

Tunisian Women in the “Arab Spring”: The Singularity of Article 46 in the 2014 Constitution

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Introduction

The “Arab Spring” that began in Tunisia has provided the context for women to gain a number of victories. The adoption of the parity law, for which women have been struggling for more than two decades, opened the door of the Constituent Assembly to women wearing the *hijab* who had been previously excluded from participating in public life and formal politics, and enabled women to participate in writing the new Constitution. Tunisia lifted its reservations to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 2014. Finally, the government voted for Article 46 of the 2014 Constitution, which affirms women’s rights and obliges the State to take the steps necessary to consolidate these rights, to guarantee equality of opportunity between men and women to attain decision-making positions, to achieve parity between women and men in elected bodies, and to eradicate violence against women. How did this happen? How can we explain the singular nature of these achievements? My discussion here will look back on women’s struggles in Tunisia to see how they moved the country towards adopting Article 46 of the 2014 Tunisian Constitution.

For this discussion I use an anthropological approach that takes into account historical, psychological, and legal materials in an effort to understand how Islamic legal limits (*hudud*) have been reinterpreted for the three Tunisian constitutions of 1861, 1959, and 2014. I am interested in the contexts and tensions surrounding these constitutions, each of which carries with it ideals and testifies to the circumstances of the time. I also use for this discussion life histories that I collected from historical figures in the Tunisian women’s movement who were active from the 1930s into the 1950s, as well as my own observations of the contemporary Tunisian women’s movement from the 1970s up to the present. Analyzing the discourse and practice of these women and women’s groups will help us understand the contribution of women to the construction of values and norms that were formerly the exclusive domain of the *ulama* (i.e. Muslim scholars or religious leaders) and the *fuqaha’* (experts in Islamic jurisprudence), women’s participation in the process of the secularization of society and in the reinterpretation of religious thought, and women’s struggles against despotism and for democracy (Labidi, 2009c).

The studies that inform my interpretation are by writers who have shown how the secularization process varies according to given historical contexts and political forces. Some have pointed out that the separation between the state and religion is far from evident, even in those that call themselves “secular”. Others focused on the necessity to affirm the institutional separation between Islam and the state.

In the first section of this paper I will look at some research on the process of secularization in countries with experiences similar to Tunisia’s colonial occupation, and the roles played by the state and social groups to promote women’s rights. This will help me outline the contexts and forces at play in this process. In the second section I will explore some historical events, including the previous constitutions of 1861 and 1959, in order to understand what motivated women to rise up against colonialism and patriarchy, and how women participated in the construction of new *hudud*/values, leading, in the Tunisian context, to the promulgation of the Personal Status Code (PSC) in 1956 which gave significant rights to women. In the third section I will focus on negotiations over these legal limits (*hudud*), which will come to express new values, focusing on several events taking place between the 1970s and the “Arab Spring” that started in 2010, in order to understand how feminists, both secular and Islamist – all of whom educated in the national university system, formulate their positions on questions such as the freedom of conscience and the constitutionalization of women’s rights.

Context and Secularization

For Himanshu Roy, secularism in the West took the form of protest by the oppressed against the theocratic state and for individual liberty, and it was capitalist merchants who, in a context of the expansion of capitalism and commerce, developed secularism while minorities continued to be divided in states that remained, in essence, theocratic. Roy also discusses how, in India, the secularism that arrived via colonial capitalism facilitated the process of segregation and division among groups, with electoral practice continuing and sometimes reinforcing this process (Roy, 2006, p. 164). In looking at the relationship between society, religion, and the state, Mondher Kilani notes that even in France, “a country that is officially ‘*laïc*’, the separation between Church and State is not always clear” (Kilani, 2003, p. 69).

Talal Asad (1993 and 2003), author of several books on Islam and secularism,¹ puts forward some definitions that can help us understand the work undertaken by Tunisian reformers and women’s movements. He says, for example, “I wish only to point to the fact that religion as a category is constantly being defined within social and historical contexts [...] People use particular conceptions of religion in social life...”. On the subject of secularism, Asad asserts:

Secularism as a political doctrine [...] [is] very closely connected to the formation of religion itself, as the ‘other’ of a religious order. It is precisely in a secular state – which is supposed to be totally separated from religion – that it is essential for state law to define, again and again, what genuine religion is, and where its boundaries should properly be [...]. The state is not that separate. Paradoxically, modern politics cannot really be separated from religion as the vulgar version of secularism argues it should be – with religion having its own sphere and politics its

own. The state (a political entity/realm) has the function of defining the acceptable public face of 'religion.' (N. Shaikh, personal communication)²

Eqbal Ahmad, who worked in Algeria with Frantz Fanon, asserts the need to separate *Shari'a* from the state:

According to my own reading of Islam, there is nothing like a concept of the Islamic state. Rather, what the Qur'an talks about is Islamic politics, politics conducted in accordance with the spirit of Islam. And this means a politics characterized, above all, by a spirit of justice, equality and social concern [...] The Prophet permitted his followers to consult each other in matters of warfare and politics, on the grounds that there could be no fixed, hard-and-fast methods in these matters. Hence, Islamic politics is a far cry from the static, rigid models [...] As the Qur'an says, all people have the right to follow the religion of their own choice or no religion for that matter, and so there can be no compulsion in matters of faith. A true Islamic politics would work to guarantee this freedom, not to stifle it. (Y. Sikand, personal communication)³

In the Maghreb the process of secularization varies according to context and political system. Khalifa Chater considers that secularism was out of the question during the pre-colonial and colonial eras in Tunisia (Chater, 2010). Malika Zeghal points out how the secular world is no longer defined by the opposition between the sacred and the profane and the shrinking of the religious sphere, but by the state taking on functions that had traditionally been filled by the church. She notes that in the Tunisian case, when Habib Bourguiba wished to carry out his secularizing and modernizing project, he had to reform the religious institutions to put them under the control of the state, but when political challenges arose in the 1960s he quickly had recourse to religious symbolism, as he had done during the colonial period when he defended the *hijab* and led a campaign against burying Muslims who had become naturalized French citizens in Muslim cemeteries. Zeghal's study emphasizes the recourse to religion in public and state spheres and concludes that secularization occurs whenever there is no competition among interpretations of the sacred, in the production of religious materials, and when the political sphere is controlled by the state, with religion having little or no influence (Zeghal, 1999, pp. 95 and 89). Her interpretation is put forward in response to Franck Frégosi, who focused on what he called "gallicanisme bourguibien" – the subordination of religious institutions to the state – and on the role of Zine el-Abidine Ben Ali, and how neither Bourguiba nor Ben Ali truly envisaged a "logic of secularization" (Frégosi, 2005, pp. 30 and 31). A recent text by Lahcen Oulhaj shows how the coming to power of the conservative Islamic party, the Justice and Development Party (PJD), in Morocco has not affected the process of secularization at all, given the country's choice of a constitutional monarchy that recognizes political pluralism and linguistic, cultural, and religious diversity (Oulhaj, 2013, p. 45).

The Turkish experience is very relevant here, for this country occupies a privileged place in the imagination of both liberal and Islamist elites. This is highlighted in a study carried out by Umut Azak in which she shows how, in a society characterized by political pluralism, the elites may not agree on their understanding of secularism and may engage in public debate on this issue. Since 1937, when secularism became one of

the six principles of the Turkish republic, the principle of secularism has been a theme that appears consistently in public debate and, since the pluralist democratic transition of 1946, the critique of secularism resulted in a competition between various visions, sharpening public opinion and political debate over questions like education and religious freedom. For Azak, the public debate over the prohibition against the calling for prayer led to the reproduction, reformulation, and questioning of the Kemalist secularist discourse. In this context the discussion pursued by the intellectual elite was an example of a civic discussion on a state policy that limited religious liberties in the name of secularism, promoting a “pure Turkish Islam” related to the pre-Republican ideology formulated by Ziya Gökalp at the start of the 1900s. This reading enables the author to show the role played by nationalist conservative intellectuals like Basgil, who sought to free the Islam of the Sunni masses from repressive secularist policies, thus defying Kemalist secularism and forcing the intellectuals to reformulate their vision of a secularism that protected pure Turkish Islam from an impure and reactionary Islam (Azak, 2012, pp. 59, 61, 64, and 73).

Recently, Alev Cinar addressed the controversy in Turkey over the *hijab* showing how, while the *hijab* has given Islam a presence in public space, it limited women who wore it to a symbolic presence. She brings forward the testimony of several women who wear the *hijab*, illustrating how this led to stifling their careers. The lawyer Gonul Arslan recounts how she was a victim of negative discrimination from secularists who showed their disdain for such dress code, and also experienced positive discrimination from Islamists who chose her for their party because she wore the *hijab*. Sibel Eraslen, who wears the *hijab*, is the former leader of the Women’s Committee of the Refah Party, and organized her party’s campaign in Istanbul for the local elections of 1994, was denied a position in the city administration, and she and her colleagues also found themselves eliminated from the committee and replaced by the wives and daughters of party officials. There is also the case of Islamist women intellectuals who have been excluded from conferences, seminars, and panels, where the invited Western women researchers can discuss diverse subjects dealing with politics, law, the arts, etc., but where the Islamist women are limited to themes like women and the family. These cases and others allow Alev Cinar to draw a parallel between the years when secularism was founded upon constructing a new national conscience via women’s unveiled bodies in the public sphere, and the 1990s, when Islamists introduced a new national identity by constructing and manipulating the image of Muslim women in public space, this time by covering their bodies (Cinar, 2008, pp. 907, 908, & 910).

What means do women have to defend their rights, when they live in societies where religious belief is subject to radical interpretations? To answer this question Gunes Murat Tezcur looks at the relations between secularism, liberalism, and democracy in non-secular societies and the means that women possess to prevent tyranny and protect individual rights, and concludes that it is necessary to constitutionalize these rights (Tezcur, 2007). Among the lessons we can learn from these studies is that the process of secularization appears to vary according to context and the current religious and political forces, that women’s bodies are at the center of the protagonists’ visions (whether the protagonists are religious or secularists), and that the constitutionalization of women’s rights emerges in situations of struggle between different political forces.

Women's Struggles Against Patriarchy and Colonialism in Tunisia

The women's movement in Tunisia has its origins in debates over education and rights that began in the middle of the nineteenth century with the reform of military education in 1840 (Sraieb, 1993), the introduction of the decree relating to the emancipation of slaves in 1846, and the appearance of a work by Ibn Abi Ad-Diyaf (1804-1874) entitled *risalah fi al-mar'a* (The Epistle on Woman), published in 1856. This work, based on Islamic jurisprudence, provided the author's response to questions raised by France's General Consul in Tunisia, Léon Roches, regarding the private and public role of women, and preceded the promulgation of the Fundamental Pact (*ahd al-aman*) in 1857 that aimed to ensure the security of Tunisians and award privileges to foreigners in Tunisia. The first constitution in the Arab-Muslim world, published in Tunisia in 1861, was inspired by the Ottoman constitution ("*ettandimet*") and guaranteed freedom and equality for Tunisian subjects, regardless of the religious community to which they belonged.

The 1861 Constitution, which comprises 13 sections and 114 articles, is a key document for understanding the nature of the debate over equality and the tensions around the distinction between private and public. The first section has 8 articles and is devoted to the Bey's family, with women mentioned in half the articles and the family presented as the ideal type of family. Article 3 of the 1861 constitution defines the role of the "Head of State" who

(...) is at the same time the head of the ruling family and also represents the image of the father for Tunisians. He has full authority over all the princes and princesses who compose the family, so that none of these can dispose of his/her own person or possessions without his consent. He has a father's authority over them and owes to them the treatment due their status.

In the case of crimes committed by members of the family, Article 8 stipulates that they will not be judged by ordinary tribunals and that the Head of State may order "the application or commutation of the punishment". These rules recall customary family practices where the father, brother, or by default the uncle, can decide what penalty to apply for certain crimes, such as honor crimes (these became very rare in Tunisia by the 1980s and a 1993 law criminalized honor crimes, no matter who their author was, and qualified them simply as crimes).

Sections I and XII demarcate the private and the public. Chapter XII, entitled "On the rights and duties of subjects of the Tunisian kingdom", comprises 29 articles (Articles 86 to 114) and is inspired by human rights notions. Article 86 emphasizes the rights of subjects, whatever their religion, to have full security regarding their persons, their property, and their honor. Article 87 asserts the right of subjects to denounce offenses, even when they are not themselves the injured party. Article 88 stipulates that all subjects are equal before the law regardless of their status or position. Article 89 guarantees the freedom to dispose of one's goods and person. Article 92 says that all expatriate Tunisians, naturalized abroad, become "Tunisian subjects as soon as they enter the Kingdom of Tunis".

The context surrounding the Fundamental Pact (*ahd al-aman*) and the first Constitution was dominated by economic and political difficulties. On the one hand, the dwindling

of public finances put the State in great need of money and obliged it to sell authorizations to export goods like oil, soap, lye, wheat, barley, sponge, octopus, sheep and cows, wool, skins, and poppy, in order to reduce the budget deficit. Worsening living conditions in rural areas pushed people to mortgage possessions at very high rates of indebtedness. Between 1829 and 1860 there was a significant increase in the number of French, Italian, Spanish, Greek, Maltese, and English merchants, whose activities in commerce and finance were motivated more by profit than the desire to modernize production structures. And we should not forget the meddling of the European powers in Tunisian affairs, a meddling that was ambiguous and perverse, in the words of Béatrice Hibou (2009). All these factors help explain why Habib Bourguiba called The Fundamental Pact of 1857 scandalous at the speech he gave before the Constituent Assembly on 1 June 1959.

On the other hand, political pressures existed on several levels. Bonaparte's expedition to Egypt in 1798 and the occupation of Algiers in 1830, as well as other European expeditions in the region, dominated the societal imaginary and raised awareness of the disparity in military power between European nations and the Maghreb. Pressure was put on the Bey by European countries, for example by Consul Richard Wood of England and by the French consul Léon Roche, stressing the need for reforms such as those undertaken by Turkey and then, as these reforms were delayed, threatening the Bey with naval attacks and with the threat of being deposed.⁴

Moreover, the population did not see itself in the 1861 Constitution for two reasons. The first was the marginalization of Islam. The second concerned the primacy awarded to janissaries (members of the Turkish infantry forming the Sultan's guard between the 14th and 19th centuries) over the indigenous population – an aspect that caused much discontent. Dissatisfaction with this was so strong that it led to an insurrection in 1864 headed by Ali Ben Ghedahem, called “the people's Bey”, who succeeded in uniting many tribes around him. After this revolt the Constitution was suspended. A number of historians have shown how both The Fundamental Pact and the 1861 Constitution were also sources of domination. For example, for Moustapha Kraiem, whereas the Fundamental Pact and the first Constitution are the “first translations of the principles of equality before the law and respect for human rights” (Kraiem, 1990), their actual functioning followed the model of a *shura* where its members were all coopted. The Epistle on Women, published in 1856 by Ibn Abi Ad-Diyaf, before the publication of the Fundamental Pact, is considered by the historian Béchir Tlili to be a fundamental text for understanding the history of feminism in Tunisia, in large part because, since this period, the Tunisian elite has undertaken a critical reconstruction of its basic institutions. While the Tunisian elite was closely following the suffragette movement in the Anglo-Saxon countries, France under Jules Ferry invaded Tunisia and the protectorate was established in 1881, putting a brake on the critical discussion of the condition of women.

The Tunisian elites had a heightened awareness of the psychological war that was being waged against them, with drawings and photographs undermining the community's values distributed via the press, postcards, and so on. Men were depicted as violent and women shown nude on book covers, even when these were books about hunting.⁵ Debates over the condition of women continued among intellectuals and

reformers in Tunisia and in the region. In Algeria in 1895 Muhammad Ben Moustapha Ben Khouaja published *al-iqtirath fi houkouk al-inath* (i.e. propositions for women's rights); in Egypt in 1899 Qassim Amin published *tahrir al-mar'a* (i.e. the liberation of women) and in 1901 *al-mar'a al-jadida* (the new woman). Abdelaziz Thalbi, the founder in 1920 of the Tunisian Liberal Constitutional Party or Destour, was sentenced to two months in prison in 1904 for his reformist positions and his campaign against Muslim preachers (Chater, 2010). He published in 1905, along with two European authors, *L'esprit libéral du Coran* (the liberal spirit of the Qur'an) where he protested against the *hijab* and the seclusion of women.

A. Women Demonstrate

Towards the end of the nineteenth century the circulation of women in public space, which had been limited to visits to the *hammam* (public baths), to family, and to the cemetery, became more visible. Also, between 1892 and 1939, almost 600 biographies of women were published in Egypt by authors of both sexes. Women's magazines and newspapers appeared in a number of Maghreb and Mashreq countries. Princess Nazli Fadhel Pacha of Egypt (1853-1913),⁶ who was the widow of Khalil Chérif Pacha, Ottoman Minister for Foreign Affairs, and who held a literary salon in Egypt, remarried in 1900 the Tunisian Khelil Bouhageb. Bouhageb was a member of the management committee of the Khaldounia – an institution where science and new forms of knowledge were discussed – and who became Tunisian Minister of Culture (then called *Ministre de la Plume*) in 1922. Princess Nazli started a literary salon in 1907 in La Marsa, a suburb of Tunis, that was frequented by the new elite of reformists, writers, and journalists, among them Ali Bach Hamba, director of the *l'Hebdomadaire Tunisien* (i.e. the Tunisian weekly).

While women in a number of countries worldwide were successful in their struggles to gain the right to vote and became members of parliament, Tunisians and women throughout the Arab world continued their struggles against patriarchy and colonialism. In 1911, Tunisian women participated in demonstrations over the Djellaz affair, demonstrations that opposed the French effort to officially register cemetery land, growing out of the population's concern that the French would then control how the land was used. In 1919 Safia Zaghloul, wife of Saad Zaghloul, a leading Egyptian political figure who became Prime Minister in 1924, led a demonstration of women in Cairo against colonialism. In 1923 the Egyptian feminist Hoda Sha'arawi, returning from Rome where she had been attending an international conference on the situation of women, joined other women in shedding the *khama* (a small veil that covers the lower part of the face). This event took place the same year that Kemal Ataturk founded the Turkish Republic and married the suffragette Latifa Ussaki, who had studied law in 1919 in Paris and London. In 1924, women raised the eligible marriageable age to 16 years in Egypt and Manoubia Ouertani, a Tunisian teacher, cast off her *khama* at a conference in Tunis on the women's situation, organized by the French socialists.

Another example, dating from the 1920s, illustrates the aim of the colonial power to put forward an emancipatory discourse even while keeping women under restrictions. In 1927, the French Resident-General in Tunisia addressed a letter to the French plenipotentiary minister in Egypt, Gaillard, to inform him that Tunisian feminists were

preparing to receive a visit from Hoda Sha'rawi, the well-known Egyptian feminist, to support their goal of women's emancipation. He asked Gaillard to refuse granting a passport to Sha'rawi, because her visit to Tunisia was undesirable in the current circumstances (the passport was delivered but Sha'rawi ended up not going to Tunisia). Such practices limited the development of a discussion on the situation of women, blocking its progress in certain cases, radicalizing it in others.

In 1928 Hédi Labidi (1911-1985), Tunisia's first journalist and essayist, published an article in the newspaper *As-Sawab*, in which he invited women to organize themselves in associations. One year later Habiba Menchari, a medical secretary in Tunis of Algerian origin, repeated Manoubia Ouertani's act of shedding her *hijab*, in a situation similar to Ouertani's, and this so angered Habib Bourguiba that he published an article titled "Le voile" (the veil) in the newspaper *l'Etendard*, affirming that the veil was an integral part of the Arab-Muslim personality, criticizing French socialists for holding such meetings, and stating his opposition to assimilation (he was probably also aware at this time of events in some of the Islamic republics of the USSR where young girls were killed by their parents for having taken off the *hijab*). Several historians agree that it was important for Bourguiba to emphasize and safeguard what he called "Tunisian identity," as it was viewed by the community.

Among the Tunisian feminist figures who joined the protests against the French naturalization of Tunisians and the burial of naturalized French citizens in Muslim cemeteries, were Bchira Ben Mrad and Chedlia Bouzgarou. The former was following the position of her father, a Zeitounian *shaykh* who had argued against naturalization; the latter went to families celebrating weddings and denounced *shaykhs* who had issued *fatwas* favoring naturalization. She also attempted to raise awareness of the consequences of such an act (Labidi, 2009b, pp. 33-74; pp.141-219) while presenting two types of Islam, one that was traditionalist and collaborating with the colonial power, and another that was emancipatory.

It was in this context that a book by the Zeitounian theologian, Tahar Haddad (1899-1935) – *imra'atuna fi ach-chariâ wal-mujtamaâ* (our women in Islamic legislation and society) – was published, appearing in 1930 at a time when the Eucharistic Congress at Carthage was taking place and the hundredth anniversary of French Algeria was being celebrated. This created a firestorm among the Zeitouna *ulama*, with Shaykh Mohamed Salah Ben Mrad, an important professor at the Zeitouna and Bchira Ben Mrad's father, refuting the work and in 1931 publishing a pamphlet entitled *Al-hidad 'ala imraatou Al Haddad* (i.e. mourning the woman of Haddad). Another author, not well-known, Amor Berri Medani, attacked Tahar Haddad in his book, *Sayfou al-hak 'ala man layara al-hak* (the sword of justice for he who knows nothing of justice). A profusion of criticism was unleashed against Tahar Haddad who, coming from the south and without support from the Zeitouna *ulama* who were closely connected to the Tunis elite, was supported only by a few writers and journalists. Isolated and prevented from practicing as a notary, Tahar Haddad died in 1935 following a lengthy illness and in complete solitude.

The year 1931 was also a year marked by heavy floods leading to considerable human and material losses, leading Wassila Ben Ammar and Néjiba Ben Mrad, in the following

year (when they were respectively 20 and 17 years old and were both unmarried) to found the Société des Dames Musulmanes (The society of Muslim Women) to help the victims, collecting funds and setting up a refuge and a clothing distribution center. A reception was organized in February 1932 under the auspices of the spouse of Resident General Manceron and the Bey's princess daughters in a residence in the medina where both Wassila Ben Ammar and Néjiba Ben Mrad spoke. Wassila Ben Ammar (who was much later to marry President Habib Bourguiba, in 1962) expressed her regret that The Society for Muslim Women was dominated by men and Néjiba Ben Mrad emphasized the compassion of Muslim women. The event was brought to a close with the naming of Fatma Guellaty as the Association's President. The press reported the association's activities in 1933 when, on the occasion of the *mouled* (the Muslim new year, marking the birth of the Prophet), Saida Ben Chedly (the wife of Othman Kaak)' and Bchira Ben Mrad gave speeches on the role of women in Islam. It should be noted here that all these women were related either by blood or marriage.

La Société de Dames Musulmanes, suspected of having privileged relations with the French Resident General in Tunisia, was increasingly ignored by Tunisian families. Bchira Ben Mrad, Néjiba Ben Mrad's sister, applied for an official permit in 1936 to form the Union des Femmes Musulmanes de Tunisie (UFMT), in order to show some independence from the colonial environment and avoid criticism from the Muslim community. The main leaders of this movement were the daughters of Shaykh Mohamed Salah Ben Mrad, their female cousins and other female relatives by marriage. Encouraged by her father, Bchira Ben Mrad explained her ideas and actions on the pages of the newspaper *Chems al-Islam* (The Sun of Islam) and organized concerts to collect funds to assist students from the Maghreb studying in France and to support Neo-Destour party activities. Among the early activities of this new organization was celebrating the return to Tunisia of the country's first woman doctor, Tawhida Ben Cheikh. Awarded a degree from the Medical Faculty of Paris, she became editor-in-chief of *Leila*, the first Tunisian feminist newspaper in the French language, published from 1936 to 1941. *Leila* provoked much controversy when Tunisians realized that among its writers were some Pères Blancs (a group of Christian missionaries, formally called Missionnaires d'Afrique, that was founded in Algeria in 1868). Fearing the influence this publication might have on their daughters, Tunisian families stopped supporting it and, after several years, it ceased publication (Labidi, 2007). Among the other women who joined the UFMT was Badra Ben Moustapha who, with her cousin Frida Agrebi, obtained degrees in 1936 from the Medical Faculty of Algiers and thus became the first certified Tunisian midwives. The second woman doctor was Hassiba Ghilleb, a pediatrician with a degree from the Medical Faculty of Paris, who began practicing in Tunisia in the early 1950s and in 1952 produced a report documenting rapes of Tunisian women in Tazarka by French soldiers.

The leadership of the UFMT sought to attract women with university degrees as representing a new breed of women. The organization's activities aimed to underline the intellectual qualities of its members, via the speeches they gave, the articles they wrote, and the songs and plays they presented at receptions. Bchira Ben Mrad, who frequented the Bey's palace as well as the French Residency, appealed to the Bey's princesses and to the Resident General's wife to sponsor the organization's activities, enabling her to obtain the necessary authorizations to hold UFMT gatherings. The

funds she collected served to finance Tunisian students abroad as well as the activities of nationalist activists. In 1938, three women (all related to Bchira Ben Mrad), all from the UMFT and close to the Zeitounians and to the Old Constitutional Party (le Vieux-Destour), founded l'Union Féminine (The Feminine Union). This organization, aiming to encourage girls' Islamic education and suspected of having a *wahhabi* orientation, did not receive official authorization.

Chedlia Bouzgarou, from a milieu distinct from the women mentioned above and whom we introduced earlier, distinguished herself in 1935 on the public stage and in formal politics and became a major figure in the struggle against colonialism. During one of the Bey's visits through the streets of the Medina, she succeeded in attracting his attention when, to question him about the fate of political prisoners who had been deported, she tricked him by moving among a number of different balconies, making him think that many people were calling to him about the condition of political militants. Her calls upset the Bey's ritual visit and attracted his attention, as well as that of the notables and journalists who were present, and led to full headlines in the press. In April 1938 she organized a small group of women into demonstrations that became legendary: at the arrival of Eric Labonne, France's Resident General in Tunisia, she managed to approach him and yell out, "Long live France, long live Tunisia, long live His Highness the Bey, long live M. Labonne, long live the Destour party, long live Bourguiba" (Habib Bourguiba was her maternal uncle). Several days later she again demonstrated, this time against the arrival of the new French Resident General Daladier. At each of these demonstrations Chedlia Bouzgarou and other women were arrested and sentenced to prison terms. Despite the difficulties and deprivations, whether in prison or outside it, she pursued the struggle, calling upon men and women to mobilize against colonialism and for freedom and independence, and she continued in this way until independence was achieved (Labidi, 2009b). The actions of the Section Féminine du Néo-Destour (The Women's Section of the New Constitutional Party), led by Chedlia Bouzgarou and other historic women figures, were dedicated to political action and to providing moral support for political prisoners and their families (Labidi, 2001).

Among the other movements was the Section Féminine des Jeunes Musulmans led by Souad El Khattech Neiffer, the wife of Mohamed Salah Neiffer, a Zeitounian shaykh. This group collected funds to support the educational and extra-curricular activities of children of modest circumstances, purchase school supplies, and pay salaries for teachers in l'Ecole de la Fille Musulmane. There was also the Union des Femmes de Tunisie (UFT), of a communist orientation, founded in 1944 by Charlotte Joulain, the widow of a French military man. The UFT succeeded in attracting a number of Tunisian women like Hafidha Darrage, Mongia Mouldi, Fatma Ben Romdhane, Fatma Mazigh, Kmar El Bahri, Saïda Ben Mohamed, and Khiari, Boujemâa, Azzouz and Ben Abdennebi (for whom we only have family names). The first Muslim Tunisian woman to lead this organization was Nebiha Ben Abdallah (wife of Dr. Ahmed Ben Miled), elected in 1951. In an interview I had with her in 1983, she told me how she was attracted by the dynamism of this organization, which had activities different from those of the UMFT, which seemed to her prone to setting up meetings for the women of the grand bourgeoisie. In contrast, the UFT's actions had a social character. In the beginning they were directed towards the families of French soldiers, later they targeted poor Tunisian families. UFT members provided health care, visited the sick,

installed water fountains in underprivileged neighborhoods, and showed cartoon films for children and films on health education for women. The final leadership committee was composed of Nebiha Ben Miled, Cherifa Saadaoui, Zohra Ben Slimane, Gladys Adda, Soufia Zouiten, Neyla Haddad, and Fatma Ben Brahim. There was also a section of the UFT called the Union des Jeunes Filles de Tunisie, which included women like Fatma Jellouli, Béatrice Slama, Jaqueline Sebbagh, Juliette Bessis, Khédija Mazigh, Fatma Manai, Beya Klai, Kalthoum Bouhafa – all of whom were secondary school students and some of whom were Jewish.

Bakhta Saddam founded the first girl scout section. And the Club de la Jeune Fille Zeitounienne was founded in 1954 and led by Tawhida Farhat, Safia Kehia, Zeinab Ouertani, and Fatma Ben Ali. In 1955 the first conference took place where women demanded social and political rights. It was organized by a group of women from the Tunis bourgeoisie. Alia Babou and Saida Sassi, under orders from Habib Bourguiba, boycotted the meeting and challenged the organizers regarding their use of French to communicate with Tunisians, given that the population was largely illiterate.⁸ Alia Babbou also evokes this incident in her memoirs (Babou, 2003).

B. Promulgation of the Personal Status Code

What did leading women figures think of Tahar Haddad? Bchira Ben Mrad, who fought for women's education and for raising the legal marriage age for women, approved of her father's negative view of the author and his work, judging that Haddad was not mature enough to understand and interpret the Qur'an. Nebiha Ben Miled, by contrast, received from her husband, Dr. Ahmed Ben Miled, a copy of Haddad's book as a wedding present. The book argued for the rights of women to work, to appear in public space, to be educated, etc. The activities of the Section Féminine des Jeunes Musulmans, led by Souad El-Khattech Neiffer, were an extension of Tahar Haddad's thought. As for Chedlia Bouzgarou, fully believing that women were equal to men, she did not express her views on the subject, preferring to pursue her own activism.

Starting at the end of the 1940s, men increasingly called upon their wives, sisters, nieces, aunts, and daughters, to read speeches and to engage in the struggle against colonialism. In Tunisia, the women activists of the large cities, sometimes in competition with one another, would go to places like Nabeul, Sfax, and Béja, to hold meetings with women and to sensitize the population on the harms of colonialism.

The final years of the struggle against colonialism saw tensions among a variety of groups. Within the nationalist movement there were two main approaches at odds over the best path toward independence: one led by Salah Ben Youssef who was of a pan-Arab orientation that encouraged an alliance between conservative supporters of pan-Arabism and the upper classes of Tunis, the other by Habib Bourguiba supported by the youth, women, and the labor movement.

Habib Bourguiba's project eventually became the dominant one. Among the reforms he introduced, even before the 1959 Constitution was adopted by the Constituent Assembly that solidified the people's sovereignty, was the Personal Status Code (PSC), promulgated in 1956. It was an accomplishment that provoked hostility among the Zeitounian *ulama*. The members of the Islamic tribunal who denounced the PSC

were either dismissed by the state or sent into early retirement. Even in Egypt, the Imam of Al-Azhar, Shaykh Mohamed Kedher Hassine, originally from southern Tunisia and named to the Al-Azhar position in 1952, opposed the Tunisian reforms and contributed to the hostility in Egypt toward Bourguiba and the new reforms. Among the *ulama*, one of the most visible supporters was Fadhel Ben Achour, and the Tunisian population as a whole accepted the reform without protest. This popular support for various rights for women – outlawing polygamy and divorce by repudiation; instituting divorce by judicial procedure and allowing women to choose their spouses; stipulating equal salaries for men and women for equal work; providing schooling for girls and allowing mixed-sex schools and workplaces; giving women the right to travel and to manage their financial affairs, can be explained by the work undertaken by women to prepare society for such changes and by the commitment of both male and female intellectuals and journalists to pave the way for society to embrace these new *hudud*/values.

Whereas social science research has emphasized the opposition of religious figures to the PSC's promulgation, it has rarely discussed opposition within the Constituent Assembly of 1956-1959 to Article 27 of the proposed constitution, according to which "every citizen of Tunisian nationality is considered to be a voter" ("*considéré électeur tout citoyen de nationalité tunisienne*"). The question is whether this article also includes women. Adel Kaaniche points to a discussion regarding the term "citizen" ("*citoyen*") and whether women were also to be considered voters as men were, and he sees three distinct groups that responded in different ways to this question. For some Assembly members the word "citizen" referred only to men, in light of Article 10 of the proposed constitution that stated that "All citizens have the right to freely travel within the [national] territory, to leave it, and to set up residence within limits defined by law" ("*Tout citoyen a le droit de circuler librement à l'intérieur du territoire, d'en sortir et de fixer son domicile dans les limites prévues par la loi*"). Here, in this view, "citizen" could refer only to men since women "were not free to move around as they wished. Consequently, women could not participate in political life, out of respect for traditions that do not allow them to go outside and participate in meetings" (Kaaniche, 2009).

A group that included Bahi Ladgham, Chedli Ennaifer, and Ahmed Drira proposed postponing this discussion until after the publication of the election law, while a third group, composed of Mahmoud Materi, Mohamed Bellalouna, Sadok Bousoffara, and Azouz Rebai defended women's right to vote. Habib Bourguiba, fearing that Article 27 would be blocked, issued a decree on 14 March 1957 awarding women the right to participate in the municipal elections of 1957, thus confronting the Constituent Assembly members with a *fait accompli*.

In the 1959 Constitution three articles (out of the total 78 articles) speak of "the human person" ("*la personne humaine*") and of "citizens" ("*citoyens et citoyennes*"). Article 5 states that the "Tunisian Republic guarantees the inviolability of the human person and freedom of conscience, and protects the free exercise of religions, provided this does not disturb public order". Article 6 states that "All citizens have the same rights and the same duties. They are equal before the law". Finally, Article 10 says that "Each citizen has the right to move freely across the territory, to leave it, and to set up residence within the limits defined by law".

This group of articles forms the basis of a culture of human rights, which will be made more explicit in 2002, when the new version of Article 5 became, as follows:

The Republic of Tunisia shall guarantee fundamental freedoms and human rights in their universality, comprehensiveness, complementarity and interdependence. The Republic of Tunisia shall be founded upon the principles of the rule of law and pluralism and shall strive to promote human dignity and to develop the human personality.

The state and society shall strive to entrench the values of solidarity, mutual assistance and tolerance among individuals, social categories and generations.

If the PSC and then the 1959 Constitution were well received by the Tunisian public, this popular support can also be explained by the respect that the population had for Habib Bourguiba, his word, and his wisdom. While a number of intellectuals had been impressed by the feminists, with some valuing their company, and saw them as role models for their daughters, Habib Bourguiba was the only one to understand the tie that the feminists saw between patriarchy and colonialism and what it would take to break the chains of domination. He was also one of the rare political figures of this period to have had regular contact with women militants between 1930 and 1955, attending their meetings, being photographed with them, entering into correspondence with some, suggesting to others to spread their activities into the country's regions, and encouraging some to represent Tunisian women when international figures came to Tunisia or at international conferences. The other important political figure who integrated the woman's dimension into his political activism was Farhat Hached, one of the founders of the independent trade union movement in 1944 and then the UGTT in 1946. Assassinated by the French in 1952 at the age of 38, he did not have enough time to build ties with the women of various groups.

Habib Bourguiba was also the only major political figure to evoke his mother, his female relatives, and his two wives, during speeches that were broadcast on radio and television, and he did not hide his emotions as he did this. He often mentioned the memory of his mother, who had died at a young age as a consequence of overwork, and he situated his becoming aware of injustices done to women in the period when Tahar Haddad's book appeared, which came out one year after the publication of Bourguiba's article, "Le voile". He also often mentioned the debt he felt towards his female relatives, like his older sister and his nieces, who played a key role in his political life. Finally, these women, along with his wives Mathilde Lorrain (with whom he lived from 1927 till 1961 and with whom he had a son) and later Wassila Ben Ammar (who shared his life from 1962 till 1986 and with whom he adopted a daughter), also contributed to his sensibility. In addition, women political activists like his niece Chedlia Bouzgarou; Majida Boulila, an activist from Sfax with whom he corresponded; Khédija Tobbal and Essia Ghaleb who the French confined to a camp in the South at the same time he was – all these strong historic women figures enabled him to experience equality between men and women.

He also owes this sensibility to his readings and travels, which enabled him, as with Gandhi, to absorb several elements of the critical liberal humanism he had encountered during his studies in France and, later, during his visits to countries in the Arab world,

Asia, and Europe (Tharamangalam, 1995, p. 461). These diverse encounters contributed to opening his unconscious to his emotional and political experiences, forging a critical spirit towards the great and little traditions and enabling him to introduce reforms like the Personal Status Code and the 1959 Constitution, which constructed a republic in which men and women were to be equal. Other significant measures were adopted encouraging the exercise of critical faculties, such as the 1956 separation of Zeitouna University (founded in 123AH/737AD and which trained *ulama*) from the mosque of the same name and its replacement in 1961 by a Faculty of Theology; the introduction of religious education and civic instruction into the schools; the reinterpretation of certain religious duties like the *mahr* (changing what used to be large amounts of money the groom gave to the bride for marriage to the token amount of one dinar), fasting, the sacrifice of a ram on the Eid al-Adhha, and the pilgrimage, among others. The state also eliminated a number of important religious institutions like the *waqf habus* (the charitable religious foundations), and the state began to appoint the Mufti of the Republic and to administer the Department of Worship.

Negotiating the *Hudud*

In this section, I will be discussing how the perceptible discontent of the 1960s became sharper with increasing economic difficulties (a general strike in 1978, armed revolt in Gafsa in 1980, bread riots in 1984, etc.), and turned into social and political anger that required, in the subsequent years, the reaching of a political consensus on two different occasions, where the political parties negotiated limits (*hudud*) to their activities and where, on both occasions, women's rights were a main subject of discussion.

A. The National Pact of 1988

Bourguiba's reforms began to encounter increasing resistance, starting already in the 1960s. Among the actions that created discomfort among the population, I will discuss two: Bourguiba's appeal that the population not fast during Ramadan and restrictions placed on women's wearing the *hijab*.

In 1960 Bourguiba drank a glass of orange juice, in public, during a speech he gave during the month of Ramadan and called upon the people to follow him, a gesture he presented as part of a *jihad* for development. Shaykh Tahar Ben Achour, who had supported the promulgation of the PSC, refused to support Bourguiba's position and Bourguiba's view generated widespread discomfort, including among many who were not strictly practicing Muslims. Nebiha Ben Miled's testimony – she was a social worker at the Charles Nicolle Hospital and had worked alongside Frantz Fanon – sheds an interesting light to help understand how Bourguiba's appeal was received by Tunisians. In recounting her life history to me, she said that, although she did not fast, she refused to carry out the presidential communication transmitted to hospital employees that they not fast but take lunch during Ramadan in the hospital's canteen. Through her refusal to eat in public she was expressing her respect for those who fasted and said she saw in Bourguiba's appeal a transgression that was greater than simply not fasting. Following this incident, which affected her deeply, she requested a month's leave and then decided to resign from her position.

The second case concerns Hend Chelbi who, wearing the *hijab*, gave a speech about Islam on the occasion of the 27th day of Ramadan in 1975, carried live on television.

After her speech she refused to extend her hand to greet President Bourguiba, which was a great shock for Tunisians. Since that incident the *hijab* became increasingly visible in public space, often worn against the parents' wishes – parents who had become, in the eyes of their daughters and according to the religious instruction given in the public schools, not sufficiently devout Muslims.⁹ Whereas the state retreated on the question of fasting, with regard to the *hijab* the government published Decree 108 in 1981 which forbids wearing the *hijab* in public institutions.¹⁰ The arguments given to defend the law were that the *hijab* that girls were wearing to school with increasing frequency was “foreign to our traditional dress code”, and they were dressing in a way “that merges with ‘confessional’ dress, which signifies belonging to a group that distinguishes itself by sectarian dress, contrary to the spirit of our times and the healthy evolution of society” (Decree 108, 1981). 1981 was also the year when the Islamic Tendency Movement (MTI, Mouvement de la Tendence Islamique), bringing together Islamically-oriented students, intellectuals, engineers, etc., applied for legal recognition, without success. Several of its leading figures were arrested and sentenced, among them Rashid Ghannouchi, who received an 11-year prison sentence, but then were released in 1984. The MTI continued its activities among the population, providing social assistance, and gradually became more radical in its program.

In 1985 the MTI demanded that the law related to adoption be put to a referendum – Tunisia was then the only country in the Arab world that authorized adoption, with the adopted child able to carry the name of the adopting parents. While the proposed referendum was supported by many adopting parents who were experiencing difficulties with their adopted children, psychologists, jurists, and social workers who had expended much effort to push the state to recognize the rights of adopted children and children born out of wedlock felt, that if a referendum were to be approved, they would have given false hope to both the children and the adopting parents. In fact, no referendum on this question was held and, with attacks carried out in the tourist areas of Sousse and Monastir in 1987 – attacks that were attributed to Islamists – the police made a number of arrests among Islamists including among the MTI members, many of whom were sentenced to long prison terms and two of whom were executed. Finally, on 7 November 1987, Bourguiba's Prime Minister, Zine el-Abidine Ben Ali, deposed the president for mental incapacity, with much of the population thankful that Bourguiba himself was not harmed.

At this point Tunisia entered into a new period where the religious domain was under the control of the political. MTI militants and those of the Party for Islamic Liberation (PLI) were freed from prison in 1987 and on 7 November 1988 the National Pact, which confirmed the maintenance of the Personal Status Code, was signed by a number of parties, including the MTI. Two independent feminist organizations – AFTURD (Association des Femmes Tunisiennes pour la Recherche et le Développement) and the ATFD (Association Tunisienne des Femmes Démocrates), obtained legal status (Labidi, 2007).

The state under Ben Ali continued Bourguiba's policies regarding women, reassuring both feminists and women in general, and new laws were adopted that reinforced this feeling, ensuring the right of a divorced mother to keep the family dwelling, even

when it was registered in the husband's name; the marriage of a girl younger than the legal marriageable age was made conditional on the agreement of the father/guardian and of the mother; the child of a Tunisian mother was awarded the right to choose the Tunisian nationality, with the agreement of the father; a fund was created for divorced women and their children in cases where the husbands/fathers were not paying alimony and judicial proceedings were initiated against them; providing for a choice of marriage contract with either separation or common ownership of wealth; and relations within the couple were to be founded on a partnership (women with financial means should participate in providing financially for the family).

On the political level, the ban on having a religious basis for a political party forced the MTI to remove the religious element from its name. It changed to the Renaissance Party (*al-Nahdha*), but still was not given legal recognition. A number of Nahdha party members were candidates in the 1989 election, as independents, and won almost 14 percent of the seats. After a short period of relative freedom, in 1991 there were explosions at an RCD party office in Bab Souika in Tunis. As a result, Islamist activists of both sexes were pursued and some were sentenced to long prison terms. Some managed to go into exile. Of the 654 Islamist political prisoners identified in 2011 by the Tunisian association "Liberté et équité" as victims of abuse or torture (one of whom, Rachid Chammakhi, died from this treatment), 444 were imprisoned between 1989 and 1994. Among the claims collected by "Liberté et équité", 26 were made by women for measures taken against them on account of their wearing the *hijab* – measures that, in certain cases involved suspension or dismissal from their jobs (Triki & Almiya, 2012).

The state also kept a close watch on the secular opposition and co-opted the independent Tunisian feminist movement, while at the same time marginalizing the movement's historic figures. Activities were closely monitored or made difficult when they were not actually forbidden or cancelled. Women's telephones and emails were monitored. Among the women targeted, Sihem Ben Sedrine and Radhia Nasraoui provide good illustration of the ordeal undergone by independent feminists during this period. After philosophy studies in France, Ben Sedrine worked in Tunisia as a journalist for independent newspapers, published several newspapers and founded publishing houses, and launched radio Kalima in 2000 with Naziha Réjiba. Having founded the National Council for Freedom in Tunisia (Conseil National pour les Libertés en Tunisie) in 1998, she consistently defended freedom of the press and human rights, then found herself physically attacked and her documents and possessions ransacked. In 2001 she was the first person to denounce corruption on TV, on the London-based channel Al-Mustaqilla, and she was arrested at the airport on her arrival in Tunisia and imprisoned. After the revolution of 14 January 2011, Ben Sedrine was appointed member of the Truth and Dignity Commission (l'Instance Vérité et Dignité), which, with 15 members, was charged with establishing a Law on Transitional Justice. The role of this commission was to find and provide indemnities for victims of the abuses of the Ben Ali and Bourguiba regimes, from 1955 to the date of adoption of the Law on Transitional Justice.

Radhia Nasraoui, a lawyer, found her office broken into in 1998 and her documents stolen; then in 2001, on her return from Paris, her documents were seized. She and her daughters were harassed repeatedly in 2002 and in 2003, and she began a hunger strike to stop these attacks against her family and herself. Among her activities, she

co-founded the Association contre la Torture en Tunisie and as a lawyer defended a number of arrested Islamist activists.

In addition, during the 1990s and the 2000s feminists developed mechanisms of defense and resistance. For the members of AFTURD this took the form of research and artistic expression¹¹; for the members of the ATFD it took the form of building alliances with human rights organizations, both national ones like the Ligue Tunisienne des Droits de l'Homme (LTDH) and international ones like Amnesty International.

B. The Tunis Appeal of 2003

2003 was a very eventful year, with the political parties and organizations trying to position themselves, and it constituted a key moment in the history of Tunisian feminism and in the debate over the secularization of society and the reinterpretation of religious discourse. Four of the opposition parties – Nahdha, Ettakatol (Democratic Forum for Work and Freedom, Forum Démocratique pour le Travail et les Libertés), the PDP (Parti Démocratique Progressiste) and the CPR (Congrès pour la République) – met in France and signed the Tunis Appeal (L'Appel de Tunis) that proposed that the next government, following the 2004 elections, should respect the people's sovereignty as the sole source of legitimacy. The state should show respect for the population's identity and its Arab-Muslim values, guarantee freedom of belief for all Tunisians, and achieve equality between men and women.

This meeting was not without impact on the feminist milieux in Tunisia and the celebration of 13 August 2003, an annual event marking the anniversary of the Personal Status Code's promulgation, was a theater of multiple tensions among various organizations. A declaration signed by the ATFD, the Tunisian Human Rights League (LTDH), and the Tunisian Section of Amnesty International demanded full equality between men and women and argued that the reference to religion turned women into a target. Their declaration stated:

As much as we respect the religious convictions of each citizen, man and woman, so we firmly refuse all forms and all practices that take women as target, to transform them into an instrument for the public and social expression of religious choice, which should necessarily be limited to the field of the individual and not go outside the private space (Chouikha, 2005).

But once this text was published, the Tunisian Section of Amnesty International and some members of the LTDH leadership withdrew their support. Some members, surprised by the publication, went so far as to say that they learned of its existence via the press. The ATFD then published a second communiqué where the organization stated "its deep concern," pointed to "the spread of the *hijab*," expressed "its total rejection of this symbol, which is that of women's sequestration and of regression," and attacked the propaganda regarding the *hijab* broadcast by the satellite television channels coming from the Mashreq and its female television figures, questioning the state on its "lack of clear political stance regarding wearing the *hijab*" (Chouikha, 2005, p. 9).

In December 2003 Sana Ben Achour, a jurist and later president of the ATFD (2008-2010), spoke during a round-table discussion titled "The *hijab*: The southern side of the

Mediterranean”. It was an occasion for her to clarify the ATFD’s position regarding the *hijab* and to show some distance with respect to both the two preceding communiqués that provoked such an outcry and to the repression that the state was exercising. She maintained that the *hijab* (using the French term, “le voile”) followed a “Law of men claimed to be in the name of God, aiming to negate women whose femininity, whose bodies, are considered to be base, to be ‘*awra* (flawed), and are to be hidden under the *hijab* in order not to provoke disorder”. She also recognized in her introduction that there were “as many realities as there are *hijabs* and as many *hijabs* as there are uses to which it is put”. In fact, she expressed an ATFD position that conforms to the discourse of Tunisian feminists of the 1980s, who denounced the reigning misogyny and at the same time wanted to distance themselves from the government’s campaign against women wearing the *hijab*. In this regard she declared, “Everything opposes us to the *hijab*. But understand, oppose doesn’t mean repress or legitimize repression [...] to be opposed to the *hijab* is not to reject women who wear it but to refuse the *hijab* as a horizon”. The state, concerned over the extent of the debate, increased its repression of women wearing the *hijab*, such as those working in public institutions like hospitals (circular 98, 22 October 2003), or students.

On 14 January 2011 the Ben Ali regime fell, following a revolution led by youth who carried the slogan, “Freedom, dignity, and work”. Adolescents became photo-journalists for international satellite television channels and social networks contributed to the mobilization, with women playing a key role during the revolution and in the period of democratic transition post-14 January 2011, both in the government and in independent public institutions set up by the transitional government.¹² The spirit of justice, based on direct experience and/or on reflection and revolutionary legitimacy enabled the society to decide on controversial questions concerning the following matters:

a) In 2011, limitations on wearing the *hijab* were eased, and it was widely accepted that wearing it was a matter of the individual’s right to free expression, thus putting an end to the ultimatum: study and work, or wear the *hijab*.¹³ This meant that women wearing the *hijab* were no longer harassed by the police and were able to be photographed for their national identity card, with appropriate modifications to Article 6 of Decree 717, of 13 April 1993, defining the characteristics of the identity card.

b) Political parity between men and women was adopted by the Haute Instance Nationale Supérieure pour la Réalisation des Objectifs de la Révolution, de la Réforme Politique et de la Transition Démocratique, composed of 155 members, of which 37 were women. Article 16 of the Electoral Law it adopted in April 2011, affirming parity and mandating alternation between men and women on electoral lists, received 84 votes (some sources say 85) versus 34 who voted against.¹⁴ Electoral lists not respecting this rule were to be eliminated, provoking criticism from the parties affected, particularly new ones who, fearing they would not be able to find women candidates especially in rural regions, ran the risk of having a sharply reduced number of lists. Parties were given the freedom to choose a man or woman to head each list. Against the expectations of many, the Nahdha party voted for parity whereas a number of other parties, expected to vote in favor, voted against. Of all the parties – even among those who followed the basic parity rule of alternating men and women on their lists

– only the *Pole Démocratique Moderniste* had, in addition to parity on their lists, an almost equal number of men and women as list heads (16 women and 17 men). As for the Nahdha party, it put two women as list heads, choosing them to reflect the debates on cultural identity that were taking place in each region. These two women were Souad Abderrahim, a pharmacist and entrepreneur who did not wear the *hijab* and who represented the district Tunis 2, an upper middle-class district where many women did not wear the *hijab*; and Ferdaous Oueslati, a specialist in Islam who wears the *hijab*, similar to many women in her district (which covered the Americas and Europe outside France) who often wore the *hijab* as a sign of identity.¹⁵

A further note on Souad Abderrahim: in the 1980s she was a militant in the Islamically-oriented student organization, the UGTE (Union Générale Tunisienne des Etudiants) and was arrested for 15 days under Bourguiba's rule; she then suspended her activities as the Ben Ali regime's repression of Islamists became more severe. She rejoined Nahdha as an independent in 2011, running a faultless campaign that contributed significantly to Nahdha's overall success. Married with two children, often dressed in a tight-fitting pants suit, she criss-crossed the streets of her district, presenting herself as a guarantor that Nahdha would not oblige women to wear the *hijab* nor would it touch the Personal Status Code nor other aspects of women's rights, except to improve them.

c) The national campaign, "The culture of citizenship and democracy" ("culture citoyenne et démocratie"), undertaken by the Ministry for Women's Affairs to promote, throughout Tunisia's regions, civic culture and awareness of women's political, cultural, economic, and social rights, and the activities of feminist organizations and of women who engaged in various actions, led to Tunisia's lifting its reservations regarding the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), as one of the responses to the demands of the revolutionary youth who called for "freedom, dignity, and work".¹⁶

Let me make two points here. The first concerns the number of women's associations formed between January and September 2011. That number equalled the number of such associations founded during the more than two decades of the Ben Ali regime. The second point concerns relations among the various feminist and women's organizations during the period of democratic transition between January and September 2011. Here we see the independent feminists criticizing organizations like the UNFT (Union Nationale des Femmes de Tunisie), formed after independence in the Bourguiba period, and the ATM (Association Tunisienne des Mères), which appeared after 1987 under Ben Ali,¹⁷ for having echoed the government's discourse without showing any independence from it, and succeeding in having these organizations placed under judicial oversight.¹⁸ Also, women of the Nahdha party criticized the ATFD for not having come to the aid of prisoners' mothers and for not having defended the rights of women wearing the *hijab*.

The results of the October 2011 elections created a shock for the opposition and for feminists. The results did not meet their expectations and showed a strong bipolarization. Nahdha won the elections with 41.47 percent of the vote (1,501,418 of 3,702,627 votes) and the proportion of women elected to the National Constituent

Assembly (ANC, l'Assemblée Nationale Constituante) was 26.73 percent, slightly lower than the 27.57 percent of women elected in 2009 under Ben Ali. The majority of the women members of the ANC were Nahdha members, and Souad Abderrahim's list won three seats, a very respectable number (Labidi, 2014).

To better understand why these results did not meet the expectations of the elites, we need to return to several events that occurred between 2011 and 2012 and that illustrate the tensions among various social groups and the role played by women in defining freedom of conscience and relations within the family.

New Social Demands

In this section I wish to discuss two events that renewed debates that occurred in Tunisia a half-century earlier, this time with women as the main actors. The documentary film *Ni dieu ni maître* (i.e. neither god, nor master) (Nadia El Fani, 2011) provoked great controversy over freedom of conscience and over fasting during Ramadan, reminding Tunisians of Bourguiba's call to not fast. It also showed how the state, to avoid the people's anger, forbids the sale of alcohol during Ramadan and takes measures that allow cafés and restaurants in tourist zones to remain open while keeping their windows covered in order not to shock the population. The second case concerns the controversy that arose over the formulation in Article 28 of the Constitution proposed by the ANC that took office after the October 2011 elections, a formulation that spoke of "complementarity" between men and women rather than "equality".

A. "Laïcité InchAllah"

Nadia El Fani, a filmmaker well-known for her fiction film *Bedwin Hacker* (2003), *Les enfants de Lénine* (2007) devoted to her Communist father, as well as for a number of documentaries and short films, provoked a strong reaction among Salafis with her documentary film, *Ni dieu ni maître*. When it was given a special showing in the Spring of 2011, in the context of elections scheduled to take place later that year, it generated few comments but, when put on the program of a theater in Tunis several months later, passions were unleashed even before its projection, leading to violence uncommon in Tunisia. The filmmaker then changed her film's title to "Laïcité InchAllah".

This documentary, completed in 2010 but then taken up again after 14 January 2011 to integrate women's actions during the revolution, contains three scenes relating to fasting during Ramadan. One scene shows the filmmaker, in the middle of the day, preparing to have her lunch, with a beer, in her garden. Two other scenes are filmed with a hidden camera, because El Fani was still waiting to receive official permission to film from the Ministry of Culture. In a taxi she enters into a conversation with the taxi-driver, saying that she didn't believe in God. All the taxi driver answers is: "That's your business".¹⁹ The last scene shows the filmmaker in a café with its windows covered with paper and its clients, all men, drinking coffee either at the bar or seated at a table. She whispers to her assistant that "they behave as though they were fasting, but without fasting," and asks her assistant to film with the hidden camera. Clients who overheard the filmmakers' remarks opposed the filming and a conversation started on the first article of the Tunisian Constitution, which says, "Tunisia is a free state,

independent and sovereign; its religion is Islam, its language is Arabic, and its regime is a Republic". The filmmaker remarks that the government is one thing and religion is another and uses the film to denounce authoritarianism.

Attacked on Facebook, the filmmaker brought two legal cases against her attackers, one in France and the other in Tunisia.²⁰ To defend her Tunisian case she engaged Bochra Belhaj Hmida, former ATFD president and someone who is clear about her fears for the freedoms of belief and expression.²¹ Frida Dahmani, a journalist for Jeune Afrique, questioned Rashid Ghannouchi, founder of the Nahdha party, about his position regarding Tunisians who claim the right to not fast during Ramadan. His answer was: "Whether a person fasts or not concerns only that person and his/her commitment to God". Simply, those who don't fast must respect those who do" (Dahmani, 2012). As for whether one can be a good Tunisian citizen and not a practicing Muslim, or even an atheist, he answered: "All Tunisians are free," and, "No Muslim can excommunicate another," and that "Living together" means the duty of each to respect what the other considers sacred (Dahmani, 2012).

The Maghreb region has been experiencing a debate over freedom of conscience for some years now. The positions of various religious orientations and political parties differ from country to country. During Ramadan 2013, the Tunisian preacher Adel Almi announced that he intended to take photographs of people breaking the fast and to post them on Facebook, to which a number of Tunisians – youth (both male and female), urban, and mostly belonging to the upper middle class – answered that they would put their own photos on Facebook, showing themselves eating during Ramadan, a gesture that gained much support. In Morocco, groups had been protesting for several years against Article 222 of the Penal Code, which provides six months in prison and a fine of almost 100 Euros for anyone breaking the Ramadan fast in a public place. Also in 2013, in the presence of the King of Morocco, the Imam of a mosque in Safi declared that Islam was not against the right of apostasy and non-respect of Ramadan. This speech showed a consensus among Islamist political figures. The second-in-command in Al-Adl wa Al-Ihsan party, Fathallah Arsalane, said that "no pressure can be put on the individual's choice, spiritual relationship, and right to know God" and maintained that "true democracy is sufficiently open to support all opinions" (Arsalane, 2013).²² The al-Jamaâ movement in Morocco found in this position a way to distinguish itself from a controversial *fatwa* on apostasy issued by the Moroccan Council of *Ulamas*, calling for apostates to be condemned to death. In Algeria, at Tizi Ouzou, almost 500 people, some without clear political affiliation, lunched in public in the middle of Ramadan to demonstrate their freedom of choice.²³

B. Complementarity

The phrase "complementarity between women and men" ("*complémentarité de la femme avec l'homme*") in Article 28 of the ANC's proposed constitution led to a strong reaction, giving a political character to the debate. The text was revealed by Selma Mabrouk of the Ettakatol party (one of the parties in the governmental "troika" led by Nahdha and also including the CPR which, together with Ettakatol, is a secularist party; Mabrouk later left Ettakatol and joined the Al-Massar party). It stipulates that "the State guarantees the protection of women's rights and what has been achieved, according to the principle of complementarity with the man within the family and

as the associate of man in the development of the country". This was received as an assault on the culture of Tunisians who, since 1956, often call the Personal Status Code "the country's constitution". Women, fearing for their position in society, reacted against this article, which consecrated "complementarity" and not "equality" between the sexes, and was perceived as a regression with regard to what had already been achieved.

In addition, this content was revealed a few days before the 13th of August, 2012 when, annually, the promulgation of the Personal Status Code of 1956 is celebrated. Selma Mabrouk wrote on her Facebook page: "I am a Tunisian woman and before being a woman or a Tunisian, I am a human being and a full citizen". She launched a petition on her site calling for "protecting the citizenship rights of women in Tunisia" against the formulation that defines the woman "with regard to the man" and supporting a vision that does not say that the man is the "complement to the woman" (Dufourmont, 2012).

Immediately, a group of associations came together, composed of the ATFD, AFTURD, the Tunisian League for the Defense of Human Rights (LTDH), the Executive Committee and the Women's Commission of the UGTT Trade Union, the Tunisian section of Amnesty International, and the National Council for Freedoms, and published a declaration on August 4 that they were scandalized by the suppression of the "principle of the equality between the sexes" and by the insult to the dignity and citizenship of women.²⁴ The group also highlighted the paternalist approach that gave absolute power to the man while denying the woman her full citizenship rights, and they attacked the text for not recognizing the woman as "an independent being", and as "a citizen having the same human rights and freedoms as the man". The group rebelled against a definition where the woman was defined in relation to the man as father, husband, or brother.²⁵ The signers called for rejecting the notion of "complementarity" between man and woman, because it was open to misunderstanding and its interpretation risked opening the door to the tactic of *fait accompli* as was seen in the case of the Algerian Family Code in 1984.

After the demonstrations of 13 August 2012 that mobilized political parties and national organizations that were opposed to the notion of "complementarity" and to the *Nahdha*, which was seen as supporting it, and where women joined in large numbers to demonstrate against attacks on their rights – the opposition to the *Nahdha* began to treat women wearing the *hijab* disdainfully, associating them with women working in *hammams*,²⁶ and making fun of them on social networks – a phenomenon similar to the one pointed out by Alev Cinar (2007) in Turkey. The Minister for Women's and Family Affairs blamed the *hijab* worn by women for preventing women from reaching decision-making positions. Souad Abderrahim, who had succeeded during the electoral campaign in giving the *Nahdha* an image different from that of the 1980s, was put on television to reassure the population and to defuse the crisis. She confronted Ahlem Belhadj, a child psychiatrist and president of the ATFD, and declared that the text was not final and that it could certainly be changed. Eventually, the mixed commission of the ANC, charged with coordinating and making coherent the work of the various ANC committees, decided to modify Article 28 of the 2014 Constitution and to adopt the phrase "equality between the two sexes, equality of

opportunity as a function of competence, and legal punishment for violence against women". Article 28 gained general consensus before being sent to the Committee on Rights and Freedoms and to the plenary session of the ANC.²⁷

It is important to point out here that the Islamic feminist movement, following the October 2011 elections and the intense public discussion, was marked by numerous tensions, pushing these women to reposition themselves, just as this public discussion led some women members of the secular parties to come closer to Nahdha women members of the ANC. Souad Abderrahim, who earlier had criticized Tunisia for lifting its reservations concerning CEDAW, later made a declaration where she withdrew her criticism in the summer of 2011, saying that "There is no question of one woman being against another woman. The gains achieved are untouchable. It is essential to struggle against patriarchal society and the macho mentality that dominates" (Djait, 2013). Meherzia Labidi, Vice-President of the ANC who wears the *hijab*, questioned wearing the *niqab*, encouraged women to take their fate into their own hands, expressed her anger at the rape of a young woman by two policemen, and asked for the judicial system to hear the testimony of the parents of Amina Sboui, a militant of the Femen movement, who had been arrested for defacing a cemetery wall and possessing tear gas.

Finally, the Constitution adopted by the ANC in January 2014 devoted Article 46 to women's rights, stipulating the following:

The State is committed to protect the achieved rights of women, to support them, and to work to improve them.

The State guarantees equality of opportunity between women and men to assume different levels of responsibility, in all areas.

The State works to achieve parity between women and men in elected bodies.

The state will take the measures necessary to eradicate violence against women.

It should be noted that the article devoted to women reflects the struggle of women who are no longer satisfied with the paternalistic "protection" of the political parties and who, via internal pressure from within the ANC and external pressure from civil society, succeeded in convincing ANC members that the State, as a republic, had to commit itself to guarantee women's rights. While this article is followed by one on protecting children's rights (Article 47) and another on the rights of those with disabilities (Article 48),²⁸ the rights of the elderly were not protected, despite the fact that they constituted 11 percent of the total population in 2014 and will represent 15 percent of the population in 2025, and also despite studies carried out by civil society groups that mention the mistreatment and the recourse to suicide by elderly individuals living in rural areas.

The debate over equality versus complementarity during the summer of 2012, and the regional turmoil during the summer of 2013 in which Tunisian opposition forces, inspired by the military coup that overthrew Egyptian president Muhammad Morsi, threatened the al-Nahdha-led Tunisian government, strengthened the supporters of "equality", and contributed to the constitutionalization of women's rights in Tunisia in 2014. As a consequence, the Tunisian republic committed to protect, guarantee,

and realize women's rights, and to eradicate violence against women. The Tunisian government, finally formally notified the UN Secretary-General in April 2014 that the government was lifting its reservations regarding CEDAW, a measure that had been adopted by Tunisia's first transitional government in August 2011.

Conclusion

To conclude, I would like to highlight how the refusal of Tunisian elites, civil society, and women's associations to introduce *shari'a* as the foundation of law while writing the new constitution is very much in line with the approaches of thinkers like Talal Asad, Eqbal Ahmad, and others. It is also in line with the push for the constitutionalization of women's rights. The singularity of Article 46 of the Tunisian Constitution is inscribed in the particular characteristics of the history of Tunisian reformism and of the Tunisian women's movements. Article 46 testifies to women's contribution to the process of secularization and reinterpreting religious thinking – dimensions that have been marginalized in the social sciences. Now, during each of the periods we have discussed, we have seen that feminist constructions of what I have called elsewhere a theory of evil – that is, of the obstacles, barriers, discriminations, and misogynous visions that prevent women from achieving their goals – enabled feminists engaged in political parties or in national or independent civil society institutions to identify the elements that motivated their struggles: i.e. colonialism and patriarchy from the 1900s to the 1950s; and discrimination, authoritarianism, and misogyny from the 1950s to the 2000s (Labidi, 1989). These struggles and constructions contributed to the promulgation of the Personal Status Code in 1956 and to the constitutionalization of women's rights in 2014, an increasingly widespread demand by women.

The second aspect relates to the support feminists found among some intellectual and political figures starting in the nineteenth century, who avowed the dependence of men upon women, a view shared by Hédi Labidi, Tahar Haddad, Farhat Hached and especially Habib Bourguiba (Labidi, 2009a). The reforms introduced since the 1950s in fundamental institutions like marriage, children's socialization, mixed-sex schools, women's salaried labor, and the democratization of political life, encouraged the formation of a new subjectivity that played an important role in the defense of women's rights by political parties and national organizations in 1988, 2003 and in 2014, and led to the constitutionalization of women's rights.

The third and last aspect concerns women and their bodies. Women's bodies appeared as central to the Bourguiba and Ben Ali regimes, as they also did for the Islamic Tendency Movement that later became the Nahdha party. Secularist or Islamic modernity involved respectively the uncovering or covering of women's bodies. I have shown above how the public debate during the 1920s over the *hijab*; in the 1930s over the issues raised in Tahar Haddad's book; over women's political rights starting in the 1940s; over the autonomy of feminists during the 1980s, and the constitutionalization of women's rights in 2014, enabled feminist groups to evolve and to express their thinking. These different periods each saw a kind of Tunisian feminism, varying between universalist (calling for complete equality between the sexes with differences between them interpreted as being of social and/or cultural origin) and differentialist forms (calling for equality but believing that certain activities are better suited to each

sex), and reflecting the character of debates that dominated the public sphere up until the end of the first decade of the 2000s. These two trends debated their ideas over the three decades since the 1980s, whereas Islamist women – essentialist feminists (where feminine specificities are complementary to masculine ones and both are necessary to humanize society) – were prevented from participating in public discussion and their thinking did not evolve in public space under the Bourguiba and Ben Ali regimes. While universalist and differentialist feminists, without being in opposition to Islam, call for a greater role for the state (Labidi, 2013) and a more limited role for religion, the essentialist feminists are still seeking their way. The debate over “complementarity” was the first significant public occasion for them to revisit their fundamental visions of women’s rights and to refine and redefine their own visions.

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ENDNOTES

1. See, for example, Asad (1993) and Asad (2003).
2. Interview conducted by N. Shaikh. Talal Asad discusses his work on secularism in the modern world. *Asia Society Online*. Retrieved from <http://asiasociety.org/islam-secularism-and-modern-state>
3. Interview conducted by Y. Sikand. Iqbal Ahmad on Dalit-Muslim Unity. Retrieved from <http://www.pdx.edu/sociologyofislam/interview-iqbal-ahmad-dalit-muslim-unity-yogi-sikand>
4. Riadh Guerfali writes: “Eighteen months have already passed since this solemn declaration and his highness has not yet given to his people, or to the subjects of allied powers established in his States, any of the promised reforms”. In *La Constitution tunisienne, charte d’un régime républicain à l’agonie* (22/3/2005). Retrieved from <http://nawaat.org/portail/2005/03/22/la-constitution-tunisienne-charte-dun-regime-republicain-a-lagonie/>
5. Illustration titled: “Tragédie en Tunisie. La revanche d’un Arabe,” [Tragedy in Tunisia: An Arab’s revenge]. Appearing in *Petit Parisien* in 1893, cited by Pascal Blanchard and Nicolas Bancel in *De l’indigène à l’immigré*. [From the indigenous to the immigrant]. Paris: Gallimard, 1998. The authors show how a pseudo-scientific study carried out at the end of the 19th century, titled *L’art d’aimer aux colonies*, [The art of loving in the colonies], by a certain Dr. Jacobus (a pseudonym) was reprinted a number of times up to the end of the 1930s and how, in this “study”, women were described in pornographic and openly racist terms. Also, fearing that their children would be converted, families refused to have their daughters attend mission schools.
6. See Hafsia (2010).
7. In this paper we give a woman’s husband’s name for purposes of identification only.
8. This event was reported to me by Fatma Jallouli.
9. Only rarely did families escape these criticisms. An Algerian woman – a university graduate, married, and a mother – related to me how her son, shocked by the differences between their rather cosmopolitan family behavior and the narrow sectarian education at school, was strongly influenced by the latter and went to join the armed struggle in Afghanistan during the 1980s.
10. For a discussion of this, see Chouikha (2005).
11. Research has been carried out on a variety of themes like divorce, unequal inheritance between men and women, etc., and was also means to promote social criticism.
12. Yadh Ben Achour heads the Commission Nationale Supérieure pour la Réalisation des Objectifs de la Révolution, de la Réforme Politique et de la Transition Démocratique [Higher political reform commission]; Taoufik Bouderballa heads the Commission d’Enquête sur le Rôle des Forces de Sécurité dans la Répression Sanglante des Manifestations [Commission of inquiry on the security forces’ role in the bloody repression of demonstrations]; and Abdelfattah Amor heads the Commission Nationale d’Etablissement des Faits sur les Affaires de Malversation et de Corruption [National fact finding commission on embezzlement and corruption], (foreign bank accounts, real estate in Tunisia, participation in companies and wealth, etc.).

- 13.** Testimony of Mongia Laabidi, (2012, March 13), founder of the Association for the Fight against Torture and a victim of torture because she wore the *hijab*, to the *Al-Magharibia* Channel. She was able to flee the country and came to reside in England. Retrieved from <http://www.youtube.com/watch?v=s8iMvPywDuY>
- 14.** This law has been challenged but there has been little distribution of writings opposed to this law. See the site: *Le Peuple Touareg: Les manœuvres frauduleuses et déloyales conçues par Yadh Ben Achour* [The Touaregs : Yadh Ben Achour's fraudulent and disloyal manoeuvres]. Instance-superieure-isror-yadh-benach.blogspot.sg/2011/04/les-m...
- 15.** She won 10,218 votes, equaling 35 percent of the votes cast.
- 16.** What should we call the revolution in Tunisia? For those living in the areas that were the birthplace of the revolution, it is The Revolution of 17 December; for those living in the capital city of Tunis, it is The Revolution of 14 January. The term Jasmine Revolution suggests, for some, a denial of the sacrifices made by many Tunisians in this struggle. Seddik Jeddi proposes The Olive Revolution; Nebiha Gasmî, The Barbary Fig Revolution; Jaloul Ayed (2013), titled his book, *Tunisie. La route des jasmins* [Tunisia: The road of jasmins]. Paris: Editions de la Différence. I would like to cite here the study by Robert Castel, "La discrimination négative: le déficit de citoyenneté des jeunes de banlieue", [Negative discrimination: Citizenship deficiency of the young of the suburbs] (2006). *Annales, Histoire, Sciences Sociales*, 61(4), 777-808, which discusses the citizenship deficit of populations, especially those originating in the Maghreb, now living on the peripheries of the large French cities. His observations are similar to what could be seen in Tunisia in 2011, which suggests that the countries of the southern Mediterranean have themselves become the peripheries of Europe.
- 17.** The party in power – Rassemblement Constitutionnel Démocratique, RCD, 1988-2011, [Democratic Constitutional Rally] – descended from the Parti Socialiste Destourien (PSD, 1964-1988), which in turn descended from the Neo-Destour Party, founded by Habib Bourguiba in 1934.
- 18.** On 13 January 2011, the UNFT organized a demonstration to support Ben Ali following his speech in which he echoed the famous phrase uttered by Charles de Gaulle – Je vous ai compris [I have understood you] – and the images of men and women wearing scarves with the RCD's characteristic color of purple, displaying their enthusiasm for the ruler, were broadcast by public television as proof of his popular support. A group of independent women from the country's regions, headed by Rafika Bhouri, was the only group to call for dissolving the UNFT in March 2011.
- 19.** Retrieved from http://www.telarama.fr/cinema/laicite_inch_allah_revolution_tunisie,73190.php
- 20.** Retrieved from <http://www.youtube.com/watch?v=3SWzsRSyFII>
- 21.** Bochra Bel Haj Hmida, list head for the Ettakatol Party in Zaghuan for the October 2011 elections, was not elected.
- 22.** Liberté de conscience: Al Adl Wal Ihsane pour le droit à l'apostasie et le non-respect du Ramadan? [Freedom of conscience: Al Adl Wal Ihsan for the right of apostasy and not respecting Ramadan?]. Retrieved from <http://maroc.msn.com/news/maghreb-news/1057744/liberte-de-conscience-al-adl-wal-ihsane-pour-le-droit-a-lapostasie-et-le-non-respect-du-ramadan/>
- 23.** Report on Algeria Retrieved from <http://www.youtube.com/watch?v=RPcCsLwAO80>; on France. Retrieved from <http://www.youtube.com/watch?v=NleHrF6gO9o>
- 24.** Anonymous. (2012). Le cadeau d'Ennahdha: 'la complémentarité' de la femme 'avec l'homme' et non l'égalité entre les sexes [Ennahdha's present : gender complementarity not gender equality]. Retrieved from <http://www.elkasbah.net/tunisie-fete-de-la-femme-le-cadeau-denNahdha-la-complementarite-de-la-femme-avec-lhomme-et-non-egalite-entre-les-sexes/>
- 25.** Anonymous. (2012). Quel avenir pour la femme tunisienne? Complémentaire ou égale? [What kind of future for Tunisian Women? Complementary or equal?]. Retrieved from www.tunisiefocus.com/politique/quel-avenir-pour-la-femme-tunisienne-complementaire-ou-egale-17727/
- 26.** A profession located at the bottom of the scale of professions.
- 27.** Anonymous. (2012). Le fameux article 28 sur la 'complémentarité', recalé. [The famous article 28 on 'complementarity' is plucked]. Available at: www.espacemanager.com/politique/tunisie-le-fameux-article-28-sur-la-complementarite-recale.html
- 28.** Article 47 of the 2014 Constitution reads, Les droits de l'enfant sur ses parents et sur l'Etat sont la garantie de la dignité, de la santé, des soins, de l'éducation et de l'enseignement. L'État se doit de fournir toutes les formes de protection à tous les enfants sans discriminations et selon les intérêts supérieurs de l'enfant. [The rights of the child on parents and on the State are the guarantee for dignity, health, care, education, and instruction. The State must furnish all forms of protection to all children without discrimination and according to the child's higher interests]. Article 48 states, L'État protège les personnes handicapées de toute discrimination. Tout citoyen handicapé a le droit de bénéficier, selon la nature de son handicap, de toutes les mesures qui lui garantissent une pleine intégration dans la société. L'Etat se doit de prendre toutes les mesures nécessaires à la réalisation de cela. [The state protects handicapped persons from all discrimination. Each handicapped citizen has the right to benefit, according to the nature of the handicap, from all measures that can guarantee full integration into society. The State must take all measures necessary to achieve this].

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