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Transitional justice from the margins: Collective reparations and Tunisia's Truth and Dignity Commission[1]

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A R T I C L E   I N F O

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A B S T R A C T

The Tunisian revolution of 2011 moved from socio-economic to political concerns, and from the margins and periphery of the South and West of the country to the centre, Tunis, driven by the slogan of "jobs, dignity and freedom". The goal of this article is to understand the potential of using the spatially informed concept of marginalisation to reimagine transitional justice, using the "victim zone" as a case study. The Truth and Dignity Commission's founding legislation tasked it with identifying victim zones that had "suffered systematic marginalisation or exclusion" and proposing reparation for structural violations suffered. Empirical data collected from two disadvantaged regions of Tunisia are used to provide a bottom-up, victim-centred, look at structural and economic violence. The IVD has largely failed to-date to deliver on its promise in relation to collective reparations, but a combination of theory and empirical data provides a springboard for a discussion of how the margins could unsettle current transitional justice practice, both normatively and practically. The article concludes by outlining an unfinished business agenda for Tunisia and implications for future transitional justice. Specifically, it argues for a transitional justice from the margins that focuses on space as well as time, collectives as well as individuals, a normative plurality rather than a single universalised global framework, decentralised agency rather than centralised institutional primacy, and a new social contract (forms of participation and recognition) rather than the continuity of elite bargains.

1. Introduction

Tunisia's political transition was famously triggered by the self-immolation of street vendor Mohamed Bouazizi in Sidi Bouzid in December 2010. Bouazizi's protest was driven by the authoritarian Tunisian state preventing him from earning a living, through constant police harassment. His death presaged a revolutionary movement in Tunisia and across the Arab world, defined by the slogan "jobs, dignity and freedom". The revolution moved from socio-economic to political concerns, and from the margins and periphery to the centre (Ayeb, 2011, p. 476). This trajectory invites an engagement with the past that seeks to uncover not only the facts and legacies of physical violence, but also of spatial and structural violence. The goal of this article is to understand

the potential of using the spatially informed concept of marginalisation to reimagine transitional justice, using the "victim zone" as a case study.

Tunisia's Organic Law on Transitional Justice, adopted in 2013 (Republic of Tunisia, 2013), opened a route to addressing marginalisation by giving the *Instance Vérité et Dignité* (IVD, Truth and Dignity Commission) the task of identifying zones that have "suffered systematic marginalisation or exclusion" (Republic of Tunisia, 2013: Part 4, Article 10) and proposing reparation for structural violations suffered. Efforts to include such terms and processes as part of transitional justice are relatively rare, even though many of the acts of violence that are a focus of its practice are enabled by marginalisation and exclusion on the basis of ethnicity, gender, region or class. In Tunisia, the transitional justice law refers to exclusion on a geographical basis, defined according to

victimised "regions" or "zones". Such spatial marginalisation can operate at many levels. Whilst the most visible divide in the country is between a richer coastal area and poorer inland regions, such as where Bouazizi lived, some of the poorest neighbourhoods in the suburbs of Tunis are marginalised despite being very close to the heart of the country's economic life. As such, a central challenge for the IVD was how to operationalise a focus on marginality and the margins within a transitional justice process.

In this article we examine the IVD as a test case in addressing marginalisation using the mechanism of a truth commission, and more specifically collective reparations as a means to operationalise this agenda. Empirical data collected from two disadvantaged regions of Tunisia are used to provide a bottom-up, victim-centred, look at structural and economic violence and understand what affected populations at the margins seek from the ongoing transitional justice process and how it can address those needs. We use data collected as a part of the Transitional Justice Barometer.[1]

The article begins with a discussion of what a theory and practice of transitional justice from the margins could look like. Marginalisation is then presented as a justice issue that both drove the revolution and that remains largely unaddressed in post-revolutionary Tunisia. Empirical data collected in interviews in two highly marginalised communities in Tunisia are presented to demonstrate that marginalisation is not solely material, but has social, political and very human elements. The chapter then sets out what the IVD and its report achieved in relation to "victim zones", largely narrating a story of missed opportunities. These data provide a springboard for a discussion of how the margins, if mobilised differently, could unsettle current transitional justice practice, both normatively and practically. The article concludes with a plea to see margins as spaces where the norms and assumptions of a transitional justice process can be contested and as a source of locally relevant normative and practical innovation.

2. Towards a transitional justice from the margins

2.1. Theory and practice from the margins

[W]here things happen is critical to knowing how and why they happen (Warf and Arias, 2009: 1)

Developing theory and practice from the margins requires a clear conceptualisation of both space and justice. Space is a multi-dimensional concept that whilst anchored in geography is also economic, political, social and a crucial parameter of everyday life. As Fairbanks notes: "Spatial structure is now seen not merely as a container in which social life unfolds, but rather as a medium through which social relations are produced and reproduced." (Fairbanks, 2003: no numbering). As such, "space is in part a socially-constructed view of the world that both 'reads' and is 'read through' cultural and historical knowledge" (Ibid). Justice is one element of this social-spatial dialectic (Soja, 2010). In Soja's words justice has a "*consequential geography*, a spatial expression that is more than just a background reflection or a set of physical attributes to be descriptively mapped" (2010: 1, italics in the original). Through this lens, justice – and transitional justice – become a "struggle over geography" (Ibid: 2).

Scholarship on the Arab revolutions is replete with spatial reference points, notably the streets (Sassen, 2011), the square (Khalil, 2014) and the site (Badiou, 2012). Huber and Kamel deploy "periphery" as the organizing concept for their journal special issue on what they call the 'Arab Spring'[3] (2015). They conceptualise periphery as applying to both spaces and groups, which are characterised respectively by their *distance* from the centre and their *difference* from the mainstream. The authors suggest that while these groups and spaces may be scarred by exclusion and inequalities, it is precisely from such groups and spaces that we see "counter-hegemonic alternatives and largely pro-active and non-hierarchical views that challenge a centre in the long term" (Ibid.: 130). This article prefers the terms margins, and marginalisation, that like periphery are dynamic concepts which capture spatial dynamics as simultaneously geographical, relational or social, implying movement of people and ideas, and as potential drivers of social justice.

While the concept of the margins is new to transitional justice it has a significant pedigree in other fields. Bayat traces a historical trajectory which moves from naming marginal subjects (the migrant, the non-modern), to identifying processes of exclusion through marginalisation (by structures of political economy, nationally and then globally), and finally to an embrace of social and political as well as economic marginality (meaning that the affluent can be marginal too) (Bayat, 2012). The margins are conventionally viewed as sites of exclusion, poverty and misery. The impact of marginalisation, although linked to poverty, is also understood in multi-dimensional terms to include the "lack of resources, capabilities and opportunities, reduced or restricted participation in public decision making, less use of public space, a lesser sense of community and a lack of self-esteem" (Gurung & Kollmair, 2007, p. 11).

But the margins have also been conceived of, like Huber and Kamel's periphery, as an opportunity, a space where alternative imaginaries and practices can flourish. Bayat argues that local, urban marginals pursue two goals: "the *redistribution of social goods* and opportunities in the form of often unlawful and direct acquisition" of collective assets, public space, and opportunities, and "*attaining autonomy*, both cultural and political, from the regulations, institutions and discipline imposed by the state and modern institutions" (Ibid: 22). While it is important not to romanticise such spaces – they are often sites of poverty, insecurity, crime, and violence – it is equally important not to write them off as irrelevant.

Two further concepts help to develop the idea of the margins as engines of social change and justice. First, in the form of "subaltern counterpublics" (Fraser, 1994), the margins offer the possibility of innovation and alternative imaginaries crossing over from the private spheres of human interaction to the public spheres of discourse, and informing modes of policy and practice, such as transitional justice, on the basis of the alienations and incongruities of lived space. Like most policy and practice interventions, transitional justice comes from the centre, not only from the capitals of transitional states, but from a handful of sites – both physical and virtual – in the Global North, where a global practice has been normatively framed, codified and disseminated. The idea of policy and practice that is driven by spatial, rather than temporal or historic, coordinates creates the potential for subaltern spaces to challenge this top down, globalised practice.

Second, Foucault's conception of the "heterotopia" combines the idea of space as socially constructed and relational, and a belief that the margins can be a source of innovation and disruption. Heterotopia has forged a spatial imaginary in contemporary critical theory that calls attention to actually lived and socially created spatiality as the habitus of social practices (Foucault, 1980):

There are also, probably in every culture, in every civilisation, real places—places that do exist and that are formed in the very founding of society—which are something like counter-sites, a kind of effectively enacted utopia in which the real sites, all the other real sites that can be found within the culture, are simultaneously represented, contested, and inverted. (Foucault, 1984: 24)

The concept of the heterotopia describes an idealised citizenship on the margins, but one where everyday lives routinely contest the assumptions and presumptions of the institutionalised world, a "place where alternatives are considered, 'common sense' is questioned and business as usual stops for a moment" (Baillie et al., 2012, p. 4)[2]: a spatial incarnation of Fraser's "counterpublics" (Fraser, 1994). Beckett at al.'s (2017) "'mobile' heterotopia" is particularly relevant to Tunisia, as it entails the movement of ideas and people in a way that challenges power relations – "the 'wrong' people, moving in the 'wrong' way, in the 'wrong' place" (Ibid: 11), producing new subjectivities and possibilities for self-determination.

Scholarship on new forms of citizenship which confront the exclusions and inequalities characterising formal, legal citizenship and rights regimes, further buttress this argument. Drawing on his work in Brazil, Holston's "insurgent citizenship" is informed by struggles over everyday life and resources in urban peripheries, and moves from the margins to the centre, from the everyday and mobilisation to law, policy and governance, thereby '*showing that sites of metropolitan innovation often emerge at the very sites of metropolitan degradation*' *(*Holston, 2009, p. 249, italics in original). Citizen privilege and inequality co-exist with and are even perpetuated by forms of insurgent citizenship, with the latter susceptible to backlash, co-option and instability. But the insurgency nevertheless draws on marginality to champion innovation through "new kinds and sources of citizen rights" (Ibid.: 259). Isin and Nielsen's "acts of citizenship" highlight related tensions between different conceptions of rights and citizenship, with a focus on collective or individual actions which rupture socio-historical pattern's because "subjects constitute themselves as citizens or, better still, as those to whom the right to have rights is due" (2008: 2). Such acts "create a sense of the possible and of a citizenship that is 'yet to come'" (Ibid.: 3). As noted above, Tunisia's revolution - and the broader regional wave of uprisings - began with such an act.

As noted at the outset of this section, the concept of the margins captures spatial dynamics as simultaneously geographical, relational or social, implying movement of people and ideas, as potential drivers of social justice. Further, within dynamics of social change it enables us to explore the relationship between these different spaces as one that can be characterised by friction, coexistence, integration, tension or co-option. Spivak (1990), who talked of the margin as "wholly other", has written that the margins 'haunt' what we do but lose that power if we centre them. That is to say, their marginality is what drives what she calls the "productive unease" (ibid: 5) that the marginal generates. As such, "new ways have to be learned and taught, and attention to the wholly other must be constantly renewed" (Spivak, 1990). Literatures on marginal spaces and insurgent citizenship provide a means to create "productive unease" and constant renewal within transitional justice, in a way that is of particular relevance to those who live in such spaces and enact those forms of citizenship.

2.2. Building a transitional justice from the margins

Transitional justice is conceptualised in temporal terms, engaging with a before and after, and perceived as both backward- and forward-looking. As a result, it engages with the political, historical and social, while largely backgrounding the spatial as a "given, natural context in which culture and history occurs" (Allen, 1999, p. 249). The engagement of transitional justice to date with space has largely focused on jurisdictional issues, in terms of which court and under which legal

regime a prosecution can occur, reflecting the legalist foundation of the field (e.g. Sriram & Ross, 2007). Other relevant commentary engages with the "local" as a source of innovation in transitional justice (Mac Ginty & Richmond, 2013; Shaw and Waldorf, with Hazan, 2010), analyses *trans*-level or -scale activity, and illustrates how change across levels comes about,[4] and assesses the implications of sites of transitional justice being physically remote from victims and where violations took place (Kochanski, 2020). In contrast, the spatial analysis and perspectives from the margins privileged here emphasise informal approaches to justice in transition that occur in spaces chosen and often created ("invented") by those using them, rather than the closed or "invited" spaces (Cornwall, 2004) of formal mechanisms.

Marginalisation has also received little attention within mainstream transitional justice. It is not defined in international law, but the Truth, Justice and Reconciliation Commission (TJRC) of Kenya defined it as follows: "marginalisation is a process that denies opportunities and outcomes to 'those living on the margins', while enhancing the opportunities and outcomes for those who are 'at the centre'" (Kenya TJRC, 2013: Vol. IIB: 12). For marginalisation to be considered the direct result of systematic state action, it is necessary to demonstrate that the state deliberately planned and organized such acts, in the context of a considered, articulated policy. For a transitional justice process to demonstrate "systematic marginalisation" (the language of Tunisia's law) would then demand proof of discrimination using the indicators of marginality (economic, social and political) on a geographical basis, and the intent of the state to implement this exclusion.

Transitional justice's lack of engagement with marginality resonates with a longstanding critique that it is blind to violations of social and economic rights (Arbour, 2007), even as poverty and inequality are acknowledged as principal drivers of many conflicts. At the level of policy and practice, transitional justice mechanisms have looked at social and economic rights violations, with truth commissions in Timor-Leste, Peru, Kenya and Guatemala exposing long histories of structural violence that were a key driver of acts of physical violence against particular populations.[5] In most cases such commissions have however chosen to define victims, for purposes of receiving reparations for example, as individuals who have suffered acts of physical violence (ICTJ, 2009). This demonstrates both the utility of a truth commission in acting as a diagnostic lens on such chronic structural violence, and the fact that transitional justice practice lacks tools to translate such findings into action that challenges systemic exclusion and addresses its legacies.

Despite the limited engagement with space and marginalisation to-date, there are a number of potential entry-points for a spatialised transitional justice. Transitional justice, rooted in human rights, uses the lens of discrimination which predominantly focuses on individual exclusion and disadvantage, based on particular protected characteristics, but has the potential to acknowledge both intersecting discrimination (cumulative discrimination) and systemic discrimination (against groups), and to include "other status" protections relating to both place of residence, and economic and social situation (UN Economic & Social Council, 2009). These latter formulations link to two further concepts: intersectionality, interrogating the way in which constellations of identities and characteristics intersect, and how these intersections contribute to experiences of oppression or privilege, and horizontal inequalities, the argument that when cultural differences coincide with economic and political differences between groups, deep resentment results that may lead to conflict (Stewart, 2011). Spatial identities of

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[2] One engagement with the idea of heterotopia in transitional justice is that of Kurze, who uses them to frame "spaces of memory and accountability" in engaging with cultural approaches to a violent past, also in Tunisia (Kurze, 2019).

[3] We resist using the term "Arab Spring' and acknowledge that those involved - in Tunisia and elsewhere - talk explicitly of 'thawra' (ثورة) or revolution.

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[4] For example, Jeffrey's work on the Court Support Network of the War Crimes Chamber of the Court of Bosnia and Herzegovina, analyses "the spaces through which judicial processes operate and the spatial imaginaries they bring into being" (Jeffrey, 2011, pp. 344, 348, 355–7).

[5] The Timor-Leste and Kenyan experiences are reviewed by Ochoa-Sánchez (2019), while La Plante discusses both Peru and Guatemala (2007, 2008) and Peru is also discussed in ICTJ (2009).

geographical marginalisation will overlap with other identities thereby driving horizontal inequalities and structural violence. Women at the margins, for example, will not only face geographic exclusion, but discrimination on the basis of their gender. This constellation of tools – human rights, intersectionality, horizontal inequality - provides some methods to analyse links between discrimination, complex and cumulative disadvantage, socio-economic rights and structural injustice, groups and collectives, and space.

In short, building a transitional justice from the margins has the potential to pluralise its normative foundations; to confront the exclusions of both transitional justice and human rights, for example by refocusing on structural violence, systemic discrimination and collective reparations; to reimagine mantras associated with victim-centre approaches and participation; and to explore different forms of transitional justice, including spaces that are informal, invented, creative and disruptive.

3. Transitional justice and addressing marginalisation in Tunisia

Tunisia's history has been defined by a divide between coastal regions of the country and its hinterland, broadly the South and the West, which have long been economically and politically peripheral. During the dictatorship, economic policy was a weapon of oppression used alongside the traditional authoritarian tools of violence, arrest and harassment, impoverishing certain regions of the country while favouring others. Elite action has ensured the unequal distribution of resources, both material (public funds, state and local investment, and infrastructure) and immaterial (administrative capacity, distributive justice, and legal mechanisms) between regions. The IVD final Report summarized this process as "a system of authoritarian rule from the centre to the periphery in which all the elements of autonomy were denied" (IVD Final Report, 2020).[6] The result has been a form of inter-sectional or "multiple marginalisation" (Sadiki, 2019). Political exclusion is seen in low levels of voting in marginalised regions, leaving informal participation – notably through protests – the most common way of expressing grievances, demonstrating how marginalisation drives particular responses to injustice.

State action under the dictatorship saw the nation "mired in skewed 'metropolis-satellite' interactions [that] locked the peripheral regions into a dynamic that exacerbated, rather than eliminated, underdevelopment." (Ibid.: 2; see also Frank, 1966). The indicators of such multiple marginalisation include disparities in access to healthcare, natural resource wealth, clean air and water, income, employment and education as well as in political participation. The results of this internal divide are poverty rates in 2012 of 32% in the Centre West, compared with 8–9% in the Centre East and greater Tunis (World Bank, 2016), and unemployment rates in 2016 of 25% in the South West, as against 10% in the Centre East (National Institute of Statistics Database, 2014). Natural resources are similarly unequally distributed. Whilst the North-West contains most of the nation's freshwater supply, it suffers shortages in the summer months, as the government cuts off the supply from rural and interior regions and redirects it toward major cities. The phosphate basin in Gafsa is a substantial resource for the country, but while the local population suffer the pollution of its extraction, they see little benefit from the revenue it brings. Gafsa was one of the reservoirs of resistance to the dictatorship and remains a site of protest.

Post-revolutionary governments have as yet failed to ensure more inclusive development, and regional marginalisation remains an unresolved concern in contemporary Tunisia. A "White Paper" of the

Ministry of Regional Development described the impact of such policies:

> The interior areas are constrained, either in agro-rural development schemes or in a logic of domestic migration for the benefit of coastal cities … and have been placed, by political choice, at the margins of any modernization dynamic, their main function being to provide cheap labour for jobs considered of low status (quoted in La Croix & Filiu, 2018, p. 171).

Spaces of exclusion are not however restricted to geographically peripheral regions, but coexist alongside spaces of privilege, not least in the nation's political and economic centre, Tunis. Habib Ayeb has explored Saïda Manoubia, a lower income neighbourhood in Tunis, 30 minutes' walk from the city centre. He describes how: "Saïda suffers from high density, lack of infrastructure, social and urban invisibility and a highly negative image: danger, poverty, risks, drugs, violence, prostitution, theft, dirt, inaccessibility, promiscuity" (Ayeb, 2013: no numbering, translation by the authors). Ayeb seeks to articulate marginalisation beyond statistics as defined in part by spatial separation:

> Marginalisation is not a piece of data, it is a complex process in which everyone participates inside and outside. Entering the neighbourhood for the first time, I had the almost physical impression of crossing a wall or a real border between where it's fine to go and where you shouldn't … between the centre and the margin (Ibid).

The border of Saïda with the middle-class area next to it is policed by high walls and guard dogs (Ibid.).

As already noted, Tunisia's Organic Law on Transitional Justice refers explicitly to exclusion on a geographical basis, defined according to victimised "regions" or "zones", and created the concept of a collective victim, defined spatially. The law stipulates that "a zone which has suffered a systematic marginalisation or exclusion" (Republic of Tunisia, 2013) can be considered a victim. It does not however define these terms. While one study has concluded that such a "zone" corresponds to a Governorate (ASF/FTDES, 2015), of which there are 24 in Tunisia, nothing, a priori, seems to justify this.[7] We will understand the victim zone as not necessarily being restricted to any administrative unit, precisely because spatial exclusion does not operate on such a formal basis. This is seen in the fact that the poorest neighbourhoods in the suburbs of Tunis are marginalised despite being very close to the heart of the country's economic life: geographically central but politically peripheral. The "zone" may cover one or more spaces with which a community identifies, linked to a sense of shared identity. Thus, a city or a district (see in particular Ayeb, 2012) could be defined as a "zone" within the meaning of the law and would therefore have been able to file a complaint as a collective victim. It is this definitional flexibility permitted by the choice of the word "zone" in the Arabic legal text that permitted us to choose for this study the two communities of Sidi Makhlouf and Ain Draham (see below). The IVD Final Report echoes this approach in its definition of "region", referencing "the sociological concept represented by a space with a group of people sharing a common identity and a common feeling of belonging to that geographical space" (IVD Final Report 2020).

4. Understanding marginalisation: empirical efforts to analyse its impact

Two regions were selected to be studied as examples of marginalisation (Andrieu et al. 2016):

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[6] It should be noted that all quotations in this article from the IVD Report are from an unofficial translation of Part Four: "Reparation and Rehabilitation (Restitution)," from the original Arabic. As such, page numbers are not available.

[7] There is a significant terminological shift between the Arabic version (which is binding) and the text of the law in its French version published in the Official Journal. Indeed, the Arabic text of Article 10 refers to منطقة *(mintaka)* - which more accurately means "zone" and not "region". Region جهة *(jiha)* refers specifically to the region in the administrative and economic sense. i.e. Governorates and the Regional Councils.

- Ain Draham, a town of 35,000 inhabitants in the mountains of the north-west, in the Governorate of Jendouba, near the Algerian border and close to the Mediterranean Sea.
- Sidi Makhlouf, a town of 25,000 inhabitants in Médenine governorate and 20 km from the city of Médenine, in the coastal south.

Both are *delegations*,[8] second level administrative areas. The Tunisian government has set up a "Regional Development Index", to measure regional disparities, comprising 18 variables, divided among the four dimensions of education, wealth and employment, health and population, and justice and equity. Of the 24 governorates, Jendouba is in 21st place and Médenine 13th. At the community level, Ain Draham is 258th out of 264 delegations, and Sidi Makhlouf 226th (Ministry of Regional Development and Planning, 2012).

A partnership was established with local organisations in each area,[9] which supported data collection and the organisations were in turn supported to make an application on behalf of their respective communities to the IVD as "victim zones". Data were largely collected through interviews with a range of respondents, identified through snowball sampling, beginning from the local organisations. Efforts were made to ensure that interviewees were representative of a range of types of local resident and included students, workers (a taxi driver, a cook, the unemployed, etc.), as well as those engaged with local civil society. Twenty interviews were made in each location, as well as additional focus group discussions with civil society actors. Nine further interviews were undertaken in Tunis with relevant national and international actors engaged in human rights work.[10] All interviews and focus groups were conducted in Tunisian dialect and audio recordings were transcribed and translated into French, constituting the raw data for analysis.

The data from the two communities, that underpin the claims they made for "victim zone" status to the IVD, indicate the multi-dimensional nature of marginalisation. Whilst the most obvious and visible elements are a lack of infrastructure, poverty and joblessness, there are also social and psychological elements, with respondents articulating the experience of stigma and how this undermines their identity as Tunisian citizens. Marginalisation is also experienced as a lack of participation, politically, culturally and in markets and institutions. In the sub-sections below data is organised in the following categories: services and infrastructure; economic status; inter-sectional exclusions; stigma and self-worth; separation from the state and representation and alienation, including the lure of violent extremism; and nostalgia.

4.1. Services and infrastructure

Both Ain Draham and Sidi Makhlouf are spaces where the facilities taken for granted in Tunis and many other parts of the country, are absent. In Sidi Makhlouf and Ain Draham respectively:

there is no administrative structure […] no office of the Water Distribution Company (SONEDE) or of the Electricity and Gas Company (STEG), or an office of the Insurance Health Fund (CNAM), only a post office … There is nothing concrete, even in state plans, there was a project for a youth centre but that never happened … (Teacher from Sidi Makhlouf)

We have only one gas station, one police station, only one road and one municipality with 12 delegations. There is no Telecom office or office of SONEDE or unemployment office; it's necessary to go to

Tabarka by public transport but it costs 1500 millimes (US$0.50). (Retired teacher, Ain Draham)

Access to services is further constrained by the challenges of physical access when transport infrastructure is so poor. School students in both areas, for example, must either pay for expensive accommodation in town or walk up to 10 km each way. "When we speak of really rural areas, once children reach the secondary level, they stop because of problems of a lack of transportation and the distances between students' homes and schools", says the president of an association in Sidi Makhlouf. This demonstrates that even within a potential "victim zone" there will be hierarchies of spatial marginality, with both Ain Draham and Sidi Makhlouf having their own peripheries that are further disadvantaged. A teacher from Sidi Makhlouf reported that 9% of students there passed the baccalauréat, while in the nearest city of Médenine it is around 53%. The lack of infrastructure also has profound effects on access to health services. In Sidi Malkhlouf, in an emergency a patient must go to Médenine hospital which requires transport costing 25–30 dinars ($8–10), beyond the reach of many. Isolation of inhabitants and the disintegration of social links that marginalisation has triggered makes matters worse. "The problem is that their children have left the region, and so no one can take them to the hospital," said an architect from Ain Draham. Lack of access and mobility, augmented by isolation and social fragmentation, are both cause and consequence of the challenges relating to enjoyment of services and infrastructure. The architect continued, "This spatial isolation concerns the links between delegations and the capital as well as those within the region."

4.2. Economic status

At the economic level the situation has continued to deteriorate for many in recent years, confirming that marginalisation has profound ramifications that the major political change of the revolution has not challenged. Unemployment is high, affecting all age groups, and is seen as a major concern of populations and the cause of many other social ills. A lack of jobs, due to the absence of factories, agriculture and construction, is magnified by corrupt networks that are perceived as major obstacles to accessing employment. The social consequences are devastating because unemployment is seen as the primary cause of petty crime which destroys remaining social networks. "The situation is worsening in Sidi Makhlouf since the closure of the border with Libya. Higher education graduates are forced to survive by working in smuggling," explains a former political prisoner from Sidi Makhlouf. Graduates also work in menial jobs because of the lack of opportunities. Finally, unemployment and meagre employment opportunities fuel efforts to flee marginalised spaces. Both Ain Draham and Sidi Makhlouf have seen migration – particularly of youth – on a massive scale, mostly to Tunis. Ain Draham in particular is notorious for "exporting" young girls who are school dropouts to the big cities to work as domestic servants. Internal migration also tears families apart, contributing to the widespread disintegration of social ties, "there are no jobs, so our husbands move to Tunis and we don't see them anymore, they visit for the holidays," said a rural woman from Ain Draham.

4.3. Inter-sectional exclusions

Within marginalised spaces, there are multiple inter-sectional hierarchies of exclusion. Women both consistently earn less than men and are the first to lose jobs when factories close. Social practices and widespread conservatism also feed the exclusion of women. A young graduate from Ain Draham reported:

The mentality that prevails here is that we prefer to keep girls at home or they work as maids in the capital, they will also be forced to do so by their parents for economic reasons … The age varies between 12 and 14 years … early marriage is an important issue in the

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[8] Mutamadiyah (معتمدية) in Arabic.

[9] The regional office of the Arab Institute for Human Rights in Médenine, and the Achbel Khmir Association in Ain Draham.

[10] These interviewees included a number of Tunisian NGOs, UNDP, ICTJ and a Commissioner of the IVD.

region, especially the girls themselves seek to marry early, as they do not have any other purpose nor ambition in life.

In such an environment marriage itself becomes a goal for young women: "For girls, their baccalauréat is marriage," said one man in Sidi Makhlouf.

4.4. Stigma and self-worth

Inhabitants of the two delegations report a lack of self-worth that confirms the stigmatising effects of poverty and victimhood. They describe feeling like "outcasts," separate from the rest of society, not even feeling Tunisian, and note a difference between themselves and others that strengthens the dynamics of their exclusion. There is also apathy linked to the history of oppression: "People do not want to organise themselves to file a complaint maybe because fear of the state still exists among these people, they cannot move, even if they agree on the principle" (Retired teacher, Ain Draham). Victims are thus characterised by their political invisibility, their historical exclusion having reduced their capacity to perceive themselves as rights holders and citizens.

4.5. Separation from the state and representation

One impact of marginalisation that is visible in the data is the lack of any relationship with the state, with Tunisian citizenship barely acknowledged. This constitutes at once an political and a human impact of marginalisation. In Ain Draham, close to the Algerian border, a young unemployed man said: "We felt so marginalised at some point after the revolution, we raised the flag of Algeria and even crossed over the border to seek to join Algeria, which gives us more importance than the Tunisian State, every time we visit its territory." This distance and estrangement from Tunisia is seen in the lack of political representation of people from the communities, at both national and regional level. For example, even those employed in the administration of Médenine governorate are not local to the area. One activist in Sidi Makhlouf claimed: "the incompetence of the administrative staff is a problem; they are ignorant of the environment of the area they are supposed to manage." Driven by elite networks of outsiders, corruption is also seen as being endemic at all levels of the administration and as largely responsible for the lack of development and infrastructure in the two delegations.

4.6. Alienation and the lure of violent extremism

Tunisia has contributed the greatest number of fighters to Daesh (Islamic State of Iraq and Syria, ISIS) of any nation (Benmelech and Klor 2018), and the young people recruited into such organisations are predominantly from marginalised areas. On the Algerian border near Ain Draham, gangs engaged in criminality and Islamist extremism are seen as attracting unemployed youth, leading respondents to directly link factory closures with recruitment to armed groups. Hamza Meddeb reports that: "jihadism embodies today, for certain social groups excluded from the benevolence of the State, in terms of economic security and democratic representation, a modality of renegotiation through violence of their place in the social order and their relationship to the central state." (2016: 7). As such, flight from these areas is not just to economic centres such as Tunis but also to political ideologies that can create a home locally or internationally.

4.7. Nostalgia

Nostalgia is rife among those surveyed, articulating fondness for the authoritarian period and even for the colonial era. "The revolution has had a negative impact, we enjoy free speech and freedom in general, but in return the citizen suffers from the revolution of unbearable rising prices," said a young unemployed graduate. From the standpoint of access to culture and leisure in particular, the revolution marked a significant loss, as state facilities have closed. The general condition of the urban environment has also deteriorated, in part, according to respondents, because of the power vacuum driven by the post-revolution period, perceived as defined by disorder. Within marginalised spaces, the idea of the transition as positive is itself challenged, with their communities perceived as spaces where "nothing has changed" since the revolution. This represents a critique from the margins of the entire paradigm of "transition" as it is applied to post-revolutionary Tunisia. Marginalisation as articulated by those who live it, is seen as both outcome, in terms of poverty, unemployment and a lack of services, and process, in terms of exclusion from engagement with the Tunisian state and even from other Tunisians. For transitional justice processes, such as the IVD, to provide redress and reparation, they must seek to address both these elements of marginalisation.

From the empirical data it is clear that systematic marginalisation as set out in Tunisia's Organic Law on Transitional Justice law occurred in the past, and is still occurring. This marginalisation is structural and collective, based upon discrimination that spans multiple, intersecting inequalities and indicators of marginality (economic, political, social, cultural, psychological). It is also clear that geography matters, with injustice created by and shaping spatial and social relationships. Experiential accounts of injustice are replete with the lived experience of spatial reference points, such as marginality, periphery, borders, isolation and migration. The result of cumulative forms of discrimination and injustice is the creation of categories of people who exist outside of rights, citizenship and the state. The articulation of alternative visions in these two delegations remains largely aligned to the visions that underpinned the revolution, an inversion of the grievances set out above. The task of the IVD was to document such experiences, in part through the prism of the "victim zones," assess whether marginality was the result of deliberate state policy (intent), and suggest forms of reparation – in short, it was tasked with helping to reunite these people and places with rights, citizenship, the state, and provide a platform for their alternative visions of the future.

5. The IVD and the 'Victim Zones'

5.1. The IVD's practice, findings and recommendations

The IVD received 221 submissions from regions seeking to claim "victim zone" or "region" status, but most included only the identity of the applicant and no supporting documents or evidence (IVD Final Report, 2020). The IVD itself offered no support or significant outreach to those making submissions, while all substantive submissions came from communities that had been supported by civil society actors external to those communities. This demonstrates the challenges of the margins engaging with the formal transitional justice process. In such contexts a conscious strategy of engagement and support is required, and this was absent in Tunisia.

In its findings the IVD reports that the lack of legal definitions of the terms "region" and "systematic marginalisation and exclusion", alongside the lack of relevant data by which to judge marginalisation, were challenges. The Commission developed a set of indicators of marginalisation, based on "access to services or fundamental rights" (IVD Final Report, 2020), but emphasised quantitative data. Whilst the Final Report describes those in victim regions as "citizens forgotten by the State, and all what [sic] they wait for is these regions to be fairly and equitably treated so that they can feel a sense of belonging to the same national community", there is no effort to articulate their subjective experiences, or to differentiate among victim regions. The IVD ultimately defined 11 of Tunisia's 24 governorates as "victim regions," as well as a further 22 other regions in favoured (i.e. non-marginalised) governorates. It did not however find "evidence that the state intended to marginalize or systematically exclude" (Ibid.), demonstrating the

challenge of proving state deliberation (intent). The IVD Final Report emphasises however that this finding "does not constitute evidence that the state is exempt from liability towards these regions" (Ibid.) and makes a series of recommendations of reparation for, and guarantees of non-repetition of, such exclusion. In contrast to victims of other violations, individual regions are not discussed at any point in the report.

The recommendations in the IVD Final Report concerning reparations for "victim regions" or "zones" aim to: "reduce the existing social tensions and reinforce social trust through reintegrating the regions" (IVD Final Report, 2020), implicitly acknowledging Soja's (2010) social-spatial dialectic in the construction of (in)justice. Recommendations are explicitly subject to, and constrained by, the principle of progressive realization, acknowledging the limits of the state's "maximum resources" (Ibid.). Practical recommendations consist of a shopping list of pragmatic measures around agriculture, industry, education, health, water and sanitation. Whilst these seem to be aimed at ensuring minimum standards, they do not appear to specifically target "victim regions", either generally or individually. Symbolic reparation is addressed through the recommendation that the President publicly acknowledge the "systematic exclusion of these regions" (Ibid.), the inclusion of victim region struggles in educational curricula, a list of suggested memorials, and a general statement "to make history known and to preserve collective memory" (Ibid.). Guarantees of non-repetition are addressed through decentralisation, but in practice many of the recommendations are vague, including: reinforcing the full participation of citizens in local affairs, raising citizens' awareness of the importance of participating in local governance, promoting the role of civil society and other demands around open governance, gender equity and training of local councils. Most recommendations do not appear to offer a direct route to implementation nor do these measures promise a definitive transfer of power from the centralised state to people in marginalised areas or concrete measures to re-imagine the social contract with the state.

In addition to the weakness and generality of these recommendations, their potential for impact is hugely constrained by the antagonism of the current authorities, containing many old guard politicians from pre-revolution governments, to transitional justice in general and the IVD in particular: there is little prospect of any comprehensive implementation of the IVD's recommendations. Truth commission recommendations, however, can have an impact in a variety of ways beyond the narrow lens of whether the government implements the suggested measures, for example by shaping national discourse and providing a platform for future civil society advocacy. In Tunisia, the concept of the "victim region" – defined in the Organic Law on Transitional Justice in 2013 – had already had an impact prior to the IVD's publication of its Final Report. This is perhaps most notable in the 2014 Constitution, which includes a framework for positive discrimination in favor of some interior regions on the basis of their marginalisation, poverty and high levels of unemployment (Constitution of Tunisia, 2014: Article 12). Whilst many other aspects of formal politics in Tunisia appear uncommitted to confronting histories of marginalisation, some elements of civil society have internalised the prioritisation of social and economic rights, and the championing of equality. Moreover, affected populations at the margins – in the poorer districts of Tunis and towns in the interior and on the coast - continue to find new avenues for political agency, notably through street protests, that make Tunisia's margins visible.

5.2. A comprehensive approach to the "victim zone"

In Tunisia, constructing a more comprehensive case for collective reparations for marginalisation would have had to begin from a process of addressing difference and distance (Huber & Kamel, 2015). Addressing difference requires recognition of the identity of the marginalised, one rooted in place and alternative normativities, and the fact that they lack access to social, political, economic and social goods that other citizens enjoy. Difference is also the basis for a redistributive

demand, acknowledging the need to allocate greater resources to marginalised communities and individuals. Addressing distance, essentially an articulation of unequal and spatialised power relations, requires changing the economic and political structures that produce spatial inequality and the lack of access to services, but also redefining relationships between governance and the governed in ways that restore full citizenship to the marginalised. The goal of reparation is what Nancy Fraser (2003) has called parity of participation, where justice requires social arrangements that permit all members of society to interact with one another as peers, addressing issues of maldistribution and misrecognition as well as of political and social exclusion.

A number of innovations in governance could have been leveraged by a reparative approach, including participatory budgeting, explicit and tailored aid programmes to particular regions, a regional development strategy, affirmative action, and concrete measures to support decentralised decision-making (as enshrined in Tunisia's 2014 Constitution). Whilst financial compensation is central to any reparative approach, for such compensation to strengthen the economic capacity of victimised communities at the margins requires the participation of these communities in decisions about how resources are allocated. These redistributive measures in turn need to be linked with symbolic, recognition-related measures, such as making the margins visible in memorialisation and histories of the past.

Such formal approaches are however legislated from above and originate conceptually from the centre. The radicalism of a spatially driven reparative approach from the margins is that informal solutions come from the margins themselves, and an ongoing negotiation takes place between the margins and the centre. Tunisians at the margins, and in particular youth, have since the revolution developed a set of spaces and engagements which represent a "locally based breeding ground for a new political subjectivity" (Cordova, 2019, p. 63). Such movements are defined by their rootedness in local context and their articulation of an active citizenship. Cordova reports that this "new kind of citizenship … emerges from interstitial spaces in which the political and cultural hegemony of the State is not extensive at all" (Ibid.: 57). These mobilisations – heterotopias from the margins - include a myriad of local groups, operating at a community level and seeking to remain both independent of the main political actors and to appeal across the religious-secular divide (Ibid.). One route to reparation would be for the authorities to work "with the grain" of initiatives such as these from the margins, to build new relationships with governance, complementing for example secular governance with Islamic norms and challenging neoliberalism with local demonstrations of solidarity and cooperation. In this way the margins provide a concrete way of linking collective, redistributive and transformative goals to forms of victimisation and reparation, and pathways to reunite marginalised communities with rights, justice and the state.

6. Margins as unsettling spaces for transitional justice

The radical vision for a new Tunisia that the revolution brought from the margins to the centre found some echo in the IVD's founding legislation but as illustrated above has largely been co-opted and neutralised in the practices and impacts of the IVD. As such, the framing of spaces of marginalisation as heterotopias, or "unsettling spaces" (Johnson, 2006) capable of generating "productive unease" (Spivak, 1990, p. 5) to contest discourses of transitional justice with perspectives from the margins, remains unfinished business. This section draws on the theoretical and empirical sections of this article to identify some key potential contributions of a transitional justice from the margins for future interventions in Tunisia and elsewhere.

6.1. Normativities from the margins

The focus of global transitional justice practice predominantly on physical integrity violations and time-limited formal mechanisms fails to

resonate with the everyday politics that emerge in marginal spaces, which emphasise social, economic and political deficits and the flawed governance that sustains them. In Tunisia, the impacts of marginalisation can be summarized as an alienation from Tunisia as a state and from other Tunisians, and a lack of representation at all levels of the state, of jobs and economic opportunities, and of services and infrastructure. This echoes Bayat's claim that those at the margins seek the redistribution of social goods – driving material reparations – and to attain autonomy – seeing the enabling of agency as a route to non-repetition (Bayat, 2012). This drives a conceptualisation of justice that resonates with the demand for dignity of the Tunisian revolution, and that seeks systemic transformation in the nature of citizenship rather than a simple accounting for past acts of physical violence. As Harvey (2000: 184) claims, heterotopias, such as Tunisia's margins, are spaces that provide a place for mounting a "critique of existing norms" (Harvey, 2000, p. 184), enabling justice to be conceptualised differently.

In Tunisia, counter-hegemonic forms of justice have been most visible in recent manifestations of contentious politics on the margins, most notably in the south and the Gafsa phosphate basin. Such a politics, articulated in ongoing demonstrations and protests, contests the predominantly legal rationalities that underlie transitional justice with affective approaches that directly articulate the emotional and experiential impacts of marginality. Focused on the costs of living, corruption and a failure to see the benefits of resource extraction, such "insurgent citizenship" is an explicit move to claim rights and justice, rather than waiting for them to be granted, and a challenge to the liberal proceduralism of transitional justice. Recent protests that began in early 2018 opposed austerity measures being implemented as a part of IMF mandated reforms. This agenda is echoed in the conclusions of the IVD Final Report, which emphasise that the previous regime had sought to ensure "global integration at the expense of national and regional integration" and "social dumping that … led to the proliferation of vulnerable job patterns, the decline in social insurance, and the emergence of poverty in the low category of the labour force" (IVD Final Report, 2020). This represents a powerful indictment of neoliberalism as a driver of marginalisation, as well as the international financial institutions and EU that supported such measures.

Another example of different justice-related normativities from the margins relates to religion. Set against the long political dominance of secularism in Tunisian politics, in many of the marginal spaces of Tunisia Islam provides the philosophical and cultural foundation for life. In such areas the liberal and cosmopolitan basis of transitional justice is itself challenged, with the absence of Islamic principles from the process serving to alienate it from more traditional communities.[11] The Organic Law on Transitional Justice does not mention Islam. In much of the south of Tunisia, historical marginalisation is understood to be rooted in the region's tradition of opposition to the Westernising model that the post-independence state pursued.[12] In sum, a normativity from the margins requires a revisiting of the meaning of core concepts, such as justice, and a willingness to work with normative plurality and hybridity.

This agenda of normative flexibility and plurality has however largely not been heard as a part of the transitional justice process as a simple consequence of the fact that the marginalised are also excluded from it. Even where the priorities given to social and economic issues in the revolution were heard, they were often muted or translated by

mainstream transitional justice actors into a global transitional justice discourse:

> Indeed, the national dialogue on transitional justice served to filter local voices into internationally established and pre-fixed normative frameworks. […] The effect of this on Tunisia's transitional justice process was that the social justice and dignity demands of the revolution, that centred around access to jobs, unemployment and inequality, which betrayed a strong developmental focus, were filtered into more traditional legal frameworks that centred around violations of civil and political rights such as police abuses and violations of due process. (Lamont & Pannwitz, 2016: 280)

This represents a displacement, dilution and co-option of those marginalised communities, discourses, and norms that began the revolution in favor of elite spaces and discourses, both those in Tunis and those from where international transitional justice practice is driven (Ibid.). That a Tunis-focused politics "as normal" has characterised recent years reflects the cycle seen throughout the transition of a political centre being challenged from the margins by dissent, only for a new status quo to be established that reasserts the old political, economic and spatial order, which in turn fuels further contestation. For the excluded to successfully "unsettle" the status quo and traditional transitional justice processes, and present "counter-rationalities" (Beckett et al., 2017) to global prescription, requires that engagement be made not only with different normativities but also with routes or pathways to agency such as contentious politics that extend beyond the more formal political and legal routes. Normativities of and from the margins in Tunisia continue to privilege socio-economic rights, systemic injustices, new forms of participation and recognition, and plural moral orders. Such insights remain relevant in Tunisia and are likely to resonate with other transitional settings, reiterating Spivak's (1990: 5) argument in relation to the margins, that "attention to the wholly other must be constantly renewed".

6.2. Collective reparations from the margins

While traditionally reparation seeks a return to a status quo *ante* before the violation, for the excluded this means a return to exclusion. As such, reparation for structural violence seeks to be *transformative* by going beyond restitution and attempting to transform the relationships of subordination of the excluded (Gready & Robins, 2019). This can be understood as seeking to guarantee both the political agency of the concerned community, so that they have a route to resist such exclusion, and the reform of institutions that institutionalised discrimination. The challenge for a reparative practice that is both from and for the margins is to mimic the dynamic demonstrated during Tunisia's revolution, in which it was those at the margins who developed the strategies that moved from the periphery (geographically, economically, politically) to the centre and ultimately brought that (political) centre down.

Globally, a number of efforts at collective reparation for communities that have experienced violence have been initiated, but few focused on excluded communities on the basis of their exclusion, with a seeming reluctance to use structural violence as a qualification. In Peru, for example, communities targeted were almost exclusively marginalised indigenous populations, but were selected on the basis of having been victims of violence (ICTJ/APRODEH, 2011). In Morocco, specific regions were chosen which had previously been marginalised and/or subjected to political violence, including towns that had been the former sites of prisons or had suffered due to a perception of anti-regime sentiment (ICTJ, 2009). The mechanism of delivering such reparation is typically through local authorities or NGOs, taking the form of collective projects, such as community centres, irrigation projects and schools. Such projects will ideally be negotiated between communities and the state: in Peru this was done through the creation of local implementation councils, which demonstrates the possibility of aiding

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[11] This reflects the tensions between Islam and the post-revolutionary state with the new Constitution representing a pragmatic consensus between Islamist and secular political parties in the Constituent Assembly. While the civil nature of the state was confirmed in the Constitution, numerous references to Islam were included (Kazemi, 2018).
[12] This was most visible in the revolt in the south against Tunisia's first president, Bourguiba, of the pan-Arabist tendency led by Salah Ben Youssef (e.g. Alaya, 2000).

sociopolitical reparation through ensuring the agency of the community in the reparations process. To conclude, collective reparations need to target systemic or structural (socio-economic) violence as well as physical violence, privilege collectives and not just individuals, be developed and delivered by and not for marginal constituencies (working "with the grain" of local initiatives), and initiate the process of reuniting such constituencies with the states and nations of which they are a part.

7. Conclusions

This article argues for a more spatially informed transitional justice. It does so using the concepts of margins and marginality, as a means of capturing spatial dynamics that are simultaneously geographical, relational or social, imply movement of people and ideas, and serve as potential drivers of social justice. Fraser's (1994) "subaltern counter-publics" and Foucault's (1984) "heterotopia" help frame the margins as disruptive and unsettling spaces from and through which the mainstream and the official can be contested by counter-hegemonic alternatives.

As Ayeb (2011) has claimed, the Tunisian revolution moved from the socio-economic to the political, and from the margins to the centre, with its radical call for "jobs, dignity and freedom." The stark inequalities between the coastal regions of the country and its hinterland made the revolution, transition, and transitional justice, "struggle[s] over geography" (Soja, 2010, p. 2). Analysing the revolution and its aftermath through the lens of marginality sheds light on the interactions between the spatial and the socio-political, and on the complex processes of friction, coexistence, tension, integration, and co-option that occur when the margins move centre-stage, in this case through the Organic Law on Transitional Justice and its instruction that the IVD use a new concept – "victim zones" – as a vehicle to acknowledge a spatially informed collective victimhood and provide collective reparations.

Empirical data from two case study sites, Ain Draham and Sidi Makhlouf, identify the lived experience of marginality to be highly space-based and inter-sectional, covering the economic (services and infrastructure; economic status; inter-sectional exclusions), political and social (separation from the state and representation; alienation, including the lure of violent extremism), and emotional and psychological (stigma and self-worth; nostalgia for the past). The result of cumulative forms of discrimination and injustice is the creation of categories of people who exist outside of rights, citizenship and the state.

The IVD's findings and recommendations on the "victim zones" are weak and disappointing. But the article argues that the concepts of "victim zones," and more broadly the margins, retain huge potential, to reorient transitional justice theory and practice to a focus on space as well as time, collectives as well as individuals, systemic or structural (socio-economic) violence as well as physical violence, a normative plurality rather than a single universalised global framework, decentralised agency rather than centralised institutional primacy, and building a new social contract (forms of participation and recognition) rather than the continuity of elite bargains. The margins, in short, provide an analytical lens and set of practices through which to re-imagine transitional justice as a site of contestation. Justice and citizenship, however, need to be understood as continually in the process of being made and re-made, in an ongoing exchange between the margins and centre, activism and law/policy, disruption and co-option, and progressive alternatives and the status quo. This article sets out a conceptual framework for transitional justice from the margins, and a case study which started with promise (the drivers of the revolution, initial transitional justice innovations), but ended in disappointment. The next steps are to move from concepts and promise to creative strategies for delivery and more effective implementation.

Declarations of interest

None.

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