The Arab Spring has inaugurated a new form of politics that represents a shift from a ‘politics from above’ to a ‘politics from below’ in regard to gender policy in Tunisia. Discourse surrounding state policy on gender, formerly the purview of elite groups, has recently been shaped and driven by popular organizations and associations. This article draws on Habermas to argue that the shift has been facilitated by the emergence of a new public sphere and engaged civil society following the fall of the Zine El Abidine Ben Ali regime in 2011. To demonstrate the emergence and diversity of Tunisian civil society, we focus on the promulgation of a new constitution and the debate surrounding Article 28, which has been contested by some Tunisians as reducing women’s status to ‘complementary.’ A discussion of women’s status in the history of Tunisian family law, especially in the popularly valorized Code of Personal Status, illustrates how women’s rights were historically expanded as a top down policy or ‘politics from above.’ We juxtapose this historical context with the present period of transition and constitution writing since 2011. An examination of quotations from Tunisian women, both opponents and supporters of Article 28, demonstrates the shift in Tunisia from a ‘politics from above’ to a ‘politics from below’ as women’s groups are making demands upon the state and voicing their concerns in ways that have profoundly influenced the tenor of debates around gender politics in the country.

Keywords: public sphere; civil society; gender; constitution; protest; Islamism; politics; Jasmine Revolution

‘Women are complete, not complements!’ chanted Tunisian women in a September 2012 demonstration concerning a controversial article in a draft of the new Tunisian constitution, which was vehemently debated for over a year following the Arab Spring protests in Tunisia and the collapse of the Zine El Abidine Ben Ali regime (Ghacibeh 2012). The year of 2011 witnessed the fall of three regimes in North Africa, the first of which was that of Tunisia during what has been called the ‘Jasmine Revolution.’ Since 2011, the Tunisian state has undergone significant changes in leadership through elections, experienced energized debates within a burgeoning and...
diverse civil society, and undertaken the revision of foundational texts such as the state constitution. Central to each of these changes have been women, who participated in mass protests, ran in and won elections, founded rights-based organizations, and mobilized around the writing of the constitution.

In this article, we show how women have engaged in politics and civil society, which were transformed by Tunisia’s ‘Jasmine Revolution.’ Our examination focuses on heated debates concerning Article 28 of the first draft of a new constitution released in August of 2012. The initial draft of Article 28 contained the term ‘complementary’ to refer to women in relation to men, a reference that was later dropped. Debates centered on whether the term ‘equal’ or ‘complementary’ should be used in the text of the Constitution. The draft ignited public protest and the circulation of petitions critical of the draft. On the whole, advocates of women’s rights argued for ‘equal’ and sympathizers of the Islamist party in power were in favor of ‘complementary.’ The semantics are the surface expression of profound differences over women’s place in contemporary Tunisian society. The impassioned discourse of women supportive and critical of the proposed Article 28 illustrates a fundamental shift from a ‘politics from above’ prior to the Arab Spring to a new ‘politics from below.’

By ‘politics from above,’ we mean that the government made decisions for the society as a whole, most often with no discussion among proponents of different opinions. In ‘politics from below,’ citizens have a voice and find a way to express their demands, even though they may not succeed or succeed only in part in influencing policy. Among the significant transformations inaugurated by the Arab Spring in Tunisia was the transition from a top-down politics to a bottom-up politics as it concerns women’s rights. Concomitant with these changes has been the concern as to whether the liberal legislation of the post-colonial period, all the way from the 1950s at the end of colonial rule with the Bourguiba regime through Ben Ali’s tenure in office until 2011, will be threatened by the rise of parties endorsing an approach to the state that valorizes and prioritizes Islam as the motivating influence in the development of Tunisian jurisprudence.

**New public sphere and politics from below**

The post-revolutionary discussions around politics in Tunisia owe their lively character to what could be termed a new form of civil society, one that was brewing before the collapse of the Ben Ali regime but came to a fuller expression in the Jasmine Revolution and the post-revolutionary period. Historically, civil society has been understood as a collection of localized and independently organized networks of social interaction that are beyond the direct purview of the state (Cohen and Arato 1992). Putnam, Leonardi and Nanetti (1994) argue that even non-political organizations are critically important components of civil society. Cohen and Arato (1992) predicate a notion of civil society on the presence of a public sphere. Habermas (1989) details the emergence of a distinctively novel space, the public sphere, in eighteenth-century Europe. Structural changes such as the transition to capitalism introduced a new form of networking and affiliation between individuals made possible by the organ of the newspaper and journal, which had become the means by which different understandings of politics and social life were circulated. Anderson (1983) echoes the paradigmatic role of the newspaper, which he terms ‘one-day bestsellers,’ in allowing for the simultaneous imagining of collective solidarity. For Habermas, the newspaper, however, was not the only important medium of communication that facilitated the space of the public sphere. Institutions, in particular those of literary salons
and coffeehouses, allowed for the congregation of individuals, previously distinguished by rank and status, to come together and exchange ideas as individuals.

In the context of authoritarian governance in North Africa and the Middle East (MENA), the space of the public sphere, the foundation for a robust civil society, was sharply circumscribed. In states such as Tunisia and Egypt, where some non-governmental organizations were allowed to operate, the groups were limited in their actions by the interests of the state and its tight regulations on associations. Zuhur (2001) explains how in Egypt the government had created a series of inherently contradictory GONGOs (government-operated non-governmental organizations) to disempower existing organizations advocating oppositional stances. The same occurred in Tunisia. Both Leila Trabelsi and Suzanne Mubarak, respectively the wives of former Tunisian president Zine El Abidine Ben Ali and former Egyptian president Hosni Mubarak in Egypt, directly funded the foundation of organizations that were compliant with state interests in developing (non-radical) women’s rights groups.

Discussing modes of resistance in the Arab uprisings, Dabashi (2012) has recently argued that they have been predicated on a new public sphere. He draws on Tocqueville (1935) to discuss forms of voluntary association that he regards as central to mobilizations during and after the uprisings. Dabashi specifies that labor unions, student assemblies and, important for our consideration, women’s rights organizations have exhibited varying degrees of relevance in each of the states experiencing uprisings in the region. These forms of association reiterate the significance of examining how individuals mobilize and organize to influence the course of politics in the state. According to Khosrokhavar (2012), Tunisia exhibits a particularly robust civil society with over 1,000 associations and 110 political parties registered less than a year after the regime’s collapse.

The concept of the public sphere as formulated by Habermas provides a useful starting point for our discussion in that it calls attention to the expression of different understandings of politics and the exchange of different views. However, in analyzing debates on Article 28 of the Tunisian Constitution, we are considering a different process from the one referred to by Habermas who, focusing on the experience of western Europe, envisaged a gradual emergence of a public sphere outside the control of the state and one focused on communication and its media.

In the case of post-revolutionary Tunisia, we witness the sudden eruption of a public sphere to the forefront of politics and one in which associations have played a critical role. Far from a gradual transformation over time, the Arab Spring and its following debates represent the upwelling of a new public sphere and civil society. Women’s organizations, which historically did not exert significant influence on the state in Tunisia, have been exceedingly important to debates about the constitution. Moreover, with Article 28 in Tunisia, the writing of one of the most official texts in the country becomes a matter of public debate. All of a sudden, constitution writing emerges as an integral part of the new ‘politics from below’ in which different groups express their opinion, sometimes vehemently. Women’s organizing is an important source by which to study the dynamic form of civil society that has flourished in Tunisia since 2011 and looking at the debates over Article 28 gives us a vista on the emergence of the public sphere in Tunisia.

In speaking about eruption of the public sphere and “politics from below,” we are not saying that every aspect of politics has become a bottom-up process. We do argue, however, that the very fact that there was public discussion, popular outcry, and the redrafting of a constitution following a revolution and elections means that this was a process quite different from earlier formulations of legislation. We are referring to a structural change in Tunisian society and
politics, which may be short-lived but is nevertheless important to address. Debates about the writing of the Constitution in 2012 contrast sharply with the writing of previous official texts such as the Code of Personal Status (CPS), which embodied the ‘politics from above’ that prevailed in earlier eras.

**Context of gender discourse in Tunisia**

Before turning to women in the Jasmine Revolution and to debates over Article 28, it is useful to place the current discourse about gender issues in their historical context in order to better understand their significance in Tunisia. Two points are salient. Tunisia has long been at the forefront of the Arab world in regard to women’s rights, a status largely attributable to fundamental reforms of the country’s family law starting in the 1950s at the end of French colonial rule and continuing until 2011 (Charrad 2007; 2011a; Charrad and Ha, forthcoming). In abolishing polygamy, making access to divorce more equal between husbands and wives, eliminating the role of matrimonial guardians with authority over women, and a number of other reforms, the Code of Personal Status of 1956 and its subsequent amendments gave Tunisian women a set of rights unparalleled in other Arab countries. Many Tunisian women now cherish these rights, worry at the first indication that the rights may be curtailed in any way, and are prepared to fight to protect them. The defense of the Code of Personal Status and related rights is a ready-made platform for women’s activism. Debates over the writing of the new Constitution and its gender dimension must be understood in that context.

Another important consideration concerns the process by which reforms of family law and women’s rights occurred in Tunisia. The CPS constituted a reform from above, a political choice by the Tunisian leadership in the 1950s as part of an overall strategy of state building that targeted patriarchal networks, clans, tribal groups, and what Charrad refers to more generally as ‘kin-based solidarities’ (Charrad 2001; and 2011b). It is a perfect example of what we mean by ‘politics from above.’ Initiated by the leadership, reforms came from the top, rather than as a response to pressures from an organized women’s movement (Charrad 2001). It was not until the 1980s that a women’s movement developed in earnest and became vocal in national politics in Tunisia. However, given the authoritarian regime in place until its collapse in 2011, state control applied to women’s associations as it did to others. Women activists suffered censure and lacked freedom of expression. In addition, women’s organizations prior to the revolution primarily boasted urban-based memberships whose projects seldom addressed the concerns of poor women outside the capital of Tunis (Khalil, forthcoming). In the aftermath of the Jasmine Revolution, it is now the first time that women activists have a chance to express their views openly in a new climate of public debate (on views expressed by a range of Tunisian women, see Tchaïcha and Arfaoui, 2012).

A fundamental shift in politics was inaugurated in January 2011 when President Zine El Abedine Ben Ali resigned from office following weeks of protest across Tunisia. In the months following the collapse of the regime and the departure of government officials from their posts, interim authorities developed a series of reforms to institute a ‘road map’ towards elections (Arieff 2011). Of central importance to the issue of future elections was who could run for office. Given women’s extensive participation in protests as both organizers and demonstrators, gender equality has figured prominently in discussions of participation in Tunisian politics post-Ben Ali (Beardsley 2011).

Debates concerning the role of women in the new Tunisian state revolved initially around their inclusion in politics by virtue of Tunisia’s first elections. Following the regime collapse in
January 2011, National Constituent Assembly (NCA) elections were promptly arranged to take place in October of the same year. To promote gender parity in representation, an electoral law required parties to include women on their electoral lists (Dasgupta and Bangham 2012; The Economist 2011). This electoral law itself was a product of women’s collective action. The draft of the electoral law was undertaken by a committee of experts from organizations such as the Tunisian Association of Democratic Women (ATFD) and the Association of Tunisian Women for Research and Development (AFTURD) (d’Almeida 2011).

The election, held on October 23, 2011, boasted an extensive turnout of almost 90% of Tunisians who had registered to vote, which represented nearly half of the population. (Mitchell and Spencer 2011). Ennahda party, chaired by Rachid Ghannouchi and regarded as the preeminent Islamic party in Tunisia, was the most successful party in the elections, garnering enough votes to become the largest group in the NCA, which is composed of 217 seats. Women were considerably represented in Ennahda’s ranks; among 49 women who were elected to the assembly, 42 were affiliated with Ennahda (Byrne 2011). Following Ennahda’s victory in the elections, concerns immediately surfaced about the implications of an Islamic party’s influence on women’s rights in Tunisia. For example, Marwen Hamada, who voted for the Communist party in the elections, stated: ‘Ennahda will be a dictatorship in another form – before it was a political one and I worry that Ennahda would impose a religious one’ (Mitchell and Spencer 2011). These doubts prompted compelling statements of reassurance from Ghannouchi, co-founder and present leader of the Ennahda party, who lived in exile for over two decades prior to Tunisia’s 2011 revolution. He reaffirmed the party’s commitment to maintaining women’s gains in Tunisia: ‘Ennahda reaffirms its commitment to the women of Tunisia, to strengthen their role in political decision-making, in order to avoid any going back on their social gains’ (BBC 2011; Pickard 2011). The presence of women, particularly those representing Ennahda’s interests, in the assembly was of paramount importance to contemporary debates. The central mandate of the assembly during this interim period was to draft a new constitution and, throughout this process, debates surfaced about the meaning of gender equality and women’s rights.

**Article 28 and its terminology**

On August 13, 2011, nearly two months prior to the ascension of Ennahda to political power in the NCA, more than a thousand women gathered in the streets across the capital city of Tunis to commemorate the 55th anniversary of the passage of Tunisia’s CPS, also termed ‘Women’s Day’ (Ryan 2011). Women, such as Ahlem Belhaj, who runs the ATFD women’s rights organization, were concerned that gender equality after the revolution was, in Belhaj’s words, ‘facing the threat of a loss in the gains’ made since the passage of the CPS in 1956 and the reforms related to women’s rights in the areas of marriage, divorce, and child custody it inaugurated (Terry 2011).

Members of the constituent assembly, who were popularly elected in October of 2011, had the mandate to draft a new constitution to replace the former constitution of 1959. The work of the NCA was divided into six committees that took several months to prepare the initial draft released in August of 2012 (Tunis Afrique Presse 2013). Each of the six committees corresponded to the components of the constitution, which included: the preamble, general principles and amendments, rights and liberties, legislative and executive powers, judiciary order, constitutional institutions, and regional and local public collectives. In terms of representation, every committee was composed of 22 members whose party affiliations were representative of the larger NCA; the allocation included seats for 9 Ennahda, 3 CPR, 3 Democratic Coalition, 2
Ettakatol, 2 Liberty and Dignity Coalition, and 1 seat for independent members (Ben Hassine 2012).

Following the release of the draft of the constitution on August 13, 2012, several articles came under public scrutiny. Women activists and their male allies paid special attention to Article 28, which some regarded as compromising gender equality because the article defined women as ‘complementary’ to men. A public debate ensued. Article 28 was supported by 12 representatives, including 9 from Ennahda, 1 from the Group for Freedom and Dignity, 1 from the Wafa Movement Group, and 1 from Congress for the Republic (CPR), and rejected by 8 representatives (Babnet 2012).

The Tunisian constitution draft released in Arabic consisted of nine chapters and several articles within each chapter. Two articles referred to women’s rights explicitly, one of these articles was the contentious Article 28 of Chapter 2, which concerned rights and obligations. Entitled ‘Women’s rights,’ Article 28 in that draft read as follows:

The state shall guarantee the protection of the rights of women and shall support the gains thereof as true partners to men in the building of the nation and as having a role complementary thereto within the family. The state shall guarantee the provision of equal opportunities between men and women in the bearing of various responsibilities. The state shall guarantee the elimination of all forms of violence against women [Draft Constitution of the Republic of Tunisia 2012; emphasis added].

The French text is included in order to show the subtleties in different languages:

L’Etat garantit la protection des droits de la femme et l’appui de ses acquis en tant que partenaire réel de l’homme dans l’édification de la nation. Leurs rôles au sein de la famille sont complémentaires. L’Etat garantit l’égalité des chances entre la femme et l’homme pour assumer les différentes responsabilités. L’Etat garantit l’élimination de toutes les formes de violence à l’égard de la femme. [Avant-Projet de la Constitution de la Republique Tunisienne 2012; emphasis added]

Much of the consternation concerning this article is situated around contestation of the Arabic term ‘yetekaamul’ in the article. The term is frequently translated as ‘complementary.’ We see an alternative translation of the term as ‘integrate with one another.’ This translation points to a sense of fulfillment and unity between men and women that suggests the essential significance of the roles of both men and women to the nation and the family. The translation as “fulfill one another” confers a slightly different meaning to the article, which, as Marks argues (2012), emphasizes the centrality of the two parts (men and women as mutually fulfilling to one another) and is situated within an Islamist ethics of collectivism more generally.

The most common translation of the term, however, is ‘complementary’ (or ‘complémentaires’ in French). Different organizations, from women’s groups to political parties, have assumed various positions on the terminology of the article, many viewing it as a contradiction to other components of the draft constitution that emphasize unequivocal gender
equality. The term ‘equality’ (French: ‘égaux’ and ‘égalité’; Arabic: ‘al-masawa’) was used in multiple contexts in the draft constitution including in the preamble, Article 1.6 addressing equal rights among citizens, Article 2.21 addressing the rights of families and explicitly stating the ‘equality between spouses,’ Article 2.22 stating equality between citizens, and Article 2.30 ensuring ‘equality between persons with special needs and other citizens’ (Draft Constitution of the Republic of Tunisia 2012).

The absence of the term ‘equality’ from Article 28 that directly addressed women’s rights was disconcerting to several women’s groups, which issued statements and proposed revisions to the draft. It is important to note that specific mention of women in the draft constitution is a significant change from the 1959 constitution, in which women are not specified as a group to be accorded particular and protected rights (Constitution of the Tunisian Republic 1959). The debate surrounding Article 28 exhibited more broadly the transition from a ‘politics from above’ to a ‘politics from below’ as the text of the constitution was openly critiqued in the spirit of ensuring that rights were protected from government authorities and intrusion. Discussions surrounding the article, which served as a greater symbol of the role of religion and the influence of Ennahda in Tunisia’s political future, flourished across political parties and civic organizations and groups.

Opponents

Opposition to Article 28 surfaced particularly among some women’s groups and organizations seeking to promote an expansive and inclusive democracy (Daragahi 2012). Large scale demonstrations were promptly organized with as many as six thousand women in attendance at a demonstration in the capital city of Tunis on August 13, 2012, the day that the first draft of the constitution was released and the fifty-sixth anniversary of the promulgation of Tunisia’s CPS (Ghanmi 2012; Agence France-Presse 2012; Mamelouk 2012). The demonstration was held after evening prayers during the last week of the Muslim holy month of Ramadan and was attended primarily by both women and a few men who sought to support their claims (Karam 2012). Women in attendance were either unaffiliated with any organization or identified with organizations such as the Democratic Women’s Association, La Ligue Tunisienne des Droits de l’Homme (LTDH), and Association des Femmes Tunisiennes pour la Recherche sur le Développment (AFTURD). Women held signs including slogans such as ‘Rise up women for your rights to be enshrined in the constitution,’ and ‘There is no Tunisian future without women,’ which demanded unambiguous rights for women (Coleman 2012; Karam 2012). Women, both young and old as well as rural and urban, attended the large-scale protest and held signs that featured French and Arabic (see Figures 1 and 2). In addition to critiques around the term complementary were concerns about the specificity of complementarity within the family. For some activists, the clause not only defined women’s rights vis-à-vis men but also only as married women, which represented another affront to women’s interests (Ghanmi 2012).
Figure 1. A Tunisian woman participates in a demonstration in the capital of Tunis on August 13, 2012 after the release of the draft constitution. The document in her right hand reads in Arabic ‘Woman and a half.’ This statement is a re-appropriation of a popular saying in North Africa that emphasizes masculinity by referring to an individual not simply as a man but as a ‘man and a half.’ Women re-appropriated this phrase to emphasize the strength of women in Tunisia by suggesting that a Tunisian woman is not simply a woman but a ‘woman and a half.’ © Zoubeir Souissi, Reuters.

Many organizations argued for the preservation of Tunisia’s past record as an exemplar for women’s rights in the region and feared the consequences to be wrought in the future by permitting the terminology of ‘complementary’ in Article 28 to remain. For example, Amira Yahyaoui, president of Al Bawsala, an organization dedicated to advancing democracy and fostering a robust civil society, regarded Article 28 as an aberration in Tunisia’s history of leading the way in women’s rights in the Arab world:

It [Article 28] was a major scandal. Tunisia has always liked to say it is a leader in women’s rights and all of the sudden we find ourselves more backward than other countries. We like to be the first – the first to have a revolution, the first to write a constitution, but also the first to have equality between the sexes....It [Article 28] was a scandal. Many people came out into the streets to protest. And what was especially good was that we saw that the problem of gender equality is not just a problem that concerns the elite (Rowling and Boeglin 2012).

Yahyaoui’s statement also illustrates the extent to which Tunisians felt that a broad segment of the population was actively engaging in debates about foundational texts such as the constitution. This represented a major reorganization of politics in the Tunisian state. Women’s rights issues were no longer the purview of closeted conversations between political elites resulting in ‘politics from above,’ but had become the topic of dialogue, dissension, and deliberation in the ‘politics from below’ that were part of the new public sphere.

A specific critique of Article 28 concerned the possibility of future conservative interpretations of women’s rights given that women’s status in the article was presented as
contingent upon their relation to men. Salma Hajri, of the Tunisian Association of Democratic Women, emphasized that point by arguing that women’s individualism was compromised in the ‘complementary’ clause of Article 28: ‘Women are not given rights as individuals, only in reference to men’ (Farrell 2012). The article was also a source of jest across Tunisia. An example appears in Figure 3 by Tunisian cartoonist Nadia Khiari, who developed a series of cartoons called ‘Willis in Tunis’ during and following the Jasmine Revolution (The Guardian 2012).

In this vein, and representative of a new form of politics in Tunisian society, a petition was created and disseminated by women who were inspired by insider critiques of the article made by Selma Mabrouk, a politician who was elected to the NCA in October of 2011 as part of the centrist Ettakatol party (TKTL) but then joined the oppositional party Al-Massar (Meziou 2013). Mabrouk was at the forefront of protests against Article 28. She claimed entitlement to citizenship rights regardless of gender, “I am a Tunisian woman and before I am a woman or a Tunisian, I am a human being and a stand-alone citizen” (Ben Abdel Adeem 2012).

The online petition followed Mabrouk’s widely circulated Facebook post about the article, which she helped draft as part of the Committee on Rights and Liberties, one of the constitutional committees tasked with writing sections of the document (Soufia 2012). Mabrouk’s Facebook post was titled ‘Mauvaise journée à la commission droits et libertés’ (‘A bad day at the Committee on Rights and Liberties’) (Ben Hassine 2012; Mabrouk 2012). This statement, made prior to the formal release of the complete constitution draft, was quickly circulated across social media; on Twitter, the hashtag ‘#complementarité’ was trending on Tunisian accounts (Ben Hassine 2012). The online petition, published on August 2, 2012 and entitled ‘Protégez les droits de citoyenneté de la femme en Tunisie!’ acquired over 30,000 signatures (Avaaz 2013). An excerpt of the petition reads as follows:
A woman is a citizen under the same title as that of a man. The state is about to vote on an article (28) of the constitution that limits the citizenship rights of women under the principle of complementarity to men and not under the principle of equality. If this article were to be adopted in the final version of the constitution, it would limit the principle of equality between men and women. A woman is not defined in terms of a man. We demand the repeal of Article 28 from the draft constitution and maintain Article 22, which guarantees freedom and equality to citizens regardless of their gender.

This petition garnered signatures from both within the country and outside and among individuals belonging to a variety of civil society groups. The call demanded that civil society support equality between men and women by directly making demands upon the NCA to repeal the Article. Furthermore, the petition gestured toward a notion of how gender equality ought to be articulated by drawing upon and endorsing Article 22 as a model. Article 22 reads ‘Citizens shall, before the law, be equal in rights and obligations without any discrimination of any form’ (Draft Constitution of the Republic of Tunisia 2012). Another set of civil society organizations, composed of the Association of Women Democrats, the Association of Tunisian Women for Research and Development, the Tunisian Defense League for Human Rights, the General Workers’ Union (UGTT) Women’s Commission, the Tunisian section of Amnesty International, and the National Council for Freedom in Tunisia, formed a collective to denounce the article as ‘a violation of women’ and ‘a paternalistic approach that gives to man absolute power while denying a woman’s right to be a full-fledged citizen’ (Babnet 2012).

Supporters and outcome

On the other side of the debate on Article 28, some women affiliated with Ennahda emphasized and defended aspects of the article. The presence of what have been termed ‘Islamist women’ in Tunisian politics has complicated understandings of how religion facilitates, rather than undermines, women’s mobilization. Among the most popular figures in Islamist women’s politics in Tunisia is Ennhada Executive Council member, and leader of the constitutional committee in charge of Article 28, Farida Labidi. A lawyer and human rights activist, Labidi was herself tortured under the Ben Ali regime (Labidi 2012). She fiercely defended Article 28. Among her most circulated statements is her qualification of women’s equality, “The rights and gains of women will not be touched…One cannot speak of equality between man and woman in the absolute” (Cavaillès 2012).

Labidi also accused article opponents of engaging in a campaign of deliberately misinforming the public about its contents. She suggested that the concerns of the average Tunisian woman differed from the attention accorded to Article 28:

I think the Tunisian woman is rather concerned to guarantee the right to health, to education, to employment, to access positions of decision-making, to dignity, and to ensure life worthy conditions to rural women (Babnet 2012).

Mehrezia Labidi-Maïza, Ennahda vice president of the NCA and a parliament member, attempted to distinguish the term complementary from notions of inequality: ‘Complementarity does not mean inequality. In complementarity, there is precisely an exchange, a partnership’ (Boitiaux 2012). Labidi-Maïza also argued that a misunderstanding of language has fueled the controversy surrounding the article:
Sharing roles between men and women does not at all mean that women are less than men or that the man has a higher position than women as is currently being popularized by some parties (Ben Abdel Adeem 2012).

Many Islamist women drew from the experiences of hardship in their own lives as a testament to their concerns for women’s issues; many women endured years of detention or served as the heads of household during their husbands’ imprisonment. Another Ennahda Executive Council member, Mounia Brahim, emphasized the diversity and accomplishments of women who compose Ennahda and Islamist politics more generally, “Look at us. We’re doctors, teachers, wives, mothers – sometimes our husbands agree with our politics, sometimes they don’t. But we’re here and we’re active” (Marks 2011). Ennahda council members and women supportive of their positions were adamant in their stated commitments to preserving Tunisia’s history of protecting women’s rights and pledged support for the CPS. Ghannouchi himself committed the party’s allegiance to the spirit of the CPS though he maintained that Complementation [sic] is an authentic concept, meaning that there would be no man without a woman and no woman without a man. This is an additional meaning to the notion of equality (Ghanmi 2012).

The second draft of the constitution was released in December of 2012 and the final draft was completed at the end of April 2013. Articles will be voted upon individually by the NCA over the course of the summer of 2013. In both the second and final drafts, the clause of Article 28 that included the term ‘complementary’ and catalyzed popular protest across the country was omitted. Several other concessions were made by Ennahda, including eschewing specific reference to Shari’a in the constitution (Human Rights Watch 2013). Each article will be voted upon by the NCA and, in the absence of a two-thirds majority vote, will be subject to a public referendum. Elections are to be organized in the future, possibly during the latter months of 2013. Controversy surfaced in early July 2013 when opposition party members walked out during debates about the final draft of the constitution, claiming that contents of the draft had been altered (Ben Bouazza 2013). Until a constitution is formally adopted, the final wording about gender can only be uncertain.

**Conclusion**

The debate surrounding Article 28 and the omission of the “complementary” clause in the article from the final draft of the constitution highlight the ways by which a new form of Tunisian public sphere and politics from below has emerged. Official and foundational texts that had heretofore been the prerogative of elites and politicians became accessible to the general population and the site of public critique. Controversy surrounding Article 28, and the forms of contention and collective action it mobilized, are evidence of a dynamic and emergent civil society, an engaged citizenry, and political diversity in Tunisia. Collective ambivalence and skepticism concerning the possibilities for democracy in the region have characterized many of the discussions following elections in Tunisia and Egypt, in which Islamist parties such as Ennahda and the Muslim Brotherhood prevailed. Gender policy has figured as a site whereby the likelihood of draconian governance of Islamist-inspired parties has been read and anticipated.
Not new to this period, the treatment of gender as a signifier of modernity has long prevailed as such in the Islamic world and elsewhere.

We must be wary, however, in our analyses, commentaries and expectations, of operating by the clockwork of a set, rigidly defined calendar, with its concomitant temporal expectations about how quickly revolutions should unfold and how democracy should be instituted. It is clear from the engagement of women’s organizations and women’s acquisition of elected positions in the Tunisian NCA since the collapse of the regime that women are prepared to pursue their interests, which are not and should not be understood as uniform. The perspectives and positions of women across the political spectrum outlined here, including those opposed to and supportive of Article 28, illustrate a transition in Tunisia from a ‘politics from above,’ in which decisions regarding gender policy were determined by political elites, to a ‘politics from below,’ in which individuals organize, associate, and make demands upon the state. Although no one can predict the future and reversals are conceivable, the debates surrounding Article 28 in Tunisia suggest the potential for an active public sphere, the character and course of which could transform gender politics in Tunisia and possibly across the region.

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References


Notes

i We discuss here the draft constitution released on August 13, 2012, as this version was the catalyst for debates about specific articles, such as Article 2.28. Another draft was released on December 14, 2012. The nine chapters in the Tunisian constitution draft of August 13, 2012 are entitled “General Provisions,” “Rights and Obligations,” “Legislative Power,” “Executive Power,” “Judicial Power,” “Local Government,” “Constitutional Authorities,” “Amendment of the Constitution,” and “Final Provisions.”

ii The other article concerning women’s rights is Article 1.10 entitled “Rights of women and the family.” This article reads as follows “The state shall protect the rights of women as well as protect family structures and maintain the coherence thereof” (Draft Constitution of the Republic of Tunisia 2012).

iii An unofficial Arabic text of the August 13, 2012 draft constitution is available online: http://www.marsad.tn/uploads/documents/Projet_Brouillon_Constit.pdf