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# CONVINCE, COERCE, OR COMPROMISE?

## ENNAHDA'S APPROACH TO TUNISIA'S CONSTITUTION

MONICA L. MARKS

## BROOKINGS

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BROOKINGS DOHA CENTER  
Saha 43, Building 63, West Bay, Doha, Qatar  
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## ABOUT THE AUTHOR

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**M**onica L. Marks is a Rhodes Scholar and doctoral candidate at St. Antony's College, Oxford. Her work, which focuses primarily on Islamism, youth politics, and security reform in Tunisia, has appeared in the *New York Times*, *Foreign Policy*, and the Huffington Post, as well as academic publications.

As lead Tunisia researcher for the Barcelona-based Institute for Integrated Transitions in 2012-2013, Marks drafted "Inside the Transition Bubble," a report analyzing international technical assistance flows to four key sectors of Tunisia's transition. A former Fulbright Scholar to Turkey, Marks returned there to work as an instructor at Istanbul's Bogazici University in Summer 2013.

She is currently based in Tunisia, where she has also worked as a freelance journalist for the *New York Times*.

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# EXECUTIVE SUMMARY

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After two years and four drafts, Tunisia's new constitution is complete, passed by lawmakers on January 26, 2014 – the first constitution created by a representative, democratically elected assembly in the Arab world. Within Tunisia, actors among the national media, secular civil society, and other opposition parties have tended to highlight flaws in the constitution, alleging that Ennahda representatives lacked constitutional expertise and were working to inscribe an aggressive Islamist agenda into the document. Outside observers, on the other hand, tended to be less concerned with Ennahda's role in drafting the constitution, focusing instead on procedural and communications issues within the National Constituent Assembly (NCA). Despite this divergence, both opposition and outsiders have largely promoted an image of Ennahda as a unified, near-monolithic political party whose members move in lock-step coordination. Such perceptions have tended to obscure the many divisions and transitions inside Ennahda.

For Ennahda, this perception exists in part because Ennahda is relatively well-organized, at least compared with Tunisia's other political parties. Ennahda possesses a clear, democratic internal structure, with regular party conferences, strong organizational ties between grassroots supporters and party leaders, and a governing Shura Council that determines major party decisions via a one-person, one-vote scheme.

Still, despite Ennahda's cohesiveness, it hardly constitutes an "army." Instead, since Ennahda and its coalition partners formed a government in December 2011, party members have continually revealed key differences of opinion. Ennahda, along with the rest of Tunisia, had undergone a period of collective soul-searching in the wake of the January

2011 Revolution. Amidst a host of challenges, the party had to address its own defensiveness and seek a new balance between strongly-held principle and political gains as part of its transition from defensive opposition to constructive engagement.

As the party has operated and governed in a democratic context for the first time, Ennahda has been grappling with deep tensions between its national political leadership and a regionally connected base. Debates between the two have focused on issues of revolutionary transition more than classic so-called "Islamist" issues, with supporters pressuring Ennahda leaders on the role of unelected "technocrats" in governance, on the drafting of a political exclusion law for members of the old regime, and on preventing the targeting of religious-minded individuals by the authorities.

Often, after working out positions on critical issues in the Shura Council, Ennahda leaders have had to sell those positions to the movement's mid-level activists and grassroots supporters around the country. Ennahda's leadership has therefore had to rationalize and re-elaborate matters of principle and ideology in light of changing political demands, conceding far more on matters of religious ideology than issues of concrete political objectives.

On the place of sharia in the constitution, for example, the party ultimately opted not to include the word. While Ennahda members do look to sharia as an ideal ethical framework, most members accept a more abstract, ethical definition of Islamic law (focusing on social justice, equality, and good governance). Key members of the Shura Council were persuaded that this was the appropriate course of action for the party, keeping itself a relevant and viable political player.

Likewise, regarding an initial draft of Article 28, which defined the status of men and women in complementary terms, the party similarly adapted its position to political realities. The initial language the party used in drafting the article was a problematic departure from clear, equality-affirming legal language. International and domestic pressure ultimately forced the party to revert to straightforward references to “equality,” though not before the issue had become a critical public relations and trust-building failure for the party.

Agreeing on how to address the matter of blasphemy proved far more challenging. Ennahda members of the Rights and Liberties Committee threw their weight behind language that would criminalize blasphemy in a vaguely worded article, representing a serious threat to freedom of expression in Tunisia. Still, even here Ennahda members managed to overcome their defensiveness, accepting the removal of criminalizing language and communicating its rationale down through the party’s regional ranks.

Ennahda was most resistant to compromise on whether to design Tunisia’s new political system along the lines of a presidential model, a parliamentary model, or a mixture of the two.

Even here, though, Ennahda ultimately ceded a great deal of ground, and the new constitution sets up a mixed presidential-parliamentary system, a crucial political compromise.

Despite its dearly held political goals, Ennahda’s leadership is willing to dilute and sometimes shelve those goals when civil society, international voices, and local experts push back. On sharia, women’s status, and blasphemy, the party has stepped back from more rigid positions, arguing alternatively that society was not yet ready, that its true intentions were misunderstood, and that the constitution is not the proper place for criminalization articles.

Policymakers should resist the urge to give Ennahda more credit for organization than it deserves, or to examine its moves exclusively through the prism of party ideology. Recognizing that Tunisian politics extend beyond an Islamist-secularist binary will enable policymakers to more accurately identify the range of options available to key actors and advocate for options that best further a culture of constitutionality and pluralism in Tunisia. Seeing the broader picture will allow policymakers to appreciate the real vulnerabilities and challenges – not to mention the resources and capabilities – that Tunisia’s political actors face in attempting to positively impact Tunisia’s future.

# INTRODUCTION

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Tunisia's constitution-drafting process is complete. After two years, four drafts, and serial threats to dissolve the National Constituent Assembly (NCA) in the summer of 2013, lawmakers voted on January 26, 2014 to approve Tunisia's new, post-revolutionary constitution – the first constitution freely created by a representative, democratically elected assembly anywhere in the Arabic-speaking world. While Tunisian and foreign media focused primarily on Ennahda's role in the drafting process – particularly whether the party, which holds a 41 percent plurality in the NCA, attempted to shoehorn an aggressive, Islamizing agenda into the document – analysis of the process that produced this historic deal has yet to emerge. With constitution drafting having drawn to a close, the time has come to reassess Ennahda's role.

Has the party single-handedly dominated the drafting process, as its critics claim, or has it simply acted as a well-organized force for compromise? What explains the evolution of Ennahda's positions on the constitution's more controversial articles, such as efforts to include the criminalization of blasphemy and a notion of gender complementarity? This paper argues that received characterizations of Ennahda as an intensely well-organized and ideologically driven party fail to fully explain its approach to central constitutional debates. Instead, internal and external transitional challenges have shaped Ennahda's constitutional positions and led directly to the current political bargain.

Like Tunisian society as a whole, Ennahda is getting reacquainted with itself. Confusion over priorities and differences of opinion within the party have played out visibly during the course of constitution drafting,

demonstrating that – far from being a tightly structured monolith with a clear, religiously driven agenda – the party itself is in flux. Ennahda is coping with a broad range of transitional challenges, from lack of expertise in governance and constitution writing to tension over exactly where it stands regarding core issues of principle and ideology. Such challenges of adaptation have made it difficult for Ennahda to develop coherent strategies. For all its much-vaunted organization, the party has been part and parcel of Tunisia's transitional landscape, itself wrought by confusion, mistakes, and vulnerabilities.

This paper begins by examining how Tunisian and outside observers have characterized Ennahda's approach to the drafting process. It then takes a careful look at ways in which obstacles related to Tunisia's transitional context in general, and Ennahda's internal transition in particular, have shaped the party's constitutional positions. It goes on to examine how these transitional challenges molded the development of Ennahda's positions on four particularly controversial issues that emerged during the drafting process: whether or not to include overt references to sharia (Islamic law), how to define the status of women, how to deal with the matter of blasphemy, and how to balance presidential and parliamentary powers in Tunisia's emerging political system. The paper then concludes with a section explaining how developing a greater awareness of Ennahda's own internal transitions can aid policymakers in accurately assessing the movement's actions and engaging more effectively with Tunisia's emerging political landscape.

# DIVERGING ASSESSMENTS

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Opinions regarding Tunisia's new constitution, and Ennahda's role in drafting it, diverge widely. Local actors – particularly secularists in Tunisian media and opposition parties – have tended to highlight flaws in the constitution, alleging Ennahda representatives lacked the expertise necessary to produce a quality draft. Outsiders and comparativists, on the other hand, tended to be more sanguine in their assessments. Despite this divergence, though, both opposition and outsiders have largely promoted an image of Ennahda as a cohesive, well-organized political party that is mostly free of internal divisions.

Opposing politicians were critical of representatives from Ennahda, questioning their qualifications and motives. Many also expressed fear that Ennahda would attempt to sneakily coopt the drafting process to Islamize Tunisian society, which secular critics of Ennahda often perceive as the party's ultimate goal. “In their minds the NCA was an opportunity to finally realize the dream of an Islamic state, said Mohsen Marzouk, a top-ranking member of Nidaa Tounes, the country's main opposition party.<sup>1</sup> Representatives from opposing blocs in the NCA stressed potentially sinister aspects of the party's

organization and frequently labeled Ennahda an “army” on account of its perceived cohesion and group-think mentality. “They're just like troops marching in unison,” said Selma Baccar, a member of the secular Democratic Pole and Deputy Vice President of the NCA's Rights and Liberties Committee. “They defend lock-step positions without any independent thinking.”<sup>2</sup>

Prominent Tunisian legal analysts, including Kais Saied, Chafik Sarsar, and Yadh Ben Achour criticized the fourth and final constitutional draft for its seemingly schizophrenic contradictions. Article 141 of the draft, for instance, defined Islam as the “state religion” yet affirmed the “civil nature of the state,” creating an ambiguous space for potential conflict.<sup>3</sup> The fourth draft also stipulated that only a Muslim could become president, an exclusionary requirement that contravened principles of equality before the law established elsewhere in the draft.<sup>4</sup> For some Tunisian legal experts, this new constitution seemed to offer little more internal cohesion than its 1959 predecessor – a jumbled but highly flexible document formulated in the wake of Tunisian independence.<sup>5</sup>

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<sup>1</sup> Author's interview with Mohsen Marzouk, Tunis, 12 March 2013.

<sup>2</sup> Author's interview with Selma Baccar, Tunis, 13 March 2013.

<sup>3</sup> Article 141 developed into a major point of contention in the draft constitution, as Ennahda introduced a clause stipulating that 141 is the only non-amendable article in the Tunisian constitution. That clause has since been rescinded, and Article 141 has been dropped from the draft. See also Human Rights Watch, “Tunisia: Revise the Draft Constitution,” 13 May 2013.

<sup>4</sup> This wording was toned down. The final version of the constitution stipulates that “running for Presidency of the Republic shall be a right entitled to every male and female elector who bear only Tunisian nationality by birth... and who embrace Islam.”

<sup>5</sup> Habib Bourguiba, under whose watch the 1959 constitution was crafted, was the first president of independent Tunisia (1957-1987). Bourguiba, a Sorbonne-educated lawyer and admirer of Mustapha Kemal Atatürk, attempted to bring secular-style reforms to Tunisia, but was careful not to push too hard, too fast. The 1956 Personal Status Code, for instance – a key piece of women's rights legislation that banned polygamy and enabled women to initiate divorce – specifically stated that a wife should “obey” her husband and left more entrenched elements of sharia-based law, such as inheritance rights, untouched. The 1959 constitution likewise blended French-based law with more traditional, sharia-based elements. This blended approach suited Bourguiba, who sought to modernize Tunisia in the style of Europe and France without provoking unrest amongst more traditional Tunisians, particularly those who lived in the interior of the country and had supported his rival – Salah Ben Youssef – in the run-up to Tunisian independence. See Monica Marks, “Women's Rights before and after the Revolution,” in *The Making of the Tunisian Revolution: Contexts, Architects, Prospects*, ed. Nouri Gana (Edinburgh: Edinburgh University Press), 2013.



Leading Tunisian media outlets sharply criticized Ennahda's role in the drafting process.<sup>6</sup> A daily stream of talk shows and news reports vilified the group as unprepared, reactionary, and regressive. Ennahda had severe difficulty battling back such negative reporting and found itself continually portrayed as inexperienced but intimidatingly well-organized – an Islamist juggernaut bent on obliterating long-held principles of Tunisian state secularism and introducing more Egyptian or Saudi-oriented *Ikhwanji* (Muslim Brotherhood) conservatism to the country.<sup>7</sup> Secular civil society in Tunisia, including human rights organizations, feminist associations, associations of judges and lawyers, and other groups – though sometimes themselves critical of Tunisian media coverage – also tended to see itself as embattled against a well-organized Islamist front, and pushed back against many of Ennahda's proposals throughout the drafting process.

Unlike Tunisians, who often judged the drafting process against their own ideals and aspirations, international experts and NGOs compared developments in Tunisia to scenarios that had played out in other transitional contexts. NGOs that actively observed Tunisia's Constituent Assembly – most notably Democracy Reporting International and the Carter Center – stressed that no country had successfully written a democratically inclusive constitution in just one year, that delays were to be expected, and that – despite its problematic propositions regarding a handful of

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***Ennahda found itself continually portrayed as inexperienced but intimidatingly well-organized.***

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constitutional drafts, such as the blasphemy article (discussed below) – Ennahda was taking praiseworthy steps toward inclusion and compromise.<sup>8</sup>

Rather than highlighting an intransigent Islamist agenda as the chief threat to Tunisia's constitution, therefore, these Western experts tended to identify poor expectation management and public communication as the NCA's core failures. The Carter Center, in particular, repeatedly called on the NCA to launch a comprehensive outreach campaign to explain to the Tunisian public why its delays were necessary, and to honestly and transparently communicate a realistic timetable for completion. According to a report released by the Carter Center in June, 2013, such a campaign “might have raised public understanding of the NCA members' work and the importance of the process, as well as the perceived legitimacy of the constituent assembly.”<sup>9</sup> Drawing on statistics released by al-Bawsala, a Tunisian organization that has monitored the NCA's work, outside observers also highlighted lack of accountability and poor NCA attendance as additional factors that eroded the NCA's public image. Al-Bawsala's statistics showed the attendance rate for votes on 124 different pieces of legislation in the NCA averaged just 62 percent, with parties' average attendance ranging between 79 percent for Ennahda, whose representatives attended most regularly, and 45 percent for the socialist party and member of Tunisia's governing troika coalition, Ettakatol, whose representatives had the highest rate of absenteeism.<sup>10</sup>

<sup>6</sup> Fatima el-Issawi, “Tunisian Media in Transition,” Carnegie Endowment for International Peace, July 2012.

<sup>7</sup> An exception to this line of coverage occurred in March 2013. Then, following then prime minister and prominent Ennahda leader Hamadi Jebali's decision to partially cede control of government to a number of ‘technocratic’ ministers, Tunisian and foreign media wondered if Ennahda wasn't ready to imminently collapse. Coverage rapidly shifted from portraying Ennahda as uniformly monolithic to portraying it as ready to split apart.

<sup>8</sup> See: Carter Center, “The Carter Center Congratulates Tunisia's Constituent Assembly on Final Draft of Constitution and Urges Safeguards for Human Rights,” 12 June 2013, <<https://cartercenter.org/news/pr/tunisia-061213.html>>; “The Carter Center Recognizes Tunisia's National Constituent Assembly Progress; Calls for Increased Public Participation, Outreach, Transparency,” 26 September 2012, <<http://www.cartercenter.org/news/pr/tunisia-092612.html>>.

<sup>9</sup> Carter Center, “The Carter Center Congratulates Tunisia's National Constituent Assembly on Final Draft of Constitution and Urges Safeguards for Human Rights,” 6.

<sup>10</sup> Statistics compiled at Al Bawsala, “Marsad.tn,” <<http://www.albawsala.com/marsad>>, (12 December 2013).

International parliamentary observers joined Human Rights Watch in flagging problematic, potentially rights-limiting articles of the various drafts, including propositions on women's status, the authority of international human rights law, and freedom of religious expression. Ultimately, however, these observers identified less ideological, more procedural issues – such as poor public outreach, unrealistic timetable management, and lack of attendance to key NCA votes – as the NCA's primary failures. Polling conducted by Zogby and the International Republican Institute indicates that many Tunisian citizens agreed, perceiving the body as over-paid and lazy – unconcerned about meeting its deadlines and unwilling or unable to make progress on core issues such as the economy or public security.<sup>11</sup>

When commenting specifically on Ennahda's role throughout the drafting process, Western analysts tended to characterize the party as pragmatic, well-organized, and willing to compromise – particularly on key issues regarding religion's role in society and the nature of Tunisia's political system. Scholars Francesco Cavatorta and Rikke Hostrup Haugbolle argued, for instance, that “pragmatism plays a greater role than fixed ideological positions” in shaping Ennahda's approach to constitutional debates.<sup>12</sup> While this has most certainly been the case, it is also true that outside analysts – impressed by savvy young pragmatists in the party, like Zied Ladhari and Osama al-Saghir – have

sometimes emphasized Ennahda's role as an accommodating force while overlooking instances of hard-nosed political bargaining and self-interest, such as attempts by Ennahda

rapporteur Habib Khidhr to editorialize his own views into the third constitutional draft.<sup>13</sup>

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***Interviews with a key cadre of top Ennahda representatives in the capital have often reinforced the notion that Ennahda is highly organized.***

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While outsiders do not always accept the caricature of Ennahda as an army of “troops marching in unison,” their interviews with a key cadre of top Ennahda representatives in the capital, along with opposing elites from opposition parties and secular civil society, have often reinforced the

notion that Ennahda is highly organized. Their exposure to Ennahda is typically limited to its multi-story headquarters in the Montplaisir district of Tunis – a far cry from the party's jumbled regional offices, many of which have been attacked or vandalized in sporadic protests. Like any party, Ennahda is also eager to present itself as unified and efficient, a task eased by pre-existing notions that it functions as a monolith. Therefore, though Ennahda has made up many of its constitutional stances as it goes, and though internal cleavages certainly do exist within the party, such ad hoc decision making and intraparty division have remained relatively invisible.

Outsiders also had difficulty determining precisely where to place Ennahda on the spectrum of MENA region political movements. For many onlookers, there has been a temptation to see North Africa in general and Ennahda in particular through an Egypt-centric – or, in Ennahda's case, a Muslim

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<sup>11</sup> International Republican Institute, “Survey of Tunisian Public Opinion: October 1-12, 2013,” 3 December 2013, <<http://www.iri.org/sites/default/files/2013%20December%203%20Survey%20of%20Tunisian%20Public%20Opinion%2C%20October%201-12%2C%202013.pdf>>; Arab American Institute, “Poll: Tunisia Divided and Dissatisfied with Ennahda,” 8 October 2013, <<http://www.aaiusa.org/reports/tunisia-divided-dissatisfied-with-ennahda>>.

<sup>12</sup> Francesco Cavatorta and Rikke Hostrup Haugbolle. “The End of Authoritarian Rule and the Mythology of Tunisia under Ben Ali.” *Mediterranean Politics* 17, Issue 2 (July 2012): 179-195.

<sup>13</sup> Critics accused Khidhr, the General Rapporteur of the NCA's constitutional committee, of overstepping his authority to personally write the section detailing rules and regulations that would govern the NCA in the transitional period between completion of the constitution and the next elections.

Brotherhood-centric – lens.<sup>14</sup> Throughout 2011 and 2012, foreign journalists and analysts tended to lump the parties together, conflating Ennahda and the Egyptian Muslim Brotherhood as part of the same “Islamist winter” some feared was sweeping the region. The experience of the Brotherhood, which became increasingly hierarchical and inward-looking during its stint in power, also influenced onlookers’ perceptions of Ennahda, making some more likely to stress the party’s organization and de-emphasize its internal cleavages. Following repeated constitutional and political compromises from Ennahda, however – most notably the party’s acceptance to cede power in early 2014 to an unelected ‘technocratic’ government – observers began drawing more finely tuned contrasts between the two groups. Still, the dominant lens for analyzing Islamist parties remains subtly shaped by assumptions that Islamists move in lock-step, that they behave cultishly and act unilaterally, and that they pose an inherently greater threat to pluralism than secular, left-ist, or otherwise self-avowedly liberal parties. Such reflexive assumptions have tended to make outside analysts less likely to pick up on divisions and challenges of organizational transition inside Ennahda.

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<sup>14</sup> William Lawrence, former North Africa Director at International Crisis Group, has memorably termed this the “Egypt effect” – the tendency for journalists and researchers to analyze local North African dynamics through an Egypt-centric lens.

# ENNAHDA AS AN “ARMY?”

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The widespread perception that Ennahda representatives move in a tightly organized phalanx, or – as more suspicious observers have suggested, like “robots” marching behind party president Rachid Ghannouchi – exists partly because Islamism is often portrayed, both inside and outside Tunisia, as a brand of fascism. The rise of Salafi jihadism in Tunisia after the revolution – linked to attacks on alcohol stores, Sufi shrines, and the assassinations of two prominent left-wing politicians – further heightened fears of “Islamofascism” and rendered it difficult for Ennahda to escape being conflated with Salafi jihadi tendencies.<sup>15</sup> This increasingly unstable security situation, paired with the unprecedented victory of an Islamist party in the Tunisian polls, made many secular activists feel embattled in an almost existential struggle against a solidly unified, violently disposed, Islamist front.

Moreover, this perception that Ennahda moves in lock-step exists because Ennahda actually is well-organized, at least in comparison to Tunisia’s other political parties.<sup>16</sup> Unlike competing parties, Ennahda possesses a clear, operationally democratic internal structure. It holds regular party conferences (its next conference is due in July 2014), has regional and local level representational structures linking grassroots supporters to party leaders, and makes major

party decisions via a one-person, one-vote scheme in its highest body, the Shura Council. Ennahda is also bound by what many members describe as a shared “civilizational project”: the belief that Islam’s principles, broadly interpreted, are not only compatible with but edifying for democratic governance, and that such an Islam-infused democracy – a style of government that is both “authentic” and recognizable for non-elite Tunisians – will resolve the country’s lingering post-colonial identity crisis and lead it forward on a path towards strength and renewal.

Ennahda members, especially those who remember the early days of the movement, say that it is much more than just a party. “It’s a philosophical project, it’s a civilizational project,” an older woman and Ennahda member in Sfax told me. “That’s why we can never just call it a political party. It will always be something bigger, a movement, too.”<sup>17</sup> Indeed, confusion over exactly what Ennahda is – a party or a movement – has been a major point of debate within the organization since the revolution, one which this paper will later discuss in more detail.

Notwithstanding Ennahda’s party-movement tensions, and the diverse spectrum of opinions held by its leaders (ranging from Abdelfattah

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<sup>15</sup> French interior minister Manuel Valls, for instance, warned of a rising tide of “Islamofascism” in Tunisia following the February 2013 assassination of leftist politician Chokri Belaid. See “Pro-government rally in Tunisia gathers thousands as crisis grows,” Reuters, 9 February 2013, <<http://rt.com/news/tunisia-pro-govt-rally-830/>>. An in-depth report from International Crisis Group highlighted the growing incidence of “Islamofascism,” indicating that, rather than existing as a well-organized, fascistic phenomenon, even Salafi jihadism in Tunisia was more dispersed and disorganized than Valls may have thought. See International Crisis Group, “Tunisia’s Borders: Jihadism and Contraband,” 28 November 2013, <<http://www.crisisgroup.org/en/regions/middle-east-north-africa/north-africa/tunisia/148-tunisia-s-borders-jihadism-and-contraband.aspx>>.

<sup>16</sup> The words “robots” and the phrase “like an army” were used by many of Ennahda’s opponents throughout the course of interviews.

<sup>17</sup> Author’s interview with Ennahda member, Sfax, 20 November 2013.

Morou's progressive criticisms to the conservative, Salafi-influenced demands from more ideological party right-wingers like Sadok Chorou and Habib Ellouze) Ennahda's leadership remains relatively cohesive. So far, Ennahda has avoided the fractious rivalries and egoism that have riven other parties. Whereas its fellow parties have tended to rally around individual, "big personality" candidates, Ennahda's leaders – and its core supporters – are joined by something larger: a shared history of ideological struggle against and brutal oppression under Ben Ali's regime. As Yadh Ben Achour, a prominent Tunisian jurist, recently noted, Ennahda members are "bound by blood and tears," having withstood decades of harassment, imprisonment, and torture, and having been blacklisted from employment by the former regime.<sup>18</sup>

Inside the NCA, Ennahda's organization manifested itself in a different way: its representatives on each of the NCA's six constitutional subcommittees made a point of caucusing outside meetings before presenting their positions. This was a critical step that opposition parties largely failed to take. Though all parties met as blocs in the NCA to discuss party planning and positions, Ennahda representatives distinguished themselves in holding smaller, additional caucuses amongst members of the individual subcommittee groups.

"We [Ennahda members of the Rights and Liberties Committee] have tried to meet in a small group, outside, to talk through our opinions and reach agreement before walking into important committee conversations," said Monia Brahimi, an Ennahda representative. "On a handful of especially important and controversial matters... the entire Shura Council met and voted."<sup>19</sup> Other Ennahda

NCA representatives and Shura Council members echoed Brahimi, noting that Ennahda subcommittees dealt with their portfolios as "independent groups" and that only a "small handful" of especially weighty or controversial issues ever went to vote in the Shura Council.<sup>20</sup>

Matters that did go all the way to the Shura Council included the nature of the political system (presidential versus parliamentary), whether or not to include references to sharia in the constitution, and how to deal with controversial issues regarding rights and liberties, such as the matter of criminalizing blasphemy. "We didn't plan on discussing all these issues in the Shura Council," said Ennahda representative Selma Sarsout, who, like Monia Brahimi, sits on the Rights and Liberties Committee. "Issues started in the subcommittees and filtered up to the Shura Council only if they involved the ideology of the whole party or if they became very controversial." The matter of blasphemy, she said, was discussed in the Rights and Liberties Committee first, and the Shura Council only debated it after a proposal to "criminalize all attacks on that which is sacred," included in the first draft of the constitution, provoked outcry from international and local rights activists.<sup>21</sup> Ibrahim Zoghlemi, a member of the Shura Council and former head of Ennahda's regional office in Le Kef, similarly characterized such votes as reactive, stressing the leeway Ennahda's subcommittee representatives had in formulating initial drafts. "Issues went up from subcommittees to the Shura Council, not the other way around," Zoghlemi said. "The Shura Council is the biggest representative group we have in Ennahda. It was the place where we spelled out Ennahda's position on major issues or matters that became extremely controversial."<sup>22</sup>

<sup>18</sup> Quoted in Anne Wolf and Raphael Lefèvre, "Revolution under threat: the challenges of the 'Tunisian Model'," *Journal of North African Studies* 17, no. 3, (May 2012): 559-563. See also Beatrice Hibou, *The Force of Obedience: the Political Economy of Repression in Tunisia*, (Cambridge: Polity Press, 2011).

<sup>19</sup> Author's interview with Monia Brahimi, 2 April 2013.

<sup>20</sup> A total of 43 Ennahda NCA representatives and Shura Council members were interviewed for this report.

<sup>21</sup> Author's interview with Selma Sarsout, 11 March 2013. The first draft of the Tunisian constitution was released on August 8, 2012. See also Monica Marks, "Speaking on the Unspeakable," *Sada*, 4 September 2012. Language of criminalization was rescinded and did not appear in any subsequent drafts.

<sup>22</sup> Author's interview with Ibrahim Zoghlemi, 2 June 2013.



Other party blocs had trouble maintaining cohesion in the NCA. Ennahda's two-tiered process of external subcommittee caucusing and Shura Council voting, in addition to its normal meetings as a bloc inside the NCA, made the party seem frighteningly well-organized in comparison to other parties, many of which collapsed almost entirely due to internal disputes regarding party positions and organization. Ettakatol, for example – which, along with the Congress for the Republic (CPR) party, is one of Ennahda's two partners in the so-called “troika” coalition government – saw over half of its NCA representatives defect from the party.<sup>23</sup> A stunning graphic compiled by al-Bawsala charts changes in NCA representatives' party affiliation over the past two years. The only party that managed to keep all its elected representatives on the same ticket was Ennahda. Every other party experienced significant defections, with members splitting off, forming new blocs, and joining others.<sup>24</sup> For some opposition members, caricaturing Ennahda as a monolithic “army” therefore became a defensive mechanism, deflecting attention from painful realities regarding their own performance – such as the fact that Ennahda representatives turned up for key NCA votes over 20 percent more frequently than their nearest rivals.<sup>25</sup>

Ennahda was and still is cohesive in comparison to Tunisia's other parties, but it hardly constitutes an army. Instead, since Ennahda and its coalition partners formed a government in December 2011, party members have continually revealed key differences of opinion – often on national radio and television stations. Interestingly, the party's most serious divisions have centered around political rather than ideological issues, such as how to deal with figures from the old regime who want to compete in the upcoming 2014

elections and whether the party should have given in to opponents who called for it to step down from the government following the assassination of Pan-Arabist politician Mohamed Brahmi in July 2013. Arguments grew most heated during the fall of 2013, as many regional representatives in Ennahda's Shura Council complained the party's top leadership – represented in the *maktab tanfidhi* (executive office) – was compromising too much on political negotiations in the National Dialogue.<sup>26</sup> The constitutional drafting process revealed particularly important dynamics within Ennahda. The positions Ennahda has taken throughout the two year course of drafting, and the ways in which it either abandoned or selectively defended those positions, shine light on the party's ideological and political evolution, and how it is transitioning after decades of oppression.

<sup>23</sup> Ten of the 19 originally elected Ettakatol MPs defected from the party and joined alternative blocs in the NCA.

<sup>24</sup> See “Mercato political parties of the National Constituent Assembly,” Marsad, 23 October 2011. <<http://www.marsad.tn/fr/mercato>>.

<sup>25</sup> NCA attendance chart at Al Bawsala, “Marsad.tn”.

<sup>26</sup> Rory McCarthy, “Let's Make a Deal,” *Foreign Affairs*, 22 December 2013. See also Monica Marks, “Tunisia's Transition Continues,” *Foreign Policy*, 16 December 2013, <[http://mideastafrica.foreignpolicy.com/posts/2013/12/16/tunisias\\_transition\\_continues](http://mideastafrica.foreignpolicy.com/posts/2013/12/16/tunisias_transition_continues)>.

# ENNAHDA'S INTROSPECTION

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Tunisia's only two presidents since independence, Habib Bourguiba (1956-1987) and Zine el-Abidine Ben Ali (1987-2011), aggressively propagated a myth of "national consensus" that deflected citizens' attention away from potential points of difference.<sup>27</sup> Newspaper articles, radio programs, and presidential speeches consistently reminded Tunisians they were united, peaceful, secular, and liberal. Though Tunisian society percolated with dissent and diversity under authoritarianism's tight lid, most Tunisians were unable to look across their streets and cities to get an idea of exactly how much discontent there was, and what real Tunisian society looked like underneath the mask.

In 2003, representatives of some of Tunisia's leading non-regime parties, including Ennahda, CPR, Ettakatol, and PDP, agreed on an oppositional platform in France, concluding that their differences were less

important than their shared opposition to Ben Ali's dictatorial regime. Efforts to forge such oppositional consensus, however, involved just a small number of party leaders and could only happen in exile.<sup>28</sup> Back in Tunisia, discussing political views outside one's trusted circle of friends and family members was risky; a climate of strict official censorship, and informal self-censorship, prevailed. A notable exception to this silence came in

October, 2005 when, using the presence of international media for a UN-sponsored information summit, a coalition of leading leftists and Islamists living inside Tunisia began a 32-day hunger strike.<sup>29</sup> Still, such high-profile activism was exceptional, and Tunisian media was unable to cover such events openly. Forced to look into regime-manufactured funhouse mirrors that showed only images of progress, stability, and unification, Tunisian society was unable to truthfully confront itself before the revolution, let alone grapple with its long-repressed issues of discontent and difference.

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Since January, 2011, though, Tunisians have undergone a process of collective soul-searching, hearing – often for the very first time – their neighbors' views on matters of religion and politics and discovering the extent of their differences, a process that has proven both exhilarating and at times alarming. The Ben

Ali regime's unwillingness to tolerate open discussion on issues of religion and identity – combined with limited time and the parties' lack of policy expertise – meant that the 2011 election campaign focused almost exclusively on ideological issues, most notably the question of whether Ennahda would enforce an Islamization program inimical to secular lifestyles.<sup>30</sup>

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<sup>27</sup> Larbi Sadiki, "The Search for Citizenship in Ben Ali's Tunisia: Democracy versus Unity," *Political Studies* 50 (2002). See also Cavatorta and Hostrup Haugbolle, "The End of Authoritarian Rule and the Mythology of Tunisia under Ben Ali."

<sup>28</sup> Alfred Stepan, "Tunisia's Transition and the Twin Tolerations," *Journal of Democracy*, 23, no. 2 (April 2012): 89-103.

<sup>29</sup> See Farah Samti, "Eight Years Ago Today, When Islamists and Secularists Got Along," *Tunisia Live*, 18 October 2013, <<http://www.tunisia-live.net/2013/10/18/eight-years-ago-today-when-leftists-and-islamists-got-along/>>.

<sup>30</sup> Emma Murphy, "The Tunisian Elections of October 2011: a Democratic Consensus," *Journal of North African Studies* 18, no. 2 (November 2012): 231-247.

Ennahda's leadership is also struggling to get reacquainted with itself – with its own partisan base and with the broader Tunisian public. As an organized movement, Ennahda had no visible presence in Tunisia between 1991 and 2011. A better than expected performance by Ennahda-affiliated candidates in the 1989 elections prompted Ben Ali to abruptly reverse course, changing what many had seen as a promising opening into a dictatorial crackdown. Ben Ali launched a campaign of imprisonment and forced exile against the party, using the names of Ennahda candidates to round up the group's members. From 1991 to 2011, Ennahda's leadership was split between *Ennahda fil-kharj* (Ennahda figures in exile) – such as Rachid Ghannouchi and Lotfi Azzouz in London, along with numerous families based primarily in France and Italy – and *Ennahda fil-dakhil* (Ennahda figures in Tunisia), the majority of whom – like Hamadi Jebali, Sahbi Atig, and Ali Laarayedh – were imprisoned throughout most of that period.<sup>31</sup>

In 2006 and 2007, a number of party leaders, including the aforementioned three (Jebali, Atig, and Laarayedh), were released. Though these figures met regularly in secret, they were hounded by Ben Ali's police and unable to operate in the open. Similarly, although exiled party members spoke openly abroad, they were unable to engage in more sustained conversations regarding party ideology or direction with Ennahda members back in Tunisia. Instead, these conversations had to play out in the revolution's wake – a burdensome, chaotic time when a number of high-pressure issues preoccupied the party. The challenges of, as one party member put it, "re-familiarizing the party with itself," came amidst a host of other challenges, including finding and fielding candidates, building party offices, and – after October 2011 – actually running the country.<sup>32</sup>

"We went from the prison to the palace," said Lotfi Abeyda, director of Ennahda's headquarters in Sfax, echoing the sense of still-stunned disbelief common to Ennahda leaders throughout the country. "Internal reconstruction of the party is difficult, especially at this time."<sup>33</sup> "Getting your house in order is difficult when a fire is burning inside," noted Mohamed Tounekti, a member of Ennahda's regional executive office in Tataouine: "For years, I could only identify another Ennahda member through silent signals – a smile, a nod as we passed, something small just to let each other know we still exist... Now, we're talking again. But there's no time. There are many responsibilities. The country needs many things, people here need many things, and we must work to meet their needs quickly."<sup>34</sup>

<sup>31</sup> Estimates of the exact number of Ennahda members imprisoned vary widely, since the regime held many people under undocumented detention. Ennahda members, however, generally say that approximately 30,000 members were held in such detention or imprisoned during the Ben Ali years.

<sup>32</sup> Author's interview with Zied Boumekhla, Tunis, 17 June 2013.

<sup>33</sup> Author's interview with Lotfi Abeyda, Sfax, 12 June 2013

<sup>34</sup> Author's interview with Mohamed Tounekti, Tataouine, 13 June 2013.



# CHALLENGES OF TRANSITION

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The fast-moving nature of Tunisia's transition meant that Ennahda found itself at the center of constitutional debates before it had taken the time to pause and reconsolidate as a movement. Far from pursuing a well-structured blueprint throughout the entire drafting process, Ennahda frequently revealed its own challenges of transition – the ways in which Tunisia's transition from authoritarian rule is shaping the internal dynamics of the party, challenging it to respond effectively in a pressurized political context. Two specific challenges have stood out: overcoming the party's "surveillance mentality" and its tendency towards defensive behavior, and establishing a balance between principle and pragmatism.

## OVERCOMING THE "SURVEILLANCE MENTALITY"

For senior Ennahda leaders, communicating openly and confidently with the public – particularly with critics in the media, opposition parties, and the country's major trade union, the Tunisian General Labour Union (UGTT) – has proven challenging. It should be noted that fostering clear communication and transparency have represented key obstacles for Tunisia's political and civil society actors across the board, not just for Ennahda. Tunisia's authoritarian history left the country with an almost complete absence of critical media, governmental accountability,

and transparent political communication. Tunisia's governmental ministries, political parties, and older civil society groups have all been challenged to reinvent the communications wheel, learning – often from scratch – how to transmit their messages to the public at large and, even more challengingly, how to incorporate public criticism and feedback into their own efforts and strategies.<sup>35</sup>

A vibrant new atmosphere of vocal media coverage has sprung up in Tunisia. Though Ennahda members, like Tunisians in general, tend to speak positively about this, its party leaders and spokespersons have sometimes reacted to the media defensively, accusing it of slander and tabloid-style attack journalism. Their complaints were often well-founded. As Fatima el-Issawi noted in a comprehensive 2012 report on the state of Tunisian media, journalists have "remained unable to translate their acquired freedom into professional media practices."<sup>36</sup> Press ethics and media regulations remain undeveloped, and the line between rumor and journalism is frequently blurred. Still, Ennahda has often come off as defensive and ill-at-ease in Tunisian media, especially in comparison to its critics, many of whom hold influential positions in the country's top media outlets.

Messaging and media relations represent universal challenges for Tunisian political parties. For Ennahda leaders, though, sustained

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*Ennahda has often come off as defensive and ill-at-ease in Tunisian media.*

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<sup>35</sup> The Institute for Integrated Transitions, "Inside the Transition Bubble: International Expert Assistance in Tunisia," April 2013, <<http://www.ifit-transitions.org/publications/inside-the-transition-bubble-international-expert-assistance-in-tunisia/inside-the-transition-bubble-en-full>> (14 December 2013).

<sup>36</sup> Fatima el-Issawi, "Tunisian Media in Transition."

pushback from local media – combined with difficulty in breaking free from what one member termed the group’s “surveillance mentality” – represented an additional obstacle to constructive engagement.<sup>37</sup> Ennahda has a tendency to see itself as unfairly and perpetually victimized, in part because memories of the persecution it experienced under Bourguiba and, to a much greater extent, under Ben Ali, are still very fresh. After having spent long years on the margins, in prison, and in exile, the party – like many of Tunisia’s more militant civil society organizations and activists – has had trouble transitioning from defensive opposition to constructive engagement. Ennahda has sometimes seemed wobbly and reactive, prone to conceptualizing itself in the mode of victimhood and hesitant to confidently embrace the mantle of governance. The lessons of history – backlashes against victorious Islamist parties in Algeria and Tunisia during the early 1990s, and again now in Egypt following last summer’s coup – have made a certain

segment of Ennahda’s leadership extremely cautious. This caution, which has manifested itself positively in moves toward power sharing and reconciliation, has also appeared as a kind of wariness and self-doubt. The party’s resulting “surveillance mentality” entails a fear of offensive engagement and open criticism, along with the gnawing worry – usually unvoiced – that the party’s gains might still be reversed by the resurgence of anti-democratic, old-regime forces.

Younger activists and leaders in Ennahda tend to recognize these dynamics more readily and discuss them more candidly than their elders. Hichem Laarayedh, Prime Minister Ali

Laarayedh’s 26 year-old son and a member of Ennahda’s Shura Council, recounted driving his father and other top Ennahda leaders to and from their secret meetings between 2006 and 2011: “We used to put tall, broad-shouldered Hamadi Jebali in the trunk of the car to get him outside his house in Sousse, which was under heavy surveillance – can you imagine? ... It’s difficult now, I think for them [the older generation of party leaders] to break out of that mindset of secrecy, that feeling that they’re being constantly watched.”<sup>38</sup>

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*After having spent long years on the margins, in prison, and in exile, Ennahda has had trouble transitioning from defensive opposition to constructive engagement.*

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Zied Boumakhla, a 28 year-old Shura Council member and director of Ennahda Youth at University, one of the party’s core youth organizations, shared similar observations. “It’s very difficult for them to get over their suspicions, the feeling of being chased,” he said. “Long periods of imprisonment and persecution shaped a specific psychology – it’s hard for these leaders to express themselves comfortably and transparently.”<sup>39</sup>

Holdovers from earlier clandestine behavior – including hesitancy to disclose vulnerabilities to all but an inside circle of trusted confidants and the tendency to see threats of old regime reprisal lurking around every corner – have compounded challenges of clear communication for Ennahda leaders. The constitution, for example, promises to set up a political system in which the president will have a much stronger role than Ennahda had originally wanted. Ennahda first abandoned its hopes that Tunisia would have a fully parliamentary system, promoting the idea of model which combined a parliament with a weak president. Then it stepped back once more, ultimately settling on a model in which the president would be

<sup>37</sup> Author’s interview with Lotfi Abeyda, Sfax, 12 June 2013.

<sup>38</sup> Author’s interview with Hichem Laarayed, Tunis, 6 June 2013.

<sup>39</sup> Author’s interview with Zied Boumekhla, Tunis, 17 June 2013.

significantly stronger than it had anticipated. Intense resistance from local media, paired with Ennahda's own hesitance to confidently step out in front of its compromises and label them as such, meant that the Tunisian public remained largely ignorant of the negotiations and what Ennahda had conceded.

While some party members suggested that Ennahda's history of exclusion and persecution could be responsible for poor public outreach, it should also be noted that proactively drawing attention to its concessions could have also weakened the party internally. Trumpeting compromises would have likely made the party appear feeble and easily cowed to many of its supporters. By early 2013, Ennahda's leadership was already having a difficult time convincing staunch supporters that it was standing up for the party's brand, after having made a series of compromises on religious and political issues in the constitution. While labeling compromises as such could have won Ennahda more support from its Tunisian opponents, as well as earlier plaudits from abroad, it may have come at the cost of losing core party support.

Defensive behavior represented another related challenge for Ennahda throughout the drafting process. Memories of past persecution, and fear that those abuses might happen again, factored powerfully into Ennahda's positions on key pieces of legislation, most notably a proposed article – Article 28 of the second constitutional draft – that would have criminalized blasphemy, and a separate, non-constitutional law called the Law for the Immunization of the Revolution (commonly referred to as the “exclusion law”) that would have disqualified all members of Ben

Ali's governments (1987 through 2011), as well as senior figures in Ben Ali's party, the Constitutional Democratic Rally (RCD), from holding elected or appointed government posts, founding political parties, and running in the 2014 elections.<sup>40</sup>

Ennahda representatives' moves to criminalize attacks on vaguely defined “sacred things” in Article 28 of the first constitutional draft represented a prime example of the party's vulnerability to defensive thinking. This tendency should be evaluated in light of the transitional context, in which many Ennahda supporters feel pressure to retrench their gains and secure a new order that breaks definitively with past forms of persecution, which disproportionately attacked Islamists and those expressing more public forms of religious conservatism.

Many Ennahda supporters, for instance, saw January 2011 not just as a democratic revolution but as a revolution for religious freedom. Ben Ali's regime tightly controlled religious expression, placing police officers in mosques, scripting imams' Friday sermons, and ensuring that individuals wearing visible signs of religious conservatism – such as beards, hijabs, and so on – were barred from participating fully in public life.<sup>41</sup> Many feared that without firm laws ensuring the tolerance of more conservative forms of religious expression the old persecution might resume. “I'm afraid this is all a dream,” said one Ennahda activist in Kairouan in summer, 2011. Then, holding up a wallet-sized photo of her daughter, who wears a hijab, she said “I don't want her to go through what I went through. Democracy means freedom to practice Islam, too.”<sup>42</sup>

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<sup>40</sup> Human Rights Watch, “Tunisia: Sweeping Political Exclusion Law,” 15 June 2013. <<http://www.hrw.org/news/2013/06/15/tunisia-sweeping-political-exclusion-law>>.

<sup>41</sup> Men, particularly young men, who wore beards were often arrested on suspicion of being connected to the Islamist Ennahda movement. Women who wore hijab were frequently prevented from working in public facilities, such as schools, and faced harassment from university professors and school administrators.

<sup>42</sup> Author's interview with female members of Ennahda, Keirouan, August 2011.

Victims of imprisonment and torture in Ennahda have generally demonstrated unwillingness to take revenge on their abusers, and claim that their desire to practice religion “in the way we think is right” does not conflict with others’ freedom of expression. In practice, though, members’ passion to ensure that the past does not repeat itself – their shared sense of “never again” – has sometimes resulted in hyper-defensiveness and a tendency to neglect others’ right to more secular forms of expression. While Ennahda members are often ready to endorse liberties in the general, collective sense, problems have arisen when actual, individual Tunisians dared to test the limits of those freedoms. Precious few Ennahda supporters had anything to say, for example, in defense of two atheists from the coastal town of Mahdia in March, 2012, when they were arrested for publishing documents that derided Islam on the internet. Similarly, Ennahda members were quick to label secular expressions in cinema and artwork indefensible “provocations” following the airing of Marjane Satrapi’s film *Persepolis* in the summer of 2011 and the Abdelliya art exhibit during the summer of 2012 which included a painting that depicted a religious phrase – *subhan Allah* (‘Glory be to God’) – written in ants.

Understanding the history of Ennahda – a history which involved considerable repression – is therefore a necessary first step in coming to terms with the kinds of transitions the party is grappling with internally, and how those transitions – on individual, local group, and national party levels – are reshaping the movement. Overcoming the ‘surveillance mentality’ and a tendency toward defensive behavior are two important, historically grounded challenges for Ennahda to overcome – challenges that have clearly shaped the development of the party’s positions on key issues throughout the drafting process.

## STRIKING A BALANCE BETWEEN PRINCIPLES AND POLITICS

Ennahda’s ideology and political philosophy evolved considerably throughout its decades-long history, particularly in the 1980s, when the party’s predecessor, the Islamic Tendency Movement, broke with its more conservative Salafi wing, and again during the 1990s as Ghannouchi and other leaders rearticulated their views in exile.<sup>43</sup> Though Ennahda has existed as a party and as a movement for decades, it is operating in a fully open, democratic context for the first time. This is also the first time Ennahda has governed. The realities of governing in a truly multi-party system, particularly as a member of a three-party coalition with more secular partners, has presented new challenges and opportunities for Ennahda. The party’s top leadership, composed primarily of pragmatists and blended evenly between those who were in exile and those who remained in Tunisia – recognizes that the party must retool and repackaging to meet these transitional challenges.<sup>44</sup>

On the level of abstract, constitutional debate, this has often required moving away from fixed revolutionary or ideological stances towards more conciliatory, pragmatic positions. On the level of practical, regional realities, organizing as a nationally established political party for the first time has required Ennahda to make critical decisions about where it should invest time and money. Often, the party has found itself departing from an older “movement model” more focused on charity work to a newer “party model” focused on building a strategic network of nationwide offices and developing a ground game to tackle social problems through governmental policy. Understandably, these changes have caused some stress within Ennahda.

<sup>43</sup> Francesco Cavatorta and Fabio Merone, “Moderation through exclusion? The journey of Tunisian Ennahda from fundamentalist to conservative party,” *Democratization* 20, no. 5 (July 2013): 857-875.

<sup>44</sup> One assumption often made by outside observers is that there is a clear division between Ennahda members who lived abroad in exile and were “moderated” by the experience and those who faced abuse inside Tunisia and grew more radical as a result. Interestingly, though, the political pragmatists at the top of Ennahda’s leadership include both individuals returning from exile and individuals who stayed, and many of the party’s most prominent “soft-liners,” like Ali Laarayedh, for instance, experienced years of torture.



Since the revolution, Ennahda has been grappling with deep tensions between its more strategically minded, national political leadership, and a regionally connected base that clings most firmly to matters of local priority and has a more inflexible attachment to matters of principle. Interestingly, “principle” from an Ennahda supporter’s perspective does not exclusively mean religiously grounded ideology. Many of the toughest debates inside the party and sharpest criticisms of its leadership have come from Ennahda members upset not about sharia or classic so-called “Islamist” issues, but about the party’s seeming over-eagerness to compromise with figures from the old regime.

On the national level, intra-party criticism has been especially pronounced on what some members perceive as the leadership’s dangerous decision to hand over governance to unelected “technocrats,” its inability to swiftly pursue a comprehensive transitional justice process, its hesitation to advocate for passage of the Law for the Immunization of the Revolution, and so on. Even issues that seem on their surface to be entirely about Islamist ideology – such as the debates over sharia and criminalization of blasphemy – are often understood by individual Ennahda members as important political ‘fencing’ measures that would preserve the gains of the revolution and, as mentioned earlier, keep the country from sliding back into an authoritarianism that targets religiously minded individuals.

With the exception of more inflexible, principle-driven representatives from the party like Chorou and Ellouze, Ennahda’s leaders, both those coming in from exile and those emerging from decades of in-country persecution, seem to have cautiously entered party politics with a sense of self-controlled gamesmanship. Many of Ennahda’s leading figures spent decades biding their time – in prison or in exile

– deliberating about long range goals and the necessity of strategic pragmatism. From high-ranking positions of guardianship within the party, they watched as Islamists’ gains in Algeria and their own gains in Tunisia were rolled back in the 1990s, and watched again in Summer 2013 as Brotherhood member Muhammad Morsi was deposed by a military coup in Egypt. Their general instinct has been to take notes from these experiences, and they have been careful not to push too hard, too fast, retracting more intense revolutionary demands and ideological positions when politically necessary and focusing on long term viability as a party.

For dedicated supporters at the local level, mid-level regional activists, and regional representatives in the NCA and the Shura Council, however, such maneuvers have proven confusing and at times disappointing. Rank and file Ennahda members have naturally focused less on strategizing for the party’s national future and more on grappling with local politics, while coming to terms with their own personal histories of oppression and expressing hopes for Tunisia’s future. They want a quick, definitive break with the old regime, recognition of and sometimes reparations for past wrongs, and a governing system that reflects their own, more Islamist-inclined voices – voices that had been pushed out of Tunisia’s political arena for decades. These local level Ennahda supporters have expressed growing confusion about what exactly makes Ennahda an Islamic party. Some have implied that the leadership’s compromises may

have come at the cost of losing its strength as an ideologically dynamic movement. “They’ve given a lot away since they’ve been in power... they’ve failed to stand up for important values so many times,” said one longtime Ennahda supporter in the Kabariyya neighborhood of Tunis. “I just don’t see what makes them Islamic anymore.”<sup>45</sup>

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*Rank and file Ennahda members have naturally focused less on strategizing for the party’s national future and more on grappling with local politics.*

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<sup>45</sup> Author’s interview with female long-term Ennahda supporter, Tunis, 22 December 2013.

This tension is playing out, in part, through disputes over whether to define the group as a *hizb* (party) or *haraka* (movement). Leading figures in Ennahda identify this as an important issue which the party must address.<sup>46</sup>

“What many of our members really want is to invest in *da‘wa* [preaching], education, and cultural work, while others want to be in politics,” said Mehrezia Laabidi, Deputy Speaker of the NCA and Tunisia’s top-ranking female politician. “It can be tricky, but I think we are capable of making a clear distinction between the two spheres.”<sup>47</sup>

“There are many people, like me, who simply feel more comfortable and effective doing cultural, not political work,” noted Monia Brahim, another leading member of Ennahda. “Political work is not always easy.”<sup>48</sup> Jamila Jouini, a Shura Council member who sits on Ennahda’s executive office in Tataouine, expressed similar views, stating that many people in her southern city of Tataouine are opting for *da‘wa* and charity work “because they gradually started realizing the huge pressure of politics... and do not want the movement to simply be politicians.”<sup>49</sup>

For now, Ennahda has tried to split the difference, referring to itself as *hizb harakat Ennahda* (Party of the Ennahda Movement). Though it functions as a de facto political party, with a nationwide infrastructure of local and regional offices, it touches many members’ lives as a social movement. Hundreds of charities are loosely affiliated with Ennahda,

and for many local residents these charities provide practical social services that make it easier to get by. Likewise, the smallest unit of organization in Ennahda is still the *usra* (family unit), a group of about five to six

members who live near one another and discuss their lives and current affairs through a lens that is at once religious and political.<sup>50</sup> In official statements, such as its party platform, Ennahda attempts to merge broad commitments to both religious and political ideology, stating its support for Arab and Muslim unity and incorporating “Islamic references” for Tunisian identity alongside its support for open-

ness and democracy. By stating its principles in broad, vague terms, Ennahda hopes to retain the adaptive flexibility of a political party while maintaining the dynamic base of a grassroots movement – a balance it hopes will keep principled supporters on board while enabling the party to succeed politically on the national stage.

This tension between *hizb* and *haraka* points to the discomfort many in Ennahda feel about trading in tightly held, principled goals for pragmatic political objectives. Older members who recall the movement from the 1980s sometimes admit to feeling unmoored in the current, highly political context, worried that politicking and party-building will reduce Ennahda to a “politicians’ club” that “forgets its roots,” as one resident of El Kram said.<sup>51</sup> Many in Ennahda have been disappointed by the party’s tendency to shelve

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***Ennahda hopes to retain the adaptive flexibility of a political party while maintaining the dynamic base of a grassroots movement.***

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<sup>46</sup> Ennahda began debating the question of potentially splitting its political and charitable activities at its 2013 party conference, but decided the matter was too divisive of a subject. It shelved the matter until the 2014 party conference, likely waiting until the 2014 elections are finished to address it in full.

<sup>47</sup> Author’s interview with Mehrezia Laabidi, Tunis, 22 April 2013.

<sup>48</sup> Author’s interview with Monia Brahim, Tunis, 17 September 2012.

<sup>49</sup> Author’s interview with Jamila Jouini, Tataouine, 13 June 2013.

<sup>50</sup> At various points in Ennahda’s history, it has also referred to *usra* meetings as *halqa* sessions (Quranic discussion circles), and *khalaya* (cells).

<sup>51</sup> Author’s interview with Ennahda member in Tunis, 10 November 2013.

their revolutionary demands in favor of cautious gradualism. Former political prisoners, for instance – most of whom are Islamists and their families – have protested repeatedly for a swifter transitional justice process.<sup>52</sup> Other Ennahda members, along with former supporters who have been moving to the right of Ennahda, have been disturbed by the party's failure to include clear Islamic objectives in the constitution. "I voted for Ennahda thinking they would take this country towards peace and make it a place where religion is respected," said a young man in Bizerte who claimed to have campaigned for Ennahda at his university in the run-up to the October 2011 elections. "They haven't fulfilled their promise to protect Islam. I don't think I will vote for them again."<sup>53</sup>

After working out their positions on critical issues in the Shura Council, Ennahda leaders have had to sell those positions to the movement's mid-level activists and grassroots supporters around the country. Ennahda's leadership has therefore had to rationalize and re-elaborate matters of principle and ideology in light of changing political demands. Interestingly, the party has been more successful at "selling" re-elaborations of religious principle than political principle. This points to a dynamic in the party that has been systematically ignored by outside observers: namely, the party's tendency at all levels to concede more on issues of religious ideology than matters involving concrete political objectives, particularly when those political objectives touch on elements of transitional justice and old regime versus new regime dynamics.

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<sup>52</sup> In September, 2012, the so-called *Ekbess* (tighten up) protests at the Kasbah in Tunis attracted thousands of disgruntled political prisoners, their families, and supporters of their cause, aimed at encouraging Ennahda leaders to "ekbess" on elements of the old regime. For more on the 2013 protest of political prisoners, see Ian Patel "At the Margin of Justice: Protest and Resistance in Post-Uprising Tunisia," unpublished paper, November 2013.

<sup>53</sup> Author's interview with former Ennahda supporter, Bizerte, 10 December 2012.

# ENNAHDA'S GRADUALISM AND RESTRAINT

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Gradualism and restraint have been hallmarks of Ennahda's leadership during the constitution writing process and, more broadly, throughout the past three years of political transition. An up-close look at how Ennahda has handled controversial issues in the drafting process – particularly ideologically-oriented issues on which the party was expected to have reacted most rigidly – demonstrates not just the power of the leadership's inclination toward gradualism and restraint, but the extent to which challenges of transition have clearly shaped Ennahda's positions. This section examines how Ennahda's positions evolved on three particularly contentious issues that emerged during the drafting process: whether or not to include an explicit reference to sharia in Article 1 of the constitution, how to define the status of women, and how to deal with the matter of blasphemy. Initially, Ennahda's approach to all three of these issues was characterized by confusion, short-term thinking, and sharp differences of opinion. Ultimately, however, the leadership's tendency toward long-term planning and pragmatic restraint carried the day, and Ennahda moved toward more centrist positions.

## THE SHARIA QUESTION

In spring 2012, Ennahda members devoted serious attention to the question of whether to include a direct reference to sharia in the constitution. The very fact that Ennahda's leadership was discussing this matter horrified many Tunisians, particularly staunch

secularists who had no interest in their country "becoming the next Iran" – a possibility many argued was likely if Ennahda had its way.<sup>54</sup> Many accused Ennahda of adopting a "double discourse" or trying to impose sharia "through the back window," especially since some top figures in the party had gone on record after the October 2011 elections promising that the party would not attempt to include sharia or enforce a particular way of life in the constitution.<sup>55</sup>

Ennahda members, however, viewed the debate around sharia differently. "From the beginning, we had no interest in implementing sharia. Those who did were always the exception," said Ibrahim Zoghlemlé, a Shura Council member from Le Kef. "But we had never come together to debate this as a movement before."<sup>56</sup> Many highlighted the fact that Rachid Ghannouchi had for decades argued in favor of a fluid interpretation of sharia, one that did not necessitate the imposition of rigid legal codes and focused instead on more expansive notions of Islamic ethics, including social justice, equality between persons, and the like. Ghannouchi himself, in an interview in Summer 2011, stressed that:

"Islam is a philosophy, not rules. It deals with *niyat* [intentions] and *maqasid* [higher objectives]—it is abstract and flexible. Sharia is not just about *hudud* [punishments]... people must understand that first.... They are scared of the word sharia because they do not understand it."<sup>57</sup>

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<sup>54</sup> Author's interviews with secular civil society activists, summer 2011.

<sup>55</sup> "Tunisia's Constitution will make no place for faith; Ennahda leader rejects laws to enforce religion." *Al-Arabiya*, 4 November 2011, <<http://www.alarabiya.net/articles/2011/11/04/175488.html>>. See also "Tunisia's Ennahda to oppose sharia in constitution," Reuters, 26 March 2012, <<http://www.reuters.com/article/2012/03/26/us-tunisia-constitution-idUSBRE82POE820120326>>.

<sup>56</sup> Author's interview with Ibrahim Zoghlemlé, Tunis, 2 June 2013.

<sup>57</sup> Author's interview with Rachid Ghannouchi, Tunis, 22 August 2011.



Many high ranking members of Ennahda held similar views, maintaining that sharia, while an inherently desirable concept, cannot be easily contained in a concrete legal code. “What is sharia? It is really a way of life,” said Fathi Makni, an official at Ennahda’s national headquarters, echoing Ghannouchi’s reasoning. “You cannot reduce it to a handbook.”<sup>58</sup>

Despite the dominance of this expansive view amongst Ennahda’s leaders, not everyone in the Shura Council was initially convinced. “There were some people inside Ennahda who genuinely believed sharia should be defended,” said Hichem Laarayedh. “People like Sadok Chorou and Habib Ellouze. They were the big voices behind it. They were in the minority, but when they started speaking, they managed to persuade more people and then it became a real debate.”<sup>59</sup> Members of Ennahda’s Shura Council said that the debate over sharia was protracted. “Views in the beginning were very diverse,” said Ibrahim Zoghlemi. “It was only after days of discussion and a vote inside the Shura Council that we came to an agreement.”<sup>60</sup> “It was a very real debate, but it was a conversation that the party needed to have,” said Osama Al Saghir, an NCA member who represents an Ennahda constituency in Italy. “You have to remember, we just held our first party congress in Tunisia eight months ago [in July of 2012]. Too many people forget that.”<sup>61</sup>

The question of sharia was one of a series of foundational issues on which Ennahda had not fully worked out a nationally representative, official party position before the revolution. While Ghannouchi had long articulated an abstract, expansive conception of sharia – and though his view, as party president, carried and still carries enormous weight, the rest of

the organization had not automatically lined up behind him. Ghannouchi himself demonstrated a hesitancy to impose one view on the party, leading some critics to accuse him of wavering dangerously on the issue and potentially leaving the door open for more extreme interpretations of Islamic law.

“I don’t see why they needed to have a debate on this,” said Nidaa Tounes’s Mohsen Marzouk. “They started from zero, when the 1959 constitution was perfectly fine... it was an intentional strategy to gain time.”<sup>62</sup> Marzouk was referring to Article 1 of the 1959 constitution, which carefully acknowledged Islam while keeping it at arm’s length.<sup>63</sup> Though numerous elements of the 1959 constitution have been lifted into the current constitutional draft, leading members stressed that discussing things from scratch was necessary, as the party, along with the country, had not been able to discuss core issues of religion and identity before the revolution. “[In the past] we couldn’t have a real conversation, let alone determine the boundaries of these issues,” said Farida Laabidi, an Ennahda member who heads the Rights and Liberties Committee in the NCA.<sup>64</sup>

Ultimately, leaving the word “sharia” out of the constitution turned out to be a something of a non-issue for many in Ennahda. A core group of elites who had long advocated a looser view of sharia – a view that emphasized abstract principles over specific rules – helped build broader-based consensus for not including the word. These leaders defended their views with re-elaborated rationales that filtered down to local and regional levels. “This is a more conservative region, but our position works here,” said Mohamed

<sup>58</sup> Author’s interview with Fathi Makni, Tunis, 9 June 2013.

<sup>59</sup> Author’s interview with Hichem Laarayedh, Tunis, 6 June 2013.

<sup>60</sup> Author’s interview with Ibrahim Zoghlemi, Tunis, 2 June 2013.

<sup>61</sup> Author’s interview with Osama al-Saghir, Tunis, 5 March 2013.

<sup>62</sup> Author’s interview with Mohsen Marzouk, Tunis, 12 March 2013.

<sup>63</sup> Article 1 of the 1959 constitution reads as follows: “Tunisia is a free, independent, and sovereign state. Its religion is Islam, its language is Arabic, and its form of government is a republic.” Whether “its” refers to “Tunisia” or the “state” is deliberately left unclear.

<sup>64</sup> Author’s interview with Farida Laabidi, Tunis, 7 March 2013.

Tounekti, a regional leader of Ennahda in Tataouine. “Sharia... is *shumuli* [comprehensive]. There’s no contradiction between sharia and what we have in the constitution now.”<sup>65</sup>

Keeping society unified at a fragile time was one of the most common explanations Ennahda members gave for not pursuing explicit inclusion of the word ‘sharia’ in Article 1. “We didn’t want to go further with this word because we had no desire to divide the country,” said Farida Laabidi.<sup>66</sup> Lotfi Abeyda, who leads Ennahda’s office in Sfax, expressed similar reasoning. “The absence of sharia as a law within the constitution is an element of establishing balance in the country... We did not want to divide society at a fragile time.”<sup>67</sup>

Ennahda members do look to sharia as an ideal ethical framework, and many feel that society needs to be educated to better understand the “true meaning” of sharia, which most members define in more abstract, ethical terms (such as social justice, equality, and good governance) instead of highly legalistic, rule-based terms.

Ennahda’s pragmatic decision not to put the word sharia in the constitution – a unique position, given other Arab Islamists’ parties insistence on the term – does not mean the party does not aim to Islamize society. Rather, Ennahda has staked out a long-term, gradualist approach, adapting itself to the current socio-political context.<sup>68</sup> That context is less socially conservative than most MENA

region countries, and more heavily shaped by the presence of vocal secular civil society groups. Though Ennahda identifies as an Islamist party, it has worked – sometimes by strategic choice, sometimes as a result of immense pressure from political opposition and secular civil society – to keep itself a relevant and viable political player. The evolution of Ennahda’s positions regarding sharia throughout the drafting process displayed a process of lesson-learning and cohesion-building as the party began to re-articulate its positions after years of oppression in a fast-moving transitional landscape.

## WOMEN’S STATUS

The issue of women’s rights – specifically the wording of Article 28 of the first constitutional draft – provoked a firestorm of criticism from local and international media. Even before the draft was released in Arabic on August 8, 2012, rumors and mistranslations had circulated in the Tunisian press, leading many observers to believe that Ennahda had defined women as “men’s complements.”<sup>69</sup>

Though reports that the article reduced women to men’s “associates” and “complements” were at best misleading, there was no question that the language of Article 28 represented a problematic departure from clear, equality-affirming legal language, and that it stood at odds with a more standard template of international human rights norms. “The state guarantees the protection of

***Ennahda has staked out a long-term, gradualist approach, adapting itself to the current socio-political context.***

<sup>65</sup> Author’s interview with Muhammad Tounekti, Tataouine, 13 June 2013.

<sup>66</sup> Author’s interview with Farida Laabidi, Tunis, 7 March 2013.

<sup>67</sup> Author’s interview with Lotfi Abeyda, Sfax, 12 June 2013.

<sup>68</sup> Cavatorta and Merone, “Moderation through Exclusion?”

<sup>69</sup> International media uncritically reproduced these rumors without referencing the Arabic draft. See Tarek Amara, “Thousands Rally in Tunisia for Women’s Rights,” Reuters, 13 August 2012, <<http://www.reuters.com/article/2012/08/13/us-tunisia-women-rights-idUSBRE87C16020120813>>. The UN Women office in Tunisia also circulated a mistranslation of the draft, along with additional French and English news outlets. See UN Working Group on Tunisian Women, “News Release, Tunisia: UN Expert Group Calls on Government to Protect and Strengthen Achievements on Equality and Women’s Rights,” 21 August 2012, <<http://www.un.org/apps/news/story.asp?www.fao.org/story.asp?NewsID=42712&Cr=Tunisia&Cr1=#.Us6Sx9IW2NM>>.

women and supports their achievements, considering them as men's true partners in building the nation," the article said. "Their [men's and women's] roles complement one another within the family."<sup>70</sup> Ennahda representatives on the Rights and Liberties Committee had acted quickly, instinctually inserting more relational, conservatively oriented wording into an article on women's rights. The article's language sincerely reflected many members' honest perspective on men's and women's roles – namely that men and women are indeed equal under God, but that they have different biological roles and familial obligations, and therefore "complement" or "fulfill" one another within the family.<sup>71</sup>

This muddling of Ennahda's stance on a critical issue came at a time when the party needed to be doing everything in its power to build confidence on its handling of women's rights. During the 2011 election campaign, women's rights became a lightning-rod issue that some secular opposition parties used in an attempt to isolate Ennahda as backward and patriarchal.<sup>72</sup> Ennahda's unclear handling of Article 28 less than one year after the elections spooked many secularists, particularly women, and fueled fears that Ennahda might ultimately attempt to roll back Tunisia's comparatively progressive 1956 Personal Status Code, a key piece of women's rights legislation in the Arab world.

Ennahda swiftly retracted the language of complementarity it had inserted into Article 28. Members of the Rights and Liberties Committee who had helped draft the legislation replaced its ambiguous language with clearer wording guaranteeing *musawa* (equality) between men and women. For all

the alarm, the issue of women's status proved surprisingly uncontroversial within Ennahda itself. "What we tried to say between Article 22 [a separate article which had affirmed the equality of all citizens] and Article 28 was that men and women are equal and complementary... there is no contradiction there, so it... won't be a problem to change the language," said committee member Monia Brahim in September 2012, shortly before the draft was revised.<sup>73</sup> Ennahda members excused the article as a naïve misstep, the combined product of a rushed drafting process and their own failure to anticipate just how controversial the draft would be. Representatives on the Rights and Liberties Committee regretted not releasing a translation of the draft in French or English to curb mistranslations that arose in Western media sources.<sup>74</sup>

Regardless of committee members' explanations, Article 28 represented a critical failure for Ennahda in terms of trust building and public relations. Though the party quickly stepped away from language of complementarity, reverting to the simple term 'equality' instead, the damage of the first draft had already been done. Mistranslations circled around the world and back and large protests were held to oppose the article in downtown Tunis. Many of Ennahda's fiercest opponents – already fearful that the party would scale back critical pieces of women's rights legislation – felt they had seen the party's true colors, and vowed to fight even harder against Ennahda.

Through subsequent drafts, the constitution was revised to include stronger protections for women's rights. On January 9, 2014 Tunisia's NCA made international news by passing

<sup>70</sup> The Arabic word used, *yetekaamul*, was understood in Tunisia to mean "complement one another." It could also be translated as "fulfill" or "complete one another."

<sup>71</sup> Some members were also concerned that a clear reference to gender equality could eventually be used to overturn Tunisia's existing, sharia-based inheritance laws. Author's interviews with members of Ennahda, including female attorneys in Ennahda, Tunis, Nabeul, Sousse, and Sfax, Summer 2011 and Summer 2012.

<sup>72</sup> Ironically, Ennahda ended up fielding the highest number of female candidates nationally. Out of the 49 women elected to Tunisia's 217-member NCA in October, 2011, a full 42 represented Ennahda.

<sup>73</sup> Author's interview with Monia Brahim, Tunis, 4 September 2012.

<sup>74</sup> For further analysis of Article 28, see Monica Marks, "Women's Rights Before and After the Revolution."

a groundbreaking article calling for gender parity in elected bodies. Noah Feldman, a professor at Harvard Law School who observed the article's passing, said "there wasn't a dry eye in the house." Despite the trailblazing nature of the parity provision, and the vocal support that some Ennahda members, including many Ennahda women, expressed for it, Tunisians secularists and many outside analysts remember the party more for its behavior during the complementarity debates of Article 28. Though Ennahda quickly backtracked on Article 28, its failure to build confidence with secularists on the matter of women's rights during the first constitutional draft represented an important lost opportunity to allay opponents' fears.<sup>75</sup>

## BLASPHEMY

While Ennahda had little trouble giving ground on Article 28, agreeing on how to address the matter of blasphemy proved far more challenging. Ennahda members of the Rights and Liberties Committee threw their weight behind language that would criminalize blasphemy in Article 3 of the first constitutional draft, which stated that "the state guarantees freedom of religious belief and practice and criminalizes all attacks on that which is sacred," specifically defining the three Abrahamic faiths (Islam, Judaism, and Christianity) as faiths that would be protected from blasphemous attacks. Such broadly defined efforts to restrict criticism of religion represented a serious threat to freedom of expression. In its original, murkily worded formation, Article 3 would have significantly restricted the range of free expression in Tunisia, and may have even served as a convenient vehicle for political repression.

However, following significant lobbying on the part of local civil society groups, international NGOs, and foreign governments, Ennahda rescinded this language. When asked at various points about their views on this article, Ennahda members in the Rights and Liberties Committee expressed evolving positions. Originally, committee members strongly defended the article, arguing that it represented a necessary bulwark against "provocations" that insulted "Tunisia's Muslim identity." "This strikes at the essence of what it means to be Muslim; it touches an extremely sensitive spot inside our hearts," said committee member Selma Sarsout. "Coming to terms with this issue was very difficult for me," she said, discussing the decision to remove the language. "But ultimately it is not the job of a constitution to criminalize things. We learned that after talking for a long time with constitutional scholars."<sup>76</sup> Nearly all members of the committee said they had wrestled with the issue on a very personal level.

Beyond those external constraints, though, Ennahda members were reacting defensively to what they saw as "provocations" happening around them. Representatives on the Rights and Liberties Committee who had drafted the legislation pointed repeatedly to the impact of recent events. They highlighted Nessma TV's 2011 decision to air Marjane Satrapi's film *Persepolis* with subtitles in Tunisian Arabic, along with the summer 2012 art gallery at Abdelliya, as two particularly shocking events that they believed disrespected religion. Sarsout said such events "threw the Quran in the toilet...We saw that they [militant secularists] would go to any length to insult religion. How could we have freedom of religion in such an intolerant environment? ... These were provocative acts intended to stir up violence."<sup>77</sup>

<sup>75</sup> See Noah Feldman, "Tunisia: Feminist Paradise?" Bloomberg, 9 January 2014, <<http://www.bloomberg.com/news/2014-01-09/tunisia-feminist-paradise-.html>>. It should be noted, however, that the constitution did not fully resolve problematic issues regarding women's rights in Tunisia. See Human Rights Watch, "Tunisia: Strengthen New Constitution's Human Rights Protection," 3 January 2014, <<http://www.hrw.org/news/2014/01/03/tunisia-strengthen-new-constitution-s-human-rights-protection>>.

<sup>76</sup> Author's interview with Selma Sarsout, Tunis, 11 March 2013.

<sup>77</sup> Author's interview with Selma Sarsout, Tunis, 11 March 2013. Other Ennahda members of the Rights and Liberties Committee shared similar observations as Sarsout.



The airing of Persepolis and the Abdelliya art exhibit, where the painting of the phrase ‘subhan Allah’ in ants had been displayed, angered a number of religious militants who mobilized Salafi-oriented youths living in the capital. The Abdelliya exhibit resulted in days of rioting and city-wide curfews.<sup>78</sup> Instead of clearly upholding the artists’ right to self-expression and placing the onus of blame on rioters, however, Ennahda members tended to blame secular artists for foolishly stirring up trouble with what they perceived as disrespectful “provocations” against religious values – values they said Tunisians share naturally and deeply.<sup>79</sup>

Aside from taking offense at such “provocations,” though, Ennahda members were reacting defensively after decades of having been targeted and abused by the old regime, largely because of their religiously oriented activities or sartorial styles. “We saw an opportunity to correct that legacy,” said one member of the Rights and Liberties Committee. “So we tried to correct it as much as we could, so that those things would never happen again... But I think we even over-corrected... It is possible that we were too hard.”<sup>80</sup>

Ennahda members ultimately managed to overcome their defensive stance and – after much debate with figures within and outside the party – removed the language of criminalization. Ennahda members of the Rights and Liberties cited spending more time thinking, participating in extended meetings with local and international experts, and having

opportunities to discuss the issue in more relaxing contexts outside the NCA (without filming equipment and microphones) as factors that led them to change their opinion. A number of Rights and Liberties Committee

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members from both Ennahda and opposition parties reported that such private meetings, away from the lights and cameras, enabled drafters to “step back from political theater” and begin identifying their similarities.<sup>81</sup>

Ennahda members in particular reported experiencing a gradual change of heart after long conversations with local

and international experts. The members of the Rights and Liberties Committee, like members of the NCA’s five other constitutional drafting committees, were often people without constitution-drafting expertise who found themselves racing to meet tight, sometimes absurdly unachievable deadlines.<sup>82</sup> Although many reported studying stacks of other countries’ constitutions at night and meeting regularly with local and international experts, gaps in their understanding remained. “On a personal level, I still feel that provocations against religion should be punished,” said Ennahda representative Mounia Brahim, pressing her hand to her heart earnestly. “But I heard from many experts in those meetings who talked about the dangers of putting language that criminalizes in a constitution. It was very difficult, but I had to step back and think about it.”<sup>83</sup> Though some still deeply sympathized with the initial wording, all ultimately agreed that constitutions are “not the place for penalizing legislation.”

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<sup>78</sup> For a further discussion of these riots, and of Salafism in general, see International Crisis Group, “Violence and the Salafi Challenge,” February 2013, <<http://www.crisisgroup.org/en/regions/middle-east-north-africa/north-africa/tunisia/137-tunisia-violence-and-the-salafi-challenge.aspx>>.

<sup>79</sup> Author’s interviews with members of Ennahda’s Shura Council, Tunis, Sousse, Sfax, Bizerte, and Kairouan, Summer 2012.

<sup>80</sup> Author’s interview with Ennahda member of the Rights and Liberties Committee, Tunis, 25 March 2013.

<sup>81</sup> Author’s interview with Selma Baccar, Tunis, 6 March 2013.

<sup>82</sup> The NCA had initially proposed to complete the constitution in just one year – a proposal that transitions experts tended to find absurdly optimistic.

<sup>83</sup> Author’s interview with Monia Brahim, Tunis, 2 April 2013.

Discussions in the Shura Council regarding this issue – which proved to be one of the most challenging to reconcile from an intra-party perspective – forged more agreement among the party’s leadership, enabling Ennahda to work out explanatory rationales for moving away from criminalizing language. The committee members’ and Shura Council’s justification for not criminalizing blasphemy filtered down through the party’s regional ranks. Local representatives of Ennahda in Sfax, Sousse, Le Kef, and Tataouine interviewed on this issue all echoed the rationale shared by the committee members and the national leadership – namely that constitutions should reflect positive, rights-affirming ideals rather than restrictive, prohibitory language.

Interestingly, various regional party representatives employed the same anecdote from Islamic tradition to explain why criminalization of blasphemy was, at the end of the day, undesirable. “The caliph Omar was presented with a man who had stolen goods,” said the director of Ennahda’s office in Sfax when he was narrating the story. “Omar was expected to cut off his hand as a punishment. But instead of cutting off his hand, Omar asked himself ‘What did I do wrong as a leader so that this man has to steal for the things he needs?’” Abeyda, along with the other representatives who told this story, used it as a justification of taking an approach to sharia based more on *maqasid* (higher objectives) and *masalah* (human interests) than *hudud* (rigid rules). Terrible as blasphemy might be, the constitution was not the place for outright prohibitions. They concluded that a gradual approach of “convincing, not coercing” the public to respect Islamic values was ultimately better for Tunisia.

As a result, Article 6 of Tunisia’s recently passed constitution, which deals most directly with matters of religious belief, upholds *huriyya al-dhamir* (freedom of conscience) with respect to beliefs, even if it also maintains

vague language regarding the state’s role in religion. Along with the absence of sharia in Article 1 and Article 45’s call for gender parity, this represents another first for constitutions in the Arab world, and a compromise on the part of Ennahda. Though Ennahda introduced problematic legislation early on, starting from a poorly organized position that reflected short-term, defensive thinking, it managed to walk back its ideology and reactive statements, ultimately opting for a more calibrated, pragmatic approach.

## PARLIAMENTARY VERSUS PRESIDENTIAL MODEL

Ennahda was most resistant to compromise whether to design Tunisia’s new political system along the lines of a presidential model, a parliamentary model, or a mixture of the two. After debating the matter in early 2012, Ennahda’s Shura Council decided to back a parliamentary model. Shura Council members stressed that discussions had centered on the importance of curbing Tunisia’s tendency toward presidential authoritarianism, and the need for all voices in Tunisia’s new political landscape to be heard. Many also cited the lessons they had learned during their time in exile, or from Ennahda members who were returning from exile. “They talked about what they’d seen in countries like the United Kingdom, where the parliament makes sure no single man takes over,” said Jamila Jouini, a member of Ennahda’s Shura Council based in Tataouine. “We have a history of strong men... a parliament can help stop that.”<sup>84</sup> Many other Ennahda members echoed Brahim’s views, making what they considered to be a strong moral argument in favor of a parliamentary model, portraying such a model as a safeguard against abusive dictatorship. “We need to break from the old model one hundred percent,” said one *Chebab Ennahda* (Ennahda Youth) activist based in Sfax. “Why would I want some other big

<sup>84</sup> Author’s interview with Jamila Jouini, Tataouine, 13 June 2013.

president, like Essebsi [referring to the leader of the main opposition party Nidaa Tounes] or someone else taking over?”<sup>85</sup>

Ennahda’s opponents tended to view such explanations as transparently self-serving. Many chalked its position up to power hunger, claiming that Ennahda’s strong electoral position means it naturally backs a parliamentary model, in which its large numbers could translate more directly into political power. Other parties favored a presidential model, or a mixed parliamentary-presidential model in which the president would – as in France – be directly elected by the public and retain significant powers, including powers over foreign relations, defense, and national security.

For Ennahda representatives sitting on the NCA committee charged with determining Tunisia’s political system, however, it was the secularists who were to blame for playing opportunistic politics with Tunisia’s future. “Leaders of Tunisia’s small parties don’t want a parliamentary system, because they know that building sustainable parties is hard work,” said Ennahda MP Osama Al-Saghir. “It’s much easier to play the politics of ego, and push one candidate with a big name to the front.”<sup>86</sup> “I don’t want to name names,” said another Ennahda MP on the same committee, “but it’s clear that these parties think, for whatever reason, that their candidates – Moncef Marzouki, Abdelraouf Ayadi, Beji Caid Essebsi, Ahmed Nejib Chebbi, you name it – they think they can become the next president. Ennahda is the only one with a real party institution.”<sup>87</sup> Ennahda representatives eagerly referenced scholars and international constitution-building experts, most of whom agreed that a strong presidential model might lead Tunisia down the same old authoritarian road.

From Tataouine to Tunis, Ennahda representatives in the NCA and figures in the party’s Shura Council said that debate over the political system was the thorniest, most difficult constitutional issue that Ennahda dealt with during the drafting process. Though Ennahda’s enthusiastic support for a parliamentary model stemmed at least in part from its electoral confidence – boosted by its 41 percent plurality in the October 2011 elections no doubt – many Ennahda members seemed to truly believe that a parliamentary system modeled on the United Kingdom, for instance, would ensure a real transition away from authoritarian abuse. Given the party’s history of persecution under dictatorship, Ennahda members felt they had a personal stake in advocating a democratic political system – one in which the voices of the people, a sizable portion of whom are sympathetic to Ennahda – could not be overridden by any single person.

Ultimately, Ennahda ceded a great deal of ground on the question of Tunisia’s political system, moving from a parliamentary position, to a mixed system with a weak executive, and finally falling back to a stronger presidential model more similar to what exists in France. Tunisia’s new constitution sets up a mixed presidential – parliamentary system, a crucial political compromise hastened by Tunisia’s political assassinations, which placed Ennahda in a weaker bargaining position.

Despite the highly contentious nature of the constitutional articles dealing with the division of presidential and parliamentary powers, few accounts of Tunisia’s drafting process – either journalistic or academic – have demonstrated awareness of this debate. Likewise, it strikes many as counter-intuitive that compromising on this question was far more difficult for Ennahda than giving ground

<sup>85</sup> Author’s interview with *Chebeb Ennahda* (Ennahda Youth) activist, Sfax, 14 December 2012.

<sup>86</sup> Author’s interview with Osama al-Saghir, Tunis, 5 March 2013.

<sup>87</sup> Author’s interview with Ennahda MP on the Committee on the Relationship between Legislative and Executive Powers, Tunis, 21 November 2013.

on ideologically-oriented issues. The question of Tunisia's political system presented a knot of challenging issues for Ennahda, however, with deep implications for the party's political future in terms of hard power in future governments. Determining the nature of Tunisia's political system also directly affected members' feelings of personal security, given fears that – unless careful political fencing measures were put in place – a strong-man oriented old regime model could come back and re-institute sweeping repression in Tunisia.



# ENNAHDA IN TRANSITION: LESSONS FOR POLICYMAKERS

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For policymakers, particularly those representing the European Union and the United States, which have considerable presence and influence in Tunisia, Ennahda's internal transition offers important lessons. Controversial events that have transpired in Tunisia since the revolution – from the attack on the U.S. Embassy and nearby American Cooperative School to the assassinations of Chokri Belaid and Mohamed Brahmi, and from the debate over sharia to the debate over gender complementarity – have revolved heavily around Ennahda's "true" intentions. Tunisian and international media have tended to portray Ennahda as a monolithic force, while Ennahda itself has been at pains to come off as organized, efficient, effective, and accommodating. Few accounts acknowledge, let alone explore, Ennahda's internal cleavages and the ways in which its own transitions as a party attempting to regroup in a challenging post-revolutionary context have affected its behavior.

Though Ennahda remains better organized than other Tunisian parties, it does not constitute the robotic "army" many Tunisians fear. Instead, its positions on key issues, from Salafi jihadism to the constitutional articles discussed in this paper (sharia, women's status, and blasphemy) reflect a party that is struggling to articulate and, in some cases, to re-articulate or re-formulate, clear positions on key issues. Sometimes, as was the case regarding women's status, Ennahda has appeared to make things up as it goes along, allowing its individual members significant leeway to state and reverse positions. At other times, as in the sharia debate, Ennahda has undertaken more coordinated, party-wide efforts to develop and articulate a consensus on key issues.

Having such party-wide conversations in Tunisia, in the open, was impossible for more than two decades. Disagreements inside the party have often played out in full view of the Tunisian public, and can include the almost diametrically opposed sentiments of individuals like Sadoq Chorou, a well-known conservative, and Abdelfattah Morou, who stands on the liberal fringes of Ennahda's leadership. Ennahda has also been influenced by short-term offenses – what it terms "provocations" – experienced during the transitional period, as in the case of the blasphemy law.

Recognizing the challenges Ennahda faces in transition does not mean absolving the party of responsibility for its mistakes over the past two years. However, recognizing Ennahda as a movement that is both undergoing internal transition and affected by the context of Tunisia's overall transition will help policymakers understand the challenges and opportunities that have shaped its decisions. Instead of constituting a well-organized party that acts on all issues from the top down, Ennahda is a messier organization in flux. Some of its most controversial positions in the drafting of the constitution – like criminalization of blasphemy and gender complementarity – were initially put forward as the result of non-centralized decision-making. When the Shura Council debated critical issues ideological issues like sharia and blasphemy – not to mention more political, but no less important, issues like the nature of Tunisia's political system – more conciliatory, strategic, and long-term opinions won out. Understanding Ennahda's internal debates means recognizing that movement is happening within the party, with a broad impact on the group's future positions.

This paper has demonstrated that the direction of Ennahda's movement has been toward gradualism, pragmatism, and compromise. Though its national leadership is still largely coherent, and the party remains far more of a sustainably robust institution than any of its current competitors, Ennahda is beset by a range of internal tensions, including conflict over national, long-term, strategic political goals, and more locally and personally rooted, principle-infused goals. The party's leadership wants to keep the movement/party unified with broad nods to political pluralism and Islamic identity. Ennahda members, mid-level activists, and party leaders remain motivated by a vaguely Islamizing state project that is more focused on gaining power on the political and social levels than on enacting religious legislation – a project that would, as Ghannouchi has often said, “convince, not coerce” the Tunisian people into adopting more pious modes of living.

However, Ennahda's leadership is willing to dilute and sometimes shelve those goals when civil society, international voices, and local experts push back. On sharia, women's status, and blasphemy, the party has stepped back from more rigid positions, arguing alternatively that society was not yet ready, that its true intentions were misunderstood, and that the constitution is not the proper place for criminalization articles. Though the urge to infuse society with the values of “Tunisian Islam” remains, the direction has been one of acknowledgment and fall-back, rather than a dogged pursuance of top-down Islamizing reforms.

Policymakers should resist the urge to give Ennahda more credit for organization than it deserves, or to examine its moves exclusively through the prism of ideological motivation. Though local and foreign media continue to report Tunisian political developments

through an Islamist-secularist binary, more complex inter- and intra-party dynamics are frequently at play. Recognizing these dynamics, including the external and internal challenges that civil society and political party

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actors face in the context of Tunisia's transition, will enable policymakers to more accurately identify the range of options available to key actors and advocate for options that best further a culture of constitutionality and pluralism in Tunisia. Seeing the messiness, the cleavages, and the margins – even inside Ennahda party – will allow policymakers to avoid pigeonholing actors in misleading binaries that fail to confront the real vulnerabilities and challenges – not to mention the resources and capabilities – that Tunisia's political actors face in attempting to positively impact Tunisia's future.

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