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### Freedom of Religion in the 2014 Tunisian Constitution

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International Immersion Program Research Paper

Tunisia/Morocco IIP Trip

The University of Chicago- The Law School

June 3, 2019

### **Freedom of Religion in the 2014 Tunisian Constitution**

3 years after the 2011 revolution in Tunisia, the elected government finalized and put into place a new constitution. Due to negotiations between the Islamist Ennahda Party and the secular Nidaa Tounes Party, the constitution contains protections for religious freedoms while also establishing Islam as the state religion, among other contradictions<sup>1</sup>. This led to a constitution that ostensibly protects religious freedom while privileging practitioners of Islam. Additionally, the lack of a constitutional court and discrepancies in enforcement exacerbate such disparities. This paper will examine the tensions and contradictions surrounding religious freedom in the 2014 constitution and the ways in which the constitution's construction and enforcement may undermine the stated goal of religious freedom.

Tunisia became independent from France in 1956, with the country moving from a monarchy to a republic in 1957.<sup>2</sup> Habib Bourguiba was the first President of Tunisia ruled until

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<sup>1</sup> Ghribi, Asma. "The Problem with Tunisia's New Constitution." *Foreign Policy*, Foreign Policy, 9 Jan. 2014, [foreignpolicy.com/2014/01/09/the-problem-with-tunisias-new-constitution/](http://foreignpolicy.com/2014/01/09/the-problem-with-tunisias-new-constitution/).

<sup>2</sup> "Tunisia Profile - Timeline." *BBC News*, BBC, 1 Nov. 2017, [www.bbc.com/news/world-africa-14107720](http://www.bbc.com/news/world-africa-14107720).

1987.<sup>2</sup> In 1987, Bourguiba was declared unfit for the presidency of the country by his Prime Minister, Ben Ali, who then won the Presidency in 1989.<sup>2</sup> Ben Ali continued to rule until protesters forced him out of office in 2011. This was sparked by protests occurring in 2010.<sup>3</sup> A vegetable cart owner set himself on fire, and the event was the flashpoint needed for the people of Tunisia to take to the streets, with Tunisians protesting poor economic conditions, corruption, and lack of political freedoms.<sup>3</sup> By 2011, President Ben Ali was exiled and the country was gearing up for new elections. The Islamist Ennahda party won the elections without a majority, and Moncef Marzouki was elected president.<sup>2</sup>

The process of creating a new constitution was also filled with strife, with the drafting process starting in February of 2012.<sup>3</sup> Among the National Constituent Assembly, which was in charge of drafting the constitution, the main source of conflict was the differences of opinion between Islamist and Secularist politicians.<sup>3</sup> Tunisia has had a long history of secularism, with Bourguiba promoting a secular agenda and deprioritizing Islam post-Revolution.<sup>4</sup> Because of this history of secularist leanings, the question of how to incorporate Islam into the new constitution was pressing. With Ennahda winning the elections, the party had incentive to include provisions that would appeal to Islamists; however, because Ennahda did not have a full majority, the party lacked the leverage necessary to push through all of their preferred provisions.

Tension was high between Islamists and Secularists through the first two drafts of the constitution, and pressures came to a head in February of 2013.<sup>3</sup> Chokir Belaid, a member of the Popular Front party and a high-profile critic of the Ennahda party, was assassinated outside of his

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<sup>3</sup> “Constitutional History of Tunisia.” *ConstitutionNet*, [constitutionnet.org/country/tunisia](http://constitutionnet.org/country/tunisia).

<sup>4</sup> Hurd, Elizabeth Shakman. “Tunisia: Democracy after Secularism.” *US & Canada / Al Jazeera*, Al Jazeera, 11 Apr. 2012, [www.aljazeera.com/indepth/opinion/2012/04/20124795440442662.html](http://www.aljazeera.com/indepth/opinion/2012/04/20124795440442662.html).

home.<sup>5</sup> The political assassination of such a prominent opposition leader enflamed the tensions regarding Islamism that had already been present. Tunisians once again took to the streets, and anti-Islamist sentiments flared.<sup>5</sup> The constitution-making process was stalled due to the controversy.<sup>3</sup> Ennahda managed to get the constitutional process back on track, but it was derailed again only five months after the death of Belaid due to a second assassination. Mohamed Brahmi, leader of the Popular Movement party, was assassinated by the same jihadi group which had killed fellow leftist Chokri Belaid.<sup>6</sup> The deaths of two opposition leaders in such a short period of time caused many Tunisians to feel wary about the ruling Islamist party.<sup>6</sup> Protests rocked the country, and it was feared that the constitution-making process would halt altogether.<sup>7</sup>

It was only through the formation of the Tunisian National Dialogue Quartet that the constitution making process regained momentum. Leaders from four of the most influential Tunisian civil society groups decided to come together after the assassination of Brahmi and work towards Tunisian democracy.<sup>7</sup> These organizations included the Tunisian Bar Association, Tunisian General Labour Union, Human Rights League, and Confederation of Industry, Trade, and Handicrafts.<sup>7</sup> Although the labour union and employer's association had not historically

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<sup>5</sup> Knecht, Eric. "How Chokri Belaid's Assassination Impacts the Tunisian Transition." *Atlantic Council*, 7 Feb. 2013, [www.atlanticcouncil.org/blogs/menasource/how-chokri-belaid-s-assassination-impacts-the-tunisian-transition/](http://www.atlanticcouncil.org/blogs/menasource/how-chokri-belaid-s-assassination-impacts-the-tunisian-transition/).

<sup>6</sup> Legge, James. "Tunisia Shocked by Assassinations: Opposition Leaders Mohamed Brahmi." *The Independent*, Independent Digital News and Media, 26 July 2013, [www.independent.co.uk/news/world/africa/tunisia-shocked-by-assassinations-opposition-leaders-mohamed-brahmi-and-chokri-belaid-killed-with-8733972.html](http://www.independent.co.uk/news/world/africa/tunisia-shocked-by-assassinations-opposition-leaders-mohamed-brahmi-and-chokri-belaid-killed-with-8733972.html).

<sup>7</sup> Stephen, Chris. "The Tunisia Quartet: How an Impossible Alliance Saved the Country from Collapse." *The Guardian*, Guardian News and Media, 8 Dec. 2015, [www.theguardian.com/world/2015/dec/08/tunisia-quartet-arab-spring-islamist-nobel-peace-prize](http://www.theguardian.com/world/2015/dec/08/tunisia-quartet-arab-spring-islamist-nobel-peace-prize).

gotten along, leaders of these organizations felt that the democracy process was in danger without serious intervention.<sup>7</sup> These four groups formed the National Dialogue Quartet and sought to insert themselves in the constitution making process as mediators.<sup>7</sup> By leveraging the historical strength of their organizations and the public support for their efforts, the Dialogue Quartet made significant progress in creating a timetable for the constitution and mediating between politicians.<sup>7</sup> The Quartet was honored with a Nobel Peace Prize for their role in the constitution making process.<sup>7</sup> Between the public disapproval of Islamism and the intercession of the Dialogue Quartet, this further reduced the leverage that Ennahda had at its disposal. Although Ennahda had wished to achieve goals such as declaring Islam the source of law, the erosion of support for the party forced it to agree to many concessions that strengthened freedom of religion.<sup>3</sup>

The newest version of the Tunisian constitution expanded freedom of religion in several important ways. Most notable is Article 6 of the constitution, which enshrines religious freedom. The full article reads as follows:

The state is the guardian of religion. It guarantees freedom of conscience and belief, the free exercise of religious practices and the neutrality of mosques and places of worship from all partisan instrumentalisation. The state undertakes to disseminate the values of moderation and tolerance and the protection of the sacred, and the prohibition of all violations thereof. It undertakes equally to prohibit and fight against calls for Takfir and the incitement of violence and hatred.<sup>8</sup>

The first part of Article 6 guarantees freedom of conscience, belief, exercise of religion, and political neutrality of places of worship. This section also asserts that the “state is the guardian of

religion”.<sup>8</sup> The second portion of Article 6 is more specific in what it asserts. This segment prohibits Takfir and incitement of violence, which was an important concession to secularists when creating the constitution.<sup>1</sup> Takfir is the practice of declaring that someone is no longer a Muslim, equal to calling them an apostate and has often been used in modern times to condemn rival politicians or bolster support for Islamist political parties<sup>9</sup>.

Concerns regarding Takfir grew during constitutional debates when a member of parliament was called an “enemy of Islam” by a member of the Ennahda Party, which is Islamist in nature.<sup>1</sup> Ennahda had originally wanted Article 6 to enshrine Islam as the state religion, but this controversy led to opponents pushing harder for freedom of conscience and religion to be included in the Article.<sup>1</sup> Due to concerns over religious extremism and violence, secular political parties were able to add a prohibition of both Takfir and “incitement of violence” to Article 6.<sup>1</sup> Altogether, Article 6 of the 2014 Constitution serves to promote freedom of religion and prevent religious violence in a manner that is very strong relative to the protections afforded to religious freedom in other Arab countries.<sup>10</sup>

Despite the straightforward protections involved in Article 6, some argue that the way Article 6 is written opens up avenues for curbing freedom of expression and instituting blasphemy laws. Journalist Asma Ghribi notes that the prohibition on Takfir is treated skeptically by people like Amna Galleli of Human Rights Watch and Slim Loghmani, who is a constitutional expert.<sup>1</sup> By

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<sup>8</sup> “Tunisia's Constitution of 2014.” *Constituteproject.org*, [www.constituteproject.org/constitution/Tunisia\\_2014.pdf](http://www.constituteproject.org/constitution/Tunisia_2014.pdf).

<sup>9</sup> “Takfir.” *Oxford Islamic Studies Online*, [www.oxfordislamicstudies.com/article/opr/t125/e2319](http://www.oxfordislamicstudies.com/article/opr/t125/e2319).

<sup>10</sup> Bocchi, Alessandra. “How Religiously Free Is the Arab World's Most Democratic Country?” *Alaraby*, *The New Arab*, 29 Aug. 2017, [www.alaraby.co.uk/english/indepth/2017/8/29/lifting-the-veil-religious-freedoms-in-tunisia](http://www.alaraby.co.uk/english/indepth/2017/8/29/lifting-the-veil-religious-freedoms-in-tunisia).

disallowing takfir, Article 6 both protects freedom of conscience and prohibits calling someone an apostate, which seems contradictory.<sup>1</sup> Additionally, because the clause prohibits incitement to violence, adding in a prohibition on Takfir adds vagueness to the constitution and could potentially serve to limit free speech.<sup>1</sup> The vagueness of the article comes from the fact that Takfir is not defined, as well as the fact that it is not clear whether the prohibition of Takfir and prohibition of incitement to violence should be read together or as two separate prohibitions.<sup>1</sup> Ghribi also argues that, “[t]he second clause of Article 6 stipulates that the state has a duty to protect religion, paving the way for future laws prohibiting blasphemy”.<sup>1</sup> The worry is that politicians may, in the future, justify blasphemy laws by saying that such laws are necessary for the protection of religion. This is exacerbated by the fact that Article 1 of the constitution states that Islam is the religion of Tunisia.<sup>8</sup> Even further, Article 1 of the constitution may not be amended.<sup>8</sup> The combination of Islam as the state religion and the state as the guardian of religion could potentially allow the government to take steps to preserve Islam that may erode religious freedom. Although such possibilities have not come to pass, the loopholes present in Article 6 weaken the protections for religious freedom that the article aims to preserve.

One extremely straightforward provision in the constitution which curbs freedom of religion is Article 74, which lays out the requirements for a person to run for the position of President. Among requirements for age and nationality, the constitution requires that all candidates for President be a member of the Muslim faith, stating that, “[e]very male and female voter who holds Tunisian nationality since birth, whose religion is Islam shall have the right to stand for election to the position of President of the Republic.”<sup>8</sup> This serves as a permanent bar to any candidates of non-Islamic faith backgrounds or those who are atheists. Article 74 is one of the reasons cited by Freedom House preventing Tunisia from getting a full score of 4 out of 4 in

regards to whether, “various segments of the population...have full political rights and electoral opportunities”.<sup>11</sup> The Freedom House ratings go from 1 to 4, with 4 being the best.<sup>11</sup> Freedom House states that, “some segments of the population lack full political rights,” noting that, “[o]nly Muslims may run for president.”<sup>11</sup> Tunisia is a very homogenous country, with an estimated 99 percent of the population practicing the Sunni Muslim faith.<sup>15</sup> However, the fact that this provision singles out a small minority of the population and acts as a wholesale bar against such people attaining the highest office in Tunisia makes the provision more egregious. By completely shutting out non-Muslims from the presidency, Tunisia’s 2014 constitution shows that, although religious freedom is stated to be a priority, Muslims are given more political access and opportunities than non-Muslims.

Another aspect of the constitution that presents a potential problem for religious freedom is Article 49, which outlines the circumstances under which rights may be infringed. The article reads as follows:

The limitations that can be imposed on the exercise of the rights and freedoms guaranteed in this Constitution will be established by law, without compromising their essence. Any such limitations can only be put in place for reasons necessary to a civil and democratic state and with the aim of protecting the rights of others, or based on the requirements of public order, national defence, public health or public morals, and provided there is proportionality between these restrictions and the objective sought. Judicial authorities ensure that rights and

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<sup>11</sup> “Tunisia.” *Tunisia / Freedom House*, 21 Aug. 2019, [freedomhouse.org/report/freedom-world/2019/tunisia](https://freedomhouse.org/report/freedom-world/2019/tunisia).

freedoms are protected from all violations. No amendment may undermine the human rights and freedoms guaranteed in this Constitution.<sup>8</sup>

The real concern comes from the language of “public order,” and “public morals”.<sup>8</sup> This language is extremely vague and open to interpretation. Public morals, in particular, could be used to justify restrictions on religious freedom. It is true that Article 49 requires that any limitations to freedom not “undermine the human rights and freedoms guaranteed in this Constitution.”<sup>8</sup> Ensuring that the rights guaranteed in the constitution are not infringed upon is the job of the courts.<sup>8</sup> Still, “[s]uch exceptionalism raises significant concern, particularly because of the onus that will be put on the courts and constitutional oversight mechanisms charged with constraining the overreach of the elected branches.”<sup>12</sup> What truly makes Article 49 worrisome is the fact that, in the five years since the constitution was set in place, Tunisia’s government has been unable to form a constitutional court. This removes the judicial backstop meant to protect citizens from having their constitutional rights infringed upon.

In the previous reign of Ben Ali, Tunisia had a constitutional court; however, this court was dissolved during the revolution in order to prevent judges loyal to Ali from stymying the revolution.<sup>13</sup> For instance, “had Ben Ali’s Constitutional Council also been held over, it may have likewise dissolved its country’s constituent assembly, which had overstayed its pledged one-year mandate.”<sup>13</sup> Because the court was dissolved, the assembly was able to finish its task

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<sup>12</sup> Williams, Margaret, and Youssef Mahmoud. “The New Tunisian Constitution: Triumphs and Potential Pitfalls.” *IPI Global Observatory*, 26 Nov. 2014, [theglobalobservatory.org/2014/02/the-new-tunisian-constitution-triumphs-and-potential-pitfalls/](http://theglobalobservatory.org/2014/02/the-new-tunisian-constitution-triumphs-and-potential-pitfalls/).

<sup>13</sup> Grewal, Sharan. “Tunisia Needs a Constitutional Court.” *Brookings*, Brookings, 23 Nov. 2018, [www.brookings.edu/blog/order-from-chaos/2018/11/20/tunisia-needs-a-constitutional-court/](http://www.brookings.edu/blog/order-from-chaos/2018/11/20/tunisia-needs-a-constitutional-court/).

successfully.<sup>13</sup> The new constitution mandated that, once passed, a new constitutional court must be formed within a year.<sup>13</sup> Now, in 2019, that still has not happened.

As a stopgap measure, a provisional constitutional court was created in 2014; however, the provisional court was only given the power to review draft laws.<sup>13</sup> Without the full constitutional court in place, there is no body in Tunisia that can properly rule on constitutional questions. The problem of the constitutional court stems from the judge nomination process. The court is meant to have 12 members, and “the parliament, the president, and the Supreme Judicial Council—an independent body overseeing the appointment and promotion of judges—must each appoint four of the 12 judges”.<sup>13</sup> In an effort to avoid tension in the fragile post-revolution government, the parliament has been cautiously avoiding judge selections that could be highly contentious.<sup>13</sup> As time has passed, parliament has simply been unable to agree on any particular judicial picks.<sup>14</sup> Since the constitution was created, only one judge has been confirmed to the constitutional court.<sup>13</sup>

With only a provisional court in place, there is no judicial body to discern whether an action taken by the government is constitutional or to judge the constitutionality of laws after they have already been passed. Brookings Institute notes that a controversial law passed in Tunisia that gave “blanket amnesty for corrupt officials from the Ben Ali regime” was an instance in which a constitutional court could have made an important ruling.<sup>13</sup> Additionally, without a constitutional court, there is no judicial body to interpret Article 49 of the constitution, preventing citizens from having the chance for an impartial inquiry into whether an action taken by the government truly

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<sup>14</sup> “Tunisia: Ennahda Movement Calls for Constitutional Court Amendment.” *Middle East Monitor*, 2 July 2019, [www.middleeastmonitor.com/20190702-tunisia-ennahda-movement-calls-for-constitutional-court-amendment/](http://www.middleeastmonitor.com/20190702-tunisia-ennahda-movement-calls-for-constitutional-court-amendment/).

infringes upon the rights guaranteed by the constitution. Overall, “[t]he lack of a court has been a tremendous loss for Tunisia’s democracy.”<sup>13</sup>

The struggles between the Tunisian government and non-Muslim citizens are exemplified by the tensions regarding Ramadan. In the years since the Constitution was put in place, the month of Ramadan has served as a focal point of the push for religious freedom.<sup>15</sup> Ramadan, which is during the ninth month of the Islamic calendar, is an Islamic religious holiday which lasts for about 30 days.<sup>16</sup> During Ramadan, most Muslims fast from sunrise to sunset, not eating or drinking anything for that period of time every day.<sup>16</sup> Smoking and sexual intercourse are also proscribed activities during daylight hours during Ramadan.<sup>15</sup> “Tunisia is unique among Arab countries in that eating in public during Ramadan is not technically a crime...though it is still frowned upon.”<sup>15</sup> Whether citizens should be allowed to publicly eat, drink, or smoke during Ramadan has been argued in Tunisia for many years, with governments of different time periods taking differing stances.<sup>17</sup> Although the Bourguiba government embraced eating, drinking, and smoking in public during Ramadan, societal pressures against such actions increased during Ben Ali’s rule and continued after the democratic revolution in Tunisia.<sup>17</sup><sup>15</sup> Due to the stigma associated with eating or drinking in public during Ramadan, most cafes and restaurants close during daytime hours in the month of Ramadan.<sup>15</sup> However, in 2017, a spate of arrests of people who broke fast in public during daytime hours sparked criticism of the government.<sup>15</sup>

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<sup>15</sup> Gaffey, Conor. “To Fast or to Eat? These Tunisian Protesters Want the Right to Do Either during Ramadan.” *Newsweek*, Newsweek, 12 June 2017, [www.newsweek.com/ramadan-2017-tunisia-fasting-arab-spring-624260](http://www.newsweek.com/ramadan-2017-tunisia-fasting-arab-spring-624260).

<sup>16</sup> “What Is Ramadan? - CBBC Newsround.” *BBC News*, BBC, 5 May 2019, [www.bbc.co.uk/newsround/23286976](http://www.bbc.co.uk/newsround/23286976).

During Ramadan in 2017, 5 men were arrested for “public indecency” after eating or smoking during daytime hours.<sup>15</sup> Four of the men, who were both eating and smoking, were given one-month jail sentences for their actions.<sup>15</sup> A fifth man, who was arrested for smoking, was given a slightly shorter sentence.<sup>15</sup> Prosecutors called it “a provocative act” in justifying the jailing of these men.<sup>15</sup> In terms of constitutional support, the local government leaned heavily on Article 6 of the constitution.<sup>15</sup> As noted earlier, Article 6 preserves freedom of conscience and belief.<sup>8</sup> However, it was the segment of Article 6 which states that the government is the guardian of religion that served as justification.<sup>15</sup> In the eyes of the local government, arresting men for publicly breaking fast during Ramadan was fulfilling their duty to guard religion. Addressing the incident, “Minister of Interior Lofti Brahem reportedly declared before parliament that ‘the non-practicing minority must respect the beliefs and faith of the 98 percent to 99 percent majority of Tunisians,’” referring to the fact that a large majority of Tunisians are Sunni Muslim.<sup>17</sup> However, Yosra Frawes, head of the Tunisian Association of Democratic Women rebutted this statement, arguing that, “[a] democratic state is one that protects minorities. Our constitution safeguards freedom for all citizens, it doesn’t make distinctions.”<sup>17</sup>

The arrests led to protests from citizens, who gathered under the slogan ‘Mouch Bessif,’ which means ‘Not against our will’.<sup>17</sup> Around 200 citizens protested against the arrests of the five men and of the forced closures of cafes and restaurants during Ramadan, as “[a]ctivists say every year cafes are forcibly shut in the Muslim holy month.”<sup>17</sup> The arrests and subsequent protests exemplify several ways in which the 2014 constitution is unable to protect freedom of

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<sup>17</sup> Bajec, Alessandra. “The Battle between Secularism and Muslim Identity in Tunisia during Ramadan.” *Alaraby*, The New Arab, 7 June 2018, [www.alaraby.co.uk/english/indepth/2018/6/8/secularism-and-muslim-identity-in-tunisia-during-ramadan](http://www.alaraby.co.uk/english/indepth/2018/6/8/secularism-and-muslim-identity-in-tunisia-during-ramadan).

religion as fully as intended. Firstly, the way that the constitution is written gives officials ways to justify actions that may restrict religious freedom, as shown in the use of Article 6's 'guardian of religion' language. Similar problems may arise from Article 49, which allows for the government to protect public order and morals.<sup>8</sup> As shown by the Ramadan arrests, this vague language can be interpreted to allow for actions against non-Muslims. Again, due to the lack of a constitutional court, there is no impartial judicial body that can officially interpret the constitution and issue rulings on whether government actions waive the constitutional rights of citizens. Secondly, enforcement of the constitution may not be evenly applied by all government officials. The Ramadan arrests were localized in a few specific neighborhoods and towns, and in conversation with activists, one noted that a possible factor in the arrests was uneven enforcement of the constitution.<sup>17</sup> Certain local governments or police forces may not be willing to interpret or uphold the 2014 constitution as it was intended, and without judicial recourse, there is no practical way to ensure that the constitution is respected and implemented in the same way throughout the country.

Finally, although the constitution may be accepted by government officials, its values may not be shared by all of the citizens of the country. Putting aside the arrests of those who break fast in public during Ramadan, a common occurrence is the public shaming of such people by fellow citizens.<sup>17</sup> Social media allows for citizens to expose one another for failure to abide by the fast, and "Tunisians found eating, drinking or smoking in public places are rounded up and these non-fasters are subjected to shame or insult on social networks."<sup>17</sup> Reporting on the controversies surrounding Ramadan in 2017, journalist Alessandra Bajec wrote that:

Since the holy month began, controversial preacher Sheikh Adel El Almi has been carrying out a campaign targeting non-fasters to pressure Tunisians into fasting, threatening to

publicly shame anyone who eats during the fast. The imam previously filmed customers through hidden cameras inside the few cafes and restaurants which chose to remain open. He has described cafes serving food and drinks during Ramadan as a "contravention of Sharia (Islamic law)" and a "desecration of the holy month."<sup>17</sup>

There were even reports of violence perpetrated against those who did not follow the fast.<sup>17</sup>

While having strong constitutional protections for religious freedom is extremely important, cultural and societal pressures may still discourage citizens from freely practicing, or declining to practice, religion. Constitutional protections cannot shield citizens from the worry that they will be exposed and shamed in the media for their beliefs, even if the government is perfectly enforcing the constitution. In this way, changes in the attitudes of the people may be necessary to ensure a society where the ideals of religious freedom are truly upheld.

While Tunisia's 2014 constitution contains potential pitfalls in the realm of religious freedom, it is important to acknowledge that this constitution has truly advanced religious freedom in Tunisia in a significant way. The Bourguiba regime valued secularism but enforced it rigidly, going so far as to "[ban] head scarves in schools and government offices, [place] the country's historic center of Islamic learning... under government control, and [install] state-approved imams and monitored mosques."<sup>18</sup> Ennahda, the Tunisian Islamist party, was stifled during the regimes of both Ben Ali and Bourguiba, and the rise of internet brought more radical Islamic thought to, "Tunisians who felt smothered by official secularism."<sup>18</sup> In the years since the revolution, Islamists have seen an increase in political power, as evidenced by their election

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<sup>18</sup> Packer, George. "The Fall After the Arab Spring." *The New Yorker*, The New Yorker, 9 July 2019, [www.newyorker.com/magazine/2016/03/28/tunisia-and-the-fall-after-the-arab-spring](http://www.newyorker.com/magazine/2016/03/28/tunisia-and-the-fall-after-the-arab-spring).

win in the first democratic elections. In some ways, it could be argued that the current state of religious freedom in Tunisia, while turbulent, is an adjustment period during which the country is finding a middle ground between enforced secularism and Islamist control. After decades of governmental oversight of Islam, the rise of religious traditionalism in the wake of democracy makes some amount of sense. However, Tunisia's Islamists are unique in the Arab world. As seen in the constitution-making process, Ennahda party members were willing to compromise with secularists in order to preserve the fragile post-revolution peace, allowing for Tunisia to arise as the most successful democratic revolution in the Arab region.<sup>18</sup> In this way, post-revolution Tunisia has discarded the rigid and enforced secularism of past regimes while also avoiding a hard turn into unwavering Islamism.

Additionally, the people of Tunisia serve as something of a check on parties like Ennahda. With the reigns of Ben Ali and Bourguiba, the people of Tunisia identify and uphold secularity as a value.<sup>17</sup> The willingness of citizens to protest against religious intolerance and extremism has been displayed in the years since the revolution. During the constitution making process, it was widespread protests after the assassinations of secularist leaders that eroded Ennahda's ability to push through Islamist reforms to the constitution, forcing the party to collaborate and compromise more with secularists in the government.<sup>6</sup> Similarly, after arrests during Ramadan, citizens took to the streets to protest for religious diversity and tolerance.<sup>17</sup> As noted by journalist Alessandra Bajec:

The demonstration [was] held under the slogan 'All for a secular country, all for a better Tunisia,' [and] claimed respect for individual freedoms and the right to not fast in the holy month of Ramadan if people chose not to. Tunisian protesters raised placards reading "Live and let live," "Secularism to live together," and "Secularism is the only way," to slam the

interior minister's decision to close cafes and restaurants during Ramadan daylight hours, and to denounce the arrests of non-fasting people.<sup>17</sup>

The trend of citizens protesting the government has allowed for a measure of course-correction in the years after the revolution. Although the citizens alone cannot ensure that rights are respected for all, these instances of protest exhibit an appreciation for religious tolerance by the general public. As Tunisia continues its post-revolution journey, there are weaknesses to its religious protections, but the 2014 constitution represents a major step in freedom of religion nonetheless.