

## Tunisia's Early State Feminism and Post-Revolution Women's Rights

### Introduction

Tunisia was a surprising place for the Arab Spring to start. From a global perspective the state of Tunisia was stable; the economy was relatively stronger than most of those in the region and rioting rarely occurred. Maddy-Weitzman states that Tunisian government was previously so successful because it has a "well-defined national entity...[with a] strong sense of self," (12) a very well-educated middle class that supports the rights of women, active labor unions and a bar association, and a "small-sized, non-politicized military" (12). All of these influences combined to form a state that focused on economic growth that was impressive to Western powers but starved its people of political freedom (Arieff 2012, 3). These factors did not prevent the government from abusing power over the Tunisian people.

Many issues led to the ultimate overthrow of the authoritarian regime of President Zine el Abidine Ben Ali, but the final encounter that gave the people a reason to unite was the self-sacrifice of Mohammed Bouazizi, the owner of a fruit stand in Sidi Bouzid. December 17th, 2010 Bouazizi was humiliated by a policewoman, Faida Hamdi, who confiscated his legally operated stand. He tried to pay the required fine, but the officer refused and slapped him across the face. Fed up with the harassment, Bouazizi went to the governor's office to request an audience. When his request was denied Bouazizi doused himself in flammable liquid and lit himself on fire on the steps to the governor's office (Walt 2011, 22). The actions of the governor and police woman enraged the youth of Tunisia. Though he did not die until 18 days after lighting himself on fire, Bouazizi gave the people a reason to fight. A revolution was born.

The initial revolt only lasted four weeks. The Tunisian people were not willing to give Ban Ali any ounce of control any longer; it was long past his time to leave. Protests spread at an exponential rate and Ben Ali quickly lost what little sliver of control that remained. He couldn't hold out any longer; on January 14th, 2011, Ben Ali was sent into exile in Saudi Arabia (Stepan 2012, 92). Tunisians rejoiced, celebrated, and braced themselves for the long political journey that lie ahead. The Jasmine Revolution, like other Arab Spring uprisings, has often been characterized as a youth movement, but there are many ways to approach the journey of political transition in Tunisia. Every facet of society and culture will be impacted differently. The position of the previous regimes toward a segment of the population will impact how that portion of the population is impacted by political transition.

This paper is inspired by the works of Alvarez (1989) and Waylen (1994). Waylen (1994) explored whether women's involvement in opening transition in Latin America translated to higher representation in government after transition and found that women were still mostly excluded. Alvarez (1989) explored how and why the issue of gender was politicized in Brazil and found that politicization of gender was tied to the democratization process. Alvarez (1989) also found that the structure of gender-based biases built into state power in Brazil was one of the biggest hurdles to the democratic regimes ability to incorporate women and women's issues into the state structure (206). Both Alvarez and Waylen discuss the relationship that women had to the older authoritarian regimes.

Authoritarian governments provided more political space for women than under military rule (Waylen 1994, 338). The militaries often didn't see women's groups as dangerous enough to warrant repression (Waylen 1994, 338). Authoritarian regime policies that related to women impacted women differently based on their social and economic class (Alvarez 1989, 209-210). Guided by the findings of Alvarez and Waylen, this paper will look at the impact of political transformation on women in Tunisia. What role has feminism played in Tunisian politics? Where women a driving force behind the Jasmine Revolution? What was the impact of state feminism pre-revolution on post-revolution women's movements?

### Early History of Women's Rights

When thinking of historical feminism, the Middle East is likely not a region that comes to mind, but Tunisia has a history rich with state support of women's rights. Tunisia gained independence from France in 1956, but even before independence there was a strong discourse that resembled feminism. In 1930, Tahar Haddad, a Muslim scholar at Zitouna University, wrote a book called *Our Women in Sharia and in Society* that called for women's status to be increased and allow them access to education (El-Masri 2015). Calling this feminism, however, is a stretch because the purpose of increasing women's status was to make them better wives and mothers (El-Masri 2015). Nevertheless, women benefitted and the discourse supported women's involvement in politics. Women committed to the struggle for independence from France and demonstrated alongside men (Grami 2008, 350). The involvement of women in politics and expanding of their rights was established with the independence of the country, a pattern that we will see continue throughout this discussion.

From the beginning of Tunisia's conception, the women have been considered some of the most liberated in the Muslim world (Grami 2008, 354). This is because Tunisia's first president, Habib Bourghiba worked quickly after independence to institutionalize women's rights. This institutionalization was not in response to women's demands, but because President Bourghiba chose feminism as his means for modernizing Tunisian society (Domori 2013, 3). Just months after independence the government passed the Code of Personal Status (Grami 2008, 350). The Code of Personal Status gave men and women full adult rights at age 20, meaning that women were considered full citizens and possessed the same rights to vote, enter into contracts, buy and sell property as men (Grami 2008, 353). Also notable was the provision in the Code of Personal Status that stated that men and women's testimonies were of equal value in a legal setting (Grami 2008, 353). The Code of Personal Status was implemented in part to further secularize society by delegitimizing kin groupings where women's status was inferior to men's (Khalil 2014, 191). Islamic tribal loyalty was contrary to the secular nation-state that Bourghiba hoped to create and he did everything in his power to discourage tribal tendencies (Khalil 2014, 191). While Bourghiba worked to discourage the tribal tendencies, it was not an outright abandonment of Islam. There were no explicit references to Islam in the Code of Personal Status, but a new interpretation of the religion by the government was woven into the code (Grami 2008, 351). Another notable form of institutionalization of women's rights was in the 1959 Tunisian Constitution. Article 6 of the Constitution states: "All citizens have the same rights and obligations. All are equal

before the law.” According to Grami (2008), the inclusion of this article in the country’s first constitution made it possible for future laws to further women’s rights such as the right to vote and run for office, the right to a free education, and the right to enter into contracts independently (351).

Bourghiba was Tunisia’s president from the country’s inception to 1987 and throughout his time in office women’s rights continued to expand. Education was made a state priority and all citizens, male and female, were provided with free education. Coed schools were created and the state encouraged families to enroll their daughters in school (El-Masri 2015). Other laws that expanded women’s rights included a 1968 revision of the penal code that classified adultery as a crime with equal punishment for husbands and wives found guilty and a 1973 law that allowed women the right to an abortion in the first three months of pregnancy (Grami 2008, 353-354).

As stated previously, women benefited from the policies and work of Bourghiba, but the outcomes are not all positive. Any sort of feminist activity outside of Bourghiba’s policy changes had to be conducted through specific channels that were controlled by the regime; independent feminist NGOs were rare and any opposition was repressed as any other opposition (El-Masri 2015). Even where formal women’s organizations were allowed to exist, such as the Union for Tunisia (UFT) or the Muslim Union of Tunisian Women (UMFT), they were closely monitored by the police and the women who founded and were responsible for them were pushed out and humiliated by Bourghiba (El-Masri 2015). By the 1980s two independent women’s groups had managed to organize: the *Association Tunisiennes des Femmes Démocrates (ATFD)* and the *Association des Femmes Tunisiennes pour la Recherche et le Développement (AFTURD)* were formed in 1982 and in 1986 (Daniele 2014, 19). However, these two groups were not legally institutionalized until after Bourghiba left office in 1987 (El-Masri 2015). When compared with the rest of the region, and in fact most of the world during this time period, Tunisian women appear on paper to have experienced some of the most highly institutionalized freedoms. However, the reforms of Bourghiba were mostly just that – equal on paper. Legally there was equality, but in practice there was still much room for improvement (Domori 2013, 11).

After Habib Bourghiba came Zine El Abidine Ben Ali. There was no reversal of feminist policies or a return to fundamentalism under Ben Ali. But neither was there a surge of true women’s empowerment. Women’s groups were established under Ban Ali’s rule, but similar to the cooptation of feminism by Bourghiba, they were created to provide political support for the regime (Bagot 2015, 21). Under Ben Ali feminist activists were allowed more freedom, but these freedoms were only allowed if they were complimentary to the policies of the state (El-Masri 2015). For example, the Tunisian Association of Mothers, the Association for the Promotion of Women's Economic Projects and the Association of Women's Activity for Sustainable Development were all allowed to exist, but Ben Ali ensured that each organization was in some way connected to his party and were not allowed to function without the recognition and support of the Ministry of Culture (El-Masri 2015). Other prominent women’s groups, such as the Union Nationale de la Femme Tunisienne (UNFT) were overseen by the very unpopular First Lady Liela Traelsi to further eliminate any political dissidence (Coleman 2011, 217).

Much like Bourghiba institutionalized feminism to secularize the state, Ben Ali also institutionalized feminist reforms as a benefit to the state. Ben Ali's regime was becoming more authoritarian and repressive, but in order to appease the West and to seem more democratic and inclusive Ben Ali adopted more policies of state feminism (Coleman 2011, 216; Domori 2013, 13). Tunisian society experienced an uptick in Islamization in the 1990s and Ben Ali used state feminism to prevent the advancement of more radical Islamic beliefs (Domori 2013, 14). Examples of policies implemented by Ben Ali include the right to Tunisian nationality for children born of non-Tunisian fathers, revising the education curriculum to have a more positive view of women, and increasing the minimum age of marriage to 18 for both genders (El-Masri 2015). The Code of Personal Status was revised and a statement requiring that wives must obey their husbands was removed (El-Masri 2015).

In addition to changing policies, there were a high number of women in Tunisian parliament. Unfortunately, the women in parliament did not adequately represent the entire female population; the representation in parliament further marginalized poor, rural and Islamist women (Khalil 2014, 193). Additionally, the women in parliament did not have much decision-making power. Their presence was mostly cosmetic to continue to promote the democratic façade of Ben Ali's regime (Grami 2009, 359).

Moghadam (2014) categorizes the Tunisian women's movement as "semi-institutionalized" because there are legitimate organizations, laws and achievements (65). However, it is difficult to say that this institutionalization had a real impact on the average woman's feeling of empowerment. The state feminism in Tunisia was progressive for its time and beneficial for the society, however it did not change the social structure that allowed discrimination against women when the state weakened (Bagot 2015, 20). The lack of true societal change in Tunisia resulted from the legislative change taking place in a top-down manner rather than in a bottom-up direction with full support from men and women (Domori 2013, 1). Where bottom-up support could have existed, such as in women's associations, the state did not allow free expression and chose to marginalize and oppress these groups (Daniele 2014, 18; Domori 2013, 16). It seems that Domori (2013) describes Tunisia's pre-revolution situation best in saying it was a country that "on the surface, gender equality and women's rights appeared to be promoted and respected while at the root of society a system of masculine dominance remained due to authoritative and repressive regimes" (16). In all, women experienced vast legal freedoms compared to other countries, but also experienced the full repressive nature of the Ben Ali regime. Next, we will look at how this repression translated to participation in the Jasmine Revolution.

### **Jasmine Revolution**

As mentioned at the beginning of this paper, the main driver of the Jasmine Revolution was the lack of political freedom that Tunisian citizens experienced (Arieff 2012, 3). This paper has demonstrated that ways in which women's political expression was repressed under the guise of democratic values. Women were not the only people who longed for more political freedom; this was the demand of all Tunisian (El-Masri 2015). Other factors that led to the Jasmine Revolution are lack of economic opportunities, corruption, and patronage (Manea 2014, 82).

These factors impacted the majority of society and thus the protest against the regime spread quickly and involved intellectuals, the working class, including the General Union of Tunisian Workers (UGTT), men and women (Moghadam 2014, 65).

There was no specific women's agenda that encouraged women's participation in the revolution. The Jasmine Revolution was a movement for the improvement of the lives of all Tunisians. Manea (2014) found that there was no gender-specific agenda or call to action (83). Khalil (2014) conducted interviews with female participants in the protests and found that "activism was motivated by a concern for the freedom of all citizens and human rights, and Muslim rights, the rights of the economically exploited and excluded, not just women's rights" (188). While women believed that their struggle for gender equality was secondary to the collective goal of human rights that drove the revolution (Khalil 2014, 188). One Tunisian blogger, in an interview conducted by Salbi (2013, 236) said:

Tunisian women were never in the middle, they were at the front. When Tunisian women were on the street for protest or demonstrations, they were not females, they were citizens. We were all citizens in the street trying to achieve our goals, because it is our battle to live without restrictions or limitations.

While there was no single unifying factor encouraging the participation of women some women chose to participate based on their Islamic faith (Khalil 2014, 189). The religious suppression and imprisonment experienced under Ben Ali led Islamic women and their families to protest (Khalil 2014, 189).

### **Women's Rights Post-Revolution**

While women were very active in the Jasmine Revolution and fought hard for the rights of all Tunisians to improve, the results of the revolution have not all been positive for women. Manea (2014) argues in her paper "The Arab Popular Uprisings from a Gender Perspective" that women in the Arab world have routinely been marginalized and excluded from decision-making during political transition. In this paper Manea also describes a "backlash" that occurs towards women who are encouraged to be politically active during transition, but then excluded and pushed back toward traditional societal norms after an event such as the Jasmine Revolution (Manea 2014, 81). This concept of backlash can be clearly seen in the case of Tunisia. During the revolution the idea of stripping the country of any reminder of Ben Ali's regime was a unifying force, unfortunately after the revolution ended it became clear that state feminism and women's rights had come to represent the old regime and animosity toward them grew (El-Masri 2015). Islamist Salafi groups began to target women in academics and used violence and intimidation to attempt to impose religious dress (Manea 2014, 87). The backlash women experienced did have one positive outcome: Tunisian women, who previously lacked a gendered agenda in the revolution, began to coordinate a more organized effort to protect their rights once they experienced backlash (Manea 2014, 91). Women in Tunisia understood their participations impact on the revolution and began to harness their power in a more bottom-up way to continue to create change and maintain their rights (Salbi 2013, 239; Daniele 2014, 21). Three separate but

interrelated issues characterize the women's movement in post-revolution Tunisia: the debate between religious and secular ideologies, elected representation, and women's rights in the formal institution of the constitution.

Part of the backlash just described was the result of differing beliefs between secularist and conservative religious voices. Because the Bourghiba and Ben Ali regimes both pushed secularism and suppressed religious voices, there had been no opportunity for these two groups to debate the importance of women's rights in society. Many Tunisians had privately remained faithful to their Islamic identity despite the repression of the regime (Alvi 2015, 303). The political freedom that came as a result of the revolution caused these debates to resurface (Coleman 2011, 227). Women suddenly found themselves as the battlefield between two competing ideologies in the public and private spheres (Salbi 2013, 240). Women experienced an array of exploitation during this period including political exclusion and violence (Khalil 2014, 187). Despite this conflict, Daniele (2014) found in her field research that women involved in both secular and Islamist movements believed that they were working for the rights of all Tunisian women and no perspective should be excluded (29). Though there may have been a feeling of camaraderie among the women Daniele interviewed, there was no single party that appealed to both secular and Islamic women. Khalil (2014) argues that secular and Islamist women were adversaries (187). Leftist feminists were organized, but their brand of feminism did little to appeal to poor and rural communities and did not campaign successfully in these areas in the same way the Islamist Ennahdha party did (Kahlil 2014, 187). It is too Ennahdha and the issue of elected representation where we will next turn our attention.

The high commission established post-revolution to create election rules put a quota system in place by requiring that all political parties place an equal number of men and women on party lists and alternate between male and female candidates in list order (Moghadam 2014, 71; Coleman 2011, 218). Most parties listed men at the top of the lists and women 59 of the 217 seats (Manea 2014, 86). This was a considerably high number, but 39 of the seats held by women were within the Ennahdha party, which won 89 seats total (Manea 2014, 86). Ennahdha was founded in the early 1980s as an Islamist political and cultural movement inspired by the Muslim Brotherhood and secured its prominence in post-revolution politics by providing capital to ordinary Tunisians and encouraging economic growth (El-Masri 2015). The party also worked hard to attract women. Many women were drawn to the party because of Ben Ali's repression of it; their husbands, brothers, and sons were jailed by Ben Ali for their involvement with Ennahdha (Daniele 2014, 25). Simply looking at the number of women elected to the National Constituent Assembly is not an adequate measure of women's political leadership. The disparity is more sharply displayed by the number of women who chaired political parties. In August 2011, there were 107 legal political parties, but only three were led by women (Moghadam 2014, 71). In truth, women were largely excluded from the decision-making process after the election, only three women were appointed to ministerial positions in the transition government, and it can be argued that even in Ennahdha women were used as a tool to convince people of the importance of gender issues to the party (Khalil 2014, 193; Daniele 2014, 21).

It is impossible to talk about Ennahdha and elected representation without also discussing the impact of the Islamist/secularist debate and the Ennahdha party on the crafting of the new Tunisian constitution. The political

success of the Islamist movement scared secularists who feared that the Islamists' success and increasing appeal would be detrimental to the institutionalized rights they had experienced since independence (Daniele 2014, 24). Because the majority of women in the Constituent Assembly were members of the Ennahdha party, and their world view was opposed to that of secular feminists, there was disagreement about women's role in society and the language used to describe this role in the constitution (Manea 2014, 88). The main conflict was surrounding Article 28 of the draft Constitution and whether women's rights would be considered only complementary to men's rights for the first time in the country's history (Daniele 2014, 20). Having only complementary rights women would have lost their status as full citizens (Daniele 2014, 20). This appears to have been the biggest motivation for secular feminists to organize more strategically. Women's organizations and activists mobilized with NGOs and other political elites to demand equality in the constitution (Manea 2014, 94). Organizations such as the Democratic Women's Association, La Ligue Tunisienne des Droits de l'Homme (LT DH), and L'Association des Femmes Tunisiennes pour la Recherche sur le Developpe ment (AFTURD) organized marches and demonstrations and circulated an online petition against Article 28 that received 30,000 signatures (Manea 2014, 94). The efforts were successful and in the Constitution passed in January 2014 Article 28 was omitted (Manea 2014, 95). Another institutional win for women's rights was Article 46 of the Constitution. This article states that the "accrued rights" of women, meaning those institutionalized in the Code of Personal Status and other state policies, were the minimum standard and the state could not offer anything less (El-Masri 2015). In full, Article 46 of the Tunisian Constitution reads:

The state commits to protect women's accrued rights and work to strengthen and develop those rights.

The state guarantees the equality of opportunities between women and men to have access to all levels of responsibility in all domains. The state works to attain parity between women and men in elected

Assemblies. The state shall take all necessary measures in order to eradicate violence against women.

The addition of Article 46 to the Constitution was beneficial for maintaining the rights women had experienced in Tunisia for the first 55 years of the country's history as well as for providing space for the rights to continue to expand.

It should also be noted that the presence of women in Islamist parties is not necessarily negative. There are Muslim women's associations, such as the Tunisian Women Association, that are focused on improving the lives and knowledge of women by empowering them to help develop their society (Daniele 2014, 25).

## Conclusion

The answer to whether feminism has played a role in Tunisian politics is a decisive yes. From the beginning women's rights and state feminism have played a central role in Tunisian politics. Women's empowerment is one of the few areas where Tunisia has outshone the rest of the region (Alvi 2015, 303). Feminist policies were frequently coopted for the benefit of the ruling regime. As the regime grew more authoritarian and rights were suppressed despite the attempts to appear democratic, all Tunisians grew anxious to create change. Women and men from

every facet of society were involved in the Jasmine Revolution. The diversity of participants in the revolution is part of what drove it. While women played an important role as Tunisian citizens, they did not organize collectively or participate with only their own interests in mind. It does not seem likely that the revolution would have been successful without the mobilization of the majority of Tunisian citizens, including women, but it also does not seem that women should be considered a driving force.

State feminism's impact on Tunisian society at large and women's movements in particular was widespread. Because feminism's roots in Tunisia came from the state any interest displayed in furthering women's rights outside of the state came from a more educated feminist elite. Post-revolution the urban/rural, poor/elite class divide among women was only exacerbated and the feminist intelligentsia pushed for policies that failed to appeal to all women (Khalil 2014, 198). Women's associations were suppressed and kept away from the majority of women, making it difficult to mobilize when women's rights were threatened. Some scholars, such as Salbi (2013), believe that the impact of state feminism coupled with the experience of political transition through revolution has created a new generation of women's activism that pushes inclusive movements (240). In all, the state feminism of Bourghiba and Ben Ali was beneficial to their regimes and women did experience more freedoms than in countries of similar origin, but there was no true women's movement led by citizens until the rights of women were threatened. Once their rights were threatened, activists were able to tap into the tradition of secularism and women's emancipation to successfully mobilize women in support of their cause.

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