



THE DEVELOPMENT OF WOMEN'S RIGHTS UNDER SECULAR REGIMES: TUNISIA

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With increasing tensions in the Middle East, the rights of Middle Eastern women have become a contentious topic in Western political and cultural discourse. Spurred by the seeming success of secular women's rights movements in the West, many Westerners are pushing for the secularization of Middle Eastern governments. This paper analyzes the effectiveness of this theory by evaluating the development of women's rights in Tunisia, a country in the Middle East, which has in fact taken on predominantly secular approaches to government. Tunisia has long led the movement towards gender equality in the Middle East, and remains at the forefront of women's rights in the Arab world today, providing support for this Western ideology. However, Tunisia's secular governments have significantly hindered the progression of women's rights as well. Tunisia's secular regimes, often authoritarian, have appropriated "state feminism" to gain popular support without authentically empowering Tunisian women, leaving women's rights in peril if the regimes fall. Moreover, these secular regimes have augmented Islamic extremism, which not only endangers the lives of Tunisian women, but has also created a precarious divide between Tunisian women. Thus, the Western prescription of secularism is not an all-encompassing solution to inequality in the Middle East.



INTRODUCTION

Women's rights in the Middle East have become a considerably contentious topic in current political and cultural discourse. In the wake of a dramatic rise in Islamic extremism, terrorist attacks, genocide, and civil war, many Westerners have expressed concern over the rights of women in the Arab World. While this concern is pure at heart, it is often followed by uneducated assumptions and generalizations about the political environment of many Arab countries. The rise of women's rights in the West, driven primarily by a secular feminist movement, has led many Westerners to believe that secularization is a foolproof path to women's empowerment. This research paper will go beyond these Western assumptions by analyzing the development of women's rights in one country in the Middle East that has in fact taken on predominantly secular approaches to politics yet has continued to struggle with women's rights: Tunisia.

The country of Tunisia has long been at the forefront of women's rights in the Arab world. Many politicians and human rights activists look to Tunisia and its budding democracy as a beacon of hope in the midst of the turmoil overtaking the Middle East. However, in order to truly understand the status and future of women's rights in Tunisia, the history of women's empowerment in the country must be examined. This paper will analyze the progression of women's rights and empowerment since Tunisia gained its independence from France in 1956 up until the present.

INTELLECTUAL BEGINNINGS—CRUCIAL SUPPORT FOR WOMEN'S EDUCATION

Prior to Tunisian independence in 1956, tribal family laws dictated society under the French regime and oppressed women in both the public and private spheres in the name of Shari'a law. In the

private sphere, women could not divorce their husbands, had no say in whether their husband took additional wives, could not secure custody of their children, and were frequent victims of domestic abuse, among many other things. In the public sphere, women were incredibly uneducated, with only 2% of women obtaining higher education and only 4% gaining literacy by 1956.¹ Silenced in the private sphere and without access to education, women were powerless in the fight for equality.

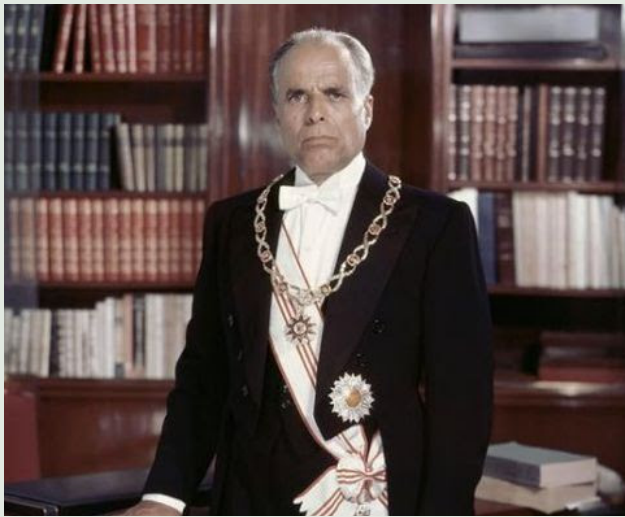
Surprisingly, despite these oppressive conditions, a movement for women's rights did slowly emerge, although not through the mobilization of women. In the midst of this oppression, Tahar Haddad, a leading intellectual in Tunisian society in the 1920s and 1930s, spoke up for women's rights and helped them advance throughout the following decades. As a citizen under French-colonized Tunisia, Haddad had been exposed to Western ideology first hand, and, in response to this, developed a striking reformist ideology. He, in contrast to the more conservative intellectuals around him, be-

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lieved that Islam was not inherently incompatible with the ideas of the West and modernity. Rather, he argued that through the reformation of Islam and the adoption of some European values, Tunisia could finally claim independence and become an imperialistic power of its own. One of the main tenets of Haddad's ideology was that Tunisia needed to educate its women in the way that France had. He believed that women acted as the backbone to French society's success, as they were the ones primarily responsible for raising their sons to be future

leaders and innovators.² Haddad, in order to spread his ideology, published a controversial book entitled *Our Woman in the Shari'a and Society*, in which he called on the Tunisian government to educate and liberate women. He wrote, "We need the European woman's knowledge and capacity to bear and raise children, capable of not only engaging in the battle of life, but also of winning the battle, and benefiting from the world's resources and peoples."³

While Haddad's ideology was centered on the patriarchal understanding of women's role in society as mothers, his call for their education created a large shift in Tunisian society's perception



Portrait of Tunisian President Habib Bourguiba (1903-2000).
Courtesy of Wikimedia Commons.

of women and granted women a multitude of new opportunities for education and public engagement. In doing so, Haddad's early ideology laid crucial groundwork for the cultural and legal empowerment of women after Tunisia's independence from France in 1956 under the guidance of Bourguiba. The cultural shift Haddad sparked allowed the women of Tunisia to advocate for themselves through the crucial process of establishing an initial Tunisian government. Moreover, in the wake

of this cultural reformation, Bourguiba, the first elected President of Tunisia, made women's empowerment one of the central tenets of his legacy.

BOURGUIBA REGIME (1956-1987): WOMEN'S RIGHTS ESTABLISHED, BUT THROUGH STATE FEMINISM

Upon Tunisia's independence from France in 1956, Habib Bourguiba was elected the first president of the new republic. Tasked with transforming this budding republic into an established power, Bourguiba set out to distance the new nation from its earlier tribal law system, and took many steps towards countering its impacts by creating an authoritarian, secular government. Part of Bourguiba's strategy in moving Tunisia away from its past of strict tribal law and into a future of modernity was to strengthen and protect women's rights. While there are differing opinions on the motives behind Bourguiba's actions for women, there is no doubt that many of the steps he took as the first President of Tunisia laid the groundwork for a future of women's empowerment in the country.

Upon ascending to the presidency in 1956, one of Bourguiba's first acts was to give a speech directed at the women of the country, thanking them for their participation in the struggle for independence and acknowledging the oppression they had faced. Immediately following his inauguration, Bourguiba gave women the civic rights to vote and to run for elected office. Additionally, he established the groundbreaking Code of Personal Status (CPS), a legal policy that granted women unprecedented rights within the private and public spheres. The CPS abolished the traditional practice of polygamy, gave men and women more equal rights in divorce proceedings, eliminated the role of matrimonial guardians with authority over women, raised the minimum age of marriage for girls to 17, and in-

creased custodial rights of women over their children.⁴ Also, the CPS guaranteed access to education for all girls, and gave adult women increased opportunities for employment outside of their homes.⁵ As well as guaranteeing women these revolutionary rights, the CPS banned several oppressive practices that had been allowed for much of the country's

Tunisia's first official constitution, ratified in 1959, marked a crucial turning point in the status of women in Tunisia.

early history. For example, the CPS abolished Dar Joued—"a reformatory system where 'disobedient and rebellious' women used to be secluded until they learned how to behave themselves"—a vestige of colonial Tunisia that reinforced that women were the property of their male counterparts.⁶

While the CPS has stood as the cornerstone for women's rights in Tunisia, several other steps taken under the Bourguiba regime helped to increase women's empowerment in the country as well. Tunisia's first official constitution, ratified in 1959, marked a crucial turning point in the status of women in Tunisia. The text itself stated that "all citizens have equal rights and obligations and they are equal before the law," officially elevating women to the same status as men, at least in the de jure sense, for the first time in the country's history.⁷ Furthermore, the Labor Law of 1966 "guaranteed women and men equal rights to employment," resulting in increased employment for women.⁸ Additionally, Bourguiba took steps towards ensuring the empowerment and rights of Tunisian women by expanding their access to reproductive health-care. In 1963 Bourguiba legalized the solicitation of free contraceptive pills and reproductive coun-

sel throughout the country.⁹ Moreover, throughout the 1960s and 1970s, under Bourguiba's rule, Tunisia began to liberalize its perspective and laws on abortion. By 1973 all forms of abortion were fully legalized, and have remained so ever since, making Tunisia the most liberal country in the Middle East in regard to this issue.¹⁰

Although Bourguiba enacted many laws that helped advance the de jure rights of women in Tunisia, the authoritarian secularism he implemented in the country also led to many problems for women's rights. As president, Bourguiba promulgated notions of national unity and secular ideology in an attempt to strengthen the Tunisian republic against the tribal factions. As this desire for national unity grew, Bourguiba began implementing more oppressive mandates in Tunisian society, which harmed the rights of many minorities, including women. A key example of this authoritarianism was when Bourguiba silenced non-governmental organizations (NGOs) in the country such as the Democratic Association of Women and the Association of Tunisian Women for Research and Development to minimize opposition and conflict among factions.¹¹ By silencing these organizations, Bourguiba suppressed the feminist movement at the grassroots level, leaving women's rights advocacy up to the government. In silencing the voices of the masses and implementing top-down legal mandates, Bourguiba created a system of "state feminism," which left many women marginalized and voiceless.

Bourguiba's "state feminism" system protected only those women who fit into a certain socioeconomic and religious mold. Urban, secular women were rewarded and gained crucial rights throughout his revolutionary period as President. However, many conservative religious women, as well as rural women, were left behind in his movement.

The liberation that Bourguiba's legislation was expected to bring did not reach many women living outside of the city because they lacked the systems of community activism and support to spread information and empowerment. In fact, "based on a 1981 survey conducted by the Union Nationale des Femmes de Tunisie, 51% of women in Tunisia were unaware of the country's progressive family code," due to factors such as the lack of education in rural areas.¹² This lack of awareness made it difficult for the full empowerment of Tunisian women to take place, for without being aware of one's rights, it is impossible to uphold them.

In addition to neglecting rural women, Bourguiba's incessant drive to achieve nationalism and secularism isolated many conservative religious women in the Tunisian community, resulting in the rise of radical ideological factions. While Bourguiba never instituted any blatantly anti-religious policy, he

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silenced many religious groups in the country and consistently condemned the conservative factions by publicly denouncing their beliefs. In one of his many speeches, Bourguiba shamed the Tunisian religious community by calling the hijab an "odious rag" that did little more than demean women and hinder Tunisian society from progressing.¹³ While very few Tunisian women chose to wear the hijab at this time, this kind of polarizing secular rhetoric not only oppressed women by limiting their freedom of expression and religion, but also, on a broader scale, stimulated a growing form of Islamic extremism that would become extremely problematic in later decades for women's rights and the

feminist movements in Tunisia.

Towards the end of Bourguiba's presidency, the Tunisian economy began to suffer greatly, and bread riots and labor movements began to evolve. Bourguiba's commitment to nationalism had led him to implement intense regulations on the Tunisian economy, stifling its growth. Economic hardship made it difficult for women to maintain their freedom in the public sphere. Thus, despite the fact that Bourguiba had given women new economic opportunities through the CPS, women, along with men, were harmed financially by Bourguiba's later economic failings. Without economic stability, it became increasingly difficult to ensure women's rights and equality.

Finally, in 1987, Bourguiba was ousted in a non-violent coup by Zine al-Abidine Ben Ali, who became prime minister, and then president in 1989. Ben Ali inherited a complex set of challenges and success from Bourguiba's era. While urban women's rights had progressed drastically under the CPS and other state-led policies, rural women had been neglected, and conservative religious women were alienated. Furthermore, Bourguiba's oppression of freedom of speech and religion had led to a rise of Islamic extremism in the country. Most importantly, the positive advancements of women's rights under Bourguiba had occurred under the flawed system of "state feminism," which left the masses powerless and detached from the fight for women's rights. All of this, along with economic distress, set the scene for the regime of Ben Ali.

BEN ALI REGIME (1987-2011): CONTINUED STATE FEMINISM AND THE GROWING DIVIDE AMONG WOMEN

When Zine al Abidine Ben Ali took control of Tunisia in 1987, many Tunisians were optimistic about his plans for the country. He preached a new

era of Tunisian democracy, and promised national reconciliation and progress. With these promises, many Tunisians believed Ben Ali would usher in a new era of emancipation and empowerment for the women of the country without Bourguiba's failing model of "state feminism." However, while Ben Ali's first few years of rule seemed to be steps in the right direction, away from Bourguiba's nationalistic oppression, things quickly took a turn for the worse. Under pressure from rising Islamic extremism, Ben Ali enacted wildly oppressive secular legislation and returned to the system of state feminism, reinforcing the challenges of the Bourguiba regime and creating new ones for Tunisian women.

At first, Ben Ali took drastic steps to reverse some of the damage done by Bourguiba. He legalized the existence of additional political parties and lifted the bans on many of the NGOs Bourguiba had silenced.¹⁴ In doing so, he opened the political arena to pluralism and grassroots activism for the first time in years. Furthermore, Ben Ali spent many of his early years in power pushing to increase the literacy and education opportunities for young women.¹⁵ All of these efforts seemed to represent a movement away from oppression and state-sponsored feminism and towards the education and empowerment of the masses to create their own feminist rhetoric.

However, despite the appearance of these surface-level advancements, in reality, "Ben Ali's government tightly restricted free expression and political parties" and continued to enforce the secular authoritarian system of governance that Bourguiba had previously championed.¹⁶ He doubled back, beginning to oppress grassroots mobilization by restricting NGOs, other political parties, and individual rights, while simultaneously enforcing women's rights legislation from the executive level, thus perpetuating the system of "state feminism." Mean-

while, Ben Ali was also desperately trying to force Tunisia into an era of secular modernization, and used women to reinforce modernization. However, his image of the 'ideal Tunisian woman' was "offensive to Muslim-oriented women because it marginalized their religious identification," creating



Portrait of Tunisian President Zine El Abidine Ben Ali (1936-).
Courtesy of Wikimedia Commons.

further tension between the secular government and traditional Tunisians.¹⁷

In opposition to Ben Ali's use of "state feminism" and his attempts to force Tunisia into modernization, the Islamist movement that emerged under Bourguiba began to grow, "taking the secular Tunisian population by surprise."¹⁸ With it came the Islamic feminist movement in which "women, after tossing away their veils to the cactuses started to appear in public wearing headscarves," standing in direct contrast to the secular feminist movement in the country.¹⁹ With this religious resurgence, a deep divide in women's rights rhetoric in the country emerged between the secular and Islamic feminists.

The growing Islamist movement in Tunisia created a space in which religious Tunisian women could formulate their own understanding of feminism and equality without the antagonistic pressures of the secular feminist movement. Secular feminists in Tunisia at the time had long criticized conservative religious women, claiming that they were not feminist and were oppressed by their faith. They did not believe religious women could truly “reconcile their faith and identity with a struggle for gender equality,” and that in order to truly embody feminist ideals, women had to reject their previous attachments to the Muslim faith.²⁰ Moreover, secular feminists were skeptical of Islamic feminists, claiming that while they preached equality, they “actually aimed at returning women to the home, excluding women from the workforce and enforcing Islamist dress.”²¹ This kind of oppression made it difficult for religious women to enter the women’s rights discourse until the Islamist movement opened up a new space for discussion.

Islamic feminists rejected the claims of the secularists, urging that they too maintained the goal of establishing women’s political, economic and social rights, and had for many years. Islamic feminists argued that their religiosity was not inherently at odds with feminist discourse. Rather, through proper interpretation of the Quran and the Sunnah, it would become clear that “women and men are equal in the eyes of God (Allah),” and are thus granted equal rights within Islam.²² Moreover, Islamic feminists believed that the values for human rights and equality that drove secular feminist movements could be found at the core of the Quran. Therefore, Islam should be used as a tool to encourage and mobilize feminist movements, rather than as an opposing force in the way secular feminists used it. While Islamic feminism is a complex social movement that could certainly merit its own research paper, at its

core it remains a gender discourse that holds the same goals as the secular feminist movement, but derives its meaning and legitimacy from Islamic texts and language.²³

As a response to growing Islamism, including Islamic feminism, Ben Ali began increasing levels of oppression in Tunisia. In 1991, he banned the Ennahda party—the main Islamist party at the time.²⁴ He continued to increase restrictions on

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freedoms of speech and religion gradually over the coming decades, culminating in his decision to ban the hijab in 2006.²⁵ Simultaneously, he filled the government with corrupt practices and dug Tunisia into a state of economic turmoil, with dwindling employment and stagnant growth. All of these actions did nothing but impede the progress of women’s rights and freedoms, causing only further turmoil. When citizens did speak up, Ben Ali would perform mass arrests and imprison demonstrators indefinitely.²⁶ In the wake of these abuses, Tunisians, both men and women alike revolted against Ben Ali’s regime in the Jasmine Revolution from December 17, 2010, through January 14, 2011, and beyond.

JASMINE REVOLUTION (DECEMBER 2010 –JANUARY 2011): A BRIEF MOMENT OF EQUALITY

Despite their divided views on religion and feminism, it has been well documented that all women, along with men, came together on common ground to overthrow Ben Ali. They put aside their differences to focus on liberating their collective

society from their oppressor. Women on both sides of the feminist divide came to the consensus that, although “women suffered more under the dictatorship than men [in that they] had their daily lives completely disrupted, they were not allowed to work, they could not properly care for their children, they were under constant surveillance,” their desire to fight was for collective freedom, not just women’s rights.²⁷ Moreover, both rural and urban Tunisian women participated in this revolution. Yet again, while rural women had been neglected in the advancement of their rights, they understood that throughout history, women’s rights had been intrinsically connected to rights of society as a whole and the economic fruition of the country, and thus all groups needed to work together. Tunisian women from all backgrounds consistently “emphasized their common, collective goals beyond particularistic gender identities,” to liberate society as a whole from Ben Ali’s oppression.²⁸

It has also been acknowledged that women were incredibly active in the revolution both physically and technologically. Women flooded out of their homes and places of work and “stood side by side with their male counterparts in the streets” for weeks on end.²⁹ Many women also capitalized on their positions in the home by using blogs to call international attention to the human rights abuses occurring under Ben Ali’s regime and the revolution itself.³⁰ Furthermore, Tunisian women from all schools of thought shared in the suffering and bloodletting of the revolution. They lost children and husbands, financial stability, and were violently imprisoned under Ben Ali’s regime. The prisons were a particularly dangerous aspect of the revolution for women, as many of the basic rights they had gained in the Bourguiba and Ben Ali regime were stripped away in the prisons. They experienced sexual assault, public humiliation, religious

intolerance and torture in the prisons.³¹ Several women reported being raped, assaulted, and forced to remove their hijabs and expose their bare legs in the prisons; violations of their humanity and of their faith.

The revolution represented a unique moment in which Tunisians from various backgrounds bridged their differences to fight for collective freedom, with no societal limits. As Korany El-Mahdi states, “the social actors/participants in [the] symbolic space/time [of revolutions] are suspended between structures as they separate from one social order but are yet to become part of another.”³² However, as the revolution came to a close, the period of equality did as well.

POST-REVOLUTION TUNISIA: WOMEN’S RIGHTS TODAY—PRESERVED, BUT SHAKEN

After the fall of Ben Ali’s secular authoritarian regime in January 2011, the Islamist Ennahda party rose to power under the leadership of Rached Ghannouchi. While many Tunisians welcomed the outsider perspective of the Ennahda party and its democratic principles as a positive change, the rise of an Islamist power concerned many secular feminists about the future of women’s rights in Tunisia, deepening the divide among women in the country. While staples such as the CPS and high levels of women’s participation in parliament remained consistent under the Ennahda regime, the new constitution and rise in extremism posed potential threats to women’s rights.

Under the new republic, the government was tasked with recreating the country’s constitution. A lofty task in many ways, the drafting of this constitution became a highly contentious issue in regard to women’s rights. While the original constitution had specifically enumerated men and women as equals,

the draft of the new constitution did not. Article 28 in the draft defined women as “complementary” to men, rather than equal.³³ Secular feminists viewed this change as a massive step backwards, and were concerned about “the possibility of future conservative interpretation of women’s rights given that women’s status in the article was presented as contingent upon their relation to men.”³⁴ In opposition to this, many Islamic feminists viewed the change as beneficial to women. Ghannouchi himself defended the change by claiming “complementation is an authentic concept, meaning that there would be no man without a woman and no woman without a man.”³⁵ Under this logic, the Islamic feminist movement viewed “complementary” as an improvement from “equal” and supported the change.

In the midst of this legislative debate, the Salafi extremist group began to perform a large number of attacks and assassinations, some of which were in response to cultural events in which women were presented in a modern, liberal image.³⁶ As a result of this rising extremism, parliament was forced into a deadlock. In order to break this stalemate, the Ennahda party “willingly stepped down and handed over power to a neutral, technocratic government,” in the hands of the Nidda Tounes party.³⁷ Through this, the Tunisian government returned to more secular roots, which allowed secular feminists to succeed in opposing Article 28’s use of “complementary.” When Tunisia’s new constitution was ratified in 2014, it referred to women and men as equals once again.

Currently, under the Nidda Tounes party, women’s rights have remained in fairly good shape. The CPS has been maintained and continues to evolve as Tunisian culture becomes more liberal, and the constitution continues to enshrine women with equal rights. However, while women continue to hold 24% of seats in parliament, they are of-

ten forced to the bottom of the ticket, and have very little actual power. Luckily, the new government has reinstated the freedom of many NGOs, allowing for a greater mobilization of grassroots movement, and the proliferation of education and freedom into rural and impoverished areas.

While the new government has thus far preserved the freedom of religion and freedom of expression that the previous regimes oppressed, many Islamic feminists fear a return of religious oppression and the banning of the veil. Additionally, the rise of another secular government has seemingly spurred more religious extremism and radical groups, which pose a threat to women’s rights in Tunisia, as well as many other countries in the Middle East.

Overall, Tunisia’s history has been full of positive advancements in women’s rights. However, much of its history has been driven by authoritarianism and state-driven secular feminism, which has marginalized many, particularly conservative Muslims and the rural poor. While women have actively participated in the revolution, they still continue to face challenges such as lack of power in government, rising extremism, and a deep divide in notions of feminism among them. It is unclear what the future of women’s rights in Tunisia will be, but many are confident that the budding democracy will continue to protect and enshrine women’s rights, allowing Tunisia to continue its role as a leader in the Middle East.

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