

Chapter 10

Women's Rights, Democracy and Citizenship in Tunisia



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Abstract The gap between the role that women have played in Tunisian history and their current position in public and political life makes it difficult to address the issues of woman's rights in relation to citizenship and democracy in Tunisia. Since the foundation of the ancient Phoenician-Punic city of Carthage, women have played a crucial role in the establishment of modern-day Tunisia endowed with a unique destiny. However, over the centuries, this role has often been obscured and undermined by politicized approaches to history with a deliberate attempt to conceal the women's contribution. This chapter will examine the role of women in Tunisian society from the perspective of women's identity, caught in a dichotomy between secular and religious worlds. Furthermore, we will examine women's major contributions to the founding of Tunisia, providing an insight into the country's current issues and challenges. We believe that the analysis of the role and place of women as citizens in the democratic process in Tunisia is the *sine qua non* condition to better understand the persistent ambiguities, barriers and issues the country currently faces.

Keywords Democracy · Women's rights · Citizenship · 'Jasmine Revolution' · Code of Personal Status

Introduction

This chapter postulates that the debate on citizenship education and global citizenship education (GCE) in Tunisia are directly related to democracy and women's rights. Indeed, Tunisia has experienced a tumultuous relationship with citizenship. Following the end of the French protectorate in 1956, the country embarked on a path of cultural modernization (notably by granting rights to women) but political power was marked by authoritarianism up until 2010.

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The Tunisian revolution of 2011, also known as the ‘Jasmine Revolution’, was a peaceful demand for change and genuine democracy led by young people and women and strongly influenced by social media and women’s movements. It was hoped that the long-standing dictatorship would surrender and give way to the long-suppressed desire for freedom of speech, equal citizenship and gender equality. Unfortunately, in the aftermath of the revolution, the divide between women’s rights defenders and those who advocated a return to the traditions and values of Islam was stronger than ever. In this strained context, inconsistencies, paradoxes, opposing viewpoints and double discourses came to the forefront in public debate as the government struggled to conceive a new Democratic project for Tunisia.

The Tunisian National Dialogue Quartet, composed of the Tunisian General Labor Union (Workers’ Union), the Tunisian Union of Industry, Commerce and Handicrafts (Employers’ Union), the Council of the National Bar Association of Tunisia and the Tunisian League for Human Rights, was awarded the Nobel Peace Prize 2015 for its major contribution to the democratic transition. It is therefore important to understand the democratization process within the process of globalization as three components of this quartet are influenced by global forces but do not necessarily share a coherent ideological position. The workers’ union denounces an unbridled globalization supported by international organizations and the employers’ union supports a greater integration of Tunisia in the global economy while the Tunisian League for Human Rights has benefited from the continued support of the international community. From a broader perspective, multilateral and bilateral cooperation, often funded by the EU, the World Bank and Western countries, influences the debate on gender equality in Tunisia.

In this chapter, we will analyze the current situation of women in Tunisia but before doing so, we will examine their contribution to the founding of this nation. This brief historical overview aims to provide an insight into current issues and challenges. In other words, analyzing the role and place of women as citizens in the democratic process in Tunisia is, in our opinion, the *sine qua non* condition to understanding the persistent ambiguities, barriers and issues facing women within the dichotomy between secular and religious worlds.

An Exceptional Female Destiny

Because of its remarkable history and the legends associated with its foundation, Tunisia is seen as a fascinating exception. Indeed, Carthage the Phoenician-Punic metropolis of the Mediterranean, whose Punic name was *Qart Hadasht* (new town), was not founded by a God or a hero but by Elyssa (814 B.C.), a Tyrian princess of extraordinary beauty. First born of the King of Tyre (in present-day Lebanon), Elyssa, in order to avoid civil war, fled atrocity and the greed of her brother Pygmalion and traveled to the coast of present-day Tunisia (Bonnet 2011).

In contrast with the dominant position of male leaders throughout history, often said to be guided by divine forces such as Pythian Apollo who expresses himself through the oracle of Delphi (Detienne 1998), Carthage can be seen as a true gynarchy, exemplified by its wealth and independence among the Phoenician counters.

However, the incomplete and generally mixed results from excavations (Jaïdi 2014) have relegated Elyssa to the sphere of legend and collective imagination. This idea was reinforced by historians, archaeologists, writers and artists who while fascinated and inspired by the beauty of Elyssa, paradoxically gave less credit to her political status as a leading female figure. For instance, the renowned Latin writer Virgil depicted her as a neglected and grieving princess, voluntarily ignoring her status as the founder of a powerful city. Other authors often portrayed her as a grieving lover who, after being seduced and abandoned by the Trojan Aeneas, committed suicide by setting herself on fire.

Today, Tunisia has restored the founding myth of Elyssa to reflect both her political and economic genius and reaffirmed her historical importance.

The Democratic Heritage of Carthage

Carthage was considered to have an excellent form of government and constitution (814 BC) and was praised by Isocrates at the beginning of the fourth century BC, comparing the Carthaginians to the Greeks “who were the best governed” (Bunnens 1979). A century later, Aristotle valued the Carthaginian, Spartan and Cretan constitutions as superior to others in many respects.

A true model of a balanced “constitution with the best characteristics of the various types of political regimes, combining elements of the monarchical (kings or suphet), aristocratic (Senate) and democratic (people’s assembly) systems” (Aristotle 1963, p. 11) characterized the political organization of Carthage. Its reputation for excellence seems to have been continually reaffirmed by authors in antiquity. An important characteristic of this ancient city was its cosmopolitan population that included Phoenicians, Greeks, Berbers, Iberians and others. Mixed marriages were frequent and widely contributed to the development of Carthage’s specific civilization.

Unfortunately, because of the loss of Phoenician and Punic literature, we can only rely on Greco-Roman texts, that are patriarchal and biased sources *par excellence*, and do not inform about the participation of women in the Carthaginian city.

Tunisian Female Figures in Antiquity

Looking at Tunisia’s historical milestones and democratic heritage, it is possible to believe in effective democracy in a Muslim country. The stelae in the Tophet of Carthage reveals that Carthaginian women enjoyed a degree of independence as they could exercise many professional activities and make sacrifices (Dridi 2006).

In this respect, Women's rights and democracy in Tunisia must be understood in the light of what Justin (1979) called the "female protection" when referring to Carthage, its "a-typical" history and long-standing involvement of women in the democratic process (Camau 1987; Krings 1994). Indeed, the historical destiny of modern Tunisia has to a certain extent been shaped by Elyssa, the founder of Carthage as well as other prominent female figures who have played important roles throughout the country's history.

However, because of its selective and patriarchal nature, history has kept only some examples of women who ended up being outstanding mythical figures. As well as Elyssa (879 BC), Sophonisbe¹ (235 BC–203 BC); the Berber and warrior queen Dihia,² also called Kahena (686–704 ADC); El Djâziya El Hilalia,³ (973–1148) the main hero of the hilaly epic; Saida Manoubia (1180–1257) known for her charity to the poor; Aziza Othmana⁴ (1606–1669) princess and protector of the poor and unfortunate have all influenced their times by their courage, intelligence, generosity and independence.

Since then, many other female figures, such as Fatima El Fehrya (also known as Oum al-banîn), founder of Al-qarawiyyîn University in Fez (the oldest and still operating University in the world) and Tawhida Ben Cheikh the first woman doctor in the Arab world who founded the first hospital service providing family planning and birth control as well as the first clinic specializing in birth control, ensured that the issue of women rights in Tunisia remains a priority, more than in all the other countries in the Maghreb (Camau and Geisser 2004).

Tahar Haddad and the Code of Personal Status

Tahar Haddad, a trade unionist militant trained at the Great Mosque of Zitouna, conducted a socio-historic study of Tunisian society. His work shed light on a prestigious feminine past and the influence of the reformist movement of the nineteenth

¹ Daughter of the Carthaginian general Hasdrubal Gisco, Sophonisbe, she was renowned for her legendary beauty. She initiated the ties between Carthaginians and Numides by marrying King Syphax. Sophonisbe

² Zenet Berber warrior queen of the Aures who fought the Umayyads during the Islamic expansion in North Africa in the seventh century. She was a Berber warrior queen who unified the Amazigh tribes to counter Islamic invasions. She won two battles against Muslims and succeeded in reigning over the entire Ifriqiya for 5 years. She was the only woman in history to fight the Umayyad empire.

³ Princess Jazia was probably the most important character of the tenth century. This heroine, whose beauty, sensuality and femininity were legendary, engaged in all male activities. Rider and warrior, poetess and adventurer, she was also a tragic character thanks to her feminine power and her love for Emir Dyab, her brave knight.

⁴ She was a Tunisian princess belonging to the Beylical dynasty of the Muradites. Aziza Othmana, granddaughter of Sultan Othman Dey and wife of Hamouda Pasha. She freed slaves and war prisoners, offered all her property for charitable works and participated in the financing and building of the current Aziza Othmana Hospital.

century initiated by many defenders of the idea of modernism such as Kheireddine Pasha⁵ and Ibn Abi Dhiyf (Camau and Geisser 2004). Published in 1930, his book entitled "*Muslim Women in Law and Society*" drew attention to the need for changes for women in society, in line with a constantly evolving situation in the country. Tahar Haddad examined the condition of Muslim women and the main issues related to their emancipation (Sraieb 1999) and developed a program of societal reform, particularly through education for women. He advocated the liberation from the ancestral customs and traditions blocking Tunisian women from progressing. He also argued that that Islam was not an obstacle to their emancipation. In this respect, he invites the *Ulemas* (Muslim scholars) and legal experts to return to *Ijtihad* (independent reasoning to interpret the founding texts of Islam and reform Muslim law) to guarantee women's rights.

Admittedly, the enlightened and progressive ideas of Tahar Haddad encountered fierce opposition from *Ulemas* and were subject to a denigration campaign from conservative groups. Nevertheless, his work inspired those who designed and drafted the Code of Personal Status, issued on 13 August 1956 (Sraieb 1999). Today, he remains a contested figure and his grave was desecrated and his statue destroyed after the Tunisian Revolution.

Women's Movement in Tunisia: From State Feminism...

Following the independence movement that brought an end to the colonial protectorate, the first President of the Tunisian Republic, Habib Bourguiba, promulgated the Code of Personal Status (CPS) and launched a vast program to modernize society (Bessis 1999). This set of progressive laws included the right to divorce and the prohibition of polygamy, repudiation and forced marriage.⁶

Tunisian women first obtained the right to vote in 1959 and the right to abortion in 1973, giving Tunisian women unprecedented rights in the Arab world. However, it should be noted that the promotion of these rights was not solely thanks to Habib Bourguiba, but also supported by several women who had accompanied and assisted the national struggle for independence. It was during this struggle for the country's independence in the 1940s that they were given the opportunity to be actively militant. Several women of the Tunisian bourgeoisie participated in the national liberation movement by collecting donations for Tunisian resistance fighters, opening reception centers for children and most importantly demanding their rights to citizenship (Camau and Geisser 2004). However, once independence was achieved, they were immediately disillusioned by the establishment of a one-party political power that not only betrayed the causes for which it had long fought, but also blocked all initiatives for

⁵As early as 1868, Kheireddine Pasha wrote '*The Safest Way to Know the State of Nations*' in Arabic which argued that the future of Islamic civilization is linked to its modernization.

⁶Previously a bride's consent was not required, only her father's consent was deemed necessary.

democratization and emancipation. Habib Bourguiba made the best use of Tahar Haddad's enlightened ideas, which forged his image as the "father of the fatherland" and "liberator of Tunisian woman". It should however be noted that his policy sought to limit the social and political significance of Islam rather than to truly dissociate himself from the religious system that created patriarchal attitudes and gender-related stereotypes.

At that time, the CPS was considered a bold act in favor of gender equality in many areas but unfortunately its promises remained unfulfilled.

Habib Bourguiba's successor Zine El Abidine Ben Ali fueled ambiguity as to the place that women should occupy in society. He criticized what he saw as the "secular excesses" of his predecessor while glorifying Tunisia's Arab-Muslim identity, but nevertheless declared his attachment to the CPS following pressure from academics. "There will be no questioning or abandonment of what Tunisia has been able to achieve for the benefit of women and the family". (Zine El Abidine Ben Ali, cited by Mahfoudh and Mahfoudh 2014, translated from French).

In fact, Zine El Abidine Ben Ali sought to please both the modernists who wanted to maintain the CPS, a symbol of the country's modernity, and the conservatives who called for its revision. In the end, after some hesitation, he embraced both modernity and its contradictions by building, perhaps more than his predecessor, his reputation on his policy towards women (Bessis 1999). However, as he was not entirely committed to the women's cause and was rather more careful of the demands of the Islamists, he invalidated a series of decisions previously taken (Khiari 2003). This helped preserve the conservative mindset of a segment of Tunisian society strongly influenced by the rise of Islamism during the 1980s.

The principle of equality between men and women was nevertheless confirmed by the 1988 National Pact and the principle of a couples' joint family responsibility was introduced in 1993. Tunisia also ratified the United Nations Convention on the Prohibition of all Discrimination against Women. With the creation of the Centre for Research, Studies, Documentation and Information on Women and the creation of the Ministry of Women and Family Affairs, Tunisia has now structures dedicated to women defending their citizenship rights. Furthermore, the amended Labor Code has affirmed the principle of non-discrimination between men and women in all aspects of work (access to employment, equal pay), both in the public and private sectors.

Thus, having supported "a greatly varying feminism" the two leaders, Habib Bourguiba and Zine El Abidine Ben Ali, demonstrated political expediency (Khiari 2003). Habib Bourguiba, leading the way in the Arab World, promoted universal education and public health and created a true jurisprudence in terms of women's emancipation. However, his governing led to a real 'obstruction of politics', mainly by suppressing any hope for a democratic transition in Tunisia. Camau and Geisser (2004) draw attention to the inherent contradictions in his policy: both emancipative and moralizing, advocating new rules of behavior while allowing conservatism to persist, affirming equality between men and women but turning a blind eye to new forms of discrimination.

...to Autonomous Feminism

In the 1970s, women organized autonomous feminism under the banner “us by ourselves” and came together in the Tunisian Association of Democratic Women (*Association Tunisienne des Femmes Democratiques*) (ATFD). Unlike State feminism, embodied by the widely criticized National Union of Tunisian Women, the ATFD denounces and reports discriminations based on gender, patriarchy and social practices endured by women. This militant association also aims to deconstruct the “submissive Arab woman” stereotype (Mahfoudh and Mahfoudh 2014) and contests former President H. Bourguiba’s status as the “liberator of Tunisian women”. They believe he instrumentalized women rather than liberated them.

Admittedly, the State has always rendered the autonomous feminist movement invisible and hindered its action by taking credit for its gains. Thus, conservative political speeches, reported by newspapers, describe the freedom of Tunisian women as a gift from President Bourguiba and assert that women “did not fight to win their rights and therefore they do not weigh their value” (Mahfoudh and Mahfoudh 2014, translated from French). This is not a fair representation of the role of Tunisian women who actively engaged in the National Liberation Movement, with prominent figures such as Bchira Ben Mrad, founder of the first feminist movement in Tunisia in 1936, and Radhia Haddad, one of the first women parliamentarians in Tunisia. Other women including Dorra Bouzid, the first Tunisian woman journalist, also marked history with the publication of articles such as the “Appeal for the right to emancipation” (13 June 1955) and “Tunisian women are of age” (3 September 1956). The Fayza magazine, with the symbolic name meaning “winner” or “laureate” in Arabic, published between 1959 and 1969, was the first French-speaking Arab-African women’s magazine and as such has remained renowned.

Revolution and Post-revolution: Political Divides

The ‘Jasmine Revolution’ of 2011 helped citizens regain their rightful place and paved the way for democracy in Tunisia. But more importantly, it lifted the veil on the political regime and brought to light a politically divided and socially unequal Tunisia. In this context, the CPS constantly resurfaced in debates and became a source of conflict between conservative and progressive parties on the future societal project for the country. Consequently, the political divide between those wishing to consolidate and maintain the in-progress modernist project initiated by former President Habib Bourguiba and those wishing to abolish the existing constitution and revise the CPS became clear.

Following the collapse of Zine El Abidine Ben Ali’s government, the Islamist Ennahda party won a plurality of votes in the first democratic election of the National Constituent Assembly and their first demand was to revise the CPS, which they considered to be an undesirable foreign import. The new constitution was an opportunity for them to call for conservative reforms, the application of

Sharia, the creation of Koranic schools and the establishment of the Caliphate (Mahfoudh and Mahfoudh 2014). The tensions ran high and some went as far as negating the ancient pre-Islamic history of Tunisia and destroying in 2012 historical remains and monuments, even Islamic sacred sites (*zouias*).

In the wake of the ‘Jasmine Revolution’, many new associations were created by both autonomous feminist activists and by more conservative and religious groups of women who were persecuted (or the wives of persecuted men) during the rule of former Presidents Bourguiba and Ben Ali. The more extreme conservative groups rejected the country’s modernist project, in particular the CPS they considered to be inconsistent with ‘Arab-Muslim identity’, and aspired to Islamize women and families through a patriarchal, archaic, misogynistic, violent and discriminatory discourse. Supported by the Islamist party in power, they organized public events where Wahhabi preachers from the Gulf States and Egypt were invited to promote cultural practices foreign to Tunisia such as female genital mutilation, the wearing of headscarves by young girls, the *niqab*, the separation of boys and girls at school and polygamous marriage. Fortunately, given the anti-democratic nature of these events, the civil society mobilized to block them. It should be noted that many conservative associations are more moderate and support the achievements of the CPS and the democratic transition even if they do not prioritize women’s rights.

The current Tunisian constitution, adopted on 26 January 2014 by the Tunisian Constituent Assembly, recognizes Islam as the religion of Tunisia but does not mention Islamic law as a source of law-making and enshrines parity between men and women in the political sphere. One of the great disappointments after the Revolution was the division of Tunisian women into conservative and progressive groups that do not defend the same values or the same project for society.

Women in Civil Society

It is interesting to observe that the emblematic female figures such as Elyssa, El Kahena and Saida Manoubia have been instrumentalized not only to support the political agenda of progressive women committed to universal values, equality and women’s rights but also by conservative women who support a ‘pro-family’ project without gender equality and women’s rights in conformity with the instructions of *Sharia* (Ouanada 2017), becoming the voice of what is now referred to as ‘Islamic feminism’ (Siino 2012).

Despite this polarization, there seems to be a common desire among these women to occupy the public space through associative work, the only space not dominated by patriarchal power. They have also turned to social networks and civil society to counterbalance power, much like the women in eighteenth century French Salons, to find a way to exercise their influence.

During the 2011 elections for the National Constituent Assembly, progressive associations forced the principle of parity and alternation between men and women in electoral lists; this allowed Tunisia to be one of the countries in the world with a high rate of women parliamentarians. While there is parity in the number of women candidates, women were largely excluded from the top lists due to a biased voting

system (Chékir 2012). Furthermore, Tunisian women still encounter difficulties related to patriarchal attitudes that prevents them from accessing positions of responsibility in many areas (Elbouti 2018).

Overall, we can see that Tunisian women, while enjoying equal citizenship with men, still have to fight for legal, social and economic equality, which is strongly opposed by conservative groups. Although Tunisia can be proud of the significant steps it has taken towards education for all as well as the country's public policy in favor of the economic empowerment of women and their active participation in the economic sector, their representation in civil society still lags behind. Women represented 37% of employees in public service in 2016 and 46% of the total workforce, which is low compared to those of the G20 countries. Furthermore, Tunisian women represent approximately 60% of university students and educators at different levels of education (Chékir 2012) but are underrepresented in decision-making positions.

Gender-based discrimination in the workplace still exists, creating a glass ceiling that limits women's access to positions of power. Moreover, after the revolution of 2011, the unemployment rate of women with tertiary education reached alarming levels and reinforced the gender gap (Présidence du Gouvernement Tunisien, ONU Femmes & MAEDI 2017).

Under the government led by Beji Caïd Essebsi between 2014 and 2019, women gained the right to marry non-Muslim partners and a law protecting women from violence was adopted. A new inheritance bill guaranteeing equality was passed but as it opposed Quranic law, which specifies that women inherit only half as much as male relatives, it was severely criticized by the Islamist party and subjected to fierce debate.

In June 2018, the Tunisian Commission on Equality and Individual Freedoms, promoted the idea of harmonizing the country's legislation with international human rights standards and current trends in the human rights and public and individual freedoms agenda (Human rights watch 2019).

Citizenship Education

From 2010, citizenship education began to be the subject of multiple national and international initiatives in Tunisia (Mouhib 2019). Thus, as part of a joint initiative of the Tunisian Government, the Arab Institute for Human Rights, local NGOs and United Nations agencies, Tunisia has created school clubs on human rights and citizenship in 24 primary and secondary schools. The objective is to educate the Tunisian youth about their democracy and to disseminate the values and principles of human rights and citizenship, using participatory pedagogy through "citizenship projects" (UNESCO 2015).

The low participation of Tunisian youth in the 2011 and subsequent elections justifies the need and urgency of such initiatives. However, efforts are still required to adequately improve school curricula. As suggested by Zaoui (2016), the official high school curriculum includes 'learning to live together' and solidarity but youth and citizen participation in decision-making and political life is under-represented.

Conclusion

The corpus of progressive laws that were adopted over time in Tunisia helped to establish gender equality, allowing women to get a divorce more easily and banning forced marriages and polygamy. Thanks to the CPS, which evolved over the years, Tunisian women enjoy the highest status of any women in the Arab world. However, Tunisia's policies on women's rights and family rights are still based on a series of ambiguities and progressists struggle to break with the patriarchal order, facing resistance from conservative groups.

Along with the legacy of former president Habib Bourguiba central to the development of a post-independence state in which women have revolutionary rights, Tunisia has a long tradition of female independence activists and women's rights activists. This tradition, which capitalizes on a series of achievements and gains along with the synergy of a civil society, brings hope of an inclusive approach. In Tunisia, *res publica* is today no longer the privilege of men, quite the opposite, graduates to illiterate and poor women have moved into the public space.

Although Tunisia has long been seen as a pioneer for women's rights in the Arab world, the country is still torn between conservatives and progressives. In this respect, the fight for greater gender equality is no longer a legal matter but one where attitudes must be revolutionized.

In the private sphere, that Taïl (2018) considers as a political space, the gender-based distribution of home and care duties remains an issue around the world. She states that as long as there is no true equality in the private sphere, women will not be able to claim real gender equality in the public sphere (Taïl 2018).

In the current Tunisian context, there is a strong revival of conservatism, and an urgent need to emancipate women's rights in relation to 'Arab-Muslim identity', which traditionally assigns women to a lower legal status. Overall, we can see that the Tunisian government is cautious when it comes to the issues of women's status, as it fears fueling political polarization. Despite having made significant progress towards equality on legislative matters since the country's independence in 1956, resistance to true equality is expressed by many conservative Tunisians. Viewed as not bold enough for many women and too progressive by others, the Tunisian regime is attempting to navigate between these two groups who have different aspirations and do not share a collective project of modernity (Bessis 1999).

According to Charfi (2012), Tunisia should take into consideration the composition of society and build a democratic system which guarantees broad participation of all social categories. This democratic model should have the ambition to guarantee dignity, freedom, equality, social justice, solidarity, evolution, scientific, technical and artistic creativity. This ambition can be fulfilled only if they manage to liberate all capacities and potentialities present in civil society to allow creativity and social mobilization and political engagement (Charfi 2012). Hence the importance of citizenship education at national and global levels.

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