

SOCIAL REPRESSION IN A DEMOCRACY: THE CASE OF TUNISIA

Tunisia's remarkable democratization process in the wake of the Jasmine Revolution has not been followed by an improvement of civil liberties: Tunisia is still home to harsh repression on particular social behaviors, namely homosexuality and actions or speeches deemed insulting to religion. This article seeks to account for the apparent contradiction between the Tunisian newly free political environment and the socially repressive measures that persist in the country by arguing that the democratization of Tunisia further entrenches the repression of irreligious speech and of homosexuality. It highlights the coalition government's political disincentives in advocating against these restrictive measures and presents the rise of Salafi Islamism in the country as a factor of the unwillingness of the government to stop or even alleviate the violent repression of homosexuals and the severe sanctions against blasphemy.

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As the birthplace of the Arab Spring, Tunisia underwent an impressive democratization process after the Jasmine Revolution and the overthrow of President Zine El-Abidine Ben Ali in January 2011. A Constituent Assembly was formed in October of the same year, permitting political deliberations that led to the adoption of a new Constitution in 2014 and to the founding of a new democratic state. The first free elections, for the Assembly of the Representative of the People and for the President of the Republic, were held in October and November respectively. Since 2016, Tunisia has been the only Arab country rated as “Free” by the Freedom House Index, with a Political Rights maximum score of one, placing it among the most politically free countries in the world.¹

Despite this democratic progress, Tunisia has been a theater of socially repressive measures. In the beginning of April 2017, a British DJ was charged with “public indecency” and “offending public morality” and condemned in absentia to a year in prison for remixing the Muslim call to prayer in a nightclub in Hammamet. The nightclub has been closed by the authorities and its manager questioned by the police. The Ministry of Religious Affairs has stated that “making fun of Tunisians’ sentiments and of their religious principles is absolutely unacceptable,” criticizing “harmful acts towards the sacred and religious rites.”² In March of the same year, a film director was arrested at his house with a student, charged for homosexuality, tortured and imprisoned.³

Western liberal conceptions of democracy attach a primordial importance to freedom of speech and civil liberties. The Tunisian case thus represents a complex but interesting one to study the contradiction between its recently free political environment and the socially repressive measures that persisted after the revolution. I argue that in Tunisia, democratization is not synonymous with the respect of civil liberties and can, on the contrary, foster the repression thereof.

Nidaa Tounes and Ennahda in the Tunisian Democracy

The 2014 Constitution provided Tunisia with a semi-presidential system. Legislative power is conferred to the Assembly of the Representative of the People, which members are elected from each constituency on a proportional representation basis. The 2014 legislative elections gave a plurality of seats to the self-described secularist party Nidaa Tounes, with roughly 40 percent of seats. The Islamist party Ennahda, on the other hand, obtained 32 percent of seats. In total, eight parliamentarian groups

¹ Freedom House, accessed through <https://freedomhouse.org/country/tunisia>, April 28, 2017

² “Tunisie: un DJ et un patron de discothèque poursuivis pour un appel à la prière remixé,” [Tunisia: A DJ and a night club manager prosecuted for a remix of the call to prayer] *Le Monde*, 4 April 2017.

³ Rebecca Chaouch, “Tunisie: l’arrestation de deux hommes pour homosexualité provoque l’indignation,” [Tunisia : The arrest of two men for homosexuality causes outrage] *Jeune Afrique*, 29 March 2017

were formed. Due to this repartition, parliamentary political alliances are necessary to govern: the current government is constituted by Nidaa Tounes and Ennahda, with the participation of other smaller parties. The president of the Republic, elected by universal direct suffrage, is the head of the Tunisian state and sets general policy directions with consultation of the Head of Government. The 2014 presidential elections saw the victory of Béji Caïd Essebsi from Nidaa Tounes and secured the influence of the party on Tunisian politics.

It is necessary to describe the characteristics of the two major parties to understand their role in the repressive measures carried out in Tunisia after the revolution. Ennahda was created in 1981 as a radical Islamist party, inspired by the Egyptian Muslim Brotherhood and the Iranian Islamic revolution. It claimed to side with the “oppressed” by creating a dissident culture calling for policies inspired by sharia (Islamic law). Members of Ennahda were allowed to compete in the 1989 national elections; however, the party was banned soon after by the Ben Ali regime that deemed Ennahda’s popularity as threatening its stability. A substantial number of its leaders and members were jailed.⁴ After Ben Ali’s ousting, Ennahda reappeared on the political scene and took part in the Constituent Assembly, keeping its populist and sharia-inspired discourses. However, following the provisional government’s failure between 2011 and 2014, the party operated a shift away from conservative Islamism and towards moderation and political compromise. Monika Marks, a Rhodes Scholar and PhD candidate at Oxford University specializing in comparative politics of Islamist movements, attributes this shift to Ennahda’s history of repression and of what she calls a “surveillance mentality.” She explains this as an extreme caution and a fear of offensive engagement and open criticism due to the history of backlashes towards Islamist party in Tunisia and neighboring Algeria.⁵ As will be explained shortly, this mentality played a role in Ennahda’s compromises in drafting the 2014 Constitution.

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⁴ Rory McCarthy, “Protecting the Sacred: Tunisia’s Islamist Movement Ennahdha and the Challenge of Free Speech,” *British Journal of Middle Eastern Studies*, Vol. 42, No. 4 (2 October 2015), p. 449.

⁵ Monica Marks, “Convince, Coerce, or Compromise? Ennahda’s Approach to Tunisia’s Constitution,” *Brookings Doha Center Analysis Paper*, No. 10 (February 2014), p. 14.

⁶ Boubekour, “Islamists, Secularists and Boubekour, Amel. “Islamists, Secularists and Old Regime Elites in Tunisia: Bargained Competition.” *Mediterranean Politics*, Vol. 21, No. 1 (2 January 2016), p. 116

It quickly became a catch-all party attracting middle-class Tunisians frustrated by economic stagnation, leftist seculars wary of Ennahda's Islamism, as well as businesspeople and the bourgeoisie. The party leadership included members of leftist parties, but also figures from the old regime's economic and political elite, such as former ministers from the Rassemblement Constitutionnel Démocratique (RCD), Ben Ali's party.⁷ As a result, Nidaa Tounes inherited from the pre-revolution tradition of "religious appropriation": Essebsi cited the Quran in his campaign speeches in 2014, even more than Ennahda's leader Rached Ghannouchi, and prayed ostensibly in mosques following his election as president.⁸ As a matter of fact, religion plays a significant role in both parties' political behavior.

State, Religion, and the Illusion of Secularism

Political secularism is commonly understood as an ideology rejecting any role of religion in government. It can also be understood as the separation of religion from state institution, as well as the absence of state involvement in religious affairs. Pre-revolutionary Tunisia was often described as the most secular Arab state where Islamism had little popular support and no influence on politics.⁹ However, Tunisia's political regime, despite branding itself as secular, was characterized by "authoritarian paternalism," where leaders like Habib Bourguiba and Ben Ali maintained a tight control over religious legislations and expression of religiosity.¹⁰ On the one hand, religion was "appropriated": For instance, Ben Ali's first act after becoming president in 1987 was to perform the hajj, the Islamic pilgrimage in Mecca. On the other hand, displays of religiosity were restricted by fear of Islamism: wearing the Muslim veil was banned in school, religious charity groups and Quranic reading circles were monitored.¹¹ The goal of the regime was to monopolize the expression of religiosity to be viewed as legitimate by the Muslim population and to enhance its power: Bourguiba and Ben Ali avoided the democratization of the sphere of religious expression to entrench their control over Tunisian society.

Is post-revolutionary Tunisia a secular country? It is possible to argue that it is not, simply because of its recent Constitution and of the various provisions related to religion. The presence of Islam can be observed from its very beginning: the preamble begins and ends with "In the Name of God, the Merciful, the Compassionate, [...] We, in the name of the Tunisian people, with the help of God, draft this Constitution." Furthermore, the first article indicates that "Tunisia is a free, independent, sovereign

⁷ McCarthy (2015), p. 448.

⁸ Author's correspondence with Monica Marks, April 26, 2017.

⁹ McCarthy (2015), p. 733.

¹⁰ Michael J. Willis, (Lecturer) *Politics and Power in the Maghreb: Algeria, Tunisia and Morocco from Independence to the Arab Spring* (New York: Columbia University Press, 2012), p. 133.

¹¹ Author's correspondence with Monica Marks, April 26, 2017.

state, [and] its religion is Islam.”¹² From a strict interpretation, Tunisia cannot be considered secular due to the recognition of a state religion. However, in various countries such as the United Kingdom, the recognition of an official religion is largely symbolic and merely entails funding for its organization. It is not the case in Tunisia: Article 6 states that the State guarantees the freedom of belief but is also the “guardian of religion,” “protects the sacred and undertakes the prohibition of all violations thereof.” Finally, article 74 entrenches a state-sanctioned discrimination based on religion, as being Muslim is a requirement to be a candidate for the presidential election, thus denying a political right to the non-Muslim minority. Islam thus retains an important role in Tunisian politics and society.¹³ However, the drafting process of the 2014 Constitution saw substantial compromises in terms of sharia-inspired articles and notably concerning the criminalization of blasphemy.

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Blasphemy: Controlling Irreligious Expression

While the Constitution “protects the sacred,” it does not expressly criminalize blasphemy. Criminalization of blasphemy was however an initial demand of Ennahda in the drafting process of the Constitution. The party sought to entrench a clear prohibition of attacks on Islam, Judaism, and Christianity. Ennahda’s rationale was to provide protection against “provocations that insulted Tunisia’s Muslim identity,” but this demand can also be seen as a defensive measure: it would limit criticism towards Islamist movements on religious grounds and facilitate the expression of conservative Islamist views.¹⁴ However, following long deliberations with other political parties and significant lobbying from local civil society groups and international NGOs, Ennahda overcame its defensive stance and abandoned the criminalization of blasphemy.

How can we account for the de facto penalization of blasphemy in Tunisia despite Ennahda’s concessions regarding its criminalization in the Constitution? Blasphemy falls onto article 226 bis of the Tunisian Penal Code: “Whoever publicly violates

¹² Tunisia’s Constitution of 2014, accessed April 29, 2017, https://www.constituteproject.org/constitution/Tunisia_2014.pdf

¹³ Tunisia’s Constitution of 2014

¹⁴ Marks (2014), p. 10.

good morality by action or speech [...] shall be punished by six months of imprisonment and a fine of a thousand dinars.”¹⁵ The Tunisian court system interprets insults to religion as “violations of good morality,” and such cases have been numerous since the revolution. For instance, the director of a TV channel was fined for broadcasting the movie *Persepolis*, which contained a representation of God,¹⁶ and two students have been sentenced to seven years in prison for posting caricatures of Muhammad on Facebook.¹⁷

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It must be noted that the penalization of blasphemy has been a deep-rooted characteristic of Tunisian politics for decades. As explained earlier, the pre-revolutionary regime maintained a tight control on religious and irreligious expression, and therefore restricted blasphemous speech deemed harmful to public morality. The two main political parties of Tunisia today hold a conservative stance on the issue: Free speech should not include the right to blasphemy. Ennahda’s support for its penalization is obvious given its Islamist orientation. Nidaa Tounes’ restrictive stance on the issue, on the other hand, can be explained by the political tradition of controlling religious symbolism, which they inherited from the pre-revolution era and use to consolidate their legitimacy and their power.¹⁸

The penalization of blasphemy thus does not constitute a major issue on the Tunisian political scene. None of the two parties forming the government consider that freedom of speech includes the right to insult religion. In fact, Tunisian society as a whole has not been accustomed to the liberal definition of religious freedom that would allow or tolerate blasphemous speeches and actions. The revolution brought about newfound freedoms of expression, such as the freedom of the press, the freedom to openly criticize the government without fearing repression, and the freedom for Islamists to compete politically. The idea that these liberties and the right to criticize religions (especially Islam) are mutually interdependent is foreign to most Tunisians.¹⁹ The predominant view in Tunisian society is that freedoms

¹⁵ Code Pénal, accessed April 29, 2017, <http://www.jurisitetunisie.com/tunisie/codes/cp/menu.html>

¹⁶ “Le ‘procès Persepolis’ interroge la liberté d’expression en Tunisie,” [The ‘Persepolis’ trial questions freedom of speech in Tunisia] *Le Monde*, 20 April 2012.

¹⁷ “Tunisie: 7 ans de prison pour avoir posté des caricatures de Mahomet,” [Tunisia : 7-year prison sentence for posting cartoons of prophet Muhammad] *Libération*, 5 April 2012.

¹⁸ Author’s correspondence with Monica Marks, April 26, 2017.

¹⁹ Author’s correspondence with Monica Marks, April 26, 2017.

of expression is not only constrained by law, but also by cultural and religious sensitivities.²⁰

Penalization of Homosexuality: The Consensus of Parties

The Middle East and North Africa region is generally considered an inhospitable region for homosexuals. Homosexuality is outlawed in most countries and often severely repressed. In Tunisia, while article 24 of the Constitution guarantees the protection of privacy, consensual same-sex sexual relations are punishable by three-year imprisonment under article 230 of the Penal Code. Homosexuality also falls under article 226, as displays of homosexual behavior or suspicion thereof can be interpreted as “public indecency” and as an offense to “good morals.”

Democracy is often considered as a requirement for the development of LGBT rights for the platforms of advocacy it provides (legislature, party system, access to courts), but also because of the social environment it creates, allowing gay people to live openly and contributing to social acceptance homosexuality.²¹ It has not been the case in Tunisia: Beyond the mere interdiction of homosexuality, many Tunisian homosexuals have suffered from abuse from authorities and from other citizens.

In a video posted in March 2017, the Tunisian LGBT association Shams denounces the violence perpetrated by the police against gay Tunisians. Upon mere suspicion of homosexuality, men can be arrested, “questioned like terrorists,” beaten, subjected to medical “anal tests” against their will to prove their culpability, and thrown in prison where they are victims of daily humiliations and abuse. The association states that men suspected of homosexuality are “guilty until proven innocent.”²² Shams also points to the impunity of homophobic aggressions and the impossibility for victims to seek reparation. In a testimony, one victim of aggression laments this situation: “For me to press charges, I would need the protection of the state. Are there laws to protect me? There aren’t. And you call that a state?”²³ What can account for the penalization of homosexuality in Tunisia despite the country’s advancement in political freedoms?

The Jasmine Revolution was alimeted by the Tunisian people’s various grievances, such as unemployment, corruption, cronyism, widespread poverty and inequalities,

²⁰ “Tunisia’s Repressive Law: The Reform Agenda,” *Human Rights Watch*, November 2011, <https://www.hrw.org/sites/default/files/reports/tunisia1111webwcover.pdf>

²¹ Omar G. Encarnación, “Gay Rights: Why Democracy Matters,” *Journal of Democracy*, Vol. 25, No. 3 (14 July 2014), pp. 91-92

²² Association Shams, “Au Pays de la Démocratie Naissante,” [In the Country of Dawning Democracy] YouTube Video, 37:44, Posted [March 28, 2017], <https://www.youtube.com/watch?v=QtyRS2cKDDc>

²³ Association Shams (2017).

among others; however, LGBT discriminations were not one of them. While gay Arabs have generally been supportive of the Arab Spring, the Arab Spring has not been supportive of gay Arabs.²⁴ In 2014, an opinion investigating by the Pew Research Center revealed that 92 percent of Tunisians considered homosexuality as morally unacceptable, while four percent stated that it was simply not a moral issue.²⁵ Moreover, many Tunisians consider the question of homosexuality to be trivial given the challenges faced by the new democratic nation: poverty, rising unemployment of educated youth, development inequalities among regions, slumping economy, among others.²⁶ As such, there is little pressure on the post-revolution government to protect LGBT persons.

A recurring argument given by politicians²⁷ against any modification of article 230 is based on the conservative nature of Tunisian society: homosexuality, in that view, goes against Tunisian religious traditions and cultural values. However, this argument must be reexamined when taking into account the various social reforms of the pre-revolution era that were contrary to traditional Islamic values. Habib Bourguiba, Tunisia's first president, allowed abortion, banned polygamy, and protected women against Islamic repudiation by instituting judicial divorce. His successor Ben Ali banned the niqab (face veil) in universities and tolerated prostitution. Pre-revolutionary Tunisia being an authoritarian state, there was little debate nor public consultation in these decisions. Nevertheless, after the ousting of the regime and the establishment of the Constituent Assembly, these laws were not repealed, showing that these social norms were well established in Tunisian society. Homosexuality, on the other hand, has never been allowed in the Tunisian Republic and is still a major taboo in society.

One can argue that the democratization of Tunisia, rather than being an opportunity to bring about improvements for LGBT rights, further entrenched discriminations against gay Tunisians and make a future depenalization of homosexuality unlikely. Indeed, the major political forces in Tunisia oppose the idea. As an Islamist party, Ennahda has been unsurprisingly opposed to a revision of article 230. While against its abrogation, Rached Ghannouchi, leader of the party, has voiced

²⁴ Jayesh Needham, "After the Arab Spring: A New Opportunity for LGBT Human Rights Advocacy?" *Duke Journal of Gender Law & Policy*; Durham Vol. 20, No. 2 (Spring 2013), p. 289.

²⁵ "Global View on Morality," *Pew Research Center*, accessed April 28, 2017, <http://www.pewglobal.org/2014/04/15/global-morality/table/homosexuality/>

²⁶ Mohamed Haddad, "L'économie tunisienne, déjà à la peine, bute sur plus fort qu'elle: la corruption," [The already struggling Tunisian democracy faces tougher than her: corruption] *Le Monde*, 17 February 2017.

²⁷ "Homosexualité: le mufti Saïed s'invite dans la polémique" ["Homosexuality: Mufti Saïed joins the polemic"] *Kapitalis*, 25 May 2015, <http://kapitalis.com/tunisie/2015/05/25/homosexualite-le-mufti-saied-sinvite-dans-la-polemique/>; "Abdellatif Mekki: L'homosexualité ne doit pas être tolérée mais punie" [Abdellatif Mekki: Homosexuality should not be tolerated, but rather punished], *Kapitalis*, 24 May 2015, <http://kapitalis.com/tunisie/2015/05/24/abdellatif-mekki-lhomosexualite-ne-doit-pas-etre-toleree-mais-punie/>

a moderate stance concerning the topic of homosexuality: “We do not approve it. However, Islam does not spy on people. It preserves privacy. Everyone lives his own life however he wishes and everyone is responsible in front of his maker.”²⁸ He has nevertheless been less lenient on the protection of homosexual citizens: “The Constitution and religion guarantee individual freedom and the protection of privacy; however, creating an association to defend homosexuality is something different.”²⁹ No Ennahda legislator nor party official has spoken against the penalization of homosexuality. On the other hand, Nidaa Tounes’ leadership has adopted a hardline approach on homosexuality despite its self-description as a secular party. To be sure, few voices have spoken in favor of the abrogation of article 230: In September 2015, Minister of Justice Mohamed Salah Ben Haïssa suggested the depenalization of homosexuality in a radio interview, following the arrest and indictment of a gay student in Sousse.³⁰ However, current president and de facto leader of Nidaa Tounes Béji Caïd Essebsi has been adamantly opposed to any modification of the article. When interviewed on Egyptian TV, he notably exclaimed “This will not happen! [...] The Minister of Justice’s comments are his personal opinion and do not involve the Tunisian state.”³¹ Ben Haïssa was dismissed from the government a few days after this interview.

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A modification of the law is unlikely in the current political context with Ennahda and Nidaa Tounes making up more than 70 percent of Assembly seats and being the major parties in the coalition government. Because of the hostility or indifference of the majority of the Tunisian population towards homosexuality, there is moreover an electoral disincentive to advocate for its depenalization. Indeed, Ennahda being a moderate Islamist party and Nidaa Tounes a socially conservative, self-proclaimed secular party, calling for the abrogation of article 230 would push the conservative electorate to vote for the rival party. This disincentive is further emphasized by the

²⁸ Monia Ben Hamami, “Tunisie: Rached Ghannouchi se prononce contre la dépenalisation de l’homosexualité,” [Tunisia: Rached Ghannouchi advocates for the depenalization of homosexuality] *Huffington Post Maghreb*, 8 November 2015, http://www.huffpostmaghreb.com/2015/10/08/tunisie-rached-ghannouchi-homosexualite_n_8262766.html

²⁹ Elodie Auffray, “En Tunisie, une association des droits de défense LGBT menacée,” [In Tunisia, an LGBT rights advocacy association faced with dissolution] *Libération*, 29 May 2015.

³⁰ “Tunisie: Le limogeage du Ministre de la justice causé par des propos peu ‘sérieux,’” [Tunisia : the dismissal of the Minister of Justice caused by ‘thoughtless’ remarks] *Jeune Afrique*, 23 October 2015, <http://www.jeuneafrique.com/273826/politique/tunisie-limogeage-ministre-de-justice-cause-propos-serieux/>

³¹ Monia Ben Hamami, “Tunisie: Béji Caïd Essebsi s’oppose catégoriquement à la dépenalisation de l’homosexualité” [Tunisia: Béji Caïd Essebsi categorically opposes the depenalization of homosexuality] *Huffington Post Maghreb*, 6 October 2015, http://www.huffpostmaghreb.com/2015/10/06/tunisie-essebsi-homosexualite_n_8249200.html

rise of ultraconservative Salafi Islamism in the society, especially among young Tunisians.

The Threat of Salafism

Salafi Islamism is a fundamentalist movement that emulates the followers of the prophet Muhammad and advocates for a literal application of Islamic law in society. The rise of radical Islamism in Tunisia is illustrated by the number of nationals having joined jihadist groups in Iraq and Syria: More than 3000 Tunisians have fought for ISIS, making Tunisia the biggest “producer of jihadists” among foreign nations.³² What explains the rise in Salafism and what are the impacts of this rise on the political attitudes towards blasphemy and homosexuality?

Salafism is widespread among disenfranchised youth.³³ Many young Tunisians are disillusioned by the new political system that has been established after the revolution and for which many protested in the streets in 2010 and 2011. As explained earlier, unemployment among high-skilled youth – which was 44 percent in 2010 – has been rising since the revolution, and poverty remains rampant and marginalizes significant sections of the population.³⁴ While young Tunisians often take pride in saying that it was they who made the revolution possible, the political parties failed to include them in the decision-making bodies such as the Constituent Assembly, instead relying on well-known figures from older generations.³⁵ Salafi groups echo the frustration of disenfranchised youth towards the confusing, incompetent, and neglectful new government and offer a straightforward alternative by setting up a religiously informed subculture.

Monica Marks, points out that parts of the Salafi movement (“scriptural Salafists”) see democracy as a “misguided ruse” and reject the “perceived hypocrisy” of institutionalized party system in favor of a caliphate governed by sharia law.³⁶ In the wake of the revolution, citizens with religious conservative or ultraconservative affinities tended to vote for Ennahda in the 2011 election of the Constituent Assembly; however, the failure to propose policies inspired by sharia and the various compromises made by the party in term of blasphemy law, women’s role, and political system in the drafting of the Constitution disappointed many religious conservatives and

³² “Manifestations contre le retour des djihadistes en Tunisie,” [Protests against the return of jihadist in Tunisia] *Le Figaro*, 8 January 2017.

³³ Samy Ghorbal, “Tunisie: pourquoi la jeunesse est-elle si perméable aux sirènes salafistes?” [Tunisia: Why is the youth so sensitive to Salafist siren songs?] *Jeune Afrique*, 8 July 2015.

³⁴ Mohamed Haddad, “L’économie tunisienne, déjà à la peine, bute sur plus fort qu’elle: la corruption,” [The already struggling Tunisian democracy faces tougher than her: corruption] *Le Monde*, 17 February 2017.

³⁵ Marks (2014), p. 111.

³⁶ Marks (2014), p. 108.

increased the influence of Salafi groups. As the only Islamist party present on the Tunisian political scene, Ennahda generally constitutes the only realistic option for citizens to express Islamic views in politics. Because of its moderate stance, voters with more conservative Islamist political affinities can feel poorly represented by the party, and can be tempted to join Salafi communities.

Salafism thus represents a double danger for Ennahda: It draws disappointed Muslim citizens away from the party and delegitimizes moderate Islamist movements by fueling secularists' anxiety over Islamism as a whole. However, the influence of Salafism does not only constitute a danger for Ennahda, but also for the stability of Tunisia's new institutions

“Salafi groups echo the frustration of disenfranchised youth towards the new [Tunisian] government.”

and for the security of the country. In 2015, the cities of Le Bardo and Sousse have suffered terrorist attacks perpetrated by the Islamic State of Iraq and Syria (ISIS), with 63 persons killed and 88 injured. Beyond politicians' and parties' sensibilities regarding the issues, supporting the penalization of blasphemous acts and of homosexual behavior thus represent a way to limit the influence of Salafism. Conservative Muslims tend to see homosexuality as a gross perversion and blasphemy as a major offense to their religious identity, and leniency towards these issues can contribute to alienating and radicalizing numbers of citizens.³⁷ It is therefore possible to argue that the Tunisian government holds a security interest in ensuring that homosexual behaviors as well as speeches and actions deemed as insulting Islam are not only penalized but also punished harshly.

Conclusion

The dichotomy between political freedoms and repression of blasphemous speech and of homosexuality is a complex phenomenon that has multiple possible explanations. The rejection of homosexuality and the prohibition of blasphemy are conservative values that were preserved by the pre-revolution regimes. The influence of Bourguiba and Ben Ali's authoritarian control of religious and irreligious expression explains Nidaa Tounes' use of Islamic symbolism to further the party's legitimacy before the electorate and its hardline approach concerning blasphemy and homosexuality. The presence of Islam as a state religion further legitimizes this approach. While civil society and associations are actively protesting arrests of citizens over blasphemous acts and homosexuality, the main political parties forming

³⁷ Needham (2013), p. 289.

the coalition government favor a status quo and oppose any modification of the laws enabling their repression. The Tunisian electorate has so far given no incentive for parties to review their position on the matter. The freedom to insult religion and the depenalization of homosexuality were not among the popular demands of the Tunisian Revolution and, in a context of economic stagnation and unemployment, continue to be unimportant in the eyes of most citizens.

It is important to remember that Tunisia's democracy is young and has not yet had the opportunity to prove its stability. Upholding the penalization of blasphemy and homosexuality can be seen as a risk-averse strategy to moderate the influence of radical Islamism and thus to counter the threats towards the new regime. In Tunisia's current economic, social, and political context, the democratic system has reinforced the repression of blasphemous acts and homosexuality rather than protecting individuals found responsible of these behaviors.

LGBT rights and irreligious freedom of speech are unlikely to be recognized in Tunisia's near future. Civil society and human rights associations should nevertheless advocate for the protection of citizens – notably members of the LGBT community – against police abuse and assaults by other citizens. It will be relevant for students of North African politics to observe the evolution in civil liberties alongside the strengthening of the Tunisian democracy.