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# Tunisia: Human Rights Organizations, Political Islam and its Groups

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## Abstract

How can we understand the relation of political Islam in Tunisia with the human rights system in its indivisibility and universality?

Since the establishment of the Tunisian Islamic Movement in the early seventies, it has worked extensively to articulate public positions addressing issues of human rights and freedoms.

This relationship sprang from a dual position which juxtaposed full hostility to personal freedoms such as sexual rights and a relatively positive interaction with public freedoms. Then came the deliberations and process of ratification of the 2014 Constitution which was special in its emphasis on equality between women and men, freedom of belief, and criminalization of accusation of blasphemy. The repression of Islamists in Tunisia in the 1980s and 1990s was the most important factor that defined their position, views, and engagement with human rights principles.

After the fall of former Tunisian President Zine El Abedine Ben Ali in 2011, the return of the Islamist Ennahda (Renaissance) Movement to public activity was one of the most important features of the new political phase in the country. The Tunisian society was split between supporters and opponents of such a development. With the return of Ennahda and the emergence of other Islamist groups, especially the Salafis, the debate resumed over the position of Islamists towards human rights. While they attempted to include Islamic law (Sharia) as the main source of legislation in the constitution, Islamists continued to declare their belief in human rights principles. Some analysts were optimistic concerning a transformation in the Islamist ideology, while others insisted that Islamists were duplicitous, waiting until they are empowered enough to impose their project, which is inherently hostile to human rights. This paper is an attempt to review the Islamists' positions on human rights and how they changed over time.

## Introduction

The return of Islamist parties to public political activity is one of the most significant outcomes of the popular uprising in Tunisia in late 2010 and early 2011. Although the most important of these organizations, that is Al Ennahda, has been in the forefront of the political scene and one of its most relevant interlocutors, the integration of Islamists into the heart of the project for democracy remained problematic within the political transition in Tunisia. The Islamists, both organized groups and influential individuals, developed varying and sometimes contradictory positions on the universality and indivisibility of human rights. This is a central part of the problematic of their participation in a democratic project in which human rights is a central pillar.

The difference between political Islam in Tunisia and its counterparts in the Arab Maghreb region in particular and the Arab region in general, limits to a great extent the possibility of its deconstruction and understanding as a more general phenomenon. The historical evolution of Ennahda in Tunisia, since it was first established as the *Movement of Islamic Tendency*, had been very different from that of its counterparts in all other Arab countries. Although they all agreed on certain religiously-inspired objectives such as calling for religious reform to save the *Ummah* (Muslim nation) from the existing grim political reality, Ennahda differed from the rest in the dynamics of political action ensuing in the postcolonial state formation period, a process that differed in Tunisia compared to other Arab states.

In Tunisia, modernity formed the basis for state building, which consequently subjected religion to the remit of the state, whereby the administration of religious affairs became an exclusive state function. Secondly, the birth of the Islamist movement in Tunisia was not organically linked to the international movement of the Muslim Brotherhood in contrast to what happened in the Levant.

In short, Tunisian Islamists emerged from within a specific ideological and political discourse that differed from the one that dominated Egypt and Arab countries east of the Mediterranean.

Tunisian Islamists approached the complex issues of human rights at the intellectual and theoretical level as well as in real everyday life situations. So, in addition to writing on relevant issues, they also engaged with human rights groups on the ground. Islamists did not take part in the formative phases of those groups, which began in the late 1970s. For years, Islamists often deployed a rights rhetoric, largely exclusively on civil and political rights, especially after they became the target of repressive measures and long crackdown by Tunisian security agencies.

Tunisian Islamists maintained a dual position regarding the human rights paradigm: one is distant and unengaged and the other partially instrumental. The former was largely a rhetorical ideological position while the latter took precedence when practical considerations called for it.

The shuffling of the Tunisian political scene in 2014 changed the relationship between the Islamists and the human rights movement, especially with the ratification of the 2014 Constitution by a Constituent Assembly, in which Ennahda had a relative majority. This Constitution enshrined a set of rights and freedoms largely in line with international covenants and treaties. This created a wide disagreement regarding the Islamists. On the one hand, some argued that the transitional period, especially the resulting constitution, served as proof that Islamists were in support of the

universality of human rights. Others countered that the Islamist position was a political maneuver and that their true colors would show up when they assume full power.

The concern went beyond Ennahda to other currents Islamist factions, foremost among which were Hizb Tahrir and the Salafis, both *'Almiya* (scholastic or scripturalist) and *lihadi* variations. The Ennahda accommodated the rise of the Salafi movement in Tunisia until 2014, thus raising many questions specially after several terrorist attacks perpetrated by Jihadi Salafis cast doubts on whether it was at all possible to have clear lines of demarcation among various Islamist factions especially when it come to their foot soldiers. This situation brought back early secular concerns about whether Islamists have changed seriously enough to firmly support human rights – for all humans and for all rights.

## **1. Human rights or Muslim rights: Tunisian Islamists and the human rights paradigm<sup>1</sup>**

On a theoretical level, the Islamist literature on human rights vary from the general writings by Islamist intellectuals to works by Tunisian Islamists, foremost among which Ennahda's leader Rached Ghannouchi, who had a dual approach to the positions of the Muslim Brotherhood in this regard.<sup>2</sup> Ghannouchi sometimes, in what appears to be a rebellion against conventional *fiqh* views, removes the sacred-like cover off certain teachings arguing that they were based on rigid, ahistorical views of jurisprudence while they needed to be adapted according to context, or correctly historicized, and, thus allowing for discarding opinions described as the consensus of Muslim scholars or *'jma'* when it comes to borderline issues. Perhaps the most controversial of these issues is *Hodoud* (physical penalties) and the postponement of their enforcement until the establishment of the state of sufficiency, the state governed according to the teachings of Prophet Mohammed and his immediate successors, *Al Khulafa' Al-Rachedeen*.

Ghannouchi and the Tunisian Islamist Movement are not an anomaly within political Islam, where several leading thinkers including Malik bin Nabi in Algeria and Hassan al-Turabi in Sudan tried to reform Islamic teachings and Islamize major modern political concepts. However, this process was not comprehensive, and the Tunisian Islamist ideology continued to embrace major fundamental Islamist teachings.

### **A. Before 2011**

Since its inception, Ennahda has developed two contradictory positions in reaction to the two main political groups: the ruling and powerful Constitutional Party on the one hand and various leftist factions, usually in opposition with the height of their influence occurring in the late 1970s and early 1980, on the other hand.

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<sup>1</sup> Unlike Ennahda, neither the Salafi movement nor Hizb Al Tahrir reconsidered their position regarding human rights. Neither of them conducted any revision of their ideological underpinnings.

<sup>2</sup> Ennahda movement was established in 1972 under the name "El-Jama'a El-Islameya". Its name changed twice. In 1981, it became *the Islamic Tendency Movement* and in 1989 it became *Ennahda Movement*. When it was legally registered in 2011 it became Ennahda Movement Party. All those changes were largely a reaction to government policies.

Human rights constituted One of the areas of confrontation between Ennahda and both these two groups. Islamists opposed both but for a distinct set of rights for each of them; these were public freedoms with the Constitutional Party and personal rights with the leftist. Ennahda also adopted a human rights discourse that demanded the state to respect the rights to freedom of assembly, organization, expression, publication, demonstration and other political rights. Ghannouchi rooted this position in Islamic jurisprudence and Sharia in his writing.<sup>3</sup>

Perhaps the most important political challenge for the Tunisian Islamists before 2011 was the harsh crackdown imposed on them by the state. This siege like tactic by the state led to Ennahda's commitment to various civil and political rights, while also maintaining the conviction that Islamic teachings should govern the state and its enforcement of personal law, which was their most contentious difference with the regime of former president Al-Habib Bourguiba. However, the 1990s' crisis and the crackdown against Islamists during the rule of former President Ben Ali deepened this focus on civil and political rights as evident in Ghannouchi statements and speeches.

As a direct result of Ben Ali's repressive policies in the early 1990s, many Islamists were imprisoned while their families had to endure severe security restrictions and surveillance that drastically affected their lives. This made Ennahda even more interested in defending civil and political rights, temporarily giving lower priority to calls for reorganizing the political and public realms on the basis of Islamic principles. This meant less public advocacy by Ennahda against personal rights, especially those related to freedom of belief and women.

The Islamist movement was increasingly presented as the main victim of state repression, if not the only one.<sup>4</sup> Since the public space of protest shrank dramatically for Tunisia's Islamists together with other opposition movements, parties, and human rights associations, the Islamist Movement sought to form committees to support political prisoners and their families in exile (especially in the French capital). The main task of these committees was to draw the attention of large international human rights organizations, such as Amnesty International, Human Rights Watch and others, to the human rights situation and the ill treatment of political prisoners in Tunisia. These committees and the Ennahda leadership abroad adopted a universal human rights discourse that is not Islamically packaged nor dependent on Islamist concepts and approaches. In this context, Ben Ali was described as a tyrant and not *Taghut* (Islamic term for tyrants with theological connotations) and the regime was denounced for its dictatorship and not *Jahiliyya* (pre-Islam way of life in Arabia) and blasphemy (*Kofr*).<sup>5</sup>

### ***Personal and Individual Rights***

The *Movement of Islamic Tendency* constructed an oppositional discourse against the regime, not only in defense of public freedoms, but primarily to rehabilitate the society after "the destruction caused by the Bourguiba regime", referring in that regard, to the personal status law of 1956, which prohibited polygamy, empowered courts to decide on divorce as a civil matter, and restricted

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<sup>3</sup> Rached Al Ghannouchi, **Alhoiryat Al-'amma fil Islam** (Public Freedoms in Islam) , the Center for Arab Unity Studies, 2001 (Arabic).

<sup>4</sup> Alzakira Altunisia li Sanawat Al jamr (Tunisians Remember the Years of Embers), "Our Trials could Lead to Extremism or to Moderation, an Interview with Ennahda Leader Abdallah Elzawari", available at [bit.ly/2MWyCiv](http://bit.ly/2MWyCiv) (Arabic).

<sup>5</sup> Al Jazeera, *Al Itijah Al Mo'akiss* Show, "Interview with Rached Ghannouchi and Al-Hashemi Al-Hamedi", Part 1, 1999, available at [bit.ly/2laYs24](http://bit.ly/2laYs24) (Arabic).

religious education, basically through closing down the educational programmes organized by Al Zaytouna mosque. The Islamist movement disagreed with both the regime and the leftist opposition on issues of individual freedoms. The women's rights constituted the starting point for this confrontation, which later expanded to cover other freedoms. Islamists argued that such rights caused moral decay and weakened social ties and cohesion as a result of public policies which ignored the 'Islamic anchor and framework' of the Tunisian people.

Despite several compliments to women and references to contemporaneous female followers of prophet Muhammad and urging Tunisian women to follow suit, Ghannouchi's book *Women between the Quran and the Reality of Muslims* included provisions that reflected the movement's general perception of the role of women. For example, it stated that "Islam does not approve of women's work while many men suffer unemployment ... the main function of women is the sexual function ... and reproduction." Ghannouchi insisted on the need for women to stay home in order to focus on raising their children. This conservative approach went beyond an opposition to women's rights to include specific practices people may engage in such as opening bars and frequenting them and serving customers in cafes and restaurants during the fasting hours in the month of Ramadan.<sup>6</sup>

### **At the level of action**

At the beginning of the new millennium, the Tunisian opposition began to protest against the growing tyranny of the Ben Ali regime. These protests reached their peak in October 2005 when eight national figures began a hunger strike,<sup>7</sup> raising three demands: freedom of organization, media freedom and a general amnesty. Two prominent figures of the Islamic movement joined the strike, Samir Dilou and Mohamed Nouri, as representatives of the International Association for the Defense of Political Prisoners.<sup>8</sup> The demand for a general amnesty for political detainees was adopted by the Tunisian opposition in general though its main beneficiaries would have been Islamists. In other words, realizing this goal would have strengthened the Islamists in the political arena.

As a result of this hunger strike, a coordinating committee was formed by participating political parties including activists such as Samir Dilou, Ali Larid and Ziad Al-Dulatli from Ennahdha. After two years of meetings and compromises, this committee proposed a common political front that rested on several documents including *The Declaration of the October 18 Committee on Women's Rights and Gender Equality* and *The October 18 Committee for Rights and Freedoms: Joint Declaration on the Relationship between State and Religion*.<sup>9</sup> By signing these documents, Islamist leaders agreed, inter alia, that "the desired democratic state can only be a secular state based on Republican principles and human rights, deriving its legitimacy from the will of the people". They also agreed that "politics was a human undertaking regardless of the convictions and beliefs of political actors," something that strips such political action from any sanctity, thus freeing the political space from restrictions on expression and enabling a free and open competition among varying visions and

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<sup>6</sup> Rached Al Ghannouchi, *Women between the Quran and the Reality of Muslims*, Al Markaz Al Magharebi for Research and Studies, 2000 (Arabic).

<sup>7</sup> Ahmed Nagib Elshabi - the Progressive Democratic party, Hama Alhamami - Tunisian Workers' Communist party, Abdel Raouf Alaiady - the Congress for the Republic party, Lotfi Hagi - journalist, Mokhtar Yehiawi - judge, Alaiashi Alhamami - LTDH, Samir Dilou and Mohamed Nouri - the International Association for the Defense of Political Prisoners.

<sup>8</sup> An association that was not granted legal registration during the reign of Ben Ali in 2001. It constituted a front for activity of some Ennahda members who were not imprisoned or in exile.

<sup>9</sup> See the documents of the 18 October Committee at Nashaz website, available at [bit.ly/2FhzpaC](http://bit.ly/2FhzpaC)

programs of diverse ideological backgrounds. Another declaration enumerated women's legal and social gains since the establishment of the postcolonial state in the mid 1950s and ways to undertake necessary reforms to consolidate these gains. Such reforms included an explicit stipulation of gender equality in the Constitution and in various Tunisian laws, which needed to be amended to remove any ... form of discrimination against women in order to guarantee full equality with men and open wider areas for participation in public life."

Parallel to this Secular-Islamist convergence within the ranks of the political opposition, another rapprochement occurred in the human rights arena, where the Tunisian League for the Defense of Human Rights (LTDH) opened up to Islamist members for senior positions. The last LTDH held in 2000<sup>10</sup> was attended by Islamists Muhammad Al-Qumani and Abdul-Aziz al-Tamimi who secured seats in LTDH leadership structure. Since it was established, the LTDH had distinguished itself by<sup>11</sup> defending the rights of all political and human rights activists, without discrimination due to ideological or political affiliation. Despite state restrictions, the LTDH continued to demand a general amnesty for all political prisoners in the 1990s and the early 2000s and declined to join other CSOs in state-supported campaigns of "Resisting Backward Ideas".<sup>12</sup> Such campaigns were designed and implemented to market the claim that the regime security forces had to suppress Islamists in Tunisia in order to protect the nation-state from their harmful ideology as "spearheaded" by Ennahdha. Such campaigns were designed to justify the use of any means necessary to preserve the secular façade of the state. The LTDH, meanwhile, stood fast on principles calling for comprehensive and universal rights, under two slogans: "All rights to All People" and "Human Rights are Universal".

The other association that maintained its independence throughout the reign of Ben Ali was the Tunisian Association of Democratic Women (ATFD), which has long adopted a strongly critical position against Islamists. The ATFD's had been a very critical voice against 'patriarchal authority' and a committed opponent to the regime's 'reactionary misogynist projects'. This exacerbated their relations with the Islamist movement until 2003, when ATFD president, Bushra Belhaj Hmeida, issued a statement calling on the authorities to act against the increased veiling of women. Thirteen years later, Yusra Ferawiss, an ATFD board member, confirmed that the organization has never defended Islamist detained nor their wives and families, justifying this position by saying that Ennahdha women never asked ATFD for help in defending themselves or their husbands when they were all repressed during the rule of Ben Ali. ATFD was thus skeptical towards the release of the 18<sup>13</sup> October documents of rights and freedoms, warning against what it viewed as a duplicitous Islamist discourse with a hidden agenda.

These documents stirred a wide debate even within the ranks of the Ennahdha movement itself with a large number of supporters in Tunisia and in exile, criticizing them as a divergence by the leadership of the movement from an established political and intellectual position. Many Islamists

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<sup>10</sup> Since then LTDH was banned from using its offices or organizing its congress until after 2011.

<sup>11</sup> While preparing this paper for publication in September 2018, both Mohamed Alqumani and Abdeaziz Altamimi were members of Ennahdha political bureau. See Ennahdha website for more details at [www.ennahdha.tn](http://www.ennahdha.tn)

<sup>12</sup> For example, women participants in the 13th congress of the Tunisian women's union held in April 2010, emphasized the role of Tunisian women in preserving the national Tunisian identity and confronting all forms of fanaticism and conservatism. See a relevant commentary at [www.fettounsi.blogspot.com/2010/04/13.html](http://www.fettounsi.blogspot.com/2010/04/13.html)

<sup>13</sup> A seminar was held at the office of Rosa Luxembourg Foundation organized by Nashaz association on "Women's Rights between Islamists and the Left". Yusra Frawis from ATFD and Saieda Alwanisi from Ennahdha took part in the seminar.

took this change to mean a reformulation of Ennahda main political tactic, whereby the organization had long presented itself as a victim of systematic human rights revolution rather a champion of these rights for all. This tactic was in a way imposed on Ennahda by the repressive state apparatus since the early 1990s. However, to exclusively defend Islamists' civil and political rights and the movement's right to exist and engage in public activities was an acceptable tactic as long as it did not overshadow the fundamental objectives for which the Movement was created: to defend an Islamic identity for Tunisia. This ostensible major shift fueled disagreements among leadership and grassroots in Ennahda with the rank and file believing that the leadership had long exploited their sacrifices to market and benefit alone from the image of a victim.<sup>14</sup>

Thus, a convergence evolved between Ennahda leadership and its secular counterparts reaching a largely supported agreement within the ranks of the opposition on the priorities of struggle, which was to enshrine the rights to freedom of association, assembly, and expression in addition to a general amnesty to all political prisoners. This consensus over major sociopolitical issues came with a price for Ennahda; the leadership influence over the rank and file has weakened as the grassroots felt alienated and longed for the Ennahda they have joined in the 1990s. This duality within the Islamist movement on the issue of rights and the resulting gap between the leadership and its popular base has been salient since 2011, when Tunisia embarked on a democratic transition.

## **B. Since 2011**

Ghannouchi returned to Tunisia from his London exile immediately after the revolutionary wave toppled Ben Ali in January 2011.<sup>15</sup> This was the most significant political development after Ben Ali's fall. This return and visible Islamist participation in massive public protests such as the Kasbah 1 and 2 sit-ins shone a light on the role and influence of the Islamist movement and attracted the attention of political and rights activists.

The Movement held a press conference on 7 February 2011 to announce it had submitted an official request to the authorities to form a political party. Noor al-Din al-Beheiri, member of the founding committee, said: "The position of Ennahda on the issue of the personal status law and women's rights is clear. Our statements clearly indicate our commitment to this law. We have formed a political party according to the provisions of the law of political parties, which stipulated that any party must respect the republican system, the constitution and the personal status law." Al-Sahabi Atik added: "We support human rights. Islam supports the rights of women and human rights in general. We are a patriotic and national movement with an Islamic ideology. Our ideology is moderate and centrist. We mix the teachings of Islam, Sharia, Islam, the achievements of humanity and values of modernity together." The response to these declarations came from inside the movement itself when Habib al-Louz, former head of the movement, said at a public meeting in Djerba that "defenders of the personal status law represent only a minority within the party".

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<sup>14</sup> Elzawari, a Ennahda leading member, claimed that leaders of the movement abroad exploited the suffering of the grassroots membership, who were oppressed in the prisons of Ben Ali, on media platforms and in international human rights circles. See the Tunisians Remember the Years of Embers, "Our Trials Could Lead to Extremism or to Moderation, an Interview with Ennahda Leader Abdallah Elzawari", op. cit.

<sup>15</sup> Ghannouchi returned on 20 January 2011.

The issue of the personal status law and the conflicting positions around it constituted an example of the evolving positions of a party that had just reassumed a public presence. These controversial issues included the adoption of Sharia as the source of legislation in the constitution, the universality of human rights, and freedom of thought and belief. Analysts disagreed concerning those contradictions. Some saw them as evidence of an Ennahda duplicitous discourse,<sup>16</sup> where the movement maintained a public position towards other political actors, interacting with their positions and views, while holding on to its long-standing ideological foundations. The concluding statement of Ennahda's 9th Congress<sup>17</sup> stated that "the congress endorsed a vision of a society and of [Ennahda's] role in building it, based on Islamic principles ... [I]n that vision it is the state that regulates this social role". This meeting took place when Ennahda was in power for the first time ever.

Some Islamists defended this duality and considered it a sign of pragmatism and objectivity, elaborating that the Islamic movement had embraced a heterogeneous mixture of ideas ranging from the revolutionary to the reformist, traditional and jihadist, literal and pragmatic, in addition to a duality in organizational structures that pulled the members of the Islamic Movement towards two different political paradigms.

The first paradigm is based on allegiance to a doctrine that sees Ennahda as the group of credible believers who embraced the way of God to reform their compatriots and, above them, their state. Affiliation to this group is an indication of affiliation to Islam, while breaking away from it only means breaking away from a project of governance based on the teachings of the Prophet and his early followers.

The second paradigm is based on a civilian sensibility and the adoption of political positions publicly but in line with personal convictions and due consideration of pertinent social interests, thus converting Ennahda to become like any other "ordinary" party.

To better understand this apparent contradiction, one should study the impact of underground political activism on Ennahda. This secrecy never allowed for an open debate among the Islamists, unlike what has transpired since 2011.<sup>18</sup>

Others believed the movement was going through an identity crisis as a result of internal ideological conflicts between "doves" and "hawks" triggered by the new political reality. The intellectual and doctrinal (Quran and Sunna) terms of reference of the movement are influenced by the existence of a modern state (whether Ennahda is persecuted or in power). The divergence of views on Ennahda's political identity then becomes unavoidable as the Movement itself undergoes ideological infighting. Ultimately, if Islam provides for a comprehensive and harmonious organization of human life and the universe, the religious cannot be separated from the political. Consequently, the moderate centrist wing within Ennahda is inherently antithetical to its initial ideological foundations.

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<sup>16</sup> Nagi Alze'eiry, "Islamist Movements in Tunisia: Which Rhetoric and What Objectives?", Alchorouk newspaper, 12/9/2011, available at [bit.ly/2xKnqQX](http://bit.ly/2xKnqQX)

<sup>17</sup> Ennahda, "The Concluding Communiqué of Ennahda 9<sup>th</sup> Congress", 23 July 2012, available at [bit.ly/Xk5UPs](http://bit.ly/Xk5UPs) (Arabic).

<sup>18</sup> Sami Brahim, "Three Questions to the Islamists of Tunisia", Kalima, 12 April 2016, available at [is.gd/iDUegt](http://is.gd/iDUegt) (Arabic).



### C. After October 2011

The October 2011 elections produced a victory for Ennahdha, enabling it to control more than one third of the seats in the Constituent Assembly. During the proceedings of the committee entrusted with the drafting of a new constitution for the country, Ennahdha defended several positions that angered political opponents and unsettled modernist civil society organizations. Those positions notably included: Naming Sharia as the primary source of legislation, adopting Islam as the state religion, maintaining

the death penalty, considering women complementary to men rather than equal to them,<sup>19</sup> rejecting the move to criminalize accusations of blasphemy. These positions led to heated debates inside and outside the Constituent Assembly. Secular organizations rejected a role for religion in politics and demanded the separation of the two realms. This position was argued by organizations such as ATFD and the Tunisian Cultural Association for the Defense of Secularism (*laicite*)<sup>20</sup>.

After the national dialogue<sup>21</sup> that followed the assassination of MP Muhammad Brahmi (July 25, 2013) discussions accelerated in the Constituent Assembly, and a rapid agreement was reached on controversial issues, some of which were related to private and individual freedoms (public freedoms were not subject to any major disagreements since there was a consensus among political parties in the Constituent Assembly). The final consultations on certain chapters were saddled by intense disagreements, even within Ennahda ranks. Ennahda's leadership managed with difficulty to contain bitter disagreements that threatened a split within the party. The most important of those disagreements related to Chapter VI on the freedom of conscience and the stipulation that accusations of blasphemy (*takfir*) was a crime. Some Ennahda members in the Assembly threatened to resign, arguing that they cannot support constitutional articles that 'contravene the teachings of Islam' and 'legitimize infidelity, atheism and idol worship and prohibits parts of God's law such as declaring that somebody was an infidel.'<sup>22</sup> Other significant disagreements in drafting the constitution was related to equality between men and women (Ennahda vote on this chapter was not unanimous).

The Ennahda's duplicity of discourse and identity crisis affected internal debates within the party bloc in the Constituent Assembly especially regarding political and civil rights enshrined in previous constitutions. Ideas and views clashed due to contradictory frames of reference that juxtaposed universality, under the influence of a deepening commitment to modernity in the collective political consciousness in the country, and specificity associated with the supremacy of Islam and the religious text, as well as rejecting a break with the ideological foundations of the Islamic Movement.

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<sup>19</sup> During the drafting of the Tunisian constitution, the Ennahda movement changed positions and even ignored some of Ghannouchi positions. Ennahda representatives in the in the Rights and Freedoms Committee in the Constituent Assembly refused to vote on a draft chapter (No. 28) that guaranteed equality between men and women, claiming that women's rights exist in complementarity with men and not through their independence, and that there is no absolute equality. Later the Ennahda bloc dropped this classical position and endorsed the constitution as a whole including the chapter on equality.

<sup>20</sup> A Tunisian association founded by rights activist Saleh Zoghidi in November 2007.

<sup>21</sup> The National Dialogue was launched on 5 October 2013.

<sup>22</sup> A statement by member of Ennahda Bloc in the National Constituent Assembly, Ahmed Al-Samaï. See Khamees ben Brik, "The Tunisian Constitution and the Crisis of Chapter 6", Jazeera net, 24 January 2014, available at [is.gd/cuurUQ](http://is.gd/cuurUQ) (Arabic).

This was reflected in the antagonistic position of some Ennahda's MPs to certain human rights, insisting that those rights challenged established Islamic jurisprudence. For example, they declined to discuss the abolition of the death penalty since it is an established means of retribution (Qisas) in fiqh. They also rejected rights that could undermine the 'righteous Islamic way of life' as they embraced it, such as equality between women and men, a principle that could, for example, lead to equality in inheritance.<sup>23</sup>

Ennahda succeeded in containing internal differences within the Constituent Assembly through its own Consultative (*Shura*) Council, which engaged Ennahda representatives in the Assembly on various issues such as the criminalization of accusations of blasphemy.<sup>24</sup> The Council succeeded in maintaining unity within the Ennahda movement and convinced the most conservative Islamists to line up behind the leadership and its vision of how to proceed on contentious issues, in view of the prerogatives of the dominant social and political context.<sup>25</sup> The Council worked as an adequate internal organizational tool for conflict resolution and opening a space for tackling disagreements within, and not outside, party structures. In all stages the leadership was willing to listen, at times seeking to persuade and at other times resorting to a majority vote.<sup>26</sup> Despite acrimonies, a large number of Ennahda members still trusted the leadership and its 'correct' interpretation of the political reality, and consequently, its decisions that are anchored in such a nuanced understanding.<sup>27</sup>

Ennahda has learnt well from its history in forging together a strategy meant to make it stronger and more politically savvy. After demonstrating that it had a wide public support in 1989 elections, the Ben Ali regime initiated a systematic campaign of repression against Ennahda until it was banished outside the public political realm. This is the kind of fate that Ennahda seems to have worked hard since 2011 to avoid by becoming more resilient, flexible, and steadfast. It succeeded in securing the loyalty of varying and different members who have endured prison and/or exile. It was this internal reform that enabled the Islamic Movement to engage in a comprehensive mobilization of all members and resources to support public freedoms (and to deal with the second decade of the rule of Ben Ali as a stage for wide public mobilization for the liberalization of the system and opening it up). This struggle eventually contributed to the modification of positions of several of its leaders towards fundamental issues concerning human rights and gender equality.<sup>28</sup>

When Ennahda leaders returned from exile in 2011 and the party became public again, the most conservative Tunisian observers expected to meet the same Islamic Movement that existed in 1992. They were surprised to find a division within the Movement leadership on issues of public and private interest to society. Away from a narrow-minded ideological approach towards sensitive issues, Ennahda leaders exhibited moderation and militancy, a heterogeneity that guaranteed the

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<sup>23</sup> At one of the drafting stages 53 Ennahda members voted against criminalization of accusations of heresy, 18 abstained and only 10 agreed.

<sup>24</sup> Monica Marks, "Convince, Coerce or Compromise? Ennahda's Approach to Tunisia's Constitution", Brookings Doha center, 10 February 2014, available at [brook.gs/2MQobNT](http://brook.gs/2MQobNT)

<sup>25</sup> Ibid. p. 20.

<sup>26</sup> Interview with Ennahda leader Ali Larid, 16 October 2016.

<sup>27</sup> Interview with Bizerte (Easter North) Ennahda Secretary General Ali Alnafati, 28 December 2016. Also an interview with local Secretary General Jalel Alhaj Salem, 28 December 2016.

<sup>28</sup> Rached Ghannouchi, "A Sample of Ennahda Revisions," AlHiwar net, 11 June 2010, available at [www.alhiwar.net/ShowNews.php?Tnd=7329](http://www.alhiwar.net/ShowNews.php?Tnd=7329)

mobilization of the largest popular and electoral base possible, transforming the party platform into something akin to an open and incomplete manual that provides ready-made positions for the whole society, from one end of the ideological spectrum to the other.

Though Ennahda does not claim the leadership of the whole Islamist movement in Tunisia, it has worked to accommodate the whole Islamic spectrum that emerged after the revolution, especially those groups that adhered to Jihadi Salafism, who rejected the secular state as a political framework. In addition, it worked to settle disagreements with the Salfis at large, e.g. attempts to settle the dispute between Ghannouchi and Sheikh Khamis Almajery, who is a prominent Salafi leader in Tunisia.<sup>29</sup>

We can conclude that Ennahda positions are not in compliance with an idealist model but are rather determined by the balance of power within the movement and interaction with a rich and multifaceted sociopolitical reality. For example, the designation of the jihadi group *Ansar al-Sharia* [supporters of Sharia] as a terrorist organization<sup>30</sup> occurred at the hands of Ennahda's leading politician Ali Larid who was then head of government. Such a decision revealed that the balance in Ennahda, then, was in favor of the "doves" within the movement.

## **2. Islamists and the state: alienation versus cohabitation**

Suddenly, the Islamists became the rulers of Tunisia, and suddenly they had an unprecedented meeting with the Tunisian state; a state that spent nearly 30 years persecuting them. They had spent the same period of time cursing and opposing this very state. Islamists thought that taking charge of the government meant taking charge of the country. They were met with opposition inside and outside the Constituent Assembly, opposition by trade unions, by the bureaucracy, by community organizations, by professional unions, and by civil society organizations. Facing all this opposition, a conviction immediately formed; they were subject to a conspiracy aimed at returning Islamists to the pre-revolution situation.<sup>31</sup> In response, Islamists in general and Ennahda in particular adapted to ensure resilience. For example, in the middle of these multiple confrontations, Ennahda sought alliances on its right, mainly with the Salafis. This was evident when Ennahda Shura council member and MP Sadok Chourou attended the congress of Ansar al-Sharia. In this congress, the collaboration between Islamists and secular parties to draft the constitution was explained away as a tactical move resembling Prophet Muhammad's reconciliation with the infidels of his tribe, Quraish, in the Hudaibia treaty. In other words, for certain Islamists the secular parties were seen as infidels and the constitution as a compromise born of necessity and could be annulled when conditions permit. However, after pressures exercised on Ennahda to distance itself from the Salafis, especially Ansar Al-Sharia, the relation between Chourou and the rest of Ennahda leadership deteriorated, especially with Ghannouchi, This Ennahda-Salafi short-lived pact initially resulted in reformulating the Islamist rhetoric on human rights issues. It became focused on defending "the rights of Islamists"

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<sup>29</sup> Interview with Sheikh Khamis Elmagery, 19 November 2016.

<sup>30</sup> The designation took place on 13 August 2013.

<sup>31</sup> Nour Eldin Lembarky, *The Rhetoric of Conspiracy and Coups in Tunisia*, October 2014, no publisher, (the electronic book includes analyses and commentaries published between 2012 and 2013 on the challenges the Troika government faced), available at [www.slideshare.net/noureddine01/ss-40355912](http://www.slideshare.net/noureddine01/ss-40355912)

only. At this stage, the confrontations intensified between terrorist Jihadis and security forces which reported to the minister of interior, Ali Larid, himself a leading Ennahda politician. The Islamist rights activists at the time focused their work on defending the right of suspected Islamist detainees to have fair trials and addressing allegations that some of these suspects have been tortured.

A new wave of civil society organization has emerged in Tunisia after the 2011 political earthquake. This wave included an exponential increase in the number of CSOs as well as a division between modernists that sought to preserve the secular character of the state<sup>32</sup> and others that favored an Islamist approach. Islamist CSOs indirectly served Ennahda's political positions as they were mobilized whenever the Movement needed them. Perhaps the most prominent example in this regard was the position towards inclusion of Sharia as a source of legislation in the constitution. None of those CSOs continued to defend such a position after Ennahda withdrew its proposal, with the exception of those affiliated with the hawkish wing of Ennahda<sup>33</sup>.

In other words, The Islamist movement nurtured a duality regarding human rights. It espoused an Islamic version of human rights that is essentially against many personal rights while defending the rights of Islamists to propagate their beliefs and ideals. This is why Ghannouchi said that young Salafis reminded him of his youth since they advocated certain cultural precepts that do not threaten public security. Perhaps the most important manifestation of this duality was reflected<sup>34</sup> in the work of Freedom and Equity organization and the Observatory of Rights and Freedoms, both of which are human rights organizations with an Islamic orientation.

Freedom and Equity was founded as a result of a split in the International Association for the Support of Political Prisoners. It was led by the latter's former president, Mohamed Nouri after he clashed with another leader of the same organization, Samir Dilou, who is a Ennahdha prominent figure. Nouri argued that a human rights organization should exclusively focus on rights issues, while Dilou considered CSOs another space to engage in political action in light of the restrictions and repressive measures against Ennahda under the Ben Ali regime. After 2011, Islamist lawyer, Iman Triki, became the new president of the organization, and mainly worked on providing a platform for Islamist grassroots whose ideas did not resonate with the Movement leadership. Despite the fact that her<sup>35</sup> brother was a member of Ennahda Shura Council while most of her family belonged to the Islamist Movement, Triki led her organization to condemn the state measures against Islamists detainees even when Ennahda controlled the government. Ennahda tolerated the organization and found it an acceptable ally despite differences with Triki, since all established human rights organizations opposed the Islamist Movement and were impenetrable. Freedom and Equity was a rare CSO where Islamists engaged with human rights issues since most other Islamist activists preferred to focus on provision of social services. The organization brought together many mid-level Ennahda cadres, who had been excluded and subjected to ferocious security measures in the 1990s. It is arguable that

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<sup>32</sup> A protest rally was organized on 20 March 2012 in front of the Baladi Theater in Tunis to defend the secular character of the state and oppose the adoption of Sharia as a source of legislation in the new constitution.

<sup>33</sup> A protest rally by Muslim clergy was organized on 14 January 2014 against the draft chapter VI of the constitution. Another similar protest took place on 18 January 2014 in Sfakes against possible 'infringements' on Sharia in the new constitutions.

<sup>34</sup> BabNet, "Rached Ghannouchi: Salafis Engage in Cultural Activities and not a Threat to Public Security," 22 February 2012, available at [www.babnet.net/rttdetail-46065.asp](http://www.babnet.net/rttdetail-46065.asp) (Arabic)

<sup>35</sup> These issues included the neglect by movement leaders to some intermediary cadres or not working seriously enough to provide compensations for Islamist detained who have been persecuted in the 1990s.

there has been no structural links between the organization and Ennahda, which repeatedly tried to infiltrate it.<sup>36</sup> However, there existed an objective link between the two sides. *Freedom and Equity* consequently declined when Ennahda lost power in early 2014.

We can conclude that despite differences between the organization and Ennahda, the latter used the organization as an objective ally in the face of the deep state when it came to handling sensitive issues that the political leadership could not engage publicly such as enforced disappearance, torture and secret prisons.as an instrument to satisfy *Freedom and Equity*Ennahda probably saw <sup>37</sup> mid-level cadres who could not benefit from the new position of power including senior government posts for party members since one of the organization main undertakings was securing state compensations for the victims of Ben Ali security agencies from the 1990s and beyond.

The Observatory for Rights and Freedoms<sup>38</sup> focused on defending suspects in terrorist acts or those who were subjected to punitive administrative measures under the new Anti-Terrorism and Money Laundering laws. The Observatory was established at a time when Ennahda edged closer to liberal democratic, leftist and secular parties while combatting terrorism. Ennahda ignored rights violations allegedly committed by the state against terrorist suspects, especially when it enforced travel restriction overseas and between provinces under a procedure known as S-17.The <sup>39</sup> Observatory led a campaign known as “Ammar17- Let me live” 17 and campaigned -against S<sup>40</sup> against torture allegations by detainees in terrorist cases. It implicitly claimed that the state used counterterrorism measures as a pretext to undermine an Islamist revival that was abandoned by Ennahda, and to demonize Salafis in a way similar to what Ben Ali security agencies had done to Ennahda itself under the same pretext.

Meanwhile, Islamist CSOS became increasingly more active in providing social services and undertaking community development programmes, benefiting from large funds that enabled them to operate on a large scale and to indirectly serve the Islamist political project.

It is important to pay attention to the rhetoric that united the two main Islamist factions, Ennahda and Salafis, against their common enemy, the non-Islamist *other*, which is seen as an alliance of leftists, secularists and former regime loyalists. While Ennahda constantly modulated its rhetoric and public statements in addressing the universality of human rights, to the point of recently accepting it with some reservations, the Salafi movement had always dismissed the paradigm of human rights in its entirety.

Is it coincidental or just a ‘normal’ evolution that the main rights CSOs had been developed and led by activists who belonged to the broad secular civil society, who defend human rights in their totality as universal and indivisible? Gradually, the Islamist public formed a stereotype, almost a caricature, of these activists, of the *other*, describing them as immoral, alcoholic, lazy, unmanly, defenders of

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<sup>36</sup> BabNet, “Iman Triki: Political Parties Working to Control *Freedom and Equity*,” 24 June 2013, available in Arabic at [bit.ly/2zoAaP2](http://bit.ly/2zoAaP2)

<sup>37</sup> Lilia Weslaty, “Freedom and Equity: A Report on Forced Disappearance and Secret Prisons,” 29 March 2013, available in Arabic at [is.gd/sTniYU](http://is.gd/sTniYU)

<sup>38</sup> The Observatory was led by Islamist lawyer Anwar Awlad Ali known for defending terrorism suspects.

<sup>39</sup> S-17 is an administrative restraining order that forces citizens subject to it to apply for a permit to move between provinces or leave the country. Its application prevented many youth (those younger than 35) from leaving the country.

<sup>40</sup> On “Ammar 17 – Let me Live” campaign see the Observatory’s website in Arabic at [is.gd/jac14G](http://is.gd/jac14G)

nudity, and westernized individuals who worked to separation religion and politics, which, to certain Islamists, undermined the genuine Tunisian identity and challenged the fundamental principles of Islam. that does not explicitly stipulate Islam as the state religion and Sharia as the source of legislation.

Ennahda movement, thus, is a reformist political movement that operates on the basis of compromises and negotiations. It puts aside rigid ideological approaches when it comes to achieving political gains, even if tactical. The Salafis, on the other hand, are a radical revolutionary movement seeking to overthrow an entire system and replace it with a totalitarian one that has strict universal perceptions and precepts for human life, rights and social relations. Ennahda, effectively, painted the Salafis as the far right of a spectrum in which it came out as moderate.

These fast ideological and political adjustments within the Islamist current occurred after Ennahda had entered into a temporary alliance with the Salafi movement and used their reservoir of voters to win elections against the “democrats” and form the government in 2011. Some Ennahda members would have preferred to keep this alliance as a strategic bond. The Salafi movement (both ‘Almiya or scripturalist and jihadi) wanted to benefit from this alliance after Ennahda assumed power to escape state surveillance and to be able to spread its ideas throughout the country.

This alliance, however, cracked and then fully disintegrated by February 2014 when Ennahda handed over power under the National Dialogue Agreement to independent technocrats. The Ennahda rhetoric shifted dramatically to defend the constitution and all the rights contained therein, including freedom of conscience and equality between men and women. The influence of identity-based politics declined, leaving Islamist CSOs focused on social services alone to raise the banner of Islam in civil society, a role that was articulated with electoral campaigning.

These elections ended with Ennahda’s failure to secure a majority of vote and the decision of its leaders to enter into a coalition with the winner, that is the *Nidaa Tunis* party (*Tunisia’s Call*). This alliance further developed the way Ennahda addressed human rights, sometimes dramatically. In an interview with a French journalist on the subject of homosexuality Ghannouchi said: "Monotheistic religions do not accept that homosexuality become the norm in society, but the state has no right to enter the homes of people and to monitor their preferences and choices." Such a <sup>41</sup> statement was an unprecedented revision of the relationship between state and religion and an implicit acceptance of the secular state while addressing a very sensitive issue not only to Islamists but to the entire Tunisian society.

With the decline of heated debates in public forums and mass media, especially regarding cultural issues, Ghannouchi and several other Islamist leaders went beyond the positions of many secularists on issues of public and personal freedoms, stressing that all such controversies were resolved by the constitution, which emphasized that the Tunisian state was secular but rooted in an Arab-Islamic environment.

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<sup>41</sup> Rached Ghannouchi and Oliver Ravanallo, **Au Sujet de l’islam**, Plon, 2 April 2015.

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