The Journal of the Middle East and Africa Resisting and Redefining State Violence: The gendered politics of tran...

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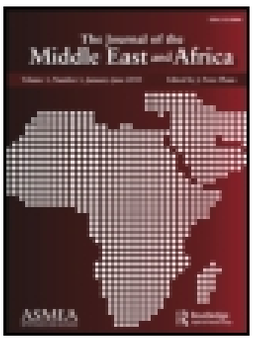

The Journal of the Middle East and Africa

ISSN: 2152-0844 (Print) 2152-0852 (Online) Journal homepage: http://www.tandfonline.com/loi/ujme20

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To cite this article: Hind Ahmed Zaki (2018): Resisting and Redefining State Violence: The gendered politics of transitional justice in Tunisia, The Journal of the Middle East and Africa, DOI: 10.1080/21520844.2018.1544005

To link to this article: https://doi.org/10.1080/21520844.2018.1544005

Published online: 27 Dec 2018.

THE JOURNAL OF THE MIDDLE EAST AND AFRICA
https://doi.org/10.1080/21520844.2018.1544005

Routledge
Taylor & Francis Group

Resisting and Redefining State Violence: The gendered politics of transitional justice in Tunisia

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ABSTRACT

For decades, thousands of Tunisian women suffered from systematic sexual violence at the hands of state agents, with many now seeking justice and public recognition of those crimes following the 2011 Jasmine revolution. While Tunisia's process of transitional justice created an opportunity to construct new narratives of women's rights, it paradoxically created more barriers to holding the state accountable for its violations, mainly because of the centrality of the state hegemonic narratives of women's rights in the legal and political process of transitional justice. In this article, I investigate the limitations and gendered paradoxes inherent in the process of transitional justice in post-revolutionary Tunisia. Focusing on the Truth and Dignity Commission established in 2014, I explore how gender-based violence featured into the formal procedural mechanisms of transitional justice, and the degree to which women's voices were incorporated into the making of the rules and procedures related to providing compensations and rehabilitation to victims of gender-based violence. Furthermore, I analyze how official narratives of gender-based violence committed by the state enforced traditional gendered categories, perpetuating the state's prerogative powers over its citizens and reflecting the requirements of Tunisia's fragile political settlement. Through such an approach, I hope to develop a deeper understanding of the role that nationalist narratives on women's rights play in the context of transitional justice and suggest viable recommendations for building accountable state institutions that could effectively address gender inequality as an essential goal of democratic governance.

KEYWORDS

Democratization; gender-based violence; state violence; transitional justice

Torture, rape, physical abuse, arbitrary arrest, are some of the things they suffered. These crimes are still unpunished. Female victims, and even us, the commissioners, continue to receive threats from the security. Only a handful of police officers are ready to testify before the commission, and their superiors threaten even those. In post-revolutionary Tunisia, they continue to rape and torture with total impunity.

– Ibtihal Abd El Latif (Truth and Dignity Commissioner)

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Introduction

In a sleek office building in downtown Tunis, almost hidden from the views of most of those passing by, lies the headquarters of Tunisia's Truth and Dignity Commission (TDC), or "*Instance Vérité et Dignité*" as Tunisians refer to it in French. Authorities established the TDC in January 2014 with a broad mandate that covers corruption and human rights violations committed by government security agents under the former regimes of Habib Bourguiba and Zine El Abidine Ben Ali between independence in 1955 and the Jasmine Revolution in 2013. The Commission's creators initially envisioned the TDC as a spearhead for bringing about a comprehensive process of transitional justice in post-revolutionary Tunisia. While the Truth and Dignity Commission is not the only such experiment in the Arab world, it is the most serious among them, as it occurs against the backdrop of a functioning democratic transition.[1] Headed by 15 commissioners, with a staff of 640, it began its five-year mandate in 2014 by gathering testimonies from victims of abuse under the old regime in September 2014. It continued to accept new cases until the expiration of a deadline for registrations in June 2016, by which time it had received over 62,000 submissions and heard testimony from about 11,000 people.

It was against this contextual backdrop that the author made her way to the office of Ibtihal Abd El Latif, the head of the Gender Committee of the Truth and Dignity Commission. Abd El Latif is a woman with a mission; namely, to highlight the suffering of female victims of state violations and link Tunisia's transitional justice to the problem of gender-based violence in Tunisia. According to Abd El Latif, while the legal campaigns to combat gender-based violence in Tunisia had been recently gaining ground, public awareness of different forms of gender-based violence has increased. Meanwhile, the battle to introduce stricter legislation to combat all forms of violence against women—including both domestic violence and sexual harassment in the workplace and on the streets, as well as attempts to combat gender-based violence committed by the Tunisian government—is proving enormously challenging.

The personal testimonies of thousands of Tunisian women before the Commission reveal a much darker side to state feminism in Tunisia. For decades, thousands of Tunisian women suffered from systematic sexual

[1]The only other attempt to establish a similar body was Morocco's Equity and Reconciliation Commission. That commission's mandate was to investigate forced disappearances and arbitrary detention between Morocco's independence in 1956 and 1999, to rule on reparation requests pending before the former Independent Commission of Arbitration (created in 1999), and to determine "the responsibility of the state organisms or any other party." Spearheaded by the Moroccan regime, many analysts saw the Equity and Reconciliation Commission analysts as mere window dressing by the king and regime. It should be noted, however, that the TDC of Tunisia is the Arab world's only attempt at providing justice for victims of state violence in the context of a functioning democracy. For more details on Morocco's Equity and Reconciliation Commission, see Mahmoud Hamad and Khalil al-Anani, *Elections and Democratization in the Middle East: The tenacious search for freedom, justice and dignity* (New York, NY: Palgrave University Press, 2014).

violence at the hands of state agents. These women, who are primarily political activists or relatives of political figures, are now seeking legal remedies and public recognition of those crimes. Pursuing redress for gender-based violations at the hands of government agents in Tunisia represents an important, albeit until recently ignored, dimension of Tunisia's post-revolutionary democratic transition. Nevertheless, the establishment of the TDC less than two years ago is slowly changing this. The initial focus of Tunisia's nascent process of transitional justice had mainly been government corruption and human rights violations in general, without special attention toward gender-based violence. The actual extent of the systematic use of rape and sexual assault against women by the Tunisian state started becoming an issue only after the Commission began hearing testimonies from hundreds of female survivors of sexual violence. While women were victims of government's repression, which included imprisonment, travel bans, and constant government harassment, they also suffered from an added means of persecution and humiliation—that of rape and sexual assault.

Over the course of an extended interview and several visits, Abd El Latif revealed that many of these crimes are still occurring and that state security agents continue to act with impunity. As the opening quote to this work shows, Abd El Latif confessed that she herself had been the subject of phone threats of a sexually violent nature, from unknown sources. She thinks that most of these are the actions of the state security, with the intention of intimating her into dropping some of the cases, especially those implicating high-ranking police officials.

This article examines the politics of the TDC and considers Tunisia an important site in which gender-based violence is a feature in the formal, procedural mechanisms of transitional justice. The study attempts to explain the following paradox. Tunisia's historical legacy with respect to the status of women enabled advanced demands for their rights to emerge from within the formal political sphere. Meanwhile, the central role of the Tunisian government in defining the discursive meaning of women's rights and in implementing polices to ensure those official rights contributed to the creation of a strong patriarchal state. The government agents enjoy impunity even as they violate those very same rights. Thus, while Tunisia's process of transitional justice has created an opportunity to construct new narratives of women's rights, this article argues that this development has made it significantly more difficult to hold the government accountable for its violations. This is true mainly because the hegemonic state's narratives of women's rights have become central to the legal and political process of transitional justice. These findings question the assumptions that gender justice and democratization necessarily go hand in hand. In addition, those conclusions illustrate how historical projects of state feminism produce complex and contradictory results that defy categorizations of top-down

versus bottom-up social and political change. The Tunisian case shows that a strong state feminist project with a high degree of influence enables women to enjoy formal rights in both the public and private spheres, but still leaves them vulnerable when it comes to violations committed by the state apparatus and its agents.

The findings of this study have two major implications for debates on states and women's rights. First, the politics of women's rights in Tunisia partially validates feminist scholars, who conceptualize the state as a project of male dominance, such as Iris Marion Young and Wendy Brown.[2] In many ways, the Tunisian government is, as Brown's contends, "replacing the man for many women, with its jurisprudential and legislative powers, its welfare apparatus, and even its police powers."[3] The postcolonial Tunisian state was historically feminist and paternalistic at the same time, as officials used women's rights as a key legitimizing tool for the authoritarian regime and as testament of its ability to control the private lives of it citizens. On the other hand, the government's postcolonial, pro-women's policies have affected the lives of generations of Tunisian women in positive ways, and paved the ways for more reforms. The paradoxical, gendered effects of the actions of the Tunisian government demonstrate the complexities of reality as the state apparatus, its laws, and its policing powers sometimes have contradictory consequences for women's rights. In addition, the constitutive effects that the state has on women go beyond measuring polices to understanding how institutions shape subjectivities. Moreover, such subjectivities and their construction are often contested, since the material and fundamental effects the state has on women change over time.

The empirical evidence for this study is based on qualitative fieldwork done in Tunisia in 2014–2015, and again in early 2017. The author conducted interviews with members of the TDC, political activists belonging to all shades of the political spectrum, and individual women who filed cases and gave testimonies before the Commission. Primary sources also include available government archives, as well as dozens of files that detail lawsuits filed against state agents and that are related to gender-based violence. In addition, the author attended six live public hearings of the TDC in Tunis in the period between December 2016 and May 2017, and personally observed the behind-the-scenes dynamics and preparation of these meetings. The author interviewed some members of the audience attending the hearings, and has followed the public debates closely, both inside and outside Tunisia, to gage the effects of the TDC hearings on Tunisia's democratic transition and its future.

[2]Iris Marion Young, "The Logic of Masculinist Protection: Reflections on the current security state," *Signs: Journal of Women in Culture and Society* 29, no. 1 (2003): 1–25; Wendy Brown, "Finding The Man In The State," *Feminist Studies* 18, no. 1 (1992): 47–81.

[3]Brown, "Finding The Man In The State," 47.

The context of transitional justice: Procedural, institutional, and political challenges

From the time of its establishment in 2014, the international community hailed the Truth and Dignity Commission as an important step forward for Tunisia. Initially backed by the support of Tunisia's two main political parties—the Islamic Ennhada and its more secular rival, Nidaa Tounes, or "Call of Tunisia"—the Commission has enjoyed a full mandate of powers that include investigating alleged abuses, arbitration, and the authority to provide reparations to victims.

Tunisian authorities established the TDC under law 53/2013, which is the comprehensive organizing law concerning transitional justice issued on December 23, 2013. According to this legislation, the Commission represents a legal entity that enjoys political and legal independence from the state. The TDC consists of fifteen members, or commissioners, whom Tunisia's Constituent Assembly chose during a special session that was held on May 19, 2014. It further is made up of six main sub-committees, which include the Institutional Reform Committee, the Committee for Arbitration and Reconciliation, the Committee for Investigating and Recording the Crimes against the Tunisian People, the Committee for Preserving the National Memory, and the Gender Committee.[4] The Women's Rights sub-committee was the last to be established. The latter has separate by-laws as well as a broad mandate that includes gender mainstreaming of all the Commission's activities, investigation of all forms of gender-based violence, and the development of a nation-wide database of all such violations.[5]

From the very start, the process of establishing the TDC was deeply embroiled in the conflicts over Tunisia's fragile democratic transition. The establishment of the Commission, its mandate, and the selection of its members became the subject of in-depth criticism and led to increased polarization among the country's different political factions. On the one hand, many of Ennhada's political opponents criticized the Constituent Assembly's selection of the TDC's fifteen members. Many detractors accused Ennhada of selecting civil society activists who were more sympathetic to the Islamic bloc and who did not adequately represent the diverse voices within the Tunisian civil society. Most of the controversy centered on the appointment of former journalist and human rights activist Sihem Bensidrine to head the TDC. Secular opponents viewed her selection as a guarantee that the Commission would follow an Islamic agenda. The media and some of her fellow members of the Commission accused Bensidrine as serving the interests of the government, since before the Jasmine Revolution she had been

[4] *The Annual Report of the Truth and Dignity Commission* (Arabic) (2015), 35–37.

[5] Gender mainstreaming refers to the public policy concept of assessing the different implications for women and men of any planned policy action, including legislation and programs, in all areas and levels. The next section details the efforts of the women's rights commission of the TDC to mainstream gender as a basic concept of transitional justice.

working on human rights cases that involved the Ben Ali regime's use of torture against members of Ennhada.

In addition to issues involving the selection of its members, the TDC faced a series of challenges related to its lack of coherent policies or agreement on a unified roadmap for what transitional justice would look like in Tunisia. Although the Commission had begun its work, there was no agreement on its mission. Thus, early on, there was a question about whether the TDC would investigate charges of corruption against members of the old regime or just human rights abuses, or if it would consider both of these matters. In addition, until the end of 2016, the Commission could neither publicize its work nor do much about the charges of corruption and human rights violations that it had decided to investigate. In many ways, the lack of progress in Tunisia's process of transitional justice was closely tied to the political deadlock that engulfed the country. The problem was a symptom of the rather tenuous political settlement that paved the way for a power-sharing arrangement between the country's Islamist and secular political powers after the fall of Ben Ali.

Such a delicate balance of the electoral and political settlement in Tunisia made both Ennahda and Nidaa Touni reluctant to pursue any real process of transitional justice. Ennahda's reticence seems curious, given that most female survivors of state-sanctioned, gender-based violence are members of the Islamic opposition or the family of male members. Several young party members criticized this hesitancy of the leadership of Ennahda to confront the history of violence against its female members, despite the wider constituency's enthusiasm for and support of the Commission. One such member reported, during an interview in early 2015, that "such reluctance stems from the political leadership's need to make peace with the deep state in Tunisia, especially the state security."[6] Many young cadres of Ennahda expressed their frustration with the 2012 Ennahda-controlled Parliament for its delay in issuing the law for transitional justice and in the establishment of the TDC. Such vexation continued even after Nidaa Tounes's sweeping victory in both the parliamentary and the presidential elections of 2015.

Members of all shades of the political spectrum, but especially Islamic and leftist opposition members, have long known about the institutionalization of rape and sexual assaults (committed against both men and women) as forms of torture used by government authorities in Tunisia. Nevertheless, the extent of the employment of rape as a weapon of political intimidation and the number of women who had suffered from sexual abuse at the hands of state agents is staggering. Since the Commission

[6]Author's interview with Karim, a young cadre of Ennahda, April 4, 2014. The term "deep state" has been used to refer to the institutional set-up and influential members of the old regime who are still powerful within the state apparatus in Tunisia. This term came up in many of my interviews with members of Ennahda, but it had been used to refer to the old regime apparatus in both Tunisia and Egypt since 2011.

began to hear testimonies, an ugly picture of the government's systematic use of sexual violence against female members of the opposition, as well as female members of the families of opposition members, has emerged.[7] According to the commissioners, thousands of women came forward between June 2014 and December 2015, and recounted stories of being raped and tortured while held in detention. Indeed, some of these women suffer lasting physical and psychological injuries.

While by 2017 the TDC had successfully gathered testimonies from more than 30,000 survivors of torture, it was not clear, until 2016, what exactly would be done with this evidence. Some suggested airing a selection of the accounts on television, but politicians from all sides initially feared that this would inflame and polarize the country further. The Commission members have themselves disagreed over this. Some favor using a model of reconciliation that would allow for the telling of truth while granting some form of legal amnesty for perpetrators. Others have argued for providing past victims with legal means of obtaining justice, including court hearings and retributions. The authorities have not set up special chambers for either purpose.

Moreover, the TDC's lack of real power to carry out its mandate recently became apparent when Bensidrine tried to access state security files in the ministry of the interior and secure the archives of the presidential palace, only to be blocked by presidential guards and denied access to the national archives. This "presidential palace incident," as it later became known in the media, betrayed a sense of crisis over the Commission's purpose. As the head of the TDC, Sihem Bensidrine launched a media campaign in both local and international outlets that was designed to embarrass the government and open institutional spaces for the process of transitional justice in Tunisia so that it might proceed forward.[8]

In many ways, Bensidrine's tactics paid off. Thus, in November 2016, the TDC held its first public hearings for victims of human rights violations at the hands of government security agents, and this prompted a wave of political controversy as Tunisia's history of state feminism came under national scrutiny. Tunisia's pristine self-image as being a pro-women's rights state became unsettled as thousands of women came forward to recount painful stories of their torture and sexual humiliation at the hands of government security agents. More importantly, and parallel to the formal process of transitional justice, a grassroots movement began

[7]While there are no definite figures of how many survivors of sexual violence as a form of torture testified before the Commission until now, an approximate figure that was given to me in September was between 8,000 and 9,000. This covers the period from July 2014 to September 2015. During my last fieldwork trip to Tunisia in early 2017, the figure rose to around 10,000, though it is difficult to estimate whether this refers to the aggregate number of women who testified before the Commission or to the number of gender-based violations that occurred. Most files remain classified, and thus it is difficult to reach an exact number, although the estimations are reliable according to all of the commissioners that I interviewed.

[8]For more details on this incident and its coverage in the international media, see "Attacks by 'Deep State' Leave Tunisia Truth Commission in Crisis," *The Guardian*, September 11, 2015, http://www.theguardian.com/world/2015/sep/11/attacks-state-tunisia-truth-commission-crisis-democracy (accessed November 21, 2018).

to collect the public testimonies of female survivors of state violence with the aim of using them as a vehicle for legal mobilization. Further, these activists sought the writing of an alternative history of women's rights in Tunisia—one that features the voices of ordinary Tunisian women. The mobilization efforts by Tunisian women to collect personal testimonies of gender-based violence emerged as a rather unexpected consequence of the initial failure of the TDC to challenge the government's security apparatus and the total impunity state authorities enjoyed when it came to torture and abuse of Tunisian citizens.

In summary, the process of transitional justice in Tunisia had a slow start, which was mainly due to the tenuous nature of Tunisia's political settlement between the two parties that share power. One unexpected consequence of the establishment of the TDC itself was the growing grassroots mobilization seeking justice for the victims of human rights violations committed by the Bourguiba and Ben Ali regimes. The establishment of the Commission, coupled with the new open spaces for rights mobilization created by the democratic opening, enabled a rise of a new type of activism that centers on women's rights. This important development would challenge the historical narratives of Tunisia's pro-women state feminism.

Mobilizing the Truth and Dignity Commission: Women fighting against the state

Following the establishment of the TDC in 2014, thousands of Tunisians who had suffered at the hands of security officials began to approach the various regional offices affiliated with the Commission, which had opened in their hometowns across the country. For many, telling their stories was not easy. Revisiting painful periods of their lives when they suffered from torture and had to hide from the police for years would often trigger trauma. This was even more so in the case of women survivors of state violence. The list of abuses perpetrated on Tunisian wives, sisters, and mothers of members of the opposition is very long. These women experienced harassment—sometimes on a daily basis—from police who entered their homes at any hour, day or night. Often, other authorities abetted the police, and pressured wives to divorce beloved husbands and thus deprive them of income and force them to bring up children alone. Women were also jailed, tortured, and raped. Stigmatized by a traditionalist society after time in prison, these women were often banned from working, or attending high schools, universities, and even hospitals, including those seeking care for small babies.

Despite the ordeal that many of these women endured, the number of testimonies lodged by them in the local offices of the TDC remained very low until early 2016. When the public began arriving at the TDC's offices, only 10 percent of the victims who came to testify were women.[9] There are several reasons that

[9]For more information, see Olfa Belhasine, "Fear and Trauma Silencing Tunisia's Women Victims," Justice Info.net, http://www.justiceinfo.net/en/component/k2/3093-fear-and-tauma-silencing-tunisia%E2%80%99s-women-victims.html (accessed November 21, 2015).

female survivors were less likely to come forward with their stories. First, women were often indirect victims of the dictatorship, and suffered mostly because of their relationships with men. Second, many of them did not even realize that some of the violations they suffered merited being included in the official TDC records. Ibtihal Abd El Latif, the head of the gender unit at the Commission, recalled:

> Some women who were victims of the repression do not have access to the necessary information, while others live far from the capital and do not have the means to take part in hearings. We also know that they are often afraid to testify about what they suffered in detention, for fear of being stigmatized.[10]

In the beginning and especially in the first couple of years, another reason that many women felt that their testimonies were useless was the lack of clear procedures on the part of the TDC itself. Until late 2016, many female survivors of sexual violence felt that their testimonies were pointless. As one member of Ennahda who is also a survivor told the author: "Why would I go and give my testimony? I am not seeking any financial reparations. I am seeking justice. I want to see those who assaulted me admit their crimes and apologize. I will only go if that is possible."[11] Others who gave their testimonies seemed without much hope that the process would lead to much being accomplished. The reason for their reticence was the general atmosphere of impunity that surrounds governmental institutions amid the determination of different political actors to preserve the sanctity of public institutions, especially the security sector.[12]

Nonetheless, the situation began to change towards the end of 2014. Around this time, several citizen initiatives began to take shape in a few Tunisian cities that had the aim of collecting testimonies from survivors of state violence and delivering this evidence to the TDC. The goal of such grassroots efforts was to lobby the government to take the necessary steps so as to provide justice to the survivors. One of those citizen initiatives was "*Nisaa Tounisait*," which translates as "Tunisian women." Nisaa Tounisait, which several young Tunisian women of Islamist leanings started in late 2011, felt that its concerns were not addressed by other women's rights groups or feminist associations that were active in Tunisia under Ben Ali. One important issue that it felt had been left out of the post-revolutionary debate on women's rights in Tunisia concerned the abuses that women suffered under Circular 108, a by-law the Tunisian government introduced in the 1980s to ban the veil in all institutions of higher education.

The government first presented Circular 108 as part of a then-broader crackdown against the Islamist opposition. It was meant to target the female

[10]Author's interview with Ibtihal Abd El Latif, Commissioner and Head of the Gender Unit at the Truth and Dignity Commission, Tunis, January 17, 2017.

[11]Author's interview with a female member of Ennahda, February 17, 2017.

[12]Allegations about Tunisia's "deep security state" and how it was fighting any attempts for justice for victims of state violence were also cited as a common reason for lack of progress when it comes to transitional justice in most of the interviews I conducted with female survivors of state-supported sexual violence in 2014.

members of Ennahda, which was then a banned political movement. Bourguiba first introduced curbs on the veil in 1981.[13] The Ben Ali regime renewed this policy under other circulars in December 1991, and strengthened it in February 1992, when it prohibited civil servants and staff from wearing the headscarf in all state-run educational institutions. The government further widened the official state ban on the veil in 2003 by forbidding any civil servant working in the public health sector from wearing a veil. While this ban did not extend to female employees working for other governmental agencies or ministries, several women reported that authorities often discriminated against veiled women when they applied for jobs with the Tunisian government, so that these females had to seek employment in the private sector instead.[14] Houda, a veiled judge at the administrative court in Tunisia, explained that she filed a lawsuit in 2002 when she was denied an appointment in the judiciary for which she was qualified only because she was veiled.[15]

While Houda fought for her right to be appointed as a judge, many other women simply gave up on continuing their education or on pursuing careers in the public sector because of the de facto ban on the veil. Effectively, this meant that, for any Tunisian woman who wanted to either get an education beyond secondary school or work for the Tunisian government at any level, the veil was an obstacle. Because of Circular 108, thousands of Tunisian women throughout the 1990s and up until the 2011 Jasmine Revolution were banned from obtaining such opportunities.

For the small group of women who formed Nisaa Tounisiat in 2011, this was a cause that hit close to home. Many of them had suffered personally as a direct consequence of Circular 108. They had lost dreams or ambitions of becoming a doctor, an engineer, or a lawyer because they were not allowed to continue their education and wear the veil at the same time. For many, the choice was a difficult one, and an increasing number of them elected not to continue their education. These women felt that their personal stories and tragedies did not make it into the official narrative on women's rights in Tunisia. While public debates around women's rights centered on the formal gains that women were making in the constitutional drafting process and the need to introduce stricter laws to combat violence against women in both the public and the private domains, many veiled women felt that their grievances were not being addressed either in the debates on women's rights at large, or as part of the deliberations on transitional justice and gender. In addition,

[13]Bourguiba introduced an older version of Circular 108 in 1981. The Tunisian government later widened it in 1985 to include all institutions of higher education registered by the ministry of higher education. As I tracked the history of this by-law, it became clear that the state had only increased the scope of its application over time to include any form of government employment. In addition, it was often used to discriminate explicitly against women who wear the veil in judicial appointments as well, based on several interviews with female judges.

[14]Author's interviews with Samar, lawyer, March 18, 2017, and with Lama, physician, April 17, 2017.

[15]Author's interview with Houda, administrative court judge in Tunisia, April 25, 2017.

a number of these women wanted official recognition from the state for the violations committed against them. Some even sought reparations or some form of compensation for being prevented from continuing their education or taking government jobs for which they were qualified but denied.

Thus, several of these women established Nisaa Tounisiat with the hope of collecting as many testimonies from women who were directly affected by Circular 108 or who had suffered some other form of violation at the hands of state agents. Nisaa Tounisiat began as an informal group that met in Tunis, the capital. As the group established an online presence and a Facebook page, their numbers increased rapidly, and they began to form chapters in other Tunisian cities and towns. Eventually, the group registered as a non-governmental organization with the objective of advancing a new version of women's rights in Tunisia. As one of the founders of the group remembered:

> We wanted to expose the plight of hundreds of Tunisian women who felt that their experiences and grievances were not represented by the more active and famous women's rights organizations in Tunisia like the AFTD [Tunisian Association of the Democratic Women]. While we appreciate the work of those organizations, we often felt that there was a particular bias against the experiences of more conservative women, and especially women who wore the veil. We were also Tunisian women. Many of us were not members of the Islamic current, but we still suffered greatly under the Ben Ali regime for choosing to exercise our right to wear the veil. We felt that what we suffered from was a form of violence against women that was not often talked about. It needed to be part of the conversation on women's rights and transitional justice.[16]

Attempts by Nisaa Tounisiat to compile and record the stories of women led it to other women who even had more harrowing stories that involved sexual violence at the hand of state agents. As another member of the group recalled:

> When we started forming groups that collect stories in different parts of Tunisia, many women came forward to tell us stories of how they were taken by the police, stripped naked, and sometimes raped by several security agents. Many of them were girls, and they were ashamed to go back home. Their only crime was carrying political leaflets that Ennahda distributed. Other women were held and violated because their brothers or husbands were members of the Islamic opposition. Their stories were heartbreaking, and it made us realize how lucky we were not to be violated in this way. Most of them came from poorer regions in Tunisia, and their plight was double since they were also marginalized and did not have access to the media or the government.[17]

The accounts collected by Nisa'a Tounisiat became an important vehicle for personal and political redemption. For many women who reported their ordeals to other similarly situated women, a sense of feminist solidarity was created. In addition, having their stories recorded publicly, and agreeing to file their case before the courts, became not only an act of personal empowerment, but also a new

[16]Author's interview with Hala, a founding member of Nisaa Tounisiat, Tunis, January 23, 2017.

[17]Author's interview with Ola, a founding member of Nisaa Tounisiat group in Kasserine, Kasserine, February 3, 2017.

form of political activism. On the one hand, the collected stories had one noticeable policy impact: they managed to inspire civil society activism in unanticipated ways by triggering the creation of new forms of grassroots organizing that sought to reconcile the personal recollections of the survivors with the official public history advanced by the state. This bottom-up process of collecting and documenting the survivors' accounts both reflected and destabilized the political balance of power during Tunisia's transition in unforeseen ways. Thus, the movement triggered the creation of an institutional space where Tunisia's historical process of state feminism came under scrutiny, and new feminist subjectivities emerged that exposed the tensions and contradictions that characterize the role of the state in the lives of Tunisian women.

This new discourse began to take shape and enter the national consciousness during TDC public hearings in November 2016, during which survivors of state violence and repression under the former dictatorships of Bourguiba and Ben Ali began to share their stories publicly. The hearings presented an essential opportunity for the country to confront its painful past. Thousands of viewers and listeners tuned in on national television and radio and were joined by a worldwide audience through digital streams in English, Arabic, and French.

During the very first hearing, TDC President Sihem Bensedrine began by addressing the audience, and imploring it to listen to the victims' stories, come to terms with its painful past, and to heal together as a country. Women were among the survivors of state violence who spoke that first night, as well as in subsequent public hearings in the following few months. Women's testimonies were quite poignant. Mothers spoke about losing their sons. Political activists described how they were tortured, raped, and threatened by the state security for years. Wives, sisters, and fiancées of Islamist and leftist activists, held by state security, detailed how they were sometimes tortured and raped as a way to force men who were in hiding to appear.[18]

As the public hearings of the TDC become more regular, several interesting public reactions to those stories started to occur. Many supporters of the old regime began to accuse the survivors who had shared their stories publicly of doing this just to get some form of compensation, and not because they were interested in telling the truth. Some media outlets accused the women of wanting to become famous and to receive money as a result of their accusations. Still others accused them of wishing only to smear Tunisian security, even as a series of terrorist attacks targeted Tunisia.[19] Such public responses were

[18]Those reflections are based on personal observation during the six public hearings of the TDC that I attended between November 2016 and May 2017.

[19]A series of deadly terrorist attacks occurred in Tunisia after the 2011 Jasmine Revolution. The most notable among those incidents was the mass shooting that occurred at the tourist resort at Port El Kantaoui, about ten kilometers north of the city of Sousse, Tunisia, in June 2015. Thirty-eight people, thirty of whom were British, died when a gunman, Seifeddine Rezgui, targeted a hotel. It was the deadliest non-state attack in the history of modern Tunisia with more fatalities than the twenty-two killed in the Bardo National Museum attack that occurred three months before. Both events received widespread condemnation around the world and highlighted Tunisia's security problem following the revolution.

understandable, given the political polarization in Tunisia and especially those who had supported the old regime and its subsequent incarnation in the shape of Nidaa Tounes, which had become the majority party and whose makeup consisted of a good number of individuals from the Bourguiba and Ben Ali governments. What proved surprising were the unexpected reactions to the personal testimonies of women who had survived state-sanctioned, gender-based discrimination and violence. For many historians of modern Tunisia and many legal experts and jurists, this new revelation concerning women's rights in Tunisia was deeply problematic because it challenged and negated most of the nationalist interpretation of the same. This insight is captured in the words of a Tunisian feminist and historian at the University of Manouba in Tunis:

> I think what was troubling about many of those testimonies was that they introduced a drastically different picture of Tunisia's past. Bourguiba's legacy was suddenly being questioned since it became clear that not all Tunisian women benefited from the state's pro women's rights reforms. The testimonies of the women who could not continue their education because of Circular 108 showed that the state supported only one kind of woman: a woman who exemplified the modern Tunisian secular woman. That was perhaps the most troubling aspect of many of those public hearings, how the exposed the limitations of the historical project of state feminism in Tunisia.[20]

Nevertheless, women's rights were not the only point of contention that Tunisian historians had with the TDC. In fact, as more public hearings of the Commission aired, many Tunisian historians started to publicly criticize the methodology of the TDC, which mainly relied on the use of personal testimonies. The public debates surrounding the legacy of Bourguiba explicitly promoted such a heated media debate in the Tunisian press, and several Tunisian academics and historians issued press statements condemning what they believed to be "an intentional fabrication of the proper scientific methods of historical inquiry that the Truth and Dignity Commission is engaged in."[21] According to a press release issued by an independent group of around sixty Tunisian historians, the methods used by the TDC should be revised on the grounds that they violate the proper scientific methods used for historical inquiry and produce a biased view of the entire history of Tunisia from the narrow perspective of the life histories of only a handful of Tunisians. This public statement came as a direct response to an earlier challenge by Sihem Bensidrine to Tunisian historians to engage in a rewriting of the entire history of modern Tunisia from the perspective of its citizens. Bensidrine's call for a new bottom-up history of Tunisia betrays the increased politicization of the work of the TDC, and the symbolic struggles over memory, history, and the meaning of

[20]Author's interview with Olfa, a feminist historian and professor at the University of Manouba, March 19, 2017.

[21]The full text of the press release issued by sixty Tunisian historians on the work of the TDC and its rewriting of modern Tunisian history can be found in Arabic online at http://www.assabahnews.tn/article/147305/.

rights that were unleashed by the personal testimonies of ordinary Tunisians, including women. This symbolic effect of the public testimonies was even more significant with regard to women's rights in Tunisia.

Concerning such rights, the female survivors' stories significantly disrupted the national narrative of the Tunisian women-friendly state and exposed the exclusions that are inherent in such a discourse. As one survivor of state sexual violence, who testified before the Commission in one of the first public hearings, observed after giving her testimony:

> Who is the Tunisian woman? I kept hearing about this ideal Tunisian woman. I am not this woman. I have not met any Tunisian woman who represents this ideal. The ideal Tunisian woman is a figment of the nationalist imagination. Her rights are conditional upon her fulfilling a specific image and role in the nation.[22]

Susan Rae Peterson famously and provocatively has described the state as a male protection racket. Women who refuse the government's self-promoted security bargain are held responsible for any violence encountered because of their self-assertion, including violence perpetrated by the state.[23] The heightened need for protection that ensues exacerbates this relationship of dependence and leads to the acceptance of "more authoritarian and paternalistic state power," as Young has further argued.[24] These two analyses aptly lucubrate the relation between women as legal subjects and the Tunisian state, as it was historically both feminist and paternalistic. Rather than seeing this dual character of the state as inherently contradictory, the experiences of generations of Tunisian women discriminated against because of their individual choices to wear the veil or their political activities, should be conceptualized as the other face of an authoritarian feminist state. Women's rights play a highly significant political role in legitimizing the post-colonial Tunisian state. Indeed, the Tunisian authoritarian regime used women's rights as a crucial legitimizing tool and as testament to its ability to control the private sphere of its citizens' lives. Subverting hegemonic understandings of women's rights and subverting this dominant narrative concerning a putative, pro-women's rights government became a symbolic political act of resistance to state dominance.

In such a sense, the symbolic meaning of the personal testimonies of the survivors of state-sanctioned, gender-based violence goes beyond the mere application of justice. Women's statements about such brutality and the public debates they created had the effect of revising the official narratives with respect to women's rights and widening the scope of what constitutes feminist or women's activism in post-revolutionary Tunisia. By introducing

[22]Statement by a Tunisian woman about the discrimination she suffered because of Circular 108 and how she was banned from continuing her education, TDC Public Hearings, March 17, 2017 (attended by the author).

[23]Susan Rae Peterson, "Coercion and Rape: The state as a male protection racket," in *Feminism and Philosophy*, edited by Mary Vetterling-Braggin, Frederick A. Elliston, and Jane English (Totowa, NJ: Rowman and Littlefield, 1977), 360–371.

[24]Young, *The Logic of Masculinist Protection*, 1–25.

the narratives of women and what happened to them at the hands of the agents of the state, Tunisian women in general, and not just those who testified before the commission, were able, in the words of one feminist writer, "to reclaim their history and write themselves back into it again."[25]

In summary, the ongoing process of transitional justice remains far from achieving its goals of providing procedural justice to the thousands of survivors of state violence who have come forward to recount their suffering at the hands of the state security apparatus. Despite this, the process of transitional justice has led to several unexpected consequences. First, it has created an institutional space for bottom-up mobilization for many citizens who feel that their political representatives are ignoring their grievances. Second, it has allowed for a new form of subjectivity to emerge—that of women who identify as Muslim and conservative, yet who speak the language of gender empowerment as an act of resistance against the violence committed against them by the state as "women." These new actors have introduced novel claims to rights that mix the revolutionary ideals of dignity with those of women's rights and, more specifically, the violation of women's bodies as acts of gender-based violence. The narratives of such women defy easy categorization. Most of them would be reluctant to label themselves as "feminists," since for them the term holds a historical association with the Tunisian state-specific brand of *laïcité*, or secularism.[26] Third, the public hearings of the TDC and these new narratives of women's rights created an important subversive effect of unsettling the official narratives on women's rights in Tunisia and challenging the historical parameters of state feminism in Tunisia. While the full effects of this process of negotiating the terms of women's rights in practice in Tunisia are yet to unfold, the symbolic and political power of those public personal testimonies on the official history of the Tunisian post-colonial state remains profound.

Conclusion: The politics of truth, dignity, and symbolic resistance: Towards a full history of Tunisian state feminism

In his comparative study of truth commissions around the world, Onur Bakiner writes about the unexpected consequences of such bodies and the diverse processes of transitional justice that they have launched, observing:

> Truth commissions can be subversive. Politicians often lend them initial support in the hope of taming the societal pressure for justice and historical truth and imposing

[25] Author's interview with Olfa.

[26] Like Turkey, Tunisia has experienced state-led imposition of "laicisim," which seeks to guarantee citizens state protection from religion, as opposed to Anglo-Saxon models of secularism, which intend to protect religion from the state. After the revolution, some Tunisian parties—including Ennahda and more center-left, soft, secular parties, such as Congress for the Republic (CPR) and Ettakatol—began backtracking from the laicist model. For further reading on the contrasts between laicism and Anglo-Saxon secularism with many parallels to the Tunisian context, see Semiha Topal, "Everybody Wants Secularism—But Which One? Contesting definitions of secularism in contemporary Turkey," *International Journal of Politics, Culture, and Society* 25, no. 1–3 (2011): 1–14.

> their vision of nation building. Yet, commissions that were set up in different countries following years of conflict have managed to surprise and upset powerful individuals and institutions many times. Even when they legitimize an incoming regime by laying bare the crimes of the previous one, their findings and conclusions may prove inconvenient for the new leaders, as the example of South Africa demonstrates. Of course, commissions are neither fully subversive nor entirely docile. Comparative analysis should account for the unintended and unforeseen consequences of a truth commission process and explain why some commissions influence politics and society the way they do, whereas others do not.[27]

This quote aptly describes the impact of the work of the Truth and Dignity Commission in Tunisia and its effects on subverting statist and nationalist narratives on women's rights.

The public hearings and their influence on the debates on state feminism in Tunisia created several diverse effects. First, the state's institutional legacies concerning women's rights in a context like Tunisia, where the state and its security apparatus were direct perpetrators of gender-based violence, became sites of political contention. The public debates about the history of women's rights in Tunisia, as evidenced in the press statement by the Tunisian historians about the methods of proper historical inquiry, attest to the symbolic power of personal narratives when they become public. While the TDC has generated surprisingly little impact in terms of policy reform, court rulings, or prosecutions for state security agents or policemen who are involved in torture, the public acknowledgment of the human rights violations committed by the Tunisian goverment has inspired a major national debate on the limitations of realizing justice amid a successful democratic transition.

Second, even though the TDC has so far failed to generate a noticeable policy impact, it has managed to inspire the mobilization and activism of civil society around gender-justice issues in unanticipated ways. Through the construction of new narratives and practices related to women's rights in Tunisia, the Commission triggered the creation of new women's rights associations and promoted public discourse concerning social memory and exactly what constitutes a national legacy of rights. In addition, through the public recognition of the violations that Tunisian women of a certain generation suffered from under Circular 108 and because of their involvement in political activism, the very parameters of what constitutes women's rights in Tunisia have broadened to include freedom from violations at the hands of the security state and a recognition of how those abuses disrupt and negate Tunisia's historical project of state feminism. The narratives of the women who bravely testified before the Commission have challenged and transformed the very meaning of rights in the context of post-revolutionary Tunisia. In turn, they are enabling the creation of a novel space for reflection

[27]Onur Bakiner, *Truth Commissions: Memory, power, and legitimacy* (Philadelphia, PA: University of Pennsylvania Press, 2015), 3–4.

and the construction of new nationalist narratives of women's rights. Thus, the TDC, despite its failures, holds important transformative potential.

Third, while the Commission still cannot initiate a full-blown process of justice that includes the prosecution of state agents for which its original design was intended, the symbolic consequences of the process of transitional justice in Tunisia have been profound. While tension continues to exist between the increase in the human agency created by this important development and the vulnerability of this process to the needs and considerations of the democratic transition and its primary institution (namely the TDC), the symbolic effects of transitional justice have already begun to take effect. It is still not clear how the tension between the human empowerment unleashed by all of this will be resolved. Indeed, the broader outcomes of this process defy simplistic explanations of what truth commissions should or can achieve. While the future of Tunisia's democratic transition will surely have a substantial impact on the Commission's efforts, its effects on social memory and the rewriting of history in Tunisia are already well underway. Reexamining the state's historical project concerning state feminism under Bourguiba and Ben Ali and its effects on the lives of Tunisian women is one of the most significant consequences of this process of rewriting the social history of state violence in Tunisia.

Moreover, the process of transitional justice in Tunisia has so far not addressed adequately the gendered nature of the violations. This omission risks the reproduction of the same traditional, gendered categories and the perpetuation of hegemonic understandings of the state's prerogative powers over it citizens through a culture of shame and silence. While gender justice became a central aspect of Tunisia's process of transitional justice, the rules and procedures governing transitional justice have yet to reflect its significance. Tunisia's democratic transition exposed the extent of the state's historical use of gender-based violence for political motives and, in this regard, Tunisia looks like many of its neighboring countries. The country remains a place where politically and socially motivated cultures of sexual abuse interact and influence formal political processes while raising important questions about the limits of formal politics and processes of transitional justice in achieving gender justice. Furthermore, the Tunisian government's widespread historical use of sexual violence against women for political ends calls into question the entire Tunisian state's historical project of "state feminism."

On another note, the survivors' narratives concerning gender-based violence committed by the Tunisian government show that the outcomes of politicizing gender-based violence, in the aftermath of the Arab Spring, defy easy categorization. In this sense, the current gender-related struggles in Tunisia and their mixed outcomes suggest a closer look at the relationship between gender justice and democratization. The details of the Tunisian case challenge the assumption that the two go hand in hand.

The country's two main political parties seem to be seeking reconciliation in the interest of national stability, but also appear less interested in achieving justice. In addition, the rise of Nidaa Touness and its electoral victories mean that members of the old regime's political and business elite have regained much of their influence in the new democratic system. Thus, the top priorities for the new coalition government have become achieving economic prosperity and heightening security, but not attaining justice. Political calculations have so far been paramount in the decisions of both Nidaa Tounes and Ennahda when it comes to moving forward with transitional justice, and have derailed the start of a systematic court-based process of justice. Despite the fact that such considerations have delayed the process of transitional justice, the airing of public hearings and the personal narratives of survivors have had a profound effect that has frustrated the narrow political calculations of the two principal political parties. The public hearings created a venue of contestation for material and symbolic power over questions of truth, memory, and justice. By its very nature, this site has generated a more pluralistic discourse and practice of feminist engagement itself. As a consequence, this important achievement has paved the way for the creation of a new historical memory that redefines the practical meaning and the development of women's rights in Tunisia's post-revolutionary future.

Tunisia's post-revolutionary process of transitional justice has demonstrated that postcolonial state projects rarely produce uniform effects that can facilely be characterized as good or bad for women. On the contrary, the gendered politics of Tunisia's Truth and Dignity Commission have revealed the darker side of Tunisia's "women-friendly state," and exposed the limitations of the historical project of state feminism in Tunisia. All of this brings into question the universality of the subject of this project's emancipatory goals; namely, the Tunisian woman. Engendering Tunisia's process of transitional justice opens the opportunity for constructing new narratives concerning women's rights in Tunisia through a painful reexamination of the nation's history. While this process has had mixed results on women's formal and actual realities, some of the results have proven to be surprisingly empowering. This will be especially the case if this process becomes the vehicle for further legal and political mobilization for gender justice at the collective and individual levels, and if these new forms of mobilization manage to cut across traditional Islamic and secular divides. For this to happen, the Tunisian Truth and Dignity Commission will need to establish strong popular support to address past grievances and counter diminished political will, face the deep state, and open new venues for gender justice in the country.

Disclosure statement

No potential conflict of interest was reported by the author.

Funding

The author was a recipient of a 2017 ASMEA Research Grant to support work resulting in this article.

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