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# Middle East Brief

## Islam and Democracy in Practice: Tunisia's Ennahdha Nine Months In

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For years, Middle East specialists in the academic and policy communities have been debating the compatibility of Islamist politics and democracy in the Arab world. Some analysts contended that allowing Islamist movements to participate in the political process would moderate them by making them accountable to their constituents in the framework of a political liberalization that the Arab Middle East badly needed. Others warned that given the opportunity to participate in a liberalizing system, Islamist movements would use the ballot box to come to power and undo the very democratic mechanisms that had brought them there.<sup>1</sup>

The Arab Spring has produced a situation in which Islamist parties not only are participating in the political process; they are now the dominant actors. Yet, in some cases the Islamists that assumed power have not been able to translate their electoral victories into effective rule, because they remain constrained by entrenched, often undemocratic, institutions left over from the previous regime. Examples have included the monarchy in Morocco and, until recently, the military in Egypt. But in Tunisia, the small country that sparked the region's revolts, Ennahdha, the Islamist party that won a plurality of votes in last year's parliamentary elections, has enjoyed some considerable freedom to operate during what has been a relatively peaceful transition away from autocratic rule. While it is too soon to tell whether the Jasmine Revolution will yield a thriving democracy, the Tunisian case offers a chance to examine the relationship between Islam and democracy in the context of actual governance rather than on a purely theoretical level. So what does Ennahdha's governance in the past nine months suggest about the emerging contours of an Islamic democracy in Tunisia?

This Brief analyzes Ennahdha's governance in relation to three major sources of political pressure acting on the party: 1) the secular interests of Tunisian society and their representatives in the government; 2) a small but vocal contingent of Salafists urging adoption of Islamic law; and 3) diverging ideological trends within Ennahdha. I argue that in dealing with these pressures, Ennahdha has demonstrated a commitment to key components of a democracy, including the separation of powers and broad participation in elections and office holding. But the party has also advanced policies that would restrict free speech on religious grounds and undermine Tunisia's liberal statutes on women's rights, suggesting that Ennahdha envisions a democracy existing within the framework of a society in which religion governs many aspects of public life and the state privileges citizens' Arab-Islamic identity over their rights as individuals.

## Tunisia's Spring

Unlike its counterparts in Egypt, Libya, Yemen, and Syria, Tunisia's uprising inaugurated a largely peaceful, if bumpy, transition away from authoritarianism. Following the January 2011 protests that brought down the regime of President Zine el-Abidine Ben 'Ali, a series of interim governments culminated in the election of a National Constituent Assembly (hereinafter NCA, or Parliament) on October 23, 2011—the country's first free and fair election since independence. Ennahdha, an Islamist party that was banned under the former regime,<sup>2</sup> received 41 percent of the votes and captured 89 of the Parliament's 217 seats. The remaining votes were split among more than a dozen parties, and in December, Ennahdha formed a coalition with two secular parties: the centrist Congress for the Republic (CPR), with its 29 seats, and the leftist Democratic Forum for Labor and Liberties (Ettakatol), with its 20 seats.<sup>3</sup> The coalition, or Troika, gave the prime ministership to Hamadi Jebali of Ennahdha, the presidency to Moncef Marzouki of CPR, and the speakership of the NCA to Ettakatol's Mustapha Ben Jaafar.

A provisional law dividing authority among the three offices was passed in December 2011, and this "mini-constitution" has been governing the country while the NCA drafts a new foundational text.<sup>4</sup> Anticipating that it will not meet its original deadline of October 23, 2012, the NCA recently announced that it will complete the draft constitution by February 2013, in time for legislative elections in March 2013. Despite persistent economic woes and occasional frustration with the pace of change, the NCA has enjoyed broad legitimacy in its mandate to write a new constitution and lead Tunisia through the transitional period. This legitimacy, coupled with a minimal amount of violence since the uprising,<sup>5</sup> has offered Ennahdha optimal—if provisional—conditions for governing.

## Pressure Points

Despite Ennahdha's plurality in the NCA, the party has been constrained by three major political factors as it attempts to lay the foundations of an Islamic democracy: secular opposition parties in the NCA and their allies among non-governmental organizations; increasingly vocal Salafist movements; and internal divisions between moderate and conservative members of the party.

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## Secularists

Throughout Ben ‘Ali’s tenure, political life in Tunisia was dominated by the secular ruling party, the Constitutional Democratic Rally (RCD). Formal political opposition was limited to a handful of secular parties with little real capacity to counter the regime. The protests of 2011 revolved around secular themes of unemployment, corruption, and unfair labor practices—and since Ben ‘Ali’s departure, Tunisia has witnessed an explosion in the number of registered secular parties and civil society organizations. Secularists in the NCA and their counterparts in civil society have been especially vocal in their opposition to Ennahdha’s proposed reforms in four areas: the relationship between religion and state in the new constitution; free speech; women’s rights; and the choice of a parliamentary or presidential system.

*Religion and State.* Shortly after the NCA was constituted in November, a debate broke out over whether to make Islamic law (Sharia) the basis of Tunisia’s new constitution. Ennahdha’s electoral platform of 2011 made no mention of Sharia, and prior to the elections, Ennahdha co-founder Rached Ghannouchi stated that his party would not seek to insert religious law into the new constitution.<sup>6</sup> But after the party’s victory in October, a group of MPs—including some of Ennahdha’s more conservative members—proposed adopting Sharia as “a source among sources” of the law.<sup>7</sup> Against the backdrop of several thousand Salafists rallying in support of the proposal, NCA Speaker Ben Jaafar threatened to resign if the proposal were adopted, and secular parties and non-governmental groups pressed Ennahdha to clarify its position.

Faced with the prospect of the Troika collapsing and growing secular demands that Ennahdha abide by its self-proclaimed “moderation,” the party leadership calculated that the costs of pushing for Sharia at this stage were too great. On March 26, Ennahdha announced that it would support retaining Article 1 of the 1959 constitution, which states that “Tunisia is a free, independent, sovereign state; Islam is its religion; Arabic is its language; and the Republic is its form of government.”<sup>8</sup> In its statement, Ennahdha explained that the language of Article 1 adequately affirmed Tunisia’s Arab-Islamic identity, and reiterated the party’s hope that this identity would permeate the rest of the constitution.<sup>9</sup>

*Free Speech.* Ennahdha’s retreat on Article 1 was a victory for the secularists, but in other instances the fragmentation plaguing the secular parties has undermined their effectiveness in going up against Ennahdha.<sup>10</sup> The Islamist party’s recent decision to qualify free speech in pushing for a blasphemy ban is exemplary in this regard.

The idea of criminalizing defamation of religion gained ground after riots on June 11 that were triggered by an art exhibit some deemed offensive to Islam. The riots left one person dead and hundreds injured, and the government declared a curfew that lasted three days. On June 12, a bloc of Ennahdha MPs issued a formal statement calling for the criminalization of offenses against religion. The statement declared that the revolution was fought in the name of Tunisia’s Arab-Islamic identity and respect for its citizens’ religious beliefs (a claim many Tunisians dispute), and that although Ennahdha endorsed freedom of creativity and of creative expression in the arts, this freedom was contingent on a respect for the Arab-Islamic values of the Tunisian people. After condemning the destruction of public and private property that the riots had caused, and calling on Tunisians to abide by the law in expressing their views, the statement demanded a judicial investigation into the acts of transgression against sacred values that the artists had purportedly committed. The statement ended by urging the NCA to adopt a law criminalizing blasphemy and to insert such a ban in the new constitution.<sup>11</sup> More recently, a group of Ennahdha MPs proposed a bill that would criminalize “insults, profanity, derision, and representation of Allah and Muhammad” and punish violations of “sacred values” with prison terms and fines.<sup>12</sup>

Even as secular Tunisians expressed disdain for the idea, neither the non-Islamist parties in the NCA nor like-minded civil society groups managed to mobilize resources sufficient to block the proposal. Both the CPR and Ettakatol have splintered since joining the Troika, and the non-Ennahdha parties in the NCA have been unable to coalesce around an alternative vision of political reform in Tunisia.

Following the June riots, Ennahdha and its secular partners were lambasted in the Tunisian press for what many perceived to be the state’s inability to preserve law and order. But as infighting continued to plague the secular opposition parties, Ennahdha went on to host nearly 2,000 members at its 9<sup>th</sup> party congress, the first held on Tunisian soil. The contrast between thousands of Ennahdha activists gathered in one place and a crisis-ridden secular opposition was striking, and Ennahdha emerged from the congress emboldened enough to persist in its plans to criminalize offenses against sacred values.

*Women’s Rights.* Ennahdha has advocated positions on women’s personal freedoms that have drawn harsh criticism from feminist groups and from secular Tunisians generally. Although Ennahdha has pledged to uphold the country’s Personal Status Code,<sup>13</sup> which defines men and women as equal citizens, outlaws polygamy and grants women equal rights in divorce, adoption, and other personal matters, members of the party have also proposed

laws that would chip away at the gains made possible by the Code. Last November, for example, Souad Abderrahim, a female Ennahdha MP, stated that Tunisian laws should not protect single mothers and argued that a 1998 law protecting children born to single mothers should be eliminated.<sup>14</sup>

More recently, a constitutional subcommittee of the NCA released the draft chapter on Rights and Liberties, in which women are defined as “complementary to” rather than “equal to” men. The subcommittee approved the clause in question by a vote of 12 to 8, with 9 of the 12 “yes” votes cast by Ennahdha MPs.<sup>15</sup> The NCA will vote on the measure in a plenary session, but the proposed language of complementarity has already drawn strong condemnations from secular non-governmental organizations such as the Tunisian Association of Democratic Women, the Tunisian League of Human Rights, the Tunisian branch of Amnesty International, and the country’s leading labor union, the Union Generale de Travailleurs Tunisiens (UGTT). The proposal also sparked a large public protest on Tunisia’s National Women’s Day, traditionally celebrated to mark the promulgation of the Personal Status Code on August 13, 1956. The outcry generated by the draft language on complementarity both inside and outside the NCA suggests that secular forces may prove more adept at countering Ennahdha with respect to women’s rights than they have been on the issue of free speech.

*Parliamentary or Presidential System?* A final point of contention between Ennahdha and the secular parties as they debate a new constitution has been over whether to adopt a parliamentary or presidential system. Ennahdha would prefer a parliamentary model with a weak presidency, contending that a strong legislature with most executive power reserved for a cabinet of ministers would offer the best protection against the concentration of power in a single, potentially authoritarian president who might escape legislative oversight. Most of the secular parties in the NCA, on the other hand, have advocated a presidential or semi-presidential system that would allow for direct election of a president whose authority could check the legislature. Ennahdha stands to gain from a parliamentary system in which it can continue to share the responsibility of governing, especially given that many of the grievances driving the revolution (such as high unemployment and regional economic disparities) remain unresolved, and the party knows it will be judged by how well it tackles these challenges. For their part, the secular parties seem to be assuming that a strong presidency could serve them well in the short term, given the strength of the Islamist bloc in Parliament.

Ennahdha’s preference for a parliamentary system has prompted accusations by secular opposition parties in the NCA that the Islamist party is not committed to a democratic system of separated powers.<sup>16</sup> The claim is problematic, however, because the disagreement between Ennahdha and its secular partners in the NCA is not over *whether* to have a system of separated judicial, executive, and legislative powers; on this, all the parties in the Troika agree. The dispute is over whether to place executive power in a council of ministers chosen by, and accountable to, representatives in Parliament or in a president elected by the citizenry. Either way, the resulting system would be democratic, and separation of powers would remain intact (assuming a separate and independent judiciary).

The argument by the secular parties in the NCA that Ennahdha’s preference for parliamentarism is anti-democratic is weakened by the fact that most of the world’s democracies are parliamentary systems. Nevertheless, there are signs that their pressure may be yielding fruit: Several prominent Ennahdha members—including Habib Kheder, the general rapporteur of the Constitutional Coordinating Committee, and Ghannouchi himself – have said that they are open to compromise regarding the choice of political regime.<sup>17</sup>

### *Salafists*

The Salafist phenomenon in Tunisia encompasses formally recognized political parties like Jabhat al-Islah (The Reform Front) and Hizb al-Tahrir (Party of Freedom); social movements like Ansar al-Shari’a (Supporters of the Sharia) that refuse to participate in the political process; and violent vigilante groups self-identifying as Salafists. Unofficial estimates of the Salafist presence in Tunisia have ranged from 6,000 to 100,000 citizens, and there are unconfirmed reports that Salafists have taken control of more than two hundred mosques throughout the country.<sup>18</sup> Following Ben ‘Ali’s departure, the transitional government led by Beji Caid Essebsi (a former minister under President Bourguiba) twice denied requests by Jabhat al-Islah for a permit, citing security concerns. As a result, several Salafist candidates ran in the NCA elections as independents, though the Salafists did not win any seats. Since those elections, Salafists have engaged in highly visible demonstrations, in some cases committing violent acts against civilians and state officials.

The Salafist phenomenon in Tunisia has presented a challenge to Ennahdha on two fronts: the debate over Article 1, and the broader question of political participation in Tunisia’s emerging democracy. Notwithstanding the diversity of Salafist groups, they all advocate the implementation of Sharia in Tunisia. (Hizb

al-Tahrir has also called for reinstating the Caliphate.) When the proposal to insert Sharia into the new constitution surfaced earlier this year, Salafists staged large demonstrations in support of the idea. Ennahdha disappointed the Salafists with its decision to retain the original language of Article 1, but three days after it announced that decision, Jabhat al-Islah was granted a permit to operate as an official political party. The timing reflected the delicate balance Ennahdha has sought to strike in its relations with the Salafists.

Perhaps the greatest test of Ennahdha's commitment to the democratic principle of broad participation in elections and office holding has come in the form of Salafist groups requesting permission to join the political process even as they openly reject democratic principles like popular sovereignty.<sup>19</sup> Ironically, Ennahdha's position resembles that of the former regime, insofar as it has had to contemplate allowing potentially anti-democratic forces to take part in a democratic process. The party's actions have suggested that violence is the litmus test against which Salafists should be judged. For example, the Ennahdha-led Interior Ministry announced in February that it had arrested several individuals widely believed to be linked to a violent Salafist cell outside Sfax<sup>20</sup>; but since last year's elections, Ennahdha has repeatedly stated that Salafist groups *not* espousing violence are welcome to participate in the political process. Thus, Ennahdha MPs participated in a large gathering of Salafists in Kairouan in May,<sup>21</sup> and Ghannouchi attended Jabhat al-Islah's opening congress this summer. In granting non-violent Salafist parties formal recognition, Ennahdha is probably calculating that excluding them might prompt charges of hypocrisy and could risk further radicalizing them.

### *Ideological Divisions within Ennahdha*

Since Ghannouchi's return to Tunisia following the uprising, Ennahdha has sought to portray itself as a unified party, and compared with its secular counterparts, it has unquestionably exhibited greater discipline, better organization, and superior resources. But divisions within Ennahdha have begun to appear and could carry major implications for the party's integrity moving forward. Disagreements have surfaced, for example, over the issues of political participation and the relationship between religious and secular law. Although the moderate strands of the party have won key debates in the past nine months, there are signs that the conservative branch of the party may be ascendant.

Although open participation in elections and office holding is a key requisite of any democracy, Essebsi's transitional government proposed barring senior members of the RCD from participating in elections. Following protests

by hundreds of former RCD activists, Essebsi revised the proposal to exclude only those who had served in the party's executive bodies during the last ten years of Ben 'Ali's rule, and the revised proposal became law.<sup>22</sup> Prior to the revolution, an estimated 2 million Tunisians (out of a population of roughly 10 million) were members of the RCD, so outlawing their participation in the emerging political system would have disenfranchised a large swath of the electorate.

Since winning a plurality last year, Ennahdha has been divided on whether to exclude former RCD members. Ghannouchi, generally regarded as leading the more moderate block of the party, joined some of the more conservative members in supporting such an exclusion, while Prime Minister Jebali has been more amenable to working with officials of the former regime. And while Ennahdha's official statements have pushed for banning all "symbols" of the former regime in Tunisia's emerging institutions, Jebali recently endorsed the nomination of a former RCD official to direct Tunisia's Central Bank.<sup>23</sup> Rhetorically, Ennahdha has echoed the previous interim government in adopting a hard line on integrating former RCD members, tapping into the prevailing sentiment that individuals who supported the Ben 'Ali regime should not be permitted to engage in politics just yet. In practice, however, the moderates in the party have won insofar as Ennahdha has opted for political pragmatism.

The moderates also won the debate earlier this year over Article 1. On March 16, shortly after the proposal to adopt Sharia as "a source among sources" of the law was brought up for debate in the NCA, the president of Ennahdha's bloc in Parliament announced that he favored making Sharia "the main source of legislation."<sup>24</sup> A straw poll of Ennahdha members in Parliament revealed that a majority supported inserting Sharia into the constitution. But when the party's top political council held an internal vote on the proposal, only 12 out of 80 participating members—roughly 15 percent—voted to amend Article 1, pointing to serious divisions between the party leadership and its members serving in Parliament.<sup>25</sup>

Such divisions are a liability for the party, which might explain why the opening lines of the recent party congress's final declaration, as well as statements by Ennahdha members at press conferences that followed, asserted that the party remains unified around its "moderate" and "centrist" character.<sup>26</sup> However, the results of the congress's votes for party leadership and key concessions to the conservative wing in the final declaration belie such claims. Though the movement re-elected Ghannouchi as president, just over one-quarter of the party's membership did not vote for him. Hearings at

the congress were closed to outside observers, but reports later emerged of heated debates between an older, less confrontational generation of members molded by the experiences of exile and imprisonment and a younger, more conservative trend in the party insisting on a hard line toward the secular parties and greater cooperation with Salafist parties.<sup>27</sup> And conservative Ennahdha MPs Habib Elouz and Sadek Chorou—both of whom had voted back in January to insert Sharia into Article 1—were among the first ten members elected to the party’s Shura Council, a body thereafter responsible for choosing the party’s leader.

## Toward an Illiberal Democracy?

In confronting the three main political factors outlined in this Brief, Ennahdha has repeatedly stressed that it remains committed to a democratic regime based on Islamic principles, and that such a regime is compatible with protections for basic individual liberties.<sup>28</sup> The first claim finds ample support in the first nine months of Ennahdha’s governance. With respect to such democratic practices as broad participation in elections and office holding and the separation of powers, Ennahdha has demonstrated a solid commitment. But the movement’s efforts to restrict free speech and circumscribe women’s individual rights on religious grounds belie the second claim—that Ennahdha’s variant of an Islamic democracy is consistent with a regime based on individual rights. Where tensions between the two values emerge, Ennahdha would prioritize building a society in which public life is guided by a collective, religious identity over the protection of individual freedoms that might conflict with such an identity.

That Ennahdha has scored well on several important indicators of democracy while at the same time undermining individual rights raises an important question. A central debate among observers of Arab politics in the last several decades has revolved around whether Islamists would be democratic if given the chance to govern. But Ennahdha’s tenure thus far suggests that a more appropriate question may be: What *kind* of democracy will Islamist governments embrace? The example of Ennahdha’s position on women’s rights is instructive.

On April 11, 2011, Essebsi’s transitional government passed a gender parity law requiring an equal number of alternating male and female candidates on all party lists in the October elections for the NCA. Ennahdha abided by the law—as a result of which, 42 of the 59 women in the Parliament are Ennahdha members. The group’s 2011 electoral platform affirmed the political equality of men and women, stating that women should be granted equal

access to all public administrative and political positions.<sup>29</sup> Similarly, the final declaration of Ennahdha’s 9<sup>th</sup> party congress calls for gender equality in the political sphere, indicating that the party remains committed to women’s equal participation with respect to both elections and office holding.

And yet, Souad Abderrahim, the Ennahdha MP who criticized laws protecting single mothers and their children, argued that Tunisia’s laws should be based on Arab-Muslim customs—and, as such, “there is no room for full and absolute freedom.”<sup>30</sup> In her controversial remarks about the 1998 law protecting children born out of wedlock, Abderrahim noted that “women are to be given freedom within limits and without violating divine rules.”<sup>31</sup> The contrast between Ennahdha’s advocacy of women’s equal participation as citizens in the political arena and its efforts to limit women’s rights as individuals (as reflected in Abderrahim’s comments, and in Ennahdha’s recent proposal to define women as complementary to men) partly reflects divisions within the party—but it also suggests that the group believes it can adhere to democratic practices even as it pushes for decidedly illiberal reforms outside the political realm.

This distinction between women’s political rights as citizens and their personal freedoms as individuals reflects a broader argument Ennahdha is making, which is that the institutions of a democracy—open contests for political offices, broad participation in elections and office holding, separation of powers, and so on—can exist without the liberal norms prioritizing individualism often found in many Western democracies. Without wading into the theoretical relationship between liberalism and democracy, it bears noting that while democracies must provide safeguards for individuals’ free speech, religious worship, and so on, the degree to which democratic states regulate these freedoms varies. Despite differences between British and American libel laws, for example, or between French and American approaches to regulating individuals’ religious expression in public, all three countries remain democratic.

This is not to dismiss the arguments of secular Tunisians who fear that Ennahdha’s vision of a democracy could impinge on their individual freedoms. On the contrary, Ennahdha’s first nine months in office unquestionably reveal the party’s intention to carve out a greater public role for religious principles, many of which are not compatible with individual rights. But in challenging Ennahdha’s religiously inspired model of democracy, secular Tunisians (or anyone, for that matter) may not be on solid footing when they attack the party’s *democratic* credentials—unless they can demonstrate that proposed

limits on individual freedoms would undermine these individuals' access to, and participation in, the institutions Ennahdha has argued are necessary to Tunisian democracy.

On the matter of women's rights, for example, they would need to demonstrate that defining women as "complementary to men" would necessarily impinge on women's ability to run for public office and otherwise freely participate in the emerging polity alongside their male counterparts—goals Ennahdha has repeatedly endorsed as central to its vision of an Islamic democracy. Another challenge to Ennahdha's positions on individual rights might point up contradictions in the movement's own rhetoric on democracy and human rights. For example, insofar as the final declaration of Ennahdha's 9th party congress calls for a "democracy premised on a respect for human (i.e., individual) rights," the document's call to criminalize blasphemy is clearly problematic.

As Tunisia continues to debate a new constitution and begins to prepare for legislative elections in the spring of 2013, Ennahdha will continue to face the combined political pressures of a secular opposition, a rising Salafist presence, and destabilizing strains between moderate and conservative voices within the movement—to say nothing of the economic challenges of unemployment, poverty, and regional disparities, which, though not addressed in this Brief, will surely influence the outcome of the next elections. How Ennahdha responds to these pressures will determine the degree to which it succeeds in redefining the relationship between religion and state in Tunisia. If a democracy does take root in the birthplace of the Arab Spring, then the first nine months of Ennahdha's governance suggest that the contours of this democracy will be shaped both by the party's vision of a religiously inspired political system and by the political context in which these self-described Islamist democrats navigate their transition from underground entity to major political actor.

## Endnotes

*I am grateful to Shai Feldman, Naghmeh Sohrabi, and Eva Bellin for their encouragement and helpful comments on an earlier draft.*

- 1 For an instance of this debate in the Egyptian context, see [Abdel Monem Said Aly, "Understanding the Muslim Brothers in Egypt," \*Middle East Brief\*, no. 23 \(Brandeis University: Crown Center for Middle East Studies, December 2007\),\\*](#) and [Marc Lynch, "The Brotherhood's Dilemma," \*Middle East Brief\*, no. 25 \(Brandeis University: Crown Center for Middle East Studies, January 2008\).\\*](#)
- 2 Ennahdha was founded in the late 1970s as the Islamic Tendency Movement (*al-Ittihad al-Islami*, or MTI, the initialism derived from its French name) by Rached Ghannouchi and Abdelfattah Morou, two Tunisian Islamic scholars and activists who were inspired by the Muslim Brotherhood in Egypt. In the late 1980s, the MTI changed its name to Ennahdha ("The Renaissance" in Arabic), and its members were permitted to run in the 1989 legislative elections as independents. When Islamist candidates garnered 15 percent of the national vote, the regime responded by banning Ennahdha and cracking down on Islamists more generally. The movement was heavily suppressed in the 1990s and 2000s, until the Jasmine Revolution inspired many Ennahdha members in exile to return to Tunisia. In March 2011, following President Ben 'Ali's departure, Ennahdha was granted legal status as a political party. While I refer to Ennahdha throughout the brief as a "party," it bears noting that a major challenge facing the group is to distinguish between its activities as a political party and its activities as a social, religious, and proselytizing movement. The challenge is not lost on its members; see, for example, Ennahdha Shura Council member Ajmi Lourimi's recent interview with Al-Masry al-Yom's companion publication, *Egypt Independent*: "[Q&A with Ennahdha's Ajmi Lourimi](#)," *Egypt Independent*, August 6, 2012.\*
- 3 A third party, al-Aridha al-Sha'abiyya (Popular Petition), garnered 26 seats but was later penalized for having violated campaign finance laws and for fielding candidates who were former members of Ben 'Ali's party, the Constitutional Democratic Rally. After a series of resignations, al-Aridha's contingent dropped to 14 in December 2011.
- 4 Article 27 of the mini-constitution notes that all laws not abrogated by the transitional text remain in force. Constituent Law No. 6 of December 12, 2011, *Journal Officiel de la Republique Tunisienne* 97 (December 20–23, 2011): 3,111.
- 5 This is not to downplay the sporadic violence that has occurred since Ben 'Ali's departure. Still, Tunisia has been spared the kind of violence witnessed in Libya, Egypt, Yemen, and now Syria, a fact of which many Tunisians are proud.
- 6 Ennahdha electoral program, September 2011 (in Arabic; summaries in French and English). The party's electoral platform, along with all official statements cited in this Brief, are available on [Ennahdha's website](#).\* See also [Alexis Arieff, "Political Transition in Tunisia," \*Congressional Research Service\*, February 2, 2011.\\*](#)
- 7 [Duncan Pickard, "The Current Status of Constitution Making in Tunisia," \*Carnegie Endowment for International Peace\*, April 19, 2012.\\*](#)

- 8 An English translation of Tunisia's 1959 constitution is available at: [“The Constitution of Tunisia, 1959,” \*The World Intellectual Property Organization\*, Accessed September 1, 2012.](#)\*
- 9 Ennahdha official statement, March 26, 2012 (in Arabic).
- 10 On the fragmentation of the non-Nahdha parties in Tunisia, see [Marina Ottaway, “The Tunisian Political Spectrum: Still Unbalanced,” \*Carnegie Endowment for International Peace\*, June 19, 2012.](#)\*
- 11 “Yes to criminalization of attacks on sacred values.” Formal statement of Ennahdha bloc in Parliament, issued on June 12, 2012 (in Arabic).
- 12 [Emily Parker, “Human Rights Watch Condemns Controversial Defamation Bill,” \*Tunisia Live\*, August 4, 2012.](#)\*
- 13 [“Tunisia’s Ennahda Puts Focus on Gender Equality,” \*Mail and Guardian \(Johannesburg, South Africa\)\*, December 7, 2011.](#)\*
- 14 Amal al-Hilali, “Ennahda Members Make Conflicting Statements about Women’s Rights in Tunisia,” *Al-Arabiya News*, November 13, 2011; [Kouichi Shirayanagi, “Ennahda Spokeswoman Souad Abderrahim: Single Mothers Are a Disgrace to Tunisia,” \*Tunisia Live\*, November 9, 2011.](#)\*
- 15 [Monia Ben Hamadi, “Ennahdha réduit la femme au rang de ‘complémentaire’ de l’homme,” \*Business News\*, August 2, 2012.](#)\*
- 16 A more compelling challenge to Ennahdha’s record on separated powers would focus on its responsibility for what has been the most severe crisis to date confronting Tunisia’s transitional government. On June 24, Tunisian authorities extradited to Libya Baghdadi Mahmoudi, Libya’s former prime minister, who had fled to Tunisia during the uprising against Muammar Qaddafi last year. Article 11 of the provisional constitution assigns responsibility for foreign policy to the president of the republic. But Mahmoudi’s extradition went through without the required signature of President Marzouki, a veteran human rights activist who was known to have opposed the idea of sending Mahmoudi back to Libya, where he would likely be tortured. Marzouki threatened to resign, and for a few tense weeks, the Troika seemed on the verge of collapse. Prime Minister Jebali was called before the NCA to explain the government’s action, and fully one-third of the Parliament signed a petition calling for a vote of no confidence before the proposal was ultimately tabled. It remains to be seen whether the extradition will turn out to have been a worrisome sign of future trends, or an isolated incident in what has otherwise been a decent adherence to the separation of powers.
- 17 [Samia Fitouri, “Tunisia Still Undecided over Form of Government for New Democracy,” \*Tunisia Live\*, February 10, 2012.](#)\* For Ghannouchi’s most recent statement on the matter, see Abdelkrim Dermech, “Conférence de presse de Rached Ghannouchi: ‘Le régime parlementaire n’est ni un dogme religieux ni un principe sacré,’” *La Presse*, August 31, 2012.
- 18 On estimates of the Salafists’ numerical strength in Tunisia, see Mohammed Al-Jazairy, “Salafism in Tunisia: A Brief History,” *Asharq al-Awsat*, English Edition, August 5, 2012; Nouredin Jebnoun, “Salafi Trouble in Tunisia’s Transition,” *Jadaliyya*, June 13, 2012; and [Anna Mahjar-Barducci, “Salafists in Tunisia,” \*Gatestone Institute, International Policy Council\*, February 23, 2012.](#)\*
- 19 For example, Mohammed Khouja, the leader of Jabhat al-Islah, has said that “[i]n Europe, democracy gives sovereignty to the people, but in Muslim countries, we prefer to emphasize the sovereignty of Islamic legislation.” “[T]he job of the lawmaker,” he added, “is to distinguish the ‘haram’ [illicit] from what is ‘halal’ [licit] according to Islamic law.” [Anne Wolf, “New Salafist Party: A Threat to Tunisia’s Democratic Transition?” \*Middle East Online\*, August 3, 2012.](#)\*
- 20 Nizar Hajbi, “Fusillade entre les forces de sécurité nationale et un group d’individus armés à Sfax – Point de presse du ministre de l’Intérieur,” *La Presse*, February 2, 2012. See also Alexis Arief, “Political Transition in Tunisia.”
- 21 Author’s interview with civil society activists in Kairouan, Tunisia, June 29, 2012.
- 22 “Tunisia Revises Voting Ban on Former Ruling Party,” *Voice of America*, April 25, 2011. See also “Tunisia bans ruling party officials from vote,” *Al Jazeera.com*, April 27, 2011.
- 23 Chedly Ayari, the newly appointed governor of the Central Bank, served as a member of the National Board of Advisors under Ben ‘Ali, beginning in 2010. He has been accused of having previously defended Ben ‘Ali’s laws targeting political dissidents.
- 24 Duncan Pickard, “The Current Status of Constitution Making in Tunisia.”
- 25 Ibid.
- 26 Final declaration of Ennahdha’s 9<sup>th</sup> Party Congress (in Arabic). See also statements by Ghannouchi cited in M’hamed Jaïbi, “Conférence de Presse: ‘Une formation centriste élargissant ses alliances,’” *La Presse*, July 18, 2012.
- 27 [Mischa Benoit-Lavelle, “Rached Ghannouchi Re-elected Leader of Ennahdha Party,” \*Tunisia Live\*, July 16, 2012.](#)\*
- 28 See, for example, Ennahdha’s 2011 electoral platform and Interim Prime Minister Jebali’s statement on November 15, 2011.
- 29 Note the contrast with the Egyptian Muslim Brotherhood’s Freedom and Justice Party, which continues to oppose a woman’s right to run for president in that country.
- 30 Kouichi Shirayanagi, “Ennahda Spokeswoman Souad Abderrahim: Single Mothers Are a Disgrace to Tunisia.”
- 31 Amal al-Hilali, “Ennahda Members Make Conflicting Statements about Women’s Rights in Tunisia,” *Al-Arabiya News*, November 13, 2011.

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Sarah J. Feuer

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