

The Political Role of Women during the Arab Spring in Tunisia

Lilia Labidi

Woodrow Wilson International Center for Scholars

labidi.lilia@yahoo.com

Abstract

This paper discusses the contribution of women to Islamic reformism and to secularization. Lilia Labidi shows how women participated in the construction of a new political culture in a domain that belonged exclusively to the oulama and male political figures during periods when discussion over religion was impassioned. She shows how socio-cultural factors gave women, during each of the periods discussed, new positions and roles, and how the secularization process varied according to historical context and political forces. She explores in this paper some historical and recent events in order to understand what motivated women to rise up against domination and to stand up for equality between the sexes and she outlines the contexts and forces at play in the process of the construction of new hudud/norms, giving new meaning to certain limits/boundaries concerning values, such as the constitutionalization of women's rights.

Keywords: Women; Islamic reformism; hudud /norms; constitutionalization; women's rights; political culture; Tunisia.

الملخص

الدور السياسي للنساء التونسيات في الربيع العربي

تناقش هذه الورقة مساهمة النساء في الإصلاح الإسلامي ومسار العلمانية. ويلقي الضوء على مشاركة النساء في بناء ثقافة سياسية في حقل كان حكرًا على علماء الدين ورجال السياسة، وفي فترات زمنية، كان النقاش في الدين متقدماً. تشرح لبيدي كيف أعطت العوامل الاجتماعية الثقافية - في كل حقبة زمنية تمّ النقاش فيها - مواقع وأدواراً جديدة للنساء، وكيف أن مسار العلمانية اختلف بحسب السياق التاريخي والقوى السياسية. تتحرى لبيدي بعض الأحداث التاريخية الأخيرة بغرض فهم ما هو الحافز الذي دفع النساء للثورة ضدّ الهيمنة وللتصدّي دفاعاً عن المساواة بين الجنسين. وقد وضعت مخططاً تمهيدياً للسياقات والقوى الفعلية في مسار بناء الحدود/ والأعراف الجديدة، معطيةً معنىً جديداً لبعض القيود/ الإطارات المتعلقة بالقيم، كدسترة حقوق المرأة مثلاً.

الكلمات المفتاح: النساء؛ الإصلاح الديني؛ حدود؛ أعراف؛ النظام الدستوري؛ حقوق المرأة؛ الثقافة السياسية؛ تونس.

Introduction

Many writers from the South have shown how the secularization process varies according to historical context and political forces. Some have pointed out that separation between the state and religion is far from evident, including in so-called “secular” states of even those that call themselves “laïc.” Others focused on the political forces – secular or Islamist – that used women’s bodies as a means to inscribe their ideology on public space. But rare are the social science studies that have discussed the contribution of women to the process of the secularization of society or to the reinterpretation of religious thought.⁽¹⁾ This is the aspect that interests us here, for it can teach us much about the means and resources employed by women in societies where discussion over religion continues to be impassioned regarding the issue of secularization.

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 role played by the state and social groups to promote women’s rights – which will help me outline the contexts and forces at play in this process. In the second section I will explore some historical events in order to understand what motivated women to rise up against colonialism and patriarchy, and how women participated in the construction of new *hudud*/norms, giving new meaning to certain limits/boundaries concerning values and 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 several

(1) Earlier versions or sections of this study were presented at the panel on “Beyond the Arab Spring: Anthropologizing Islamic Futures”, 112th Annual Meeting, American Anthropological Association, Chicago, 23-25 November 2013 ; at Central University of Minorities, Beijing, 13 March 2014; and at the International conference on Arab Countries in Transition: Gender rights and constitutional reforms. Beirut, Lebanon, 23 – 25 June 2014.

Lilia Labidi. Tunisian Women Reformists: two examples in historical context. In Haleh Esfandiari and Margot Badran (eds.). *Reformist Women Thinkers in the Islamic World*. Pp. 19-21. 2009. <http://www.wilsoncenter.org/sites/default/files/reformistwomenthinkers.pdf>

events taking place between the 1970s and the “Arab Spring” of 2011, in order to understand how feminists, both secular and Islamist and all of whom were educated in the national university system, formulate their positions on questions such as the freedom of conscience and the constitutionalization of women’s rights.

My discussion is based on an anthropological approach that takes into account historical, psychological, and legal materials in an effort to understand how legal limits/*hudud* have been reinterpreted. I utilize life histories I collected from historical figures in the Tunisian women’s movement who were active from the 1930s into the 1950, as well as my 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 see the contribution of women to the construction of values and norms that were formerly the exclusive domain of the *oulama* and the *fuqaha*.

I. 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⁽²⁾. 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⁽³⁾.

In the Maghreb the process of secularization varies according to context and political system. Khalifa Chater considers that secularism was out of the

(2) Himanshu Roy. “Western secularism and colonial legacy.” *Economic and political weekly*. Vol. 41. N 2 (Jan. 14 - 20, 2006) pp. 158-165. p. 164.

(3) Mondher Kilani. “Equivoques de la religion et politiques de la laïcité en Europe. Réflexions à partir de l’Islam.” *Archives des sciences sociales des religions*. 48^e Année, N 121 (Janvier – Mars 2003). pp. 69-86. p. 69.

question during the pre-colonial and colonial eras in Tunisia⁽⁴⁾. Malika Zeghal points out how the secular world is no longer defined by the opposition between sacred and 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 secularising 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 and in the production of religious materials, and when the political sphere is controlled by the state, with religion having little or no influence⁽⁵⁾. 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"⁽⁶⁾. A recent discussion by Lahcen Oulhaj shows how the arrival in 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,

(4) Khalifa Chater. Le nationalisme tunisien et l'islam sous le protectorat. In workshop "Nationalism and Islam, a comparative standpoint." Tokyo, March 13, 2010, (Project Of Islamic Area studies, Sophia university, Institute of Asian Cultures, Tokyo). (pages not indicated)

(5) Malika Zeghal. "Etat et marché des biens religieux. Les voies égyptienne et tunisienne." Critique Internationale. 1999/4 (n° 5). Pp. 75 – 95. p. 95 et 89. http://www.cairn.info/resume.php?ID_ARTICLE=CR11_P1999_5N1_0075

(6) Franck Frégosi. "La régulation institutionnelle de l'Islam en Tunisie: entre audace moderniste et tutelle étatique." Policy Paper No. 11. March 2005. Pp. 30, 31. http://www.google.com.sg/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0CDUQFjAB&url=http%3A%2F%2Fwww.ifri.org%2Ffiles%2Fpolicy_briefs%2Fpolicy_paper_4_fregosi.pdf&ei=12JSUsPmGIvJrAeK84DwDA&usg=AFQjCNHYOf5p2C5KhznI0tBIQdUI4kdTtQ&bvm=bv.53537100,d.bmk

cultural, and religious diversity⁽⁷⁾.

The Turkish experience is very relevant, for this country occupies a privileged place in the imagination of both liberal and Islamist elites. This is brought out 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 they may engage in public debate on this issue. Since 1937, when secularism (*laiklik*) 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 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 calling the prayer (*Ezan*, Arabic *Adhan*) in Arabic 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⁽⁸⁾.

Recently, Alev Cinar has 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 suspending their careers. The lawyer Gonul Arslan recounts how she was a victim

(7) Lahcen Oulhaj. “Une perception du sécularisme au Maroc”, in *La liberté de la religion*, Helmut Reifeld and Farid El Bacha (eds). Morocco: Centre Marocain des Etudes Juridiques and Konrad Adenauer Stiftung, 2013. pp. 45-58. p. 45.

(8) Umut Azak. “Secularists as the saviors of Islam: Rearticulation of secularism and the freedom of conscience in Turkey (1950)” in *Secular state and religious society. Two forces in play in Turkey*, Berna Turam (ed.). New York: Palgrave Macmillan, 2012. pp. 59, 61, 64, 73.

of negative discrimination only from secularists who showed their disdain for such dress, but also positive discrimination from Islamists who chose her for their party because she wore the *hijab*. Sibel Eraslen, also wearing the *hijab*, former leader of the Women's Committee of the Refah Party, who organized her party's campaign in Istanbul for the local elections of 1994, was refused 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 non-Islamist 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 the 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 in constructing and manipulating the image of Muslim women in public space, this time by covering their bodies⁽⁹⁾.

What means do women have to defend their rights, when they live in societies where religious belief is full of passion and 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⁽¹⁰⁾.

II. 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 19th century with the reform of military education in 1840⁽¹¹⁾, 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*

(9) Alev Cinar. "Subversion and subjugation in the public sphere: secularism and the Islamic headscarf." *Signs*. Vol. 33, N 4, (Summer 2008). pp. 891-913. p. 907, 908, 910.

(10) Gunes Murat Tezcur. "Constitutionalism, judiciary and democracy in Islamic societies." *Polity*. Vol. 39, N 4 (Oct. 2007). pp. 479-501. pp. 497-499.

(11) Nouredine Sraieb. "L'idéologie de l'école en Tunisie coloniale (1881 – 1945)." *Revue du Monde Musulman et de la Méditerranée*. 1993. Vol. 68. Pp. 239-254.

fi al-mar'a (Epistle on Women), 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 and the appearance of the first Constitution in the Arab-Muslim world in 1861. The *Epistle on Women*, although criticized by feminists, 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. And, even while the 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 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⁽¹²⁾. Another example, dating from the 1920s, exemplifies the aims 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 a passport to Sha'rawi, because her visit to Tunisia was undesirable in the current circumstances (however, the passport had already been delivered although Sha'rawi did not, in fact, go to Tunisia). Such practices limited the development of discussion on the situation of women, blocking its progress in certain cases, radicalizing it in others.

(12) Illustration titled, "Tragédie en Tunisie. La revanche d'un Arabe," appearing in *Petit Parisien* in 1893, cited by Pascal Blanchard and Nicolas Bancel in *De l'indigène à l'immigré*. 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*, 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.

Limping along, hobbled by many obstacles, the debate over this issue continued among intellectuals and reformers in Tunisia and in the region. In Algeria in 1895 Muhammad Ben Moustapha Ben Khouaja published *al-Iktirath fi houkouk al-Inath* (*Propositions for women's rights*); in Egypt in 1899 Qassim Amin published *Tahrir Al-Mar'a* (*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 (*Destour*), sentenced to two months in prison in 1904 for his reformist positions and his campaign against Muslim preachers⁽¹³⁾, 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 19th 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 were published in a number of Maghreb and Mashreq countries.

Princess Nazli Fadhel Pacha of Egypt (1853-1913, photo above)⁽¹⁴⁾, 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, a member of the Management Committee of the Khaldounia (an institution where science and new forms of knowledge were discussed) and Minister of Culture (then called *Ministre de la Plume*) in 1922 in Tunisia, started a literary salon in 1907 in La Marsa, a suburb of Tunis, that was frequented by the new elite, reformists, writers, and journalists, among them Ali Bach Hamba, director of the *l'Hebdomadaire Tunisien* (*The Tunisian Weekly*).

(13) Khalifa Chater. Op. cit.

(14) Nazli Hafsia. *La princesse Nazli Fadhel en Tunisie, une figure moderniste*. Tunis Editions Sagittaire, 2010.

**Manoubia Ouertani****Habiba Menchari**

While women in a number of countries world-wide were successful in their struggles to gain the right to vote and began to become members of parliament – in 1907 the Finnish parliament recorded 19 women among its 200 elected parliamentarians -- Tunisians and women throughout the Arab world continued their struggles against patriarchy and colonialism. The representations that dominated in the Western press were that Arab women were victims of violence and that the Arab man was intrinsically violent.

In 1911, Tunisian women participated in demonstrations over the Djellaz affair, protesting against the municipality's decision to register the cemetery in its own name, whereas it belonged to the *waqf* (Islamic charitable institution). In 1919 Safia Zaghoul, wife of Saad Zaghoul, a leading Egyptian political figure who was to become prime minister in 1924, led a demonstration of women in Cairo against colonialism. In 1923 Hoda Sha'arawi, the Egyptian feminist 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) – an event that 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. Together they traveled across Anatolia to show themselves to the population and to demonstrate equality between men and women. In 1924 women obtained a raising of the

eligible marriageable age to 16 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.

Hédi Labidi (1911 - 1985), a Tunisian journalist and essayist, published an article in 1928 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 (who had returned to Tunisia after having studied law in Paris and opened a lawyer's office, while also engaging in journalism) that he published an article titled "*Le voile*" 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 French naturalization of Tunisians and the burial of naturalized French citizens in Muslim cemeteries, we find 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⁽¹⁵⁾, while presenting two sorts of Islam, one that was traditionalist and collaborating with the colonial power, the other 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

(15) Lilia Labidi. *Joudhour al-harakat al-nisa'iyya: riwayaat li-shakhsiyyaat tarikhiyya* [Origins of feminist movements in Tunisia: personal history narratives]. Tunis : Imprimerie Tunis Carthage. (3rd edition), 2009. pp 33-74 and 141-219.

oulama, 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 à la imraatou Al Haddad* (*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 oulama 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.



1931 was also a year marked by heavy floods leading to considerable human and material losses, leading Wassila Ben Ammar (photo on the left) and Néjiba Ben Mrad, in the following year (when they were respectively 20 and 17 years old and both were unmarried) to found the *Société des Dames Musulmanes* (*The Society for 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⁽¹⁶⁾) [in this paper I specify a woman's husband only for purposes of identification] and Bchira Ben Mrad gave speeches on the role of women in Islam.

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

(16) In this paper we give a woman's husband's name for purposes of identification only.

**Bchira Ben Mrad****Chedlia Bouzgarou****Souad El Khattech Neiffer****Neiffer Nebiha Ben Abdallah
Ben Miled**

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 woman 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 (photo below, among her colleagues, who were all male). 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. This publication 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⁽¹⁷⁾. 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.



Badra Ben Moustapha



Frida Agrebi



Dr Hassiba Ghilleb

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,

(17) Lilia Labidi. "The nature of transnational alliances in women's associations in the Maghreb: the case of AFTURD and ATFD in Tunisia." *Journal of Middle East Women's Studies* Vol. 3, No. 1 (Winter 2007), pp. 6-34.

the articles they wrote, 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 coming from the UMFT and close to the Zeitounians and to the Old Constitutional Party (*le Vieux-Destour*) founded *l'Union Féminine*. This organization, aiming to encourage girls' Islamic education and suspected of having a *wahhabi* orientation, did not receive official authorization.

Chedlia Bouzgarou, whom we've introduced above, 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 vive the Destour party, long live Bourguiba." 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⁽¹⁸⁾. 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

(18) Lilia Labidi. *Joudhour al-harakat al-nisa'iyya: riwayaat li-shakhsiyyaat tarikhiyya*. Op. cit.

action and to providing moral support for political prisoners and their families⁽¹⁹⁾.

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*. The *Union des Femmes de Tunisie*(UFT), of a communist orientation, was founded in 1944 by Charlotte Joulain, the widow of a French military man, and it 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 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 then they targeted poor Tunisian families. UFT members provided health care, visited the sick, installed water fountains in underprivileged neighborhoods, showed cartoon films for children and films on health education for women, etc. The final leadership committee was composed of Nebiha Ben Miled, Cherifa Saadaoui, Zohra Ben Slimane, Gladys Adda, Soufia Zouiten, Neyla Haddad, 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, etc. – all who 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

(19) Lilia Labidi. "Femmes et actions de solidarité dans la Tunisie coloniale." In *Cahiers de la Méditerranée* No. 63. Décembre 2001. p. 101-111.

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⁽²⁰⁾. Alia Babbou also evokes this incident in her memoirs⁽²¹⁾.

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, etc., approved 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, on the other hand, received from her husband Dr Ahmed Ben Miled a copy of Haddad's *Our women in Islamic legislation and society* in her basket of wedding presents. The activities of *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 pronounce explicitly on this 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



Saphia el-Ghoul with her father demonstrating

(20) This event was reported to me by Fatma Jallouli.

(21) Alia Babou. *Itinéraire*. Tunis : Apollonia, 2003. Prix Didon d'Or 2002.

against colonialism. In Tunisia, the women activists of the large cities, sometimes in competition with one another, would go to places like Nabeul, Sfax, Béja, and so on, 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 two main approaches confronted one another, one led by Salah Ben Youssef who was of a pan-Arab orientation, the other by Habib Bourguiba, and they strongly disagreed over the best path toward independence.

Habib Bourguiba's project came to dominate among the various approaches, and among the reforms he introduced was the Personal Status Code (PSC), promulgated in 1956, an accomplishment that did not go without provoking hostility among the Zeitounian *oulama*. The members of the Islamic Charâa tribunal who denounced the PSC were either dismissed or sent into early retirement. Among the *oulama*, 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, allowing women to choose their spouse; giving women the right to vote (and this some years before it was adopted in several European countries), to be elected, and to work at a salary equal to a man's for the same work; providing schooling for girls and for mixed-sex schools and workplaces; giving to women the right to travel and to manage her financial affairs, etc.; -- can be explained by the work undertaken by women to prepare society for such changes, by the commitment of both male



Demonstration in the 1930s



Demonstration in the 1950s

and female intellectuals and journalists to prepare society to welcome these new values. The photographs below, showing women participating in demonstrations in the 1930s and the 1950s, are signs of these changes.

This popular support can also be explained by the respect that the population had for Habib Bourguiba – for *al-kilma* (his word) and *al-hikma* (his wisdom). While a number of intellectuals had been impressed by the feminists, with some valuing their company, some seeing them as models for their daughters, Habib Bourguiba was the only one to understand the tie 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, putting some forward to represent Tunisian women when international figures came through Tunisia or at international conferences, etc. 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 but, assassinated in 1952 at the age of 38 by the French, he didn't 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 didn't 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 from demands on her by the patriarchal system, 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 elder 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 1927-1961 and with whom he had a son) and later Wassila Ben Ammar (who shared his life from 1962-1986 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; and historic figures from other political parties enabled him to experience *musawât*/equality between men and women.

He also owes this sensibility to the opening of his unconscious onto his interior life, his readings and travels, which enabled him, as it did 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⁽²²⁾. 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 even before the adoption of the Tunisian Constitution in 1959, founding a republic in which women and men were equal before the law. Other significant measures were adopted encouraging the exercise of critical faculties, such as the 1956 separation of Zeitouna University (founded in 123 /737 and which trained *oulama*) 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 making the *mahr* symbolic (changing what used to be large amounts of money the groom gave to the bride for marriage to the token amount of 1 dinar), fasting, the sacrifice of a ram on the *Aid al-Adhha*, the pilgrimage, etc. The state also eliminated a number of important religious institutions like the *waqf/habus*, and the state began to appoint the Mufti of the Republic and to administer the Department of Worship.

We will see in the next section how students coming from public schools became the first critics of reformism, partly because their religious teachers in the public educational system had been trained in classical Islam and had not received instruction on how to present religion to children and youth. Therefore the students receiving this instruction felt a rupture between what they were being taught and the life around them, often giving way to discontent and anger and sometimes leading them into more radical Islamist organizations.

III. Negotiating the *hudud*

In this section, I will be discussing how the perceptible discontent of the

(22) Joseph Tharamangalam. "Indian social scientists and critique of secularism." *Economic and Political Weekly*. Vol. 30, N 9 (Mar. 4, 1995), pp. 457-461. p. 461.

1960s became sharper with the economic crisis, turning 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 *hudud*/limits to their activities and where, on both occasions, women's rights were preserved.

A. The National Pact of 1988

Bourguiba's reformism began to encounter increasing resistance, starting already in the 1960s. Among the actions that created discomfort among the population, there are two that I would like to discuss: 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 in 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 in greeting 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⁽²³⁾. Whereas the State retreated on the question of fasting, with regard to the *hijab* the government published Decree 108 in 1981, which forbid wearing the *hijab* in public institutions⁽²⁴⁾. The reasons given to defend the law were that the *hijab* that girls were wearing to school with increasing frequency were “foreign to our traditions of dress”; they were dressing in a way “that merges with ‘confessional’ dress, which signifies belonging to group that distinguishes itself by sectarian dress, contrary to the spirit of our times and the healthy evolution of society.” 1981 was also the year when the Islamic Tendency Movement, 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 they were released in 1984. The Movement continued its activities among the population, providing social assistance, and it became more radical in its program.

In 1985 the Islamic Tendency Movement (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 and that the adopted child could carry the name of the adopting parents. In the face of this demand, which was supported by a number of adopting parents who were unhappy with their situation, 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, 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 committed in tourist areas of Sousse and Monastir in 1987 -- attacks that were attributed to Islamists -- the police made a number of arrests among Islamists including the MTI, many of whom were sentenced to long prison terms and two of whom were executed. And finally, on 7 November 1987, Bourguiba’s prime minister, Zine el-Abidine Ben Ali, deposed the president for

(23) 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 in 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.

(24) For a discussion of this see the article by Larbi Chouikha, “La question du *hijab* en Tunisie et en France,” in *La politisation du voile en France, en Europe et dans le monde arabe*. F. Lorcerie(ed.), Paris: L’Harmattan, 2005. pp. 161–184.

mental incapacity, with much of the population thankful that Bourguiba himself was not harmed. Deposing Bourguiba also allowed the country to avoid a military coup that was being planned for 8 November 1987 by elements in the Islamic Tendency Movement.

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* – a name that had generated controversy at the time of its founding, with the corresponding Moroccan organization called Association Démocratique des Femmes du Maroc) – obtained legal status⁽²⁵⁾.

The state 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 this 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 Tunisian nationality, with the agreement of the father; a fund was created for divorced women and their children, in cases where the husband/father had not paid alimony and for judicial proceedings against him; providing for a choice of marriage contract with either separation or common ownership of wealth; and that relations within the couple were to be founded on partnership (women with financial means should participate in providing financially for the family), etc.

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 (*an-Nahdha*), but still was not given legal recognition. A number of Nahdha party members were candidates in the 1989 elections, as

(25) Lilia Labidi. "The nature of transnational alliances in women's associations in the Maghreb: the case of AFTURD and ATFD in Tunisia." *Journal of Middle East Women's Studies* Vol. 3, No. 1 (Winter 2007), pp. 6-34.

independents, and won almost 14% 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, and following this Islamist activists of both sexes were pursued and some were sentenced to long prison terms. Some managed to gain exile. Of the 654 Islamist political prisoners identified in 2011 by the 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⁽²⁶⁾.



Sihem Ben Sedrine⁽²⁷⁾



Radhia Nasraoui⁽²⁸⁾

The state also kept a close watch on the secular opposition and co-opted the discourse of the independent Tunisian feminist movement, while at the same time marginalizing the movement's historic figures. Activities were closely monitored and made difficult, when they were not actually forbidden or cancelled, women's telephones and emails were monitored, etc. Among them Sihem Ben Sedrine and Radhia Nasraoui provide good illustrations of the ordeals 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, launched radio

(26) Imen Triki and Hajar Almiya. "Les analyses de données de l'Organisation Liberté et Equité." In *Les violations des Droits de l'Homme en Tunisie de la période prérévolutionnaire à juin 2012*. Avocats sans Frontières, with the support of the Confédération Suisse and le Département fédéral des affaires étrangères, Sept. 2012. p. 31 – 34. www.asf.be/wp-content/uploads/2012/11/ASF_TUN_ProjetArchives_Rapport201211.pdf

(27) Source: www.babnet.net

(28) Source: www.alternatives-citoyennes.sgdg.org.

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 to denounce corruption on TV, on the London-based channel *Al-Mustaqilla*, and she was arrested on her arrival at the airport and imprisoned. After the revolution of 14 January 2011, she was appointed member of the Truth and Dignity Commission (*l'Instance Vérité et Dignité*) which, with 15 members, was charged with establishing transitional justice. The role of this commission is 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 and her family. 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 expression⁽²⁹⁾; for the members of the ATFD this took the form of constructing alliances with human rights organizations -- 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*

(29) Research has been carried out on a variety of themes like divorce, unequal inheritance between men and women, etc. Artistic expression, with exhibits, happenings, installations carried out by Lilia Labidi, debates about theatrical plays and films, were also means to promote social criticism.

le Travail et les Libertés), the PDP (*Parti Démocratique Progressiste*) and the CPR (*Congrès pour la République*) – met in France and signed a Tunis Appeal (*L'Appel de Tunis*) that proposed that the next government, following the 2004 elections, should respect the people's sovereignty as 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 equality between men and women.

This meeting was not without impact on the feminist milieu in Tunisia and the celebration of 13 August 2003 (an annual event marking the anniversary of the Personal Status Code's promulgation) was the theater of multiple tensions among various organizations. A declaration signed by the ATFD, the Tunisian Human Rights League, 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 a 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 private space"⁽³⁰⁾.

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 out "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*"⁽³¹⁾.

In December 2003 Sana Ben Achour, a jurist and later president of the ATFD (from 2008-2010), spoke during a round-table discussion organized on the

(30) Larbi Chouikha. Op. cit.

(31) Larbi Chouikha. Op. cit.

theme, “The *hijab*: southern side of the Mediterranean,” which was the 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” and recognized in her introduction that there are “as many realities as there are *hijab* and as many *hijab* 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*, and 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.” Several months later Ilhem Marzouki, a sociologist and AFTD member called upon feminists to find the difficult balance between anathema and unqualified approval⁽³²⁾. The state, showing its concern over the extent of the debate, hardened its repression against 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 without leadership and with a clear slogan, “Freedom, dignity, and work.” Adolescents became photo-journalists for international satellite television channels and social networks contributed to 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⁽³³⁾. The spirit of justice, based on direct

(32) Ilhem Marzouki. “A propos du ‘Foulard Islamique’: Foi ou loi?” *Al-Tariq al-Jadid* 24 March 2004.

(33) 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; Taoufik Bouderballa heads the Commission d’Enquête sur le Rôle des Forces de Sécurité dans la Répression Sanglante des Manifestations; and Abdelfattah Amor heads the Commission Nationale d’Etablissement des Faits sur les Affaires de Malversation et de Corruption (foreign bank accounts, real estate in Tunisia, participation in companies and wealth. etc.).

experience and/or on reflection and revolutionary legitimacy enabled the society to decide controversial questions concerning the following matters.

a) Lifting the ban, in 2011, on wearing the *hijab*, and deciding that 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*⁽³⁴⁾. Women wearing the *hijab* were able to be photographed for their national identity card and article 6 of Decree 717, 13 April 1993, defining the characteristics of the identity card was modified accordingly.

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 affirming parity and mandating alternation between man and woman on electoral lists was adopted by 84 votes (some sources say 85) against 34⁽³⁵⁾. 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 in line with 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

(34) Testimony of Mongia Laabidi, 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. (<http://www.youtube.com/watch?v=s8iMvPywDuY>) (13/3/2012)

(35) 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. Instance-superieure-isror-yadh-benach.blogspot.sg/2011/04/les-m...

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⁽³⁶⁾.

A further word on Souad Abderrahim: she was a militant in the Islamically-oriented student organization the UGTE (*Union Générale Tunisian des Etudiants*) in the 1980s, was arrested for 15 days in the 80s under Bourguiba, and 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.

e) 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 for 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"⁽³⁷⁾.

Let me make two points here. The first concerns the number of women's

(36) She won 10,218 votes, 35% of the votes cast.

(37) 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 Gasmi "The Barbary Fig Revolution"; Jaloul Ayed titled his book, *Tunisie. La route des jasmins* (Paris: Editions de la Différence, 2013).

I would like to cite here the study by Robert Castel, "La discrimination négative: le déficit de citoyenneté des jeunes de banlieue" (*Annales, Histoire, Sciences sociales*. 61 Année, N 4, 2006. Pp. 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.

associations formed between January and September 2011 – equal to 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⁽³⁸⁾, for having relayed the government’s discourse without showing any independence from it, and succeeding in having these organizations placed under judicial oversight⁽³⁹⁾. 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*. And then Souad Abderrahim criticized Tunisia’s lifting its reservations concerning CEDAW, but she did this in a way that didn’t attract media attention.

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% 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%, slightly lower than 27.57% 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⁽⁴⁰⁾.

(38) The party in power – the Democratic Constitutional Rally (Rassemblement Constitutionnel Démocratique -- RCD, 1988-2011) – descended from the Parti Socialiste Destourien (PSD, 1964-1988), in turn descended from the Neo-Destour Party, founded by Habib Bourguiba in 1934.

(39) 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 Bhouiri, was the only group to call for dissolving the UNFT in March 2011.

(40) Lilia Labidi. “The Arab Spring in Tunisia: Parity, Elections, and the Struggle for Women’s Rights.” Paper presented at the conference, “The Arab Uprisings One Year Later,” organized by the Middle East Institute, National University of Singapore, 2012. (the publication is forthcoming)

To better understand why these results didn't 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.

IV. New social demands

In this section I wish to discuss two events that renewed debates that occurred in Tunisia a half-century earlier, but now where the main actors are women. The documentary film *Ni dieu ni maître* (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 and also how the state, to avoid the people's anger, forbid the sale of alcohol during Ramadan and took measures that allowed cafés and restaurants in tourist zones to remain open but, by keeping their windows covered, to do so in a way that would not 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 man and woman rather than "equality."

A. "Laïcité InchAllah"

Nadia El Fani, a filmmaker well-known for her *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 Salafi-s with her film, *Ni dieu ni maître* (*Neither god nor master*) When it was shown in the spring of 2011 at a festival it occasioned little comment but, when put on the program of a theater in Tunis, 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, finished 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⁽⁴¹⁾. 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"⁽⁴²⁾. 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, "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 oppose the filming and a conversation begins 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." She remarks that the government is one thing and religion is another and, denouncing authoritarianism, says that liberty is to be thought of as one wishes.

Attacked on Facebook, the filmmaker brought two legal cases, one in France and the other in Tunisia⁽⁴³⁾, engaging to defend her Tunisian case Bochra Belhaj Hmida, former ATFD president and someone who is clear about her fears for the freedoms of belief and expression⁽⁴⁴⁾. 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, and he answered, "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." As for whether one can be a good Tunisian citizen and not a practicing Muslim, or even an atheist, he answers, "All Tunisians are free" and "No Muslim can excommunicate another," and that "Living together" means the duty of each to

(41) Title: Revenues from beer sales in 2012 almost doubled compared to 2009.

First trimester	Hectoliters	Revenue
2012	387,628	21.3 million dinars
2011	283,783	14.3
2010	289,706	15
2009	265,156	13.8

Source: http://www.maxulabourse.com.tn/news/attachments/110025_25042012-1.pdf

(42) http://www.telerama.fr/cinema/laicite_inch_allah_revolution_tunisie,73190.php

(43) <http://www.youtube.com/watch?v=3SWzsRSyFIU>

(44) Bochra Bel Haj Hmida, list head for the Ettakatol Party in Zaghouan for the October 2011 elections, was not elected.

respect what the other considers sacred⁽⁴⁵⁾.

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 differs 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(approximately \$US 135) for anyone obviously breaking the Ramadan fast in a public place. And then, 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 of reactions among Islamist political figures, with *Al-Adl Wa al-Ihsan* agreeing with it, its second-in-command, Fathallah Aarsalane, saying “that no pressure can be put on the individual’s choice, spiritual relationship, and right to know God” and maintaining that “True democracy is sufficiently open to support all opinions”⁽⁴⁶⁾. The *al-Jamaâ* movement found in this position a way to distinguish itself from a controversial fatwa on apostasy issued by the Council of Oulama-s, 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⁽⁴⁷⁾.

B. Complementarity

The phrase, “complementarity of the woman to the man” (“complémentarité

(45) Frida Dahmani. “Rached Ghannouchi: ‘Islam et politique sont indissociables.’” *Jeune Afrique*.com <http://www.jeuneafrique.com/Article/JA2692p054-059.xml0/> (27/8/ 2012)

(46) “Liberté de conscience: Al Adl Wal Ihsane pour le droit à l’apostasie et le non respect du Ramadan?” (25/4/2013) <http://maroc.msn.com/news/maghreb-news/1057744/liberte-de-conscience-al-adl-wal-ihssane-pour-le-droit-a-lapostasie-et-le-non-respect-du-ramadan/>

(47) Report on Algeria: <http://www.youtube.com/watch?v=RPcCsLwAO80> ; on France <http://www.youtube.com/watch?v=NleHrF6g09o> (Accessed 25/10/2013)

de la femme avec l'homme") led to a strong reaction, giving a political character to the debate. The content of Article 28 of the ANC's proposed constitution 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: "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 that consecrated "complementarity" and not "equality" between the sexes, which 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 August when, annually, the promulgation of the Personal Status Code in 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" and she launched a petition on her site calling for "protecting the citizenship rights of women in Tunisia" and against the formulation that defines the woman "with regard to the man" and a vision that doesn't say that the man is the "complement to the woman"⁽⁴⁸⁾.

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, which published a declaration on August 4 saying 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⁽⁴⁹⁾. The group also highlighted the

(48) Sabrina Dufourmont. "Tunisie: la femme n'est plus l'égal de l'homme." http://www.lepoint.fr/monde/en-tunisie-la-femme-n-est-plus-l-egale-de-l-homme-09-08-2012-1494534_24.php (9/08/2012).

(49) (Unsigned article). "Le cadeau d'EnNahdha: 'la complémentarité' de la femme 'avec l'homme' et non l'égalité entre les sexes." <http://www.elkasbah.net/tunisie-fete-de-la-femme-le-cadeau-denNahdha-la-complementarite-de-la-femme-avec-lhomme-et-non-legalite-entre-les-sexes/>

paternalist approach that gave absolute power to the man while denying to the woman her full citizenship rights, and they reproached the text for not recognizing the woman as “an independent being,” 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⁽⁵⁰⁾. The signers called for rejecting the notion of “complementarity” between man and woman, in as much as it was open to misunderstanding and its interpretation risked a number of dangers, opening the door to the technique of *fait accompli* as was seen in the case of the Algerian Family Code in 1984.

Farida Labidi⁽⁵¹⁾Souad Abderrahim⁽⁵²⁾Meherzia Labidi⁽⁵³⁾

After demonstrations on 13 August 2012 that mobilized political parties and national organizations opposed to the notion of “complementarity” and to Nahdha, which was seen as supporting it, and where women appeared in large numbers to demonstrate against attacks on their rights – the opposition to Nahdha began to treat women wearing the *hijab* disdainfully, assimilating them, no matter what their actual profession, to women working in *hammam*-s⁽⁵⁴⁾. making fun of them on internet social networks – a phenomenon similar to one pointed out by Alev Cinar in Turkey. And the Minister for Women’s and Family Affairs blamed

(50) (Unsigned article). “Quel avenir pour la femme tunisienne? Complémentaire ou égale?” www.tunisiefocus.com/politique/quel-avenir-pour-la-femme-Tunisian-complementaire-ou-egale-17727/ (13/08/2012).

(51) (Unsigned article). “Quel avenir pour la femme tunisienne? Complémentaire ou égale?” www.tunisiefocus.com/politique/quel-avenir-pour-la-femme-Tunisian-complementaire-ou-egale-17727/ (13/08/2012).

(52) Source: www.babnet.net (Farida Labidi is not related to the author.)

(53) A profession located at the bottom of the scale of professions.

(54) A profession located at the bottom of the scale of professions.

the *hijab* worn by women for their not reaching decision-making positions; and Souad Abderrahim, who had succeeded during the electoral campaign in giving Nahdha an image different from that of the 1980s, was put on the television to reassure the population, to defuse the crisis, confronting Ahlem Belhadj, a child psychiatrist and president of the ATFD, and declaring 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 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” – an article that gained general consensus -- before sending it to the Committee on Rights and Freedoms and to the plenary session of the ANC⁽⁵⁵⁾.

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 define 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 made a declaration where she withdrew her criticism of Tunisia’s lifting its CEDAW reservations in the summer of 2011, saying, “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”⁽⁵⁶⁾. Meherzia Labidi[no relation to the author], vice-president of the ANC and wearing the *hijab*, questioned wearing the *niqab*, encouraged women to take 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, in April 2014, the Tunisian government formally notified the UN Secretary-General that the government was lifting its reservations regarding CEDAW, a measure that

(55) (Unsigned article). “Le fameux article 28 sur la ‘complémentarité’, recalé.” www.espacemanager.com/politique/tunisie-le-fameux-article-28-sur-la-complementarite-recale.html (25/9/2012).

(56) Amel Djait. “Maya Jeribi: Les femmes d’EnNahdha vivent un déchirement réel.” (22/3/2013) <http://directinfo.webmanagercenter.com/2013/03/22/maya-geribi-les-femmes-denNahdha-vivent-un-dechirement-reel/>

had been adopted by Tunisia's first transitional government in August 2011.

Conclusion

To conclude, I would like to highlight three aspects. The case of the Tunisian feminist movement testifies to women's contribution to the process of secularization and reinterpreting religious thinking – dimensions that have been marginalized in the social sciences, with little work being done on women figures in Islam, or on Islamist women in their variety, or on women members of Nahdha, or on secular women's struggles in this area. Now, during each of the periods I have discussed, it is clear that feminist constructions of what I have called elsewhere a theory of evil – that is, of the obstacles, barriers, discriminations, misogynous visions that prevent women from achieving their goals -- enabled feminists engaged in political parties or in national or independent organizations, to identify the elements that motivated their struggles – colonialism and patriarchy from the 1900s to the 1950s, discrimination, authoritarianism, misogyny, and patriarchy from the 1980s to the 2000s⁽¹⁾. These struggles and constructions contributed to the promulgation of the Personal Status Code and to the constitutionalization of women's rights, an increasingly widespread demand of women.

The second aspect relates to the support feminists found among some male intellectual and political figures, which can be explained on the psychological level by the recognition these figures had of the dependence of men upon women and which Hédi Labidi, Tahar Haddad, Farhat Hached and especially Habib Bourguiba avowed⁽²⁾. The reforms introduced in fundamental institutions between the 1950s and the 2000s, and the democratization of education, 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 and in 2003.

The third and last aspect concerns women and their bodies. Women's bodies appeared as central to the Bourguiba and Ben Ali regimes, as it also did for the Islamic Tendency Movement that later became the Nahdha party, and as it did

(1) Lilia Labidi. *Çabra Hachma: sexualité et tradition*. Tunis: Dar Ennawras, 1989.

(2) Lilia Labidi. "Condition féminine et réaménagement des sentiments dans le monde arabe." In Sow, Fatou (ed.) *La recherche féminine francophone*. Paris: Karthala, 2009. Pp. 269-280.

also in Turkey, as Alev Cinar has shown⁽³⁾. Secularist or Islamic modernity involved 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, the autonomy of feminists during the 1980s, the constitutionalization of women's rights in 2011-2012, and so on, enabled feminist groups to evolve and to express their thinking differently according to the forces in play. These different periods each saw a different kind of independent Tunisian feminism, varying between universalist (for complete equality between the sexes with differences between them of social and/or cultural origin) and differentialist forms (for equality but believing that certain activities are better suited to each sex), reflecting the character of debates that dominated the public sphere up until the end 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 Ben Ali regime. And while universalist and differentialist feminists, without being in opposition to Islam, call for a greater role for the state⁽⁴⁾ 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.

(3) Alev Cinar. “Subversion and subjugation in the public sphere: secularism and the islamic headscarf.” *Signs*. Vol. 33, N 4, (Summer 2008). pp. 891-913.

(4) Lilia Labidi. “Y-a-t-il un futur pour le féminisme au masculin et le féminisme d'Etat en Tunisie?” in *Revue Socialiste, Le temps des femmes*, n°51, third trimester 2013, Pp. 147-150.