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What is private, what is public, and who exercises media power in Tunisia? A hybrid-functional perspective on Tunisia's media sector

Roxane Farmanfarmaian<sup>a</sup>

<sup>a</sup> Department of Political and International Studies (POLIS), University of Cambridge, Alison Richard Building, 7 West Road, Cambridge CB3 9DP, UK Published online: 04 Dec 2014.

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# What is private, what is public, and who exercises media power in Tunisia? A hybrid-functional perspective on Tunisia's media sector

### Roxane Farmanfarmaian\*

Department of Political and International Studies (POLIS), University of Cambridge, Alison Richard Building, 7 West Road, Cambridge CB3 9DP, UK

What is the function of the media in post-2011 Tunisia? As the media provides knowledge, message, and reach across a nation, it is a critical tool within the political sphere. As Tunisia undergoes systemic socio-political change, what role is the media playing? How is 'public' now being defined? How is the sector changing its own professional practices in the face of a liberated public sphere, and how are media owners responding to market shifts and new faces in the government? These and other questions seeking to understand changes in Tunisia's Fourth Estate over the three years since President Ben Ali was ousted will be analysed through the lens of hybrid theory. As the process of adapting past practices and institutions to new ideological aspirations takes place in Tunisia, hybrid theory offers a means to observe the multiple elements contributing to that process – seeing them as non-linear, intersecting, at times harmonious, and at others, interrupting democratic processes as competing elites - including government officials, and media owners or investors - attempt to capture state power and market share. In analysing the evolution of three separate but related groupings within the media sector: the public (national radio, television, and news agency); the private (with the main focus on the audio-visual sector); and the independent organs for regulation that buffer the state from the media, a picture of elite competition between new democratic and old embedded elites emerges. The push-and-pull between journalists and enterprise owners, between government appointees and line-reporters, and between outlets promoting political agendas and those that do not, are today all part of the new stakes at play in defining Tunisia's Fourth Estate.

**Keywords:** Tunisia; media; elites; hybridity; television

Tunisia is moving from a controlled public sphere, in which citizens were 'informed' by state authority, to a pluralistic public sphere in which citizens are contributing to a constellation of communicative spaces that permit information, ideas, and debates to circulate freely. Importantly, this new

\*Email: rf236@cam.ac.uk

sphere includes additional media outlets (press, television, radio, and online web offerings), new media sector actors (including independent regulatory bodies and professional organisations), and a burgeoning professionalism by those engaged in reportage, communication management, and media assessment (such as advertisers, audience measurement companies, training establishments, and industry associations).

However, practices and power centres carried over from the past, through elite networks of privilege that have long experience in state capture, are putting this liberalised public sphere at risk. Although the media sector is not unique in its vulnerability to entrenched elite obstruction, it is significant in two ways. First, its function to disseminate information through the provision of news and entertainment gives it a uniquely public face, which by its very definition daily engages – and is displayed to – the population; second, the freedom of expression that the media embodies is broadly viewed as a critical gauge of Tunisia's democracy. Hichem Snoussi, a founder of the UN-inspired non-governmental organisation (NGO) Article 19 in Tunisia, and a member of the new audio-visual regulator HAICA (the High Independent Authority of Audiovisual Communication) echoed what is often expressed by Tunisians, when he said, 'The immediate and obvious gain of the revolution is freedom of expression'.<sup>2</sup>

Speaking on 13 May 2013, National Press Freedom Day, and the day marking the establishment of HAICA after months of delay on the part of the government, Snoussi further commented on the deeply contested nature of that gain. 'The conflict', he said, 'has been about how to deal with that freedom'.'

The departure of the Zine-Abbedine Ben Ali regime, and its Traboulsi-family entourage, left a power vacuum in Tunisia that is devolving into an increasingly bitter battle for control not only over this very public industry, but over what it means for the process of democratic development after the revolution. The first wave of change after the revolution, beginning with the new organisational structures, such as the High Commission for the Fulfilment of Revolutionary Goals, Political Reform and Democratic Transition (HIDOR) and the National Association for Reform of Information and Communication (INRIC) launched under the initial post-revolution government of Mohamed Ghannouchi, and elaborated under the caretaker interim government of Beji Caid Essebsi, reflected the hopes and principles of the revolutionary movement that had overturned the Ben Ali regime. The people who moved into positions of power appeared ready to sweep away Tunisia's corruption, nepotism, and authoritarian restraints on freedom. Many had emerged from Ben Ali's prisons or returned from domestic obscurity or exile abroad. They were academic and intellectual rights activists such as Habib Kazdaghli, named Dean of the Faculty of Arts and Letters at the University of Manouba; outspoken journalists such as Kamel Labidi, appointed head of INRIC; Moez Chakchouk, a technical whiz named CEO of the Tunisian Internet Agency (ATI) who promptly dismantled its surveillance systems; and Yadh Ben Achour, respected jurist and outspoken critic of Ben Ali, who headed up HIDOR (and which thereafter was frequently referred to as the Ben Achour Commission). Rached Ghannouchi, leader of Ennahda, the Islamist party banned by Ben Ali for 20 years, returned declaring Ennahda would promote temperate policies and leaders in keeping with the nature of Tunisia's modern society. Its choice of the moderate opposition figure Hamadi Jebali as the first Ennahda prime minister to lead the Troika government after the elections of 2011 was a clear indication of Ennahda's goodwill in this regard; as was its appointment of Ali Laarayedh as Minister of Interior, who had spent years incarcerated in the basement of the ministry he was to head up; and likewise, its sharing of power and prestige in the appointment of Moncef Marzouki, a well-known human rights activist and head of the Congrès Pour la République (CPR), to the Tunisian presidency.

These appointees symbolised Tunisia's aspirations for dignity, freedom, and 'bread', and themselves brought legitimacy to the revolution's values. Along with many others, they were the leaders and activists that had propelled years of opposition against Ben Ali through a variety of ideologies and movements. These were Tunisia's new elite.

Yet, the experience of the past three years in Tunisia reveals a process in which a crisis is developing over control over power, and particularly over the public sphere, a crisis that is becoming more acute with the passage of time. Control over the media, both public and private, is a prime mechanism for political manoeuvre and social pressure within the competitive landscape of elite consolidation and particularist politics. The performance of this process will reflect, and in part determine, how effectively Tunisia is able to proceed towards full democracy, or instead becomes caught in an intermediate hybrid system of politicised and polarised elite competition.

Having begun the rolling uprisings called the Arab Spring in late 2010/2011, Tunisia, three years on, is the only Arab nation still to be undergoing the actual revolutionary changes required to unseat the 'deep state'. The new intellectual and journalistic elites, steeped in international principles of democracy, are leading the charge not only for the sake of Tunisia's own reform, but to disprove the menacing label of 'Arab Exceptionalism' regarding regional (or even religious or ethnic) democratic (in)capacity. The transition, however, is not straightforward. Structural obstructions – in the case of Tunisia, entrenched elites with significant resources and constituencies – can derail the transition from achieving full democracy through protection of their own interests and support groups (Ottoway 2003). Huntington's 'Third Wave' – so labelled when Asian, African, and Latin American states seemed well launched on a trajectory that would deliver democracy – has proven chimerical, leading in many cases to pseudo-democracies (Diamond's 2002 term), hybrid states enjoying a degree of legitimacy, but with ill effects on freedom of conscience and expression, and likewise the rule of law (Chadwick 2013; Diamond 2002; Levitsky and Way 2010).

For a majority of Tunisians, hybridity is a fearful prospect. Many of those interviewed for this research indicated a moral and steadfast commitment to construct a system that would avoid such a purgatory. Surrounded by a nay-saying region that offers not a single good example of democracy, even as Tunisia itself is suffering the economic consequences of the arduous task of creating the building blocks of democratic practice, this is a huge undertaking. New laws, training, mediadiversification, a plethora of start-ups, online magazines, and all manner of other activity in Tunisia is taking place at record speed; yet the overall process of building democracy – and critically, economic repair – is proving painfully slow, leading to a constant restive under-current. Indeed, Ottoway points out that if socio-economic improvement is too sluggish, it can fail to develop the new constituencies that are necessary to provide the deep support that post-revolution technocratic elites require in order to wrest power from old institutions and redirect it into functioning democratic ones. Such 'shallow transitions' as she calls them can sap the ability of incoming elites to generate the power needed to translate abstract democratic ideals into functioning forms of governance (Ottoway 2003, 179).

In Tunisia, the incoming elites, including human rights lawyers, university scholars, leaders of Islamist movements, and anti-Ben Ali journalists are combating an incumbent elite that remained *in situ* after the departure of the Ben Ali inner circle, and who continue to command significant financial resources, own important commercial holdings including media outlets, enjoy advantageous business conditions thanks to cronyism and regulatory capture, and have close links to broader networks of privilege that include government bureaucracies and political power brokers (Rijkers, Freund, and Nucifora 2014). The strategic relationship of the elites to society, and their access to power, are therefore asymmetric in Tunisia and, equally important, conflictual.

Rustow argued, at the time of the Third Wave, that the key component of democratic development in the wake of rupture from past practices is national unity (1970). Yet, the negotiated process of constructing a socially unified approach to achieving democracy remains elusive in Tunisia, as the new media elites have so far been unable to develop a hegemonic consensus around media independence and non-partisanship. In lieu of inclusivity, a battleground has emerged, which constitutes the greatest danger not only to freedom of expression, but to success in achieving a fully institutionalised democracy.

The terrain is made more complex by the historical legacy of Ennahda as a broad-based and effectively organised movement, and its ability to attract adherents to its party based on its religious platform, including previous supporters of the Ben Ali regime. This has benefitted Ennahda by enabling it to enlarge its constituency and tighten its links to embedded power. It has, on the other hand, compromised its image as a driver of democratic change, as its forced resignation from government control at the beginning of 2014 exemplified. Similar concerns have hounded the development of Nidaa Tounis, the secular party founded by ex-interim Prime Minister Caid Essebsi, which is seen as attracting many of Ben Ali's Constitutional Democratic Rally (RCD) party members from the deep state, and others of the old financial and commercial elite.

This analysis sets out to explore the nature and changes in the Tunisian media sector – its function and its functionality – through the lenses of hybrid theory, elite state capture, and the relationship of media – particularly private media ownership – to political processes of democratisation. The first section explores the concepts of rupture, transition, and democratic consolidation, and the elite power structures and practices that largely determine how transitions proceed. The second section provides an overview of the media landscape in Tunisia, with particular attention paid to the journalists who were on the front lines of this dramatic change. The third section addresses the public media sector, particularly the National Television and Radio. The fourth section addresses the private sector, focussing more fully on the audio-visual rather than press. The tug-of-war that has developed, and evolved, between the new regulatory and professional bodies – HAICA and the National Syndicate of Tunisian Journalists (SNJT) – and the old media establishment, now embodied in the Syndicate of Tunisian Media Proprietors (STMD), is discussed throughout. The conclusion draws on the analysis to make tentative assessments regarding the democratic process taking place within the media sector, and the hurdles that face its ongoing legitimation.

#### Transitions, hybridity, and elite politics

'Transitions are open-ended attempts at the realisation of democracy' in Ould Mohamedou and Sisk's words (Mohamedou and Sisk 2013, 26). They are the passage between rupture with the *ancien regime* and adoption of a new culture. As such, they are defined by the 'centrality of performance', mobilising identities and empowering previously repressed voices – and thus, 'inherently, conflictual' (Mohamedou and Sisk 2013, 30).

The period of passage following the expulsion of the old leadership inevitably emerges in the context of the immediate past. The inherited psychology, culture, politics, and economics impose themselves as (anti)models upon the aspirations embodied in the next stage, and the comparisons being made between them. What came before is simultaneously rejected, integrated, fragmented, and adapted as different parts of society move through the process at different rates. The unevenness in the pace of change, and the unsettled space this creates, are signal components of the hybridity process, and, in fact are among its greatest challenges, as they blur the lines defining progress and stasis – even, reversal – buttressing perceptions within public debates as to both

the success and the failure of the national experiment being conducted. The frustration that arises out of the contradiction between reform and constraint can itself inform the performance of transition. 'Competing and contradictory elements may constitute a meaningful whole', Chadwick points out, 'but their meaning is never reducible to, nor ever fully resolved by, the whole' (Chadwick 2013, 11). This is vividly exemplified in Tunisia's media sector. The parts – be they the media owners, the journalists, the political parties, the regulators, the national assembly, the financial system, or the National Television and Radio – are each transiting and transforming separately, at times affecting other sector processes, sometimes finding themselves temporarily in balance, before spinning off again along their own trajectories.

On the one hand, the rapidity of change - in Tunisia's case, three years since Ben Ali's departure - in which new political parties have emerged, a new constitution was constructed and passed, new media outlets launched, new regulatory bodies created, two rounds of elections held, four governments put in place, and a new regulatory media culture adopted – is by any comparison overwhelming. Yet, on the other, the period illuminated areas more structurally rooted that are not straightforwardly reformed or purged and will take considerable time to alter. Shared norms and frames are not easily established in the wake of an authoritarian regime that extorted, manipulated, and censored, that utilised the media for the service of the state, and purposely blurred the line between reportage and opinion. In his devastating analysis of the East European states as they emerged from Soviet domination, Robert Conquest describes a situation not unlike in Tunisia, 'which left a heritage of ruin, not only in the economy, ecology and politics, but in the minds and psyches of its citizens' (Conquest 2000). This has multiple effects upon the building of democracy, and in media terms particularly, the emergent culture leaves the society improperly equipped to defend a 'good' media system, or 'good' journalism. News, previously unwatchable under Ben Ali, became suddenly wildly popular after the revolution, as the population tuned in to local events – the rise in the viewership of the Wataniyya 1 evening news, for example, soared to new highs during the 2011 October elections; by October 2013, 82% of the population over 10 years old was watching television news on one or more of the available channels, and almost half (47%) reported the quality of the news had improved over the previous two years.<sup>5</sup>

However, there has also been a significant trend towards infotainment over news (see Petkanas 2014), and a generalised disillusionment, even fear, regarding what has been labelled the media's hate discourse (*discours de haine*), which has marred the new editorial culture. 'It is', said Riadh Ferjani, a media sociologist and member of HAICA, 'one of the most dangerous developments, as it politicises the media and makes it party to the polarisation of society, creating a negative view of what a liberal media really is'. One outcome is that democracy (and media) fatigue sets in as the 'bad' side of liberal practices reveal themselves – disorder, political in-fighting, violence on the streets translated onto the television screen, and seedy news sensationalism (Gross and Jakubowicz 2012). Abdelkrim Hizaoui, of the African Centre for Training Journalists and Communicators (CAPJC), notes this is a significant factor in Tunisia's fall (rather than rise) by four points in Reporter's Without Borders' press freedom ratings since the revolution 'to the inglorious position of 138th out of a total of 179 nations'. In this context, he writes, in a paper presented at the 2013 Institute of Press and Information Sciences (IPSI) annual conference, 'in which nostalgia for censorship is awakened, it is not surprising that voices are raised that denounce the "media of shame", and call for a return of restrictions' (Hzoaoui 2013, 103).

Although the members of the new HAICA were perhaps more sanguine than others when they filled its seats for the first time,<sup>7</sup> the disappointment that the evolution of the media has been less linear than expected is palpable in Tunisia. Equally worrying is the recognition that there is a rough correlation between the evolution of the media and the development of democracy

(Mungiu-Pippidi 2012). The ongoing grip of private capital, the use of media for partisan gain, and the continuing disaffection between journalists and media directorates suggests a power-play between the moving parts within society that is becoming not only destructive, but possibly capable of stymieing, or worse, reversing the direction of reform.

The impetus driving the various elites is capture of the state by building a new social order, a task that intimately involves the media. For most elites, even if only in the form of lip-service, this includes introducing norms of democracy, e.g. freedom of expression and conscience and the right to information. For some in the newer elite groups, such as the leaders of Ennahda, this includes introducing norms of religious law, practice, and ethics into what they view as a fundamentally hostile media sphere (Ghannouchi 2013). For all the actors, the transition represents renegotiation of the basic rules of the game. For older, entrenched elites, it necessitates a fight to update - in essence, retain - a system that has never been inclusive nor transparent, but upon which their interests depend, and which in the past proved serviceable by virtue of its stability, financial security, and international support. Having only ever been part of a system in which government regulation was effectively used to require pre-authorisation to enter certain sectors, including the media, and which thereby reduced competition and led to significant rent appropriation, the struggle is to retain their embedded power capacities, even if this should result in a new semi-authoritarian regime with a controlled media (Rijkers, Freund, and Nucifora 2014). For the human rights intelligentsia, internet and reformist journalists, activist lawyers, and new media elites, the renegotiation of the game represents an opportunity to develop democratic discourses and institutions, and indeed to engage in aspects of state formation.8 The conflict between these sets of actors is what constitutes the disorderly and chaotic nature of transition, and involves not only putting in place the ideals and commitments of democratic practice, but purging the system of its authoritarian and partisan structures: replacing ongoing practices of cronyism, re-appropriating to democratic authorities power that is currently not derived from popular mandate but still resides in individuals or institutions within the deep state, and retooling bureaucracies conditioned to work within the old system - in Tunisia, the Ministry of Interior, and its multiple infringements on freedom of expression, being a prime example (see, for example, the article by Artaud de la Ferrière and Vallina-Rodriguez 2014).9

Newer elites have the harder task; it is they who must not only clean out the system of authoritarian habits through democratic means (e.g. elections – which in themselves do not necessarily shift sources of power), but do so in the cacophonous atmosphere of a liberated, multi-voiced public sphere; likewise their task is to develop a discourse of inclusivity that is so persuasive that civic pressure and support moves incumbent elites to dispense with processes that have delivered them real dividends, and instead join a still embryonic process that is for them, in particular, confused and risky. The battle may not resolve itself into full-blown democracy, but instead develop into a form of 'democracy lite' or 'resilient authoritarianism', a terrain of pacts between the groups involved that creates a hybrid system of secured domains combined with certain public freedoms (Chadwick 2013; Mostefaoui 2014).

The methodology adopted here is broadly dyadic, in that it identifies and then follows the contours of hybridity's two driving forces in Tunisia's media sector, processes of change and of stasis. On the one hand are the post-revolution moves for democratic adjustment in institutions and practice (media organisations, media marketing, management, and journalistic professionalism); on the other, embedded forms of capital management and communicative influence are engaged in sustaining continuities of power through the discursive myth that society can broadly return to the 'good days' of Ben Ali.

This does not suggest that the society or the nature of change is dyadic, as indeed new elites are themselves deeply fragmented, including divisions between secular and religious, poor and rich, and between older party leaderships and the revolution's youth. These groups are polarised and becoming more so. Additionally, relationships, and shared practices between members of the old and new elites complicate the picture, as noted in G. Joffé's article (2014), in which practices of Nahdaoui government leaders during the period of the Troika, mirrored and incorporated practices of the Ben Ali regime in regards to media management and message control because similar understanding of the role of media vis-a-vis the government prevailed (even if the purpose to which the media was being put to use was rationalised as being very different). 10 In the analysis of this power-play for control over strategic resources, it becomes clear that elite power capture is as commonly practiced by members of new elites, such as important actors within Ennahda, as by old. Additionally, the state has simply remained too weak to carry out significant legal interventions, shift power from the centre to the periphery, or otherwise serve the 'public interest'. At other times, it has acted through inaction, itself a means of political intervention by politicians supporting politically aligned media enterprises by exempting them from regulation (Hallin and Mancini 2012). Methodologically, therefore, the analysis looks at Tunisia's past three years not only as a period for the state to be reconceived and reconstructed, but a period for dividing up fields of power, re-instituting old rules, and testing the limits of corruption and violence.

The points of intersection, when the forces draw together, interweave in harmony or conflict, and then spin away, are the nodal periods in which investigation of the process of pluralising and/or compromising are most vivid, and constitute the focus of this study. <sup>11</sup> Ultimately, to accomplish real transition, qualitative changes in both the nature of the authority and the professional practices of the sector must take place in sufficient measure that a stage of no return is widely felt to have been achieved.

#### Media post-revolution: freedom as chaos

On 14 January 2011 the day Ben Ali and his entourage fled, Tunisia was well positioned, compared to its regional neighbours, to transition into democracy. Its society had conducted important and sequential oppositional activities, there were well-organised civil society entities such as the General Union of Tunisian Labour (UGTT), and it had a media tradition in which independent publishing had been consistently attempted, even though it had been regularly suppressed. On the other hand, corruption ran deep and repression was Draconian. Ben Ali had been listed as one of the '10 Worst Enemies of the Press' by the Committee to Protect Journalists starting in 1998. Freedom House rated Tunisia as 'Not Free' in 2010, with a mark of 85 (Freedom House 2010).

The Ben Ali regime's media provided a benchmark for cronyism, censorship, and manipulation that left deep scars on the sector. For journalists, editors, bloggers, web-managers, and media academics located inside the country, the fall of Ben Ali was as much a shocking as a liberating event. The day the regime fell, the media, perhaps more than any other industry, was on the front lines – presenters unsure of what to say, how to say it, what to show, and how much. Used to 'instructions' filtered down through the hierarchy, journalists no longer knew what editorial line to follow and disorganisation merged with exhilaration in the exercise of sudden liberty for which they were wholly unprepared. A product entirely fashioned by the state, the media system in Tunisia imploded the morning after 14 January.

'For years,' noted Eve Sabagh, director of BBC Media Action, the non-profit foundation linked to the BBC, in an interview in October 2013, 'they had copied and pasted what the government said, and the government knew best.<sup>12</sup> Immediately after the revolution there was chaos'.

Chokhri Ben Nasir, editor at *La Presse*, a government-controlled newspaper, clearly remembered 15 January 2011. 'The paper was liberated, even though *La Presse* still belongs to the government. But it was an unexpected liberation. Suddenly, the media was without restrictions.' He came to the office and there was a company-wide meeting. 'Everyone was there', he recalled. 'But what do we do? There were journalists who attacked others, saying "You wrote for the old regime, you have to leave, you are to be condemned". But as he pointed out, 'We all had accepted the editorial line, we were all paid by the same source, and no one had written a single piece against the regime. So we had to decide together to leave the past behind.'<sup>13</sup>

La Presse continued to publish, though it immediately acquired a new publisher and editor, and constituted a new editorial committee. 'This was during the cease-fire', Ben Nasir recalled, 'and we came at night and for two weeks, we put out the paper at night'.

This is a story echoed by many of those interviewed. Amel Smaoui-Zampol was programming director at Shems FM at the time. 'I never imagined I'd have a chance to practice my profession' she said.

And then suddenly, we were free. Saturday I was working for the daughter of Ben Ali, who said 'Denounce the crowds!'. Then at 4pm she left. I was told to close the station. But I said 'No! This is a historical day.' We slept there that night, and for the next 17 days. They were the most important days of my life. It was the most important job of all – speaking from the people's heart, saying what they had wanted to say for 50 years. It was unstoppable. It was a moment of joy. <sup>14</sup>

However, much as Gross and Jocubowicz observed to be the case in the post-communist states, the short period immediately after the revolution 'was the only time journalists felt really "free" (Gross and Jakubowicz 2012, 4). The sudden, over-night shift in how media was reported, produced, delivered, presented, and understood was undoubtedly one of the greatest changes the revolution brought. However, it immediately brought up many questions – some very unsettling. What did it mean to be a professional journalist? Had anyone really been a journalist until then? Who had attempted to be investigative, or at least be honest – and who had not? Who really were those who had supported the regime and now were trumpeting the revolution? Who should stay and who should go?

Smaoui-Zampol acknowledged that

there were those who had worked for the previous regime who were insulted and threatened. Journalists in general were ashamed at having kept silent for so long. In fact, restrictions of any kind were for a while seen by journalists as a brake on their freedom of expression.

The public sphere became an open slate on which to air pent-up grievances and volley unsubstantiated accusations, and soon developed what was widely labelled 'a discourse of shame'. In addition, the journalists, inexperienced in investigative reporting, un-restrained by editorial boards or ethical standards, functioning in institutions (both public and private) tainted by the shady business and management practices of the past regime, and called on to report the fast-moving changes sweeping society, struggled to reposition themselves as an independent profession.

The media chaos that followed the revolution quickly revealed many of the trend-lines that were to develop into significant divisions within the field over time. Editorial leadership in the National Television and Radio was changed by staff election, as was that of the *La Presse* and its Arabaphone sister publication, *Assafaha*, as well as the other big twin publications,

Le Temps and Al Sabah, although these soon were changed again by the government. The Tunisian External Communication Agency, which had a monopoly on distribution of institutional and pubic advertising during the Ben Ali years, was disbanded, fragmenting bureaucratic control over advertising revenue distribution, with severe repercussions on financial stability and journalists' salaries, primarily in the newspapers, which depended on government advertising subsidies. Papers attached to the political parties of Ben Ali's regime were shuttered, leaving many of their journalists unemployed.<sup>15</sup>

The media holdings of the Ben Ali family, including Shems FM, were transferred to the Ministry of Finance, which thereafter paid little attention to their management or editorial lines. These, for the most part, occupied high-end modern buildings in expensive neighbourhoods, and had large staffs and overheads. No longer protected by regulatory controls that had favoured Ben Ali's firms and the sectors they were in, these companies began to haemorrhage funds, producing a quandary for the government, which had insufficient bureaucratic capability to investigate or improve their operations. <sup>16</sup> In 2012, Rached Ghannouchi, seer and leader of Ennahda, then the dominant government party in the elected Troika, suggested that a possible solution was 'to take radical measures in the news media domain, including, possibly, privatising the public media' (IFEX-Tunisia Monitoring Group 2012, 7).

The privately held media outlets, such as Nessma TV and Jahwara Radio in Sousse, likewise underwent editorial shifts and staff changes, though with less upheaval than in the publicly held media, as their ownership remained unchanged. Yet even here, the tone of coverage shifted significantly, with the old red lines protecting the image and message of the previous regime replaced with religious and moral red lines that were still unclear, and rapidly being socially (re)constructed. The broadcast of the Iranian animated film *Persepolis* on Nessma TV was an early case in which Salafist viewers outraged by an image of God in the film, picketed the station, with the result that its director, Nabil Karaoui, was, along with several other members of staff, fined for disregarding religious ethics.

Censorship rapidly became a new, politicised battleground, a term temporarily emptied of meaning but laced with passion. On the one hand, it became a tool, largely in public hands, to reconceive acceptable coverage. On the other, it became an over-used and polarising term within the industry itself, reflecting not only journalists' sensitivities to any restrictions, however professionally necessary, on their new-found freedom of expression, but management's discomfort with their newly empowered staffs and the demands of a liberated media sphere. 'A journalist might simply be incompetent at their job, and be fired because of that', Smaoui-Zampol at Shems FM noted. 'But the discussion would be about censorship. The reporter would accuse the management of firing them because of something they'd written.' On the other hand, Smaoui-Zampol herself encountered management's use of censorship as an excuse to regain editorial control, when she was fired after being accused of imposing censorship on the station's broadcasting. 'It became', she explained, a catch-all term used to fire any journalist, whatever the reason.

In my case, I brought the company to court, and won – because it wasn't censorship – in fact, it was because I was pushing for a broader line, one management didn't want. They were censoring me, even though they accused me of doing the censoring.

Saba Mahmoudi, a lecturer at IPSI, at the University of Tunis at Manouba, the only recognised centre of journalism training during the Ben Ali years, describes the journalism post-revolution, as 'born anew' and as having 'witnessed dramatic changes, from both inside and outside the profession' (Mahmoudi 2014). 'Journalists were' she said, 'called on to change radically and quickly.

They were called upon to move into a position of professional commentators on every event ... and hence, moving from being the voice of the government to the voice of public service'.

#### New elites, new forms of representation

One of the immediate outcomes of the revolution was that it gave autonomy to the sector's two existing professional organisations, the SNJT and the Association of Tunisian Newspaper Directors (ADJT), both of which immediately acquired new leadership. Further syndicates and associations formed: including the Association of Independent Radio Owners and the STMD. Today they represent the quintessential examples of the flux that characterises Tunisia's new groups, new powers, and new competitive terrain as they attempt to snatch each other's members, write mission statements, condemn each others' actions, and protect their own members' interests. Whether they eventually become the precursors to political lobbyists remains unclear, and a question that will be determined by how the debates and manoeuvring among them translates into democratic practices or examples of static hybridity.

The SNJT, with a membership of over 600 journalists working both in Tunis and in the provinces, is the largest and most powerful. It contributed significantly to the two Decree Laws adopted by INRIC, and rapidly established itself as the primary advocate of journalists' rights, producing controversial reports on industry ethics and practices (pointing out in its most recent, for instance, the frequent practice of plagiarism, fictional and imaginative reporting, and advertisements published as stories).<sup>17</sup> It is also an important advocate for better contractual security, remuneration, and protections, and has organised sizeable journalist protests, including two national strikes, one in September 2012 when the government failed to apply the Decree Laws, and one in November 2013 against the directors the government appointed to the National Radio and Television. According to Decree Law 115, the SNJT now serves as the official self-regulating organ of the press.

Even so, the SNJT has made little headway in its bargaining with the proprietors to gain contractual rights for its journalist membership – many of whom operate on a freelance basis with no job security. It has likewise failed over the course of two years of both legal and street contests to procure prime ministerial support for the creation of a key regulatory partner as set out in Decree Law 115 – the Press Commission, which, among other duties, is responsible for issuing press cards, something the journalists have been operating without for two years. Néjiba Hamrouni, previous head of the SNJT, describes the situation as a 'full war inside the media sector' – a three-way contest with government intractability on one side, owner obstruction on another, and the SNJT on the third.<sup>18</sup>

The current head of the SNJT, Najib Bghouri, on his second term after having headed it up in 2008 when it metamorphosed from being an association severely repressed by the previous regime, to the syndicate it is today, sees the SNJT as providing mediation between all involved parties – the owners, HAICA, the government, even a competing journalist syndicate within the UGTT. 'Historically, there were no authorities that did this – so there is no tradition here, a complete emptiness about how to go about this', he explained. Even so, Bghouri has spoken of compiling a 'Black List' of the most abusive proprietors who employ practices of journalist intimidation, exploitation, and editorial meddling.

Bghouri is one of a cadre of well-respected journalists, media academics, and human rights activists who now fill significant posts in the public media sector and as heads of local media NGOs, and who have come to constitute Tunisia's 'new' media elite. Others on the front line pressing for an enhanced civic awareness of the position of the media, and its needed support

structures, are Fahim Boukadous, now director of the Centre for Press Freedom, and Mohamed Hamrouni, editor of the conservative Islamist opinion daily, *al-Dhammir*, and previously editor of opposition newspaper *al-Mawfiq*, both of whom were imprisoned for years by Ben Ali. Another is Lotfi Hajji, now station chief of *al-Jazeera TV*, who was head of the National Association of Tunisian Journalists in 2004, and regularly arrested, literally 'kidnapped in the street' for the independence of the Association's work, as he explained (Amnesty International 2005). Though often of different political persuasions, the relationships among these old-guard journalists run deep, as does the commitment to ensuring that the media remains competitive and ethical.

Equally significant, according to IPSI's Mahmoudi, is the corps of younger journalists who grew up under Ben Ali, and represent the youth that largely led the rebellion against the indignities of living under a regime that criminalised free expression, and exploited the occupation of journalism through un-contracted work and bad pay. As the media landscape has shifted since the revolution, many have rapidly moved from one media outlet to another, creating networks across the sector's boundaries and 'represent important sources of information' (Mahmoudi 2014). Smaoui-Zampol of Shems FM, for example, is now at the new television station Telvza TV; political talk-show host Hamza Belloumi, a colleague of Smaoui-Zampol's at Shems FM, likewise moved to Telvza TV, then returned to Shems FM and has now also joined Ettounsia TV; Nadia Haddaoui, who ran her own interview show at the National Radio has become a staff writer on media affairs for the blog web-news site, al-Nawaat; Aymen Rezgui a blogger joined the SNJT as head of the committee on journalistic freedom and was deeply involved in formulating the Decree Laws; while fellow SNJT member Walid Mejeni has become a founder of the new web-based investigative magazine, Inkyfada. They and others like them constitute a constituency that is growing in importance, not least because it is critical for embedding the position of the new media elites on the institutional front lines.

#### The audio-visual sector

Nowhere has this been more obvious than in the audio-visual sector – radio and television – which has changed radically from being mind-numbingly dreary to providing Tunisians a running commentary on the dramatic changes gripping their society. Television viewing skyrocketed, as population polls showed a rise from 9.5% of people interested in politics before the revolution to 80% in 2012 (IRI 2013). By the end of 2013, 89% of the population indicated they were receiving their news from national television, a gradual but steady rise from previous polls. Additionally, despite the turmoil inside the television's ranks, the population showed it trusted the news, with 63% declaring the media to have a good or very good influence on the development of Tunisia, and only 36% expressing worry that the effect of the media was detrimental (IRI 2013). During the first two years after the revolution, the largest share of this viewership was commanded by Wataniyya 1 – the flagship channel of the Tunisian Radio and Television Enterprise (ERTT – the National Radio and Television), which reaches 97% of the population. With funding derived from a small but mandatory tariff on the population's electricity bills, and a staff of over 1300, it is unique in its ability to cover the high cost of producing live coverage of local stories throughout the country's regions.<sup>22</sup> Today, the national broadcaster's shift from being a government mouthpiece to a public service, at last, is delivering the population good media coverage. On the other hand, the population now has a sense that they are personally paying for the service, and have a vested interest in its output quality.

National television broadcasting began under President Habib Bourghiba in the 1940s, when only the state could provide the level of investment needed for such a vast enterprise. As the prop-

erty, and thus instrument of the state, it was utilised for patriotic, propaganda, and entertainment purposes, a role it continued during the 23 years of Ben Ali's rule, which likewise saw its ranks increasingly affected by corruption, which the regime pointedly ignored.<sup>23</sup>

Upheavals had roiled the ERTT for over two years prior to the actual revolution, with a sit-in by non-contracted staff (technicians, engineers, production workers), in 2009, demanding a fair wage. After the Ben Ali regime's departure, the television elected its own editorial committee spontaneously, made group decisions, and attempted to re-strategise the channels as public service vehicles, rather than government propaganda tools. 'We established a committee to protect the clarity of the editorial line in order to provide real information to the public', explained Sa'id Sadrif, a producer in his mid-30s. The news staff likewise elected Sa'id Khezami as Editor-in-Chief, a foreign affairs journalist who had covered other areas of the Middle East. 'It was thanks to him that viewership grew so quickly to 4 million Tunisians for our now famous evening news', said Sadrif. 'He changed how to present the news — made it investigative, ethical — and he was very apolitical, pro-no one, and we were very proud.'<sup>24</sup>

Sadrif is among the younger network of opposition journalists with the National Television and Radio establishment who are members of the SNJT, and who are attempting to develop, with its support, a coordinated structure to guarantee sound editorial management, an increase in journalistic professionalism, and importantly employment rights and guarantees within the audio-visual sector. The economic inequality between the upper management and the staff is significant, with many of the latter unable to survive on minimum wage or freelance contracts – which are the most common employment formats in the industry. This is a deeply polarising factor, and in other semi-authoritarian systems the antagonism embedded in economic polarisation has been a crucial contributor to the failure of full democratic reform (Ottoway 2003, 166).

In Hajji's view, the National Television and Radio, following the early days after the revolution deteriorated to the point that by 2013 they were 'a mess'. <sup>25</sup> In November 2012, a new director, Imène Bahroun, was appointed by the Troika government to head the ERTT, and Khezami was let go. Under her direction, editorial committees were disbanded, and according to Hajji editorial responsibility suffered. Many of the corrupt practices conducted under the Ben Ali regime were re-instated, such as channel directors choosing not to hire producers, and instead producing shows themselves, enabling them to collect double salaries. <sup>26</sup> The director of BBC Action, which provides training to enhance the national channels' public broadcasting capabilities, likewise observed an initial empowerment of the journalists, and thereafter a distinct 'pull-back ... with the fall of hope for change'. <sup>27</sup>

Bahroun, though perhaps the most dramatic nomination, was only one of many government appointments to public media establishments that were made at that time, all in contravention to Decree Law 116, the audio-visual sector statute passed in November 2011. The law specified that an independent regulatory body, the HAICA should be established, and would include, among other responsibilities, oversight to ensure a transparent process of appointments to the National TV and Radio leadership. A year had passed, however, without HAICA being set up, an example of inaction representing discretionary government control and a continuation of inherited practices contributing to a system of hybrid reform. Indeed, one of the characteristics of hybridity is fluidity between organisations – ensuring that only some power centres have global social dimension, at the cost of the system as a whole (Chadwick 2013, 11).

In Tunisia, the role and ideology of Ennahda complicates what otherwise may have remained clearer divisions between old and new elites, as its Islamist appeal has drawn to its ranks many of those who had openly served the Ben Ali regime. Bahroun is a good, if not unique, example. An active member of the regime's media world (she wrote a letter published in the press supporting

Ben Ali during the uprising in the early days of January 2011), she is married to Kais Ben Mrad, the nephew of Moncef Ben Mrad, both well-known media figures during Ben Ali's time. In joining Ennahda, she brought the party useful access to the network of media owners, production companies, and others in the conventional elite cadres that would enable it to work closely, and conveniently, with those in power. As Ennahda understands the media as a double-edged sword – an instrument of government utility but likewise a dangerous tool able to menace and detract from Ennahda's agenda and image – having liaisons with individuals such as Bahroun was of significant value (Mellor 2014, 265–271; Mellor et al. 2011). What is more, her appointment as Director General of the ERTT was a gender coup for Ennahda, as she was at the time the only woman to head a major communications agency in the Arab world. Yet, in this close media-political linkage, Tunisia exhibits similarities with what Hallin and Mancini observed in other Mediterranean states – Portugal, Greece, and Spain – where there is:

... a high degree of proximity between the media field and the political field .... This is manifested in a high degree of 'political parallelism', with journalists and media owners often having strong political motivations and alliances, political and media elites often overlapping and interpenetrating, and strong political battles for control of public broadcasting, and sometimes private media as well .... And it is manifested in a relatively undeveloped professional culture among journalists. It is also associated with a significant degree of clientelism .... (Hallin and Mancini 2012, 19).

The critical component for protecting against collusion between the media and the government is independent regulation, which in Tunisia was to be HAICA. After a year of often poisonous wrangling, HAICA was finally established in May 2013, the protracted period of negotiation over its membership and the person who would be its government-designated head, finally settled with the appointment of Nouri Lajmi, a well-regarded and independent-minded academic. Closely aligned with the SNJT, its regulatory function is primarily to provide structure, licensing, and statutory limitations on the privately held media. As such, HAICA, as INRIC before it, is seriously hampered by what it does *not* cover – the previous holdings of the Traboulsi family, including Zeitouna Radio for the Holy Qoran, and Shems FM, now managed by the Ministry of Finance; and the huge press conglomerates of *La Press/Assafaha*, and *Le Temps/Al Sabah*, along with TAP, the national press agency, which now are controlled by the prime minister's office. This leaves the government enormous discretionary control over a swathe of significant media. Today these channels and papers are operating with little government meddling, but none have been sold, and the previous founders of the Al-Sabha Group have been spurned in their multiple attempts to re-acquire the enterprise.<sup>28</sup>

Unlike its predecessor, INRIC, however, HAICA is not consultative, but embodies legal powers, and its decisions are binding upon the industry. Initially, however, it had insufficient power to counter the government's control over appointments to the National Television and Radio – and the individuals in place. These included Mongi Gharbi, a reporter known for his elegiac articles about Ben Ali, who had been named by the outgoing Ennahda Prime Minister Ali Laarayedh as head of the government-controlled newspaper conglomerate Société Nouvelle d'Impression de Press et d'Edition (SNIPE, publisher of *La Presse* and *Assafaha*), and Mohamed Meddeb, an electrical technician at the head of the National Radio, both of whom were transferring independent-minded reporters to administrative jobs, cancelling controversial news offerings, and increasingly turning these enterprises into constrained, fearful, and controlled institutions. <sup>29</sup> Referring to the National Radio and Television, Neji Zairi, director of programming at privately held Mosaique FM, observed,

they are of course liberated, but they are not credible. The difficulty is professionalism – how to broadcast information with independence and neutrality ... especially as for months, Ennahda put pressure on the public stations to adopt its social project. The remit of the public media, particularly to the journalists, was not clear. How to define it? What was it? Was it government or was it independent?<sup>30</sup>

The membership of HAICA – two members nominated by the SNJT, two by the National Constituent Assembly, one by the workers union the UGTT, one by the private media owners syndicate (STMD), and the head appointed by Tunisian President, Moncef Marzouki – was designed to represent the new participatory politics of Tunisia by spanning a range of interests and support structures within the media field. Further, the premise was that it would thereby avoid partisanship, giving it a chance to enjoy real power. The disinclination by stakeholders, such as the media proprietors, institutions such as the UGTT, and leaders of successive governments – from Caid Essebsi to Ali Laarayedh – to set up HAICA, provided an indication that once established it would encounter significant hurdles. 'I knew that things were not going to be easy', attested Hichem Snoussi, who served on INRIC before joining HAICA as one of the SNJT nominations. 'This was not a traditional revolution – the past and the present would live together'.<sup>31</sup>

Although the majority of members conform to the 'new elite' status of the post-revolution, the level of battle they have had to engage in to impose limits on the government's appointment process indicates that their power centres – whether through party mechanisms, support groups within the profession, or bureaucratic backing – are insufficient to produce the outcomes they can legally command. Although HAICA succeeded at last in imposing its will on the method of application and the eventual choice of a Director General for the National Television and Radio, it was a humiliating and brutal fight. More discouragingly, perhaps, it was a contest that took place with what was to have been a neutral government led by technocrat Prime Minister Mehdi Jomaa *after* the departure of Ennahda.<sup>32</sup>

Yet, the majority of professionals interviewed indicated they supported HAICA and, further, were optimistic it would conduct the reforms the industry - and the new Tunisia - desperately needed. This suggests that it has a broad and supportive constituency that could gradually grow in its power. 'HAICA's arrival has given us great hope', a news journalist at Radio Kef, a regional channel of the National Radio, stated in late May 2014. 'Nomination of a DG [director general for ERTT] with HAICA's intervention will guarantee better capability and a solution to daily problems'. 33 Jamel Delalli, founder of the new Islamist-linked television news channel TNN, was similarly enthusiastic, though cognisant of the difficulties being faced. 'HAICA taking over is a big step in the right direction', he said. 'The conflicts, however, do not always reflect the press laws, but the politics behind them.'34 HAICA's insistence on its oversight rights regarding appointments to the National Television and Radio provides a sense of sector cohesion. Its very composition, of respected media activists, human rights lawyers, and wellregarded academics, appointed by different groups within the sector, epitomises the new Tunisia of pluralistic democratic politics. And the licenses its predecessor, INRIC, granted to regional radios such as Oxygène in Bizerte and Sabra in Kerouan, set the stage for positive media growth, as the stations expanded rapidly, and in the case of Sabra enabled it to seriously compete against the regional radio powerhouse of Jawhara in Sousse.

Among HAICA's most important accomplishments was the publication of the Cahiers de Charge, the Statutory Regulations for the private audio-visual sector, in May 2014, which define licensing rules, programming and advertising conventions, and civic radio requirements. Also clarified are restrictions on partisanship, media monopolies, and the proscription against media proprietors running political parties, as well as strict requirements for licensing appli-

cations, programming, election coverage, child subjects in promotional materials, and ethical guidelines for journalists.

According to BBC Media Action's Eve Sabagh, the Decree Laws 115 and 116 structuring the media field, the Constitutional guarantees of freedom of information and expression, and the passage of the Cahiers de Charges are critical steps towards creating a strong, independent media. 'The conclusion we have drawn from our research generally in the region, including for example in Iraq, is that without the legal and government structure, there is no way to establish a liberated and protected media', she explained.<sup>35</sup>

HAICA member Hichem Snoussi, however, considers that one of the most intractable difficulties facing the organisation still has to be addressed.

What was the problem historically of the media in Tunisia? My view – the marriage between journalism and politics. We had to make a separation – and we have engaged in a real war with the government to put forward the heads of public organisations in a neutral fashion. Now, the main conflict that remains is between the private media owners and HAICA.<sup>36</sup>

#### The private media

'The revolution has not finished in my field', Fahim Boukadous, director of the Centre for Press Freedom (CTLP), noted. 'Many businessmen from Ben Ali's era are still in control, especially in the audiovisual sector. Journalists and activists are afraid that the revolution could be overturned.' <sup>37</sup>

What Boukadous and others – including several presenting at the April 2014 IPSI conference on investigative journalism - see happening is a 'counter-revolution' by corporate elites - the media owners, international financiers, and powerful government bureaucrats. These latter, by contrast, perceive the new Tunisia as able to return to a manageable post-Ben Ali state that is stable, secure, and economically expansionary, ideally with less corruption and concentration of power than existed under the Traboulsi tutelage, but which is nonetheless similarly structured. 38 Detractors describe this effect within the media sector as the 'Berlusconi' model – referring to the merging of politics with media control to create a common discourse backed by powerful financial stakeholders. The link with government through the deep state, and the convenience provided to those in government authority, keeps the relationship close. The owners see their companies as private platforms for political gain as well as mechanisms by which to cement connections and eventual economic benefits from the government. The government, for its part, sees the companies as headed by elites they can count on to disseminate information that will benefit the public good and do the central authority – the party in power or the party in waiting – a service. Although foreign direct investment elsewhere in the economy is encouraged, it is perhaps unsurprising that it is viewed with suspicion within the media sector, as the meagre financial returns suggest that it is incentivised by political influence rather than economic gain.

'Businessmen', Taoufiq Yacoub, previous director of IPSI, noted, 'appropriate channels for personal gain. But unlike for Berlusconi, these don't make them money'. The media market in Tunisia is small, and the controlled policy of public advertising distribution based on allegiance during the Ben Ali years adversely affected the growth of the commercial industry, which remained embryonic – as it was seen as too risky to develop commitments in a market that was so highly politicised. Compared to the Moroccan market of 1060.7 million dinars in 2011, the Tunisian market was a paltry 145.3 million dinars. Worse, this small sector experienced a drop of 45.9% in 2011, due in part to the economic downturn and social tensions in the wake

of the revolution (INRIC 2012, 163). At the time, however, this was not an impediment to the industry, as private media companies thrived on political rather than economic factors.

The privatisation of the industry began in November 2003, when Mosaique FM, majority owned by Ben Ali's brother, Belhassan Traboulsi, opened its doors two years after a 2001 privatisation law. Radio Jawhara in Sousse and Hannibal TV, both majority owned by sons-in-law of Ben Ali, officially began transmitting in 2005. Radio Zeitouna for the Holy Qoran (owned by Ben Ali's nephew, Sakhr Materi) launched in 2007, and Nessma TV (51% owned by Nabil and Ghazi Karoui, 25% by film magnate Tarak Ben Amar, and 24% by Berlusconi's media holding company) in 2009. The pattern of privatisation mirrored that in Algeria, where private media firms contributed little variance in output, but served as a highly effective means of sequestering financial revenue and cementing political linkages between connected elites and the ruling family, without any need for fiscal or operational transparency (Mostefaoui 2014, 65–66). Indeed, INRIC reported the shocking fact that private radios received a total of 25.1 million dinars of public investment per year, compared to the public radio, which received only 2.5 million dinars a year (INRIC 2012, 163–164).

Although licenses were required by law to launch any audio-visual channel, as well as payment of license and equipment fees and taxes, these were largely ignored in the Ben Ali years when setting up new private companies (Amnesty International 2005). The case of Hannibal TV is illustrative: It received a three-year exemption from tax owed to the state (worth 2 million dinars annually), a two-year exemption from fees for transmitters levied by the Office of National Transmission (equivalent to almost 1 million dinars), and its production company, AVIP, was relieved of all customs duties and VAT on imported equipment (INRIC 2012, 118–119; IPDC 2012, 53).

Although the Ben Ali family holdings were seized by the post-revolution government, companies owned by members of the inner elite, including Mosaique FM, Jawhara FM, and Nessma TV, remained untouched. Their functionality and financial health in a market no longer providing what in effect were special subsidies and dispensations of the Ben Ali years, however, have been seriously reduced. As pointed out by Amel Mzabi, director of the Syndicate of Tunisian Media Proprietors (STMD), everyone is losing money and in the red, except for Mosaique FM, the largest radio station, despite the loss of its previous annual government subsidy of 11.6 million dinars.<sup>39</sup> Mzabi, editor of a small glossy business magazine, whose family owns Renault and is a major shareholder of Mosaique FM, is the strongest public detractor of HAICA, condemning it for being oblivious to the economic demands faced by media owners. Closely aligned to UTICA, the Union of Industry, Commerce and Handicrafts representing the enterprise owners - and before Ben Ali's fall, an opaque oasis of government-commercial relations, the syndicate has obstructed efforts by the SNJT to apply existing labour laws, and establish editorial boards, as well as separate media management from editorial decisionmaking. Mzabi rightly argues that advertising has diminished, and claims that in the current business climate, the private media companies cannot afford the additional costs represented by the journalists' demands for contracted pay.

Yet, the business practices of the proprietors have remained largely unchanged, a legacy that reflects the non-linear progress that is a feature of hybridity. The reasons are several. First, the owners previously operated in a false, beneficent business setting, and hence have little experience managing companies in an unprotected market. Value for money, audience share, and competition had no place in the Ben Ali years, with the result that 'no one had economic experience, no one', according to Mohamed Robana, director and owner of Radio Oxygène in Bizerte, a town northwest of Tunis. Likewise, no one had accurate audience numbers upon which advertising

rates could be based as polling agencies, such as Sigma and MediaScan, allegedly were covertly paid to raise audience figures. This important gap in the market began to be addressed only in mid-2014 through the establishment of a new Tunisian Ratings Agency (ATA).<sup>41</sup>

Second, there were few restrictions on ownership, which meant television proprietors tended to own related businesses including advertising, production, and polling companies. Nessma TV, for example, is part of Karoui & Karoui, which, according to its website, includes Karoui & Karoui Advertising, the designer of winning campaigns for Danone, Tunisie Telecom, and Proctor & Gamble, three of the largest advertisers in the Tunisian market, and all of which appear on Nessma TV programmes. The conglomerate, which includes a production company, an entertainment subsidiary, a music booking and talent company, and a bill-board advertising company, claims it has a strong presence in Algeria, Morocco, and elsewhere in the Maghreb. However, the news page on the website has not been updated since 2009; In 2013, the company was forced to close its 'Nessma Green' channel in Algeria due to financial difficulties, and in 2014 Nessma TV was reported to have made no income for the third year running.

Yet, like others, it continues to operate apparently unaffected by its deficits, a testament to the fact that in Tunisia, the media companies are valuable not because they make their owners a living wage, but because they can provide their proprietors political benefits (Mungiu-Pippidi 2012, 36). Most of the large private media companies are only one small part of much larger private corporate holdings, and considered a worthwhile investment, even if a constantly losing one. In early 2014, Nabil Karoui, owner/director of Nessma TV launched a political party, Tahia Tounes, or Live Tunisia. Hannibal TV recently saw a new investor, Tarak Kadada, sink the equivalent of \$45 million, for 49% ownership, into an enterprise that has little chance of garnering more market share than it already commands, and hence of warranting that level of investment. Yet, it may in his view have been a good political rather than economic move, as Hannibal's proprietor, Larbi Nasra, unchanged from the Ben Ali years and still owner of 49%, launched a new party, the Republican Front, in early 2014. Another example of a media-political party director is Al-Janoubia TV's, Mohamed Ayachi Ajoudi (Haddaoui 2014).

The mixing of politics and media ownership is not confined to the secular media however, and reflects incoming elites' engagement in informal practices of economic cum political power building. The young founder of al-Zeitouna TV, Oussama Ben Salem, son of the previous Ennahda Minister of Higher Education and Technology, Moncef Ben Salem, is engaged in such a game. Having launched a 'conservative alternative to the other media', with no apparent source of funds save the 'generosity of friends', Ben Salem (the younger) is a member of the Ennahda party leadership, the *shura*. 46

These instances point to a characteristic of thwarted democratic progress, in which 'proximity to the centre is the requirement', unlike universalism, where impartiality, and equality, is the expectation (Mungiu-Pippidi 2012, 38). By making political deals and promoting particularist agendas, the society becomes one 'in which the struggle is to join a group, rather than to change the social rules'.

To be the owner of a media company and primary actor in a political party goes against the specific rules of the Cahiers de Charge. However, so far HAICA has not brought charges against a single media proprietor for establishing a political party. The Cahiers require each media owner to sign a convention of agreement with HAICA to legalise their operations and licensing, something that Oxygène's Robana, who is also director of the Syndicate of Radio Owners (SRO), does not see as discretionary. Although he does not support all the rules and specifications within the Cahiers, he expressed the view that the best way forward was to sign up and then see what worked and what did not. 'I don't support the idea', he said, 'of running the pro-

gramming past them [HAICA] before changing a radio programme – from agriculture to music, for example'. <sup>47</sup> But, he added, 'when we speak about media liberty, the structure, which HAICA has to provide, is primary. Regulations will create a market that ensures there are no pirates. The specifics will naturally adapt over time'. Indeed, the Cahiers have already had minor changes made to them in response to stakeholder input.

Robana's Syndicate represents only a small group of independent radio owners, and has not been joined by the heavyweights, including Mosaique FM or Jawhara in Sousse. Yet the Independent Radio Syndicate constitutes HAICA's only constituency among the proprietors, suggesting the latter enjoys insufficient embedded power to impose the rules it has developed. However, players such as Ngiz Amor, owner of Sabra FM, an increasingly prominent regional radio in Keroaun, who is a member of STMD, sees HAICA's Cahiers as an important development and views his role within the STMD as a voice to convince it to cooperate with rather than obstruct HAICA's activities.<sup>48</sup>

Nonetheless, none of the private owners who are members of Mzabi's STMD have signed agreements with HAICA and instead are behind the so far unsuccessful efforts to test the Cahiers in court, rather than in the course of business. Even Shems FM, despite being in government hands, and ostensibly, required to meet legal requirements, such as coordination with a constitutionally mandated sector regulator has deferred. In February 2013, Boukadous convened a roundtable calling for a Proprietor's Code of Honour in order to create a new culture in which the owners would participate with the professional syndicates, to promote and protect the liberation of the press (Haddaoui 2014). In April 2014, Mzabi's STMD formally rejected the Cahiers in a meeting with Prime Minister Mehdi Jomaa, and subsequently brought a case against HAICA's requirement to sign up to the regulations, before the Administrative Court. When the Court ruled in favour of HAICA, the STMD remained undeterred. Its representative to HAICA, Mohsen Riahi, resigned citing irregularities and illegalities in HACIA's conduct. Soon after, the syndicate put out a statement declaring that none of its members would sign agreements with HAICA, and instead would wait until after the national elections, when a new HAICA, elected by the parliament would be instated (Le syndicat tunisien des dirigeants de médias révolté contre la HAICA 2014). The power of the STMD, not only to flout HAICA's regulations, but equally to refuse to recognise the ruling of the Court illustrates the hybrid and uneven nature of the situation prevailing in Tunisia, where the judicial decision reflects new elite norms of democracy, but where the force to apply the rule of law is lacking. Instead, the STMD's actions indicate it feels it can count on networks of support within existing party structures, the business establishment and crucially, the government, to enable its members to continue operating unhindered by the legally mandated regulations that prohibit media companies from founding and funding political parties, engaging in monopolistic practices, exploiting their journalists, and operating without opening their finances to official audit. They are not concerned the police will shutter their institutions, or that the Ministry of Finance will levy fines and fees, until they comply. Indeed, Nabil Karoui of Nessma TV was quoted in an article in Foreign Policy, saying 'HAICA is a joke!', and that it would not survive the elections (Aliriza 2014).

HAICA struck back, condemning several television programmes for breach of ethics, among them the highly popular Ettounsia TV, owned by another media baron, Slim Riahi, which it fined for presenting a sensationalist and damaging personal story; and Nessma TV, which it demanded shut down one of its regular programmes on grounds it had promoted terrorism by interviewing in a positive light a member of a Libyan jihadist militia. In these cases, HAICA's authority prevailed; Ettounsia paid up, and Nessma TV presented a public apology. Yet the trend line is ominous, as it suggests that the polarisation between the new elite of lawyers,

human rights activists, and others constructing a democratic process, and the old elites bent on protecting informal rules and partisan practices is becoming acute, not only in the media field, but in the rule of law, and the politics of party-based elections. Unless HAICA and the SNJT can develop a strategic narrative to achieve power conversion, what Roselle, Miskimmon, and O'Laughlin describe as 'soft power assets... promoted and publicised to target audiences for instrumental purposes', the breach will only widen (Roselle, Miskimmon, and O'Laughlin 2014, 73).

#### Conclusion

Polarisation has marked the Tunisian media landscape - as it has marked other sectors - since the revolution. Yet, as time has gone by, and old elite groups have consolidated power in the aftermath of Ben Ali's departure, bringing together corporate, Nahdaoui, and government networks of privilege, they have become more courageous in obstructing democratic moves by incoming elites less well embedded in party and government organisations. The new Constitution, statutes, and laws that relate to the media are being increasingly tested. HAICA has won several battles. But its sister organisation, the SNJT, and the corps of largely disorganised, and fragmented journalists that provide the strongest constituency for these bodies have not made their case in the public square sufficiently powerful to ensure they gain the support of political parties and government officials to ensure they will win the war. 'Power conversion strategies turn out to be the critical variable that does not receive enough attention' according to soft-power specialist Joseph Nye, Jr., who points to 'the skills of the agent in converting the resources [of the media, universities and citizens, among others] into behavioural outcomes' that can work towards constructing national objectives (Nye 2011, 10-11). Yet, as Ottoway observes, power generation for incoming, free-floating elite leadership groups often remains elusive as these actors are frequently more embedded in the international milieu of democracy advocates than in their own domestic population. Further, they have a tendency to express their ideals 'as a combination of abstract principles, formal political processes and highly technical reforms', a discourse that usually fails to inspire support on the ground (Ottoway 2003, 178).

Yet, to be located within the media field gives the prodemocracy elites a valuable instrument to communicate within the public sphere and define a social milieu of public interest that plays on the expectations, even passions of the citizenry. Unfortunately, it is an instrument too often ignored as a means to promote their agendas or inform the very constituencies they are attempting to defend about the rights that are at risk. Though admirably idealistic, legalistic, and moral, the advocates of the democratic process therefore remain by and large free-floating, without the necessary embeddedness that links their ideals to the power represented by a broad political and social base, or strong party apparatus. For many of the actors among these elites, translating philosophy into passion to compete successfully against self-interested groups seeking to consolidate authoritarian practices appears a betrayal of their principles — as many do not see their role as 'political' but idealistically administrative. Yet, lacking a sufficient set of social powerbases will condemn their agendas to remain on paper. As Ottoway suggests, 'one of the factors leading to semi-authoritarianism is the fact that democratic elites are not embedded but free-floating, while embedded elites are not democratic' (Ottoway 2003, 181). The outcome, in which both win partially, is political hybridity, a social loss.

In Tunisia, the mediascape has changed radically over the past three years, with substantial gains strikingly visible in the level of television news audiences, the range of reporting across all platforms, the drop in self-censorship, the rise in audio-visual and press outlets, and the

passion (and ferocity) with which media laws and structures are being contested by both new and old elites. The uneven pace of change, reflecting a performative transition marked by enormous functional swings in both the private and public media sectors, suggests that the process being experienced in Tunisia is engaging fundamental aspects of its social and communicative structures. As both private and public media are by definition public consumables, their output competes not only against other media in the field, but in the court of public opinion. That court is one that began in revolution, and currently is the site of significant contests over power. As the paths of media and democracy evolution are tightly entwined, the success (or failure) of the one will affect the other. Yet, it is worth remembering, during this ongoing period of flux, that today, there is an active public sphere where three years ago there was none.

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#### **Notes**

- 1. For a review of other sectors, see Bertelsmann Transition Index (2014) Tunisia Country Report.pdf
- 2. http://www.tunisia-live.net/2013/05/03/on-international-press-freedom-day-progress-for-local-media/
- 3 Ibid
- 4. Analysis in this article draws from over 100 interviews conducted in Tunisia between September 2013 and June 2014 which included journalists, bloggers, web-activists, media owners, academics, pollsters, advertisers, and other media agencies, media lawyers, editors, talk-show hosts, media regulators, and many others in the field.
- BBC ActionTunisia\_research\_summary\_Oct 2013.pdf; www.bbc.co.uk/mediaaction/publicationsandpress/ policy\_media\_iraq.html; Sigma Media Scan (2013); Harris Interactive Inc. Northwestern University of Qatar (2013).
- 6. Riadh Ferjani, HAICA, interview with author, 08/04/2014, Tunis.
- 7. Nouri Lajmi, head of HAICA; interview with author, 10/11/2013.
- 8. Ottoway (2003, 171) argues that in the past, state formation preceded democratic transformation, a situation no longer necessarily the case in many nations undergoing political change, sparked not least because they are failed or semi-formed states where the process is on-going. For a media theoretical perspective, see John Corner (2011).
- 9. Ibid. 176; IFIT (2013).
- 10. See also Bertelsmann Transition Index (2014) Tunisia Country Report.pdf, 22.
- 11. Edward Said's notion of the 'contrapuntal', in which 'various themes play off one another, with only a provisional privilege being given to any particular one; yet in the resulting polyphony there is a concert and order' (Said 1994) is particularly apt here and has inspired other scholars to utilise the concept to understand analytical problems (Chadwick 2013, 10).
- 12. Eve Sabagh, Director, BBC Media Action, interview with author, 22/10/2013, Tunis.
- 13. Chokhri Ben Nasir interview with author, 20/11/2013.
- 14. Amel Smaoui-Zampol, interview with author, 14/10/2013.
- El-Issawi (2012).
- 16. Author interview with member of the financial committee of the political party Ettekatol, one of the three parties composing the then Troika government; Tunis, 10/04/2013; Rijkers, Freund, and Nucifora (2014, 36, Table A1).
- 17. SNJT, 2014 Annual Report (Tunis), January.
- 18. Néjiba Hamrouni, SNJT, interview with author, 24/01/2014.
- 19. Najib Bghouri, SNJT, interview with author, 30/04/2014.
- 20. Fahim Boukadous, interview with author, 22/01/2014; Mohamed Hamrouni, interview with author, 22/10/2013.
- 21. Lotfi Hajji, *al-Jazeera*, interview with author 21/01/2014. In 2008, Ben-Ali set up a journalists' Syndicate as a parallel organization to split member loyalties, play on their fears, and 'sideline us', according to Hajji.

24. Ibid.

However, the ploy failed, when independent journalists took over the syndicate, elected Najib Bghouri director, and merged the two bodies, creating the independent organization it is today.

- 22. Interview Lotfi Hajji, 21/01/2014.
- 23. Saif Sadrif, Producer Wataniyya 1, interview with author, 19/10/2013, Tunis.
- 25. Ottoway (2003, 166); interview Lotfi Hajji 21/01/2104.
- 26. Interview Saif Sadri, Wataniyya 1, 19/10/2013.
- 27. Eve Sabagh, BBC Media Action, interview with author, 22/10/2013.
- 28. Moncef Cheikhroukou, National Constituent Assembly Representative, interview with author, 02/06/2014.
- 29. Walid Tlili, National Radio, interview with author, 08/04/2014; Nadia Haddaoui, al-Nawaat, interview with author 30/04/2014.
- 30. Neji Zairi, programme director, Mosaique FM, interview with author, 20/10/2013.
- 31. Hichem Snoussi, HAICA, interview with author, 01/05/2014.
- 32. 'Pour la HAICA, il y a urgence de nommer les premiers responsables de l'ERTT' (08/05/2014) http://www. webmanagercenter.com/actualite/societe/2014/05/08/149839/tunisie-medias-pour-la-haica-il-y-a-urgence-de-nommerles-premiers-responsables-de-l-ertt
- 33. Fathi Raius, National Radio Service, Radio Kef, interview with author, 30/05/2014.
- 34. Jamel Delalli, TNN, interview with author, 17/11/2013.
- 35. Eve Sabagh, BBC Media Action, interview with author, 22/10/2013; for the BBC Action report on media in Iraq, see Awad and Eaton 2013.
- 36. Hichem Snoussi, interview, 01/05/2014.
- 37. Fahim Boukadous, CTLP, interview with author, 22/01/2014.
- 38. Hamza Belloumi, Shems FM, interview with author, 24/10/2013.
- 39. Amel Mzabi, Syndicate of Tunisian Media Proprietors (STMD), interview with author, 25/04/2014; INRIC, 163.
- 40. Mohamed Robana, Radio Oxygène, interview with author, 01/05/2014; Rijkers, Freund, and Nucifora (2014).
- 41. Samy Kallel, BJKA Polling, interview with author, 23/10/2013; Afif Chihaoui, SAPA, Makan Advertising, interview with author, 01/05/2014; Maher Ben Salem, ATA, interview with author 28/04/2014.
- 42. http://www.karouikaroui.com/en/advertising/; the offerings of Karoui & Karoui advertising, according to the website, and presented in English, include creative services, strategic planning, media planning and buying, brand management and above and below the line operations.
- 43. http://www.karouikaroui.com/en/presentation.php
- 44. http://www.karouikaroui.com/en/news.php
- 45. Maghreb Emergent (2014). http://www.maghrebemergent.com/component/k2/item/33587-nessma-tv-quitte-lalgerie-ses-annonceurs-volatiles-et-ses-verrous-stables.html
- 46. 'Tunisia: Ennahda against Jebali's technocrats' cabinet plan (2013); Oussama Ben Salem, Zeitouna TV, interview with author, 23/01/2013.
- 47. Mohamed Robana, interview, 01/05/2014.
- 48. Ngiz Amor, Sabra FM, interview with author, Kerouan, 29/05/2013.

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