

## **The evolution of Political Islam during the transition**

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The democratic transition undergone by Tunisia since 2011 is unprecedented for our country and for our party. An evolution has undoubtedly taken place in our party just as it did in others and in the country as a whole. The country's transition from a dictatorship to a newborn democracy brought about an evolution – and in some areas a revolution – in the political scene, in civil society and in society as whole. This paper is an overview of the evolution of Ennahdha Party over the transitional period from an opposition party persecuted for decades and refused legal recognition to the leading party in a coalition government. It discusses the principles guiding the party's approach to Tunisia's delicate transition phase and to the elaboration of its historic constitution in particular.

### **I.- Principles of Democratic Transition and Consensus-Building**

The extraordinary transition phase presented an immense challenge to Tunisia as a whole and in particular to the parties that had the challenging task of managing the journey along the tricky path from dictatorship to a democratic, just, open society and state. The transition phase provided an opportunity to build on existing partnerships and alliances and to form new ones, to implement previously-learnt lessons and to learn new ones.

#### **1. Cross-Party Partnership & Coalition-Building**

The principle of pluralism is one our party adopted and promoted since its inception. Already in 1981, we explicitly recognized the right of any party, regardless of its ideological background, to govern if supported by popular will, ahead of both Islamic and secular parties who hesitated for long – some up to this moment – in recognizing genuine pluralism. We also promoted not only the principle of coexistence, but of partnership and joint work between parties regardless of their intellectual or political backgrounds. Many examples of such interaction and partnership exist since the eighties, but perhaps one of the most prominent and effective examples is the 18 October Committee of 2005. The Committee, which brought together political activists, journalists, human rights activists from various parties as well as independents, began as a joint hunger strike on the occasion of the World Summit on the Information Society in Tunis to draw attention to the continuing deterioration of the state of freedoms in Tunisia and to call for ending human rights violations, lifting restrictions on liberties, and releasing political prisoners.

The Committee then continued its joint activities and dialogue in order to elaborate a shared vision for a post-Ben Ali democratic Tunisia. It produced joint papers on important questions such as the equality of men and women, freedom of belief in a modern Muslim country and the relationship between religion and state in the future democratic system. The partnership between secular and Islamist activists was challenging, both intellectually and politically, since Ben Ali's regime was founded on division and polarization and fiercely opposed any such rapprochement. However, the partnership was very important, productive and fruitful, laying the ground for future partnership in struggling against dictatorship and in building democracy.

Cooperation with other parties continued after the revolution. Even before the 2011 elections, we were cooperating with parties inside the Higher Commission for the

Achievement of the Goals of the Revolution, and openly declared our firm belief that whatever the results of the elections, Tunisia needed a coalition government built on cooperation between parties, and in particular moderate Islamists and moderate secularists.

We were convinced that the building of democratic foundations was an immense challenge that could only be achieved through the avoidance of polarization and fostering cooperation between the two principal trends in our society and our nation – the trends of moderate secularism and Islamism, the two wings of the national movement. Following the election results, we reiterated our call for a national unity government. If had wanted to form a coalition based on “ideological similarity”, we could have formed a government with, for instance, the Popular Petition and independents. However, we sought to establish cross-ideological cooperation, and rejection of any monopolization of power, as a new democratic tradition in Tunisia. Two centre-left secular parties responded to our call: Ettakattol and CPR and we formed a coalition that provided a great model of coexistence, the first of its kind in the region, between secularists and Islamists, the two trends which had been in conflict for the last half a century.

## **2. Consensus-Building vs. Majoritarian Democracy**

The Troika coalition between Ennahdha and two secular parties was a clear proof of our conviction that Tunisia should only be governed through consensus, and that transitions cannot be managed by the logic of majority versus minority.

In fact, the Tunisian political elite, and thanks to a great extent to Ennahdha’s efforts, elaborated the concept of transitory democracy, which is based on participation and consensus-building rather than majoritarian democracy. This was a new lesson learnt through experience, and is at the root of the “Tunisian exception”. Our adoption of the methodology of consensual rule was based on conviction that transitional phases cannot and should not be governed by a 51% majority, which cannot provide stability in the political system. Rather a broad consensus must be achieved between the broadest possible trends in Tunisian society - both the majority and minority. Thus, we wanted a constitution that does not represent Ennahdha alone or an electoral majority, but rather the vast majority of the Tunisian people. Although consensus was important from the very beginning of the transition, consensus as a major principle became more prominent after the beginning and eventual success of the national dialogue in the summer of 2013. The principle of consensus succeeded in saving Tunisia and its revolution from the major crises it faced, through a national dialogue that brought together all political trends and excluded no one.

This demonstrates the wisdom of this methodology of coexistence as a path towards democratic transition, in terms of its appropriateness for our reality and as the complex answer to a complex reality that is not yet ready for the democratic model of majority and minority as exists around the world. In the absence of a common cultural foundation between political elites, which is a necessary condition for majoritarian democracy, the latter does not provide an adequate framework for governance. Our societies are still in the phase of elaborating their governance framework. There is a danger of not completing that development, and not achieving a shared cultural basis and common political framework within which political competition takes place, in order not to fall into chaos and civil war. This makes the model of consensus-building between political trends the most appropriate for the success of democratic transitions in such societies.

## **3. Crisis Management through Dialogue and Compromise**

Despite the best of intentions and the spirit of partnership, the challenging transition brought no shortage of crises. In all political crises, our choice was to deal with them following the same logic of dialogue and compromise. Following the assassination of the martyr Chokri Belaid, we accepted the “neutralization” of key ministries and Ennahdha conceded a number of other ministries to be taken over by technocrats. Our aim was the maintenance of the National Constituent Assembly in order for it to continue its work on the Constitution, and not to remain in power for the sake of power.

Following the second crisis after the assassination of member of the Assembly Mohamed Brahmi, we did not opt to impose our own view of how the transition should proceed, nor rush through the adoption of the Constitution. We were convinced that the aim of being in power in the transitional phase was the adoption of the Constitution and leading the country to the second elections, both of which required broad consensus and a climate of national unity. We refused that the Tunisian Constitution be the constitution of a majority imposed on a minority, and we understood the demands of the opposition that the elections be held under an independent government.

Thus, we signed the Quartet road map, because we were fully aware that the logic of conflict and confrontation would not resolve problems, and that Ennahdha, as the largest party in the country, was required to give the greater concessions to protect the revolution and the democratic transition process. Thus Ennahdha’s departure from the government was a sign of the success of the national dialogue, and not the result of pressure or failure to address the crisis. We agreed to implement the road map on the basis that three processes of the roadmap would take place simultaneously – the resignation of Laarayedh’s government following agreement on the new Prime Minister, the adoption of the Constitution and the election of an Election Commission. Thus the day of the adoption of the Constitution was a historic moment of national celebration that occupies a special place in Tunisia’s history. Likewise, Prime Minister Ali Laarayedh’s resignation was an example of peaceful alternation of power and of Islamist respect for democratic rules.

We believed that completing the Constitution, establishing the Electoral Commission and adopting the electoral law were major objectives that were more important than remaining in power, and that once those objectives were achieved, Ennahdha would have fulfilled what was required in bringing Tunisia onto firm democratic ground. Thus, there was no benefit in staying in power, particularly if that risked leading to the destruction of the entire democratic transition process.

The result was that in addition to the establishment of a number of important constitutional bodies - including the Independent Media Commission, the Supreme Judicial Council, the Anti-Torture Commission - and the approval of the long-awaited Transitional Justice law, the transition was successfully concluded with the adoption of a great Constitution and the holding of free and fair elections. National dialogue succeeded in reaching consensus on a neutral technocratic government and establishing a constitution for a modern Tunisia, adopted by a striking 94% of the Constituent Assembly, as well as an independent election commission, an electoral law and a date for the elections. Many of these agreements were the fruits of sacrifices made by Ennahdha, the majority party, in order to preserve the country’s unity and the continuation of the democratic transition process. The abandonment of the political exclusion law, despite associated risks, was another example of the growing conviction that exclusion would only perpetuate conflicts and was not conducive to a successful and inclusive transition.

## **II.- Political system**

Tunisia's transition offered the opportunity – and challenge – of reforming the country's political system into a free democratic inclusive system. While the National Constituent Assembly was debating the details of the future political system to be enshrined in the new constitution, representative and inclusive democratic governance was practiced during the transition for the first time in Tunisia. The 23 October 2011 elections led to the election of the first genuinely pluralistic representative assembly in the country's history. In addition to its constitution-drafting mission, the Assembly was very active on other fronts, mainly on amending and drafting legislation and overseeing the work of the government. Thus, power was shared between the National Constituent Assembly, the Coalition Government, and the President of the Republic in a balanced system. In addition, interaction between the above and civil society organisations, media and citizens was continuous and at unprecedented levels. Public consultations, both online and on the ground, were regularly held, including for various drafts of the Constitution, the Investment Code, fiscal reforms, higher education reform, etc., opening up government policy to public scrutiny on an unprecedented level. The result was a dynamic pluralistic inclusive system that was a far cry from the one-man, one-party rule previously experienced in Tunisia.

### **1. Civil state**

The new political system we wanted to establish in Tunisia was the democratic civil state for which generations of Tunisians had struggled for decades. Our Party's Founding Declaration in 1981 adopted the principles of "the people's reclamation of their legitimate right to self-determination far from any internal or external tutelage... rejection of violence as a method of change... consultation as the means of deciding on matters of thought, culture and politics. Rejection of authoritarianism and monopoly of power... and affirming the right of the people to practice the freedom of expression, assembly and all legitimate rights, and to cooperate with all national forces to achieve that."

The Party's internal procedures document of 3 May 1988 set out its objectives starting with "supporting the republican system and its foundations, protecting civil society, establishing popular sovereignty and consolidating shura (consultation); achieving freedom as a fundamental value that embodies the essence of God-ordained human dignity, by supporting public and individual liberties and human rights and emphasizing the principles of the independence of the judiciary and neutrality of the administration."

The Tunis Declaration of 17 June 2003 elaborated by four opposition parties including Ennahdha called on the state to abide by the popular will and the rule of law, and to respect the people's identity and Arab-Muslim values and to guarantee freedom of faith for all and the political neutrality of places of worship.

The cross-party 18 October Committee envisaged the state in a democratic system as a civil institution drawing its legitimacy from the people's free will, abiding by the rule of law and by human rights principles. The committee also recognized Islam as the religion of the majority of the Tunisian people, and alongside Arabic, as one of the main pillars of the country's civilizational identity which evolves in a creative interaction with modern developments. Thus the state gives a special status to Islam, guarantees the teaching of Islamic education in educational institutions and maintains links of solidarity with all Muslim nations, defends the Arabic language as the language of administration, education and

culture - all within a framework of guaranteeing freedom of religion and belief, rejecting discrimination between citizens on the basis of religion or belief, and openness to world civilizations and international languages, developing rational and critical thinking.

Thus, the nature of the state was a matter of consensus amongst all political trends, and was expressed clearly in the Constitution which stresses that Tunisia's political system is "a participatory, democratic, republican regime, under the framework of a civil State where sovereignty belongs to the people through peaceful rotation of power through free elections, and on the principle of the separation of powers and balance between them". (Constitution Preamble)

The question of sharia was debated following the desire of a certain section of the public, including part of Ennahdha's supporters and members, to list sharia as one of the sources, or a principal source, of legislation in the Constitution. Whereas for some such a reference was simply a statement of fact – that a significant part of legislation, including the Personal Status Code, was drawn from Islamic jurisprudence, in the minds of others, the term sharia was associated with negative connotations. After debate on the question at various levels, the Party's leadership reached the view that any term that can cause significant controversy had no place in the Constitution, and that the terms Islam and "Islamic teachings", which are included in the Constitution's preamble and first article, encompass all aspects of the religion and are broader and more consensual than the term sharia.

A debate which was much more challenging and took longer to settle was whether Tunisia's new political system was to remain a presidential system or whether it should become parliamentary. Ennahdha's view, which it had presented in its 2011 election platform, was that many of Tunisia's ills were the result of a very centralized presidential system in which power was easily monopolized, and that Tunisia needed to move towards a parliamentary system with a broader balance of power. In a political culture still dominated by the specter of "a strong state", we wished to emphasize the importance of government accountability to the elected people's representatives. Due to opposition by most other parties who preferred a presidential or semi-presidential system, Ennahdha had to concede on this point and compromise led to a mixed system where power is shared between the President, the government, and parliament. Implicit in this system was the commitment to maintaining the approach of consensus and balance and avoid monopoly and domination, as it was assumed that the three institutions would be led by different parties.

### **III.- Rights & Liberties**

#### **1. Gender Equality**

Equality between women and men is a principle embraced by our Party since its establishment. After initial criticism of some articles of the Personal Status Code, the Party officially embraced the Code when, alongside other political parties, it ratified the 1988 Charter. The 2003 Paris Declaration elaborated by a number of Parties including Ennahdha ahead of Tunisia's 2004 elections reiterated that commitment and stressed the state's duty to "achieve equality between men and women". The October 18 Committee, as part of its joint work on elaborating a common vision for a democratic society, produced joint papers on a number of topics including one on equality of men and women.

The Committee commended the gains brought by the Personal Status Code, seeing it as the fruits of an enlightened reformist movement which delivered women from the

chains of the era of social and cultural backwardness, thus contributing to liberating and modernizing half of society while maintaining the foundations of its civilizational identity. The Committee called for deepening these gains, in accordance with international accords relating to gender equality, whilst exempting a few sensitive areas such as equality in inheritance or marriage between a Muslim woman and a non-Muslim man, as matters of difference that can be deferred to institutions that represent the popular will.

Following the revolution, all parties, including Ennahdha had a chance to put these principles into practice. The "Council for the Achievement of the Aims of the Revolution and the Democratic Transition" in 2011 approved the principle of "gender parity" in the electoral system, a quota system where every electoral list had to include an equal number of men and women, to be alternated on the list. Ennahdha was part of that Council and supported the proposal for gender parity while over a quarter of the Council's members voted against it, either because they opposed quotas or because they did not have the ability to recruit women candidates in all constituencies. The result was the election of 59 women to the Assembly, 41 of whom from Ennahdha Party. Out of all parties, Ennahdha had the highest percentage of women in its parliamentary group. Later, as some male members of the assembly resigned (mostly to become ministers), they were subsequently replaced by the next candidate of the list, which raised the total number of women MPs to 67 (almost 31%) - a percentage that exceeds many European parliaments.

Ennahdha's female members of the Assembly played a very important role in the Assembly's constitution-drafting, legislative, oversight and outreach tasks. Ennahdha Party put forward a woman as candidate for the position of Assembly Vice President, who was elected to that position by the Assembly in November 2011: Mehrezia Labidi thus became the highest-ranking elected woman politician in the Arab world. Ennahdha's women MPs were members of all committees in the Assembly. Moreover, out of all Assembly Committees (constituent, legislative, and special committees), the only committees headed by women were headed by Ennahdha women: eight committees were headed by Ennahdha MPs, four by women. In the Assembly's Managing Committee, which included 10 members (including the President and 2 VPs), 3 of the members were from Ennahdha, 2 of whom were women. The same is true of all other committees, e.g. for the "Constitution Preamble, Fundamental Principles & Constitutional Amendments" Committee (drafting these chapters of the Constitution), of the 22 members, 9 were from Ennahdha, of whom 5 were women. The General Legislation Committee (which drafted proposed laws, or examined draft laws proposed by a parliamentary group or by the government, and presented them to the plenary for discussion and vote) included 7 Ennahdha MPs out of 20 committee members. All 7 are women, including the president of the Committee. A similar pattern can be seen in the composition of the rest of the committees in the Assembly.

The above facts demonstrate that Ennahdha's female MPs were not merely an inconsequential outcome of the electoral law, but occupied key leadership positions. Ennahdha female MPs' involvement in all committees, including as heads of committees, demonstrates the Party's commitment to developing their women members' leadership skills, which, in conjunction with the quota system now enshrined in the Constitution, should contribute to broadening women's participation.

The Constitution not only protected Tunisia's women's achieved gains and rights but committed the state to developing those rights further, ensuring equal opportunities in all fields and removing all forms of discrimination. A number of articles stressed the equality of all citizens, male and female, the state's duty to eliminate discrimination on any basis and to

eradicate violence against women. The Constitution also includes a very important article that requires not only the parliament but all elected councils to follow the principle of gender parity in the election of representatives, which is a rare case of the constitutionalization of gender equality in political representation.

One cannot discuss the constitutionalization of women's rights in Tunisia without touching on the "complementarity" controversy. This received disproportionate coverage tainted by misunderstanding, misinformation and polarization. It must be noted that no article ever described women as complementary to men, but rather described men and women as complementing one another in the context of the family; the "equality of spouses" was emphasized in the very same draft. Equality between all citizens was always present and protected in four separate articles from the very first draft of the constitution and was never called into question. "Complementarity", with all its ambiguities, had not been proposed by members of one of the drafting committees in the initial draft to replace or dislodge equality, but only to emphasize the need to accommodate family needs (childcare, maternity rights, work-family balance, etc.). Following the resulting debates in the Assembly, media, civil society, and within the Party, it was recognized that the term did not possess sufficient clarity to be included in a legal foundational document. The final version of the articles dealing with gender equality and women's rights in the Constitution is something we celebrate and hold up with pride, looking forward to their embodiment in the lives of Tunisian women.

## **2. Fundamental Rights**

Tunisia's new Constitution enshrines new liberties newly enjoyed by Tunisians following the revolution and of which they had been deprived for decades. The second Chapter on Rights & Liberties includes 29 articles that guarantee individual liberties, political rights as well as social rights. All these rights severely restricted any limitations on these rights by the law, which must be "necessary in a civil democratic state", proportional and must not compromise their essence. An example of a necessary restriction on, for instance, freedom of expression, is the article committing "to spreading the values of moderation and tolerance, protecting sanctities and preventing attacks on them, just as it shall commit to preventing calls of takfeer [calling another Muslim an unbeliever] and incitement to hatred and violence and to confronting them". As events around the world show, balancing the protection of fundamental freedoms such as freedom of expression with the need to combat hate speech and incitement to violence is a challenging task, and societies around the world continue to debate ways of finding such a delicate balance.

In addition, the Constitution stipulated that "no amendment that undermines any human rights acquisitions or freedoms guaranteed in this Constitution is allowed."

In addition to a number of key civil and political rights enshrined in the second chapter of the Constitution, a number of significant economic and social rights were also guaranteed, such as the right to free education at all levels, the right to preventative health care and treatment to every citizen, the right of those lacking support and those with limited income to free health care, the right to property (including intellectual property), to right to culture and cultural innovation, the right to water, the right to sports, the right to a sound environment, etc. The extensive list of economic and social rights is innovative, and Ennahdha is proud to have supported their constitutionalisation as part of its vision of the state's role of providing conditions for a dignified life.

## **3. Freedom of belief and conscience**

The 18 October Committee had agreed that “freedom of faith is a personal freedom far from any compulsion and part of freedom of opinion on which other freedoms depend. This freedom includes the right to embrace or leave a religion or belief, to express it, call to it, practice its rituals and spread it through education and proselytizing”. The committee pledged to “protect freedom of faith and conscience and to seek to abolish discrimination on the basis of religion or belief, as a condition of citizenship based on full equality of all members of society.”

The controversy surrounding the concept of freedom of conscience is a demonstration of the need for debate and communication. As clear from the 18 October Committee Statement, the principle of freedom of faith and conscience had been accepted and promoted by the party leaders for many years. I had personally written on numerous occasions about the need to reconsider and reinterpret the common view of apostasy as a religious crime. However, the lack of communication between the leadership and base due to repression necessitated taking time to convince the membership, and we succeeded. The Constitution thus stated that “the State shall protect religion, guarantee freedom of belief and conscience and religious practices, and ensure the impartiality of mosques and places of worship away from partisan instrumentalization”.

#### **IV.- Conclusion**

Ennahdha Party emerged from the efforts of young people forty years ago to reconcile reason and revelation, Islam and modernity and to break decades of political authoritarianism, social injustice and cultural alienation. The result is a Tunisian Islamic democratic political party that draws its ideals from the moderate principles of Islam, universal values and human rights. Its political conduct has demonstrated its belief in the people as the source of sovereignty, in pluralism, in the supremacy of the law, in peaceful alternation of power, in freedoms and liberties, in gender equality, in minority rights, and in rejection of violence and all forms of terrorism.

Ennahdha’s experience during Tunisia’s transition has elaborated a new approach to democratic transition based on what we call consensual democracy, as an alternative to majoritarian democracy which can only succeed in established democracies. For emerging democracies such as those of the Arab Spring, experience has shown that what succeeds is broad coalitions between diverse trends, particularly between moderate Islamists and moderate secularists, and the effective participation of civil society organisations to manage national dialogue among parties. It is these conditions that protect society from the polarisation seen in several Arab transitions where progress has stalled and where civil strife has ensued. We, in Tunisia, have adopted the policy of compromise, reconciliation, and absorption of the past instead of excluding it. As a result, Tunisia today is governed by a consensual coalition that is continuing the path of consolidating Tunisia’s democracy and achieving freedom, well-being and prosperity for its people.