

The construction of religion as a 'public problem': The emergence of Islam in the public space during Tunisia's transition to democracy (2011-14)

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Abstract

The object of the present study is to analyze how, over the transition period of 2011-14, Islam became a 'public problem', to understand how it came to pervade the public space. I will investigate the place of religion in the public space both before and after the 2011 elections, and to do so will start with a few 'affairs' and controversies surrounding Islam and its place in the new Constitution as well as in the broader framework of Tunisian society.

Keywords

Arab Spring, controversies, democratic transition, Islam, Islamism, *laïcité*, public problem, public space, religion, return of religion, secularism, Tunisia

Résumé

L'objet de cette étude est d'analyser la manière dont l'islam est devenu, au cours de la période de transition de 2011 à 2014, un 'problème public', la manière dont il a investi l'espace public. Il s'agira de scruter la place du religieux dans l'espace public aussi bien avant qu'après les élections de 2011, en partant de quelques 'affaires' et polémiques autour de l'islam et de sa place aussi bien dans la nouvelle Constitution que, plus largement, dans la société tunisienne.

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Mots-clés

Controverses, espace public, islam, islamisme, laïcité, problème public, religion, retour du religieux, sécularisation, révoltes arabes, transition démocratique, Tunisie

The 21st century will be spiritual or will not be.

Attributed to André Malraux

How did religion come to pervade the public space in Tunisia after the 2010–12 uprising?¹ I would like to return to certain striking moments and episodes of the transition to democracy in order to show how this period was characterized by the crystallization of the public debate, of the controversies surrounding religious issues (Nachi, 2013). My aim is to investigate the place of religion in the public space, and to do so I will start with a few ‘affairs’ and controversies involved in the construction of ‘public problems’ (Dewey, 2010[1927]). In this respect, it is important to look at the different public arenas in which public problems are constructed, placed on the agenda, all of which implies individual and public actors (Gilbert & Henry, 2012). The challenge is to analyze the way these ‘public problems are experienced’ by following their construction in the public arena (Cefai, 1996). By ‘public problem’, I mean the ‘transformation of any social fact into a stake in the public debate and/or the intervention of the State’ (Neveu, 1999: 41).

I argue that, after the first phase of the revolutionary process (which lasted from the beginning of March 2011 to the elections on 22 October (the Beji Caïd Essebsi government), Islam became a *normative reference*, thereby irrupting into several spheres of public life. It is this ‘public Islam’ that will be the focus of my reflection here.

But first of all it must be recalled that, at the time of the uprising and throughout the insurrection, at no time did protesters make mention of Islam or lay any claim to a religious belonging. On the contrary, they chanted secular slogans free of any religious references; for example: ‘liberty, dignity, justice’; ‘down with Desour’s party!’; ‘Work is a right, you gang of thieves!’ (*al-choghl istihkaq ya ‘asabit essourâq*) – an allusion to the criminal clan of the Trabelsi family; ‘It doesn’t matter if we don’t have water or bread, but no to Ben Ali’; etc. No religious watchword, then, and no reference to Islam. This was undeniably an uprising inspired by aspirations to democracy, supported by the unions and the left-wing parties, but the Islamist parties were absent; it was only later that they joined the movement.

Clearly the uprising liberated the democratic forces, but at the same time, it rapidly allowed religious and Salafist groups (the Party for Islamic Liberation, the Ansar Asharia movement led by Abu Iyadh, etc.) to emerge, to mobilize and so to express themselves in the public space.

Consequently in the course of the transition to democracy, new socio-cultural and political dynamics made their appearance and crystallized in demands that sparked divisions and rifts within Tunisian society. Such splits were nothing new, but they had been repressed because the authoritarian regime had denied them a voice. This return of the repressed is in a way the manifestation of certain conflicting tendencies that have always

existed in society and have always structured the ties among its different components. These conflicting tendencies can be identified through three main components: identity, region and religion (Nachi, 2014). In the following I will deal more particularly with the question of religion, through its many manifestations in the public space.

Positioning the problem: ‘Return’ or ‘instrumentalization’ of religion?

Let it be clear from the outset that my analysis does not espouse the thesis of the ‘return of the religious’ that certain authors invoke to explain the upheavals in today’s world, where religion is supposed to have returned to fill the void created by the disappearance of ideologies. This argument is not tenable insofar as religion has perhaps faded or become repressed, but it has never disappeared completely. To be sure, we can agree on Max Weber’s famous thesis of a ‘disenchantment of the world’ – the tendency to the rationalization of thought and practice. According to Weber, we are living in a ‘disenchanted’ world, that is, in a world that has been de-divinized by rationalization, where religious representations are dissolving and breaking down.

But we must also face the fact of the proliferation of religious practices and forms of religiosity, which led Clifford Geertz to consider religion as topic with a future (Geertz; 2007). In many regards, the thesis of secularization is under attack and turning, as Jans Joas says, into a ‘self-fulfilling prophecy’ (Joas, 2007: 409). We should not underestimate the fact that modernization has resulted in the secularization of certain social practices and areas, but we must also acknowledge the existence of counter-secularization movements that entail the resurgence of a multiplicity of forms of religiosity. If the truth be told, modernity has not brought about the decline of religion; on the contrary, religion is now increasingly cropping up in human affairs, be they political, cultural or economic. This is the drift of the thesis of the ‘desecularization of the world’, aka re-enchantment of the world, most recently defended by Peter Berger after having advocated the theory of secularization. According to Berger, today’s world is as ‘furiously religious as it ever was; and in some places more so than ever’ (Berger, 2001: 15).

Consequently the resurgence of new forms of religiosity and the irruption of religion in the political field cannot be explained by a vague ‘return of the religious’, but more probably by a crisis of legitimacy affecting not only religion but also politics. This is the argument advanced by Georges Corm in *La question religieuse au XXI^e siècle*. In his opinion:

The turn to religion reflects a crisis of the legitimacy of political power. But what is less evident is the crisis of religion itself, which brings religious authorities to turn to political power in the hope of stemming their own crisis. (Corm, 2006: 135)

This twofold crisis of authority has exacerbated political-religious tensions and driven each camp (the religious and the political) to seek legitimacy by using the other’s authority; hence the double use: political use of the religious, on the one hand, and religious use of the political, on the other. There is a sort of two-way instrumentalization of the both religious and the political. Seen in this way, Islam has now become part of the ‘repertory

of collective action' (Tilly, 1984) used by certain individuals and collectivities to inscribe their words and actions in the public sphere. We begin with this argument in an attempt to throw some light on the place of religion in the public sphere in Tunisia after the 2011 uprising. To understand the place of Islam in this new configuration requires, as Nilüfer Göle stresses, that we:

[a]nalyze practices that re-interpret and re-activate the Islamic religion so as to fashion the subjective, public and political life of Muslims. Religious action not only targets legal governance and political life, it also concerns the public sphere and personal life, in other words the management of gender relations and women's place [in the public space]. (Göle, 2007: 419)

But what public space are we talking about? How does the construction of Islam as a 'public problem' unfold? That is what I propose to elucidate now.

Public spaces, public problems and democracy

Public spaces are physical and symbolic sites where opinions are expressed and forms of public commitment exercised. They are spaces where 'public problems' are shaped (Cefaï & Terzi, 2012). These 'problems' emerge in contexts of collective experiences and commitments, in other words during processes of cooperation, exchange and communication the aim of which is to resolve these public problems or, if need be, make them 'public', in John Dewey's sense of the term (Dewey, 2010[1927]). During the construction of public problems, the outcome is often indeterminate: the public can establish itself and manage to resolve the problem just as it can be marginalized or even find itself dispossessed of the issue it meant to defend.

Whatever the case, it is clear that public spaces and the shaping of public problems are commonplaces, *topoi*, discourses vital to a democratic regime. It is even difficult to imagine a democracy existing without a genuine public space. That is because, to a certain extent, all forms of public commitment partake of the establishment of a shared world. As Etienne Tassin writes:

We need to understand that the shared world is the condition of possibility of a *polis*, of the institution of a public space and, at the same time, that it is the institution of this space alone that makes a shared world possible, that it is only on condition of there being a public domain that the world can be shared. It is in this enigmatic circularity perhaps that the signification of the political community can be found. (Tassin, 1992: 36)

In contributing to the institution of a differentiated and plural shared world, public spaces also have a part in fashioning a political community where public problems unfold and publics and public opinions are shaped. These spaces are at the heart of democracy; in a certain way they are the *sine qua non* of democracy. In a minimalist sense, democracy is a political regime 'characterized by the establishment of a space that mediates between civil society and the State and which, through open debate, promotes the emergence of a public opinion. This space – which does not exist in totalitarian regimes – is the public space' (Dacheux, 2008: 7).

In Tunisia, public spaces underwent deep transformations during the transition to democracy between 2011 and 2014.

Transformation of public spaces in a context of democratic transition

It is hard to talk about public spaces in Tunisia, especially after the 2010–11 uprising, without discussing the decisive role of new information and communication technologies (NICT) and social networks, especially the Internet, Facebook – and to a lesser extent Twitter (Gonzalez-Quijano, 2012). These socio-technical devices had a hand in the emergence of public problems and in the shaping of new modes of public engagement. This new configuration enabled Internet users to develop various ‘arts of resistance’: new strategies of resistance, circumvention of censorship of criticism online, etc. (Lecomte, 2013).

Closely linked as they were with the implementation of new forms of commitment, the NICT had a considerable impact on the process of constructing public problems, whether in the public arena or in networks with a decentralized form of organization and resistance. In addition to having contributed to the revival of protest movements and resistance practices and to the emergence of new forms of criticism and activism, social networks also led to networked forms of criticism in real time and in virtual space, which circumvented the usual forms of control and censorship (Lecomte, 2013), all of which explains their *transnational* character. That contributed on the one hand to redefining public spaces by providing them with a new foundation and new roles and, on the other hand, to reconfiguring civil society (Bozzo & Luizard, 2011).

From the early days of the uprising, thousands of Internet users took part in launching protests and organizing demonstrations (Nachi, 2011a). Facebook made it possible to diffuse information instantaneously and, thanks to amateur testimonials and videos, to show pictures of the bloody repression and its victims. This played a vital role in the organization and coordination of the mobilization of crowds in various public spaces. As everyone knows, the protest movement started in Sidi Bouzid before spreading to other cities and regions (Allal & Thomas, 2013; Ayari, 2013). The Internet made it possible rapidly to open up the movement by giving it a national and international dimension. In various regards, the Tunisian example is highly instructive and deserves that we take the time to understand the impact of this uprising, of which we have not yet measured the full consequences for the reconfiguration of public spaces in Tunisia as well as in the Maghreb as a whole.

In the area of mass media, the modern techniques for diffusing information to a broad audience throughout the Arab world have developed so fast that some authors speak of an ‘information revolution’ (Gonzalez-Quijano & Guaaybess, 2009). After the first wave of satellite channels (among which were al-Jazira and al-Manâr), other Arabic-language satellite channels and television companies sprang up and spread. Their success with Arab viewers led several Arab states to reconfigure the national audiovisual landscape in their own fashion, as did Morocco and especially post-revolutionary Tunisia (Nachi, 2013). What are we to think of this evolution: is it a liberalization, a privatization or a redeployment of communication in a rapidly changing public space? What has been the

impact of these channels on shaping public opinion? Can we talk about the formation of ‘an Arab or Middle Eastern public opinion’ or of an ‘Arab street’ (Bayat, 2009) that goes beyond national borders and transcends the will of nation-states?

Among these big-audience satellite channels, we find the ‘religious’ channels featuring televangelist-type preachers. Such channels are numerous and have a fairly large following in different Arab countries and in Tunisia. We can ask ourselves if the discourse they broadcast, as well as the attitudes and thought patterns they distil, may not be developing behaviors and practices that circumvent not only state control but that of the traditional Islamist currents. In addition, are the government-created ‘religious’ channels – like Zitouna TV in Tunisia – meant to be a ‘national’ response to the effects produced by the religious satellite channels? Few studies exist, and we can only encourage research in this area (Remaoun & Hénia, 2013).

When it comes to the development of multimedia and NICT, it appears that, since the uprising, the successive transition governments have found themselves faced with new challenges. Even as they proclaim freedom of speech, these governments have been tempted on several occasions to exercise control over the media and the social networks. In a way, there seems to be an unstated fear of digital democratization (Gonzalez-Quijano, 2012). Indeed these new spaces for communication and the diffusion of information were quickly re-appropriated by citizens concerned by the *res publica*. Denunciations of violations of the freedom of speech, attempts to call into question the achievements of modern Tunisia, online calls to action, public debates over the drafting of the new Constitution and political reforms – even if they do not yet constitute a true counter-power – all contribute in a certain manner to *learning about citizenship* in countries where the classic public space (not just media but also the street) were under party and state control. Furthermore, the transnational dimension of communication and information as well as that of virtual space and social networks are a new deal for in-depth transformation of the public space and for the advent of an *other* ‘civil society’ (Nachi, 2013).

The development of multimedia and the Internet not only resulted in a new way of exercising and learning about citizenship and activism, it also contributed to the emergence of public arenas where citizens could create and re-create political and social ties. In particular we are observing new practices of sociability in real or virtual public spaces. In Tunisia, the success of social pages and networks is a perfect illustration of the importance of these new sites of public expression (Lecomte, 2013). But at the same time, these new sites are pervaded by religious discourse, by a ‘public Islam’.

Religion moves into the public space

The emergence of religion in the public sphere is part of the new democratic configuration where the instrumentalization of Islam in the public field becomes possible and where new ‘religious entrepreneurs’ (imams, muftis, preachers, etc.) and new ‘religious products’ (books, websites) are also making their appearance and can circulate without fear of government censorship. The former authoritarian regime controlled the different expressions of religiosity and censored everything it did not find to its liking. It had proclaimed itself the sole defender of Islam and the legitimate holder of the right to manage ‘the assets of salvation’. In reality, under the old regime the state controlled the entire

sphere of religious affairs: it appointed the imams, and monitored the mosques and the Friday sermon. It was the Minister of the Interior who exercised his competence in this area and censored acts contrary to his religious presuppositions, those that did not correspond to his view of Islam.

State control of religion did not survive the change brought about by the 2011 uprising: instrumentalization of religion by the authoritarian regime shifted to its instrumentalization in the political field (by certain parties), and even in civil society, by so-called charitable associations (*jami'ât khayriya*) thrust into the public arena by the religious parties. The ongoing process of democratization thus unleashed repressed forces and enabled the diversification of the religious 'supply' in terms of Islamic discourses, practices and manifestations. Having shaken off the control of the authoritarian state, religion recovered the use of its multiple social, political and cultural expressions. The actors declared their religious affiliation and positioned themselves in the public spaces, taking the defense of Islamic values; these were assimilated to markers of Tunisian national identity, which had been, they claimed, diverted from its (Arab/Islamic) roots by the modernist project of Bourguiba's secular state. Today this identity is purportedly under threat from the westernization and secularization of Tunisian society. Here we can read between the lines the declared will to 're-Islamize' Tunisian society so that it rediscovers its authenticity and its 'true' Islamic and Arab identity.

The terms of the debate have crystallized around the opposition between, on the one hand, proponents of a 'modernist' project (*hadathi*), inspired by the Enlightenment philosophers and open to western culture, with the aim of building a secular state (*Dawla madaniya*) and working to put in place a secular constitutional regime; and, on the other, proponents of a society whose sole reference is Islam and the Arab-Islamic culture. The emergence of Islam in the public space not only has contributed to the construction of new 'public problems' but has also enabled the emergence of new and dynamic forms of commitment and mobilization in civil society. As Jon W. Anderson points out, 'if the appearance of new public spaces in which religious norms, practices and values play a role is not synonymous with the creation of a civil society, it remains that it can make an essential contribution to it' (Anderson, 2009: 33).

It must be noted that the new place now occupied by religion in the public sphere defined the debate in the 2011 electoral campaign, and continued to do so after the elections as well.

Political use of religion before the 2011 elections

The emergence of Islam in the public sphere largely oriented the debates by imposing certain religion-related themes to the detriment of economic and social questions. The new role now played by religion in the public sphere drew the lines of the debate in the 2011 electoral campaign. It became evident that the question of the place of Islam in Tunisian society and in the organization of its social and political institutions was now crucial and highly controversial. When we look at these debates, we are first struck by the confusion that reigned in the discussions, in particular those concerning secularism (*la laïcité*) and relations between religion and politics in a passionate and strained context. In these conditions debate gets short shrift!

Indeed, during the electoral campaign, controversy, protests and political action were rife and occupied a large place in the public debates, thus illustrating both the width of the gap between the two parts of society and the importance of religion in the choice of a social model. Some Islamist-inspired political parties and movements made much use of the theme of 'secularism' (*'ilmaniyya*) in the public arena to divert the debate from real social, economic or political questions, thereby seeking to impose their viewpoints in the name of the Islamic values and roots of Tunisian society. In fact, the ultimate goal of these parties is the 're-Islamization' of Tunisian society.

It is clear that, generally speaking, the debates about secularism are couched in fairly simplistic terms and result in a great deal of tension and misunderstanding (Nachi, 2011b). Secularism is associated alternately with atheism, rejection and even exclusion of religion, with non-religion, etc. These views are widespread among workers as well as in other social classes (middle class, certain categories of the Tunisian elite, etc.). It is true also that these incomplete perceptions are fueled by the arguments of Islamist-leaning political movements, which see secularism as a threat to Islam and even a violation of the freedom of belief.

Alternatively other fringes of the Tunisian elite, with certain intellectuals and leftist movements in the lead, defend what is in certain respects a rigid conception of secularism; a conception based on the French model (*laïcité*). For them, only secularism guarantees individual and collective freedoms and liberties: freedom to believe (or not to believe), freedom of worship, freedom of speech, etc. According to the proponents of this narrow conception, outside secular society, there is no salvation! In different respects this conception fails to take into account the specificity of Tunisian society, its history and its identity as an Arabo-Muslim society. The fact that this is a society with a number of origins, sources and influences should not be underestimated. Islam is obviously among these, but also Carthage, the Roman Empire, the Ottoman Empire, and so on.

If we really think about it, religion is not the problem! Alternatively the use made of religion by certain Islamist groups or movements could create some thorny problems; in particular when they claim to base the functioning of all social and political institutions on Islam or when they demand the application of Shari'a law.

In all events, it must be admitted that transposing the French model of *laïcité* is not the solution best suited to determining the place of religion in a multiparty, democratic Tunisian society. This transposed model is specific to French society and is not the model found in most other western societies. Some even speak of a 'French exception', insofar as *laïcité* was formulated as part of the history of the conflict between Catholics and secular society. As Franck Frégosi suggests, in the case of Islam in the French context, 'the principal challenge is not so much trying to conceive of secularism in an Islamic context as to conceive of Islam in a secular context' (Frégosi, 2008: 12). On the other hand, this model of secularism sets out the *principle* of the separation between the political and the religious spheres as well as the state's neutrality concerning all religions; but in fact both the separation and the neutrality of the state are not as *real* as it is claimed; whereas the separation between church and state is itself consubstantial with the history of Christianity.

In certain respects, invoking secularism is a purely rhetorical device and does not necessarily further the aims of the Tunisian revolution. In the post-revolutionary context,

secularism has become such a politicized and controversial question that it is hard to find a consensus on what it means. Furthermore it should be possible to talk about the emancipation of women, the respect for human dignity and fundamental rights without bringing secularism into the picture or reasserting the principle of the separation between politics and religion.

For its unconditional supporters, secularism is the only way to guarantee individual and collective freedoms, gender equality, the neutrality of the state, and so on. All that would be possible insofar as secularism establishes the principle of the separation between public and private spheres, and relegates religion to the private sphere. To be sure the need for liberty, freedom and equality is altogether legitimate and vital for constructing a state governed by the rule of law and for establishing a truly democratic political regime. But the question is: why are we forced to focus the debate on *laïcité*? Might secularism be the only alternative? Must we take for granted the separation between the political and the religious spheres?

All these questions require an open, calm debate to enable new responses adapted both to the present post-colonial/post-revolutionary context and to the demands and expectations of the Tunisian people. Tunisians made their revolution and have participated in two free and transparent elections; it is now up to them to invent the model of society that will allow them to fulfill their aspirations to liberty, dignity and social justice. It would seem wiser to trust the people rather than to underestimate their creativity and claim to provide them with the most suitable solution! Alternatively it is the duty of everyone to contribute to the establishment of conditions favorable to a calm debate that promotes the shaping of an open pluralistic public opinion respectful of differences (*ikhtilâf*) and diverging opinions (Nachi, 2012).

Three examples, among many others, will permit me to illustrate how religion came to pervade the public space during the period preceding the National Constituent Assembly elections held on 23 October 2011.

1. First of all the major controversy over the film by the Tunisian film-maker Nadia el-Fanny, devoted to the place of secularism in Tunisia, and the misinterpretation of her title: *Neither Allah nor Master*. Islamists accused her of having ‘attacked Islam’, of lacking respect for the religious values of Tunisian society. She was subjected to intimidation, violent attacks on the Internet and by certain media, and to death threats, all of which forced her to change the title of her film, which became *Laïcité, Inch’Allah*.
2. For the second example, it is important to remember what happened in many mosques throughout the country. The Islamists known as ‘Salafists’ took over these sacred places at the beginning of the revolution and rapidly managed to remove the former imams appointed under the old regime and to install their own. Before moderate believers accustomed to a peaceful practice of Islam, they altered, often abruptly, certain rituals and ritual practices: in some places they changed the hours of prayer, in others they imposed new rules, different from those of the Malecite rite, for the ritual ablutions, prayers and recitations of the Koran. They politicized the function of the mosque: instead of a place of prayer and contemplation, they turned it into a place for political discussions (*halakât*),

for classes for young people trying to find themselves. In Ezzahra, a southern suburb of Tunis, they even used the mosque to teach children karate! Even if the majority of mosques are no longer controlled by these little groups of radical Islamists, even the Minister of the Interior admits that a few mosques are still in their hands.

3. The last example, the controversy over the religious program *Saha chribetkom*, broadcast starting on the first day of Ramadan, is revealing of the confusion entertained between religious preaching and political propaganda, and of the doublespeak often practiced by the Ennahdha Movement. The Hannibal TV channel devoted a prime-time hour (just before fasting begins) to Abdelfattah Mouru, a lawyer and one of the Movement's founders, who claimed to present a program dedicated to 'theology and religious education'. But everyone knows that A. Mourou is a leader who wields political influence in the Ennahdha party and regularly speaks for this party at rallies and official meetings, something that is in clear violation of the crucial rule of neutrality, especially on the eve of the decisive Constituent Assembly elections. That move drew strong criticism from numerous professional bodies, left-wing parties, representatives of civil society and associations. All denounced the violation of the principles of neutrality and pluralism as well as the partiality of Hannibal TV. Known for his membership in the Ennahdha party, A. Mourou was accused of using his program to promote an Islamist political discourse in favor of his party. After having received numerous complaints, the Instance Nationale pour la Réforme de l'Information et de la Communication took up the matter and advised the channel to stop broadcasting the program and to turn the presentation of such programs over to independent theologians.

These few examples show how the appearance of Islam in the public space oriented the debate during the 2011 electoral campaign. Religion continued to be instrumentalized after the elections in other forms, which found expression in other controversies.

The political use of religion after the 2011 elections

It will be remembered that the 2011 elections saw a large majority of seats in the Constituent National Assembly (CNA) go to the Ennahdha Party, which had formed a coalition with two center-left parties: the CPR (Congrès pour la République) of Moncef Marzouki, who became President of the Republic, and Ettakol, led by Mustapha Ben Jaffar, who became president of the CNA. After the elections, Islam grew highly visible in the public spaces, and religious demands multiplied both in the CNA and among certain leaders of civil society.

The rules had changed: Ennahdha now held political power and did not hesitate to use Islam to legitimize its decisions and to lay down the law. This political use of religion heightened tensions between the majority and the opposition in the CNA, and more particularly created a deep division within Tunisian society between those who claimed to represent the values of Islam and the others, who were pronounced '*Ilmâniyin*' (seculars). Religion was no longer present only in public spaces, it had also entered the CNA.

Both civil society as well as the Constituent Assembly became sites for the expression of religious differences and for the confrontation of two models of society.

As a revealing indication of how Ennahdha apprehended the religious issue, the first government of Hamadi Jbali, of the Ennahdha party, allocated a particularly large budget to the Ministry of Religious Affairs.

Furthermore, the debate in the CNA over the choice of the first article of the Constitution had barely begun when the positions hardened.² De facto, after the 23 October 2011 elections, the religious issue, which had been absent during the uprising, invited itself into public debates and became the leitmotif of several political parties and religious groups. For the bulk of political forces, actors of civil society, unions and left-wing parties, the most immediate and urgent challenge was less to demand the realization of the revolution's goals than to deal with Ennahdha's attempts to roll back certain achievements of the secular inheritance, and above all to force the Troika to contain the 'Salafists', who had taken over the mosques and organized themselves to carry out violent actions in the name of what they called 'jihad' (Nachi, 2014).

Political debate was now split, polarized:³ on one side, Ennahdha and its henchmen sought to further a backward-looking, conservative project by reintroducing into the debate contentious issues such as the 'theocratic' nature of the state (*dawla diniyya*), Shari'a as the source of law, the principle of gender equality, freedom of speech, etc. On the other, the so-called 'modernist' camp, without having a solid alternative project, hit back by organizing the resistance against Ennahdha's hegemonic temptation to impose its religious values, its ideology of political Islam on Tunisian society as a whole in view of its 're-Islamization'. For one side, all political action must be measured by the yardstick of Islam; for the other, religion should not interfere in public affairs. Compromise was impossible! Construction of a social and political order through negotiation yielded to the logic of power struggle, the law of the strongest. It was just the opposite of the logic of democratic pluralism!

Clearly this bi-polarization had a harmful impact on the unfolding of the transition to democracy. It is hard to say if focusing the debate on contentious religious questions was a political strategy (a tactic!) on the part of Ennahdha to bring the issues back to its home ground. One of the effects of shifting the debate and focusing it on Islam-related themes was to divert attention away from the preoccupations the uprising had placed on the political agenda during the early days of the transition. Instead of debating the choice of political regime, issues of social justice and economic policies (role of the state, the market economy, neo-liberalism, etc.), the debate became bogged down in endless and sterile disputes over religious problems. Among these we will retain three that unleashed particularly violent passions.

Shari'a as the source of positive law. From the very outset the debate irrupted in the political arena over writing Shari'a into the new Constitution. It was representative Sadok Chouru, former president of Ennahdha, who initially raised this issue in one of the first sessions of the CNA. Next, in March 2012, Ennahdha announced a draft Constitution in which Article 10 provided that 'Shari'a is one of the essential sources of law'. From then on other controversies came into play, among which were polygamy and gender equality, all of which were debated in a politically strained atmosphere, a poisonous climate ... It took a

large-scale mobilization of civil society and the progressive parties, which occurred on 20 March 2012, to make Ennahdha back down. The Ennahdha advisory council (*Majlis al Shoura*) met on 25 March and, through its president Rached Ghannouchi, announced that the draft Constitution had been withdrawn, and at the same time declared that Article 1 of the 1959 Constitution – which Ennahdha had tried its best to get rid of – could stand.

The status of women and gender equality. This is an almost obsessive issue with Islamist-leaning political courants. It stirs up strong emotions without leading to a true debate. In Tunisia, women's rights and family law are governed by the Personal Status Code (1959), a progressive text that numbers among the best achievements of Bourguiba after independence. This gave Tunisia a new modern code of family law that had no equivalent elsewhere in the Arab world. It abolished polygamy and repudiation, and legalized marriage and divorce, etc. Before the 2011 elections, Ennahdha boasted of being a 'moderate' party that respected male–female equality. The Ennahdha representatives even voted for the text on parity. But the rules changed after 2011, and a major controversy followed the diffusion of the draft Constitution drawn up by this party. In effect Tunisians had discovered that there was no longer any mention of equality in the draft, only 'complementarity between men and women' (Article 28). The reactions were virulent and, on the occasion of Women's Day, 13 August 2012, a major mobilization of women's associations, civil society and progressive parties met with widespread success: a protest march and demonstration at the Palais des Congrès. This protest movement forced Ennahdha leaders to change their tune and to reaffirm their support for gender equality.

Freedom of speech and violation of sacred things. Freedom of speech was a controversial issue even before the elections. Yet once in power, Ennahdha used its hegemonic position to curtail this freedom. Several affairs illustrate this desire for control, among others, the mass media and artistic expression: the already-mentioned affair of the movie *Neither Allah nor Master* by the Tunisian film-maker Nadia al-Fanny (June 2011); the affair of the animated film *Persepolis*, shown on the TV channel Nessma (October 2011); the so called '*Ibdiliyya* affair', named after the Hafsid palace where an exhibition of works by Tunisian painters was held (June 2012). In the last case, a day before the exhibition ended, some Islamists held a protest denouncing certain works, which were purported to violate sacred things. The demonstrators spilled over into the palace and attacked some of the works. Following this affair, the issue of the 'violation of sacred things' (*al I'tida' 'ala al-muqaddasât*) took a disturbing turn such that Ennahdha needed to legislate: on 1 August, a bill was submitted to the CNA. As Y. Ben Achour emphasizes:

The bill was an effort to criminalize attacks on sacred values by a prison sentence of up to two years, and four years in the event of a second offense, and a fine of 2000 dinars. Sacred things are defined in the draft law as follows: 'God, Allah, may He be glorified, His prophets, His books, the Prophet's Sunna, His envoys, mosques, churches and synagogues.' Violation is defined as 'insulting, profaning, making fun of or representing Allah and Mahomet'. (Ben Achour, 2012: 9)

Y. Ben Achour adds that this idea of violation of sacred things was written into the draft Constitution as it was diffused in August 2012. On Wednesday 22 August 2012, the

Tunisian Association for Constitutional Law organized a meeting to discuss this draft. Legal scholars were highly critical and stressed the danger of certain formulations but also of several Articles. In his introductory report, Y. Ben Achour did not hesitate to say:

With such dispositions we will be recognizing the theocratic government. You can say goodbye to the freedoms the revolution gave you. Recourse to criminalization of the violation of sacred things is the manifestation of a counter-revolution. (Ben Achour, 2012: 9)

In addition, the controversies and debates in public spaces, of which I have just given a few samples, resulted in diverting the CNA from its principle, essential function, that of writing a new Constitution, and turned the Constituent Assembly into a law-making assembly. That was a deviation from the institution's original purpose. In effect, Tunisia had elected a Constituent Assembly to write a new Constitution for the country and to lay the foundations of a new democratic political regime. But instead of founding a new mode of governance, we are obliged to recognize the establishment of a government devoid of a constitutional basis. In the name of a purported 'electoral legitimacy', the provisional government used the CNA to establish a partisan policy and bring in new political game rules meant to extend the government beyond the provisional period. The CNA was without question instrumentalized and given excessive power insofar as it exceeded the limits of its original competences (*solouhiyat*). It also overran the period initially stipulated (one year) for its power to draft the Constitution.

Conclusion

The approach I have proposed to the emergence of religion in the public space after the 2011 uprising is far from exhausting the question. Nevertheless, one of the things we can learn from this analysis is how religion gradually invested the public space and the confines of the CNA. Ennahdha, supported and encouraged by other components of political Islam, took over the public space in view of turning Islam into a 'public problem' and making it a leitmotif of their political agenda. They did this by sparking a series of debates on society and inciting controversy on the place of religion in Tunisian society. Islam thus became a 'public problem'; and its visibility in public spaces, an essential element for understanding the transition to democracy between 2011 and 2014. This process enabled public spaces to emerge that were more open and receptive to the deployment and manifestation of religion in its many public guises. This 'public Islam' now characterizes the way individual and collective actors appropriate religion to express their religiosity and to define their forms of public commitment. The evolution of 'public Islam', which has become increasingly visible in the public sphere, is not specifically Tunisian. It is also characteristic of Islam in public spaces not only in other Muslim societies but also in the Western democracies of Europe. As Nilüfer Göle points out:

In the age of globalization, the public sphere encourages circulation rather than (political, intellectual or artistic) mediatization, symbols and images rather than texts, the affective and the performative rather than the rational and the discursive. Symbols, images and caricatures thus travel faster than words, challenging the individual and collective imaginary and unconscious, spreading as they intensify their meaning and their reception. (Göle, 2007: 423)

This evolution of Islam in the public space is part of the reconfiguration of Tunisian civil society and its extension after the 2011 uprising: after having long been bound and gagged, taken captive and instrumentalized by the authoritarian government, and reduced to a ‘window-dressing civil society’ (Ben Achour, 2011: 297), during the transition period these spaces became sites of political expression, protest and citizen commitment. In short, public space became a space, *par excellence*, where one could *learn about citizenship*. In this regard, observers and analysts of the political changes in Tunisia are both unanimous in deeming that one of the major achievements of the 2011 uprising was, without a doubt, freedom of speech and the development of a strong and well-structured civil society. Moreover the emergence of Islam in the public space as a ‘public problem’ was only one of the elements, an important one to be sure, among the factors that contributed to this reconfiguration of civil society during the transition period.

It is clear that civil society played a key role in the transition to democracy, in the political events that marked this transition as well as in the public debates and protest movements. While it enabled Islam to be constructed as a ‘public problem’, it also contributed to redefining it by resisting interference from outside influences – Wahhabism, Salafism – and by seeking to preserve its Tunisian specificity as an open and moderate brand of Islam. True, it is not all over, but let us hope that this strong civil society will continue fully to play its role as repository of a new form of citizenship so as to consolidate the transition to democracy and perpetuate the values of a ‘Tunisian Islam’.

Notes

1. The present article is a reworking of a lecture given in Saint-Louis du Sénégal on the occasion of an International colloquium on ‘Religiosités musulmanes francophones dans le monde’ (17–18 November 2014).
2. It should be remembered that the earlier version of Article 1 in the 1959 Constitution, regarded by many as a compromise that should be retained, states that: ‘Tunisia is a free, independent and sovereign State; its religion is Islam, its language Arabic and its political regime a Republic’.
3. This polarization was illustrated in particular during the protests organized to celebrate the second anniversary of the revolution (2012), where each camp held its own march without consulting the others.

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