

The revival of Political Islam in the MENA region: the case of *Ennahda* in Tunisia *

Tania Abbiate (UNISI, Itália)**
taniaabbiate@libero.it

Via Valdimontone 1
53100 Siena

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This paper has been finalized in the summer 2014 and therefore reflects the situation at that time. Even though the conclusions it draws are of general character, and hopefully remain valid, there have been some developments since then, most notably the holding of the parliamentary and presidential elections in Tunisia, in late 2014, which are referred as upcoming in the article.

** Ph.D Candidate, University of Siena (Italy)

Abstract

The aim of this article is to analyze the success of Islamic political parties in Arab countries after the period called the Arab Spring, focusing on the case of Tunisia. The revolutions that took place in countries of the Middle East and North Africa between 2010 and 2012 lead to a process of constitutional reform, which unexpectedly saw a resurgence of Islamic political parties, such as Ennahda (Tunisia), which came to the fore in the institutionalized phase of the movement through democratic elections. Although in some of these countries the picture has since darkened, in Tunisia the constitutional transition is under way, with the recent approval of a new constitution and the calling of legislative and presidential elections. We describe the Ennahda party and analyze the regulatory framework applicable to political parties in the post-revolutionary context, demonstrating that the religious connotation of parties is not necessarily an obstacle to democratic transition.

Keywords: Arab Spring, Tunisia, political parties

Resumo

O objetivo deste artigo é analisar o sucesso de partidos políticos islâmicos nos países árabes após o período chamado de Primavera Árabe, com foco no caso da Tunísia. As revoluções que ocorreram em países do Oriente Médio e do Norte da África entre 2010 e 2012 levaram a um processo de reforma constitucional onde, inesperadamente, se verificou o ressurgimento de partidos políticos islâmicos, como o Ennahda (Tunísia), que tiveram papel de destaque na fase institucionalizada do movimento, através de eleições democráticas. Ainda que em alguns desses países o cenário tenha se obscurecido, na Tunísia a transição constitucional está em curso, com a recente aprovação de uma nova constituição e a convocação de eleições legislativas e presidenciais. Descreveremos o Partido Ennahda e analisaremos o quadro regulatório aplicável à partidos políticos no contexto pós-revolucionário, demonstrando que a conotação religiosa dos partidos não é necessariamente um obstáculo à transição democrática.

Palavras-chave: Primavera Árabe, Tunísia, Partidos Políticos

1. Introduction

The upheavals that interested the Middle East and North Africa region (MENA) in 2010-2012 (bringing about the so-called 'Arab spring') have prompted processes of constitutional reform that, somewhat unexpectedly, turned out in the resurgence of Islamic political parties. Although most of the revolutions did not have a religious connotation in the beginning, Islamic political forces gained a leading role shortly afterwards, in the "institutionalized" phase of the revolutions, through democratic elections: this occurred, for example, in Egypt (with the cases of Freedom and Justice party and *al-Nour* party), Tunisia (*Ennahda*), and Morocco (Justice and Development party).

The emergence and success of religious-oriented parties has been regarded with suspicion in the West, where the birth of a new authoritarian and religious State – in contrast with the previous authoritarian and secular rulers – is much feared, confirming thus "the widespread normative prejudice about the role of religions in democratic and democratizing systems"².

In effect, during these three years the political situation is sometimes become grim and the cautious optimism regarding the 'Arab spring' made place to the so-called 'Arab winter'. However, at least in Tunisia the constitutional transition is on track as witnessed by the recent approval of the Constitution in the night between 26-27 January 2014 and the organization of new legislative and presidential elections, which are planned to take place in October and December 2014.

In light of these developments, it is interesting to cast a light on the role of Political Islam³, focusing especially on the Tunisian context. Here the Islamic party *Ennahda*⁴ has played a central role in the process and although the political setting has been mainly interpreted through an Islamist-secularist binary lens, it is relevant to try to decompose the religious pillar in order to grasp the more complex inter- and intra-party dynamics at play.

After a short historical and political presentation of *Ennahda*, which will consider the similarities and differences with another religious-oriented party, the Turkish Justice and Development party (AKP), the paper will tackle the issue of the regulatory framework that governed political activity in the post-revolutionary context, showing that the religious connotation of political parties is not necessarily an obstacle to democratic transition; finally some conclusive remarks will be drawn on the basis of the case study.

2. L. Ozzano, F. Cavatorta, "Introduction: Religiously Oriented Parties and Democratization", 20:5 *Democratization* (2013), p. 799.

3. With the term Political Islam we mean all forces that declare to inspire to Islam principles but do not promote a definite institutional model. They aim to strengthen the polarization between religion and politics within the legal order that is peculiar to Islamic law. See: M. Campanini, *L'alternativa islamica: aperture e chiusure del radicalismo*, Milano, Bruno Mondadori (2012).

4. We will refer to *Ennahda* as a party although it prefers to label itself movement. See: *Infra*, p. 6.

2. *Ennahda*

Ennahda (meaning “Renaissance” or “awakening” in Arabic) was constituted as a political movement under the name of “Movement of Islamist Tendency” in 1981 and since then it has been subject to repression. In 1989 it was renamed *Ennahda*, in compliance with the ban on religious references in political parties’ names introduced that year by President Zine El-Abdine Ben Ali. In the 1989 elections, individual members of the party ran as independent candidates, and received between 10% and 17% of the votes. This amount of support was deemed unacceptably high by the regime, and many of the party’s activists were jailed while one of its founders, Raschid Al-Gannouchi went in exile in London. Those who managed to stay out of prison did so by going underground because *Ennahda* was declared an illegal organization. Although in a general amnesty in 2002 many were released from prison, they maintained a marginalised status, and were kept out of the political arena; only after the 2011 liberalisation they were able to come out openly⁵.

Since the party developed in a political context characterized by a strongly imposed secularism, *Ennahda* shares some features with Turkey’s Justice and Development party (AKP), which is openly pointed out as a model by *Ennahda*’s party leadership⁶. Joining (at least nominally) democratic and religious instances, AKP has enjoyed a great success in the last decades, and it has accordingly been taken as a paradigm for Arab democratization in the post-authoritarian context: an outline of the AKP is therefore essential for understanding the key issues of Political Islam⁷.

The party’s development can be traced back to the strict separation between state and religion enacted by Mustafa Kemal Pasha Atatürk when he founded the Turkish Republic. This policy was intended to avoid a backward movement towards the old Islamic society and was justified by the will to transform and modernize the country. However, it did not result in giving up the control of religious institutions and education, as is witnessed by the creation of the Directorate of religious affairs in 1961. Moreover the 1980s and 1990s were marked by the resurgence of Islamist parties, which triggered a dynamic and problematic relationship between the judiciary and the Islamist political parties: following the dissolution of the religious Refah partisi (Welfare party) by the Constitutional Court in 1998 (a ruling that had a follow-up before the ECtHR⁸), the Islam-oriented Faziilet Partisi (Virtue party) was founded, in turn dissolved by the Court in 2001. This caused the partition of the Islamists in two streams: a more conservative one that joined in the Sadet Partisi (Felicity party), and a progressive one, guided by R. Erdogan and M. Gül, that founded the AKP. Like its antecedents, the AKP has not escaped the control of the judiciary, and in 2008 the Constitutional Court heard a challenge regarding the constitutionality of the AKP brought by the chief

5. F Cavatorta, F Merrone, “Moderation Through Exclusion? The Journey of the Tunisian *Ennahda* from Fundamentalist to Conservative Party”, 20:5 *Democratization* (2013), pp 857-875.

6. A Medien, “Ghannouchi: “Our Party Is Close To Turkey’s AKP””, *Tunisia live* (29-08-2011), <http://www.tunisia-live.net/2011/08/29/ghannouchi-our-party-is-close-to-turkeys-akp/>

7. In the present article the brief outline of the AKP party that follows is mainly drawn from: F Piazza, V Scotti (ed.), *La Repubblica di Turchia: un processo costituzionale continuo*, in C Decaro Bonnellia (ed.), *Itinerari costituzionali a confronto. Turchia, Libia, Afghanistan*, Roma, Carocci (2013), pp 27-131.

8. B Randazzo, “Ancora sullo scioglimento del Refah Partisi turco”, *1Quaderni costituzionali* (2004), pp 173-174.

prosecutor. The Court came very close to banning the AKP, but it inflicted an administrative fee to party, ordering at the same time a reduction of its public funding. This ruling, adopted with a strict majority of 6 to 7 judges, represented indeed a strong warning to the AKP, signaling that “no further Islamization would have been tolerated by the court and its secularist and military establishment backers”⁹. After this judgment, AKP leader R. Erdogan expressed in several occasions his respect of the secularist principles on which the Republic of Turkey is founded. The AKP peculiarity is in fact the criticism of Turkey’s secular character not from an Islamist point of view but from a liberal perspective¹⁰.

The kind of Political Islam represented by the AKP is clearly modelled specifically on the Turkish context, and has allowed the party – at least until recently – to adapt its agenda to the militant secular character of the State, adopting strategic choices, such as that of EU accession negotiation, to gain political legitimacy. It has been indeed wisely able to promote a different perspective of secularism, from assertive to passive, arguing that the state should assume a neutral stance on religious issues, respecting the freedoms of religion and conscience of its citizens¹¹. In this sense the AKP acted as an ally for the Europeans, promoting democratization from a religious stance. In the last years, however, it has been noticed an apparent loss of momentum in Turkey’s democratization drive¹², and the AKP has come under strong criticism both nationally and internationally.

As it appears, the development of Political Islam in Turkey has gone through a bumpy path, and the process – as well as the result – is difficult to evaluate in black and white. This obviously represents a warning also for the Tunisian case.

In the Tunisian context, the repression of religious political parties did not pass through the judiciary, and rather involved the military and security apparatus of the State; nonetheless, it is possible to identify a basic similarity in the development of AKP and *Ennahda*, especially in that both had to face the hostile attitude of a secular State.

Despite the repression, *Ennahda* was able to carry on underground political activity and charity work, allying with secular groups against the regime¹³. This strategy, that presents some similarities with that of the Muslim Brotherhood – with whom *Ennahda* is affiliated, not by chance – contributed to its remarkable return on the country’s political scene after the so-called “jasmine revolution”.

9. R Hirschl, *Constitutional Theocracy*, Cambridge-London, Harvard University Press (2010), p 156.

10. I Grigoriadis, “Islam and democratization in Turkey: secularism and trust in a divided society”, 16:6 *Democratization* (2009), p1199.

11. *Loc cit*.

12. Z Önis, “Sharing Power: Turkey’s Democratization Challenge and in the Age of the AKP Hegemony”, 15:2 *Insight Turkey* (2013), pp 85-102.

13. AG Brody-Barre, “The Impact of Political Parties and Coalition Building on Tunisia’s Democratic Future”, 18:2 *The Journal of North African Studies* (2013), p 216.

Moreover it has to be noted that, because of its illegal status and the repression endured, *Ennahda* was able to boast a sort of “ideological purity” in comparison to other political formations who had somehow been obliged to come to terms with the regime¹⁴.

The party was legalized on 1 March 2011 and managed to reorganize quite rapidly after having been heavily repressed for three decades, thus being able to run for the elections¹⁵. At the 2011 elections, the first truly democratic poll in the history of independent Tunisia, *Ennahda* won a surprising 41% of the National Constituent Assembly’s seats. In fact, its victory was somehow expected but it was the percentage of the success which surpassed the expectations. This result has been explained mainly with the party’s continued political activity during the political exile (since 1989) and with the support that it enjoyed in rural areas, as well as with the appeal of its message, based on reconciling Islamic values with democracy¹⁶. Despite this striking success, however, *Ennahda* only gained a relative majority, and it has therefore been forced to form a ruling coalition (the so-called *troika*) with two secular parties, the Congress for the Republic and the Democratic Forum of Labour and Liberties, jointly controlling 138 of the 217 seats.

During the three-years-long democratization process, *Ennahda* has put forward the image of a moderate Islam-oriented political party, characterized by “a democratic internal structure, with regular party conferences, strong organizational ties between grassroots supporters and party leaders, and a governing *Shura* Council that determines major party decisions via a one-person, one-vote scheme”¹⁷. Despite this effort in presenting a progressive and democratic image, the party’s political positioning has come under strong criticism from some sectors of the secular society, such as women associations, especially when it comes to hotly debated topics involving Islam and human rights¹⁸. One leading example is represented by the controversy which originated with the proposal, advanced by some of *Ennahda*’s members, to refer to women as “complementary to men” in the wording of Article 28 of the new Constitution’s first draft¹⁹. This proposal triggered massive criticism by both international and national media, as

14. V Geisser, M Béchir Ayari, *Préface. De l’unanimité patriotique au désenchantement politique: retour sur le mythe de la révolution tunisienne*, in M. Ben Lamine, S. Boussois (ed.), *La Tunisie face à l’expérience démocratique*, Cygne, Paris, p 27.

15. A Santilli, *Al-Nahda e il processo di transizione tunisino: genesi e strategie di un «partito di movimento»*, in M Campanini (eds.), *Le rivolte arabe e l’Islam*, Bologna, Il Mulino (2013), pp 53-75.

16. S Deane, “Transforming Tunisia The Role of Civil Society in Tunisia’s Transition”, *International Alert* (2013), p 10.

17. M. Marks, “Convince Coerce or Compromise? Ennahda’s Approach to Tunisia Constitution”, *Brooking Doha Centre Analysis Paper* (10-02-2014), p 1.

18. *Ennahda*’s political stance has been criticized as being ambivalent. It is feared, for example, that Islamists might want to erode the gains made concerning women’s rights, in spite of the human rights discourse they carry on. See: HM’rad, *Les Islamistes d’Ennahda: entre la révolution et la contre-révolution*, *Actes du colloque « La Contre-Révolution en Tunisie »*, organisé à la Faculté des Sciences Juridiques, Politiques et Sociales de Tunis l 1 décembre 2012, Association Tunisienne d’Etudes Politiques, Tunis, pp 61-74. DH Gray, “Tunisia After the Uprising: Islamists and Secular Quest for Women’s Rights”, *17:3 Mediterranean Politics* (2012), p 287.

19. *Ex plurimis* L El Houssi, *Il risveglio della democrazia. La Tunisia dall’indipendenza alla transizione*, Roma, Carocci (2013), p 71 ss.; N Turco, “Tunisia, quale religione per quale Stato?”, *X:2 Jura gentium* (2013), pp 35-37. MM Charrad, A Zarrugh, “Equal or Complementary? Women in the New Tunisian Constitution After the Arab Spring”, *19:2 The Journal of North Africa Studies* (2014), pp 230-242.

well as by many secularists, particularly women, who feared that *Ennahda* might ultimately attempt to roll back Tunisia's relatively progressive 1956 Personal Status Code, a milestone of women's rights legislation in the Arab world. As a consequence of such wide opposition, *Ennahda* retracted the vexed statement of "complementarity", suggesting that the whole issue was caused by a misunderstanding of the party members' intentions. Regarding this hasty step back on women's status, it has been remarkably argued that "Article 28 represented a critical failure for *Ennahda* in terms of trust building and public relations"²⁰, since it damaged significantly the carefully self-built image of a party capable of being democratic, progressive and religious at the same time.

In addition to the troubles emerged around Article 28, *Ennahda* faced many other intricate issues during the drafting process, such as the big debate caused by the proposal of some *nahdawi*²¹ representatives of including a reference to *Sharia* as a source of legislation²². This proposal was eventually left out, but it was a leading example in promoting the image of a dichotomy between Islamists and secularists.

Another divergence regarded the choice about the system of government: *Ennahda* preferred a parliamentary system, mainly because it was confident in its success in the next parliamentary election, while secular parties pushed for a presidential or semi-presidential system, which they saw as the best way to counterbalance *Ennahda's* power. The debate about this issue led to a stalemate in the constitutional committee responsible for drafting chapters related to executive and legislative power, but eventually a compromise was reached in Article 71 of the new Constitution which states that "executive authority is exercised by the President of the Republic and by a government which is presided by the head of the government"²³.

These examples bear witness to the fact that, in the frame of the Tunisian transition process, *Ennahda* can be seen as a party in transition itself: following its electoral victory, it was thrown in the first line in the difficult task of establishing a new legal order, and this represented a test bend for the party, that has been forced to come to compromises and react to the criticism coming from the opposition and the civil society.

Although *Ennahada* has been portrayed as by Tunisian and international media as a monolithic force, a feature shared with the Turkish AKP (that also presents various ideological divisions within), it actually includes diverse political inclinations that can sometimes get even close to the point of fracture; during these years of rule *Ennahada* has been forced to come to terms with compromises, perhaps much more than the party itself expected. In spite of (or possibly thanks to) its well-organized, efficient, and effective structure, the party is struggling to articulate and, in some cases, to re-articulate or re-formulate, clear positions on key issues of Political Islam, such as those mentioned above²⁴. Though its national leadership is still largely coherent (as witnessed by the fact that *Ennahada* is the only party whose representa-

20. M. Marks, "Convince Coerce or Compromise?", *op cit*, p 23.

21. This terms refers to *Ennahada's* members.

22. D. Pickard, "Lessons from Constitution-Making in Tunisia", *Atlantic Council's Rafik Hariri*, (13-12-2012), p 3

23. D. Pickard, "Prospects for Implementing Democracy in Tunisia", *19:2 Mediterranean Politics* (2014), p 261.

24. *Loc cit*, p 29.

tives at the ANC have not changed their affiliation²⁵), it is afflicted by a range of internal tensions, including conflict over national, long-term and strategic political goals on the one hand, and more locally and personally rooted, principle-infused goals on the other.

One example of *Ennahda's* internal dynamism is the debate on whether to define the group as a *hizb* (party) or a *haraka* (movement). As of now, *Ennahda* has bypassed the issue, referring to itself as *hizbharakat Ennahda* (Party of the *Ennahda* Movement). This label obviously represents nothing more than a ruse designed to put aside a futile dispute, thus allowing *Ennahda* to function *de facto* as a political party, with a nation-wide infrastructure of local and regional offices, and at the same time to behave as a social movement, through a wide network of charities activities.

The pragmatism and – to some extent – the adaptability demonstrated by *Ennahda* throughout the past three years of political transition has not held off its negative reporting because of its religious connotation, and the dominant approach adopted by policy-makers has been to examine its moves exclusively through the prism of ideological motivation²⁶.

However it is necessary to recognise that sometimes *Ennahda's* commitment to the democratic institutions has come under serious question: the party has been accused of having appointed its representative in all the administrative bodies²⁷ and it did not dissociate convincingly from the so-called Committees for the Protection of the Revolution, a network of militant Islamist groups which promoted violence and threatened political opponents. This attitude nourished the idea of an active collusion between *Ennahda* and anti-democratic Salafist groups, that *Ennahda* has recently tried to disprove by banning the *jihadist* group *Ansar al-Sharia*²⁸.

Although most of these accusations have some legitimacy, it is necessary to note that after a worrying stalemate of the constitutional transition, Prime Minister Ali Larayedh – a member of *Ennahda* – accepted to resign on 9 January 2013, following a compromise negotiated in the so called “national dialogue” between Tunisia’s political and social forces. As a consequence, a temporary non-political Cabinet was created on 28 January 2013, which will govern until forthcoming elections in order to carry out the transition to democracy. The adoption of the new Constitution on 26 January 2014 certainly represents a key moment in this path, although the question remains as to which trajectory will follow the process in the future; in any case, the responsible stance of *Ennahda* suggests that the party is seriously trying to achieve the mix of democratic and religious values that it often proclaimed.

25. Marsad, “Mercato des partis politiques de l’Assemblée Nationale Constituante” (2014), <http://www.marsad.tn/fr/mercato>,

26. M Marks, “Convince Coerce or Compromise?”, *op cit*, p 30.

27. L Weslaty, “Nominations dans le secteur public : 87% pour la Troïka dont 93% en faveur des partisans d’Ennahda”, *Nawaat Blog*, (22-03-2013), <http://nawaat.org/portail/2013/03/22/93-des-nominations-dans-le-secteur-public-ont-beneficie-a-des-partisans-dennahda/>

28. On 27 August 2013, Tunisia has designated the Salafist *Ansar al-Sharia* movement a “terrorist group”.

3. The legal framework governing (Islamic) political parties in post-revolutionary Tunisia

As a consequence of the Ben Ali regime's fall, political parties could enjoy a significant improvement in their condition, and the almost sudden liberalization of the society promoted the re-birth of political activity in the country. As a matter of fact, more than 100 political parties participated to the elections for the National Constituent Assembly of 23 October 2011.

The new political landscape is regulated mainly by the Decree-Law No. 87/2011, regarding specifically political parties. This Decree-Law was elaborated according to the proposals of the High Instance for the Realization of the Objectives of the Revolution, Political Reform and Democratic Transition, a consultative body created immediately after the fall of Ben Ali²⁹, which replaced the legal provisions contained in the organic law of 1988 that banned the founding of religious political parties (Article 3) and set a regime of preventive authorization (Article 8).

The Decree-Law No. 87/2011 proclaims instead the freedom of creating and joining a political party, in compliance with the principle of political pluralism and transparency of parties' management (Article 1), and defines a political party as "an association created on the grounds of agreement between citizens, with the principal aim of participating to the elections at the local, regional or national level" (Article 2).

Accordingly, political parties enjoy significant freedom, especially in comparison with their previous status, and the only limits to their action are stated as: 1) the respect of the principles of the Republic (e.g. primacy of law, democracy, peaceful political alternation, and equality) and 2) the peaceful conduct of their political activity (Articles 3-4).

The second chapter of the Decree-Law No. 87/2011 is dedicated to the construction of political parties: this freedom applies only to Tunisian citizens and, according to Article 7, also members of a party must be Tunisian citizens, and they have to be at least 16 years old; moreover, some categories of citizens, such as magistrates, the military, governors or their assistants, internal security or customs agents, are forbidden to join a political party. Differently from the previous regime of preventive authorization, Article 9 of the decree-law No. 87/2011 prescribes that the intention of founding a party has to be expressed to the Prime Minister with a letter indicating the party's name and political programme, which simply certifies such communication through a letter by an official.

The new legal framework establishes that the Prime minister can refuse the foundation of a political party within 60 days from the founders' communication, if he finds an infringement of the fundamental principles of the legal order set in Article 3 of the Decree-Law, and the founders can in turn appeal against the refusal to the Administrative tribunal (Article 10). Finally, the party is legally constituted after the publication on the official journal (Article 11).

According to Article 15 of the Decree-Law, a national party is allowed to associate with other international or national parties.

29. According to the Decree-Law No. 6/2011, the High Instance evolved from a commission of appointed experts' concerned with preparing political reforms into a proto-parliament, eventually comprising 155 members including representatives of opposition parties, civil society, trade unions, youth, and the various regions.

Chapter III (Articles 17-22) of the Decree-Law is dedicated to the financial provisions and set in particular that the parties' financial resources can consist of: supporters' donations (each of which has to be inferior to 1200 dinar per year, around 600€), funds, economic rents, and loans (that cannot exceed the total of 200.000 dinar, around 100.000€) (Article 17). Moreover, the political parties cannot accept funds from foreign parties, unknown funds, as well as funds coming from private or public entities, except those established in the State budget (Article 19). The Decree-Law also contains some provisions regarding the control of accounts and the register of adherents (Articles 23-27), and Article 28 sets as an extreme measure the party's dissolution, decided by a Court of first instance on request of the Prime Minister.

Finally, Chapter VI (Articles 31-35) contains some final provisions, primarily regarding the exclusion of the dispositions about the founding of new political parties for the already existing ones.

Beside the normative provisions included in the Decree-Law No. 87/2011, the political activity during the transition period in Tunisia has been regulated by the Decree-Law No. 35/2011 of 10 May 2011, containing the electoral law for the Constituent Assembly, which prohibited the candidacy of certain categories of individuals, whose affiliation with the former regime was deemed incompatible with the participation in Tunisia's constitutional transition³⁰.

Moreover, in June 2013 a law intending to ban for seven years those serving as government officials under former President Zine El Abidine Ben Ali from public offices was proposed. The proposal was highly criticised, alleging that it would create political exclusion³¹, and finally it was rejected by the ANC. The issue of the representatives of the old political elite has however continued to be central in the political debate in Tunisia also afterwards: in July 2012 a new coalition (*Nida Tounes*, meaning 'Call of Tunisia') led by former interim Prime minister Beji Qaid Essebsi, which includes supporters of Burghibian reformism, trade unionists, leftists, and independents, as well as former members of Zine el-Abidine Ben Ali's Constitutional Democratic Rally (RCD) party, was created. This now represents the main political opponent to *Ennhada*.

The new Constitution provides a constitutional recognition of political parties: Article 36 sets the freedom to found a political party or an association, and puts as the only limit the respect of constitutional and legal provisions, of financial transparency and the ban of violence. From the wording of the Constitution it appears that there is no limitation to the creation of religious parties as long as they do not threaten the fundamental principles of the State³² and

30. «Article 15 of this decree excluded three categories of individuals: those who assumed positions in government under Ben Ali, with the exception of those who did not belong to the RCD; those who held positions of responsibility within the structures of the RCD; and those who called for Ben Ali's re-election in 2014. The first two categories of excluded persons faced sanction for their affiliation with the structures of the Ben Ali regime, while the last category was more ambiguous as it targeted the *munachidine*, or "those who implored" in Tunisian Arabic». See: CL Lamont, «Transitional Justice and the Politics of Lustration in Tunisia», Middle East Institute, (26-12-2013), <http://www.mei.edu/content/transitional-justice-and-politics-lustration-tunisia>

31. See : Nawaat, «La loi d'immunisation de la révolution votée à l'assemblée» (28-06-2013), <https://nawaat.org/portail/2013/06/28/la-loi-dimmunisation-de-la-revolution-ou-la-difficulte-de-sortir-du-processus-revolutionnaire/>. HumanRights Watch, «Sweeping political exclusion» (15-06-2013), <http://www.hrw.org/news/2013/06/15/tunisia-sweeping-political-exclusion-law>

32. P Longo, «La Tunisia approda alla sua nuova Costituzione tra alterne vicende», *ISPI Commentary* (29-01-2014), p 3.

attain to the aforementioned principles. The wording of the Constitution seems to confirm a legal framework of liberalization of political activity, distancing itself by other MENA Countries, such as Egypt, where the 2014 Constitution bans the formation of political parties that carry a religious message (Article 74).

Finally, it has to be noted just one exception contained in the recently adopted electoral law (Act No. 16/2016 of 26 May 2014): Article 6 forbids to the armed forces, peoples in jail and the mentally disable the right to vote.

4. Conclusive remarks

The “Arab spring” has been followed by a significant comeback of Political Islam. Islamic parties have assumed in many cases a forefront role in the post-uprising developments, and in some cases they had a key role in the democratization process: Tunisia represents an appropriate case-study of this last instance. Here, *Ennahda* has obtained an unexpected success in the election of 23 October 2011, favoured by the oppression it had experienced during the previous regime, its ability to carry on charity activity in the most underdeveloped areas and by its message of reconciliation between Islamic values and democratic principles.

Certainly, the liberalization of political activity enabled the party to run for power and therefore the Decree-Law No. 87/2011 can be rightly be considered a milestone legislation for the constitutional transition, being tantamount to a so-called “decision conferring constituent power”³³.

In the last three years, *Ennahda* has faced many challenges and, contrary to what happened in Egypt, it apparently succeeded in surviving the test of democratic rules. The transition has however caused many difficulties to *Ennahda*, and some of its political choices, as well as the compromises it was obliged to reach in the process of elaboration of the new const came at the cost of losing core party support.

Beside the internal troubles, *Ennahda* faced strong criticism from secular components of society and it.

should not be easily absolved for having assumed some critical stances over the past three years, such as that regarding gender equality and the hesitations displayed in condemning extremist Islamist movements: however it is necessary to acknowledge that the role played by political parties in democratization process is often equally thorny even in non-Muslim countries, since they have to start from scratch in playing a fundamental and complex role, that is legitimising the new institutions and mediating the requests coming from society³⁴. Political parties are the primary recipients of collective needs and requests, and their role in the constitution-making process is essential, since they define the rules that govern the process itself and are the legitimate actors to deal with it.

At the beginning of the process, *Ennahda* probably believed, as did its Islamic counterparts in other Arab countries who had also performed well in the elections since 2011, that the electoral success entitled the winning party to permanently determine constitution's

33. This definition refers to pre-constituent decisions that organize the elaboration of the Constitution and the fulfillment of the transition. Cfr. O Baud, *La puissance de l'État*, Italian translation *La potenza dello Stato*, Napoli, Edizioni Scientifiche Italiane (2002), p 251.

34. P Grilli di Cortona, *Come gli Stati Diventano Democratici*, Roma, Laterza (2009),p66.

makeup, regardless of whether it could maintain its popular support in the future or not and – most notably – regardless of political and popular opposition; along the process, however, it has been forced to compromise with other political forces, through the combined pressure of the opposition and of civil society. The new Constitution reveals in many stances the resulting trade-off between the various components of the Constituent Assembly and its adoption has in part obscured *Ennahda's* initial intransigence. .

The new Constitution enshrines the freedom of association in political party, although it has to be noted that this enshrining in the Constitution or in the legislation is not *per se* sufficient to guarantee a real enforcement of such principles, as witnessed by the previous political situation in Tunisia, where formally the Constitution and the legislation established the right to freedom of association with others, being therefore in line with the international law prescriptions binding Tunisia³⁵, while in practice this was not at all the case.

The current political situation in Tunisia witnesses that the human rights discourse has been fully interiorised by *Ennahda*, which once in power has demonstrated a great stance of pragmatism, as demonstrated also by the party's step back during the stalemate of 2013, operated with the aim of advancing in the constitution-making process. Nevertheless, it is still unclear whether, in the coming elections, this will be sufficient to regain the support of the majority of votes, given the enduring negative condition of Tunisian economics.

The coming elections will certainly be a test-bend for *Ennahda*, and it must be noticed that the political spectrum is characterized by a more complex situation than just a Islamist-secularist binary dynamic.

Thanks to the revolution, Tunisians face nowadays a wide range of available options, and the past has taught that dismissing the Islamic choice simply as unacceptable, apart from narrowing these options, might also turn into a backlash. Political Islam represents a reply to the social need of recovering religious identity, experimenting at the same time a model of social-political development based on the ideal of *din wa dawla* (the integration between public and religious sphere)³⁶. Although it is still soon to draw any definitive conclusions, the case of *Ennahda* shows that the parties which promote Political Islam can accept and interiorise, at least for the moment, the rules of democracy.

35. Tunisia was for example a State Party of the International Covenant of Civil and Political Rights since 1969, but this did not prevent a constant violation of civil and political rights.

36. C Sbailò, "Legge rivelata e sfera pubblica", www.forumcostituzionale.it, (15-11-2012), p. 22.

References

Books

Baud, O, *La puissance de l'Etat*, Italian translation *La potenza dello Stato*, Napoli, Edizioni Scientifiche Italiane (2002).

M Campanini, *L'alternativa islamica: aperture e chiusure del radicalismo*, Milano, Bruno Mondadori, (2012).

Hirschl, R, *Constitutional Theocracy*, Cambridge-London, Harvard University Press (2010).
Geisser, V, Béchir Ayari, M, *Préface. De l'unanimisme patriotique au ésenchantement politique: retour sur le myths de la révolution tunisienne*, in Ben Lamine, M, Boussois, S, (eds.), *La Tunisie face à l'expérience démocratique*, Paris, Cygne, pp. 12-30.

Grilli di Cortona, P, *Come gli Stati Diventano Democratici*, Roma, Laterza (2009).

El Houssi, L, *Il risveglio della democrazia. La Tunisia dall'indipendenza alla transizione*, Roma, Carocci (2013).

Piazza, F, Scotti, V, (ed.), *La Repubblica di Turchia: un processo costituzionale continuo*, in Decaro Bonnella, C, (ed.), *Itinerari costituzionali a confronto. Turchia, Libia, Afghanistan*, Roma, Carocci (2013), pp 27-131.

Santilli, A, *Al-Nahda e il processo di transizione tunisino: genesi e strategie di un «partito di movimento»*, in Campanini, M (eds.), *Le rivolte arabe e l'Islam*, Bologna, Il Mulino (2013), pp 53-75.

Articles

Brody-Barre, AG, "The Impact of Political Parties and Coalition Building on Tunisia's Democratic Future", 18:2 *The Journal of North African Studies* (2013), pp 211-230.

Cavatorta, F, Merrone, F, "Moderation Through Exclusion? The Journey of the Tunisian Ennahda from Fundamentalist to Conservative Party", 20:5 *Democratization* (2013), pp 857-875.

Charrad, NMM, Zarrugh, A, "Equal or Complementary? Women in the New Tunisian Constitution After the Arab Spring", 19:2 *The Journal of North Africa Studies* (2014), pp 230-242.

Gray, DH, "Tunisia After the Uprising: Islamists and Secular Quest for Women's Rights", 17:3 *Mediterranean Politics* (2012), pp 285-302.

Grigoriadis, I, "Islam and democratization in Turkey: secularism and trust in a divided society", 16:6 *Democratization* (2009), pp1194-1213.

Önis, Z, "Sharing Power: Turkey's Democratization Challenge and in the Age of the AKP Hegemony", 15:2 *Insight Turkey* (2013), pp 85-102.

Ozzano, L, Cavatorta, F, "Introduction: Religiously Oriented Parties and Democratization", 20:5 *Democratization* (2013), pp 799-806.

Pickard, D, "Prospect for Implementing Democracy in Tunisia", 19:2 *Mediterranean Politics* (2014), pp 259-264.

Randazzo, B, "Ancora sullo scioglimento del Refah Partisi turco", 1 *Quaderni costituzionali* (2004), pp 173-174.

Sbailò, C, "Legge rivelata e sfera pubblica", *www.forumcostituzionale.it* (15-11-2012), pp 1-38.
Turco, N, "Tunisia, quale religione per quale Stato?", X:2 *Jura gentium* (2013), pp 23-43.

Other

Deane, S, "Transforming Tunisia The Role of Civil Society in Tunisia's Transition", *International Alert* (2013), pp 1-23.

Lamont, CL, «Transitional Justice and the Politics of Lustration in Tunisia», *Middle East Institute*, (26-12-2013), <http://www.mei.edu/content/transitional-justice-and-politics-lustration-tunisia>

Longo, P, "La Tunisia approda alla sua nuova Costituzione tra alterne vicende", *ISPI Commentary* (29-01-2014), pp 1-5.

Human Rights Watch, "Sweeping political exclusion" (15-06-2013), <http://www.hrw.org/news/2013/06/15/tunisia-sweeping-political-exclusion-law>

Medien, A, "Ghannouchi: "Our Party Is Close To Turkey's AKP", *TunisiaLive*, (29-08-2011), <http://www.tunisia-live.net/2011/08/29/ghannouchi-our-party-is-close-to-turkeys-akp/>

Marks, M, "Convince Coerce or Compromise? Ennahda's Approach to Tunisia Constitution", *Brooking Doha Centre Analysis Paper* (10-02-2014), pp 1-30.

Marsad, "Mercato des partis politiques de l'Assemblée Nationale Constituante" (2014), <http://www.marsad.tn/fr/mercato>

M'rad, H, «Les Islamistes d'Ennahdha: entre la révolution et la contre-révolution», *Actes du colloque « La Contre-Révolution en Tunisie»*, organisé à la *Faculté des Sciences Juridiques, Politiques et Sociales de Tunis* le 1 décembre 2012, Association Tunisienne d'Etudes Politiques, Tunis, pp 61-74.

Nawaat, «La loi d'immunisation de la révolution votée à l'assemblée» (28-06-2013), <https://nawaat.org/portail/2013/06/28/la-loi-dimmunisation-de-la-revolution-ou-la-difficulte-de-sortir-du-processus-revolutionnaire/> .

Pickard, D, «Lessons from Constitution-Making in Tunisia», *Atlantic Council's Rafik Hariri*, (13-12-2012), pp 1-7.

Weslaty, L, «Nominations dans le secteur public: 87% pour la Troïka dont 93% en faveur des partisans d'Ennahda», *Nawaat Blog* (22-03-2013), <http://nawaat.org/portail/2013/03/22/93-des-nominations-dans-le-secteur-public-ont-beneficie-a-des-partisans-dennahdha/>

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