



Centre for  
**Global  
Cooperation  
Research**

Report of the 2<sup>nd</sup> Käte Hamburger Dialogue

# Religion and Politics in Post- Revolutionary Tunisia

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*The panel of the 2<sup>nd</sup> Käte Hamburger Dialogue consisted of **Dr Radwan Masmoudi**, President of the Center for the Study of Islam & Democracy, **Dr Asma Noura**, Research Professor in Political Science and Secretary General of «l'observatoire tunisien de la transition démocratique», and **Dr Markus Böckenförde, LL.M.**, Executive Director of the Käte Hamburger Kolleg/ Centre for Global Cooperation Research (KHK/GCR21). Chaired by **Dr Nicole Renvert**, Postdoc Fellow at the KHK/GCR21, an intensive discussion between the guests and the audience took place. Following the dialogue, the film "Laïcité inch'allah" was screened and the audience had the opportunity to discuss with director **Nadia El Fani**. This discussion was chaired by **Dr Mathieu Rousselin**, Postdoc Fellow at the KHK/GCR21.*

### **The Role of Religion and Politics in the Creation of the New Constitution**



In his introductory remarks, Dr Masmoudi outlined the question of the relationship between religion and politics during the rewriting of the constitution in post-revolutionary Tunisia. He emphasised that Tunisian society is characterized by two extreme factions. On one side the religious extremists, with a rigid interpretation of Islamic law, and on the other side the secular extremists, who believe that religion is a private matter and should not play a role in public life. Despite these two extreme sides, Dr Masmoudi stated that the majority of Tunisians are in the middle. They believe that Islamic values are a fundamental component of Tunisian identity, culture and political thought. Therefore they want a state that respects this identity, but is at the same time not theocratic. After the dictatorship of Zine El Abidine Ben Ali, Dr Masmoudi claimed, rewriting the constitution was the best opportunity to rebuild the political centre and find a compromise between all political parties as well as between Islamists and secularists. In January 2014 a consensual constitution was adopted by an overwhelming majority of members of the national assembly. Dr Masmoudi suggested that a key step in the redirection of the constitution was to not include Sharia law. This is partially because there is no consensus on what the Sharia truly means. Finally, Dr Masmoudi emphasized the important and critical role of civil society organizations in bridging the gap between the political parties and facilitating discussions to make necessary compromises.

### **A Complex Relationship: Islam and the Constitutions of 1959 and 2014**



In her opening remarks, Dr Noura went over two major characteristics of the constitutional processes of 1959 and 2014: 1. Islam is the religion of 98 percent of Tunisians and is therefore an essential part of Tunisian identity; 2. Religion has been a continuing topic of constitutional debate since at least the adoption of the 1959 constitution. Due to the aforementioned characteristics, Dr Noura submitted that it



is no surprise that the first article of the 1959 constitution, which states that the religion of Tunisia is Islam, was retained in the 2014 constitution. Additionally, its vagueness opens it to interpretation by whoever is in power. In order to prevent the implementation of Sharia law, secularists advocated for Article 2, which states that Tunisia is a civil state which serves its citizenry, their will, and the primacy of the law. Dr Noura found that this is a senseless strategic move since it is not overtly anti-theocratic. She also stressed that secularists' willingness to accept Article 1 proves that they are in no way anti-religious. Ultimately, even though Sharia law did not make it into the 2014 constitution, Dr Noura believes that this ambiguity allows for the passage of Islamic law in the National Assembly.

### Unfair Treatment on the International Stage



Dr Böckenförde presented his opening remarks by asking the audience which country's constitution features the following article: 'the religion of (the country) is Islam'. Most audience members guessed Iran or Saudi Arabia. Dr Böckenförde then surprised the audience by replacing the word Islam with Catholicism and revealing that this is actually Article 2 of the Constitution of Malta, a member of the European Union. With this comparison he sought to expose worldwide hysteria and hypocrisy concerning Islam. Instead of praising unprecedented democratic progress, NGOs such as Human Rights Watch have unfairly criticized Tunisia for retaining religious tones in its new constitution. Dr Böckenförde brought to light the great challenges of often unjust international pressure on legal processes in young democracies. Cultural differences, according to Dr Böckenförde, can often lead to reactionary interpretations of actual legitimate, democratic developments. Ultimately, he argued, this adds unnecessary pressure and does not make legislative compromise any easier for involved parties.

### Discussion

After these opening remarks, discussion was turned to the floor. Two main topic areas were featured during this section:

- The Demographics and Dynamics of Religion and Secularism in Tunisia
- The Constitutional Process and Resulting 2014 Constitution

On the spectrum of extremes suggested by Dr Masmoudi, Dr Rousselin was sceptical if there is truly a 'moderate' middle and suggested that instead there is much more polarization present throughout Tunisia. According to him, the violence and often vitriolic tone of the debate on the constitution, particularly on the topics of laïcité and secularism, were highly indicative of this. Dr Masmoudi responded to



this scepticism by agreeing that much polarization is present, but also emphasizing that nuance is necessary when discussing the Tunisian constitutional process. He claimed that there are different kinds of Islamists and secularists: the moderates and the extremists. In his eyes, the moderates heavily outweigh the hard-core wing, which allows much room for compromise. Dr Nouira rejected his claim that there are secular extremists and emphasized that, unlike many in the Islamist faction, all secularists advocate for religious freedom. Once again disagreeing, Dr Masmoudi considered that countries banning the use of the headscarf in public were an example of “extreme secularism”. Dr Böckenförde echoed Dr Masmoudi’s call for nuance by adding that voices outside of the capital must be taken into account. He claimed narratives of excessive polarization were tools used by the laïciste left who sought to completely remove religion from politics. Dr Edmund Ratka reminded Dr Böckenförde that Tunis is where all political decisions are made and its disproportionate effect on policies must therefore not be understated. Providing an atheist Tunisian perspective, director El Fani rejected Dr Masmoudi’s claims and shared her experience of legal persecution, assault, and death threats by religious extremists, which even “moderate” forces failed to condemn.

The second aspect of the discussion was heavily emphasized by Dr Masmoudi. He suggested that contention and opposition was a perfectly natural, healthy part of the democratic process. For him, Tunisia is a shining example for the rest of the democratizing Muslim world thanks to its reliance on consensus and compromise. Referring to Dr Nouira opening remarks, he agreed that the constitution was vague, but added that this vagueness is an essential part of any constitution seeking to leave room for democratic interpretation. El Fani rejected Dr Masmoudi’s position by stating that true democracy needs to be strictly secular in order to protect all citizens, including non-believers. She reminded the panel that the preamble of the 2014 Tunisian Constitution is filled with religious statements and, in her eyes, the overtly religious first amendment crushes any opportunity for true democracy. Mirroring Dr Nouira comments, many in the audience found there to be problematic issues between the first two amendments. Finally, audience members wondered if the constitutional process would have been less rancorous had it been crafted exclusively by constitutional and legal experts. Dr Böckenförde saw no alternative to the model used in Tunisia, mentioning that both legal scholars *and* elected officials are essential for a successful outcome. Dr Masmoudi added to his opinion by providing the example of Egypt, where experts exclusively wrote both failed constitutions. Although he agreed the Tunisian experience has not been perfect, it is much more preferable than the chaotic result of other approaches.



## Documentary Presentation: Laïcité, Inch'Allah!

After the lively discussion, Dr Rousselin and director Nadia El Fani took the stage to introduce the film “Laïcité, Inch'Allah!”; distributed in the Anglophone world as “Neither Allah, Nor Master!”. The film focused on the complex relationship of Tunisians with Islam, the state’s role in religious matters, and the secularist political movement before, during, and after the 2011 revolution. The film does not shy away from taking a clear secularist position and documents widespread societal confusion concerning the legal application of religious doctrine. Indeed, El Fani’s major concern here is if Tunisians run the risk of shifting from one autocratic system of authority to another, i.e. from dictatorship to theocracy.

Discussion on Laïcité, Inch'Allah!



El Fani began the discussion section by elaborating on her decision to make this film. Initially intending to make a film about former dictator Ben Ali, she changed her focus and became more interested in the role of religion in Tunisia and how this could affect democracy. She thus decided to denounce how the Ben Ali regime was mixing religion with politics during Ramadan, despite no law giving the state authority to do so. Furthermore, she grew increasingly worried of Islamists coming to power.

Two major topics arose during the often heated discussion on the documentary:

- Islam in the Public Sphere
- Laïcité and ‘Religious Secularism’



Dr Rousselin discussed the first aspect by pointing out both the social pressure among the youth to conform to Islamic traditions and the hypocrisy in society exposed through the secretive consumption of food, coffee, and alcohol. Unlike El Fani, Dr Masmoudi interpreted Tunisians’ clandestine nature during Ramadan to be a sign of respect and not oppression. Dr Ratka provided the example of religion in the public sphere in his home state of Bavaria. He wondered if there is a price every member of society has to pay through concessions to religion in order to sustain societal harmony. Selima ben Salem asked if El-Fani found it appropriate to have opening sermons such as those practiced in the US government. El Fani rejected such practices as anti-democratic and discriminatory toward non-believers.

The second area came up repeatedly throughout the discussion and was a source for much debate. Dr Rousselin saw an important distinction of laïcité and secularism being made throughout the film. Ramzi ben Amara questioned if El Fani’s true aim was to simplistically juxtapose good vs. evil, i.e. laïcité vs. Islam. El Fani repeatedly emphasized that she has no issue with religion and only wishes that it were not



imposed on any member of society. She expressed her disappointment in the Tunisian debate on laïcité, which framed it as anti-religious and was thus instantly rejected by most. Dr Masmoudi found El Fani's interpretation of secularism as laïcité to be too extreme and suggested that such a form only exists in France. Instead, he suggested Tunisia follow an American-like model of 'religious secularism', which respects religion and seeks to harmoniously integrate it into the public sphere.

After this lively and rich discussion, the 2<sup>nd</sup> Käte Hamburger Dialogue came to an end.