

Looking for the Revolution: Fighting for Socioeconomic Rights and Democracy in Tunisia

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Abstract

The paper aims to analyse the political instances produced by protesters during the uprisings of January 2011 in Tunisia (evolved in the destitution and escape of former president Ben Ali), which provoked the beginning of a process of transition in Tunisia. The main aim is to reconstruct –according to Foucault- the contents of the uprisings and the extended ‘practices of liberation’; to follow and analyse the Constitution-making process, and to evaluate the ‘practices of liberty’ and the public space for freedom. The project aims to rebuild the grassroots instances advanced during the protests (the fights for rights) and their reception (or not reception) firstly in the preparatory works of the commissions deputed to handle the political transition, in second instance, in the new Tunisian Constitution.

Key words

Tunisia; revolution; Constitution; democracy; socio-economic rights

Resumen

Este artículo pretende analizar las instancias políticas producidas por los manifestantes durante las revueltas de enero de 2011 en Túnez (que dieron lugar a la destitución y fuga del antiguo presidente Ben Ali), que dieron lugar a un proceso de transición en Túnez. El objetivo principal es la reconstrucción –según Foucault- del contenido de las revueltas y las extendidas “prácticas de liberación”, para, a continuación, analizar el proceso constituyente, y evaluar las “prácticas de libertad” y el espacio público de libertad. El proyecto pretende reconstruir las instancias populares que se desarrollaron durante las protestas (la lucha por los derechos) y su recepción (o falta de la misma), en primer lugar en las tareas preparatorias de las comisiones designadas para manejar la transición política, y en segunda instancia, la nueva Constitución tunecina.

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Palabras clave

Túnez; revolución; Constitución; democracia; derechos socioeconómicos

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Let us decide not to imitate Europe;
let us combine our muscles and our brains in a new direction.
Let us try to create the whole man, whom Europe
Has been incapable of bringing to triumphant birth.
[Franz Fanon, 1963, p. 313]

I don't want to say that liberation or this or that form of liberation do not exist;
when a colonized nation tries to liberate itself from its colonizer, is certainly a
practice of liberation, in a strict sense. Nevertheless, we perfectly know that in
similar circumstances, moreover precise ones, the practice of liberation is not
enough to define the practices of liberty, which will be necessary later on to permit
to that nation, that society and those individuals to define, by themselves, the
acceptable forms of their existence or of the existence of the political society.
[Michel Foucault, 2005, p. 205] ¹

1. The object of my indignation: The fair distance between liberation, liberty and freedom

The workshop for which this paper was initially prepared was entitled "Indignation, Socio-economic Inequality and the Role of Law". The conference organizers asked participants to base their papers on something about which they feel indignation in the realm of their research areas. The object of my "sociological" indignation is the lack of democracy on the Southern shores of the Mediterranean Sea, increased by the global economic crisis and resistance to revolutionary processes and political changes. This work bases upon my ongoing post-doctoral work on Tunisian uprisings. In particular, the project (started in January 2012) focuses on empirical evaluation (ethnography and in-depth interviews) of practices of liberation and practices of liberty after the revolution.

As Foucault wrote, "practices of liberation" and "practices of liberty" differentiate in important ways. In my opinion, the practices of liberation are not enough to define the consequent practices of liberty, necessary to society for self-definition of forms of being and of types of society. This distinction recalls the famous argument made by Hannah Arendt on revolution. The philosopher wrote on the idea of revolution as an action of beginning anew: *to act* means to be able to disclose one's self and to do the unanticipated. Her claim is that "*revolutions are the only political events which confront us directly and inevitably with the problem of beginning*" (Arendt 1963, p. 21), since they represent the attempt to found a new political space, a space where freedom can appear as a worldly reality. In particular, Arendt recalls the example of the American Revolution, in which the act of foundation took the form of a constitution of liberty. This article takes as its premise that the action of Constitution-making itself represents an act of liberty, and the promise of a public space of freedom. Agreeing with Foucault, the article argues that the real flourishing of liberty links the possibility of expression and self-definition of individuals within the society. The aim of this article is to reflect on the Tunisian process of transition and to suggest evaluating the recent events as practices of freedom, practices of liberty or even practices of liberation.

The Tunisian uprisings took place at the end of the year 2010. The year 2011 represented a year of change for all the Mediterranean countries. The regions of Maghreb and Mashreq have been crossed by a wave of protests: revolutions in Tunisia and Egypt; major riots in Algeria, Jordan, Morocco, as well as on the borders of Israel; and minor protests in Lebanon, and further, in Turkey. Finally yet importantly, uprisings in Libya and Syria became civil wars, which are still ongoing. In mainstream narratives of the political transformations, grassroots protests connected political demands (critique of political regimes, violations of human

¹ Author's translation.

rights, censorship, and violent repression) and instances of social justice (effects of the economic crisis, the welfare state crises, no recognition of socioeconomic rights) (Castells 2012).

In Tunisia and Egypt, the uprisings evolved into revolution², and dismissal of the former regimes; in Libya, and, above all, in Syria, the international community pursued an increasing involvement in the civil war. This article focuses on Tunisia as a case study of the process of protest and democratization. The promulgation of the new constitution in Tunisia (10 February 2014) and the Jasmine Revolution (Ben Jelloun 2011) provide a case study which links together profiles of subversion of the established order, the achievement of the creation of a new establishment and the resistances and obstacles of past and recent social questions. The analysis of these efforts is the main object of this chapter, which bases on the results and the reflection collected during fieldwork in Tunisia in January 2013-2014, April-May 2013-2014, August 2013 and October 2014 and the collection of 30 interviews of key witnesses³. The fieldwork offered a parabola of the idea of the revolution and the resistances to change of authoritarian structures and powers. The first part of the article consists of a methodological warning and the positioning of the observer; the second part will reconstruct the historical events and the claims of the protesters in Tunisia, the third part will follow the Constitution-making process and, finally, the article will take steps toward an interpretative approach, according to Arendt and Foucault's theoretical framework.

2. An historical and social preamble: uprisings and political subjectivity between post-colonial traditions, Islamic heritage and globalization

The recent breakdown of Western economies has revealed and amplified contradictions and social inequalities, which have been part of the social heritage in all the northern part of Africa since the colonial period. The phenomena of the so-called "Arab Spring"⁴ had put the attention (of Western media and politics) on the demand for social economic rights that have moved from Tunisia to the rest of the Maghreb and Mashreq and straight forward into the "North" of the world⁵. The political and social events of the last four years connected, at the same time, the needs of the developing world with the responsibility of the First World (Amin 2012). Amin called these events "a formidable challenge". According to him, in an optimistic perspective, these events offer us the opportunity to consider the spatial dimension of the Mediterranean as a kind of global space for the enforceability of rights and for the supply of wealth (whereas, more pessimistically, it sometimes represents the opposite: a space of exclusion). If we consider the concept of field, as reported by Pierre Bourdieu (2003), the Mediterranean Sea can be analysed as a field of power (economic, political, social and legal) and not only as a bordered space which measures and perpetuates social exclusion. Nevertheless, how did these inequalities appear? Moreover, when someone will reduce these? Is the

² The concept is not neutral. As Charles Tilly (1995) wrote, it is necessary to consider two states within a revolution: a "revolutionary situation" and a "revolutionary outcome". For Tilly, a revolutionary situation becomes visible when it contains: 1) candidates or coalitions of candidates vying for power, who lay competing claims to the exclusive control of the state, or of one of its components; 2) a significant portion of citizens rallying behind such claims; 3) incapacity or a lack of will on behalf of those in power to repress the opposing coalition and/or the citizenry rallying behind its claims.

³ The interviews were carried in French and the respondents were members of the Tunisian civil society, academics, politicians, intellectuals, students and activists. The sample is taking into account different age, gender, economic and geographical background.

⁴ The label "Arab Spring" is a Western media production and definition. The other definitions were "Arab revolutions" and "Arab Awakening". As Hamid Dabashi wrote: "I have opted for "Arab Spring" because it both marks the time of year it commenced and metaphorically announces a season of hope, trust, fecundity and rebirth. Later on, when the Eurozone crisis and the American Occupy Wall street movements had been termed the 'European Summer' and "American Fall" the world at large knew we had hit upon a winter of discontent" (Dabashi 2012, p. xviii)

⁵ Many authors, such as Castells (2012) and Dabashi (2012) connect the protests in Tunisia and Maghreb with the "Indignados" and "Occupy" Movements.

change of political regime sufficient to answer the search for justice, freedom and dignity (*Hurryyah, Adalah! Jtima'iyah, Karamah*) as the protesters claimed?

To analyze in depth the transformations of Northern Africa, focusing on Tunisian shores, it is necessary to heed a methodological warning: according to a diachronic perspective of the social sciences' analysis, the history of anthropology in the Arab world reveals the existence of an ambiguous and difficult relationship with the Western social sciences, especially in the colonial age. The criticism of this "exotic" vision of the Arab world has always been very strong (Fanon 1963, Abd el-Malek 1963, Said 1978, 1993). In contrast to this colonial anthropology, which was related to the past and unable to account for the deep historical and cultural transformations of the Arab society, a post-colonial – and more politicized – analysis sees itself as an instrument of decolonization. This post-colonial social science has paid more attention to the study of the local social and economic conditions and to the development ideas (Kerrou 1991), which inspired many "fathers of the Arab nations", from Nasser to Bourguiba. However, in this particular historical moment, the Maghreb also became the field of research where the concepts of social capital and of symbolic violence took shape (Bourdieu 2003). These perspectives inform my Occidental gaze, and my analysis thus reflects my intellectual milieu and background. Moreover, in addition to establishing the outlook and distance from which I perceived the events, I also consider the life histories and the ongoing and fluctuating concepts of the Tunisian reality in transition.

Adopting firstly a descriptive perspective, I argue that the Arab Spring, which induced this phase of deep transformations, at the same time raises many crucial legal, sociological and philosophical issues and is –apparently- changing the Tunisian ideological approach to the life and values of the State. Most of these issues concern the subsequent developments of the constituent assembly processes, unfolding in the North African and Middle-Eastern area⁶, and they open an internal debate on the rule of law in developing contexts and in the Islamic area (Geertz 1968, Kerrou 2008, Mezghani 2011). At the same time, all the political, sociological and economical processes of the last century show and symbolize the main cause of this process of continuum of the reproduction of inequalities. One of the challenges will be to understand if the connection between past and recent inequalities is a strong one. In addition, it is important to determine whether we can read the recent phenomena either in the global framework of post-colonial liberation, or as answering the new needs and the recent search for rights, which are the side effects of the reproduction of Capitalism's inequalities between Global North and Global South. Furthermore, it might be that, as Amin (2012) argues, the two approaches can be interconnected. Moreover, this level of analysis attracts Western debate more than other themes such as transitional justice, administrative changes and reproduction of violence, main subjects of recent Tunisian events.

How can we dissect such a complex phenomenon, which raises these important issues? The first level of reflection is the cultural one. An anthropological approach suggests it is necessary to take into account the possible disruption, during the Tunisian riots, of the traditional dichotomy between modernity and tradition (Appadurai 1996) by imposing on an increasingly reflexive cultural anthropology (Bourdieu, Wacquant 1992) the confrontation with modernity that is the result of a global cultural *bricolage* (Taussig 1991, Clifford 1999). This process challenges the dialectic between center and cultural periphery of the world, as the progress in building societies that are more democratic seems to come from the south shore of the Mediterranean, rather than from the securitarian European fortress. In particular, some authors have identified the uprisings as the end of post-

⁶ The King ratified the new Moroccan Constitution after the confirmative referendum on 1 July 2011. This process offered the possibility to contain the uprising and the claims of the "mouvement du 20 Février" (Biagi 2014). In Egypt, a 100-member Constituent Assembly, elected by the Parliament, drafted the Constitution and adopted it in December 2012. See Mourad (2012) and Al-Ali (2012).

colonialism: “these revolutionary uprisings are post-ideological, meaning they are no longer fighting according to terms dictated by their condition of colonality, codenamed ‘post-colonial’” (Dabashi 2012, p. i).

The second level is the socio-legal reflection on the theory of human rights, and the possibility of “exporting” democratic principles around the world. In particular, we can read and analyze the Arab spring through the dichotomy between the prescriptions of *universalism*⁷ and those of *relativism*⁸. Studies regarding the “Mediterranean” from a *meridian* perspective – one that links together the two banks of the sea - offer a “conciliatory” contribution.⁹ At the same time, we can decipher the spread of a *passe-partout* discourse on revolution in all the Maghreb and Middle East contexts, both as a globalization of dissent (Santos and Garavito 2005) and as a counter-hegemonic instance (close, in many cases, to the Islamic political theology of liberation). In addition, it can be read as a western revolutionary ideology implant, which offers, at the same time, a kind of consolation prize to the Western leftist parties and thinkers looking for a compensation from below to the colonizing past.

The third level of reflection is the macro-sociological level. The classic “world-system” analysis (Wallerstein 1974, Schneider 1977) suggests examining the condition of the geopolitical “periphery” in its historical relationship with the “centre”. The corollary of this macro aspect could be the socioeconomic reflection on rights, in a post-colonial perspective. Alternatively, it could be the counter-hegemonic narrative, which produces and rereads the recent events with the lens of the past. Such a relationship is thus “mirrored”. In this perspective, the so-called Arab Spring and its “effects” appear as a “one-way flow” whose consequences are spreading towards Europe. The Arab Spring resembles more the result of pre-existing conditions and interrelationships, a dialogue-based relation of powers and domination (Hibou 2006), and a never-ending reproduction of everyday (Scheper-Hughes 1992, 1996) symbolic (Bourdieu 1997, 2001) and systemic violence (Galtung 1969, 1975).

3. Tunisian practices of liberation: from economic dependence to the revolution (1986-2011)

The history of Tunisia, indeed, affects the present, as the special conditions of the absence of pluralism, which characterize the small State have continued since the French protectorate (Anghelone, Ungari 2012). Dictatorships outline the post-colonial situation in the entire region of North Africa, which remained economically dependent on the former colonial powers, with economic relations based on resources’ exploitation in exchange for the maintenance of power. This mechanism of dependence (Amin 1976), produced during the Colonial period and reproduced by the authoritarian governments of the country (former presidents Bourguiba and Ben Ali), generated the increasing transnational inequalities on the borders of the Mediterranean Sea. The socioeconomic context is key in historical geopolitics’ attempts to identify the colonial history in Tunisia with modern dynamics between South and North.

Comparing Tunisia with Egypt, another country involved in riots, we can say that Tunisia and Egypt came from a structured colonial past (they were respectively French and British colonies until the middle 1950s). Both countries developed a non-independent economy, a formal secularism, so called “modernism”, and similar

⁷ Many authors developed and analyzed the concept. For a general overview see Marshall (1992), Habermas (1992, 1996), Dahrendorf (1992, 2001), Walzer (1994), Beck (1999), Giddens (1999), Ignatieff (2003).

⁸ The reflection of Danilo Zolo offers a good summary of the subject (Zolo 1992, 1995, 1998), as do the post-Marxist comments of Slavoy Žižek (2005).

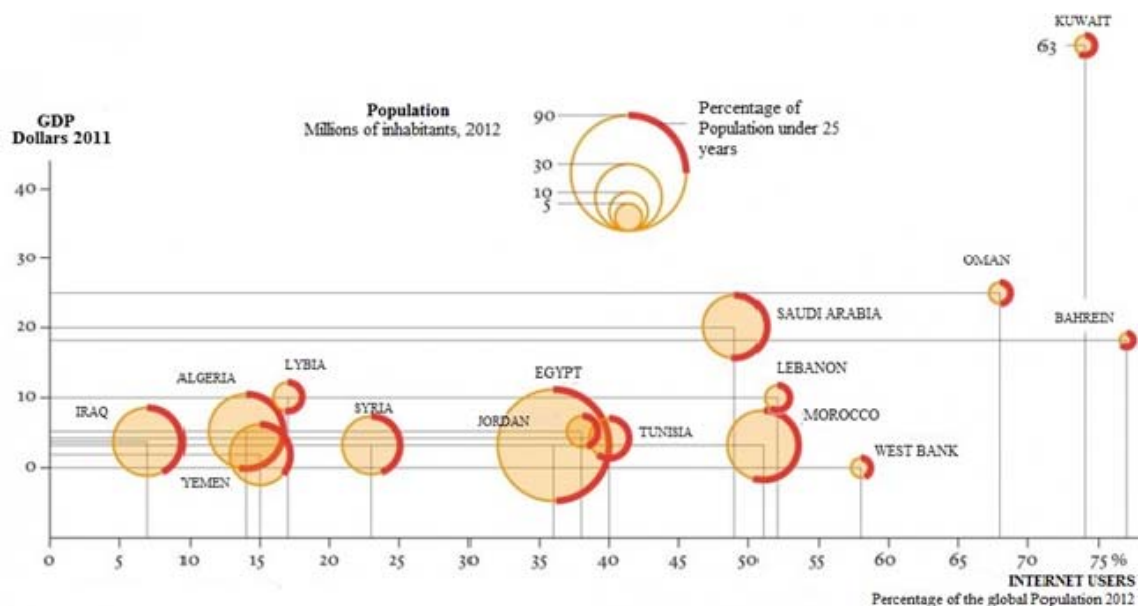
⁹ The Italian sociologist Franco Cassano first developed the meridian thinking (Cassano 1996) recalled by different authors: (Matvejevic 1988, Horchani, Zolo 2005). This concept connects the emergent role of law and of judicial modernity in the Arabic contexts (Redissi 2004, Horchani, Zolo 2005).

models of political authoritative governments under Zine El-Abidine Ben Ali and Hosni Mubarak. Tunisia has developed a diverse, market-oriented economy, with important agricultural, mining, tourism, and manufacturing sectors. Following an ill-fated experiment with socialist economic policies in the 1960s, Tunisia focused on bolstering exports, foreign investment (in particular ex colonies dependence market and transfers), and tourism, leading to several decades of GDP growth. The country based its internal market mainly on textiles and apparel, food products, petroleum products, chemicals, and phosphates, with about 80% of all exports going to the European Union, thereby confirming the idea of an unequal development (Amin 1976, Anghelone, Ungari 2012). The tenure of former President Zine el-Abidine Ben Ali (1987-2011) was characterized by increasing forms of patronage and corruption. As Ben Romdhane wrote,

“the third period [of political economy in Tunisia] started in 1986 till nowadays. We can describe it with these statements: a) the sensible reduction of protectionist policies and the almost suppression of the import-substitution policies; b) the progressive dismantling, nowadays total, of custom obstacles for the European Union industrial production, with the establishment of a free trade zone; c) the international trading in internal market uncompensated by a sufficient national investment, so that the country cannot create a Schumpeterian management class dynamic enough to counterbalance the departure of foreigners”¹⁰ (Ben Romdhane 2011, p. 122).

According to Ben Romdhane, the third period of the Tunisian economy imposed a different economical relation between Tunisian industries and foreign capital: even if the colonial control was getting thinner, the level of meddling of European investors, because of an uncontrolled free market, was heightened. This static process influenced Tunisian economic performance and increased high unemployment, particularly among younger Tunisians. The defeat of Ben Ali sent Tunisia's economy into a tailspin. As the economy recovers, Tunisia's government faces challenges reassuring businesses and investors, bringing budget and current account deficits under control, shoring up the country's financial system, reducing high unemployment, and lessening economic disparities between the more developed coastal region and the impoverished interior (Geisser, Gobe 2007, Ben Romdhane 2011 Brondino, Brondino 2011, Hibou 2011).

Figure 1: GDP related to population, age, and internet users

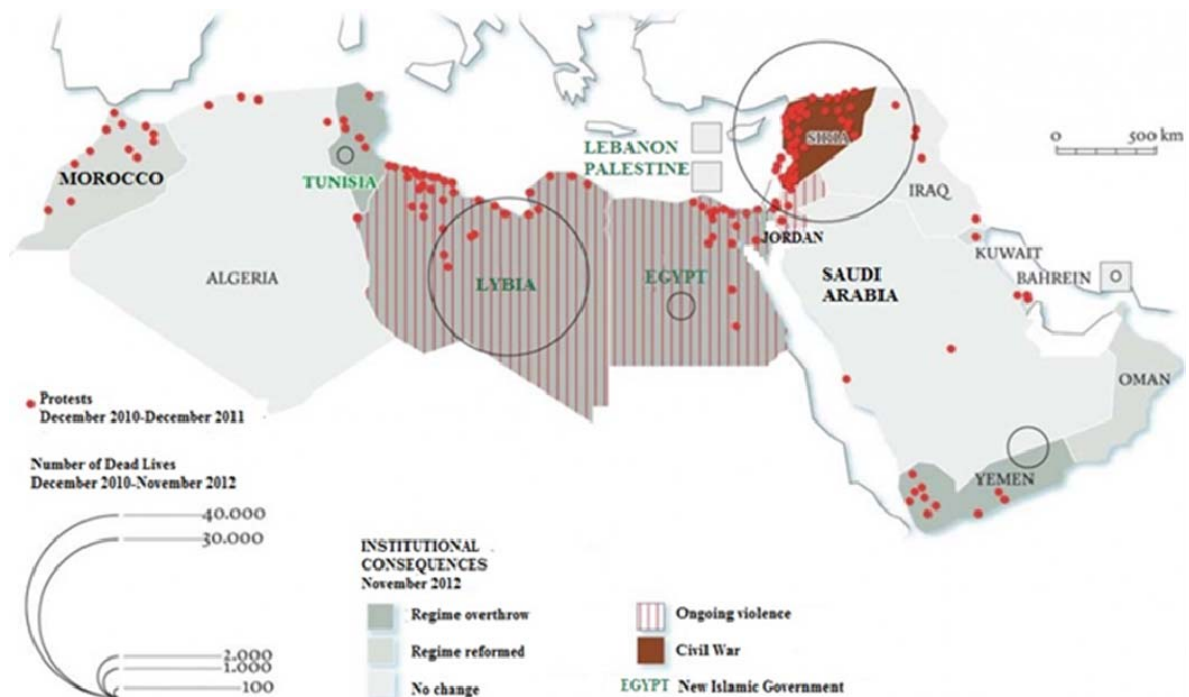


Source: <http://www.cartografareilpresente.org/article819.html>

¹⁰ Author's translation.

Figure 1 explains the economic situation related to age of the population, GDP, and their capacity to be connected. The Maghreb-Mashreq area varies a great deal in dimensions, richness, development and ability to be connected. This last factor is particularly interesting for the capacity to be “globalized” and correlates it with the age of population. Recalling again the comparison between the different contexts of the uprisings, we can underline how Tunisia and Egypt present many differences. Firstly, the dimension: Egypt has a population of around 90 million people whereas Tunisia has only 10 million; Tunisia is slightly richer than Egypt, younger and more wired. Nevertheless, they have a similar colonial and post-colonial history. In this sense, we cannot find a common denominator between contexts, only a wave of “imitation” and a spread of dissent in all the Southern shore of the Mediterranean Sea.

Figure 2: Arab uprisings



Source: <http://www.cartografareilpresente.org/article819.html>.

Protests in Tunisia started in 2008 in the mining basin of Gafsa and Redeyef, a polluted and exploited area at the border with Algeria, where the production of phosphates has given work for many years to the population of the surroundings. After a huge layoff of miners, the UGTT (Tunisian Trade Unions) declared an ongoing strike, strongly repressed by police and the army. These mobilizations took place over a period of approximately six months, across various categories of the population, such as high school students, families of the workers and work victims, the unemployed – particularly university graduates – and temporary workers on various municipal building sites. The protest involved, in fact, all the marginalized populations who pushed the elite aside in economic and social terms in an area which itself is located on the edge of Tunisia (Del Grande 2010, Gobe 2011)¹¹.

This grassroots event was an isolated episode in Tunisia, but the fragility and weakness of Ben Ali’s power was increasing (Camau, Geisser 2003, Gobe 2007). Although the crisis was ongoing, it was moved more “behind the scenes” by members of RCD (Ben Ali’s party) and European and Tunisian elites. For these reasons, it was necessary to wait until the death of Mouhamed Bouazizi, the fruit-seller of Sidi Bouzid who set himself on fire on 17 December 2010, to connect all

¹¹ See also the analysis of Del Grande (2010).

the marginalized experiences in a collective movement, supported by the leading Tunisian class.¹² The following days completely changed the self-perception of Tunisian citizens and their consciousness about the ongoing process of uprising. The famous blog Nawaat on 25 December 2010 offered some comments on the Tunisian events:

‘What happened is an accumulation during the past five years because it has no industrial zone. Suddenly, neither Tunisian investors nor foreigners can find locations for their investment here; our region also lacks infrastructure and offices. The unemployment rate is high, compared to neighboring regions. There is also trafficking of agricultural land, which is sold without the knowledge of owners, including Regueb. The investment subsidy is only 15% in our governorate, while in other regions it is 25%. There has been no development for five years. No new project has been launched.’¹³

Nevertheless, the revolution “storytelling” has assumed, drawing from reality, the narrative of a grassroots, popular movement, looking for bread and dignity (in Arabic: *karemah*). Most observers and some privileged witnesses that I have met explain the ultimate start of the revolution by the development and implementation of the use of the new media. The reduction of Tunisia’s digital divide has networked the contents of the protests started in the so-called “Regions” (in particular Kasserine, Gafsa, Redeyef, Sidi Bouzid, Siliana). This process brought an awareness of other events to the social subjects involved (miners, their families, young adults and teenagers) as well as other excluded members of Tunisian society. The uprisings involved the urban bourgeois under thirty living in the metropolitan area of the city of Tunis, the exploited citizens of the Coastal area, in particular tourism’s seasonal workers of Sfax, Sousse, Monastir and Cap Bon and – to a lesser extent – the rural workers.

My informants agree with this reconstruction. Informant #1, blogger, aged 24, born in Gafsa, told me how these events of the “Bassin Minier” offered the opportunity to discuss and to spread the images of the oppression of Ben Ali in the web. The suffering of the miners and their bloody repression influenced the perception of the president as a dictator, and amplified the feeling of injustice. The blogger uses this characterization of Gafsa events to exemplify *karemah*. Informant #1 also connects this to the second critique: the increasing richness of the “famille d’argent”, in particular Ben Ali’s wife Leila Trabelssi and her relatives, enriched through influence peddling and nepotism.

The connection between the protests of the miners in the Region of Gafsa and the uprisings of 2010 is proposed also by other activists met and interviewed in 2013: Informant #2, rail worker trade unionist; Informant #3, student of informatics; Informant #4, politician and member of the Baath’s party. The bloggers, the unionists, students and leftist politicians were the main composition of the population protesting in the square, helped by the members of Islamic brotherhood “*Ennahda*”.

A different reconstruction is offered by Informant #5, professor of Political Science at Campus “El Manar”; Informant #6, sociologist and government official; Informant #7, professor of Constitutional Law at the University “Manouba” and Informant #8, spokesperson of an Italian Islamic prayer centre. These informants, members of the Tunisian elite, suggest the internal breakdown of the party of the president, “RCD”, and the mistrust and lack of confidence of the military authorities¹⁴ in the integrity of the President Ben Ali were precursors of the eventual removal of the President. The Tunisian elite reveals how the President was

¹² The case of Bouazizi was not isolated. The practice of setting on fire has been quite common in Tunisia, both before and after the Revolution (Rivera 2012).

¹³ M. Mourad Jilili, businessman, interviewed (Ajroudi 2010) (author’s translation).

¹⁴ Exemplary is the refusal to shoot into the square by General Rachid Ammar, forced to resign by President Ben Ali on 12 January 2011.

not credible anymore as a defender of their economic interests and of the interests of foreign investors.

Fieldwork therefore discloses a double wave of dissatisfaction and two possible explanations for the uprisings: on one hand, the grassroots protests, reclaiming the possibility of dignity (work, social rights, consumption), propose a classical narrative of the revolution, the storytelling of a social poor movement of liberation; on the other hand, the Tunisian elite tells a different story about recent events, connecting the fall of the dictator more to power relations than to processes of empowerment and political growth. All the authors and the commentators agreed on the fact that between 17 December 2010 and 14 January 2011, the "twitter revolution" (Mair 2011, Castells 2012) took place, and Ben Ali was removed, or as they said: "dégagé"¹⁵, from his functions as a result of the protests.

This event represents a crucial turning point for the three levels of analysis introduced at the beginning of this article. The breakdown of the relation between tradition and modernity is the fundamental point of the "day after". The post-colonial continuity and the political repression of Ben Ali guaranteed (at least as the interviewees suggest) the leveling of the differences, contrasts and paradoxes of Tunisian society.

The revolution exacerbated and brought to light the oppositions of a small country which represents different needs and yet the same demand for social justice, or, at least, for the suspension of political violence and corruption.

The riots focused on the issue of unemployment, the absence of a future for young Tunisian graduates. Other themes included the increasing migrations of Tunisian citizens, the bribery of the political class, and the exploitation of economic resources. Moreover, the protestors were asking for the implementation of civil rights such as freedom of speech and religion in public spaces; but they revealed all the paradoxes of the different stages of development of Tunisian society, the requirement of a "cultural revolution", the claim for freedom of expression, and the generational digital divide of the country (Massarelli 2012, Seddik 2014).

All the needs and the inner causes of the migration became the issues and the contents of the Arab Spring Revolution: social justice, liberty of expression, gender equality, social mobility.

As the blogger, Informant #1 said,

"It was all written on the walls of the Kasbah! All the needs, all the requests, the real new Tunisian Constitution was all written down on the walls of the palace of the Government. 'Hurreyah, AdalahIjtima'iyah, karemah, watanya!' We spent the period of the two occupations of the square discussing, in a sort of participative democracy, how to change the country. Only in the second moment (known as Kasbah 2, editor's note) the politicians arrived, and proposed the opening of a new Constitutional process".

These requests became the basis for the demand for political and socioeconomic rights. The procedure chosen has been the institution of a transitional court, the "*Haute Commission pour la réalisation des objectifs de la révolution, de la réforme politique et la transition démocratique, en Tunisie la révolution et la transition démocratique*" which established the rules and the procedures for the next steps: democratic elections to the new Constituent Assembly. The political election took place on 23 October 2011, and *Ennahda*, the Islamist party, won¹⁶. These results

¹⁵ Missaoui-Khalifaoui (2011), Filiu (2011), Abassi (2012) and Anghelone, Ungari (2012), offer detailed reconstructions of the days of the revolution.

¹⁶ Tunisian elections took place on October 23, 2011. *Ennahda* won with a 37% of popular vote, gaining the 41% of the total seats in the Constituent Assembly. The second party was *CPR*, a Republican Party, with 8, 4% (13, 4% of seats), third *Aridha* (6, 2, 12%) and fourth *Ettakatol* (6, 1-9, 2%).

modify radically the political perspective of the aftermath of Ben Ali, and the general climate in the country¹⁷.

4. Tunisian practices of liberty. Constitution-making process in the post-revolutionary Tunisia

In the aftermath of Ben Ali's downfall, the Tunisian population changed its approach to the idea of center and periphery in Tunisia. The switch to a confessional government (even if under a State of exception) has offered the opportunity to reflect on the economic position of the Tunisian State not only in the cultural debate on identity, but also in the geopolitical and socioeconomic debate on post-colonialism. In January 2013, Informant #9, a politically engaged intellectual, affirmed the controversial meaning and the polysemy of the vote. Choosing a confessional party, indeed, reflects, for him, acceptance of the expression of religious feelings, which represent a new experience for this country; but it also contains a provocative meaning: it entails a complete criticism of the economic system of the West. This point enforces the anti-hegemonic approach and the anti-imperialistic critique which passes through the definition of religious identity. For this reason, the "in-dependence" from the ex-colonies reveals the new dependence from other powers (religious, but also economic, creating a new influence of emergent markets such as Kuwait, Qatar, and Saudi Arabia). Other commentators disagree with this approach and structuralist readings of Tunisians' political choices. Informant #6, a civil servant of the Ministry of the Education and Informant #7, a professor of Law, find two reasons for the victory of *Ennahda*, the Islamic party. First, and more importantly, the oppression of the religious practices in public spaces during Ben Ali's government (confirmed also in the literature, see Kerrou 2008, Redissi 2014); second, the supposed morality guaranteed by belief, seen as a strong instrument against corruption. Informant #9 suggests the first hypothesis, which presents tough contradictions. The professor, Informant #5, said during his interview that the strongest parties in Tunisia (*Ennahda* during the elections, and after June 2012 the modernist alternative *Nidaa Tounes*) both proposed a free-market socioeconomic politics. These statements were in open contrast to the grassroots demands of socioeconomic rights and to the idea of *Karemah* followed by the protesters.

Again, the Islamic party in the transitional government opened a huge debate on Tunisians' identity and the modernism of the country: after more than sixty years of oppression of freedom of speech, the Tunisians took into account their contradictions and the public pluralism in internal choices.

The debate on the new constitution in Tunisia represented, in the past four years, the social arena and the field of the power's relation *in* and *out* of the country, and the main formal practice of freedom (in Arendt's terms) taken after the revolution.

The presence of a non-secularist party, which embodied the majority of the Constituent Assembly, has opened the debate on different parts of the Constitution: first of all, the question of the form of the State, (whether confessional or modernist), and the use of the word "Civil" (Preamble). On the second level, the question of equality and the position of the new "democracy" on the gender issue (art. 37). On the third level, the draft issues of the hierarchy of the sources of the law, and in particular the relationship between internal sources of law and international ones (and possible sites of conflict). On the last level, the question of welfare and the dignity of working conditions (art. 26). These four levels reveal all the contradictions of the Constitution, and the paradoxes of power relations in Tunisia, which find their arena of confrontation in the Constitution. Reflecting on rights, and, in particular, on the constitutional law that evolves in Tunisia reveals,

¹⁷ On transition, seminal are the collected papers of Redissi *et al.* (2012), the comments of Ben Achour (2012) and the reconstruction of Turco (2013).

indeed, all the paradoxes that only an authoritarian government could disguise but that characterize today, more than ever, the ex-colonial countries which have retained primarily economic, but also cultural, connections with the former colonial power.

Almost four years after the events, my informants identify the breakdown of the relationship between tradition and modernity as the basic point of the "day after". The continuity of post-colonial and political repression of Ben Ali had, until then guaranteed the leveling of differences, contrasts and paradoxes of Tunisian society.

According to my informants, the revolution has exacerbated and brought to light the opposition of a small country, which has diverse needs that go well beyond the collective and widespread demand for social justice. As Informant #10, a sociologist, says,

"We never listened to each other before. These are both souls of Tunisia: the modernist, Western, European one and the religious, Islamist component. Both are true and respectful: the hard work of these years of transition will be how to manage the two souls. Luckily, this is a very small and peaceful country; we will never become a new Algeria or a new Iran. Surely, we need to manage this moment, and probably a modernist approach could be more inclusive than the other".

The unrest and riots centered on the themes of unemployment, lack of prospects for young Tunisian graduates, migration and failures of migration routes, corruption of the political class and exploitation of economic resources. After four years, political changes had occurred (removal of Ben Ali, voting, election of the Constituent Assembly, the Constitution-making process, new legislative and presidential elections) and revealed all the paradoxes of the different speeds of Tunisian society, the need for a "cultural revolution", the demand for freedom of expression, the possibility to reduce the digital divide in the country. The causes of migration on the Mediterranean coast have become the themes and content of the Arab Spring Revolution: social justice, freedom of expression, gender equality, and social mobility. In these years of transition, we have seen how these same needs have become the basis for the political demand for rights. Similarly, the last four years have seen an intensification of violence. Firstly, Tunisia faced the killing of Chokri Belaid (6 February 2013) and Mohamed Brahmi (24 July 2013), two members of the Popular Front (*Jabha Chaabia*), and then the country has been subjected to terrorist actions and attacks, so that there is fear in the streets, in the commercial centers and in the public meetings¹⁸. The other significant event is the permanence of the practice of violence by the Tunisian police. According to my informants, the corps of the former President still make up the main administrative structure of Tunisian police. The nickname given by the citizens to police officer is *aknesh*, snakes. Police arrested bloggers and activists after the revolution for opinion crimes, and the general experience of the State's control is negative. As an ethnographic example, one night (January 2014) I was speaking with two friends, Informant #1 and Informant #11, both journalists, about the introduction of the crime of torture in Italy and the internal debate on the law. They look at me, astonished, and said, "If there's not a law to forbid torture, why don't the policemen torture everyone?" This dialogue revealed clearly how the "authoritarian experience" grounds citizens' perceptions of the State and of the State's practices, and how arduous it will be to attain the real democracy and freedom necessary to dismantle sixty years of torture and oppression.

5. What is the role of the law?

One of the main instruments raised to control violence and to change the perception of the State is the drafting of a new charter of rights, after democratic

¹⁸ For a detailed reconstruction, see Mejri (2014).

processes of election and citizen participation. Even if, in the perception of Tunisians, the new Constitutional charter produces a sense of diffidence, the process of Constitution-making took place and has been a democratic, legitimate process of drafting. Of course, all the issues that arose previously, and the ongoing political violence, affected the legal procedures and the drafting of the Constitution. In particular, the presence of a non-secularist party, which represents the majority of the Constituent Assembly, has opened the debate on different parts of the Constitutional Charter including, as mentioned above: first of all, the question of the form of the State, if confessional or modernist, and the use of the word "Civil" (Preamble¹⁹, art. 1²⁰ and 2²¹); secondly, the question of equality and the position of the new "democracy" on gender issue (art. 46²²); thirdly, the hierarchy of legal sources, particularly the relation between internal and international ones (possible cases of conflicts); and finally, the question of welfare and the dignity of working conditions (art. 40²³).

The Constituent Assembly promulgated the formal Constitution, drafted with expectations of permanence and stability, on February 10 2014. This process exacerbates all aspects of the conflict, which is first and foremost Tunisian, but which reflects, with great clarity, not only the paradoxes of more than a century of exploitation (either implicit or explicit) but also the current relationship of economic dependence and its reflection on the political and cultural sphere. The Constitution was drafted with the support of four stakeholders, also called the Quartet: the UGTT (Tunisian Trade Unions), the UTICA (business association) the *Ligue de droits de l'homme* (Human Rights League), the *Association des Avocats* (Law Firm Association). The process stopped in August 2013 after the killing of Mohamed Brahmi and the subsequent protests of the Bardo²⁴.

¹⁹ The Preamble starts with an explicit recall of the revolution *"Nous, représentants du peuple tunisien, membres de l'Assemblée nationale constituante; Par fierté pour la lutte de notre peuple afin d'accéder à l'indépendance et à la construction de l'Etat et, par la suite, pour se débarrasser de la tyrannie, répondant ainsi à sa libre volonté et concrétisant les objectifs de la révolution, de la liberté et de la dignité, révolution du 17 Décembre 2010 - 14 Janvier 2011; Par fidélité au sang de nos valeureux martyrs et aux sacrifices des Tunisiens et Tunisiennes au fil des générations ; Pour une rupture définitive avec l'injustice, la corruption et la tyrannie".* The second relevant point is the Islamic identity of the country, and the process of civilization and modernism of the State of Tunisia: *"Exprimant l'attachement de notre peuple aux enseignements de l'Islam et à ses finalités caractérisées par l'ouverture et la modération, des nobles valeurs humaines et des hauts principes des droits de l'Homme universels, Inspirés par notre héritage culturel accumulé tout le long de notre histoire, par notre mouvement réformiste éclairé fondé sur les éléments de notre identité arabo-musulmane et sur les acquis universels de la civilisation humaine, et par attachement aux acquis nationaux que notre peuple a pu réaliser"*.

²⁰ The first article describes the State as a free, independent and sovereign one. Islam is the own religion, Arabic the language, and the Republic the chosen form of State: *"La Tunisie est un État libre, indépendant et souverain, l'Islam est sa religion, l'arabe sa langue et la République son régime .Il n'est pas permis d'amender cet article."*

²¹ The second article underlines the "civil" character of the Constitution, and bases the sovereignty on citizenship, people's will and primacy of the law: *"La Tunisie est un Etat à caractère civil, basé sur la citoyenneté, la volonté du peuple et la primauté du droit. Il n'est pas permis d'amender cet article"*.

²² Article 46 focuses on gender issues: The Tunisian State is engaged to protection of women's recognized rights, and to guarantee equality of possibility, parity and to fight against violence: *"L'Etat s'engage à protéger les droits acquis de la femme, les soutient et œuvre à les améliorer. L'État garantit l'égalité des chances entre la femme et l'homme pour assumer les différentes responsabilités et dans tous les domaines. L'Etat œuvre à réaliser la parité entre la femme et l'homme dans les conseils élus. L'État prend les mesures nécessaires afin d'éradiquer la violence contre la femme"*.

²³ The State recognizes the right to work and to guarantee competence, equity and acceptable working conditions and salary: *"Le travail est un droit pour chaque citoyen et citoyenne. L'État prend les mesures nécessaires à sa garantie sur la base de la compétence et l'équité. Tout citoyen et toute citoyenne ont le droit au travail dans des conditions décentes et à salaire équitable."*

²⁴ Bardo is the palace where the Constituent Assembly was working and drafting the Constitution. I took part in the riots of these days. The protesters in the square (more than 250,000 people) were demanding the resignation of the Constituent Assembly on the 6th of August claiming *"What a situation! What a situation! Today the Constituent Assembly will give up!"* and again *"After the blood, no legitimacy to the Government"*. The Interim Government of Larayed resigned and the European Monetary Fund imposed a road map and the technical government of Jomaa.

In this sense, the theoretical framework of the theory of dependency and the world system is a useful lens to look at these phenomena. It shows that only a thriving, stable and ultimately independent economic system is finally capable of providing the social justice, which, under the previous relationship of economic dependence, was the chief cause of the division between the 99% and the 1% and – above all – an ongoing object of real indignation. The Constitutional stability was essential to the foreign investors. The moderate governmental context of Tunisia and the different role and primacy of the Army in the political scene offered the possibility to a soft transition, in contrast with the coup in Egypt and the destitution of President Morsi at the end of July 2013. The Quartet is a public expression of Tunisian civil society (and its elite) and offered to the country the necessary internal and external credibility, above all in the economic sphere.

According to my informants, the constitutional rights presently evolving in Tunisia have revealed all the paradoxes that characterize today, more than ever, the ex-colonial countries which have preserved a connection - primarily economic, but also cultural, and political - with the northern hemisphere. Informant #6, a civil servant, said *"There was a Constitution also before, and it didn't protect us from the violence of power and dictatorship; how we can believe that that new one will be different? We are just looking for peace, not for big changes and revolutions!"* Notably, the second year of fieldwork, the year 2014, offered a kind of "summary" of the events and of the role of Ben Ali. Informant #7, professor of Law at the University, in May 2014 stated: *"Dictatorship? We cannot call it exactly a dictatorship; there was not enough blood in the streets and people killed during his presidency! I suggest calling it an authoritative government, with a small panorama of civil and social rights and a thin rule of law"*.

The young participants of the revolution interpret this revisionism as a preamble of the return of old figures, members of the former RCD. The establishment of a new political party, *Nidaa Tounes*, a modernist, anti-Islamist, liberal party, can re-enforce their position. *Nidaa Tounes* attracts the votes of the secularist Tunisians, and protects the interest of the Tunisian elite. *"They are the same, old faces, the same old powers, with another maquillage!"* said Informant #11, a journalist.

These events can be connected with the difficulties of celebrating the trials of the offenders of the martyrs of the Revolution²⁵ and the constant control of the lawyers of the families of the victims.²⁶

In addition, the process of constituting the Transitional justice commission is still ongoing, with several problems for the election of the members of the committee (Kefi 2014).

On the other side, the transitional period formally concluded in the last two months with the legislative elections (26 October 2014) and Presidential elections (23 November and 21 December 2014). Both consultations have seen the victory of *Nidaa Tounes* as first party in the country, followed by *Ennahda*, and opened the possibility of a large coalition in Parliament. The election of Beji Caji Essebsi, former minister of Habib Bourguiba and Ben Ali, as new president with a large majority, has a double symbolic significance. First, Tunisia is the first "formally" democratic

²⁵ In particular, this sentence refers to the process against the main accused of the violence in Thala, Kasserine and Grand Tunis between the 8th and the 11th January 2011. The prosecuted were: Rafik Belhaji, Ali Seriati, Rachid Abid, Lofti Zouaui, Jalel Bourdiga and Ben Ali, with the accusation being one of homicide and violence, and a requested condemnation for 10 to 37 years of prison. On 12 April 2014, the Court of Appeal 12 changed the accusation, reducing "homicide" to "non-voluntary homicide". The accused are not charged with having had direct responsibility for the killing of 338 people and the 2147 injured.

²⁶ On the 29 October 2014, three days after the Legislative elections, I was at the Hotel Majestic, in downtown Tunis, with two lawyers of the families of the martyrs. Two friends of ours left the table, and said goodbye. Two unknown people followed them outside, and started threatening them because of the company they were keeping. These events offered me the possibility to experience, personally, how some intimidating practices are still ongoing in the "new" Tunisia.

country of the Arabic world, with legitimate and democratic elections and a completed transitional process after the revolution. Second, Essebsi is a continuation with the past political elite, a guarantee of stability but not clear evidence of democracy.

6. Conclusions: liberation, liberty or freedom? The long path for democracy in Tunisia

The practices of liberty, and among these, the Constitution, pass through all these contrasts. In more familiar and analyzed contexts, the processes of democratization and indigenous forms of production and the definition of democratic habits have led to the formulation of a theoretical model of analysis that draws on post-colonial studies developed in India and Latin America²⁷. In contexts far removed from each other, the practices of liberation and demands for social justice have found themselves faced with the production of a language that was always counter-economic and counter-hegemonic. Among these experiences, Tunisia emerges as a "unique case". Through the theoretical lens of subordination, according to Foucault, analyzing the practices of liberation and practices of liberty, which represent the fields of power in the current Tunisian context, it is possible to observe a constant transformation and a political situation of "in between". The presence in the Tunisian context of a state of emergency and a transitional government in the last four years is coming to an end. On the political level, in the last months Tunisia has faced the implementation of the new Constitution, the first democratic election of a new government and of the President of the Republic and other state officers, and the start of judicial proceedings to examine the events and rights violations during the regime of Ben Ali.

The direct evidence offered by my informants recalls a more complex scenario. Formal democracy is still far away from a real space of liberty and freedom. After the elections of October 2014, Informant #12, an actor, commented: *"I feel the smell of Ben Ali's practices, it's not a good sensation"*. On the other side, the political, academic and intellectual elites celebrate the victory of a modernist party, and the defeat of *Ennahda*, as a glorious statement for the country.

This series of events which might be considered formally as practices of freedom, will be the acid test of the new, young, democratic institutions in the country.

Whether and how to communicate the newborn forms of political representation, institutional practices from the bottom? How to justify factually those institutions? How to relate a political revolution to the need for a cultural revolution (or, better, different and conflicting cultural revolutions)? How to differentiate the questions of justice and change in the uneven local contexts that characterize Tunisia?

The functions of legal rules and procedures and policies regarding how informal practices of community relationship (role of civil society, forms of self-management and self-production) represent and evaluate the proactive or merely "positive" functions of the legal rules in the context of transition. Mapping the many new members of the Tunisian public debate, the role of traditional media and new media in the construction of the new "public sphere" of Tunisia (Mouffe 2005), and the relationship between civil society and the possible establishment of a new political society in transition (Chatterjee 1986), is the only instrument possible to evaluate the tenure of these practices. In these recent years, we observed how the square

²⁷ Echoing the theories of Gramsci (1975), which are dominant in post-colonial studies, I have tried to unite two models of different theories of liberation: the Latin American model (e.g. Santos and Garavito, 2005) and the model of South Asia (taking the work of Spivak 1985, 1999, Chatterjee 1986, Sanyal 2007). To these were joined postcolonial anthropological studies carried out by Africanists, who developed a model of political criticism and theoretical approaches to the Europeans to Africa (among all, Fanon 1961, Berque 1962, Sayad 1998, Bourdieu 2003). This conceptual framework is useful to correct the Western "strabismus" on processes of democratization, but describes contexts that differ for political, historical and social reasons.

changed from its nature of crowds (Canetti 1960) to a new political body (and in the case of Egypt, decision-making) with particular reference to the ever increasing demand for a revolutionary secular culture that is sought mainly by young urban Tunisians. In a context in which politics is not a democratic alternative, the square assumes the role of a space of voices, and, often, it becomes a space of freedom. The difficulty is how to translate the uprising-collective moment into a stable democratic practice. Moreover, how can we evaluate the degree of democratization through our European, Western lens? Tunisia constitutes a great opportunity and laboratory to look at these processes, while remaining conscious of all the vices of the observers and all the difficulties of the citizens. Even if on the walls of Tunis, the day after the legislative elections, was written "Tunisie, première démocratie du monde arabe" ("Tunisia, the first democracy of Arabic World"), liberty is still a far-off objective. The last four years seem, still, an ongoing practice of liberation. The systemic violence and the trust in the idea of State and institutions are the biggest challenges of the country. Overall, the main trajectories and specificity of Tunisia are moving in between the more macro global changes that are affecting the Mediterranean Sea: the crisis of the capitalist model, the denunciation of corruption of the political class, the de-legitimization of representation with respect to the practices of direct democracy. Furthermore, the conflict between tradition and modernity that invests secularized or partially secularized contexts and the question of social justice are emerging more and more as a question of fairness, and, at the same time, of good governance of resources.

A revolution which started as a collective demand of "bread" has become one seeking "roses", and only a truly democratic transition can provide both forms of development, in order to ensure that necessary change has stirred the squares of the Mediterranean. In this way, the Gramscian model of "Prison notebooks" appears prophetic: the subalterns seek for justice and cultural hegemony passes through a long time process of freedom not only from the "epistemic violence" (Said 1978, Guha 1983). This level of liberation is, indeed, a process of cultural, political and social post-colonization. To dismantle the political and structural violence is the second level needed (Bourdieu 2003), and this is strictly connected, in my informants' comments, to the broader idea of State and institution. This trust still needs to be built up in the new Tunisia. The first remedy can be the construction of a collective subjectivity (Spivak 1985), a society, and a democratic State (Foucault 2005). Only these steps can guarantee the "space for freedom" wished for by Hannah Arendt, and, maybe, a neutral, and effective, practice of democracy.

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