

TRABAJO FIN DE GRADO

IN TUNISIA; FROM THE 1956 INDEPENDENCE TO THE

PRESIDENCY OF KAIS SAIED

AUTHOR: NORA HANEKAMHAUG

TUTOR: JULIETA ESPIN OCAMPO

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ABSTRACT

This paper seeks to answer how women's rights and feminism have developed in Tunisia since its independence in 1956 from France. It finds that there are disagreements in how to define feminism and Islamic feminism, and that these disagreements have led to a stagnation of the development of an independent feminist movement in Tunisia. It also finds that women's rights and reforms to family law in Tunisia have evolved from a top-down approach. Women's advocacy increased during the Jasmine Revolution and in its aftermath, but these developments have been reversed under the presidency of Kais Saied.

Keywords: Feminism, Islamic feminism, State Feminism, nation-building, Jasmine Revolution, Arab Spring

RESUMEN

Este artículo busca responder cómo se han desarrollado los derechos de las mujeres y el feminismo en Túnez desde su independencia en 1956 de Francia. El artículo encuentra que existen desacuerdos sobre las definiciones del feminismo y el feminismo islámico, y que estos desacuerdos han llevado al estancamiento del desarrollo de un movimiento feminista independiente en Túnez. También encuentra que los derechos de las mujeres y las reformas a la ley de familia en Túnez han evolucionado desde un enfoque arriba hacia abajo. La defense de las mujeres aumentó durante la Revolución Jazmín y después de ella, pero estos desarrollos han revertido bajo la presidencia de Kais Saied.

Palabras Clave: Feminismo, Feminismo Islámico, Creación de estado, Feminismo del estado, La Revolución Jazmín, Primavera Árabe

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Abbreviation	Definition	Spanish
PSC	Personal Status Code	Código de estado personal
AFTURD	Association of Tunisian Women	Asociación Mujeres Tunecinas
	for Research and Development	para la Investigación y el
		Desarrollo
ATFD	Tunisian Association of the	Asociación Tunecina de
	Democratic Women	Mujeres Democráticas
SWIP	Society for Women in	Sociedad de Mujeres en
	Philosophy	Filosofía
CEDAW	Elimination of All Forms of	Eliminación de todas las
	Discrimination Against Women	formas de discriminación
		contra la mujer
UNFT	National Union of Tunisian	La Unión Nacional de Mujeres
	Women	Tunecinas
EU	European Union	Unión Europea
IMF	International Monetary Fund	Fondo Monetario Internacional
OHCHR	Office of the United Nations High	Oficina del Alto Comisionado
	Commissioner for Human Rights	de las Naciones Unidas para
		los Derechos Humanos
GGI	Gender Gap Index	Índice de brecha de género

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1. INTRODUCTION

1.1 Research question

The research question that this paper intends to answer is;

How have women's rights and feminism developed in Tunisia after the 1956 independence?

It is recognized that Tunisia has been a pioneer in the Middle East and North Africa region in the development of women's rights. Since the country became independent from France in 1956, major reforms have been made to family law which has opened up the public space for women. This has also allowed for the creation of national women's associations and an increased presence of women in political life. The question surrounding women's rights has been central in the processes of nation-building in Tunisia. We first saw it after the 1956 independency with the creation of the Personal Status Code (PSC), and later after the Arab uprisings in 2011 where women were given access to national politics. Feminism and women's rights have also created tensions between the country's secular and Islamist populations as women's rights have often been linked with religion and its role in society.

1.2 Research objectives

The main objective of this paper is to conduct an analytical research of the drivers behind the progress of women's rights in Tunisia, and how feminism has developed after the 1956 independence up until the current presidency of Kais Saied. Secondary objectives are 1) describing feminism and Islamic feminism and their historic development, 2) understanding if Islam is compatible with women's rights, 3) finding the role of Democracy in women's rights in Tunisia, 4) understanding to what extent women's groups played a role in the reforms of family law in Tunisia, 5) finding the impact of the Arab Spring on women's rights in Tunisia, 6) answering if the 2014

constitution played a role in women's rights in Tunisia, 7) describing the obstacles to the development of women's rights in Tunisia.

1.3 Methodologies

The research is qualitative, and uses secondary literature on feminism, Islamic feminism and on feminism and women's rights in Tunisia. Many Tunisian writers wrote about the Tunisian feminist movement. Some of these are Azza Ghanmi with *Le movement féministe tunisien* from 1993, Neila Jrad with *Mémoire de l'oubli* from 1996 and Ilhem Marzouki with *Femmes d'ourdre ou désordre de femmes?* From 1999. As I am not able to read French, I have read examinations of these texts by other authors such as Lilia Labidi's work on transnational women's alliances in the Maghreb which focuses on the development of the Association of Tunisian Women for Research and Development (*Association des Femmes Tunisiennes pour la Recherche sur le Développement*) (AFTURD) and the Tunisian Association of the Democratic Women (*Association Tunisienne des Femmes Démocratiques*) (ATFD).

Feminism and Islamic feminism will be described in the theoretical framework. The definition of feminism by Allison Jagger will be used as a guiding definition for the analysis of the paper, and feminism as a movement and a philosophy will be considered. Islamic feminism is described as a knowledge project, and the paper will look at the dispute between secular feminism and the reformist or Islamic School. It will also consider the challenges to the progression of feminism in the Arab region as a result of disputes between the two schools. The analysis of Tunisia will take a historical approach and is divided into four sections. The first section considers the presidency of Habib Bourguiba after the 1956 independence and the top-down approach to women's rights. Section two talks about State Feminism during the Zine Ben Ali regime, and how there was an appearance of some independent feminist groups. The third section looks at women's role in the Jasmine revolution at the beginning of the Arab Spring. Section four looks at the aftermath of the Arab Spring, women's participation in Tunisian politics, the Kais Saied presidency and the obstacles to further progression of women's rights. The results of the analysis will be discussed in the last part of the paper with a summary and concluding remarks to the research question and secondary objectives.

2. THEORETICAL FRAMEWORK

2.1 Feminism and Feminist Philosophy

Definition

Authors disagree on how to define feminism. The challenge appears as there is not only one link between feminists and the world, and there is a myriad of different perceptions and interpretations of what it means to be a feminist (Ahmed, 2003). Feminists have different ways of presenting themselves, and there is no one true or right way of being a feminist. The women's movement of the 1970s had internal debates over how a feminist should act, and only the radical feminists at the time were perceived as "feminists." After the 1970s, the term has become more inclusive and women organizing themselves and feminism have often been linked (Delmar, 1994).

Different interpretations of feminism have also led to different definitions, and at times these might even be contradicting. Alison Stone cites Gloria Jean Watkins, also known as bell hooks, definition from 1984 in her work *An Introduction to Feminist Philosophy* from 2007. Watkins' definition of feminism is that it is "a movement to end sexist oppression (Watkins 1984 as cited in Stone, 2007a)." This definition does however imply that feminism has to be linked with a movement. This can be problematic as feminists aren't always linked with a specific historical movement. Rosalinda Delmar provides a broader definition. She defines a feminist as "someone who holds that women suffer discrimination because of their sex, that they have specific needs which remain negated and unsatisfied, and that the satisfaction of these needs would require a radical change (some would say a revolution even) in the social, economic and political order (Delmar, 1994, p. 5)." However, this definition will not sufficiently cover all aspects of feminism.

The way the term "sex" has been used in both previous definitions is not representative of the main argument given by feminists that the difference between men and women appears due to the social construct of gender, not their biological sex (Stone, 2007). Therefore, the inclusive definition given by Alison Jagger will be the

guiding definition for the analysis provided in this essay. According to Jagger, "Feminism refer(s) to all those who seek, no matter on what grounds, to end women's subordination (Jaggar 1983, as cited in Stone, 2007, p 8)." According to the Cambridge Dictionary, subordination means "the act of giving someone or something less importance or power (Cambridge Dictionary, n.d)." Alison Stone provides a thorough argument that there is a general and shared view among all feminists: women are subordinated and this can and should be changed. Oppression of women must end. She also argues that by opposing women's subordination, one endorses that women and men are morally equal (Stone, 2007).

Waves of feminism

In 1968, Martha Weinman Lear wrote an article in the *New York Times Magazine* called "The Second Feminist Wave." This gave rise to the wave model of feminist history (Addelson, 1994). The Nineteenth Amendment is seen as the culmination point of the first wave of US feminism which is said to have lasted from 1848 to 1920. Universal suffrage was therefore seen as the victory of the first wave (Marino & Ware, 2022). The second wave of feminism is said to have appeared in the 1960s. During this period, different feminist thoughts appeared. A result of this was the passing of anti-discrimination laws (Stone, 2007).

A similarity between the first waves of feminism is essentialism, they believed that all women could be included in one group. The third wave of feminism did therefore appear in the 1990s as a backlash to the first and second waves as it was anti-essentialist. Women believed in individuality and different experiences based on gender, race, and class (Mahoney, 2007). In a sense, the third wave of feminism goes against the wave model as women around the world have different experiences. The fourth wave is said to be taking place today on the internet where social media has democratized the women's movement. The #MeToo movement on Twitter is often used as an example of the emergence of a fourth wave (Cochrane, 2013; Grady, 2018; Shiva & Kharazmi, 2019).

However, the wave model of feminism is a Western construct that gives a narrow image of feminist history. It explains parts of the US feminist history but does not include all women. 20th-century feminism included more than the right to vote. "It

included anticolonialism and demands for national sovereignty, racial justice, labor rights, peace, immigrants' rights, attention to and remuneration for reproductive labor and domestic work, and sexual sovereignty (Addelson, 1994)." Full citizenship for women was not reached in 1920. African American, Native American, Asian American and Latin Women still faced "barriers to voting" post the first wave. Neither does it make much sense in other parts of the non-western world (Marino & Ware, 2022). Addelson also argues that feminist struggles in the earlier stages and those that emerged in the 60s and 70s showed continuities (Addelson, 1994). Therefore, we cannot say that certain issues ended with certain waves, but that there is a continuous struggle for women to reach equality with men.

From practice to theory

Rosalyn Diprose argues that feminism is at its most productive when it generates new ideas. These new ideas might be difficult to comprehend and provocative as they go against established ideas of classical economics, liberation politics, and natural science. This does however not mean that these new ideas are unreasonable (Diprose, 2000). In the 1970s, women's groups saw that there was a need for a strategic political theory to achieve long-term goals. Theory and practice must develop together and correct each other (Addelson, 1994). We must understand what we seek to transform and understand how we can make this transformation happen (Ahmed, 2003). Throughout feminist history, different feminist theories have emerged. Some of these have emerged as a criticism of each other.

Liberal feminism appeared during what is seen as the first wave. According to liberal feminists, "women are naturally equal to men in reason, and therefore deserve equal access to education and to the public sphere-but that entrenched barriers, formal or informal, block this access (Stone, 2007a, p 12)." It builds on the ideas of English thinkers Mary Astell and Mary Wollstonecraft. They argued that women are equally as capable as men, and they campaigned for women's right to vote. Liberal feminism is said to have been reborn in the 1960s due to continued wage gaps and informal barriers that blocked women from participating in the public sphere remained (Stone, 2007).

Radical feminism appeared in the late 1960s and 1970s and was most widespread in North America. According to radical feminists, "the domination of women is the most fundamental and widespread of all forms of domination." Radical feminists believe that all women have something in common and that women as a group are dominated by the male group of society. Male dominance is an effect of the patriarchal society which means that society is ruled by men. Radical feminists see it as a result of the construct of gender, and not of the biological differences between sexes (Stone, 2007a, p. 12).

The Marxist/socialist theory of feminism appeared at the same time as radical feminism. It is a combination of radical feminism and the ideas of Karl Marx on the social relations of production. According to Marx, our existence is based on the activity of producing things to satisfy our needs (Marx, 1845). In the contemporary system of production, capitalism rules. According to Marxist/socialist feminist thought, capitalism requires male supremacy as women must perform reproductive and unpaid domestic labor. Some Marxist/socialist thinkers also believe that men want to keep women out of the workforce. That way their wives are financially dependent on them (Stoneb, 2007).

Multiracial feminism, also called black or colored feminism, arose in the 1970s and 1980s. They criticized radical and socialist feminists, saying that not all women are equal. According to multiracial feminists, there are several major systems of oppression besides the patriarchy. The experience of women of different races will be different due to racial oppression caused by socially constructed racial categories (Stone, 2007b).

The last feminist theory to be mentioned is Postmodern/post-structural feminism. These feminists "accept that women should not be subordinated, but they think this goal has been achieved so that no special feminist campaign against subordination is needed anymore (Stone, 2007a, p 9)." Liberal feminists do however disagree with this as they argue that inequalities remain because women are given the main responsibility of childcare (Stone, 2007b).

Feminist philosophy

The establishment of feminist philosophy as a subdiscipline of philosophy appeared in US academic institutions in the 1970s (Stone, 2007a). SWIP (Society for Women in Philosophy) was not funded by any outside source and did therefore not have any constraints brought by institutional funding (Addelson, 1994). This was important for the independent development of the feminist philosophy.

Up until this point, philosophy had been a male dominant discipline, and historically, reason has been linked to men and not women (Diprose, 2000). According to Genevieve Lloyd, the idea of Reason has excluded the feminine (Lloyd, 2002). Philosophy has been dominated by men because women have not been seen as creatures of reason (Diprose, 2000). There are different views on the role of men in feminism. In 1949, Simone de Beauvoir wrote her groundbreaking work *The Second Sex* where she argues that "women have always been viewed as the Other of men." This implies that women exist only in relation to men and as their subordinates (Stone, 2007a). Diprose does however argue that We should also draw on the ideas of male philosophers when approaching feminist theory. Male philosophers also provoke established ideals of reason. In the case of Tunisia, we will see that men also played an important role in the feminist movement.

The link between feminist theory and practice is also disputed. Diprose argues that philosophers must precede events, while Kathryn Pine Addelson argues that the process of feminism started before feminism was even a concept (Addelson, 1994) (Diprose, 2000). I believe that Addelson's argument is the most convincing. Women that started organizing academic meetings were inspired by the women's movement. Feminist philosophy was activist and interdisciplinary from the beginning. It was shaped by the students and professors from the women's movement experience and self-studies of women's history, radical economic history, sociology, political theory, psychology, history, and sociology of science. At this point, theory wasn't developed, and practice played a major role (Addelson, 1994). Diprose also somehow agree with this when she says that philosophers are impacted by their surroundings (Diprose, 2000).

It is however important to distinguish feminism as philosophy and feminism as a political project (Stone, 2007a). Postmodern/post-structural feminists go as far as

saying that we should separate theory and practice (Ahmed, 2003). In 1973, the Ain't I a Woman? Collective published the article "Academic Feminists and the Women's Movement" where they criticize academic feminists as elites and opportunists. They argue that academic feminists are given disproportionate political power to non-academic women and that they use the women's movement to advance their own goals. Addelson believes that we should still listen to this today to ensure that feminist theory is tested "in a way that is morally, politically, and intellectually responsible-and, of course, feminist (Addelson, 1994)." It is however important to understand feminist activism and how feminist activists do the work of feminist theory (Ahmed, 2003). Theory has to make sense, and also for "theory to correct practice and practice to correct theory (Addelson, 1994)."

Non-western women

Most feminist literature talks concern the historical development and feminist theories of the Western world. Women in different parts of the world do therefore find it difficult to connect their experience with the ideas of feminism. Non-western women will also often avoid calling themselves feminists due to cultural imperialism. Women in these regions oppose the Western model of feminism as they believe the West acts with a colonial attitude as it believes itself to hold a moral authority (Stone, 2007b). This will be addressed further in the following section on Islamic feminism.

2.2 Islamic Feminism

Definition

There are different ideas of what Islamic feminism is, and if we should even say that there is a link between Islam and feminism (Seedat, 2013). Most scholars use the term Islamic feminism to describe what is happening rather than using it as an identifier of its agents (Badran, 2005). Mulki Al-Sharmani writes that Islamic feminism describes a project. She states that Islamic feminism are "projects that are undertaken by Muslim women scholars from different countries who are committed to their religious faith and who are working towards the production of alternative gender-sensitive religious knowledge (Al-Sharmani, 2014, p. 83)." Education is therefore important in the Islamic feminist project.

The idea of a project is also mentioned in a definition given by Omaima Abou-Bakr and cited by Mulki Al-Sharmani in 2014. Abou-Bakr says that Islamic Feminism is "a feminist knowledge project that is grounded in the Quranic objectives of justice as well as in the specificity of the cultural and historical contexts of the Muslim women undertaking such projects (Abou-Bakr, 2001, as cited in Al-Sharmani, 2014, p. 84)." According to Abou-Bakr, there are both notions of legal justice from the Quran and social justice based on historical and cultural contexts.

As specified by Al-Sharmani, the Islamic feminist knowledge project can be categorized as transnational and national (Al-Sharmani, 2014, p. 86). These projects are products of newly educated Muslim women who challenge Islam (Seedat, 2013). According to Al-Sharmani, the projects have two broad aims: "tracing and problematizing patriarchal religious knowledge that sanctions gender inequality; and producing alternative readings that are egalitarian while at the same time being based in Islamic ethical and theological principles (Al-Sharmani, 2014, p. 86)."

Margot Badran operates from a historian's perspective and writes about the development of two schools of feminism in the Middle East in the 19th and 20th centuries. She highlights the historical context of state re/construction in the region after Western imperialism and the debates on modernity and religion that arose thereafter. A divide between secularists and religious feminists might have been created due to winners and losers of modernity in the Arab region (Badran, 2005). According to the Cambridge Dictionary, secular means that there is no connection with religion (Cambridge University Press, n.d, a), and secularism is the separation of religion from the "ordinary social and political activities of a country (Cambridge University Press, n.d, b)." It was however given a new meaning in the 1970s when it was seen as anti-Islamic, and there was a polarization of the terms (Badran, 2005).

Secular feminism emerged in the 19th century in the context of religious states. Reformist or Islamic feminism arose in the 20th century in the context of secular states. Both emerged in a time of opposition to Western imperialism and the appearance of new subjects, combinations "of religion, class, ethnic and national affiliation (Badran, 2005)." They both also seek to "appropriate Islam in support of women to advocate

and agitate (in the mode of the scholar- or intellectual-activist) for change and to eradicate negative thinking and behaviors (Badran, 2005, p. 17)."

Secular feminists

Secular feminists, also known as liberal feminists, argue for standard, universal rights that should be separated from religion. When it first emerged in the 19th and continued into the 20th century, its supporters used religious discourse, Islamic modernist discourse, and spoke of reform (Badran, 2005) This school of thought believes that women can be at the forefront of social movements and that they can create reforms in social justice (Ahmad & Rae, 2015). In the 20th century, women acted as independent actors in their movements to "democratize new institutions of state and civil society." Women in the middle and upper strata started using a feminist discourse as they believed they did not experience the same benefits of modernity as men based on them being female. Increased literacy among women and the printing press were important parts of the rise of secular feminism (Badran, 2005).

This school of thought argues that the divide between the goals of feminism and the goals of Islam is too deep to align (Ahmad & Rae, 2015). Secular feminists have multiple discourses: "secular nationalist, Islamic modernist, humanitarian/human rights, and democratic (Badran, 2005)." Fatima Seedat says that we must maintain a space between Islam and feminism as Islamic feminism is inadequate for equality between men and women in Islam (Seedat, 2013).

The reformist camp or the Islamic school

The secular camp was seeing little progress at the end of the 20th century in reforming "Muslim personal status codes or family law (Badran, 2005)." Islamic feminism emerged at a time when secular feminism was failing in the 20th century, and an important difference was that Islamic feminists called for full equality between men and women in the public space, but accepted gender complimentary in the private space (Badran, 2005).

The reformist camp, or Islamic feminism, does not see an issue with the coexistence between the goals of Islam and the goals of feminism (Ahmad & Rae, 2015). Islamic feminists have one discourse: religion with the Quran at the center

(Badran, 2005). They work to create a space for women within the Islamic framework and believe that Islam can be used as a tool of empowerment. An important effort here is the reinterpretation of Islamic texts. (Ahmad & Rae, 2015). This is also known as *ijtihad*, an independent investigation of religious texts (Badran, 2005). *Ijtihad* is one of the sources of Sharia. Some argue that it was "closed" in the tenth century, while others believe that it remained open. There has also been talk of the "reopening" of *ijtihad*. This was driven by modernity and European colonialism (Emon, 2015).

Religious discourse, such as Quranic values, interrelated with human rights discourse shows that Islam and its *sharia laws* are not incompatible with gender rights, democracy, social justice, and freedom of conscience. Many of the misogynist rules that are described in *Sharia law*, such as female ritual circumcision are not found in the Quran and can therefore not be considered to be Islamic (Ahmad & Rae, 2015). Reinterpretation can therefore help people understand how to be both modern and Muslim. A higher level of education among Muslim women was therefore essential for the emergence of this movement, and secular feminism was therefore essential for the development of Islamic feminism (Badran, 2005).

Women, such as Moroccan sociologist Fatima Mernissi, have transitioned from the secular to the reformist camp, believing that the best way is reform through the reinterpretation of Islamic texts, that up until now have been male-dominated (Ahmad & Rae, 2015; Badran, 2005; Ennaji, 2022). Mernissi worked to "destabilize the ideological and political systems that oppress women" by first defying the predominant male mindset that concern women and giving a voice to women to tell their own stories. According to Mernissi, the idea of an obedient woman has nothing to do with Islam, but it was created by the *ulama*, male jurist-theologians, to defend the patriarchal system. She also saw Western capitalism "as an equally dominant system of violence" as Islam (Ennaji, 2022).

Through *ijtihad,* it is argued that the suppression of women and inequality between the genders violates fundamental principles of Islam. Indeed, the suppression of women is a direct violation of *tawhid* which says that humans are only subordinated to God. Unequal positions of men and women in society are therefore directly opposed to the essence of Islam. Furthermore, standing aside for injustice is

a violation of *khilafa;* every human being, man and woman, is entrusted with a moral obligation of advocating for social change and greater justice (Ahmad & Rae, 2015).

Challenges

One of the major challenges to the progression of feminism in the Arab region is the perception of feminism as a Western-imposed idea that reminds people of their imperial past (Seedat, 2013; Badran, 2005). We have seen that education has been an essential part of the feminist movement in the Middle East region. However, most universities in the Arab region do not provide studies or courses on women and gender (Golley, 2014). This could be important for the continuation of what women in the 19th and 20th centuries started. There are not enough experts in the region, and women's studies are seen as something alien to the culture of the region (Golley, 2014). Feminism is still seen as something Western and imposed by imperialism (Badran, 2005).

Badran argues that she can see a convergence of the two schools of thought (Badran, 2005). Fatima Seedat argues that the convergence would be unproductive (Seedat, 2013). Others disagree with Seedat and believe that a convergence between the two schools can be highly productive. Moha Ennaji argues, Islamic feminism can "be enriched if factors like the political system, colonization, poverty, and socioeconomic inequality are taken into consideration (Ennaji, 2022)." Islamic feminism can therefore be complemented by ideas from the secular camp. Furthermore, legal reform is not enough to reach social equality. There is a need to use Islamic feminist discourse to "discuss culture and patriarchy as causes of discrimination against women (Mojab, 2001; Ennaji, 2022)."

2.3 Basic Concepts

Authors use different words to describe the family code of Tunisia such as the Code of Personal Status or CPS as its abbreviation. Throughout this paper I will use the term Personal Status Code or PSC as its abbreviation when talking about the family code of Tunisia. Secularist and modernist women are used throughout the paper to talk about the same group of feminists. Islamist and religious feminists are used to describe one group of feminists. Ennahda is used throughout this paper when

talking about the Renaissance party in Tunisia. It is also called Al Nahda by other authors as this is its Arabic name.

3. ANALYSIS

3.1 1956 Independence and President Habib Bourguiba

Tunisia has been at the forefront of developing women's rights in the Arab world (Charrad & Zarrugh, 2014). Progressive views on women have been present in Tunisian society both by Western and Islamist-influenced thinkers even before the 1956 independence. An important work is *Our Women in Sharia and in Society* by Tahar Haddad (Jinkinson, 2020), a Tunisian Islamic reformist who is seen "as the father of family and social emancipation" in Tunisia (Murphy, 2007). It was published in the 1930s and criticized the situation of women in Tunisian society (Labidi, 2007). He believed that women should be treated with equality and justice and that this was in line with the essence of Islam as a religion (Murphy, 2007).

Haddad was educated as a theologian (Labidi, 2007), and his work stimulated debate over women's rights and conceptualized gender equality in the context of the Quran (Jinkinson, 2020). He argued that the teachings of the Quran gave room for women to be free from forced marriage, to have a right to work, and a right to private property (Murphy, 2007). The content of the book was however seen as anti-Islamic, and it was therefore removed and Haddad died an outcast (Labidi, 2007).

Many Tunisian elites attended French universities where they compared the status of French and Tunisian women. One of these was Habib Bourguiba, the first president of the independent Tunisia (Jinkinson, 2020). He believed that women had played a large role in the Tunisian independence movement (Murphy, 2007). This was also established by women's groups in the 1980s who through research found that women's groups played important roles in the struggle against colonialism and for women's rights between 1930-1955 (Labidi, 2007). Traditionally, women in Tunisia did not occupy public spaces and stayed in the private domain. Bourguiba wanted women to occupy the public sphere (Murphy, 2007).

The fundamental reforms to the country's family law that started in the 1950s gave Tunisian women rights that were unparalleled to women in other Arab countries (Charrad & Zarrugh, 2014). In 1956, Bourguiba passed the Personal Status Code (PSC) which legalized civil divorce, permitted abortions for women who had more than four children, banned polygamy, boosted the custody rights of mothers, and increased inheritance rights for daughters and granddaughters (Jinkinson, 2020). The code is seen as "the bedrock of the emancipation of women in Tunisia (...) (Murphy, 2007)." It established that family structures should be "based on the legal equality of the sexes (Murphy, 2007)." Under the PSC, women in Tunisia became full citizens and could help in the construction of the newly independent republic (Labidi, 2007). For the first time, they had "a right to dignity and individual integrity." Women got the right to work and education which paved the way for women to become economically independent (Murphy, 2007).

PSC was a modern interpretation of the sharia, according to Bourguiba (Murphy, 2007). He claimed to use ijtihad to re-read the Quran and thereby justified the 1956 PSC by Islamic teachings (Jinkinson, 2020). By progressives, the code was seen as an adaptation of traditional Islamic law to modernity (Murphy, 2007). Others believed that the PSC undermined Islamic family law and that it was part of a larger modernizing program in Tunisia that would subordinate religion to the state (Jinkinson, 2020).

Multiple laws passed under Bourguiba improved the legal and civil status of women in Tunisia (Murphy, 2007). In 1957, women gained the right to vote in national and state elections. The 1959 constitution said that "women are full citizens with legal equality and civic duties, with the full right to exercise their political, economic and social rights (Jinkinson, 2020)." The Labour Code gave women one hour per day off work for breastfeeding, and businesses had to adapt to the necessities of women. If an enterprise had over 50 female employees, they had to provide a baby-nursing room. Bourguiba also ratified most international conventions that concerned women's rights. The legal code under Bourguiba at the end of his term was therefore the most progressive legal code when it came to women's rights in the Arab world (Murphy, 2007).

Bourguiba also encouraged the formation of the National Union of Tunisian Women (*Union Nationale des Femmes de Tunisie*) (UNFT) which was constituted in 1961 as a successor to the Union of Muslim Women which Bourguiba has supported already before his presidency. The UNFT would organize women and educate them on their rights. It was however also used by Bourguiba to mobilize support for his party, the Neo-Destour (Murphy, 2007). The organization sought to apply female activism, but it was only institutionalized after the presidency of Bourguiba (Labidi, 2007).

The reforms that improved women's rights from the Tunisian independence in the 1950s had a top-down approach (Charrad & Zarrugh, 2014; Jinkinson, 2020). Bourguiba wanted to build a nationalist, secularist, and socialist society (Murphy, 2007), and the reforms to the country's family laws that started in the 1950s played a role in the overall strategy of state-building in the newly independent Tunisia (Charrad & Zarrugh, 2014). Tunisia under Bourguiba was centered on individual rights and the nuclear family model. The goal was to create national unity as well as increase Bourguiba's power (Jinkinson, 2020). Reforms in the 1950s were therefore targeted at 'kin-based solidarities' which centralized the power at the hands of President Bourguiba (Charrad & Zarrugh, 2014).

Bourguiba was flexible in his position on women's rights depending on the national context. He used religious and feminist rhetoric selectively. An example is his position on the veil. Bourguiba had supported the use of the veil as a Tunisian tradition and traditional family law before he became president. However, once he became president, Bourguiba changed his opinion regarding the veil and Haddad's book. He became a larger supporter of women's rights and the ideas of secular feminism. Once his popularity lowered in the 70s, he started supporting religious and traditional policies again (Jinkinson, 2020). The PSC has also been "criticized for stopping at the threshold of the Tunisian home," and the PSC under Bourguiba said that women should obey their husbands (Oueslati-Porter, 2013).

Authors disagree on the extent of the impact that women activism had on the family law reforms. Mounira Charrad and Amina Zarrugh argue that reforms to family law in the 1950s did not come as a response to demands given by an organized women's movement, but rather at the political interest of the country's leaders. The

women's movement in Tunisia did not develop in full until the 1980s, and the state-controlled women's associations as it did other parts of society (Charrad & Zarrugh, 2014). Furthermore, women's associations mainly addressed urban women, not poor rural women, and their interests. Emma Murphy supports this view as she writes that Bourguiba restricted the expression of women to those who were members of the UNFT. However, Murphy also points out the fact that women were able to be elected onto the lists of the Neo-Destour Party, Bourguiba's party, through the UNFT in both local and national elections. Various women's organizations have also been able to develop under the UNFT (Murphy, 2007).

Lilia Labidi challenges the view that the PSC was only an expression of the progressive views of the state and the work of one man. She argues that women also played a role in its development through activism. As women were allowed access to education after the 1956 independence, Tunisian women started offering their discourse and shaping their priorities for society. Women of different political backgrounds started gathering at a cultural club named after Tahar Haddad where they published critical studies on human and social sciences. This became one of the most important women's spaces in Tunisia and a platform for the women's movement in Tunisia. She also writes about the feminist magazine *Nissa* which was launched in 1985 as a decent of *Leila* which was the first Tunisian feminist magazine that was published between 1936 and 1941 (Labidi, 2007). We can therefore see that female writers played a part in shaping the national discourse already before the 1956 independence and that they continued to do so under Bourguiba. *Nissa* sought to be independent of any political party, and its funding came from the subscribers (Labidi, 2007).

People did however question the intentions behind the magazine and feared that the ideas behind *Nissa* were Western feminism that tried to impose its model on Tunisia. Indeed, Members of the Tahar Haddad Club and the magazine *Nissa* wanted to give their movement and the PSC a root in universalist feminism based on law. As a result, societally specific feminism emerged as a counter to universal feminism based on laws as this was seen as a Western model (Labidi, 2007).

Even though it is unclear whether female activism played a large role in the reform of family law which started in the 1950s and gave women full citizenship and more economic freedom (Murphy, 2007), it is clear that access to education and the public space was important for the continuous development of women's rights in Tunisia. Through education, women were able to take a larger role in shaping the national discourse on issues surrounding women's role in society (Labidi, 2007). Lila Abu-Lughod refers to Elora Shahabuddin in her book *Do Muslim Women Need Saving?* On her observation that "reform movements were often led by men." However, Muslim women started taking over this work and were themselves "making passionate pleas for change (Abu-Lughod, 2013, p. 16)."

3.2 State Feminism during the Ben Ali regime

In 1987, President Zine Ben Ali took over after Bourguiba and continued the top-down approach to the advancement of women's rights. Feminism under Ben Ali is labeled as State Feminism. State Feminism means that women's groups could not think "critically about gender equality or meaningfully participate in politics (Jinkinson, 2020)." Feminism was defined and regulated on the terms of Ben Ali (Arfaoui & Tchaicha, 2014), and gender policy evolved from the issue of maintaining and strengthening state power (Charrad, 1997). He did not allow for any criticism of the government (Arfaoui & Tchaicha, 2014), and state media never applauded nor mentioned women's achievements. Women's associations gained screen time only to thank President Ben Ali for his work for women's rights (Arfaoui & Tchaicha, 2014).

Ben Ali's regime therefore "instrumentalized and politicized the female body and feminist movement in Tunisia for the purposes of maintaining political power (Khalil, 2014)." This was mainly due to a new context; Islamic fundamentalism (Charrad, 1997). When Ben Ali took office in 1987 there was a growing Islamist movement. The movement was called Ennahda, and it obtained a level of support that threatened the regime of Ben Ali. He therefore used women's issues to suppress Islamist men and women (Jinkinson, 2020).

Women's rights were used as a political tool by the Ben Ali regime against the Ennahda movement. The official rhetoric used by Ben Ali was that Islamists are

oppressive to women (Jinkinson, 2020), and Islamic fundamentalism was seen as both a political threat to the regime and a threat to women's rights. The official discourse was that feminists and the state would fight together against a common enemy: Islamic fundamentalism (Charrad, 1997). In 1993 and 1998 he amended the PSC. This gave more autonomy to women in their public and private affairs, workplace protections, and increased divorce rights. This was done to go against the wishes of the Ennahda women who wore the veil and demanded a referendum to the PSC (Jinkinson, 2020), while secularist feminists would certainly see it as a win for women's rights.

Divisions between secularist and Islamic feminists in Tunisia increased during this period. Kira Jinkinson writes about the Islamist/secularist binary under the Ben Ali regime. The exclusion of Islamist women was an essential part of State feminism, while secularist women's groups worked with the regime, and they saw the regime as the "guarantor of women's rights." UNFT, was used to distribute pro-Ben Ali propaganda. Autonomous feminist groups such as AFTURD and ATFD only represented the elite and secular women and had questionable links with the regime. These groups did not use inclusive symbols but championed a Westernized modern model of feminism (Jinkinson, 2020). Ben Ali embodied the image of a modern Tunisian woman in his wife Leila Trabelsi, and Women's Day celebrations were mainly focused around her. However, Trabelsi's image was seen as an offense to Muslim women, and they had little in common. Muslim women did not recognize themselves in her (Khalil, 2014), and did therefore not feel represented.

State Feminism was oppressive to Islamist women and those who did not fit the "liberal archetype." Human rights of Islamist women were directly under attack- and a 2015 Truth and Dignity Commission found that Islamist women were victims of sexual assault and harassment. Women's groups stayed quiet during this persecution, which sowed division between Islamist and secularist women (Jinkinson, 2020).

The state's changing conflicts and alliances would at times open up for women's agency. Ben Ali used women's legal status in Tunisia to gain national and international support "and to demonize the Islamist social forces of Tunisia (Khalil, 2014)." In 1993, Ben Ali amended the PSC and dropped the clause which said that the wife must obey

the husband. This reform kept Tunisia ahead of other Arab countries concerning women's rights. At the time, the PSC was a more powerful symbol than the Constitution. Reformist elites sought allies and women's rights activists sought reforms. In this way, women's rights activists became a part of national politics in the 1990s (Charrad, 1997).

Mounira Charrad writes that at this point, women had created the capacity for collective action. She detected something that Tunisian intellectuals called a *mouvance*. A *mouvance* is less organized than a movement, but better structured than a current. It appeared in part due to changes in social structures such as an increase in women's literacy rates, women's education, and labor participation (Charrad, 1997) which were structural outcomes of the reforms under the previous Bourguiba regime. Charrad writes that women's agency was absent during the Bourguiba regime, but started appearing during the Ben Ali regime (Charrad, 1997).

Ben Ali's perceived progressive views also made him favorable among Western allies, and he used feminism to gain support internationally. He often used state feminism and the secularist/Islamist binary to strengthen his relations with the US and France, and to gain support from Western funders and feminist groups (Labidi, 2007; Jinkinson, 2020). Ben Ali's regime was seen as an ally of 'America's War on Terror' and the French enjoyed the cheap Tunisian labor force. Tunisia was therefore not pressured to democratize and received funding from the EU, IMF, and the World Bank (Jinkinson, 2020).

As mentioned previously, the difference between the period of Bourguiba to the presidency of Ben Ali was that women had developed a certain level of capacity for collective action due to structural changes that started under Bourguiba which improved women's literacy rates, increased women's education and labor force participation (Charrad, 1997). Many new women's associations were created after the presidency of Bourguiba and under the new presidency of Ben Ali. Some of these were; the Tunisian Association of Mothers, Association for the Promotion of Women's Economic Projects, Association of Women's Activity for Sustainable Development, Women in Science, Women's Association for the Promotion of Employment for the Handicapped, and National Federation of Agricultural Women (Labidi, 2007). The

Women's movement had a degree of independence, and Charrad writes that "feminists truly captured a political space for women's issues (Charrad, 1997)." The organizations held conferences in both Tunisia and abroad and conducted research for governmental ministerial committees in Tunisia, as well as writing workshops for women (Labidi, 2007). It is also worth mentioning that "In 2004, Ben Ali's Democratic Constitutional Rally implemented a 25% party quota in national, regional, and municipal legislative elections, increasing its parliamentary quota to 30% in 2009." Just before the revolution in 2011, 28% of parliament were female (Abdel-Samad & Benstead, 2022).

Islamist women were also taking a larger role in the activism of the Ennahda movement. Their activism started taking place at universities through student unions. The Ennahda women's main reason for activism was the violence by the state upon Islamist women. Violence by the secular regimes painted Islamist women as victims, and this fueled the activism of the Ennahda women. Their activism became even stronger when the hijab was banned, and for them, the hijab became a symbol of individual freedom, choice, and human rights (Mhajne & Brandt, 2021)

Lilia Labidi writes that the way forward for feminism in Tunisia in the 1990s was to change the "universalism of law for a humanist feminism that was both a legal and political subject." Women's groups would now focus "on unveiling domains of subjectivity/culture (...)." They wanted to find a mechanism of protection both for women, but also for the state which again would protect women through the rule of law (Labidi, 2007). Therefore, many women feared that their rights would be excluded if the Islamic fundamentalists took power. Inheritance law continued to be an issue of dispute, and Ben Ali did not make any reform to this as it would be too great of a challenge to the Islamic fundamentalists (Charrad, 1997).

The women's associations of the 1990s also faced difficulties. Ilhem Marzouki, as cited by Labidi, stated that the failures were caused by two major issues; 1) the context in which the associations operated did not encourage them to reach their goals, 2) the associations were formed by elites who focused more on political partnerships rather than civil society mobilization (Labidi, 2007). At the end of his term, people started resenting and criticizing Ben Ali, but also Bourguiba, for their limitations on Islamic

religious identity (Arfaoui & Tchaicha, 2014). Women in the associations were also cut off from the rest of the women in society, and the feminist discourse did not face the geopolitical issues how the time that surrounded the issue that many were excluded from the construction of the new world (Labidi, 2007).

3.3 The Jasmine Revolution

On the 17th of December in 2010 in Sidi Bouzid in Tunisia, a street vendor called Mohamed Bouazizi set himself on fire to protest against police violence (Aljazeera, 2020). This grew out of "years of political, social and economic repression (Arfaoui & Tchaicha, 2014), and led to the Tunisian Revolution which is also known as the Jasmine Revolution (Aljazeera, 2015). This marked the beginning of the Arab Spring, a wave that spread out across the Arab world where people rose against authoritarianism, corruption, and poverty (Aljazeera, 2020). It was sparked by poor economic policies- inequality and unemployment (Jinkinson, 2020). In Tunisia, they demanded that Ben Ali step down, and only 10 days after the outbreak of the revolution, he fled to Saudi Arabia (Aljazeera, 2020; Arfaoui & Tchaicha, 2014)

The uprising paid little attention to gender lines (Ahmad & Rae, 2015). All Tunisians from all genders, ages, and social classes took to the streets (Arfaoui & Tchaicha, 2014) Their shared goal was "to assure equality, justice, and dignity for all Tunisians (Khalil, 2014)." Both secularist and Islamist women were very active during the revolution (Jinkinson, 2020), but they expressed that women's rights were secondary to the collective equality and freedom of all citizens. These were the goals of the revolution. There was therefore a consensus among Islamist and secular women that all Tunisians were oppressed by the government, not just women (Khalil, 2014).

The revolution did however continue the long-term process of the development of women's rights in Tunisia (Khalil, 2014) as the norms separating men and women were no longer in focus among the protesters. The revolution was a continuation of a long-term process of the development of women's rights in the country (Ahmad & Rae, 2015). Secular and Islamist women agreed that the participation of women in the

revolution was not surprising as women for a long time had played roles in Tunisian society before the revolution (Khalil, 2014). The revolution did however advocate for women's rights and advanced norms for more inclusion of women in peacemaking processes. They had the right to demand change alongside men, and together they formed one body of protests. The equal participation of men and women in the movement could therefore be seen as a symbol of gender equality (Ahmad & Rae, 2015).

Women from all kinds of demographic sectors played an important role in promoting and empowering many of the movements (Ahmad & Rae, 2015). Working and professional women were a part of the crowds that took to the streets. Female lawyers and women of the Tunisian Labor Union (UGTT) stood side by side with their male peers during the lawyers' strike (Khalil, 2014). 2/3 of the young-well educated people that caused the beginning of the protests were women (Ahmad & Rae, 2015). Islamist women were especially motivated, (Jinkinson, 2020) and women in Islamist parties such as Ennahda in Tunisia had more agency than what has been recognized (Mhajne & Brandt, 2021).

Religion played a motivational factor for many women to partake in the revolution as they hoped for a restoration of Islamic values in the country. Islamist women did also have a special interest in removing secular authoritarianism as "they had been oppressed by the regime as human beings, Islamists and women." Oppression of these women during the Ben Ali regime was therefore an important driver for their activism. These women were tired of the oppression they faced and demanded change (Mhajne & Brandt, 2021). They also encouraged their children to partake in the revolution as their fathers, sons, and brothers often were imprisoned by the Ben Ali regime (Khalil, 2014). The uprisings, therefore, created a change in the role of the Ennahda women as it "enabled their public engagement in politics, society and business." Leading female activists that lived in Europe during the Ben Ali regime came to occupy leadership roles in the Ennahda party after the outbreak of the revolution (Mhajne & Brandt, 2021).

During the days of the revolution, women became more present in the media (Khalil, 2014). Female bloggers also played a large role in new means of mobilization

through online social networks (Khalil, 2014; Jinkinson, 2020). Lina Ben Mheni used her blog *A Tunisian Girl* to provide independent information about the crimes committed during the Ben Ali regime (DW, 2011), while blogger Neila Kilani "engaged in online activism for collective rights and in favor of 'Tunisian secularism." Emna Ben Jemaa blogged about anti-censorship. In her testimony, she said that she did not fight only for the freedom of expression for women but for all Tunisians (Khalil, 2014). In an interview for the Africa Renewal section of the United Nations news page, Ben Jemaa affirmed that "women contributed equally to the revolution, like the men." She goes on to say that "we took part in protests in the street, without any discrimination against us (Naib, 2011)."

Although women took active roles and leadership roles during the Arab Spring, this did not affect their traditional roles as mothers or wives. Instead, they were taking action within their traditional roles and at the same time further developing their roles in the uprising (Ahmad & Rae, 2015). Women spoke about their children dying at the hands of government security forces and would testify as mothers in public forums organized by The Arab Institute for Human Rights (Khalil, 2014). However, even though rural women did participate in the revolution, their traditional roles limited their active participation. Women in rural areas, the south, especially the regions of Kasserine and Tataouine, did not participate as much in the revolutionary protests as those in the urban areas. In these rural areas, there was resistance against women and girls participating in public life, and the Islamists here were more conservative than the Islamists in Tunis. The women of these regions also experienced a wide gap between themselves and the women in rural and northern areas of Tunisia. One woman that was interviewed for the article *Tunisia's Women: partners in Revolution* stated that "women in the north can do everything, drive, divorce, work, etc. But in the south, they just stay at home and work with the children (Khalil, 2014, p. 197)."

Differences also made it difficult for Islamist and secular women to understand that there was a consensus between them on the importance of the PSC. Ennahda member Farida Labidi stated in an interview that she saw the PSC as originating from Islamic inspiration, and women of the Ennahda asserted that the party had a political agenda of maintaining the PSC. Their goal was to maintain and progress women's economic, political, and social rights. Secular women did however believe that the goal

of the Ennahda women was to place women back in the private space (Khalil, 2014). Even though they had a common goal, secular and Islamist women were still struggling with cooperating and understanding that they shared the same interest in progressing women's rights in Tunisia.

3.4 The Aftermath of the Revolution

Women in Nation-building

As Tunisia again started a nation-building project, women's rights and roles in society reappeared at the center of discussions (Khalil, 2014). In Tunisia, women did have something to lose due to the progress that women's rights had under the previous regimes (Bessis, 2013). Even though they were placed there by the authoritarian regime to appease the West and centralize power, they did carve out a safe space in society for women (Ahmad & Rae, 2015).

Much of the advances in women's rights have happened at times of nation-building in Tunisia. Similar to Europe, the nation-state has been gendered female in the Middle East. We first saw it after the 1956 independence with the major reforms to women's rights that took place under President Bourguiba, and which continued under Ben Ali. Both used women as symbols for their political projects of centralizing power in the nation-state (Khalil, 2014). The Arab Spring was also used to negotiate a new presence for women (Mhajne & Brandt, 2021), and both Muslim and secularist women advocated for the participation of women in public spaces (Khalil, 2014).

The interim government and women's roles

Although women had marched side by side with their male counterparts during the uprisings, they were not much represented in politics in the transition period. Women were absent from the transitional government (Tchaicha & Arfaoui, 2012), and the only woman to hold her position in the government was Lilia Labidi as the Minister of Women's Affairs. This was at the objection of the ATFD and signaled a division between female activists after the revolution. Women were also absent from the media during this period, and rural women still saw a wide difference between their reality and urban women in Tunisia (Khalil, 2014).

Even though women were underrepresented during the interim government, their activism heightened. Especially Islamist women were increasing their activism during the period of the transitional government (Khalil, 2014). Many female members of Ennahda wanted women to become more present in public and political life, but at the same time they supported "more traditional interpretations of women's rights (Gadzhimuradova & Rabat, 2020)." We could therefore see that the ban on the veil was lifted during the transitional period (Tchaicha & Arfaoui, 2012).

The traditional approach of Islamist women was at odds with the interests of the secularist feminists who wanted a more modernist interpretation of women's rights in both the public and the private spheres (Gadzhimuradova & Rabat, 2020). They believed that Islam and women's rights could not coexist. There were therefore protests when Rached Ghannouchi, exiled leader of the Ennahda party, returned to Tunisia. Secularist women and members of the AFTD and AFFTURD rallied in the capitol on the 29th of January 2011 to defend their rights and to reject the Ennahda party (Tchaicha & Arfaoui, 2012).

Secularist feminists continued advancing their activism. On the 1st of February 2011, AFTURD, ATFD, The Tunisian League of Human Rights and the Collectif Maghreb-Égalité 95 organized a sit-in at the Prime Ministry to demand that the interim government lift all Tunisian reservations on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Certain reservations to the CEDAW were lifted, but the government decree still left open the possibility of religious interpretation of CEDAW principles. The decree said; Tunisia "shall not take any organizational or legislative decision in conformity with the requirements of this Convention where such a decision would conflict with the provisions of Chapter I of the Tunisian Constitution (Arfaoui & Tchaicha, 2014, p. 147)." The reason is that the 2014 constitution later established Islam as the state religion of Tunisia.

Another attempt at ensuring women's rights and participation in political life was the approval of a new law on the 11th of April 2011. The law called *loi de parité* established that political parties that had registered for the elections to be held on the 23rd of October 2011 had to have equal gender representation. It also demanded a

"zipper rule" where parties had to alternate between men and women on their party lists (Khalil, 2014; Jinkinson, 2020). It was the first of its kind (Bessis, 2013), and women's organizations played an important role in passing it (Gadzhimuradova & Rabat, 2020). The *loi de parité* did however not prove effective. It was not accepted by all, and some women even saw it as degrading as they did not want to be accepted based on a quota established by law, but by "merit and competence (Khalil, 2014)."

Election Results and Women's Role

When the time came for the 23rd of October elections, the Ennahda party had gotten very popular in Tunisia. Ennahda won more seats than any other party in the National Assembly elections of 2011, and the majority of the female deputies came from the Ennahda party (Jinkinson, 2020; Khalil, 2014). Out of the 217 seats in the Tunisian National Assembly, Ennahda won 89. 24% of the seats were occupied by women, that was a total of 49. Out of these 49 women, 42 were members the Ennahda party (Khalil, 2014; Jinkinson, 2020; Tchaicha & Arfaoui, 2012). This came as a result of the zipper rule as Ennahda was entitled by law to include women on their party lists, but it did also show the political representation of Muslim women. It also meant that women in Tunisia had a higher percentage of political representation at the national level than the global average (Jinkinson, 2020) as Tunisian women gained access to several decision-making bodies. This happened under an Islamist government (Jinkinson, 2020), and there was a "restoration of women's rights" in terms of Islam (Khalil, 2014).

It is however apparent that the law of equal gender representation did not ensure equal representation of men and women. The reason was that political parties elected men as head of their party lists (Gadzhimuradova & Rabat, 2020), and women were instead placed second (Khalil, 2014). Fewer women were therefore actually elected in 2011 (Gadzhimuradova & Rabat, 2020). This shows that women were important for the construction of the national identity, but when it came to real nation-building, they had to take second place to men (Khalil, 2014).

Secularist women also feared that the Ennahda government would diminish women's rights in Tunisia (Jinkinson, 2020), and the government faced critique by both national and international secularist women's rights organizations (Mhajne & Brandt,

2021). Secular women's groups used social media to spread awareness of women's issues, where they argued that Ennahda would reduce women's status (Jinkinson, 2020). During its campaign, the Ennahda party promised that it would not revoke women's rights in Tunisia. However, after taking power, certain members of the party did speak in favor of polygamy and costumery marriage (Bessis, 2013).

The 2014 Constitution

The signing of the constitution brought together secular and religious forces in a National Dialogue intending to create a national consensus among different groups (Jinkinson, 2020). Importantly, women in Tunisia were given rights that certain Western countries do not provide for their female citizens (Gadzhimuradova & Rabat, 2020), and it guaranteed gender rights (Jinkinson, 2020). Article 21 of the constitution explicitly states that "all citizens, male and female, have equal rights and duties, and are equal before the law without any discrimination. The state guarantees freedoms and individual and collective rights to all citizens, and provides all citizens the conditions for a dignified life (Constitution of the Republic of Tunisia 2014). It gives the state the constitutional role of ensuring that women have equal rights to men. Article 34 ensures women's participation in politics and the public sphere; "The rights to election, voting, and candidacy are guaranteed, in accordance with the law. The state seeks to guarantee women's representation in elected bodies (Constitution of the Republic of Tunisia 2014). "

Article 74 and Article 1 of the constitution show that women's rights were now developed and enforced in the context of Islam.

Article 1

Tunisia is a free, independent, sovereign state; its religion is Islam, its language is Arabic, and its system is republican (Constitution of the Republic of Tunisia 2014).

Article 74

Every male and female voter who holds Tunisian nationality since birth, whose religion is Islam shall have the right to stand for election to the position of President of the Republic (Constitution of the Republic of Tunisia 2014).

Islam was enshrined as the state religion in the 2014 constitution (Gadzhimuradova & Rabat, 2020). The presence of Islam in the legal realm made it difficult to progress women's rights. An example is the difficulty in passing equal inheritance laws as the Quran explicitly commands the distribution of family wealth (Tchaicha & Arfaoui, 2012). Authors such as Sophie Bessis argued that the re-Islamisation of politics, law, and society went against full legal gender equality (Bessis, 2013). Article 20 also gave preeminence to the constitution over international law (Constitution of the Republic of Tunisia 2014), which meant that international agreements such as the CEDAW have to be enforced within the context of Islamic values.

Women, both secular and Islamist, played important roles in the writing of the Constitution. They were especially vocal during a debate surrounding Article 28 of the draft constitution. It dealt with "the protection of women's rights and their roles in the family (Mhajne & Brandt, 2021)." The article was debated for a whole year after the Arab Spring, and the debate surrounded the terminology of the article (Charrad & Zarrugh, 2014). In its initial wording, "complementary" was used to describe women's role in the family in relation to men (Mhajne & Brandt, 2021; Charrad & Zarrugh, 2014).

Article 28

«The state shall guarantee the protection of the rights of women and shall support the gains thereof as true partners to men in the building of the nation and as having a role complementary thereto within the family. - The state shall guarantee the provision of equal opportunities between men and women in the bearing of various responsibilities. - The state shall guarantee the elimination of all forms of violence against women. (Draft Constitution of the Republic of Tunisia 2012.)"

Women did not agree on whether the word should be "equal" or "complementary (Charrad & Zarrugh, 2014; Mhajne & Brandt, 2021)." Secularist women and advocates for women's rights wanted the word to be "equal," and both rural and urban women attended protests against the article. They argued that women were given rights in reference to men and that this would contradict other articles of the constitution where the word "equal" was used. An online petition was created, and

social media was widely used to rally people against the draft article (Charrad & Zarrugh, 2014).

Supporters of the Ennahda party wanted the word "complementary." Ennahda women such as Farida Labidi, a lawyer and human rights activist that led the constitutional committee in charge of article 28 argued that complimentary did not mean that women would lose their rights. She argued that "one cannot speak of equality between man and woman in the absolute." Other Ennahda women argued that complementary did not mean that women were subordinates to men, they believed it spoke of a partnership between man and woman (Charrad & Zarrugh, 2014).

The outcome of the highly debated article was that the word "complementary" was changed to "equal," and article 28 was dropped for article 21 which spoke about equality between men and women (Gadzhimuradova & Rabat, 2020; Mhajne & Brandt, 2021). It also showed increased advocacy of Tunisian women after the revolution and the fall of the secular regime. However, it also signaled a greater divide between secularist and Islamist women.

Civil society

An important outcome of the 2014 constitution was that it opened up civil society, and allowed for diversification (Charrad & Zarrugh, 2014). The restrictions on civil society that had been there during the secular regimes were loosened (Jinkinson, 2020). This opened up the creation of more independent feminist groups, and there were voices of both secular and religious women (Gadzhimuradova & Rabat, 2020). One of the new organizations was the Islamist feminist group Tunisian Women's Association, (Jinkinson, 2020) which would not have been able to operate during the previous secular regimes. Religion did not diminish women's rights in Tunisia (Jinkinson, 2020), and more women were now able to speak out about resistance, change, and peace (Ahmad & Rae, 2015).

The new independence allowed these groups to increase their activism (Jinkinson, 2020), and more women's activism was taking place at the grass-roots levels (Gadzhimuradova & Rabat, 2020). There was a shift from politics from above

to politics from below on gender issues (Charrad & Zarrugh, 2014). As previously mentioned, women's groups championed women's rights during the writing of the Constitution and Article 21 and lobbied the government to adopt a law to fight violence against women in 2017 (Jinkinson, 2020). Organizations such as Equality and Parity advocated for policies that would make it easier for women to vote such as the special needs of illiterate, poor, and rural women who at times lacked identity cards for voting registration (Arfaoui & Tchaicha, 2014).

However, the opening up of civil society has also created polarization and tensions. There was an appearance of more diversified actors who pursued maximalist goals, often with the support of foreign funding (Wilandt, 2019). Due to the freedom of expression, more ultra-conservative Islamist parties were legalized. This is due to the freedom of expression that came after the revolution (Arfaoui & Tchaicha, 2014). One of these is the Reform Front Party, a Salafist party that wants to create an Islamic state and impose Sharia law (Fahmi, 2015). This division reduces the impact that civil society has on Tunisia (Wilandt, 2019).

The inability of Islamist and secular women to cooperate

The division also reduces the Tunisian feminist movement. The increasing polarization between Islamist and Secularist feminists resulted in an undeveloped and undefined Tunisian feminist movement after the revolution (Tchaicha & Arfoui, 2012). Gender inequality is an issue today because "women's rights are entangled in questions of religion and its role in society and politics (...) (Gadzhimuradova & Rabat, 2020)". An example of this is that there are different ideas of what the hijab represents. Some see it as a symbol of oppression while others use it as a fashion statement (Tchaicha & Arfaoui, 2012). Although there are numerous non-governmental organizations and women's organizations, they currently lack the coherence needed to get beyond these barriers (Ahmad & Rae, 2015). Individualism reigns, and there has therefore not been any meaningful dialogue on women's issues (Tchaicha & Arfaoui, 2012).

Secular and Islamic feminists both see men and women as equal, but they pursue equality by different means. The secular feminists of Tunisia see human rights as non-negotiable and endorse the Western model of Women's rights while Islamic

feminists believe that the role of women should be found in the Quran. Therefore, Islamist women see men and women as equal, but with different familial and societal roles. They support the maintenance of unequal aspects of the PSC on inheritance matters and opposed government acceptance of all CEDAW clauses (Jinkinson, 2020). These are the views that secular feminists will not accept. They believe that Islamist women, and especially members of the Ennahda party, are using *le double discourse*. It means that they are hiding their true intentions behind more moderate phrases such that "a new governance model should come closer to the reality of life in Tunisian society (Arfaoui & Tchaicha, 2014)."

Stereotyping is a driver of the division between Tunisian feminists. Secularist women are portrayed as collaborators with the Ben Ali regime while Islamist women are compared with extremist Salafists (Jinkinson, 2020). Secular feminists will not address religious issues, and express concern about the growing conservatism in Tunisia (Tchaicha & Arfaoui, 2012), while religion is the foundation for Islamic feminists. Women in Tunisia therefore lack a collective dream such as the Jasmine Revolutions which brought all Tunisians together (Tchaicha & Arfaoui, 2012). This division is also fueled by the support of external funds as external funders such as the EU will prefer to fund secular and Western-aligned women's groups in Tunisia (Jinkinson, 2020).

There is a need for cooperation between secular and Islamist women to protect and advance women's rights in Tunisia, and to empower women of all backgrounds (Jinkinson, 2020). There has been a stagnation of ideas by secular feminists in Tunisia as there is no place like the Club Tahar Haddad where feminists can gather for informal dialogue (Tchaicha & Arfaoui, 2012). Islamic feminism plays a vibrant role in advancing women's rights (Ahmad & Rae, 2015), and it empowers rural women as they are often more religious and look for women to represent their interests (Jinkinson, 2020).

Obstacles to the Advancement of Women's Rights in Tunisia

Tunisia is among the best-performing Middle East and North African countries on the gender gap index (GGI) (Gadzhimuradova & Rabat, 2020). The GGI uses four different categories (Economic Participation and Opportunity, Educational Attainment,

Health and Survival, and Political Empowerment) to analyze the gap between men and women. The scores rank between 1 (equality) and 0 (inequality) (The World Bank, 2022). Figure 3.1 shows Tunisia's GGI score in relation to the regional median, where we see that Tunisia between 2006 and 2022 scored higher than the region. Figure 3.2 shows Tunisia's GGI score in relation to the world median where Tunisia scores lower. What we can see is that Tunisia's GGI score did not have a dramatic change after the revolution. It peaked at 0.65 in 2017 and 2018 and went down to 0.64 in 2022. Before the revolution, the score was 0.63 (The World Bank, 2022). The development of women's rights and the closing of the gender gap in Tunisia is therefore seen to be reversing.

0.65

0.60

0.55

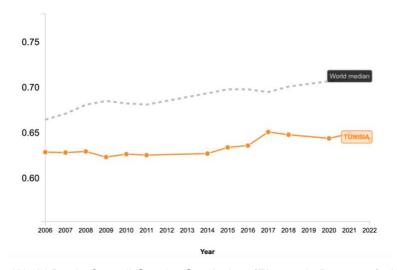
2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022

Year

FIGURE 3.1 TUNISIA'S GGI COMPARED WITH THE MIDDLE EAST & NORT AFRICA MEDIAN

Source: The World Bank. Overall Gender Gap Index. (Electronic Resource). Available at: https://tcdata360.worldbank.org/indicators/af52ebe9?country=TUN&indicator=27959&viz=line_chart&years=2006,2022

FIGURE 3.2 TUNISIA'S GGI COMPARED WITH THE WORLD MEDIAN



Source: The World Bank. Overall Gender Gap Index. (Electronic Resource). Available at: https://tcdata360.worldbank.org/indicators/af52ebe9?country=TUN&indicator=27959&viz=line_chart&years=2006,2022

Since the 2011 revolution, Tunisia has struggled with corruption and a difficult economic situation (Aljazeera, 2021). Women's political and economic participation has not advanced under these circumstances. Instead, they have been reversing. The proportion of women in the National Parliament has decreased by 5% since 2018 (ohchr, 2023). In a research by the National Democratic Institute (NDI), female members of parliament stated that limitations and barriers to gender equality in politics come from "systemic historical discrimination against women in Tunisian society (...)" (National Democratic Institute as cited in Gadzhimuradova & Rabat, 2020, p. 484). Ending gender discrimination will therefore need a cultural change in Tunisia as well as legislative action (ohchr, 2023). Women are also marginalized in the Tunisian economy. This does not match the increased number of female students that graduate from Tunisian universities. Tunisia ranks first among African and Arab countries on its number of female researchers with 55% of its researchers being female, and a majority of those who graduated from the science section of the university were women. However, Tunisian women represent a small number of the national workforce as they hold 17% of the jobs that are created and lead 19% of enterprises (The World Bank, 2022).

Furthermore, President Kais Saied has taken measures that have given the president more power (Aljazeera, 2021). Tunisia has therefore become increasingly authoritarian during his time in office. On the 25th of July 2021, he dismissed the government in what parliamentary opponents described as a coup (Eardly, 2022). Ghannouchi, the leader of the Ennahda party, was arrested on the 17th of April this year in the most recent crackdown on free democracy. This comes amid Ghannouchi's public opposition to the reforms under President Saied (Reuters, 2023).

Women's rights under President Saied are going back to the top-down approach which we saw during the regimes of Bourguiba and Ben Ali. In 2021, President Saied appointed the first female Prime Minister of Tunisia Najla Bouden Romdhane (Aljazeera, 2021), and the first head of government in the Arab world (ohchr, 2023). President Saied has therefore opened up for the participation of women at the highest level of Tunisian politics. However, we can draw lines to Ben Ali's approach to women's rights during the 1990s and early 2000s where State feminism was used to obtain the support of national women's rights activists and the West to turn the attention away from the oppressive authoritarian regime. Prime Minister Bouden's powers are limited. She does not enjoy the same prerogative as the previous prime ministers under the 2021 constitution. The new constitution says that the president can remove the government and any of its members. Therefore, he has the "ultimate authority over the government and the judiciary (Eardly, 2022)."

Domestic Abuse

One of the major difficulties that women in Tunisia face is domestic abuse, and violence against women has worsened since the revolution (Jinkinson, 2020). Violence also increased during the covid 19 pandemic. In 2019, Tunisia submitted its application for accession to the Council of Europe Convention on the Prevention and Combatting of Violence and Domestic Violence against Women (ohchr, 2023). According to the latest OHCHR report, it is estimated that 47% of Tunisian women face "intimate partner violence (ohchr, 2023)." The representative of Tunisia affirmed that several measures had been taken to tackle the issue of violence against women and girls (ohchr, 2023), but the 2017 plan for Eliminating Violence Against Women has not been fully realized. Difficulties in progressing further stem from social norms.

Women fear the shame it would put upon their families if they came forward as victims of assault (Jinkinson, 2020).

Violence against women has not followed any religious or ideological reasoning. Police harassed veiled women before the revolution during the Ben Ali regime (Jinkinson, 2020), and the government under Ennahda did not react to violence caused by Salafist groups against women (Bessis, 2013). There were also reports that police harassed women that were "not properly dressed (Jinkinson, 2020)" during the Ennahda government. Therefore, violence against women stems from social patterns of oppression against women rather than the ideologies of the people in power (Jinkinson, 2020).

4. CONCLUSION

Since Tunisia became an independent country in 1956, women's rights have progressed ahead of the rest of the region, and most of this progress has happened at times of nation-building. However, this advancement has mainly happened form a top-down approach labelled State Feminism. Some independent feminist groups appeared during the Ben Ali regime, but the country has not seen an established independent feminist movement.

There are disagreements on a definition of feminism, and what it means to be a feminist. This paper has used a definition by Jagger where the end to all forms of women's subordination is central. A wide range of different schools of feminism have appeared from radical to liberal feminists. Most of this development has happened in the West, and feminism is therefore often seen as a Western construct in non-western countries. In the Middle East and North Africa region, as in other non-western regions, feminism is often seen as a colonist thought of imposing Western ideas on non-western societies. Therefore, there is a debate on whether Islamic feminism exists, and we have seen that scholars use the term to describe projects rather than its agents.

Neither is there an agreement on whether Islam is compatible with the progression of women's rights. Secular and Islamic feminists disagree on to what extent Islam is compatible with women's rights. Secular feminists believe that it is not compatible, while Islamic feminists. Islamic feminists believe that Islam is highly compatible with women's rights and that the oppression of women goes directly against some of the fundamental principles of the Quran. According to Islamic feminists, there is a need for reinterpretation of the Quran through the eyes of women to reform the patriarchal interpretation of Islamic teaching. This practice of *ijtihad* is also at the center of debate in Muslim societies as some believe it was closed a few centuries after Muhammed's death. Women's access to education under President Bourguiba did however increase Islamic women's advocacy and their call for independent reinterpretation of Islamic texts.

Reforms to the family law in the 1950s did not come as a response to demands given by an organized women's movement, but rather for the political interest of the country's leaders. They started playing a more active role in the 1990s through activism. During the Ben Ali regime, women took a more political role as more women's associations were created, and women were themselves becoming their own advocates as more women could read and write as a result of the reforms during the Bourguiba regime. The reforms were however still mainly in the interest of maintaining state power against the Islamist fundamentalists, and Ben Ali saw the secular women's organizations as allies.

The case of Tunisia shows that democracy is not essential for the advancement of women's rights. Bourguiba reformed the country's family law in women's favor in ways that were unparallel to the rest of the region, and Ben Ali continued this work. What the authoritarian regimes did limit was women's ability to shape the discourse as feminism evolved according to the interest of the presidents. The authoritarian regimes did therefore limit the creation of an independent feminist movement in Tunisia, and Islamist women were not treated equally to secularists.

When the Jasmine Revolution broke out, women marched together with men in one body of protesters to demand universal equal rights and dignity for all Tunisians. The main focus of the revolution was therefore not women's rights, but it did further

women's activism as they could now walk shoulder to shoulder with men to demand their rights. It also removed the regime who had limited the rights of Muslim women, which now gave Muslim women the freedom to practice their religion and culture in the public space without fearing persecution. We can therefore say that the Jasmine Revolution continued the long-term process that had already started before the revolution of advancing women's rights in the country. The 2014 constitution gave Tunisian women rights that many women even in the West do not enjoy, and more women were now present in political life.

The country still faces major obstacles to further advancement of women's rights and an independent feminist movement. Economic and political difficulties coupled with a polarized society have reversing effects to previous progress. Islamic and secular feminists are not able to cooperate and find ways to complement each other. This has led to a stagnation of feminist ideas. There has also been a surge of Islamic fundamentalists, which has increased the fear among the country's secularists and given President Saied the support he has needed to increase authoritarianism under a new constitution. The new political system thereby limits the reach of civil society, and Tunisia is therefore going back to State Feminism and a top-down approach to women's rights.

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