

# Tunisia in Transition:

## Women in Limbo

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The state is committed to the protection of acquired rights for women and works to support and develop them. The state shall endeavor to achieve the principle of parity between men and women in elected councils. The state shall take measures to ensure the elimination of violence against women.

Article 45 of the Tunisian Constitution

### Introduction

Amidst a deteriorating security situation characterized by the assassination of two political leaders (in February and July 2013), the lethal attacks on the Tunisian army in the Chaanbi mountain range, and the ongoing clashes with the police, Tunisia is elbowing its way towards democratic transition. Compared to other Arab countries, Tunisia has made noticeable advances in what has come to be known as the “Arab Spring”; the political parties have agreed to shake hands and negotiate amidst a general sense that it was impossible for them to meet. Today civil society and trade unions are treated as important political partners that have a say on the political scene. Furthermore, the National Constituent Assembly (NCA) has, after a number of setbacks and over two years of disagreements and compromises, succeeded in finalizing a third draft of the constitution. Happily enough, Tunisians, including Islamists, leftists and liberals, have agreed to work together on a detailed roadmap for a shared future.

Within this context of a revolutionary climate and hard-won progress, women, building on a long tradition of education and a catalogue of progressive rights, found in the movement – away from dictatorship – a unique opportunity to take up unprecedented roles and to secure more rights. Yet, and despite the pivotal role they have played on the frontlines of the revolution, it is still pertinent to ask how women can continue to bring their concerns to the fore.

### Historical Background

On 13 August 1956, just a few months after independence, Habib Bourguiba, the Neo-Destour Party leader and later the first president of Tunisia, asked women to remove their head scarves and drop their veils. In what was considered a revolution against religion, morality, and law in an Arab Muslim country, Bourguiba encouraged women to go out without what he called an “odious rag” and a “dreadful burden” (Bourguiba, 1978, pp. 348-349). In his endeavor to lay the foundations of a modern state,

Bourguiba, who was educated in France and was influenced by the precepts of reason and modernization, strongly believed that the development of his newly independent but poor country would, reasonably, depend on the participation of all citizens, men and women alike. At an early stage, therefore, Bourguiba recognized the potential of women to contribute to the progress of a nation they had helped to liberate during the colonial period. Accordingly, the 53-year old lawyer set out to accord women equal rights. Walking in the footsteps of Mohammed Abduh and Qasim Amin<sup>1</sup> in Egypt, and the nationalist intellectual Tahar Haddad<sup>2</sup> in Tunisia, Bourguiba challenged the dogmatism and conservative norms governing his society in the mid-1950s. His intention was to break the shackles of tradition by insisting that Islamic law or *shari'a*, especially as it is related to women's emancipation, required a new reading that would reflect the modern age. He believed that the traditionalist interpretation of Islam was nothing but a misinterpretation of the Prophet's intentions. However, changing mentalities in a society governed by traditions and chained to long-standing cultural mores seemed as laborious as changing laws. Bourguiba himself admitted:

In the task of changing people's mentality, we have difficulty not only with the men but also with the women themselves, who cling to this state of servility, decadence, and bondage and consider it their normal state. (Bourguiba, quoted in Durrani, 1976, p. 59)

To match word with deed, Bourguiba promulgated the Code of Personal Status (CPS), which represented a radical reform and turning point not only in the history of women's rights but also in the history of modern Tunisia. The CPS, which was later officially incorporated into the new constitution and is still widely accepted until today, eradicated the patriarchal structures that relegated women to a second rank. Besides abolishing polygamy<sup>3</sup> and repudiation, it gave women the right to divorce, which was made possible through an official judicial procedure. The CPS also increased the minimum age of marriage for girls from 13, before independence, to 15 years (for boys the minimum age was 18), and ensured equal pay and equal citizenship for men and women; in politics, women were granted the right to vote. The reforms were able to enforce a new interpretation of *shari'a*, setting the stage for "an unprecedented female emancipation and empowerment in the Arab and Muslim world" (Baliamoune, 2012, p. 2). As Charrad (1997) argues, it was "an aggressive reform from above" (p. 296), in the sense that change came not as a result of women's pressure but as part of Bourguiba's political agenda and his intention to silence his rivals. Nevertheless, if read within the political, social, and cultural contexts in which they appeared, they can be viewed as "very bold and very progressive" (Charrad, 1997, p. 295) in guaranteeing important gains for women in Tunisia.

The CPS, to be sure, was revolutionary. It was a turning point in gender issues in Tunisia as Bourguiba's family law reform continues to leave its imprint on the state of women until today. Far from being equated with the image of 'the angel in the house,' women, thanks to this reform, have been framed as 'new citizens' – and undoubtedly 'new women' – with equal rights to men. In fact, by reducing the power of husbands in issues such as divorce, marriage and custody, and hence disrupting andro-centric assumptions that had been taken for granted, the CPS helped push the boundaries reserved for women a bit further. Bourguiba's attempt to bring gender rights to the fore

provided a good example of what an emerging country from a long colonial period might look like if women were substantially included in state-building. He found in his war against dogmatism and conservatism his own interpretations of Islam and considered his attempt a form of *jihad* or 'holy war'.<sup>4</sup>

Yet, all that glitters is not gold. It would be a grave mistake to read these gains as essentially meant for, and targeted at, women only. In fact, they were not prompted by "feminist concerns" (Charrad, 1997), as the feminist movement did not exist at that time. Bourguiba's thrust was mainly political and not 'feminist'. In this respect, Charrad (1997) argues that, "the CPS was not a victory for feminism. It was the victory of a government strong enough for a while to place a claim on Islam and enforce a reformist interpretation of the Islamic tradition" (p. 296). To silence his political rivals, especially Islamic clerics, Bourguiba found in the question of gender a solid ground to undermine the forces that would have stood in his way.

The point I seek to explore here is that the issue of women's rights has never been the ultimate goal of policy makers in Tunisia, even after the revolution. Rather, it has been "a pawn in political struggles among men fighting over other issues" (Charrad, 1997, p. 285). This was clearly highlighted under the regime of the ousted president Ben Ali (1987-2011). The regime carried on reformist policies related to women and adopted several measures that helped enhance women's rights such as raising the minimum age of marriage to 18 for both boys and girls (under Bourguiba, it had been 15 for girls and 18 for boys) and supporting divorced women by creating a state fund to guarantee financial maintenance to the mother and her children. In 1993, the Nationality Code was ratified, allowing women to pass on their nationalities to their children. In the face of a growing threat by Islamic fundamentalism in the 1990s, the state found in women's rights advocates strong allies to further maintain its survival and secure its interests. In the same vein, and with the same purpose in mind, women's associations and institutions joined forces with the regime fearing that if fundamentalists were to prevail, their gains embodied in the CPS would be jeopardized. The Association of Women Democrats and the National Union of Tunisian Women supported the regime in its struggle for survival. In a famous appeal, women were called to side with 'their' president: "We launch an appeal to all citizens, and foremost to Tunisian women, to show vigilance especially at this time... and to mobilize themselves even more around our President" (Charrad, 1997, p. 300).

Bitterly enough, Ben Ali used women's rights as a propaganda tool to beautify the ugly face of the regime. Human rights advocates, civil society activists, journalists and political opponents were persecuted, tortured and/or silenced. In a context of repression and oppression, gender equality and female empowerment were a façade embellished by mainstream media aimed at the outside world and the international community in order to gain legitimacy and more support. By hopping on the feminist bandwagon, the regime was able to veil its shameful human rights record and find a distraction for the international community, while it cracked down on its opponents.

### The Revolution

During the revolution, the presence of women was resounding. Together with men, they took it upon themselves to participate in the events not only as mere

demonstrators but also as organizers and leaders. From diverse socioeconomic and political backgrounds, women wanted to leave their imprint on history and to have a say in the future of their country. Their active participation and involvement in the uprising helped them to acquire essential skills and form a strong network among themselves. The revolution has taught them to take the initiative and play a major role in the process of reconstructing their nation. It should not come as a surprise, therefore, that “a long history of top-down policy formulations concerning women’s rights was abruptly interrupted” (Charrad & Zarrugh, 2013, ¶ 7).

In the aftermath of the revolution, gender equality was central to Tunisian politics; as a first step and a symptom of goodwill, a quota to include women on party lists for the election of the NCA was instituted into law. The measure required that candidates on party lists should be 50 percent female. At a second level, reservations to the Convention on the Elimination of Discrimination Against Women (CEDAW) were finally removed.

Yet, with the Islamists’ electoral victory in October 2011, questions were raised about the influence of religion on the new Islamist government. Amid political distrust and ongoing social unrest, vehement debates and wide-spread concern began to dominate discussions on women’s rights.

## Challenges

### A Crisis of Identity

The aftermath of the revolution paved the way for a plethora of new political parties, each of which has its own agenda concerning how society should be. Hence, a multiplicity of images of women took center stage and the debate over gender issues intensified. In fact, instead of calling attention to the surprising absence of women in the newly appointed, predominantly male cabinet of Prime Minister Mehdi Jomaa (3 of 28 ministers were women), a few groups from the women’s movement, fuelled by the media, became engaged around the question of “Who is the Tunisian woman?” Mrs. Amel Karboul, the young Minister of Tourism in the technocrat government, was transformed into a media celebrity and an icon of intelligence, eloquence, education, and western dress. Implicit in this representation is the assumption that the model of the “new Tunisian woman” is one who is talented and westernized, someone with whom women should identify.

On the other side, women flooded the streets on the last National Day of Women in Tunisia shouting, “*Imra’a Tunsia – mish Mehrezia!*” (The Tunisian woman is not Mehrezia!) referring to Mehrezia Labidi, the Vice-President of the NCA, a political position that no other woman in the Arab world has ever held. Though Mehrezia, who has spent most of her life in Europe, is well-educated, fluent in three languages, a very confident political leader in her Islamist party Ennahda, and a prominent civil society activist in France, the protests waged against her raise questions about the reasons. This very image is reminiscent of another one, that of Sihem Badi, the previous Minister of Women’s Affairs and member of the Congress for the Republic, a major ally of *Ennahda*. Women’s rights activists daringly threw shoes at her office as a reaction to an infamous photograph of her holding a pair of shoes that belonged to the former First Lady. While I find the reasons behind the debate over the two images trivial, I can

safely assume that there lies, within the feminist movement itself, a crisis of identity over what it means to be a Tunisian woman.

The two images, to be sure, reflect a crisis at a time in which Tunisian women should be proud of reaching such positions in politics. They should join forces to guarantee their rights and go beyond their differences. Women in Tunisia today seem to occupy two dissimilar worlds with two different identities. Divided and politically split between two projects; a conservative Islamist, on the one hand, and a secular leftist on the other, the movement cannot easily nudge its way into more rights. Rather, women, caught between two identities, find themselves “running just to stay in the same place”.<sup>5</sup> Moreover, the discrepancy is still great between women in the cities and their sisters in the rural areas where obscure lives remain unrecorded. For instance, urban women are usually those who are portrayed in the media as well-educated, modern and free, occupying high-level positions, and serving as magistrates, doctors, dentists, pharmacologists, and academics. Generally, they are those who have access to employment, education, and politics. On the other side, rural women still suffer from scarce financial resources, have restricted opportunities and are therefore denied easy access to employment and education. If women’s rights advocates call for equality with men, I think they have to bridge the gap first with those women who are on the margins.

#### Fundamental Islamists

Women were visible activists during the uprising in Tunisia. Lawyers, teachers and others, took it upon themselves to bring change and contribute to Tunisia’s democratic transition equally with men. However, a different reality has emerged after the revolution and women’s demands for dignity and, most importantly, for equality are now far from being realized. The fears that their brothers could leave them on the shelf and send them back to the kitchen are intensified. Instead of change, therefore, the transition, argues Elizabeth Johansson Nogués (2013), has initiated uncertainty and “ushered in mixed messages and continued insecurity for women” (p. 401). With the victory of the Islamist party Ennadha in the 2011 elections, fears were intensified that women’s rights would be at stake. Although the party has continuously reassured women that the CPS would not be touched, some incidents threw a spoke in the wheel for women seeking dignity and equal status.

Under the rule of Islamists, it became crystal clear that the heyday of women’s rights would be something of the past. In the last two years (2012–2014), women’s rights advocates have come to the conviction that with Islamists occupying the lion’s share of seats in the NCA, the CPS, long seen as a ‘beacon of hope’, is no longer immune to threats. Several incidents intensified that fear and cast uncertainty on future hopes for gender equality in Tunisia. First, the Islamist members in the NCA, especially those who came to be known as the ‘Eagles’ in the party, tried ceaselessly to pepper the constitution with the spices of religion claiming that Islamic law or *shari’a* should be the essential source of legislation. Moreover, in an earlier draft of the constitution that was released to the public in August 2012, the Islamists clearly unveiled their intentions concerning women’s roles and fuelled fears that Ennadha might attempt to roll back Tunisia’s comparatively progressive CPS. For instance, the wording of Article 28 of that draft defined women as ‘men’s complements’ and associates, rather than

their equals. The article reads thus: “The state shall guarantee the protection of the rights of women and shall support their gains as true partners to men in the building of the nation and as having a role complementary to them within the family”. Based on the idea that men and women are complementary, rather than equals, in Islam, and the possibility for women’s subordination within this framework, the choice of the term ‘complementary’ may be seen as not only relegating women to a position behind men but also defining women only in relation to, and under the control of men. The term provoked a firestorm of criticism and revealed that gender issues were going down a path of uncertainty.

Second, with the rise of Islamists to power, tensions were fuelled between the notion of gender equality and women’s freedom, and the sense of religious identity that can be achieved only at the expense of women’s gains. Some Salafist parties such as *Hizb ut-Tahrir* and organizations like the banned *Ansar al-Shari’a* (supporters of *shari’a*) started working to protect public morals and to maintain public order in what is reminiscent of the vice and virtue police in Iran and Saudi Arabia. As a result, women were persecuted and harassed for their dress and lifestyle (i.e., smoking, drinking, walking unaccompanied by a male, etc.) and journalists, artists and activists were attacked and arrested. At La Manouba University, individual Salafists tried to impose the veil on unveiled students and professors alike in protest against a decision to ban female students from wearing the *niqab* during exams. They even used violence against faculty members to reinforce their preaching. In a 2013 BBC report on Tunisia, Caroline Anning argued that, “[a]necdotally, Tunisia is becoming outwardly more conservative... with beards and veils increasingly on the Tunisian streets”. In such an ideological vacuum, the government, in the hands of Islamists, was reluctant to react quickly against these threats and was mostly silent and indifferent to those militias reported to be its stick against secularists. The warm welcome of Egyptian clerics and other religious scholars whose teachings centered on the veil and, awkwardly, on female genital mutilation, raised concerns about women’s dignity with the fundamentalists’ rise to power. In September 2012, a rape case intensified fears about how far women would have to go in the aftermath of the revolution, when the victimized girl was accused by the two policemen who raped her of violating moral behavior, finding her ‘responsible for her rape’.

These incidents, to be sure, epitomize the muddy ground that women have to tread at this particular historical time. For, having succeeded in ridding themselves of a political dictatorship, women, unexpectedly, have found themselves facing a religious one. It is possible that in such cultural paranoia the secular gains of more than 50 years may be turned back, and the future continues to be uncertain. Preparing for the best, and probably expecting the worst, the women’s movement’s real battle is essentially cultural as the main obstacles combine deeply held patriarchal customs and conservative religious practices. In my opinion, the ‘Jasmine Revolution’ in Tunisia, as it has been known, should be regarded not only as ousting a dictator, but challenging patriarchal structures within Tunisian society.

## Conclusion

Four years after the outbreak of the revolution, with Tunisia’s nascent democracy, still-ailing economy and fragile security environment, it is evident that the question

of women's equality and empowerment, together with the burdens of regional development and employment, are no longer the main concern of policy-makers. The slogan 'Work, Freedom and Dignity' held during the uprising against the autocratic regime of the ousted long-time leader is now something of the past and irrelevant in the changing times of the present. Fighting on an open field, and unable to respond to the endless demands of its citizens, the technocrat government's new policy follows a 'not now' approach to women's rights. For instance, on February 14, 2014 and with the newly drafted constitution, only two weeks from being approved, the Ministry of Interior in Tunisia released a statement announcing stricter control on women wearing the *niqab*. Although the decision was meant to 'curb' terrorism, it was thought to be a real threat to the dignity of women and a violation of their freedom, raising concerns and fears by lawyers, religious conservatives, and civil society activists that the situation is still tense. Therefore, it lies in the hands of women to remain vigilant so as to advance their fundamental rights and go beyond their generational, cultural, and ideological differences in a country where "the *niqab* and the bikini can live side by side".<sup>6</sup> It appears, then, that the transition in Tunisia is still young, the road to emancipation is long and bumpy, and the future is not certain, leaving the situation of women in limbo.

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## ENDNOTES

1. I am referring here to Qasim Amin's books; *The Liberation of Women or Tahrir al mara'a* (1899) and its sequel *The New Woman or Almara'a al jadida*. In both his books, Amin, as an advocate of women's rights in Egypt, correlates between the intellectual development of women and the development of the society at large by stressing the importance of women's education and freedom.
2. In 1930, Al-Haddad wrote a very controversial book titled *Our Women in the Shari'a and Society* or *Imra'atona fi achari'a walmojatama'a* in which he advocated formal education for women and called for freeing them, and the society at large, from the long-held traditional norms. The route to reform, he believed, should start from a reinterpretation of Islam in a changing society. Consequently, al-Haddad's support of women in a very conservative society led him to a state of seclusion and disgrace. His book was condemned and severely attacked in Ben Mrad's pamphlet titled *The Shroud of Mourning Thrown on al-Haddad's Women* or *Al hidad 'ala imra'ati al-Haddad*.
3. Tunisia is the only country in the Arab world where polygamy is abolished.
4. In Algeria and Morocco, for instance, authorities chose not to eliminate the conservative institutions, but kept them as they were. This fact can explain why Tunisia was ahead of them in particular, and the Arab world at large, in its reforms.
5. The expression is used by Efrati (2005) in her article on women in Iraq. For more information, see Charrad, 2011, p. 424.
6. This expression appears in BBC New Africa report on Tunisia by Caroline Anning dated 27 March 2013. The original title was: "Tunisia: Can niqabs and bikinis live side by side?"

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