual mutual expectations between the state and citizen, Waters defines modern citizenship as a:

set of normative expectations specifying the relationship between the nation-state and its individual members which procedurally establish the rights and obligations of members and a set of practices by which these expectations are realized.<sup>4</sup>

Waters frames this reconceptualisation to deal with what he sees as problematic assumptions of universalism and egalitarianism. Given the state’s scope to meet the expectations of its citizens, Waters attempts to include the possibility of unequal treatment of citizens by the state. In actuality, Waters definition was underpinned by many of the same assumptions as that of Turner.

These definitions, as well as the bulk of the literature and law regarding liberal citizenship, are based on the classical liberal tradition. There are four major pillars of liberalism underpinning the modern state, liberal democracy, and citizenship therein: individualism, individual freedom, human equality, and individual as bearer of

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<sup>1</sup> Malcolm Waters, ‘Citizenship and the Constitution of Structured Social Inequality’, *International Journal of Comparative Sociology*, 30 (1989), 159-180 (p. 159).

<sup>2</sup> Bryan S. Turner, *Citizenship and Capitalism* (London: Allen and Unwin, 1986).

<sup>3</sup> Waters, 1989, p. 160.

<sup>4</sup> Ibid.

rights.<sup>5</sup> The first pillar establishes individuals as Hobbesian: atomised and rational—whose existence, desires, and interests ontologically predate societies, social relationships, and hierarchies. Although Hobbes is not always regarded as part of the classical liberal tradition, his asocial individual unencumbered by any “natural” relationships of authority<sup>6</sup> in the state of nature is foundational in much of liberal thought. The second pillar asserts that ‘society should ensure the freedom of all its members to realize their capabilities’,<sup>7</sup> formulated classically by Mill in *On Liberty*.<sup>8</sup> Closely associated with individual liberty, is the third pillar: human equality. Theorists such as Locke, Bentham, and Green ‘differ in their formulations of this principle but not its centrality’.<sup>9</sup> Liberal theorists ‘usually begin with some version of the presumption of perfect equality among individual men’ and it is a ‘relatively small step from this to the related argument that societal justice entails equal suffrage’.<sup>10</sup> This egalitarianism is expressed by Berlin in *Two Concepts of Liberty*, wherein ‘political liberty in this sense is simply the area within which a man can act unobstructed by others’ or ‘negative freedom’.<sup>11</sup> At the centre of negative freedom is the fourth tenet: the individual as rights-bearing. This is central to the liberal political framework, as articulated by John Rawls in *A Theory of Justice*, in that: ‘Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override’.<sup>12</sup>

The concept of natural rights sets up the framework for the establishment of the public/private dichotomy and the incorporation of social contract theory. The public domain, in which individuals who are free and equal to each other voluntarily consent to governmental authority, stands in contrast to the private, a domain in which an individual’s rights are beyond the reach of state intervention. This arrangement established a vital relationship in the construct of modern citizenship. Citizenship

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<sup>5</sup> Jeff Hearn, Elżbieta H. Oleksy, and Dorota Golańska, ‘Introduction’, in *The Limits of Gendered Citizenship: Contexts and Complexities*, ed. by Jeff Hearn, Elżbieta H. Oleksy, and Dorota Golańska (London: Routledge, 2010), pp. 1-42 (p. 1).

<sup>6</sup> Teresa Brennan and Carole Pateman, ‘Mere Auxiliaries of the Commonwealth: Women and the Origins of Liberalism’, *Political Studies*, 27.2 (1979), 183-200 (p. 188).

<sup>7</sup> Mary G. Dietz, ‘Context is All: Feminism and Theories of Citizenship’, *Daedalus*, 16.4 (1987), pp. 1-24 (p. 3).

<sup>8</sup> John Stuart Mill, *On Liberty* (London: John W. Parker and Son, 1859; repr. US: Dover Publications, 2002).

<sup>9</sup> Dietz, 1987, p. 3.

<sup>10</sup> Ibid.

<sup>11</sup> Isaiah Berlin, *Four Essays on Liberty* (Oxford: Oxford University Press, 1958), p. 122.

<sup>12</sup> John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971).

grows out of this divide, and, in the classic construction, regulates the public, and inherently political, domain. Meanwhile, the private domain, defined by its domesticity and thus apolitical character (also where women and children are located), is conceived of as outside the reach of the state, and thus citizenship.

The concept of citizenship is typically written in abstracted and universalised language, construing it as ‘objective’.<sup>13</sup> Most importantly, the citizen is constructed in totally individualistic terms, as citizenship is a relationship between the polity and an individual, excluding the constructs of both nation and community. Individuals are presumed equal before the state and strangers to each other.<sup>14</sup> Thus difference, in and of itself, as well as difference resulting in inequality in other contexts, is assumed to be inconsequential in one’s status as citizen. In this way, the concept is written as genderless, classless, without race, ethnicity, sexuality and so on.

Marshall, one of the most influential theorists on citizenship in the UK, offered a new understanding of citizenship after the Second World War. The Marshallian definition of citizenship is a ‘status bestowed on those who are full members of a community. All who possess the status are equal with respect to the rights and duties with which the status is endowed’, which include social, civil, and political rights.<sup>15</sup> Marshall’s model is evolutionary, in that ‘the circle of those who received rights expanded horizontally as did the type of rights which they have enjoyed’ and he points to three historical periods of expansion.<sup>16</sup> This understanding of citizenship as communitarian challenges aspects of the individualised liberal citizen. Marshall widens the context within which citizenship is understood by embedding it inside notions of community, which could be sub- or supra-state, as opposed to the nation-state.<sup>17</sup> This expansion ‘raises the possibility of multi-tier citizenship in both sub- and supra—state collectivities as well as the question of the relationships of these collectivities to the state’.<sup>18</sup> It is able to capture the multi-dimensionality of the lived experience of citizenship as it both acknowledges that

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<sup>13</sup> Hearn, 2010, p. 1.

<sup>14</sup> Nira Yuval-Davis, *Gender & Nation* (London: SAGE Publications, 1997), p. 70.

<sup>15</sup> T.H. Marshall, *Citizenship and Social Class* (Cambridge: Cambridge University Press, 1950), p. 14.

<sup>16</sup> Yuval-Davis, 1997, p. 69.

<sup>17</sup> Stuart Hall and David Held, ‘Citizens and Citizenship’, in *New Times: The Changing Face of Politics in the 1990s*, ed. by Stuart Hall and Martin Jacques (London: Lawrence and Wishart, 1989).

<sup>18</sup> Yuval-Davis, 1997, p. 69.

individuals do not exist in a vacuum in their relationship to the state but is also vague enough to encompass collectivities at all levels of social organisation.<sup>19</sup>

The development of modern French citizenship, in the wake of the French Revolution in 1789, produced a particularly French notion of abstract universalism. This stood in contrast to American democracy—the characteristics of which were described by James Madison in the *Federalist Papers*—and differs from the Marshallian horizontal expansion and communitarian frameworks. Madison positioned legislatures as ‘areas of conflicting interests and defined representatives as voices for particular social and economic groups (or factions)’ whereas French revolutionaries ‘took the abstraction of the nation as the referent for representation’.<sup>20</sup> French republicanism was developed out of the dissolution of the three estates. In the French *Ancien Régime*, the monarchy existed outside the estates with the clergy, nobles, and the bourgeoisie and peasants comprising the First, Second, and Third Estates respectively. Legal inequality founded the system and social order, as membership determined rights and privileges—reserved for the First and Second Estates. Palmer summarised: ‘what a later generation would call inequality was built into the fabric of society....All persons in principle had rights recognized by law or custom, but their rights...depended on the social category to which they belonged’.<sup>21</sup>

In dismantling the Three Estates, revolutionaries replaced this system of corporate privilege with one founded on individual rights—shifting sovereignty from its residence in the King to the citizens as constituent of the nation. Viewing the French Revolution through a democratic lens, the beginnings of modern citizenship take shape, wherein citizenship confers general membership status constituted by common rights and obligations, both political and civil.<sup>22</sup> This process substituted formal political equality for the corporatist hierarchy of the *Ancien Régime*, and thus promised universal inclusion in political life. Friedland notes that this required fundamentally reconceptualising representation—rather than situating the body of the King as the nation, representatives could speak on behalf of the abstracted entity that

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<sup>19</sup> Ibid., p. 70.

<sup>20</sup> Joan Wallach Scott, *Parité!: Sexual Equality and the Crisis of French Universalism*, (Chicago: University of Chicago, 2005), p. 13.

<sup>21</sup> Margeurite Vanel, *Histoire de Nationalité Française d'Origine*, (Paris: Ancienne Imprimerie de la Cour d'Appel, 1945), pp. 25-64 as cited by William Rogers Brubaker, ‘The French Revolution and the Invention of Citizenship’, *French Politics & Society*, 7.3 (1989), 30-49 (p. 31).

<sup>22</sup> Brubaker, 1989, p. 36.

was the nation.<sup>23</sup> The ability to stand in for and represent the nation required individuals operating in a political capacity to be abstracted from social identifiers such as family, wealth, profession, or religion. The nation too was abstracted, ‘not a reflection of the disparate and divisive realities of society but a fictional entity—a unified totality, the embodiment of a disembodied “le peuple.”’<sup>24</sup> According to Robespierre, representing the abstract nation as an abstracted individual required the immolation of the self to the people and to the abbé Sièyes, the sacrifice of the concrete being to the abstract being.<sup>25</sup>

The abstracted citizens as representatives were interchangeable units, ‘possessing in common only that independent rationality upon which political life was thought to depend’.<sup>26</sup> The abstraction of both individual and nation constituted the heart of French universalism, ‘one that rested on an opposition between the political and the social, the abstract and the concrete’.<sup>27</sup> This necessitated a disregard for those indicators that chapter concrete difference in people’s lived realities. According to this logic, ‘universality does not rest on the exclusion of the particular but on (socially or politically) agreed-upon indifference to certain particularities’ that could not be abstracted, which initially included women (discussed below).<sup>28</sup> The basis of society becomes commonality, inspired by the Enlightenment and emphasised by the revolutionaries, predicated on equality, reason, and universal liberty, superseding particularist culture.<sup>29</sup> This accounts for the assimilationist model of integration practiced in France—to be conferred with citizenship means to become French and thus to adopt the dominant values. Essentially, it is based on inclusion of the other ‘to the extent that one renders it like oneself’.<sup>30</sup>

In maintaining this universal commonality, Republican thought extends to the shared public space where private identities have no right to claim space. Religion is

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<sup>23</sup> Paul Friedland, *Political Actors: Representative Bodies and Theatricality in the Age of the French Revolution* (Ithaca: Cornell University Press, 2001).

<sup>24</sup> Joan Wallach Scott, ‘French Universalism in the Nineties’, *difference: A Journal of Feminist Cultural Studies* 15.2 (2004), 32-53 (p. 33).

<sup>25</sup> Scott, 2005, *Parité!*, p. 13 citing Maximilien Robespierre, ‘Sur le gouvernement représentatif’, *Robespierre: Textes choisis*, (Paris: Editions Sociales, 1957), 2:142 and Pierre Rosanvallon, *Le peuple introuvable: Histoire de la représentation démocratique*, (Paris: Gallimard, 2002).

<sup>26</sup> Scott, 2005, *Parité!*, p. 13.

<sup>27</sup> *Ibid.*

<sup>28</sup> *Ibid.*

<sup>29</sup> Veit Bader, ‘The Cultural Conditions of Transnational Citizenship: On the Interpretation of Political and Ethnic Cultures’, *Political Theory* 25.6 (1997), 771-813 (p. 779).

<sup>30</sup> Naomi Schor, ‘The Crisis of French Universalism’, *Yale French Studies* 100 (2001), 43-64 (p. 50).

one such private identity, forming the basis of French *laïcité*. The particularly strict delineation of religious expression to the private realm developed as a result of specific sociohistorical conditions. Religion had fuelled hundreds of years of war in France and greater Europe and religious difference was seen as a greater threat than other secular expressions of difference or distinction. Viewed through a state-building lens, the hard line of *laïcité* also represented the triumph of the civil state over the clergy—and the former First Estate—eliminating the Church and religion as an alternate node of power and source of truth.<sup>31</sup> The banishment of religion from the public square protected citizens' rights to practice any religion in private. Derived as a reaction to Christendom, the French implementation of *laïcité* was compatible with Christian practices of faith as a matter of belief and, thus, thought. Tensions emerged, however, with the increase of North African Muslim immigrants in the post-colonial era whose practiced, or presumed, faith functioned differently in the public square.<sup>32</sup>

## **GENDER QUOTAS AND WOMEN'S POLITICAL REPRESENTATION**

Despite the theoretical equality of citizens, and the presumed equality before the state, women remain chronically underrepresented in formal politics. As of June 2017, women held 23.3% of national parliamentary seats,<sup>33</sup> up from 12.73% in 1990.<sup>34</sup> Gender quotas were developed as a mechanism to address this near universal gendered disparity. Between 1930 and 1980, only ten countries had instituted gender quotas. During the 1990s, quotas appeared in over 50 countries, and by 2000, that number had exceeded 100.<sup>35</sup> Today, 118 countries and territories employ some type of gender quota for elected office.<sup>36</sup> This global trend is largely attributed to a discursive shift regarding women's political representation and participation at the

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<sup>31</sup> John R. Bowen, *Why the French Don't Like Headscarves: Islam, the State, and Public Space*, (Princeton: Princeton University Press, 2007), p. 12.

<sup>32</sup> For a more in-depth look at the challenges to French universalism posed by increased immigration from North Africa which came to a head in the late 1980s and early 1990s, see: Scott, 2005, *Parité!*, pp. 21-31. For a deeper look at current debates, see: Manilo Cinalli, *Citizenship and the Political Integration of Muslims: The Relational Field of French Islam* (New York: Palgrave Macmillan, 2017).

<sup>33</sup> 'Women in National Parliaments', *Inter-Parliamentary Union* [online].

<sup>34</sup> 'Proportion of seats held by women in national parliaments (%)', *Inter-Parliamentary Union* [online].

<sup>35</sup> Mona Lena Krook, *Quotas for Women in Politics: Gender and Candidate Selection Reform Worldwide*, (Oxford: Oxford University Press, 2009), p. 4.

<sup>36</sup> Drude Dahlerup et. al., *Atlas of Electoral Gender Quotas* (Stockholm: International Institute for Democracy and Electoral Assistance, 2013), p. 16.



Fourth UN Conference on Women in Beijing in 1995. The Beijing Platform for Action, although cautious:

represents on the whole, a new discourse, focusing on the mechanisms of exclusion through institutional practices, setting gender balance as the goal and demanding that governments and political parties commit themselves to affirmative action.<sup>37</sup>

#### GENDER QUOTAS: DEFINITION, ADOPTION, IMPLEMENTATION, AND EFFECT

Electoral gender quotas come in a variety of forms and can be applied at different levels. They typically include establishing a minimum percentage representation for women or a maximum-minimum representation for both men and women known as gender-neutral regulation. Scholars generally divide quotas into three types: reserved seats, party quotas, and legislative quotas.<sup>38</sup> Some exclude reserved seats from their analysis as these policies do not impact the nomination process. Rather they provide explicit guarantees as to who will be elected. Party quotas are sometimes divided into aspirant quotas and candidate quotas. The former impacts pre-selection, determining that only women can become candidates, and the latter impacts party nomination procedures.<sup>39</sup> There are also various kinds of legislative quotas, and some scholars make a distinction between those instituted through electoral law reform and those acquired constitutionally.<sup>40</sup>

Reserved seats require a minimum number of female legislators, typically acquired through constitutional and electoral law reform. They were the most dominant quota type from the 1930s and through the 1970s. Reserved seat policies were largely implemented in Africa, Asia, and the Middle East, and since 2000, have increasingly appeared in countries with very low numbers of female legislators.<sup>41</sup> By contrast, party quotas are typically adopted voluntarily by political parties with the

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<sup>37</sup> Drude Dahlerup, 'Introduction', in *Women, Quotas and Politics*, ed. by Drude Dahlerup (Oxford: Routledge, 2006), pp. 3-31 (p. 5-6).

<sup>38</sup> Krook, 2009, *Quotas for Women*, p. 6.

<sup>39</sup> Richard Matland, 'Electoral Quotas: Frequency and Effectiveness', in *Women, Quotas, and Politics*, ed. by Drude Dahlerup (New York: Routledge, 2006) pp. 275-292 (p. 282).

<sup>40</sup> Drude Dahlerup, 'What are the Effects of Electoral Gender Quotas?', (Paper presented at the International Political Science Association, Fukuoka, Japan, 10-13 July 2007); Drude Dahlerup, 'Electoral Gender Quotas: Between Equality of Opportunity and Equality of Result', *Representation*, 43.2 (2007), 73-92.

<sup>41</sup> Susan Franseschet, Mona Lena Krook, and Jennifer Piscopo, 'Introduction: Conceptualizing the Impact of Gender Quotas', in *The Impact of Gender Quotas* (New York: Oxford University Press, 2012), pp. 2-40 (p. 5).

aim of reaching a specific proportion of women among their candidates. This type of quota originated in Western Europe in the 1970s, instituted by socialist and social democratic parties, but became increasingly diffuse through the 1980s and 1990s. Legislative quotas differ from party quotas in that they typically require mandatory provisions that apply to all parties, often instituted through electoral law or constitutional reform.<sup>42</sup> Legislative quotas only appeared in the 1990s in the wake of the international discursive shift prompted by the Beijing Conference.<sup>43</sup> They are often found in developing countries, particularly in Latin America, in post-conflict societies in Africa and the Middle East, and in southeastern Europe.

Scholars have identified four trends that explain how quota adoption has transpired. The first: quotas reach the political agenda through the mobilisation of women themselves, who believe that equal representation will only be achieved through targeted interventions and is integral to the promotion of justice and the successful advocacy of women's interests in politics.<sup>44</sup> The second explanation attributes quota adoption to elites, who promote quotas for strategic reasons as a way to undermine political rivals or to exert internal party control.<sup>45</sup> The third narrative explains quota adoption through commitment to certain norms of equality that are specific to political parties and local contexts.<sup>46</sup> Finally, the fourth explains quota adoption in reference to international norms and transnational sharing and contagion effects, facilitated by international organisations and political bodies.<sup>47</sup>

There are several different metrics by which to evaluate the impact of gender quotas that speak to different facets of representation: descriptive, substantive, and symbolic. Descriptive representation refers to the patterns of representation based on identity signifiers, e.g., how many women are elected vis-à-vis men after the institute of a quota? Substantive representation deals with the impact of increasing descriptive representation of women. For example, is there more attention paid to group interests

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<sup>42</sup> Ibid.

<sup>43</sup> Mona Lena Krook, 'Reforming Representation: The Diffusion of Candidate Gender Quotas Worldwide', *Politics & Gender*, 2.3 (2006), 303-327 (p. 309).

<sup>44</sup> Ibid.

<sup>45</sup> Lisa Baldez, 'Elected Bodies: The Gender Quotas Law for Legislative Candidates in Mexico', *Legislative Studies Quarterly*, 24.2 (2004), 231-258 (p. 253); Najma Chowdhury, 'The Implementation of Quotas: Bangladesh Experience', (Paper presented at IDEA workshop, Jakarta, Indonesia, 25 September 2002); Petra Meier, 'The Mutual Contagion Effect of Legal and Party Quotas: A Belgian Perspective', *Party Politics*, 10.5 (2004), 583-552.

<sup>46</sup> Katherine A.R. Opello, 'The Evidence of Being Present', *Acta Politics*, 35.1 (2006), pp. 64-85.

<sup>47</sup> Krook, 2006, 'Reforming Representation', p. 309.

in policy making? Or, put simply, do women make a difference? Finally, symbolic representation describes the cultural and symbolic impact of increasing female representation in politics. Does it change perceptions of legitimacy, either negatively or positively? Does it encourage more women to participate in general?<sup>48</sup>

Descriptive representation is the easiest to measure empirically, whereas substantive and symbolic representation pose methodological problems in impact measurement, as it is difficult to isolate the factors that motivate change along these lines. Goetz and Hassim have written on three interconnected arrangements of conditions that transition the impact of gender quotas from descriptive to substantive. These include: the nature, organisation, and power diagnostic of the state in question, the organising structure of the political system, the position of civil society to the state, and the role and strength of the lobby for gender equality within civil society.<sup>49</sup>

In terms of descriptive representation, there is distinctive cross-national variation in the impact of gender quotas. In fact, some countries have even experienced a decline in female representation after instituting quotas. Scholars have identified roughly four factors that account for cross-national variation across the different facets of representation: details of the policy initiative, the fit between quotas and other political institutions, political will, and other actors.<sup>50</sup> In various case studies, wording,<sup>51</sup> type of requirements,<sup>52</sup> sanctions,<sup>53</sup> and perceived legitimacy<sup>54</sup> have impacted the effect of gender quotas on female representation. In terms of the fit between quotas and other institutions, quotas tend to have the biggest impact in countries with a proportional representation system, and even more so when combined with closed party lists and high-district magnitudes.<sup>55</sup> Additionally, there is

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<sup>48</sup> Franceschet, 2012, p. 8.

<sup>49</sup> Anne-Marie Goetz and Shireen Hassim, 'Introduction', in *No Shortcuts to Power: African Women in Politics and Policy-Making*, ed. by Anne-Marie Goetz and Shireen Hassim (London: Zed Books, 2003), pp. 1-28.

<sup>50</sup> Franceschet, 2012, p. 6.

<sup>51</sup> Mala N. Htun, 'Puzzles of Women's Rights in Brazil', *Social Research*, 69.3 (2002), 733-751.

<sup>52</sup> Meier, 2004.

<sup>53</sup> Rainbow Murray, 'Why Didn't Parity Work? A Closer Examination of the 2002 Election Results', *French Politics*, 2.4 (2004), 347-362.

<sup>54</sup> Mi Yung Yoon, 'Democratization and Women's Legislative Representation in Sub-Saharan Africa', *Democratization*, 8.2 (2001), 169-190.

<sup>55</sup> Miki Caul, 'Women's Representation in Parliament: The Role of Political Parties', *Party Politics*, 5.1 (1999), 79-98; Mala N. Htun and Mark P. Jones, 'Engendering the Right to Participate in Decision-Making', in *Gender and the Politics of Rights in Latin America*, ed. by Nikki Craske and Maxine Molyneux (New York: Palgrave, 2002), pp. 32-56.

a trend of improvement in women's representation within left-wing parties<sup>56</sup> and in countries that emphasise sexual difference and group representation.<sup>57</sup> Scholars have also seen a difference in impact depending on the political will that exists within a certain political context, as elites may act to diminish the effectiveness of gender quotas through passive obstruction or electoral fraud.<sup>58</sup> Finally, women's organisations,<sup>59</sup> courts,<sup>60</sup> and the actions of ordinary citizens<sup>61</sup> can facilitate or hinder the achievement of gender quota goals. Often, there is interplay between these various factors that determine the degree to which gender quota policies impact women's political representation.

## THE DISCURSIVE AND THEORETICAL TERRAIN OF GENDER QUOTAS

Two of the major discourses that roughly divide supporters from opponents in the gender quota debate are the fast track and the incremental track to equitable gender representation. Both models are based on the premise that the underrepresentation of women exists and that it constitutes a problem. However, each contains 'different assumptions about historical development, different problem identifications with regard to the cause of women's underrepresentation as well as differences in choices of strategy'.<sup>62</sup> According to the incremental track discourse, women's underrepresentation is due to women lacking the same political resources as men in terms of time, money, education, interest, and experience—essentially a 'supply-side' deficit. Within this discourse, prejudice against women is assumed to dissipate over time in an inherently gradualist, optimistic, and linear view of progress. The strategy within this discourse is based on increasing women's resources through capacity-

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<sup>56</sup> Miki Caul Kittilson, *Challenging Parties, Changing Parliaments: Women and Elected Office in Contemporary Western Europe* (Columbus: Ohio State University Press, 2006).

<sup>57</sup> Katharina Inhetveen, 'Can Gender Equality be Institutionalized? The Role of Launching Values in Institutional Innovation', *International Sociology*, 14.4 (1999), 403-422; Opello, 2006, 'The Evidence of Being'.

<sup>58</sup> Jimena Costa Benavides, 'Women's Political Participation in Bolivia: Progress and Obstacles', (Paper presented at IDEA Workshop, Lima, Peru, 23-24 February 2003).

<sup>59</sup> Diane Sainsbury, 'The Politics of Increased Women's Representation: The Swedish Case', in *Gender and Party Politics*, ed. by Joni Lovenduski and Pippa Norris (Thousand Oaks, CA: SAGE Publications, 1999), 263-290.

<sup>60</sup> Mark P. Jones, 'Quota Legislation and the Election of Women: Learning from the Costa Rican Experience', *Journal of Politics*, 66.4 (2004), 1203-1223.

<sup>61</sup> Baldez, 2004.

<sup>62</sup> Dahlerup, 2006, 'Introduction', p. 8.

building activities, such as skills training, mentoring, and modifying working hours to accommodate child-care.

The liberal, individualistic discourse, whose adherents do not support the implementation of quotas, shares many of the same assumptions as the incremental track discourse. This discourse holds that, in accordance with traditional liberal theory, regardless of whether gender is recognised as a social category, it should not influence patterns of representation. Gender quotas, rather than addressing inequalities between social classes, violate liberal principles of equal opportunity, blind citizenship, and the moral value of merit as mechanisms of political selection and representation. Like the incremental track, this discourse locates the responsibility for unequal political outcomes on the individual capacities of actors. This discourse is prevalent in states with liberal citizenship models, such as the United States and the United Kingdom.<sup>63</sup>

Conversely, the fast track discourse rejects the gradualism that defines the incremental track and contests that an increase in resources will automatically lead to equitable representation and participation. Within this discourse, women's underrepresentation is attributed to 'demand-side' factors, such as discrimination and mechanisms of exclusion within political and social institutions. Given this diagnostic, specific interventions on political institutions are required to achieve equal representation of women, such as gender quotas. The incremental track individualises the responsibility for changing patterns of representation, whereas the fast track shifts that burden onto the political system itself. Essentially, they pose two different ideal-types, as well as modes of analytic distinction, that represent two different types of equality policy: one that equates gender equality with a certain conception of equal opportunity and the other that is based on the idea of gender equality as equality of results.<sup>64</sup> Arguments for gender quotas interact with key theoretical concepts like citizenship, equality, merit, and representation in ways that challenge pre-existing assumptions and suggest reconceptualisation in, sometimes, varied ways.

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<sup>63</sup> Drude Dahlerup and Lenita Freidenvall, 'Electoral Gender Quota Systems and Their Implementation in Europe', (Brussels: Directorate General Internal Policies of the Union—European Parliament, 2008).

<sup>64</sup> Ibid.

## CITIZENSHIP: FEMINIST CRITIQUES

Necessarily the debate surrounding gender quotas challenges the status quo of citizenship and rights as they have been conceived in conventional liberal theory. Feminist critiques of liberal citizenship have provided the theoretical foundation for identifying the origin of women's exclusion from political power. The underlying assumptions of the pre-Marshallian liberal citizenship, as well as the concept itself, are contested in feminist scholarship. At its most basic, feminist critique of citizenship is aimed at deconstructing 'its claims to universalism' and articulating how 'citizenship was drawn according to a quintessentially male template so that women's exclusion (and the chequered nature of their inclusion) was integral to both the theory and practice of citizenship'.<sup>65</sup> Much of the feminist theoretical critique of citizenship has centred on deconstructing the public as political and the private as apolitical divide as a basis for social and political organisation, wherein women are located in the private and therefore apolitical domain. Rather, they argue that not only are the dominant theories of citizenship explicitly and intentionally gendered, this gendering has been integral to its construction.

Pateman, one of the first feminist critical theorists on liberalism, posits that 'women, and particularly married women, constitute a permanent embarrassment and problem for liberal political theory' in general. She contends that theorists have failed to consider the implications of their arguments on women, or even whether there are implications at all. Liberal arguments of free and equal individuals pose a direct theoretical challenge to patriarchy on all levels. However, theorists have accommodated patriarchy through 'abstract categories of liberal theory', assisting its consolidation and transformation.<sup>66</sup> Hence, she has questioned the very legitimacy of the public/private divide as a mechanism of social and political organisation and as an analytical tool. Pateman argues that the binary between the public and the private is invalid. Rather they exist as a dialectic: one cannot be understood without the other. As a result, she denies the apolitical character of the private. Yuval-Davis also contests the apolitical nature of the private domain. In the modern state system, there

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<sup>65</sup> Ruth Lister, 'Inclusive Citizenship: Realizing the Potential', *Citizenship Studies*, 11.1 (2007), 49-61 (p. 52).

<sup>66</sup> Brennan, 1979, 'Mere Auxiliaries', p. 200.

is no domain that is totally free from state intervention, if one is to take that as the definition of private. As:

even in cases where there is no direct intervention, it is the state which has usually established, actively or passively, its own boundaries of non-intervention. In other words, the construction of the boundary between the public and the private is a political act in itself.<sup>67</sup>

In this critique, Yuval-Davis questions the classical understanding of politics as being inherently bounded by the public sphere. This, in turn, challenges the idea that women's exclusion is caused by their location in an ontological category of the private domain, but rather that the creation of the domain itself is problematic. It also expands classical conceptions of what defines politics. The challenge to the public/private delineation has far-reaching impact on the debate for gender quotas. For if the basis of public participation is a problematic binary that depoliticises women, a strong case for gender quotas can be articulated.

Furthermore, Pateman argues that modern social contract theorists have excluded key aspects of the theory. She sees the sexual contract, power of men over women, as the vehicle through which the social contract has been legitimated. Citizenship was not a patriarchal concept in the classical sense but rather a function of fraternal patriarchy, in which there was a:

transformation of the hegemonic power relations in the society from a patriarchy, in which the father (or the king as father figure) ruled over both other men and women, to a fraternity, in which the men get the right to rule over their women in the private domestic sphere, but agree on a contract of a social order of equality among themselves within the public, political sphere.<sup>68</sup>

In other words, the shift from a paternal form to a modern or fraternal form of patriarchy created the patriarchal civil society. It follows, then, that 'citizen' and 'civil society' are concepts that cannot be read as anything but masculine. The exclusion of women was not incidental, but rather, the control and exclusion of women from citizenship was integral to its modern construction.<sup>69</sup> Like Pateman, Vogel also asserts that women's exclusion was integral to the construction of democratic entitlement. Citizenship 'conferred citizen status not upon individuals as such, but upon men in their capacity as members and representatives of a family (i.e. a group of non-

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<sup>67</sup> Yuval-Davis, 1997, p. 80.

<sup>68</sup> Ibid., p. 79 in reference to Carole Pateman, *The Sexual Contract* (Stanford: Stanford University Press, 1988), pp. 78-81.

<sup>69</sup> Pateman, 1988, *The Sexual Contract*, pp. 78-81; Carole Pateman, *The Disorder of Women: Democracy, Feminism, and Political Theory* (Stanford: Stanford University Press, 1990), pp. 33-58.

citizens)'.<sup>70</sup> Thus, Vogel takes issue with the idea of citizenship as both individualised and evolutionary and thus universalised. In the evolutionary model, women were merely 'latecomers' to achieving the status of citizen as individual and therefore accessing citizenship rights.<sup>71</sup> Vogel questions whether women can be latecomers to rights to which their exclusion was integral.

Vogel's questions remain relevant in looking at the history of women's citizenship in France. Women were initially excluded from the abstract universalism that conferred citizenship and political rights, only receiving the franchise and right to run for elective office in 1944. As was discussed above, abstract universalism required parsing the nature of difference to conclude which attributes could be abstracted. Scott contends that this process has been obscured by mythologising abstract universalism, but asserts that the limitations to abstraction were present in revolutionary debates. For example, in the initial stages of constructing modern French citizenship, those who had no stake in society (the illiterate and propertyless) and those without autonomy (wage earners and women) were excluded from the construct of universality, and therefore citizenship, as their concrete attributes could not be abstracted. However, once universal suffrage was granted for men in 1848, and the property exemption lifted, the sexual differences of women were still considered immutable and concrete.<sup>72</sup> The theoretical justifications for the exclusion of women from the construct of citizenship were based not on their womanhood but on the basis of sexual difference.<sup>73</sup> Following Rousseauian lines of reasoning, 'many revolutionaries took sexual difference as a template for division and divisiveness more generally', the very traits that French abstract universalism aimed to quiet in the public sphere.<sup>74</sup> Within this framework, the exclusion of women was justified and articulated through a set of binaries that positioned women in terms of the emotional and the natural (the concrete) and men in terms of reason and politics (the abstract). Consequently, women's status as non-citizens was foundational, and not incidental, serving as a synecdoche 'of the existence of irreducible difference—unresolved

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<sup>70</sup> Ursula Vogel, 'Is Citizenship Gender-Specific?', in *Frontiers of Citizenship*, ed. by Ursula Vogel and Michael Moran (London: Palgrave Macmillan, 1991), pp. 58-85 (pp. 58-59).

<sup>71</sup> Yuval-Davis, 1997, p. 79.

<sup>72</sup> Scott, 2005, *Parité!*, pp. 15-17.

<sup>73</sup> For a more in-depth discussion of the way that sexual difference was constructed in French democracy, see: Geneviève Fraisse, *Reason's Muse: Sexual Difference and the Birth of Democracy*, trans. by Jane Marie Todd, (London: University of Chicago Press, 1989).

<sup>74</sup> Scott, 2005, *Parité!*, p. 16.



antagonism within the national body, which posed a threat to the abstraction and thus the very existence of national unity'.<sup>75</sup> The terms upon which women were excluded are important, as they impacted the strategies of feminists who successfully campaigned for electoral parity in France in the 1990s, as will be discussed below.

Mann argues that with the achievement of women's legal rights, patriarchy in the modern state has evolved into a neopatriarchy,<sup>76</sup> a system of 'largely untransformed structures that regulate interpersonal relations at every level, from the family to the state'<sup>77</sup> and a concept that Sharabi has applied to understand change in the Arab world.<sup>78</sup> Walby suggests a multi-dimensional and –factor definition of patriarchy, making a distinction between public and private patriarchy. Whereas private patriarchy relies on the exclusion of women from social life relative to the household, as well as the exploitation and appropriation of labour and services by individual patriarchs in the home; private patriarchy is located at the nexus of employment and the state. Therefore, women are no longer experience excluded from the public domain, rather, they are subordinated within it. These collective forms of utilisation and appropriation of their labour and services has superseded the individuality of private patriarchy. Ultimately, she argues that the major shift in the 20<sup>th</sup> century has been away from private patriarchy and towards public patriarchy.<sup>79</sup> The argument for gender quotas can then flow from a challenge to forms of public patriarchy as manifested in representation in formal politics.

## EQUALITY

Advocates of quotas counter the liberal-individualistic assumptions and the incremental track discourse through a theoretical reconceptualisation of how societies define and manifest equality in an electoral system. As an equality policy, gender quotas are a form of affirmative action, designed to achieve equality of result in legislative bodies (addressing the demand-side deficit), rejecting the notion that

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<sup>75</sup> Ibid.

<sup>76</sup> Michael Mann, 'A Crisis in Stratification Theory?: Persons, Households/Families/Lineages, Gender Classes, and Nations', in *Gender and Stratification*, ed. by Rosemary Crompton and Michael Mann (Oxford: Polity Press, 1986), pp. 40-56 (p. 50).

<sup>77</sup> Deniz Kandiyoti, 'The Politics of Gender and the Conundrums of Citizenship' in *Women and Power in the Middle East*, ed. by Suad Joseph and Susan Slymovics (Philadelphia: University of Pennsylvania, 2001), pp. 52-59 (p. 56).

<sup>78</sup> Sharabi, 1988.

<sup>79</sup> Sylvia Walby, 'Theorising Patriarchy', *Sociology*, 23.2 (1989), 213-234 (pp. 228-229).

equality of opportunity (supply-side) is sufficient. The key operating principle in this argument is merit. Arguments for gender quotas that rely on notions of equality are controversial, particularly in the United States and the United Kingdom, because they are conceived of as violating crucial processes of competition based on notions of the liberal-individualist concept of merit, which purportedly guarantees that the best person will be chosen.<sup>84</sup> Supporters of gender quotas within this discourse argue that the liberal ideal of gender- and race-blind merit does not exist in the current system. They contend women's merit is assessed unfairly, goes unrecognised, or that the definitions of merit are too narrow or too masculinised. To counter merit-based objections, supporters of gender quotas argue that meritocratic evaluation exists within gender quotas, particularly in zipper systems, wherein a pool of qualified candidates are selected and then ordered while taking gender into account.<sup>85</sup>

This relates to how discrimination is understood within these contexts. In societies in which notions of equal opportunity strongly pervade, gender quotas are framed as a form of (positive) discrimination, understood as equals receiving different treatment. In the classically liberal ideal, an equal society is derived from equal treatment regardless of difference, which positions discrimination as illiberal and a negative value. Within this framework, positive discrimination in general, and gender quotas in particular, 'tend to be located as exemptions within the anti-discrimination statutes', of which the dominant understanding among both opponents and supporters alike is 'that it is preferential treatment for women and other outgroups'.<sup>86</sup>

Critics of this approach have identified problematic implications of this framing, which include a stigma associated with the affirmative action targets that mark 'the most disadvantaged class as inherently deficient, insatiable, [and] as needing more and more'.<sup>87</sup> They suggest a shift from the discrimination exemption framing to one that positions affirmative action as an attempt to 'redress entrenched

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<sup>84</sup> Carol Bacchi, 'Arguing for and against quotas: theoretical issues', in *Women, Quotas, and Politics*, ed. by Drude Dahlerup (Oxford: Routledge, 2006), pp. 31-51 (pp. 31-35).

<sup>85</sup> Mari Teigen, 'The affirmative action controversy', *Nordic Journal of Feminist and Gender Research*, 8.2 (2000), 63-77 (p. 73).

<sup>86</sup> Carol Lee Bacchi, *Women, Policy and Politics: The Construction of Policy Problems* (London: SAGE Publications, 1999), p. 99.

<sup>87</sup> Nancy Fraser, 'From Redistribution to Recognition? Dilemmas of Justice in a "Postsocialist" Age', in *The New Social Theory Reader: Contemporary Debates*, ed. by Steven Seidman and Jeffrey C. Alexander (London: Routledge, 2001), pp. 285-293 (p. 292).

privilege'<sup>88</sup> or the 'right to be treated as an equal'<sup>89</sup> rather than as an extension of preferential treatment. This involves transferring the burden of proof from those advocating change to those defending the status quo, while focusing on the system's inadequacies (demand-side) rather than women's capabilities (supply-side).<sup>90</sup>

French feminists successfully campaigning for a gender parity law in the 1990s, known as *paritaristes*, explicitly eschewed the discrimination frame. They avoided the claim that women were being discriminated against as women and therefore required positive discrimination located as an exemption of the discrimination statute.<sup>91</sup> In doing so, they positioned themselves within the French tradition of resisting differentialism in service of abstract individualism. When the paritariste movement formalised in 1992, France had a history of notoriously low numbers of women in political office, despite men and women's equal right to run since 1944.<sup>92</sup> Paritaristes identified that the problem was not limited to male politicians' protection of a male-dominated enterprise—the gatekeepers of which were male-dominated political parties. Rather, sexual difference as immutable and unfit for abstraction remained as an underlying principle in French universalism and would need to be challenged head-on to address women's underrepresentation.<sup>93</sup>

As such, the majority of parity advocates framed their arguments in terms of equality and universalism. Paritaristes vehemently denied that their calls for parity constituted affirmative action, positive discrimination, or a quota. In fact, they insisted on a 50% split between men and women on electoral lists, allowing them to make the argument that 'parity would be compatible with the spirit of universalism, as the natural balance between the sexes would no longer be distorted in the political realm'.<sup>94</sup> Making sexual difference compatible with abstraction, 'the paritaristes sought to *unsex* the national representation by *sexing* the individual'.<sup>95</sup> Essentially, they attempted to reconfigure the abstract individual—one without race, class, social

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<sup>88</sup> Bacchi, 2006, 'Arguing for', p. 34.

<sup>89</sup> Teigen, 2000, p. 68.

<sup>90</sup> Ibid., p. 75.

<sup>91</sup> For a detailed history of French parity, see: Laure Bereni, 'French Feminists Renegotiate Republican Universalism: The Gender Parity Campaign', *French Politics*, 5.3 (2007), 191-209; Katherine Opello, *Gender Quotas, Parity Reform, and Political Parties in France* (Lanham, MD: Lexington Books, 2006); and Réjane Sénac-Slawinski, *La parité* (Paris: Presses Universitaires de France, 2008).

<sup>92</sup> Rainbow Murray, 'Parity in France: A 'Dual Track' Solution to Women's Under-Representation', *West European Politics*, 35.2 (2012), 343-361 (p. 347).

<sup>93</sup> Scott, 2005, *Parité*, p. 5.

<sup>94</sup> Murray, 2012, 'Parity in France', p. 349.

<sup>95</sup> Scott, 2005, *Parité!*, p. 5.

position, or religion—as sexed. Their argument reasoned that the human individual came in one of two sexes, or anatomic dualism. Anatomic dualism ‘could be distinguished from sexual difference, not as nature from culture but as the abstract from the concrete’.<sup>96</sup> As Bereni described, ‘they presented their demand as a *deepening* of, rather than a *derogation* from, the universalist framework’.<sup>97</sup>

As a result of the paritariste movement, France instituted a parity law on 6 June 2000, requiring that women make up half of the candidates running for office at all levels of government. Due to a constellation of factors, however, these constitutional reforms resembled the discrimination frame that paritaristes has attempted to avoid: ‘women were granted access to elected office not as individuals but as women’.<sup>98</sup> Additionally, several theoretical challenges arose from the unique framing employed by the paritaristes. To allay practical fears originating from French universalists who saw parity as the gateway to communitarianism, paritaristes had to deny the theoretical justification for fair representation of any other group. They did so by basing their arguments on the “natural” division of society into a duality of two sexes. This increasing essentialism led Fraisse to describe parity as ‘right in practice and wrong in theory’.<sup>99</sup>

## REPRESENTATION

Anne Phillips, in her seminal text *The Politics of Presence*, argues that the implementation of gender quotas, or other direct mechanisms that alter patterns of representation, require a theoretical shift from ‘the politics of ideas’ to ‘the politics of presence’, reconfiguring the definition of representation.<sup>100</sup> In conventional liberal theory, difference is understood to be ideas-based and therefore representation is based on the degree to which different ideas as held by voters are reflected in political institutions, or the ‘politics of ideas’. In this formulation, political exclusion is a product of electoral systems, in which the over- or under-representation of certain ideas is structurally facilitated. The identity, or the personal characteristics, of the

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<sup>96</sup> Ibid. p. 4.

<sup>97</sup> Bereni, 2007, p. 200.

<sup>98</sup> Scott, 2005, *Parité!*, p. 147.

<sup>99</sup> Véronique Helft-Malz and Paule-Henriette Lévy, *Les femmes et la vie politique française* (Paris: Presses Universitaires de France, 2000), p. 105.

<sup>100</sup> Anne Phillips, *The Politics of Presence* (Oxford: Clarendon Press, 1995).

representative him or herself remains irrelevant. The ‘politics of ideas’ ‘suggests a broadly secular understanding of politics as a matter of judgement and debate, and expects political loyalties to develop around policies rather than people’.<sup>101</sup> Political parties provide necessary shorthand to identify candidates whose views voters share in order to make political choices. In the ‘politics of ideas’, and where difference is conceived of cerebrally as intellectual diversity, the vehicle of the message is immaterial. Calls for equal representation of women, more evenly distributed representation of races or ethnic groups, or broader inclusion of voices that see themselves as having been silenced or marginalised are demands for political presence, not just merely inclusion of different ideas. This is a major reframing of democratic norms as it calls into question, ‘the separation between “who” and “what” is to be represented’ as well as ‘the subordination of the first to the second’.<sup>102</sup>

## **ARGUMENTS FOR GENDER PARITY**

For those who operate within the fast track discourse, arguments for increasing women’s share of representation through mechanistic intervention have fallen into five broad categories: symbolism, justice, democracy, interest-group, and experience.

The symbolism, or symbolic politics, argument holds that more women in power will create new and more numerous role models. This will then have a multiplying effect within society as it will raise girls’ and women’s self-esteem, encourage more women to seek formal political power, and challenge societally-based and entrenched notions of the appropriate roles for men and women in the public sphere. While these goals are certainly important, the symbolic role of women in formal politics engages to a lesser degree with democratic norms. In fact, this is typically the argument employed to advocate for quotas in authoritarian or non-democratic contexts, in which the representation of all citizens is subordinated to the state and a true renegotiation of power is off the table. This will be discussed in more detail in the following chapter to understand the role of gender quotas under the Ben Ali regime.

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<sup>101</sup> Ibid., p. 1.

<sup>102</sup> Ibid., p. 5.

The justice argument contends that it is grossly unfair that men monopolise political institutions, based on the premise that women's constitution of at least half (or often slightly more) of the population should be more equitably reflected. Phillips centres this argument around the gendered division of labour and one's position regarding its (in)equity and (un)naturalness. Supply-side explanations of women's underrepresentation are based on gendered capacities, namely that there are not enough women who put themselves forward for political office or are qualified enough to do so. These are necessarily tied up with the gendered division of labour or the "double-duty" women must perform in the home and with child-rearing in addition to activity in the public sphere, including serving in public office and, relatedly, amassing credentials and experience to be qualified. The gendered division of labour as inviolate of equality or justice requires the naturalisation of the inequality. Feminist analysis, including the democratic theorists discussed above, maintain that the gendered division of the public and private spheres, and the associated gendered division of labour within them, to be socially constructed or "unnatural". As Phillips argues:

the general argument from equal rights and opportunities translates into a specific case for gender parity in politics only when it is combined with such an analysis. [...] Justice requires us to eliminate discrimination (this is already implied in the notion of justice), but the argument for women's equal representation in politics depends on that further ingredient which establishes structural discrimination.<sup>103</sup>

The democratic argument relies on the premise that the underrepresentation of women in politics constitutes a failure of a democratic systems' proper functioning. In 1985, Nordic feminist Haavio-Mannila wrote *Unfinished Democracy*, which challenged the norm of so easily labelling political systems and societies as democratic even before universal suffrage and either de facto or de jure participation of women.<sup>104</sup> This ties into feminist critiques of liberalism discussed above, and the problem that women and patriarchy pose to liberal theory and liberal democracy. Increasingly, gender balance in political decision-making has become a prerequisite to democracy itself.<sup>105</sup> In the 1990s, international bodies, such as the Interparliamentary Union and the UN Beijing Platform, linked, with varying degrees of strength,

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<sup>103</sup> Ibid., p. 64.

<sup>104</sup> Elina Haavio-Mannila, *Unfinished Democracy: Women in Nordic Politics*, trans. by Christina Badcock (Oxford: Pergamon Press, 1985).

<sup>105</sup> Dahlerup, 2006, 'Introduction', p. 17.

democratisation with women's empowerment or female political representation. However, the charge that women's underrepresentation challenges the democratic nature of a particular state is levied almost exclusively against emerging democracies, rather than established ones—that is, Western democracies.<sup>106</sup> A related argument, which ties into one of symbolism, links women's empowerment and processes of democratic transition itself. This discourse assumes two things: a link between the lack of women's representation in politics and a lack of democratic development and that the latter is the result of the former, rather than the inverse.<sup>107</sup> This also structures support emanating from the international community for gender quotas in non-democratic states—a discourse that is particularly relevant in the MENA.

The symbolic, justice-based, and democratic arguments are largely concerned with the impact and implication that flow from women's increased descriptive representation. Arguments based on women's experience or women as an interest group speak more directly to substantive representation, or the ways in which increasing women's descriptive representation will impact the substance of politics and policy. Although all arguments for gender quotas engage theoretically with the concept of representation, the interest-group and experiential arguments reflect more profoundly on what a renegotiation of representation could accomplish.

The experience argument draws on the notion that women have different experiences from men which will bring a necessary change to the sets of values and modes of being in politics. It moves beyond the understanding of politics as a set of negotiations or brokering between various and sometimes competing interest groups. The broader claim is that women will introduce new sets of behaviours into the realm of politics, such as a politics that is less combative and more cooperative and empathic. There are two broad ways of understanding this modality. One is socio-biologically, which is highly contested, and based in women's role as carers, or more specifically mothers. The sociological and biological instincts a woman has for putting a child (as a proxy for others) before herself represents a new mode of political behaviour. The other is based in the ways that women and men are socialised and the differentiated ways that desired self-expression and subjectivity are

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<sup>106</sup> Ibid.

<sup>107</sup> 'Towards the Rise of Women in the Arab World', *Arab Human Development Report* (New York: UNDP, 2005).

constituted based on constructed norms of femininity and masculinity. There are elements of this idea in the transition from second-wave to third-wave feminism, in that rather than women transforming themselves to embody “masculine” qualities seen as desirable in the world of business or politics, that society remakes what is seen as desirable in certain fields, including politics.

The final argument for gender quotas is based on the interests that are otherwise missing from formal politics without the presence of women. This is an argument of political realism. In heterogeneous modern states there is no clearly defined, transparent, and unified “public interest” but rather a variegated set of interests that must be accounted for and also held to account to prevent tyranny. This is the basis for Mill’s *Considerations on Representative Government*, making the case that the extension of the franchise and representative government are ideal.<sup>108</sup> Mill’s work however showcases the women-problem in liberalism, in that women’s interests, as held by women in the private sphere, are presumed to be represented by fathers and then husbands in the public sphere. This formulation assumes the epistemological political/apolitical binary replete in the division of the public sphere from that of the private. It follows that with the feminist deconstruction of the legitimacy of these binaries—and the necessary differentiation of women’s experiences and positions in society due to public patriarchy—that women can have different needs, concerns, demands, and interests that are not adequately addressed in a politics dominated by men. The extension of the franchise to women has not been powerful enough to address this problem, which speaks to the inadequacy of merely expanding the circle of citizenship rights, as articulated by Vogel.

The interest-based argument is predicated on the constitution of women as an interest group, begging the question as to whether the social category of “women” is unified enough to generate distinct interests from “men” as a social category. French paritaristes, by not framing their argument as redressing discrimination against women by virtue of their womanhood, avoided this potential conundrum. They asserted that the universality of anatomic dualism cross-cut all interest groups, and therefore did not require a generation of women’s interests as distinct from that of men.<sup>109</sup> When operating within the interest-based argument, however, the question

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<sup>108</sup> John Stuart Mill, *Considerations on Representative Government* (London: Parker, Son, & Bourn, 1861; repr. Amherst, NY: Prometheus Books, 1991).

<sup>109</sup> Murray, 2012, ‘Parity in France’, p. 349.



becomes: does the category of “women’s interests” withstand more localised scrutiny? The notion that all women everywhere, of every class, race, and ethnic group have a set of unified interests that can be clearly delineated no longer stands up to intersectional feminist analysis both internationally and within single countries. Despite the lack of a unified category of women’s interests it does not follow that therefore interests are gender neutral. The interest argument does not require a set of unified interests but merely an acknowledgement that, by virtue of patriarchy, there is a difference between the ways that men and women experience the world, access rights, and construct priorities and needs. In fact, the lack of clearly delineated, transparent, and unified women’s interests actually legitimises the call for a ‘politics of presence’. For if there was an objective set of universal women’s interests, then the solution would merely require an adjustment to the intellectual diversity inherent in the ‘politics of ideas’, wherein the “what” matters more than the “who”.<sup>110</sup>

## **SUBJECTIVATION AND THE RECRUITMENT OF THE SELF AS SUBJECT**

The theories of subjectivation provide a useful set of tools for understanding the process by which women are constituted as subjects and therefore a social category, thus complicating the still contested notion of women’s interests. Additionally, they provide a framework for further deconstruction of the abstracted and universalised ways that liberal citizenship has been formulated—as ignorant of the complex ways that citizenship is practiced, expressed, articulated, and experienced by different groups. Citizenship is not the only avenue by which an individual is legitimated as a member of a political community. Historically, the state sets the bounds of citizenship through its legislation, courts, practices and limitations.<sup>111</sup> But the process of becoming, being, or embodying citizenship is not purely a legal or statist process. Although the state structures citizenship, individuals who step into those structures are socially and historically constituted, both as individuals and as multi-faceted members of sub-, supra-, trans-state groups, through processes of subjectivation.

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<sup>110</sup> See: Phillips, *Politics of Presence*, pp. 57-85.

<sup>111</sup> Suad Joseph, ‘Gendering Citizenship in the Middle East’ in *Gender and Citizenship in the Middle East*, ed. by Suad Joseph (Syracuse: Syracuse University Press, 2000), pp. 3-30 (p. 9).

Subjectivation is defined by Foucault as ‘the procedure by which one obtains the constitution of a subject, or more precisely, of a subjectivity which is of course only one of the given possibilities of organization of a self-consciousness’.<sup>112</sup> Essentially, it is the process by which a self is recruited into an existence, gaining awareness of place within one particular construction of reality, and comes to adopt the language, behaviour, and normative constraints of that reality. This is certainly not a singular process, as one inhabits a variety of subjectivities depending on the discursive context.

Subjects are produced through power,<sup>113</sup> analysed through the ‘manifold relations, the open strategies, and the rational techniques that articulate the exercise of powers’.<sup>114</sup> Power is understood not as domination, but in relational terms, in that, ‘something called Power, with or without a capital letter which is assumed to exist universally in a concentrated or diffused form, does not exist.’<sup>115</sup> As Foucault suggests, power as a productive force is not an entity to be seized, possessed or acquired. Relations of power do not exist externally to other types of relationships but are rather ‘the immediate effects of the divisions, inequalities, and disequilibriums’ that occur inside them.<sup>116</sup> In other words, power in this context is understood as ‘strategic relations of force’<sup>117</sup> that form ‘a dense network that passes through apparatuses and institutions, without being exactly localized in them’.<sup>118</sup>

In forming the subject, power is productive, ‘objectivizing the subject in what I [Foucault] call “dividing practices”’ such as categorisation or surveillance.<sup>119</sup> The subject does not precede power,<sup>120</sup> but rather ‘certain bodies, certain gestures, certain

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<sup>112</sup> Michel Foucault, ‘The Return of Morality’ in *Michel Foucault—politics, philosophy, culture: interviews and other writings, 1977-1984*, ed. by Lawrence W. Kritzman (London: Routledge, 1988), pp. 242-254 (p. 253).

<sup>113</sup> Michel Foucault, ‘Subject and Power’, *Critical Inquiry*, 8.4 (1982), 777-795 (p. 781).

<sup>114</sup> Michel Foucault, *The Use of Pleasure: History of Sexuality, Volume 2*, trans. by Robert Hurley, Vintage Books edn (New York: Random House, 1990), p. 6.

<sup>115</sup> Foucault, 1982, ‘Subject’, p. 788.

<sup>116</sup> Michel Foucault, *The History of Sexuality, Volume 1: An Introduction*, trans. by Robert Hurley, Vintage Books edn (New York: Random House, 1990), p. 94.

<sup>117</sup> Mahmood, 2005, p. 17.

<sup>118</sup> Foucault, 1990, *History of Sexuality, Volume 1*, p. 96.

<sup>119</sup> Foucault, 1982, ‘Subject’, p. 777.

<sup>120</sup> Michel Foucault, ‘Two Lectures’, in *Power/Knowledge: Selected Interviews & Other Writings, 1972-1977*, ed. by Colin Gordon, trans. by Colin Gordon et al. (New York: Pantheon Books, 1980), pp. 78-108 (p. 98).

discourses, certain desires, come to be identified and constituted as individuals'.<sup>121</sup> These techniques of power as exercised through institutions and ideologies invest certain bodies with a 'microphysics of power' that produce subjects within a particular discourse.<sup>122</sup> In essence, this is the production of certain historically specific moral codes, practices, and behaviours, enforced by vested authorities. It is government in the broadest sense of the word that 'structure[s] the field of action of others'.<sup>123</sup>

These techniques of power exercised through institutions and ideologies may look opposed to ideas of self-constitution. However, the very idea of power being defined relationally or dialectically is predicated on the indispensability of two (or more) elements to each other. The flow of power is not unidirectional. Paired with techniques of power are the arts of existence, or the techniques of the self. These are:

...the intentional and voluntary actions by which men not only set themselves rules of conduct, but also seek to transform themselves, to change themselves in their singular being, and to make their life into an *oeuvre* that carries certain aesthetic values and meets certain stylistic criteria.<sup>124</sup>

Through techniques of the self, individuals constitute themselves as ethical subjects, wherein one acts 'in reference to the prescriptive elements that make up the code'.<sup>125</sup> In other words, techniques of the self are the ways in which individuals determine the degree to which, and with what deviation, they ought to conduct themselves within the prescriptive bounds and codes of behaviour that are formed and operated, implicitly or explicitly, around them.<sup>126</sup>

Foucault outlines four aspects of self-constitution as an ethical subject that results in individuals' varied ethical action: determination of the ethical substance, mode of subjection, elaboration of ethical work, and telos. Determination of the ethical substance is, in essence, the part of the individual that becomes 'the prime material of his moral conduct', for example desire<sup>127</sup> or in broader contemporary terms, feelings.<sup>128</sup> The mode of subjection is the recognition of a rule and his or her

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<sup>121</sup> Ibid.

<sup>122</sup> Michel Foucault, 'The Body of the Condemned', in *The Foucault Reader*, ed. by Paul Rabinow (New York: Pantheon Books, 1984), pp. 170-179 (pp. 173-174).

<sup>123</sup> Foucault, 1982, 'Subject', p. 790.

<sup>124</sup> Foucault, 1990, *History of Sexuality, Volume 2*, pp. 10-11

<sup>125</sup> Ibid., p. 26.

<sup>126</sup> Ibid., pp. 25-26.

<sup>127</sup> Ibid., p. 26

<sup>128</sup> Mahmood, 2005, p. 30

recognition of obligation to put it into practice. Elaboration of ethical work is the actions an individual performs on the ethical substance to bring one's behaviour into compliance with a rule and 'attempt to transform oneself into the ethical subject of one's behaviour'.<sup>129</sup> Finally, telos is a commitment to an ethical action as a way to achieve 'a certain mode of being'.<sup>130</sup> In short:

self-formulation as an 'ethical subject,' a process by which the individual identifies the part of himself that will form the object of his moral practice, defines his position relative to the precept he will follow, and decides on a certain mode of being that will serve as his moral goal.<sup>131</sup>

Freedom is therefore self-government and not, as defined in the liberal sense, an absence of constraint.

Butler, expanding on Foucault, focuses on internal processes such as performativity, interpellation, and psychological organisation of power. According to Butler, it is from within this formulation that a subject's agency can be understood. Autonomy is thus a result of these particular modalities, in that agency is the capability to act within the constraints and opportunities that subordination constructs. Butler too asserts that agency is not autonomy from social norms and mores, but that these norms are the vehicles through which a subject is realised, as it is through this process that the subject constitutes an other, and therefore a self.<sup>132</sup> Butler goes on to say that it is the iteration of these social norms that create opportunities for change, in that each iteration opens the possibility for the failure, appropriation, subversion, or transformation of that norm.<sup>133</sup> While Foucault goes out of his way to avoid creating binaries or placing valuated judgment on adherence to moral codes, Butler's theoretical position as a prescriptive feminist places ethical action in a binary of reification or resistance.

Mahmood, however, in her work on the Egyptian piety movement builds on Abu-Lughod's rejection of that binary.<sup>134</sup> In *Politics of Piety*, Mahmood explores the challenge that the women's *da'wa*, or piety, movement in Egypt brings to secular-liberal feminists and secular-liberal politics more generally. She analyses the moral agency, as well as the politics, that underpin the way that women in the *da'wa*

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<sup>129</sup> Foucault, 1990, *History of Sexuality, Volume 2*, p. 27.

<sup>130</sup> Ibid., pp. 27-28

<sup>131</sup> Ibid., p. 28

<sup>132</sup> Butler, p. 23.

<sup>133</sup> Ibid.

<sup>134</sup> Lila Abu-Lughod, 'The Romance of Resistance: Tracing Transformations of Power Through Bedouin Women', *American Ethnologist*, 17.1 (1990), 41-55.

movement practice their faith. In doing so, she challenges the liberal assumptions around an emancipatory human nature, a universalised feminist desire, and a natural inclination for freedom and autonomy. Implicit in these liberal assumption is the notion that agency is necessarily made up of acts that challenge social norms. In doing so, she transcends agency as a mere consolidation or subversion of norms, as that places ethical action within the limited frame of resistance/reification. Rather, for Mahmood, agency is also the way in which norms are inhabited, embodied, performed, and experienced. She articulates that ‘norms are not just an imposition on the subject but constitute the very substance of her intimate, valorized identity’,<sup>135</sup> placing the emphasis on women’s own conceptions of ethical action, rather than positioning them as receptors of imposed norms which they either reject or accept.

Mahmood’s work becomes particularly important when understanding women’s rights movements in a post-CEDAW world, where women’s rights have come to be inter- and transnationally framed in terms of universal rights and necessarily expressions of universal feminist (and liberal) desires. The danger is the homogenisation of women’s interests that overlooks ‘the impositions and power structures that the universal entails’.<sup>136</sup> Molyneux, who famously and controversially differentiated between women’s ‘strategic’ versus ‘practical’ gendered interests, has since articulated that:

Claims about women’s objective interests need to be framed within specific historical contexts since processes of interest formation and articulation are clearly subject to cultural, historical and political variation and cannot be known in advance.’<sup>137</sup>

As Laclau has written, the term ‘women’s rights’ is an ‘empty signifier’, in that its meaning is contested and constituted by specific historical, ideological, and political contexts and has been often employed in ways that has very little to do with actual women or their articulated interests.<sup>138</sup> Abu-Lughod has eloquently critiqued the impact of internationalist and universalised discourse, focusing on the Arab Human Development Report (AHDR) of 2005, asking:

Is there a way to make the case for the rights and empowerment of women in the Middle East or the Muslim world in ways that do not become grounds for arguments about the “clash of civilizations” and their associated political,

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<sup>135</sup> Mahmood, 2005, p. 23.

<sup>136</sup> El Said, 2014, p. 10.

<sup>137</sup> Maxine Molyneux, ‘Analyzing Women’s Movements’, *Development and Change*, 29.2 (1998), 219-245 (p. 233).

<sup>138</sup> Ernesto Laclau, *Emancipation(s)* (London: Verso, 1996), pp. 36-46.

economic, and military agendas? What are the regional consequences of the new internationalism of women's rights? Finally, must this transnationalism dictate the language in which rights are framed today?'<sup>139</sup>

Mahmood poses the question as to 'what sort of subject is assumed to be normative within a particular imaginary?'<sup>140</sup> As subjects are socially and discursively constituted, it is necessary to interrogate the ethical agency of the subject in order to understand political participation and political agency. This requires analysis of historically conditional configurations of power through which the normative subject is produced.<sup>141</sup> It is through analysis of highly specific discursive frames that a highly specific subject is produced capable of ethical action. This mode of analysis is situated within an anthropological tradition that views the construction of subjects not as cultural projects, but rather as individual frames at different times, since various conceptions of personhood can inhabit the same cultural, social, and historical spaces at the same time.

## **GENDERED CITIZENSHIP IN THE MIDDLE EAST AND NORTH AFRICA**

The starting point for liberal citizenship is the individualised and universalised language wherein citizens participate on free and equal terms with and within a political community. Although that stands as a principle, in addition to the problems that women pose to liberal theory, the lived experience of citizenship differs dramatically as 'access to individual rights within any particular nation-state is differentiated by many dimensions, such as gender, level of education, socioeconomic status, religious affiliation, ethnicity, or language'.<sup>142</sup> This dynamic is a confluence of the way that political inclusion is structured and the ways in which individuals, by virtue of subject-making, step into those structures as subjects of a certain social, historical, and political discourse. Without acknowledging cultural, social, and political differences, there runs:

a risk of conflating the abstract notion of the individual in liberal theory with an actual empirical reality assumed to characterize an ideal-typical notion of

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<sup>139</sup> Lila Abu-Lughod, 'Dialects of Women's Empowerment: The International Circuitry of the Arab Human Development Report 2005', *International Journal of Middle East Studies*, 41.1 (2009), 83-103 (p. 83).

<sup>140</sup> Mahmood, 2005, p. 33.

<sup>141</sup> Ibid., pp. 33-35.

<sup>142</sup> Charrad, 2000, 'Becoming a Citizen', p. 70.

Western individuality, which may be contrasted with an intrinsically different type of selfhood defined as relational or connective.<sup>143</sup>

This conversation is embedded within a broader discussion of state and nation formation. While citizenship in Europe emerged in conjunction with emerging bourgeois classes intent on carving out domains of authority and activity relatively autonomously from the state (hence the arenas of civil society and the domestic/kinship)', citizenship in MENA, and in Tunisia specifically, developed out of very different processes.<sup>144</sup> The formation of post-colonial states, in the MENA region specifically, did not consolidate or express 'specific local class formations' but rather emerged with the dissolution of empire and the processes of decolonisation. A major task of postcolonial nation-states upon achieving independence has been to organise separate collectivities into a nation coterminous with state boundaries, administration, and authority. This process required a transformation or replacement of local solidarities into and with a national one, necessarily generating tension.<sup>145</sup> These local solidarities, or as Clifford Geertz described them, 'primordial attachments', could be kin-, ethnically, linguistically, regionally, or religiously based, or by virtue of custom.<sup>146</sup> These solidarities served as mechanisms for cohesion, social ties for communities, as a way of differentiating themselves from the 'other', and resisting centralising power.<sup>147</sup>

There exists, however, a natural conflict between local solidarities and the nation-state, as both entities obligate loyalty, and are in ways substitutes of one another in terms of defining the political unit. While this tension is not unique to post-colonial states, the major difference has been that post-colonial states have had to develop a national identity out of differentiated social groups simultaneous to constructing and consolidating nation-wide state institutions.<sup>148</sup> In order to understand the ways that citizenship and more broadly, political inclusion, are gendered in Tunisia, it is necessary to first understand the way that women have been positioned in pre-state solidarities as well as their relationship to broader processes of transformation.

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<sup>143</sup> Kandiyoti, 2001, 'The Politics of Gender', p. 57.

<sup>144</sup> Joseph, 2000, 'Gendering Citizenship', p. 9.

<sup>145</sup> Charrad, 2001, *State and Gender*, p. 17.

<sup>146</sup> Ibid., p. 18.

<sup>147</sup> Ibid.

<sup>148</sup> Ibid., p. 19.

## KINSHIP GROUPS AND KIN-BASED PATRIARCHY

Historically, the two authoritative organising structures in pre-state Tunisia were kinship communities and Islam.<sup>149</sup> The ways that kinship groupings and Islam position women and structure notions of personhood and social and political organisation have far-reaching implications for the ways that gender was inscribed in the state as well as how membership came to function in a political community. They also challenge the classical notions of citizenship, based on the individual, liberal, and contractual self, located in the public/private binary.

Within a kin group, members perceive themselves as descendent from an eponymous ancestor. Individuals within the group are embedded within kin relations, which construct connective or relational notions of personhood. Relational rights imply that ‘a person’s rights flow out of relationships that he or she has. It is by being invested in relations that one comes to have rights’.<sup>150</sup> It is through kinship ties that individuals unite, rather than on the basis of class, occupation, or ideology, for example. Kinship groups, therefore, functioned as a ‘major locus of social organization, political authority, and economic activity’, and as locations of resistance to whatever central authority existed at certain times, while also providing safe spaces from rapid social change due to the Islamic conquest and then colonialism.<sup>151</sup> They also exerted social control, ‘enforcing behavioural norms and ordering political life in their local areas’.<sup>152</sup>

Kinship groups, however, were not monolithic and were differentiated between rural and urban, indigenous Tunisian, and an urban elite of Tunisians that had intermarried with Turks, descendants of Spanish migrants, as well as pockets of Christian or Jewish kin groups. However, they were united by their organisation—characterised by kin-based patriarchy. Kin-based patriarchy, in contrast to fraternal patriarchy entails ‘primacy of the kin group coupled with the power of male kin over women’.<sup>153</sup> Patrilineage was one mechanism for perpetuating this power. In these cases, men represent unity within the patrilineal group, while women represent the

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<sup>149</sup> Ibid., p. 21.

<sup>150</sup> Joseph, 2000, ‘Gendering Citizenship’, pp. 24-25.

<sup>151</sup> Charrad, 2001, *States and Women’s Rights*, p. 4.

<sup>152</sup> Ibid.

<sup>153</sup> Charrad, 2000, ‘Becoming a Citizen’, p. 71.



possibility of division, in that the perpetuation of community runs through men, not women. Regardless of lineage however, the family unit was masculinised, given that kin-based patriarchy is not gender-neutral or egalitarian. In other words, status in a community was predicated on membership within a patriarchal kin-group. This created a gendered hierarchy, and it positioned a woman's infantilised personhood as subject to her male kin, thereby mediating her access to resources through patriarchy nestled in kinship.

## ISLAM

Islam, the other major local solidarity, links the vast majority of Tunisians in diverse groups both nationally and transnationally. The way that Islam is practiced as a faith and codified as a series of laws or norms, and subsequently contested by Muslim feminists beginning in the 1990s, requires understanding the relationship between the sacred and the mundane. In Muslim belief, shari'a, or 'the way', is the entirety of God's will, revealed to the Prophet Mohammed and captured in the Qur'an and the Sunna—the lived practices of the Prophet as written in the hadith. *Fiqh*, the science of jurisprudence, is a human process to extract and discern legal rules from the sacred sources of Islam. Often *fiqh* is referred to as shari'a, sometimes purposefully to a political end, but where shari'a is divine and sacrosanct, *fiqh* is human. While there are multiple schools of interpretation, largely bounded by time and space, the prevailing and classical interpretation of gender systems has been one of hierarchy—based on 'claims that the natural difference between men and women entails ontological, moral, spiritual, financial, social, cultural, and political differences'.<sup>154</sup> For a variety of reasons that will be explored in the following chapter, a body of scholarly and theological thought within the Muslim community arose in the 1990s, which challenged the divinity of the gender inequalities embedded in *fiqh*. Many of these Muslim feminists engaged in Qur'anic interpretation, or *tafsir*, to excavate an egalitarian gender system. Their work was based on the premise that inequality was derivative of the cultural norms of early Muslim societies and codified by uniformly male jurists, rather than ahistorical, acultural, and divine authority.

The impact of these shifts in the discursive terrain has been sizeable, and were decisive in the gender activism that emerged in the Tunisian post-uprising context.

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<sup>154</sup> Etin Anwar, *Gender and Self in Islam* (Oxford: Routledge, 2006), p. 1.

However, there are limits to this framework in understanding the gender dynamics in Muslim social contexts, and in Tunisia specifically. As Kandoyoti argues, ‘an adequate analysis of the position of women in Muslim societies must be grounded in a detailed examination of the political projects of contemporary states and of their historical transformations’ and that ‘the variations in the deployment of Islam in relation to different nationalisms, state ideologies and oppositional social movements are of central relevance to an understanding of the condition of women.’<sup>155</sup>

Ultimately, the specific ways that Islam interacts with gender in a certain time and place is reliant on the ‘degree of confluence between local beliefs, norms, laws and practices and global forces, such as post-colonization, globalization, feminism, human rights charters and Islamization’.<sup>156</sup>

In Tunisia, early dynamics of gender and the positionality of women can be explored through Maliki fiqh as it was applied to pre-independence Tunisia, with specific reference to personal status laws, an arena where the sacred and the temporal have historically been the most blurred.<sup>157</sup> Tunisian law has always been heterogeneous in its sources, suggesting the importance of a socio-political, rather than liturgical, reading. Until the 19<sup>th</sup> century, Tunisian law was an amalgam of Maliki fiqh, decrees from the administrative ruler, tribal custom, and religious precedents set by Islamic judges at Kairouan Mosque and Zeitouna University.<sup>158</sup> In the mid-19<sup>th</sup> century, much of civil and penal law was codified as a result of a slew of political and legal reforms. These were parallel but distinct from the Tanzimat reforms in the rest of the Ottoman Empire as the Tunisian bey had retained high levels of autonomy. This process ultimately led to the Tunisian *destour*, or constitution, in 1860, the first in the Arab world. After Tunisia became a French protectorate in 1881, it underwent another period of legal reform. Yadh Ben Achour, a prominent Tunisian legal scholar, describes these reforms as a ‘sacralisation of the state’ and a ‘desacralisation of the law’, meaning the state displaces God as the source of law.<sup>159</sup> Thus by independence, most of Tunisian law had been secularised through civil

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<sup>155</sup> Kandiyoti, 1991, ‘Introduction’, p. 3.

<sup>156</sup> Anwar, 2006, p.1.

<sup>157</sup> Ziba Mir-Hosseini, ‘Muslim Women’s Quest for Equality: Between Islamic Law and Feminism’, *Critical Inquiry*, 32 (2006), 629-645 (p. 634).

<sup>158</sup> Maaïke Voorhoeve, *Gender and divorce law in North Africa: Sharia, custom and the personal status code in Tunisia* (London: I.B. Tauris, 2014), p. 30.

<sup>159</sup> Yadh Ben Achour, ‘Mutations culturelles et juridiques. Vers un seuil minimum de modernité?’ (Cultural and Juridical Mutations. Towards a minimum threshold of modernity?), *Annuaire de l’Afrique du Nord*, 28 (1989), 13-27 (p. 22).

codification, with the exception, however, of personal status laws, which were still applied through religious courts to Muslims reachable by administrative structures.<sup>160</sup>

Personal status laws, which regulate relations within the family and define how an individual is situated within the family by law, are crucial for several reasons. They represent the most enduring realm of Islamic legal influence in Tunisia. More fundamentally, family law sits at the core of Sunni Islamic legal tradition and the regulation of gender relations nested in kinship is perceived to be the most explicitly stated.<sup>161</sup> Given these features and the necessity to explore what (in)forms the material self, a discussion of the normative implications of family law in Maliki rite is the clearest way to illustrate the structurally coded gender system applicable in Tunisia at the time. Family law in Maliki rite is patriarchal, in that it privileges male and elder rights. It locates that patriarchy, however, within patrilineal kinship. Through practices like matrimonial guardianship for women, polygyny, unequal and gendered recourse for divorce, and patrilineal custody and inheritance, family law positions women as legally subordinate to their male kin and the conjugal bond as both fragile and subordinate to patrilineal kin-group cohesion.<sup>162</sup>

A discussion of codes, however, cannot adequately capture the way that fiqh featured in a localised context and in the daily lived experiences of both women and men at the time. There is necessarily discretionary space between legal precepts, their application, and their embodiment. This is particularly the case given Sunni Islam's foundationally decentralised structure and the fact that much of what is dictated by family law is carried out strictly within the confines of the family rather than enforced by an external mechanism. This local specificity, which can depend on class, location, and education, can offer moments of autonomy or agency for women, mitigate the rigid hierarchies articulated by religious dictates, or do the opposite. For example, women who were part of an urban elite had long been marrying without the permission of a matrimonial guardian despite family law. Furthermore, despite an interpretation that determines polygyny as Islamically legal, the practice was never highly popular in Tunisia. In fact, in the 14<sup>th</sup> century, the sheikhs at Kairouan Mosque had established a norm allowing for women to stipulate in the marriage contract that

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<sup>160</sup> Voorhoeve, 2014, *Gender and Divorce*, p. 30.

<sup>161</sup> Charrad, 2001, *States and Women's Rights*, p. 28.

<sup>162</sup> Ibid., p. 29. For a more detailed legal description, see: Voorhoeve, 2014, *Gender and Divorce*, pp. 32-52.

her husband could not take another wife without it invalidating the first marriage or by obligating him to divorce his second wife.<sup>163</sup> According to some accounts, this remained general practice in some social circles and urban centres.<sup>164</sup>

Another dimension of Tunisian history that creates local specificity to the application of Islamic family law, and fiqh in general, is the existence of customary law that existed alongside Islamic law. Conversion to Islam by the indigenous Berber populations had been uneven until the Bedouin and Western Saharan migration in the 11<sup>th</sup> century—when most tribes accepted existing under the umbrella of Islam.<sup>165</sup> However, some retained customary codes, rooted in local tradition, and adopted Islamic law only selectively. This depended on their size, location, and relationship to central authorities. Consequently, the permeation of Islamic law into local custom varied by degrees. These codes were mainly orally passed down and administered by tribal councils, where Islamic or colonial administrative authority failed to reach. Although some gave greater autonomy to women, they too were largely patriarchal and nested that patriarchy within kinship, some of which was patrilineal.<sup>166</sup>

The local solidarities that pre-date the existence of the Tunisian state were patriarchal structures, in that they prioritised elder and male rights, and most of which embedded that patriarchy within the family. Although not mutually inclusive, at times they intersected and reinforced each other, particularly through the promotion of the primacy of the family and the subordination of women within that family. Islamic law, particularly patriarchal and patrilineal family law, could be used as a ‘precision instrument’ for kinship groups, particularly patrilineal ones, to maintain their structure and perpetuate their power.<sup>167</sup> Patriarchy nestled within kinship creates notions of connective or relational personhood that is also distinctly gendered, a view that is fundamentally at odds with the idea of an autonomous and atomised self, upon which liberal citizenship theory and liberal political and social organisation are based. Furthermore, neither Islam nor kinship groups’ social and political organisation fit easily within the public as political and private as apolitical binary. This further accentuates the need to look at the context-specific ways that citizenship and

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<sup>163</sup> Dalenda Largueche, ‘*Monogamie en Islam: L’exception Kairouanaise*’ (Monogamy in Islam: The Kairouanaise Exception) (Tunis: Centre de publication universitaire de la Manouba, 2011).

<sup>164</sup> Voorhoeve, 2014, *Gender and Divorce*, p. 39.

<sup>165</sup> Hassan Sayed Suliman ‘The Nationalist Movement in the Maghrib: A comparative approach’, (Uppsala, Sweden: Scandinavian Institute of African Studies, 1987), p. 12.

<sup>166</sup> Charrad, 2001, *States and Women’s Rights*, p. 29.

<sup>167</sup> Charrad, 2001, *States and Women’s Rights*, p. 5.

structures of political inclusion emerged out of the dissolution of empire in Tunisia and the ways that it has been engendered. To that end, the next chapter will discuss Tunisia's modern political history through the uprisings in 2011. It will explore the ways that gendered citizenship was developed specifically in the Tunisian context, given the existing local solidarities, and the specific ways that patriarchy was (re)inscribed, transformed, or transported through processes of decolonisation, modernisation, and neopatriarchy.



# THREE: GENDER AND THE STATE IN MODERN TUNISIAN POLITICAL HISTORY<sup>1</sup>

## THE ARAB ENLIGHTENMENT

Women's status and rights emerged in force into the Tunisian national discourse, as well as other parts of the region, at the end of the 19<sup>th</sup> and beginning of the 20<sup>th</sup> centuries. In Tunisia, France had established a protectorate, with an unlimited time period, beginning in 1881. Led by Ali Ibn Khalifah, tribes in the south that had long resisted any type of domination ratcheted up their resistance, lasting until 1910. Meanwhile, in urban centres across the region, male elites were engaging in intense debates about independence, political identity, and the relationship between an Islamic revival and modernisation. Early and influential thinkers of the era, including Rifa'a Tahtawi and Mohammed Abdu from Egypt, Jamaluddin al-Afghani, Khayr al-Din al-Tunisi, and Abd al-Rahman al-Kawakibi from Syria, explored specifically how an Islamic enlightenment, or *nahdha*, could be achieved by 'synthesizing Western social and material frames of reference with Islamic norms and values' to address what was seen as the decline of the umma.<sup>2</sup>

Leader of the 19<sup>th</sup> century Tunisian reform movement, Khayr al-Din al-Tunisi, or Hayreddin Pasha, was a Tunisian-Ottoman politician, serving as the bey of Tunisia from 1873-1877 and as the Grand Vizier of the Ottoman Empire from 1877-1879. During a previous voluntary exile to Europe in 1862, he spent time in France, observing first-hand the manner, style, and values of French politics, ultimately penning *The Most Straight Path to Knowing the Conditions of Nations*. Al-Tunisi advocated for politicians and scholars to 'seek all possible means in order to improve the status of the community and develop its civility', warning specifically against 'shunning the experiences of other nations on the basis of the misconception that the writings, inventions, experiences or attitudes of non-Muslims should just be rejected

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<sup>1</sup> Part of this chapter is based on research I completed for my MPhil.

<sup>2</sup> Muhammed I. Ayish, *The New Arab Public Sphere* (Berlin: GnbH, 2008), p. 104.

or disregarded'.<sup>3</sup> Later, French administration encouraged young Tunisian men to pursue French citizenship, language, and education abroad in France. Upon return to Tunisia, these early Islamic reformers were politically opposed to European domination but not necessarily culturally antagonistic to the 'civilising mission'.<sup>4</sup> They focused on the status of women as a marker of modernity, wherein 'women's emancipation could be presented as part and parcel of a regeneration project articulated in the language of moral redemption'.<sup>5</sup> The object of their reforms was backwardness, not necessarily foreignness, and they focused on education, seclusion, veiling, and polygyny. A major feature of this discourse was the family, wherein 'the subordinate role of women in the Muslim family was treated as both a cause and a symptom of societal backwardness'.<sup>6</sup>

These reforms were not uncontested. Islamic modernisers came up against Muslim traditionalists, and this conflict was particularly relevant in regard to women's status and rights. While feminism, both as a social movement and a consciousness, was developing in North America and Europe, 'Western feminism essentially functioned to morally justify the attack on native societies and to support the notion of the comprehensive superiority of Europe'.<sup>7</sup> This is not to make any claims about the feminist nature of European states, as is illustrated quite neatly by Lord Cromer, the Victorian imperialist. While advocating for British intervention in Egypt to eliminate the 'fatal obstacle' of veiling and seclusion of Egyptian women, Cromer was a founding member and president of the Men's League for Opposing Women's Suffrage in England.<sup>8</sup> Cromer was not alone. Throughout the 19<sup>th</sup> century, European diplomats and travellers had often written and commented on what they saw as the subjection of women in the MENA. The rise of Islamic modernism, colonial intervention, and the beginnings of nationalism caused defensiveness among Muslim traditionalists about gender relations, particularly in regard to the family.<sup>9</sup>

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<sup>3</sup> Azzam Tamimi 'Islam and Democracy from Tahtawi to Ghannouchi', *Theory, Culture, & Society*, 24.2 (2007), 39-58 (p. 44).

<sup>4</sup> Deniz Kandiyoti, 'Identity and its Discontents', *Women Living Under Muslim Laws*, Dossier 46 (2004), 45-58 (p. 47).

<sup>5</sup> Ibid.

<sup>6</sup> Mervat F. Hatem, 'Modernization, the State, and the Family in Middle East Women's Studies', in *A Social History of Women and Gender in the Modern Middle East*, ed. by Margaret Lee Meriwether and Judith Tucker (New York: Westview Press, 1999), pp. 63-82 (p. 67).

<sup>7</sup> Leila Ahmed, *Women and Gender in Islam: Historical Roots of a Modern Debate* (New Haven: Yale University Press, 1992), p. 154.

<sup>8</sup> Ibid., p. 153

<sup>9</sup> Mir-Hosseini, 2006, 'Muslim Women's Quest', p. 638.



## THE NATIONALIST MOVEMENT

At the beginning of the 20<sup>th</sup> century, political nationalism had begun to foment, picking up momentum by the 1930s. Habib Bourguiba, a relative latecomer to the nationalist movement, joined the Destour Party in the early 1930s, whose name referenced the Tunisian Constitution of 1860. Destour, the main nationalist political party at the time, was a reconstituted version of the Young Tunisians—one of the first nationalist movements in Tunisia and which had been stamped out by the French in 1911. Eventually, schisms developed within the ranks of the Destour. Bourguiba and other prominent figures split with the Destour in 1934 to found the Neo-Destour party.<sup>10</sup> In retaining the connection to the first Tunisian Constitution, the Neo-Destour gave an objective to the party: to recreate the social contract that the original Constitution had implied between ruler and ruled.

Tunisian women had been agitating for their rights and deriding women's low status since the 1920s. Women like Habiba Menchari and Manoubia Ouertani, part of a wealthy and educated elite, called primarily for greater access to education for women to 'create a new generation of educated and pious women who would have a positive impact on their society', and the right to appear in public unveiled.<sup>11</sup> But women's stake in the nationalist movement was complex. As was typical across the region, nationalism provided opportunities for women to more fully participate in public and collective life by interpellating them as "national" actors—that is mothers, workers, educators, and sometimes fighters.<sup>12</sup> Women's branches of nationalist, socialist, and religious groups began forming, creating an institutionalised space for women's participation in the movement.<sup>13</sup> However, the nationalist movement also 'reaffirmed[ed] the boundaries of culturally acceptable feminine conduct and exert[ed] pressure on women to articulate their gendered interests within the terms of reference set by nationalist discourse'.<sup>14</sup> Typical of nationalist movements regionally, all issues were subsumed into the ultimate objective of national liberation, which, for women

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<sup>10</sup> Kenneth Perkins, *A History of Modern Tunisia* (Cambridge: Cambridge University Press, 2004), pp. 105-129.

<sup>11</sup> Ibid.

<sup>12</sup> Kandiyoti, 2004, 'Identity and its Discontents', p. 49.

<sup>13</sup> Arfaoui, 2007, 'The Development', p. 2.

<sup>14</sup> Kandiyoti, 2004, 'Identity and its Discontents', p. 49.

who were concerned with female emancipation, meant sacrificing the “‘woman’s question” to “national questions””.<sup>15</sup>

Nationalist leadership took a conservative position on women’s issues, including the preservation of Islamic family law—the last vestige of Islamic law that had survived the secularisation reforms in the 19<sup>th</sup> century. Bourguiba began calling for women to wear the *sefsari*, a traditional Tunisian shawl covering the head and body, in order to maintain a distinct cultural identity from France—which had tried to marginalise traditional practices, like veiling. Habiba Menchari was publicly excoriated by the nationalist leadership for attending a meeting unveiled. Similarly, both nationalist leadership and the religious establishment exerted extreme pressure to quiet Tahar Haddad, whose 1930 book *Our Women in Law and Society* had condemned the veil, gendered injustice, polygyny, early marriage, repudiation, and unequal inheritance. The book was considered an attack on both religious institutions and rural elites.<sup>16</sup>

Utilising women and women’s issues in this manner served to consolidate disparate groups. Modernists, like Bourguiba, had forged alliances with religious nationalists, such as Salah Ben Youssef. In doing so, they united secularists with Islamic judges and scholars while also drawing support from varied social bases such as labour unions, urban populations, and patriarchal kinship communities from rural regions. United and inclusive cohesion was considered critical as nationalist activism transitioned from the elite effort it had been to the mass movement it became, using women to knit together these frames. By seeking to preserve Islamic family law and a distinct Tunisian identity through the *sefsari*, the nationalist leadership united a diverse set of interest groups under a common, and yet simultaneously differentiated, cultural identity. This created space for only one model of women’s participation, based on the temporal needs of the nationalist movement that side-lined questions of gender equality or women’s interests as articulated by women. As women’s participation was relegated to this narrowly prescribed space, their bodies, behaviours, and themselves became the embodiment of Tunisian identity. This transformed them into a political tool for the nationalist movement as the safeguards of tradition, ultimately serving as ‘sacred reposit[or] of national values’.<sup>17</sup>

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<sup>15</sup> Charrad, 1997, ‘Policy Shifts’, pp. 286 and 291.

<sup>16</sup> Arfaoui, 2007, ‘The Development’, p. 2.

<sup>17</sup> Charrad, 1997, ‘Policy Shifts’, p. 289.

## FOUNDING OF THE TUNISIAN STATE

The nationalist leadership had managed to present a united front during the fight for independence, but the disparate nature of the coalition had caused infighting from the beginning. Competing forces had managed to minimise differences in the face of a common enemy, but after achieving independence in 1956, the broad-based coalition began to fracture. As Anderson described it, the ‘Tunisian nationalist movement divided when faced with the prospect of capturing a stable, bureaucratic state apparatus and the divergent interests of the constituencies became apparent’.<sup>18</sup> This left the movement largely split between two camps, one led by Bourguiba and the other by Salah Ben Youssef, his deputy. Each represented different interest groups, supported divergent paths to achieving independence, and nursed two different political orientations. Bourguiba, in contrast to some factions within the party, favoured a gradualist approach, preferring to use domestic pressure to catalyse the gradual transmission of statehood. Ben Youssef favoured a more militant and aggressive approach towards confronting the French administration of the country and the settler population it protected. Leading the Neo-Destour while Bourguiba had been intermittently jailed, Ben Youssef had amassed a cadre of supporters within the party ranks.<sup>19</sup> Youssefists were associated with more conservative forces, namely the religious establishment, artisans and merchants from Tunis,<sup>20</sup> and the rural notability made up of kinship communities outside the capital.<sup>21</sup> Bourguiba, by contrast, was a secular liberal with a French wife. He mainly garnered support from petit-bourgeois landowners, merchants of the *Sahil*, where he was from, and eventually the General Union of Tunisian Workers (UGTT), the country’s largest syndicate.<sup>22</sup>

After achieving independence from the French in 1956, Bourguiba wrested control of the Neo-Destour from Ben Youssef, becoming president of the new state and declaring Tunisia a republic—a linguistic turn that evinced his personal and political orientation towards adopting elements of the French political system in comparison to

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<sup>18</sup> Anderson, 1986, *The State and Social*, p. 231.

<sup>19</sup> Perkins, 2004, pp. 105-129.

<sup>20</sup> Ibid., p. 232

<sup>21</sup> Charrad, 1997, ‘Policy Shifts’, p. 294.

<sup>22</sup> Larbi Sadiki, ‘The Search for Citizenship in Ben Ali’s Tunisia: Democracy versus Unity’, *Political Studies*, 50 (2002), 497-513 (pp. 499-500). See also: William Zartman, ‘Introduction: Rewriting the Future of the Maghreb’, in *Economic and Political Change in North Africa*, ed. by Azzedine Layachi (Westport, CT: Praeger, 1998), 1-7 (pp.1-5).

Ben Youssef. He immediately embarked on a path of social and political engineering, consolidating the state and securing his position. The goal was to ‘set up a Destourian feudal system which would dictate its wishes to the central and local authorities’.<sup>23</sup> Bourguiba instituted a ‘vast centralized state apparatus: a bureaucracy, a single party, and satellite organisations that were subordinate to it’.<sup>24</sup> Pre-colonial Tunisia had already been highly bureaucratised before the arrival of the French, especially compared to its neighbours Libya and Morocco.<sup>25</sup> The French protectorate, rather than dismantling the existing system, had built essentially parallel administrative structures, using the previous apparatus to enhance the state’s penetration into Tunisian society.<sup>26</sup> Given the highly bureaucratic nature of the state at independence, Bourguiba was able to utilise top-down legislative initiatives to remake the state in his own vision, using it as a tool of social transformation. In the first five years, Bourguiba sought to consolidate his own position by weakening that of his rival. Targeting Ben Youssef’s power centres, Bourguiba undermined the conservative Islamic religious establishment and attempted to increase rural communities’ dependence on the state through extensive legal reforms.<sup>27</sup>

## **THE CODE OF PERSONAL STATUS AND THE MODERNISATION PLAN**

Among those early reforms, Bourguiba is best known for his promulgation of the CSP in 1956. As was discussed previously, family law represented the last hold of Islamic influence over Tunisia’s legal sources. Bourguiba largely discarded the shari’a-based code, reversing the position of the nationalist leadership pre-independence. The reforms abolished polygyny, repudiation, and matrimonial guardianship, gave women equal rights in respect to the marriage contract and divorce proceedings, and set a minimum age of marriage for girls. Although it adhered to several Islamic traditions, including unequal inheritance, it was the most secular code of personal status in the Muslim

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<sup>23</sup> Pierre Rossi, *La Tunisie de Bourguiba* (Bourguiba’s Tunisia), trans. by Ronald Matthews (Tunis: Kahia, 1967), pp. 43-44.

<sup>24</sup> Brand, 1998, p. 177.

<sup>25</sup> Charrad, 2001, *States and Women’s Rights*

<sup>26</sup> Charrad, 2001, ‘State and Gender’, p. 68.

<sup>27</sup> Perkins, 2004, pp. 137-139; Brand, 1998, p. 178; Anderson, 1986, *The State and Social*; Charrad, 1997, ‘Policy Shifts’, p. 294.

world, barring Atatürk's implementation of the Swiss civil code 30 years prior in Turkey.<sup>28</sup>

More broadly, the CSP—introduced even before the new Constitution—‘revealed the social trajectory envisioned by the country's leader’.<sup>29</sup> Bourguiba had always represented the modernising faction of the nationalist movement, in contrast to Ben Youssef. When Bourguiba's faction came to power, the Neo-Destour embarked on a national project of modernisation to ‘shape Tunisia along the lines of nineteenth-century positivist ideals and of triumphant laicity’.<sup>30</sup> This modernisation of Tunisia required the overhaul of ‘antiquated social practices’ that encouraged ‘old-fashioned modes of thinking and acting’ and expressed a subconscious rejection of the modern world.<sup>31</sup> In this ‘war against underdevelopment’ during the early years of post-independence, Bourguiba also expanded the franchise and education to women, encouraged labour force participation, and called for women to eschew the *sefsari*.<sup>32</sup> Once useful to the nationalist movement as a symbol of resistance, the veil became an ‘odious rag’ to be eliminated along with all other forms of traditional dress.<sup>33</sup> This ‘instigation from above...transformed gender into a political instrument’ in a number of ways and was a lynchpin in Bourguiba's modernist vision for the new Tunisian state.<sup>34</sup>

## KINSHIP COMMUNITIES

As discussed in the previous chapter, local communities in the Maghreb have historically been bound by kinship, in that members think of themselves as descendent from an eponymous ancestor.<sup>35</sup> Throughout history, these communities have served as structures through which to maintain autonomy from the state. By 1956, Tunisia's history of high bureaucratic penetration into the rural areas of the country had weakened that autonomy and increased their dependence on the state. Upon assuming

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<sup>28</sup> Rory McCarthy, ‘Re-thinking Secularism in post-Independence Tunisia’, *Journal of North African Studies*, 19.5 (2014), 733-750 (p. 736).

<sup>29</sup> Perkins, 2004, p. 136.

<sup>30</sup> Mohammed Elbaki Hermassi, ‘The Islamicist Movement and November 7’, in *Tunisia: The Political Economy of Reform*, ed. by William Zartman (Boulder, CO: Lynne Rienner Publishers, 1991), 193-217 (p. 196).

<sup>31</sup> Perkins, 2004, p. 297.

<sup>32</sup> Charrad, 1997, ‘Policy Shifts’, p. 297.

<sup>33</sup> *Ibid.*, p. 295.

<sup>34</sup> Kristine Goulding, ‘Unjustifiable means to Unjustifiable Ends: Delegitimizing Parliamentary Gender Quotas in Tunisia’, *Al-Raida*, 126-127 (2009), 71-78 (p. 71).

<sup>35</sup> Charrad, 2001, ‘State and Gender’, p. 63

the presidency, Bourguiba took aim at these communities, seeking to marginalise a potential source of dissent as well as to undermine Ben Youssef, who drew his support from them. Within Tunisia's kinship communities, rights were embedded within patrilineal kin structures. Marriage, a contractual agreement strategically employed to create alliances or strengthen relationships within the 'republic of cousins', was integral to maintaining group cohesion.<sup>36</sup> The promulgation of the CSP directly challenged this power structure, putting forth a different model of the family outside the kin-based patriarchy of the tribal system, emphasising individual rights rooted in the nuclear familial unit.<sup>37</sup> These reforms radically shifted the construction of the legal subject from member within a lineage community to individual.<sup>38</sup> By abolishing polygyny, matrimonial guardianship, and repudiation, the CSP asserted the rights of the individual over the rights of the patrilineal clan, ending the legal subordination of women to men by virtue of their familial role. This, in turn, diminished the kinship communities' ability to maintain group cohesion and, thus, less able to become nodes of oppositional power.<sup>39</sup> However, it also incorporated women into the state on the state's terms, forcing women to rely on the state, and ensure its survival, for their rights.

#### ISLAMIC ESTABLISHMENT

The CSP's shift away from shari'a dealt a blow to the final arena of Islamic legal influence, but it was also part of a broader series of modernising reforms aimed at weakening Islamic institutions. Bourguiba absorbed the 'decaying'<sup>40</sup> Maliki and Hanafi shari'a courts, creating a civil court system for the arbitration of family law.<sup>41</sup> In 1956, Bourguiba appointed Mohamed Tahar Ben Achour, a moderate reformist, to head Zeitouna University, one of the oldest Muslim universities in the world. Zeitouna was divested of its independence and placed under the control of the Ministry of Education until 1961, when it was allowed to operate a small school of theology under the auspices of the University of Tunis.<sup>42</sup> Bourguiba also nationalised the *habous*, landholding religious trusts that paid for mosques and social programmes,

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<sup>36</sup> Ibid.

<sup>37</sup> Charrad, 1997, 'Policy Shifts', p. 296.

<sup>38</sup> Charrad, 2000, 'Becoming a Citizen', p. 80.

<sup>39</sup> Ibid.

<sup>40</sup> Habib Bourguiba, *Discours (1956-7)*, Vol. 2 (Tunis: Secrétariat d'État à l'information), p. 154.

<sup>41</sup> Maaïke Voorhoeve, 2014, *Gender and Divorce*, p. 32.

<sup>42</sup> McCarthy, 2014, pp. 735-736.

by instituting agrarian reform that expropriated this ‘unused’ land, which happened to constitute roughly a quarter of arable land in the country. Without a material base of support that the *habous* had provided, private Qur’anic schools virtually disappeared.<sup>43</sup> He also limited religious study to one hour per week in public schools and required that educators be able to teach in French in addition to Arabic, causing the large number of Arabic-speaking imams who were also public school teachers to lose their jobs.<sup>44</sup>

Bourguiba, and the modernist faction of the nationalist leadership, had appealed to Islamic identities, frames, and sentiments during the fight for independence, but the modernisation project was based purely in ‘exclusive humanism’, in that ‘faith and spiritual values are effective only to the extent that they are based on reason’.<sup>45</sup> However, Bourguiba was careful to situate his reforms in an Islamic language in an effort to subordinate religion and claim the unique right of the state to interpret Islam for the public and the people.<sup>46</sup> While marginalising Islamic power structures, Bourguiba framed these reforms as a new phase of Islamic thinking (*ijtihad*) and the next in an historical series of Islamic legal thought.<sup>47</sup> Within this context, Tunisian secularism was not defined by a separation of religion and state institutions or politics neither did it adhere to the French model of walling off public expressions of religion in order to safeguard its private practice. Rather, it functioned as a modality for the state in ‘defining, managing, and intervening in religious life’.<sup>48</sup> Bourguiba’s appropriation of Islamic language and symbols as a mechanism by which to control religion in Tunisia is illustrative of his relationship to women’s rights through state feminism.

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<sup>43</sup> Mark A. Tessler, ‘Political Change and the Religious Revival in Tunisia’, *Maghreb Review*, 5.1 (1980), 8-19 (p. 10).

<sup>44</sup> Alfred Stepan, ‘Tunisia’s Transition and the Twin Tolerations’, *Journal of Democracy*, 23.2 (2012), 89-103 (p. 99).

<sup>45</sup> Mark A. Tessler, *Islam and Politics in the Middle East: Explaining the Views of Ordinary Citizens* (Bloomington: Indiana University Press, 2015), p. ix, in reference to Charles Taylor, *A Secular Age* (Cambridge: Harvard University Press, 2007).

<sup>46</sup> McCarthy, 2014, p. 735.

<sup>47</sup> Charrad, 1998, ‘Cultural Diversity’, p. 70.

<sup>48</sup> McCarthy, 2014, p. 734.

Bourguiba positioned himself as the “‘father” of Tunisian women’s liberation’, and his reforms did expand women’s access to individual rights by a substantial degree.<sup>49</sup> But rather than affirming women’s agency as individuals, these seemingly emancipatory policies were centred around the needs of the modern state. Tunisia’s relationship with women was situated within a larger framework of state feminism, used in this dissertation as an analytical term describing ‘policies directed from [and formulated at] the state leadership level, which aim at mobilising or channelling women’s (re)productive capabilities and co-opting them into support for the state.’<sup>50</sup> This emergent post-colonial phenomenon was not intended to fully renegotiate patriarchy; instead it tapped into unused capacities of large swaths of the population.<sup>51</sup> Despite greater access to social and economic rights, it increased women’s dependence on the state for their rights and opportunities, in turn, decreasing the chance that they would rely on alternative structures of power. As Murphy described,

‘The downside of state feminism is that any improvement in the economic and political options available to women is tied to the state’s willingness and ability to enforce that availability. Top-down changes do not alter the fundamental social structures that create discrimination, underrepresentation, and subordination, and as soon as the state weakens or withdraws, those structures can reassert themselves’.<sup>52</sup>

Even in the context of a state that appears to be dedicated to and active in advancing women’s rights and interests, ‘those same social structures can shape that advance and undermine it from within’.<sup>53</sup>

Although cloaked in the vaunted rhetoric of women’s emancipation, Tunisia’s gendered reforms were undertaken completely at the behest of the state without any grassroots or popular support exerting pressure from below, typical of state feminist policies.<sup>54</sup> Heading off and preventing the development of a grassroots and autonomous women’s movement in the wake of these reforms, the state party created

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<sup>49</sup> Gilman, 2007, p. 97.

<sup>50</sup> Ibid.

<sup>51</sup> Mervat F. Hatem, ‘Economic and Political Liberation and the Demise of State Feminism’, *International Journal of Middle East Studies*, 24.2 (1992), 231-251 (p. 232).

<sup>52</sup> Murphy, 2003, ‘Women in Tunisia’, p. 176.

<sup>53</sup> Ibid.

<sup>54</sup> Amel Sabbagh, ‘Case Study: The Arab States, Enhancing Women’s Political Participation’, in *Women in Parliament: Beyond Numbers*, ed. by Azza Karam (Stockholm: International Institute for Democracy and Electoral Assistance, 2002), p. 57.



the UNFT.<sup>55</sup> Ostensibly a non-state actor, the UNFT actually acted as a mouthpiece of the state, tasked with socialising women to their new role in Tunisian society given its extensive reach throughout the country.<sup>56</sup> Rather than serving as a platform for women to exercise political agency, despite its stated mission, the UNFT was a completely state-managed space through which the party could ensure that women's political activities were on its terms and in support of it.<sup>57</sup> The UNFT was largely made up of middle-class women 'who belonged primarily to the Neo-Destourian party or who were state functionaries charged with articulating and negotiating for the interests of women'.<sup>58</sup> The Tunisian state's subjugation of the women's movement into one of its subordinate bodies was symptomatic of the overall corporatist character of the state in general, in which all possible avenues of political and civil participation were co-opted and managed by the state.<sup>59</sup>

## THE FALL OF THE CORPORATIST STATE

By the early 1980s, Bourguiba was facing a major political crisis as a result of the previous 20 years of failed economic policy. Bourguiba's socialist experiment, which had been accompanied by changing the party name to the Socialist Destourian Party (PSD), had ushered in an era of collective and cooperative economics. Its failure, however, had become evident by the late 1960s. Widespread disenchantment with the government had begun to spread throughout the country as the rift between the people and the state widened. In the wake of these fissures, an early iteration of Ennahdha emerged in the late 1960s and early 1970s as a group focusing on religious ethics, study of the Qur'an, and proselytisation known as al-Jam'ah al-Islamiyah (The Islamic Group). By 1981, it had evolved into a distinctly political organisation called Harakat al-ittijah al-Islami, or MTI, that challenged the authoritarian dominance of Bourguiba.<sup>60</sup> By the 1980s, Bourguiba was facing mounting opposition from both an ascendant left and a rising Islamist right. Barely surviving an outbreak of labour

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<sup>55</sup> Brand, 1998, p. 181.

<sup>56</sup> Ibid.

<sup>57</sup> Susan Waltz, 'Another View of Feminine Networks: Tunisian Women and the Development of Political Efficacy', *International Journal of Middle East Studies*, 22.1 (1990), 21-36 (p. 26).

<sup>58</sup> Murphy, 2003, 'Women in Tunisia', p. 176.

<sup>59</sup> Goulding, 2009, 'Unjustifiable', p. 74.

<sup>60</sup> Azzam S. Tamimi, *Rachid Ghannouchi: A Democrat within Islamism* (Oxford: Oxford University Press, 2001), p. 31.

strikes in 1978 by the UGTT, Bourguiba failed to buy his way out of trouble in the early 1980s. The country erupted into what became known as the Bread Riots of 1984. As Bourguiba paired violent crackdowns with marginal political openings to placate increasingly vocal Islamists, it became clear that his demise could be imminent.

This slow disintegration of the state had a profound impact on the state's interaction with women. Attempting to appeal to Islamists in the face of the rising left, Bourguiba placed even further restrictions on Muslim women marrying non-Muslim men, unions that had remained basically illegal since the promulgation of the CSP. Bourguiba began retreating from his earlier rhetoric on female emancipation and began emphasising the home as the rightful place for women, acting as wives, mothers, and caregivers. He also banned the wearing of the hijab by women in public buildings and institutions in 1981, widening the restrictions in 1985.<sup>61</sup> In 1982, upon hearing of the plight of widowed and divorced women, Bourguiba initiated, on an apparent whim, reforms to divorce and guardianship, making it easier for a woman to gain custody of her children.<sup>62</sup> Attempting to reconsolidate his secular base, Bourguiba appointed two female ministers and created a new coordinating Ministry for the Family and Promotion of Women. Concurrently, however, Islamist groups, and MTI in particular, capitalised on the state's weakness and its relative political openings by mounting a full-scale attack on the CSP, calling for a referendum in 1985.<sup>63</sup> The fickle nature of the state and the Islamists' increasing aggression towards the CSP seemed to suggest that the hold of secular women over their current status was tenuous. This political turmoil and uncertainty served as the context for the development of an autonomous women's movement in Tunisia, breaking the state's monopoly over the discourse on women's rights.

## **DEVELOPMENT OF THE AUTONOMOUS WOMEN'S MOVEMENT**

The CSP did not engender total equality by any means, although it undoubtedly expanded women's access to individual rights in a dramatic fashion. The CSP

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<sup>61</sup> McCarthy, 2014, p. 745.

<sup>62</sup> Charrad, 1997, 'Policy Shifts', p. 299

<sup>63</sup> Perkins, 2004, pp. 157-184; Emma Murphy, *Economic and Political Change in Tunisia* (London: Macmillan Press, 1999), pp. 80-102; Christopher Alexander, *Tunisia: Stability and Reform in the Modern Maghreb* (Oxford: Routledge, 2010), pp. 68-89.

maintained inequality in inheritance, child custody, and passing citizenship through the maternal bloodline.<sup>64</sup> Perhaps most rhetorically offensive, women were legally obligated to obey their husbands unconditionally. Bourguiba's ban on the hijab curtailed pious women's rights and hindered their ability to operate in the public sphere. In addition, Tunisia's laws were completely inadequate to deal with spousal violence. Labour laws also prevented women from working in certain jobs or industries and women also faced some workplace restrictions that men did not. Finally, although the Constitution affirmed that all Tunisian citizens are equal, it did not bar discrimination by gender explicitly, positioning sexual discrimination outside the reach of the law.<sup>65</sup>

Women continued to face *de jure* inequality, despite the fact that they enjoyed more rights than many women throughout the region. But the gap between law and practice was a major avenue through which inequality was perpetuated. There are several issues at stake here: enforcement, implementation, and *de facto* realisation of the laws. Although important in terms of establishing a legal foundation for the future, laws matter on a practical level insofar as they can be enforced. Many of the laws in Tunisia that impact women's daily lives are socially thought of as private issues, wherein it would be inappropriate to intervene—domestic violence, for example. This unenforceability is exacerbated by an uneven application of laws such as the CSP. Right after independence, Tunisia's judicial system was populated with deeply conservative male judges. The first to apply the new system of reforms, they relied on a conservative interpretation, creating a body of jurisprudential precedence that had undermined some of the reforms.<sup>66</sup> The issues of enforcement and implementation contributed to the serious gap between law and reality. Tunisian women still live within a neopatriarchy that considers them to be inferior and/or dependent.<sup>67</sup> This idea still underpins the application of laws, providing a basis for *de facto* discrimination within this discretionary process. For example, apart from some high-profile exceptions, the political space of the 20<sup>th</sup> century was considered an almost exclusively male space, despite women having the right to participate politically.<sup>68</sup>

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<sup>64</sup> For more on the relationship between shari'a and equality, see Badran, 2005, 'Between secular and Islamic feminism/s', 6-28.

<sup>65</sup> Brand, 1998, pp. 184-186.

<sup>66</sup> Charrad, 2000, 'Becoming a Citizen', p. 75.

<sup>67</sup> Joseph, 2000, 'Gendering Citizenship', p. 4.

<sup>68</sup> Waltz, 1990, 'Another View', p. 22.

This, however, must also be viewed in the context of minimal actual political participation for all Tunisians.

Despite the fact that the promulgation of the CSP, and other reforms, had not resulted in gender equality, the CSP held, and continues to hold, meaningful significance, in addition to the very real changes it brought to women's lives. It occupied a hallowed place in the discourse, illustrated by this comment:

A female member of the Tunisian League of Human Rights [LTDH] declared: 'the Code of Personal Status is [Tunisia's] most beautiful accomplishment since independence [from French rule].' In making the statement, she spoke the thoughts of most educated Tunisian women, who take immense pride in the code.<sup>69</sup>

That pride is still evident today in the ferocity with which the CSP is defended by secularist and Islamist women alike. Coming to represent an 'integral' part of Tunisian culture, the CSP, among other reforms, was also crucial in the formation of the autonomous women's movement.<sup>70</sup>

#### SECULARIST FEMINISM: THE CECF, ATFD, AND AFTURD

By the mid-1970s, an entire generation of women had grown up under Bourguiba's modernisation plan. Following the CSP, the state had initiated further legislation that included expanding the franchise to women in 1957, increased access to education, and certain sectors of employment. By 1973, contraception and abortion were legalised, augmenting the family planning program initiated in 1966.<sup>71</sup> In the capital, at least, these changes had fomented a new strata of middle-class women who were secular, highly educated, motivated, politically aware, had elements of autonomy over their bodies, and viewed their rights as inalienable, rather than as gifts from the state for which to be grateful. These women viewed the CSP as a mere starting point—'a cornerstone on which further building could take place'.<sup>72</sup> In 1978, a group of women from this new class formed a group called the CECF, colloquially known as the Tahar Haddad Club. According to Dwyer, the CECF, where women got together weekly to

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<sup>69</sup> Charrad, 1998, 'Cultural Diversity', p. 69.

<sup>70</sup> Ibid.

<sup>71</sup> Nada Amroussia, Isabel Goicolea, and Alison Hernandez, 'Reproductive Health Policy in Tunisia: Women's Rights to Reproductive Health and Gender Empowerment', *Health and Human Rights Journal*, (12 September 2016).

<sup>72</sup> Brand, 1998, p. 196.

discuss the state of women's affairs in Tunisia, was the only truly democratic space in Tunisia at the time.<sup>73</sup>

The weekly meetings of the CECF and the events that it organised represented one of the first institutionalised challenges to the state-monopolised discourse on women's rights.<sup>74</sup> The CECF eventually developed a mission aimed at raising awareness of Tunisian women's continuing oppression despite their formal rights; facilitating women's recognition of their own intellectual capacities and potential contributions to the country's cultural and economic development; and 'demonstrat[ing] that the women's struggle needed to be situated, not vis-à-vis men, but vis-à-vis the social structures that permitted the concentration and the maintenance of power in men's hands'.<sup>75</sup> This constituted a bold pivot away from the state's discourse on women's rights, which consisted of praise for Bourguiba as the liberator of Tunisian women. The CECF was immediately considered a challenge by and to the UNFT.<sup>76</sup> Nevertheless, the CECF had two major successes: the adoption of the 8 March as International Women's Day in Tunisia and the repeal of a Ministry of Interior order that required women to acquire written permission from a father or husband before leaving the country.<sup>77</sup>

In response to a tense internal debate about the purpose of the group (political action or open discussion and debate), the CECF founded another study group that was housed within the UGTT.<sup>78</sup> The Union Committee on the Condition of the Female Worker (CSE) was created to sensitise the UGTT to gender issues. Considered a threat by UGTT leadership and an even bigger challenge to UNFT than the CECF, the CSE was targeted by state-party leadership and dismantled in 1985. Revealing and underscoring the inadequacy of women's mobilising structures, the demise of the CSE catalysed the creation of two other groups structured to better provide a platform for the political expression and public demonstration of the views of this burgeoning women's movement.<sup>79</sup>

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<sup>73</sup> Kevin Dwyer, *Arab Voices: The Human Rights debate in the Middle East* (Berkeley: University of California Press, 1991), p. 95.

<sup>74</sup> The CECF self-defined as a feminist organisation.

<sup>75</sup> Brand, 1998, p. 196.

<sup>76</sup> Azza Ghanmi, *Le Mouvement Féministe Tunisien: terminologie sur l'autonomie et la pluralité des femmes, 1979-1989* (The Feminist Movement: Terminology of Women's Autonomy and Plurality, 1979-1989) (Tunis: Editions Chama, 1993), pp. 28-29.

<sup>77</sup> Brand, 1998, p. 197.

<sup>78</sup> Ghanmi, 1993, pp. 50-54.

<sup>79</sup> Brand, 1998, p. 198.

ATFD, founded in 1982, was an activist organisation that provided a platform for women's political participation on the biggest issues of the day, rather than pertaining specifically to "women's issues". AFTURD, founded in 1986, was more research-oriented, acting as a think-tank and producing numerous studies on the condition of Tunisian women. ATFD's feminist magazine *Nissa'* ('women' in Arabic) was integral to developing the alternative feminist discourse that had been percolating since the late 1970s. *Nissa'* was an important part of an increasingly prolific body of feminist writing by women who had grown up reading the French feminists of the 1960s and 1970s. This body of work constructed a new socio-specific feminism 'rooted in the specific cultural, political, legal, economic, and religious context of a particular society', taking an anthropological approach that questioned their construction as subjects within global and local feminist movements.<sup>80</sup> This rising feminist consciousness catalysed a transcendence of the discussion on women's issues out of the control of government, but maintained a secular framework. This provided the foundation for this emerging movement of secularist feminists to begin fighting for their rights on their own terms, rather than on the terms dictated by the state.

#### RELIGIOUS WOMEN'S ACTIVISM IN TUNISIA AND TRANSNATIONAL MUSLIM FEMINISM

While the evolution of the CECF into ATFD and AFTURD provided a foundation for secularist feminist activism in Tunisia, there were also women who were resisting the state from a religious frame and challenging patriarchal norms within MTI. Two examples stand out. During Ramadan in October 1975, and before Bourguiba's crackdown on the hijab, a veiled university lecturer named Hend Chelbi gave a televised talk on 'Women in Islam'. Bourguiba made an appearance. According to McCarthy, 'her choice of clothing, her lecture, and her refusal to shake Bourguiba's hand offered an outright challenge to the president's earlier conception of a modern Tunisian identity and his mockery of the veil'.<sup>81</sup> She went on to criticise people who 'mimicked' other societies through their dress, asserting that clothing choice was as integral to a nation as its language. She also argued for economic independence for women and called for equal civil rights, dismissing interpretations of Islam as

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<sup>80</sup> Labidi, 2007, 'The Nature of Transnational', pp. 10-17.

<sup>81</sup> McCarthy, 2014, p. 739.

patriarchal. In interviews conducted by McCarthy in 2011, older members of Ennahdha 'recalled the striking effect it had in encouraging their self-confidence to express their religious beliefs'.<sup>82</sup> Saida Akremi, an Islamist lawyer who began wearing the veil in 1976, told McCarthy, 'There was a big wave of women who began to wear the hijab after this. It became a symbol of challenge against the system'.<sup>83</sup>

In 1980, Rached Ghannouchi made a speech titled 'The Women in the Islamic movement' that was later published in one of his books. In the speech, he condemned his movement's earlier position on women. He called for an affirmation of equality between men and women, the necessity of women's participation in all social and political activities, stressed that innocently mixed company was not prohibited, and asserted that polygamy was not an Islamic duty. He also advocated for the removal of all restrictions on women's education, as fostering female Islamic leaders was the only way to challenge the exclusive secularity of the women serving in the Bourguiba regime. This radical break from the movement's past fomented controversy within the ranks. However, within less than a year, women's membership doubled. When two women attended a meeting for the first time, one of the committee's male members took the floor to protest their attendance, demanding that a fatwa should have been issued to sanction their arrival and a commission created to judge the acceptability of female participation at this level of political authority. One of the women, Afifa Makhoul, stood up to argue:

that if men thought that they had the right to set up a commission to judge the legality of women's participation in political life, why shouldn't women set up a commission to pass the same judgement on the political role of men? In her opinion Islam was revealed as a guidance for men as well as for women and therefore she saw no reason why a commission was needed so as to authorize or forbid the political action of one or the other of the two sexes. After Afifa's intervention, the problem of women's participation was resolved once and for all, and was no longer a subject of debate.<sup>84</sup>

These instances of Tunisian women presaged a new feminist discourse that had begun to percolate transnationally during the 1980s and emerged in force in the 1990s. One unintended outcome of the rise of political Islam across the Muslim world during the 1970s had been the creation of a space for which religious women could

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<sup>82</sup> Ibid.

<sup>83</sup> Ibid..

<sup>84</sup> Tamimi, 2001, *Rachid*, p. 58.

‘reconcile their faith and identity with their struggle for gender equality’.<sup>86</sup> Islamist movements that called for a return to an interpretation of shari’a that reinscribed patriarchal interpretation had ‘paradoxically and involuntarily generated the configuration of internal critique and demystification of the sanctity of the so-called divine Islamic laws’ diverse patriarchal interpretations’.<sup>87</sup> The development of a Islamic feminist discourse had been delayed until the 1990s because of the particular confluence of historical trends, movements, and ideologies. Religiously Muslim women who had acquired a feminist consciousness and desire to advocate for gender equality had been constrained by the dominant discourses of the 20<sup>th</sup> century and the relationship of these discourses to gender equality, where ‘any dissent could be construed as betrayal.’<sup>88</sup> As:

for most modernists and liberals, ‘Islam’ was a patriarchal religion that had to be rejected. For nationalists and anti-colonialists, feminism (the advocacy of women’s rights) was a colonial project that had to be resisted. Muslim women, in other words, were faced with a painful choice. They had to choose between their Muslim identity—their faith—and their new gender awareness.<sup>89</sup>

By the 1980s, that paradox had been reconciled and the Islamic Resurgence, typified by the Islamic Revolution in 1979 in Iran, had broken open hegemonic discourses and created space for new ones.

As was discussed in the previous chapter, the assumptions underpinning a gender egalitarian and social justice-oriented reading of the Qur’an required an acknowledgement that interpretations of shari’a and their manifestations in law were socially, rather than divinely, constructed. In other words, these constructs, conceived of and written by generations of male jurists, reflected their authors’ subjectivities, rather than the quintessence of the divine will. This stands in contrast to Islamic feminisms’ opponents. These included Muslim traditionalists, who resisted change to practices and values sanctioned by an unchanging shari’a; Islamic fundamentalists, a very broad analytic category whose members seek to return to an earlier and therefore purer version of shari’a and Islam; and secular fundamentalists, who deny that practices or laws based on shari’a can ever be reconciled with justice or equality.

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<sup>86</sup> Ziba Mir-Hosseini ‘The Quest for Gender Justice: Emerging Feminist voices in Islam’, *Women Living Under Muslim Laws*, Dossier 26 (2004), 19-23 (p. 20).

<sup>87</sup> Alina Isac Alak, ‘Contesting the Dichotomy of Islam and Modernity: Islamic Feminisms’, *Journal of Gender and Feminist Studies*, 4 (2015), p. 3.

<sup>88</sup> Mir-Hosseini, ‘2004, The Quest’, p. 20.

<sup>89</sup> Ibid.



Although positioned very differently, an ‘essentialist and non-historical understanding of Islamic law and gender’ unite all three groups.<sup>90</sup>

Islamic feminism, like all social movements and discourses, is diverse and contextually specific. Generally, a gender egalitarian reappropriation of Islamic texts began with a feminist form of tafsir. African-American scholar Amina Wadud’s 1992 text *Qur’an and Women: Rereading the Sacred Texts from a Woman’s Perspective* was foundational in constituting a Islamic feminist discourse and ‘advanced a Qur’anic theory of gender equality across the public/private spectrum – that is, in both family and society as well as within the holistic *umma* – and in so doing exposed patriarchy as unIslamic’.<sup>91</sup> Other Islamic feminists have focused on fiqh and the jurisprudence inherited from a patriarchal social context that made the construction of an egalitarian family model impossible.<sup>92</sup> The second stage of Islamic feminism has included the founding of global feminist networks that are increasingly active in local spaces, both virtually and on the ground. In Tunisia, activism in general was severely curtailed under Ben Ali, particularly forms grounded in an Islamic framework. However, the ways in which Islamist women continued to resist the regime despite violent repression set the stage for the political force with which Nahdhawiat emerged in 2011.

## **BEN ALI’S BALANCING ACT**

Tunisians largely felt a sense of relief over Zine al-Abidine Ben Ali’s bloodless coup in 1987, which ousted the octogenarian Bourguiba. Perkins likened Bourguiba, in his last years as President, to an aging sports star that becomes an embarrassment, but about whom no one will comment.<sup>93</sup> Enacting Article 57 of the Constitution, Ben Ali came to power formally, in accordance with the rules of succession—appealing to the normative moderate political culture and sense of *civisme* dominant in Tunisian

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<sup>90</sup> Ibid., 21.

<sup>91</sup> Margot Badran, ‘Re/Placing Islamic Feminism’, translated for Cairn International Edition from ‘Où en est le féminisme islamique?’ *Critique Internationale*, 4 (2010), 25-44 (p. 22).

<sup>92</sup> Ibid. referencing Amina Wadud, *Qur’an and Women: Rereading the Sacred Texts from a Woman’s Perspective* (Oxford: Oxford University Press, 1999). See also: Ziba Mir-Hosseini, ‘Islam and Gender Justice’ in *Voices of Islam Volume 5*, ed. by Vincent J. Cornell and Omid Safi (Westport, CT: Praeger, 2007); Ziba Mir-Hosseini, ‘Justice, Equality and Muslim Family Laws: New Ideas, New Prospects’, in *Gender and Equality in Muslim Family Law: Justice and Ethics in the Islamic Legal Tradition*, ed. by Ziba Mir-Hosseini et al. (London: I.B. Tauris, 2013), pp. 7-34.

<sup>93</sup> Perkins, 2004, p. 185.

society.<sup>94</sup> Ben Ali's political savvy was evident from the start; he was acutely aware that the political crises of the last few years had severely undermined the legitimacy of the state and party. He came in armed with the rhetoric of liberal democracy, apparently ushering in a new era of Tunisian politics. In reality, Ben Ali embarked on a dynamic strategy to neutralise all sources of possible opposition through a strategy of reconciliation, co-option, and incorporation. This resulted in a fluctuating relationship between the state and secularist women, as they were alternatively pushed away or pulled closer to the state depending on the political needs of the time, and was coupled with the violent repression of Islamists and Islamist women.

Upon taking power, Ben Ali initiated a series of political openings as gestures to both the secular opposition and Islamists, imploring exiles to return with promises of political pluralism.<sup>95</sup> Although Ben Ali had no sympathy for the Islamist vision of Tunisia, he believed that keeping MTI outside the political arena would constitute a greater threat than if it were within it. As a gesture, he gave into some of MTI's symbolic demands.<sup>96</sup> Secular women, who remembered MTI's referendum on the CSP in 1985, were scared that women's rights would be the first sacrifice in reconciling with the Islamists, as had historically and regionally been the case.<sup>97</sup> Ben Ali's initial silence on the matter did nothing to alleviate their fears. Secularists responded by rallying on 8 March 1988 in favour of the CSP. However, the secular leadership of the LTDH also told secularist women that now was not the time to push for gender equality since the stakes were too high. This attitude showcased historical continuity with the way that women's rights and gender equality has continually been side lined in broader power struggles and conditional upon the women's utility as an ally.<sup>98</sup> Eventually, Ben Ali reached out to secular women, calling the CSP irreversible, but also made clear that further reforms were off the table.<sup>99</sup>

In 1988, Ben Ali introduced the idea of the National Pact, reviving Bourguibist corporatism by incorporating potential opposition groups as partners, including ATFD, through a 'moral contract among the various political and social

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<sup>94</sup> *Civisme* is the culture that 'trains citizens in activism, reason, and engagement and thus makes them competent to shape their own political lives' from Eva Bellin, 'Civil Society in Formation: Tunisia', in *Civil Society in the Middle East, Vol. 1*, ed. by Augustus Norton (Leiden, NL: E.J. Brill, 1995), pp. 121-147 (p. 121).

<sup>95</sup> Murphy, 1999, *Economic and Political*, p. 168; Perkins, 2004, p. 186.

<sup>96</sup> Perkins, 2004, p. 187.

<sup>97</sup> Charrad, 1997, 'Policy Shifts', p. 303.

<sup>98</sup> Brand, 1998, p. 205.

<sup>99</sup> Ibid.

forces in the country at that time'.<sup>100</sup> The Pact had something for everyone: it affirmed the CSP, acknowledged Islam as the official state's religion, while also proposing to address the political situation by respecting human rights, encouraging political pluralism, and explicitly guaranteeing basic freedoms.<sup>101</sup> With the seeming veneer of democratic inclusivity, the effect of the National Pact was actually much more insidious. The Pact was built on compromise by all parties. Ben Ali appeared as if he was making serious concessions, and in doing so, galvanised each group to do the same. Communists accepted respect for private property, Islamists accepted the CSP, women were made the safeguards of the Arabo-Islamic identity of the state,<sup>102</sup> and secular democrats accepted state power. Essentially, 'the very principles upon which alternative political agendas were based were repudiated by their own advocates',<sup>103</sup> rendering many of the opposition's complaints toothless. In essence, Ben Ali had made all potential opponents into protectors of the state. Including ATFD in the National Pact indicated that Ben Ali viewed the autonomous women's movement as a potential source of opposition, and thus necessary to co-opt and incorporate.

The 1989 elections would prove to be the first test of Ben Ali's commitment to democratic pluralism. There were indications that Ben Ali was amenable to legalising MTI, which had complied with the ban on religious parties by changing its name to Hizb Ennahdha (The Renaissance or Awakening Party) and had reversed its official rejection of the CSP.<sup>104</sup> But ultimately, Ben Ali refused to legalise the party in the run-up to the elections. Despite this roadblock, members of Ennahdha competed in almost all districts as independents. During the campaign, the issue of the CSP continued to be a point of contention between individuals in Ennahdha and ATFD, which had gained legitimacy and credibility through inclusion in the National Pact. The two groups staged protest and counter-protest against each other.<sup>105</sup> Concurrently, while Ben Ali was trying to prevent the politicisation of Islam in the election, he was busy co-opting Islam through highly public gestures in an attempt to de-politicise it.<sup>106</sup> Given the tense political atmosphere, this was worrying to both Islamists and

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<sup>100</sup> Ghanmi, 1993, p. 123.

<sup>101</sup> Perkins, 2004, p. 187.

<sup>102</sup> Ben Ali declared this sentiment in a speech in 1988 (Brand, 1998, p. 234).

<sup>103</sup> Murphy, 1999, *Economic and Political*, p. 177 quoting Lisa Anderson, 'Political Pacts, Liberalism, and Democracy: The Tunisian National Pact of 1988', *Government and Opposition*, 26.2 (1991), 245-260.

<sup>104</sup> Tamimi, 2007, 'Islam and Democracy', p. 58.

<sup>105</sup> Perkins, 2004, pp. 187-189.

<sup>106</sup> Murphy, 1999, *Economic and Political*, p. 193.

secularists, particularly for secular women, who feared that the state would sacrifice women's rights if it were to Islamicise.<sup>107</sup> However, the aftermath of the elections alleviated that fear for secularist women and also proved to be a turning point for the supposed democratisation process of the Tunisian political sphere.

## **BEN ALI AND THE ISLAMIST CRACKDOWN**

Electoral “reforms” had ensured a win for the Democratic Constitutional Rally (RCD), the successor to Bourguiba's PSD, in the 1989 elections. Under Ben Ali, the RCD had effectively become Tunisia's single political party. However, the surprisingly strong electoral showing of Ennahdha shattered the tenuous peace that had been brokered with Ben Ali's rise to power and illusions of the state's commitment to democratisation. In the aftermath of the election, Ben Ali initiated a brutal crackdown on Ennahdha in an attempt to break this potential node of oppositional power. Experts estimate that 8,000 Islamists were arrested between 1991 and 1992 through late night raids and house-to-house searches conducted by the drastically expanded police force.<sup>108</sup> Allegations of torture, solitary confinement, and military court interrogations leaked out. While the treatment of male Islamist dissidents was relatively, but not completely, known, the extent of state-sponsored abuse in general, and the fate of Islamist women in custody has only recently come to light.<sup>109</sup>

Almost immediately after Ben Ali fled in 2011, and with a mass release of political prisoners, Tunisians started coming forward in droves to speak about the torture they had endured. In 2014, the Truth and Dignity Commission was launched with a wide mandate to investigate past atrocities. They received 65,000 allegations of abuse, some dating back to the 1950s. In November 2016, the Commission held its first set of hearings, broadcasted nationally on television and radio and internationally via a live feed on Facebook. It was particularly difficult to encourage women to come forward, as sexual violence and assault had been one of the primary tools of the regime. ““After years of being mocked and shunned by their families and society,

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<sup>107</sup> Perkins, 2004, p. 190.

<sup>108</sup> Alexander, 2010, *Tunisia: From Stability to Revolution*, p. 60.

<sup>109</sup> Michael Willis, *Politics and Power in the Maghreb: Algeria, Tunisia and Morocco from Independence to the Arab Spring* (London: C Hurst & Company, 2012).

especially in more conservative parts of Tunisia,” women were afraid of being judged by those around them” if they confronted the “perpetrators and institutions that abused them.”<sup>110</sup> The hearings were wrenching and testimony revealed that girls as young as 16 were arrested and tortured for infractions as simple as wearing a hijab in public.<sup>111</sup> Ben Ali had renewed the ban on the hijab in civic buildings instituted by Bourguiba but police routinely detained women for wearing it in any public spaces, sometimes taking them into police stations and forcing them to sign a statement promising never to wear it again. Often women were forced between wearing the hijab or continuing in their educational pursuits and employment.<sup>112</sup>

Many Ennahdha deputies elected in 2011 spent years in jail themselves, or had husbands who were imprisoned. Nahdhawiat deputies reported:

being beaten, suffering electric shocks, having their heads dunked into toilets, being sexually harassed and verbally abused, being stripped of their headscarves, suffering harassment by other prisoners at the authorities’ instigation, and going without food, sleep, and blankets for days at a time. Some of them had been pregnant and miscarried under torture.<sup>113</sup>

Some ‘described Benali’s prison as “Tunisia’s Guantánamo”’.<sup>114</sup> The nightmare did not end if they were released prior to 2011 as they were subject to administrative surveillance and endured new forms of mistreatment. Often, they were required to sign in at an administrative centre in the morning and then again in the evening at another centre far away. Many report night raids and searches of their and their families’ homes. However, ‘often the worst torture of all, in these women’s views, was being ostracized by their families for fear of Benali’s henchmen, not to mention ostracism by society as a whole’.<sup>115</sup>

As was mentioned in the Introduction, this violence and repression had the unintended consequence of empowering the women of Ennahdha as well as preserving the movement as a whole. Women whose husbands were in jail also suffered ostracisation from their families and communities for being association with

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<sup>110</sup> Naveena Kottoor, ““They crushed me”: Tunisians reveal abuses they endured before the Arab Spring”, *The Washington Post*, 15 December 2016 quoting Ibtihel Abdellatif, commissioner in charge of female victims for the Truth and Dignity Commission.

<sup>111</sup> Ibid.

<sup>112</sup> ““It was a Way to Destroy Our Lives.” Tunisian Women Speak Out on Religious Discrimination”, *The International Center for Transitional Justice*, 14 June 2016.

<sup>113</sup> Merieme Yafout, ‘Islamist Women and the Arab Spring: Discourse, Projects, and Conceptions’, *Comparative Studies of South Asia, Africa, and the Middle East*, 35.3 (2015), 588-604 (p. 589).

<sup>114</sup> Ibid.

<sup>115</sup> Ibid., p. 590.

Ennahdha. They became heads of their households, despite often being denied work commensurate with their qualifications and severe social stigma and punishment faced by them and their families. The prisoners would often be moved around the country, as a state tactic to isolate them from their families. The women would travel across the country to different towns and spend hours waiting outside the prison gates together for their weekly visits. As members of Ennahdha were banned from meeting together, this provided unintended opportunities for exchange as they swapped important information and strategies of survival. One woman quoted by Gray said, ‘We—the women—became the main conduit of information during those years. Without us, the movement could not have survived in these dark decades.’<sup>116</sup> These stories have only come to light since the uprisings. They constitute an important restoration to history of Islamist women’s political participation, activism, and resistance and are vital for understanding and contextualising the emergence of a cadre of powerful Nahdhawiat in 2011.

### **BEN ALI, CIVIL SOCIETY, AND THE SECULARIST FEMINIST MOVEMENT**

Ben Ali justified his violent repression of Ennahdha, or anyone suspected of being an “Islamist” by capitalising on secular Tunisians’ fear of replicating events in neighbouring Algeria, where a civil war was about to unfold. This enabled him to position himself as ‘the defender of a progressive, secular republic under threat from religious chauvinism’,<sup>117</sup> enlisting support, or at least complicity in silence, from the vast majority of Tunisian secularists. Realising that secular women could be strategic allies in the fight against Islamists, Ben Ali’s heretofore tepid outreach to them heated up. Using the UNFT, the state tried to monopolise women in its favour. Bellin asserted that Ben Ali’s legalisation and incorporation of ATFD had been recognition of the organisation’s potential ability to mobilise a large number of feminist activists behind his anti-Islamist cause.<sup>118</sup> This created a complicated situation for secular female democrats. Supporting the state as it reneged on its democratic promises in brutal ways ran counter to their ideologies. But the state’s antagonism towards Islamists meant that it was less likely to sacrifice women’s rights to appease

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<sup>116</sup> Gray, 2012, p. 293.

<sup>117</sup> Perkins, 2004, p. 190.

<sup>118</sup> Bellin, 1995, ‘Civil Society’, p. 146.

“fundamentalists”.<sup>119</sup> In constructing such a catch-22, Ben Ali was able to garner support for the ferocity of his campaign against Ennahdha, while also maintaining a veneer of progressivism and modernity that appealed to his Western allies. This has emerged as a point of contention between Islamist and secularist women activists post-uprising.

Ben Ali initiated a series of gestures of support for secular women, both symbolic and concrete, in effect rewarding them for their support during the campaign against Ennahdha.<sup>120</sup> In 1991 and 1992, the state began institutionalising women’s issues by approving a series of women-focused civil organisations, appointing a number of high-profile (but carefully selected) RCD women to positions in government and in the party, and initiating reforms to the CSP that dealt with issues that had remained unaddressed since 1956. Concurrently, Ben Ali’s public rhetoric at the time alluded to a ‘pay-back date’, ostensibly the next elections, in which his support for secular women would yield a tangible dividend.<sup>121</sup> All of these gestures, however, served the interests of the state. None of these organisations could, in any way, challenge government policies.<sup>122</sup> These gestures of support merely reinforced domestic stability and bolstered the images of progress, secularism, pluralism, and modernism, while also increasing secular women’s dependence on the state.

Charrad and Labidi provide slightly different narratives about the relationship between the state and secular women, emphasising the strength and empowerment of activists in the women’s movement instead of the manipulation of the state. Charrad characterises Ben Ali’s early years of rule as the first time that ‘feminism captured political space for women’s issues’.<sup>123</sup> Charrad attributed Ben Ali’s outreach to secular feminists in an alliance against the Islamists as a reflection of the strength of the women’s movement. She acknowledged that the state strategically shifted alliances to secure its interests and survival as an active political actor. However, she ultimately framed this alliance in positive terms as opposed to non-democratic ones.<sup>124</sup> Labidi emphasised the positive impact of the institutionalisation of women’s

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<sup>119</sup> Charrad, 1997, ‘Policy Shifts’, p. 303.

<sup>120</sup> Brand, 1998, p. 213.

<sup>121</sup> Ibid., pp. 211-213.

<sup>122</sup> Murphy, 1999, *Economic and Political*, p. 196.

<sup>123</sup> Charrad, 1997, ‘Policy Shifts’, p. 300.

<sup>124</sup> Ibid.

issues on the growth of a new feminist elite, choosing not to highlight the circumscribed space in which civil organisations acted.<sup>125</sup>

Their emphasis on the women and organisations that constituted the autonomous women's movement from the 1980s onwards, particularly ATFD, was not unjustified. All organisations that operated under Ben Ali were highly constrained, as the space that was allotted to them was carefully managed to provide an outlet for dissent without destabilising the status quo. However, scholarly accounts demonstrated that ATFD proved to be 'forceful voices of opposition' and, according to Gilman, the only organisation that can be characterised as autonomous and a 'protest' organisation.<sup>126</sup> But even so, organisations that strayed too far from the government's agenda, by being too radical, too Islamist, too feminist, or too critical, were persecuted and co-opted into the government's agenda.<sup>127</sup> Being too outspoken could garner imprisonment and accounts of routine harassment by Ben Ali's government for standing in opposition to the state were confirmed in interviews with the former ATFD president and human rights lawyer, Bochra Belhaj Hamida, along with members of ATFD and AFTURD in April 2012.<sup>128</sup>

UNFT is a sharp contrast to ATFD's example. UNFT was an official arm of the state and party until the 1990s. When foreign donors required that funds be disseminated through non-governmental organisations (NGOs), "official" ties to the RCD were cut. Eventually, Ben Ali's wife, Leila Trabelsi, became the head of the UNFT, showcasing exactly how independent this organisation was from the state.<sup>129</sup> This ensured state control over the money intended to bolster civil society, while maintaining the illusion of independence.

## **FAÇADE DEMOCRACY**

Ben Ali also employed more direct mechanisms of governance to engage women with the state while strengthening his pluralist, democratic image abroad and furthering the consolidation of his power under the guise of democracy. Ben Ali was able to project

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<sup>125</sup> Labidi, 2007, 'The Nature of Transnational', p. 16.

<sup>126</sup> Gilman, 2007, p. 103.

<sup>127</sup> Goulding, 2009, 'Unjustifiable', p. 76.

<sup>128</sup> In communication with author: Bochra Belhaj Hamida (Tunis: 16 April 2012), Meriem Zeghidi (Tunis: 16 April 2012), Khedija Arfaoui (Tunis: 18 April 2012), and Samia Ben Slima Ettaif (24 April 2012).

<sup>129</sup> Brand, 1998, pp. 207-209.



a strong commitment to women's rights by instituting voluntary gender quotas within the RCD. These quotas resulted in a female proportion of 27.6% of the deputies in parliament, a proportion that far outstripped the rest of the region and many countries in the West as well.<sup>130</sup> Quotas were a staple of Ben Ali's construction of a façade democracy, in which seemingly democratic institutions were established but actually served to consolidate state power.<sup>131</sup> By instituting quotas for opposition parties, as well as for women, Ben Ali could operate under the guise of democratic reform without actually altering the patterns of participation or power. In this way, he perpetuated 'the appearance of pluralism without providing the concept with substance'.<sup>132</sup> Deliberately including avenues of participation in the government, Ben Ali could manage and neutralise any actual dissent by virtue of the state's incorporation of the opposition. The same was true for women.

Because the façade democracy precluded any chance of meaningful opposition, the pathways to power resided firmly in the state-party structure, a situation that held true for women as well. RCD women in parliament as the result of such quotas, like male deputies in the opposition, lacked an institutional mechanism through which they could challenge state power. They were in parliament because of the supposed beneficence of the state, and as such, RCD women were then expected to be properly grateful by mirroring the needs of the state, providing the appearance of minority support for state policies. Ultimately, the gender quotas gave the ruling party more control over who ended up in a law-making position, ensuring that the status quo was maintained. Thus, women could only operate in ways that served the interests of the party (and by extension the state), two male-dominated entities that reflected patriarchal norms. In subverting her gendered interests, whatever they might have been, to the interests of the party and state, the female deputy ultimately had to make Kandiyoti's 'patriarchal bargain', in which her political participation came at the cost of further control by men.<sup>133</sup> In this case, female candidates were unable to capitalise on their facilitated political access in order to challenge unequal power structures to which they had been subjected uniquely as women. Instead they were

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<sup>130</sup> Dahlerup, 2009, 'Women in Arab Parliaments', p. 31.

<sup>131</sup> Goulding, 2009, 'Unjustifiable', p. 75.

<sup>132</sup> Perkins, 2004, p. 195.

<sup>133</sup> Deniz Kandiyoti, 'Bargaining with Patriarchy', *Gender and Society*, 2.3 (1988), 274-290; Deniz Kandiyoti, 'Gender, Power and Contestation: "Rethinking bargaining with patriarchy"', in *Feminist Visions of Development: Gender Analysis and Policy*, ed. by Cecile Jackson and Ruth Pearson (London: Routledge, 1998), 138-154.

made to ‘act as a broader state-building and regime-consolidating tool and part of a larger project to reinforce patriarchal structures’.<sup>134</sup>

## CONCLUSIONS

Benedict Anderson, in his famed text *Imagined Communities*, describes how women have been written into the story of nation building.<sup>135</sup> Written as objects, not subjects, ‘...the bodies and behaviours of women have become critical frames for weaving together unified national tapestries’.<sup>136</sup> It is clear throughout the modern political history of Tunisia that Tunisian women, their bodies, and their behaviour have very much functioned as tools for national and state consolidation, consistently positioned as the dividing line between two consecutive dialectics. First, women’s bodies were upheld as repositories of cultural and national identity during the nationalist movement, serving to differentiate the colonised from the coloniser.<sup>137</sup> With the independent state fought for and won, women’s bodies and behaviours became symbols of modernisation, marking a new barrier between progress and tradition, secularism and Islamism. Finally, under Ben Ali, secularist women and women’s rights were deployed as anti-democratic political tools serving the brutality of authoritarianism that exacted violence on Islamist women’s bodies.

For the most part, women themselves—excepting the few who worked inside vastly male-dominant apparatuses of power—have participated very little in the production of the narratives that centred on them and the policies targeted towards them. As embodiments of values, women were assigned the dubious task of reconciling their citizenship with their role as privileged custodians of national identity, and thus protectors of a state in which they lacked agency.<sup>138</sup> This restricted them from positions of power and imprinted upon their bodies scripts of nation-and-state-building as forms of social control. This control of women’s bodies, cloaked in emancipatory language, is the cornerstone of neopatriarchy, a system that emanates from ‘largely untransformed structures that regulate interpersonal relations at every

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<sup>134</sup> Goulding, 2009, ‘Unjustifiable’, p. 76.

<sup>135</sup> Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (New York: Verso, 1983).

<sup>136</sup> Joseph, 2000, ‘Gendering Citizenship’, p. 5.

<sup>137</sup> Albert Memmi, *The Colonizer and the Colonized*, Expanded Edn (Boston: Beacon Press, 1991).

<sup>138</sup> Kandiyoti, 2001, ‘The Politics of Gender’, p. 56.

level, from the family to the state'.<sup>139</sup> The image of a wholly secular state populated by autonomous, secular Tunisian women able to equally participate economically, politically, and socially was an artificial one, created to serve the needs of an authoritarian state.

The consequences of this process can be violent for women. When the state uses women's bodies to construct national identity in the state's service, women's bodies then become sites of contested power. Positioning women's bodies and the spaces they occupy as the border between two competing entities, be they groups or ideologies, necessarily requires a forcible attempt to shift where that border lies, an inherently violating process that renders women's bodies as passive, yet mobile, objects. With state power built on women's bodies, they necessarily become the site of oppositional power struggles: first between the Tunisians and the French, then Bourguibists and Youssefists, and finally the state and oppositional forces, both secularist and Islamist. In this construct, women's rights are either the spoils or the casualties of a heated battle between two opposing sides—the products of contests to which women are not party. With ideological battles waged over and through them, women as political actors are erased and their own interests, whatever they may be, ignored.

The Tunisian state employed this process to construct a certain political subject out of Tunisian women, a subject that embodied a Tunisian identity that suited the political needs of the state. Those that fell outside of this script were politically, publically, and violently marginalised. Bourguiba's modernisation program, in particular, the CSP, engineered a single public image of "The Tunisian Woman", predicated her access to citizenship and civil rights on her conformity with that image. This then informed the construction of her public role under Ben Ali. Ben Ali continued this process by creating distinctly exclusive institutions based on this socio-political construction of women in Tunisia. The repressive nature of the state under the Bourguiba and Ben Ali regimes ensured that this process remained separate from, and not necessarily aligned with, any parallel processes occurring outside the bounds of the state. The state's process of constituting the female citizen is thus isolated from the society, culture, history, and reality that defines the lives of Tunisians who existed

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<sup>139</sup> Ibid.

outside the exclusive political vacuum constructed by the state. This creates the potential for tension between these parallel but simultaneously distinct processes.

## FOUR: REVOLUTIONARY AFTERMATH AND THE 2011 ELECTIONS<sup>1</sup>

Women were a powerful and visible presence in the uprisings that led to the overthrow of Ben Ali on 14 January 2011 and in the aftershock protests through March.<sup>2</sup> The high level of participation of women in revolutionary protest movements has a long historical precedent in both Tunisia and the region more broadly, as women have consistently been at the forefronts of popular calls for reform and social change. From 17 December 2010 to 14 January 2011, women marched side by side with men, chanting and singing slogans about dignity, democracy, and employment across the country and down Avenue Habib Bourguiba in Tunis.<sup>3</sup> Photographs and videos of women wrapped in Tunisian flags and yelling in the faces of security forces riveted the international community.<sup>4</sup> These images captured the wide diversity of women participating across the country, from working and professional women, judges in their robes, young girls, women wearing hijabs, and women from the countryside.<sup>5</sup> As Tunisian scholar and activist Amel Grami described:

Women mobilized for protests via facebook; were integral participants in action planning meetings at universities, labor unions, and political parties; coordinated between organizations; documented the revolution via pictures and videos; and were part of people's committees that protected Tunisian neighborhoods [when law and order collapsed]; they hid the wounded from the pursuit of police and gave food to the army.<sup>6</sup>

Like their male counterparts, women incurred the violent backlash of the regime, often through sexual harassment and rape.<sup>7</sup> The mothers of children shot by Ben Ali's security forces spoke publicly and movingly about the martyrdom of their children for the Tunisian revolution.<sup>8</sup> Lina Ben Mhenni, a young cyber activist and blogger, who had been one of the few who wrote under her own name during the Ben Ali regime,

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<sup>1</sup> Part of this chapter is based on research I completed for my MPhil.

<sup>2</sup> Khalil, 2014, p. 186.

<sup>3</sup> Ibid., p. 188.

<sup>4</sup> Kristine Goulding, 'Tunisia: Arab Spring, Islamist Summer', *openDemocracy*, 25 October 2011, p. 2.

<sup>5</sup> Ibid., p. 188.

<sup>6</sup> Manea, 2014, p. 82 quoting Amel Grami.

<sup>7</sup> Gold Mercury International, 'The Role of Women in Tunisia', *Gold Mercury International*, (n.d.) 2015.

<sup>8</sup> Khalil, 2014, p. 188.

garnered a Nobel Peace Prize nomination for her coverage of the protests in her blog, ‘A Tunisian Girl’. At a time when international journalists were denied entry into Tunisia and national media remained under the control of the regime, Ben Mhenni was the only journalist present when security forces massacred protesters in Kasserine and Regueb. Her reporting and photographs ensured that the rest of Tunisia—and the world—knew what was happening in the oft-neglected interior regions during some of the most violent days of the protests.<sup>9</sup>

The uprisings of 2010/2011 and the overthrow of Ben Ali represented a wholesale rejection of the authoritarian secular reformism of the Ben Ali regime and an opportunity to (re)imagine and (re)build the political norms and values of a new Tunisia. Although calls for gender equality and women’s rights were not explicit demands of the protesters, they quickly emerged as a site of contestation in multi-faceted ways. Almost immediately after the overthrow of Ben Ali, the issues of women’s rights became central within the public discourse. Questions on women’s rights, their bodies, and their place in society became a major modality through which Tunisians debated and (re)negotiated a post-Ben Ali vision of nation and state. Through this process, gendered discourse became imbued with the productive capacity to communicate larger ideas and values of varied political movements and Tunisian national identity in general. Although the revolution aimed to discredit and dismantle the politics of the Ben Ali regime, the way that gender functioned in the post-revolutionary political discourse was referential to its role within Tunisian history. Bourguiba and Ben Ali had recruited and positioned women as symbolic embodiments of variegated national values, identities, and political ideologies, incorporating women into the state as gendered objects in order to stitch together nation- and state-consolidating narratives. Changes in gender relations in Tunisia had been dependent on the fluctuating needs of the authoritarian state and subject to larger political, social, and economic forces.

This chapter explores whether or not the robust participation of women in the revolutionary street and the critical role of gender in the post-revolutionary political discourse translated into political power and institutional inclusion. It also examines the potential paradox of a gendered discourse that contained elements of authoritarian

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<sup>9</sup> Yasmine Ryan, ‘Tunisian blogger becomes Nobel Prize nominee’ [online], *Al Jazeera*, 21 October 2011.

continuity within a political project attempting to fundamentally (re)negotiate and (re)define political norms and values to imagine a post-Ben Ali state. Finally, it will consider the ways in which these processes produced gendered outcomes following the introduction of the gender parity law as part of the interim Electoral Code.

## **GENDER IN THE POST-REVOLUTIONARY DISCOURSE**

The issue of women's rights came to the forefront of a public discourse that was newly and robustly diversified. The revolution ushered in unprecedented political pluralism, resulting in the formation of over 100 new political parties<sup>10</sup> and allowing for the re-emergence of Ennahdha as a political force and source of vigorous gendered activism. Previously marginalised and publicly silenced Islamiyyat, most of whom were affiliated with Ennahdha, quickly emerged as a visible and highly mobilised force of gender activism. Drawing on the grassroots organising characteristic of political Islam, Islamiyyat activists quickly gained traction with women in rural communities who had felt alienated by authoritarian state feminism and by the brand of secular feminist activism that had been legal under Ben Ali. Their activism was not novel, regionally or in Tunisia, as women have been dynamic participants in political Islamism since its emergence as a political force in the 1970s.<sup>11</sup> Rather, their visibility after decades of repression diversified a previously singular public discourse on women's rights and gender and represented a significant departure from the Ben Ali years.

Secular feminists also mobilised with rhetoric that was in line with the hegemonic discourse of feminism under Ben Ali. For these established feminists, the restoration of Islamist gender activism and the Islamiyyat's pluralisation of the discourse on women's rights registered as adversarial and competitive. The re-emergence of Ennahdha as a major political actor, and the newly crowded feminist discursive field, reanimated historical antagonism between secular women's groups and Ennahdha. Secular feminists began immediately expressing fear that they would lose rights already gained, such as the CSP. On 29 January 2011, ATFD and AFTURD, along with the LTDH, organised a major demonstration in Tunis to

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<sup>10</sup> Duncan Pickard, 'Challenges to legitimate governance in post-revolution Tunisia', *Journal of North African Studies*, 26.4 (2011), 637-652 (p. 645).

<sup>11</sup> Khalil, 2014, p. 187.

support the safeguarding of women's rights in the aftermath of the revolution. The demonstration was organised in response to the news that Ennahdha's founder and former leader, Rached Ghannouchi would return to Tunisia the next day after 22 years of exile in London.<sup>12</sup>

Throughout his exile, Ghannouchi had attempted to rehabilitate the perception of Ennahdha as hostile to women's rights. He wrote a book titled *Women's Place between the Quran and the Reality of Muslims*, which offered 'alternate interpretations, both old and new, to Qur'anic verses that have long been misinterpreted and misused against women', which included the speech he gave on women in the Islamist movement in 1980.<sup>13</sup> Upon its re-emergence in 2011, Ennahdha's official rhetoric on women's rights was progressive and moderate. However, critics accused Ennahdha of employing a 'double discourse', essentially paying lip service to progressivism publicly, in particular a commitment to women's rights, while saving conservative rhetoric for more radical audiences.<sup>14</sup> The double discourse criticism emerged in force with a well-attended and televised debate between Ghannouchi and Neila Silini, a university professor in Islamic civilisation and prominent secularist academic, at the Hamra Theatre in Tunis on 16 April 2011.

ATFD organised a three-day international seminar in March about the democratic transition and its implications on women's rights. At the closing ceremony, 'The Woman's Manifest for Equality and Citizenship' was presented, drafted by ATFD, AFTURD, Collectif 95 Maghreb-Égalité, and the women's commission of the UGTT. The manifesto stated that the biggest threats to Tunisia's 'modernist way of life' included 'a multitude of aggressions against women by Islamists, the appearance of niqab, and the authorization for women to have ID photos wearing a scarf'.<sup>15</sup> There were also anecdotal reports of Ennahdha candidates campaigning against the special treatment that women had received under Ben Ali, purporting that a vote for Ennahdha would diminish the 'outsized status' that Tunisian

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<sup>12</sup> Lana Asfour, 'A Revolution of Equals', *Granta: The F Word*, 115 (2011).

<sup>13</sup> Wafa Bughaighis, 'Prospects for women in the new Libya', in *Arab Spring and Arab Women: Challenges and Opportunities*, ed. by Muhamed S. Olimat (Oxford: Routledge, 2014), pp. 106-120 (p. 120); Tamimi, 2001, *Rachid*, p. 58.

<sup>14</sup> Rachid al-Ghannouchi and Elliott Abrams, 'Tunisia's Challenge: A Conversation with Rachid al-Ghannouchi', *Council on Foreign Relations*, 30 November 2011.

<sup>15</sup> Khedija Arfaoui, 'Women and education in Tunisia: From Independence to the Jasmine Revolution', (Italy: Presented at the Bellagio Center, 2011), p. 7. A niqab is an Islamic veil that covers the hair and the face except for the eyes.



women had previously enjoyed.<sup>16</sup> Consequently, a narrative prevailed reinforcing the double discourse argument, construed as glimpses of Ennahdha's true agenda. This exacerbated secular women's groups' existing distrust of Ennahdha, causing them to view all actions by Nahdhawis as mere disguises for a more radical brand of Islam, which will be discussed further in the following chapter. Ettajdid (Movement for Renewal), a leftist secular party, was one of the most vocal critics of Ennahdha, painting it as a misogynist movement. In response, Ennahdha organised an enormous conference hall in downtown Tunis and held a widely advertised National Women's Day celebration on 13 August 2011, the anniversary of the CSP. The event featured a number of prominent Nahdhawiat to challenge claims that the movement excluded women.<sup>17</sup>

As the October 2011 elections for the Assembly approached, women's rights came to be situated in a broader confrontational narrative between Islamists and secularists. Thus, gender became the platform through which to cement a binary of two broad political categories. Within this context, the simplified perception of a party as pro-women's rights or anti-women's rights enabled individuals to make a broad distinction between "secularists" and "Islamists" or "progressive" and "regressive" politics. These dichotomies overshadowed the nuances of the political landscape and placed it within a limited framework, derived in part from the anti-Islamist propaganda from the previous authoritarian regimes.<sup>18</sup>

## **WOMEN'S REPRESENTATION AND TRANSITIONAL INSTITUTIONS**

Despite the centrality of gender and women's rights in the political discourse, it quickly became evident that the new state was being gendered as masculine with the establishment of the transitional government in January 2011.

### **CARETAKER GOVERNMENTS: JANUARY 2011-DECEMBER 2011**

The first caretaker government was announced on 17 January 2011 by the interim Prime Minister Mohamed Ghannouchi (no relation to Rached Ghannouchi), who had

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<sup>16</sup> In communication with author (Tunis: 2012).

<sup>17</sup> Marks, 2013, 'Women's Rights Before and After', p. 246.

<sup>18</sup> Voorhoeve, 2015, 'Women's Rights in Tunisia', p. 3.

served as a minister throughout Ben Ali's reign. Only two women were appointed at the ministerial level out of 23 positions: Moufida Tlatli as Minister of Culture and Lilia Labidi as Minister of Women's Affairs.<sup>19</sup> At the state secretary level, Ghannouchi appointed only one woman out of 15: Faouzia Charfi Rekik as State Secretary to the Minister of Higher Education. Rekik, however, resigned soon after her appointment and was replaced by a man.<sup>20</sup> Following escalating protests over the presence of RCD members in the interim government, including a walk-out of four opposition ministers, Ghannouchi announced a cabinet reorganisation. Again, he only appointed two female ministers out of 21: Lilia Labidi stayed on as Minister of Women's Affairs and Habiba Zehi Ben Romdhane took over as Minister of Public Health. Ghannouchi appointed no women to the nine state secretary positions.<sup>21</sup> After an outbreak of violence in Tunis and the continuation of popular discontent with the interim government's association and closeness with the former regime, Beji Caid Essebsi (who would go to be elected president in 2014) was appointed interim prime minister on 27 February 2011. His government was composed of 20 ministers, again with only two women, keeping on Labidi and Ben Romdhane. At the state secretary level, Essebsi originally appointed no women, but following a resignation in July, appointed Myriam Mizouni as State Secretary to the Minister of Sports and Youth.<sup>22</sup>

During the transitional period (27 January 2011-24 December 2011), there were never more than two female ministers or more than one female state secretary serving in the government at the same time. These numbers are particularly striking when compared to the number of women at the cabinet level in Ben Ali's government. Labidi, the only woman to maintain her appointment throughout the transitional period and a prominent academic on gender issues, described how low numbers of female ministers was not the sole problem for women at a leadership level. Rather, the marginalisation of women was perpetuated through 'ministerial hierarchies' both before and after the revolution. Women were relegated to ministries with the least amount of power, funding, and competence, such as Women's Affairs,

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<sup>19</sup> Tunis Agence Presse (TAP), 'Composition du Gouvernement d'Union nationale', *Portail de la Présidence du Gouvernement*, 17 January 2011 [online].

<sup>20</sup> Ibid.

<sup>21</sup> TAP, 'Nouvelle Composition du Gouvernement d'Union nationale', *Portail de la Présidence du Gouvernement*, 27 January 2011 [online].

<sup>22</sup> TAP, 'Composition du nouveau Gouvernement provisoire', *Portail de la Présidence du Gouvernement*, 7 March 2011 [online].

Culture, or Public Health. Labidi has described that the Ministry of Women's Affairs 'lacked informed and committed professionals and that most were purely political appointees'. For example, the then-director of the file on 'Rural Women' had never finished high school and had refused to visit rural areas of Tunisia on ministerial field trips.<sup>23</sup>

#### EXCEPTIONAL COMMISSIONS

In addition to the caretaker government, four 'exceptional' commissions were formed as part of the political transition. The largest and most authoritative body was formed on 18 February, called the High Commission for the Realisation of Revolutionary Goals, Political Reforms, and Democratic Transition (henceforth known as the High Commission).<sup>24</sup> The High Commission acted as the source of public authority before the elections and was tasked with achieving the objectives of the revolution, ensuring the proper functioning of public services, and facilitating the democratic transition. The High Commission was formed of two lower committees. The Expert Committee, which had six female members out of 18, and the Committee of Representatives of Political Parties, Neglected Regions, Martyrs, and NGOs, which included 36 women out more than 150 members. The second commission was the National Investigation Commission on Corruption and Embezzlement, which was also divided into two sub-committees. The Technical Committee, made up of 11 members, included two women and the General Committee had no women. The third commission was called the Commission to Establish the Abuses and Violations against the Population since 17 December 2010. This commission was the only transitional body to include more women than men, with nine women out of 15 members. The final exceptional commission was the Independent High Commission for Elections (ISIE), which included only two women out of 13. The ISIE was tasked with organising and

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<sup>23</sup> Khalil, 2014, p. 193.

<sup>24</sup> 'Décret-loi n° 2011-6 du 18 Février 2011 portant création de l'instance supérieure pour la réalisation des objectifs de la révolution, de la réforme politique et de la transition démocratique' (Decree-Law n° 2011-6 of 18 February 2011 for the creation of the High Commission), *Journal Officiel de la République Tunisienne* No. 13, 18 February 2011.

monitoring elections for the Assembly. These elections were originally scheduled to take place in July but were subsequently postponed until 23 October 2011.<sup>25</sup>

## **GENDER PARITY: ORIGINS AND IMPLEMENTATION**

The High Commission drafted an interim electoral code in the spring of 2011. Tunisia was divided into 27 districts in-country, with six abroad, for a total of 33 constituencies. The interim electoral code set the rules and regulations about political party formation and campaigning.<sup>26</sup> Each district within Tunisia was allocated between four and ten seats, and between one and five seats for those overseas, for a total of 217. Electoral Law instituted a closed list proportional system. Parties, coalitions, or independents were required to submit a primary list of ranked candidates for the districts prior to the election, along with a reserve list in case individual candidates were rendered invalid by the ISIE. Citizens voted for lists, rather than candidates, and the proportion of votes that a given list received in a district determined how many candidates, starting from the top, would ascend to the Assembly, employing the largest remainder method. This meant that the total number of votes cast for each party's list was divided by a threshold of votes required to win a seat. This will typically result in an integer and a fractional remainder. Parties are allocated seats according to the integers. Then the remainders are ranked and the rest of the unallocated seats awarded to parties with the largest remainder. This method tends to favour smaller parties, which can result in a large spread of parties elected per district.<sup>27</sup>

The High Commission also passed a gender parity provision—Decree 35/2011. The gender parity law required candidate lists to be evenly split between men and women and for them to be listed in a zippered fashion, that is, alternating between genders. This method became known as vertical parity.<sup>28</sup> The ISIE was tasked with scrutinising each list and disqualifying those that did not meet the

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<sup>25</sup> 'National Constituent Elections in Tunisia, October 23, 2011', (Atlanta: The Carter Center, 2011), pp. 23-24.

<sup>26</sup> 'Tunisia: Decree no. 35 dated 10 May 2011 on the Election of the National Constituent Assembly (2011)', *ACE: The Electoral Knowledge Network*, Article 16. p. 3.

<sup>27</sup> The Carter Center, 'National Constituents Elections' 2011, p. 23.

<sup>28</sup> ACE, 'Decree no. 35' 2011, Article 16.

standards of the law, ensuring, among other requirements, adherence to vertical parity.

As the country prepared for the upcoming elections in October, the electoral field that emerged was largely secular, as only six of the new political parties identified as Islamist.<sup>29</sup> The notable exception, of course, was Ennahdha. The well-financed Ennahdha quickly outpaced the rest of the field due to its impressive grassroots networks in rural and southern Tunisia and an unequivocal status as anti-regime, something that newer parties and opposition parties that had been legal under Ben Ali lacked. As expected, Ennahdha won a plurality in the Assembly with 89 out of 217 seats, far outpacing its competition. The centre-left secular party Congress for the Republic (CPR) won 29 seats and Ettakatol, a social-democratic secular party, won 20. Arridha Chaabia (Popular Petition for Freedom, Justice, and Development), a new populist party, won a surprising 26 seats. Ennahdha, CPR, and Ettakatol went on to form a governing coalition, subsequently called the Troika, which caused defections from members of CPR and Ettakatol who did not want to cooperate with Ennahdha.<sup>30</sup>

Women fared moderately well in the election, originally taking 58 out of 217 seats in the Assembly (about 26%), 40 of which were won by Nahdhawiat. The number of women deputies increased to 61 (28%) by December 2011 due to the formation of the government. Moncef Marzouki (CPR) was elected president by the Assembly, appointing Hamadi Jebali (Ennahdha) as Prime Minister. Consequently, Marzouki vacated his seat in the Assembly. Interim Electoral Law stipulated that vacancies were to be filled by the next available candidate on the electoral list. CPR had only received one seat in Marzouki's district of Nabeul 1 and so the second on the list, Samia Abbou, ascended to fill Marzouki's seat. Moncef Ben Salem (Ennahdha) was appointed Minister of Higher Education in the Jebali government, vacating his seat for Sfax 1. Ennahdha had won three seats in Sfax 1, and so Soulef Ksantini, who had been fourth in the list, ascended to the Assembly. By 2014, the number of female deputies had increased again—to 64 (29%) in 2012, 66 (30%) in 2013, and 68 (31%) in 2014.<sup>31</sup> These vacancies arose for a variety of reasons, including deaths, subsequent

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<sup>29</sup> Pickard, 2011, 'Challenges', p. 645.

<sup>30</sup> Alexander, 2016, 2<sup>nd</sup> edn, p. 91.

<sup>31</sup> Jane D. Tchaïcha and Khedija Arfaoui, *The Tunisian Women's Rights Movement: From Nascent Activism to Influential Power-broking* (Oxford: Routledge, 2017), pp. 141-144.

government appointments, or existing cabinet appointees resigning from the Assembly in order to focus on governing. This mechanism allowed the percentage of female representatives in the Assembly to bypass the globally recognised benchmark of 30% by 2014.<sup>32</sup> However, this outcome occurred partly due to the masculinisation of the government. Jebali appointed only three women to his 42-person cabinet in 2011. Subsequent governments were just as masculinised, allowing for the increase in female deputies.

When the High Commission was considering instituting the gender parity law in the spring of 2011, some thought that it would hamstring Ennahdha. This assumption was consistent within the prevailing framework that positioned Islamism, and therefore Ennahdha, as hostile and ideologically antithetical to women's rights. However, according to Hafidha Chekir, an academic and director of the Arab Institute of Human Rights, who was a member of the High Commission, it was secular parties that were the most opposed to the gender parity law. Ennahdha, confident in the depth of its support in general, favoured gender parity from the beginning, along with UGTT, ATFD, and AFTURD. However, CPR and some of the other newer and smaller secular parties were initially against it. They, unlike Ennahdha, did not feel that they had a base level of female membership from which to draw 50% of their candidates.<sup>33</sup> Although the gender parity provision was eventually adopted, it was not by consensus.<sup>34</sup> Yadh Ben Achour, the president of the High Commission, said that when Ennahdha and the UGTT had thrown their support behind the idea of gender parity, it made it almost impossible for any of the other groups to substantively disagree.<sup>35</sup> This example is one of the first concrete instances in which the binary framework between Islamism and secularism, vis-à-vis women's rights, failed to adequately capture the nuances of the Tunisian political field. It also showcases the way that gender and women's rights were used as part of broader political strategy that was not necessarily related to notions of women's emancipation.

The percentage of women in the Assembly was impressive, given the small proportion of women's parliamentary political representation across the globe. However, a substantial disparity existed between the number of female candidates and

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<sup>32</sup> 'Facts and Figures: Leadership and Political Participation', *UN Women*, (n.d.) 2015 [online].

<sup>33</sup> In communication with author (Tunis: 23 April 2012).

<sup>34</sup> Khalil, 2014, p. 195.

<sup>35</sup> In communication with author (New York: 24 January 2017).

the number of female deputies elected. This disparity was not so much due to the implementation of the gender parity law as it was written, but rather to the space the law left for interpretation. The law specified two conditions for compliance: a roughly equal ratio of female-to-male candidates and the alternation of male and female names on the list. Yet the law did not specify requirements for the gendered distribution for the heads of lists, a method known as horizontal parity. As a result, women headed only 7% of the lists, despite comprising about 50% of the candidates. Only the secular and leftist coalition Democratic Modernist Pole (PDM)—of which Ettajdid was a part—interpreted parity to be both horizontal and vertical. Afek Tounes (Horizons of Tunisia), a secular, liberal party almost achieved horizontal parity. Meanwhile, Ettakatol had four female-headed lists, the Progressive Democratic Party (PDP) had three, and CPR and Ennahdha had only one.<sup>36</sup> The way the election was structured amplified these longstanding biases privileging men in politics. The closed list proportional voting system placed great emphasis on the order of the listed candidates. Due to the dearth of female-headed lists, the proportion of men elected far outpaced that of women.

Although the space left for interpreting implementation of gender parity impacted all female candidates, secular women were decidedly more affected. Nahdhawiat held 40 out of the original 58 seats won by women. The origins of this disparity between Islamist and secular women lay in Ennahdha's success relative to any other party. Only 40% of the population voted for Ennahdha, but none of the secular parties gained a comparable concentration of support. Most secular parties won no more than one seat per district, meaning that only the names at the head of the lists (92% of which were men) were elected, regardless of the total percentage of female candidates. Male candidates similarly dominated the heads of Ennahdha's lists but the relative popularity of Ennahdha in comparison to individual secular parties ensured that more than just the candidate at the head of the list was elected. It was for this reason that the election resulted in a higher number of Nahdhawiat deputies than female secular deputies despite the fact that the male-bias for the heads of the lists was nearly universal across the ideological spectrum. According to Moez Bouraoui, the president of the election monitoring organisation, Tunisian Association for the

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<sup>36</sup> Najla Abbas, 'Tunisian women: Political Role, Gain and Challenges (The Case of Parity)', in *A New Paradigm: Changing Perspectives on the Changing Mediterranean*, ed. by Sasha Toperich and Andy Mullins, (Washington D.C.: Center for Transatlantic Relations, 2014), pp. 225-231 (p. 228).

Integrity and the Democracy of Elections (ATIDE), ‘All the Tunisian people expected a lot of women to be on the top of the lists, but they weren’t. We expected that but then we saw the opposite.’<sup>37</sup> Secularist parties had used a commitment to women’s rights as a political tool to legitimise themselves as progressive and delegitimise Ennahdha as regressive. The majority of secularist parties’ collective failure to implement horizontal parity was inconsistent with their campaign rhetoric and cast doubt on their practical commitment to gender equality.

## **WOMEN AND POLITICAL PARTIES**

At the time of the campaign season and the election, the heightened rhetorical weight afforded to women’s rights by political actors, as well as the centrality of gender in the discourse, obscured the degree to which women were actually participating in party politics. This is key to understanding the gendered processes and outcomes of the election. The order of the candidates on the list and the voting structure explain the disparity between female candidates and female deputies, but not the reasons behind the systematic male-bias for the heads of lists. In exploring the dearth of female headed lists, four reasons, largely from a supply-side perspective, arose: 1) *mentalité*; 2) marginalisation from central party structures; 3) low numbers of female party membership/lack of interest in candidacy; 4) deficits of qualified women.

### **MENTALITÉ**

*Mentalité*, essentially patriarchal attitudes and gender norms that situate women as inferior to men, mediated the full and equal incorporation into parties across the political spectrum. A seminar debriefing by the United Nations Development Programme (UNDP) revealed underlying stereotypes and biases within the ranks of political parties that impacted how women were seen and used within them. A series of focus groups with 19 female candidates from 15 political parties, seven journalists, and four members of women’s NGOs disclosed how even the parties that purported to be the most progressive and ‘modernist’:

...still believe that women are incapable of providing political leadership. The parties, through their management, continue to devalue women and perpetuate stereotypes. There is not, fundamentally, a real conviction of the need to

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<sup>37</sup> In communication with author (Tunis: 18 April 2012).



involve women and the role that they could provide. Political parties remain “private clubs for men.”<sup>38</sup>

In interviews conducted by the author, female political actors corroborated these findings by asserting that *mentalité*, alternatively referred to as ‘patriarchy’,<sup>39</sup> ‘male mentality’,<sup>40</sup> ‘traditional morals’,<sup>41</sup> or the ‘macho and male society’,<sup>42</sup> was one of the most significant stumbling blocks to more robust female participation in politics. Houda Zaibi, vice president of the League of Tunisian Women Voters (LET), captured the defining quality of *mentalité*. She explained the ‘meagre’ participation of Tunisian women in politics as a result of ‘stereotypes and cultural constructions that women are no good for politics and that politics is a man’s realm’.<sup>43</sup> Sana Ouechtati, a law professor and member of leftist Ettajdid’s internally elected political bureau, agreed with Zaibi, saying, ‘The image of women in our society is that women are unable to govern.’<sup>44</sup> Ouechtati situated this idea historically and religiously, referencing Hadith 219 from Sahih al-Bukhari, which says:

During the battle of Al-Jamal, Allah benefited me with a Word (I heard from the Prophet). When the Prophet heard the news that the people of Persia had made the daughter of Khosrau their Queen (ruler), he said, “Never will succeed such a nation as makes a woman their ruler”.<sup>45</sup>

Ouechtati went on, ‘This phrase is still around. So it is really difficult to show that a woman is able to enter into the political sphere to have opinions and is not just staying at home taking care of the children.’<sup>46</sup>

Here, Ouechtati captured an important aspect of *mentalité*, one in which women are not only excluded from the political sphere and but are also relegated to the domestic. Communications officer for ATFD, Samia Ben Slima Ettaif, stated, society ‘always considers women’s social role first,

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<sup>38</sup> ‘Le parcours des candidates aux élections de l’Assemblée Nationale Constituante: Compte, rendu, Leçons apprises, Stratégies pour de meilleurs résultats’ (The Journey of candidates in the elections of the National Constituent Assembly: Account, lessons learned, and strategies for better results), (New York: UNDP, 2012), p. 14.

<sup>39</sup> Samia Ben Slima Ettaif, in communication with author (Tunis: 24 April 2012).

<sup>40</sup> Ibid.

<sup>41</sup> Salma Sarsout, in communication with author (Tunis: 25 April 2012).

<sup>42</sup> Rym Mahjoub, in communication with author (Tunis: 23 April 2012).

<sup>43</sup> In communication with author (Tunis: 16 April 2012).

<sup>44</sup> In communication with author (Tunis: 23 April 2012).

<sup>45</sup> *Sahih al-Bukhari*, Book 92, Hadith 50 (Vol. 9, Book 88, Hadith 219).

<sup>46</sup> In communication with author (Tunis: 24 April 2012).

because women's primary role is social, and not political or economic'.<sup>47</sup>

Meriem Zeghidi, also in the communications office for ATFD, agreed, 'There are a lot of voices that say the natural place for women is in the house.'<sup>48</sup>

Salma Sarsout, a Nahdhawia deputy and vice president of the Constitutional Commission for Human Rights, added a further dimension by describing how *mentalité* had been internalised by women and men alike:

There are some women who have been offered power but they choose not to accept it. It's on both sides—both men and women—and this will only change if we fix this *mentalité*. We need to fix the order of priorities in responsibilities. The home should not just be for women; it is for men as well. The domestic sphere must be for both.<sup>49</sup>

#### MARGINALISATION FROM CENTRAL PARTY STRUCTURE

Before the transition, the only prominent women in politics were members of the RCD, with Maya Jribi as the sole exception. She helped start PDP with Nejb Chebbi in 1983 and then went on to become the first Tunisian woman to lead a political party when she was elected PDP's secretary general in 2006.<sup>50</sup> After the revolution, this *mentalité* of male superiority manifested tangibly within party leadership, since 'of the 107 parties legalized on 30 August 2011, only three were led by women: "the party [sic] of Social Center directed by Salma Ammar, Afek Tounes by Emna Menif (co-directed by Mohamed Louzir), and the Movement of democratic [sic] Edification and Reform by Emna Mansour Karoui"''.<sup>51</sup>

Referring to the male dominance of internal party structures even within PDP, one candidate described how women were kept out of the inner decision-making circles. She considered, '[PDP] were very happy to have me and gave me lots of things to do. But I found that women don't have any power to decide anything in the political party. Men have all the power.'<sup>52</sup> This account is supported by the UNDP debriefing. The women in the UNDP focus groups report that the lack of provisions in party by-laws that would have obligated representation of women in political decision-making positions further consolidated existing male power within the

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<sup>47</sup> In communication with author (Tunis: 24 April 2012).

<sup>48</sup> In communication with author (Tunis: 16 April 2012).

<sup>49</sup> In communication with author (Tunis: 25 April 2012).

<sup>50</sup> Khalil, 2014, p. 194.

<sup>51</sup> Ibid., quoting Leila Mfarej, 'La représentation féminine après le 14 janvier', *Observatoire tunisien de la Transition démocratique*, (n.d.), 1-26 (pp. 18-19).

<sup>52</sup> In communication with author (Tunis: 25 April 2012).

party.<sup>53</sup> It went on to describe how the process of constructing the lists put women at a disadvantage because of the insularity of the decision-making bodies. Pre-existing parties, like PDP, relied on their male-dominated political bureaux to construct the candidate lists, using unspecific and unclear selection criteria. Some new parties attempted to be more open and inclusive with their selection processes, but many had not yet formalised the internal mechanisms by which their parties nominated candidates. Donia Ben Romdhane, a gender specialist at UNDP, elaborated on the report in an interview with the author, explaining the intersection of new institutions and existing mentalities:

Everything to me is about *mentalité* and behaviour. There are unclear rules about many issues, for example, financing, list nomination, and what gender parity looks like. The rules are not always clear and defined, which is why people in positions of power do what they themselves think is best but are not gender sensitive at all.<sup>54</sup>

As Azza Turki, a Tunisian journalist, pointed out to Andrea Khalil, the transitional governments had not respected gender parity in the cabinets, failing to provide a model for integrating women into political parties or decision-making positions.<sup>55</sup>

Given the degree of male dominance within party politics, the implementation of the gender parity provisions at a party level was complicated by the fact that it challenged the power of the very people tasked with implementing it. This can create the potential for disincentives motivated by self-interest, as gender parity both crowds the political sphere and appears ‘to challenge the status of the same male politicians and party leaders who pass these policies, as they require that men cede seats to women as a group’.<sup>56</sup> As Bochra Belhaj Hamida, the former president of ATFD and deputy in the ARP as of 2014, articulated to Khalil, ‘The hopes have never been so high in Tunisia and the egos of political actors have never been bigger, and there is a sense that women are additional and unwanted rivals in the political field.’<sup>57</sup>

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<sup>53</sup> UNDP, ‘Le Parcours’ 2012, p. 6.

<sup>54</sup> In communication with author (Tunis: 19 April 2012).

<sup>55</sup> Khalil, 2014, p. 194.

<sup>56</sup> Mona Lena Krook, ‘Gender Quotas in Parliament: A Global View’, *Al-Raida*, 126/127 (2009), 8-17 (p. 10).

<sup>57</sup> Khalil, 2014, p. 195.

Many cited the lack of female party members in general and linked to this, a lack of interest by women in becoming candidates. Indeed, in the interim period, women were joining civil associations rather than politics, given the higher rate of female participation in associational life—a self-fulfilling cycle.<sup>58</sup> The reasons behind this revealed a range of gendered social pressures, many of which were underpinned by *mentalité*, including the social inappropriateness of women in politics, the inhospitality of the political arena to women, and the obligation for women to balance politics with other responsibilities. A candidate from PDM, the coalition that did achieve parity between heads of lists, described the unique difficulties facing women who want to go into politics:

Women have many more responsibilities. They have families and take care of their kids. If they work, they still have to take care of their families. I see many women activists in political parties right now...It is a challenge that women alone have to face. Women have to make the choice to give much more time to political activity. But it is easier for [men]. Women can't get rid of their family responsibilities. Men can lean on their wives much more than a wife can lean on her husband for taking care of the kids and taking care of meals.<sup>59</sup>

Women who do make the choice to go into politics had to then deal with societal judgments or personal guilt at choosing politics over family. Sarsout described these feelings:

During the campaign, there are some men that get home at two, three, or four in the morning. They don't feel guilty about not taking care of their kids. But if I get home late, and I did when I was doing a lot of work doing door-to-doors, I felt guilty for not taking care of my kids. Even if my husband was taking care of my kids for me and doing a good job, I felt guilty.<sup>60</sup>

These issues originated in patriarchal social structures that gender domestic and political responsibilities, constructing obstacles unique to women on their path to accessing political power. These cumulative experiences highlight the fact that gendered pressures were not confined along any part of the political spectrum.

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<sup>58</sup> Khalil, 2014, p. 195.

<sup>59</sup> Amel, in communication with author (Tunis: 17 April 2012).

<sup>60</sup> In communication with author (Tunis: 25 April 2012).

## LACK OF QUALIFIED FEMALE CANDIDATES

Both men and women attributed the low numbers of female-headed lists to a lack of qualified women to run for office. Many described that after the gender parity law was passed, all parties were scrambling to fill their gender quotas so as not to have their lists disqualified. Sana Ouechtati described that ‘a lot of parties, even Ennahdha, were obliged to take women to put on the lists without looking for qualifications or even confidence’.<sup>61</sup> This was levied as a criticism of all parties, because if they choose unqualified women, ‘it shows the population that women were not able to speak, govern, and participate well’.<sup>62</sup> The perception that the recruited female candidates were underqualified created a strong disincentive for the party leadership to put women at the head of the list. In this case, the gender parity law undermined the legitimacy of the electoral process by delegitimising the group at which the law was aimed—one of the factors that scholars have identified as commonly derailing the success of gender quotas.

These criticisms were often invoked as a way to malign the credentials of the current Nahdhawiat deputies by secularists, suggesting political, as well as gendered, motivations, exemplified by Ouechtati’s statement above. These findings were reinforced by focus group research published by the National Democratic Institute (NDI). It reported that the general perception was that women were included on the lists purely to satisfy gender quotas, and in no way because of their qualifications.<sup>63</sup> However, competence only came up in relation to female deputies. With the exception of the few political parties that had been legal under the Ben Ali regime, the vast majority of political parties and their members were new to politics. Citing scarcity of competent women only as a way to explain the lack of total parity gendered the competence issue. Chekir summed up her thoughts on this:

In our country, we have had many, many deputies, men, who are not competent. So now why are we talking about competence now that we are dealing with women? We have never had competent deputies! They did not have great capacities! So now that we are talking about women, we are talking about competence!<sup>64</sup>

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<sup>61</sup> In communication with author (Tunis: 24 April 2012).

<sup>62</sup> In communication with author (Tunis: 24 April 2012).

<sup>63</sup> Gabriella Borovsky and Asma Ben Yahia, ‘Women’s Political Participation in Tunisia After the Revolution: Findings from Focus Groups in Tunisia’ (Washington, D.C.: NDI, 2012), p. 9.

<sup>64</sup> In communication with author (Tunis: 23 April 2012).

When asked her thoughts on this, Aya Chebbi, an award-winning pan-African feminist blogger and activist exclaimed indignantly, ‘There aren’t enough competent men for the Constituent Assembly! Politics is new for all of us!’<sup>65</sup> Rather than indicating an actual disparity in competence, this attitude could be reflective of deeper perceptions about the political value of women in general, in other words, the *mentalité* that mediates the incorporation of women into politics across the ideological spectrum.

## **WOMEN, CAMPAIGNS, AND THE ELECTORAL FIELD**

The *mentalité* evident in the structural exclusion of women and in party attitudes towards its female members is reflective of wider societal views on the appropriate role for women. The NDI report found that:

[G]ender norms are deeply embedded in participants’ environments, illustrated by respondents’ comfort placing women and men in traditional gender roles in both private spheres (family, household) and public (political institutions, workplace). Participants expressed a widespread and traditional mentality that women should play a mostly private role in Tunisian society.<sup>66</sup>

This *mentalité* regarding the suitable role for Tunisian women in society underpins the patriarchal structures that shape the political field unevenly between male and female candidates. The prevailing attitudes about women’s suitability in public and political life created a vast series of challenges for women seeking to transcend that social barrier. In order to battle these stereotypes of female inferiority both within their own parties and to the electorate, women had to work harder to prove their worth as political candidates. My informants reiterated this point over and over across party lines. Sarsout saw this in her campaign and, subsequently, as a deputy, ‘The challenge for a woman is always having to prove herself more to get to equal levels of government.’<sup>67</sup> Zeghidi stated that it was the biggest challenge facing a woman in politics—continually proving herself deserving of candidacy in the first place.<sup>68</sup>

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<sup>65</sup> In communication with author (Tunis: 17 April 2012).

<sup>66</sup> Borovsky, 2012, p. 6.

<sup>67</sup> In communication with author (Tunis: 25 April 2012).

<sup>68</sup> In communication with author (Tunis: 16 April 2012).

From the outset, women faced a structurally gendered challenge in the pathway to legitimacy. This challenge was compounded by women's absence from the public debates on the social and political post-revolutionary project occurring in the media during the transitional period.<sup>69</sup> Statistics gathered by ATFD's media-watch activities showed that women comprised only 10% of radio and television and 2% of print media during the transitional period.<sup>70</sup> According to Farida Labidi, a prominent Nahdhawia deputy, the lack of representation was particularly acute for Islamist women and even more so for women who wore hijab.<sup>71</sup> During the campaign season, female candidates and political actors were significantly under-covered by the media as well.<sup>72</sup> In terms of electoral coverage, they comprised only 2.02% of written press coverage, 4.92% of radio, and 2.02% of television.<sup>73</sup> According to Romdhane, the media focused the vast majority of its coverage solely on the candidate at the head of the list.<sup>74</sup> Given the dominance of male headed lists, the ostensibly non-gendered process of candidate reporting resulted in a distinctly gendered outcome. This underrepresentation of women in the media created yet another barrier to overcoming damaging stereotypes and was reflective of the societal devaluation of female political potential.

This entrenchment of social mores that locate women in the private sphere made it harder for female candidates to access some public spaces to campaign. For instance, Tunisia, like many states in the region, has a thriving male-dominated cafe culture. In Tunis, male-only spaces decreased under Ben Ali, as a reinforcement of Tunisia's modernity. Outside the capital, men have continuously dominated cafe culture and it is inappropriate for women to venture inside. Even in Tunis, since the fall of Ben Ali, public spaces have become more gender segregated, including the re-segregation of cafes, partly as a backlash against Ben Ali-era norms. But cafes serve a larger role in Tunisian culture and in the region. More than just places to buy and consume coffee and tea, cafes are hubs of political and social activity, and thus vital spaces to

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<sup>69</sup> Khalil, 2014, p. 196.

<sup>70</sup> Ibid., quoting, Mfarej, (n.d.), p. 7.

<sup>71</sup> Khalil, 2014, p. 196.

<sup>72</sup> Donia Ben Romdhane, in communication with author (Tunis: 19 April 2012).

<sup>73</sup> Abbas, 2014, p. 229.

<sup>74</sup> In communication with author (Tunis: 19 April 2012).

access for candidates during campaign season. Given the gendered nature of these spaces, however, some female candidates had a hard time transcending the social rules that excluded them. Not all female candidates reported difficulty accessing male-only spaces like cafes,<sup>75</sup> but many informants spoke of instances in the rural areas in which women were not allowed to participate in a political debate because of its location in a traditionally male space. Transcending these engrained social rules can be very difficult for female candidates especially when there is no guarantee that their presence will be received positively.

#### GENDERED HARASSMENT: THE EXPERIENCES OF BOCHRA BELHAJ HAMIDA AND SOUAD ABDERRAHIM

Although all candidates faced difficulties during the campaigns, women faced some uniquely gendered challenges in their interactions with the public and media both during and after the campaigns. Whereas men often received questions about their platforms and ideas, women were judged, challenged, and often harassed about their personal appearance, morality, marital status, and personal life. Verbal, online, and even physical harassment were also significant problems for many female candidates during the campaign, even in places that were not designated as male spaces, real or virtual. The experiences of Bochra Belhaj Hamida from Ettakatol and Souad Abderrahim from Ennahdha, two female candidates who garnered relatively high levels of media attention, deftly illustrate this dynamic.

Bochra Belhaj Hamida is a lawyer, activist, and former president of ATFD. She was one of the four women who headed a list for Ettakatol, running in Zaghouan, a conservative city outside of Tunis. Her candidacy failed in 2011 but she was ultimately elected on a Nidaa Tounes list in 2014. Hamida's experiences during the campaign were often cited as a prime example of the type of harassment that specifically secular women faced, much of which was sexualised. She did not use her husband's last name and was harassed on her Facebook page and at campaign events for supposedly being unmarried. There were whispers about her sexuality and

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<sup>75</sup> UNDP, 'Le Parcours' 2012, p. 4



it was rumoured that there were pictures of her drinking alcohol on Facebook.<sup>76</sup> She attributed the attacks to Ennahdha supporters but also blamed her fellow Ettakatol candidates and the party itself for abandoning her and failing to support her, a broader dynamic corroborated by Romdhane from UNDP, discussed below.<sup>77</sup> Although Hamida was at the head of the list, she was not elected, as Ettakatol failed to win any seats in Zaghouan. The vitriol directed at Hamida about her personal life was partly credited with Ettakatol's loss in that district.

Hamida was a well-known public figure who took vocal stands on controversial issues, such as equal inheritance. However, her campaign was not an isolated incident. One candidate from PDP described the defamation of a poster put up by the campaign for a colleague. The eyes of the woman's face had been scratched out and someone had scrawled across the bottom: 'Do not vote for this slut and lesbian.'<sup>78</sup> She also reported that she had been aggressed by Salafis for not being religious or moral enough. She said her colleagues faced similar challenges, especially in rural areas.<sup>79</sup> Even Maya Jribi, arguably one of the best-known female politicians in Tunisia before the election, faced verbal, sexualised harassment. Khediya Arfaoui, feminist and human rights activist, suggested that it was intended to discourage women from entering the public sphere.<sup>80</sup>

Secular women were vulnerable to moralised and sexualised attacks from the right, as they did not embody visual signifiers of piety. The association of secular feminism with the former regime compounded the vulnerability of secular women. The fact that Ben Ali had seemed to champion secular women's rights, diminished their revolutionary credibility, regardless of the candidate's individual history under Ben Ali. Some reported being taunted with shouts along the lines of, 'Ben Ali was your father! What will you do without your father to protect you?'<sup>81</sup> NDI corroborated the negative association between the ancien regime and the "modern" woman.<sup>82</sup> This confluence of social forces created a unique set of challenges for secular female candidates in the field.

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<sup>76</sup> In communication with author: Bochra Belhaj Hamida (Tunis: 16 April 2012); Achraf Ayadi (Tunis: April 2012), Amel (Tunis: 17 April 2012), Mariam Zeghidi (Tunis: 16 April 2012).

<sup>77</sup> Lilia Labidi, 'Electoral Practice of Tunisian Women in the Context of a Democratic Transition', (Washington, D.C.: Woodrow Wilson Center, [n.d.]), pg. 6.

<sup>78</sup> In communication with author (Tunis: 25 April 2012).

<sup>79</sup> In communication with author (Tunis: 25 April 2012).

<sup>80</sup> In communication with author (Tunis: 18 April 2012).

<sup>81</sup> Bochra Belhaj Hamida, in communication with author (Tunis: 16 April 2012).

<sup>82</sup> Borovsky, 2012, p. 7.

Souad Abderrahim ran as an independent on an Ennahdha list in Tunis 2 and was the only woman from the party to head a list. In the 1980s, she was a member of the executive committee of the Islamist-oriented General Union of Tunisian Students (UGTE) and served 15 days in prison for her activism. She was the only woman on an Ennahdha list who did not wear hijab, and as such, garnered a lot of media attention. She ‘contributed to Ennahdha’s image of a political party that was open to diversity and reassured women of the party’s intent to defend women’s rights’.<sup>83</sup> Abderrahim said that in the beginning, the fact that she did not wear hijab helped open political doors for her:

There was a buzz about the fact that I was a non-veiled candidate from an Islamist party. So all newspapers spoke about me and all parties wanted to know who I was. So I found the beginning rather easy, many doors opened up for me, abroad and in Tunisia.<sup>84</sup>

Just days after the 2011 election, Abderrahim participated in a discussion on Radio Monte Carlo with Hamida and Nadia Chaabane, who headed the PDM list in France 1. Abderrahim appeared to denigrate mothers who want to have children out of wedlock, causing an uproar in the media and amongst feminist and civil society organisations. This culminated in a physical attack against Abderrahim on the opening day of the Assembly. Following this incident, she was pilloried in the press, largely from the left:

as Ennahda’s “passionaria,” as the party’s feminist alibi, as Tunisia’s Sarah Palin, as Souad Le Pen (a reference to the French politician Marine Le Pen), and has had cartoons mocking her. She was depicted as dancing in a bikini with three Ennahdha figures in a satirical skit on television.<sup>85</sup>

The participation of her son in a Harlem Shake video at his middle school in Tunis also caused a media sensation, attracting criticism from the right, and she was required to defend his actions and her parenting on multiple television and radio programmes. During the campaign, Abderrahim was insulated from the type of attacks against unveiled, secular women due to her specific positionality as a former activist in the UGTE and as a candidate on the Islamist party’s list. However, she was still vulnerable to attacks by the public and the media, which were gendered through their tokenistic, sexualised, family-linked nature, as an attempt to discredit her and her competence. Taken together, Hamida and Abderrahim’s experiences

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<sup>83</sup> Labidi, *‘Electoral Practice’*, p. 7,

<sup>84</sup> In communication with author (Tunis: 9 September 2014).

<sup>85</sup> Labidi, *‘Electoral Practice’*, p. 8.

showcase that both the right and the left engaged in sexualised attacks against female candidates, policing women's bodies, morality, and sexuality as a way to discredit them as political actors.

## THE GENDERED IMPACT OF CAMPAIGN FINANCE

The structure of campaign finance was the final factor contributing to an uneven political field between male and female candidates in that the way parties internally distributed their resources had an unintended gendered impact. By nature of the proportional list voting, the candidate in the top position on the list received the most party support during the campaign, including access to campaign funding. As male candidates occupied the vast majority of these positions, women systematically had less access to party resources before the elections.

Compounding this, the candidate at the top of the list was often tasked with allocating party finances to the other candidates. With men heading up almost every list and simultaneously dominating internal party power structures, campaign finances and resources were controlled almost exclusively by men. Even women who occupied the second slot on party lists reported having more difficulty accessing adequate funds for their campaigns than their male compatriots, indicating that the *mentalité* of male superiority also underpinned distribution of funds.<sup>86</sup> This also means that the way a party conceives of priorities and the way those priorities are funded are dominated by a single positionality. Here, the implications of patriarchal attitudes informing the construction of male-dominated lists played out through an overtly gender-neutral policy of internal financial allocation.

Although the confluence of factors that led campaign and party resources to disadvantage women as a group vis-à-vis their male counterparts, there was also a differentiated impact between female candidates from Ennahdha and secular parties. Ennahdha was the financial front-runner throughout the entire campaign season. Ennahdha's wealth, in conjunction with its leadership's political acuity, was apparent in the sophistication and organisation of its operation. The secular parties, with the exception of CPR, were vastly underfunded by comparison. Their

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<sup>86</sup> UNDP, 'Le parcours' 2012, p. 6

relative poverty, along with the youth of many of the secular parties, was also evident in their lack of organisation or sophistication. This lack of resources meant that support within secular parties was spread thinly amongst the different candidates. Although all candidates within a party suffered from lack of resources, this situation resulted, nonetheless, in gendered outcomes when interacting with the patriarchal social structures already in place within Tunisia.

Lack of party resources meant that secular parties were often unable to embed their candidates within a party structure when they were campaigning in more remote areas. While men could also benefit from more party support during campaign events, women were often uniquely impeded by the scarcity of resources. The gendered access to public spaces used for campaigning and prevailing hostile attitudes towards women in politics presented challenges exceptional to women. Ennahdha mitigated these challenges by embedding women within the party, facilitated by the depth of its campaign coffers. Romdhane testified to the fact that Nahdhawiat candidates were accompanied by high-level party representation at every campaign stop. She says, ‘They really gave the impression that they were a team with these women.’ However, she went on, ‘This never happened with the other parties. Never.’<sup>87</sup> Due to the state of secular parties’ finances, they were unable to mirror that support. Rym Mahjoub, a deputy in the Assembly from Afek Tounes, felt this acutely:

As a woman, the terrain was very difficult. You have to know that you are a woman and that you will face difficulties. Sometimes you really needed a man with you. I felt like I needed a man with me when I was in the rural parts.<sup>88</sup>

Mahjoub was not alone. Every secular female candidate I interviewed highlighted the vulnerability of women campaigning alone in remote areas. Both the structures of distribution and relative resource scarcity of secular parties had the unintended gendered outcome of disadvantaging secular female candidates relative to their fellow male candidates, as well as in comparison to Nahdhawiat candidates.

Ennahdha’s solution was not gender-neutral. Being embedded within the party structure conferred a political advantage to Nahdhawiat due to the legitimacy provided by the male-dominated party leadership. Ultimately, this created a double bind for women, as a challenge born of patriarchy required a patriarchal solution—

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<sup>87</sup> In communication with author (Tunis: 19 April 2012).

<sup>88</sup> In communication with author (Tunis: 23 April 2012).

the ultimate patriarchal bargain. This speaks to the strength and depth of the patriarchal norms that chapter all women's political participation and structurally gender the political terrain.

## CONCLUSIONS

The robust democratic participation of Tunisian women in the protests saw the rise of a gendered discourse that had elements of authoritarian continuity as well as the restoration of public activism by Islamiyyat. However, it became immediately clear that the state was being gendered as masculine in the composition of the interim institutions in the aftermath of the revolution. In contrast, however, the gender parity law, as part of the interim Electoral Code, reflected certain assumptions and values. In requiring parity, it assumed that women, as a unified group, have differentiated access to political power, and by extension to their full citizenship rights, compared with men as a unified group. The High Commission sought to address this variance through legislation. The CSP was a similar legal mechanism. Despite the fact that it was actually a guise for state consolidation, it was ostensibly initiated to mediate inequality in gendered access to rights. Also like the CSP, the implementation of the gender parity legislation was used as a political tool to undermine rivals.

However, examination of the implementation of the gender parity law reveals that barriers to full participation of women in Tunisian politics endured as a result of a confluence of factors. The space for institutional discretion was filled by long-standing and deeply engrained social values regarding the socio-political positioning of women. These values structured the political field unevenly between male and female candidates across the political spectrum, resulting in distinctly gendered outcomes from ostensibly gender-neutral processes. It also became clear that access to political power was not mediated solely along gendered lines. Certain protections or advantages emerged or receded along variegated intersections of both gender and political affiliation. This complicates the underlying assumption of the gender parity law, which treated women as a unified and essential category. It showcases the importance of intersectionality in analysing gender within the political field, as gendered dynamics remain deeply embedded and entangled within other structures

It is interesting that a subset of women, those with a secular affiliation, appear to have been the most disadvantaged by virtue of their identity. As a category, they

are the same subset of women who appeared to have been advantaged by that same identity vis-à-vis other women in Tunisian society under the former regimes. This reveals some tension between the socio-political constitution of the female political subject under the former regime and the socio-cultural constitution of the female political subject after the bounds of state repression have fallen away. The image perpetuated under Bourguiba and Ben Ali of secular and autonomous female political actors, who seem to have been advantageously positioned to access political power in the new state, was an artificial one. Despite the elements of continuity in the gendered political discourse before and after the revolution, clearly the socio-cultural process of subjectivation that determines how subjects interact with the structures of the state were divergent from that same public process undertaken by the former regimes. Evidently, there are substantial differences between the nature of society reflected in the artificially constructed political arena under the Ben Ali regime, and that of Bourguiba before him, and the context that has been revealed once the lid of authoritarianism had been lifted.

The next chapter will interrogate the (re)making of female citizenship by the women who were elected to the National Constituent Assembly and the ideological and structural barriers faced by elected female deputies. Furthermore, it will examine the strategies and tactics female deputies employed in order to gender the Constitution and (re)write female citizenship.

## **FIVE: CONSTITUTIONAL DRAFTING PROCESS 2012-2014**

### **INTRODUCTION**

The first part of this chapter examines the political context and gendered discursive landscape in which the first draft of the Constitution was released in August 2012, revealing divisiveness, a sense of political paralysis, and a narrative that positioned Ennahdha as the biggest threat to women's rights. This is paired with an articulation of the way elected female deputies of the Assembly worked together to remake female citizenship during the constitutional drafting process, analysing the ways that existing power structures can mediate the implementation and practice of the Constitution. This analysis reveals the ideological and structural barriers that continued to confront female political actors within the Assembly and how these actors navigated, negotiated, and overcame these challenges to gender the Constitution. Tunisian women in the Assembly interacted with existing norms while also creating, enacting, and embodying new norms within this process of subject-making, shifting from object to subject of the state. By detailing the political processes by which women wrote and were written into the constitution, I articulate the ways in which their own subjectivities constituted the resulting female citizen as subject. Such close reading of the constitutional process further complicates the prevailing notion of Tunisian politics as defined by a binary between Islamism and secularism, showcasing the political landscape as both fluid and nuanced when viewed through a gendered lens.

### **SECULARIST-FEMINIST DISCOURSE: VIGILANCE**

In the spring of 2012, the discourse among secularist women's rights organisations, both established and newly founded, was united to the point of being hegemonic. 'Women in Tunisia are afraid', declared Houda Zaibi, the vice president of LET. 'It is legitimate', she went on, 'Ennahdha, many leaders of Ennahdha, have made

statements.’<sup>1</sup> Zaibi’s sentiments were reiterated over and over among secular feminist civil society and NGO activists. The dominant themes of this discourse centred on the fear that an Islamist government would erode the rights that Tunisian women have historically enjoyed, namely the CSP. Invariably, the women in these movements positioned Ennahdha, and Islamism more broadly, as the greatest challenge facing women in the post-revolutionary period. Within this discourse, the concept of ‘vigilance’ was prominently featured. The word was employed as a call for (secular) Tunisian women to employ hyper-awareness of the status of their rights, which were purportedly in constant danger. Although a response to historical circumstances, vigilance, here, was proactive, rather than reactive. It portended future events, rather than calling for a response to actions already taken. This set a unique frame for viewing women’s rights in a time of significant change, as it prioritised the protection of existing rights, rather than the pursuit of new ones.

This framing reflected the way that gender and Islamism had been featured in both Tunisian and international media since the ousting of Ben Ali. Tunisian media, which was unpractised and untrained in thorough investigative reporting, tended to focus on marketable ideological conflicts—such as gender—during the 2011 campaign and beyond. Similarly, in the first half of the campaign season, international media had continuously heralded Tunisia’s pre-revolutionary status as the regional leader on women’s rights. Following Ennahdha’s gains in the polls during the summer and its subsequent plurality in the Assembly, international coverage became increasingly polemical and ideological, posing questions such as to whether the Arab Spring was ‘good’ for women.<sup>2</sup>

## **ANCHORED IN HISTORY AND IDEOLOGY**

The nature of distrust between secularist women and Ennahdha was also informed by ideological and historical factors. This also impacted the relationship of secularist women’s movement—both new and established—with the newly proliferated network of Islamiyyat civil society organisations. Since ATFD was incorporated into the state in 1988 through the National Pact, it had continued to promote an internationalist, human rights-based approach to women’s rights.

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<sup>1</sup> In communication with author (Tunis: 23 April 2012).

<sup>2</sup> Marks, 2013, ‘Women’s Rights Before and After’, pp. 224-225.



That paradigm has remained dominant; CEDAW is often invoked by this community as the standard to which women's rights in Tunisia must be held. There are clear strategic advantages to anchoring women's rights in international human rights conventions and tying one's agenda to a large, recognised body with political cachet and clout. The idea of 'women's rights as human rights' has increasingly characterised the international women's rights dialogue, as it ties the marginalisation of women within patriarchal cultures to larger issues that impact both men and women. The 2005 AHDR exemplifies this approach to women's rights in the region. Scholars, however, question the values, privileges, and interests implicit in the internationalist language of the AHDR and the human rights approach more broadly. Lila Abu-Lughod has eloquently articulated the problematic nature of this approach, arguing that it is 'a strong international language with its base in the West, a language largely confined to an educated, professional, cosmopolitan class that cannot imagine other ways of expressing humanity, getting rights, and living a good life'.<sup>3</sup>

The dominant feminist organisations in Tunisia, such as ATFD, AFTURD, and the women's commission of the UGTT, although legally allowed to operate under Ben Ali, were largely restricted from working outside the capital. These secularist feminist movements were, and remain, a largely middle-class, bourgeois urban movement strongly influenced by French secular-feminist literature, particularly in its leadership. Within their framework, the hijab is a signifier of patriarchal oppression and a harbinger of an Islamic fundamentalism that will undermine all women's rights. They view women and girls who wear the hijab as non-agentive who passively acquiesce to their own oppression, precluding the existence of an Islamic feminism. A prescient example occurred in 2013 at a conference organised about women in Tunisian civil society. The keynote speaker was Sana Ben Achour, a prominent feminist lawyer, and the panel included a representative from ATFD and the president of AFTURD—who also served on the women's commission of the UGTT. The coordinator of the conference confided in me that these participants refused to appear at the conference if the panel included women from Islamist civil society organisations or women who wore the hijab. In the panel discussion, an audience member asked if an Islamic feminism could exist. The consensus response from the

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<sup>3</sup> Abu-Lughod, 2009, 'Dialects', pp. 93-94.

panellists and Ben Achour was a resounding no, in that ‘you cannot be a feminist and wear the hijab’.<sup>4</sup>

Prior to 2011, all groups—from charities to religious reading groups, perceived to be Islamist in orientation—were banned by the state.<sup>5</sup> Since the uprisings, there has been a restoration of Islamiyyat activism, founded and run by women wearing the hijab, who come from rural regions, and organise around issues of economic inequality and in addressing human rights abuses under Ben Ali. They lacked the institutional capacity and experience in navigating funding structures relative to their more established secular counterparts. They had also felt marginalised and left behind by the secularist feminists, who they believe did not stand up for them under Ben Ali. Ibtihel Abdellatif, founder of Nisaa Tounessiet (Tunisian Women) and commissioner in charge of women’s victims for the Truth and Dignity Commission, said that organisations like ATFD profess to believe in complete equality, but in reality ‘did not believe in equality between women’, and were silent on the repression faced by Islamist women.<sup>6</sup> Boutheina Ben Yaghlane, founder of another major Islamist women’s organisation, Tounessiet (also translated as Tunisian Women), echoed Abdellatif’s sentiments.<sup>7</sup> Women from Islamist-oriented civil society organisations consistently referenced a series of open letters allegedly written by ATFD between 2003 and 2007 addressed to Ben Ali. These letters purportedly advised Ben Ali that his crackdown on Islamism had failed because women were still wearing the hijab and they advised him to stamp out the hijab once and for all using a human rights approach.

The fear felt by secularist women activists in 2012 was also informed by their history with both the state and MTI—explored in more detail in Chapter Three. Since independence, the status of women’s rights had been contingent upon the commitment of the ruling state, whose support fluctuated according to political necessity, shifting its alliances in order to neutralise perceived threats to the status quo. With Ennahdha as the most powerful political party, secular women feared that their rights were now at the whim of a government with which there is historic

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<sup>4</sup> The author was also a panelist at this conference titled, ‘Femmes Tunisiennes et Engagement dans la Société Civile’ (Tunisian Women and Engagement in Civil Society), organised by lab’ESS at Hôtel Novotel, Tunis on 25 October 2013.

<sup>5</sup> Marks, 2013, ‘Women’s Rights Before and After’, p. 242.

<sup>6</sup> In communication with author (Tunis: 21 November 2013).

<sup>7</sup> In communication with author (Tunis: 19 April 2012).

antipathy and who they believed were ideologically opposed to women's rights. Ben Ali had positioned Ennahdha as an existential threat to Tunisian women, justifying his violent repression of Islamists. Many women in the established women's movement had been active under Ben Ali, and in the 1980s before MTI had accepted the CSP. In fact, Hamida compared Ennahdha's position on the CSP in 2012 with their actions in 1985.<sup>8</sup>

## **ENNAHDHA: MODERATE ISLAM?**

Although little legislative change had occurred by the spring of 2012, the vigilance that characterised secularist women's fear provided the frame through which they viewed Ennahdha's role in the government. Every action that seemed to confirm secularist women's worst fears was woven into a narrative that strengthened the already existing aura of distrust, in a mutually reinforcing cycle.

### **DOUBLE DISCOURSE**

Despite Ennahdha's moderate rhetoric on women's rights during the campaign, and a personal declaration by Ghannouchi in November 2011 that his party was committed to maintaining the CSP as it stood,<sup>9</sup> narratives of a double discourse endured, and even intensified, after the election. This was bolstered by instances in which high-profile members of Ennahdha made comments that seemed to contradict its public commitment to women's rights or to moderate Islamism. Souad Abderrahim's comments about single mothers on Radio Monte Carlo days after the election marked one of the biggest scandals among secularist feminist groups. Additionally, various spokespeople or Nahdhawi party members suggested in 2011 that Ennahdha would not support a quota system for women in the future,<sup>10</sup> called for Tunisia to become the sixth caliphate,<sup>11</sup> attacked the 'morality' of those in the Tunisian street—taken as

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<sup>8</sup> In communication with author (Tunis: 16 April 2012).

<sup>9</sup> al-Ghannouchi and Abrams, 2011.

<sup>10</sup> Shadi Hamid, 'Tunisia field report: The Islamist balancing act', (Washington, D.C.: Brookings Center for Middle East Policy, 2015).

<sup>11</sup> Sana Ajmi, 'Ennahdha discourse: the sixth Caliphate or a misunderstanding?', *Tunisia Live*, 16 November 2011. The reference to Tunisia as entering the sixth Caliphate can be understood as part of the *\al-Khulafā' ur-Rāshidūn\* which 'represent an idealized moment in history, that of the first four caliphs, the rightly-guided, who came after the prophet Muhamed'. Tunisia as the sixth caliphate can

strike against ‘modern’, secular women<sup>12</sup>—and seemed to suggest support for religious marriages and female genital cutting.<sup>13</sup>

Ennahdha officials responded to most of these instances with immediate statements recanting or clarifying their position or by pointing out that its statements had been manipulated and misrepresented. There were examples of Ennahdha’s opponents manipulating statements that furthered the perception of Ennahdha as a radically regressive party. For example, just days after the 2011 election, Ghannouchi gave a radio interview, in which he asserted that the CSP—which had outlawed polygyny—was consistent with shari’a. He went on to say that even though shari’a permits polygyny, it does not obligate countries to allow it—a position he has maintained since the 1980s. Selected portions of the interview that appeared to show Ghannouchi’s support for polygyny in Tunisia were widely disseminated online with inflammatory, and misrepresentative headlines, causing a public outcry.<sup>14</sup>

#### ENNAHDHA AND SALAFISM

In 2012, the distrust of Ennahdha’s commitment to its proclaimed version of moderate Islamism was bolstered by the perceived relationship between the Ennahdha-led government and the increasingly vocal Salafi groups that emerged after the revolution. In late 2011 and early 2012, this narrative was shaped by the Salafi sit-ins at La Manouba, the debate surrounding the role of shari’a in the constitution, and the governmental response to various forms of public protest.

Salafism refers to ‘a literal version of Islam that claims to follow the path of the Islamic ancestors (*salah al-salih*)’<sup>15</sup> and is an umbrella term of ‘religiously conservative social movements that position themselves to the right of Ennahdha’.<sup>16</sup>

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be understood as following Mohammed, Abu Bakr al-Siddiq, Umar Ibn al-Khattab, Uthman Ibn Affan, and Ali Ibn Abi Talib. Hamed Jebali, who employed the reference, is said to be speaking symbolically ‘about political regeneration within an Islamic idiom’. (Malika Zeghal, ‘The New Political Languages of Tunisia: the “Sixth Caliphate” or the “Second Republic?”’, *On Islam and Politics*, 16 November 2011 [online].

<sup>12</sup> ‘Tunisian women accuse Islamist party of false pre-election promises, to allow polygamy’, *Muslim Debates: Muslim Women News*, 2011.

<sup>13</sup> ‘Tunisian MP stirs row after female circumcision remarks’, *Agence France Presse in Al-Arabiya News*, 11 March 2013.

<sup>14</sup> Voorhoeve, 2015, ‘Women’s Rights in Tunisia’, p. 8.

<sup>15</sup> Georges Fahmi and Hamza Meddeb, ‘Market for Jihad: Radicalization in Tunisia’ (Washington, D.C.: Carnegie Endowment for International Peace, 2015), p. 5.

<sup>16</sup> Monica Marks, 2012, ‘Who are Tunisia’s Salafis?’, *Foreign Policy*, 28 September 2012.

One orientation—*salafiyya al-ilmiyya* or scripturalist Salafism—is conventionally apolitical, eschewing the politicisation of Islam as ‘a sign of buying into a corrupt, worldly system destined for decay’.<sup>17</sup> In contrast, *salafiyya jihadiyya* is a strain whose members believe in the need to use jihad for political ends. Jihadi Salafis believe that ‘the best way to transform Tunisia’s inefficient and corrupted political system into a just Islamic government, or caliphate, is to preach vocally and uncompromisingly through both personal example and protest’, involving ‘a very direct and deliberate challenge to Tunisia’s state system’.<sup>18</sup> The forced secularity of the Ben Ali state pushed Tunisian Salafis out of public view during the regime, either underground in Tunisia or in exile abroad. During the 2000s, when religious sermons in Tunisia were centrally distributed to mosques, many young Tunisian men dissatisfied and disenfranchised by the state’s monopolisation of religious discourse ‘found meaningful spirituality and ideas about how to socially integrate religion in the discourse of Salafi sheikhs emanating from the Gulf through the internet and satellite television.’<sup>19</sup> Since the revolution, they have emerged in increasingly vocal ways—symbolised by the proliferation of men wearing the characteristic beard and women donning the niqab in the streets—to the surprise and alarm of Tunisian secularists.<sup>20</sup> Three Salafi parties—Jabhat al-Islah led by Rafik Aouni and Mohammed Khouja (who broke with Ennahdha in the early 1980s), Asala led by Ali Mouladi Jihadi, and Errahma led by Said Jaziri—participated in the 2011 elections on independent lists, as they had yet to be legalised. Ultimately, no candidate from these parties won any seats in the Assembly.<sup>21</sup>

The emergence of these parties concurrently to Ennahdha, ‘represent the re-emergence of an old debate within Tunisian Islamism between *Nahdawīs* favorable to the civil state and Salafis favorable to the instauration of Sharia law, having rejected the reformist path of Ennahda.’<sup>22</sup> Jabhat al-Islah was subsequently legalised in March 2012. Hizb Ettahrir, a transnational radical Islamist movement, began mobilising

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<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> Francesco Cavatorta, ‘The Rise and Fall of Uncivil Society? Salafism in Tunisia After the Fall of Ben Ali’, (Washington, DC: Middle East Institute, 2015).

<sup>20</sup> For more on the historical development of Salafi movements in Tunisia, see: Fabio Merone and Francesco Cavatorta, ‘The Rise of Salafism and the Future of Democratization’ in *The Making of the Tunisian Revolution: Contexts, Architects, Prospects*, ed. by Nouri Gana (Edinburgh: Edinburgh University Press, 2013), pp. 252-269.

<sup>21</sup> Also known as Hizb al-Rahma.

<sup>22</sup> Merone, 2013, p. 255.

during the 2010/2011 protests. Hizb Ettahrir has been illegally active in Tunisia since the 1980s but was allowed to hold a conference in March 2012 and was subsequently legalised that July.<sup>23</sup> Not necessarily Salafi, Hizb Ettahrir nevertheless garners a degree of credibility among Tunisian Salafi youths due to its pan-Islamic orientation. According to Ridha Belhadj, the head of the Tunisian branch, ‘the goals of Hizb al-Tahrir are to establish an Islamic Caliphate, raise Islamic awareness and lead the country to achieve radical change and the unity of the Islamic nation’.<sup>24</sup> Ansar al-Shari’a (Followers of Shari’a), one of the largest and most influential Salafi groups, is led by Abu Iyadh al-Tunisi (Saifallah Ben Hassine). Abu Iyadh was sentenced to 43 years in prison under Ben Ali, but was one of 300 jihadis who were pardoned and released from prison in the aftermath of the revolution.<sup>25</sup> Salafis in Tunisia are to a large degree made up of youths who were deeply disenfranchised economically and socially under Ben Ali and continued to feel marginalised by an elitist and unrepresentative political class, including Ennahdha.

Salafi groups would go on to play an increasingly large role in Tunisia through sometimes-violent protests and actions, or by having violence attributed to them by the government or opposition. However, just after the elections, Salafism in Tunisia, and its nuances or relationship to Ennahdha, was a relatively unknown entity. The public secular discourse on Salafism, however, was muddled, eliding differences under the general ‘Salafi’ umbrella to encompass conservative Islamism in general. The secularist opposition perceived Ennahdha and Salafi groups as one entity, masquerading as two (or more) separate organisations, with Ennahdha deploying Salafis for political cover in order to appear more moderate by comparison.

## LA MANOUBA

The sit-in and protests at La Manouba University from November 2011 into 2012 provided some of the first tests of Ennahdha’s relationship with Salafi groups. Two female students were prevented from sitting their exams in November 2011 because they were wearing the niqab and were subsequently suspended for refusing to remove them. A ‘Salafi sit-in’ began that led to the suspension of all classes and the

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<sup>23</sup> Also known as Hizb al-Tahrir or Hizb ut-Tahrir.

<sup>24</sup> ‘Tunisia legalizes second hardline Islamist group’, *Al Arabiya News*, 18 July 2012.

<sup>25</sup> Christine Petré, ‘How Ansar al-Sharia grew in Tunisia’, *Middle East Monitor*, 11 March 2015.

temporary closure of the university for two months. The protesters were calling for the right to wear the niqab in classes and exams, which the University had continued to ban after the revolution, as well as for a prayer space. There were reports that the Dean of the Faculty of Letters, Arts and, Humanities, Habib Kazdaghli, was barricaded in his office and unable to leave due to the protesters at the end of November.<sup>26</sup> Kazdaghli was subsequently arrested for slapping one of the students, although he claimed that they invaded his office to destroy his books and papers. After nearly a yearlong trial, Kazdaghli was acquitted of the charges in 2013, and the students found guilty of ‘damaging property and interfering with a public servant carrying out his duties’.<sup>27</sup> In early December, the Dean called on the Ministry of Education to intervene in order to mediate a solution, but the government refused to take a firm stand for either side. In early January, supporters of the Dean and the university’s position on the niqab staged a protest in front of the Ministry, calling for government intervention against the Salafi protesters.<sup>28</sup>

The secularist opposition and secularist-feminist organisations interpreted the government’s reluctance to take a firm stance on the protests at La Manouba as evidence of Ennahdha’s true agenda and use of double discourse. This perception was bolstered even further when the government banned all protests on Avenue Habib Bourguiba, the epicentre of the 2011 revolution, following altercations between a group of liberal artists and Salafis. Official sources justified the ban on the grounds that constant disruption was hurting commerce and tourism. On 9 April, members of the secular left organised a demonstration on Avenue Habib Bourguiba to protest the ban, to which the Ministry of Interior reacted violently, deploying tear gas and batons.<sup>29</sup> Videos circulated on Facebook, which claimed to show Salafi militias, without uniforms, helping police violently quell the protests.<sup>30</sup> This was followed by a violent altercation between police and protesters in the impoverished southern town of Radès.<sup>31</sup> Meanwhile, in the secularist narrative, Salafis were allowed to protest with impunity throughout the country while protests on Avenue Habib Bourguiba had been

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<sup>26</sup> Lina Ben Mhenni, ‘“Fath” Manouba’, *A Tunisian Girl*, 29 November 2011 [online].

<sup>27</sup> Thomas Bass, ‘How Tunisia is Turning into a Salafist Battleground’, *The Atlantic*, 20 June 2013.

<sup>28</sup> Lina Ben Mhenni, ‘Sit-in des Professeurs de la Manouba’, *A Tunisian Girl*, 4 January 2012 [online].

<sup>29</sup> David D. Kirkpatrick, ‘Tunisia Cracks Down Again on Protesters Defying a Ban’, *The New York Times*, 9 April 2012.

<sup>30</sup> ArtistesTunisiens, ‘Les Milices qui accompagnent la police’, *YouTube.com*, 10 April 2012.

<sup>31</sup> Houma Mzioudet, ‘Tunisia: Police Lead Violent Crackdown on Protesters in Port Town of Rades’, *TunisiaLive*, 16 April 2012.

banned. This narrative sharpened when stories surfaced that a short-lived Caliphate had been established in Sejnane in February 2012.<sup>32</sup>

The controversy at La Manouba recentred the discourse onto questions about women's bodies, given the prominent role of the niqab in sparking the protests. It also contributed to a broader, and heated, debate about the role of religion in public life, one that again, was had through women's bodies as a proxy. On 12 March, Said Ferjani, a prominent leader of Ennahdha, gave an interview on the BBC News in which the host challenged him on the rising Salafi movements in Tunisia. In this interview, Ferjani responded, 'We protect those girls, their choice to put on the scarf, as long as they are peaceful. We will, and we are already committed to protect those girls who choose the bikini'.<sup>33</sup> This sparked a domestic and international firestorm about the burka versus the bikini, which became a catch-all concept for the role of religion in public life. This process again imbued women's bodies with the productive capacity to transmit larger notions of national identity, particularly as the debate on the role of shari'a in the Constitution intensified.

#### SHARI'A IN ARTICLE 1

The controversy at La Manouba was embedded within a broader contestation about the role of religion in the state. The first constitutional debate began in January 2012, with a discussion on the role of shari'a in the Constitution and in Tunisia more broadly. There was no mention of shari'a in Ennahdha's political platform during the campaign. By October 2011, some members of Ennahdha began calling for shari'a as 'a source among sources', a formulation that is common throughout the Muslim world.<sup>34</sup> In February 2012, a draft of the constitutional project attributed to Ennahdha was leaked on social media. The internal draft cited shari'a as the main source of legislation and included an article limiting freedom of expression out of respect for the sacred. On 3 February, Habib Khedher, a Nahdhawi deputy from Gabès and head of the Joint Coordinating Committee and General Rapporteur of the Constitution in the Assembly, said in a radio interview on MosaiqueFM that shari'a would be a major

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<sup>32</sup> 'À Sejnane, les salafistes tunisiens font la loi' (In Sejnane, the Salafists make the law), *Le Figaro*, 19 January 2012.

<sup>33</sup> Interview with Said Ferjani, 'Tunisia will protect "burka or bikini" choice', *Hard Talk BBC News*, 12 March 2012.

<sup>34</sup> Duncan Pickard, 'The Current Status of Constitution Making in Tunisia', (Washington, D.C.: Carnegie Endowment for International Peace, 2012).



source of inspiration in the new Constitution.<sup>35</sup> Protest and counter-protest were staged. Mohsen Marzouk, a prominent democratisation expert and high-ranking member of Nidaa Tounes until 2016, went so far as to say that Tunisia was on the brink of another revolution.<sup>36</sup> At a protest on 16 March, Sahbi Atig, a member of the Assembly and appointed chair of the Ennahdha bloc, ‘shouted that shari’a would be “the main source of legislation”; the crowd chanted in agreement, “the only source!”’.<sup>37</sup> As a result, Mustafa Ben Jafar, the president of the Assembly from Ettakatol, stated that he would resign and withdraw his party from the Troika should ‘shari’a appear in the constitution in any form’.<sup>38</sup>

Originally, it had appeared that a large swath of Nahdhawi deputies were pro-shari’a. An informal straw poll revealed that only a slim majority were in favour of including shari’a in the Constitution for a variety of reasons, ranging from ‘an aggressive desire to assert Tunisia’s Islamic identity to a milder observation that shari’a was already the material source of a large part of Tunisian legislation’, including the CSP.<sup>39</sup> A minority of members were concerned about the impact this would have on Ennahdha’s international image. However, when the executive *shura* council of 120 Ennahdha members voted, only 12 out of 80 supported shari’a’s inclusion. Following this vote and contentious public debate, and faced with the collapse of the governing coalition, Ghannouchi announced on 26 March that Ennahdha would no longer pursue the inclusion of shari’a. Instead, Ennahdha would support maintaining Article 1 from the 1959 Constitution which stated, ‘Tunisia is a free, independent and sovereign state. Its religion is Islam, its language is Arabic, and its type of government is the Republic.’<sup>40</sup> Ennahdha decided to drop shari’a for a variety of reasons. Ghannouchi declared that the varied meanings to shari’a or a vague reference could lead to misinterpretation by the judiciary and the public. He also asserted that the question of shari’a was not as important as other issues plaguing

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<sup>35</sup> Radio Interview with Habib Khedher, MosaiqueFM, 3 February 2012.

<sup>36</sup> In communication with author (Tunis: 18 April 2012).

<sup>37</sup> Pickard, 2012, ‘The Current Status’.

<sup>38</sup> Ibid.

<sup>39</sup> Nadia Marzouki, ‘From Resistance to Governance: The Category of Civility in the Political Theory of Tunisian Islamists’ in *The Making of the Tunisian Revolution: Contexts, Architects, Prospects*, ed. by Nouri Gana (Edinburgh: Edinburgh University Press, 2013), pp. 207-223 (p. 218).

<sup>40</sup> The Constitution of Tunisia, 1959, p. 1.

the country and that the issue had proved too polarising. He also affirmed his party's commitment to a constitution by consensus.<sup>41</sup>

#### OPPOSITIONAL POLITICS AND ENNAHDHA'S POLICIES OF ACCOMMODATION

The antagonism felt between secularist women and Ennahdha was situated within a larger context of antipathy between the secularist opposition and the Islamist party. The discourse of secularists in the political arena in general bore some similarities to that of secularist feminist civil society, in terms of palpable fear and uncertainty surrounding the intentions of Ennahdha. Despite the broader role that women's rights and gender played in the discursive field, this fear included, but was not exclusive to, women's rights. Rather, the impression was that Ennahdha members were not democrats. The fact that Ennahdha had never been a democratic movement, per se, was a constant refrain and the party was seen as having no intention to democratise Tunisia. Rather, they intended to Islamicise it. The assertion that life was better before the uprisings and under Ben Ali typified this fear.<sup>42</sup> For his part, Ghannouchi asserts that Ennahdha 'drank the cup of democracy in one gulp back in the 1980s while other Islamists have taken it sip by sip'.<sup>43</sup>

The secularist opposition's narrative of the Article 1 debate posited ex post facto that Ennahdha had never actually intended to include shari'a. However, by appearing to consider it, Ennahdha was able to use Salafis' robust support for it to engineer a situation in which they appeared to make a concession to secular interests in Tunisia. This narrative ignored, however, that keeping Article 1 consistent from the 1959 Constitution had fulfilled a campaign promise by Ennahdha. This, along with the statements made by individual Nahdhawis, the perceived inequality in governmental responses to variegated protests, and the promulgation of Islamist civil society organisations, perpetuated the double discourse narrative, and the idea that Ennahdha was part of a broad-based Islamist conspiracy with a network of Islamist NGOs and Salafi movements.

Ennahdha certainly benefitted politically from the existence of more

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<sup>41</sup> Pickard, 2012, 'The Current Status'.

<sup>42</sup> I heard this sentiment articulated often in my fieldwork, but see also: Lotfi Saïbi and Meherzia Labidi, 'The Tunisian Revolution', *The New Arab Debates* on *Vimeo.com*, 1 March 2012.

<sup>43</sup> Shadi Hamid, *Temptations of Power: Islamists and Illiberal Democracy in a New Middle East* (Oxford: Oxford University Press, 2014), p. 191, quoting 'Interview Transcript: Rachid Ghannouchi', *Financial Times*, 18 January 2011.

conservative interpretations of Islam within Tunisia's political terrain, as it highlighted its more moderate interpretation by comparison. However, Ennahdha's reaction to the controversy at La Manouba and its reluctance to take a harder line against the actions of jihadi Salafis can be understood as part of a broader strategy of integration. These lessons were derived from their history under Ben Ali, as Islamists were violently oppressed and much of Ennahdha's leadership spent significant time in jail, being tortured, or in exile abroad. The integrationist strategy of Ennahdha was influenced by its own history, namely, a 'belief that political inclusion and Islamic education provide the best means for neutralizing the potential violence of jihadi Salafism' and that 'cracking down on young Salafis or demonizing them will, in Ennahda's view, only serve to further marginalise and isolate them'.<sup>44</sup> Furthermore, the sporadic statements of Ennahdha members in late 2011 and early 2012 and Ennahdha's evolution on Article 1, rather than evincing an Islamist conspiracy masked by double discourse, were reflections of 'what some Ennahda supporters truly think and a way for the representatives of these people to test the water, to gauge the feelings of the public, to experiment with various responses, then adjust their strategy accordingly'.<sup>45</sup>

Additionally, the elections of 2011 necessitated a shift for all political parties from an oppositional framework and into one of governance. This was true particularly for the Troika. In April 2011, as the interim government was debating the interim Electoral Law, the RCD was disbanded and its officials barred from standing in the election. Although some political parties were thought to be closely associated with the former regime, essentially everyone in the government, ruling coalition and opposition alike, had only ever practiced oppositional politics; no one had any practice governing. Marzouk described Ennahdha and the Troika as a 'blind elephant in a china shop'. He attributed the violent crackdown on secularist protesters on 9 April 2012 as a result of 'nerves'. The government had had little practice dealing with dissent and the Ministry of Interior resorted to tactics with which it was familiar.<sup>46</sup> Additionally, although political appointments at a ministerial level had changed since Ben Ali, everything below the top level had remained the same. In other words, the

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<sup>44</sup> Monica Marks, 2013, 'Ennahda's Rule of Engagement', (Washington, D.C.: Carnegie Endowment for International Peace, 2012).

<sup>45</sup> Marzouki, 2013, 'From Resistance to Governance', p. 218.

<sup>46</sup> In communication with author (Tunis: 18 April 2012).

police that had violently repressed dissent under Ben Ali were the same individuals in the police force in 2012.

The secularist opposition, for its part, had yet to coalesce within a broad-based movement cohesive enough to counter Ennahdha nor had offered concrete policy alternatives. Marzouk described the opposition in 2012 as dysfunctional, ‘the opposition, they have a common enemy and they are not targeting the enemy. It is a terrible war. There is a lot of noise’.<sup>47</sup> The political field included over 100 parties that espoused secularism, but beyond that, there were few uniting ideologies. Additionally, political parties had experienced extensive reorganisation after the elections within the Assembly, demonstrated by Chart 6.2 on page 191. Although Nidaa Tounes was formed in June 2012 by Beji Caid Essebsi to specifically address the breadth of secular political ideologies, it had yet to gain political momentum.<sup>48</sup>

Consequently, political entities were engaged in oppositional politics, including the Troika, rather than in governance. The economic situation in Tunisia had continued to suffer, with massive losses in tourism revenue, a persistently high unemployment rate, and rising food costs exacerbated by the crisis in Libya.<sup>49</sup> The general feeling was that the Troika was not doing enough to deal with the social and economic problems that Tunisians were facing, but also that the opposition was failing to put forth any alternate policies either. The distrust between the secularist opposition and Ennahdha fuelled the framework of a discursive binary between Islamists and secularists. The entire constitutional project was supposed to take a year, but by early summer 2012, only the Preamble had been completed and issues that seemed trivial to the Tunisian street, for example, burkas and bikinis, occupied the forefront of political discourse. The secularist opposition’s narrative blamed Ennahdha for building straw men in order to distract from its overt power grabs, but

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<sup>47</sup> Ibid.

<sup>48</sup> Tarek Amara, ‘Tunisian former PM launches secular party to challenge Islamists’ *Al-Arabiya*, 16 June 2012.

<sup>49</sup> Mourad El-Almi, in communication with author (Tunis: 25 April 2012).

the general impression was that Tunisian politics had gridlocked and stagnated overall.

## **GENDER AND THE AUGUST 2012 DRAFT OF THE CONSTITUTION**

It was out of this context that the Assembly released the final draft of the Preamble on 4 June 2012 and the first draft of the full Constitution on 14 August 2012. These events represented the first time that Tunisian citizens in general could measure public statements by individual party members and deputies in the Assembly against concrete results in the Constitution. More specifically, it was the first opportunity to evaluate the way that gender and women's rights featured in the Constitution, gauging the degree to which the discursive binary of Islamism and secularism played out when examining the constitutional process through a gendered lens.

Within the Assembly, there were six constituent commissions tasked with writing specific sections of the Constitution and overseen by the Joint Committee for Coordinating and Drafting. Following disagreements over the June 2013 draft of the Constitution, the Assembly formed the Consensus Commission, tasked with identifying contentious issues, collecting information on opposing views, and leading negotiations to resolve. In November 2013, the Consensus Commission met to resolve the remaining roadblock issues in the constitutional drafts. Finally, in January 2014, the final draft was voted on article by article in a plenary session by the entire Assembly and approved on 26 January. In examining the process of recreating the Tunisian female citizen, it is necessary to look at the way gender featured in the highly specific discursive landscape of the evolving constitutional language.

Gender and equality were relatively prominent in the August 2012 draft. The first draft of the Preamble, released 24 April 2012, affirmed gender neutral 'equality in rights and duties between individuals', echoing the 1959 Constitution.<sup>50</sup> Due largely to Lobna Jribi, vice president of the Commission of the Preamble, Fundamental Principles and Constitutional Revision,<sup>51</sup> this language had shifted by August. The final Preamble affirmed equality between citizens, using *'\muwaāṭinaāt'*

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<sup>50</sup> *'\al-ṣṣiyyghatu al-'awwaliyyu'* (First Formulation [of the Preamble]), (Tunis: Tunisian Constituent Assembly, 24 April 2012), p. 3.

<sup>51</sup> In communication with author (Tunis: 7 March 2014).

and ‘\muwaāṭiniīn\’, the female and male plurals of citizens.<sup>52</sup> This language represented a distinct change from the 1959 Constitution, which simply guaranteed ‘equality among citizens in terms of rights and duties’ in the Preamble and stated that: ‘All citizens have the same rights and obligations. All are equal before the law.’<sup>53</sup> By explicitly guaranteeing equality between men and women in the 2012 draft Constitution, the Assembly was acknowledging the potential for de facto gender discrimination despite Tunisia’s long constitutional history of de jure equality. Article 1.6 and 2.22 affirmed equality using only the male plural ‘citizens’ or ‘\muwaāṭinuūn\’, which in many grammatically gendered languages can refer to a mixed-gender group, echoing the language of the 1959 Constitution.<sup>54</sup> Although grammatically correct, these differences created inconsistency with the way that the Constitution explicitly tied gender to equality.

The August 2012 draft Constitution also contained statements about gender and women’s rights in Article 1.10 and Article 2.21.<sup>55</sup> Article 1.10 declared that ‘the state shall protect the rights of women as well as protect family structures and maintain the coherence thereof’, eliding women’s rights and the rights of the family.<sup>56</sup> Article 1.10 seemed to affirm collective rights, which contained potential challenges to Article 1.7’s affirmation of individual rights.<sup>57</sup> Furthermore, women’s rights and the rights of the family have the potential to conflict with one another. Historically, situating women’s rights within the collective rights of the family has mediated women’s access to individual rights, as the rights of the (masculinised) collective has superseded them. It was also unclear how these articles, and the conflict between collective and individual rights, would interact with the CSP—which had codified individual rights at the expense of the extended family in 1956—or Article 2.21—which had affirmed the stability of the family but ‘in an environment of equality between the spouses’.<sup>58</sup>

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<sup>52</sup> ‘\mashrū‘u musawwadati dustūri al-jumhūriyyati at-ttuūnisiyyati\’ (Draft Constitution of the Tunisian Republic), (Tunis: Tunisian Constituent Assembly, 14 August 2012), p. 3.

<sup>53</sup> The Constitution of Tunisia, 1 June 1959.

<sup>54</sup> \mashrū‘u musawwadati\, 12 August 2012, p. 4 and p. 9.

<sup>55</sup> Ibid., p. 10 and 15.

<sup>56</sup> Article 1.10, ‘Draft Constitution of the Republic of Tunisia, 14 August 2012’, trans. on behalf of International IDEA (Tunis: Tunisian National Constituent Assembly, 14 August 2012), p. 10

<sup>57</sup> Article 1.7, \mashrū‘u musawwadati\, 12 August 2012, p. 4.

<sup>58</sup> \mashrū‘u musawwadati\, 12 August 2012, p. 15.

## COMPLEMENTARITY AND ARTICLE 2.28

Article 2.28 on Women's Rights further complicated the tension between collective and individual rights, while also proving to be the most controversial provision in terms of gender. Written by the Commission on Rights and Liberties, Article 2.28 was passed within the Commission by nine members of Ennahdha, one member of CPR, and two independents. Its most common translation from Arabic is as follows:

- [1] 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.
- [2] The State shall guarantee the provision of equal opportunities between men and women in the bearing of different responsibilities.
- [3] The state shall guarantee the elimination of all forms of violence against women.<sup>59</sup>

The word 'complementary' in the section above was translated from the Arabic word *yatakaāmalu* to describe the roles of men and women in the family. An earlier proposed version of Article 2.28 had garnered eight votes in the Commission but was ultimately rejected. In this version of the draft language, the notion of complementarity had been notably absent. It had read as: 'The state guarantees the rights of women and their achievements in all fields. It is forbidden to enact laws that may harm them in any way whatsoever.'<sup>60</sup>

Article 2.28 included in the draft Constitution immediately ignited a virulent outburst of criticism and protest both within and outside the Assembly, even before the draft was officially released. Selma Mabrouk, who ran on an Ettakatol list but defected to secular-leftist party Al Massar (The Social Democratic Path) when Ettakatol joined the Troika, was a member of the Commission on Rights and Liberties. She revealed the text of the article on Facebook on 2 August 2012, in a post titled 'A bad day at the Committee on Rights and Liberties'. The post immediately went viral on Facebook and Twitter.<sup>61</sup> Hasna Marsit, another member of

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<sup>59</sup> Ibid., p. 16.

<sup>60</sup> 'La femme tunisienne sera-t-elle condamnée à être la complémentaire de l'homme' (The Tunisian woman will be condemned to be the complement of the man), *Turess*, 3 August 2012.

<sup>61</sup> Selma Mabrouk, 'Mauvaise journée à la commission droits et libertés' (A bad day at the Committee on Rights and Liberties) [online], Facebook.com, 1 August 2012.

the Commission who was elected on a CPR list but had also defected to identify as an independent after the formation of the Troika, described her reaction to the inclusion of *yatakaāmalu*:

When we voted in the Commission on women's rights, it didn't have equality or parity or anything! I left the Commission right away and went straight to MosaiqueFM to get civil society to take charge of this issue, because now we are in a dangerous situation. I said, "Your gains are in danger and we have to save women's gains!"<sup>62</sup>

The reaction of civil society was swift and fierce; women's organisations immediately released statements asserting that the article contravened the CSP. Hinda Ben Rejeb, a member of ATFD, described the article, and the draft Constitution more broadly, in this way:

Honestly, the draft constitution doesn't respond to the aspirations and expectations of the Tunisian people and particularly to Tunisian women as we see that it tries to establish a certain ideology that Tunisian society is not accustomed to. Tunisian society refuses it and particularly Tunisian women.<sup>63</sup>

A joint statement by human rights groups and the UGTT positioned the draft language as dangerous:

This position threatens and undermines the achievements of women and could create a patriarchal system that gives all power to the men and denies women their rights... This position (will) deny women their full citizenship and independence as human beings, as equals of men whose duty is to enjoy their human rights just like men.<sup>64</sup>

Civil society organisations, including women's groups, UGTT, and human rights organisations organised a protest for 13 August 2012, the anniversary of the 1956 promulgation of the CSP. Estimates of attendance ranged from 5,000 to 30,000.<sup>65</sup>

Defenders of Article 2.28 mainly blamed the discontent on mistranslation, misinterpretation, and decontextualisation. Monica Marks, at the time a doctoral student at Oxford, wrote in August in *Foreign Affairs* that the first clause of Article 2.28 was more accurately interpreted and translated as, 'the state guarantees the protection of women and supports their achievements, considering them as men's true

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<sup>62</sup> In communication with author (Tunis: 12 March 2014). In tandem with changes in political structures following the uprisings, the media, too, underwent a democratisation process, fundamentally changing its role in and relationship to politics. For more on this, see: Special Section on Tunisia and the Media, ed. by Roxane Farmanfarmaian, *Journal of North Africa Studies*, 19.5 (2014), 609-732.

<sup>63</sup> Chaïmae Bouazzaoui, 'In the constitution: Tunisian women torn between "complementarity" and "equality"', *Our Catharsis: Blog de Chaïmae Bouazzaoui* quoting Hinda Ben Rejeb.

<sup>64</sup> ST. McNeil, 'Wording on women sparks protest in Tunisia', *Al Jazeera*, 19 August 2012.

<sup>65</sup> Ibid.



partners in building the nation, and their (men's and women's) roles *fulfil one another* within the family' (emphasis added).<sup>66</sup> Marks argued that fears over setbacks to women's rights were overblown. She maintained that the controversial language in Article 2.28 defined women and men in relational terms in a manner consistent with historical conceptions of family relations in Tunisia and Islamism more broadly, representing a departure from the 'liberal, individualistic template of Western human rights norms'.<sup>67</sup>

Amel Azzouz, a Nahdhawia deputy and member of the Ennahdha's executive shura council, participated in a February 2014 panel discussion with Rached Ghannouchi at the Carnegie Endowment for International Peace in Washington DC. There, she asserted that *yatakaāmalu* can be translated as 'complementary' but that the true epistemology of the word cannot be captured by its French and English translation. She interpreted the clause in this way:

[*yatakaāmalu*] is trying to put an end to men's selfishness. There are public spheres and private spheres, and what you wanted exactly is to bring men back to the private spheres and get women out to the public sphere.<sup>68</sup>

Azzouz had stressed this point in an interview with the author on 24 January 2014:

We have aspired for, sort of, men returning back to the private and women [to the public] so that women can really act in the public sphere. If men continue to resign from the private sphere, women will never be active and will never act suitably in the public life. This is how we understood *yatakaāmalu*.<sup>69</sup>

Farida Labidi, a Nahdhawia deputy who also served on the Commission on Rights and Liberties and the shura council, had voted for the draft language in Article 2.28. She took a slightly different approach to the meaning of *yatakaāmalu*, asserting that critics intentionally removed *yatakaāmalu* from its larger context by ignoring Article 2.22, which affirmed equality between all citizens.<sup>70</sup>

In a 2014 interview with the author, Meherzia Labidi, the vice president of the Assembly and arguably the most powerful woman in Tunisian politics at the time, weighed in. She agreed with Farida Labidi that the word was being misconstrued,

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<sup>66</sup> Monica Marks, 2012, "'Complementary' status for Tunisian women", *Foreign Policy*, 20 August 2012.

<sup>67</sup> Ibid.

<sup>68</sup> Rached Ghannouchi, 'Rached Ghannouchi on Tunisia's Democratic Transition Event Transcript', (Washington, D.C.: Carnegie Endowment for International Peace, 26 February 2014), p.14.

<sup>69</sup> In communication with author (Tunis: 24 January 2014).

<sup>70</sup> In communication with author (Tunis: 17 March 2014).

however, she also observed that its location in the article on women's rights was significantly problematic:

I find this sentence really nonsense in the article related to women[']s rights] and I was amongst those who said, "Sorry, but this sentence may have a sense and a meaning in Article 21, the article speaking about family, but if you put it in the article about women[']s rights], then it adds nothing. It is just literature and what kind of legal or traditional impact might it have? It might even be dangerous". So, a judge might interpret this sentence as "ok, men and women's roles are complementary in the family, so women get the children and raise them, educate them, and men work".<sup>71</sup>

A further problem of locating the notion of complementarity in the section on women's rights, rather than in one on family, is that it would exclude unmarried women from this legal construction in regard to their rights. Meherzia Labidi noted that Rached Ghannouchi and Ali Laarayedh, two of the principal leaders of Ennahdha, agreed with her in the shura council—revealing internal disagreement within Ennahdha despite its reputation for party unity.

Notably, both sides seemed to be articulating a similar vision for the role of women in public and private spheres—that of the full participation of women (and men) in both, and comprehensive access to citizenship, social, and economic rights. The rift arose not from substantive disagreement but rather from the articulation of these rights in different discursive frameworks; one was steeped in relational rights with an Islamic connotation and the other in liberal, individualistic rights that echoed international language on human rights. This dynamic reflected the division between secularist and Islamist women's rights organisations in civil society. The problems associated with the use of *yatakaāmalu* in Article 2.28, an article specifically pertaining to women's rights, are best understood by placing the word in a historical context. Meherzia Labidi's objection captured these nuances. Because patriarchal structures still exist in Tunisia, the confluence of several factors—the specific placement of *yatakaāmalu*, the socio-cultural and historical context of Tunisian politics and society, and the discretionary room inherent in the process of defining and enacting citizenship both by formal and informal actors—all provided an opening to erode the shared vision by *yatakaāmalu*'s proponents and critics. Due to the controversy surrounding the use of *yatakaāmalu*, the clause was dropped from subsequent constitutional drafts.

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<sup>71</sup> In communication with author (Tunis: 13 March 2014).

## FORMATION OF *LE GROUPE DES FEMMES*

By the time the final Constitution was approved on 26 January 2014, most of the clauses that related to gender had gone through marked changes over a series of four drafts in August 2012, December 2012, April 2013, and June 2013. These changes were largely due to the formation of *Le Groupe des Femmes* (The Group of Women) a parliamentary working group of women within the Assembly that was formed to ‘fight for the rights of women’ in 2012.<sup>72</sup> This project was spearheaded by Jribi, who was also a member of the important Consensus Commission, in consort with Meherzia Labidi.

Jribi had immediately recognised that because women represented less than a third of the Assembly they would be unable to adequately defend women’s rights. As she later observed: ‘We realised that we few women were a bit scattered and we realised that we had to create a synergy among us within the Assembly’.<sup>73</sup> As Jribi described it, the objective of *Le Groupe des Femmes* was to ‘work on lobbying to adopt the articles of the Constitution concerning male-female equality and concerning parity’.<sup>74</sup> The group was an exemplar of multi-partisanship, including members from:

the extreme left-wing to the extreme right-wing. And all of them were sensitive when we were talking about the issue of working women, rural women, abused women, etc. It is not sectarian. This is a female cause. And this has been very important.<sup>75</sup>

Other authors have written about the failure to form a formal women’s caucus in 2012.<sup>76</sup> According to Jribi, *Le Groupe des Femmes* avoided formalising as a bloc, due to the polarised nature of the public Tunisian discourse, saying:

We didn’t want to talk about [formalising the group] at an early stage because we knew that it would demotivate the formal structuring of this group. We didn’t want to make public statements to the media saying that I am behind this and that I want to write this. We want this group to be all groups. We want there to be no political reclamation because it would weaken the project. Each woman has to feel that this is her group and that she has created it and is behind it.<sup>77</sup>

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<sup>72</sup> Lobna Jribi, in communication with author (Tunis: 7 March 2014).

<sup>73</sup> In communication with author (Tunis: 13 March 2014).

<sup>74</sup> Ibid.

<sup>75</sup> Ibid.

<sup>76</sup> See: Déborah Perez ‘Becoming a Decision-maker in the Assembly of Post-revolutionary Tunisia’ *Middle East Law and Governance*, 8.2-3 (2016), 228-249; de Silva de Alwis, 2017.

<sup>77</sup> In communication with author (Tunis: 7 March 2014).

Thus, membership was flexible and fluid, but according to Jribi, roughly half of the female members of the Assembly participated at various times. The group held its own consensus meetings to discuss how to advocate in their separate commission meetings, during plenary sessions, and when organising petitions to amend articles of the Constitution during the two-year drafting process. The most pressing issue for the group was ensuring that the Constitution explicitly referenced gender when guaranteeing equality. It was due to their consensus on this issue that the constitutional language on gender significantly evolved between 2012 and 2014.

## **GENDER AND THE 2014 CONSTITUTION OF THE TUNISIAN SECOND REPUBLIC**

The Constitution of the Tunisian Second Republic was formally ratified on 26 January 2014, retaining Tunisia's status as a republic, originating under Bourguiba, and using the French template of numerically iterating subsequent republics. In terms of gender, the Preamble of the Constitution had remained consistent since the 2012 draft. Articles 21 and 40 explicitly referenced male and female citizens in establishing equal rights and duties;<sup>78</sup> individual as well as collective rights;<sup>79</sup> and the right to adequate working conditions and to a fair wage.<sup>80</sup> The final Constitution still identified the family as 'the basic structure of society'<sup>81</sup> and guaranteed to protect it in Article 7, but it no longer conflated women's rights and family rights in the same provision. Compared to previous drafts, the final Constitution significantly improved upon language and organisation of ideas related to gender by separating women's rights and family rights while at the same time affirming individual rights with an explicit reference to gender. In this way, the 2014 Constitution acknowledged and protected women's rights outside the construct of the family, to avoid mitigating women's access to citizenship, economic, and social rights—validating the full participation of women in the public sphere.

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<sup>78</sup> Articles 21 and 40, 'Constitution of the Tunisian Republic', trans. by The Jasmine Foundation (Tunis: Tunisian National Assembly, 26 January 2014), pp. 10 and 13-14.

<sup>79</sup> Ibid., p. 10.

<sup>80</sup> Ibid, p. 14.

<sup>81</sup> Ibid, p. 6.

In the final Constitution, Article 46 proved to be the most pivotal for women. The full text of the article in English reads:

[Article 46.1] The State shall commit to protecting women's achieved rights and seek to support and develop them.

[Article 46.2] The State shall guarantee equal opportunities between women and men in the bearing of all the various responsibilities in all fields.

[Article 46.3] The State shall seek to achieve parity between women and men in elected councils.

[Article 46.4] The State shall take all the necessary measures to eliminate violence against women.<sup>82</sup>

Unlike the Preamble, which remained consistent in terms of gender after the first draft, Article 46 addressed broad goals and underwent substantial changes throughout the drafting process. Comparing and contrasting the succession of the drafts of Article 46 requires an unpacking of each clause, due both to its breadth and the non-linear process by which it was developed.

ARTICLE 46.1: THE STATE SHALL COMMIT TO PROTECTING WOMEN'S ACHIEVED RIGHTS AND SEEK TO SUPPORT AND DEVELOP THEM.

The language of this clause in the final Constitution explicitly protects women's past gains while simultaneously pledging to 'support and develop them' in the future, representing an important change from previous drafts. Although the second (December 2012), third (April 2013), and fourth (June 2013) drafts protected existing women's rights, they did not explicitly reference the development of future rights, similar to the 2012 discourse of secular feminist civil society actors. The framing within the former drafts situated the state as reactive to challenges to the coveted gains of Tunisian women without signalling a commitment to being proactive. The wording in the final Constitution is meaningful in that it acknowledges existing inequalities for women, despite the declared equality between citizens enshrined in the 1959 Constitution and pledged to address them.

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<sup>82</sup> Ibid., p. 15.

ARTICLE 46.2: THE STATE SHALL GUARANTEE EQUAL OPPORTUNITIES BETWEEN WOMEN AND MEN IN THE BEARING OF ALL THE VARIOUS RESPONSIBILITIES IN ALL FIELDS.

In this clause, the evolution of the word *\yatakaāmalu\* is evident. After the public outcry and backlash against the inclusion of *\yatakaāmalu\* in the first draft, the Commission on Rights and Liberties omitted that specific word in all further drafts. However, the second, third, and fourth drafts contained the controversial subtext of *\yatakaāmalu\* in the phrasing on equal opportunities. The pre-final drafts of this clause all referred, with only minor differences, to a guarantee that the State ‘shall ensure equal opportunities for men and women in carrying different responsibilities’. In each of the three drafts, ‘responsibilities’ was modified by the word *\mukhtalifi\*, as in *\mukhtalifi al-mas’uūliyyaāti\*, translated as ‘different responsibilities’.<sup>83</sup> The final version also employed *\mukhtalifi al-mas’uūliyyaāti\* but the whole clause read *\taḍmanu al-ddawlatu kaāfu’a al-furaṣ bayna al-rajuli wa al-mar’ati fī taḥammul mukhtalifi al-mas’uūliyyaāti wa fī jamī’a al-majaālaāti\*, which includes the phrase ‘in various fields’ or *\fī jamī’a al-majaālaāti\*.<sup>84</sup> Taken as a whole, the clause is translated as ‘The State shall guarantee equal opportunities between women and men in the bearing of all the various responsibilities in all fields’<sup>85</sup> or also ‘The state guarantees equality of opportunities between women and men to have access to all levels of responsibilities in all domains’,<sup>86</sup> and is linguistically similar to Article 1 of the French Constitution.<sup>87</sup> These changes helped to remedy the potential contradictions produced by the earlier draft language, which simultaneously protected equal opportunities between men and women while at the same time implying that men and women have different roles and responsibilities to carry out by virtue of their

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<sup>83</sup> Article 37, ‘*\musawwadata mashrū’i al-ddustūri, 14 dīsambār 2012\*’ (Draft Constitution, 14 December 2012), (Tunis: Tunisian Constituent Assembly, 14 December 2012), p. 8; Article 42, ‘*\mashrū’u al-ddustūri, ṣīghatu 22 afrīl 2013\*’ (Draft Constitution, Formula 22 April 2013), (Tunis: Tunisian Constituent Assembly, 22 April 2013), p. 8; Article 45, ‘*\mashrū’u al-ddustūri al-jumhūriyyati al-ttuūnisiyyati, tūnis fī 1 jawwān 2013\*’ (Draft Constitution of the Tunisian Republic, Tunis on 1 June 2013), (Tunis: Tunisian Constituent Assembly, 1 June 2013), p. 9.

<sup>84</sup> ‘*\dustūru al-jumhūriyyati al-ttuūnisiyyati, tūnis fī 26 jānīfī 2014\*’ (Constitution of the Tunisian Republic, Tunis on 26 January 2014), (Tunis: Tunisian Constituent Assembly, 24 January 2014), p. 8.

<sup>85</sup> Article 46.2, ‘Constitution of the Tunisian Republic’, trans. by the Jasmine Foundation, p. 15.

<sup>86</sup> Article 46.2, ‘Tunisia’s Constitution of 2014’, trans. by UNDP and reviewed by International IDEA, (Tunis: Tunisian Constituent Assembly, 26 January 2014), p. 10.

<sup>87</sup> Constitution of the Fifth Republic, France, 1958 (Rev. 2008).

gender. Thus, the final version was clearer and also avoided controversy like that associated with the critical interpretation of *yatakaāmalu*.

Despite the lingering spectre of the complementarity issue throughout the drafting process, the final version of the Constitution is clearer. Nevertheless, the issue of complementarity continued to surface in the discourse of secular activists and opposition party members, who reference it as indicative of Ennahdha's actual stance on women's rights. This discourse perpetuates and strengthens the narrative that a binary exists between allegedly pro- and anti-women's rights groups in Tunisian politics, when clearly the situation is more nuanced. Nahdhawia deputies and other Islamist stakeholders similarly point to such public complaints as evidence of opposition members and secularists' desire to undermine Ennahdha at all costs for political gains. This too enhanced the confrontationalist narrative of Islamists versus secularists, the perpetuation of which obscures points of similarity and undermines democratic consensus.

ARTICLE 46.4: THE STATE SHALL TAKE THE NECESSARY MEASURES TO ELIMINATE VIOLENCE AGAINST WOMEN.

Article 46.4 is discussed before Article 46.3 due to the extended nature of the discussion and analysis relevant to the third clause. Article 46.4 emerged in the second draft of the constitution and remained virtually unchanged until the final version. Nearly half of all Tunisian women have experienced some kind of violence at least once in their lives and experts estimate that one in five women in Tunisia will experience specifically domestic violence during their lifetimes. A recent survey by the Tunisian National Office of Population and Family found that 'physical violence against women was most commonplace, followed by psychological violence, sexual violence, and last, economic violence.' It discovered that violence against women was most common in the private sphere—with an intimate partner as the perpetrator in 47.8% of cases. Violence also occurs in the public sphere, ranging in type from sexual, psychological, physical, and economic.<sup>89</sup>

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<sup>89</sup> 'Enquête Nationale sur la violence à l'Égard des Femmes en Tunisie' (National Survey on Violence Against Women in Tunisia), (Tunis: ONFP-AECID, 2010).

The inclusion of a state commitment to eliminate gendered violence has symbolic importance but the constitutional provision is far from sufficient to address the realities of gendered violence. This is particularly true given the discussion in Chapter Three on jurisprudential precedence set by conservative judges in the years after the CSP. For example, marital rape was not legally recognised, there was no law prohibiting domestic violence, and loopholes allowed rapists to avoid punishment by marrying their victim.<sup>90</sup> Additionally, as with the CSP, existing laws matter on a practical level insofar as they can be enforced. The domicile, particularly in cases of spousal violence, can escape the reach of the law. Although the inclusion of this provision in the Constitution does not immediately address the lack of legal recourse for victims of gendered violence or the gap between law and application, it does constitutionally codify the state's commitment to ending all types of violence against women. This clause set the groundwork for an adequate legal framework to deal with gendered violence and allowed for the passage of a landmark bill addressing violence against women in July 2017.

ARTICLE 46.3: THE STATE SHALL SEEK TO ACHIEVE PARITY BETWEEN WOMEN AND MEN IN ELECTED COUNCILS.

Despite being the most immediately consequential, this clause did not appear in any of the previous drafts, setting it apart from the rest of Article 46. It only came to debate at the General Assembly on 6 January 2014, mere weeks before the final approval on 26 January. It is possible to chart the progression of language and concept through various iterations of other clauses in Article 46 in the drafting process, providing insight into the fluidity of certain ideas and values within the Assembly. This clause on electoral gender parity only emerged in December 2013. To understand its development, it is important to first understand the larger political context that led to the constitutionalisation of gender parity.

Initially, Le Groupe des Femmes was not able to come to a quick consensus regarding electoral gender parity, but its members' time in the Assembly had caused some female deputies to shift their views. Although Jribi would become one of the

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<sup>90</sup> 'Tunisia's victim-blaming laws are punishing survivors of sexual abuse', *Amnesty International*, 3 December 2015.



strongest advocates for constitutionalised gender parity, she had not always been the strongest proponent of ‘positive discrimination’.<sup>91</sup> Working in the private sector as an entrepreneur, she had always believed that, ‘a woman, by her skills and her knowledge doesn’t need positive discrimination’ and that ‘parity is something that should not be offered by men’. Her attitude changed after she entered politics:

I discovered a very masculine environment and it’s really, I would say, impossible for women to have a truly equal chance with a man if there is not this ‘*coup de pouce*’ [boost]. Equality is not something yet in the culture.<sup>92</sup>

Similarly, Farida Labidi experienced a complete change of opinion. As a member of the High Commission, she gave a speech opposing gender parity’s inclusion in the 2011 interim Electoral Code. In the speech, she objected to the concept because she believed that women were qualified enough on their own and did not require legal intervention to prove themselves. By 2014, however, Farida Labidi was one of the strongest proponents of constitutionalising gender parity after seeing the obstacles that qualified women faced in the political sphere.<sup>93</sup>

The December 2012 vote in the Assembly on the formation of the ISIE also served as a turning point for some of the members of Le Groupe des Femmes. An amendment to Article 6 required ISIE’s elected committee to employ gender parity in its own ranks. According to Jribi, most of the women in Le Groupe assumed that ISIE’s role as the regulatory body on electoral parity in 2011 guaranteed passage of the amendment. However, the debate was contentious and because of significant disagreement the final vote was delayed until the last possible day. The lack of political will for gender parity in the ISIE exhibited during the floor debate, and the fact that the policy was controversial at all, was deeply unsettling to some members of Le Groupe des Femmes. The experience fundamentally impacted the future approach of the group, as Jribi described:

When we founded the ISIE was precisely when I really felt concerned and realised that parity absolutely had to be included in the Constitution. I had thought, for example, that vertical parity had already been acquired. For me, it was self-evident that the composition [of the ISIE] should be egalitarian. Or the least we could have done was make the candidacy egalitarian. And when we discussed this, it was not evident and people even rejected it! What does this mean? It means that even though we were all elected according to egalitarian lists, and we thought that this was already acquired, when we got to

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<sup>91</sup> In communication with author (Tunis: 7 March 2014).

<sup>92</sup> Ibid.

<sup>93</sup> In communication with author (Tunis: 17 March 2014)

the first jurisdiction from this Assembly, there had been a step back or at least a risk.<sup>94</sup>

Jribi's description eloquently captures what several of the most prominent deputies in Le Groupe des Femmes articulated during interviews. They described this vote as the moment when the need crystallised to constitutionalise gains already conceived of as won. In light of this disappointment, Hasna Marsit described that ensuring that equality clauses included both '*\muwaāṭinaāt\*' and '*\muwaāṭiniīn\*' had to become the first priority for female deputies, before trying to implement gender parity.<sup>95</sup> These interactions with patriarchal structures and norms produced a fundamentally different pattern of cooperation amongst women in the Assembly and altered their priorities for the rest of their tenure.

The events of the summer of 2013 nearly derailed the constitutional process. The 25 July 2013 assassination of prominent opposition figure Mohamed Brahmi, the second assassination of an opposition leader in the previous six months, brought political progress to a screeching halt. Thousands of protesters converged on the streets and 60 members of the Assembly withdrew and refused to participate in any further meetings. Opposition members called for the dissolution of the Assembly and the resignation of the government. The National Dialogue was initiated, mediated by four organisations: UGTT, the Tunisian Union of Industry, Trade, and Handicrafts (UTICA), LTDH, and the Tunisian Order of Lawyers (Tunisia's National Bar Association), collectively known as the Tunisian National Dialogue Quartet. After painstaking negotiation, for which the Quartet received a Nobel Peace Prize in 2015, the National Dialogue resulted in a road map that required completion of the Constitution by 12 January 2014. It also specified that the governing coalition would step down after the Constitution was finalised in order for an appointed technocratic government to assume interim power until the next elections. Finally, the deputies returned to the Assembly.

30 December 2013 represented the last chance for deputies to submit amendments to the Constitution before the article-by-article debate and vote began. During this time, Le Groupe des Femmes came to a consensus on an amended version of Article 45 (now Article 46) that included the electoral gender parity clause,

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<sup>94</sup> In communication with author (Tunis: 7 March 2014).

<sup>95</sup> In communication with author (Tunis: 7 March 2014).

circulating a petition with the new language. They garnered 78 of the 120 signatures required for an amendment to make it onto the floor, but a counter-petition was also being circulated. It was unclear until the last moment whether the amendment would be voted on in a plenary session. Due to the collective efforts of the members of Le Groupe des Femmes, and their male allies, however, the amendment made it onto the floor of the general Assembly just in time.

The debate took place on 8 and 9 January and was particularly combative. Jribi spoke in favour of the amendment, based on the idea that ‘a constitutional obligation on the state to ensure equal representation was vital for protecting women’s rights and participation’.<sup>96</sup> Monia Brahim, a Nahdhawia deputy, spoke against it, asserting that the amendment clashed with other articles that ensured equality between men and women.<sup>97</sup> These two arguments represent classic positions in the global gender quota debate, discussed in Chapter Two, and would go on to be rearticulated during the electoral law debate, discussed in the following chapter. The Assembly temporarily adjourned for parliamentary blocs to meet. Although these meetings were closed to the public, reports from Nahdhawia deputies indicated that Rached Ghannouchi gave a speech urging his party to vote in favour of the amendment. Eventually, after a tense vote, the amendment passed with 127 in favour, 43 votes against, and 24 abstentions. The gallery and the yes-voters erupted into cheers and sang the Tunisian national anthem. Interestingly, like the debate on *yatakaāmalu*, the main arguments for and against existed within the same democratic framework and articulated a similar vision for the state, albeit through different means. These arguments strike at the heart of the global gender parity debate.

The final wording of the amendment is significant, in that it went farther than Decree 35/2011 by extending the obligation for parity to all elected councils at all levels of government, including locally elected bodies. This achievement, Meherzia Labidi noted, was the most revolutionary aspect of the Constitution in terms of women’s rights, since it is in rural areas and at the local level that women face the biggest de facto structures mediating their access to political rights.<sup>98</sup>

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<sup>96</sup> ‘Summary of day 7: historic parity rule adopted amid heated debate and celebration’, *The Jasmine Foundation*, 10 January 2014.

<sup>97</sup> In communication with author (Tunis: 15 March 2014).

<sup>98</sup> In communication with author (Tunis: 13 March 2014).

## CONCLUSIONS

The elections of 2011 and the following two-year process of crafting the Constitution of the Second Tunisian Republic allowed for the emergence of a new set of political norms and discourses. A universalised language of democracy had come to define the discursive landscape of politics in Tunisia, and this shift coincided with the subjectivation of Tunisian women, as articulated by powerful female political personalities across ideological perspectives. Moving from object to subject of the state, Islamist and secular women enacted and defined the new female political subject and made clear that a commonality existed in their respective visions. Their work together undermines the notion that a binary between Islamism and secularism defines the landscape in regard to gender.

The multi-partisan efforts of *Le Groupe des Femmes* resulted from the recognition that patriarchy had to be explicitly challenged, ultimately leading to the gendering of the Constitution and the constitutionalisation of gender parity. In doing so, the women of the Assembly implicitly addressed the structures mediating women's access to citizenship throughout the various axes of their identity and positionality. In many cases, the understandings of the women who shaped the 2014 Constitution developed in response to the kinds of obstacles that women in public institutions still face, despite having achieved positions of political power. In fact, the actions of Tunisian female deputies who worked together across political positions revealed the fluidity and multiplicity of their subjectivities as gendered identity took precedence over political identity in this case. More fundamentally, although many had entered the Assembly as the idealised liberal subject, their interaction with patriarchal structures had produced the gendered Tunisian citizen, both in the Constitution and as embodied by themselves.

However, the process of defining citizenship and subjectivity goes beyond the Constitution of Tunisia—a document enshrining the values and norms intended to shape the new state. The Constitution articulates the foundational ideas of a new vision of Tunisia but the accompanying legal and political processes of implementation and enforcement will determine how these ideals are realised, providing opportunities to reify, subvert, or embody norms. As individuals entering this new framework bring with them subjectivities defined by multiple and

interrelated constellations of historical, cultural, economic, and social power, they will find inherent discretionary space within which to shape Tunisia's future.

The next chapter will detail the process by which one of most important constitutional clauses on women's rights, gender parity in Article 46, was written into Electoral Law in April 2014, thus laying out the mechanism by which gender parity would be realised in future elections.



## **SIX: ELECTORAL LAW, FEBRUARY-MAY 2014**

### **INTRODUCTION**

This chapter explores the process by which the foundational ideal of gender parity in Article 46.3 of the Constitution was written into Electoral Law and the legal structure that would determine how it would be implemented in the 2014 elections and beyond. While the constitutionalisation of parity constituted a major step forward in ensuring women's future representation, parity's form would be the key to its success or failure in future elections. Although none of the measures proposing policies that went beyond Decree 35/2011 became law, the volatile debate, drafting, and outcome are particularly instructive on several levels. They illuminate members of the political elite's interaction with and interpretation of the constitutional principle of parity, first introduced by an unelected body in 2011. This showcases ideologies on marginalisation within a democratic context and the different legal pathways towards rectifying it. More broadly, this allows a rare and early glimpse into the orientation of the Assembly towards strict constitutional constructionism or progressive interpretation. Understanding the orientation of the Assembly offers insight into the future implementation of constitutional precepts as they become fleshed out in law. This analysis also provides a unique view into the way that global gender parity literature is featured and transformed in a localised Tunisian context.

In a similar way to the constitutional process, relevant Assembly commissions began by drafting Electoral Law in February 2014 before voting article-by-article in a plenary session by the general Assembly scheduled to begin in April. On 1 May 2014, the general Assembly discussed and voted on gender parity, addressed in Article 23. Article 23 affirmed vertical parity, echoing the language of Decree 35/2011 of the interim Electoral Code. Article 23 stated: 'Candidates are nominated based on the principle of parity between men and women and the rule of alternation between them on the list', the only exception being a district with an odd number of seats. Violating vertical parity would result in the invalidation of the list by the ISIE. Because of Decree No. 35 in 2011 and Le Groupe des Femmes' success in constitutionalising the broad concept of gender parity, vertical parity passed without incident and with high margins.

Three amendments were attached to Article 23 addressing horizontal parity, an umbrella term that regulates the gendered distribution of the heads of lists for each party or coalition. Passing a horizontal parity amendment would push Article 23 beyond Decree 35/2011. The first amendment to Article 23 consecrated the principle of absolute horizontal parity alongside vertical parity. Under this amendment, parties and coalitions would be required to both alternate genders on their lists (vertical parity) as well as head half of their lists with women. This would apply to political organisations submitting lists for more than three districts. Failure to adhere to absolute horizontal parity would result in the ISIE invalidating a randomly selected number of male-headed lists until the top candidates were evenly split between men and women—referred to as the ‘drawing of lots’.

The second amendment to Article 23 instituted a 30% quota for female-headed lists within a party or coalition, if said party or coalition was submitting lists for more than three districts. Failure to adhere to the 30% quota would impact the party’s campaign financing. Campaigns, according to the Electoral Law, were to be funded through three sources: self-funding, private money, and public financing. Each candidate list receives a public stipend. Failure to respect the 30% quota would lead the ISIE depriving half of public funding to a randomly selected number of male-headed lists equivalent to the number of lists that skewed the 70-30 ratio.

The final amendment was a hybrid between the absolute horizontal parity stipulation and the 30% quota with a financial sanctions option. It stated that women were required to head 30% of a party’s lists, again if the party was fielding candidates for more than three districts. Failure to adhere to the quota would not result in financial sanctions, but rather the same list invalidation scheme of the first amendment. ISIE would randomly select male-headed lists to be invalidated until a 70-30 male-to-female ratio of heads of lists was achieved.

Despite the choice in amendments, only the original text of Article 23 mustered enough support to become law. No amendments passed on the floor.

## **THE CASE FOR GENDER PARITY**

For the most part, the deputies in Le Groupe des Femmes were strongly in favour of amending Article 23 with absolute horizontal parity. However, in order to fully



understand their political motivations, it is important to examine how they conceptualised the role and purpose of gender parity in general within the political terrain of Tunisia. This next section expands on several issues raised in Chapter Four.

In practical terms, there was definitive consensus among the leaders and most prominent members of Le Groupe des Femmes, that without parity, there would be no women in politics, and subsequently, without women, there would be no parity in law. Somewhat tautologically, Hajer Azaiez captured an element of this discursive consensus when she exclaimed, ‘In order not to eliminate women out of the political game, women must be there!’<sup>1</sup> Selma Mabrouk put it succinctly, ‘If we don’t have parity in the Electoral Law, we don’t have women in the Assembly. In fact, if there hadn’t been parity, I wouldn’t be in the Assembly now. None of us would.’<sup>2</sup> Hasna Marsit elaborated on this principle in sociological terms:

Basically, in our society in Tunisia, if there were no specific law that consolidates women’s existence in the political sphere, no one will take it into consideration. Putting gender parity into law is the only way to ensure that women are involved in politics and within political parties.<sup>3</sup>

Beyond the practical, Rym Mahjoub attached greater significance to the role of women in politics when she said that, ‘The presence of women is the essence of democracy’.<sup>4</sup> This exemplifies the democratic argument and discourse in global gender parity literature, theory, and debate—as well as the trend of linking historical lack of democratisation in the MENA region directly with the status of women within those countries. Female deputies from across the political spectrum participated in this discourse. Whereas the rift between female deputies regarding complementarity during the constitutional debate arose from different discourses, during the electoral law debate those divergences receded to reveal a discursive unity regarding the relationship between gender parity and democracy.

## MENTALITÉ

*Mentalité*, which featured heavily in explaining the experience of female candidates in the elections of 2011, resurfaced in 2014 to underpin the practical assertion that

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<sup>1</sup> In communication with author (Tunis: 20 January 2014).

<sup>2</sup> In communication with author (Tunis: 20 March 2014).

<sup>3</sup> In communication with author (Tunis: 12 March 2014).

<sup>4</sup> In communication with author (Tunis: 11 April 2014).

parity was the only modality through which to ensure women's presence and participation in politics. Again, a discursive consensus existed among Le Groupe des Femmes that *mentalité*, as well as the *tendance masculine* that defined Tunisian politics, remained the primary obstacle to women's political participation. In 2014, the women in Le Groupe des Femmes articulated two major components to *mentalité*: the unsuitability of women in politics—with politics standing as the last frontier of exclusion—and fear.

Kalthoum Badreddine communicated the historicity of the political marginalisation of women due to a perceived deficiency in women as competent political actors:

There has always been a certain *mentalité*, culture...a certain background, per se, that people always employ to exclude women from political affairs and in those domains of responsibility. This is despite the fact that we have a long history of women occupying a lot of important positions in education, healthcare, also as lawyers and judges. But in the political sphere and elected assemblies—women have never been included. This exclusion *mentalité* that we have in Tunisia is practiced by people who don't believe in women's abilities and capabilities as decision-makers.<sup>5</sup>

Najla Bouriel asserted a similar sentiment, framing her analysis both in terms of the thoughts and actions of individual actors and society as a whole, when she said:

It is a question of *mentalité*. In people's principles and convictions, they don't believe that women can be active politically. It is a societal problem. Women are always criticised by society and are always being told that they shouldn't be in politics.<sup>6</sup>

Like Farida Labidi, Meherzia Labidi positioned politics as an exceptionally exclusionary domain, saying, 'If we are to achieve more women in politics, *mentalités* still need to be advanced and more liberated concerning women, but especially women in politics and especially women as leaders.'<sup>7</sup>

While the concept of inherently gendered political competence cast doubt on the capabilities of women, the second aspect constituting *mentalité* reflected male (potentially subconscious) self-evaluation. According to Le Groupe des Femmes, *mentalité* was fundamentally rooted in fear attached to male fragility, which meant the presence of women in the political sphere was perceived as a threat. As Hajer Azaiez said:

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<sup>5</sup> In communication with author (Tunis: 9 April 2014).

<sup>6</sup> In communication with author (Tunis: 11 April 2014).

<sup>7</sup> In communication with author (Tunis: 13 March 2014).

Men are egoists. They don't accept women to be equal partners with them in politics. They are afraid for women to exceed them. They fill the space between law and reality with this fear. No matter how much women accomplish in the Assembly, or in anywhere, men are always guarding the role of men.<sup>8</sup>

Badreddine framed it in terms of confidence, 'Men always think that if a woman is elected at a certain level, she will take his position from him. It is men's lack of confidence, it is not our problem.'<sup>9</sup> Sonia Toumia articulated it bluntly:

Men are scared of losing their place in Tunisian society and family. Men are afraid that they will lose their place in the family and in other areas of life. Then, he will have to share with women. They think that women will start to make all the decisions when they are not there.<sup>10</sup>

Interestingly, the constitution of *mentalité* as both a belief in the incompetence of women as political actors and fear of women exceeding men in the political sphere is a dialectic, both undermining and reifying female power.

#### THE DUALITY OF GENDER PARITY

At its most practical level, gender parity acted, and can act, as a counter-measure to gendered barriers to politics rooted in *mentalité*. But, as conceptualised by the women who advocated for it, gender parity can also serve as the antidote. Rym Mahjoub, making the symbolic politics argument, eloquently articulated the dual role that gender parity can play:

The presence of parity in the Constitution was vital because it is going to ensure that women are present in all elected assemblies. We need positive discrimination to change the *mentalité*, which is masculine. It will make the parties evolve and valorise the presence of women in political life.<sup>11</sup>

Farida Labidi viewed the 2011 parity law and the subsequent presence of women in the Assembly as a starting point from which to build to effect greater change:

The experience of women in the Constituent Assembly has been significant—in their roles as heads of commissions, and especially with Meherzia Labidi as the vice president of the Assembly and the way she conducted herself in the plenary sessions. We can build upon these experiences to change the *mentalité*

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<sup>8</sup> In communication with author (Tunis: 20 January 2014).

<sup>9</sup> In communication with author (Tunis: 9 April 2014).

<sup>10</sup> In communication with author (Tunis: 20 January 2014).

<sup>11</sup> In communication with author (Tunis: 11 April 2014).

that prevents women from being at the top of the list [in reference to horizontal parity].<sup>12</sup>

Imen Ben Mohammed, Nahdhawia deputy from Italy, ascribed a broader societal value to gender parity, saying, ‘We must socialise the public, and get them used to seeing women in power.’ She went on to say, ‘It will encourage a lot of women to participate in politics. In fact, it already has.’<sup>13</sup> With that, she implied the role gender parity legislation could play to counter the internalisation of the chauvinistic *mentalité* by women themselves. Expanding on Ben Mohammed, Nefissa Wafa Marzouki, an Ettakatol lawmaker, situated the power of gender parity to address societal barriers to women in politics in a broader relationship between law and society, saying, ‘We upgrade this society through upgrading the law.’ She compared gender parity in Electoral Law to the CSP and the Constitution, in that they represented ‘pilot projects’ to change people’s mentalities, norms, and values. In this way, she, too, subscribed to the idea of expanded gender parity as a linear progression. It also showcased the productive capacity of law to constitute desire in the Foucauldian project of self-making.<sup>14</sup>

In these ways, gender parity served as a measure of democracy and had the dual capacity of coping with and addressing a *mentalité* rooted in male fragility that devalues women’s political capacities. The ways in which gender parity has featured in the Tunisian discourse reflects the broader literature on the diffusion of gender quotas globally.

## THE CASE FOR HORIZONTAL PARITY

In 2011, the male domination at the heads of candidate lists and the structure of voting served as the key intervening factors accounting for the disparity between the number of female candidates and the number of elected female deputies. As was evident in 2011, vertical parity, as enshrined in Decree 35/2011, was not structured to counter the strength of male bias derived from *mentalité*, marginalisation of women from central party structures, and perceived lack of female party members, interest in candidacy, and qualifications. Horizontal parity, as a further legal intervention, was

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<sup>12</sup> In communication with author (Tunis: 18 September 2014).

<sup>13</sup> In communication with author (Tunis: 10 September 2014).

<sup>14</sup> In communication with author (Tunis: 11 September 2014).

developed as a reaction to the elections of 2011 and a solution to the unevenly structured political field for men and women. As Rabiaa Najlaoui pointed out, ‘Women will only be at the head of the list if there is a law. If there is no law, then most women wouldn’t be there. We saw that in 2011. They say “women on the lists don’t know anything about politics!”’.<sup>15</sup> This conception of horizontal parity flows from the broader argument that women would continue to be excluded from politics in general without any parity legislation.

Many in Le Groupe des Femmes viewed vertical without horizontal parity as breaking down one barrier while also erecting a ceiling on female representation. Hajer Azaiez alluded to this idea when she said, ‘Our thinking was, with vertical parity, we achieved around a 25% [rate of women] in the Assembly. Since we will get vertical parity again, it won’t be less than 25%, but it isn’t enough. If we are going to improve, we need horizontal parity.’<sup>16</sup> Najlaoui also articulated a similar sentiment, ‘The aim [with vertical parity] is to maintain what we achieved in 2011. But if we are to do better, it needs horizontal! We must!’<sup>17</sup> Jribi agreed:

Vertical parity adopted at the 2011 elections allowed us to have nearly 23% of women MPs (30% today). Thus, to have a truly joint Assembly, we need to have other mechanisms in addition, like the horizontal parity or even a quota [referencing the two amendments requiring a 30% quota] to approximate true parity.<sup>18</sup>

Farida Labidi framed it in terms of a linear progression, ‘By 2014, [vertical] parity has become a normal thing, it has become a habit. But we have to add something else.’<sup>19</sup> Bochra Belhaj Hamida, speaking from the perspective of a civil society activist and not technically in Le Groupe des Femmes, verbalised the idea that adding a horizontal aspect to parity legislation was the only way to accomplish ‘parity in general’.<sup>20</sup> In other words, the law would be incomplete and ultimately ineffectual without horizontal parity based on the results of the 2011 election. Hela Hammi framed horizontal parity as a way to end a form of positive discrimination for less qualified or ‘weaker’ men, saying:

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<sup>15</sup> In communication with author (Tunis: 15 September 2014).

<sup>16</sup> In communication with author (Tunis: 19 September 2014).

<sup>17</sup> In communication with author (Tunis: 15 September 2014).

<sup>18</sup> Lobna Jribi, ‘Cette loi électorale ne correspond pas au consensus “convenu”’ (This electoral law does not correspond to the “agreed” consensus), *Huffpost Maghreb*, 5 May 2014.

<sup>19</sup> In communication with author (Tunis: 17 March 2014).

<sup>20</sup> In communication with author (Tunis: 22 September 2014).

[Society and the voters] always prefer a man. Now I do not think that it is better to be a man, but it has been working in favour of weaker men, for the purpose of positioning candidates on the lists. These are the times to ask for 50% horizontal parity.<sup>21</sup>

Hammi's statement speaks to the theoretical debate about merit and discrimination in the global gender parity literature. By flipping who is receiving positive discrimination, she is implicitly arguing that gender parity is an extension of equal treatment rather than positioning it as an exemption to anti-discrimination statutes in liberal theory.

## **THE CONSTITUTION AND ELECTORAL LAW**

There are two constitutional clauses that articulated the base argument for gender parity in Electoral Law:

[Article 34.2] The State seeks to guarantee women's representation in elected councils.

[Article 46.3] The State shall seek to achieve parity between women and men in elected councils.

Article 34.2 guarantees women's representation in general, while Article 46.3 is more explicit in its endorsement of gender parity as a legal intervention. 'Seek to achieve', however, contains an element of ambiguity. During the constitutional debate, Meherzia Labidi made clear that parity would apply only to the means of an election (candidates), and not to the results (deputies). In other words, election results that produced an unevenly gendered Assembly would still be constitutional. A quota in the form of Reserved Seats is the only way to absolutely guarantee that result. Conversely, applying gender parity to candidates or selection processes introduced a wide range of policy options in the pursuit of gender parity.

Vertical and horizontal parity vary by degrees of complexity in the categories of definition, applicability, implementation, and regulation. Vertical parity, within the template devised in 2011, required that equal numbers of male and female candidates alternate on the candidate lists. Individual lists that violated either of these principles were invalidated. Both requirements—an even gender split and alternation—are

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<sup>21</sup> Hela Hammi, Strategy meeting for Le Groupe des Femmes on advocating for horizontal parity, 17 April 2014.

applied and executed on individual lists. This simplifies the process by which the ISIE regulates and addresses violations, as individual lists that fail to follow the rules will incur the punishment of invalidation. Because of its previous implementation, other versions of vertical parity were never seriously considered. Horizontal parity, by contrast, refers to the gendered distribution among the heads of all fielded lists by a party or coalition. Its relative nature complicates definition, implementation and applicability, and regulation.

#### DEFINITION

Because a version of vertical parity had already been instated in 2011, its definition was never up for real debate during the drafting of Electoral Law, standing in sharp contrast to debates surrounding horizontal parity. The question of how to define horizontal parity was a major sticking point. Horizontal parity can be interpreted to be absolute, in that the gendered distribution at the head of the list is equal—50% women and 50% men (e.g., the first amendment to Article 23). Conversely, other policy options include a quota of less (or more) than 50% of women at the head of the list (e.g., the second and third amendments to Article 23).

#### APPLICABILITY

In 2011, groups of independent candidates submitted 655 out of 1,519 total candidate lists—unaffiliated to any party or coalition. Because the requirements of vertical parity are contained within each individual list, universal application—including to independent lists—posed no problem. Horizontal parity, however, is a relative concept in that it determines gendered distribution for heads of lists across all the lists originating from a single organisation, such as a party. This poses an applicability issue with independent lists that stand on their own. Within the domain of applicability is the question of whether one or both types of parity would be designated as obligatory or merely recommended. This naturally presented implications for its regulation, discussed below.

## IMPLEMENTATION

The issue of implementation, while not directly accounted for in the construction of the law, was nonetheless relevant to the debate as it factored into political parties' considerations of support or opposition. Each party has different processes by which they construct its candidate lists, with different pathways between regional bureaux and central headquarters. Vertical parity's containment of its precepts within each single list does not impose an added level of coordination between lists. Horizontal parity, with its determination of gendered distribution, requires an entirely different, and increased, level of coordination of the entire field of candidates. This also intersects with the issue of applicability with independent lists.

## REGULATION

There are multiple ways to regulate different types of parity through a variety of material incentives and disincentives. A material incentive can take the form of financial bonuses, for example, whereas a material disincentive can include financial sanctions or, as was implemented in 2011, list invalidation. Parity laws can also take the form of a recommendation, with a moral appeal, for example, to notions of equality and democratic norms. However, from an implementational perspective, the relative advantage of the incentive or severity of the disincentive can determine whether political parties and coalitions actually experience the law as a de facto obligation.

The pathway from violation to consequence (or incentive) is another complicating factor for horizontal parity. In 2011, the pathway was straightforward for vertical parity. The ISIE scrutinised each list, those that failed to nominate equal numbers of men and women and alternate them on the list were invalidated. For horizontal parity, meting out incentives or disincentives required a new pathway, since violations or adherence occurs at the party or coalition level, rather than that of the list. However, the punishment is meted out at a list level. For example, a financial sanction or bonus would flow from the country's laws on public financing of campaigns. Public funding for the legislative elections determined that each electoral district received a pot of money based on the number of registered voters and



population density.<sup>22</sup> Therefore, if a party or coalition fails to adhere to horizontal parity, which individual lists would incur a punishment (or receive an incentive)? The same principle applies to list invalidation. For example, in the case of absolute horizontal parity with list invalidation: if a party or coalition submits lists in all 33 districts, but only heads 12 (instead of 16 or 17) with women, which four or five lists would be invalidated? The only solution put forward to these questions was drawing lots, meaning that, in this example, of the 21 lists headed by men (the lists that contributed to the violation of the precept), a random selection of four or five lists would be invalidated.

### **ARGUMENTS FOR AND AGAINST HORIZONTAL PARITY IN COMMISSION**

In addition to Articles 46.3 and 34.2, three other constitutional articles impacted the drafting of the gender parity law:<sup>23</sup>

[Article 46.2] The State shall guarantee equal opportunities in the bearing of all responsibilities in all fields

[Article 21.1] All citizens, male and female alike, are equal in rights and duties and they are equal before the law without discrimination.

[Article 46.1] The State shall commit to protecting women's achieved rights and seek to support and develop them.

Articles 34.2 and 46.3 represented the most explicitly relevant constitutional provisions required for drafting parity law, but clauses regarding equality of opportunity proved to be of vital importance in the debate between proponents and opponents of horizontal parity. These articles allowed for constitutional arguments both for and against gender parity, based on differing conceptions of equality and discrimination as *de jure* or *de facto*.

Opponents to horizontal parity repackaged their arguments against the constitutionalisation of gender parity (46.3) from January 2014. They invoked the equal opportunity clauses in Articles 21.1 and 46.2, which they argued barred positive discrimination. In January, Monia Brahim had forcefully made the case that gender

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<sup>22</sup> 'Final Report on the 2014 Legislative and Presidential Elections in Tunisia', (Washington, D.C.: NDI, 2014), p. 38.

<sup>23</sup> Articles 21.1 and 46.1-2, 'Constitution of the Tunisian Republic', trans. by The Jasmine Foundation (Tunis: Tunisian National Assembly, 26 January 2014), p. 10 and 15.

parity measures in general violated equality and equality of opportunity clauses enshrined elsewhere in the Constitution, relying on a *de jure* interpretation of equality of opportunity and discrimination. The broader implication of the argument is a liberal one: gender parity is inherently un-meritocratic and therefore antidemocratic, particularly in a context conditioned by neopatriarchy. During the electoral law debate, most opponents of horizontal parity relied on this logic but modified the object of their arguments to avoid a constitutional conflict with Article 46.3. There were several ways in which they reconciled this point. One ceded the constitutionality of vertical parity on its own, asserting that it was enough to satisfy the constitutional requirement for gender parity, but that horizontal parity went too far in violating equal opportunity. Another proposed that all types of parity be optional—in short, recommended as a moral imperative—rather than one attached to incentives or consequences. This line of argument relied on a fundamental rejection of gender parity in general, and horizontal parity specifically, as a constitutionally sanctioned, and democratic, concept.

Other arguments against horizontal parity were implementational, rather than constitutional or ideological in nature. Assertions that there were not enough women in political parties, willing to run for office, or who were qualified enough, particularly in the interior or southern regions, resurfaced from 2011. Additionally, opponents argued that horizontal parity would be regressive for smaller parties that lack the same depth of membership or resources as larger parties, particularly if the punishment were to be financial sanctions. Others invoked a slippery slope argument, saying that instituting horizontal parity would cause other groups, such as Tunisians abroad, to also ask for special electoral dispensations. From a political perspective, punishment for infractions meted out by a random selection of lists introduced an uncomfortable level of chance for political parties.

Proponents of horizontal parity also invoked both 21.1 and 46.2, but to a fundamentally different end. Their interpretation relied on a *de facto* understanding of the intersection of politics and gender. They contend that the status quo denies women equal opportunity, especially in the realm of politics. Therefore, it is already discriminatory as well as un-meritocratic and therefore undemocratic. In this uneven political terrain, gender parity provisions are therefore a pathway to achieving equality of opportunity, rather than an impediment. More specifically, vertical parity's inability to singlehandedly address these inequalities provided a constitutional

mandate for horizontal parity. More to this point, within this interpretation, Article 46.1—written as progressive vis-à-vis women’s rights—provided a constitutional justification for augmenting vertical parity from Decree 35/2011 with a horizontal measure. Ultimately, these differences come down to how the starting point of equality, equality of opportunity, discrimination, meritocracy, and democracy are interpreted. These arguments strike at the heart of the global gender parity debate and interact deeply with the way that gender parity challenges the theoretical assumptions underpinning liberal citizenship and democracy.

Broadly, Le Groupe des Femmes operated out of the framework that gender parity in general, and absolute horizontal parity specifically, represented the constitutional pathway to achieving equality of opportunity. However, opinions diverged from a strategic perspective in evaluating other quota options, employing this constitutional argument towards different ends. From a constitutionally purist perspective, any measure that stopped short of absolute horizontal parity would be unconstitutional given the equality of opportunity clause, echoing elements of the French paritaristes’ arguments. As Yamina Zoghلامي articulated in a private strategy meeting of Le Groupe des Femmes:

I think it’s imperative to have women at the top of the lists with 50% parity; it should not be negotiated or prostituted<sup>24</sup> because it is a right and an entitlement. We are building on the Constitution. The issue of parity is the first test of the articles that we legislated in the Constitution.<sup>25</sup>

Others adopted a more pragmatic position, despite their ideological agreement with Zoghلامي. In the same meeting, Hajer Azaiez represented this gradualist approach. She framed her position in terms of the entrenchment of patriarchal norms regarding women in politics, saying:

Some of the patriarchal society that passed vertical parity law last time did so without their full satisfaction. We must consolidate this law gradually by starting with the 30% at least. Why am I not saying we should put forward an entire electoral list of women? Because we would never get any men to vote for it! I am with absolute horizontal parity in the Electoral Law. But we must negotiate the percentage for now. We must consolidate the idea of horizontal parity because without any law, we will never achieve it.<sup>26</sup>

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<sup>24</sup> Zoghلامي’s use of the word ‘prostituted’ was in reference to moral objections that members of Le Groupe des Femmes had with the use of financial sanctions and will be discussed below.

<sup>25</sup> Yamina Zoghلامي, Strategy meeting of Le Groupe des Femmes, 17 April 2014.

<sup>26</sup> Hajer Azaiez, Strategy meeting of Le Groupe des Femmes, 17 April 2014.

However, for those who were willing to settle for a quota, there was a very strong preference for list invalidation over financial sanctions, for both implementational and moral reasons. From an implementational perspective, the financial sanctions would not be enough to act as a deterrent to violating the 30% quota and would allow bigger parties with deeper resources to do so unaffected. Many referenced the failure of France's gender parity legislation, which was enforced with financial sanctions, to result in more substantive representation of women.<sup>27</sup> From a moral perspective, some members were outraged and offended at the suggestion of financial sanctions, likening it to buying off women and prostitution (see Zoghlami's statement above).

The implementational arguments against any form of horizontal parity persisted from the 2011 election—specifically that there are not qualified, interested, or enough women in political parties especially in the interior and southern regions. Le Groupe des Femmes also responded with a recurrent but more nuanced and evidentiary response recycled from this same debate in 2011 and 2012. Firstly, they continued to reject the premise that there were not enough competent female political elites from which to choose, citing the exemplary performance of female deputies elected in 2011, including those from interior and southern regions. They also maintained that the competence issue was gendered and a function of *mentalité*. Simultaneously, they recognised the gendered and socioeconomic barriers to political participation below the elite level and a need to further integrate women into political parties. However, they positioned that as a failure of the political parties themselves. Essentially, they were charging the male-dominated central and internal decision-making bodies of creating a gendered deficit and then citing that deficit as a reason not to support measures of horizontal parity in a mutually-constitutive cycle. Finally, opponents of horizontal parity had already ceded vertical parity by virtue of Article 46.3, rendering their use of this argument null. As Rabiaa Najlaoui articulated:

We have heard this kind of discourse in our political parties, when they say we should not push for horizontal parity because there are barriers to finding women. These are not persuasive claims. There are a lot of women and many women deserve to be on the top of the lists. When there is already vertical parity, we only have to change the order from man, woman, man, woman to woman, man, woman, man. This is very easy to do.<sup>28</sup>

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<sup>27</sup> Pricille Lewis Southwell, 'Gender parity laws in France have been undermined by electoral reforms which work against female candidates' [online], London School of Economics and Political Science European Politics and Policy blog, 13 September 2013.

<sup>28</sup> Rabiaa Najlaoui, Strategy meeting of Le Groupe des Femmes, 17 April 2014.

Interestingly in 2011, secularists, both deputies and members of civil society, had levelled the criticism that Decree 35/2011 had caused Ennahdha, in particular, to choose unqualified women who were not feminists to run on their electoral lists. In 2014 within the Assembly, female members of the opposition and the Troika alike highlighted the example of Ennahdha's Kalthoum Badreddine—who, as President of the Commission on General Legislation, oversaw the construction of all laws outside the Constitution—to prove the fallibility of the female-competence argument. This showcased further the breakdown of a secularist and Islamist binary when analysing gender in the Assembly and the ways in which interaction with each other and with patriarchal structures in politics have impacted processes of subject-making for female deputies.

## **ARTICLE 23: COMMISSIONS TO ASSEMBLY**

Officially, three Commissions were responsible for drafting the Electoral Law: Commissions on General Legislation; Finance, Planning, and Development; and Rights and Liberties. In March, the Consensus Commission was resurrected to weigh in on controversial issues. Largely, the draft law was the product of 41 sessions by the Commission on General Legislation, with nine by Finance, Planning, and Development, and eleven by Rights and Liberties.<sup>29</sup> Gender parity featured in debates both in General Legislation and Rights and Liberties, as well as in the Consensus Commission. However, detailing the exact origin of various iterations of gender parity was methodologically complicated by a number of factors. Al Bawsala, an independent civil society organisation that attended every session (from commission to plenary), recorded overall attendance averages for members of commissions throughout the drafting process. However, no body tracked attendance in individual sessions, took minutes, or recorded internal commission votes. Additionally, deputies who were not members of the relevant commissions were welcome to attend drafting sessions, and often voted alongside commission members, further complicating the completion of a thorough record of the process by which Article 23, along with the other articles, came to fruition. For example, 86 deputies who were not members of

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<sup>29</sup> 'Loi électorale: Présence dans les commissions, Commission de la législation générales' (Electoral Law: Presence in the commissions, Commission on General Legislation), *Al Bawsala* [online].

General Legislation attended anywhere between one and 28 of the 41 Electoral Law drafting sessions. However, which sessions included non-Commission members, how many attended, and whether or not they voted is essentially impossible to verify *ex post facto*, creating not only a methodological issue but also a transparency and accountability gap for the Assembly. Furthermore, Consensus Commission debates were closed to the public. Despite these challenges, what follows is a broad narrative of Article 23's development in Commission to its final vote in the plenary session derived through Al Bawsala and my attendance at most of the meetings discussed.

At the beginning of the drafting process, which began on 13 February, hopes and expectations for horizontal parity were high amongst *Le Groupe des Femmes* given the progressive nature of Article 46.1 of the Constitution. Additionally, the presidents and vice presidents for both commissions were staunch advocates for horizontal parity: Kalthoum Badreddine and Samia Abbou in General Legislation and Souad Abderrahim and Fatma Gharbi in Rights and Liberties. But the drafters of Electoral Law were tasked with no easy feat in translating variegated constitutional articles and values into the practicalities of law, or as Meherzia Labidi described it, to 'give life or to transform into organic law the constitutional provision of parity'.<sup>30</sup>

At the beginning, vertical and horizontal parity were discussed in tandem. It quickly became clear that despite the combative character of constitutionalising gender parity in January, Decree 35/2011's institution and the successful passage of Article 46.3 had largely deflated robust or sustained opposition to vertical parity. In contrast, developing gender parity beyond Article 35/2011 into some form of horizontal parity proved to be one of the most controversial and intractable issues during the drafting of Electoral Law. During the first two days of drafting, on 13 and 14 February, discussions of gender parity in general sparked major divides in the room. By 19 February, however, attendees had begun to disaggregate vertical and horizontal parity within the debate, revealing a majority support for vertical parity but enduring sharp divisions on horizontal parity. The meetings adjourned without an agreement, a harbinger of the division that continued to characterise the debates on horizontal parity.

At first, horizontal parity was conceptualised by advocates solely in absolute terms (i.e. a 50% gendered distribution at the head of the lists), rather than as a quota

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<sup>30</sup> In communication with author (Tunis: 13 March 2014).

of less than 50%. But as the drafting process wore on, the Commission was no closer to a consensus. On 5 March, Nadia Chaabane (Al Massar and Bloc Démocrates), a member of Rights and Liberties and outspoken advocate for absolute horizontal parity, suggested a financial bonus for parties that achieved both vertical and horizontal parity in an effort to maintain some form of horizontal parity in the face of fierce opposition.<sup>31</sup> The suggestion was tabled without agreement. On 6 March, Rights and Liberties evaluated parts of General Legislation's draft. In a vote, vertical parity was passed but absolute horizontal parity was roundly defeated. At this point, quotas surfaced as an alternative to absolute horizontal parity. On 12 March, General Legislation held a vote with a similar outcome to Rights and Liberties. Vertical parity succeeded but horizontal parity failed to muster enough support. A 30% quota of women at the heads of lists was passed by a slim margin, proving to be apparently more palatable to opponents of absolute horizontal parity. However, the Commission also voted to return to this issue again. Following this, General Legislation turned to an equally contentious debate over the penalty for violating the quota. Eventually, the Commission on General Legislation decided on a 30% quota with list invalidation as its version of the draft article. However, despite these votes, the specificities of gender parity continued to be controversial.

At this point, major points of disagreement, including the amendments to Article 23, were passed onto the Consensus Commission. Simultaneously and relatedly, a controversy that had been bubbling since the beginning of the electoral law drafting process came to a head. The Constitution provided for the institution of a constitutional court to oversee the compliance of law with the Constitution. However, its formation was scheduled for after the next legislative and presidential elections, the first to occur after the adoption of the new Constitution. From the outset of the electoral law debate, however, deputies within the General Legislation Commission insisted that a constitutional review body be in place before the passage of the Electoral Law, as the constitutionality of several issues had led to the disagreements tasked to the Consensus Commission. Work on the draft Electoral Law was paused to debate and pass the Provisional Instance of the Constitutional Review of Legislation from 11 to 15 April.

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<sup>31</sup> 'Lijannati alhuquūqi wa al-hurraiyyaāti wa al-‘alaāqaāti al-jaāri jiiyyati: muwaāṣalatu al-nnazari fī mashru‘i al-qaānuni al-intijaābī' (Committee on Rights, Freedoms, and Foreign Relations: Further Considerations on the Draft Electoral Law), *Al Bawsala*, 5 March 2014 [online].

Despite the fact that the Consensus Commission had yet to finish its deliberation, an article-by-article debate and vote on the draft Electoral Law began the next day, 16 April 2014, skipping over Article 23 so as not to hold up the other 168 articles in the draft. Six days later, on 29 April, the Consensus Commission released its version of the horizontal parity article, supporting a 30% quota of women at the head of the lists with financial sanctions. This differed from the General Legislation Commission's version: the 30% quota with list invalidation.

### **ARTICLE 23 IN THE GENERAL ASSEMBLY: WOMEN ON TOP?**

The end of the Consensus Commission's deliberations on horizontal parity allowed for Article 23 to come to the floor of the general Assembly on 1 May, as the penultimate article up for debate. The original draft of Article 23 as written by the Commission on General Legislation included two clauses on gender parity: vertical parity (in an almost exact replica of Decree 35/2011) and a horizontal parity amendment in the form of a 30% quota with list invalidation. It also contained a youth quota that instituted a 30% quota for candidates under 35 in the top three or four places of a list. The Consensus Commission's recommendation of a 30% quota with financial sanctions was entered as another amendment. Between 29 April and 1 May, deputies also had had the opportunity to submit amendments for Article 23, one of which was absolute horizontal parity. The total number of proposed amendments on Article 23 was not recorded, however, Nadia Chaabane wrote in a Facebook post that seven amendments on Article 23 were tabled and never saw a floor vote.<sup>32</sup> The following narrative is based on personal observation and a transcription of the official broadcast of this debate.<sup>33</sup>

First, deputies easily voted to sever the three clauses within Article 23 from each other, meaning that vertical parity, horizontal parity amendments, and the youth quota would all be debated and voted on separately. Vertical parity passed easily with 160 in favour, 11 against, and 10 abstentions, showcasing the degree to which it had

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<sup>32</sup> Nadia Chaabane, '#Tnac, #TnElec, l'amendement pour le tiers de femmes en tête de listes n est [sic] pas passé' (#Tnac #TnElec, The amendment for a third of women at the top of the lists has not passed), *Facebook.com*, 1 May 2014.

<sup>33</sup> Transcript of 'al-tnāṣuf' (Parity), *Delta News on YouTube.com*, 1 May 2014.



become a socio-political norm within the Assembly. The three options for horizontal parity came next. The session started normally but quickly devolved into a melee.

Meherzia Labidi called the session to order after a short break, joking about the high rate of attendance despite it being a Tunisian holiday. She then called on the Assembly rapporteur to read all three versions of horizontal parity in the order on which they would be voted: absolute horizontal parity, 30% quota with financial sanctions, and 30% quota with list invalidation. The Rapporteur then read aloud the eight groups—roughly shaped by parliamentary blocs and consisting of 34 deputies—that had submitted amendments on absolute horizontal parity. Those amendments had been collapsed into a single version. Labidi then called upon Souad Abderrahim from Ennahdha to make the case in favour of the amendment and Ibrahim Gassas to oppose, giving them each two minutes. At the time, Gassas was an independent but he had been elected from a list of the populist party Arridha Chaabia.

Abderrahim gave an impassioned speech, referencing the constitutional clause that ‘says that we need to preserve what women have acquired and work on improving them...And this is where our proposition of horizontal parity comes in’. She went on to say that the relatively high, but ultimately insufficient, proportion of women in the Assembly had been due to the specificities of the political terrain. She pointed out that ‘in this Assembly, 70% are male or female heads of lists with 6% women and 64% men’ and that it was the fact that there had been a ‘majority party [Ennahdha] with a very high voting percentage’<sup>34</sup> that brought the proportion of women in the Assembly ‘as high as 28%’. She was referencing the fact that Ennahdha was the only party that had received high enough levels of support in multiple districts to send more than just its heads of lists to the Assembly. If Ennahdha had not won major popular support, far fewer women would have made it to the Assembly, and the heavy male-bias for the heads of lists would have been further amplified within the Assembly. She went on to say that ‘the political scene may change later and we would not find some parties with 40-50% and others with 5 or 6%’ of overall support electorally. She continued, by stating that ‘we have to rely on the heads of lists’ because ‘we saw with vertical parity that having 6% female heads of lists brought us only 28% women’. In other words, because the political field is so

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<sup>34</sup> These numbers are quotes from the floor speeches but are not necessarily 100% accurate. More accurate and precise figures will be discussed in the next chapter.

diffuse—resulting in a wide spread of political parties per district—the position at the top of the list largely determines who will win a seat. The discretionary space left by Decree 35/2011 produced low numbers of female-headed lists which will continue to stymie progress towards truly equal representation of women. At this point, Labidi cut her microphone off as she had run out of her allotted time. Abderrahim protested that she had more to say and continued her speech without a microphone, as other deputies clamoured for Labidi to give them the floor.

When Gassas took the floor, he opened with the usual *Bismillah*.<sup>35</sup> In reference to horizontal parity, he began, ‘In 2011, they asked men for the vertical, and we passed the vertical’. Almost immediately, other deputies began to protest and Labidi had to demand for order several times. He went on, his voice rising over the clamour:

They’re here now asking for the horizontal. I don’t know why things have changed. You either choose vertical or horizontal. Because when we say horizontal parity, it’s as if we’re saying that there are no men in Tunisia, that for every 50 men, we need 50 women. What is better is for the woman to wait for her man at home and teach her children and put...’.

At this point, the noise of protest from other deputies drowned out his appeal. Angered, Gassas yelled, ‘Shut up and let me talk!’ Raising his voice even louder, he shouted ‘The good woman is the one who puts her husband’s feet in hot water when he comes home. We don’t need...’. But before he could finish his sentence, one deputy threw a balled-up piece of paper at him, as others shot up from their seats to yell in further protest. For a second, Gassas was stunned. Then he rose, enraged, making his way to the centre of the Assembly screaming ‘Dégage! [Go!]’ over and over again and calling for the session to be suspended. Once a flock of male deputies had calmed him and had led him back to his seat, he proceeded to finish off his final minute. Gassas continued:

By the way, Mrs. President [addressing Labidi], the Prophet, peace be upon him, is proof and he said: “If I were ever to order anyone to kneel for another, then I would order the woman to kneel for her husband”. Even in bed, the woman does not have the right to turn to the other side without her husband’s permission. And you come now to contradict the prophet?!

Jeers roiled the hall as Gassas insisted four times, ‘This is religion!’ in attempts to stamp out the shouting. But nearly all the delegates had risen to their feet, yelling at

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<sup>35</sup> The *Bismillah* is the Islamic phrase ‘In the name of Allah, the Most Gracious, the Most Merciful’ in Arabic.

Gassas, as he retorted, ‘May all effeminates go to hell! There are men who act like women; and sadly, there are women...’. But here, Labidi cut off his microphone, ‘You did not give an opinion, you insulted!’, she said.

At this point, Gassas returned to the centre of the Assembly, continuing to yell. Although he was no longer on the microphone, he was screaming ‘If women are on top of the lists, they will be on top in bed!’ Seated in the front row, an incensed Mehdi Ben Gharbia (Bloc Alliance Démocratique) derided Gassas as an idiot. Gassas lunged for Ben Gharbia, grabbing him by his collar and winding up to hit him, as Sahbi Atig (Ennahdha) and several others restrained him, pulling him off Ben Gharbia. Labidi, frantically banging her gavel, called for a five-minute break. Gassas was escorted out a side door.

Karima Souid (Bloc Démocrates) and others were standing and yelling at Labidi about Gassas. Labidi, red with anger, shouted back:

Yes, my lady, you’re shouting today! But when he spoke at the beginning of the year...two years ago...and silenced your female colleagues, no one spoke out! When at times he speaks to me and disrespects me, none of you spoke out! I thank God you woke up today!’

Female deputies from around the room began applauding her. She went on, ‘There are limits we should not go beyond. Limits of mutual respect, of respect to women, and to deputies. I hope this does not happen again!’ Inflamed arguments continued amongst the deputies and Labidi again called for a break for prayer.<sup>36</sup> A few minutes later, during the break, Gassas burst in through the door at the back. He ran down the aisle, trailed by Atig and pushing other deputies out of the way. He started hitting Ben Gharbia’s head from behind until he was restrained and escorted out once again.

After the break and once order was restored, Labidi, dripping with sarcasm, addressed Gassas’ request for the floor again: ‘Now sir, I gave you your two minutes and thank God for what happened. That’s enough. Unless you’re planning to apologize to your female colleagues and Tunisian women. That’s it.’ As the head of Bloc Démocrates, Salma Baccar was granted the floor. Baccar, almost shaking with anger, said that this event was not the first time that Gassas had humiliated Tunisian women, but that this time, he had done it in front of the entire country, ‘on Tunisian television, which airs at home, in front of mothers, fathers, and little children’. She then announced that the Bloc Démocrates, as well as a ‘big group of male and female

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<sup>36</sup> Here the video cuts out for the break but the author was present for these events.

deputies who staunchly believe in dignity, justice, and democracy’ were going to walk out in protest, until the president of the Assembly took strict action against Gassas. She stood up and made to leave with several other male and female deputies, but not before saying that she and other female deputies were going to sue Gassas.<sup>37</sup>

Baccar’s threats appeared empty at first. Ultimately, she and the team of deputies who began to leave decided to remain in the Assembly until after the vote on absolute horizontal parity. Electoral law, as an organic law, required an absolute majority of all members (109), as opposed to a majority of members present, as was the case for ordinary draft laws.<sup>38</sup> The draft amendment on absolute horizontal parity garnered only 69 for, with 67 against, and 44 abstentions. When the results were announced, the amendment’s supporters rose in protest, and Baccar then led about 15 members in a walk-out, protesting Gassas and the upcoming amendment on financial sanctions. A few moments later, Rabiaa Najlaoui (Nidaa Tounes) re-entered the Assembly with a sign protesting the failure of absolute horizontal parity and equating the amendment on financial sanctions to prostitution—referencing the moral objection to the financial sanctions clause that Le Groupe des Femmes had articulated during the drafting process. Hichem Hosni, an independent, was given the floor to speak against the financial sanctions amendment, refusing to yield some of his time to Rabiaa Najlaoui, who was trying to speak. The session began to descend into chaos again, and Labidi called for a vote on the 30% quota with financial sanctions. This measure also failed with 60 in favour, 76 against, and 23 abstentions along with 58 absences.

Finally, Labidi called the session to order so as to debate and vote on the final amendment. Yamina Zoghlami (Ennahdha) was given the floor to argue in favour, with Skander Bouallagui (an independent unaffiliated with a parliamentary bloc who was elected on an Arridha Chaabia list) against. For the most part, Zoghlami’s speech did not directly address the specifics of the amendment, but rather, it lambasted the Assembly for being divided on the implementation of any kind of horizontal parity. She ended by saying:

We are opening the way for [women] thanks to the efforts of those that came before us and the efforts of the women in the committee of Mr. Yadh Ben Achour [The High Commission]. We have vertical parity. And the parties that are able to put women in the second position can put her in the first position.

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<sup>37</sup> At this point, the video cuts out. The next section is a result of direct observation.

<sup>38</sup> Article 64 of the 2014 Constitution.

At this point, her microphone was cut off and the rest of her argument rendered inaudible.

Bouallagui began by setting vertical and horizontal parity in opposition to the goals of the revolution and to ‘real and concrete problems’ faced by the Tunisian people. He also claimed that support for gender parity was purely a result of deputies’ sole allegiance to organisations like ‘the European Parliament, the UNDP, the Venice Commission, and many, many others.’ He went on to implore those who believe that the real problems for Tunisian women were ‘unequal pay, spinsterhood, poverty, and her unemployed sons’ to ‘vote against this article.’ Furthermore, he asserted that parties that ‘want to work for equity will put women as heads of lists’ but that he rejects this. He ended with ‘Let’s respect our people and speak of our people’s problems only and not those of the European people. This is an imported solution to a non-existent problem.’ Bouallagui’s statements reflected the notion of gender equality as inauthentic to the Tunisian specificity, discussed in Chapters Two and Three.

Mouldi Riahi, head of Ettakatol bloc, asked for a recess to meet with the other parliamentary bloc heads in case the third proposal, 30% quota with list invalidation, failed as well.<sup>39</sup> The session paused for ten minutes but there were no new proposals. Labidi called the session back to order and commenced voting on the final horizontal parity proposition, which failed, with 72 for, 68 against, and 36 abstentions. With all three horizontal parity measures rejected, proponents began protesting the results, arguing with one another throughout the hall and shouting at Labidi. But Labidi had had enough, and she quickly moved on to the final clause of Article 23, which concerned a quota for youth. The draft article concerning the youth quota required that:

each list running for a constituency having four or more seats, has to include among the top four candidates a male or female candidate aged 35 or under. In case this principle is not respected, then the list is deprived of one half of the total amount of public funding.

There was one amendment, which dropped the financial sanctions as punishment and replaced it with ‘it is compulsory’, rendering the amendment toothless as it failed to specify a mechanism of enforcement. There was also an alternative article proposed, which would have required 50% of the heads of lists to be below 30 years of age—considered an equivalent to absolute horizontal parity for women. Fouad Thamer

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<sup>39</sup> At this point, the video is turned back on and what follows is supported by the transcript.

(Ennahdha) championed this amendment. A third amendment requiring a youth candidate in the top three spots had been talked about but never saw the floor.

The original draft language—requiring one male or female deputy under 35 amongst the top four candidates enforced with financial sanctions—passed with 123 for, 28 against, and 13 abstentions. The amendment dropping the financial sanction language was skipped since a stronger version of the bill had already passed. Interestingly, the failure of all three horizontal parity options for women drove support towards the amendment on youth in the top four places on the list—the more conservative of the two proposed youth quotas. Assia Naffati (Ennahdha) specifically referenced that fact during her speech in support of the ultimately successful youth amendment. She said:

Today we have not reached what we wanted concerning [gender] parity. I wanted the youth to be among the top three, not four, spaces on the list...but what happened during this last vote, is that we did not even secure the least, which would be the 30% rule for women. So asking for youth to be among the top four does not mean that I am against having them among the top three or of half of the heads of lists.<sup>40</sup>

With the passage of a youth quota, a group of female deputies standing at the back began to clap sarcastically, voicing criticism at the acceptance of a youth quota in the wake of horizontal parity's failure. Labidi attempted to skip the alternative article on youth since a quota had already been passed, pushing the Assembly towards the final article on the political exclusion of former RCD members. Addressing the horizontal parity protests at the back, Mabrouk Lahrizi, a deputy from Wafa who had opposed or abstained from all gender parity votes, interjected, 'I ask my good colleagues [f.] to express their protests after the vote on the Electoral Law so that they do not get misunderstood as obstructing the passing of the political exclusion act.' In response, the discontented women at the back began singing the Tunisian national anthem, transforming their mode of celebration after passing Article 46 of the Constitution into a form of protest. After a moment, Labidi, who had been instrumental in forming *Le Groupe des Femmes*, decided to join them in song. Slowly, the entire Assembly followed suit. One deputy reproached them, 'This is a provocation!' Amidst grumbles that the debate on the alternate youth amendment was redundant, Fouad Thamer succeeded in pushing to return to it, citing internal

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<sup>40</sup> Transcript of '\al-tnāṣuf\'.

regulations. The debate was derailed due to the levity inspired by Thamer's ill-conceived invocation of North Korean Kim Jong-Un's youth during his floor speech in favour. After a vote, the article was defeated and the Assembly moved on to political exclusion.

Following the vote on the political exclusion article, the Assembly was required to vote on Electoral Law in its entirety. Lobna Jribi, in a last-ditch attempt to advocate for gender parity and youth representation, protested, 'This law did not represent the will of the Legislative Committee and that of the deputies in terms of the articles about women and youth...' Labidi, exasperated, turned off her microphone, amidst rumbles of protest throughout the chamber, said:

No! We voted on all laws! This is nonsense! I tell you to take responsibility in front of the Tunisian people! Please go ahead and vote now! We will vote on the law now. This is blackmail! Voting on the law in its entirety has started now!

Deputies continued to shout and protest, but ultimately cast their votes in favour of the entire bill.

Five days later, Lobna Jribi penned a Huffington Post Maghreb article wherein she articulated the positive and negative outcomes of the electoral law drafting process. She expressed outrage and a sense of betrayal at the failure of any kind of horizontal parity:

Contrary to the statements of a number of political parties and despite the Consensus [Commission], the vote did not follow. I wonder if they are the same who voted for Article 46 of the Constitution? How can we contradict our own constitutional principles that we have established ourselves? What then would be the next legislature?

She reiterated the position of Le Groupe des Femmes and Souad Abderrahim's speech on the Assembly floor:

I recall that Article 46 urges the State to implement parity in elected bodies. Vertical parity adopted at the 2011 elections allowed nearly 23% of women MPs (30% today). Thus to have a truly joint Assembly, we need to have other mechanisms in addition: horizontal parity (for party list heads) or even a parity quota to approximate true parity. By refusing the 1/3 quota of the horizontal parity, Article 23 of the Electoral Code is, in my opinion, unconstitutional.

Towards the end of the piece, she stated that she was supporting a petition to challenge the constitutionality of Article 23 at the Provisional Instance of the

Constitutional Review of Legislation.<sup>41</sup> A group of deputies and civil society actors did successfully submit that petition. The Provisional Instance rejected the challenge, taking the position that ‘the vertical parity enshrined in Decree Law 35/2011 on the election of the National Constituent Assembly was sufficient to “seek” to achieve parity in elected assemblies’.<sup>42</sup> This essentially closed the door on horizontal parity within this legislature.

## **ARTICLE 23 VOTE: THE POLARISING SANCTIONS**

Gender, and gender parity measures specifically, have been a large part of the post-revolutionary political discourse, particularly given the High Commission’s decision to institute vertical parity in 2011. The constitutional vote to include gender parity in Article 46 showed that a majority of the Assembly was committed to the principle of gender parity as applied, in some way, to the means of an election. A consensus seemed to form around vertical parity in the drafting phase as an acceptable practical expression of the constitutional principle. This was then validated by its margin of victory during the Electoral Law vote.

The major tension in the drafting centred around the constitutionality of horizontal parity as related to equality of opportunity. Two fundamentally different arguments emerged, interpreting horizontal parity as either an impediment or a pathway to achieving equality of opportunity given all the constitutional constraints. Analysing the way that deputies voted across the sequence of four gender parity votes provided the first opportunity for insight into the Assembly’s orientation towards constitutional interpretation. Analysing the results of each vote individually does not adequately capture the nuances of the Assembly’s maintenance of the 2011 status quo. The following section will explore the gendered and political trends that emerged from analysing the patterns of voting across the four gender parity measures.

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<sup>41</sup> Jribi, 2014.

<sup>42</sup> Monia Ben Hamadi, ‘Tunisie: Les “gardiens de la Constitution” essuient un flot de critiques’ (Tunisia: The ‘Guardians of the Constitution’ wipe out a flood of critics), *Huffpost Maghreb*, 27 May 2014.



## METHODOLOGY: CHALLENGES

There were several methodological issues taken into account for the purposes of this analysis. At the time, Al Bawsala was the only body systematically cataloguing and publishing how each deputy voted. Filling an information vacuum, Al Bawsala came to be viewed as the record of Assembly activities. In the plenary sessions, deputies voted from their assigned seats. A projector displayed a graphic representation of the 217 Assembly seats, each changing colour depending on the information relayed from the deputy's individual voting apparatus: green for yes, red for no, and yellow for abstained. Al Bawsala members captured that graphic and published the list of deputies within each category. However, it was not impossible that deputies voted by proxy or voted from someone else's seat. This analysis is based on data collected from Al Bawsala regarding the political affiliations<sup>43</sup> of and votes by deputies.<sup>44</sup>

## METHODOLOGY: LEVEL OF ANALYSIS

This analysis will be carried out at the level of parliamentary blocs. There were three types of political affiliation in the Assembly by May 2014: the list from which deputies were elected, the political party or coalition of parties they belonged to, and parliamentary blocs. As was discussed previously, the political terrain was fluid, with party attrition, dissolution, re-formation, and reorganisation. By May 2014, parliamentary voting blocs were the most up-to-date indication of political affiliation and constituted the most accurate way to discern ideological groupings within the Assembly. Chart 6.1 is a broad, but not exhaustive, representation of relevant political parties represented in the Assembly in 2011, the reformulated landscape of political parties in 2014, and each party's broad ideological orientations and leanings.

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<sup>43</sup> 'Annuaire des élus' (Directory of Deputies), *Marsad Constitution Al Bawsala* (Online).

<sup>44</sup> 'Tous les votes (All of the Votes), *Marsad Constitution Al Bawsala* (Online).

## 6.1: PARTIES AND IDEOLOGICAL ORIENTATIONS/LEANINGS, 2011-2014

### MAJOR PARTIES IN 2011

- Ennahdha:** Right/Centre-Right, Conservative Democracy, Economic Liberalism, Islamism
- Ettakatol:** Centre-Left/Secularist
- CPR:** Centre-Left/Left-Wing Nationalism/Liberalism
- Arridha Chaabia:** Populist
- PDP:** Arab Nationalism, Liberalism, Secularism
- Afek Tounes:** Centre-Right/Secularist, Liberalism/Neo-Liberal
- PDM Coalition:** Centre-Left/Left Coalition/Secularist, Social Democracy, Left-Republicanism (Ettajdid and others)
- UPL (Free Patriotic Union):** Centrist/Centre-Right/Secularist
- Moubadara/L'Initiative Nationale Destourienne (National Destourian Initiative):** Centre/Centre-Right, Liberal (arose from RCD)
- Echaab/Mouvement du Peuple (The Peoples Movement):** Socialism/Arab Nationalism

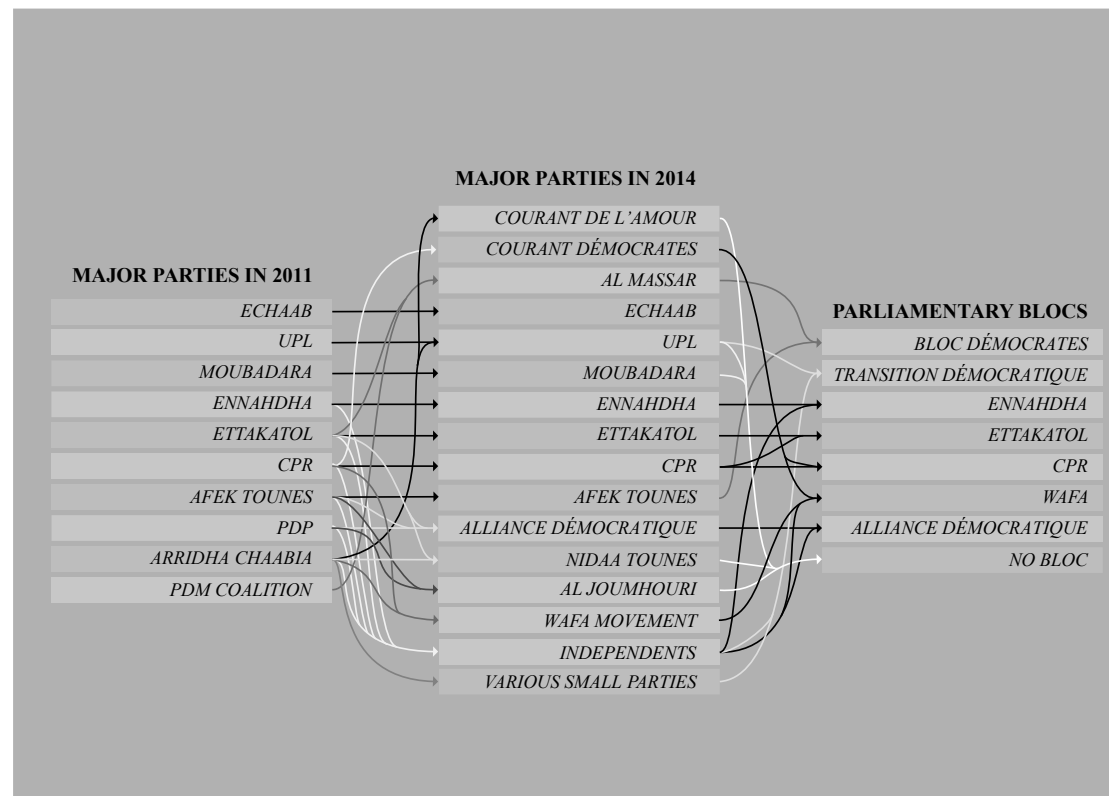
### ADDITIONAL PARTIES IN 2014

- Alliance Démocratique:** Centre-Left/Secularist
- Al Massar:** Centre-Left/Secularist, Feminism, Egalitarianism, Socialism, Social Democracy
- Courant Démocrates/Attayar (Democratic Current):** Centre-Left/Secularist, Social Democracy, Social liberalism, Progressivism, Nationalism, Pan-Arabism, Pan-Islamism
- Al Joumhouri (Republican Party):** Social Liberalism/Liberalism, Social Democracy, Progressivism, Arab Nationalism
- Courant de l'Amour/Mahaba (Current of Love):** Islamic-Populist
- Nidaa Tounes:** Center-Left/Secularist, Social democracy, Social liberalism, Pro-Bourguibism
- Wafa Movement (Independent Democratic Congress):** Left-Leaning/Secularist, Moderate Pan-Arabism
- Independents**

Data source: Tchaïcha, *The Tunisian Women's Rights Movement*, p. 146-147. Chart Source: Zoe Petkanas, 2017.

Chart 6.2 shows the (re)formation and reorganisation of parties between 2011 and 2014 and their organisation into parliamentary blocs based on data in the ‘Annuaire des élus’ published’ by Al Bawsala.

## 6.2: PARTY AND PARLIAMENTARY BLOC (RE)FORMATION, 2011-2014



Data source: ‘Annuaire des élus’, Marsad Constitution Al Bawsala. Chart Source: Zoe Petkanas, 2017.

## METHODOLOGY: DEFINING THE ANALYTIC POOL

For this analysis, 189 deputies make up the analytic pool, or 87.1% of the Assembly. Out of 217 deputies, 19 were absent on 1 May 2014 when the four votes on gender parity occurred— (1) vertical parity; (2) absolute horizontal parity; (3) 30% with financial sanctions; (4) 30% with list invalidation. An additional 9 deputies only voted on vertical parity, registering as absent for all three horizontal parity votes. This left 189 deputies—the analytic pool. Out of the analytic pool, 145 were present for all four parity votes (67.28% of the Assembly and 76.72% of the analytic pool). Deputies with more than one absence, a total of 44, are unable to be categorised, leaving 145. The only exception to this absences rule are the deputies who used their absence during the sanctions vote as a form of protest—namely those who had walked out with Salma Baccar. This information was corroborated by the author at the time of the events in question.

## ANALYSIS

Ten voting patterns emerged out of the votes cast by the 145 deputies on:

- [1] Article 23: Vertical Parity
- [2] Amendment 1: Absolute horizontal parity (referred to as Absolute)
- [3] Amendment 2: 30% quota with financial sanctions (referred to as ‘Sanctions’)
- [4] Amendment 3: 30% quota with list invalidation (referred to as ‘Lists’)

These patterns appear in Chart 6.3.

### 6.3: SPECTRUM OF SUPPORT/OPPOSITION TO GENDER PARITY POLICIES DURING FOUR GENDER PARITY POLICY VOTES IN 2014

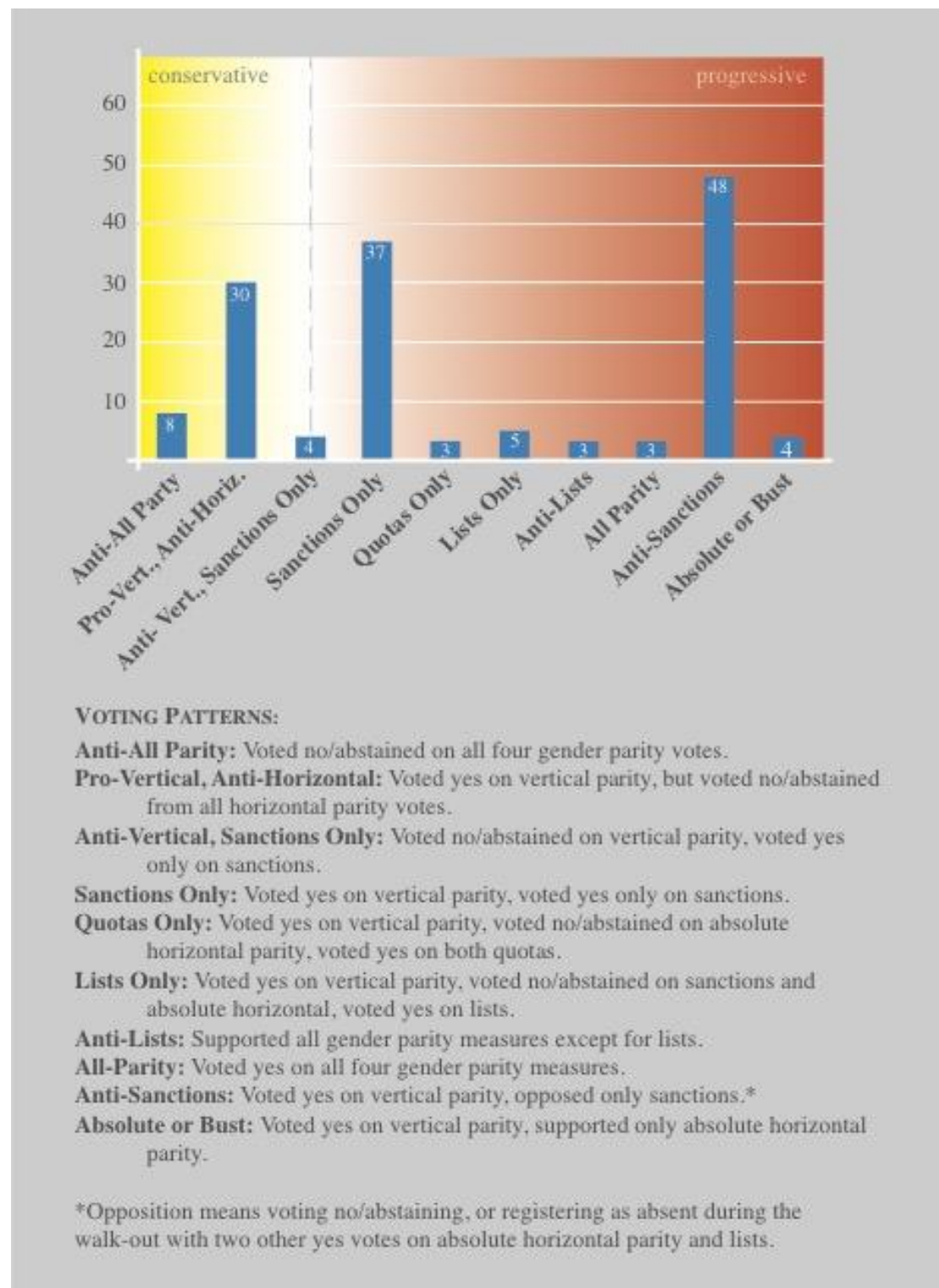


Chart Source: Zoe Petkanas, 2017.

Chart 6.3 shows the ten voting patterns that emerged from the votes of 145 deputies. Broadly, it shows the spectrum of support for various iterations and combinations of parity policies. The grey dotted line represents a transition from those who rejected horizontal parity to those who accepted horizontal parity as a constitutional expression of Article 46.3. It demarcates the voting categories' positions on horizontal parity as an impediment to equality of opportunity or horizontal parity as a mechanism to achieve equality of opportunity. In other words, all the voting categories in yellow were unwilling to implement any form of horizontal parity; all the voting categories in red were in favour of some form of horizontal parity in addition to vertical parity.

Moving outward from the dotted line on both sides, the colours deepen—representing degrees of conservatism (yellow) and progressivism (red). Here, conservatism and progressivism are defined as orientation towards intervention through gender parity policy. Anti-All Parity, the most conservative voting category, opposed all forms of gender parity legislation and was thus the least interventionist. Moving towards the grey line, the categories become more interventionist by degrees. Commensurately, as the red deepens—moving away from the grey line—the voting categories become more interventionist in their orientation towards horizontal parity policy options. Sanctions is positioned as the most conservative horizontal parity policy as it required a lesser punishment than Lists and fewer women at the heads of lists than absolute horizontal parity. Absolute or Bust falls at the most progressive end of the spectrum—as deputies within this category were not willing to settle for anything less than the most interventionist form of horizontal parity.

Out of the ten categories, three clearly stand out: Pro-Vertical but Anti-Horizontal, Sanctions Only, and Anti-Sanctions, with 30, 37, and 48 deputies respectively.

#### PRO-VERTICAL BUT ANTI-HORIZONTAL

Pro-Vertical but Anti-Horizontal include the 30 deputies who voted yes on vertical parity but voted no/abstained from all three horizontal parity votes. They comprise 15.87% of the analytic pool and are positioned to the left of the grey line. Essentially, they represent strict constitutional constructionists. They interpreted Article 46.3 in the narrowest terms possible while still satisfying the constitutional mandate by

adhering to the 2011 status quo—but went no further. This group is interesting in that it is possible to see how their position changed from the constitutional debate to that of electoral law following the outcome of the vote on constitutional Article 46.3.

From this group, 66.67% had voted no or abstained in the vote to amend Article 46 of the Constitution to include gender parity in the first place, with only 10% voting yes. 73.33% had voted no or abstained during the vote on the entirety of Article 46 once the amendment had passed, with only 13% voting yes. Despite the high levels of opposition to the principle of gender parity, as embodied in Article 46.3, the majority of this group adapted their position for the electoral law vote. They stand in contrast to the 8 members of the Anti-All Parity group, whose members voted no or abstained on all votes regarding gender parity for the Electoral Law, all of whom were men. Their votes during Article 46 and its amendment looked very similar to those of the Pro-Vertical but Anti-Horizontal group, with 7 out of 8 (or 87.5%) voting no or abstaining on the vote to amend and 6 (75%) voting no on the amended article in its totality, with 1 yes vote and 1 absence. This group, however, refused to cede their opposition to the principle during the electoral law debate regardless of the successful passage of Article 46.3.

The Pro-Vertical but Anti-Horizontal group included 6 women (20%) and 24 men (80%), which is not reflective of the total gendered breakdown of the analytic pool (containing 32.34% women and 67.66% men). A purely political breakdown of the group revealed that only CPR, Wafa, and Transition Démocratique's share of the group exceeded their overall share of the analytic pool—but only by 5.92, 8.57, and 1.38 percentage points respectively. This indicated that while there was a slight political divide, it was not major.

Breaking down the political by gender revealed a slightly more complicated story. Among the 24 men, 6 of 7 parliamentary blocs were represented, including Ennahdha (7), CPR (4), Wafa (4), Ettakatol (2), Transition Démocratique (2), Alliance Démocratique (1), and No bloc (4), excluding only Bloc Démocrates.<sup>630</sup> With CPR, Wafa, Ettakatol, and Transition Démocratique, the proportion of men in this group exceeded the proportion of the male members of their respective blocs in

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<sup>630</sup> There were seven parliamentary blocs in the Assembly (Alliance Démocratique, Bloc Démocrates, CPR, Ettakatol, Wafa, Ennahdha, and Transition Démocratique) as well as a group unaffiliated with a bloc. For the purposes of this analysis, I will refer to eight blocs, one of which is No Bloc.

the analytic pool.<sup>631</sup> Only Alliance Démocratique and No Bloc did not exceed their blocs' male proportion in the group relative to that of the analytic pool. In both cases, CPR and Wafa had the largest differential by far.

The political differentiation along gendered lines was also different for women. Five of 6 women were from Ennahdha, with one unaffiliated with a bloc. Ennahdha women made up 83.33% of the women in the group, which clearly outstrips their 62.30% share of the women in the analytic pool. While that number seems significant, it is actually misleading. The 5 Nahdhawiat of the group made up 41.67% of the Ennahdha bloc in Pro-Vertical but Anti-Horizontal, which was less than the overall Nahdhawiat share of the Ennahdha bloc in total (47.50%). However, the concentration of female support for this group across only two blocs does indicate a lack of broad appeal across political orientations for the women of the analytic pool.

These demographic trends indicated that the strict constructionism that defined the Pro-Vertical but Anti-Horizontal was male-gendered. The political orientation of the group was driven primarily by Wafa. When that orientation was broken down further by gender, it was driven again by men from Wafa but also by men from CPR—both small, secular parties and centre-left. Notably, Wafa did not have any female members. Of the three significant groups, this is the most conservative interpretation of gender parity. If the Islamist/secularist binary proved determinative of positions on women's rights and by extension a more interventionist form of horizontal parity, this group should have been dominated by Ennahdha, showcasing further the inadequacy of the binary for gender. Instead, this analysis revealed a gender divide, with orientation towards strict constructionism driven by men.

#### SANCTIONS ONLY

Deputies in this Sanctions Only voted yes on vertical parity and the 30% quota with financial sanctions, while voting no or abstaining from the other two horizontal parity options. Sanctions Only stood in contrast to the Pro-Vertical but Anti-Horizontal regarding constitutional interpretation. This group is to the right of the grey line. Unlike the strict constitutional constructionists, deputies in Sanctions Only did not

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<sup>631</sup> For example, 4 CPR men out of 24 men in the group, exceeds 10 CPR men out of 189 male deputies by proportion and 4 Wafa men out of 24 in the group, exceeds 9 Wafa men out of 189 male deputies etc.



interpret the concept of horizontal parity as a violation of equality of opportunity. In this, these deputies were united with the groups more staunchly in favour of more interventionist gender parity proposals. However, their approach was conservative, choosing to support only the horizontal parity proposal that posed the smallest challenge to the status quo, which also favoured most explicitly the larger parties with deeper resources.

Thirty-seven deputies, or 22.15% of the analytic pool, were in the Sanctions Only group. Unlike the deputies in Pro-Vertical but Anti-Horizontal, deputies in this group did not oppose the constitutional principle of gender parity. This follows from their votes on Article 46 of the Constitution. Of this group, 27 (72.97%) had voted yes for Article 46's gender parity amendment, with only 2 who voted no (5.41%), and 5 who abstained (13.51%). The majority accepted the principle of gender parity from the outset, but chose to support only the most conservative implementation of horizontal parity.

From a political perspective, there was a smaller cross-section of parliamentary blocs represented in Sanctions Only than in Pro-Vertical but Anti-Horizontal: Alliance Démocratique (6), CPR (1), and Ennahdha (30). Clearly, Ennahdha made up the bulk of the group in terms of absolute numbers. However, Alliance Démocratique's total bloc membership was 10, with 6 as part of the Sanctions Only group. This resulted in Alliance Démocratique members' constituting 16.22% of the group, in contrast to their overall share of the analytic pool, which stood at only 5.29%. A breakdown of Ennahdha's presence in the group was similar to Alliance Démocratique, but to a more dramatic degree given the relative power of the Ennahdha bloc in general. Members of the Ennahdha bloc made up 81.08% of this group, a disproportionately high share relative to the Ennahdha bloc in the analytic pool, of which they comprised 43.11%.

Of the 37 members, 9 were women and 28 were men, giving it a gendered breakdown of 24.32% to 75.68% respectively—skewing masculine in comparison to the gendered breakdown of the analytic pool. Consequently, Sanctions Only had a larger gender differential than that the Pro-Vertical but Anti-Horizontal group. From a simultaneous gendered and political breakdown of the group, 100% of the female participants were from Ennahdha. This number obscures the actual gender dynamics of the Sanctions Only Ennahdha pool, similar to that of the Pro-Vertical but Anti-Horizontal group. Breaking down the Ennahdha bloc in Sanctions Only by gender

revealed that Nahdhawiat in this group comprised 30% of the Ennahdha bloc in Sanctions Only, which was less than their overall share of the Ennahdha bloc in the analytic pool – 47.50%. However, the numbers tell a different story for Ennahdha men. Nahdhawis made up 70% of the Ennahdha members of Sanctions Only, but Nahdhawis comprised only 52.50% of the Ennahdha bloc in the analytic pool.

Thus, it was a cross-ideological group of men from Ennahdha and the male members of secular Alliance Démocratique who acted as the drivers of support for this group, rather than women in general, or Nahdhawiat in particular. Finally, the small cross-section of represented parliamentary blocs in this group, as well as the fact that female presence in this group was limited to a singular party, situated Sanctions Only as lacking broad-based appeal across both parliamentary blocs in general and across the wider population of female deputies. Again, the male preference for conservatism was revealed.

#### ANTI-SANCTIONS

Anti-Sanctions was made up of 48 deputies, the largest of the three groups. Like the Sanctions Only group, Anti-Sanctions members voted yes on vertical parity. On horizontal parity, however, Sanctions Only and Anti-Sanctions were completely polarised on the 30% quota with financial sanctions. For members of Sanctions Only, it was the only acceptable version of horizontal parity. For members of Anti-Sanctions, it was the only objectionable policy of all horizontal parity options. In summary, Anti-Sanctions group members voted yes on vertical parity, absolute horizontal parity, and the 30% quota with list invalidation, only rejecting the 30% quota with financial sanctions. This reflected the argument popular amongst Le Groupe des Femmes in the commission phase of the drafting process, in which they were staunchly pro-gender parity, with a view to pass absolute horizontal parity. They were willing to settle for a 30% quota with list invalidation but held specific implementational and moral objections to punishment in the form of financial sanctions. Anti-Sanctions was the most progressive group of the three analysed here—and the second most progressive of the patterns in general.

The vote on 30% with financial sanctions, and its demographic breakdown, was interesting in several respects. Throughout the four gender parity votes, the number of absences among the entire Assembly for vertical parity, absolute horizontal

parity, 30% with financial sanctions, and 30% quota with lists were 36, 37, 58, and 41 respectively. They stayed relatively constant between vertical parity, absolute horizontal parity, and 30% with list invalidation, but shot up for the quota with financial sanctions. Notably, among men, the absences stayed relatively constant throughout all four votes, with 28 for vertical parity, 28 for absolute horizontal parity, 33 for 30% quota with financial sanctions, and 31 for 30% quota with list invalidation. However, amongst women, the number of absences changed more noticeably—8, 9, 25, and 10 respectively. For these reasons, and because there was a coordinated walk-out in protest of both Gassas and the amendment itself, absences were taken into account and analysed as part of the Anti-Sanctions group.

The Anti-Sanctions Group stood out from the other groups, as it was the only one with gendered demographics skewing female. Furthermore, it was the only group in which the absolute number of women was greater than the absolute number of men—25 and 23 respectively. This made it the only group in which the female share of the group outweighed the female share of the analytic pool. Women made up 52.08% of the Anti-Sanctions group and only 32.28% of the analytic pool, while men made up 47.93% of the group and 67.72% of the analytic pool—a 19.8 point difference. This was by far the biggest gender differential amongst the three groups.

Analysing the bloc demographics of the Anti-Sanctions group revealed some interesting political dynamics. In general, each parliamentary bloc was represented in Anti-Sanctions, indicating relatively broad appeal. However, while there were women from each bloc (excluding Wafa, as there were no women members), that was not the case for men. There were men from 6 of the 8 blocs, indicating that the broad-based nature of the appeal was more applicable across the female population of the analytic pool than the male. Four of the 8 parliamentary blocs made up a larger share of the Anti-Sanctions group than their respective blocs in the analytic pool overall. Of these four blocs (No Bloc, Bloc Démocrates, CPR, and Ettakatol), Bloc Démocrates and No Bloc far outstripped CPR and Ettakatol, skewing this political divide in favour of the opposition rather than the governing coalition.

However, breaking down the political divide of Anti-Sanctions members revealed a gendered dynamic nested within that of the political. From within every bloc represented in Anti-Sanctions, the proportion of women from the bloc outweighed that bloc's proportion of women in the analytic pool, as well as the analytic pool in general, with the exception of Ennahdha. For example, women of

Bloc Démocrates made up 24% of the women in Anti-Sanctions, while making up only 9.84% of women in the analytic pool. They also made up 12.5% of the total group, while making up only 3.17% of the total analytic pool. The story was different for male members. Men from Bloc Démocrates and No Bloc in Anti-Sanctions were the only members to outweigh their proportion of their total bloc. Furthermore, in addition to Ettakatol, Bloc Démocrates and No Bloc were the only blocs to outweigh their proportion of the total analytic pool.

Finally, the female-to-male ratio of each bloc in the group relative to the female-to-male ratio of the bloc in the analytic pool was weighted in favour of women across the board, indicating that any relationship between political affiliation and support for this group was driven largely by women. Finally, for four blocs, Bloc Démocrates, Alliance Démocratique, Transition Démocratique, and CPR, all the female deputies within those blocs belonged to this group, indicating the depth of support for this voting pattern across the female deputies in these blocs. This analysis revealed the degree to which women drove support to progressive, and interventionist, policy options, ultimately showcasing how horizontal failed by virtue of a gendered divide more than any other demographic trend.

## CONCLUSIONS

The results of 1 May 2014 revealed several important political realities within Tunisian politics. The easy passage of vertical parity in Electoral Law with a margin of 151 votes stood in stark contrast to Article 46.3, which only passed by a margin of seven. This showcased the ways in which aspects of gender parity policies were transformed into a socio-political norm since its first institution by an unelected body of political elites in 2011. This lends credence to the idea of gender parity as playing a dual role in both ameliorating the symptoms of and addressing the root causes of the *mentalité* that created barriers for women in politics. However, the floor debate on absolute horizontal parity highlighted the emotional (and physical) volatility that remains ever-present for issues around gender and power. Gassas' spectacle illustrated quite stunningly the male fragility articulated by Le Groupe des Femmes as a major element of *mentalité*.

The above in-depth analysis revealed the actual dynamics within the Assembly that prevented successful passage of gender parity provisions that went beyond the 2011 status quo of Decree 35/2011. In terms of the voting groups, there were large and stark concentrations of support for the Pro-Vertical and Anti-Horizontal, Sanctions Only, and Anti-Sanctions positions. Of note, intellectual and theoretical divisions on the constitutionality of horizontal parity relative to equality of opportunity did not cause the failure of horizontal parity—despite the prominence of that debate during the drafting process. As is evident by the distribution of voting patterns in relation to the grey dotted line, the majority of the Assembly were willing to accept the concept of horizontal parity as constitutional. While the strict constitutional constructionists were a definitive presence in the Assembly, they were an overall minority.

The actual fault line fell between conservative and progressive modes of practical implementation of the horizontal parity concept, rather than different orientations of constitutional interpretation. The Anti-Sanctions and Sanctions Only groups were united in their baseline acceptance of horizontal parity as a concept. Instead, it was the polarising nature of the 30% quota with financial sanctions that produced the actual impactful division within the Assembly. The Anti-Sanctions group's refusal to compromise their moral and practical objections to the only policy option acceptable to the more conservative elements of the Assembly resulted in the failure of any horizontal parity proposal.

What the Sanctions Only group lacked in broad appeal across gender and political affiliation, it made up for in concentration of support. Without the pointed opposition of the Anti-Sanctions group, the proposal would have passed. This divide was defined largely by gender and various diffuse political orientations. But even within the political divides that differentiated support for Sanctions Only and Anti-Sanctions, there were nested gendered dynamics within them that skewed male for conservative approaches and female for progressive ones. This supported the notion by members of *Le Groupe des Femmes* that parity would not exist with women in this particular political terrain. It also dissolved the Islamist/secularist binary as it applies to gender parity policies. Religio-political orientation did not divide supporters from opponents on implementing horizontal parity. Rather, a gender divide was more decisive.

In the months after the passage of Electoral Law and in the run-up to the 2014 elections, a dominant discourse emerged among deputies and political party leaders who were not in the Anti-Sanctions group. In effect, they chastised ‘women’, using this as a proxy for those who were in Anti-Sanctions, for not compromising on sanctions or for ineffective political mobilisation. They cited the successful passage of the youth quota with financial sanctions as the example “women” should have followed. As was evident in the debate, the failure of even the most conservative horizontal parity measure drove supporters of an aggressive youth quota to settle for the most conservative of the youth amendments.

Finally, there was an institutional failure on the part of the Provisional Instance of the Constitutional Review of Legislation. Its rejection of the constitutional challenge to Article 23 on the basis of its lack of horizontal parity essentially, albeit indirectly, validated the minority position of the strict constitutional constructionists. This was despite the fact that horizontal parity’s constitutionality was not the intellectual force behind its failure. Essentially, the Provisional Instance’s decision inaccurately reflected the constitutional interpretation of Article 46 by the majority of the Assembly, setting conservative jurisprudential precedent. Although this decision ended the fight for horizontal parity in Electoral Law, its indirect, rather than explicit, support for minority strict constitutional constructionism, alongside the actual majority opinion on the constitutionality of horizontal parity, left the door open for future implementation of horizontal parity measures emanating from the legislature. Rather, the future challenge will be to overcome the male-gendered propensity for conservatism in regard to horizontal parity measures.

## **SEVEN: ELECTIONS 2014**

This chapter explores the way that gender featured in the construction of the lists for the 2014 legislative elections for the ARP, discussing the narratives articulated by powerful players justifying their electoral strategy and the resultant gendered outcomes.

### **METHODOLOGY**

Because this analysis is based on a closed set of informants with definitive political affiliations and identities, representivity is both important and easier to ascertain in comparison to other parts of this dissertation. This chapter is based on 32 interviews conducted in September 2014 prior to the October elections with political actors across the ideological spectrum. The informant-pool is roughly representative of the eventual electoral results, with an emphasis on Nidaa Tounes and Ennahdha. There was deeper access to parties that had representation in the Assembly than parties with no incumbents, and that imbalance was addressed through secondary sources.

Nidaa Tounes won 86 (40%) of the 217 seats in the ARP and comprised 25% of informants. Ennahdha won 69 seats (32%) of the ARP, and comprised 41% of the informant pool. Together, these parties made up 72% of the ARP and representatives from these parties made up 66% of the interviews. Free Patriotic Union (UPL) took 16 seats (7%), and Front Populaire or Jabha Chaabia (Popular Front)—a coalition of secular-socialist parties— took 15 (7%). Each made up 3% of the informant pool. Afek Tounes won eight seats (4%) and CPR won four (2%), and representatives from these parties comprised 6% of the informant pool. Courant Démocrates and Al Joumhourî each sent one member to the ARP (.5%) and made up 6% and 3% of informants respectively. Ettakatol and Union for Tunisia (UPT) failed to send any representatives to the ARP but did comprise 6% of the informant pool. Only the National Front for Salvation, the Movement of Social Democrats, the Farmers' Voice Party, and three independent lists—small organisations that each sent only one deputy to the ARP—were not interviewed. Women represented 68% of the interview pool, and comprised 31% of the ARP. However, it is crucial to foreground the experiences of women within male-dominated political institutions so as to understand the

nuanced gender dynamics of the elections and to represent narratives that do not constitute dominant discourses.

## **2014 ELECTORAL SYSTEM**

After the successful completion of Electoral Law in May 2014, political parties reconstituted the National Dialogue in order to schedule the forthcoming legislative and presidential elections, the first to be held under the new Constitution and the accompanying Electoral Code.<sup>1</sup> The 26 October legislative elections formed the ARP, the first legislature of the Second Republic. The Electoral Law officially re-established the ISIE, giving it a permanent mandate to, among other things, administer the upcoming elections. The ISIE established Regional Independent Election Commissions (IRIE), which were created in each of the districts to assist the ISIE with election management and oversight.

The electoral system remained unchanged between 2011 and 2014, as the Assembly chose to maintain a closed list proportional representation system using the largest remainder method.<sup>2</sup> Political parties, coalitions, and independents registered their electoral lists for legislative candidates in August 2014 for the 27 districts in Tunisia and six abroad for compliance review by IRIEs. Each list had to include the same number of candidates as the number of seats in a given district and the lists had to be organised according to vertical parity. The Electoral Law had also established a quota for candidates under 35. Districts with more than three seats had to include a candidate under 35 in one of the top four positions of the list. Parties needed to include a reserve list of candidates in order for each district to replace primary candidates who were deemed invalid according to the candidate guidelines outlined in the Electoral Law.<sup>3</sup>

In total, 1,500 lists were submitted for review—890 by political parties, 459 by independents, and 151 by coalitions—showcasing the continued diversity of the political field. Only six parties were able to submit lists for all 33 districts, including CPR, Ennahdha, Front Populaire, Al Joumhour, Nidaa Tounes, and UPL. At the first

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<sup>1</sup> 'Final Report on the Tunisian National Constituent Assembly Elections: October 23, 2011', (Washington, D.C.: NDI, 2011), p. 22.

<sup>2</sup> 'Elections of Tunisia: October 26 Parliamentary Elections, Frequently Asked Questions', (Washington, D.C.: International Foundation for Electoral Systems, 20 October 2014), p. 1.

<sup>3</sup> NDI, 'Final Report' 2011, p. 27.



stage of review by IRIEs, 192 lists were rejected, largely due to noncompliance with a number of eligibility requirements, including failure to implement vertical parity on either the primary or the reserve list.<sup>4</sup> Ultimately, a number of the invalidated lists successfully appealed and 1,327 lists—or 9,500 candidates—competed in the October elections for the 217 seats at the ARP.<sup>5</sup>

Overall, women made up about 47% of the total candidates. With no legal obligation to implement any version of horizontal parity, women headed only 145 of the 1,327 lists—or 11%—a slight improvement over the 7% in 2011. No party or coalition achieved absolute horizontal parity among its field of lists, unlike PDM in 2011. Three of the five parties in the PDM coalition went on to create a new coalition, the UPT, in February 2013. The UPT came the closest to absolute horizontal parity, with women heading ten of its 26 lists, or 38%, surpassing the two proposed amendments that would have required a 30% horizontal parity quota. Table 7.1 below shows the gendered breakdown of registered lists for Tunisia’s twelve major parties.

7.1: ELECTIONS 2014: PARTIES AND FEMALE-HEADED LISTS

Party/Coalition	Total # of lists submitted	# of women heads of lists	Percentage of women heads of lists
Union for Tunisia (UPT)	26	10	38%
Congress for the Republic (CPR)	33	7	21%
Democratic Current	28	6	21%
Ettakatol (The Front)	29	5	17%
Al Joumhouri (Republican Party)	29	5	17%
Jabha Chaabia (Popular Front)	32	5	15%
Free Patriotic Union (UPL)	33	5	15%
Al Moubadara (The Initiative)	28	4	14%
Afek Tounes (Tunisia’s Horizons)	25	3	12%
Ennahdha (Renaissance Movement)	33	3	9%
Nidaa Tounes (Tunisia’s Call)	33	3	9%
Democratic Alliance	28	2	7%

Source: NDI, ‘Final Report’ 2014, p. 29.

<sup>4</sup> ‘Legislative and Presidential Elections in Tunisia: Final Report, October, November, and December 2014’, (Atlanta, Georgia: The Carter Center, 2014), p. 35.

<sup>5</sup> Ibid., p. 8.

Tunisia's two biggest and most influential parties, Ennahdha and Nidaa Tounes, had only three lists each headed by women—falling far short of absolute horizontal parity as well as the lower bar set by the UPT. In 2011, Ennahdha had had one female-headed list, with Souad Abderrahim in Tunis 2. In 2014, Ennahdha still only had one female-headed list in the districts within Tunisia, with Meherzia Labidi in Nabeul 2. However, Sayida Ounissi and Imen Ben Mohammed headed the lists from France 2 and Italy respectively.

From the beginning, Nidaa Tounes positioned itself as the inheritor of the Bourguibist tradition of modernism and women's rights, but its ratio of female-to-male-headed lists belied that commitment.<sup>6</sup> Originally Nidaa Tounes had only two lists headed by women, one inside Tunisia and one from the districts abroad. Selma Elloumi Rekik, a co-founder of Nidaa, headed the list from Nabeul 1, and Lamia Mlayah, headed the list from America and the rest of Europe. During the summer of 2014, there was internal conflict about the candidacy of Hafedh Caïd Essebsi, Beji Caïd Essebsi's son, who originally headed the list from Tunis 1. Foreshadowing the eventual break-up of Nidaa Tounes into two factions in 2015/2016, Hafedh faced accusations of nepotism from a faction led by Faouzi Elloumi.<sup>7</sup> The party sanctioned Elloumi but nevertheless Hafedh recused himself from the list. According to his official statement, he dropped out to focus on the legislative and presidential elections. Rumours abounded that his withdrawal was conditioned on nominating a woman as the head of the list in Tunis 1, which served the dual purpose of appeasing Elloumi's faction and quieting criticism by the press regarding the low number of female-headed lists. Eventually, Leila Ouled Ali Bahri replaced Hafedh Caïd Essebsi, bringing the number of Nidaa's female-headed lists up to three.

## **CONSTRUCTING THE 2014 CANDIDATE LISTS**

Parties did not publicly release details of their internal nominating structures for the election and, at the time of writing, there were no external sources describing the exact processes for individual parties, most likely due in part to the high level of

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<sup>6</sup> Patrick O. Strickland and Nouri Verghese, 'Tunisia's Nidaa Tounes: nostalgia for a past that never was?', *Middle East Eye*, 13 February 2015.

<sup>7</sup> 'Tunisie: Hafedh Caïd Essebsi renonce à Tunis 1, l'adhésion d'Elloumi gelée' (Tunisia: Hafedh Caïd Essebsi renounces candidacy in Tunis 1, Elloumi's membership frozen), GlobalNet, 23 August 2014.

variation between, and even within, parties and regions.<sup>8</sup> Interviewees were often defensive and cagey when asked to describe these processes. This called into question the reliability of the dominant narratives across the political spectrum regarding a highly democratic and de-centralised process of constructing lists.

According to NDI, some parties' national headquarters controlled the process from start to finish, while others took a collaborative approach between regional and district-level offices and the central organising bodies. The process was difficult; parties struggled with fierce internal competition for list-position. Dissent about nominations threatened some parties' internal cohesion, resulting in sizeable defection at the local level.<sup>9</sup> Interviews with the leadership of parties confirmed that official policies often included internal elections in the regions, or high levels of collaboration, before central approval, but also revealed that the processes were flexible. They also suggested more centralised control over the process than official descriptions implied.

Nidaa Tounes and, to a lesser extent, Ennahdha, provided prescient examples of this dynamic. Nidaa was the only major party competing in the 2014 elections that had not participated in some form in 2011. Essebsi formed Nidaa Tounes in July 2012, as a way to unite the fractured secular parties within one tent in order to act as a counterweight to Ennahdha—a framing which dominated its campaign rhetoric.<sup>10</sup> At the time, Nidaa's internal structure included a foundational committee (sometimes known as the constituent or constitutive committee), made up of 11 members, and an executive bureau, made up of 34 core members and included 108 members in its expanded structure. As of the 2014 elections, Nidaa had yet to hold a party congress, meaning that the entirety of its leadership was appointed, rather than elected by party members.<sup>11</sup>

According to Nidaa Tounes leadership, the official pathway to candidacy involved election amongst regional bureau officials—similar to Ennahdha. These lists would then be sent to the 11 members of the foundational committee who would vote on whether to accept, reject and remake, or revise the lists.<sup>12</sup> However, interviews

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<sup>8</sup> The Carter Center, 'Legislative and Presidential Elections' 2014, p. 36.

<sup>9</sup> NDI, 'Final Report' 2014, p. 27.

<sup>10</sup> Anne Wolf, 'Can Secular Parties Lead the New Tunisia', (Washington, D.C.: Carnegie Endowment for International Peace, 2014).

<sup>11</sup> Sabrine Ghoubantini, in communication with author (Tunis: 15 September 2014).

<sup>12</sup> Mehdi Jaouad, in communication with author (Tunis: 13 September 2014).

with Nidaa candidates and members of the executive and foundational committees suggested that the process was highly centralised. As Sabrina Ghoubantini, a current deputy in the ARP representing Ariana, said:

There were problems [with the elections] because the 108 [-member executive bureau] and the eleven [-member foundational committee] were more qualified to make and be on the lists than those in the regional bureaux.

Nevertheless, she insisted. ‘We are very democratic internally even though we don’t have elections.’<sup>13</sup> Additionally, according to another researcher, Hafedh Caid Essebsi was the key figure. He was responsible for internally structuring Nidaa Tounes, which included the capability to appoint or dismiss Nidaa’s regional representatives. In turn, these representatives were responsible for negotiating the composition of the lists with party activists and other notables. In south/central Tunisia, for example, this meant liaising with large families, clans, or tribes to draw up the electoral lists.<sup>14</sup>

There was significant dissent within the ranks of Nidaa throughout the nomination process, with marked division between the centralised and regional leaderships. There were several protests throughout the country, for example, in Sfax and Ariana, once the first versions of the lists were published by the central party leadership. There were also several mass resignations over disagreements between regional and central leadership. The foundational committee served as the final word on any disagreements between itself and the regional bureaux, and therefore it is unclear just how much actual influence regional bureaux, or Nidaa members outside the central leadership, were able to exert over the process.

According to members of Ennahdha’s shura council, the official pathway to candidacy involved elections within the regional bureaux to create the electoral lists. These lists were then submitted to the executive bureau, a 24-member body nominated by the shura council, which had the authority to accept, reject, or make changes to the lists in their entirety or to the heads of the lists.<sup>15</sup> Regional bureaux could appeal the executive bureau’s changes to the shura council, which would then make the ultimate decision.<sup>16</sup> Officially, the executive bureau’s authority extended over changing the lists sent by the regions only in exceptional circumstances, but interviews with members of the shura council and the executive bureau also indicated

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<sup>13</sup> In communication with author (Tunis: 15 September 2014).

<sup>14</sup> Anne Wolf, in communication with author (20 December 2016).

<sup>15</sup> Yamina Zoghalmi, in communication with author (Tunis: 11 Sept 2014).

<sup>16</sup> Farida Labidi, in communication with author (Tunis: 18 September 2014).

that the central decision-makers had more influence over the process than the official structure suggests. These interviewees enumerated several high profile examples of late-stage changes, discussed below. The leadership's decision to open internal nominations to independents and powerful national personalities was another complicating and related factor. These independents were often prioritised as heads of lists over party members, as part of a strategy to broaden Ennahdha's voter base.<sup>17</sup>

CPR's system showcased the flexibility of these processes, and also the potential power afforded to the heads of lists, which will be discussed in more detail below. According to Sihem Badi, who served as the Minister of Women's Affairs in the Jebali and Laarayedh cabinets, the official process included the regional bureaux's submission of lists for approval by the executive committee and the political bureau. A national assembly of CPR members would then vote on the lists. The national assembly also appointed an electoral commission to interview potential candidates and report on the suitability of the submitted lists. It appears, however, that there were other pathways for a list to end up in front of the assembly. If a candidate approached one of the leadership bodies expressing a desire to be at the head of the list—and was approved by the executive committee—that candidate had the power to pick the rest of the list, in part or in whole.<sup>18</sup>

Afek Tounes also delegated this process to the head of the list. The party's internal structure included an elected nine-member political bureau, a 101-member central committee that included representatives from the regions, and bureaux within the regions. The central committee chose the head of the list, who, according to Mehdi Rebai, a member of the political bureau and head of the list for Tunis 1, would be somebody 'very close to the party'.<sup>19</sup> The head of the list chose the rest of the candidates to appear on that list, which then required approval from the central committee. The central committee reserved the right to revise the lists in certain circumstances. According to Rebai, only one list was changed by the central committee after it was submitted by that list's head.

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<sup>17</sup> Habib Khedher, in communication with author (Tunis: 16 Sept 2014).

<sup>18</sup> In communication with author (Tunis: 17 September 2014).

<sup>19</sup> In communication with author (Tunis: 15 September 2014).

## THE LACK OF FEMALE-HEADED LISTS

Representatives from Afek Tounes and UPL were the only interviewees who explicitly did not support gender quotas of any kind. Afek Tounes' Rebai spoke from an ideological perspective to reject stronger quotas than those required by Electoral Law. He said, 'There is no [additional] gender quota in this party. We are liberal. We don't believe in quotas.'<sup>20</sup> Hanene Moncef from UPL objected to quotas on the grounds that they inherently conflicted with notions of merit, echoing arguments articulated during the electoral law debate on horizontal parity.<sup>21</sup> Invariably, however, all interviewees espoused a desire for more female-headed lists in the future and for increased participation of women in politics, including the representatives from Afek Tounes and UPL. Members of Nidaa went so far as to credit their party with the successful passage of vertical parity in the Assembly earlier that year and with proposing the horizontal parity amendment to the Electoral Law. Abdelaziz Kotti, a 2012 CPR defector and member of Nidaa until 2016, headed Nidaa's list in Ariana. He considered 'Nidaa Tounes responsible for these gains because we are convinced that women should play a substantial role in Tunisian politics'.<sup>22</sup> Rached Ghannouchi gave a forceful defence of gender parity laws, saying:

Women are treated as if they're of lesser value and capacity. So if we believe in equality, competition has to take place on equal grounds. Women win with their qualifications, and not like a handicapped person led by the hand. But we defended parity. It's positive discrimination for women because circumstances are not equal. There shouldn't be equality [between candidates] in an unequal situation. Women are living under very difficult conditions so they want to be helped because conditions are not equal. And in the Islamic movement, we need to encourage women to go to the front line. We need leaders among women. With parity, we succeeded in pushing a generation of women to become leaders, through elections and through the parliament. In the Islamic movement, we had shortages of women leaders.<sup>23</sup>

He went on to say that this shortage had been addressed by the gender parity laws, 'as it gave women many opportunities to promote their abilities'.<sup>24</sup> Ameer Laarayedh—a Nahdhawi deputy in the assembly and member of the executive bureau and responsible for Ennahdha's participation in the 2014 National Dialogue—and

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<sup>20</sup> In communication with author (Tunis: 15 September 2014).

<sup>21</sup> In communication with author (Tunis: 13 September 2014).

<sup>22</sup> In communication with author (Tunis: 15 September 2014).

<sup>23</sup> In communication with author (Tunis: 27 September 2014).

<sup>24</sup> Ibid.

Ghannouchi had both lauded the women who had served in the Assembly and their contributions to the transition.<sup>25</sup>

This is consistent with the dominant discourse on gender and politics throughout the transition. In both the debates on Article 46.3 of the Constitution and Article 23 of Electoral Law, both opponents and proponents of gender parity laws largely articulated similar visions for the role of women in politics, differing on the methods of implementing that vision. Additionally, as the analysis of the previous chapter revealed, the vast majority of deputies in the Assembly supported vertical parity and some form of horizontal parity. This speaks to the rhetorical normalisation of gendered inclusivity in politics and expanded participation of women in the political sphere as a discursive goal.

This discursive consensus, however, did not translate into major gains for women outside of the legal requirement for vertical parity, resulting instead in a modest 4% increase in female-headed lists between 2011 and 2014. Male interviewees explained this by pointing to the difference between the theory and practice of gender parity in general, and horizontal parity in particular. In other words, while political party elites said that they were in favour of increasing the number of women in politics theoretically, practically, it was too difficult. This was largely a discourse confined to male political actors. Female political actors tended not to engage in this particular discourse. This is not to say that they were not able to articulate the structures that mediated increased access for women in politics. Rather, their language veered towards highlighting how the contemporary political and social terrain produces political exclusion—and solutions to these challenges—rather than towards vague notions that “the theory and practice are different”.

Ennahdha and Nidaa Tounes diverged significantly in how their respective operatives explained the lack of female-headed lists, despite having the same female-to-male ratio of horizontal parity. Nahdhawis favoured a demand-side approach, focusing mainly on attitudes towards women in the interior regions. *Nidaais*,<sup>26</sup> however, favoured a supply side approach, focusing on the women and potential candidates themselves. This next section will explore this discourse and the ways in which gender interacted with this process to produce the way horizontal parity, or the

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<sup>25</sup> Ibid.; Ameer Laarayedh, in communication with author (Tunis: 22 September 2014).

<sup>26</sup> *Nidaais* (Singular: *Nidaai*) means a member of Nidaa Tounes. It can also be used as an adjective.

lack thereof, was practiced, despite high levels of rhetorical commitment to the concept. Much of these factors mirrored dynamics present in the 2011 elections, and in the constitutional and electoral law debates in 2014. This indicated that many of the structural barriers facing women entering the political sphere had remained unchanged in the intervening years between elections.

## **DEMAND-SIDE REASONS**

There were several demand-side factors that emerged to explain why parties did not choose more women to head lists, including: regional reluctance; gendered inhospitality of social and political spaces; and *mentalité*.

### **REGIONAL ELECTABILITY**

‘The regions’, a shorthand for the interior, southern, and north-western areas of Tunisia, featured heavily in Ennahdha’s discourse by both men and women. Historically, these areas had been chronically and purposefully neglected under Bourguiba and Ben Ali and remain economically and socially marginalised. Almost unanimously, Ennahdha members would point to the ways in which acceptability to ‘the regions’ significantly influenced its choices in constructing the 2014 electoral lists. Habib Khedher, re-elected to the ARP, asserted that ‘how Ennahdha does in the regions is not based on how Ennahdha acts, it is based on the social environment’.<sup>27</sup> Meherzia Labidi echoed similar sentiments, saying, ‘the legislative election *is* a national election, but really it is a regional matter’.<sup>28</sup> She even expressed surprise that her candidacy as the head of the Nabeul 1 district was accepted without hesitation. The idea that gender norms were more firmly entrenched within the regions underlay both Khedher and Labidi’s statements, and has been present throughout the transition when it comes to implementing gender parity legislation. Farida Labidi was more forthright, attributing the lack of female-headed lists directly to the regions, ‘They did

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<sup>27</sup> In communication with author (Tunis: 13 Sept 2014).

<sup>28</sup> In communication with author (Tunis: 19 September 2014).



not accept women at the head of the list. It is a big problem but we had to respect the regions. That's why we only have three women as heads of lists.'<sup>29</sup>

Often, this was framed by those based in Tunis in the central office or as members of the Assembly, as a dispute between central and regional leadership, with the regions holding the party back from implementing the gender parity that the central leadership wanted. Farida Labidi, articulated this trend succinctly:

The central leadership wanted to impose the opposite [more female-headed lists], but the problem is that this time the decision came from the regions. There was hesitation from the regions and we had wanted to include the regions in the decision-making process and not have it imposed from above.<sup>30</sup>

Interviewees highlighted that the central leadership had sent recommendations to regional bureaux to focus on nominating women as the heads of lists. However, Ennahdha's internal politics belied the veracity of central leadership's commitment, as the recommendations were in place of regulations. Internal bids within the shura council to institute a form of horizontal parity through Ennahdha's by-laws had failed.<sup>31</sup>

A study by Benstead, Jamal, and Lust, published in 2015, poses a challenge to this discourse. The authors draw from role congruity theory in social psychology to understand 'the mechanism underlying the electability of candidates, and attendant biases based on gender and religiosity'.<sup>32</sup> The theory was developed out of work on the 'wonderful women effect', which uncovered the dominant perceptions of women as very capable in domains such as child rearing and hosting, while also being seen as superior to men in terms of expressing honesty and kindness. However, women were not also conceived of as possessing the qualities typically associated with effective leadership, such as decisiveness and strength. As a result, 'attributing different stereotypical traits to men and women, based on gender roles stemming from sex differentiation in the labor force, combined with established notions of a "good leader," leads observers to undervalue women as potential and actual leaders'.<sup>33</sup> This notion is extended to religiosity as well, making the assumption that, while:

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<sup>29</sup> In communication with author (Tunis: 18 September 2014).

<sup>30</sup> Ibid.

<sup>31</sup> Oussema Sghaier, in communication with author (Tunis: 18 September 2014).

<sup>32</sup> Lindsey Benstead, Amaney Jamal, and Ellen Lust, 'Is it Gender, Religiosity, or Both? A Role Congruity Theory of Candidate Electability in Transitional Tunisia', *Perspectives on Politics*, 13.1 (2015), 74-94 (p. 75).

<sup>33</sup> Benstead, 2015, p. 75-76.

even in the West, an appearance of religious piety is often equated with honest leadership...where secularism and statesmanship have been linked, and where it is imagined that global integration necessitates secular-appearing leaders, there may be biases against ultra-conservative religious candidates.<sup>34</sup>

When adapted to electoral behaviour and politics:

The theory suggests that bias stems from a mismatch between stereotypical traits of a candidate and beliefs about what makes a good leader. The extent to which voters view gender or religiosity as signalling capable leadership depends largely on preconceptions about characteristics of good leaders; these preconceptions, in turn are based on individuals' and societies' past experiences. Potential voters are more likely to view women or religious individuals as effective leaders when in societies where such individuals have held these positions in the past. Among citizens in these societies, those who explicitly view these leaders as capable are less likely to exhibit political bias.<sup>35</sup>

The authors used the terms gender and religious congruency and incongruency to refer to the distance between group stereotypes and perceived characteristics of good leadership. They categorised respondents into a matrix of four groups. For example, respondents who held gender congruent and religious incongruent views had closer associations between perceived characteristics of women and the characteristics of leaders but a gap between perceived characteristics of religiosity and the characteristics of leaders. The inverse was true for respondents with gender incongruent and religious congruent views. The four categories for respondents included religious incongruent/gender incongruent, religious incongruent/gender congruent, religious congruent/gender incongruent, religious congruent/gender congruent to test these factors both individually and in the ways in which they interact.<sup>36</sup>

In brief, they found that the secular male candidate received support from all groups. They also found that gender congruence decreased bias against women, but only for secular-identified women. Meanwhile, religious congruence resulted in increased support for religious female candidates, over religious male candidates, regardless of gender congruence. These results held while controlling for factors associated with modernisation theory, such as education level, rural/urban location, and socioeconomics—casting doubt on the influence of regionally different attitudes

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<sup>34</sup> Ibid., p. 75

<sup>35</sup> Ibid., p. 76.

<sup>36</sup> For a more extensive explanation of the study's methodology and the ways in which the authors identified (in)congruence, see *ibid.*, p. 78.

regarding the acceptability of women and leadership. The authors also found some support for social identity theories, where voters support candidates who are members of their own in-group, but only in terms of religiosity and not in terms of gender. Ultimately, the authors concluded that increasing gender congruity more broadly can provide a path to increasing the electability of women. However, they assert that it might be easier for religious female candidates, given the predicative power of religiosity on candidate choice and the resultant increased support for religious female candidates. This suggests that Ennahdha, in particular, might even benefit from the promotion of religiously-identifiable women, even in regions that party leadership has characterised as inhospitable to female candidates.

## MENTALITÉ

In keeping with the character of discourse on gender parity throughout the political transition, *mentalité* resurfaced. Both men and women referenced the *mentalité* of the electorate, which can often be a proxy for the regionalism discussed above. Anticipation based on 2011 regarding a negative reaction to female-headed lists due to *mentalité*, influenced the decision-making process regarding the heads of lists. This was often framed as a rift between an enlightened party and a regressive electorate, which bore resemblance to the notion discussed above in terms of a central/regional divide on horizontal parity.

Female informants ascribed *mentalité* to male party members—either to candidates or within the leadership—as a reason behind the gendered disparity at the heads of lists. Interestingly, female interviewees in 2012 and during the constitutional and electoral law debates suggested that the *mentalité* of male party members constituted the main obstacle facing women in the political sphere. However, during the interviews conducted in September 2014, some of which were repeat interviews with the same informants, the focus on *mentalité* had abated. This change in tenor and tone was part of a broader tension that emerged during these interviews. Earlier in the transition, women like those in Le Groupe des Femmes had not shied away from forceful criticism of individual men in their own parties or their parties in general. By September 2014, however, which was roughly one month before the election, informants appeared unwilling to be overly critical from an intraparty perspective. Conversely, sometimes there were contradictions. Sometimes female interviewees

would express disappointment at the number of female-headed lists followed by a declaration of progress by their party or a denial of that earlier disappointment. This tension spoke to the stakes of the 2014 election, a time characterised by intense pressure to perform well. Fierce competition between Ennahdha and Nidaa Tounes defined the campaign. Ennahdha was fighting to mitigate accusations and perceptions of failure. Nidaa Tounes, whose ideology and campaign rhetoric were built around opposition to Ennahdha, was attempting to challenge a previously dominant political force. At this point in the transition, party unity emerged as a more powerful force than before.

#### GENDERED INHOSPITALITY AND HOSTILITY

As was discussed in Chapter 4, *mentalité* erected barriers for female politicians by shaping the political field unevenly between men and women. One such barrier during the 2011 campaign season was in accessing important socio-political spaces, such as cafes serving an important political role on the campaign trail. The vulnerability of female candidates to gender-based electoral violence was another. In 2011, these challenges were experienced by women who had already been transformed into formal political subjects as candidates. In 2014, political parties anticipated these challenges and this impacted decision-making at a strategic level resulting in low numbers of female-headed lists.

Predominantly, but not exclusively, male actors at the executive level of Nidaa Tounes, Ennahdha, and Afek Tounes highlighted the experiences of female candidates in the past—in terms of both vulnerability to gender-based violence and the inaccessibility of certain socio-political spaces—to explain their parties gender disparity at the heads of lists. Wafa Makhlouf, one of Nidaa's founders and second on the list for Ben Arous, affirmed that there '...are personal attacks against men and women but it is simpler to attack a woman than a man for her personal life and her privacy. If you attack a woman's honour, it sticks longer to her.'<sup>37</sup> Mehdi Rebai described how his party evaluated the issue of gendered access to socio-political

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<sup>37</sup> In communication with author (Tunis: 22 September 2014).

spaces, ‘It’s important to go to a bar and have ten beers. This is a male-only space. And the mosque on Friday—women can’t come in.’<sup>38</sup>

But he also acknowledged that many female candidates transgressed these norms regardless, while also conceding that certain spaces—such as homes and other private, domestic spaces—were easier for women to access than men. These caveats showcased ways in which female candidates successfully subverted gendered norms around access to space, and further, how they could act as political assets by opening additional avenues in which to campaign. However, political parties largely responded by maintaining the 2011 status quo of female-headed lists, rather than innovating ways to challenge or, additionally, to capitalise on expanding spheres of access. This speaks to the low level of gender mainstreaming within parties, as discussed below.

## **GENDER MAINSTREAMING IN POLITICAL PARTIES**

Imen Ben Mohammed, one of the three Nahdhawiat heads of lists, was embarrassed by the number of female-headed Ennahdha lists, saying ‘It is an embarrassing number. These are decisions taken internally and most of the leaders are men. Most of the parties are like that.’<sup>39</sup> Jribi of Ettakatol, gave credit to the women’s commission within her party for achieving five female heads of lists, but also said:

From inside the party, I can say that there is responsibility on each of us...but this work was not done. Because of a lot of reasons—you know we are the party that was in the government and we were effective in the Assembly. The leaders of the party were so engaged and occupied that we did not do what we should have done for the party.<sup>40</sup>

Conversely, Bochra Belhaj Hamida, from Nidaa Tounes, blamed the women within Nidaa and its supporters in women’s civil society organisations for not ‘maintain[ing] the necessary strategy regarding this issue’ in lobbying the party to push for more prominent roles for women.<sup>41</sup> Lotfi Ben Aissa was part of PDM’s leadership, the only coalition to have achieved horizontal parity in 2011. In 2013, three of the coalition’s parties left to join UPT. PDM reconstituted as a party—Al Qotb—and joined the Front Populaire coalition for the 2014 elections. According to Ben Aissa, the

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<sup>38</sup> In communication with author (Tunis: 15 September 2014).

<sup>39</sup> In communication with author (Tunis: 10 September 2014).

<sup>40</sup> In communication with author (Tunis: 26 September 2014).

<sup>41</sup> In communication with author (Tunis: 22 September 2014).

coalition's organising leadership was not only male-dominated but its diverse collection of ideologies did not include a significant feminist contingent, resulting in Front Populaire nominating only five female heads of lists.<sup>42</sup>

Ben Mohammed, Jribi, Hamida, and Ben Aissa each diagnosed the relative problems in their parties or coalitions differently. However, all their sentiments speak to the same notion: the degree to which women themselves, or issues important to women, were incorporated into the structure of the party—essentially the degree to which the parties were gender mainstreamed. Gender mainstreaming is the process by which the gendered implications of all planned action at all levels is considered to be an integral function of the party's political design.<sup>43</sup> Although gender mainstreaming as a process is not limited to either women or men, the pervasiveness of patriarchy ensures that, as a gender, men are not excluded on the same structural level as women.

#### UNDERREPRESENTATION AND MARGINALISATION

A January 2014 report by Hafidha Chekir and Mohamed Chafik Sarsar, the head of the ISIE from 2014-2017, detailed the ways in which women remained underrepresented and marginalised from internal political party structures and decision-making positions. They found this across the board, including parties with Islamist, secularist, or leftist orientations.<sup>44</sup> NDI, in its post-election report in 2014, confirmed that women were poorly represented both in political party structures and at decision-making levels within the state administration.<sup>45</sup> A prescient example of this came from Nidaa Tounes. According to Wafa Makhoulouf, Nidaa's women's commission was not included in any of the negotiations in the creation of the lists. This exclusion persisted from 2011, despite the fact that women make up a slight majority of the Tunisian people and were obligated to constitute half of a party's candidates. NDI also asserted that 'issues of primary concern to women' were

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<sup>42</sup> In communication with author, (Tunis: 21 September 2014).

<sup>43</sup> 'Gender Mainstreaming: An Overview', *UN Office of the Special Advisor on Gender Issues and Advancement of Women* (New York: UN, 2002), p. v.

<sup>44</sup> Hafidha Chekir and Mohammed Chafik Sarsar, 'Al-nisaa'a wa al-mushaārikatu al-siyyasiyyatu: tajribatu al-aḥzabi al-siyyasiyyati wa al-naqābātu wa al-jam'iyyātu al-mhniyyata' (Women and Political Participation: The Experience of Political Parties, Trade Unions, and Professional Associations) (Tunis: January 2014).

<sup>45</sup> NDI, 'Final Report' 2014, p. 58.

noticeably absent from candidate platforms.<sup>46</sup> It is not necessarily the case that increasing the number of women at the heads of lists uniformly sensitises a party's platform towards women. However, it is notable that 89% of the country's lists were represented by men and that women's issues were simultaneously absent from party platforms.

#### FAILURE OF INTERNAL HORIZONTAL PARITY MEASURES

The failure of movements within several parties to institute voluntary horizontal parity is another indication of the lack of gender mainstreaming in political parties. Members within Ennahdha, Nidaa, and Ettakatol attempted to change the party's by-laws to institute a form of horizontal parity in the wake of its failure in the Assembly. According to Ommezine Khalifa, a member of Ettakatol's political bureau, the party instituted a 30% horizontal quota over the summer of 2014. However, throughout July and August, the percentage kept decreasing until finally the by-law was scrapped.<sup>47</sup> In Nidaa, supporters of horizontal parity measures were unorganised and could never manage to convince enough members of the executive and foundational committees to achieve the implementation of horizontal parity.<sup>48</sup> Within Ennahdha, there was a persistent movement of women pushing the shura council to institute some form of horizontal quota. Eventually, they succeeded in passing a 30% quota, but it was subsequently removed as a requirement before the lists were finalised.<sup>49</sup>

On 13 August 2014, National Women's Day and the anniversary of the CSP, Rached Ghannouchi gave a radio interview saying that while some lists were going to be headed by women, 'This parity will not be applied concerning the heads of lists'. He went on to say, 'This festival is an affirmation of the achievements of women and their role in the present and future.'<sup>50</sup> Yamina Zoghلامي explained how the shura council justified its decision to eliminate the horizontal quota, citing regional reluctance, the party's decision to prioritise independents, the notion that there were not enough women from which to choose, and that the women themselves did not

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<sup>46</sup> Ibid., p. 59-60

<sup>47</sup> In communication with author (Tunis 29: September 2014).

<sup>48</sup> In communication with author (Tunis: 22 September 2014).

<sup>49</sup> Kalthoum Badreddine, in communication with author (Tunis: 13 September 2014).

<sup>50</sup> 'Rached Ghannouchi: La parité homme-femme ne concernera pas les têtes de listes (Audio)' (Rached Ghannouchi: Parity Man-Woman Will Not Concern the Top of the Lists), Business News TN, 13 August 2014.

want to run. She remained sceptical of these arguments, saying, ‘Honestly, I am not convinced by any excuses, they don’t make any sense.’<sup>51</sup> According to party representatives of Nidaa, Ennahdha, Al-Joumhour, Afek Tounes, CPR, and Ettakatol, these parties issued recommendations to their regional internal structures to head, in most cases, 30% of their lists with women, but had no mechanism of enforcement.

## LEGALITY

The final demand-side element was captured succinctly by an exchange I had with Rached Ghannouchi in September 2014 regarding the ways in and the degree to which gender parity was integrated into Ennahdha’s approach for constructing the lists.

Ghannouchi gave a forceful defence of gender parity laws in addressing the dearth of female political leaders both generally in Tunisia and the world—specifically within ‘the Islamic ranks’. He also hailed the achievements of the Nahdhawiat in the Assembly. Following this, I asked whether the low numbers of female-headed lists contradicted these sentiments. After a long pause, one of Ghannouchi’s aides clarified, ‘You call for the defence of equality but the number of women at the top of the lists contradicts this. What do you think?’ Ghannouchi’s answer was short and to the point, ‘This does not contradict the law.’ My research assistant jumped in, ‘That wasn’t her question. She said that this contradicts the presence of women in the upcoming elections...’ At this point, Ghannouchi interrupted him to say:

I understood her. There was parity in every list between men and women. In every list. But the law does not specify whether there should be a man or a woman at the top of the list. But there has to be a man-woman or a woman-man pattern. And no party in the country has one half of their lists headed by men and the other half by women. But we will get to this after a while. This time, we have three women at the top of the lists out of 33 lists. We hope this number would increase in the future. And this issue is not exclusive to this field. If you look at the police, the army, CEOs, ministers, in Tunisia or abroad, you will not find parity...in America, in France...<sup>52</sup>

This process of drawing out reluctant reflection regarding the promotion of women within political parties beyond the legal requirements was not necessarily unique to

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<sup>51</sup> In communication with author (Tunis: 11 September 2014).

<sup>52</sup> In communication with author (Tunis: 27 September 2014).



Ennahdha or Rached Ghannouchi, although it was particularly potent in this interview. This showcases the way that vertical parity had become a political norm by virtue of becoming a legal requirement. However, the scope of women's roles within the political parties remained defined and limited by legal necessity, rather than by deep integration within political parties or broad-based gender-mainstreaming. This also highlighted the ways that patriarchy can re-assert itself in a post-revolutionary context without direct, comprehensive, and sustained challenges to it.

The promotion of female political actors, or lack thereof, was discursively justified by the exceedingly high stakes of the election. This further illuminates the way that gender parity featured within the ideological and political infrastructure of political parties, particularly in regard to Nidaa. The 2014 elections were Nidaa's first test at the polls since its founding in 2012. Its platform was largely a referendum on Ennahdha as a party and an ideological movement, based on the perceived failure of its governmental leadership between 2011-2014. The high stakes of winning featured strongly in Nidaa's informants' discourse and the election was described with words such as 'dangerous' and 'not normal'.

These stakes were used as a way to explicitly justify the low numbers of women at the heads of Nidaa lists, despite the fact that Nidaa had positioned itself as the only party able to guarantee women's rights. Makhlouf, Jaouad, and Kotti all positioned increasing the number of women at the heads of lists in opposition to the ultimate goals of the party—which included both winning the election and undoing the perceived damage of the Ennahdha-led government. Makhlouf positioned horizontal parity as counterproductive to Nidaa's electoral victory, but also as extraneous to democratic state-building:

2014—it is a very, very important election. Nidaa Tounes *has* to win. The Tunisian people and culture are not functioning. It is impossible to win with women at the top of the list. We do not have the objective, right now, of putting women at the top of the list. We are starting a democracy; it does not happen with the snap of a finger. We really want to have women, but it is not a priority right now.<sup>53</sup>

Jaouad also positioned horizontal parity within Nidaa as antithetical to the party's aim to win:

Being a big party, realistically we do not have strong or specific criteria to accept women at the heads of lists because we have to win elections. It's

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<sup>53</sup> In communication with author (Tunis: 22 September 2014).

pragmatism—not values and principles. This election is very dangerous for Tunisia.<sup>54</sup>

Jaouad and Makhoul's reliance on pragmatism, rather than the values and principles behind which Nidaa claimed to stand, and their hierarchisation of priorities is reminiscent of the nationalist movement for Tunisian independence. Every other issue was subsumed into the ultimate goal of national liberation, sacrificing the “woman's” question to the “national question”, which assumed that women's issues could be disaggregated from questions of liberation.<sup>55</sup> This similarity is not surprising, given Nidaa's self-identification as the embodiment of Bourguibism as well as Essebsi's personal history. He, alongside Bourguiba, was a member of the Neo-Destour and served as an advisor to Bourguiba in the post-independence state. He went on to serve in government until 1971 and in parliament from 1981 to 1991. Abdelaziz Kotti took a different approach, espousing values rather than pragmatism:

There are qualified women but these are not normal elections—this isn't a normal democratic path. What is required is for Nidaa Tounes to spread values and opinions or ideas about Tunisia. Ennahdha has been the political party that has attacked values, especially women's rights in the Constitution from the beginning.<sup>56</sup>

He deliberately eschewed supply-side explanations, such as a lack of qualified women within the party, while also, ironically, using the protection of women's rights to justify the party's decision not to put many women at the heads of lists.

These sentiments are revealing regarding the way that gender parity has been incorporated into Nidaa's infrastructure. Rather than intrinsic, increasing women's representation at the national level, beyond what is required by law, was conceived of as external and extraneous—and even as a hindrance—to broader questions and goals about democracy, values, and reform. Both Ghannouchi's statement above and Nidaa's discourse illustrated an objectification of potential female candidates, transforming them into mere tokens of compliance and extrinsic to the democratic process. This dynamic neatly expresses one of the unintended consequences of gender quotas, as well as quotas that involve discretionary space, wherein women are valued only insofar as they satisfy a legal requirement.

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<sup>54</sup> In communication with author (Tunis: 17 September 2014).

<sup>55</sup> Charrad, 1997, 'Policy Shifts', p. 286 and 291.

<sup>56</sup> In communication with author (Tunis: 15 September 2014).

## SUPPLY-SIDE REASONS

Supply-side factors that contributed to the lack of horizontal parity across the political spectrum refer to factors that impact the supply of female candidates, often characteristics about potential candidates themselves. In September 2014, my informants focused significantly more on demand-side factors, rather than supply-side. The iterative supply-side factors bore great similarity to those articulated in the wake of the 2011 elections. There was one major difference: the discursive role of competence.

According to the Carter Center's post-election report, 'Generally speaking, most parties pointed out that women themselves were reluctant to run as heads of lists.'<sup>57</sup> Representatives from Al Joumhouri and Nidaa articulated this directly. Issem Chebbi, former deputy general secretary of PDP and subsequent member of Al Joumhouri's executive political bureau, said

It is getting better. There is a lack of women's participation to nominate themselves—the number of women who submit themselves for the heads of lists. Every woman who wanted to be a head of a list was selected as such. We can lie and say it is 100% but it is only four.'<sup>58</sup>

Kotti articulated similar sentiments: 'This is a good opportunity for women to engage with confidence with their presence in all spheres, including the political sphere. But they have to spontaneously participate so that in the future we can have more women at the heads of lists.'<sup>59</sup> Representatives from other parties implied this outcome through their descriptions of the unique difficulties that face women who attempt to access political power, making it less likely that they will nominate themselves and thus perpetuating cyclical gendered exclusion. These included gender-based electoral violence, the gendered division of domestic labour, and lack of political engagement.

## GENDER-BASED ELECTORAL VIOLENCE

As was described in Chapter 4, female candidates were vulnerable to gender-based campaign violence, often taking the form of gendered online or verbal harassment, but sometimes including physical aggression. In 2014, that knowledge impacted the

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<sup>57</sup> The Carter Center, 'Legislative and Presidential Elections' 2014, p. 78.

<sup>58</sup> In communication with author (Tunis: 11 September 2014).

<sup>59</sup> In communication with author (Tunis: 15 September 2014).

way that women interacted with the notion of possible political office, according to party officials attempting to recruit them. Mehdi Jaouad and Wafa Makhoul from Nidaa articulated the way that fear of gender-based electoral violence made it more difficult to find women willing to head electoral lists. Jaouad attributed it to Nidaa's place in the political terrain: 'Nidaa Tounes has experienced a lot of violence and problems. Women are afraid and so there are not a lot of women in politics in general, but it is also why we do not have many lists headed by women.'<sup>60</sup> In contrast, Makhoul positioned personal attacks as a problem for both male and female candidates, but articulated that women were more vulnerable to negative consequences: 'Basically it is easier to attack women than men for her personal life or by violating her privacy by photoshopping photos and other things. It attacks her honour and that sticks longer for women.'<sup>61</sup> Although this vulnerability was true for all female candidates, the head of the list occupies the most high-profile position among the list candidates, which can increase that vulnerability and impact willingness to self-nominate.

#### GENDERED DIVISION OF DOMESTIC LABOUR

The second factor that contributed to a lack of women nominating themselves for the heads of the lists was the gendered division of domestic labour. In 2011, female candidates described how the gendering of domestic labour made campaigning difficult, in that taking on political responsibilities did not decrease the gendered expectations of domesticity. They also cited feelings of guilt in choosing politics over family. This dynamic intersects other norms, such as gendered access to public spaces and the socially gendered expectations of a woman's role vis-à-vis her family. Throughout the tenure of the Assembly, female deputies cited their trouble with balancing home, family, and their work, particularly when they hailed from outside the capital. In the run-up to the 2014 elections, informants across the political spectrum pointed to 'time' as a factor that decreased self-nomination as the head of a list by women. In fact, Kalthoum Badreddine had decided not to run for a second term because of the amount of time she had to spend away from Sfax, not only from her

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<sup>60</sup> In communication with author (Tunis: 13 September 2014).

<sup>61</sup> In communication with author (Tunis: 22 September 2014).

family but also from her law practice. These time constraints impacted all female candidates and those who went on to become deputies. However, they are intensified for the heads of lists, as it is the heads of lists who have the highest chance of election relative to the other positions on the list. Heads of lists are also the most visible and high-profile candidates within districts, which intensify demands on the candidates' time.

#### LACK OF POLITICAL ENGAGEMENT

These gendered obstacles to political power for women can also create negative incentives for political engagement. Across several parties, informants identified the lack of political engagement amongst women as the most significant factor responsible for a deficit within the potential pool of female candidates. Imen Ben Mohammed, from Ennahdha, drew a distinction between socio-economic and political engagement, 'Basically, you do not find women who are engaged with direct circumstances in politics. There is social and economic participation but not political.'<sup>62</sup> Mehdi Rebai, from Afek Tounes, echoed similar sentiments, 'There is something natural for women about social things. They are more associational. It is easy to find 100 women to clean the school because their kids are there than it is to find 100 women to talk about international political issues.'<sup>63</sup> Rebai's use of 'natural' when describing women's associational life speaks to the relationship, or perceptions of the relationship, between political engagement and the expectations, as well as demands, on a woman's time. The naturalisation of the gendered division of labour is a classic argument against moving from a politics of ideas to a politics of presence (as articulated by Anne Phillips), and more specifically against quotas. This is related to another norm that was consistently expressed throughout the transition: the coding of politics as masculine. Hanene Moncef from UPL captured this sentiment, 'We have had a lot of women leaders, like human rights leaders, women's rights leaders, but the political scene has a lack of women and a lot of that has to do with the perception that women are not good politically'.<sup>64</sup>

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<sup>62</sup> In communication with author (Tunis: 10 September 2014).

<sup>63</sup> In communication with author (Tunis: 15 September 2014).

<sup>64</sup> In communication with author (13 September 2014).

In 2011, the perceived lack of qualified potential female candidates had been one factor used to explain the heavy male-bias at the heads of the lists. Subsequently, women who were elected to the Assembly complained of difficult paths to legitimacy, as they were required to overcome gendered notions of competence—specifically in the political arena. In 2014, the idea that women as a group were less qualified than men to serve in the ARP was noticeably absent in describing supply-side deficits that contributed to the lack of horizontal parity. However, both Samira Merai, an Afek Tounes deputy from Zarzis who was a member of the Bloc Démocrates, and Nahdhawia Yamina Zoghلامي mentioned that arguments around female competence still occurred internally within their respective parties.<sup>65</sup>

There are several explanations as to why gendered notions of competence were absent in interviews conducted in September 2014. As was discussed above, vertical parity and the rhetorical goal of increasing the representation of women in politics had become more normalised between the 2011 and 2014 elections. This made broad statements about the generalised political competence of women less politically and socially acceptable. Additionally, the diminished role of gendered competence in the pre-election discourse fits with the rhetoric regarding the achievements of female deputies in the Assembly. Unlike the 2011 election, the 2014 election included post-revolutionary incumbents, which changed the political dynamics of candidacy. For the first time, voters, candidates, and political parties had track records. The women in the Assembly played a large and visible role within the transition, particularly with Meherzia Labidi as vice president of the Assembly who often chaired plenary sessions and Kalthoum Badreddine, who, as head of the Commission on General Legislation, oversaw the drafting of all laws subsequent to the Constitution. This impressive track record by Labidi and Badreddine, as well as the other high-powered and highly visible female deputies, possibly deflated arguments of a gendered competence gap. The ways that incumbency has impacted the women of Ennahdha will also be discussed more specifically below.

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<sup>65</sup> In communication with author: Samira Merai (Tunis: 23 September 2014) and Yamina Zoghلامي (Tunis: 11 September 2014).

## SPARK, WEIGHT, AND NOTABILITY

The final factor in choosing the heads of lists—which did feature in 2014 but had not in 2011—was the subjective and ephemeral ‘spark’, ‘weight’, and ‘notability’ of potential candidates. Representatives from both Nidaa and Ennahdha stressed these qualities when describing how their respective parties chose the heads of lists. The concentration of this sentiment within Nidaa and Ennahdha, rather than the other parties, was unsurprising. They represented the largest parties in Tunisia and therefore had more party members on which to apply criteria and then select candidates. Meherzia Labidi was emphatic on this point, explicitly degendering her articulation of this process, ‘It isn’t only limited to whether it is a man or a woman but the weight of the person. I think this is very important.’ Later she emphasised again the genderless nature of the process, situating these choices within a regional context, ‘It isn’t a matter of men and women but it is a matter of a balance of power in the regions. Legislative elections are national elections but they are also a regional matter. What matters is the notoriety of the person in the region.’<sup>66</sup> Yamina Zoghalmi also referred to a potential candidate’s ‘spark’ as a significant part of the criteria Ennahdha utilised to choose its heads of lists. Kotti echoed Labidi in answer to a question about how Nidaa formulated its lists and chose the heads,

Nidaa is a young party but has hundreds of thousands of people as members. The members and the leaders are well known and while the selection of the heads of lists were based on qualifications, we chose criteria to highlight the heads of lists who would spark the most inspiration.<sup>67</sup>

Although Kotti was less explicit than Labidi about the degendered nature of these qualities, he nonetheless employed gender neutral language. Jaouad, however, revealed that this process, although ostensibly gender-neutral, had gendered outcomes, ‘Most people who have a significant impact on society are men. Inshallah [God willing], that will change’.<sup>68</sup>

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<sup>66</sup> In communication with author (Tunis: 19 September 2014).

<sup>67</sup> In communication with author (Tunis: 15 September 2014).

<sup>68</sup> In communication with author (Tunis: 13 September 2014).

Jaouad's comment is reflective of some of the persistent realities of Tunisian women's lives, as well as the ways in which gender and regionalism overlap, showcasing the need to de-essentialise both Tunisian women and their experiences. This analysis also highlights the complications of designing a legal intervention with the goal of increasing women's political participation in a way that differentiates between multiple axes of identity, privilege, and oppression. Both Bourguiba and Ben Ali carried out vastly unequal programs of regional development. This resulted in entrenched socioeconomic disparities between the developed northeast and eastern coastline and the marginalised northwest, interior, and south. Within this entrenched pattern of inequality, there is a gendered dynamic—in which women face layers of oppression by virtue of their location coupled with their gender. Education, employment, and political and civil participation are several domains in which this problem is manifest.

The intersection of regional and gendered inequality constructs structural and gendered challenges to achieving the kind of 'spark', 'weight, and 'notoriety' that would compel political parties to nominate them as the heads of lists. Additionally, the *mentalité* which positions women as less fit for political life, constructs another barrier to women being identified as having the subjective 'spark' necessary for party endorsement. Women in the Assembly often talked about the regional marginalisation of Tunisia, and the gendered dynamics embedded in those regional divides. They construed this as a major challenge to the democratic transition and to increasing women's political participation. However, Yamina Zoghلامي remained unconvinced that the status quo justified the disparity between female and male heads of lists. She argued: 'This is not indicative of the abilities of women in the party, because in all of the lists, there is a woman in the second place, when not the first, so it proves that there are qualified women on the lists!' She went on to say that in Sidi Bouzid, for example, the party was overrun with qualified women so that even the fourth and sixth spots on the list were incredibly competitive. Zoghلامي's sentiments were very similar to those articulated by Rabiaa Najlaoui during the horizontal parity debate, when she said that political parties could just reverse the already obligated alternation of genders required by vertical parity.



However, this intersects with another broader political issue: divides inside marginalised regions between elites and non-elites. The rates of poverty, unemployment, and literacy or access to education between Tunis and marginal governorates differ substantially, showcasing inter-regional differences. However, they do not capture intra-regional divides between elites and non-elites and the ways in which that dynamic impacts access to political or other types of power. Rural elites and notables have been a historic and enduring feature of the Tunisian political, social, and economic landscape. While this may successfully counter claims that enough qualified, educated, or interested women do not *exist* in certain areas of Tunisia, it does not address the more general entrenchment of elite access to power and class politics in marginalised regions.

### **ENNAHDHA'S FEMALE INCUMBENTS**

Given both the demand- and supply-side explanations for the low number of female heads of list across the political field, it is useful to evaluate the experiences of female incumbents within this context. Presumably, many of these factors could not be applied to the women who were already serving in the Assembly, such as decreased electability in the regions, deficits regarding competence, and the necessary spark, weight, or notability required for party endorsement. The discursive consensus regarding the achievements of the female deputies in the Assembly only lend weight to this line of reasoning.

Ennahdha, given its electoral performance in 2011, had the highest number of female incumbents relative to any other political party. Meherzia Labidi, Farida Labidi, Yamina Zoghلامي, Kalthoum Badreddine, and Amel Azzouz occupied some of the most visible and powerful positions within the Assembly and were widely lauded as highly successful by their own party as well as by other actors across the political spectrum. Of these five, only Meherzia Labidi was nominated as one of Ennahdha's heads of lists, in Nabeul 2, and was the only Nahdhawia to head a list within Tunisia's internal districts. The other two female heads of lists, Imen Ben Mohammed and Sayida Ounissi, ran in Tunisia's external districts of Italy and France respectively. Farida Labidi, Zoghلامي, and Badreddine were nominated in the second

position on their district's electoral lists, while Azzouz put herself forward but was ultimately not nominated at all.

In each case, Ennahdha leadership articulated the specific strategic reasons that justified the outcome for each of these women. Zoghlami, who ran in Tunis 1, was second to Ali Laarayedh, who served as Minister of Interior from 2011-2013 and as Prime Minister from 2013-2014. According to Ennahdha members, because of his previous governmental positions and his prominence in the party, it was untenable to nominate him for any other position on the list and did not reflect the party's opinion of Zoghlami. Farida Labidi ran as second on Ennahdha's list in Kairouan, behind Mohamed Gouiaa, another incumbent of the Assembly. Badreddine had pushed for Farida to be the top of the list but, in this case, a type of regionalism prevailed:

She's from El Kef and her husband is from Kairouan. Mahmoud Gouiaa is from Kairouan, and he is at the top of the list this time. There is a regionalist factor. They would consider him the 'son' of the district, and to some extent she's not from the region.<sup>69</sup>

Amel Azzouz's situation in Gabès was similar and showcases many of the dynamics outlined earlier in the chapter. Often the head of the list comes from a major city in the region, presumably to muster high concentrations of support for a "home" candidate. Two incumbents, Habib Khedher and Amel Azzouz, were under consideration as the 2014 head of list, both of whom hail from the major city in the district, rather than the country-side. Oussema Sghaier, the official spokesperson for Ennahdha since 2015, said the party chose Khedher to head the list because of the electability-problem of a female-headed list in a southern and conservative region. Subsequently, because the head of list was from the city, the executive committee decided that the second on the list could not also be from the city, effectively excluding Azzouz from renomination.<sup>70</sup>

Kalthoum Badreddine's own situation was more complicated. Originally, she was nominated as the head of the list by the regional bureau in Sfax 2. However, after the initial nomination, the regional bureau in consultation with the executive committee, decided to replace her with Mohammed Frikha—a prominent, wealthy businessman and independent. This decision pushed Badreddine to the second position. Frikha, who had also put himself forward as a presidential candidate, was

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<sup>69</sup> In communication with author (Tunis: 13 September 2014).

<sup>70</sup> In communication with author (Tunis: 18 September 2014).

being courted by the Alliance Démocratique. Ennahdha used the first position on the Sfax 2 list as a way to lure him away from its competitors. This exemplified Ennahdha's overall strategy of opening nominations to non-Ennahdha members and national figures as a way to increase its base of support. Badreddine accepted the decision, given the party's overall strategy, saying:

I honestly did not reject the decision. Why? Because were it a regular member of the party, I would have refused to run in a second position and not at the top of the list. And my work qualifies me to be the top of the list. But he's a national figure who is of added value to the list. He's independent and would bring us names and voters. And our objective is to bring the biggest number of voters and he has his own people that he will also bring with him—the independent businessmen will benefit.<sup>71</sup>

Her colleagues described it as a selfless move that placed party over personal interest. Each of these narratives display the ways in which ostensibly gender-neutral political strategy executed by Ennahdha leadership, and sometimes endorsed by the female candidate in question, can produce a gendered outcome, intentional or otherwise. That this political strategy often disadvantaged even the most qualified, popular, and powerful female political actors in Ennahdha further illustrates the degree to which gender had not been mainstreamed within the party.

Meherzia Labidi's story represents an interesting contrast to the experiences of Farida Labidi, Zoghلامي, Badreddine, and Azzouz. Labidi recounted how her nomination as head of the list in Nabeul 2 was readily accepted by both regional and executive bureaux. However, Labidi also recounted this telling experience from a party meeting in Kasserine:

There was a bit of discussion of who was going to be on the top of the list. I remember one representative of Kasserine in my party said "Please, please, no woman, no woman! How can I have a woman leader in a region when we still speak of tribes!" and after discussion with me, he turned and he said "Can you be on the top of our list?" [She replied] "What! Don't you see me?" "No, you are Meherzia. You are a political leader. You are a strong politician. It doesn't matter if you are a woman or old or young!"<sup>72</sup>

Labidi's service as Vice President of the Assembly had put her in a uniquely visible and powerful position during the Assembly's tenure. She was regularly highlighted as an example of strong female leadership in Tunisia, even by actors with opposing ideologies. However, Labidi's experience has not been without difficulty and there

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<sup>71</sup> In communication with author (Tunis: 9 April 2014).

<sup>72</sup> In communication with author (Tunis: 19 September 2014).

were three events that reveal important insights about the relationship between gender and political power in contemporary Tunisia. The first occurred at the protest on 13 August 2012 against complementarity in the first draft of the Constitution. Protesters inaugurated a chant against Labidi that would go on to feature at most protests about women's rights. The chant rhymed in Tunisian Arabic and can be translated as, 'The women of Tunisia are not Meherzia!' Later, in a radio interview, Meherzia responded with a rhyme of her own: 'The women of Tunisia are surely Meherzia!' This public exchange reflected the tension, discussed in Chapter Four, of the newly pluralised space for gender activism and the democratised public view of Tunisian womanhood. The protesters' chant, rather than focusing on policy or ideological differences, challenged Meherzia's position as a representative of Tunisian women. That there is a singular way to be a Tunisian woman is residual of the decades-long attempt by Bourguiba and Ben Ali to constitute the Tunisian woman as an embodiment of the modern, secular Tunisian state. Labidi's mere presence in the Assembly in the position of power she held subverted that dynamic.

The second and third incidents were very similar. In November 2012, Labidi appeared on *Débat News*, a television talk show hosted by Mehdi Haouas. Haouas surprised her with a second guest, Abdelaziz Mzoughi, a prominent member of Nidaa until February 2014.<sup>73</sup> Towards the end of their heated debate, this exchange transpired:

ML: You know, you're very credible when you say this after having insulted a lady who speaks with you. You are very credible. A gentleman!

AM: Lies! Lies! You are not a woman; you are vice president of the National Assembly!

ML: A woman too!

AM: You are no longer a woman! You have a political responsibility. You are responsible for the chaotic situation that our country is experiencing.

ML: You cannot swallow the fact that I am a woman and hold political office!<sup>74</sup>

The final incident occurred in October 2014, just a few weeks before the election, and bore strong similarity to the exchange between Labidi and Mzoughi. Beji Caid

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<sup>73</sup> For a more extended discussion on the gendered discourse of this and other political talk shows, see: Zoe Petkanas, 'Negotiating identity: gender and Tunisian talk shows', *Journal of North African Studies*, 19.5 (2014), 695-712.

<sup>74</sup> Meherzia Labidi and Abdelaziz Mzoughi, '*Débat News: 12-11-2012*', hosted by Mehdi Haouas (Tunisia: TounessnaTV, 11 November 2012).

Essebsi appeared on the *al-Wataniya* television station on ‘Merci d’être présent’—or ‘Thank you for being present’. Essebsi was asked a question about comments Labidi had made regarding his 2011 interim government’s lax attitude towards Ansar al-Shari’a. In response, Essebsi said, ‘Meherzia Labidi est une femme, ce n’est qu’une femme’, or ‘Meherzia Labidi is a woman, she’s only a woman’.<sup>75</sup>

In each of these instances—the Ennahdha event in Kasserine, the protest chant, the *Débat News* segment, and Essebsi’s comment—Labidi’s identity as a woman, a politician, or her occupation of a dual positionality—Tunisian woman and political actor—was challenged by her interlocutors. She was either degendered or depoliticised. As the most successful female politician, certainly in Ennahdha and arguably in general, Labidi had clearly found a pathway through the glass ceiling faced by her female colleagues within the party and the structural challenges that all women seeking access to political power faced. However, that pathway came with the stripping, benevolent or otherwise, of her positionality as either a woman or a political leader. This tension produced by actors occupying that dual positionality in their opponents, as well as supporters, indicates the unease and precarity of the relationship between women and political power in the contemporary political terrain and the normative expectations of them.

## **DOES HORIZONTAL PARITY MATTER?**

In the 2011 election, the lack of obligatory horizontal parity meant that in 92% of cases, a party had to win more than one seat per district in order to send a woman to the Assembly. In 2014, that remained true in 89% of cases. Members of both Ennahdha and Nidaa, the two parties most likely to achieve sufficient levels of concentrated support to elect more than one candidate from a single list, were iterative in their assertions that the disparity between male and female-headed lists would ultimately prove immaterial to the resultant representation of women in the ARP. As Ghoubantini from Nidaa said, ‘While I am unhappy with the number of women at the top of the lists—there will be two people elected from the list if we are going to win the elections...so the top of the list is really the first and second positions.’<sup>76</sup> Habib

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<sup>75</sup> ‘Tunisie: Meherzia Labidi, “ce n’est qu’une femme” selon Béji Caïd Essebsi’ (Tunisia: Meherzia Labidi “she is only a woman” according to Béji Caïd Essebsi), *GlobalNet*, 2 October 2014.

<sup>76</sup> In communication with author (Tunis: 15 September 2014).

Khedher from Ennahdha articulated the exact same sentiment, ‘Ennahdha is looking for more than one seat in each district, therefore women in the second spot are also in the first’.<sup>77</sup> These aspects of the discourse challenge earlier justifications for low numbers of female-headed lists due to lack of qualified or interested women. This also lends credence to the scepticism of Najlaoui, and then Zoghlami, at why parties cannot just switch the top two candidates to implement horizontal parity—especially if they are construed as the same. While Farida Labidi did not elide the first and second position on the list, she used historical precedent to imply that list order was not determinative of female representation: ‘The existence of women in the third or fourth spot takes pressure off of parties. According to previous experience, they will get in anyway.’<sup>78</sup>

## CAMPAIGN RESOURCES

This elision between the first and second candidates on the lists requires evaluation on several fronts. Regardless of the ultimate political strategy of winning enough support to send more than one candidate from an individual list, there were material differences in terms of resource allocation between the head of the list and the rest of the candidates, as there were in 2011. In some cases, the head of the list picks the rest of the candidates.<sup>79</sup> The head of the list is usually responsible for picking the campaign team for the list and also for campaign expenditures along with the appointed treasurer. Candidates in other positions must apply to either the treasurer or the head of the list for any campaign funds, as they are disbursed on a district level, rather than an individual one. As the most visible candidate, the head of the list becomes the *de facto* spokesperson for the party in that district and is involved in constructing the party’s local platform. Because of this, heads of the lists receive the lion’s share of media coverage. For example, there were debates broadcast on national television—but only between the heads of the lists.<sup>80</sup> In 2011, female candidates felt that they were largely ignored by the media, even those who were at the top of the list. In 2014, that same dynamic persisted, with female candidates receiving only 10% of

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<sup>77</sup> In communication with author (Tunis: 13 Sept 2014).

<sup>78</sup> In communication with author (Tunis: 18 September 2014).

<sup>79</sup> Sihem Badi, in communication with author (Tunis: 17 September 2014).

<sup>80</sup> NDI, ‘Final Report’ 2014, p. 42.

media coverage, despite constituting 47% of total candidates.<sup>81</sup> This dynamic is exacerbated by the low numbers of female-headed lists, and therefore less women in the most prominent and visible campaign positions. In general, most of these factors are gendered outcomes of ostensibly gender-neutral policies by various bodies. However, the end result is a concentration of resources, power, and decision-making in men's hands within the party, reflecting and perpetuating the male domination of the entirety of the political party. Further illustrating this point, women largely felt that issues important to them were missing from the campaign season in general.<sup>82</sup>

#### HEADS OF LISTS AND DESCRIPTIVE REPRESENTATION

To evaluate the material relationship between the heads of the lists and the descriptive representation of women, it is necessary to understand the results of the election. Eighteen parties, coalitions, or groups were elected to the ARP, compared to 27 in 2011. Nidaa and Ennahdha far out-paced the rest, taking 86 (39.63%) and 69 (31.8%) seats respectively. UPL won 16 seats (7.37%) and Front Populaire won 15 (6.91%). Afek Tounes took eight (3.69%), while CPR took four (1.84%). Courant Démocrates, Mouvement du Peuple, and Moubadara each won three seats (1.38%). Courant de l'Amour won two (0.92%), and eight parties each won one seat (0.46%), including Al Joumhouri and Alliance Démocratique. Neither Ennahdha nor Nidaa Tounes won enough seats to constitute an outright majority. After the election, much to the chagrin of many of its deputies, Nidaa extended an offer of coalition government to Ennahdha along with some of the other smaller parties.<sup>83</sup>

Out of the 217 seats, women won 67 or 30.8%. This constituted roughly a 4% increase from the initial election results of 2011, but held steady at the number of women in the Assembly by 2014. Thirty-five were from Nidaa, or 52.24% of female deputies, and 26 from Ennahdha, 38.8%. Only six women were from other parties or coalitions. Neither Nidaa nor Ennahdha achieved parity within their results, with 39% and 37% respectively. The gender breakdown changed after the appointment of the

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<sup>81</sup> “‘Gender Concerns International’, LTDH, l’ATFD, et l’AFTURD notent Présence très modeste de la femme dans la prochain Parlement” (“Gender Concerns International”, LTDH, ATFD, and AFTURD note the modest presence of women in the next Parliament), *Le Temps*, 29 October 2014.

<sup>82</sup> NDI, ‘Final Report’ 2014, pp. 59-60.

<sup>83</sup> ‘Tunisia’s secularists and Islamists form new government’, BBC News, 5 February 2015.

new minister's cabinet. Two women and six men left for governmental positions, and they were replaced by six women and two men. As in 2011, vacated seats were filled with the next available person on the list. For example, Selma Elloumi Rekik, who ran first on Nidaa's Nabeul 1 list, was appointed Minister of Tourism and Handicrafts. Nidaa won four seats in Nabeul 1, and therefore Rekik was replaced by Lamia Gharbi, who was fifth on that list. For the purposes of this discussion, I use the results before replacements due to cabinet appointments, as that number most accurately reflects electoral dynamics.

There were several broader dynamics that impact the gender make-up of the ARP and that interact with the gender parity laws to produce certain outcomes. In 2011, 70.05% of elected deputies, before the shuffle resulting from government appointments, were the heads of their respective lists. In 2014, that number decreased to 58.53% of deputies. Although that share got smaller between 2011 and 2014, heads of lists still make up a sizable majority of elected deputies. The lack of obligatory horizontal parity, which resulted in low numbers of female-headed lists, produced a narrowed avenue of access for women seeking political power.

The differential between the number of deputies who were heads of lists in 2011 and 2014 can be explained by changes in the political field and the way that it related to electoral structures. In 2011, Ennahdha was the only party to elect more than one deputy per district in any meaningful or sustained way. In the 32 districts that have more than one seat, Ennahdha won multiple seats in 30 of them. In contrast, Ettakatol, Moubadara, and Arridha won multiple seats in two districts, and CPR in one. Deputies in the Assembly hailed from 152 lists; a woman was guaranteed to ascend to the Assembly in only 36 of them regardless of the gender of the head of the list. In 2014, both Ennahdha and Nidaa each won more than one seat in 24 districts, but they were the only parties to do so. This meant irrespective of the gender of the head of list, at least one woman was guaranteed to ascend to the ARP from 48 lists. While this was an improvement over 2011, it reveals that the lack of horizontal parity inextricably ties descriptive representation of women to the existence of large parties with higher concentrations of support.

The fact that no other parties except Nidaa and Ennahdha elected more than one deputy per district meant that the only pathway to power for women in other parties was as the head of a list. This outcome was facilitated by Tunisia's proportional representation system, which employed the largest remainder method.



This system favours small parties as it spreads representation within a given district across more lists.<sup>84</sup> Parties that, due to the largest remainder method, were able to send only one deputy to the ARP were represented exclusively by men. As a result, all the representatives elected from Afek Tounes, CPR, Moubadara, and Mouvement du Peuple were exclusively men—as all the deputies from these parties were the heads of their respective lists. The other six female deputies who were not members of Nidaa or Ennahdha were heads of lists from Courant de l'Amour (one out of two), Courant Démocrates (one out of three), Front Populaire (two out of 15), and UPL (two out of 16). Additionally, no party achieved parity within their delegation to the ARP, except for Courant de l'Amour, a party that only had to elect one woman in order to achieve parity. The lack of women elected from small parties also gendered the opposition to the governing coalition as overwhelmingly male, while creating a situation in which women's interests within smaller parties were underrepresented within the ARP.

Souad Abderrahim argued during the plenary session that a horizontal parity law was integral to ensuring increased levels of women's representation, as without it the connection between descriptive representation and relative concentrations of party support would create a ceiling for female participation. Abderrahim's fears were borne out. The percentage of women represented in the ARP did slightly increase, which was due in small part to the marginal increase in female-headed lists. However, the more decisive factor was the emergence of a second powerful political party that could muster deep enough concentrations of support within a given district comparable to Ennahdha in 2011. This allowed more women from farther down a larger number of lists to win a seat at the ARP. However, the political landscape in Tunisia is by no means calcified. In fact, Nidaa Tounes split into two separate parties in early 2016, following an acrimonious internal schism, and lost its plurality in the ARP. It remains to be seen which parliamentary constellation of power allows for more effective governance. However, it became clear that without horizontal parity, or more thorough gender mainstreaming undertaken by political parties themselves, women's descriptive representation will be precarious and subject to the whims of inter-party competition rather than independent of it.

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<sup>84</sup> NDI, 'Final Report' 2014, p. 58.

## CONCLUSIONS

The legal constraints of the 2011 and 2014 elections stayed the same: an obligation to institute vertical parity, but no such obligation regarding horizontal parity. This provided an excellent opportunity to evaluate the pathways to power for women between 2011 and 2014 within the discretionary space that the law allowed. This showcased the ways that existing gendered dynamics persisted or were transformed, while revealing new interactions that impact women's access to power.

Many factors discussed in this analysis persisted from 2011. Despite a small increase in female heads of lists in 2014, there remained a dominant male bias. As in 2011, this led to a concentration of resources, financial and otherwise, in the hands of male party members and candidates, while also decreasing the chances that women would be elected and parity of results would be achieved. This bias, combined with electoral structures, tied the descriptive representation of women to the relative concentration of support for parties across individual districts. While the number of women initially elected did increase in 2014, this was largely due to the consolidation of support for Nidaa and Ennahdha relative to the other parties. This subjected the representation of women to political party demographic changes—an enduring feature of Tunisian politics. Features that indicated the lack of gender mainstreaming within political parties in 2011 also persisted into 2014. Women remained marginalised from decision-making positions and central party structures, which also controlled the nominating processes and perpetuated the male-bias at the heads of lists for all major parties. Finally, the existence of gender-based electoral violence and the gendered division of domestic labour continued to disincentivise female candidates from volunteering their candidacy, particularly as the head of the list.

Several features from 2011 have been transformed. Commitment to improving the representation of women in politics pervaded the constitutional and electoral law debates and culminated in the discursive consensus regarding the achievements of female deputies in the Assembly. This ultimately resulted in the decreased discursive role of competence in terms of the field of potential female candidates. However, this has not yet resulted in commensurate behavioural shifts on the part of political parties regarding both the gendered ratio at the top of the lists and the broader process of gender mainstreaming. While the role of competence decreased, that space in the

discourse was subsequently occupied by equally ephemeral and subjective evaluations, like ‘spark’, ‘weight’, and ‘notability’, which had a gendered outcome regardless of its articulated gender neutrality. Female deputies’ complicity within this discourse, as well as their support for sacrificing female heads of lists because of the abnormality and high stakes of the 2014 elections, expressed a continuation of the pre-revolutionary, and relatively universal, trend of sublimating gender concerns into a ‘more important’ and immediate goal. This was a distinct change from the prioritisation of gender over party unity during the constitutional and electoral law debates and a prime example of Kandiyoti’s patriarchal bargain. These shifts do indicate an increased normalisation of women as political actors, which could propagate larger cultural shifts. This speaks to the power of gender quotas to shift electorate opinion on women and political power— supported by Benstead, Jamal, and Lust’s role congruity theory study and exemplified by Meherzia Labidi’s experience in Kasserine. However, Labidi’s experience also revealed the uneasy occupation of dual positionalities by women, illuminating how much more needs to change in order to facilitate the pathway to power for women.

Ultimately, this chapter reveals how crucial the institution of horizontal parity is in protecting and developing the representation of women in politics. Obligatory absolute horizontal parity would necessitate sustained shifts in political behaviour, as vertical parity did. The elimination of the discretionary male bias at the heads of lists would require nominating procedures, as well as the subsequent allocation of resources, to diversify. With the electoral chances of the party itself contingent on the success of its female candidates, political parties would be incentivised to gender mainstream. This might include grooming young female members for future leadership, incorporating issues relevant to women into campaign platforms, forcing institutions to become more female-friendly, and taking stronger measures to protect female candidates on the campaign trail from electoral gender-based violence. A widened pathway to power for women and increasing women’s descriptive representation would challenge stereotypes about women’s unsuitability for leadership within the electorate, replicating and improving on Labidi’s trajectory, and jumpstarting broad-based cultural shifts. Gender quotas do not have the power to address all gendered structural barriers to political power. However, horizontal parity would expand the number of stakeholders in deconstructing the patriarchal challenges that persist. It seems clear that political parties will not voluntarily decide to institute

internal horizontal parity without a legal obligation, particularly with the perception that female-headed lists represent a disadvantage. With a sustained 4% increase in female-headed lists for each election cycle, women would not likely head an equal number of electoral lists until 2054 without the institution of horizontal parity measures.

## EIGHT: CONCLUSIONS

That gender and women's rights emerged with such force as a site of contestation in the aftermath of the uprisings has a long historical and political precedent in Tunisia. Since the Arab Enlightenment, women's interests as articulated by women have been side lined in favour of the deployment of the discourse of women's rights, and often women's bodies, as the dividing line between a binary—tradition and modernity, colonised and coloniser, and Islamism and secularism. Participation within movements and access to civil and political rights, in so far as they existed within heavily state managed spaces, were predicated on conformity to the needs of larger processes of transformation.

The way that gender and women's rights emerged after the uprisings showcased some elements of continuity with historical and authoritarian dynamics. Questions on women's rights, bodies, and place in society became a major vehicle through which larger debates on Tunisian identity occurred. Gendered discourse therefore served as a metaphor to communicate broader ideas and values of the various political movements, performing as short-hand for the epistemological associations of the Islamist/secularist binary. Despite the fact that women's rights occupied such a prominent place in the discourse, the interim state before the elections was almost uniformly gendered as male, with very low numbers of women political appointees. Simultaneously, however, the democratisation of the public sphere allowed for the emergence of previously silenced and politically repressed Islamist women, who were able to restore their activism to view. They introduced new modes of being, subjectivities, and articulations of gender activism to the public sphere. Secularist feminist groups in civil society also mobilised almost immediately to ensure that the CSP and other women's achievements would not be traded away or subsumed into broader discourses, attempting to break that historical cycle. The pluralisation of the public sphere democratised the public view of women, challenging the stereotypes of non-agentive Muslim women and breaking the hegemony of the singular 'modern Tunisian woman' engineered by both Bourguiba and Ben Ali as mechanisms of state consolidation.

The High Commission's passage of the interim gender parity law was a major victory for women and is situated at the nexus of gender dynamics after the uprisings.

Agitation by both civil society groups outside and actors within the High Commission was integral to its success, in addition to (largely male) political elites' desire to undermine their rivals. The passage of the gender parity law however ensured that gender and women's rights would remain critical in transition politics. Ideologically underpinning the institution of a gender parity measure was a recognition that differentiated access to formal political power existed along gendered lines, essentially an acknowledgement of the patriarchal norms, systems, and structures that mediate women's full access to political and citizenship rights. Thorough interrogation of the gender dynamics of the electoral process however showcased that the gender parity law as it was designed—that is, vertically—was not strong enough to counter bias within political parties and the social structures that gender the electoral field unevenly. Although only a partial victory, vertical parity ensured that women constituted a powerful minority within the Assembly with a strong voice in constitutional drafting. In this matter, Tunisia's 58 female deputies stood in stark contrast to Egypt, where only eight women were elected to the 508-seat parliament in 2012.<sup>1</sup>

The constitutional and electoral law debates on gender parity were instructive on a number of levels and it is here that the relationship between descriptive and substantive representation is made clear. Despite the utilitarian way that gender and women's rights have featured in the national political discourse both historically and after the uprisings, female deputies were advocating for women's rights in myriad ways on their own terms for the first time in Tunisian history. Without the tireless work of a multi-partisan group of women in the Assembly, the gendering of the foundational texts would not have occurred. But something more fundamental took place as the Assembly attempted to transition from authoritarianism to liberal democracy. Many of the women who would go on to become some of the fiercest advocates for constitutionalising gender parity and implementing horizontal parity initially entered the Assembly as the idealised liberal citizen-subject—without regard to gender or the patriarchal obstacles that prevent women from full participation and the exercise of political agency. Coming up against patriarchal norms in the male-dominated Assembly, and specifically experiencing betrayal at the contentious vote on parity in the ISIE, the women of the Assembly hierarchised their gender identities

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<sup>1</sup> Lulu Garcia-Navarro, 'In Egypt's New Parliament, Women Will Be Scarce', *NPR*, 19 January 2012.

over their political loyalties, producing changes in their priorities regarding gender and the Constitution. Through these interactions, they forged their commitment to gendering the Constitution, citizenship, and advocating for comprehensive gender parity policies. The resultant formation of *Le Groupe des Femmes* fundamentally changed patterns of cooperation within the Assembly. Ultimately, this process was productive, inculcating this transformation in female deputies' subjectivities. It resulted in the gendering of the liberal genderless citizen—both as enshrined in the Constitution and in female deputies' own embodiment as the female citizen as subject.

Horizontal parity's failure, alongside the multi-partisan nature of *Le Groupe des Femmes*, fully deconstructed the Islamist/secularist binary as it relates to women's rights and gendered politics. The epistemological associations of the binary in terms of gender and women's rights were not borne out during these debates. Analysis of both the constitutional debates, and particularly the electoral law debate on horizontal parity, clarified the fact that religio-political orientation did not produce support or opposition for horizontal parity. Rather, support for and opposition to horizontal parity fell more along gendered lines. Despite the prominent role that political commitment to women's rights played during the campaign and beyond, parliamentary blocs were not coalesced around their gender politics. This dissolution of the binary around one of its supposed fulcrums speaks to the necessity of incorporating a gendered lens more comprehensively into academic analysis.

The experience of women during the 2014 elections concretised the need for horizontal parity. As in 2011, vertical parity remained too weak to counter the structures that mediate women's access to formal political power, as predicted by horizontal parity's proponents on the Assembly floor. The discretionary space left to political elites, which continued to be acutely male-dominated, disadvantaged female candidates across the political spectrum, often under the guise of ostensibly gender-neutral political strategy or internal mechanisms of resource distribution. Here too, it became ever clearer that patriarchy has no religion and that gender as a metaphor for an Islamist/secularist binary is wholly inadequate. *Nidaa Tounes* and *Ennahdha*'s gender-mainstreaming were equally anaemic and without horizontal parity, women's representation in formal politics will continue to be at the whim of larger political configurations of power.

The failure of horizontal parity was a disappointing setback, particularly when paired with the lack of political will exhibited by party elites during the elections of 2014 to voluntarily challenge the status quo. Despite these disappointments, the fight for horizontal parity and equitable female political representation is not yet finished. The relative ease with which vertical parity passed showcased the power of the legal system to produce new socio-political norms and suggests societal malleability on this front. In fact, the shift in the discursive role of competence of female candidates between 2011 and 2014 suggests that the visibility and accomplishments of powerful female politicians can auger cultural shifts regarding the acceptability and perception of qualification and capability of women in formal politics. This also lends credence to the symbolic argument for gender quota laws.

Finally, horizontal parity failed due to polarisation on implementation, rather than ideological or constitutional disagreements about the value of women in politics, ultimately accepting that systemic (demand-side), rather than individual (supply-side), change is required to achieve gender equality. The Provisional Constitutional Instance failed to reflect this majority-interpretation of constitutional precepts. However, close analysis of the electoral law debate showcased how classical liberal democratic theories on equality, equality of opportunity, merit, discrimination, and justice have been challenged and transformed in the Tunisian context. This has established an ideological framework for future manifestation of these ideas, leaving space for more inclusive democratic policy to develop.

In fact, since the ARP was elected in 2014, there has been some movement regarding horizontal parity at a municipal level. The municipal and regional elections have been postponed several times and are, at the time of writing, scheduled for May 2018. In June 2016, the ARP passed an amendment to the Electoral Law that would require both vertical and horizontal parity at a municipal and regional level.<sup>2</sup> That amendment was voted on and passed in a plenary session in March of 2017.<sup>3</sup> If and when the municipal elections proceed, the institution of horizontal parity at the local level could cause seismic shifts in the national conversation and implementation of horizontal parity for the ARP. Horizontal parity at the municipal level will require

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<sup>2</sup> Yassine Bellamine, 'Élections municipales: La parité horizontale et verticale adoptées par l'ARP' (Municipal Elections: Horizontal and Vertical Parity Adopted by the ARP), *Huffpost Maghreb*, 16 June 2016.

<sup>3</sup> Nidhal Mekki, 'The law on local and regional elections: a step towards local democracy in Tunisia', *Constitution Net*, 27 March 2017.



that political parties actively recruit women to head half of their electoral lists at a sub-national level, including in ‘the regions’. This will create a generation of women trained in politics and could deflate arguments that precluded any type of voluntary horizontal parity in 2014—namely, a dearth of women interested in politics or who are qualified for office. Horizontal parity at a local level could serve to neutralise the implementational concerns that political parties might have and inaugurate significant change. An influx of women into party structures could fortify the sustained challenge to patriarchy necessary to prevent its reinscription and reassertion.

Further progress has been made regarding Article 46.4 of the Constitution on ending violence against women. In July 2016, a draft bill was introduced to the ARP to eliminate violence against women. It came to debate in July 2017 and was passed on 26 July with 135 for, zero against, and zero abstentions.<sup>4</sup> The Law on Eliminating Violence Against Women was hailed as ‘a landmark step for women’s rights’ by Human Rights Watch. The law defines violence against women as:

any physical, moral, sexual, or economic aggression against women based on discrimination between the two sexes and resulting in damage or physical, sexual, psychological or economic suffering to women, including threats of such aggression, pressure or deprivation of rights and freedoms, both in public and private life.<sup>5</sup>

This definition includes key elements from the UN’s guidelines on violence against women and attempts to deconstruct the private barrier that prevents enforcement of domestic violence laws. Ultimately, the law shifts the blame from the survivor to the perpetrator, introducing changes to the criminal and penal code and calling for the establishment of family violence units in the Tunisia’s Internal Security Forces. It also includes preventative measures, such as training medical staff and educators on detection, evaluation, and prevention. Significantly, women are now legally able to seek restraining orders against their abusers without filing a criminal case or pursuing divorce—viewed as some of the most effective legal mechanisms by the UN to address gendered violence. Crucially, it closes the loophole that allowed a rapist to escape punishment by marrying his victim.<sup>6</sup> The law does not specify how the state

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<sup>4</sup> ‘Tous les votes relatifs à ce projet de loi: Projet de loi organique N°60/2016 relatif à l’élimination de la violence à l’égard des femmes’, *Majles Marsad*, 26 July 2017 [online].

<sup>5</sup> ‘Tunisia: Landmark Step to Shield Women from Violence’, *Human Rights Watch*, 27 July 2017 [online].

<sup>6</sup> ‘Victory in Tunisia: new law says “Enough” to violence against women’, *Oxfam International*, 28 July 2017 [online].

will fund some of these measures, and the next step will be ensuring the transfer of these measures from paper to reality. Nevertheless, this law represents an historic moment, further showcasing the process by which constitutional ideals are beginning to take shape in the new Tunisia.

Tunisia has long and somewhat speciously held the title of regional standard-bearer on women's rights. Tunisia's democratic transition is still nascent and the road ahead remains rife with challenges, both in general and in terms of gender equality and women's rights. These early steps towards creating a genuinely inclusive framework for democracy have firmly established Tunisia's position at the vanguard of gender issues.

## REFERENCES

### INTERVIEWS CITED

The identifiers listed are reflective of the capacity from which my informants spoke during the interview.

Abdellatif, Ibtihel

Founder of Nissa Tounessiet and commissioner in charge of female victims for the Truth and Dignity Commission

Tunis: 27 April 2012

Tunis: 21 November 2013

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Deputy in the Assembly (Ennahdha)

Tunis: 19 September 2014

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Head of the High Commission for the Realisation of the Objectives of the Revolution, Political Reform, and Democratic Transition, legal scholar

New York: 24 January 2017

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Political leadership (PDM/Front Populaire)

Tunis: 21 September 2014

El-Almi, Mourad

Economist, US Embassy

Tunis: 25 April 2012

Amel

Candidate in the 2011 Elections (PDM)

Tunis: 25 April 2012

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Feminist activist and scholar, long-time member of ATFD and AFTURD

Tunis: 18 April 2012

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Civil society activist

Tunis: 18 April 2012

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Deputy in the Assembly (Ennahdha)

Tunis: 20 January 2014

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Member of Shura Council and deputy in the Assembly (Ennahdha)

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Minister of Women's Affairs in Jebali and Laarayedh Cabinets (CPR)

Tunis: 17 September 2014

Badreddine, Kalthoum

Deputy and President of Commission on General Legislation in National Constituent Assembly, and candidate for the 2014 elections (Ennahdha)

Tunis: 9 April 2014

Tunis: 13 September 2014

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Tunis: 18 April 2012

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Tunis: 11 April 2014

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Tunis: 15 March 2014

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Tunis: 17 April 2012

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Tunis: 11 September 2014

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Feminist scholar and activist, member of the High Commission

Tunis: 23 April 2012

Ghannouchi, Rached

Co-founder and former president of Ennahdha

Tunis: 27 September 2014

Ghoubantini, Sabrine

Deputy in the ARP (Nidaa Tounes)

Tunis: 15 September 2014

Belhaj Hamida, Bochra

Feminist activist, former president of ATFD, candidate for the 2011 elections (Ettakatol) and deputy in the ARP (Nidaa Tounes)

Tunis: 16 April 2012

Tunis: 22 September 2014

Jaouad, Mehdi

Executive committee member (Nidaa Tounes)

Tunis: 13 September 2014

Jribi, Lobna

Deputy in the Assembly (Ettakatol)

Tunis: 7 March 2014

Tunis: 13 March 2014

Tunis: 26 September 2014

Khedher, Habib

Deputy in the Assembly and head of the Joint Coordinating Committee and General Rapporteur of the Constitution (Ennahdha)

Tunis: 13 Sept 2014

Khelifa, Omezzine

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Tunis 29: September 2014

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Deputy in the Assembly (CPR/Nidaa Tounes/No Bloc) and candidate for 2014 elections (Nidaa Tounes)

Laarayedh, Ameer

Deputy in the Assembly and member of the executive bureau (Ennahdha) and responsible for Ennahdha's participation in the 2014 National Dialogue

Tunis: 22 September 2014

Labidi, Farida

Deputy in the Assembly and member of the Shura Council (Ennahdha)

Tunis: 17 March 2014

Tunis: 18 September 2014

Labidi, Meherzia

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Tunis: 13 March 2014

Tunis: 19 September 2014

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Tunis: 20 March 2014

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Deputy in the Assembly (Afek Tounes/Bloc Démocrates)

Tunis: 23 April 2012

Tunis: 11 April 2014

Makhlouf, Wafa

Deputy in the ARP (Nidaa Tounes)

Tunis: 22 September 2014

Marsit, Hasna

Deputy in the Assembly (CPR/Independent/No Bloc)

Tunis: 12 March 2014

Marzouk, Mohsen

Democratisation expert, one of the founders of Nidaa Tounes and founder of Nidaa breakaway party Machrou Tounes

Tunis: 18 April 2012

Marzouki, Nefissa Wafa

Deputy in the Assembly (Ettakatol)

Tunis: 11 September 2014

Merai, Samira

Deputy in the Assembly (Afek Tounes/Bloc Démocrates)

Tunis: 23 September 2014

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Deputy in the Assembly and the ARP (Ennahdha)

Tunis: 10 September 2014

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Tunis: 13 September 2014

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Deputy in the Assembly (Arridha Chaabia/Nidaa Tounes/No Bloc)

Tunis: 15 September 2014

Quechtati, Sana

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Tunis: 23 April 2012

Rebai, Mehdi

Candidate for the 2014 elections and member of internal political bureau (Afek Tounes)

Tunis: 15 September 2014

Ben Romdhane, Donia

Gender Specialist at UNDP

Tunis: 19 April 2012

Sarsout, Salma

Deputy in the Assembly (Ennahdha)

Tunis: 25 September 2012

Sghaier, Oussema

Deputy in the Assembly, official spokesperson, and deputy in the ARP (Ennahdha)

Tunis: 18 September 2014

Ben Slima Ettaif, Samia

Communications officer (ATFD)

Tunis: 24 April 2012

Toumia, Sonia

Deputy in the Assembly (Ennahdha)

Tunis: 20 January 2014

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Ben Yaghlane, Boutheina

Founder of Tounessiet

Tunis: 19 April 2012

Zaibi, Houda

Vice-President of the League of Tunisian Women Voters (LET)

Tunis: 23 April 2012

Zeghidi, Meriem

Communications officer (ATFD)

Tunis: 16 April 2012

Zoghlami, Yamina

Member of the Shura Council, deputy in the Assembly and the ARP (Ennahdha)

Tunis: 10 March 2014

Tunis: 11 September 2014





## PRIMARY SOURCES

- ‘À Sejnane, les salafistes tunisiens font la loi’ (In Sejnane, the Salafis make the law), *Le Figaro*, 19 January 2012 [online]. Available from: <http://www.lefigaro.fr/mon-figaro/2012/01/19/10001-20120119ARTFIG00678--sejnane-les-salafistes-tunisiens-font-la-loi.php> [Accessed: 4 June 2012].
- Ajmi, Sana, ‘Ennahdha discourse: the sixth Caliphate or a misunderstanding?’, *Tunisia Live*, 16 November 2011 [online]. Available from: <http://www.tunisia-live.net/2011/11/16/ennahdha-flipflopping-the-sixth-caliphate-a-misunderstanding/> [Accessed: 9 July 2012].
- Amara, Tarek, ‘Tunisian former PM launches secular party to challenge Islamists’ *Al-Arabiya*, 16 June 2012, <<https://english.alarabiya.net/articles/2012/06/16/221057.html>>, [Accessed: 3 July 2012].
- ‘Annuaire des élus’ (Directory of Deputies), *Marsad Constitution Al Bawsala* [online]. Available from: <https://majles.marsad.tn/fr/assemble> [Accessed: 2 May 2014].
- ArtistesTunisiens, ‘Les Milices qui accompagnent la police’, *YouTube.com*, 10 April 2012. No longer available online [Accessed: 15 June 2012].
- Bellamine, Yassine, ‘Élections municipales: La parité horizontale et verticale adoptées par l’ARP’ (Municipal Elections: Horizontal and Vertical Parity Adopted by the ARP), *Huffpost Maghreb*, 16 June 2016 [online]. Available from: [http://www.huffpostmaghreb.com/2016/06/16/elections-municipales-par\\_n\\_10501046.html](http://www.huffpostmaghreb.com/2016/06/16/elections-municipales-par_n_10501046.html) [Accessed: 16 June 2016].
- Borovsky, Gabriella, and Asma Ben Yahia, ‘Women’s Political Participation in Tunisia After the Revolution: Findings from Focus Groups in Tunisia’ (Washington, D.C.: NDI, 2012) [online]. Available from: <https://www.ndi.org/sites/default/files/womens-political-participation-Tunisia-FG-2012-ENG.pdf> [Accessed: 25 April 2012].
- Bouazzaoui, ChaïmaeHDX, ‘In the constitution: Tunisian women torn between “complementarity” and “equality”’, *Our Catharsis: Blog de Chaïmae Bouazzaoui*, 29 October 2012, <<https://ourcatharsis.wordpress.com/2012/10/29/in-the-constitution-tunisian-women-torn-between-complementarity-and-equality/>>, [Accessed: 13 May 2014].
- Bourguiba, Habib, *Discours (1956-7)*, Vol. 2 (Tunis: Secrétariat d’État à l’information).
- Chaabane, Nadia, ‘#Tnac, #TnElec, l’amendement pour le tiers de femmes en tête de listes n est [sic] pas passé’ (#Tnac #TnElec, The amendment for a third of

- women at the top of the lists has not passed), *Facebook.com*, 1 May 2014 [online]. Available from: <https://www.facebook.com/Nadia.Chaabane/posts/10152151973042725> [Accessed: 1 May 2014].
- Constitution of the Fifth Republic, France, 1958 (Rev. 2008) [online]. Available from: [https://www.constituteproject.org/constitution/France\\_2008](https://www.constituteproject.org/constitution/France_2008) [Accessed: 18 December 2017].
- The Constitution of Tunisia, 1959 [online]. Available from: [www.wipo.int/edocs/lexdocs/laws/en/tn/tn028en.pdf](http://www.wipo.int/edocs/lexdocs/laws/en/tn/tn028en.pdf) [Accessed: 1 June 2012].
- ‘Constitution of the Tunisian Republic’, trans. by The Jasmine Foundation (Tunis: Tunisian National Assembly, 26 January 2014) [online]. Available from: [http://www.jasminefoundation.org/doc/unofficial\\_english\\_translation\\_of\\_tunisian\\_constitution\\_final\\_ed.pdf](http://www.jasminefoundation.org/doc/unofficial_english_translation_of_tunisian_constitution_final_ed.pdf) [Accessed: 3 February 2014].
- ‘Décret-loi n° 2011-6 du 18 Février 2011 portant création de l'instance supérieure pour la réalisation des objectifs de la révolution, de la réforme politique et de la transition démocratique’ (Decree-Law n° 2011-6 of 18 February 2011 for the creation of the High Commission), *Journal Officiel de la République Tunisienne No. 13*, 18 February 2011 [online]. Available from: <http://www.cnudst.rnrt.tn/jortsrc/2011/2011f/jo0132011.pdf> [Accessed: 26 February 2016].
- ‘Draft Constitution of the Republic of Tunisia, 14 August 2012’, trans. on behalf of International IDEA (Tunis: Tunisian National Constituent Assembly, 14 August 2012) [online]. Available from: [http://www.constitutionnet.org/sites/default/files/draft\\_constitution-english.pdf](http://www.constitutionnet.org/sites/default/files/draft_constitution-english.pdf) [Accessed 16 August 2012].
- ‘\dustūru al-jumhūriyyati al-ttūnisiyyati, tūnis fī 26 jaānifī 2014\’ (Constitution of the Tunisian Republic, Tunis on 26 January 2014), (Tunis: Tunisian Constituent Assembly, 24 January 2014) [online]. Available from: [https://majles.marsad.tn/uploads/documents/Constitution\\_Tunisienne\\_VF\\_Tra-duction\\_Non\\_Officielle\\_Al\\_Bawsala.pdf](https://majles.marsad.tn/uploads/documents/Constitution_Tunisienne_VF_Tra-duction_Non_Officielle_Al_Bawsala.pdf) [Accessed: 27 January 2014].
- ‘Elections of Tunisia: October 26 Parliamentary Elections, Frequently Asked Questions’, (Washington, D.C.: International Foundation for Electoral Systems, 20 October 2014) [online]. Available from: [http://ifes.org/sites/default/files/2014\\_ifes\\_tunisia\\_october\\_parliamentary\\_election\\_final2.pdf](http://ifes.org/sites/default/files/2014_ifes_tunisia_october_parliamentary_election_final2.pdf) [Accessed: 25 October 2014].
- ‘Enquête Nationale sur la violence à l’Egard des Femmes en Tunisie’ (National Survey on Violence Against Women in Tunisia), (Tunis: ONFP-AECID, 2010) [online]. Available from: <http://www.medicities.org/documents/10192/54940/Enqu%C3%AAt+Nationale+Violence+envers+les+femmes+Tunisie+2010.pdf> [Accessed: 17 November 2015].

- ‘Facts and Figures: Leadership and Political Participation’, *UN Women*, (n.d.) 2015 [online]. Available from: <http://www.unwomen.org/en/what-we-do/leadership-and-political-participation/facts-and-figures> [Accessed: 13 March 2016].
- ‘La femme tunisienne sera-t-elle condamnée à être la complémentaire de l’homme’ (The Tunisian woman will be condemned to be the complement of the man), *Turess*, 3 August 2012 [online]. Available from: <http://www.turess.com/fr/letemps/68534> [Accessed: 15 August 2012].
- ‘Final Report on the Tunisian National Constituent Assembly Elections: October 23, 2011’, (Washington, D.C.: NDI, 2011) [online]. Available from: [https://www.ndi.org/files/Tunisia%20Election%20Report%202014\\_EN\\_SOF%20\(1\).pdf](https://www.ndi.org/files/Tunisia%20Election%20Report%202014_EN_SOF%20(1).pdf) [Accessed: 2 May 2012].
- ‘Final Report on the 2014 Legislative and Presidential Elections in Tunisia’, (Washington, D.C.: NDI, 2014) [online]. Available from: [https://www.ndi.org/files/Tunisia%20Election%20Report%202014\\_EN\\_SOF%20\(1\).pdf](https://www.ndi.org/files/Tunisia%20Election%20Report%202014_EN_SOF%20(1).pdf) [Accessed: 18 January 2015].
- Garcia-Navarro, Lulu, ‘In Egypt’s New Parliament, Women Will Be Scarce’, *NPR*, 19 January 2012 [online]. Available from: <http://www.npr.org/2012/01/19/145468365/in-egypts-new-parliament-women-will-be-scarce> [Accessed: 13 July 2017].
- “‘Gender Concerns International”, LTDH, l’ATFD, et l’AFTURD notent Présence très modeste de la femme dans la prochain Parlement’ (“Gender Concerns International”, LTDH, ATFD, and AFTURD note the modest presence of women in the next Parliament), *Le Temps*, 29 October 2014 [online]. Available from: <http://www.letemps.com.tn/article/87198/pr%C3%A9sence-tr%C3%A8s-modereste-de-la-femme-dans-le-prochain-parlement> [Accessed: 31 October 2014].
- ‘Gender Mainstreaming: An Overview’, *UN Office of the Special Advisor on Gender Issues and Advancement of Women* (New York: UN, 2002) [online]. Available from: <http://www.un.org/womenwatch/osagi/pdf/e65237.pdf> [Accessed: 30 January 2016].
- Ghannouchi, Rached, ‘Rached Ghannouchi on Tunisia’s Democratic Transition’ Event Transcript, *Carnegie Endowment for International Peace*, 26 February 2014 [online]. Available from: <http://carnegieendowment.org/2014/02/26/rached-ghannouchi-on-tunisia-s-democratic-transition-event-4329> [Accessed: 19 May 2014].
- al-Ghannouchi, Rachid, and Elliott Abrams, ‘Tunisia’s Challenge: A Conversation with Rachid al-Ghannouchi’, *Council on Foreign Relations*, 30 November 2011 [online]. Available from: <https://www.cfr.org/event/tunisias-challenge-conversation-rashed-ghannouchi> [Accessed: 1 December 2011].

- Gold Mercury International, 'The Role of Women in Tunisia', *Gold Mercury International*, (n.d.) 2015. No longer available online [Accessed: 15 October 2015].
- Hamadi, Monia Ben, 'Tunisie: Les "gardiens de la Constitution" essuient un flot de critiques' (Tunisia: The 'Guardians of the Constitution' wipe out a flood of critics), *Huffpost Maghreb*, 27 May 2014 [online]. Available from: [http://www.huffpostmaghreb.com/2014/05/27/tunisie-instance-controle-constitutionnalite\\_n\\_5395843.html](http://www.huffpostmaghreb.com/2014/05/27/tunisie-instance-controle-constitutionnalite_n_5395843.html) [Accessed: 29 May 2014].
- 'Interview Transcript: Rachid Ghannouchi', *Financial Times*, 18 January 2011 [online]. Available from: <http://www.ft.com/intl/cms/s/0/24d710a6-22ee-11e0-ad0b-00144feab49a.html#axzz2R0gD5th6> [Accessed: 12 November 2016].
- Interview with Said Ferjani, 'Tunisia will protect "burka or bikini" choice', *Hard Talk BBC News*, 12 March 2012 [online]. Available from: <http://news.bbc.co.uk/1/hi/programmes/hardtalk/9704610.stm> [Accessed: 24 February 2015].
- "'It was a Way to Destroy Our Lives:' Tunisian Women Speak Out on Religious Discrimination', *The International Center for Transitional Justice*, 14 June 2016 [online]. Available from: <https://www.ictj.org/news/tunisia-women-speak-out-religious-discrimination-TDC> [Accessed: 19 July 2017].
- Jribi, Lobna, 'Cette loi électorale ne correspond pas au consensus "convenu"' (This electoral law does not correspond to the "agreed" consensus), *Huffpost Maghreb*, 5 May 2014 [online]. Available from: [http://www.huffpostmaghreb.com/lobna-jeribi/cette-loi-electorale-ne-c\\_b\\_5265675.html](http://www.huffpostmaghreb.com/lobna-jeribi/cette-loi-electorale-ne-c_b_5265675.html) [Accessed: 3 June 2014].
- Kirkpatrick, David D., 'Tunisia Cracks Down Again on Protesters Defying a Ban', *The New York Times*, 9 April 2012.
- Kottoor, Naveena, "'They crushed me': Tunisians reveal abuses they endured before the Arab Spring", *The Washington Post*, 15 December 2016 [online]. [https://www.washingtonpost.com/world/africa/they-crushed-me-tunisians-reveal-abuses-they-endured-before-the-arab-spring/2016/12/15/b6917d20-b8c4-11e6-939c-91749443c5e5\\_story.html?utm\\_term=.5a4c2c02d06c](https://www.washingtonpost.com/world/africa/they-crushed-me-tunisians-reveal-abuses-they-endured-before-the-arab-spring/2016/12/15/b6917d20-b8c4-11e6-939c-91749443c5e5_story.html?utm_term=.5a4c2c02d06c) [Accessed: 15 December 2016].
- Labidi, Lilia, 'Electoral Practice of Tunisian Women in the Context of a Democratic Transition', (Washington, D.C.: Woodrow Wilson Center, [n.d.]) [online]. Available from: [https://www.wilsoncenter.org/sites/default/files/electoral\\_practice\\_of\\_tunisian\\_women\\_in\\_the\\_context\\_of\\_a\\_democratic\\_transition.pdf](https://www.wilsoncenter.org/sites/default/files/electoral_practice_of_tunisian_women_in_the_context_of_a_democratic_transition.pdf) [Accessed: 22 June 2015].
- Labidi, Meherzia and Abdelaziz Mzoughi, 'Débat News: 12-11-2012', hosted by Mehdi Haouas (Tunisia: TounessnaTV, 11 November 2012).

- ‘Legislative and Presidential Elections in Tunisia: Final Report, October, November, and December 2014’, (Atlanta, Georgia: The Carter Center, 2014) [online]. Available from: [https://www.cartercenter.org/resources/pdfs/news/peace\\_publications/election\\_reports/tunisia-final-rpt-2014-elections.pdf](https://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/tunisia-final-rpt-2014-elections.pdf) [Accessed: 12 January 2015].
- ‘\Lijannati alhuquūqi wa al-hurraiyyaāti wa al-‘alaāqaāti al-jaāri jiiyyati: muwaāṣalatu al-nnazarī fī mashru‘I al-qaānuni al-intijaābī’ (Committee on Rights, Freedoms, and Foreign Relations: Further Considerations on the Draft Electoral Law), *Al Bawsala*, 5 March 2014 [online]. Available from: <http://majles.marsad.tn/chroniques/5317b36012bdaa6c2fc00dff> [Accessed: 6 March 2014].
- ‘Loi électorale: Présence dans les commissions, Commission de la législation générales’ (Electoral Law: Presence in the commissions, Commission on General Legislation), *Al Bawsala* [online]. Available from: [http://majles.marsad.tn/fr/loi\\_electorale/custom\\_loi\\_electorale\\_presence](http://majles.marsad.tn/fr/loi_electorale/custom_loi_electorale_presence) [Accessed: 4 June 2014].
- Mabrouk, Selma, ‘Mauvaise journée à la commission droits et libertés’ (A bad day at the Committee on Rights and Liberties), Facebook.com, 1 August 2012 [online]. Available from: <https://www.facebook.com/selma.mabroukdeputeeanc/posts/116719421806537> [Accessed: 1 June 2015].
- \mashrū‘u al-dustūri al-jumhūriyyati al-ttuūnisiyyati, tūnis fī 1 jawwān 2013\ (Draft Constitution of the Tunisian Republic, Tunis on 1 June 2013), (Tunis: Tunisian Constituent Assembly, 1 June 2013) [online]. Available from: [http://www.constitutionnet.org/sites/default/files/projet\\_constitution\\_01\\_06\\_2013-reduced.pdf](http://www.constitutionnet.org/sites/default/files/projet_constitution_01_06_2013-reduced.pdf) [Accessed: 3 June 2013].
- ‘\mashrū‘u al-ddustūri, ṣīghatu 22 afrīl 2013\’ (Draft Constitution, Formula 22 April 2013), (Tunis: Tunisian Constituent Assembly, 22 April 2013) [online]. Available from: [http://www.constitutionnet.org/sites/default/files/projet\\_constitution\\_avril\\_2013.pdf](http://www.constitutionnet.org/sites/default/files/projet_constitution_avril_2013.pdf) [Accessed: 24 April 2013].
- ‘\mashrū‘u musawwadati dustūri al-jumhūriyyati at-ttuūnisiyyati\’ (Draft Constitution of the Tunisian Republic), (Tunis: Tunisian Constituent Assembly, 14 August 2012).
- McNeil, ST., ‘Wording on women sparks protest in Tunisia’, *Al Jazeera*, 19 August 2012 [online]. Available from: <http://www.aljazeera.com/indepth/features/2012/08/201281981854620325.html> [Accessed: 14 May 2014].

- Mhenni, Lina Ben, “‘Fath’ Manouba’, *A Tunisian Girl*, 29 November 2011 [online]. Available from: <http://atunisiangirl.blogspot.co.uk/2011/11/fath-manouba.html> [Accessed: 7 July 2012].
- ‘Sit-in des Professeurs de la Manouba’, *A Tunisian Girl*, 4 January 2012 [online]. Available from: <http://atunisiangirl.blogspot.co.uk/2012/01/sit-in-des-professeurs-de-la-manouba.html#!/tcmback> [Accessed: 7 April 2013].
- ‘\musawwadatu mashrū‘i al-ddustūri 14 dīsambar 2012\’ (Draft Constitution, 14 December 2012), (Tunis: Tunisian Constituent Assembly, 14 December 2012).
- Mzioudet, Houda, ‘Tunisia: Police Lead Violent Crackdown on Protesters in Port Town of Rades’, *TunisiaLive*, 16 April 2012. No longer available online [Accessed: 19 April 2012].
- ‘National Constituent Elections in Tunisia, October 23, 2011’, (Atlanta: The Carter Center, 2011) [online]. Available from: [https://www.cartercenter.org/resources/pdfs/news/peace\\_publications/election\\_reports/tunisia-final-oct2011.pdf](https://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/tunisia-final-oct2011.pdf) [Accessed: 25 April 2012].
- ‘Now is the time’, *The Economist*, 15 October 2011 [online]. Available from: <http://www.economist.com/node/21532256> [Accessed: 15 June 2017].
- ‘Le parcours des candidates aux élections de l’Assemblée Nationale Constituante: Compte, rendu, Leçons apprises, Stratégies pour de meilleurs résultats’ (The Journey of candidates in the elections of the National Constituent Assembly: Account, lessons learned, and strategies for better results), (New York: UNDP, 2012).
- ‘Proportion of seats held by women in national parliaments (%)’, *Inter-Parliamentary Union* [online]. Available from: <http://data.worldbank.org/indicator/SG.GEN.PARL.ZS?end=1990&start=1990&view=bar> [Accessed: 13 July 2015].
- ‘Rached Ghannouchi: La parité homme-femme ne concernera pas les têtes de listes (Audio)’ (Rached Ghannouchi: Parity Men-Women Will Not Concern the Top of the Lists), *Business News TN*, 13 August 2014 [online]. Available from: <http://www.businessnews.com.tn/rached-ghannouchi--la-parite-homme-femme-ne-concernera-pas-les-tetes-de-listes-audio,520,48656,3> [Accessed: 13 August 2014].
- Radio interview with Habib Khedher, *MosaïqueFM*, 3 February 2012. No longer available online [Accessed: 3 February 2012].
- Ryan, Yasmine, ‘Tunisian blogger becomes Nobel Prize nominee’, *Al Jazeera*, 21 October 2011 [online]. Available from: <http://www.aljazeera.com/indepth/features/2011/10/2011106222117687872.html> [Accessed: 12 July 2012].
- Sahih al-Bukhari*, Book 92, Hadith 50 (Vol. 9, Book 88, Hadith 219).

- Saibi, Lotfi, and Meherzia Labidi, 'The Tunisian Revolution', *The New Arab Debates* on *Vimeo.com*, 1 March 2012 [online]. Available from: <https://vimeo.com/39058293> [Accessed: 30 June 2012].
- Sbouai, Sana, 'Mercato des partis politiques en Tunisie: L'inconstance règne' (Market of Political Parties in Tunisia: Inconsistency Reigns), *Slate Afrique*, 22 September 2015 [online]. Available from: <http://www.slateafrique.com/616711/mercato-des-partis-politiques-en-tunisie-linconstance-regne> [Accessed: 17 May 2017].
- '\al-ṣṣiyyghatu al-'awwaliyyu\' (First Formulation [of the Preamble]), (Tunis: Tunisian Constituent Assembly, 24 April 2012) [online]. Available from: [http://www.constitutionnet.org/sites/default/files/tunisia\\_-\\_draft\\_preamble\\_arabic.pdf](http://www.constitutionnet.org/sites/default/files/tunisia_-_draft_preamble_arabic.pdf) [Accessed: 17 April 2012].
- 'Summary of day 7: historic parity rule adopted amid heated debate and celebration', *The Jasmine Foundation*, 10 January 2014 [online]. Available from: <http://www.jasminefoundation.org/en/?p=702> [Accessed: 5 February 2014].
- '\al-tnāṣuf\' (Parity), *Delta News* on *YouTube.com*, 1 May 2014 [online]. Available from: <https://www.youtube.com/watch?v=ridqleVKX-g> [Accessed: 18 July 2016].
- 'Tous les votes' (All of the Votes), *Marsad Constitution Al Bawsala* [online]. Available from: <https://majles.marsad.tn/fr/votes> [Accessed: 2 May 2014].
- 'Tous les votes relatifs à ce projet de loi: Projet de loi organique N°60/2016 relatif à l'élimination de la violence à l'égard des femmes', *Majles Marsad*, 26 July 2017 [online]. Available from: <https://majles.marsad.tn/2014/fr/vote/59790b204f24d036e99d9818> [Accessed: 27 July 2017].
- 'Towards the Rise of Women in the Arab World', *Arab Human Development Report* (New York: UNDP, 2005).
- Transcript of '\al-tnāṣuf\' (Parity), *Delta News* on *YouTube.com*, 1 May 2014.
- Tunis Agence Presse (TAP), 'Composition du Gouvernement d'Union nationale', *Portail de la Présidence du Gouvernement*, 17 January 2011 [online]. Available from: <http://www.pm.gov.tn/pm/actualites/actualite.php?id=1958&lang=fr> [Accessed: 26 February 2016].
- 'Nouvelle Composition du Gouvernement d'Union nationale', *Portail de la Présidence du Gouvernement*, 27 January 2011 [online]. Available from: <http://www.pm.gov.tn/pm/actualites/actualite.php?id=2062&lang=fr> [Accessed: 26 February 2016].
- 'Composition du nouveau Gouvernement provisoire', *Portail de la Présidence du Gouvernement*, 7 March 2011 [online]. Available from:

- <http://www.pm.gov.tn/pm/actualites/actualite.php?lang=fr&id=2904>  
[Accessed: 26 February 2016].
- ‘Tunisia: Decree no. 35 dated 10 May 2011 on the Election of the National Constituent Assembly (2011)’, *ACE: The Electoral Knowledge Network* [online]. Available from: [http://aceproject.org/ero-en/regions/africa/TN/tunisia-decree-no.-35-dated-10-may-on-the-election/at\\_download/file](http://aceproject.org/ero-en/regions/africa/TN/tunisia-decree-no.-35-dated-10-may-on-the-election/at_download/file) [Accessed: 11 February 2014].
- ‘Tunisia: Landmark Step to Shield Women from Violence’, *Human Rights Watch*, 27 July 2017 [online]. Available from: <https://www.hrw.org/news/2017/07/27/tunisia-landmark-step-shield-women-violence> [Accessed: 27 July 2017].
- ‘Tunisia legalizes second hardline Islamist group’, *Al Arabiya News*, 18 July 2012 [online]. Available from: <http://english.alarabiya.net/articles/2012/07/18/227113.html> [Accessed: 3 October 2015].
- ‘Tunisia’s Constitution of 2014’, trans. by UNDP and reviewed by International IDEA, (Tunis: Tunisian Constituent Assembly, 26 January 2014) [online]. Available from: [https://www.constituteproject.org/constitution/Tunisia\\_2014.pdf](https://www.constituteproject.org/constitution/Tunisia_2014.pdf) [Accessed: 4 November 2015].
- ‘Tunisia’s secularists and Islamists form new government’, *BBC News*, 5 February 2015 [online]. Available from: <http://www.bbc.com/news/world-africa-31147402> [Accessed: 9 February 2015].
- ‘Tunisia’s victim-blaming laws are punishing survivors of sexual abuse’, *Amnesty International*, 3 December 2015 [online]. Available from: <https://www.amnesty.org.uk/tunisia-women-violence-sexual-abuse-laws> [Accessed: 3 January 2016].
- ‘Tunisian MP stirs row after female circumcision remarks’, *Agence France Presse in Al-Arabiya News*, 11 March 2013 [online]. Available from: <http://english.alarabiya.net/en/News/2013/03/11/Tunisian-MP-stirs-row-after-female-circumcision-remarks-.html> [Accessed: 28 June 2013].
- ‘Tunisian women accuse Islamist party of false pre-election promises, to allow polygamy’, *Muslim Debates: Muslim Women News*, 2011. No longer available online [Accessed: 19 April 2012].
- ‘Tunisie: Hamedh Caïd Essebsi renonce à Tunis 1, l’adhésion d’Eloumi gelée’ (Tunisia: Hamedh Caïd Essebsi renounces candidacy in Tunis 1, Eloumi’s membership frozen), *GlobalNet*, 23 August 2014 [online]. Available from: <http://www.gnet.tn/actualites-nationales/tunisie-hamedh-caid-essebsi-renonce-a-tunis-1-ladhesion-delloumi-gelee/id-menu-958.html> [Accessed: 14 August 2015].



- ‘Tunisie: Meherzia Labidi, “ce n’est qu’une femme”, selon Béji Caïd Essebsi’ (Tunisia: Meherzia Labidi “she is only a woman” according to Béji Caïd Essebsi), *GlobalNet*, 2 October 2014 [online]. Available from: <http://www.gnet.tn/actualites-nationales/tunisie-mehrezia-labidi-ce-nest-quune-femme-selon-beji-caid-essebsi/id-menu-958.html> [Accessed: 15 October 2014].
- ‘Victory in Tunisia: new law says “Enough” to violence against women’, *Oxfam International*, 28 July 2017 [online]. Available from: <https://www.oxfam.org/en/pressroom/reactions/victory-tunisia-new-law-says-enough-violence-against-women-and-girls> [Accessed: 28 July 2017].
- ‘Women in National Parliaments’, *Inter-Parliamentary Union* [online]. Available from: <http://www.ipu.org/wmn-e/world.htm> [Accessed: 17 July 2017].



## SECONDARY SOURCES

- Abbas, Najla, 'Tunisian women: Political Role, Gains and Challenges (The Case of Parity)', in *A New Paradigm: Changing Perspectives on the Changing Mediterranean*, ed. by Sasha Toperich and Andy Mullins, (Washington D.C.: Center for Transatlantic Relations, 2014), pp. 225-231.
- Ben Achour, Yadh, 'Mutuations culturelles et juridiques. Vers un seuil minimum de modernité?' (Cultural and Juridical Mutations. Towards a minimum threshold of modernity?), *Annuaire de l'Afrique du Nord*, 28 (1989), 13-27.
- Ahmed, Leila. *Women and Gender in Islam: Historical Roots of a Modern Debate* (New Haven: Yale University Press, 1992).
- Alak, Alina Isac, 'Contesting the Dichotomy of Islam and Modernity: Islamic Feminisms', *Journal of Gender and Feminist Studies*, 4 (2015).
- Albrecht, Holger and Oliver Schlumberger. "'Waiting for Godot": Regime Change without Democratization in the Middle East', *International Political Science Review*, 25.4 (2004), 371-392.
- Alexander, Christopher, *Tunisia: Stability and Reform in the Modern Maghreb* (Oxford: Routledge, 2010).
- *Tunisia: From Stability to Revolution in The Maghreb*, 2<sup>nd</sup> edn (London: Routledge, 2016).
- Al-Ali, Nadjie, *Secularism, Gender & the State in the Middle East: The Egyptian Women's Movement* (Cambridge: Cambridge University Press, 2000).
- *Iraqi Women: Untold Stories From 1948 to the Present* (London: Zed Books, 2007).
- Alvi, Hayat, 'Women's Rights Movements in the "Arab Spring": Major Victories or Failures for Human Rights?', *Journal of International Women's Studies*, 16.3 (2015), 294-318.
- Amawi, Alba, 'Against all Odds: Women Candidates in Jordanian Elections', in *From Patriarchy to Empowerment*, ed. by Valentine M. Moghadam (Syracuse: Syracuse University Press, 2007), 40-57.
- Amroussia, Nada, Isabel Goicolea, and Alison Hernandez, 'Reproductive Health Policy in Tunisia: Women's Rights to Reproductive Health and Gender Empowerment', *Health and Human Rights Journal*, 09/2016 [online]. Available from: <https://www.hhrjournal.org/2016/09/reproductive-health-policy-in-tunisia-womens-right-to-reproductive-health-and-gender-empowerment/> [Accessed: 19 November 2017].

- Anderson, Benedict, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (New York: Verso, 1983).
- Anderson, Lisa, *The State and Social Transformation in Tunisia and Libya, 1830-1980* (Princeton: Princeton University Press, 1986).
- ‘Political Pacts, Liberalism, and Democracy: The Tunisian National Pact of 1988’, *Government and Opposition*, 26.2 (1991), 245-260.
- Anwar, Etin, *Gender and Self in Islam* (Oxford: Routledge, 2006).
- Arfaoui, Khedija, ‘The Development of the Feminist Movement in Tunisia, 1920-2000s’, *International Journal of the Humanities*, 4 (2007).
- ‘Women and education in Tunisia: From Independence to the Jasmine Revolution’, (Italy: Presented at the Bellagio Center, 2011).
- Asad, Talal, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford: Stanford University Press, 2003).
- Asfour, Sana, ‘A Revolution of Equals’, *Granta: The F Word*, 115 (2011) [online]. Available at: <https://granta.com/a-revolution-of-equals/> [Accessed: 4 June 2012].
- Assaf, David and Stefanie Nanes, ‘The Women’s Quota in Jordan’s Municipal Councils: International and Domestic Dimensions’, *Journal of Women, Politics & Policy*, 32.4 (2011), 275-304.
- Ayish, Muhammed I., *The New Arab Public Sphere* (Berlin: GnbH, 2008).
- Ayubi, Nazih, *Over-Stating the Arab State: Politics and Society in the Middle East* (London: I.B. Tauris, 1995).
- Bacchi, Carol, *Women, Policy and Politics: The Construction of Policy Problems* (London: SAGE Publications, 1999).
- ‘Arguing for and against quotas: theoretical issues’, in *Women, Quotas, and Politics*, ed. by Drude Dahlerup (Oxford: Routledge, 2006), pp. 31-51.
- Bader, Veit, ‘The Cultural Conditions of Transnational Citizenship: On the Interpretation of Political and Ethnic Cultures’, *Political Theory*, 25.6 (1997), 771-813.
- Badran, Margot, *Feminists, Islam, and the Nation: Gender and the Making of Modern Egypt*, (Princeton: Princeton University Press, 1995).
- ‘Between secular and Islamic feminism/s: Reflections on the Middle East’ *Journal of the Middle East Women’s Studies*, 1.1 (2005), 6-28.

- ‘Re/Placing Islamic Feminism’, translated for Cairn International Edition from ‘Où en est le féminisme islamique?’ *Critique Internationale*, 4 (2010), 25-44.
- Baldez, Lisa, ‘Elected Bodies: The Gender Quotas Law for Legislative Candidates in Mexico’, *Legislative Studies Quarterly*, 24.2 (2004), 231-258.
- Baron, Beth, *Egypt as a Woman: Nationalism, Gender and Politics* (Berkeley: University of California Press, 2005).
- Bass, Thomas, ‘How Tunisia is Turning into a Salafist Battleground’, *The Atlantic*, 20 June 2013.
- Bellin, Eva ‘Civil Society in Formation: Tunisia’, in *Civil Society in the Middle East, Vol. 1*, ed. by Augustus Norton (Leiden, NL: E.J. Brill, 1995), pp. 121-147.
- ‘The Robustness of Authoritarianism in the Middle East: Exceptionalism in Comparative Perspective’, *Comparative Politics*, 36.2 (2004), 139-157.
- Benavides, Jimena Costa, ‘Women’s Political Participation in Bolivia: Progress and Obstacles’, (Paper presented at IDEA Workshop, Lima, Peru, 23-24 February 2003).
- Benstead, Lindsey, Amaney Jamal, and Ellen Lust, ‘Is it Gender, Religiosity, or Both? A Role Congruity Theory of Candidate Electability in Transitional Tunisia’, *Perspectives on Politics*, 13.1 (2015), 74-94.
- Bereni, Laure, ‘French Feminists Renegotiate Republican Universalism: The Gender Parity Campaign’, *French Politics*, 5.3 (2007), 191-209.
- Berlin, Isaiah, *Four Essays on Liberty* (Oxford: Oxford University Press, 1958).
- Bibars, Iman, *Women, Culture and Development* (London: Zed Books, 2001).
- Bier, Laura E., *Revolutionary Womanhood: Feminisms, Modernity, and the State in Nasser’s Egypt* (Stanford: Stanford University Press, 2011).
- Bodman, Herbert L. and Nayereh Tohidi, ed., *Women in Muslim Societies: Diversity Within Unity* (Boulder: Lynne Rienner Publishers, 1998).
- Boduszyński, Mieczysław P., Kristin Fabbe, and Christopher Lamont, ‘After the Arab Spring: Are Secular Parties the Answer?’, *Journal of Democracy*, 26.4 (2015), 125-139.
- Bowen, John R., *Why the French Don’t Like Headscarves: Islam, the State, and Public Space* (Princeton: Princeton University Press, 2007).
- Brand, Laurie A., *Women, the State, and Political Liberalization: Middle Eastern and North African Experiences* (New York: Columbia University Press, 1998).

- Brennan, Teresa and Carole Pateman, 'Mere Auxiliaries of the Commonwealth: Women and the Origins of Liberalism', *Political Studies*, 27.2 (1979), 183-200.
- Brown, Wendy, *Politics Out of History* (Princeton: Princeton University Press, 2001).
- Brubaker, William Rogers, 'The French Revolution and the Invention of Citizenship', *French Politics & Society*, 7.3 (1989), 30-49.
- Brumberg, Daniel, 'Democratization in the Arab World? The Trap of Liberalized Autocracy', *Journal of Democracy*, 13.4 (2002) 56-68 (p. 56).
- Brynen, Rex, Bahgat Korany, and Paul Noble, eds., *Political Liberalization and Democratization in the Arab World*, 2<sup>nd</sup> vol (Boulder, CO: Lynne Rienner Publishers, 1995)
- Bughaighis, Wafa, 'Prospects for women in the new Libya', in *Arab Spring and Arab Women: Challenges and Opportunities*, ed. by Muhamed S. Olimat (Oxford: Routledge, 2014), pp. 106-120.
- Burgat, François and William Dowell, *The Islamic Movement in North Africa* (Austin: University of Texas at Austin, 1993).
- Butler, Judith, *Bodies that Matter; The Discursive Limits of Sex* (New York: Routledge, 1993).
- Cantori, Louis, 'Democratization in the Middle East: Report, *American-Arab Affairs*, 36 (1991), 1-30.
- Caul, Miki, 'Women's Representation in Parliament: The Role of Political Parties', *Party Politics*, 5.1 (1999), 79-98.
- Cavatorta, Francesco, 'The Rise and Fall of Uncivil Society? Salafism in Tunisia After the Fall of Ben Ali', (Washington, DC: Middle East Institute, 2015) [online]. Available from: [http://www.mei.edu/content/map/rise-and-fall-uncivil-society-salafism-tunisia-after-fall-ben-ali-0#\\_ftn3](http://www.mei.edu/content/map/rise-and-fall-uncivil-society-salafism-tunisia-after-fall-ben-ali-0#_ftn3) [Date Accessed: 3 December 2017].
- Charrad, Mounira M., 'Policy Shifts: State, Islam, and Gender in Tunisia, 1930s-1990s', *Social Politics*, Summer (1997), 284-319.
- 'Cultural Diversity Within Islam: Veils and Laws in Tunisia' in *Women in Muslim Societies: Cultural Diversity Within Islam*, ed. by Herbert L. Bodman and Nayereh Tohidi (Boulder: Lynne Rienner Publishers, 1998).
- 'Becoming a Citizen: Lineage Versus Individual in Tunisia and Morocco', in *Gender and Citizenship in the Middle East*, ed. by in Suad Joseph (Syracuse: Syracuse University Press, 2000), 70-87.

- ‘State and Gender in the Maghrib’, in *Women and Power in the Middle East*, ed. by Suad Joseph and Susan Slymovics (Philadelphia: University of Pennsylvania, 2001), 61-71.
- *States and Women’s Rights in the Maghreb: The Making of Postcolonial Tunisia, Algeria, and Morocco* (Berkeley: University of California Press, 2001).
- ‘Tunisia at the Forefront of the Arab World: Two Waves of Legislation’, *Washington and Lee Law Review*, 64 (2007), 1513-1527.
- Charrad, Mounira M. and Amina Zarrugh, ‘The Arab Spring and Women’s Rights in Tunisia’, *E-International Relations*, 4 September 2013 [online]. Available from: <http://www.e-ir.info/2013/09/04/the-arab-spring-and-womens-rights-in-tunisia/> [Accessed: 18 October 2013].
- ‘Equal or Complementary? Women in the new Tunisian Constitution after the Arab Spring’, *Journal of North Africa Studies*, 19.2 (2014), 230-245.
- Chatterjee, Partha, *The Nation and its Fragments: Colonial and Postcolonial Histories* (Princeton: Princeton University Press, 1993).
- Chekir, Hafidha, ‘Women, the Law, and the Family in Tunisia’, *Gender and Development*, 4.2 (1996), 43-46.
- Chekir, Hafidha and Mohammed Chafik Sarsar, ‘\Al-nisā’a wa al-mushaārikatu al-siyyasiyyatu: tajribatu al-aḥzabi al-siyyāsiyyati wa al-naqābātu wa al-jam’iyyātu al-mhniyyata\’ (Women and Political Participation: The Experience of Political Parties, Trade Unions, and Professional Associations) (Tunis: January 2014).
- Chowdhury, Najma, ‘The Implementation of Quotas: Bangladesh Experience’, (Paper presented at IDEA workshop, Jakarta, Indonesia, 25 September 2002) [http://www.quotaproject.org/CS/CS\\_Bangladesh.pdf](http://www.quotaproject.org/CS/CS_Bangladesh.pdf).
- Cinali, Manilo, *Citizenship and the Political Integration of Muslims: The Relational Field of French Islam* (New York: Palgrave Macmillan, 2017).
- Coleman, Isobel, ‘Is the Arab Spring Bad for Women?’, *Foreign Policy*, 20 December 2011 [online]. Available from: <http://foreignpolicy.com/2011/12/20/is-the-arab-spring-bad-for-women/>, [Accessed: 23 December 2011].
- ‘Women and the Arab Revolts’, *Brown Journal of World Affairs*, 18.1, (2011), 197-210.
- ‘Why the Arab Spring Hasn’t Been Better for Women’, *The Atlantic*, 8 March 2012 [online]. Available from: <https://www.theatlantic.com/international/archive/2012/03/why-the-arab-spring-hasnt-been-better-for-women/254150/>, [Accessed: 19 March 2012].

- Cooke, Miriam, 'Deconstructing war discourse: Women's Participation in the Algerian Revolution', *Duke University Working Paper*, 184 (1989), 1-26.
- Crystal, Jill, 'Review: Authoritarianism and its Adversaries in the Arab World Review', *World Politics*, 46.2 (1994), 262-289.
- Dahlerup, Drude, 'Introduction', in *Women, Quotas and Politics*, ed. by Drude Dahlerup (Oxford: Routledge, 2006), pp. 3-31.
- 'Electoral Gender Quotas: Between Equality of Opportunity and Equality of Result', *Representation*, 43.2 (2007), 73-92.
- 'What are the Effects of Electoral Gender Quotas?', (Paper presented at the International Political Science Association, Fukuoka, Japan, 10-13 July 2007).
- 'Women in Arab Parliaments: Can Gender Quotas Contribute to Democratization?', *Al-Raida*, 126/127 (2009), 28-38.
- Dahlerup, Drude et. al., *Atlas of Electoral Gender Quotas* (Stockholm: International Institute for Democracy and Electoral Assistance, 2013).
- Dahlerup, Drude and Lenita Freidenvall, 'Electoral Gender Quota Systems and Their Implementation in Europe', (Brussels: Directorate General Internal Policies of the Union—European Parliament, 2008) [online]. Available from: <http://www.europarl.europa.eu/document/activities/cont/200903/20090310ATT51390/20090310ATT51390EN.pdf> [Accessed: 3 September 2016].
- Darhour, Hanane, and Drude Dahlerup, 'Sustainable representation of women through Gender Quotas: A Decade's Experience in Morocco', *Women's Studies International Forum*, 41.2 (2013), 132-142.
- Debuysere, Loes, 'Tunisian Women at a Crossroads: Antagonism and Agonism in the Tunisian Women's Rights Movement', *Mediterranean Politics* 21:2 (2016), 226-245.
- Dekmejian, R. Hrair, *Islam in Revolution: Fundamentalism in the Arab World* (Syracuse: Syracuse University Press, 1985).
- Dietz, Mary G., 'Context is All: Feminism and Theories of Citizenship', *Daedalus*, 16.4 (1987), pp. 1-24.
- Dwyer, Kevin, *Arab Voices: The Human Rights debate in the Middle East* (Berkeley: University of California Press, 1991).
- Elsadda, Hoda, *Gender, Nation and the Arabic Novel: Egypt, 1892-2008* (Syracuse: Syracuse University Press, 2012).
- Esposito, John, *The Islamic Threat: Myth of Reality?*, 3<sup>rd</sup> edn (New York: Oxford University Press, 1999).



- Fahmi, Georges, and Hamza Meddeb, 'Market for Jihad: Radicalization in Tunisia' (Washington, D.C.: Carnegie Endowment for International Peace, 2015).
- Farmanfarmaian, Roxane, ed., 'Special Section on Tunisia and the Media', *Journal of North African Studies*, 19.5 (2014), 609-732.
- Fish, M. Steven., 'Islam and Authoritarianism', *World Politics*, 55.1 (2002), 4-37.
- Fleischman, Ellen, 'The Other "Awakening": The Emergence of the Women's Movement in the Modern Middle East, 1900-1940', in *Social History of Women and Gender in the Modern Middle East*, ed. by Margaret Meriwether and Judith Tucker (Boulder, CO: Westview, 1999).
- Foucault, Michel, 'Two Lectures', in *Power/Knowledge: Selected Interviews & Other Writings, 1972-1977*, ed. by Colin Gordon, trans. by Colin Gordon et al. (New York: Pantheon Books, 1980), pp. 78-108.
- 'Subject and Power', *Critical Inquiry*, 8.4 (1982), pp. 777-795.
- 'The Body of the Condemned', in *The Foucault Reader*, ed. by Paul Rabinow (New York: Pantheon Books, 1984), pp. 170-179.
- 'The Return of Morality' in *Michel Foucault—politics, philosophy, culture: interviews and other writings, 1977-1984*, ed. by Lawrence W. Kritzman (London: Routledge, 1988), pp. 242-254.
- *The History of Sexuality, Volume 1: An Introduction*, trans. by Robert Hurley, Vintage Books edn (New York: Random House, 1990).
- *The Use of Pleasure: History of Sexuality, Volume 2*, trans. by Robert Hurley, Vintage Books edn (New York: Random House, 1990).
- Fraisse, Geneviève, *Reason's Muse: Sexual Difference and the Birth of Democracy*, trans. by Jane Marie Todd, (London: University of Chicago Press, 1989).
- Franceschet, Susan, Mona Lena Krook, and Jennifer Piscopo, 'Introduction: Conceptualizing the Impact of Gender Quotas', in *The Impact of Gender Quotas* (New York: Oxford University Press, 2012), pp. 2-40.
- Fraser, Nancy, 'From Redistribution to Recognition? Dilemmas of Justice in a "Postsocialist" Age', in *The New Social Theory Reader: Contemporary Debates*, ed. by Steven Seidman and Jeffrey C. Alexander (London: Routledge, 2001), pp. 285-293.
- Friedland, Paul, *Political Actors: Representative Bodies and Theatricality in the Age of the French Revolution* (Ithaca: Cornell University Press, 2001).

- Ghanmi, Azza, *Le Mouvement Féministe Tunisien: terminologie sur l'autonomie et la pluralité des femmes, 1979-1989*, (The Feminist Movement: Terminology of Women's Autonomy and Plurality, 1979-1989) (Tunis: Editions Chama, 1993).
- Gilman, Sarah, 'Feminist Organizing in Tunisia', in *From Patriarchy to Empowerment: Women's Participation, Movements, and Rights in the Middle East, North Africa, and South Asia* (Syracuse: Syracuse University Press, 2007), pp. 97-119.
- Goetz, Anne-Marie, and Shireen Hassim, 'Introduction', in *No Shortcuts to Power: African Women in Politics and Policy-Making*, ed. by Anne-Marie Goetz and Shireen Hassim (London: Zed Books, 2003), pp. 1-28.
- Goldberg, Ellis, Resat Kasaba, and Joel S. Migdal, eds., *Rules and Rights in the Middle East: Democracy Law and Society* (Seattle: University of Washington Press, 1993)
- Goulding, Kristine, 'Unjustifiable means to Unjustifiable Ends: Delegitimizing Parliamentary Gender Quotas in Tunisia', *Al-Raida*, 126-127 (2009), 71-78.
- 'Tunisia: Arab Spring, Islamist Summer', *openDemocracy*, 25 October 2011 [online]. Available from: <https://www.opendemocracy.net/5050/kristine-goulding/tunisia-arab-spring-islamist-summer> [Accessed 29 October 2011].
- Grami, Amel, 'Gender Equality in Tunisia', *British Journal of Middle Eastern Studies*, 35.3 (2008), 349-361.
- 'The debate on religion, law and gender in post-revolution Tunisia', *Philosophy and Social Criticism*, 40.4-5 (2014), 391-400.
- Gray, Doris H., 'Tunisia after the Uprising: Islamist and Secular Quest for Women's Rights', *Mediterranean Politics*, 17.3 (2012), 285-302.
- Haavio-Mannila, Elina, *Unfinished Democracy: Women in Nordic Politics*, trans. by Christina Badcock (Oxford: Pergamon Press, 1985).
- Hafez, Mohammed M., *Why Muslims Rebel: Repression and Resistance in the Islamic World*, (Boulder, CO: Lynne Rienner Publishers, 2003).
- Hall, Stuart, and David Held, 'Citizens and Citizenship', in *New Times: The Changing Face of Politics in the 1990s*, ed. by Stuart Hall and Martin Jacques (London: Lawrence and Wishart, 1989).
- Hamid, Shadi, *Temptations of Power: Islamists and Illiberal Democracy in a New Middle East* (Oxford: Oxford University Press, 2014).
- 'Tunisia field report: The Islamist balancing act', (Washington, D.C.: Brookings Center for Middle East Policy, 2015).

- Hasso, F.S., 'The "Women's Front": Nationalism, Feminism, and Modernity in Palestine', *Gender & Society*, 12.4 (1998), 441-465.
- *Resistance, Repression and Gender Politics in Occupied Palestine and Jordan* (Syracuse: Syracuse University Press, 2005).
- Hatem, Mervat F., 'Economic and Political Liberation and the Demise of State Feminism', *International Journal of Middle East Studies*, 24.2 (1992), 231-251.
- 'Modernization, the State, and the Family in Middle East Women's Studies', in *A Social History of Women and Gender in the Modern Middle East*, ed. by Margaret Lee Meriwether and Judith Tucker (New York: Westview Press, 1999) 63-82.
- 'The Pitfalls of the Nationalist Discourses on Citizenship in Egypt', in *Gender and Citizenship in the Middle East*, ed. by Suad Joseph (Syracuse: Syracuse University Press, 2000).
- Hearn, Jeff, Elżbieta H. Oleksy, and Dorota Golańska, 'Introduction', *The Limits of Gendered Citizenship: Contexts and Complexities* (London: Routledge, 2010), 1-42.
- Helvét-Maiz, Véronique and Paule-Henriette Lévy, *Les femmes et la vie politique française* (Paris: Presses Universitaires de France, 2000).
- Hermassi, Mohammed Abdelbeki, 'La société tunisienne au miroir islamiste' (The Tunisian Society in an Islamist Mirror), *Maghreb Machrek*, 103 (1984), 39-56.
- 'The Islamicist Movement and November 7', in *Tunisia: The Political Economy of Reform*, ed. by William Zartmen (Boulder, CO: Lynne Rienner Publishers, 1991), 193-217.
- 'Islam, Democracy and the Challenge of Political Change', in *Al-Nezam al-seyassi al-falastini ba'd Oslo (The Palestinian Political System after Oslo)* (Ramallah: Muwatin, Palestinian Institute for the Study of Democracy, 2006).
- Hoodfar, Homa, *Between Marriage and the Market: Intimate Politics and Survival in Cairo* (Berkeley: University of California Press, 1997).
- 'The Women's Movement in Iran: Women at the Crossroads of Secularization and Islamization', *Iranian Chamber Society*, Winter (1999).
- Htun, Mala N., 'Puzzles of Women's Rights in Brazil', *Social Research*, 69.3 (2002), 733-751.
- Htun, Mala N., and Mark P. Jones, 'Engendering the Right to Participate in Decision-Making', in *Gender and the Politics of Rights in Latin America*, ed. by Nikki Craske and Maxine Molyneux (New York: Palgrave, 2002), pp. 32-56.

- Hudson, Michael C., 'After the Gulf War: Prospects for Democratization in the Arab World', *Middle East Journal*, 45 (1991), 407-426.
- *Arab Politics: The Search for Legitimacy* (New Haven: Yale University Press, 1977).
- Huntington, Samuel P., *The Clash of Civilizations and the Remaking of World Order* (New York: Touchstone, 1996).
- *The Third Wave: Democratization in the Late Twentieth Century* (London: University of Oklahoma Press, 1991).
- Ibnouf, Fatma Osman, 'Women and the Arab Spring: A Window of Opportunity or More of the Same', *Women & Environments International Magazine*, 92/93 (2013), pp. 18-21.
- Inhetveen, Katharina, 'Can Gender Equality be Institutionalized? The Role of Launching Values in Institutional Innovation', *International Sociology*, 14.4 (1999), 403-422.
- Jayawardena, Kumari, *Feminism and Nationalism in the Third World* (London: Zed Books, 1986).
- Joffe, George, 'The Arab Spring in North Africa: origins and prospects', *Journal of North Africa Studies* 16.4 (2011), 507-532.
- Jones, Mark P., 'Quota Legislation and the Election of Women: Learning from the Costa Rican Experience', *Journal of Politics*, 66.4 (2004), 1203-1223.
- Joseph, Suad, *Intimate Selving in Arab Families: Gender, Self, and Identity*, (Syracuse: Syracuse University Press, 1999).
- ed., *Gender and Citizenship in the Middle East* (Syracuse: Syracuse University Press, 2000).
- 'Gendering Citizenship in the Middle East' in *Gender and Citizenship in the Middle East*, ed. by Suad Joseph (Syracuse: Syracuse University Press, 2000), pp. 3-30.
- Kandiyoti, Deniz, 'Bargaining with Patriarchy', *Gender and Society*, 2.3 (1988), 274-290.
- 'Introduction', in *Women, Islam, and the State*, ed. by Deniz Kandiyoti (London: Macmillan Press, 1991), pp. 1-21.
- *Women, Islam, and the State*, ed. by Deniz Kandiyoti (London: Macmillan Press, 1991)

- ‘Gender, Power and Contestation: “Rethinking bargaining with patriarchy”’, in *Feminist Visions of Development: Gender Analysis and Policy*, ed. by Cecile Jackson and Ruth Pearson (London: Routledge, 1998), 138-154.
- ‘The Politics of Gender and the Conundrums of Citizenship’ in *Women and Power in the Middle East*, ed. by Suad Joseph and Susan Slymovics (Philadelphia: University of Pennsylvania, 2001), pp. 52-59
- ‘Identity and its Discontents’, *Women Living Under Muslim Laws*, Dossier 46 (2004), 45-58.
- ‘Disquiet and despair: the gender sub-texts of the “Arab spring”’, *OpenDemocracy*, 26 June 2012 [online]. Available from: <https://www.opendemocracy.net/5050/deniz-kandiyoti/disquiet-and-despair-gender-sub-texts-of-arab-spring>, [Accessed: 15 May 2013].
- Kang, Alice, ‘Studying Oil, Islam, and Women as if Political Institutions Mattered’, *Politics & Gender* 5 (2009), 560-568
- Karam, Azza, *Women in Politics: Beyond the Numbers* (Stockholm: Idea, 1998).
- Keddie, Nikki R., *Women in the Middle East: Past and Present* (Princeton: Princeton University Press, 2006).
- Kedourie, Elie, *Democracy and Arab Political Culture* (Washington, D.C: The Washington Institute, 1992).
- Khalil, Andrea, ‘Tunisia’s women: partners in revolution’, *Journal of North African Studies*, 19.2 (2014), 186-199 .
- Khamis, Sahar, ‘The Arab “Feminist” Spring?’, *Feminist Studies*, 37.3 (2011), 692-695.
- Kittilson, Miki Caul, *Challenging Parties, Changing Parliaments: Women and Elected Office in Contemporary Western Europe* (Columbus: Ohio State University Press, 2006).
- Krook, Mona Lena, ‘Reforming Representation: The Diffusion of Candidate Gender Quotas Worldwide’, *Politics & Gender* 2.3 (2006), 303-327.
- ‘Gender Quotas in Parliament: A Global View’, *Al-Raida*, 126/127 (2009), 8-17.
- *Quotas for Women in Politics: Gender and Candidate Selection Reform Worldwide*, (Oxford: Oxford University Press, 2009).
- Krook, Mona L., Diana Z. O’Brian, and Krista M. Swip, ‘Military Invasion and Women’s Political Representation’, *International Feminist Journal of Politics* 12.1 (2010), 66-79.

- Labidi, Lila, 'The Nature of Transnational Alliances in Women's Associations in the Maghreb: The Case of AFTURD and ATFD', *Journal of Middle Eastern Women's Studies*, 3.1 (2007), 6-34.
- Laclau, Ernesto, *Emancipation(s)* (London: Verso, 1996).
- Largueche, Dalenda, 'Monogamie en Islam: L'exception Kairouanaise' (Monogamy in Islam: The Kairouanaise Exception) (Tunis: Centre de publication universitaire de la Manouba, 2011).
- Lazreg, Marnia, *The Eloquence of Silence: Algerian Women in Question* (New York: Routledge, 1994).
- Lewis, Bernard, *The Crisis of Islam: Holy War and Unholy Terror* (New York: The Modern Library, 2003).
- Abu-Lughod, Lila, 'The Romance of Resistance: Tracing Transformations of Power Through Bedouin Women', *American Ethnologist*, 17.1 (1990), 41-55.
- *Remaking Women: Feminism and modernity in the Middle East* (Cairo: American University in Cairo, 1998).
- 'Dialects of Women's Empowerment: The International Circuitry of the Arab Human Development Report 2005', *International Journal of Middle East Studies*, 41.1 (2009), 83-103.
- Abu-Lughod, Lila and Rabab El-Mahdi, 'Beyond the "Woman Question" in the Egyptian Revolution', *Feminist Studies* 37.3 (2011), 683-691.
- Abu-Lughod, Lila with Ahmed Sa'idi, *Nakba: Palestine, 1948, and the Claims of Memory* (Columbia: New York, 2007).
- Liddell, James, 'Gender Quotas in Clientalist Systems: The Case of Morocco's National List', *Al-Raida*, 126/127 (2009), 79-86.
- Lister, Ruth, 'Inclusive Citizenship: Realizing the Potential', *Citizenship Studies*, 11.1 (2007), 49-61.
- Macleod, Arlene E., *Accommodating Protest: Working Women, the New Veiling and Change in Cairo* (New York: Columbia University Press, 1993).
- Mahmood, Saba, *Politics of Piety: The Islamic Revival and the Feminist Subject* (Princeton: Princeton University Press, 2005).
- Manea, Elham, 'The Arab Uprisings from a Gender Perspective', *ZfP Zeitschrift für Politik* (Journal of Politics), 61 (2014), 81-100.
- Mann, Michael, 'A Crisis in Stratification Theory?: Persons, Households/Families/Lineages, Gender Classes, and Nations', in *Gender and*

- Stratification*, ed. by Rosemary Crompton and Michael Mann (Oxford: Polity Press, 1986), pp. 40-56.
- Marks, Monica, “‘Complementary’ status for Tunisian women’, *Foreign Policy*, 20 August 2012 [online]. Available from: <http://foreignpolicy.com/2012/08/20/complementary-status-for-tunisian-women/> [Accessed: 21 August 2012].
- ‘Ennahda’s Rule of Engagement’, (Washington, D.C.: Carnegie Endowment for International Peace, 2012) [online]. Available from: <http://carnegieendowment.org/2012/10/18/ennahda-s-rule-of-engagement/fedx> [Accessed: 22 July 2013].
- ‘Who are Tunisia’s Salafis?’, *Foreign Policy*, 28 September 2012 [online]. Available from: <http://foreignpolicy.com/2012/09/28/who-are-tunisias-salafis/> [Accessed: 4 December 2012].
- ‘Women’s Rights Before and After the Revolution’, in *The Making of the Tunisian Revolution: Contexts, Architects, Prospects*, ed. by Nouri Gana (Edinburgh: Edinburgh University Press, 2013), 224-251.
- Marquand, David, *Parliament for Europe* (London: Jonathan Cape Ltd., 1979).
- Marshall, T.H., *Citizenship and Social Class* (Cambridge: Cambridge University Press, 1950).
- Marzouki, Ilhem, *Le mouvement des femmes en Tunisie au XXème siècle: féminisme et politique* (The Women’s Movement in Tunisia in the 20<sup>th</sup> Century, Feminism and Politics), Exclusivité pour la France, Maisonneuve et Larose, 1993).
- Marzouki, Nadia, ‘From Resistance to Governance: The Category of Civility in the Political Theory of Tunisian Islamists’ in *The Making of the Tunisian Revolution: Contexts, Architects, Prospects*, ed. by Nouri Gana (Edinburgh: Edinburgh University Press, 2013), pp. 207-223.
- Matland, Richard, ‘Electoral Quotas: Frequency and Effectiveness’, in *Women, Quotas, and Politics*, ed. by Drude Dahlerup (New York: Routledge, 2006) pp. 275-292.
- McCarthy, Rory, ‘Re-thinking Secularism in post-Independence Tunisia’, *Journal of North African Studies*, 19.5 (2014), 733-750.
- Meier, Petra, ‘The Mutual Contagion Effect of Legal and Party Quotas: A Belgian Perspective’, *Party Politics*, 10.5 (2004), 583-552.
- Mekki, Nidhal, ‘The law on local and regional elections: a step towards local democracy in Tunisia’, *Constitution Net*, 27 March 2017 [online]. Available from: <http://www.constitutionnet.org/news/law-local-and-regional-elections-step-towards-local-democracy-tunisia> [Accessed: 19 July 2017].

- Memmi, Albert, *The Colonizer and the Colonized*, Expanded edn (Boston: Beacon Press, 1991).
- Merone, Fabio, and Francesco Cavatorta, 'The Rise of Salafism and the Future of Democratization' in *The Making of the Tunisian Revolution: Contexts, Architects, Prospects*, ed. by Nouri Gana (Edinburgh: Edinburgh University Press, 2013), 252-269.
- Mfarej, Leila, 'La représentation féminine après le 14 janvier', *Observatoire tunisien de la Transition démocratique*, (n.d.), 1-26.
- Mill, John Stuart, *On Liberty* (London: John W. Parker and Son, 1859; repr. US: Dover Publications, 2002).
- *Considerations on Representative Government* (London: Parker, Son, & Bourn, 1861; repr. Amherst, NY: Prometheus Books, 1991).
- Mir-Hosseini, Ziba, 'The Quest for Gender Justice: Emerging Feminist voices in Islam', *Women Living Under Muslim Laws*, Dossier 26 (2004), 19-23.
- 'Muslim Women's Quest for Equality: Between Islamic Law and Feminism', *Critical Inquiry*, 32 (2006) 629-645.
- 'Islam and Gender Justice' in *Voices of Islam Volume 5*, ed. by Vincent J. Cornell and Omid Safi (Westport, CT: Praeger, 2007).
- 'Justice, Equality and Muslim Family Laws: New Ideas, New Prospects', in *Gender and Equality in Muslim Family Law: Justice and Ethics in the Islamic Legal Tradition*, ed. by Ziba Mir-Hosseini et al. (London: I.B. Tauris, 2013), pp. 7-34.
- Moghadam, Valentine M., ed., *Identity Politics & Women: Cultural Reassertions and Feminisms in International Perspective* (Boulder: Westview, 1994).
- 'Democratization and Women's Political Leadership in North Africa', *Journal of International Affairs*, 68.1 (2006) 59-78.
- *Modernizing Women: Gender and Social Change in the Middle East*, 3<sup>rd</sup> edn (Boulder, CO: Lynne Rienner Publishers, 2013).
- Mohanty, Chandra Talpade, 'Under Western Eyes: Feminist Scholarship and colonial discourses', in *Third World Women and the Politics of Feminism*, ed. by Chandra Talpade Mohanty, Ann Russo, and Lourdes Torres (Bloomington, IN: Indiana University Press, 1991).
- Molyneux, Maxine, 'Analyzing Women's Movements', *Development and Change*, 29.2 (1998), 219-245.



- Muhanna, Aitemad, 'Islamic and Secular Women's Activism and Discourses in Post-Uprising Tunisia', in *Rethinking Gender in Revolutions and Resistance: Lessons from the Arab World*, ed. by Mahea El Said, Lena Meari, and Nicola Pratt (London: Zed Books, 2015), pp. 205-231.
- Murphy, Emma, *Economic and Political Change in Tunisia* (London: Macmillan Press, 1999).
- 'Women in Tunisia: Between state feminism and economic reform', in *Women and Globalization in the Arab Middle East*, ed. by D.E. Abdella and P. Posusney (Boulder: Lynne Rienner, 2003), pp. 169-194.
- Murray, Rainbow, 'Why Didn't Parity Work? A Closer Examination of the 2002 Election Results', *French Politics*, 2.4 (2004), 347-362.
- 'Parity in France: A 'Dual Track' Solution to Women's Under-Representation', *West European Politics*, 35.2 (2012), 343-361.
- Muslih, Muhammed, and Augustus Richard Norton, 'The Need for Arab Democracy', *Foreign Policy*, 83 1991, 3-19.
- Opello, Katherine A.R., 'The Evidence of Being Present', *Acta Politica*, 35.1 (2006), pp. 64-85
- *Gender Quotas, Parity Reform, and Political Parties in France* (Lanham, MD: Lexington Books, 2006).
- Owen, Robert, *State, Power, and Politics in the Making of the Modern Middle East* (London: Routledge, 2004).
- Pateman, Carole, *The Sexual Contract* (Stanford: Stanford University Press, 1988).
- *The Disorder of Women: Democracy, Feminism, and Political Theory* (Stanford: Stanford University Press, 1990).
- Perez, Déborah, 'Becoming a Decision-maker in the Assembly of Post-revolutionary Tunisia' *Middle East Law and Governance*, 8.2-3 (2016), 228-249.
- Perkins, Kenneth, *A History of Modern Tunisia* (Cambridge: Cambridge University Press, 2004).
- Peteet, Julie, *Gender in Crisis: Women and the Palestinian Resistance Movement* (New York: Columbia University Press, 1996).
- Petkanas, Zoe, 'Negotiating identity: gender and Tunisian talk shows', *Journal of North African Studies*, 19.5 (2014), 695-712.
- Petré, Christine, 'How Ansar al-Sharia grew in Tunisia', *Middle East Monitor*, 11 March 2015 [online]. Available from:

<https://www.middleeastmonitor.com/20150311-how-ansar-al-sharia-grew-in-post-revolutionary-tunisia/> [Accessed: 9 April 2015].

Phillips, Anne, *The Politics of Presence* (Oxford: Clarendon Press, 1995).

Pickard, Duncan, 'Challenges to legitimate governance in post-revolution Tunisia', *Journal of North African Studies*, 26.4 (2011), 637-652.

—— 'The Current Status of Constitution Making in Tunisia', *Carnegie Endowment for International Peace*, 19 April 2012 [online]. Available from: <http://carnegieendowment.org/2012/04/19/current-status-of-constitution-making-in-tunisia>, [Accessed: 25 April 2012]/.

Rawls, John, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971).

Retta, Julia, 'Consequences of the Arab Spring for Women's Political Participation', *Journal of Women and Human Rights*, 1 (2013), 3-19.

Robespierre, Maximilien, 'Sur le gouvernement représentatif', *Robespierre: Textes choisis* (Paris: Editions Sociale, 1957).

Rosanvallon, Pierre, *Le peuple introuvable: Histoire de la représentation démocratique* (Paris: Gallimard, 2002).

Ross, Michael, 'Oil, Islam and Women', *American Political Science Review* 102.1 (2008), 107-123.

Rossi, Pierre, *La Tunisie de Bourguiba* (Bourguiba's Tunisia), trans. by Ronald Matthews (Tunis: Kahia, 1967).

Roy, Olivier, *The Failure of Political Islam*, trans by Carole Volk (London: I.B. Tauris, 1994).

Sabbagh, Amel, 'Case Study: The Arab States, Enhancing Women's Political Participation', in *Women in Parliament: Beyond Numbers*, ed. by Azza Karam (Stockholm: International Institute for Democracy and Electoral Assistance, 2002).

—— 'Overview of Women's Political Representation in the Arab Region: Opportunities and Challenges', *The Arab Quota Report: Selected Case Studies* (Stockholm: IDEA, 2007) 7-18.

Sadiki, Larbi, 'The Search for Citizenship in Ben Ali's Tunisia: Democracy versus Unity', *Political Studies*, 50 (2002), 497-513.

Sadiqi, Fatima, and Moha Ennaji, 'The Feminization of the Public Sphere: Women's Activism, the Family Law, and Social Change in Morocco', *Journal of Middle East Women's Studies*, 2.2 (2006), 86-114.

Said, Edward, *Orientalism* (New York: Random House, Inc., 1978).

- El Said, Maha, Lena Meari, and Nicola Pratt, 'Introduction', in *Rethinking Gender in Revolutions and Resistance in the Arab World*, ed. by Maha El Said, Lena Meari, and Nicola Pratt, (London: Zed Books, 2014), 1-32.
- Sainsbury, Diane, 'The Politics of Increased Women's Representation: The Swedish Case', in *Gender and Party Politics*, ed. by Joni Lovenduski and Pippa Norris (Thousand Oaks, CA: SAGE Publications, 1999), 263-290.
- Salamé, Ghassan, ed., *Democracy without Democrats? The Renewal of Politics in the Muslim World* (London: I.B Tauris, 2001).
- Salamey, Imad, 'Post-Arab Spring: changes and challenges', *Third World Quarterly*, 36.1 (2015), 111-129.
- Santini, Ruth, 'What Women's Rights Tell Us About the Arab Spring', *Center on the United States and Europe* (Washington, D.C.: Brookings Institute, 2011) [online]. Available from: [https://www.brookings.edu/wp-content/uploads/2016/06/1101\\_arab\\_awakening\\_women\\_santini.pdf](https://www.brookings.edu/wp-content/uploads/2016/06/1101_arab_awakening_women_santini.pdf) [Accessed: 17 May 2015].
- Sater, James N., 'Reserved seats, patriarchy, and patronage in Morocco', in *The Impact of Gender Quotas*, ed. by Susan Franceschet, Mona Lena Krook, and Jennifer M. Piscopo (New York: Oxford University Press, 2012), 72-88.
- Schor, Naomi, 'The Crisis of French Universalism', *Yale French Studies*, 100 (2001), 43-64.
- Scott, Joan Wallach, 'French Universalism in the Nineties', *differences: A Journal of French Cultural Studies*, 15.2 (2004), 32-53.
- *Parité!: Sexual Equality and the Crisis of French Universalism* (Chicago: University of Chicago Press, 2005).
- Sénac-Slawinski, Rêjane, *La parité* (Paris: Presses Universitaires de France, 2008).
- Shalaby, Marwa, 'Foreward', *Journal of Women and Human Rights*, 1 (2013), 1-2.
- 'Women's Political Representation in Kuwait: An Untold Story', (Houston: James A. Baker III Institute for Public Policy at Rice University, 2015) [online]. Available from: <https://www.bakerinstitute.org/media/files/files/f812567d/WRME-pub-PoliRep-Kuwait-091515.pdf> [Accessed: 13 September 2016].
- Sharabi, Hishem, *Neopatriarchy: A Theory of Distorted Change* (New York: Oxford University Press, 1988).
- de Silva de Alwis, Rangita, Anware Mnsari, and Estee Ward, 'Women and the Making of the Tunisian Constitution', *Berkeley Journal of International Law*, 35:1 (2017), 90-149.

Southwell, Pricille Lewis, 'Gender parity laws in France have been undermined by electoral reforms which work against female candidates', London School of Economics and Political Science European Politics and Policy blog, 13 September 2013 [online]. Available from: <http://blogs.lse.ac.uk/euoppblog/2013/09/13/gender-parity-laws-in-france-have-been-undermined-by-electoral-reforms-which-work-against-female-candidates/>, [Accessed: 10 June 2017].

Stepan, Alfred, 'Tunisia's Transition and the Twin Tolerations', *Journal of Democracy*, 23.2 (2012), 89-103.

Strathern, Marilyn, 'An awkward relationship: The case of feminism and anthropology', *Signs*, 12.2 (1987), 276-292.

——— *The gender of the gift: Problems with women and problems with society in Melanesia* (Berkeley: University of California Press, 1988).

Strickland, Patrick O., and Nouri Verghese, 'Tunisia's Nidaa Tounes: nostalgia for a past that never was?', *Middle East Eye*, 13 February 2015 [online]. Available from: <http://www.middleeasteye.net/news/tunisia-s-nidaa-tounes-nostalgia-past-never-was-313445692> [Accessed: 17 February 2015].

Suliman, Hassan Sayed, 'The Nationalist Movement in the Maghrib: A comparative approach', (Uppsala, Sweden: Scandinavian Institute of African Studies, 1987) [online]. Available at: <http://www.divaportal.org/smash/get/diva2:277667/FULLTEXT01.pdf> [Accessed: 18 July 2017].

Tadros, Mariz, 'Introduction: Religion, Rights and Gender at the Crossroads', *IDS Bulletin* 42.1 (2010), 1-9.

Taleb, Nassim Nicholas, and Mark Blyth, 'The Black Swan of Cairo: How Suppressing Volatility Makes the World Less Predictable and More Dangerous', *Foreign Affairs* 90.3 (2011), 33-39.

Tamimi, Azzam S., *Rachid Ghannouchi: A Democrat within Islamism* (Oxford: Oxford University Press, 2001).

——— 'Islam and Democracy from Tahtawi to Ghannouchi', *Theory, Culture, & Society*, 24.2 2007, 39-58.

Taylor, Charles, *A Secular Age* (Cambridge: Harvard University Press, 2007).

Tchaïcha, Jane D., and Khedija Arfaoui, *The Tunisian Women's Rights Movement: From Nascent Activism to Influential Power-broking* (Oxford: Routledge, 2017).

Teigen, Mari, 'The affirmative action controversy', *Nordic Journal of Feminist and Gender Research*, 8.2 (2000), 63-77.

- Tessler, Mark A., 'Political Change and the Religious Revival in Tunisia', *Maghreb Review*, 5.1 (1980), 8-19.
- *Islam and Politics in the Middle East: Explaining the Views of Ordinary Citizens* (Bloomington: Indiana University Press, 2015).
- Thompson, Elizabeth F., *Colonial Citizens: Paternal Privilege, Republican Rights, and Gender in French Syria and Lebanon* (New York: Columbia University Press, 2000).
- Tripp, Aili, 'Legislative Quotas for Women: Implications for Governance in Africa', in *African Parliaments: Between Government and Governance*, ed. by Mohamed A. Salih (Houndsmills, Basingstoke: Palgrave, 2005).
- Tucker, Judith E., *In the House of the Law: Gender and Islamic Law in Ottoman Syria and Palestine* (Berkeley: University of California, 2000).
- Turner, Bryan S., *Citizenship and Capitalism* (London: Allen and Unwin, 1986).
- Turshen, Meredith, 'Algerian Women in the Liberation Struggle and the Civil War: From Active Participants to Passive Victims?', *Social Research*, 69.3 (2002), 890-911.
- Vanel, Marguerite, *Histoire de Nationalité Française d'Origine* (Paris: Ancienne Imprimerie de la Cour d'Appel, 1945).
- Vogel, Ursula, 'Is Citizenship Gender-Specific?', in *Frontiers of Citizenship*, ed. by Ursula Vogel and Michael Moran (London: Palgrave Macmillan, 1991), pp. 58-85.
- Voorhoeve, Maaïke, *Gender and divorce law in North Africa: Sharia, custom and the personal status code in Tunisia* (London: I.B. Tauris, 2014).
- 'Women's Rights in Tunisia and the Democratic Renegotiation of an Authoritarian Legacy', *New Middle East Studies*, 5 (2015).
- Wadud, Amina, *Qur'an and Women: Rereading the Sacred Texts from a Woman's Perspective* (Oxford: Oxford University Press, 1999).
- Walby, Sylvia, 'Theorising Patriarchy', *Sociology*, 23.2 (1989), 213-234.
- Waltz, Susan, 'Islamist Appeal in Tunisia', *Middle East Journal*, 40.4 (1986), 651-670.
- 'Another View of Feminine Networks: Tunisian Women and the Development of Political Efficacy', *International Journal of Middle East Studies*, 22.1 (1990), 21-36.

- Waters, Malcolm, 'Citizenship and the Constitution of Structured Social Inequality', *International Journal of Comparative Sociology*, 30 (1989), 159-180.
- Waylen, Georgina, 'Women and Democratization: Conceptualizing Gender Relations in Transition Politics', *World Politics*, 46.3 (1994), 327-354.
- *Engendering Transitions: Women's Mobilization, Institutions, and Gender Outcomes* (Oxford: Oxford University Press, 2007).
- Willis, Michael, *Politics and Power in the Maghreb: Algeria, Tunisia and Morocco from Independence to the Arab Spring* (London: C Hurst & Company, 2012).
- Wolf, Anne, 'Can Secular Parties Lead the New Tunisia?', (Washington, D.C.: Carnegie Endowment for International Peace, 2014).
- Worden, Minky, 'Introduction: Revolution and Rights', in *The Unfinished Revolution: Voices from the Frontline in the Global Fight for Women's Rights* (New York: Seven Stories Press, 2012), pp. 1-15.
- Yafout, Merieme, 'Islamist Women and the Arab Spring: Discourse, Projects, and Conceptions', *Comparative Studies of South Asia, Africa, and the Middle East*, 35.3 (2015), 588-604.
- Yoon, Mi Yung, 'Democratization and Women's Legislative Representation in Sub-Saharan Africa', *Democratization*, 8.2 (2001), 169-190.
- Yuval-Davis, Nira, *Gender & Nation* (London: SAGE Publications, 1997).
- Zartman, William, 'Introduction: Rewriting the Future of the Maghreb', in *Economic and Political Change in North Africa*, ed. by Azzedine Layachi (Westport, CT: Praeger, 1998), 1-7.
- Abou-Zayd, Gihan, 'In Search of Political Power— Women in Parliament in Egypt, Jordan, and Lebanon' in *Women in Parliament: Beyond Numbers*, ed. by Azza Karam (Stockholm: International Institute for Democracy and Electoral Assistance, 2002).
- Zeghal, Malika, 'The New Political Languages of Tunisia: the "Sixth Caliphate" or the "Second Republic?"', *On Islam and Politics*, 16 November 2011 [online]. Available from: < <https://onislamandpolitics.wordpress.com/2011/11/16/the-new-political-language-of-tunisia-the-sixth-caliphate-or-the-second-republic/> [Accessed: 3 March 2014].
- Abou-Zeid, Gihan, 'The Arab Region: Women's Access to the Decision-Making process across the Arab Nation' in *Women, Quotas, and Politics*, ed. by Drude Dahlerup (New York: Routledge, 2006) 168-193.
- Zubaida, Sami, *Islam, the People and the State: Political Ideas and Movements in the Middle East* (London: I.B. Tauris, 1993).