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The Making of a Muslim Democratic Party: Ennahda's Rebranding and An-Na'im's Secular State Framework

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THE MAKING OF A MUSLIM DEMOCRATIC PARTY: ENNAHDA’S REBRANDING AND AN-NA’IM’S SECULAR STATE FRAMEWORK[†]

Erica Scott

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INTRODUCTION

At its Tenth National Party Conference in 2016, Tunisia’s Ennahda Party announced that it would be formally rejecting the label “political Islam” and

[†] In this Article, I employ a number of Arabic- and French-language sources. All translations into English are my own. To transliterate Arabic words into English, I generally follow the guidelines provided by the *International Journal of Middle East Studies (IJMES Translation and Transliteration Guide*, CAMBRIDGE UNIV. PRESS (2021), <https://www.cambridge.org/core/journals/international-journal-of-middle-east-studies/information/author-resources/ijmes-translation-and-transliteration-guide> (last visited Apr. 6, 2022)). However, given the predominance of French in Tunisia, the everyday spelling of many Tunisian names reflects French transliteration conventions (e.g., “Rached Ghannouchi” instead of “Rashid Ghannushi”). Moreover, for well-known names, I tend to opt for the spellings that are most commonly used in media and publications (e.g., “Ennahda” instead of “al-Nahdha”).

rebranding itself as a party of “Muslim democrats.”¹ As part of this new identity, Ennahda decided to specialize exclusively in political affairs, officially separating religious activism from the party after decades of pursuing both politics and preaching.² This announcement fueled speculation about Ennahda’s motivations, the decision’s practical implications, and its consequences for the relationship between religion and politics in Tunisia, which was only a few years into its democratic transition at the time.³

One thinker whose work can provide insight into Ennahda’s rebranding is Abdullahi An-Na’im, a leading scholar of Islam, human rights, and constitutionalism.⁴ In his 2008 book *Islam and the Secular State: Negotiating the Future of Shari’a*, An-Na’im outlines a normative framework for relating Islam, the state, and politics with the goal of equipping Muslims with the tools and space to negotiate “the role of Islam in public life.”⁵ Writing before the Arab Spring, An-Na’im did not have the opportunity to include post-revolution Tunisia as a case study. However, many of the core themes in his book—such as constitutionalism, human rights, and the public place of religion—have emerged as primary topics of debate in Tunisia’s democratic transition since 2011, resulting in an opportunity to assess how his ideas have played out in this context.

This Article evaluates the extent to which An-Na’im’s proposals have achieved their desired objectives in post-revolution Tunisia by analyzing the case of Ennahda’s 2016 rebranding. Specifically, I ask the following question: to what extent does Ennahda’s rebranding as a “Muslim democratic” party reflect—and contribute to—a constructive mediation of the relationship between Islam, the state, and politics in the Tunisian context? In my analysis, I illustrate the implications of An-Na’im’s framework for “Islamist politics,” a subject on which *Islam and the Secular State* is relatively silent. Ultimately, I argue that while Ennahda’s experience affirms the ability of An-Na’im’s normative principles to moderate “Islamist politics” and promote culturally legitimate

¹ Ennahda, *al-Bayān al-Khitāmī li-l-Mu’tamar al-’Amm al-’Ashir li-Harakat al-Nahdha* (2016), <https://web.archive.org/web/20210415085641/http://congres10.ennahda.tn/ar/-البيان-الختامي-للمؤتمر-العام-العاشر-لحركة-النهضة>.

² *Id.*

³ Sarah Souli, *What is Left of Tunisia’s Ennahda Party?*, AL JAZEERA (May 27, 2016), <https://www.aljazeera.com/news/2016/5/27/what-is-left-of-tunisia-ennahda-party>; Melek Saral, *The Protection of Human Rights in Transitional Tunisia*, 16 MUSLIM WORLD J. HUM. RTS. 1 (2019).

⁴ Abdullahi Ahmed An-Na’im, *Meet Abdullahi An-Na’im*, SCHOLARBLOGS (2015) [hereinafter *Meet Abdullahi An-Na’im*], <https://scholarblogs.emory.edu/aannaim/about>.

⁵ ABDULLAHI AHMED AN-NA’IM, ISLAM AND THE SECULAR STATE: NEGOTIATING THE FUTURE OF SHARI’A 293 (2008) [hereinafter ISLAM AND THE SECULAR STATE].

reform, it also highlights a tension between An-Na'im's requirements of cultural legitimacy and civic reason that presents a potential pitfall for Islamist political actors.

A. Sources and Scope

To outline Ennahda's vision and strategy, I rely primarily on official party publications from Ennahda's website and Facebook page, in addition to published interviews with and statements from party members. As public rhetoric, these sources reflect Ennahda's desired public image and may not fully reveal the party's internal dynamics or true intentions. However, because I seek to understand Ennahda's decision to rebrand (i.e., an effort to alter the organization's outward image), it is paramount to evaluate how the party publicly communicated this decision, in its own words. In addition, because this Article focuses on the content of Ennahda's 2016 conference, the scope of my analysis is limited to the period between 1956 (the year Tunisia achieved independence) and 2016.

B. An-Na'im and His Work

Abdullahi An-Na'im's writing is motivated by two desires. First, An-Na'im had the desire to promote a "liberal modernist" conception of Islam and the "cultural legitimacy and practical efficacy of international human rights norms." Second, he wanted to use scholarship in service of "positive social change" around constitutionalism and human rights in Muslim-majority societies.⁶ An-Na'im emphasizes how these ambitions are informed by his personal experiences with state repression.⁷ As a university student in his native Sudan, he joined an Islamic reform movement led by Mahmoud Muhammad Taha, a scholar who advocated a historically contextual reading of the Qur'an and sunna.⁸ In the 1980s, Sudan's authoritarian regime persecuted Taha's movement, executing Taha in 1985 after he protested the state's imposition of shari'a.⁹ After leaving Sudan, An-Na'im employed Taha's reform methodology in his own scholarship to develop an understanding of shari'a¹⁰ consistent with

⁶ *Meet Abdullahi An-Na'im*, *supra* note 5.

⁷ *Id.*

⁸ *Id.*

⁹ George Packer, *The Moderate Martyr*, NEW YORKER (Sept. 3, 2006), <https://www.newyorker.com/magazine/2006/09/11/the-moderate-martyr>.

¹⁰ ISLAM AND THE SECULAR STATE, *supra* note 6, at 3. An-Na'im defines *shari'a* as "the religious law of Islam," which is "derived from human interpretations of the Qur'an and Sunna." *Id.* Because methods of interpreting the Qur'an and sunna can vary, the normative content of *shari'a* "can change over time." *Id.* This "constant process" of "elaborati[ng] and specifi[ng]" the content of *shari'a* is what An-Na'im means when he

constitutionalism and international human rights norms.¹¹ This methodology has given him a “distinctive reformist approach to Islamic law”¹² and a “very specific position in the debate over secularism, human rights, and Islamic reform.”¹³

An-Na'im's book *Islam and the Secular State* addresses the relationship between a modernist understanding of shari'a and the state, epitomizing his unique ideas. An-Na'im introduces the book as the “culmination of [his] life's work” and the “final statement” he wishes to make on the subject.¹⁴ The book presents an “Islamic argument for a secular state” by offering a normative theoretical framework that aims to promote “the most conducive conditions” for negotiating “the future of Shari'a in the public domain.”¹⁵

An-Na'im's framework consists of three components: the religious neutrality of the state, the connection of religion and politics, and the distinction between the state and politics. He defines the religious neutrality of the state as “the institutional separation of Islam and the state,” meaning that the state should not use its coercive powers to enforce shari'a as state law.¹⁶ This institutional separation does not mean the complete privatization of religion, such as that mandated by the strict French-style secularism known as *laïcité*. Rather, An-Na'im imagines a robust public role for religion, maintaining a connection between Islam and politics that allows Islamic values to inform public policy and legislation.¹⁷ Further, An-Na'im envisions a series of buffers—including principles like representative government and the rule of law—between the state and politics that allow the state to reflect political realities while preventing the state from being dominated by a single interest group.¹⁸

An-Na'im admits that sustaining the separation of Islam and the state despite the connectedness of Islam and politics constitutes a “paradox” that lacks a

says “negotiating the future of Shari'a.” *Id.*

¹¹ See generally ABDULLAHI AHMED AN-NA'IM, TOWARD AN ISLAMIC REFORMATION: CIVIL LIBERTIES, HUMAN RIGHTS, AND INTERNATIONAL LAW (1990) [hereinafter TOWARD AN ISLAMIC REFORMATION] (identifying areas of conflict between shari'a, modern constitutionalism, and human rights norms, and calling for reforms of shari'a to resolve them).

¹² Ann Elizabeth Mayer, *Islam and the Secular State by Abdullahi An-Na'im*, 50 J. CHURCH & STATE 721, 721 (2008) (book review).

¹³ Andrew F. March, *Islam and the Secular State by Abdullahi An-Na'im*, 79 J. AM. ACAD. RELIG. 258, 259 (2011) (book review).

¹⁴ ISLAM AND THE SECULAR STATE, *supra* note 6, at vii; *Meet Abdullahi An-Na'im*, *supra* note 5.

¹⁵ ISLAM AND THE SECULAR STATE, *supra* note 6, at vii–viii.

¹⁶ *Id.* at 4.

¹⁷ *Id.* at 270, 278.

¹⁸ *Id.* at 268, 270.

“permanent resolution.”¹⁹ Rather, sustaining this separation necessitates constant mediation.²⁰ He proposes certain mechanisms to facilitate this mediation, namely constitutionalism, human rights, citizenship, and “civic reason,” which refers to the use of “open and accessible” argumentation—rather than dogmatic religious claims—to advance policy and legislation in the public sphere.²¹ Above all, An-Na’im emphasizes the importance of employing cultural legitimacy for social change.²²

Finally, while his argument for a secular state rests on the normative principles above, An-Na’im stresses that his proposal is not intended to be overly prescriptive. His goal in *Islam in the Secular State* is to identify the set of conditions that will best allow Muslims to freely negotiate the “public role of Islam” in their societies; however, once these conditions are in place, the process of negotiation and its outcome will necessarily look different in each societal context.²³

C. Engaging with An-Na’im

Islam and the Secular State has prompted a number of constructive criticisms and clarifying questions from reviewers. For instance, several reviewers point out that An-Na’im analyzes India, Turkey, and Indonesia rather than examining any case studies from the Arab world.²⁴ This omission was likely intentional; in a 2006 interview, An-Na’im opined that the “periphery” of the Muslim world held greater promise for developing a “sophisticated” approach to religion and politics than the Arab heartland.²⁵ However, the ongoing uprisings that began in 2011 in Arab countries—which have implicated the relationship between Islam, politics, and the state—make An-Na’im’s omission more glaring today.

Other reviewers lament the book’s ambiguous treatment of the relationship between religion and politics. Mayer wonders whether an “Islamic secular state” is not a “contradiction in terms,” noting that An-Na’im does not sufficiently clarify how an “enhanced political role for Islam” can function in a secular

¹⁹ *Id.* at 28.

²⁰ *Id.*

²¹ *Id.* at 279.

²² *Id.* at 257, 277–79.

²³ *Id.* at 292.

²⁴ Mark D. Welton, *Islam and the Secular State* by Abdullahi An-Na’im, 62 MIDDLE E. J. 727 (2008) (book review); March, *supra* note 14, at 260.

²⁵ Packer, *supra* note 10.

system.²⁶ El Amine identifies a similar tension regarding the role of civic reason, asking: “If ‘civic reason’ is to prevail in the public sphere, and ‘civic reason’ rejects religious arguments, then can specifically religious arguments make any contribution at all to the domain of politics and public policy?”²⁷

Still, other reviewers maintain that An-Na’im’s vision cannot realistically be implemented into practice. Fadel, for example, suggests that orthodox Muslims will find An-Na’im’s reformist approach to shari’a unpersuasive.²⁸ Bamyeh notes that many Muslims may remain wary of a secular state, given their negative experiences with state secularism under colonial and postcolonial regimes.²⁹ Meanwhile, White observes that An-Na’im’s vision fails to provide any mechanisms for its implementation besides “good will, morality, and reason,” which may not suffice in authoritarian systems where “struggle and opposition” are required to create change.³⁰

An-Na’im is clear that *Islam and the Secular State* is not intended to be a blueprint for reform but rather a catalyst for conversation. Accordingly, the questions and criticisms discussed above provide a starting point to continue the conversation in this Article, identifying ambiguities in An-Na’im’s theory that can be clarified in the Tunisian context.

D. Contribution to the Literature

Tunisia provides an ideal case study for *Islam and the Secular State*. First, it is generally considered the most successful democratic transition to emerge from the Arab Spring.³¹ Moreover, in both the leadup to and aftermath of Tunisia’s 2011 revolution, Tunisian politics and civil society were intensely preoccupied with questions of constitutionalism, human rights, and the public role of Islam.³² Furthermore, the immediate pre- and post-revolution eras witnessed an unusually high degree of collaboration between religious and secular political actors.³³ Tunisia’s 2014 constitution embodies these compromises—it is an

²⁶ Mayer, *supra* note 13, at 722.

²⁷ Loubna El Amine, *Islam and the Secular State by Abdullahi An-Na’im*, 41 INT’L. J. MIDDLE E. STUD. 479, 480 (2009) (book review).

²⁸ Mohammad Fadel, *Islamic Politics and Secular Politics: Can They Co-Exist?*, 25 J.L. & RELIGION 187, 201 (2009).

²⁹ Mohammed Bamyeh, *A Secular State Must Deliver*, IMMANENT FRAME (June 20, 2008), <https://tif.ssrc.org/2008/06/20/a-secular-state-must-deliver>.

³⁰ Jenny White, *Does Tolerance Require Struggle?*, IMMANENT FRAME (July 21, 2008), <https://tif.ssrc.org/2008/07/21/does-tolerance-require-struggle>.

³¹ SAFWAN M. MASRI, TUNISIA: AN ARAB ANOMALY xxv (2017).

³² See Saral, *supra* note 4.

³³ *See id.*

essentially secular document that affirms the country's Muslim identity but makes no reference to shari'a as a source of law.³⁴

This Article focuses on Ennahda in particular because of the unique role it played in Tunisia's democratic transition. As the largest party in Tunisia's first post-revolution legislature, Ennahda took the lead in formulating the country's 2014 constitution, marking the first time that a credibly elected "Islamic" party had led a constitutional drafting process.³⁵ Moreover, since the movement's founding in the 1960s, Ennahda has striven to articulate how Islam, the state, and politics should be connected in Tunisia. Its 2016 rebranding as a "Muslim democratic" party represents the latest articulation of this evolving vision, one that accepts and endorses the secular state framework established by the 2014 constitution. For these reasons, Ennahda holds particular relevance to the ideas discussed in *Islam and the Secular State*.

I. MUSLIM DEMOCRACY AND ISLAM AND THE SECULAR STATE

A. Unpacking "Islamism"

Ennahda is often characterized as an "Islamist" movement or a manifestation of "political Islam," terms that broadly describe a range of phenomena—whether ideologies, movements, or political parties—that seek to use state power to establish a version of "Islamic order" in society.³⁶ The origins of "Islamism" are usually traced back to the ideology of Egypt's Muslim Brotherhood, particularly the writings of Hassan al-Banna and Sayyid Qutb.³⁷

However, these terms and their derivatives often obscure more than they clarify and evoke problematic tropes. For instance, there is a prevailing tendency to subsume various "religiously-inspired trends" under the label "Islamism" without regard for the differences among them.³⁸ Furthermore, discussions about "political Islam" often perpetuate the notion that Islam is "not a religion but a

³⁴ MAZEN SHAQOURA & ANNALI KRISTIANSEN, ISLAM AND HUMAN RIGHTS: THE CONSTITUTIONAL DEBATE IN TUNISIA (Sept. 2015), <https://www.humanrights.dk/publications/islam-human-rights-constitutional-debate-tunisia>.

³⁵ Duncan Pickard, *Al-Nahda: Moderation and Compromise in Tunisia's Constitutional Bargain*, in POLITICAL AND CONSTITUTIONAL TRANSITIONS IN NORTH AFRICA: ACTORS AND FACTORS 27 (Justin Orlando Frosini & Francesco Biagi eds., 2015).

³⁶ Asef Bayat, *The Arab Spring and Its Surprises*, 44 DEV. CHANGE 587, 592 (2013); JEFFRY R. HALVERSON & NATHANIEL GREENBERG, ISLAMISTS OF THE MAGHREB 5–6 (2018).

³⁷ HAZEM KANDIL, INSIDE THE BROTHERHOOD 1 (2015); HALVERSON & GREENBERG, *supra* note 37, at 4–5.

³⁸ Bayat, *supra* note 37, at 592.

political ideology,” ignoring the fact that religion in nearly every human society is intertwined with law, politics, and public life.³⁹ For this reason, Achcar argues that the term “Islamism” is Orientalist in its implication that the phenomenon in question is somehow “specific to Islam.”⁴⁰ Because of these pitfalls, I only employ the terms “Islamism” and “political Islam” when they are used in the sources I engage with, and in each case, I clarify the author’s definition and use of the terms.

B. Ennahda’s History and Ideological Evolution

The organization now known as Ennahda originated under the authoritarian regime of Habib Bourguiba, Tunisia’s first postcolonial president. After Tunisia gained independence from France in 1956, Bourguiba moved aggressively to “modernize” Tunisia in a European-inspired manner, initiating several reforms. First, he imposed a *laïcité*-style secularism that curtailed public expressions of religion.⁴¹ This involved dismantling traditional religious institutions like the shari’a courts and discouraging religious rituals like fasting during Ramadan.⁴² Bourguiba also sought to advance gender equality, instituting a Personal Status Code that protected women’s rights and outlawed polygamy.⁴³ Finally, Bourguiba made French, rather than Arabic, the primary language for school instruction and public administration.⁴⁴

Bourguiba’s policies rankled some Tunisians, who viewed his modernization attempts as another iteration of colonialism.⁴⁵ Meanwhile, a “social periphery” of Tunisians in rural and semi-rural areas saw dwindling prospects for economic advancement within an increasingly urban, secular, and Francophone elite.⁴⁶ These conditions prompted three young men—Rached Ghannouchi, Abdelfatah Mourou, and Hmida Ennaifer—to found al-Jama’a al-Islamiyya (“the Islamic Group”) in the late 1960s.⁴⁷ They initially created the organization as a *da’wa* (preaching and proselytization) movement to

³⁹ HALVERSON & GREENBERG, *supra* note 37, at 2–3.

⁴⁰ GILBERT ACHCAR, MARXISM, ORIENTALISM, COSMOPOLITANISM 64–65 (2013).

⁴¹ MICHAEL J. WILLIS, POLITICS AND POWER IN THE MAGHREB: ALGERIA, TUNISIA AND MOROCCO FROM INDEPENDENCE TO THE ARAB SPRING 58 (2014); Alfred Stepan, *Multiple but Complementary, Not Conflictual, Leaderships: The Tunisian Democratic Transition in Comparative Perspective*, 3 DAEDALUS J. AM. ACAD. ARTS & SCI. 95 (2016).

⁴² ANNE WOLF, POLITICAL ISLAM IN TUNISIA: THE HISTORY OF ENNAHDA 101 (2017).

⁴³ *Id.* at 28–29.

⁴⁴ AZZAM TAMIMI, RACHID GHANNOUCHI: A DEMOCRAT WITHIN ISLAMISM 13 (2001).

⁴⁵ HALVERSON & GREENBERG, *supra* note 37, at 71.

⁴⁶ Abdelkader Zghal, *The New Strategy of the Movement of the Islamic Way: Manipulation or Expression of Political Culture?*, in TUNISIA: THE POLITICAL ECONOMY OF REFORM 205 (Ira William Zartman ed., 1991).

⁴⁷ HAMZA MEDDEB, ENNAHDA’S UNEASY EXIT FROM POLITICAL ISLAM 3 (2019).

reinvigorate Islamic piety in the public sphere in response to Bourguiba's secularism, the rise of the far left, and the outdated preaching of Tunisia's religious establishment.⁴⁸ The Islamic Group borrowed its early structural model from the Egyptian Muslim Brotherhood and expanded rapidly throughout the 1960s and 1970s, drawing much of its base from the social periphery.⁴⁹

Throughout the 1970s, the group grew increasingly political—a change that Wolf attributes to three factors.⁵⁰ The first factor was an influx of literature from the Egyptian Muslim Brotherhood, which became popular among the group's grassroots.⁵¹ Second, there was a highly politicized environment on university campuses, where debates between religious activists and their leftist classmates pushed the university branch of the Islamic Group to adopt a much more political—and explicitly anti-Bourguiba—stance.⁵² Third, there was the 1979 Iranian Revolution, which solidified the group's shift toward political activism by convincing its leadership that Islam could serve as a framework for addressing the socioeconomic issues typically championed by leftists.⁵³ In July 1979, the group changed its name to Harakat al-Ittijāh al-Islāmi (the Islamic Tendency Movement, referred to by its French acronym, “MTI”), a rebranding that signaled its commitment to both preaching and political activism.⁵⁴

Until this point, Bourguiba had tolerated—and perhaps tacitly encouraged—the underground growth of the Islamic movement as a counterweight to the far left, which he considered a greater threat.⁵⁵ However, the regime's escalating repression of leftists in the late 1970s bolstered the MTI as an alternative opposition force.⁵⁶ When Bourguiba finally grasped the scope and strength of his Islamic opposition, he outlawed the MTI and imprisoned hundreds of its members.⁵⁷ The MTI briefly entered formal politics when President Zine El Abidine Ben Ali—who usurped Bourguiba in 1987—endorsed multiparty politics and released all MTI prisoners.⁵⁸ The MTI then changed its name to Harakat Ennahda (“the Renaissance Movement”) and ran candidates in the 1989

⁴⁸ WOLF, *supra* note 43, at 34.

⁴⁹ *Id.*; MEDDEB, *supra* note 48, at 4.

⁵⁰ WOLF, *supra* note 43, at 8.

⁵¹ *Id.*

⁵² *Id.*

⁵³ TAMIMI, *supra* note 45, at 45–46; WOLF, *supra* note 43, at 8.

⁵⁴ WOLF, *supra* note 43; MEDDEB, *supra* note 48.

⁵⁵ WOLF, *supra* note 43, at 39.

⁵⁶ TAMIMI, *supra* note 45, at 90.

⁵⁷ WOLF, *supra* note 43, at 57.

⁵⁸ *Id.* at 66–67.

elections.⁵⁹ However, after witnessing Ennahda's electoral success, Ben Ali—like his predecessor—cracked down on the party, jailing its members and forcing its leaders into exile.⁶⁰

During this period of repression, Ennahda's leadership debated issues such as the movement's stance on democracy, its connection to the political left, the relationship between its sociocultural activism and its political activism, and the choice whether to work within or against the political system.⁶¹ By the turn of the millennium, Ennahda's leadership had become convinced that political activism—and collaborating with other opposition forces—presented the only path for Ennahda's survival because Ben Ali's regime had prohibited it from preaching.⁶² Ennahda activists began working with other secular and leftist dissidents in exile to produce joint anti-regime statements such as the Call of Tunis Agreement of 2003 and the 18 October Coalition for Rights and Freedoms in 2005.⁶³ These statements explicitly called for human rights, constitutional democracy, and a secular state; by signing these documents, Ennahda's leaders signaled their endorsement of these principles.⁶⁴

In January 2011, Ben Ali was ousted by a popular revolution.⁶⁵ The uprising in Tunisia, which protested economic frustration and political repression, was spearheaded by established secular and leftist actors such as the Union Générale Tunisienne du Travail (“UGTT”), Tunisia's largest labor union.⁶⁶ Despite this, Ennahda's religious message proved surprisingly popular in the revolution's aftermath, a phenomenon that reflected the uptick in religiosity among Tunisians during the 2000s and the credibility Ennahda had gained as an opposition force during the party's period of repression.⁶⁷

Ben Ali's ouster allowed Ennahda members to return from exile and reconstruct the organization's political apparatus. In Tunisia's first post-revolution elections, Ennahda came in first with thirty-seven percent of the vote, dominating the fragmented secular parties.⁶⁸ It thus became the most powerful force in the National Constituent Assembly (“NCA”), the legislative body tasked

⁵⁹ *Id.* at 69–70.

⁶⁰ *Id.* at 71, 77.

⁶¹ *Id.* at 75; MEDDEB, *supra* note 48, at 5.

⁶² MEDDEB, *supra* note 48, at 6.

⁶³ WOLF, *supra* note 43, at 133.

⁶⁴ Mohamed Khalfaoui, *Tunisia: Human Rights Organizations, Political Islam and Its Groups*, ARAB REFORM INITIAT. 7 (2018).

⁶⁵ MASRI, *supra* note 32, at 1.

⁶⁶ *Id.* at 15.

⁶⁷ WOLF, *supra* note 43, at 108.

⁶⁸ *Id.* at 2.

with formulating Tunisia's new constitution, in which Ennahda led a coalition government—nicknamed the “Troika”—alongside a centrist party and a socialist party.⁶⁹

Despite its leading position in the NCA, Ennahda struggled to gain the trust of secular and leftist actors, many of whom suspected Ennahda of harboring theocratic ambitions.⁷⁰ This tension nearly derailed the constitution-drafting process in 2013 after the assassinations of two leftist politicians, killings that were claimed by an individual who later joined the Islamic State.⁷¹ As the most prominent religious force in Tunisian politics, Ennahda was accused by its detractors of abetting Salafi jihadism.⁷² This controversy eventually forced the Troika government to resign, and Ennahda voluntarily ceded power to an independent technocratic government.⁷³

Notwithstanding these challenges, the NCA passed Tunisia's first democratic constitution in 2014, a document that contains several significant concessions and compromises from Ennahda. These include leaving out a reference to shari'a as a source of law in the constitution, abandoning attempts to criminalize blasphemy in the constitution, and agreeing to protections for women's equality that are in many ways more progressive than the Personal Status Code.⁷⁴ The final constitution contains hardly any references to Islam, other than affirming Tunisia's Muslim identity.⁷⁵

These concessions—which contravened many of Ennahda's ideological tenets—sparked internal disagreements that threatened to tear the party apart,⁷⁶ foreshadowing future conflicts between the party's pragmatic leadership and the more dogmatic elements of its base. However, thanks to its organizational discipline, Ennahda managed these external and internal pressures and ushered the constitutional project to completion.⁷⁷ This post-revolution period of controversy and compromise is the most immediately relevant context for Ennahda's 2016 rebranding.

⁶⁹ SHAQOURA & KRISTIANSEN, *supra* note 35, at 9.

⁷⁰ Khalfaoui, *supra* note 65, at 3.

⁷¹ WOLF, *supra* note 43, at 151–52.

⁷² *Id.* at 152.

⁷³ *Id.*

⁷⁴ SHAQOURA & KRISTIANSEN, *supra* note 35, at 14–16; WOLF, *supra* note 43, at 139; Khalfaoui, *supra* note 65, at 7; MEDDEB, *supra* note 48, at 7; Saral, *supra* note 4, at 1.

⁷⁵ MEDDEB, *supra* note 48.

⁷⁶ Saral, *supra* note 4.

⁷⁷ WOLF, *supra* note 43, at 135–36.

Ennahda's ideological evolution also bears the marked influence of Rached Ghannouchi, the organization's founder and longtime leader who spearheaded its 2016 rebranding. Ghannouchi came of age under the Bourguiba regime as a member of the social periphery.⁷⁸ Initially enamored with Nasserist Arab nationalism, he gravitated toward Islamic revival movements as he completed his studies in Egypt, Syria, and France.⁷⁹ Ghannouchi drew inspiration from the Egyptian Muslim Brotherhood when he founded al-Jama'a al-Islamiyya, which often garners him the label "Islamist." However, his ideological orientation defies easy categorization: after growing critical of the Muslim Brotherhood, Ghannouchi developed his own eclectic approach to theology and political theory that has made Ennahda distinct among Muslim Brotherhood-inspired movements.⁸⁰

Al-Huriyyāt al-'Āmma fī-d-Dawla al-Islāmiyya ("Public Freedoms in the Islamic State") outlines Ghannouchi's theory for "Islamic democracy," his ideal political system.⁸¹ This system entails the creation of an "Islamic state," which he defines as a government that uses shari'a as a basis for policy and legislation.⁸² Ghannouchi maintains that such a state is necessary to realize the purpose of Islam as a "comprehensive system" for governing human life in accordance with divine law.⁸³

However, unlike calls for an Islamic state made by other Muslim Brotherhood-inspired groups, Ghannouchi's understanding of the concept is rooted in democracy and pluralism. Ghannouchi critiques Western liberal democracy by distinguishing between its procedural and philosophical components, arguing that while its procedures may be sound, its underlying values are materialistic and corrupt, as evidenced by evils like colonialism.⁸⁴ "Islamic democracy," by contrast, would improve upon the Western model by grounding democratic procedures in Islamic morality.⁸⁵ Ghannouchi sees the institutions of democracy—such as elections and separation of powers—as mechanisms to implement *shura*, an Islamic concept which states that a ruler should consult with the community on public affairs.⁸⁶ For this reason, Ghannouchi argues that the legitimacy of the Islamic state rests on popular

⁷⁸ TAMIMI, *supra* note 45, at 13.

⁷⁹ *Id.* at 12–25.

⁸⁰ *Id.* at 63.

⁸¹ See HALVERSON & GREENBERG, *supra* note 37.

⁸² TAMIMI, *supra* note 45, at 93–94.

⁸³ RACHED GHANNOUCHI, *AL-HURRIYĀT AL-'ĀMMA FĪ-D-DAWLA AL-ISLĀMIYYA* 93 (1993).

⁸⁴ *Id.*; TAMIMI, *supra* note 45, at 87.

⁸⁵ TAMIMI, *supra* note 45, at 29, 42.

⁸⁶ *Id.*

consent.⁸⁷ Moreover, such a state would ensure political pluralism through *ijtihad*—the exercise of independent reasoning in interpreting Islamic sources—since the public would choose freely between the interpretations offered by different political actors.⁸⁸

While Ghannouchi’s ideal of Islamic democracy facilitates life in accordance with divine law, it assumes that citizens largely agree regarding what constitutes a virtuous existence, leaving little room for moral pluralism.⁸⁹ Accordingly, Ghannouchi himself acknowledges that his utopian vision may never come to fruition.⁹⁰ However, Ghannouchi’s rhetoric as a politician has reflected a “pragmatic pluralist” counterpart to his Islamic democratic ideal, which March calls “Muslim democracy.”⁹¹ This “non-ideal theory” similarly seeks to promote a virtuous conception of life, “but one that can be subject to the widest possible reasonable agreement.”⁹² In pursuit of such agreement, Ghannouchi’s pragmatic vision affirms political pluralism, deemphasizes the role of shari’a in politics, and prioritizes consensus-building over moral perfectionism.⁹³

These pragmatic pluralist elements have characterized Ennahda’s political approach in recent years, evidencing Ghannouchi’s intellectual and strategic influence on the organization. Ennahda’s rebranding as a “Muslim democratic” party thus illustrates the interplay between Ghannouchi’s intellectual ideals and his pragmatism as a politician.

C. *Ennahda’s 2016 Rebranding*

At its Tenth National Party Conference, Ennahda defined a new party identity that rests on three components: Muslim democracy, a specialization in politics, and an “Islamic reference.” In its Tenth Conference publications, Ennahda rejects the label “political Islam,” asserting that this term no longer accurately reflects the party’s identity or trajectory.⁹⁴ Instead, it describes itself as a party of “Muslim democrats,” meaning it sees no conflict between Islamic

⁸⁷ GHANNOUCHI, *supra* note 84, at 93.

⁸⁸ TAMIMI, *supra* note 45, at 18, 21.

⁸⁹ Andrew F. March, *What Is “Muslim” About Tunisia’s “Muslim Democrats”?*, 142 BRANDEIS UNIV.: CROWN CTR. MIDDLE E. STUD. (2021), <https://www.brandeis.edu/crown/publications/middle-east-briefs/pdfs/101-200/meb142.pdf>.

⁹⁰ TAMIMI, *supra* note 45.

⁹¹ March, *supra* note 90, at 3.

⁹² *Id.* at 5.

⁹³ *Id.* at 3.

⁹⁴ Ennahda, *supra* note 2.

values and those of “modernity.”⁹⁵ As part of this identity, Ennahda considers itself a “national party” committed to placing national welfare, consensus-building, and the integrity of the constitutional order above partisan interests.⁹⁶ Ennahda also seeks to become more professional, competent, and representative of Tunisians’ priorities.⁹⁷

Ennahda’s publications also announce its intention to “specialize” in political affairs and leave other types of activism, including religious activism, to civil society.⁹⁸ This decision to abandon *da’wa* marks Ennahda’s commitment to becoming a full-time political party, rather than splitting its time between politics and preaching as it had done for decades.⁹⁹ This change bars Ennahda officials—who had long proselytized and preached at mosques—from “simultaneously hold[ing] positions in the party” and in religious civil society organizations.¹⁰⁰

Despite this specialization in politics, Ennahda maintains its Muslim character through the adoption of an “Islamic reference.”¹⁰¹ That is, while Ennahda will not engage in preaching, it will still use Islam as a guide for its approach, “translating” Islamic values into “political, social, economic, and cultural” aspects of its program.¹⁰² The party stresses that it does not claim to represent or speak for Islam in any way; rather, its Islamic reference is intended to reflect the Muslim identity of its constituents.¹⁰³

In addition to redefining the party’s identity, Ennahda outlines several policy priorities in its conference documents. These include spearheading economic recovery, inclusive development, anti-corruption, and counterterrorism efforts, in addition to fleshing out Tunisia’s nascent democratic and constitutional infrastructure to ensure good governance.¹⁰⁴

D. Comparing Ennahda and An-Na’im

Comparing Ennahda’s articulated vision with that of An-Na’im reveals considerable overlap. First, reflecting the role it played in drafting Tunisia’s

⁹⁵ *Id.*

⁹⁶ *Id.* at 4.

⁹⁷ *Id.*

⁹⁸ *Id.* at 5.

⁹⁹ Rory McCarthy, *When Islamists Lose*, 72 MIDDLE E. J. 365, 381 (2018).

¹⁰⁰ Souli, *supra* note 4.

¹⁰¹ Ennahda, *supra* note 2.

¹⁰² *Id.* at 6.

¹⁰³ McCarthy, *supra* note 100.

¹⁰⁴ Ennahda, *supra* note 2.

constitution, Ennahda fully endorses democracy and constitutionalism in its Tenth Conference statements, principles that also form the foundation for An-Na'im's secular state framework. Moreover, Ennahda's aspiration to engage with ordinary Tunisians in accessible, non-religious terms—Ghannouchi explains that Ennahda wants to talk to people about their “daily problems,” not about “final judgement”—resembles An-Na'im's conception of civic reason.¹⁰⁵

Second, Ennahda appears to endorse a separation between religion and political power, echoing An-Na'im's principle of the religious neutrality of the state. This is visible in the party's rejection of “political Islam” and its reassurances that Ennahda will never claim to speak for or represent Islam. Ennahda similarly justifies its “specialization” decision by arguing that religious reform is best achieved within a civil society space free from undue political interference; this mirrors An-Na'im's thesis that a secular state secures the necessary space for negotiating shari'a in the public domain.

Third, like An-Na'im, Ennahda maintains that Islamic values should still inform legislation and public policy even while religion is separated from political power. This seems to be precisely the goal of the party's “Islamic reference.” In his opening speech at the conference, Ghannouchi reaffirms the party's desire to distance religion from “partisan utilization,” but stresses that this should not “exclude religion from public life”; instead, he asserts that Islamic values should inform public morality and state policy.¹⁰⁶ This rhetoric recalls An-Na'im's vision for the connectedness of Islam and politics. Identifying these parallels between the two visions allows us to better evaluate where and how Ennahda might illustrate An-Na'im's ideals in the Tunisian context.

II. ENNAHDA'S EVOLUTION AND THE SAFEGUARDS OF A SECULAR STATE

A. *An-Na'im's Safeguards*

In *Islam and the Secular State*, An-Na'im proposes constitutionalism, human rights, and citizenship as an “integrated framework” for regulating “the tension between the religious neutrality of the state and the connectedness of

¹⁰⁵ Rached Ghannouchi, *Rached Ghannouchi: « Il n'y a Plus de Justification à l'Islam Politique en Tunisie »*, LE MONDE (May 19, 2016), https://www.lemonde.fr/international/article/2016/05/19/rached-ghannouchi-il-n-y-a-plus-de-justification-a-l-islam-politique-en-tunisie_4921904_3210.html.

¹⁰⁶ Rached Ghannouchi, President Rached Ghannouchi's Opening Speech at the Opening Ceremony of the Tenth Party Congress (May 20, 2016) (transcript available at <https://www.csidonline.org/post/carving-path-democracy-and-islam-co-exist-tunisia>).

Islam and public policy.”¹⁰⁷ These three interrelated “safeguards” mediate the distinction between the state and politics by protecting the state from the tyranny of a single group.¹⁰⁸

Of An-Na'im's three safeguards, constitutionalism represents the overarching principle from which the other two follow. An-Na'im defines “constitutional governance” as “the set of principles” that regulate the citizen-state relationship by curtailing government power “in accordance with the fundamental rights of citizens and communities,” in addition to the rule of law.¹⁰⁹ “Constitutionalism” refers to the “institutions, processes, and broader culture” necessary to maintain constitutional governance.¹¹⁰ An-Na'im's conception of constitutionalism rests on two main propositions. First, he defines the term broadly, to encompass “complementary approaches” to “accountable and responsible government” that might look different across contexts.¹¹¹ Nevertheless, constitutionalism always serves to “uphold the rule of law, enforce effective limitations on government powers, and protect human rights”; these objectives are typically met through principles such as representative government, the separation of powers, and an independent judiciary.¹¹² Second, An-Na'im advocates an iterative approach to constitutionalism in which the “end of constitutional governance” is achieved “through practice and experience” with constitutional principles in each context, rather than by implementing a predetermined scheme.¹¹³

An-Na'im maintains that the protection of human rights is a necessary component of constitutionalism.¹¹⁴ Notwithstanding the universality of these rights as established through international legal obligations, on a practical level, human rights are usually protected within a state context through their inclusion in constitutional documents and practices.¹¹⁵ Regarding the relationship between Islam and human rights, An-Na'im argues that shari'a principles essentially conform to “most human rights norms,” save for a few specific aspects of “the rights of women and non-Muslims and the freedom of religion and belief.”¹¹⁶ He proposes that these particular conflicts be resolved through Islamic legal

¹⁰⁷ ISLAM AND THE SECULAR STATE, *supra* note 6, at 84.

¹⁰⁸ *Id.* at 139.

¹⁰⁹ *Id.* at 101.

¹¹⁰ *Id.* at 102.

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ *Id.* at 111.

reform—that is, by applying alternative interpretative methodologies to the Qur’an and sunna.¹¹⁷ An-Na’im notes that a human rights framework also provides Muslims the necessary political space to transform their human understanding of shari’a in this manner.¹¹⁸

The two previous principles undergird An-Na’im’s argument in favor of human rights-based citizenship. An-Na’im uses the term “citizenship” to designate “a particular form of membership in the political community of a territorial state in its global context.”¹¹⁹ Equal citizenship for all—regardless of “religion, sex, ethnicity, language, or political opinion”—provides a “moral, legal, and political basis” for people to claim and enjoy their human rights, both at home and abroad.¹²⁰ Accordingly, An-Na’im recommends that Muslims engage in Islamic legal reform to facilitate a transition from a *dhimma* conception of citizenship, which differentiates between individuals based on their religious status, to a human rights-based conception.¹²¹

In his discussion of these three safeguards, An-Na’im aims to promote their acceptance among Muslims.¹²² In this article, however, I am interested in a different question: how might these safeguards influence the activity of religiously inspired political parties? An-Na’im uses the term “Islamist politics” to designate “political actors . . . who are pursuing an agenda that they believe is mandated or required by their understanding and practice of Islam in general or shari’a in particular.”¹²³ While An-Na’im never explicitly addresses the influence of his safeguards on Islamist politics, we can derive certain logical implications from the arguments he makes regarding constitutionalism, human rights, and citizenship.

An-Na’im’s writings suggest his proposed safeguards would ideally have a constructive mediating—and/or moderating—influence on Islamist actors by requiring them to compete in a regulated political arena. For instance, in an article reflecting on the Arab Spring uprisings, An-Na’im argues that “Islamist” forces “must be confronted and defeated” in “open contestation” with other groups through the democratic process, rather than by their “suppression and

¹¹⁷ *Id.* at 111–12.

¹¹⁸ *Id.* at 111.

¹¹⁹ *Id.* at 126.

¹²⁰ *Id.* at 127.

¹²¹ *Id.* at 130–32.

¹²² *Id.* at 84.

¹²³ Abdullahi Ahmed An-Na’im, *Islam, Sharia and Democratic Transformation in the Arab World*, 87 DIE FRIEDENS-WARTE 27, 29 (2012).

exclusion” from “normal politics.”¹²⁴ Furthermore, in his analysis of the early evolution of Turkey’s Justice and Development Party (AKP), An-Na’im suggests that working within a secular system will change the AKP, even if the party’s commitment to secular democracy is merely instrumental; eventually, he predicts the party will pragmatically adapt to the secular system and recognize its benefits.¹²⁵

An-Na’im’s safeguards promote mediation and moderation in two ways. First, by creating an open and inclusive political arena, they allow more groups to exert influence on state institutions, thus reducing the risk that a single group can seize control of those institutions.¹²⁶ Second, by establishing “clear rules” for political engagement, they encourage actors to compete in ways that respect the autonomy and integrity of state institutions.¹²⁷ Thus, by reducing Islamist politics to “one of many” competing political actors in this manner, the state is enabled to “manage the contradictions” between a secular normative politics and a citizenry that derives political inspiration from religion.¹²⁸

Another theory that can help assess how Islamist political parties grapple with “the ideological challenges of participating in pluralistic politics” is Bayat’s concept of *post-Islamism*.¹²⁹ Bayat understands post-Islamism as the “metamorphosis” of Islamism’s ideological content: a “shift in vision” that represents “a discursive and/or pragmatic *break* . . . from an Islamist paradigm.”¹³⁰ In Bayat’s definition, the Islamist paradigm seeks to use state power to establish some kind of “Islamic order.”¹³¹ Bayat describes post-Islamism as “both a condition and a project.”¹³² First, it designates a “political and social condition” in which Islamism’s appeal and legitimacy become “exhausted,” forcing it to “reinvent itself.”¹³³ Second, post-Islamism designates a *project*, a “conscious attempt” by Islamist actors to “transcend” the Islamist paradigm by harmonizing Islam with individual freedom, pluralism, democracy,

¹²⁴ *Id.* at 29–30.

¹²⁵ ISLAM AND THE SECULAR STATE, *supra* note 6, at 221.

¹²⁶ *Id.* at 90.

¹²⁷ *Id.* at 92.

¹²⁸ Fadel, *supra* note 29, at 195.

¹²⁹ Francesco Cavatorta & Fabio Merone, *Post-Islamism, Ideological Evolution and ‘La Tunisianit. . .’ of the Tunisian Islamist Party al-Nahda*, 20 J. POLIT. IDEOL. 27, 28–29 (2015).

¹³⁰ Asef Bayat, *What is Post-Islamism?*, 16 INT’L INST. FOR STUDY ISLAM MOD. WORLD REV. 5 (2005) [hereinafter *What is Post-Islamism?*]; Asef Bayat, *Post-Islamism at Large*, in POST-ISLAMISM: THE CHANGING FACES OF POLITICAL ISLAM 3, 25 (Asef Bayat ed., 2013) (emphasis added) [hereinafter CHANGING FACES].

¹³¹ Bayat, *supra* note 37, at 592.

¹³² *What is Post-Islamism?*, *supra* note 131.

¹³³ *Id.*

and modernity.¹³⁴ Overall, Bayat argues that post-Islamism is characterized by a desire for “the secularization of the state” while “maintaining religious ethics in society,”¹³⁵ a combination that mirrors An-Na’im’s argument in *Islam and the Secular State*. Accordingly, I apply Bayat’s conception of post-Islamism to supplement An-Na’im’s theoretical framework as I explain Ennahda’s 2016 rebranding.

B. *Ennahda’s Contingent Evolution*

In their statements explaining Ennahda’s 2016 rebranding, Ghannouchi and other party leaders highlight the fact that certain external conditions made the party’s previous identity obsolete and motivated it to adopt a new one.¹³⁶ In its Tenth Conference publications, Ennahda emphasizes its acceptance of the 2014 constitution as an established framework that the party must now work within.¹³⁷ This means that the party is committed to defending the institutions and principles of constitutionalism, including the rule of law, governmental oversight, and political pluralism.¹³⁸ Notably, Ennahda’s leaders credit the achievements of constitutionalism with permitting the party to abandon certain aspects of its previous mission.¹³⁹ For instance, Ghannouchi explains that Ennahda’s original purpose was to promote expressions of religiosity that were prohibited under Bourguibism;¹⁴⁰ however, because the 2014 constitution guarantees Tunisians’ rights to worship freely and “embrace an Arab Muslim identity,” Ennahda “no longer needs” to defend religion.¹⁴¹ Party leader Said Ferjani similarly notes that the passage of the constitution prompted Ennahda to separate *da’wa* from its political activities, because “within a democratic system,” civil society should be distinct from party politics.¹⁴² Moreover, Sayida Ounissi, an Ennahda member of parliament, asserts that the constitution “resolved” certain debates that had previously preoccupied Ennahda, such as the “identity of the State,” “the relationship between religion and politics,” and “the place of sharia in the hierarchy of norms.”¹⁴³ This achievement allowed Ennahda

¹³⁴ *Id.*

¹³⁵ CHANGING FACES, *supra* note 131, at 9.

¹³⁶ Ennahda, *supra* note 2.

¹³⁷ *Id.*

¹³⁸ Ennahda, *supra* note 2.

¹³⁹ Rached Ghannouchi, *From Political Islam to Muslim Democracy*, 95 FOREIGN AFFS. 58, 58–59 (2016).

¹⁴⁰ *Id.* at 60–61.

¹⁴¹ *Id.* at 58.

¹⁴² Interview by Current Trends in Islamic Ideology with Said Ferjani, Senior Ennahda Official (Apr. 29, 2016), <http://www.hudson.org/research/12349-the-end-of-islamism-and-the-future-of-tunisia>.

¹⁴³ Sayida Ounissi, *Ennahda from within: Islamists or “Muslim Democrats”?*, BROOKINGS INST. (Feb. 2016).

to “finally” become a political party focused on a “practical agenda and economic vision.”¹⁴⁴

Ennahda’s leaders also cite its experience in government as an impetus for its rebranding. After watching the Egyptian Muslim Brotherhood fail in government due to its lack of a coherent policy platform and its “ineptitude at political bargaining,”¹⁴⁵ Ennahda’s leadership has sought to avoid similar tactical blunders. The party already had a good deal of experience bargaining with its political rivals before it entered government in 2011, as exemplified by its participation in the 18 October Coalition.¹⁴⁶ However, Ounissi contends that Ennahda’s “experiment with four years of actual political governance” has done more to impact the party’s identity and discourse than “decades of underground activity.”¹⁴⁷ Ferjani goes so far as to validate the idea of post-Islamism as applied to Ennahda after 2011, asserting that “Islamism ended . . . once Ennahdha entered government and shared responsibility for social and economic provision and became accountable” to constituents.¹⁴⁸ Ounissi and Ferjani’s comments are reflected in Ennahda’s compromises during the NCA deliberations, as well as the party’s practical emphasis on *professionalization*: much of Ennahda’s Tenth Conference dealt with administrative reforms intended to improve the party’s capacity to “both design public policies and implement them,” helping it compete in a pluralistic political arena.¹⁴⁹

A last factor motivating Ennahda’s rebranding is a desire to distance the party from violent extremism.¹⁵⁰ A large part of the party’s decision to disavow the label “political Islam” appears to have been the “negative connotations” associated with this term in a regional environment marked by al-Qa’ida and the Islamic State.¹⁵¹ Instead, the label “Muslim democrats,” which intentionally recalls Europe’s Christian-Democratic parties, seemed the “easiest way” to signal to skeptical outside observers, such as Tunisia’s secular and leftist actors and Western governments, that Ennahda represents a “positive” phenomenon.¹⁵² While Ennahda’s rejection of Islamism certainly reflects a surface-level attempt to improve the party’s reputation, it also has an ideological component:

¹⁴⁴ Ghannouchi, *supra* note 140, at 60.

¹⁴⁵ KANDIL, *supra* note 38, at 140.

¹⁴⁶ Interview by Shadi Hamid and William McCants with Habib Ellouze, Member of Ennahda’s Shura Council (May 25, 2017).

¹⁴⁷ Ounissi, *supra* note 144, at 3.

¹⁴⁸ Interview with Said Ferjani, *supra* note 143.

¹⁴⁹ Ennahda, *supra* note 2; Ounissi, *supra* note 144, at 3.

¹⁵⁰ Ghannouchi, *supra* note 140, at 64.

¹⁵¹ Ounissi, *supra* note 144, at 8.

¹⁵² *Id.* at 7.

Ennahda's leadership stresses that its moderate and pluralistic interpretation of Islam and its endorsement of a "separation of mosque and state" do not reflect the "black-and-white views" espoused by fundamentalists.¹⁵³

C. Explaining Ennahda's Rebranding

After considering the above explanations, it appears that Ennahda's rebranding does, at least to a certain extent, reflect the moderating influence of An-Na'im's safeguards. In particular, we might note Ennahda's contributions and subsequent commitment to Tunisia's constitutional order. The statements from Ennahda's leadership about its rebranding indicate the party "adjusted to the new rules of a game that it helped establish," thus transforming "an external constraint into a driver of change for the party's ideology and identity."¹⁵⁴ For this reason, the decisions Ennahda made during its Tenth Conference can be understood as attempts to "adapt its identity to the realities of the new constitution."¹⁵⁵ The influence of constitutionalism is similarly reflected by the party's emphatic endorsement of related principles, such as political pluralism, the separation of religion and state, and human rights.¹⁵⁶ The party's actions and statements at its Tenth Conference also reveal the influence of pluralistic competition. Specifically, now that Ennahda is forced to compete for and share power with other parties, the party clearly feels pressure to professionalize its internal structures, broaden its appeal, and produce policy deliverables to more effectively compete on a national stage. This sentiment is visible in Ennahda's declaration that it is becoming a "national party" which prioritizes the broader national welfare over narrow party interests.¹⁵⁷

Do these changes in Ennahda's rhetoric and outlook constitute a "discursive and/or pragmatic break" with the Islamist paradigm, in the words of Bayat?¹⁵⁸ Certain commentators, including some Ennahda members, have affirmed that Ennahda's rebranding does indeed represent a post-Islamist turn.¹⁵⁹ Others, including Ghannouchi, maintain that the continuities in Ennahda's ideology trump the changes, as shown in his statement that Ennahda's rebranding "represents not so much a sea change as a ratification of long-held beliefs."¹⁶⁰ A

¹⁵³ Ennahda, *supra* note 2, at 6; Ghannouchi, *supra* note 140, at 64.

¹⁵⁴ MEDDEB, *supra* note 48, at 9.

¹⁵⁵ *Id.* at 8.

¹⁵⁶ See, e.g., Ennahda, *supra* note 2; Ghannouchi, *supra* note 140.

¹⁵⁷ Ennahda, *supra* note 2.

¹⁵⁸ CHANGING FACES, *supra* note 131, at 25.

¹⁵⁹ Interview with Said Ferjani, *supra* note 143; WOLF, *supra* note 43, at 160.

¹⁶⁰ Ghannouchi, *supra* note 140, at 59.

more cynical version of this argument holds that Ennahda's rebranding was primarily cosmetic and instrumental. Wolf, for instance, asserts that Ennahda's decision to abandon "political Islam" was a predictable response to "the conflation of Muslim Brotherhood organisations with the Islamic State or al-Qa'ida-type groups."¹⁶¹

While some aspects of Ennahda's 2016 rebranding were undoubtedly superficial, the party has broken away from many aspects of its previous paradigm since entering government in 2011, as evidenced by its many concessions and compromises. For this reason, we may reasonably conclude that An-Na'im's safeguards—in addition to reputational concerns provoked by violent extremism—were among the factors that motivated Ennahda's ideological revisions and rebranding. To be sure, it is overly simplistic to characterize Ennahda's evolution solely as "contingent pragmatism"—that is, as a calibrated response to external conditions.¹⁶² Ennahda is not a monolith, and its recent ideological revisions have not occurred without significant internal dissent. Therefore, its process of evolution might be better described as a "dialectical conversation" in which "political constraints" influence the party's trajectory, but the way these external influences are internalized depends on an "ideological debate" within the party.¹⁶³ Nevertheless, the outcome of this dialectical process suggests that An-Na'im's normative principles for regulating the distinction between the state and politics can constructively shape Islamist parties by encouraging them to adapt to a secular system and recognize its benefits.

III. CULTURAL LEGITIMACY AND CIVIC REASON

A. Cultural Legitimacy

Another part of An-Na'im's argument in *Islam and the Secular State* concerns how political and civil society actors should advocate their positions *within* a political arena regulated by the aforementioned structural and procedural guardrails. An-Na'im recommends that actors employ two kinds of argumentation—cultural legitimacy and civic reason—that serve his aims of creating sustainable social change and fostering an inclusive discourse around the role of Islam in public life.

¹⁶¹ WOLF, *supra* note 43, at 160–61.

¹⁶² Cavatorta & Merone, *supra* note 130, at 30.

¹⁶³ *Id.* at 30, 32.

Cultural legitimacy is a theme present in virtually all of An-Na'im's scholarship, particularly his work on human rights implementation. While human rights norms are typically regarded as universal, their adoption in local contexts is always contingent upon their perceived validity within a given society's value framework.¹⁶⁴ This is even more true in formerly colonized societies, wherein the Western origins of the international human rights system can provoke suspicions of cultural imperialism.¹⁶⁵ In *Islam and the Secular State*, An-Na'im applies similar reasoning to his calls for a secular state, constitutionalism, human rights, and citizenship.¹⁶⁶ As components of a normative system typically associated with the West, these principles can never be "culturally neutral."¹⁶⁷ Therefore, any "proponents of change" hoping to advance these norms in their societies must be able to speak as cultural "insiders" who can use "internally valid arguments to persuade the local population."¹⁶⁸

Employing this strategy of cultural legitimacy can facilitate social change in several ways. First, culturally legitimate arguments can help people understand how a particular norm relates to their value system and daily life, which makes persons more likely to respect and observe it.¹⁶⁹ Second, culturally legitimate arguments for social change may prove more convincing to "guardians of the previous order" who are trying to resist change.¹⁷⁰ Third, on the governmental level, authorities are more likely to pass laws and policies that are perceived to be in agreement with "ideal cultural norms and patterns of behavior," rather than endorsing nonconformity.¹⁷¹ For these reasons, An-Na'im recommends that his proposals in *Islam and the Secular State* be promoted in a culturally legitimate manner.

Furthermore, some scholars have identified a potential use for cultural legitimacy in the context of Islamist politics, speculating whether certain "Islamist" discourses, because of their religious and nationally-grounded character, might be suited to advance norms like democracy and human rights in Muslim-majority societies. For example, Hicks, noting that Islamist movements and human rights organizations often share certain objectives by

¹⁶⁴ Abdullahi Ahmed An-Na'im, *The Contingent Universality of Human Rights: The Case of Freedom of Expression in African and Islamic Contexts*, 10 EMORY INT'L. L. REV. 29 (1997).

¹⁶⁵ *Id.*

¹⁶⁶ ISLAM AND THE SECULAR STATE, *supra* note 6, at 21.

¹⁶⁷ ISLAM AND THE SECULAR STATE, *supra* note 6, at 24.

¹⁶⁸ *Id.* at 25.

¹⁶⁹ *Id.*

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

virtue of their common opposition to authoritarian regimes, asks whether “Islamist human rights activism” might facilitate human rights implementation.¹⁷² Roy similarly observes that state crackdowns on religious activism, like what occurred in Tunisia, pushed “Islamist movements to protest repression in the name of democracy” and to adopt the rhetoric of “human rights and tolerance.”¹⁷³ Thus, he claims that in Islamist movements’ criticisms of authoritarianism, efforts to expand political participation, and alliances with secular forces, these groups contribute to “laying the basis of greater democracy and secularisation.”¹⁷⁴ While An-Na’im does not address this aspect of cultural legitimacy in *Islam and the Secular State*, I attempt to elucidate it through my analysis of Ennahda, demonstrating how the party uses culturally legitimate rhetoric to promote democracy, constitutionalism, and human rights.

Cultural legitimacy in the Tunisian context comprises several elements. One relevant factor is the legacy of European colonialism and its relationship to Muslim identity. An-Na’im describes the “postcolonial predicament” as the “sense of profound ambiguity” experienced by former colonies as they attempt to “reconcile contradictory histories and political visions” within the imbalanced power relations of the postcolonial world.¹⁷⁵ Many scholars argue that this predicament in Muslim-majority societies has fueled an “Islamic resurgence” since the mid-twentieth century.¹⁷⁶ An-Na’im, for instance, views increased demands for state enforcement of shari’a as “a misguided bid for postcolonial self-determination.”¹⁷⁷ Halverson and Greenberg similarly argue that the rise of “Islamism” in the Maghreb region constitutes a “reassertion of Muslim identity in pro-independence revolutionary terms” after the “humiliat[ion]” and “deracinat[ion]” of European colonial rule.¹⁷⁸

At the same time, there is a danger in relying on culturalist explanations for the rise of social movements. Achcar contends that arguments like Halverson and Greenberg’s rest on Orientalist foundations, such as the idea that Muslims are primarily motivated by “cultural” or “religious” factors. This premise underlies assertions that Muslim societies can only experience social upheaval in religious terms and that movements advocating a “return to Islam” are in fact

¹⁷² Neil Hicks, *Does Islamist Human Rights Activism Offer a Remedy to the Crisis of Human Rights Implementation in the Middle East?*, 24 HUM. RTS. Q. 361 (2002).

¹⁷³ OLIVIER ROY, GLOBALISED ISLAM: THE SEARCH FOR A NEW UMMAH 82 (2004).

¹⁷⁴ *Id.* at 80.

¹⁷⁵ ABDULLAHI AHMED AN-NA’IM, AFRICAN CONSTITUTIONALISM AND THE ROLE OF ISLAM 20–21 (2006).

¹⁷⁶ TOWARD AN ISLAMIC REFORMATION, *supra* note 12, at 4.

¹⁷⁷ Abdullahi Ahmed An-Na’im, *The Compatibility Dialectic: Mediating the Legitimate Coexistence of Islamic Law and State Law*, 73 MOD. L. REV. 1, 7 (2010).

¹⁷⁸ HALVERSON & GREENBERG, *supra* note 37, at 6.

“progressive” responses to “Western cultural domination.”¹⁷⁹ This idea, however, problematically assumes that Islam is the “essential language and culture of Muslim peoples” and emphasizes cultural and religious explanations for change at the expense of socioeconomic ones.¹⁸⁰ Such arguments also often overlook the “reactionary” and “regressive” elements of many movements advocating a return to Islam.¹⁸¹ These criticisms remind us that the “Islamic resurgence” is not simply a natural expression of some repressed “Muslim identity,” but rather the product of various complex factors. These include, but are not limited to, efforts by Saudi Arabia and the United States to promote Islamic fundamentalism as a counterweight to the political left, Western imperial aggression, and neoliberal globalization.¹⁸²

Thus, this conception of cultural legitimacy comprehends that the salience of certain identity markers and the resonance of certain ideas in a particular local context is not only dependent on culture, but also on specific material conditions. In Tunisia, for instance, we might recall that al-Jama’*a* al-Islamiyya initially drew its membership from a social periphery of individuals that had been economically and politically—in addition to culturally—marginalized under the Bourguiba regime.¹⁸³ While these individuals mobilized around religious identity, their participation in the Islamic movement reflected various intersecting factors.

In addition to the salience of Islam as an identity marker, another aspect of cultural legitimacy in Tunisia is the idea of Tunisian specificity or exceptionalism, or *tunisianité*.¹⁸⁴ This concept has a variety of meanings but is broadly rooted in Tunisia’s historical experiences with Phoenician, Amazigh, and Ottoman rule, its location at the crossroads of Europe and Africa, and its distinct brand of Islam heavily influenced by the intellectual production of al-Zaytouna Mosque in Tunis.¹⁸⁵ For the purposes of this article, I focus on *tunisianité* as it relates to Tunisia’s political and religious reformism, which can be traced back to the nineteenth century.¹⁸⁶

¹⁷⁹ ACHCAR, *supra* note 41, at 58.

¹⁸⁰ *Id.* at 58.

¹⁸¹ *Id.* at 46, 58.

¹⁸² *Id.* at 43.

¹⁸³ Zghal, *supra* note 47.

¹⁸⁴ MASRI, *supra* note 32, at xxvii.

¹⁸⁵ *Id.* at 117.

¹⁸⁶ *Id.* at xxvii.

During the nineteenth century, Tunisia's Husaynid rulers instituted several profound political reforms.¹⁸⁷ The most significant of these was an 1864 constitution that is widely believed to be "the first of its kind in the Muslim world" to restrict government power and protect freedom of religion and the legal equality of all citizens.¹⁸⁸ These modernization efforts existed symbiotically with a reform-minded Islamic thinking that found a home at al-Zaytouna. This reformist approach called for exercising *ijtihad* in order to adapt shari'a to the times.¹⁸⁹ It is epitomized by the work of al-Zaytouna scholars such as Mohamed Tahar Ben Achour, whose rationalistic approach to exegesis prioritized a consideration of *maqāsid al-shari'a*—the "objectives, or ends, of Islamic law"—over a literalist reading of the Qur'an and sunna, and Tahar Haddad, whose pioneering arguments for women's rights laid the foundations for Bourguiba's Personal Status Code.¹⁹⁰ Bourguiba, and later, Ben Ali, invoked *tunisianité* to bolster their authority by deliberately portraying their modernization policies as a continuation of Tunisia's indigenous legacy of Islamic reform,¹⁹¹ demonstrating the relevance of *tunisianité* as a source of cultural legitimacy.

Cultural legitimacy represents a core strength of Ennahda's political approach. The party has always attempted to present a culturally-grounded discourse by appealing to Islam as an identity marker for Tunisians: Hmida Ennaifer, one of the founders of al-Jama'a al-Islamiyya, recalls that the group's Islamic revivalism initially sought to ameliorate a "crisis of identity" experienced by Tunisians under the Bourguiba regime.¹⁹² These questions of identity remain salient in contemporary Tunisian politics. For example, Wolf observes that while the 2011 uprisings "took place in response to economic hardship and political repression," deliberations in the NCA "quickly centred on identity topics, particularly the role of Islam in society."¹⁹³ The final constitution, while omitting any references to shari'a, did affirm Tunisia's Arab Muslim identity in a clause that was championed by Ennahda. Moreover, while Ennahda's 2016 rebranding has been understood by some as "de-emphasizing" the place of Islam within the party,¹⁹⁴ one could argue that the "specialization" decision and "Islamic reference" focus on retaining Islam as an identity marker

¹⁸⁷ *Id.* at 125.

¹⁸⁸ TAMIMI, *supra* note 45, at 39; WOLF, *supra* note 43.

¹⁸⁹ MASRI, *supra* note 32, at 145.

¹⁹⁰ Ghannouchi, *supra* note 140; MASRI, *supra* note 32, at 156–61.

¹⁹¹ MASRI, *supra* note 32, at 104, 225.

¹⁹² HALVERSON & GREENBERG, *supra* note 37, at 71.

¹⁹³ WOLF, *supra* note 43, at 130.

¹⁹⁴ Interview with Habib Ellouze, *supra* note 147; MEDDEB, *supra* note 48.

exclusively—that is, discarding it as a comprehensive political ideology but keeping its symbolic and cultural resonance.

Ennahda has also long invoked the idea of Tunisian specificity to position its ideology as culturally legitimate. When they founded al-Jama'a al-Islamiyya, Ghannouchi and his collaborators wanted their group “to be perceived as the inheritors . . . of the nineteenth-century Tunisian reform movement” so that their ideas would appear “indigenous and deeply rooted in a legacy the Tunisians respected.”¹⁹⁵ This is one of the reasons why the group ended up moving away from the MB-linked thinkers, like al-Banna and Qutb, that had initially influenced their ideology, and, instead, began drawing inspiration from rationalistic al-Zaytouna thinkers like Tahar Ben Achour and Haddad, whose ideas they considered better suited to the Tunisian context.¹⁹⁶

The party demonstrates its continued appeals to Tunisian exceptionalism in its statements from its Tenth Conference. For example, Ghannouchi's opening speech addresses Tunisians as “children of Carthage” and the inheritors of a legacy shaped by figures from Hannibal and Ibn Khaldun to Tahar Haddad and Habib Bourguiba.¹⁹⁷ These appeals to *tunisianité* are why Ounissi claims that Ennahda is more accurately described as “Bourguiba's illegitimate child” than the “Tunisian Muslim Brotherhood.”¹⁹⁸ In essence, while Bourguiba may have been the “secular interpreter” of “Tunisian modernity and reformism,” Ennahda has positioned itself as the religious interpreter of this heritage.¹⁹⁹

Moreover, Ennahda has used culturally legitimate rhetoric to advance the norms outlined by An-Na'im in *Islam and the Secular State*. First, from an intellectual standpoint, a primary goal of the founders of Tunisia's Islamic movement—especially Ghannouchi—has been to promote social and political reform in a culturally legitimate manner.²⁰⁰ As a young activist, Ghannouchi admired Tunisia's nineteenth century reform movement for “learning and borrowing from Western civilization” while respecting Tunisia's “Arab-Islamic identity” and sought to accomplish the same, “reform[ing] the country” with “modern tools and techniques but within an Islamic framework.”²⁰¹ This is the spirit of his argument in *al-Hurriyat al-'Amma fi-d-Dawla al-Islamiyya*, which explains how Western liberal democracy can be stripped of its culturally foreign

¹⁹⁵ TAMIMI, *supra* note 45, at 39.

¹⁹⁶ TAMIMI, *supra* note 45; Ghannouchi, *supra* note 140; Ounissi, *supra* note 144.

¹⁹⁷ Ghannouchi, *supra* note 108.

¹⁹⁸ Ounissi, *supra* note 144, at 2.

¹⁹⁹ Cavatorta & Merone, *supra* note 130, at 37.

²⁰⁰ TAMIMI, *supra* note 45.

²⁰¹ TAMIMI, *supra* note 45, at 40.

aspects and internalized within an Islamic context.²⁰² Ghannouchi's culturally legitimate justifications for democracy are also visible in his statements at the Tenth Conference, like his comment that "Ennahda is run by institutions, by democracy, by consultation—an important Islamic value."²⁰³

Furthermore, after enduring regime repression in the 1980s and 1990s, Ennahda adopted a civil and political rights discourse grounded in references to Islamic principles and *tunisianité*.²⁰⁴ This discourse maintains that the objectives of Islam are "justice and liberty for all," which makes authoritarianism—including the imposition of shari'a—contrary to Islam.²⁰⁵ Ghannouchi has used a similar logic to endorse the universality of human rights, maintaining that because God intended Islam to "realize human interests and welfare," anything that accomplishes this goal is "part of Islam," even if it lacks "textual grounding . . . in revelation."²⁰⁶ Moreover, Ghannouchi justifies Ennahda's support for the 2014 constitution's provisions on gender equality by referencing *tunisianité*, explaining that women's rights "are nowadays part of the Tunisian identity," so "Tunisian Islamists try to adapt Islam to [this] Tunisian reality."²⁰⁷

While some of these statements might reflect rhetorical maneuvering rather than a deep commitment to human rights, they nevertheless confirm Ennahda's use of culturally legitimate argumentation to defend the principles that form the basis of An-Na'im's secular state framework. This suggests that, at least in the Tunisian context, Ennahda's religion-inspired discourse has the potential to advance An-Na'im's vision.

B. Civic Reason

Despite Ennahda's use of culturally legitimate augmentation, the power of Ennahda's appeals to cultural legitimacy might be muted by its use of another kind of argumentation recommended by An-Na'im: civic reason. Civic reason requires that when actors "seek to influence public policy and/or legislation," they do so using a rationale that is "accessible to all" citizens.²⁰⁸ This means that religious actors cannot employ "claims of religious exclusivity" that are

²⁰² GHANNOUCHI, *supra* note 84.

²⁰³ Ghannouchi, *supra* note 108.

²⁰⁴ Khalfaoui, *supra* note 65.

²⁰⁵ Cavatorta & Merone, *supra* note 130, at 39.

²⁰⁶ RACHED GHANNOUCHI, *Ma'āni wa Mājibāt Dustūr mā ba'd al-Thawra*, in IRHĀSĀT AL-THAWRA 230 (2015).

²⁰⁷ WOLF, *supra* note 43, at 216.

²⁰⁸ ISLAM AND THE SECULAR STATE, *supra* note 6 at 92, 96.

“dependent on religious belief.”²⁰⁹ For example, if a Muslim individual advocates prohibiting interest on loans simply because it is forbidden by Islam, this leaves “nothing to discuss with other citizens,” who can only accept or reject this policy proposal on the grounds of religious belief.²¹⁰ Instead, An-Na’im recommends that Muslims “reflect on the social rationale” for shari’a injunctions and attempt to “persuade others of the general good of those commandments.”²¹¹ Thus, the use of civic reason creates an inclusive “public arena where nonstate actors can compete” freely and fairly “to influence state policy” by ensuring that when religious principles inform political debate, they do so in a manner that encourages persuasion, negotiation, and compromise instead of “mutual assertion of religious dogma.”²¹²

Civic reason could be said to characterize some of the more pragmatic aspects of Ennahda’s political approach. For example, Ghannouchi’s “non-ideal theory” of “Muslim democracy” similarly seeks to create an inclusive public arena by “privileg[ing] the attainment of actual agreement” in political debates over the pursuit of religious ideals.²¹³ Ghannouchi’s pragmatic conception of consensus-building recognizes that while some policy proposals may have Islamic justifications, they can also be advocated with reasons that “might appeal to anyone.”²¹⁴ For instance, while Ghannouchi defended Tunisia’s 2014 constitution on religious grounds, he also advocated for its adoption by appealing to democracy, human rights, and popular sovereignty as “human values.”²¹⁵ While not all Ennahda members may agree with Ghannouchi’s pragmatism, his approach—which seeks to appeal to “all segments of society” by presenting Ennahda’s ideological project in a programmatic way—has defined Ennahda’s post-revolution strategy.²¹⁶

This pursuit of consensus has also involved sidestepping “ideologically loaded” issues that are likely to alienate Ennahda’s secular allies or prove divisive among Tunisians.²¹⁷ For example, since 2011, Ennahda has intentionally moved in a centrist direction and downplayed its religious rhetoric in its election campaigns.²¹⁸ This is seen in the policy platform announced at its

²⁰⁹ *Id.* at 93.

²¹⁰ *Id.* at 95.

²¹¹ *Id.* at 95.

²¹² *Id.* at 92, 96.

²¹³ MARCH, *supra* note 90, at 3, 4.

²¹⁴ *Id.* at 4.

²¹⁵ *Id.* at 4.

²¹⁶ Interview with Habib Ellouze, *supra* note 147.

²¹⁷ Meddeb, *supra* note 48, at 10.

²¹⁸ Interview with Habib Ellouze, *supra* note 147.

Tenth Conference, which hardly contains any religious elements.²¹⁹ While these moves may have disappointed some of the party's more dogmatic members, from an external viewpoint the decisions of Ennahda's leadership to forego religiously exclusive policy demands accord with the spirit of civic reason.

Ennahda's use of civic reason may exist in tension with its 2016 decision to maintain Islam as a "reference" and identity marker, highlighting a potential contradiction inherent in An-Na'im's theory. El Amine identifies this tension when she asks how "specifically religious arguments" are supposed to contribute to politics and public policy in a public sphere regulated by civic reason.²²⁰ At its Tenth Conference, Ennahda stated that it intended to "translate" its Islamic reference into specific outcomes.²²¹ However, since then, the party has not offered any sort of roadmap for how it will "translat[e] Islamic values into concrete policies at the political, economic, and social level."²²²

To be sure, Ennahda has put forward concrete policy proposals during its time in government—much of its Tenth Conference was dedicated to outlining the party's policy platform—but it is not immediately clear what makes Ennahda's approach distinctively "Islamic." Not much distinguishes its 2016 policy priorities—such as good governance, economic development, and counterterrorism—from the priorities of any generic center-right party.²²³ While this sort of uncontroversial policy menu might satisfy the requirements of civic reason and a consensus-based approach to politics, it does little to convincingly demonstrate the distinctiveness of Ennahda's Islamic reference. Therefore, in the case of political parties like Ennahda that seek to use Islamic values to inform legislation and public policy, An-Na'im's concept of civic reason poses a potentially insurmountable challenge—the more that these parties abandon specifically religious arguments, the more they risk losing the identity that initially made their message distinctive and/or culturally legitimate. In Ennahda's case, the tension between maintaining its Islamic identity and broadening its appeal threatens to limit the party's practical effectiveness and "neutraliz[e] it as a driver of social change."²²⁴

²¹⁹ Ennahda, *supra* note 2.

²²⁰ El Amine, *supra* note 28, at 480.

²²¹ Ennahda, *supra* note 2, at 6.

²²² Meddeb, *supra* note 48, at 12.

²²³ Meddeb, *supra* note 48; MARCH, *supra* note 90.

²²⁴ Meddeb, *supra* note 48, at 9.

CONCLUSION

This Article sought to analyze Ennahda's 2016 rebranding as a party of "Muslim democrats" through the lens of *Islam and the Secular State* by determining the extent to which the party's evolution reflects the influence—and contributes to the establishment—of the conditions in An-Na'im's framework. First, I have endeavored to clarify what the "successful" implementation of An-Na'im's proposals might mean in relation to "Islamist politics," a question that is not substantively addressed in *Islam and the Secular State*. Specifically, I argued that An-Na'im's "safeguards" can have a moderating influence on Islamist political parties by pushing them to adapt to a secular state system, a phenomenon that is illustrated by Ennahda's evolution. Moreover, I argued that political discourses like Ennahda's, which are grounded in religious and cultural references, can serve to advance An-Na'im's normative principles through culturally legitimate arguments. However, my analysis of Ennahda has also highlighted a potential pitfall regarding the political role of Islam in An-Na'im's theory, which is that discouraging religiously-specific arguments in the name of civic reason might serve to undermine what is distinctive—and effective—about the approach of Islamist political parties.

This last point holds profound implications for the future of Ennahda and Tunisia's democratic transition. Though Ennahda has its fair share of detractors, it is difficult to understate the instrumental role the party played in bringing about Tunisia's democratic transition and constitutional framework. Throughout this process, it showed a remarkable ability to adapt to a "more plural and inclusive environment," an evolution exemplified by its 2016 rebranding.²²⁵

However, the very characteristics that have contributed to Ennahda's success within a secular state framework—such as pragmatism, ideological flexibility, and a willingness to compromise—have complicated the party's relationship with its grassroots supporters and with Tunisian voters more generally. Habib Ellouze, a member of the party's more conservative wing, judges that Ennahda's attempts to moderate and downplay its Islamic identity have caused it to lose part of its follower base.²²⁶ Other observers worry that Ennahda's decision to abandon political Islam has opened up space for more fundamentalist Salafi movements.²²⁷ Additionally, Ennahda's willingness to compromise with and grant amnesty to figures from the Ben Ali regime—many of whom reentered post-revolution politics as members of the Nidaa Tounes party—has alienated

²²⁵ WOLF, *supra* note 43, at 167.

²²⁶ Interview with Habib Ellouze, *supra* note 147.

²²⁷ Cavatorta & Merone, *supra* note 130; Meddeb, *supra* note 48.

many of its grassroots supporters, who valued the party's commitments to anticorruption and social justice.²²⁸

Most significantly, while Ennahda's moderate political approach may have helped secure democratic and constitutional freedoms for Tunisians, the party has largely failed to ameliorate economic ills like poverty, corruption, and unemployment during its time in government.²²⁹ As one observer puts it, you "can't eat" freedom of expression.²³⁰ Indeed, Wolf argues that Ennahda's 2016 rebranding—and the overall cautiousness of its political strategy—reflect "consensus for the sake of survival" because the party lacks a "credible socioeconomic reform programme."²³¹

Because Ennahda has few socioeconomic achievements to show for its years in government, many Tunisians today view the party as the epitome of "bad governance and corruption."²³² This perception is a major factor in the political crisis currently plaguing Tunisia: Ennahda has been the target of widespread popular anger for its perceived mishandling of the Covid-19 pandemic and accompanying economic crisis, which prompted the country's president, Kais Saied, to invoke emergency powers and suspend Tunisia's parliament on July 25, 2021.²³³ While it is unclear how this crisis—which many observers are labeling a coup—will play out, it underscores the fundamental fragility of democratic transitions like Tunisia's.²³⁴ It also recalls An-Na'im's point that the practical implementation of principles like secularism, human rights, and constitutionalism is both iterative and deeply contextual, subject to setbacks and revision as actors negotiate what these principles mean in their own societies.²³⁵ Thus, this latest chapter of Tunisia's democratic transition is likely to illustrate the continued relevance of the principles in An-Na'im's work, and Ennahda's role in negotiating them.

²²⁸ WOLF, *supra* note 43; Meddeb, *supra* note 48.

²²⁹ Sarah Yerkes & Nesrine Mbarek, *After Ten Years of Progress, How Far Has Tunisia Really Come?*, CARNEGIE ENDOWMENT INT'L PEACE (Jan. 14, 2021), <https://carnegieendowment.org/2021/01/14/after-ten-years-of-progress-how-far-has-tunisia-really-come-pub-83609>.

²³⁰ Vivian Yee, *'You Just Think About Eating': Why Tunisians Backed a Presidential Power Grab*, N.Y. TIMES (Aug. 5, 2021), <https://www.nytimes.com/2021/08/05/world/africa/tunisia-democracy-president-support.html>.

²³¹ WOLF, *supra* note 43, at 165.

²³² Yee, *supra* note 231.

²³³ Radwan A. Masmoudi, *Keep Tunisia's Military Out of Politics*, FOREIGN POL'Y (Sept. 2, 2021), <https://foreignpolicy.com/2021/09/02/unisia-kais-saied-constitution-coup-parliament-suspension-military-apolitical>.

²³⁴ *Id.*

²³⁵ AN-NA'IM, *supra* note 176; ISLAM AND THE SECULAR STATE, *supra* note 6.