1 | *Introduction*
In the Pursuit of Dignity and Freedom

Here AIDS is no longer a priority. Instead there are discussions around single mothers and even the introduction of temporary marriage. How can we even begin to explain what we want to do in this environment? We therefore have to look at our strategy and think again. We could address some of these issues before the revolution but not now – we have to work with a view to protecting these populations, what we do and say could affect them negatively.

<div align="right">– Human rights lawyer, Tunis[1]</div>

In February 2011 during what was described as a 'wave of violence', it was estimated that 2,000 individuals attacked a *maison close* in the old town of Tunis, the Tunisian capital, followed by similar attacks on *maisons closes* in Medenine, Sfax, Kairouan and Sousse, with sex workers chased out and some of the establishments firmly boarded and bricked over.[2] *Les maisons de tolerance* or *les maisons closes* are a remnant from the French colonial period in Tunisia.[3] In 1942 the French authorities in Tunisia introduced the *maisons closes*, or institutional brothels, with a decree outlining the regulations for legal prostitution.[4] Before 2011, some 300 legal sex workers were working across the urban areas of Tunisia, such as in Tunis, Sousse, Sfax, Gabes

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[1] Interview in Tunis (36), 16 February 2012.

[2] I. Bensaied, 'Les Islamistes s'Attaquent aux Maisons Closes', France24.com (18 March 2011).

[3] It is also argued that 'tolerated prostitution' in North Africa stretches back to the beginning of the Ottoman period in the seventeenth century. See: A. Largueche and D. Largueche, *Marginales en Terre d'Islam* (Tunis: Cérès Editions, 1992), pp. 19–22.

[4] S. El Feki, *Sex and the Citadel: Intimate Life in a Changing Arab World* (London: Random House, 2013), p. 202; for additional information on the history of prostitution, see M. Snoussi 'La Prostitution en Tunisie au Temps de la Colonisation' in J. Alexandropoulos and P. Cabanel (eds.), *Mosaique: Diasporas, Cosmopolitisme, Archeologies de l'Identite* (Toulouse: Presses Universitaires du Mirail, 2000), pp. 389–413.

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and Kairouan; more than 100 women were working in Tunis alone, while the *maison close* in Sfax was the third-largest legal establishment for sex work in Tunisia.[5] Prior to the Tunisia uprising in 2010–2011, both the Ministry of the Interior and the Ministry of Health had supervisory responsibilities over the *maisons closes:* sex workers would submit a formal application to the former for permission to work, and the latter was responsible for ensuring that public health was protected.

The individuals who participated in the attacks on the *maisons closes* in 2011 openly regarded the establishments as symbols of the debauchery and impiety of the former secular authoritarian regimes of Habib Bourguiba and Zine El Abidine Ben Ali. This movement from the street to shut down the *maisons closes* was diffused through local mosques and via the internet in an effort to reclaim Tunisia's moral identity.[6] These targeted acts, led by members of communities rather than a formal government authority, sharply reverberated among marginalised communities and organisations working with them. Organisations working in human rights and with vulnerable groups such as those affected by HIV/AIDS in Tunisia became anxious about the attacks on the *maisons closes* so soon after the uprising began in December 2010. A woman supporting HIV/AIDS outreach work with sex workers explained, 'These invisible forces appeared suddenly … They closed up the doors to the *maisons closes* with bricks. This caused quite a disruption … Quite a few sex workers left the centre and moved underground to do clandestine sex work feeling it was safer.'[7]

The downfall of a dictator opened a space in which numerous actors rushed in to seize the opportunity to genuinely and actively participate in the sociopolitical transformations of post-revolution Tunisia. New actors and groups immediately emerged at the forefront to claim new spaces and set fresh priorities for the Tunisian state. For some actors manoeuvring in Tunisia's public spaces, the 2010–2011 uprising allowed them to have a strong voice that was previously muted under the former regimes. For others, the conflicts and contestations that emerged between the different groups brought new repressions and

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[5] F. Abid and C. Ghorbel, 'Enquête sur l'Utilisation de Préservatif Auprès des Jeunes Clients des Professionnelles du Sexe Declarées', Ministère de la Santé Publique, 2009, p. 11, cited in El Feki, *Sex and the Citadel*, p. 202.

[6] Bensaied, 'Les Islamistes s'Attaquent aux Maisons Closes'.

[7] Interview in Tunis (20), 16 January 2012 and 13 March 2013.

exclusions – this time not from the regime, but from among the actors engaging in collective action and the various other groups that considered themselves part of 'civil society'. More controversial or divisive issues such as the status of women, legalised prostitution, homosexuality and human rights became highly contested as a multitude of disparate visions filled these new spaces. Vulnerable populations and the organisations working with them soon found themselves operating on uncertain terrain where providing support to marginalised and routinely criminalised communities brought new challenges. Following the 2010–2011 Tunisia uprising, some of these actors eventually developed nostalgia for a dictator where the rules of the game were clearly defined and they could find a means to manoeuvre within the parameters set by the authoritarian regime. The unsettled social, political and cultural situation made the future difficult to predict. Would the various conflicts between civil society groups serve as vital tools for widening previously constrained discursive spaces? Or ultimately, would the volatility and uncertainty of democratisation impede peripheral actors and consequently limit the likelihood of contentious issues from fully entering Tunisia's national deliberations?

The Downfall of a Dictator and the Resurgence of Civil Society

Mohamed Bouazizi's self-immolation in the town of Sidi Bouzid, on 17 December 2010, ignited a succession of uprisings across the Middle East and North Africa. Over the next several months, one revolution inspired another 'in a domino effect of sympathy and solidarity',[8] with Tunisia, Egypt, Yemen, Libya, Syria and Bahrain all affected to varying degrees. Individuals across the region relinquished their fear of repressive regimes, thereby revealing the true vulnerability of the ruling elites. Only two days after the 26-year-old Bouazizi's death on 4 January 2011, wider protests across Tunisia began, and soon after, the government declared a state of emergency. Within weeks, cries of 'Ash-sh'ab yurid isqat al-nizam' ('The people want the overthrow of the regime') and 'khobz wa maa, Ben Ali leh' ('Bread and water, no to Ben Ali') eventually led to Zine El Abidine Ben Ali's televised public acknowledgement of 'Ana fahmt' ('I have understood'). On 14 January, he and

[8] T. Manhire, *The Arab Spring: Rebellion, Revolution and a New World Order* (London: Guardian Books, 2002), p. xi.

his family fled for Saudi Arabia. Hamit Bozarslan poignantly writes that 'the system appeared as "unbelievable" in its own being than in its demand for obedience'.[9]

Those spearheading and participating in the Tunisian revolution from December 2010 to January 2011 called not only for bread and water but more broadly for employment, freedom and dignity as the immolation of Bouazizi managed to encapsulate and direct attention towards the issues of inequality and humiliation.[10] The more than 300 deaths in the days during and after 14 January strengthened the will of the protesters who united together in the face of their own apprehensions against a repressive regime.[11] Protesters held night-time candlelight vigils for those killed in the violence and brought blankets, food and tea to fellow demonstrators. Many report a time of unprecedented national solidarity and some today are still unable to believe they took part in the downfall of the Ben Ali regime. Kmar Bendana in *Chronique d'une Transition* observed, 'The horizontal unfolding, which surprised journalists, diplomats, bloggers and spectators with its rhythm and efficiency . . . where Tunisians were perceived as positive heroes as well as protagonists involved in an unexpected democratic process.'[12]

Following the 2010–2011 uprising in Tunisia, measures to initiate greater political liberalism were instigated almost immediately. In October 2011, Tunisia was the first post-revolution country in the Arab world to hold democratic elections. Tunisia's perceived departure from authoritarian rule soon nourished expectations among a range of stakeholders, from individuals to the international community, for an expansion of space for political liberalisation, pluralism, redistribution and – perhaps most importantly – recognition. For example, scholars on the concept of 'global civil society' – Helmut Anheier, Mary Kaldor and Marlies Glasius – questioned whether or not the uprisings in the region were the signal of a new beginning, the start of 'a new political

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[9] H. Bozarslan, 'Réflexions sur les Configurations Révolutionnaires Tunisienne et Égyptienne', *Mouvements des Idées et des Luttes*, no. 66 (Summer 2011), p. 18.

[10] A. Deboulet and D. Nicolaidis, 'Les Hirondelles Font-Elles le Printemps?', *Mouvements des Idées et des Luttes*, no. 66 (Summer 2011), p. 9.

[11] K. Bendana, *Chronique d'une Transition* (Tunis: Les Editions Script, 2011), p. 66.

[12] Ibid., pp. 61–62.

movement'. They advocated that the events of 2011 gave new meaning to the concept of global civil society as the emerging emancipatory agenda fused with post-1968 issues of social justice.[13] International optimism following the uprisings in the region reinvigorated interest in the links between democracy, development and good governance – as did similar events in Eastern Europe and Latin America in the 1980s – the concept of civil society was once again resurrected to serve as the antonym of authoritarianism.

From 2011 to 2013, the landscape for collective action and grass-roots movements in Tunisia widened with the establishment of several thousand new civil society organisations. The deregulation of the former and more rigid laws of association allowed organisations operating in Tunisia's physical and symbolic public spaces to engage more openly in a broad range of activities including civic activism, human rights, social welfare initiatives and direct outreach work with deprived communities across the country.[14] It is estimated that 1,700 new associations were formally created from January to October 2011, with a further 600 civil society organisations registering between October 2011 and March 2012.[15] Individuals acting inside Tunisia's public spaces also re-appropriated the concept of *muwatana* or *citoyenneté*, which refers to citizens feeling engaged and mobilised as equal partners in the future of the country, with or without the state to accompany them along the way. This took the form of popular protest, mass mobilisation and demonstrations alongside collective action. The concept equally manifested in growing notions of voluntarism

[13] H. Anheier, M. Kaldor and M. Glasius, 'The Global Civil Society Yearbook: Lessons and Insights 2001–2011' in M. Kaldor, H. Moore and S. Selchow (eds.), *Global Civil Society 2012: Ten Years of Critical Reflection* (Hampshire: Palgrave Macmillan, 2012).

[14] During the first phase of Tunisia's transition, the 'High Authority for the Realisation of the Objectives of the Revolution, Political Reform and Democratic Transition' was established to oversee the transition from revolution to elections. Among its many remits, it was tasked with modifying the text on the laws of association. For additional information, see S. Zemni, 'The Extraordinary Politics of the Tunisian Revolution: The Process of Constitution Making', *Mediterranean Politics* (2014), pp. 1–19; A. Guellali, 'Pathways and Pitfalls for Tunisia's New Constituent Assembly', ThinkAfricaPress.com, 14 October 2011; and decree laws no. 14 of 23 March 2011 and no. 27 of 18 April 2011.

[15] Union Européenne, 'Rapport de Diagnostic sur la Société Civile Tunisienne', Mission de Formulation Programme d'Appui à la Société Civile en Tunisie, March 2012, p. 5.

among Tunisians, resulting in local collections for vulnerable commu-
nities, Tunisian diaspora raising money to purchase emergency trans-
portation for their local towns and even neighbourhood members
meeting in a family's garage to plan support to marginalised women.
Immediately following the downfall of the Ben Ali regime, one could
observe a return to the self-organisation of the grassroots, agency, self-
determination and self-management agendas set in community mobil-
isation unmistakable in the popular social movements of Eastern
Europe and Latin America only three decades earlier. Larbi Sadiki's
conceptualisation of the *faragh* succinctly captures how it is precisely
within such a power void that a multiplicity of deliberations flourish,
sparking both 'contests and counter-contests' within these spaces.[16]
As such, by looking more closely to this period, it is not only possible
to discern the multiple conflicts and contestations among civil society
actors and organisations but also to perceive the combined sociopoli-
tical divisions that have a remarkable effect on the various issues that
materialise following the collapse of a dictatorship. With the numerous
inclusions and exclusions that take place among civil society actors
embodying disparate ideologies during a period of simultaneous dis-
ruption and transformation, various groups consequently emerge
either as publics or are eventually sidelined as peripheral counter-
publics. The aim of this book is to determine the function of conflict
within civil society – the consequences of these splits, shifts and diver-
gences – in order to probe further what can be discerned from the sites
and areas of contestation during a transition from authoritarian rule.

This book is situated within the tumultuous and uncertain period
from the downfall of the Ben Ali regime in 2011 to the two years of
social, political and economic transformation following this critical
event in the history of Tunisia. Ultimately, it observes what happens
when a space opens up and who rushes in to fill that ephemeral space.
To do this, the book looks to the myriad actors and organisations that
consider themselves 'civil society', including those organisations legally
established during the period of authoritarian rule prior to December
2010 as well as the nascent organisations created through the revised
and expanded laws of association in 2011. Through the examination
of these organisations, it can be of little surprise that while there are

[16] L. Sadiki, H. Wimmen and L. Al-Zubaidi, *Democratic Transition in the
Middle East: Unmaking Power* (London: Routledge, 2012), p. 8.

areas of consensus and solidarity among these different actors, there are also areas in which there is intense disagreement and divergence. Just as there is harmony among these actors, there is also conflict. In particular, the book analyses the conflicts and contestations that emerged among the different elements of civil society during a period of remarkable sociopolitical transformation in which the stakes were arguably higher in regards to defining national priorities. Identifying the sites of conflicts during these periods can reveal the characteristics that contradict 'liberal' understandings of civil society as well as emphasise the volatile nature of democratisation itself. Critically, the purpose of this analysis is to also determine whether these conflicts and contestations are destructive or in fact productive forces to maintain deliberative spaces for discursive contestation – as agonistic forces capable of generating and sustaining pluralism more broadly during the tumultuous transition from authoritarian rule. I maintain here and throughout the book that during periods of sociopolitical turmoil such as seen through the lens of the Arab uprisings, contestations among civic actors are in fact productive as they enable disputation and counter contests; we should in fact be worried when there is an absence of conflict as this indicates that discursive spaces are contracting and pluralism is narrowing. I reason that conflict is in fact essential to pluralism and dialogism.

The book undertakes a conceptual and empirical analysis of 'civil society' to comprehensively establish what actually transpires among civil society actors and groups. By combining elements of both Chantal Mouffe's and Neera Chandhoke's understandings of civil society and discursive space, I define civil society here as a field of actors, groups and organisations, acting and manoeuvring within a multiplicity of physical and symbolic public spaces. These public spaces serve to harness a discursive arena in which these different actors can deliberate and contest critical matters of concern, both through their voices and their deliberate actions.[17] The analysis looks to how and where these conflicts are manifested among civil society actors – in the symbolic and physical occupation of the public space, within social divisions and in mapping national democratic priorities. The primary context is

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[17] C. Mouffe, *Agonistics: Thinking the World Politically* (London: Verso, 2013) and N. Chandhoke, *State and Civil Society: Explorations in Political Theory* (New Delhi: Sage Publications, 2005).

grounded in events that took place during the two years subsequent to the downfall of the authoritarian regime in Tunisia in January 2011 and as such the book identifies and explores three principal themes: the 'illiberal' effects of the opening of the public space(s), the emerging sociocultural and socio-religious divisions (including the rise of associational or social Islam) and finally the exclusionary (and undemocratic) nature of consensus in 'liberal' democracies. Effectively, these three themes bring into sharp relief the different divergences and sites of contestation that can arise as a country embarks on the pursuit of democratisation. They illustrate simultaneously the dynamism of a host of actors and groups collectively mobilised to shape the priorities of Tunisia and also the genuine constraints for actors limited by the political residue they have inherited. As such, each core theme reveals across the two years a gradual narrowing down of contests and counter-contests in public spaces, demonstrating ultimately the enduring impact of decades of authoritarian rule on all actors at both the political and social levels. First, this has direct implications for the maintenance of donor-driven 'civil society strengthening', 'capacity building' and 'democracy promotion' initiatives in middle- and lower-income countries, in particular those transitioning from authoritarian rule. And second, perhaps more importantly, in underscoring the violent nature of democracy, this finding has implications for how the role and capacities of these actors is understood more broadly in democratisation narratives prior to and during transitions from authoritarian rule.

Situating the Research within Marginalised Communities

The analysis throughout the book is grounded in the discipline of international development studies, in particular in terms of how it considers and situates the concept of civil society in neoliberal discourses, and as such, within understandings of 'liberal' democracy. I frame the analysis within discourses on neoliberalism for two principal reasons. The first is because many would argue that the socioeconomic inequalities caused by neoliberal policies in the Middle East and North Africa are the root causes of the Arab uprisings.[18]

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[18] P. Aarts and F. Cavatorta, *Civil Society in Syria and Iran: Activism in Authoritarian Contexts* (London: Lynne Rienner, 2013), p. 8; R. Hinnebusch,

Second, I argue, alongside writers such as Line Khatib, that political and economic liberalisation have ultimately legitimised civil society actors and groups that would have otherwise remained unempowered in many countries in the Middle East.[19] Neoliberalism (and its accompanying discourses) can be defined as a political project of economic, state and social transformation with its own structural adjustment programmes embodying a set of specific economic policies and conditionalities designed and, in some cases, imposed on countries by the World Bank and International Monetary Fund (IMF). Over the last few decades, neoliberal policies have entailed a total reconfiguration of the social contract between the state and its citizens, often provoking major socio-economic disruption. Consequently, with the development of the 'Washington Consensus' and the 'New Policy Agenda' in the 1990s, the role(s) of civil society became paramount in serving both as a cost-effective provider of services and as a torchbearer for democratic values and good governance. Moreover, the concept of civil society has since been rearticulated to contain a burden of virtues that even includes the instigation of the transition to and consolidation of democracy.[20] The normative weight of the concept alone often renders it a challenge to engage critically and thoughtfully with its various attributes and functions. Consequently, within neoliberal discourses the contests and counter-contests that manifest among these actors are often misunderstood, overlooked or de-emphasised. And perhaps an even graver consequence of the prominence of civil society within neoliberal discourses is that these actors can inadvertently serve to further legitimise the very regimes preventing genuine democratic outcomes.[21]

As such, I undertake a critical examination of the concept of civil society, looking to contemporary and neoliberal understandings of the concept in which the significance of conflict among these actors is both emphasised and de-emphasised throughout history. This approach

   'Change and Continuity after the Arab Uprising: The Consequences of State Formation in Arab North African States', *British Journal of Middle Eastern Studies*, vol. 42, no. 1 (2015), pp. 12–30; V. Durac and F. Cavatorta, *Politics and Governance in the Middle East* (London: Palgrave, 2015).

[19] L. Khatib, 'Syria's Civil Society as a Tool for Regime Legitimacy' in Aarts and Cavatorta (eds.), *Civil Society in Syria and Iran*, p. 19.

[20] See L. Diamond, 'Toward Democratic Consolidation', *Journal of Democracy*, vol. 5, no. 3 (July 1994), pp. 4–17.

[21] A. Jamal, *Barriers to Democracy: The Other Side of Social Capital in Palestine and the Arab World* (Princeton: Princeton University Press, 2007).

allows for a further contribution into how civil society is understood conceptually and empirically in different contexts, specifically during transitions from authoritarian rule. And while Chapter 2 undertakes a theoretical analysis of the evolution of the concept of civil society with its end point situated within discourses on neoliberalism, civil society activism is also considered as I acknowledge the numerous indeterminate factors behind why these actors regularly choose to participate in public spaces despite an often high cost and risk associated with their engagement.

The book looks to a range of actors who emerged to fill the public space following the Tunisian uprising in 2010–2011. This includes not only nascent humanitarian development organisations but also organisations working with groups on the periphery, which may often be excluded from the mainstream public and its accompanying discourses. Specifically, this comprises human rights organisations established before and after the downfall of the regime in 2011, humanitarian development organisations (including Islamic associations) created after 2011, and organisations working with communities living with and affected by HIV/AIDS and sexual minorities established before and subsequent to the uprising in Tunisia.

I examine organisations working in HIV/AIDS because many of these organisations work with vulnerable populations, such as sex workers, gay, bisexual and transgender populations, people who use drugs and prisoners. Even though the work of these organisations often concentrates on close programmatic outreach interventions and service provision to affected communities, it also assumes an inherent political nature because many organisations advocate for the provision of costly HIV treatment by the government; highlight instances of institutional stigma and discrimination; and call for the eradication of controversial legal stipulations that criminalise sex work, homosexuality or same-sex relations and drug use. Therefore, one of the underlying aims of the book is to also emphasise, and at the same time advocate, that it is vital to research communities that are routinely marginalised. Through HIV/AIDS one encounters highly contentious and in fact illegal groups of people who feel the sizeable brunt of any sociopolitical turmoil. More importantly, these groups serve to remind us that what happens on the periphery is indeed highly relevant to understanding the broader sociopolitical and sociocultural landscape of a country.