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Transitional justice for whom? Contention over human rights and justice in Tunisia

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ABSTRACT

Despite the promise to address socioeconomic injustices and unemployment, these issues remain in political and public debates in 'democratizing' Tunisia without having no radical and systematic approach to resolving them in place. The existing literature notes that Tunisia's 'transition to democracy' has been largely shaped by the old neoliberal approach, leading many youths to take to the street again. This article contributes to the literature and more broadly to the study of resistance in neoliberal times by exploring the relationship between the post-2011 transitional justice regime's governing through rights and justice and the Mafrouzeen Amniya Movement, which consists of a group of unemployed protesters who claim that their right to work was violated by the state as a result of their protests against the authoritarian regime. Drawing on critical approaches to neoliberalism, human rights and social movements, I argue that transitional justice in Tunisia partly served neoliberal governing by marginalizing revolutionary demands for structural changes and social justice and promoting individualized forms of human rights. Crucially, the neoliberal function of transitional justice was not a top-down process but was constituted through a form of social movement whose dominant liberal human rights discourse was (re)produced by the state as well as by grass-roots movements including the Mafrouzeen Amniya group. In arguing this, rather than present unemployed protesters as being co-opted and subordinated to the state, this article offers a nuanced understanding of how they can reproduce and at the same time challenge the neoliberal transitional justice movement.

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The slogan 'Work, Freedom and National Dignity' raised during Tunisians' mass mobilizations in 2010–11 neatly summarizes the motivations and goals of their uprising. It was a revolt against political, economic and social marginalization that were systematically shaped by the (post) colonial elites and then intensified under Ben Ali's authoritarian rule (Beinin, 2016; Boutieri, 2020). In particular, his neoliberal economic policies resulted in a surge of unemployment (Hibou et al., 2011). Unemployed and precarious youths triggered and stood at the forefront of the revolt, demanding the right to work as well as fundamental changes in political and economic orders (Allal, 2013). Ben Ali's rule came to an end in 2011.

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Ever since then, Tunisia has transformed into a democracy that guarantees not only free and fair elections but also some civil and political rights, enabling the public to mobilize more freely than before. And yet, the successive governments' social and economic policies have not changed much, and they have failed to meet the promise to address the problem of unemployment. Several studies have rightly pointed out that the continuation of the pre-2011 neoliberal economic system resulted in unemployed protests after the Uprising (e.g., Feltrin, 2018; Weipert-Fenner & Wolff, 2016). However, the conception of neoliberalism as market policies does not capture the ways in which various governing mechanisms 'for democracy' in Tunisia have partially served to justify and sustain the status-quo while disregarding the possibilities for radical changes in political, social and economic orders. More importantly, given the narrow focus on policies in the realm of economy, socioeconomic protests are often presented simply as resistance against and therefore in sharp opposition to neoliberalism without in-depth analysis of the relationship between the two in the context of democratization.

The present article fills this research gap by examining unemployed protesters' interactions with the post-authoritarian regime's governing through human rights and justice. Specifically, the analysis focuses on the relationship between transitional justice – understood here as a set of both discursive and political practices performed to deal with past violations and abuses – and the National Committee of Justice for Former General Union of Tunisian Students Who are Blacklisted, which is commonly referred to by its members as Mafrouzeen Amniya ('those blacklisted by the Interior Ministry' in Tunisian Dialect) Movement. Consisting of over 2,000 unemployed youths who were actively involved in leftist student movements across the country, the Mafrouzeen Amniya Movement (hereafter the MA Movement) emerged in 2013 claiming that their right to work was violated by the Ben Ali regime as a result of their participation in protests. Although Tunisian unemployed youth are often studied as a socially constructed category characterized by the status of 'waithood' (Honwana, 2013, p. 12), they are far from a homogeneous group. The MA Movement alone has its distinct characteristics and demands, not to mention internal diversities and tensions that are visible in 'Tunisian left militantism' (Boutier, 2020, p. 2). Nevertheless, what makes this case study interesting and relevant to the unemployed struggle in general is that, while coming with its own platform whose aim is to end their waithood through the transitional justice process, many MA Movement members position themselves as part of the broader unemployed movement and are involved in local and national unemployed collective actions demanding, not only their individual rights, but also structural changes in the socioeconomic system.

To the best of the author's knowledge, there is no single study on the MA Movement, despite its importance in understanding the complex relationship between the dominant political economic orders and unemployed protests in post-uprising Tunisia. Its collective actions were successful in the sense that the authorities were forced to employ the majority of its members by 2019, but their effects on the broader unemployed resistance remain ambivalent as their claiming of the right to work partially justified the individualization of the problem of unemployment.

In exploring how the MA Movement interacts with transitional justice, the article draws on insights from critical readings of neoliberalism, human rights and resistance. They shed light on a particular way in which transitional justice can facilitate the neoliberalization of democratization by rendering demands for social justice and

economic redistributions as a matter of individual human rights that is to be addressed through legal and technical justice mechanisms. I argue that such process of neoliberalization takes a form of ‘cross-class movement’ (Schneirov & Schneirov, 2016, p. 570) whose liberal discourse of rights and justice emanates not only from the state but also from socioeconomically marginalized segments of society, among others, unemployed protesters (in the case of this article). Crucially, rather than present unemployed movements as being co-opted and subordinated to the state, the article aims to provide a nuanced understanding of how they can reproduce and at the same time challenge neoliberal governing through the example of the MA group.

The empirical analysis is based on 31 interviews (21 with men and 10 with women) carried out during my fieldwork in Tunisia in 2016–7 and 2019–20. The interviews were conducted with 18 members of the MA Movement (all of whom were previously members of the General Union of Tunisian Students, and 8 individuals were also affiliated with the Union of Unemployed Graduates) and 13 unemployed protesters who did not belong to the group (3 were affiliated with the Union of Unemployed Graduates and 10 were independent unemployed activists). The interviews were conducted through a snowballing method in Sidi Bouzid, Kasserine, Gafsa, Tataouine, and the capital city of Tunis. I also obtained information through two MA Movement’s Facebook pages by electronically searching posts with the keyword ‘transitional justice’. In addition, I visited and observed a hunger strike and street protests organized by the group in January 2017. I used pseudonyms for the interviewees in this article.

Resistance within and against neoliberal rights and Justice

We (Mafrouzeen Amnieen) are part of the national unemployed movement for the right to work. But you need to know that our struggle is also unique because our right to work was directly violated by the state because of our political actions against the authoritarian rule. I was active in protests against the dictatorship and capitalist mafias, and the police regime put my name in the notorious list. I couldn’t work because the state violated my right. That’s why I submitted my case to the Truth and Dignity Committee. [. . .] The state must respect the transitional justice law and give jobs to all Mafrouzeen Amnieen. That’s our key demand (Author Interview, Gafsa, 11 January 2017).

Khadraoui, who was in his forties and worked occasionally as a private tutor in Gafsa, introduced himself as an ex-member of the General Union of Tunisian Students (Union générale des étudiants de Tunisie, UGET) and Al-Watad left-wing political party. He is one of many Mafrouzeen Amnieen who, while being part of various levels of unemployed protests, participated simultaneously in the MA Movement to achieve their demands through transitional justice. His description of the group reflects what Zaki (2018, p. 366) observed in her analysis of women’s rights in Tunisia: the establishment of transitional justice mechanisms has unexpectedly created new institutional and discursive tools for pre-existing grassroots movements. This section engages with critical approaches to neoliberalism, human rights and resistance to draw attention to a particular dimension of the relationship between transitional justice processes and bottom-up mobilization and to explore the MA Movement’s interactions with transitional justice.

While neoliberalism is commonly associated with a set of economic policies marked by privatization, deregulation and marketization, scholars focusing on micro practices of neoliberalism have approached it as a mode of governance whose logic of the market economy goes beyond the narrowly defined economic domain and encompasses political, social and cultural realms (e.g., Brown, 1995; Lemke, 2001; Rose & Miller, 1992). They echo Foucault (2011, p. 131)'s evaluation of neoliberalism in which he argued that its problem is 'not a question of freeing an empty space' as in classical liberalism but the question of 'how the overall exercise of political power can be modelled on the principle of a market economy'. What differentiates these studies from the conventional understanding of neoliberalism as a policy framework is that they see the expansion of the principle of market economy not as the consequence of the domination by a handful political and economic elites of the rest. Rather, neoliberalism is understood as a hegemonic project that requires a collective will constructed through a set of rationalities, calculations, regulations and subjectivities performed by *multiple* and *competing* agencies (Foucault, 2007; Laclau & Mouffe, 1985).

Understood in this way, we begin to see the complex relationship between neoliberalism and what are conventionally conceived as social movements against the exercise of capitalist domination. Schneirov and Schneirov (2016, p. 562) draw on a post-Gramscian approach to capitalist power relations and note that capitalism 'does not merely exist outside of or behind social movements or as the force to which social movements respond', but it can be 'constituted both by movements of capitalists and by the movements of subaltern classes'. They go further to argue that neoliberalism itself can be seen as a social movement forged by capitalists' articulations of their movements with those of marginalized groups through hegemonic discourses. According to them, neoliberal social movements can mobilize and link 'different, sometimes diametrically opposed, struggles' together through liberal notions such as individual freedom and human rights (ibid., p. 571).

Several studies have already shown that the discourse of human rights can serve the neoliberal hegemonic project, for instance, by producing free and self-empowered individual subjectivity (e.g., Brodie, 2007; D'Souza, 2019). From a post-structuralist standpoint, human rights discourse can create a distinct subjectivity – what Odysseos (2010, p. 748) calls *homo juridicus* – that is a 'subject amenable to self-government and, as such, acts as a partner, indeed a predicate, to neoliberal governmentality'. It does so by channeling demands for revolution, wealth redistribution or structural changes through the legal framework of rights 'leaving the material conditions of the new rights holders largely unchanged' (ibid., p. 764). Bowsher (2018, p. 3) also notes that this rights holder subjectivity is adopted by the dominant transitional justice framework through which structural and socioeconomic violations are downplayed and the past in collectivized terms is rearticulated as the 'individual victims of human rights abuses'.

Approaching the relationship between neoliberalism and discourses of rights in this way helps us critically assess claims of rights and justice raised by socioeconomically marginalized groups as these values are utilized not only by those in power in granting or taking away rights but also by 'those who seek to gain and or retain them' (Speed, 2005, p. 32). It directs our attention to how the so-called 'rights-based approaches' to development adopted as part of resistance discourses can have the effect of normalizing and thereby serving capitalist power relations by unwittingly reproducing the individualization of structural problems and performing an imagined legal subject divorced from

actual relations of exploitation (D'Souza, 2019). This normalizing function is not limited to some international and domestic human rights NGOs that have been criticized for their legalist and positivist approach to rights and justice and, as Schneirov and Schneirov (2016)'s work reflects, subaltern groups can also participate in the (re)production of the neoliberal discourse and individual rights holder subjectivity.

That struggles over rights and justice can reify the very exercise of domination to which they oppose does not indicate their complete subordination to neoliberal governing, however. In her study of campaigns for justice following the 1984 Bhopal gas disaster, Odysseos (2016, p. 182) shows that the neoliberal attempts to produce free and self-responsible rights holders were never complete or irreversible insofar as human rights activists participated in processes of subjectification of the victimhood and contributed to the formation of the self as 'not so governable subject'. While her focus is not on the neoliberal discourse of rights, Zaki (2018, p. 366) also discusses how the top-down transitional justice in Tunisia had unintended consequences by triggering 'a rise of a new type of activism that centers on women's rights'. These studies show how human rights and justice discourses can operate as a political tool that not only serves domination but also challenges it. Thus, for one to better understand the contentious politics of human rights and justice, what is as important as the question of how these discourses are mobilized for governing is the question of how they are mobilized for resistance.

Taken together, these critical perspectives invite us to re-examine the legalist transitional justice framework and the 'decollectivization' (Bowsher, 2020, p. 42) of the revolutionary subject in Tunisia as a form of neoliberal social movement consisting of multiple actors including not only the state but also grass-roots movements for socio-economic rights and justice. They also help to elucidate some of the ambivalent effects of the MA unemployed group by capturing how they did 'reinforce and bolster, as well as *and at the same time as*, undermining and challenging' (Death, 2010, p. 236, emphasis original) ways in which they were governed. Before moving to the empirical part, the next section provides a brief background of the MA Movement in relation to the emergence of unemployed collective actions in Tunisia.

The emergence of unemployed movements against liberalization policies

One cannot understand the MA group without situating it within the context of the student and unemployed movements led by the UGET and the Union of Unemployed Graduates (Union des diplômés chômeurs, UDC) against the pre-uprising political and economic system. Tunisia's economy began to be increasingly liberalized under the President Ben Ali (1987–2011)'s rule. After removing the first post-independent President Habib Bourguiba through a bloodless coup, Ben Ali implemented several structural adjustment plans driven by privatization of public assets and justified them as the way to strengthen the country's economy and its competitiveness in the global market. Tunisia's liberalization policies and their impacts were applauded as a miracle by domestic elites and international financial institutions, among others, the International Monetary Fund (e.g., IMF, 2008).

However, market-driven economic growth was not translated into a better quality of life for the majority of the population. Most foreign and domestic investments flew into the relatively developed coastal regions such as Tunis and Sfax, widening the already

existing regional disparities and gap between ‘have’ and ‘have-not’. While the interior regions were the main producers of national wealth with their natural resources, they remained politically, socially and economically marginalized, lacking basic infrastructures such as roads, schools and hospitals. More importantly, the shift from the state-led development to a liberal approach to economy meant the end of the old social contract operated between the Bourguiba regime and the people, namely, the idea that university education would guarantee employment by the state.

An important consequence of Ben Ali’s liberal economic reforms was a rapid increase in the rate of unemployment, particularly among those with a higher education diploma. The unemployment rate among those with university degrees was conservatively estimated to be risen from 3.8% 1994 to 21.6% in 2008, but several sources published after the Uprising indicate that nearly half of educated youth were unemployed by the year of 2009 (Hibou et al., 2011). Faced with the lack of opportunities for decent work, which were guaranteed by the state-led development under the rule of Bourguiba (Pfeifer, 1999; Yousef, 2004), many young Tunisians began to take to the streets against the market-driven transformation of the social and economic systems together with the rampant cronyism and corruption in the process of employment. In particular, many unemployed graduates felt that their right to work was violated as they had to have a job that was not in correspondence to their education level and, in many cases, they were ‘forced to work in the informal sector’ (Weipert-Fenner, 2020, p. 57).

In 2006, around eleven university graduates, who had been active members of the UGET established the UDC to collectively demand the right to decent work. Although Tunisia began to witness sporadic unemployed protests since the mid-1990s due to the rapid rise of the unemployment rate, they were largely spontaneous and lacked organizational structure. This began to change in the mid 2000s with the emergence of unemployed protests organized by the UDC activists whose mobilization skills and dense ties with the UGET and leftist political parties operated as important movement resources. The UDC’s visible role in unemployed mobilizations first appeared in the Gafsa revolt in 2008 with its key slogan ‘Shogul, Hureiya, Karama Watania’ (Arabic for *Work, Freedom, National Dignity*).

The UDC and UGET’s visible role in political contestation against the state led them to become subject to police regulation and harassment. It turned out later that the Interior Ministry created blacklists of those who were deemed to be ‘rebellious’ including, among others, many members who were actively involved in the two unions. Those on the list were then excluded from various opportunities in terms of education and employment. Ahmed, 35-year-old male unemployed graduate and who joined the MA Movement in 2015, illustrates MA members’ experience of resistance within the two organizations.

Mafrouzeen Amnieen are political activists who were active within the student union and the UDC. I myself was a member of the UGET and later joined the UDC in 2011, which is a common transition for many who couldn’t work after graduation. [...] If you cannot be member of the UGET anymore nor enter the UGTT [Union Générale Tunisienne du Travail] because you don’t have a job, the UDC is the organization you need to be part of to continue your struggle. [...] My friends and I were arrested several times by Ben Ali police while staging demonstrations, and we knew that they wrote down our names to

punish us, [by] taking opportunities for work away from us. This was acknowledged by the Interior Ministry after the Revolution (Author Interview, Tunis, 21 February 2017).

It should be highlighted that, while the presence of the blacklists had been known by the two organizations, the MA Movement did not appear until 2013 when Tunisia began to set in motion the formal transitional justice mechanisms. As elaborated later in this article, it is in the context of the perceived failure of the post-authoritarian political institutions 'for the transition to democracy' to address the problem of unemployment that those blacklisted members of the UGET and UDC initiated the MA group demanding the immediate employment of its members by the government. Up until 2013, the MA members' priority was given to making broader political, social and economic changes, particularly through the UDC as its 'revolutionary' role was widely acknowledged after the fall of the authoritarian regime.

According to Murad, a male unemployed graduate and member of both the UDC and the MA Movement, the UDC's popularity and its revolutionary legitimacy placed it as the mediator between the government and unemployed youths during the initial stage of the post-Uprising transition. He noted that the organization's concern was not limited to the social and economic realms and it sought to radically reform the political system as a whole as 'the unemployment problem cannot be solved without fundamental changes in politics' (Author Interview, Tunis, 3 April 2017). The UDC's participation in the Kasba Occupations, the national mobilizations that forced the interim government to remove the perceived symbol of the old regime from the institution, reflects the organization's role in the revolutionary transformation of the domestic politics. It not only pressured the authorities through street mobilizations but also sought to change the country's political and economic system by participating in the formal transitional process as marked by its engagement in the Higher Commission, an ad hoc body organized in March 2011 to shape the transitional period.

Governing through transitional justice

The two key slogans 'work is a right you gang of thieves' and 'work, freedom and national dignity' raised during the revolutionary moments reflect that work, among others, was considered a fundamental right that had to be guaranteed if one was to be free but was systematically violated through the liberalization of Tunisian economy over two decades. Thus, the language of rights was deployed by the population in a collective sense to demand radical solutions for structural inequalities and socioeconomic injustices. People's longing for structural changes, however, was soon repackaged through a transitional justice framework. Its dominant discourse and institutions largely drew on the international transitional justice regime whose narratives and practices often direct transitions toward political and economic (neo)liberalization by privileging civil and political rights over social and economic rights (Franzki & Olarte, 2014; ZMiller, 2008).

Whilst the Tunisian authorities acknowledged the importance of addressing socio-economic injustices in rhetoric, their focus in practice was predominantly given to violations of political rights and physical atrocity such as killing, rape and torture (Lamont & Pannwitz, 2016, p. 280). This is reflected in the fact that the 2011 interim government narrowed down the scope of 'victims' in the decree law n.1/2011 and n.97/

2011 to political prisoners, those sued for their political activities under the Ben Ali regime and martyrs and wounded during the 2010–11 political upheaval. Also, the transitional justice law in 2013 ratified five specialized chambers to adjudicate violations defined as deliberate killings, sexual violence, torture, enforced disappearance, and execution without fair trial. There was no chamber specific to social and economic injustices, reflecting that transitional justice in Tunisia replicated the hierarchy of rights entrenched in the global neoliberal regime.

In addition to implementing several ad-hoc legal measures, the state introduced governmental and independent institutions such as the Ministry of Human Rights and Transitional Justice, Truth and Dignity Commission, and the Transitional Justice Law as the ways to deliver justice by revealing the ‘truth’ about prior human rights violations. These mechanisms were then mobilized to deliver truth, reparation, accountabilities, and institutional reforms, the ultimate aim of which were ‘to promote national reconciliation and transition from dictatorship to democracy’ (ibid.). The role they played in amplifying voices of some minority groups cannot be denied. Yet, these ‘legal-technical mechanisms’ (Wilson, 2001, p. 16) of transitional justice also contributed to the invisibilization of radical demands for changes in the socio-economic system by re-articulating justice with a sense of consensus and reconciliation and prioritizing the legal order of state-building.

Not only did transitional justice render justice as a mechanism for liberal democratic reforms that are more amenable to market needs, but it also channelled the collective-socioeconomic victimhood which emerged during the revolutionary moments into individual human rights bearers. Transitional justice in Tunisia was evaluated as to be distinguished from other transitions in terms of its broad definition of victims encompassing individuals, groups and even regions that suffered political, social and economic violence (e.g., Andrieu, 2016). According to the TDC’s executive summary report (Truth & Dignity Commission, 2019, p. 47), for instance, the commission collected 62,720 cases of human rights violation from individuals, groups and victim regions. As was the case in many post-conflict contexts, however, the legal discourse of human rights and the mechanisms of hearing and reparation largely focused on individual victims. While some general recommendations to resolve regional disparities were proposed by the TDC (ibid., pp. 444–454), no formal mechanism was made to address collective victims.

The construction of the (legally defined) rights bearer subject performed a form of the politics of decollectivization in the sense that it reified the (re)-empowered citizen subject while displacing more radical and collective subjectivities. This was particularly the case with the revolutionary subjectivity promoted by unemployed protesters. While the right to work was often mentioned by the state and politicians, this right was predominantly rendered to be guaranteed not through transitional justice mechanisms or radical changes in the assumptions and calculations underlying the previous economic system but through good governance and economic development driven by marketization (Han, 2021). For instance, while Tunisia’s 2016–2020 Development Plan mentions the right to work as a fundamental right in principle, the problem of unemployment is almost always articulated as a matter that is to be solved through a market-oriented approach to youth education and foreign direct investments (Ministry of Development, Investment and International Cooperation, 2015). The articulation of unemployment with market-driven economy displaced unemployed protesters’ claim of the collective victimhood and

subjectified them as individual workers ‘in transit’ (Foucault, 2011, p. 139) who were in need to be empowered to be able to adapt and meet market imperatives.

Importantly, this neoliberal transition was not a top-down process imposed by a small group of political and economic elites upon the Tunisian population, but it took a form of ‘cross-class movement’ (Schneirov & Schneirov, 2016, p. 570). The idea that there must be transitional justice as a necessary step toward democracy was promoted and supported by various social movement groups in competition. According to Sessi, an unemployed graduate who was in his twenties and actively involved in unemployed protests in Kasserine, collective actions organized by socioeconomically marginalized groups also ‘played a key role in pushing Tunisian transitional justice to incorporate socioeconomic injustices into its agendas’ (Author Interview, Kasserine, 3 February 2017). Part of the rationality behind their involvement in transitional justice was that addressing social and economic inequalities and regional disparities should be and can be efficiently done through legally and globally institutionalised norms and procedures.

As the next section elaborates, the MA unemployed group was also partially but significantly mediated by the neoliberal discourse of rights and justice, not in the sense that their engagement in transitional justice was entirely embedded in neoliberalism, but in the sense that it was compatible with and played a role in the promotion of the neoliberal discourse of human rights.

The MA Movement within and against neoliberal rights and justice

We are living in a bourgeoisie democracy that doesn’t care about our fundamental rights, the right to life with dignity. What do elections do for our rights? Nothing. Economic situation is worse than before because the government maintains Ben Ali’s policies. [. . .] We are part of the broader unemployed struggle to accomplish the most important goal of the revolution, meaning that, to achieve the right to work for all (Author Interview, Tunis, 2 January 2020).

Nidhal, who was a member of the MA Movement and originally from Sidi Bouzid, was one of several MA members who presented the post-2011 trajectory of Tunisia as dissatisfying given its predominant focus on procedural democratization and the emergence of new governing elites who, while mentioning regional inequalities and unemployment as serious problems, retained the old regime’s economic development approach that was behind these problems. The post-2011 political and economic landscape was considered far from the revolutionary vision envisaged by many Tunisian youths who were at the forefront of mass mobilizations in 2010. Another member from Ariana, named Hammami, in his twenties, even identified Tunisia’s new democracy as ‘counter-revolutionary’ and as being ‘imposed and controlled by Western great powers in order to prevent fundamental changes in the economic system which would threaten the marketization of Tunisia’ (Author Interview, Ariana, 7 January 2020).

That MA protesters criticized the process of transition to democracy, however, does not mean that they rejected the newly established political institutions. On the contrary, according to several interviewees, the transitional justice law and the ensuing introduction of formal transitional justice mechanisms provided the very conditions and opportunities for the emergence of the MA Movement. For instance, when asked why the

group emerged in 2013 and not earlier, Hanen, a female ex-UGET activist and who was also a MA member, explicitly pointed out that ‘for Mafrouzeen Amnieen, transitional justice was a very important opportunity that could bring them jobs’ (Author Interview, Tunis, 25 September 2019). Since established on 30 February 2013, the MA Movement has actively utilized transitional justice as its discursive and institutional tools. This is reflected in the way that the group framed their demands around the transitional justice framework when it announced the establishment of the organization.

Two years after the uprising of 14 January 2011, one of the most important slogans of which was ‘Work is a right, you gang of thieves’, the former UGET who fought against the dictatorship during the time of oppression and tyranny are still subjected to the same deprivation of the right to work in the absence of political will to solve their files within the framework of Transitional justice. [...] Accordingly, the National Committee for the former UGET was established, and it will continue the struggle for:

- Demanding to activate the transitional justice path
- The employment of the former UGET who were affected by the previous regime and religion but were excluded from the General Legislative Amnesty Law [...] (The National Committee of Justice for Former General Union of Tunisian Students Who are Blacklisted, 2013, February 30).

What is interesting in this text is that the MA Movement’s claim to the right to work appears to have to be achieved through the legal and transitional justice institutions rather than structural changes in political and economic orders. In a group interview with two MA members, Abbasi, who was in his thirties and a coordinator of the UDC in Sidi Bouzid, explained that the association of the MA group with transitional justice was a ‘tactic in order to obtain support from civil society actors’, which they considered to be ‘crucial to the successes in the group’s negotiations with the authorities’ (Author Interview, Sidi Bouzid, 22 September 2019). Abbasi also added that the use of the moderate and, what he considered, ‘apolitical’ approach through appealing to human rights ‘played a significant role in persuading the trade union to intervene in the negotiations between the government and the MA Movement’ (ibid.). The group’s invocation of transitional justice in this sense could be seen as a form of meaning making practice or ‘frame extension’ (Snow et al., 1986, p. 472) as it operated to seek support from civil society actors who, while not having direct connection to the MA Movement’s cause, were keen to hold the government accountable for its promise to implement the transitional justice law. Positioning their cause as an apolitical matter seemed necessary in the context that the ruling political parties discursively framed the group as a left-wing street force. Also, several members who I had conversations with shared the idea that their issue was instrumentalised by leaders of a coalition of leftist parties ‘Popular Front’.

However, a critical reading of their interactions with transitional justice adds another layer of interpretation to the MA Movement’s claim of the right to work. It directs our attention to how the group’s articulation of the right to work with transitional justice law was also implicated in the neoliberal project of transition to democracy which delimited transitional justice as a set of legal procedures and transformed the demands for structural changes into individual human rights violations. Unemployed protesters often used the language of right before and after the Uprising, framing their demand for jobs as a morally legitimate demand and as a fundamental right for all citizens. The

below words of Aymen, thirty-four-year-old male, from Sidi Bouzid, and who was a member of both the UDC and MA Movement, echoes Khadraoui's narrative earlier. Both members distinguished their cause from the (collective) demand for the right to work by situating the group within the formal transitional justice framework and by presenting its demand for jobs as a matter of (individualized) reparation. These narratives in turn reified the categorization of who were to be included in (and excluded from) the *legal* subject to transitional justice.

Solving the problem of unemployment requires fundamental changes in the political and economic structures. These changes will gradually happen as long as we continue our struggle. But you should know that our (Mafrouzeen Amniya) issue is also political because we are the victims of Ben Ali's political repression. Therefore, our problem needs to be directly addressed by the state according to the transitional justice law. (Author Interview, Sidi Bouzid, 2 February 2017).

Approaching the MA Movement in this way also helps us understand some ambivalent effects of its protest tactics. On the one hand, it challenged the conventional top-down process of post-conflict transition and procedural democratization by performing transitional justice through informal and grass-roots mechanisms such as hunger strikes and street protests. These tactics operated as a powerful tool to re-visibility social and economic injustices that were acknowledged in rhetoric but soon invisibilized by the state's discourse of democracy promotion. As Issam, who was in his thirties and introduced himself as a former member of the UDC and currently part of the MA Movement, recalled:

Neither the ministry of human rights and transitional justice nor the truth and dignity Commission helped us to achieve our social and economic rights because these elites were occupied with their own political interests, party politics and so on. It was our continued protests and particularly hunger strikes that enabled us to persuade civil society to support us and forced the government to come to the negotiating table (Author Interview, Tunis, 28 February 2020).

However, the MA group's seeking justice fell short of being an 'alternative' that can transform the 'nature of the debate' (Keck & Sikkink, 1998, p. 2) insofar as it reified individualized forms of human rights through the very same informal tactics. While the group often chanted some radical slogans such as 'people want the downfall of the capitalist state', the main demands raised during its hunger strike and protests in January 2017 were the immediate employment of those registered in the second list (744 individuals) of the MA Movement and further negotiations with the government to provide solutions for those who were not included in the second list but (claimed to be) subject to the state repression.

The MA Movement not only used transitional justice in their narratives but actually engaged in the formal mechanisms by submitting their cases to the Truth and Dignity Commission (TDC) both as individuals and collectives in the name of the UDC and UGET. When the TDC started collecting cases based on its thirty-two categories of human rights violations, individual members of the two organizations registered their names as the victims of several forms of violation, among others, the 'deprivation of livelihood and forms of abuse of the right to work' and 'violation of the right to freedom of peaceful assembly' (Fieldnote, 25 September 2019). As collectives, each MA list held

internal meetings to decide the order of beneficiaries that the state needed to take into account when offering public jobs (ibid.).

They also participated in the truth telling process. One such example can be found in the case of Rizqi who was a former UGET member and appeared in a public hearing organized by the TDC in December 2016. Introduced by the Commission as a victim of torture and sexual harassment, she provided for about forty minutes a detailed description of her physical and emotional suffering and the cruelty of the police force under the Ben Ali regime, concluding with her emphasis on the victimhood of the MA members and the necessity for their right to work to be achieved through transitional justice.

Finally, there are still people who were with me in our struggle. We stood side by side. They grew up, got older, but still don't work. They can't work because of the security blacklist. Now, I stand with them in this path. I hope they get their rights back. Some people I know are already in their 40s. When will they be able to work and have their families? If God wills, I hope I didn't omit anything (Truth & Dignity Commission, 2016, December 16).

Rizqi's case reflects how the MA members were articulated through transitional justice mechanisms as individual 'suffering bodies' (Bowsher, 2020, p. 43) and victims of physical violence, rendering their status of unemployment as the outcome of state violation of their civil and political rights. Entering into the formal transitional justice framework brought about some positive outcomes for the MA members as the authorities were now legally bound to review their cases. Instead of demanding monetary reparation, the members also asserted that the state must restore their 'lost rights' by directly providing them with public sector jobs. The first and second lists of the MA Movement alone consisted of more than one thousand unemployed people, and, by 2019, most of them were successful in forcing the government to hire them in municipal offices belonging to government ministries and public companies. Their 'successful' story then engendered another three lists of the MA Movement which are still under the process of negotiation with the government by the time of this writing. Sadiq, an unemployed graduate who was in his thirties and participated in both the UDC and MA Movement collective actions in Kasserine, noted:

Our success is not the end of the story, but one small step toward justice and dignity for all victims of marginalization and capitalist economy. This government doesn't want to and cannot solve the problem of unemployment because it has to satisfy IMF and World Bank. Our struggle gave a clear message that it is only through mobilizations that Tunisians can achieve their rights. Unemployed movements must continue, and we are still at the forefront of it (Author Interview, Kasserine, 3 February 2017).

This indicates that, similar to 'Tunisian workers' general strikes organized by the trade unions, the MA Movement played a role in delaying (if not disrupting) the state's implementation of neoliberal economic reforms that were in place on papers since 2011 under a continued pressure of international financial institutions. In other words, the group's demand for *and* success in obtaining jobs in public sectors could be seen as having the effect of destabilizing the neoliberal discourse of economic development that reduces the state to the 'facilitator' of market economy while rendering unemployed youths as entrepreneurial citizens. Also, many members including Sadiq, who have been employed by the government, emphasized in the interviews that they still seek structural changes by supporting and participating in unemployed collective actions at local and

national levels. While it is not clear whether the MA Movement ‘tactically’ drew on the neoliberal discourse of rights to bring about structural changes, its articulation of transitional justice with the broader unemployment problem had the effect – intended or not – of blurring the line between individual rights and structural injustices around the right to work.

However, the tension between collective and individual rights and the ambivalent position of the MA Movement in the unemployed struggle were acknowledged by some of its members, including Hanen who in the end decided to withdraw her name from the MA list and from the TDC record because, according to her, ‘our movements against Ben Ali was to bring dignity and justice to all unemployed people and not to us as individuals’ (Author Interview, Tunis, 25 September 2019). They pointed to a dilemma that arose from the question of how, in practice, to link their individual rights to work to more collective meanings of human rights.

It remains to be seen whether and how the MA Movement’s experience of a ‘limited’ success could be translated into structural changes in Tunisia’s political, economic and social systems. After all, the group’s restoring of their right to work was not external to governing transition through the legal human rights framework. One may even go further to argue that it served the state’s divide and rule tactic as the MA Movement’s appeal to the legal discourse of human rights and justice negatively affected the UDC’s role in the broader unemployed struggle. The fact that several leading members of the UDC obtained public jobs through the MA platform led many unemployed youths outside the organizations to see them as ‘opportunistic’. A twenty-something unemployed man, who had no university degree and occasionally worked in cafes and hotels in his neighbourhood in Tataouine, observed:

I support unemployed protests in my city and other regions but not the UDC. They are only interested in themselves like any political parties in this country. [...] There’s no difference between the Union and the so called Mafrouzeen Amniya. They are the same people with different names. Why are they protesting? Because they want public jobs. That’s it (Author Interview, Tataouine, 22 April 2017).

Likewise, several UDC members who did not belong to the MA Movement pointed to the potential tension between the collective ‘we, unemployed’ identity that the UDC had promoted since 2008 and the individual right holder identity which some members of the organization upheld through their participation in the MA group. According to Hammadi, the group, albeit legitimate by its own lights, was ‘detrimental to the broader unemployed movement because it resulted in a significant loss of legitimacy and popularity of the UDC as the union representing Tunisian unemployed populations’ (Author Interview, Tunis, 28 February 2020).

Conclusion

The article has elucidated the uneasy relationship between neoliberalism, human rights and unemployed movements in post-2011 Tunisia. It did so by showing how the MA Movement’s seeking the right to work was implicated in the neoliberal governing through transitional justice in which revolutionary demands for structural changes and social justice were marginalized in favor of the production of individualized forms of human

rights. It is, however, important not to simply disqualify the MA group's invocation of human rights and justice as co-optation. The analysis rather points to some ambiguities in the group's engagement with transitional justice, complicating the assumptions about contentious politics between the state and unemployed protesters. After all, the invocation of rights and justice operated not only as governing but also as resisting tactics in the process of transition to democracy. The protesters' strategic use of rights and justice frames had the effect of reifying neoliberal attempts to render the unemployed subject as individual rights holders and thereby unwittingly contributed to the fragmentation of unemployed movements as a whole. However, it also brought disrupting effects on some of the dominant political and economic orders, albeit in limited ways.

The implications of the findings go beyond the Tunisian context. Previous studies have emphasized the importance of understanding the conditions for and dynamic of contemporary social movements in relation to capitalist relations (della Porta, 2017; Hetland & Goodwin, 2013). However, the debate on the relationship of neoliberal capitalism to social movements still tends to revolve around the question of how the former shapes and affects the latter, neglecting the possibility of more intricate relationships between the two. The Tunisian case underscores the shortcomings of the conceptualization of neoliberal capitalism as a background factor that either enables or constrains collective actions. It shows, in line with recent work on neoliberalism as a social movement (Chouhy, 2020; Schneirov & Schneirov, 2016), that neoliberalism may involve and operate through the interplay of movements from above and below whose identities do not necessarily correspond with one another.

The analysis in this article also adds to our knowledge about resistance within the capitalism-social movement nexus by empirically showing the entangled relationship of subaltern groups' collective actions to neoliberal governing through rights and justice. Going beyond the understanding of neoliberal capitalism as 'a social movement from above' (Cox & Nilsen, 2017), the Tunisian experience suggests that capitalist and subaltern groups are not necessarily antagonistic to one another, and social movements organized by socioeconomically marginalized actors are not only mediated by but can also play a productive role in it by re-appropriating individualized forms of human rights and justice. These findings invite us to pay greater attention to where and how capitalist institutions and grassroots movements for socioeconomic rights and justice converge and diverge as well as how their interactions affect the latter's opportunities, identities, and repertoires of actions.

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