

# Tunisia's Preamble: Space for Minorities within an "Arab-Islamic Identity"

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## ABOUT THE AUTHORS

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## Brief Analysis

**T**he fact that it took Tunisia's Constituent Assembly (CA) six months to draft the preamble to Tunisia's new constitution is indicative of the document's controversial nature; few debates have proven to be more divisive within the constitution's drafting committee than the preamble's references to Tunisia's "Arab-Islamic identity."

As the first Arab Spring nation to draft a new constitution, thereby defining its post-revolutionary identity, Tunisia's potential to affect regional development has raised the stakes.

The preamble's pointed references to Tunisia's Arab-Islamic identity have also heightened anxieties amongst several of Tunisia's minority communities, particularly since, over the years, the country's vibrant cultural mosaic has begun to lose its luster. While numerous members of Tunisian minorities maintain that such fears are unfounded, others view their continued exclusion from the country's constitution as a foreboding indicator that Tunisia's celebrated diversity will continue to dwindle.

## The Dangers of Exclusion

Yamina Thabet, a member of the Tunisian Association to Support Minorities, fears that references to Tunisia's Islamic identity within the country's preamble could serve as a thinly veiled disguise for introducing religious rhetoric into future legislation in order to gain votes in Tunisia's next elections from the country's majority Arab-Muslim population.

"If we talk about our African identity, or Amazigh [an indigenous ethnic group of Tunisia and a community currently considered a minority within Tunisia] identity, or the identity of other religions that exist in our society, it will not suit a lot of people [in the majority]," she explained.

The concept of an Arab-Islamic identity has not always been at the forefront of Tunisian political discourse. The Tunisian constitution of 1861 – the first constitution written in the Arab world – **[makes no reference to Tunisia's identity as Arab or Islamic \(http://www.tunisia-live.net/2012/07/14/tunisias-new-preamble-and-the-question-of-minorities/www.sunypress.edu/pdf/60443.pdf\)](http://www.tunisia-live.net/2012/07/14/tunisias-new-preamble-and-the-question-of-minorities/www.sunypress.edu/pdf/60443.pdf)**. There was no widespread movement to include an Arab-Islamic identity in the country's legislation until Tunisia's **[1959 constitution \(http://www.wipo.int/wipolex/en/text.jsp?file\\_id=188948\)](http://www.wipo.int/wipolex/en/text.jsp?file_id=188948)**.

Ines El-Shikh, an activist for Tunisia's Amazigh community, believes that such a constitutional progression was

reflected in the exclusionary policies of former Tunisian presidents Habib Bourguiba and Zine el-Abidine Ben Ali. She maintains that the resulting promotion of Tunisians' Arab-Islamic identity in schools, media, and politics, "... worked so well that most Tunisian people forgot that they are Amazigh themselves," referring to the fact that research shows that nearly all Tunisians have some Amazigh blood in their genealogy.

Thus, in El-Shikh's eyes, distinctions within a constitution on the basis of ethnic or religious identity could have monumental repercussions. "If a constitution is discriminatory, justice of the state will be discriminatory, and discrimination will become a normal part of the society," El-Shikh asserts.

Indeed, due to cultural marginalization and the absence of the Tamazight language (a dialect spoken by the Amazigh community) in Tunisian school curriculum, Tunisia's Amazigh population is already diminishing.

According to Lofti Azzouz, director of Amnesty International in Tunisia, exclusion from previous constitutions – as well as from the new constitution currently being drafted – endangers the future of Tunisia's Amazigh community.

"If [the Amazigh] are not mentioned in the constitution, they risk ... alienation, due to the current prevalence of religious rhetoric [in Tunisian society and politics]," the director of Amnesty International Tunisia stated.

The quiet exit of the Amazigh from Tunisia's social stage would not bode well for the country's other religious and ethnic minorities, many of whom have played pivotal roles in Tunisian – and world – history.

Jacob Lellouche, a prominent member of Tunisia's Jewish community, highlights the significance of Tunisia's Christian and Jewish minorities within the context of world religions. Lellouche, the only Jew to run in Tunisia's 2011 elections, points to Tunisia's history as a model for the country's present situation.

"We also can't forget that without Tunisia, Christianity wouldn't have become what it is. The basis of Christianity was founded here in Tunisia with St. Augustine. The same goes for Judaism... We have to take some lessons from the past, from our history, from our heritage," Lellouche says.

### **Fears Unfounded?**

At the same time, Lellouche and many other members of Tunisia's Jewish community feel that fears concerning the status of Tunisia's Jewish minority remain unfounded.

Roger Bismuth, head of Tunisia's Jewish community and a member of the International Council of Jewish Parliamentarians, proudly displays his Star of David necklace at all times as a symbol of his Jewish identity.

For Bismuth, the wording of Tunisia's new constitution is not as important as political action on the ground. He emphasizes Tunisian politicians' commitment to maintaining dialogue with Tunisia's Jewish population. "I see the chief of Ennahdha, Mr. Ghannouchi, whenever I want. I spent an hour with him last Friday," he explains.

While Bismuth and other Jews may be satisfied with their current status in Tunisian society, Salma Baccar – vice president of the Constitutional Commission for Freedom and Rights at the Constituent Assembly and a member of the Republican Party – fears for the nation's less prominent minorities, particularly those that to this day remain largely unacknowledged.

"Today, legally and because of the constitution, I am not as afraid for the Jewish minorities as I am afraid for other minorities that perhaps we know [exist], or we do not know [exist] and that we may discover in the future, like the Ba'hai [religion]. I never knew that they existed in Tunisia," she states.

For Mabrouka M'barak, a member of the Constituent Assembly's Preamble, Fundamental Principles, and Constitutional Review Commission, however, the preamble *does* take into account Tunisia's historical diversity. She contends that the Arab-Islamic identity referenced in the preamble is meant to honor the country's rich heritage – of which its Arab and Islamic identities play a part.

“You have to understand that the Arab and Muslim reference [in the preamble] is more like a cultural reference than anything else. It doesn’t mean that we are not a diverse community,” she asserted. “We are just saying that we are proud to be Muslim and Arab...Actually, in the preamble we said that we are inspired by the people of Tunisia throughout its history and civilization. So this is taking into account *all* of the Tunisian people.”

### "Tunisia will be another reference point"

Tunisia’s reference to a religious identity – whether cultural or otherwise – is not unprecedented. Throughout the course of history, numerous democratic nations have included religious identities within their constitutions, while guaranteeing the rights and freedoms of their non-dominant religious communities.

For Azzouz, referring to a religious national identity in a country’s constitution is perfectly natural. “It happens all over the world,” he contended.

For example, Section IV of Denmark’s constitution establishes the Danish Lutheran Church as the country’s national church, yet the document later guarantees freedom of religion in section 67 and prohibits discrimination based on faith in section 70.

What is more, arguments over Tunisia’s Arab Islamic identity in the country’s preamble may be premature; debates over the final wording of the constitution have not yet settled, and whether or not references to the Arab-Islamic identity of the country will resurface elsewhere in the document has yet to be seen.

What remains clear, however, is that as the first Arab Spring nation to undergo a revolution and to pioneer successful democratic elections, Tunisia is again leading the region in determining its post-revolutionary character.

Consequently, Lotfi Azzouz asserted the significance of ensuring minority rights for the region. “Tunisia will be another reference point and example for other countries [of the Arab Spring]. In other countries, popular movements will demand citizens’ rights, as well. Other societies are following closely what’s happening [in Tunisia],” he said.



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