

Secularism and State Feminism: Tunisia's Smoke and Mirrors

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For some time, Tunisia prided itself on championing secularism and women's rights. This smokescreen concealing the regime's excesses encouraged complacency in the French political class. Reconsideration is in order, now that the Jasmine Revolution has paved the way for a legal and institutional overhaul.

Tunisia was “a kind of dictatorship – a secular dictatorship, but yes, a dictatorship, that's right.... At the same time, since Bourguiba, Tunisia has been the country that made the greatest exertions for women's education and liberation....” (Henri Guaino)¹
“A society marked by ‘a certain religiosity’ in spite of its secularism.” (*Le Monde*)²
“In the eyes of well-informed French people, the basis of Bourguiba's greatness and of Tunisia's good fortune was the status of women and secularism.” (*Le Monde*)³

With the Tunisian Revolution and the fall of President Ben Ali came a variety of reflections about secularism and the position of women in Tunisia, by politicians, journalists and academics. Some of their comments referred to these two features in order to justify France's support for President Ben Ali. In contrast, others found these features fell short of legitimizing that support, and others questioned the very existence of these features. These different interpretations show the need for more light to be thrown on alleged secularism and women's liberation. These two features constituted the heart of “the Tunisian exception,”⁴ an

¹ Henri Guaino, on France Info radio, 18 January 2011. Cf. <http://www.france-info.com/chroniques-les-invites-de-france-info-2011-01-18-si-nous-ne-devions-parler-qu-aux-regimes-democratiques-nous-ne-509768-81-188.html>: “La Tunisie est... une forme de dictature, dictature laïque, mais une dictature, bon, c'est exact... En même temps, la Tunisie a été, depuis Bourguiba, le pays qui faisait le plus d'effort en matière d'éducation, d'émancipation des femmes....”

² Stéphanie Le Bars, *Le Monde*, 29 January 2011: “Une société marquée par ‘une certaine religiosité’ malgré sa laïcité.”

³ Jocelyne Dakhlia, “Ben Ali: les ressorts de la complaisance française,” *Le Monde*, 21 January 2011: “Ce qui fondait aux yeux de la France éclairée la grandeur de Bourguiba et le privilège tunisien, c'était le statut des femmes et la laïcité.”

⁴ *Cahiers de l'Orient*, no. 97, December 2010.

eclectic mixture of politics and values that concealed the excesses of the regime and justified the oblivion of them to the French political class.

The Bourguibian Project

After independence in March 1956, Habib Bourguiba's construction of the Tunisian state was marked by the adoption of reforms that overturned the Bey institutional and legal order. Bearing the marks of Bourguiba's positivist convictions, they could give the impression of a rift between state and religion, especially as Bourguiba was influenced by French anti-clericalism. He did not miss the opportunity to stigmatize certain ulama that he considered backward, "who did not [perceive] that reason [must] be applied to all things in this world and control all human activity. For them, some areas – that of religion in particular – [should] not be subject to the influence of intelligence."⁵

In this spirit, Bourguiba abolished the religious courts (Sharia in 1956, rabbinical in 1957); on 13 August 1956 he promulgated the Code of Personal Status (CSP), which formally broke with traditional Muslim jurisprudence; and in May and July 1957 he abolished *habous* (mortmain properties), some of which had been allocated to charitable or religious works.⁶ Finally, the decrees of 29 March 1956 and 1 October 1958 broke up the Zaytuna mosque-university, one of the main centres of Islamic learning in the Maghreb. Men of religion, teachers and lawyers thus lost to secular state institutions many of their prerogatives, their financial resources, and the symbols of their power, and much of their ability to influence.

These steps were accompanied by provocative statements: Bourguiba publicly criticized some Muslim practices such as fasting and sacrificing sheep at Eid, and in March 1964 he even broke the fast of Ramadan on live television. The 1950s thus ended with a real confrontation between the republic's president and its main ulama: Sheiks Djait and Ben Achour, respectively Mufti of Tunisia and Recteur of Zaytuna University, were discarded, even though Bourguiba had relied on them in order to get the CSP enacted.

⁵ H. Bourguiba, quoted in F. Fregosi, "Bourguiba et la régulation de l'islam: les contours audacieux d'un gallicanisme politique à la tunisienne," in M. Camau and V. Geisser, *Habib Bourguiba: la trace et l'héritage*, Paris, Karthala, 2004, p. 80.

⁶ M. Borrman, *Statut personnel et famille au Maghreb de 1940 à nos jours*, Mouton, Paris-La Haye, 1977, pp. 275-421.

Because of these ruptures and declarations, Bourguiba's reforms – like those of Mustapha Kemal, to whom Bourguiba explicitly referred – appeared to be an attempt to deploy a secular model, leading to “the complete autonomy of the state, its institutions and its law, from religion and from religion's normative support in Sharia.”⁷ This impression was shared both by some of his partisans and by his opponents, secularism often being confused with the secularization consistent with these reforms. However, although secularism is in many ways a hazy concept and there is no uncontroversial model of a secular state, nevertheless – especially in the light of French law – it seems clear that building such a state means putting into practice certain principles at the institutional level. Above all, the secular state order must take precedence over all normative religious expression. The state must be non-confessional, indifferent to individuals' beliefs, while guaranteeing the liberty of conscience. In the case of France, this neutrality goes hand in hand with non-interference of the state in the internal affairs of religious sects, but that is not always the case. If we look at it with these criteria in mind, the idea of “Tunisian secularism” soon appears empty, and a political project based on tight control of the religious sphere by the state comes into view.

Subjugation of Religion, Bureaucratization of Worship

Bourguiba did not extend his provocative statements and actions into state atheism, nor did he seek to separate religion and politics. Two interpretations of his reforms are possible. One view is that they tied in with the political situation: in the post-independence power struggle, by reducing the power of the ulama, Bourguiba demolished a centre of opposition. Taking a longer view reveals that there was not a break with religion, there was rather a takeover of religion by the state. In fact Bourguiba was convinced that religion was essential to Tunisia's nation and state building, and in 1962 he declared that Islam was “the primary basis on which the Tunisian state was instituted, ... the basis even of the national struggle.”⁸

It was on this basis that Bourguiba built the young state. The Preamble of the Constitution of 1959 specifies that this constitution was promulgated “in the name of God,” its first article stipulated that Islam is the religion of Tunisia, and its fifth article guarantees the liberty of conscience. Bourguiba openly rejected the precedent set by Ataturk, and on the

⁷ F. Fregosi, *op. cit.*, p. 80.

⁸ H. Bourguiba, 26 February 1962, quoted in L. Hajji, “Pour une relecture critique de la relation de Bourguiba à l'islam,” in M. Camau and V. Geisser, *op. cit.*, p. 61.

same occasion affirmed his attachment to religion as well as to Tunisia's Arab character: "we have not followed the example of those peoples who have turned their backs on Islam and reject Arab customs, which are expressions of a noble Indo-European race. They have broken with all that is Semitic."⁹

In practice this narrow relationship between state and Islam meant the bureaucratization of religion and the development of an effective regulation of worship, as in the Turkey of Mustapha Kemal: after making the men of religion completely dependent on him, in October 1967 Bourguiba set up a bureau of religious affairs. At first it was part of the Office of the Presidency, later it was moved to the Prime Minister's Office, then (in July 1986) to the Ministry of the Interior. As in Turkey, the imams were and are civil servants, appointed and paid by the state. Their Friday sermons are checked, and sometimes even written, by state officials. Thus, with Islam as its official religion and state regulation of worship, the Tunisian state rejects the idea of excluding religion from its jurisdiction.

Religion, Republican Legitimacy and Reform

Although the subjugation and bureaucratization of the men of religion could be seen as following the model of Mustapha Kemal, Bourguiba's use of the register of religion to legitimate his power separated him from that model. Basking in the glow of his victory over France and his status as a great fighter, *al-mujâhid al-akbar*, Bourguiba was not unaware of the importance of appealing to religious sentiment in nationalist discourse. So after marginalizing the ulama, he set out to take possession of what made for their authority: religion, its major figures and its sciences.

Bourguiba thus used religious vocabulary and symbols to enhance his authority and to sanctify the state. References to religion were used to justify the presidential character of the regime, as in this speech: "Although the presidential system is one of the democratic systems adopted in Western countries, it has deep sources in Islam. Islamic law recognizes no other system; it is what lawyers call the Imamate, the supreme command. The President is none other than the Imam whose investiture is a result of the suffrage of the national community."¹⁰

⁹ H. Bourguiba, "Les nations ne durent qu'autant que durent leurs valeurs morales" ("Nations Last No Longer Than Their Moral Values"), 13 August 1973, Secrétariat d'État à l'Information, Tunis, 1973.

¹⁰ H. Bourguiba, speech on Mouloud, 25 March 1975, quoted by M. Camau, *Pouvoirs et institutions au Maghreb*, Tunis, Cérés-Productions, 1978, p. 270.

Identifying with religious figures such as the Prophet of Islam was another way of enhancing the authority of the state. Thus he compared the reactions to his 1960 Ramadan speech “to the shock felt by the Companions of the Prophet when he advised them to break the fast on the eve of a decisive battle.”¹¹

Religion itself – the source of legitimacy – became an object of reform: although Bourguiba undertook the “modernization” of the country in the name of religion, he soon averred that he wanted to reform it, encouraged in this by the thinking of such ulama as Taher Haddad and Fadhel Ben Achour. He said he aspired to highlight the “deeper meaning of religion, the ends it seeks to achieve and the means necessary to achieve them.”¹² Tunisians “need to understand the spirit of religion, but not to undergo an ossified and paralyzing scholastic education.”¹³ Bourguiba thus presented himself as a reformist exegete, professing an “intelligent way of interpreting religious precepts and of adapting them to the exigencies of the modern world.”¹⁴ Verse 11 of the thirteenth *sura* of the Quran became a source of inspiration for his political project, as in this speech in January 1973: “We failed to remember the great lesson that emerges from this Quranic verse: ‘God will not change the situation of a people who have not themselves changed inside.’ I drew inspiration from this verse ... when I set out to provoke a real internal change in the Tunisian, to lead him to become the architect of his own condition.”¹⁵

In his speeches, his status as Muslim head of state made him an authorized interpreter of Quranic law, so he had the authority to carry out bold reforms.¹⁶ He justified this boldness by the exceptional character of the independence moment and of the imperative of the struggle for development.¹⁷ In this “*jihad*” for development, he gave much attention to reforms “introduced for the benefit of Tunisian women..., the fruit of exegesis – for which

¹¹ M. Ben Achour, “La crise de ramadan 1379 H. (février 1960) en Tunisie ou les risques et périls de la diffusion autoritaire de la réforme,” in O. Moreau, *Réforme de l'État et réformismes au Maghreb (XIX^e-XX^e siècles)*, Paris, L'Harmattan, 2009, p. 342.

¹² H. Bourguiba, “Réformer l'organisation administrative”, 9 August 1973, Secrétariat d'État à l'Information, Tunis, 1973.

¹³ H. Bourguiba, “Rôle déterminant des sciences et de la technologie dans le progrès des Nations,” 25 January 1973, Ministère des Affaires Culturelles et de l'Information, Tunis, 1973.

¹⁴ *Ibid.*

¹⁵ H. Bourguiba, “Préserver la santé morale de la société,” Ministère des Affaires Culturelles et de l'Information, Tunis.

¹⁶ N. Gafsia, “Bourguiba et le Code du statut personnel: réflexions sur le recours à l'ijtihad,” in M. Camau and V. Geisser, *op. cit.*, pp. 69-78.

¹⁷ H. Bourguiba, “Rôle déterminant des sciences et de la technologie dans le progrès des Nations,” publication of the Ministère des Affaires Culturelles et de l'Information, Tunis.

[he requested] reward from Almighty God.”¹⁸ Much has been made of these reforms, and they have themselves been subjected to exegesis.

State Feminism?

In the context of his struggle for development, Bourguiba vigorously celebrated the measures taken to improve the status of women. From independence onwards, he sought to speed up the liberation of women. In his words, “no effort should be spared at last to reverse the strong historical forces that for centuries reduced women to the condition either of a despicable being or of a priceless object.”¹⁹ Thus he claimed to give “absolute priority to the women’s issues.”²⁰

This aspiration was fulfilled three months after independence with a major innovation, the CSP, which was a code of positive law formally breaking away from Islamic law. This gave Tunisians rights superior to those of other citizens of Arab countries. A legal process of divorce was instituted, in which the spouses were equal, and which replaced the traditional practice of renunciation. Polygamy was abolished, as was the marriage guardian. As for political rights, in 1957, women got the right to vote and to stand as candidates in elections, and in the late 1950s complementary measures gave women “the right to work, to move, to open bank accounts and to start businesses without spousal permission. Their public role became more settled, and helped radically change Tunisian society.”²¹ This “modernizing” action was completed with the introduction of family planning in the 1960s and the legalization of abortion in 1973.

Bourguiba spearheaded a campaign to promote these reforms. During the 1950s and 1960s, in his radio speeches and in his travels around the country, he took every possible opportunity to denounce misogyny. He quite regularly referred to the Islamic veil as a “ghastly rag ... jettisoned in Muslim territory [that] has nothing to do with religion.”²² Tradition-breaking legislation and official discourse prevailed for a decade, taking on the

¹⁸ H. Bourguiba, “L’émancipation de la femme conditionne le progrès social,” 14 August 1972, Ministère des Affaires Culturelles et de l’Information, Tunis, September 1972.

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ S. Bessis, “Bourguiba féministe: les limites du féminisme d’État bourguibien,” in M. Camau and V. Geisser, *op. cit.*, p. 109.

²² H. Bourguiba, “Coordination des services, respect des individus et libération de la femme,” 5 December 1957, in *Discours*, Secrétariat d’État à l’Information Tunis, 1975, vol. IV, pp 15-22.

appearance of state feminism. The rights granted to women had become one of the best assets of the country with Western European democracies.

This policy does have the appearance of a “state feminism,” given that it undertook a program to advance women, designed to catch up with the status of women in Western countries, in an authoritarian and voluntarist manner. However, state feminism implies that promoting women’s social position was at the heart of the political project, whereas in fact the CSP was really only part of the “modernization” of the regime, and its interpretation as a feminist law came later. Beyond and above helping women, it was aimed at developing the country by “liberating” the feminine forces. Above all, Bourguiba sought to wake up “a nation half-paralyzed.”²³

There is another limitation on the extent to which the spirit of this struggle for the advancement of women can be seen as feminist, notwithstanding that feminism has many faces: while claiming to treat men and women with equality, Bourguiba never made an issue of the patriarchal traditions and interpretations of religion. The CSP perpetuated this logic: the husband remained the sole head of the family, the marital home necessarily being his; men and women remained unequal with regard to inheritance, a major part of Muslim jurisprudence. Many years after this code was promulgated, Bourguiba praised it by pointing to the fact that Muslim jurists had approved it, even drawing their “arguments from the verses of the Quran,” and that he “[fell into agreement with them] on all issues relating especially to inheritance and divorce.”²⁴

After all is said and done, equality was celebrated more in speeches than in laws. There was absolutely no questioning of the morality supporting the patriarchal system: according to Bourguiba, “women’s liberation, far from being a cause of debauchery, in fact [strengthened] virtue.”²⁵ In his eyes, “reform [would have been] disastrous if it [had encouraged] women to turn their backs on good conduct, to expose their charms in public under the pretext of following fashion, in a word to behave licentiously. The protection

²³ H. Bourguiba, “Doublé le nombre des Citoyens,” 15 December 1961, in *Discours, op. cit.*, vol. IX, pp. 261-267.

²⁴ H. Bourguiba, “L’émancipation de la femme conditionne le progrès social,” *op. cit.*

²⁵ *Ibid.*

afforded by the veil was to be ... replaced by that of consciousness of dignity.”²⁶ So while claiming to liberate women and to encourage them to take their place in the public sphere, Bourguiba actually allocated to them a specific place: “women and girls [were] to show restraint and to be aware of the dangers that [threatened] them.”²⁷

Cyclical Ebbing and Adjustments

While it is tempting to see with hind sight a linear “progress” in the condition of women in Tunisia, nevertheless in the long term the feminist label seems least suitable to describe the Tunisian state. Indeed, in line with the political situation, its boldness has weakened. A number of adjustments were made during the 1950s and 1960s.

Up to 1969, the “modernist” course described by Bourguiba dominated, but then the conservative factions of the Neo Destour were strengthened by the ouster of Ben Salah. In the 1970s the commitment to women’s liberation ebbed. In 1973, marriages between Muslims and non-Muslims were forbidden by regulation: a mixed marriage where the spouse did not convert to Islam would henceforth be invalid. Another powerful symbol, in 1974, was the renouncing by a weakened Bourguiba, of a proposed modification of inheritance law that placed both sexes on an equal footing. In 1976, the discourse of emancipation became a victim of the economic situation: the president urged women to stay at home in order to defend male employment and to maintain family stability.

There was also much immobilism in the 1980s. The government gave up its opposition to practices that ran counter to the CSP.²⁸ The work of Sanaa Ben Achour shows how some judges with a traditional view of the Tunisian family and a religious conception of family law were able to subvert the legislation. Studying the jurisprudence of ordinary courts in CSP cases, she reveals how they have managed in a devious way to refer to Islamic themes in spite of the absence of Islam as a source of the CSP law or of its interpretation.²⁹ Confronted with such practices, the state completely dropped its guard until the early 2000s.

²⁶ H. Bourguiba, “Préserver la santé morale de la société,” 23 January 1973, Ministère des Affaires Culturelles et de l’Information, Tunis.

²⁷ *Ibid.*

²⁸ However, we should note that an important law was adopted in 1981, making the mother automatically the guardian of minor children following the death or incapacity of the husband.

²⁹ S. Ben Achour, “Le Code tunisien du statut personnel, 50 ans après: les dimensions de l’ambivalence,” *L’Année du Maghreb*, no. II, 2007, pp. 55-70.

Parallel with changes in the discourse about women, there have also been shifts in the relationship between state and religion, driven by political situations and strategies. In response to conservative pressure, the “modernizing” line bent in a direction that Franck Frégosi described as a “policy of progressive re-Islamization from above.”³⁰ The state readjusted its discourse, becoming less aggressive toward religious traditions and precepts. The fast of Ramadan was previously described as retrograde and harmful to the economy. After 1969, the authorities stopped publicly criticizing it and encouraged its observance, adjusting working hours in government and in state education. Compliance with religious precepts was treated as worthwhile, as was the country’s Islamic heritage. Several religious associations were created, including those promoting learning the Quran, and their development was encouraged by public authorities. The teaching of Islam was upgraded in public educational institutions; it became a separate course in civic education. This eclipse of secularization policies in the 1970s can be explained by the fact that Bourguiba, eager to counter opposition from the left, sought an alliance with religious political parties and groups. During the 1980s there occurred a swing in the values of official religious discourse, which from then on was used especially to defuse Islamist protests.

This official piety was further amplified after the coup of November 1987. Anxious to neutralize the Islamist parties (PLI and MTI), Ben Ali at first launched a policy of reconciliation: between 1987 and 1988, he pardoned many Islamist party activists who had been jailed in the last years of Bourguiba’s reign, including Rached Ghannouchi. He tried to appear more “Arab-Muslim” than Bourguiba and pretended to bury Bourguiba’s legacy. Ben Ali began his speeches with the *bismillah* formula (which Bourguiba had not done), multiplied the signs of piety, and ended, only for a few years, gender mixing at official receptions. The reinstatement of Zaytuna as a university in the late 1980s was also a powerful gesture.

This alliance lasted only for a time: in 1989, the desire to contain the influence of the Islamists took a repressive turn. The regime waged a violent campaign of anti-Islamist repression between 1990 and 1992. State piety, without being disavowed, took second place. After two years of rapprochement with the Islamist opposition, on the issue of secularism and

³⁰ F. Frégosi, *op. cit.*, p. 94.

state feminism the Ben Ali presidency seemed to pick up the thread of the Bourguibian legacy, and official discourse now stressed that continuity. Generally, Ben Ali chimed in with the promotion of state feminism, making himself the champion of the status of Tunisian women “mentioned with much praise and admiration, in [their] regional and international environment.”³¹ Rather than blaming the CSP, he appropriated it, adding some elements to it in 1993. He made it “one of the fundamental components [of the] Republican system, in its balance as well as in its evolution.”³²

However, despite the apparent continuity, the relations between the state, Islam and the feminism issue became more complex starting in the 1990s. The political weight of religious issues, very internationalized, changed considerably, just as did that of the state’s commitment to women. Between the instrumentalization of the religious registry and political secularization, the paradoxes of the Bourguibian legacy proved to be more and more difficult to come to terms with.

The Paradoxes of the November 7th Regime

Abroad, in other Arab or majority Muslim countries, Tunisia’s secularization policies had already been the subject of harsh criticism, in particular from Saudi ulama.³³ In the 2000s, the development of various forms of international Islamic proselytism (*da`wa*), along with the rise of transnational Arab and Islamic media, profoundly altered the context in which state authority is exercised in religious matters, threatening to undermine the balance of power between the Tunisian regime and its opposition, including the Islamic opposition. Noting the strength of religious circles and of their critics, President Ben Ali tried to control the religious sphere more, all the time preserving that showcase of the country’s modernity, the vaunted freedom of Tunisians and “Tunisian authenticity”³⁴ in general. He continued a policy begun in the 1990s of greater control of religious speech and practices. At first this control was administrative: in 1992 the bureau of religious affairs that had been erected in the state secretariat was transferred to a Ministry of Religious Affairs and its powers were greatly

³¹ “Discours du Président Ben Ali à l’occasion de la célébration du 50^e anniversaire de la promulgation du CSP,” 12 August 2006, in E. Gobe and V. Geisser, “La question de l’ ‘authenticité tunisienne’: valeur refuge d’un régime à bout de souffle,” *L’Année du Maghreb*, no. III, 2007, pp. 371-408.

³² *Ibid.*, p. 401.

³³ Hamadi Redissi describes the struggle between Bourguiba and Ibn Al-Baz, the future Grand Mufti of Saudi Arabia; cf. *Le Pacte de Najd*, Paris, Le Seuil, 2007, pp. 217-232.

³⁴ E. Gobe and V. Geisser, *op. cit.*, pp. 371-408.

strengthened. In the 2000s, the president, just like the leaders of many other majority Muslim states, made greater use of religious rhetoric, as a way of trying to monopolize this discourse and to pre-empt Islamist criticism. He extolled the virtues of “Tunisian identity” and set about punishing anything that might contravene “decent morality” or the “Arab-Muslim values of Tunisia.”³⁵ More or less directly, the expression of a certain religious strictness was favoured. The regime also took note of the rise of a culture promoted by the Muslim Arab satellite channels, and tried to compete with the influence of the Islamic media: Radio Zaytuna FM was launched in September 2007 by a son-in-law of the president, who also nurtured a project to create a religious television channel.³⁶

At the same time, the regime continued its policies directed against the Islamist opposition and its symbols, with the headscarf as its main target. The issue of the veil had been raised in the 1990s, but starting in 2006 Ben Ali elaborated a political and ideological view on the return of the veil. Eric Gobe and Vincent Geissier interpret this struggle against the veil as a power play designed to prevent a rapprochement of the opposition and independent Islamists. According to them, this authoritarian “feminist” policy went with a clientelist vision of society, and it supplied the state with a “means of perpetuating the alienation of women through gratitude and submission.”³⁷

This campaign against the veil was also a signal sent to the European partners of President Ben Ali. For Europe and for the French partner, the apparently low rate of women wearing the veil served as a symbol of the “modernity” of the regime, as evidence of women’s liberation and of the secularization of Tunisian society. This posture of modernity worked all the better because France was confronted with the desire of some Muslim girls to wear the veil. Curbing the veil thus signalled the ability of the Tunisian state to master political Islam and to defend the status of women.

³⁵ L. Chouikha, “La question du hijab en Tunisie: Une amorce de débat contradictoire,” in F. Lorcerie (ed.), *La politisation du voile en France, en Europe et dans le monde arabe*, Paris, L’Harmattan, 2005, p. 163. Quoted in E. Gobe and V. Geisser, *op. cit.*, p. 379.

³⁶ Florence Beaugé, “Entretien avec Khemaïs Chammari: En Tunisie, le pouvoir mène une politique démagogique dangereuse,” *Le Monde*, 1 October 2009; <http://www.kapitalis.com/kanal/61-medias/1923-une-chaine-de-television-religieuse-en-tunisie-pour-quoi-faire.html>.

³⁷ E. Gobe and V. Geisser, *op. cit.*, p. 375.

Between the re-Islamization of the state, the repression of Islamist opposition, and the preservation of the regime's feminist facade, managing the dual Bourguibian heritage seems to have led the Ben Ali regime to hold contradictory positions.

The Bourguibian Legacy at the Time of the Revolution

It was possible to postulate the existence in Tunisia of both an institutional secularism and an institutional feminism because of an inexact understanding of the state planned by Bourguiba and by his successor who loudly and strongly claimed this legacy. Despite his much vaunted willingness to break with the old order, Bourguiba did not try to construct a secular state: he founded the state on the subjugation of the religious and the bureaucratization of religious worship. Moreover, because of his concern to use Islam to legitimize the power of the republic, his deference to religion was omnipresent, even though he was pursuing secularizing measures – measures that undeniably took Tunisia across a threshold of secularization.³⁸ Among these reforms brought in on behalf of an authentic and “modern” understanding of Islam, the most striking action was the authoritarian advancement of women, an incomplete advancement with a patriarchal tone.

Above all it is the confusion between secularism and secularization – or in other words the importance attached to certain symbols, like the veil – that was able to create the flattering illusion that the Tunisian state had adopted the engagements of western states, taken their societies as a model, and come to resemble them like no other Arab state. Controlling the religious and religious symbols, and highlighting the role of women in society, have become powerful political symbols and have gradually tended to present a secular and feminist *trompe l'oeil*.

However, the paradoxes underlying the policies of the Tunisian government on religion and the advancement of women, as well as the evolution of the political and social context, have gradually made it difficult for this legacy to be managed by a regime that has chosen an authoritarian and repressive path. Therefore this “secularism” and “feminism” are to be considered in a nuanced and critical way, especially because in the last decade the relationship forged between state, religion and society have dramatically changed.

³⁸ Cf. P.-J. Luizard, *Laïcités autoritaires en terre d'islam*, Paris, Fayard, 2008, pp. 253-260.

At a time when the High Commission of Tunisian Reform, presided over by Iyadh Ben Achour, the son of Fadhel Ben Achour, is responsible for reconsidering Tunisia's institutional and legislative apparatus, Bourguiba's ambivalent and controversial dual legacy is at stake. Testifying to this are the demonstrations and discussions that sporadically perturb Tunis, on the issues of the possible inclusion of secularism in the constitution, of the fate of the CSP, and of the authorization of religious political parties.

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