

GOVERNANCE, WOMEN, AND THE NEW TUNISIA

Abstract

This paper considers the important events and challenges as they pertain to female governance in the “New Tunisia”, resulting in large part from the National Constituent Assembly (NCA) elections charged with writing a new constitution. The analysis focuses on the role women played in the election process, including women’s participation in the interim government (January 2011-November 9, 2011) and political parties. It continues with an in depth examination of the debates and actions that emerged among various factions during the first two years following the revolution, which has led to increased concern about the preservation of Tunisian women’s rights. The principal research question asks, “To what extent have Tunisian women been able to participate actively in shaping the new Tunisia and will this trend continue?” The study integrates several investigative approaches: historical narrative of factual events, participant observation (from both researchers), interviews, and careful review of the ongoing actions and activities of women’s groups and societal challenges since October 23, 2011, which in turn, has spun considerable debate within Tunisian society about the status of women in the new Tunisia.

Key Words: Jasmin Revolution, Tunisia, women, NGOs, governance, gender

„The people of post-revolutionary Tunisia, Egypt, and Libya have a real opportunity to consolidate their hard-fought democratic gains, but this will not be possible if their women do not participate fully in the political process leading to democracy”

(Verveer, 2011).

During the past several decades, concerns about the state of the environment and its impact on our health and well-being the world over have pointed to good governance as an essential feature for guaranteeing a healthy,

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sustainable environment for future generations. Tunisia followed this trend, by including in its governance program an action plan for achieving a healthier way of life. Environmental organizations in Tunisia had previously dealt with the issue in their debates, stressing the importance of good governance for a sustainable development. Though the State gave the outward appearance of governing with due diligence, Tunisia, like its neighbors, was far from being well-governed. In the case of Tunisia, under the leadership of President Zine Ben Abidine Ben Ali, the State chose not to blame its government actors but its citizens whom it accused of being disrespectful of their environment.

The misapplication of “governance” in Tunisia became ever more apparent to its citizens when the Ministry of the Environment, headed by a nephew of the former President Ben Ali, began to implement “Agenda 21³”, a program whereby the ministry worked in close collaboration with NGOs and municipalities to make the environment safer for Tunisian citizens then and for the future.⁴ The government agency sought to sensitize the Tunisian people to the importance of promoting a healthy environment and sustainable development by emphasizing everyone’s responsibility in working towards these goals. To the outside world, the State could boast of a steady fight against desertification,⁵ the protection of biological diversity, and leading regular campaigns throughout the country to counter global warming and climate change. At home, however, the Tunisian people feared that their country was being divided like a piece of cake by the ruling families, who were driven by their own self-interests and who blinded themselves to the impact such practices might have on the environment.⁶ This fear became reality after January 14, 2011, when Tunisians became aware that all of these environmental efforts had been confined to the more heavily populated, touristic coastline which in turn, enriched the power brokers, the members of Ben Ali’s inner circle that included his relatives and those of his second wife, Leila Trabelsi, at the expense of the inner regions that saw little change and eventually greater poverty.

This misuse of governance in developing an environmental campaign is

3 Agenda 21, the *Rio Declaration on Environment and Development* and the *Statement of principles for the Sustainable Management of Forests* were adopted by more than 178 Governments at the United Nations Conference on Environment and Development (UNCED) held in Rio de Janeiro, Brazil, 3 to 14 June 1992.

4 Khedija Arfaoui, co-author of this paper, was president of Association of Development and Protection of the Environment (ADPE) in La Marsa from July 1989 until March 2000 during which time she organized four seminars, one of them on “Women, Development and Environment.”

5 Whereby once arable land in Tunisia would become arid wasteland, unfit for human habitation. In the southern region, the combination of water scarcity and the exodus of with exodus of the population flee in drought and poverty, lead to a persisting degradation of the land as sands keep gaining ground and the desert area expands.

6 Under Ben Ali, the real estate sector was the main center of corruption practices. Thus, for example, the first lady, Leila Trabelsi, was able to buy a 3,500m² palace on the marina of Hammamet for just under 100 Tunisian dinars, about 50 Euros (Le Tallec, 2012).

just one of many examples to follow that illustrates the extent of the manipulative governance system during the Ben Ali regime and hints at the kinds of challenges the average citizen came to endure. Governance was not just bad in Tunis; it was awfully bad. While a small number of Tunisians were aware of the urban poverty that surrounded them, it was invisible to outsiders because begging had been banned.⁷ Moreover, not one word could be uttered about where or by whom such governance decisions were being made. Were they coming from the “top” and who was benefitting the most? In this way, the Tunisian government could continue to boast of having a large middle-class,⁸ thus ignoring the poorest of the poor as it did in 2005 when the Tunisian Ministry of Development reported that poverty had declined from 4.2 per cent in 2000 to 3.8 per cent in 2005⁹ while during the same period, the middle-class had increased from 77.6 percent to 81.1 percent¹⁰ (Tunisian National Institute of Statistics, 2005). According to Lilia Laabidi (2012), the figures reported by the institute had been falsified as a propaganda tool to impress the global community and deceive the Tunisian citizens. In reality, the National Institute kept the actual figure of 11.8%, which represented the portion of Tunisian citizens who fell below the level of vulnerable populations, i.e., those citizens living on less than \$2.00/day, hidden. Later, the provisional government’s Ministry of Social Affairs raised the figure to 24.7%, using an empirical methodology inclusive of lists of citizens receiving social assistance and free medical care, hereto forth ignored (Naharnet Newsdesk, 2011).

By 2007 more and more Tunisians began to feel the negative impact of price inflation resulting from the global economic crisis. Yet, according to official State media, Tunisia was not affected and continued to praise Ben Ali for his wise handling of the economic health of the country. The bitter reality was often hidden behind brochures showing super-sophisticated and luxurious tourist palaces. However, behind Ben Ali’s *Tunisian miracle* was “a rapidly impoverished middle-class crushed under the weight of an endemic privatization and a public sector in regression, exorbitant price hikes, debt, unemployment, social marginalization and of ‘death boats’ taken by young men in the hope of escaping to the other side of the Mediterranean”¹¹ (Lacaille, 2011, par. 1).

At the same time, the Ben Ali regime continued to prevent its citizens from complaining overtly. In fact, no criticism of the government and/or its ac-

7 Article 171 of the Penal Code prohibits begging, stipulating that anyone simulating disabilities or wounds in order to get alms is sentenced to six months in jail. This sentence becomes one year if a person under 18 years old is used for that end, and it is doubled if this behavior appears the work of an organized group (*Jurisite Tunisie*, 2013a).

8 “For years, Tunisia was known mostly as the most European country of North Africa, with a relatively large middle class, liberal social norms, and broad gender equality...” (Pickett, 2012, par. 1).

9 Citizens at the poverty level earned less than 400 dinars (TD) per year.

10 Middle class citizens earned between 585 and 4000 dinars (TD) per year.

11 Translated from the French.

tions was tolerated. It was perceived as a threat to Ben Ali's plan to transform Tunisia into a tourist haven and to his self-aggrandizing image as *miracle maker*, both of which the State media were wont to report. Ben Ali's government went so far as to repress civil society, where discontent often germinated, by amending Article 61 bis of the Tunisian penal code that set legal parameters regarding acts that threaten the State. According to this law "...contacting agents of a foreign power to undermine the military or diplomatic situation in Tunisia was a crime" (*Juriste Tunisie*, 2011b). Furthermore, anyone convicted of this crime currently face[d] up to 20 years in prison with a minimum sentence of 5 years. Under a new amendment passed in 2010, sanctions were also imposed on those citizens "who contacted foreign bodies in order to harm Tunisia's vital interests including economic security" (Tunisia Watch, 2010).¹²

The substantive modifications to human freedoms, the rampant but surreptitious propaganda techniques, and the fear of government reprisals that lined the fabric of Tunisian society in the later years of Ben Ali's regime, had a tremendous impact on Tunisian society. Nonetheless, there were citizens who continually challenged the yoke of authoritarianism, many of whom were women, such as human rights' lawyer, Radhia Nasraoui, and women's organizations. Today, however, Tunisian women are confronted with an unexpected and worrisome challenge, that is, making sure their basic human rights guaranteed in the Tunisian *Code of Personal Status of 1956* remain in place. This had never been a concern before the Revolution as women's gains would be considered safe and secure.

The study

In this paper, the authors ask, "To what extent have Tunisian women been able to participate actively in shaping the *new Tunisia* during and following the Jasmine Revolution, and in what way(s) will their participation continue?" In seeking to answer this question, the authors incorporated several research approaches, including a brief historic account of women's activism prior to the revolution. It is followed by an examination of the factual events that have taken place since December 2011 and women's response to these events. The historical account is complemented by reflections gleaned from interviews of Tunisian women and men spanning three generations who have been witness

12 It should be noted that one of the authors of this paper, Khediya Arfaoui, was the first Tunisian citizen to be arrested in May 2009 for tagging a Facebook from a secondary source. The source had warned of rumors of the trafficking of Tunisian children for organ donations. Charged with "publishing false news liable to disrupt public order" under Article 49 of the Tunisian press code, she was convicted on July 4, 2009, although she did not start the rumor, nor was this rumor directly targeting the government. Her lawyers were not permitted to read the prosecutor's files on the case before her first hearing; she received notification of the date of her trial only one day before she was scheduled to appear before a court. She was found guilty and received an 8-month suspended sentence.

to these and earlier events.¹³ Participant observations and careful review of the ongoing actions and activities of individuals and women's groups as well as a review of societal challenges since October 23, 2011 complete the investigation. The findings are subsequently interwoven so as to provide a *thick description*¹⁴ of women's vital role during and following the revolution. The authors conclude the study by suggesting Tunisian women must and will continue to advocate for themselves and the future of a democratic, post-revolutionary Tunisia.

Women's activism in Tunisia: the pioneer years and beyond

The generation of women who came of age during the early years of Tunisian Independence considers Habib Bourguiba, the first President of post-colonial Tunisia and the driving force behind enacting the first family code law, the champion of women's rights. Under the *1956 Code of Personal Status* (CPS), Tunisian women were guaranteed access to education and access to the workplace.¹⁵ Many of these women later became the feminist *pioneers* of Tunisia, voicing their discontent at any threats to their unique and cherished status clearly articulated in the CPS. Today, at a time when their longstanding human rights are seemingly being challenged by draconian measures proposed by some post - revolutionary, ultra - conservative religious factions, these same women continue to push forward with even more vigor. They are fearful that these groups will eradicate Bourguiba's reforms, and relegate women to secondary status. They and the younger generations of women who have followed, see the CPS as their birthright and understand that it is the principal safeguard for preserving women's rights past and present.¹⁶

Contemporary feminists, that is, women born and schooled after independence have a slightly different experience than their feminist predecessors. They were schooled at a time when Arabization transformed the national

13 In keeping with the U.S. federal guidelines for Human Participant Research, the researchers required all participants to provide their written approval to be interviewed and tape recorded (audio only). A total of 33 Tunisian citizens were interviewed; they ranged from ages 18-80 and came from diverse backgrounds. The semi-structured interview protocols for phase one (2007) were not the same as those in phase two (2010). However, within the specific interview phase (2007 and 2010), each informant was asked the same set of open-ended questions, which in turn, could be made more specific based on his or her answer. All interviews conducted were later transcribed, and for this paper, those interviews conducted in French were translated into English by Drs. Tchaïcha and Arfaoui.

14 Clifford Geertz (1973) saw this type of "thick description" as a way in which researchers could take into account the variation in norms and traditions across societies, which added important, yet often overlooked culture-specific dimensions to studies that aimed at more generalized explanations.

15 See Tchaïcha and Arfaoui's study (2012) that analyzes the feminist voices of Tunisian women active during certain periods of women's activism since 1956.

16 Additional legal guarantees for Tunisian women as de-codified in the CPS include: adjudicated divorce court proceedings, women's consent to own marriage, and the outlawing of repudiation and polygamy.

education curriculum; they were witness to the repression of Islamic political parties and their leaders on their university campuses and have lamented the lack of transitioning civil activism from one generation to another. While they acknowledge the previous work of the pioneers, they regret that no mentoring framework had been put in place. Monia, a human rights lawyer who represents the contemporary generation of feminist recounts:

When speaking about the pioneer feminists, there was one aspect to their activism that was not well - done. They did not know how to transmit their work down to the next generations. There is very little written during that period by these women. *Le Mort de l'oubli* by Neila Jrad is one of the few personal accounts of the movement. There are plenty of statistics but not about people's thinking on the subject, their perspectives and strategies (Personal Communication, July 2, 2007).

Instead, the contemporary feminists consider their university experience during the 1980s as the catalyst and shaper of their activism. However, like their pioneer sisters, they hold the CPS sacred in guaranteeing women's rights now and for the future although it emerged, according to some international feminist scholars (Badran, 2009; Mourad, 2001), as the result of a nation - building tactic rather than an authentic feminist movement.¹⁷ Whatever the reason for its implementation, Tunisian women across generations remain united in recognizing the CPS as a defining piece of human rights legislature not only for themselves but also for their sisters in the Arab - Muslim world.

Despite this longstanding reverence for the CPS, there is a growing anti - Bourguiba sentiment that has emerged in recent years among certain segments of the general population who believe that Bourguiba's social advances in education and work, many of which have benefited women, came about at the expense of Islamic religious identity. Bourguiba (and later Ben Ali) minimized the political influence of the famed Al - Zaytouna Mosque¹⁸ by severely limiting its educational activities and did not encourage people to fast during Ramadan. According to Chedli Klibi (2010), former Minister of Cultural Affairs under Bourguiba, the President would explain that these actions were part of his war on under development; that is, his plan for modernization of an inde-

17 Mounira Charrad, speaking about the creation of the Code of Personal Status, quotes President Bourguiba, one of the key initiators of the Code, who said in an interview, "Indeed, there was no feminist movement demanding the promulgation of a Code of Personal Status or the abolition of polygamy" (p. 219).

18 Al-Zaytouna mosque was the second built in Tunisia in 732 C.E., following the first in Kairouan. It was also an Islamic university and a politico-religious center where commercial agreements and other business transactions were negotiated. It gained significant reputation starting in the 13th century, in large part because Tunis had become the capital of Northern Africa. Attracting many scholars of Islam from the region, the mosque-university held one of the most impressive collections of Islamic manuscripts and books. One of its most renowned students was Ibn Kaldun, the first social historian. Upon its closure, Ben Ali ordered that its curriculum be transferred to the faculty of theology in 1988.

pendent Tunisia. Bourguiba would boast in all of his speeches that this struggle was, nowadays, the most urgent form of *jihad*. He surprised his citizens by describing the month of Ramadan as a time when “the entire society was struck by apoplexy that could compromisethe economic and social renovation that is necessary for recovery”¹⁹ (Klibi, par. 2).

Ben Ali continued Bourguiba’s governance model, targeting ultra conservatives who appeared to threaten the State’s progress and later their positions. Historians (Henry, 2007; Lipset, 1997) as well as human rights organizations (Human Rights Watch, Amnesty International) have cited both Bourguiba and Ben Ali for imprisoning Islamists, submitting them to torture, and/or forcing them into exile.²⁰ Over time, tensions grew between the secular segment of society and the more religiously inclined minority, who according to the former, were being swayed by outside forces. Globalization and the rapid growth of satellite TV channels in the new millennium were giving conservative radical preachers a powerful pulpit from which they could reach Muslims all over the world and sensitize them to a more conservative interpretation of Islam (Lynch, 2012; Tchaïcha&Arfaoui, 2012).

Ben Ali’s attempt to mimic Bourguiba’s modernization plan, was enhanced by his media followers who seized any opportunity to present the world with the image of a progressive and avant – gardist Tunisia, particularly when it came to touting its growing reputation as a highly – desirable tourist destination and as *the country* that valued women and their achievements in the Arab - Muslim world. This positive portrayal of Tunisian women exemplified what many Tunisian feminist scholars (K. Arfaoui, 2007; Personal Communication, H. Chekir, 2003; Personal Communication, I. Gharbi, 2007; Personal Communication, A. Grami, 2007) have described as “State feminism” at its worst. It supported an active civil role for women, but in practice was a form of “window dressing” to enhance Ben Ali’s image that was leveraged by women’s loyalty to the State.²¹

During the Ben Ali era, Tunisian women who were featured in various media would often be heard thanking their president for his clever and kind

19 Translated from the French.

20 In 1987, Bourguiba’s government arrested 3,000 Islamists following the bombing of a hotel, injuring 13 tourists. In September 1987, 90 Islamic fundamentalist were accused of plotting against the government, 14 were acquitted, and 7 received the death penalty but were eventually freed following Ben Ali’s take over. Similarly, Ben Ali’s government arrested thousands of Al Nadha supporters following the 1991 student protests (Lipset, 1997). In mid-1992, 265 Nadha activists were arrested and one hundred sentenced for attempting to overthrow the government and were still in custody in 2006. Others were forced to live abroad (Henry, 2007).

21 “State feminism” is a term often used to describe that which accords women social and economic freedoms in order to benefit and build the State. What distinguished Bourguiba’s initial efforts to promote women’s active participation in civil society from Ben Ali’s was the former leader’s lack of exclusion of certain groups/types of women, especially those who might be perceived as a threat to his political status.

policy. His “State media” never reported on the accomplishments of autonomous women’s groups, in particular, the Tunisian Association of Democratic Women (ATFD) and the Association of Tunisian Women for Research and Development (AFTURD).²² Only these two organizations spoke out, contrary to the government’s claims that there were several thousand. Their activist agenda threatened Ben Ali’s image as leading the charge for women’s rights. They carefully and continually provided accounts of the regime’s discriminatory and unfair practices toward outspoken female activists seeking leadership positions in the government, and criticized the government’s refusal to accept CEDAW without reservations which could transfer inheritance laws. In 2007, when three Tunisian women, who had worked on behalf of these two organizations, were elected to important international organizations,²³ the State media made no comment about their achievements. In the end, any kind of government support for women’s groups, in particular the Association of Tunisian Mothers and the National Union of Tunisian Women (UNFT), was predetermined by its members who promoted Ben Ali’s political agenda. These women became members of an elite club whose activities were fully supported by the State. Women and women’s groups that questioned the same agenda were ignored and later harassed (Laabidi, 2012; Tchaïcha, 2005; Tchaïcha&Arfaoui, 2012). In other words, Tunisian feminism under Ben Ali was defined and regulated on his terms.

Tunisian autonomous feminist activists have been working for over forty years, since the 1970s, for full equality with men.²⁴ Polygamy was not of immediate concern to them, as it was (and continues to be) in some Muslim countries because the CPS had banned it in 1956 and at the same time, had granted women full access to education and the workplace. However, Tunisian activists have advocated for a social change and legal solutions to certain inequities vis-à-vis their male counterparts that still remain in place today. For example, Tunisian men can marry a woman of any religion; however, Tunisian women are still not allowed to marry a non-Muslim unless their future husband converts to Islam; for this reason, they marry in Europe and then, as an administrative procedure, have their marriage automatically registered in Tunisia once it has been registered in France and accepted. Tunisian women inherit only half of man’s part of the parents’ estate, and husbands retain the position of family-heads even though both husband and wife are expected

22 AFTURD and ATFD were the first *autonomous*, women-focused, non-governmental organizations formed in Tunisia in 1989. The National Union of Tunisian Women UNFT, created in 1956, later became the political arm of the Ben Ali Regime. Leila Trabelsi, Ben Ali’s wife, was seen as a *token* governmental representative of the organization whose mission also centered on women and development.

23 Souhair Belhassen was elected president of the International Federation of Human Rights League in April 2007, at the Lisbon Congress, together with Khedija Cherif as General Secretary and Sophie Bessis as assistant General Secretary.

24 See Ithem Marzouki (1993) for in depth history of 20th century women’s activism in Tunisia.

to contribute equally to child rearing. Moreover, the foreign wife of a Tunisian man can have a residence permit whereas a foreign man who marries a Tunisian woman needs to have a job in Tunisia to obtain one. These are some of the legal irregularities that continue to undermine Tunisian women's equality with men and remain important demands of the secularist feminist agenda.²⁵

Socio – political implosion, revolutionary euphoria, and the bumpy road that followed

The spontaneous revolution that materialized on January 14, 2011, had no leader, no slogan, and no preconceived strategy or cause. It grew from years of political, social and economic repression that were ignited by the tragic self – immolation of 24-year old Mohamed Bouazizi. His personal despair and struggles to earn a living reverberated throughout the metropolitan neighborhoods and rural villages alike, awakened Tunisians' spirit of solidarity and love for their country. In a matter of days, Tunisians rallied together and became fearless against Ben Ali's vicious police; they took over the streets, demanding that Ben Ali step down. Men, women and youth--they all participated without attention to age, social class or gender. The momentum for change and the furor of the people were so intense that Ben Ali had no other choice; he had to escape for his life, eventually finding asylum in Saudi Arabia. The joy and relief felt by the Tunisian people were intense. Filled with the hope and determination of laying the cornerstones for a more democratic nation, they came to realize the importance in their actions and the toppling of a dictator. These intense feelings animated them throughout a shaky transition period that ended on October 23, 2011, culminating in the election of 217 citizens to the National Constituent Assembly (NCA) charged with the writing of a new Constitution, the third in Tunisia's history.²⁶

However, the road towards building a more democratic Tunisia was neither smooth, nor far from over. Formed on January 17, 2011, the interim government showed some early signs of power struggles and ideologically - based clashes. Its original 15 members, who included twelve members of the former ruling party, the Constitutional Democratic Rally (RCD) and the leaders of three opposition parties (Mustapha Ben Jaafar of the Democratic Forum for Labor and Liberties (FDTL); Ahmed Ibrahim of the Movement Ettajdid; and Ahmed Najib Chebbi of the Progressive Democratic Party (PDP)) lasted less than 48 hours. The non - RCD members resigned, unhappy with the lack of political diversity on the team. This factor, coupled with a strongly similar sentiment brewing among the citizens that soon led to a massive demonstration in front of the Ministry of Interior on

25 Islamist feminists do not necessarily identify such irregularities as part of their agenda (See Badran, 2009; Grami, 2013; Murphy 2003, Pruzan-Jørgensen, 2012).

26 The first Tunisian constitution, written in 1861, had also been the first ever in the Arab-Muslim world; followed the adoption of a second constitution in 1959.

February 25, convinced interim Prime Minister, Mohamed Ghannouchi to resign on February 27, 2011. Heading the new interim government were ex - RCD party members, Beji Caid Essebi, Prime Minister; and former president of the Chamber of Deputies Fouad Mezabaa, President.

During this same time period, Rached Ghannouchi, exiled leader of the Al Nahda party (Renaissance Party),²⁷ returned to Tunisia (on January 30, 2011) to a welcoming crowd of thousands at Tunis Airport,²⁸ but his impending return also prompted protests in Tunis. Known in his earlier political career as a supporter and leader of a religiously - based governance model, the more secularly inclined population became fearful of his ideas, his apparent well - organized political machine already in place, and the large number of his supporters. Even though Ghannouchi publicly and repeatedly announced that he had no intention of assuming political role in the new government and that he no longer wanted a religiously based governance model, these pronouncements did not appear to sway the secular - minded population, particularly the women. On January 29, 2011, hundreds of women gathered in protest in downtown Tunis. Sabah Mahmoudi, a university lecturer, participating in the rally said, "We want to send an important message to the Islamists, especially those from the Al Nahda movement—that we are not ready to pull back on or abandon our rights" (Magharebia, January 30, 2011). On February 22, a larger demonstration was organized in Tunis via Facebook and attracted more than 15,000 citizens following the death of a Catholic priest whose death was hastily and incorrectly blamed on Islamists. Its aim according to one of the participants, Tarek Sliti, is to call for "the co-existence among Tunisians of different religions and ideological and intellectual convictions" (Arfaoui, February 2, 2011, par.4). In March 2011, Al Nahda was reinstated as a legitimate political party in Tunisia.

The re - organized interim government, concerned about the growing schism permeating Tunisian society, then created the High Commission for the Realization of Revolutionary Goals, Political Reforms, and Democratic Transition in March 2011. Made up of representatives of 12 parties and 17 civil society and national organizations, and included 42 national figures and 17 civil society and national organizations. The High Commission had as its charge, "to examine laws related to political organization and to propose specific reforms in keeping with the demands of the revolution. It was also expected "to ob-

27 Rachid Ghannouchi, one of Tunisia's most well-known Islamists and political dissident during both Bourghiba's and Ben Ali's regimes, spent a number of years in prison. He founded the Islamist Tendency Party in 1981, the precursor to the Al Nahda party. In 1989 he fled to Europe following his prison release and was later condemned in abstention in 1991 for organizing a conspiracy against Ben Ali.

28 Lin Noueihed and Tom Perry (2012) report: "Up to 10,000 young men and veiled women packed the arrival hall and car park. Some climbed trees and electricity pylons to catch a glimpse of the 69-year-old Ghannouchi, who says he has no ambition to run for state office" (Reuters, January 30 retrieved from <http://www.reuters.com/article/2011/01/30/us-tunisia-idUSTRE70J0IG20110130>)

serve the conduct of the interim government and to draft legislation regarding the July 24 Constituent Assembly election (later moved to October 23, 2011)" (Maddy-Weitzmann, 2011, p.14). In late April 2011, the interim government established, by decree-law 27,a 16-member Higher Independent Election Committee (ISIE) to oversee the electoral process following anti - government protests against reports of a threatened army coup should the Al Nahda Party come to power and numerous labor strikes across the country (Ira, 2011).

For Tunisian women, however, it was the High Commission that initially took *official* action to include women in the new governance model in the first few months after Ben Ali's departure. On April 18, 2011, the High Commission announced a gender parity policy mandating that political parties nominate equal numbers of men and women candidates. Additionally, the names of the candidates had to alternate by gender on the printed ballot. Nonetheless, women's groups (ATFD and AFTURD) were quick to point out the same parity had not been put into practice when selecting the members of the High Commission; only 30 of the 155 appointees were women. The interim government had also appointed only two women to ministerial posts, Lilia Laabidi (Minister of Women's Affairs) and Habiba Zehi Ben Romdhane (Minister of Health), and would appoint later only two women, Monia El Abed and Souad Triki Halai, to the Independent High Committee of Elections. The lack of women representation in the new political process was worrisome and further aggravated by Essebi's revision to the NCA gender quota policy, reducing the female quota from 50% to 30% seemingly because there were too few women available and/or willing to run, particularly in the rural areas of the country (Goulding, 2011).²⁹ These trends thus beg the question, "What can and will be the role of women in shaping the new Tunisia?"

Heightened women's activism in the aftermath of the revolution

Almost immediately after Ben Ali's departure, women activists took up two very important causes (1) to advocate strongly against any gender - related discriminatory practices still in place and/or a potential threat to the CPS, and (2) to enlighten citizens, especially women, about the political process moving forward. To that end, women's organizations (AFTURD, ATFD, the Tunisian League of Human Rights [LTDH], and the Collectif Maghreb – Égalité 95 [CME95]) brought together several hundred pioneer feminists, contemporary feminists, and young women for a sit-in at the Prime Ministry on February 1, 2011, calling on the interim government to lift all of Tunisia's reservations on the Convention of the Elimination Against All Women (CEDAW) and assure the continuance of

29 L. Laabidi, (2012) points out that if the 50% quota were not met, then the ballot of the party in question would be rejected, thereby reducing women's political participation even more.

women's rights under the CPS.³⁰ The Jasmine Revolution, recognized as a fight for dignity and liberty, was meant for both women and men, which meant that any discriminatory practices, such as those found in Tunisian reservations to certain articles of CEDAW, must no longer be tolerated.

In the preceding years, AFTURD and ATFD had carried out extensive research on the application of inheritance rights in Tunisia.³¹ Although these activists illustrated the inherent discriminatory nature of awarding male relatives twice what the female relative(s) would inherit from a parent's estate, they also recognized that making any legislative changes to this practice would be extremely difficult. Unlike the practice of polygamy, how to distribute family wealth was a clear and unambiguous command from God transmitted through the *Qur'an*.³²

Tunisian women understood that their post - revolutionary demands might encounter push - back from the more conservative leaders for this reason. However, on August 16, 2011, following continual campaigning by women's groups, the interim government announced it had lifted its reservations on the CEDAW, but "which ones exactly?" Khediya Arfaoui pursued this question at a seminar organized by the World Bank and The African Bank of Development, in Tunisia October 2011, with rhetorical inquiry: "Will Tunisian girls be allowed to marry non-Muslims?" "Will the inheritance law be changed?" No clarification was given. Human Rights Watch (2011a) pointed out that the gov-

30 In 1985 the Tunisian government ratified certain articles of the Convention of the Elimination of All Forms of Discrimination against Women, but not the general declaration. The Tunisian government formulated reservations against the following 4 articles: 9, 15, 16 and 29. Article 9, §2: The government had formulated reservations to §2 that recognized both parents equal rights to give their nationality to their children. Article 15 §4: the government had made reservations to §4, in particular concerning the dispositions relating to women's right to choose their residence and home, that must not be interpreted in a meaning that would go against dispositions of articles 23§³ and 61⁴ of the Code of Personal Status (CPS) that deal with the same issue. Article 16 (1) § c, d, f, g, h. Tunisia does not consider itself bound by paragraphs c), d), f), g), h), of Article 16 (1) of the Convention that must not contradict the dispositions of the CPS relating to the giving the family name to the children and to the acquisition of property through inheritance means. Tunisia does not consider itself bound by the dispositions of §1 of Article 29 on the grounds that differences of opinion of this kind cannot be submitted to arbitration or to the international court of justice without the consent of all the parties to the controversy (Association tunisienne des femmes democrates, 2010).

31 Mohamed Kerrou (2006) conducted an investigation on the topic of inheritance laws, which revealed that an increasing number of parents have begun to divide their possessions equally between their daughters and sons to avoid having their daughters live the injustice of inheriting only half of their brothers' part after their death. (See also *Egalité dans l'héritage; Pour une citoyenneté pleine and entière*, tomes I et II, AFTURD, 2006)

32 A modification to the CPS in June 1959 allowed daughters of the deceased priority over distant male relatives in the succession of the estate, only after the sons. Regarding polygamy, the practice was also abolished in the late fifties in Tunisia following negotiations between Bourghiba and religious leaders that centered on the interpretation of sura 4 which states that a man can have as many as four wives, but only if he can treat them equally. "But you can't," Bourghiba concluded. And so, one can only have one wife.

ernment decree specifies that Tunisia, “shall not take any organizational or legislative decision in conformity with the requirements of this Convention where such a decision would conflict with the provisions of Chapter I of the Tunisian Constitution” (September 11). The decree, therefore, leaves open the possibility of a more religious interpretation when implementing CEDAW’s principles, particularly should Article 1 of the *Constitution* remain in place and a religiously - inclined government come to power in March 2013.

Soon after the revolution, there was also an urgent push to build an awareness campaign that sought to inform Tunisian citizens, particularly women, about the political process and the important role that they can and must play on October 23, 2011. For thirty years, ordinary Tunisians citizens had felt powerless against the Ben Ali political machine and, as a result, citizen participation in legislative and presidential campaigns and elections was predictably low and considered a manipulation by the State.³³ Despite the direct mandate to include women candidates on the October 23 ballot, would that be enough to entice citizens to vote? Would they pay attention to candidates’ position on guaranteeing women’s rights presently in force and for the future?

In lower - class neighborhoods where Al Nahda seemed quite popular, a more conservative behavior was burgeoning. Women activists felt that the presence of such large numbers of veiled women and bearded men in these communities was foreshadowing future constraints on women and their personal freedoms, prompting action. Women members of ATFD, AFTURD, as well as women members of old and newer organizations advocating for women (Equity and Parity, Women’s Front for Equality, Women and Dignity, Tunisian Women’s Forum, and Citizen Engagement) took an active part in preparing citizens to consider this question. They began their work in central Tunisia, in Sidi Bouzid, the home of Mohamed Bouazizi, but soon branched out to larger coastal cities such as Sousse, Bizerte, Sfax, as well as to lower - class neighborhoods like that of Hai el Tadamoun, a underserved suburb of Tunis known for its social problems. They went to these regions to speak directly to women about the upcoming elections, encouraging them to vote on October 23, but not telling them precisely for whom to vote. What they did do was ask the citizens to consider voting for the party or organization that would protect their rights as women. To bring more visibility to NCA women candidates running (and named) on a party list, Faiza Skandrani, president of the organization Equality and Parity, held a contest on Facebook a month before the October elections. It was titled “1,000 Women’s CVs for the Constituent Assembly”, designed to inform political parties about women willingness and desire to serve (Sbouï, 2012).

In June, the Association Tunisienne des Femmes Democratés (ATFD) (2011) issued a memorandum to ISIE on the participation of women in the electoral

33 See Lipset (1997); Henry (2012), Maddy-Weitzman (1997).

process, underscoring important anti - discriminatory gender policies and processes and insisting that the upcoming NCA election:

1. Honor international conventions that require fair and equal participation of women in the electoral process.

2. Adopt a multidimensional approach concerning women's participation, not only regarding the voting procedures, but also in ballot preparation.

3. Put procedures into place to recognize women's special needs: access to voting centers in rural areas, illiterate women, and women lacking identity cards for voter registration.

4. Develop public awareness campaigns, apart from the work of civil society.

5. Guarantee equal representation at the administrative level at registration offices and voting centers.

Not only did ATFD remind ISIE of its obligations to ensure a gender friendly election, it queried the committee as to its strategy for assuring that the policies were carried out. The pressure was on, but how effective were these efforts?

NCA Election Day and Results

The growing support of more religiously - based movements in Tunisian politics became evermore apparent during the NCA elections. Men, women and youth were ready to vote on October 23, 2011; polls opened at 7:00 a.m. Many had to wait for several hours for their turn, but they were very disciplined, very orderly and very patient. At times, neighbors brought them drinks because it was a bright sunny day, and hot. It was a festive day, one that Tunisians had never experienced before. In all, 4,050,000 citizens voted, showing a participation rate of 54% of the total eligible population.³⁴ However, only 2,680,000 were counted as 1,370,000 votes were ineligible as a result of the fact that there were, in some districts, too many lists.

The results showed a clear victory for the religiously leaning Al Nahda party, receiving 37.04% of the votes, and giving the party 89 seats of 217. This victory had been expected but not on such a grand scale. Many secular Tunisians home and abroad asked themselves, "How could a country well - known for its secular government within the Arab - Muslim world, vote for a more religiously - framed party charged with writing the new constitution?" Many outsiders, as well as secular Tunisians, asked "What had swayed the Tunisian citizenry?"

Several possible theories have been offered. The first is grounded in Tunisia's past. The oppression and torture that Islamists endured under the gov-

34 At the time of the elections, seven million Tunisian citizens were eligible to vote in country, and a million Tunisian citizens living abroad. Citizens excluded from voting included active military personnel; people held in custody on Election Day; people whose assets were confiscated after January 14, 2011; and people imprisoned for more than six months and had not yet regained their social and political rights (ISIE -Higher Independent Election Committee, 2011).

ernments of Bourguiba and Ben Ali were never a secret. Several prominent political leaders, newly appointed after the NCA election as mandated by the High Commission, had previously spent many years in prison and/or exile, including Al Nahdamembers: HamadiJebali³⁵, Interim Prime-Minister and head of the government; and Moncef Ben Salem³⁶, interim Minister of Higher Education. Interim President Moncef Marzouki, although not a member of Al Nahdabut who had been a supporter of its right to exist in the early 1990s, had also been jailed intermittently for organizing actions that challenged the Ben Ali government, eventually leading him to self-exile to France in 2002. So for many *Nahdaouis*,³⁷ the past regimes were synonymous with corruption, injustice, and secularism. The 2011 Revolution and the NCA election were the means through they could regain their “silenced” voice and weave a more outwardly religious behavior into the fabric of Tunisian everyday life.

Adding to this politically charged atmosphere was the fact that during all the years preceding the revolution, exiled and imprisoned Islamists had been preparing for the post - Ben Ali era, not because they were expecting an uprising, but because the rumor had been that Ben Ali was sick. They had been expecting his death and had been making preparations, organizing themselves abroad. This was not possible for the few other oppositional parties³⁸ operating outside prison walls, but within country where they were under constant and close scrutiny by Ben Ali’s secret police.

A second theory centers on the organizational structure that framed the October NCA election. After January 14, it had become possible to found new parties and organizations as long as they followed certain guidelines³⁹ By

35 In June 1990, he was sentenced to a suspended sentence and a 1,500 TD fine for the publication of an article by Rached Ghannouchi. In November 1990, he was sentenced to one year jail for defamation of a judicial institution for the publication of an article by lawyer Mohamed Nouri “When will military courts as special courts be abolished?” Then, in 1992, he was sentenced to 16 years jail for belonging to an illegal organization (National Academy of Sciences-Human Rights, 2012).

36 Although Moncef Ben Salem declares having spent 24 years in jail; in reality, he was jailed 3 years (1990-1993), 18 months (Nov 1987-May 1989) (Abrougui, 2011).

37 Nahdaouis refers to those people who support and eventually voted for Al Nahda candidates.

38 These parties included: the Movement of Socialist Democrats (MDS); the Popular Unity Party (PUP); the Movement of Renewal (Harakat al-Tajdid); the Progressive Democratic Party (PDP); the Unionist Democratic Union (UDU); the Socialist Liberal Party (PSL); and Ettakattol (the Democratic Forum for Labor and Freedoms (French acronym FDTL). The strongest political showing for these parties came in the 2003 elections when the total combined number of seats gained in the Chamber of Deputies by aforementioned parties was 34 seats of 182 versus 182 that RCD members won (*Gale Encyclopedia of the Middle East and North Africa*, 2004).

39 Article 33 of the law on parties prohibits parties to be formed on the basis of religion, language, sex, or region. Additionally, Article 6 prohibits parties that are similar at the level of principles, choices and programs, and that are in non-conformity to provisions of Article 11 related to error in content and form whether in a statement or statutes. (IFES, 2011).

election time, 111 political parties had successfully registered, and as a result more than more than 1519 electoral lists were generated, comprised of candidates from 655 independent groups, 830 political parties, and 34 coalition parties' lists, in the 27 electoral districts (ISIE, 2011). Important to note is that few women assumed leadership roles in any of the parties.⁴⁰ This explosion in the number of parties and independent groups and coalitions, coupled with the proportional electoral, closed ballot system,⁴¹ gave Al Nahda a significant advantage in securing the greatest number of seats in the Constituent Assembly. Citizens who chose not to vote for Al Nahda had a wide range of other party lists and candidates from which they could select. As a result, the remainder of the Tunisian vote splintered across the population, giving even the strongest challengers a significant less proportion of the vote.⁴² While some citizens had considered that electoral system could morph into another Algeria 1992,⁴³ the Tunisian people and their interest groups were unwilling to join forces, which would have automatically reduced the choices.

Despite the campaign efforts by civil society on behalf of women, the election process was not all that advantageous for women. Even though the gender quota and ballot format were seen as clear steps towards making women more visible, in reality the practice had a minimal impact. Consider, for example, that of the 1519 lists, only 110 (7%) women were placed at the head

40 Maya Jribi served as secretary-general of the PDP; Emna Karoui, entrepreneur founded the Democratic Movement for the Edification of Reform; Dr. Emna Fijh served as spokesperson for Afek Tounes; and Myriam Mnaouer, Tunisian Party.

41 The proportional electoral system is designed to give representation to under-represented regions of a country. Candidates are elected in multimember districts instead of single-member districts, and the number of seats that a party wins in an election is proportional to the amount of its support among voters. For example, if in a 10-member district where one party wins 50% of the vote, they receive five of the ten seats. A party that receives 30% of the vote gets three seats. The third place party that gets 20% of the vote is allocated two seats. A closed ballot means that voters do not chose a particular named candidate on the ballot. Instead, the party itself selects the order of the names on the ballot. If a party wins two seats, then the top two listed candidates fill the positions (Douglas, 2006). In the case of Tunisia, the order of the candidates is extremely important in determining who will represent its party, should it receive a significant vote. If we are talking about female representation in elections, then it would be important to know how many are listed first on the various electoral ballots.

42 Congress of the Republic wins 29 seats (8.71% of vote); Aridha wins 26 seats (6.74% of vote); Ettakatol wins 20 seats (or 6.03%), and Progressive Democratic Party wins 16 seats (3.94% of vote).

43 In February 1989, the ruling National Liberation Front (FLN) adopted several reforms, allowing a multiparty and alternation in power by means of elections. Yet, like in the post-revolutionary Tunisia, the legalization of the multiparty system mainly benefited the Islamists or Islamic Salvation Front (FIS), which carried both the June 1990 local elections and the first round of the December 1991 national legislative races. The military that seem to have always run the country since independence reacted powerfully suspending and nullifying the results presented in 1992. More than 60,000 people were killed in the country following this military action (Addi, 2009).

of the party's ballot.⁴⁴ Therefore, if election results showed that a particular party received only one seat in the NCA, then the greater likelihood would be that the newly elected member would be male. In fact, of the 217 seats, only 49 seats went to women. Of the 49 women, 42 represent the Al Nahda party. Moreover, the greatest number of women candidates that topped the electoral lists came from Tunis 1, where they represented 20% (ISIE, 2011), statistics indicating that the number of women candidates outside metropolitan areas were few and far between.

Media exposure for women's candidates and about women's concerns was also significantly lower for women than men, which became the main topic of a series of workshops and conferences led by women's NGOs.⁴⁵ Studies show that media coverage of male politicians far exceeded women both during the pre - electoral period (August 1-25) and electoral campaign period (October 1-23) (See Chart on page 22).

Table 1: Comparative chart of media coverage by gender during 2011 elections⁴⁶

	Print	Radio	Television
Pre-electoral period			
male	95,89%	94.05%	94.81%
female	4.11%	5.95%	5.19%
Electoral Period			
male	93.44%	91.99%	89.11%
female	6.56%	8.01%	10.89%

Source: Media Monitoring Tunisia Final Report (Association tunisiennes des femmes démocrates, 2011)

44 The Modernist Democratic Pole (Qotb) was the only party showing equal numbers of men and women at the head of their party ballots. Al Nadha had three women heading 33 lists; Party of Communist Workers (POCT) had four women heading 32 lists; PDP had three women of 33 lists; Ettakatol had three women of 33 lists; and CPR had two women of 33 lists (Laabidi, 2012).

45 For example, ATFD held a three-day international conference March 17-20, 2011, on democratic transitions. Other women's organizations (AFTURD, Collectif Maghreb 95, the Tunisian League of Human Rights, and the National Council for Liberties in Tunisia (CNLT), took part in the seminar, and international observers and the press attended. On July 1, 2011, AFTURD sponsored lecture-debate with feminist Amina Arfaoui, "The Values of the Revolution in Tunisia. On May 28, 2011, the Euro-Mediterranean Human Rights Network and the Forum for Citizenship and Equitable Development held a regional seminar in Kasserine on "The Democratic Transition in Tunisia: The actors and the stakes."

46 Media sampling included: 7 national daily newspapers, 4 television channels, 4 radio stations. (See <http://femmesdemocrates.org/2012/03/26/medias-monitoring-tunisie-2011-rapport-final/> for more specifics).

Tunisian women facing new challenges post-NCA election

While Tunisian women's activism, historically secular,⁴⁷ continued to flourish in the early days following the Jasmine Revolution, its impact and momentum has since come under intense fire from those who want to construct a more religiously - based governance system in the new Tunisia. This new political initiative has brought dramatic change to the Tunisian landscape in just two years. Evidence of such change is both subtle and overt, and at times violent. The revolution, ignited through populist discontent, has now given voice to many diverse groups. One of the most controversial and loudest voices is the new ultra - conservative Islamist voice, filtered at first through the revived Al Nahda Party, and heard among followers of the once banned and now legalized Insah Party (the Reform Front)⁴⁸ and the Hzibut -Tahrir Party (Liberation Party), an international Salafist party whose first application for recognition by the government was refused on 12 March 2011. It was officially recognized as a legal party on 17 July 2012. It claims more than 5,000 members.⁴⁹ For Tunisian secularists, the revolutionary mission for dignity and liberty has been coopted as a result of the new political rhetoric among ultra - conservative, religious activists.

The term "Islamist," used as a the "catch-all" descriptor or proper noun for these activists has spawned a broad spectrum in meaning and public reaction in post - revolutionary Tunisia, especially when it comes to good governance. Al Nahda leaders and supporters describe their political platform and governance model as *moderate*, whose position on the new constitution shall be unfettered by Shari'a law, and committed to preserving women's rights as mandated in the CPS and respectful of all groups.⁵⁰ In contrast, the Insah Party, also referred to as the legally recognized Salafist Party, is said openly to call for the establishment of an Islamic state, the imposition of Shari'a law and a return to the 'purified' Islam of the time of the prophet Mohammed (630 A.D), but does not intend to impose a dress code or other personal directives in one's everyday life (Prince, 2012).⁵¹ Similarly, the yet legally unrecognized Hzibut - Tahrir Party, whose history

47 Prior to the Jasmine Revolution, there was no formal, organized Islamist feminist movement given the restrictions under the Ben Ali regime. According to A. Grami (2013), the Tunisian CPS served to mitigate the need to join Islamic feminist groups.

48 Legalized on March 29, 2011.

49 Estimates put membership between 6,500-7,500 members (Riahi, 2012).

50 Al Nahda's spokesperson Ben Abdeljalil (2011) reports "Al Nahda has emancipated itself from the positions it held in the seventies and eighties, when it tried to re-Islamize Tunisian society. Nowadays, the party's strategy is to come closer to the reality of life in Tunisian society instead of trying to convert it" (par. 14). Ghannouchi later promised that the party "will not force anyone to put on Islamic clothes" because "every Tunisian man and woman has the right to wear what they want and to lead their lives the way they see appropriate because these are personal choices." (as cited in Toumi, 2011a, par. 3).

51 Yet, founder and spokesperson of the Reform Front, Mohamed Khouja, has also said, "We will not accept any assault on our religious sacraments and we will seek to express the demands of the Muslim people" (Prince, 2012, par. 4).

dates as far back as 1953 in Jerusalem when the movement was known for seeking a peaceful union of all Arab states, has branches today throughout the Middle East. In Tunisia, the Hziabut - Tahrir Party is advocating not only for an Islamic governance model, but also for the reinstatement of a Caliphate.⁵²

Although secularists and many moderate Tunisian Muslims recognize that ideological differences may have existed among the various religiously inclined groups at first, there is real concern today that these differences have melted away. Their supporters who may or may not have been true adherents of either group, are now becoming, accepting and/or susceptible to practicing amore radical, jihadist branch of Islam. Jihadist Salafists in Tunisia, seek an Islamic governance model but also approve of violence to meet their political ends. Mahjar - Baducci (2012) points out that Salafist leaders across the Tunisian political landscape, "quote the Quran, the *hadiths* and the theologians of the first three centuries in all their writings and sermons; these are the only admissible sources. They recognize contemporary theologians only if they quote these three sources as their sole point of reference." (par. 5) These groups also espouse the idea that "the norms decreed between twelve and fifteen centuries ago, in particular circumstances and in a particular place, are valid for all times and for all places and that they should be enforced" (par. 6), Accordingly, innovative thinking or *itijihad* is not revered, and for many adherents, this includes a democratic model of governance.

Jihadist Salafists in Tunisia are rumored to be linked to Al-Qaeda through their followers who have spent time in prison. The general Tunisian public first became aware of their local presence in 2006 when a jihadist training camp was discovered in Mount Tbornq, south of Tunis. Its leader, Assad Sassi was killed and the remaining group members were arrested (al-Maliki, 2012).⁵³ Tunisians also point to the influence of Wahhabism coming from Saudi Arabia and Qatar that has sparked the rise of the Tunisian Salafist movement. Whatever and whomever the source, the jidhaist Salafists distinguish themselves in two ways: (1) their verbal and physical aggressiveness towards citizens, and (2) their dress -- men wear Afghaniqamis, tennis shoes, and sporting beards and women sport the black niqab and long, black gloves. The fear is that Nahdaouis, who now hold political clout in the NCA and have consistently de-

52 The Caliphate system, the first system of governance established in Islam, includes a leader (Caliph) who is selected by representatives of the Muslim community (the Ummah). In theory, it is an aristocratic-constitutional republic¹ (the Constitution being the Constitution of Medina), which means that the head of state, the Caliph, and other officials are representatives of the people and of Islam and must govern according to constitutional and religious law, or Sharia (Lecker, 2008).

53 On June 13, 2012, an audio tape posted online from Al-Qaeda chief, Ayman al-Zawahiri encouraging Tunisians to commit violence against their government. He is heard saying, "The leaders of the Al Nadha party claimed to be part of what it called moderate, enlightened Islam. Well, let them call themselves whatever they want, but they are...one of the symptoms of our civilizational diseases," quoted in Trabelsi (2012c, par. 3).

nounced radical Islam and any form of violence as a means to an end, will not be able to deflect the more ultraconservative Islamic thinking as it spreads through society, nor want to, and will eventually be swayed into composing a religiously - based constitution.⁵⁴

Ghannouchi and Al Nahda NCA leaders have denounced violence and have softened their political rhetoric of the seventies and eighties, when they tried to re - Islamize Tunisian society. Since the revolution, they maintain the position that the new governance model should *come closer to the reality of life in Tunisian society* (Asharq Al-Awsat, 2011). Secularist feminists, among others, (Personal communication, H. Chekir 2011; Personal communication, A. Grami, 2011) are skeptical and accuse Al-Nahda of using *le double discours* ("double talk"); that is, the practice of using words to disguise real intentions and/or actions. They believe that this *double talk* is at the center of Al Nahda's political strategy; that is, by a carefully orchestrating a provocative plan that opposes civil liberties, using religion as their tool of persuasion. Controversial and disturbing pronouncements such as Ghannouchi's remark, »Children of single women are *bastards* and must not be adopted (it's blasphemous)» (cited in Bacham, 2012, par. 6)⁵⁵ give rise to this *double talk* theory. In similar fashion, Souad Abdelrahim, an unveiled 47-year old candidate and head of an Al Nahdalist, remarked, "I am ashamed of those who try to make excuses for people who have sinned" referring to couples who have children out of wedlock. She added, "We cannot impose alien concepts on the Tunisian society... We cannot work on legitimizing the existence of single mothers in Tunisia." (cited in Bacham, 2012, par. 4). Sihem Badi, appointed Minister of Women's Affairs after October 23, surprisingly came out in support of *orfi* marriage, an illegal practice in Tunisia that allows men and women to consent to marriage in the presence of two witnesses, usually two friends as parents are often kept in the dark, and during which time there is a reading from the Fatiha (the first sura of Qu'ran). Her statement was highly criticized by the press and women's groups; she later retracted her statement, saying that she was misunderstood for her intention, saying "I made this statement to test public opinion and I am delighted with this reaction" (cited in El Gharbi, 2012, par. 4). Dalenda Larguèche, director of the Centre for Research, Studies and Documentation on Women (CREDIF)⁵⁶ believes that customary marriage "is the *halal* way to circumvent

54 At the end of February 2012, the members of the Constituent Assembly commenced drafting the new constitution, during which initial discussions appeared to support a constitution based on Shari'a law. In early July 2012, after much debate, the NCA announced that by consensus, the wording in Article 1 of the *Tunisian Constitution* would not make any claim to Shari'a law but retain its historical language, "Tunisia is a free and sovereign state. Its religion is Islam, its language is Arabic, and its type of government is the Republic."

55 Illegitimate children have enjoyed the same rights as those granted to other children thank to laws and modifications enacted during Ben Ali's regime: Code Law 1998-0075 on October 1998, modified on July 7, 2003 Code Law 2003-51 (*Jurisite Tunisie*, 2011c).

56 She was then fired by the Minister of Women's Affairs, Mrs. Sihem Badi.

the law prohibiting polygamy in the country" (cited in El Gharbi, 2012, par. 4).

The *double talk* theory is also subtly reinforced by Al Nahda and its new government leaders' failure or tardiness to act or react to some of the recent violent acts of aggression by radical Islamist groups across the country, which have targeted women and/or freedom of expression (Al-Maliki, 2012). This list below offers some examples:

- October 8, 2011 The General Secretary of the Université des Lettres in Sousse was attacked in protest against the administration's refusal to allow a female student in niqab to register (Amara, 2011).

- October 21, 2011 A female instructor at the Institute of Theological Studies was prevented from teaching her class until she puts on a headscarf. She did, but then did not return to her teaching post the next day (Farhat, 2011).

- October 28, 2011 A female instructor at the Ecole Supérieure de Commerce (Business School) in Tunis was verbally attacked for her "immodest" attire (Farhat, 2011).

- December 6, 2011 Continuous sit-ins and violent attacks on students and professors at University of Tunis (Manouba) since November 28, 2011 prompted a 6-week suspension of classes when Dean Kazdaghli refused a demand to allow women in niqab to attend class and/or sit for exams on December 6, 2011 (Metwaly, 2012).

- January 9, 2012 Continued aggression on Manouba campus: Four Arabic, two English, and one Italian Instructor were forced to leave their classrooms following verbal assault and threats (Personal communication, Mellakh, 2012).

- March 7, 2012 Students at Manouba University clashed over the lowering of the Tunisian flag, replaced by the black Salafi flag (Suleiman, 2012).

- March 25, 2012 A demonstration of approximately 8,000 – 10,000 gathered in front of the Constituent Assembly demanding that *Shari'a* serve as basis for the new constitution (France24, 2012). Down the street where celebration of World Theater Day was organized, stage actors were attacked and their instruments smashed, in an attempt to keep the crowd away from the Municipal Theater (Ellali, 2012).

- May 26, 2012 Police stations and a hotel were set afire in Jendouba, and bar owners were forced to shut down (Ghanmi, 2012).

- June 10, 2012 Aggression at Art Exhibition in El Abdellia Palace in La Marsa (Habassi, 2012).

- January 12, 2013 13th Century mausoleum, UN heritage site in Sidi Bou Said, was torched (Masrour, 2013a).

- February 4, 2013 Outspoken politician and leader of the Popular Front Party, Chokri Belaid, was assassinated as he was leaving home for work (Masrour, 2013b).

These acts of aggression followed previous violent events that occurred prior to NCA elections:

- April 18, 2011 Nouri Nouzid, Tunisian film director, was assaulted near law school by an unknown assailant after giving a radio interview in which he called for a secular constitution for Tunisia and explained that his forthcoming film defended civil liberties and criticized religious fundamentalism (Human Rights Watch, 2011b).

- June 26-27, 2011 Demonstrations at Afric'Art Cinema in Tunis against the showing of El Fani's film, "Neither God, Nor Master" led to attack on the cinema, breaking the doors, the projector room, and the screen, and an assault on the director of the cinema and cinema goers. Protestors attacked lawyers in front of court the next day, demanding the liberation of those arrested for the cinema attack (Maltby, 2011).

- October 9, 2011 Approximately 200 protesters clashed with police over broadcast of the film, *Persepolis*, on private TV station Nessma for its depiction of God in human form, an affront to Islam. Charges were brought against Nabil Karoui, station's owner (Human Rights Watch, 2011b).⁵⁷

While these series of events may or may not be entirely the workings of one particular ultra - conservative group and do not represent every Tunisian citizen who favors a new constitution where religion plays a more visible role than in the past, the atmosphere among the secular and the religious segments of Tunisian society is tense. The primary catalyst for this tension is the increasing violence, both verbal and physical, associated with certain groups and individuals who insist on an ultra - conservative Islamic position as the cornerstone of the new constitution. Likewise, the frustration and concern on the part of moderate Tunisian Muslims who ardently oppose violence has been expressed as well. They claim that these violent events are often triggered by a "foreign element" whose political strategy is to use the recent democratic election process as its segue into promulgating a governance system that will silence the voices of opposing groups, using religion as its persuasive tool. For many Tunisian women (and men) across the religious spectrum, the line appears to be drawn when or if the new governance system imposes restrictions on women's freedom and dignity.

Tunisian women moving forward

By the beginning of the second year of transition in post - revolutionary Tunisia, little progress towards confirming a vibrant and secure role for its fe-

⁵⁷ Karoui was charged under Tunisia's penal code in articles 44 and 48 that a person found guilty of inciting hatred among religions or insulting a religion can be sentenced to prison. Penal code article 226*bis* says that a person found guilty of undermining public morals by "intentionally disturbing other persons in a way that offends the sense of public decency" can be sentenced to prison (Human Rights Watch, 2011b). On May 3, 2012, the highest court, the Court of First Instance, fined Karoui 2,400 TD. Hedi Boughnim, programming director at Nessma TV, and Nedja Jamal, president of the women's organization that dubbed the movie, were both fined 1,200 dinars (Melki, 2012).

male citizens was palpable. Sabra (2012) reports “One year after the outbreak of the revolution and the world of Arab politics is still very much a man’s world” (par. 2). If fewer women are welcomed in leadership positions, the work force, and the religious arena (where traditionally women’s voices have rarely been heard), it follows that Tunisian women may see their lives altered in ways that give them even less freedom and dignity.

However, Kandioyti (2012) carefully argues that blaming the resurgence of Islam, particularly radical Islam, as the singular, most important factor threatening women’s rights in the new Tunisia, is to take a simplistic view. The country has a history that has built an environment favorable to women, albeit within a pattern of paternalism at times prompted by desire for political stability that gradually evolved into political gains and/or glorification for the regimes in power at the time. The real question for Tunisian society as they move forward on building an inclusive democratic governance model, which was and continues to be a driving force and clear mandate behind the 2011 revolution, is to understand and act on the “other internal and external factors” haunting the society whose dissenters are manipulative in an attempt to hijack their original revolutionary mission. These factors include unemployment, disparate social stratifications that impinge on citizens’ ability to pursue a healthy, viable standard of living, and the continued ambiguity and fragility of what is understood as “women’s rights” in the new Tunisia. To that end, some examples of women’s activism and expertise that appear to be taking a strong role in the new Tunisia include:

- Women such as Amel Grami, Olfa Youssef, and Ikbâl Gharbi, Sana Ben Achour, Salwa Charfi, and Raja Ben Slama have distinguished themselves by developing an interpretation of the Islamic religious texts from an evolutionary modern lens. Their interpretations have strengthened the presence of a female voice in religious affairs that were more often addressed by the media and at academic venues by men.

- Women’s groups and other human rights organizations, initiated by a February 2012 AFD seminar, committed to lobbying NCA members, including Meheriza Laabidi, Vice-President of the NCA,⁵⁸ and the general public about omitting in the new constitution any gendered language that discriminates and/or demeans women’s role in society. Later, in August 2012, Tunisian women and women-focused NGOs succeeded in striking any language in Article 28 of the draft constitution that had described women’s civil role as *complementary*, rather than *equal* to men’s.

- The Ministry of Women’s Affairs and the United Nations Population agency re-launched a lethargic 2008 campaign to stop violence against women in July 2012.

58 Mrs. Laabidi (2012) expressed her commitment to ensure women’s rights in the new constitution at the 3rd Annual Congress for the Study of Islam and Democracy.

Conclusion

Tunisia has become known as the cradle of the Arab Spring, its people the first in the Arab world in the 21st century to have rallied together to topple a repressive, dictatorial regime without forewarning and massive bloodshed. In the three years that have followed, the hopeful and euphoric atmosphere that once filled the streets of cities, towns, and villages has given way to a landscape of conflict, intimidation, and more recently tragic acts of violence. The radical Islamist groups have also grown in size and public visibility, becoming bolder in finding ways to impose a religiously - based governance system. The interim government, once again found itself in disarray with the resignation of Prime Minister Hamadi Jebali on February 19, 2013. His successor, Ali Larayedh, was also recently replaced by a young technocrat, Medhi Jomaa on December 23, 2013. Although Larayedh called for “work, discipline and national unity,” (Najjar, 2013), he failed to curb the growing acts of violence and to find and punish Chokri Belaid’s and Mohamed Brahmi’s assassins thus hampering his attempts to create national unity and instead replaced by a fast - growing feeling of distrust, cynicism, and anger among the citizenry. Tunisians are now looking to Jomaa to restore that trust and rebuild a stable, democratic nation free from the religious zealotry that is permeating the country, aided intentionally or not, by the failure of political actors in power to date.

Noteworthy amidst this critical transition period has been the fact that Tunisian citizens have regained their freedom of expression, which was so severely silenced under Ben Ali. Unfortunately, it has been marred at times by radical religious groups to which women activists and women’s groups have responded rigorously by speaking out against any kind of gender - related discriminatory practices and/or acts sanctioned in the new governance model. Even when women meet violence, they answer by arguments against violence and not against people, which is best exemplified in the acts and words of the widows of Belaid and Brahmi who have condemned violent retribution, and instead actively pursued peaceful action for a free, independent Tunisia. Women activists and women’s groups are also undertaking efforts to spread awareness throughout the country about the rights and responsibilities of *democratic* citizens as well as asserting pressure on the government to preserve the ratified articles of the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) and to lift its remaining reservations.⁵⁹ Historically, this type of activism is not new for Tunisian women but the challenge today is formidable and requires continued vigilance and involvement from both men and women.

59 Tunisia was the first country in the Middle East to ratify the convention (1985) and it is largely because of that it has been able to join the modern world. Tunisia also ratified the 1993 Copenhagen Convention (CEDAW). When an international treaty is ratified by a country, it stands above all national laws. This being said, the two major reservations preventing Tunisian women from reaching equality—a Muslim Tunisian woman cannot marry a non-Muslim and inherits only half of what a man does—are severely denounced.

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Хедија Арфауи и Џејн Чаича

ВЛАДАВИНА, ЖЕНЕ И НОВИ ТУНИС

Резиме

Овај рад се бави важним догађајима и изазовима који се односе на женску владавину у „новом Тунису“, која је довела до писања новог устава. Ова анализа се фокусира на улогу жена у изборном процесу, укључујући учествовање жена у привременој влади (јануар 2011 – 9. новембар 2011. године) и политичким партијама. Даље се у раду истражују дебате и акције које су настале из различитих фракција током прве две године након револуције, а које су довеле до повећане бриге за очувањем права жена у Тунису. Главно истраживачко питање гласи „У којој су мери жене у Тунису биле у могућности да активно учествују у обликовању новог Туниса и да ли ће се овај тренд наставити?“. Студија интегрише неколико истраживачких приступа: историјски наративни приступ, посматрање учесника (од стране оба аутора), интервју и опрезни приказ акција које су у току, активизма женских група и друштвених изазова од 23. октобра 2011. године, који су изводили значајну дебату у туниском друштву око статуса жена у новом Тунису.

Кључне речи: Јасмин револуција, Тунис, жене, невладине организације, управљање, род

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