

Le développement du mouvement féministe en Tunisie : les années 1920 à 2000

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Abstract

Cet article analyse le développement du mouvement féministe en Tunisie qui a traversé trois phases : la première période à partir des années 1920 jusqu'en 1956 quand le pays obtint son indépendance. Les femmes étaient très peu scolarisées, alors. Quelques femmes privilégiées avaient formé des sections des mouvements nationaliste, socialiste ou religieux qui existaient alors. Elles devaient ainsi progressivement commencer leur demande féministe pour l'égalité.

La seconde période (1956-années 1970) vit la promulgation du **Code du Statut Personnel** par Habib Bourguiba ; ce Code de la famille abolit la polygamie et la répudiation, établissant le divorce judiciaire et déclarant l'égalité de la femme avec l'homme. L'Union Nationale des femmes tunisiennes fut également fondée par le Président Bourguiba. C'était le début du féminisme d'Etat.

La troisième période commença au cours des années 1970 : de nouvelles générations de femmes s'interrogeaient sur les faiblesses du Code du Statut Personnel. Ces femmes étaient universitaires qui se rencontraient pour discuter sur les discriminations qu'elles rencontraient en tant que femmes malgré le statut privilégié dont elles bénéficiaient en comparaison avec leurs sœurs dans le reste du monde arabe. Elles devaient par la suite former des organisations autonomes qui furent reconnues par l'Etat deux ans après l'accession de Zinelabidine Ben Ali à la présidence en 1989.

Ces organisations autonomes et non gouvernementales (l'**Atfd** et l'**Afturd**) oeuvrent à informer les femmes de leurs droits et à inciter le gouvernement à adopter une politique laïque, en particulier en permettant aux femmes d'hériter une part égale à celle des hommes.

**The Development of the Feminist
Movement in Tunisia:
1920s-2000s**

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INTRODUCTION

How could a women's movement emerge in a society that secluded women in the home sphere, forcing them to hide their body and face by wearing a veil, and prohibiting any contact between unrelated males and females? For, that was the way Tunisian society lived in the early twentieth century. Besides, none of those women had any tradition of activism (Marzouki, 79).

There certainly were circumstances that paved the way for this formidable event to take place: the nascent nationalist movement against French colonialism following Woodrow Wilson's *Fourteen Points* after World War One in 1919, one of which declared the right for each nation, big or small to self-government; and the modernist trends among yet conservative but enlightened male religious scholars who supported their wives' and daughters' initiative to form or join a woman's organization.

Unlike American women whose feminism, or quest for sexual equality, had taken shape as early as in the eighteenth century, the first Tunisian women's organizations shyly emerged on the public scene only in the early twentieth century. It is also important to point out that they would not have been able to do so without the support and blessing of open-minded male relatives who disapproved of the discrimination women were victims of and who might have believed that allowing women to help in the nationalist cause against French colonization would be a first step toward their emancipation. Those women were certainly not seeking positions of political power and, consequently, could not be labeled as feminists. It was only in the 1970s that

the women's movement was to become feminist and claim equality at the cultural Club Tahar Haddad (Hahn and Marzouki).

However, in the course of their growing militancy, early female activists were to take initiatives to improve women's status: for example, considering the low literacy rate in the country at large, they took steps to develop education for girls; some dared get rid of the veil they all had to wear and that was a daring feminist act for that time. Immediately after independence in 1956, under the presidency of the father of the nation, Habib Bourguiba, State feminism as initiated by the latter, was to give Tunisian women rights that remain, to this day in 2006, unique in the Arab world: indeed, the *Code of Personal Status (CSP)* together with several other important changes, abolished polygamy and repudiation (establishing judicial divorce instead), and raised the age at marriage; President Bourguiba also founded the National Union of Tunisian Women.

This State feminism was to take action again in the 1990s when President Ben Ali who had taken over in 1987, took a major decision in favor of women's rights, definitively curtailing the Islamist threat that had been gaining momentum not only worldwide, but also in the country.

In spite of the major gains made by women, the fact that the Constitution proclaimed Islam to be the religion of the State still maintained women in a position of inequality. New generations of women that Lagarde calls "These Women from the Bourguiba generation" started to organize themselves. Meeting at the Club Tahar Haddad in the late seventies to discuss all that was ailing them, they went on to found two autonomous feminist organizations: the Tunisian Association of Democratic Women, known as *ATFD* and the Association of Tunisian Women for Research and Development known as *AFTURD*, both claiming no less than equality and social change through secularism.

Thus, in this presentation, I am going to review the development of the Tunisian women's

movement from when it started in the early twentieth century, laying the foundations for the State feminism born with Habib Bourguiba in 1956 and still prevalent today, to the emergence of an autonomous feminist movement in the late 1970s founded by university women from different backgrounds but all eager to speak out and point at the weaknesses of the *CPS*. These women were - and still are - in quest of equality, and empowerment. Aware that religion, embodied in the *Shari'a*, or Islamic law, was the obstacle to their quest, they present secularism as the key to their claims.

This presentation will be divided into three main parts. The first part will deal with the birth of this movement in the 1920s and 1930s, following the male nationalist movement for independence of the *Neo-Destour* party until independence in 1956.

The second will deal with the State feminism that started with the independence of Tunisia until the 1970s, a period that contained many positive developments for the situation of women worldwide.

The third part will deal with the emergence in 1989, of an autonomous feminist movement symbolized by two non-governmental organizations: *AFTURD*, and *ATFD*.

These organizations are feminist because they have from the very start been pointing at all the discriminations Tunisian women continue to face of in spite of the revolutionary *CPS*. They are autonomous in relation to the government as well as to political parties, whereas most of the other previous and contemporary women's organizations implement what is known as State feminism. I will not deal with earlier efforts to improve the situation of women but I will try to concentrate exclusively on what I consider as the main women's organizations.

My main point in this presentation is the emergence of women's movements that were not necessarily feminist, but often mainly nationalist and social, all of them being supported by men; how these organizations merged into one in 1956, the *National Union of Tunisian Women*

(*UNFT*) that has, since then, been implementing the government's feminist policy or State feminism; and how the first "autonomous" feminist movement was born in the midst of several government/or *RCD*-supported ones.

Finally, this presentation will show how a conservative movement developed as the State feminist policy became more rigid: the *UNFT* "sacrificed feminism to the Leader's authoritarianism" (S. Ben Achour). Indeed, after Islam was declared the State religion (1959), marriage of a Tunisian girl to a non-Muslim was declared illegal (in Tunisia) and reservations were made about the elimination of all forms of discrimination against women (1984). On the one hand, the Tunisian Constitution declared women equal to men, and on the other hand, it gave men rights that were not shared by women. Questioning about women's real situation strengthened the bonds between university women in Tunisia, at the same time as confrontation between them and those in power became more open (Ben Achour).

I. THE EARLY FEMINIST MOVEMENT: 1920-1956

1. Tunisian women start organizing

Brave indeed were the Tunisian women who, in the 1920s, started the feminist movement. They were brave because the world then was strictly divided in two: the home sphere for women and the public sphere for men. Not only did Tunisian women live a secluded life, but they also had to wear a veil. This is what Demeerseman reports:

In the past, women never went out, or rarely, in well-locked cars for their father or husband did not allow them to. Young girls could attend no celebration, not even their sisters' or cousins' weddings." (Demeerseman, 257)

Only a privileged few had access to education, often on an individual basis by private tutors. But, the nationalist movement for independence was a good opportunity for women to enter the public sphere, and they took it. Encouraged by male relatives, they formed female branches of the three main movements: socialist, nationalist and religious. Because they needed their male relatives' constant support, these feminists could not afford to undertake any program that might meet disapproval. Indeed, that would have meant the dissolution of their movement and they certainly did not want that.

One of the earliest feminists, Bchira Ben Mrad had been encouraged by her own father to join in the struggle for independence and for women's liberation (Marzouki, 38). I should, however, add a further fact that had significance for the ongoing changes in the mentalities: French colonization allowed awareness-raising about the precariousness of women's condition (Al Khayat, 224). Indeed, in spite of the separation of the sexes, although perhaps less directly than men, women could see that there was another way of life for other women. Even if their windows were made so that they could not be seen from outside, they could still see people in the streets. Indeed, they could see that European women did not wear a veil, and that they had activities other than those of the home. Could they help envying their freedom? Thus, Chater reports:

...obviously, the French presence in Tunisia largely contributed to the coming to awareness about women's condition.

Indeed, with the arrival of the European population, a new way of life had appeared in the country. European women can go out freely and Tunisians have been able to realize that women's vocation is not necessarily seclusion. (Chater, 62)

Besides, some of them had the opportunity to travel. Wassila Ben Ammar (Habib Bourguiba's second wife) did: in 1929, she could travel to France with her nurse and without any male relative to look after her. Her father was open-minded. In France, she discovered a new

world for she visited the Louvre and other such places. What was even better, she was able to go out without a veil. And that was a great experience. She was able to swim in a bathing-suit, without having to ask for permission. That was great! (Vincent, 6).

However, earlier Tunisian female activists did just as their Western sisters had done in the previous centuries: they did not state they were organizing for rights for themselves but rather, that they meant to help the nation solve social or political problems. Nineteenth Century American feminists, for example, had chosen the abolition of slavery, or social work through the church: but when they dared ask for suffrage, they were much criticized even by women belonging to their group. Tunisian women came out on the public stage to support the nationalist struggle for independence: and that allowed their action to be seen with benevolence if not with approval, particularly as they generally expressed conservative ideas about the family and their place and role in it.

The Zitounians (a group formed at the Zitouna University, the most famous religious school in Tunisia) were for the preservation of the patriarchal family where men alone had the responsibility, authority and knowledge whereas women had the status of minors. But, the Zitouna was “at the same time a center of modernist and nationalist protest movement” (Marzouki, 30).

These early feminists were also influenced by Huda Sh’arawi, a founder of the Egyptian Women’s Movement who had, like several Tunisian women around the same time, private tutors at home, something that only well-to-do families could afford. She founded a private school for girls and took an active part in the struggle against their colonizer, Great Britain (Warnock Fernea and Bezirgan, ed., 193-194).

Tunisian women were also informed about changes in women’s status in Turkey following Kemal Attaturk’s policy. As a result of these trends among Middle Eastern women,

there was a desire among Tunisian women to bring changes into their own lives.

In the early 1920s, *The Young Female Muslims of Tunisia* claimed that their goal was to educate Tunisian girls by teaching them the true precepts of Islam. But founding this women's movement had not been easy as any associative movement was perceived by the colonists as a threat; it was consequently under constant pressure. Besides,

...this women's world closed on itself, over-protected, and over-oppressed. Few of them could have access to the outer world and to a right to leniency from their society. (Marzouki, 79)

However, women were able to meet and organize. They raised funds to promote education and helped pay for North Africans youths to study abroad, although those who went to study in Europe were mostly males. At the same time as they clung to their Arab-Islamic culture, they were aware of the importance of the new ideologies prevailing in Europe. As a result, new aspirations developed, particularly among the younger generations who could not help but feel admiration for the technical and scientific progress being realized in the West. An increasing number of male scholars felt the need to give women more chances by allowing them to have a more solid education and a paid job. Hence, early feminists started fund-raising activities meant to found special schools for girls. In these schools, girls were taught the *Qur'an* and also home economics, for they were bound to be good Muslim housewives and mothers. Bchira Ben Mrad, for example, had several Sheikhs as teachers at home and was able to learn some rudiments of language and grammar that enabled her to have her "Certificate of Studies," a diploma one would get at the end of primary school then (Marzouki, 36).

2. Early feminists and education

Maherzia Amira Bornaz's report on her life in the 1930s illustrates what has been said above. It relates what her illiterate mother did to give her two daughters an education. Indeed, she had taken the initiative to go and see their school principal for advice. The latter was stunned by

such an unusual demand, as parents' common concern was to see their daughters married; consequently, it was very uncommon to have parents concerned about giving an education to their daughters. The principal did advise her, however, suggesting that Khira, her eldest daughter, should enroll in a shorthand school, after which she would quickly find a secretarial job. As to Maherzia, she was advised to have a technical education.

The girls did as told. Khira obtained her diploma after a few months and landed a job at the post-office, while Maherzia spent five years learning sewing, embroidery, home economics, drawing, etc. Both girls were veiled and Maherzia was the only pupil to be Tunisian, Arab, Muslim, and veiled. Indeed, her classmates were French, Italian and Tunisian Jews.

When she graduated, Maherzia was given a teaching job in Sousse, about 145 km away from the city capital, Tunis, and that represented a great problem. The way she reports on the event is pathetic:

I am a young Muslim girl and I have never left home. It is thus very difficult, or even impossible for me to go and teach so far away, in a town where I know nobody. (Bornaz, 11)

What the author above also reports is that her mother's decision to send her daughters to school had been considered scandalous; even the girls' father had refused at first, threatening his wife. However, the fact that she was able to guarantee an education for her daughter was quite an achievement and shows how women could sometimes play a powerful role even when they were not supposed to.

I would like to add a remark about the options available to girls at that period, and particularly to Tunisian Muslim girls: Maherzia was advised to attend a technical college, to learn technical skills. She was not advised to study science or literature. When I was, myself, in the third year of secondary school in Sousse, my home town, I was also one of the rare Tunisian Muslim girls attending that French school. The third year was one at the end of which the

students had to choose their next option and the one that was advised to all the girls like me was the school for schoolmistresses in Tunis, for which no baccalaureate was needed. Which means that, if you chose to go to that school, you knew you could teach only in primary schools. When I said that I did not want to go there but that, instead, I wanted to have my baccalaureate and go to the university, the female director, Mrs. Caine asked surprised: “And what do you think you can do at the university?” I didn’t really know what I would specialize in, but I felt I wanted the doors to knowledge and freedom to remain open for me, and so I did not want to be stuck in a schoolmistress’s job.

The examples above are meant to show that the Tunisian women’s level of education was limited. That, however, did not prevent them from organizing a movement that was to open new doors onto the world and allow them to have a role in their society. In the 1920s, nine tenths of Tunisian women were illiterate. Wassila Ben Ammar had her “certificat d’études,” a very rare diploma among girls then. Considering the low literacy rate among women, we may be led to wonder what those early feminists had in common to be able to form thus, a movement.

Some researchers found they had some common characteristics. Taïeb Issa, for example, reported they were pious, and often, like Princess Aziza Othmana, they gave some of their property to social works; they liked culture and they were often poets (Marzouki, 42).

3. Demand for and resistance to changes

However, while asserting their religiosity and while acting in the name of national liberation, these women were to gradually rise up against their traditional condition and demand drastic changes, like the end of the wearing of the veil, for example. Bchira Ben Mrad declared that Tunisian women had to be responsible and able to “rely on their own strengths to improve their condition” (Marzouki, 44), a quite powerful feminist assessment for that time.

It was in this context that, in 1924, Manoubia Wertani gave a speech on “*For or Against*

Feminism in the West, in the East.” She wore no veil, certainly hoping her example would be followed for she demanded that women should stop wearing it, and she dared denounce women’s low status, asking for women’s legitimate rights.

In 1929, another woman, Habiba Menchari, gave a speech on “*Muslim Women of the Future-For or Against the Veil.*” She asked for the same things as Wertani for she deemed them necessary for women’s self-fulfillment and for allowing them to serve their nation. In the same way, *the Young Girls’s Club* from the Zitouna protested against anyone who, in the name of Islam, sought to keep them away from social life (Marzouki, 44). These trends, however, did not meet the approval of the conservatives who took steps to counter them.

The Muslim Union of the Women of Tunisia was founded in 1936 but it did not obtain governmental approval until 1951. Their objectives were somewhat different from those of the latest feminists: getting Muslim women together and creating between them ties of knowledge, friendship and solidarity so that they can defend the family, liberty and democracy; steering Tunisian girls and women towards instruction and moral standards in the context of the Islamic spirit so as to raise their cultural and social levels, and to see that they become public-spirited; organizing lessons, conferences, feasts and publications. The celebration of the Muled (the Prophet’s birthday) was its official launch; forming and developing institutions for children and youth through the creation of specialized committees (Marzouki, 46-47)

Hence, we can see clearly the main commitment of these upper-class women: social and charity work. They all wanted to contribute and form a new generation of educated and pious women who would have a positive impact on their society. For example, in December 1931, heavy floods had caused severe damage in the country, and princesses, French ladies from the French General Residence, and other upper-middle-class women like those mentioned above, such as Wassila Ben Ammar, the President’s nieces etc., came to the rescue. The need to create a

feminist organization was beginning to emerge. On February 29, 1932, Wassila Ben Ammar gave a speech at a charity event, highlighting the necessity of creating one. She criticized the fact that the Charity Association was male only and urged that women be admitted in its circle.

Bchira Ben Mrad tried to mobilize women. She sent 1.500 invitations but only ten women came. She did not want to lose heart and renewed her invitation a week later. However, the 50 women who answered her invitation tried to discourage her from taking such risks as trying to mobilize women. In spite of all those difficulties, Tunisian women were on their way up, and several branches of these women's organizations were founded in several cities like La Marsa, Hammam-Lif, Rades, Beja, Nabeul, Kairouan, Mahdia, Tataouine, opening doors for lower-class women (Marzouki, 74).

This women's mobilization was a cause of concern for some who thought it necessary to take action. In 1944, Sheikh Mohamed Salah Ennaïfar founded *The Association of Young Muslims*, giving the leadership of its female branch to his wife, Mrs. Souad Khattech. At a meeting, the degradation of morals among Muslim women was denounced. In particular, debauchery at marriage ceremonies was a subject of severe criticism for it was believed that it undermined the Muslim family. Clearly, women's decline was linked to the decline of the Tunisian society.

On the other hand, Mohamed Salah Ben Mrad had founded the daily "**Chems el Islam**" (The Sun of Islam), appointing his own daughter, Bchira, as President of the most important and the first ever feminist organization in Tunisia, *The Muslim Union of Tunisian Women* in 1936. One may wonder why membership was always a family affair. Demeerseman's analysis may hold some truth. Indeed, he states that:

In the past, to the Tunisian, the family was the ideal society. Indeed, because of its size, it constituted a small society in which one could find all that one needed. All celebrations had a familial character and they included mutual aid, limited in fact,

to relatives, friends, neighbors...indeed, one has to realize that ancient family structures were so strong that the individual was never aware of one's duties toward society. One was first and foremost at the service of one's family... A very revealing fact: social ties were established according to the family model. Why this constant calling-up of family ties toward strangers to the family "son, daughter, brother, sister, uncle, aunt, from the father's or mother's side, father, grandfather" if not because society then appeared as a simple extension of the family? (Demeerseman, 258-259)

One of the main objectives of *the Muslim Union of Tunisian Women* was to facilitate women's access to teaching jobs. These women were to found *the Union of Tunisian Women* in 1944, and of *the Club Aziza Othmana* (Zouari, 60). The only movement that came directly from its members was that of the young girls integrated in the Zitouna School: *The Tunisian Young Girls' Club* founded in 1954 and headed by Tawhida Farhat. But, then we were approaching the modernist era, that of independence. This movement was nationalist, with an Islamist bent and had a cultural feminine review, *El Ilhem* (Marzouki, 40).

Although the organizations mentioned above were committed to women's emancipation, they were conservative in tone and content. In 1930, Tahar Haddad, "a reformist silenced during the Nationalist Struggle," (Charrad, 216) a scholar who believed in the equality of the sexes, wrote a book, *Our Women in Law and Society* that drew the conservatives' anger against him. It was the first time that anyone had dared so clearly raise the issue of women's emancipation and the unjust treatment inflicted on them (Chater, 68). Haddad denounced all of the injustices inflicted on women, the latter's lack of education or its precariousness, and the consequences it had on the health of the family as the infants' death toll was high then; he denounced polygamy, the obligation of wearing a veil (which he compared to a muzzle!), compulsory marriage, marriage at an early age, repudiation and even inheritance laws, an issue that is still a subject of very hot debate today, as we shall see at the end of this presentation.

My own mother was married at age 13 to an older man. At 19 she already had five

children. She was a widow at 35 with six children. She would tell her mother that she would never forgive her for making her marry so young. But, could her mother have done anything? These, and other statements against a situation which was strongly believed as set up in the *Qur'an* itself, were very risky, particularly at that period. As a result, Haddad alienated the religious scholars or *Ulemas* who took a unanimous stand against him as they believed that the provisions of the *Sharia* could not be changed. The backlash was severe and he ended up forgotten and poor.

Among those that expressed their indignation at his views was Bchira Ben Mrad's father who had believed that Haddad's thesis was only "a mirror of the West." In fact, nationalists were not ready to accept such reforms yet, their main concern being independence.

Treating Islamic family law as a sign of distinctiveness from the French colonizer, most Tunisian nationalists of the earlier period agreed that reforms should be postponed until they could be made a sovereign state. (Charrad, 215)

In 1944, *The Union of Tunisian Women* was strengthened by a new organization: *The Union of Young Tunisian Girls* which was connected to the Communist Party. Women continued their activities and they were able to attend an international Women's Congress in Paris, *the Women's International Democratic Federation*, on May 26, 1945. That was another opportunity for Tunisian women to establish contacts and acquire knowledge from all the women they were able to meet. The door that had opened for those women as they were allowed to step out of the private sphere gave them more experience and power. Following the membership of the *Union of Women of Tunisia* at *the International Federation of Democratic Women*, March 8 became Women's Day in Tunisia from 1946 to 1952 in spite of opposition from the French authorities who saw any organization as a threat to their authority (Marzouki, 97).

II. THE FEMINIST MOVEMENT IN INDEPENDENT TUNISIA: 1956-the 1970s

1. The promulgation of the CSP

Women's life in the Arab world is managed by family law. In Tunisia, it was this family law that Habib Bourguiba challenged by the promulgation of the *Code of Personal Status (CPS)* immediately after independence in 1956, establishing a fundamental principle, namely that of equality of men and women. This principle came at a time when, in spite of an increasing female presence in educational institutions, women's place was still deemed subordinate to that of men. It was based on the idea that there could be no development for a nation that relegated its women to a subordinate place.

The late fifties and early sixties were a period of intense international turmoil for civil rights and freedom. In this context, Bourguiba saw the need to change the traditional position of women in order to accelerate the development of the country. He was a visionary, and a reformer who had certainly been influenced by Haddad. But he had also been influenced by Kemal Ataturk whose work he had followed with much interest when he was preparing his baccalaureate in 1923. Like Ataturk, he had wanted women to be free but, he added:

...without breaking anything, without renouncing to our traditions. I gave women the means to change, but I didn't force them... (Cited by Vincent, 4)

Bourguiba's own experience had also played a key role and taught him how unjust the situation of women was, as can be seen below:

In my family, and from contact with my mother and grandmother, I clearly saw the unjust and wretched destiny imposed on women... I suffered in my innermost heart from this injustice... (Germaine Tillion, citing Habib Bourguiba in: La femme, élément de progrès dans la société, 172)

The *CPS* abolished polygamy and repudiation, two threats that had plagued Tunisian women's life. Indeed, it brought several changes, giving women rights that are the envy of many of their Arab sisters today. It established judicial divorce proceedings, therefore allowing both spouses to file for divorce. Women's political rights were thus acknowledged in 1957, while adoption —

normally not accepted by Islam — and the generalization of education were to be implemented; in particular family planning in 1960 and the legalization of abortion, as in the U.S. in 1973, were to have a deep impact on the composition of the family; mothers also obtained the right of custody of their children in case of the father's death.

While neighboring Algeria and Morocco (although there has been some progress with the recent *Mudawana* as amended by young King Mohamed VI in 2004) remained faithful to family Islamic law,

...the Tunisian legislation focused instead on individual rights and obligations within a nuclear family system. (Charrad, 5)

Independence and the *CPS* were welcomed by an enthusiastic population. An increasing number of women started to get rid of their veil and go out bare-headed as their new President urged them to. Tunisian women responded massively to this State feminism that was to change their life. They did so because it brought relief from a set of conditions they had been suffering from. Even though they knew about Western feminist movements, their quest for equal rights had not been totally inspired by the West (Marzouki, Charrad).

But, if we compare the situation of women in Tunisia with, say, that of American or British women, then we may ask: how did this *CPS* come about? Did Tunisian women march in the streets to obtain it? Did the women's movements that I presented above take any part in it? Well, surprisingly, none of them did anything of the kind. The initiative had been totally governmental, under the initiative of Bourguiba who justified his decision as “a *choice in favor of progress*” meant to accelerate “*the march towards progress...*” and “*to encourage the development of a modern nation-state*” (Charrad, 220).

This is how Charrad analyzes this State feminism:

A reform from above, the Code of Personal Status was initiated by the leaders of

*the urban, reformist faction at the time of independence in the absence of a reformist grassroots movement. This **Code of Personal Status** was not a response from the state to pressures from a women's mass protest movement. Aware of this, President Bourguiba, one of the key initiators of the Code, said in an interview: "Indeed, there was no feminist movement demanding the promulgation of a **Code of Personal Status** or the abolition of polygamy. (Charrad, 219)*

So, this was a fact. In particular and as already mentioned, its members were to be the President's relatives, or wives of members of the government (Marzouki, 165). Tunisian women just had the **CPS** handed down to them graciously, on a tray as it is often said jokingly in Tunisia. The absence of women in the promulgation of the **CPS** may be at the origin of its weaknesses, in particular the fact that Islam was declared the religion of the Tunisian State. However, the Tunisian Constitution does not declare the State to be Islamic; neither does it state *Sharia* to be "the source of law" as it is the case in most other Muslim countries. On the contrary, Article 5 asserts the principle of the liberty of conscience while Article 6 asserts the principle of the equality of "all the citizens" in rights and duties which is, however as argued by Mohamed Charfi (20), contrary to the *Sharia*. It was on this principle that the National Union of Tunisian Women was founded.

2. The National Union of Tunisian Women (UNFT) is founded by President Bourguiba

Bourguiba also took another major decision asserting the State feminism he had thus initiated: that of having the three main movements merge into a single one, *the National Union of Tunisian Women*, hardly a few months after independence. In the early 1950s, men and women could not attend the same events together and so, women had to found their own organizations. The first meetings that took place in 1956 were held at Wassila Ben Ammar's home. Afterwards, they would take place in different other bourgeois homes. The first Congress met in 1958 to elect Radhia Haddad—already nominated by Bourguiba—as its President. The composition of the bureau was to remain unchanged until 1973.

Like the Founders of the New World, the United States who had also been against having several political parties for fear of engendering revolutions, Bourguiba believed that multiplicity of political movements would create problems and that what the young country needed above all was unity. So, there was one single party, the Neo-Destour, and *UNFT* women had to belong to it. Radhia Haddad justified this decision by declaring that the organization:

...can't accept in its midst and most particularly among its leaders women belonging to any other party but the Neo-Destour...Far from being an apolitical association, the UNFT is an organization born from the Neo-Destour. (Marzouki, 166)

Then, she added:

Common aspirations define our ambitions and direct our action for, a similar deeply-rooted culture all over the country, propose the same ideal to our faith. (Marzouki, 167)

But, the members of this new organization were the same ones that people had known for years. Dependence of those women on the President has made this organization governmental, ever since its foundation, even if it is officially a non-governmental organization. It did develop several activities ranging from welfare and mobilization as their elder sisters had done in the pre-independence period, to birth control. Its feminist policy was and still is, the one directed by the Presidency. As a matter of fact, “*the UNFT was to become ‘Bourguiba’s organization’*” in as much as it was to be invested by the President’s relatives, “*its leaders being relatives, admirers, or collaborators’ spouses*” (Marzouki, 165). So that, indeed, there has been a continuation of the early feminist movement because the persons and their dependency on the authorities has remained the same. Does that have anything to do with the fact that in 1967, Carmel Camilleri still noted “a reluctance to abandon traditional values and an observable attempt to blend and compromise between old and new domestic values” (Al-Qazzaz, 26)?

In a chapter she entitles “*Alibi-Women,*” Marzouki presents the tactic used by Maghrebi

leaders to demonstrate to the West that they have, indeed, adopted feminist policies, proof thus, of their modernity. President Ben Ali continued his predecessor's feminist policy, making as stated by Sana Ben Achour, women's rights the major theme of his policy, to the great relief of many feminists who were, in 1988, ready to march in the streets against the threat represented by a growing fundamentalist movement (El Khayat, 229). Some women were offered leadership positions that used to be the exclusivity of men. By accepting these positions, these women implicitly demonstrate that, indeed, they have nothing to complain about as women. In reality, they are just being used for aims that are in contradiction with their own interests and those of their female fellow citizens (Marzouki, 209). As S. Ben Achour argues, when the State undertakes reforms in favor of women, it is always in the interest "*of the stability of the social order whose main springs are the family and Islam.*"

In this context, the *UNFT's* discourse was to encourage women's work but only if it was beneficial to the family. Until recently, the *CPS* provided that women had to submit to their husband's authority, a provision that fortunately, was going to change in 1993 under Ben Ali's presidency. Marzouki finds a paradox in the *UNFT* which she thinks both broad-minded and conservative. This is illustrated by the Tunisian society itself as it presents "*feminine condition allying the peaks of the most extreme modernism to their antinomic value (meaning, religious fundamentalism)*" (Marzouki, 211). Continuing conservative views are reminiscent of Betty Friedan's pivotal stand after being at the origin of American feminism with the publication of her book *The Feminine Mystique* in 1963. Indeed, in 1981, in *The Second Stage*, she challenged radical feminist hostility to the family, speaking of how women of her generation treasured the family.

Radhia Haddad did almost the same thing when she declared in October 1971:

Our strength is first in the President's support... the Party's and men's support as

a whole. We would have been powerless without their understanding. I am against an extreme feminism: we mustn't fight against men but against all forms of underdevelopment. (Marzouki, 212)

That was in 1971! We can thus understand why the early female activists of the 1930s could not express themselves as current feminists are doing nowadays worldwide. Instead, they hid behind the nationalist struggle for independence in order to have their movement accepted and to remain at the forefront of the women's movement.

The *UNFT* stated that its mission was to offer assistance to women, which, in practice, meant that women were to remain assisted and not to become autonomous. Surprisingly, Haddad was to finally take a pivotal stand and resign, disappointed in the fact that even after twenty five years of *CPS*, the mentalities had remained the same in the country.

Her resignation allowed her to say openly what she saw as wrong in the feminist movement, and clearly she felt that democracy was what was lacking. She declared that democracy could develop only if there was freedom of expression and association, but, she said sadly, "*that does not exist in our country and it is a great loss*" (Marzouki, 213). That was a new discourse, one that had never been heard, or hardly. But, it was one that had been growing amidst younger generations who were going to emerge because they did not feel comfortable with that image presented of themselves by the media, or by the *UNFT*.

3. Autonomous groups are founded

Some important events occurred during the late seventies. In particular, some groups were forming and waiting for license. **The Tunisian League for the Defense of Human Rights** obtained its license on May 7, 1977. This event was going to have deep consequences, for it was the beginning of upcoming autonomous organizations in the country. Why was it so important? Well, first of all, it was the first such organization, but its objectives and responsibilities ensure the protection of the fundamental liberties such as freedom of speech, of association, and all the

freedoms guaranteed by the Universal Declaration of Human Rights of 1948. They are freedoms that are unfortunately, still lacking in the Maghreb region and in other parts of the world. 1976 had been a year of social unrest with the country almost paralyzed by a series of strikes which *the General Union of Tunisian Workers (UGTT)* was to finally support, hence giving way to a tense relationship between that organization and the authorities.

III. THE NEW FEMINIST MOVEMENT: 1970's-2000's

1. New generations of women organize

In the meantime and in this turmoil, new generations of women were surfacing; they were not all upper-middle-class, but they were scholars. They were teachers, journalists, doctors, pharmacists, architects, jurists, lawyers, sociologists,.. With the generalization of education, the educational institutions were attended by students from the different parts of the country and from different social backgrounds. Indeed, school enrollment had never stopped increasing as more and more girls married older than in the past and remained in school longer. This was made possible thanks to the schools that their elder sisters had demanded that they should be built for them.

“Before independence”, Mrs. Al-Masmoudi declares, “Tunisian women were not educated, now they are. Before independence, only 2% of women were university students, now they form 25% of graduates and these graduates participate actively in public and economic life.” (Al-Raida, 35)

These new generations of women were surfacing during a period where feminism was written about worldwide. In America, Betty Freidan's *The Feminine Mystique* (1963) and Simone de Behavior's *The Second Sex* (1949) were read on all campuses. Both demanded change and equality for women. Tunisian women were not unaware of all this agitation about women's rights. The new generations of Tunisian women knew about the feminist debate in the

West and they longed for a place where they could discuss their status and needs. It was frustration over the weaknesses of the *CPS* which, although progressive, still maintained them in an inferior status. A Cultural Club in the heart of the Medina became their meeting place. Besides, the Club bore the name of a feminist scholar mentioned earlier in this presentation: Tahar Haddad.

In the fall of 1978, a group of female students met the director, Jalila Hafsia, informing her of their desire to found a feminist organization. It was not uncommon for a woman to be verbally assaulted for being in the street and not at home. These young women wanted to express their hopes and longings. Lebanese Evelyne Accad met them during a research trip she made in the region and had an interview with Jalila Hafsia. She writes:

The women we met [at the Club Tahar Haddad] seemed the most free of all the women we met on the trip in terms of possibilities for expression, development, choices and life-styles. (Accad, 1984, 7)

Accad also reports on the women she met at the same Club around the theme “What Feminism for the Maghreb?”

[the] women who chose to speak out on sexuality were ostracized by the majority of other feminist intellectuals... some women asked me to shut off the cassette recorder when they talked about sexuality and some burst into tears when talking about intimate experiences in their lives. (Accad, 2000: 40)

The malaise Accad felt among those young female intellectuals came from all the contradictions in their lives, the lack of understanding from their elders, the lack of support in their quest for identity. What they obviously needed was to have female scholars undertake research in social sciences in order to make out a critical outlook on the women’s issue in the country (Labidi, 1998). It was very important that they should do the work, and not have it done by foreign or male scholars. They met at the *Club Tahar Haddad* to discuss all the discriminations they were subject to as females in a patriarchal society, and also the possible ways to openly act. Putting

forward inequalities in their status just demonstrated that they did not have full citizenship in spite of all the gains they had made through the *CPS*. But, they realized that, first it was not easy to reach all women; and second, the lack of awareness among women did not allow them to respond. Consequently, the idea of a feminist struggle in order to bring changes was not shared by all women. The *Club Tahar Haddad* being cultural, it was inevitably to be attended by intellectual women. Indeed, illiterate women and housewives did not think of going there. The *Women's Condition Study Club* celebrated Women's International Day on March 8, 1980. From there the idea of founding a female labor union developed.

2. *AFTURD* and *ATFD* are founded

From the heated regular debates that took place during the *Women's Condition Study Club's* meetings, in 1989, or two years after Zinelabidine Ben Ali took over the Tunisian Presidency, two significant and for the first time ever, autonomous feminist organizations already mentioned in my introduction, came out: *AFTURD*, and *ATFD*. Of course, in the meantime, several other feminist NGOs were founded, some of them like the *Tunisian Association of Mothers (ATM)*, powerful considering the strong support provided to it by the government, but none of them is autonomous in the same way these two above are.

The emergence of independent non governmental organizations, some of them women's, was also the result of the impact of the *United Nations Decade for Women*. In 1982, Tunis had hosted *UNESCO's* Expert Meeting on Multidisciplinary Research on Women in the Arab World. Another very important factor that led to women's mobilization was the rise of fundamentalism in the Arab world and in Tunisia as well. The threat that this movement represented for women was real for it threatened even the gains acquired with the *CPS*.

On the other hand, there is no doubt that the emergence of women's and other NGOs in that period was the result of the government's liberal policies and programs supporting women's

rights and women's empowerment. But the main support came from *CEDAW, the United Nations' Convention on the Elimination of Discrimination against Women* that promoted research and advocacy by civil society. Tunisia signed this Convention on July 24, 1980 but it was to actually ratify it five more years later, in 1985. It ratified it while making some reservations though, following the rise of fundamentalism in the Arab world and in Tunisia, leaving the Convention "...practically devoid of substance," Sophie Bessis and Souheir Belhassen report (103).

These events had an impact on the Tunisian women who felt that their concerns were not taken into account and that discrimination against them as women continued in the left-wing groups to which they had belonged: this was the reason they took the decision to meet separately, meaning women alone, without men, at the *Tahar Haddad Club*. Following de Beauvoir's famous "the personal is political," they agreed that they were the ones who should work to bring changes in their situation and that, whatever their social class or condition, they suffered discrimination because of their gender. The women's club that was founded at the *Club Tahar Haddad* states the following in its preamble:

Our particular situation as women, as well as our reflections about women's condition in the world and in particular in Tunisia, have led us to found in the framework of the Tahar Haddad Club, a study group in which women could be responsible for themselves, think and express themselves freely, and give some elements of answer. It is for this reason that we have chosen to make of this club, a strictly feminine club. (Marzouki, 2000: 1)

Unlike their predecessors and their counterparts working in national institutions, absolutely unlike the *UNFT* anyway, the activists in these organizations make their own programs of action, accepting no dictates but their own while remaining deeply attached to both their nation and culture. Their motto is women's rights to citizenship and equality, which, although expressly stipulated in the *CPS* is not reflected in the reality of the fabric of life. They

dare draw attention on specific issues related to women's rights such as gender-based discrimination in the workplace, sexual harassment, violence against women, marriage, divorce... the most recent and very controversial issue is that of inheritance which, in Muslim countries and according to the *Sharia* (Muslim law), makes a woman inherit half of a man's part.

The main autonomous non-governmental organizations, like *the Tunisian League of Human Rights*, *Amnesty International*, *the General Union of Tunisian Workers*, for example, have female branches that are remarkable for their dynamism and their commitment to gender equality. The members of the two main autonomous women's ngos are women. *AFTURD* is composed of female researchers or people interested in research about women, of women who are trained in activism and who have committed themselves to promote a critical and constructive reflection on the situation of women in their country, to establish networks with feminist organizations in the Maghreb and Middle-East countries as well as in other parts of the world, in order to understand the obstacles to women's equality and adopt strategies to overcome them.

AFTURD organizes several awareness-raising programs:

- 1 cultural programs promoting writings by/about women; seminars and round tables; research projects; programs meant to help women deal with their problems; in particular, different kinds of trainings are organized to help women acquire skills, learn about gender issues and about their human rights, etc.
- 2 Production of publications meant to help women know their rights: in the home sphere; in the work place;

Women in need of advice are taught what to do in case of: sexual harassment; single parenthood; unfair treatment, etc.

Thus, several books and booklets are produced. To name a few for example, two booklets, one on marriage and one on divorce, written by two female lawyers, Alia Cherif-Chammari and

Bochra Bel Haj Hamida were published.

Although conceived for the couple, these two booklets made by **AFTURD** are meant more particularly for women.

“Marriage,” Alya Chammari reports, *“is a lottery for two, and it means putting the maximum chance on one’s side to win it if some details and directions for use of everyday life (housing, work, money, etc.) are taken care of from the beginning; as many subjects that could become sources of conflict for a couple. So, it is good that each should know where to stand before throwing oneself in that adventure.”* (Chammari, 80-81)

Chammari highlights the weaknesses of the Tunisian legislation about this subject, drawing attention on all that contributes to undermine women. Thus, for example, she finds that the practice of the dowry (Article 3 of the **CSP**) is hardly compatible with *“women’s legitimate aspiration to real equality of rights and to an equal consideration with men”* consequently, she suggests that this dowry should be reduced to a symbolic dinar in order *“to better impose the reconsideration of their status in the family”* (Chammari, 41).

Another important detail: both men and women should equally know that it is always possible to add clauses to the standard marriage contract. Thus, Article 11 of the **CPS** stipulates:

Any clause or condition relative to people or possessions can be inserted in the marriage contract. Marriage can be dissolved into divorce if this condition is not realized...

In particular, Chammari advises the insertion of this clause in connection with possessions. Indeed, in most cases, the possessions acquired after marriage are under the husband’s name, even when the wife has participated in their acquisition. Thus, women have everything to gain by adding in their marriage contract a clause stipulating: *“any family housing acquired during communal life, equal parts property of the husband and wife”* (Chammari, 44). But women need to have this precious information, and they do not always have it. Hence the work of women’s feminist ngos.

Bohra Bel Haj Hmida-Sahli has dealt with divorce. She declares in her booklet, that there are several factors that lead to it, one of them being paradoxically, progress in medicine that makes a couple's life last much longer than it used to in the past. How does divorce take place in Tunisia? What is it caused by? Who obtains the children's custody? How are belongings divided? These are some of the questions that are discussed by Bel Haj Hmida-Sahli's in order to inform women who are often ignorant of their rights.

In Tunisia, there are three cases of divorce: the divorce by mutual consent, the divorce by caprice and the divorce for prejudice which is the most difficult for the simple reason that the prejudices one has been victim of, have to be proved. It is the lack of respect of rights and obligations on the part of one of the spouses that leads to divorce for prejudice, **hence the importance of including clauses in a marriage contract.**

The notes above give an outlook on the sort of literature that is produced by these two autonomous ngos, *AFTURD* and *ATFD*. If the first one is, as we have seen above, involved mainly in research about women, the second is involved in politics, militating against violations of civil liberties, against abuse of power under any form, etc. Its main principles are the following:

2 autonomy, pluralism, respect for human rights, secularism, solidarity.

Its objectives are: the elimination of any form of discrimination against women; the defense of established rights and the evolution of the Tunisian legislation for an effective equality between the sexes, the transformation of patriarchal mentalities; the fact that women take care of their own problems and solidarity with the struggle for non-discriminatory solutions; women's participation in civil and political life, or women's empowerment; restriction-free recognition of their full citizenship; struggle against any form of violence against women. It dares take stands even when it means facing the authorities. The result is sometimes painful.

What does *ATFD* do to reach its objectives?

It trains its militants and organizes awareness-raising campaigns about the different forms of discrimination used against women. Women who are victims of violence are provided help and psychological, social and legal support. It helps women by going with them to court, hospital, and social services in order to provide them with any support that they may need. Sana Ben Achour, a legal expert and a militant feminist is probably right when she argues that Bourguiba had needed women to construct the basis of his modernist policy. Most of the women who belong to ngos (recognized or not) are militating for equal rights for women and democracy and they often prefer not to become members of any political party although they may have open sympathy for some (Lagarde).

AFTURD and the *ATFD* have common activities, single-handed and/or with each other and with the few autonomous organizations in Tunis like: *the National League of Human Rights, Amnesty International, the Association of Young Lawyers, The General Union of Tunisian Students, the National Council of Civil Liberties (NCCL)* in Tunisia, to name a few. This national network is very important because it strengthens organizations in case any has problems with the authorities. With the support of the European Union, *AFTURD* has been able to found a space, where women can find information, advice and training. It was named *Tanassof*, which in Arabic means parity. It started as a three-year project which has now been replaced by a new one, working mainly on helping graduated young women who cannot find a job, and women who have problems with their employers and are in need of support and advice. It should be added that the first project was implemented in the three Maghreb countries, Algeria, Morocco and Tunisia, allowing national and transnational work and meetings.

All of these organizations also belong to international networks in the Maghreb, in the Middle East, and in the rest of the world. These networks are important not only for exchange of

information, but also in case support is needed, it can come under various forms from abroad through petitions, or individual interventions.

CONCLUSION

In my first part, I wrote that the first feminist movement that appeared in the early 1930s was conservative. It was, indeed, if we take into consideration its members' insistence on good morals and religion. But that does not mean that it didn't have its impact on the fabric of life and on the status of women. During her campaign against the veil, Bchira Ben Mrad was able to send important messages. For example, she once said:

...religious education and good morals, based on solid foundations give the young Tunisian girl a more efficient security than that of the veil... (cited by Marzouki, 80)

We can see that, at the same time as she stressed the importance of religious education for girls, Ben Mrad was also making a counter-argument meant to free women from the obligation of wearing the veil. Her message was obviously meant to lead the way and obtain both more education for girls and the suppression of the veil. This is what Marzouki means in her conclusion that, even though early feminists defended conservative views about women, in reality, they were:

...opposing an insolent denial of their discourse. The acquisition of knowledge was a constant of this movement. (Marzouki, 80-81)

However, the significance of the work done by these early female activists during the pre-independence era, between 1930 and 1955 was somewhat ignored during the Bourguiba era. Indeed, they had to wait until August 13, 1989, ***Tunisian Women's National Day***, to have their contribution recognized and finally rewarded. It was the second President of the country, Zinelabidine Ben Ali who, during an official meeting at Carthage Residence Palace, decorated

them, and not Habib Bourguiba as should have been the case. This is another example that shows how Ben Ali takes forward his predecessor's State feminist policy. In 1992, President Ben Ali created a State Secretariat for Women and the Family which became a full Ministry the following year, and Ministry of Women, Family and Children's Affairs in 2002.

The CREDIF, or Center for Studies, Research, Documentation and Information was placed under the authority of the Ministry mentioned above. Ben Ali also created a National Commission on Women and Development in 1991. Women's participation in the public sphere and in leadership roles has continued to increase. An increasing number of women are to be found in the government, in Parliament, on municipal councils. However, while being definitely modernist and feminist, this policy maintains its silence about the inheritance law, a silence that feminists in Tunisia, in the Maghreb and in other Arab countries want to break.

1. The inheritance law is studied

Alia Tabāi thinks that Tunisian women have a heritage to protect. So do many feminists. She does not think that Tunisian women were born with the *CPS*, however she believes that they owe it what is essential to distinguish them from their Arab sisters. Tunisian women have to defend their political status.

There is no doubt that [Their daughters] will be able one day to reduce whatever inequalities are left, in particular in terms of inheritance, without clashing with either men or the religious institution. In connection with that, one has to bow to those fathers who, already, by notarized deed, have been practicing equality of sharing between their children. By doing so, they are conciliating Muslim legislation with a sense of justice. May their daughters inherit not only their name and their fortune, but also their humanity. (Tabāi)

The statement above was made in October 2002. The Commission working on inheritance in Tunisia and headed by Sana Ben Achour and sociologist Mohamed Kerrou will soon finish its report which should be published in early 2006 by *AFTURD*. Findings reveal that an increasing number of people, whatever their age, social class, level of education or region, are for egalitarian

division of inheritance.

What matters in this survey is the way people act in terms of inheritance. The general common finding is that the unity and the image of the family for the outside world are extremely important for the majority of the people. Besides, people don't want to go to court because they know that it will be a situation that will take time, a time that may be very long and costly as well. These are, indeed, considerations that discourage many women from starting any legal dispute for their rights.

An interesting finding is that the generation of those over age forty, the level of education and the fact of living or having lived abroad, make people opt for a more equalitarian share. Curiously, those under forty are more narrow-minded. A second interesting fact is that the same finding has been witnessed in a research that was done jointly in the three Maghrebi countries: Tunisia, Morocco and Algeria by *Collectif 95 Maghreb-Egalité*. It is interesting because the people in the survey belong to the Muslim fundamentalism generation of the 1980s. This finding shows the impact fundamentalism has had on the mentalities in the region.

There also is the experience of the past as people don't want their children to face the same problems they did. People use strategies: some choose to make an alliance against equalitarian sharing; others take the decision to share the inheritance quickly after the death of a parent or relative.

In general, equalitarian law is not implemented, not even in urban centers. However, innovative procedures have been observed: some families avoid unfair division of inheritance by dividing their property more or less equally between their sons and daughters while they are alive. This inheritance issue had been raised by Tahar Haddad in the 1930s as seen in the first part of this presentation. If it remains a taboo question in 2005, we can understand better why Haddad was ostracized, then. However, it is curious that Tunisia has been able to bring changes

in family law like polygamy, repudiation, inheritance (although partly, but the change is all the same important for the *CPS* allows a girl to inherit even when she has no brother. Before, uncles on the father's side would inherit). The 1956 measures taken in Tunisia gave Tunisian women a role of models and leaders in the Arab world. How could Bourguiba make such innovative changes in spite of the power of the religious body that forbids any changes in the scriptures of the Qur'an? Was that meant as an attempt to weaken Islam? Bourguiba answered those questions: "*I never wanted to act against the Qur'an. I only wanted to show that it could be interpreted differently*" (Vincent, 4).

2. **"Ijtihad" or re-interpretation of Qur'anic Verses as a solution to bring positive changes in the status of Tunisian women**

Thus, "*ijtihad*," or re-interpretation, or innovation in the interpretation of the Qur'an, is what is needed to obtain complete equality between women and men; a new interpretation, one that would not change the true foundations of Islam. Women and men in autonomous organizations are working to have this done. It is important that such a movement should exist if Tunisia is to go ahead. As Soukeina Bouraoui, director of *Cawtar (The Center of Arab Women for Training and Research)* states:

Women's gains will remain if they are defended not only by the State but by a strong and autonomous grass-roots movement. Indeed, women's organizations are but a component of this civil society. They need the living conditions that are necessary for the civilian society itself, that is, on the one hand, autonomy in relation to the State, and I didn't say against the State. (Bouraoui, 505)

It is not without reason that Bouraoui makes such a statement for, unfortunately, in our region there is the belief "*if you are not with us, you are against us*," a statement that is not necessarily true. As a result, grass-roots organizations are either ignored or held in suspicion, and, every now and then prevented from working, hence the difficulties they face. Bouraoui insists on the importance of the articulation between a strong State and a strong civil society, for they need

one another. She adds another significant remark about women's need for a capacity of democratic organization:

...for only a strong civil society can fully activate solidarity mechanisms between the citizens, but also between the rich and the poor states of the planet for the same articulation exists between the States. (Bouraoui, 507)

Bouraoui gives concrete examples of new reforms promulgated by States as a result of the efforts made by several women and women's organizations. I will close with this statement:

...male and female citizens need to see their claims to equality succeed and the authorities to endorse them, but the authorities also need to have male and female citizens claim and react to reforms, that they should underwrite them, discuss them, and even criticize them. (Bouraoui, 509)

Tunisian women have created a modern feminist movement in an Arab Muslim country. There is a conflict as to women's legal status. Sana Ben Achour, a well-known legal expert and member of both **AFTURD** and **ATFD** finds a clash between three tendencies: Muslim fundamentalists who wish to go back to a way of life of early Islam and who oppose any change; modernist Muslims who are favorable to *Ijtihad* (interpretation of the *Qur'an*), and secular Muslims who refuse a political use of Islam as well as the subjection of the legal rule to the religious imperative.

Long ago, Tunisia separated religion from law and justice. One may wonder how this is possible when it declares its official religion to be Islam. This is done by a new interpretation of Islam. Interpreting the Qur'an as it should is not against Islam. Therefore, Islam is not irreconcilable with women's rights. Indeed, this is the most faithful reading of religion, Mohamed Charfi argues.

The women who belong to the autonomous feminist movement in Tunisia have chosen *Ijtihad* as a way to counter both their government's religious dogmatism and Islamic fundamentalism. Sana Ben Achour reports that the controversy between religion and women's legal rights that

Bourguiba closed by imposing the *CPS* had its reverse side for it made the women's question become a hostage to the political. Hence, she states the importance of maintaining an autonomous feminist movement, according to the slogan: "We, by ourselves" used by feminists to strengthen their movement in the 1970s.

For Alya Chammari, *ATFD*'s and *AFTURD*'s main objective has been ever since their foundation, equality of rights between women and men in the home sphere as well as in the public sphere. The demand for equality in inheritance laws was one of the feminist claims (Lagarde, 50). In Tunisia, the Constitution stipulates that the religion of the country is Islam. Clearly then, family law should be separated from religion, and this is what the Tunisian feminist movement has been striving for.

Notes

- These and other acronyms will be spelled according to the French language and as these organizations are known in Tunisia. **AFTURD** was named after **AWARD**, or Association of African Women for Research and Development.
- **RCD** (Rassemblement Constitutionnel Démocratique) is the name of the main governmental political party in Tunisia. French acronyms will be used throughout this presentation.
- Translation mine.
- El Khayat reports that the first school for Muslim girls was founded in 1900; that was the point of departure for girls' education in Tunisia. Educated girls could pretend to find a husband in the well-to-do society (224).
- Translation mine.
- Men were first to deal with the issue of women's emancipation in the Maghreb. For example, Sheikh Mohamed Essnoussi wrote a book "Epanouissement de la fleur ou étude sur la femme en Islam" (The Blooming of the Flower or Research about Women in Islam). Later on, young Tunisian males were to recommend primary education for girls in Arabic. That was at a Congress for North Africa held in Paris in October 1908. Cited by El Khayat (224).
- Translation mine.
- Marzouki mentions Taouhida Ben Cheikh as one of the earliest Tunisian females to study abroad then to become the first female medical doctor in the country.
- The first women's organization was far from feminist, as women would learn knitting, embroidery, kitchen recipes (El Khayat, 225).
- Latest research shows an astounding change: indeed, in 2005 girls were reported as receiving higher scholastic scores than boys (<http://www.tunisiaonline.com/pressbook/washtimes/14.html>).
- City names are spelled according to the French language.
- Tahar Haddad. See also Souad Chateur.
- Haddad denounced all the obstacles that prevented women's emancipation: lack of education, marriage at too young an age for girls, repudiation, polygamy, inheritance laws... (El Khayat, 225)
- See Sana Ben Achour, Mohamed Charfi, and Ilhem Marzouki.
- In an article entitled «Modernity and the Family in Tunisia» published in *Journal of Marriage and the Family*, (August 1967: 590-595), Carmel Camilleri reports on the Tunisian family undergoing changes through a series of surveys conducted between 1960 and 1966.
- R. Haddad: « Le fait féminin en Tunisie après 25 ans de C.S.P. » (The Feminine Fact in Tunisia after 25 years of **CPS**), Er-Ray, September-October 1981.
- Abbreviations or acronyms are made according to the French language.
- Mrs. Al-Masmoudi was an executive committee member of *the UNFT*. She was also the sister of Mrs. Fathia Mzali, (herself the wife of Mohamed Mzali, a long time minister before becoming Prime Minister) who was to become the next President of that Organization, and then also Minister.
- The ratio of young women among university students has climbed from 37.2% in 1988-89 to 57% in 2004-2005 in "Women and Civil Rights," p. 5.
- Translation mine.

▫ The currency in Tunisia is the Tunisian dinar. In the meantime, new amendments reduced the dowry to a single dinar, as suggested by Chammari.

▫ We know that in the Kairouan region, women used to do that, adding a clause that gave them the right to file for divorce if their husband decided to have a second spouse. It should be added that the slight progress in the Moroccan Mudawana allows women to add that very clause in their marriage contract, but it has not abolished polygamy.

▫ I mean those organizations that were able to get official recognition, or the authorization to have activities.

▫ See also Sana Ben Achour's article.

▫ A transnational Maghrebi women's organization from Morocco, Algeria and Tunisia founded this ngo in 1992. It is legal in both Morocco and Algeria but not in Tunisia where the local authorities refused to grant them a visa.

▫ See Mohamed Charfi and Mohamed Talbi who deal extensively with the issue.

▫ The Tunisian people are at the same time Muslim and secular. It is a country that has seen several reformers of Islam. As early as 1857, Tunisia adopted *the Fundamental Pact* which was a sort of Declaration of Human Rights. Then, in 1861, the first *Constitution* and the *First Code* were adopted. This Code was remarkable for its modernity. Article 203 mentions the pains that can be inflicted against delinquents. Even though death sentence, hard labor, etc, were mentioned, there never was anything about torture (which was actually even prohibited by Article 204). Apostasy was not to be punished, it was not included in the *code* (whereas in other Muslim countries, it met death penalty). Penal justice has been thus progressively secularized starting from the early 18th century, giving way to an Islam that was doing away with the *Sharia*.

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