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THE AMERICAN  
UNIVERSITY IN CAIRO

Middle East Studies Center

SCHOOL OF  
GLOBAL AFFAIRS  
AND PUBLIC POLICY

# Working Paper

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Middle East Studies Center

The American University in Cairo

November 2016

## **Salafism and *Takfirism* in Tunisia Between Al-Nahda's Discourses and Local Peculiarities**

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## Abstract

This Working Paper aims at analyzing the discourses about the takfiri movements that rose in Tunisia after the Jasmine revolution. The victory of the Islamist party al-Nahda at the NCA elections in October 2011 provoked concerns about the rise of salafi groups. Between 2011 and 2012 several politicians, businessmen and journalists were accused of *kufir* by the salafi group *Ansar al-Shari'a*. The reaction of Tunisian society was strong and even inside the NCA a debate on the future of takfirism broke out. The discussion between deputies sitting in the NCA ended with the adoption of the Constitutional provision that forbids takfiri practices (article 6).

This study explores the official positions of al-Nahda about the relationship between salafism and takfirism, through the analysis of official statements, booklets and interviews personally conducted in Tunisia with members of al-Nahda. While the position of this party towards salafism is known, my aim is to uncover what al-Nahda considers as *takfir*. In his masterpiece, *al-Hurriyat al-'Amma fi'l-Dawla al-Islamiyya*, al-Ghannushi states that the Muslim community must regain its spaces where exercise the interpretation of the sources of the Islamic law, after the collapse of former regimes. Moreover, in many occasions al-Ghannushi said that the salafis recalled his youngness when he harshly militated in favor of the Palestinians' rights. *Shaykh* al-Ghannushi is part of the famous sunni stream of thought known as *Wasitiyya* which formally accepts the western idea of democracy not only as a political philosophy but also as a governmental tool. Exploring the ideas of al-Nahda about takfirism uncovers its sincere willingness not to monopolize the Islamic discourse, and, at the same time, it will open the way to a concrete religious pluralism for the sake of the Tunisian democratic transition.

## Introduction

Tunisia concluded its constitutional transition adopting a new Constitution in January 2014. After almost three years of fierce debate and harsh criticism between the parties involved, finally the National Constituent Assembly (NCA) passed a fundamental law with high consensus.<sup>1</sup>

The process of Constitution-making has been driven by a parliamentary block led by a coalition of three parties: the Islamist *Harakat* al-Nahda, the secular *Ettakattol* and the liberal (but near the Islamists) Congress for the Republic. This strange coalition also formed the so-called ‘Troika’, a government framed by ministers belonging to all the three parties. The fall of Ben Ali’s regime, following the 2010 uprisings, allowed the creation of Islamic parties which were illegal under the former regimes. Soon, al-Nahda’s leaders returned from abroad, such as *Shaykh* al-Ghannushi, while many salafi associations and parties were born and joined the new political arena.<sup>2</sup>

The rise of Islamism provoked some concern among civil society members but in the end, the process of Constitution making was fair and balanced enough and it resulted in a consensual Constitution that enshrines some ‘Islamic’ values. Among them, article 6 of the Constitution forbids *takfirism*, the act of declaring someone being *kafir*. Article 6 states as follow:

The state shall protect religion, guarantee freedom of belief and conscience and religious practices, and ensure the impartiality of mosques and places of worship away from partisan instrumentation. The state shall commit the spreading the values of moderation and tolerance, protecting what is sacred and preventing attacks on it, just as it shall commit to preventing calls of *takfir* and incitement to hatred and violence and to confronting them.<sup>3</sup>

This article is the product of a long debate between the MPs sitting in the NCA but is also the product of the rise of radical groups, such as *Ansar al-Shari’a*.<sup>4</sup> In fact, after the fall of Ben Ali’s control over the sacred places, all the mosques returned back to the Islamists, not only belonging to al-Nahda. This was seen by several deputies as necessary to improve religious freedoms enshrined by the Constitution. In his masterpiece, al-Ghannushi states that the Muslim community must regain its spaces where exercise the interpretation of the sources of the Islamic law (*ijtihad*), after decades of imposed secularism.<sup>5</sup> In their official statements, al-Nahda’s top leaders distinguish between salafism and *takfirism*, as two different ways to understand Islam. In this Working Paper I will start describing the rise of *takfirism* in Tunisia. I argue that this phenomenon is the direct consequence of the imposed secularism of the former regimes. Moreover, while the position of al-Nahda towards salafism is known, my aim is to uncover what this party clearly considers as *takfirism* and which policies the party seeks to adopt vis à vis this phenomenon. Exploring the ideas of al-Nahda about *takfirism* is extremely useful to clarify whether this party will succeed in doing a political (ab)use of this instrument not only in front of the secular opposition but also against other Islamist groups present in the country.

## Secularism and the rise of *takfirism* in Tunisia

In this paragraph I support the thesis that, under certain conditions, *takfirism* could be the consequence of the imposition of strict secular policies. Western culture associates ‘secular’ with ‘democratic’ in regards to governance.<sup>6</sup> Yet, as we see in many Arab countries such as in Tunisian history, secularism also exists under authoritarian forms of government. Sometimes, authoritarian governments may protect minorities or promote separation of church and state more vehemently than democracies for various reasons. They may use such policies to maintain power or to gain support of Western states. Therefore, it is not a consistent democratic value.

Moreover, secularism is not universally the same. In the United States, the state may not interfere in religion and must protect religious freedoms. Religious speech is one of the most protected forms of speech under American Constitution. However, many Arab countries follow the example of French *laïcité*. *Laïcité* translates to ‘secularism’ but is practiced very differently. In France, religion is not exhibited in public. Most famously, in 2011, the French government banned the *hijab*, or headscarf, in public schools and other governmental offices because ostentatious displays of religion are forbidden under *laïcité*. *Laïcité* influenced many young democracies and all the former French colonies.

Tunisia and its leaders were heavily influenced by *laïcité* and small elements thereof are seen in the newly adopted Constitution. However, historically, many secular practices are associated with colonialism and with authoritarianism.<sup>7</sup> Sometimes secularism has been associated with modernism and was employed by single party governance. In this context there was no space for Islamism which sharply contrasts with secularism. However, both have influenced Tunisian history, current politics, and societal understandings of Tunisian events. As a consequence, Islamist élites, gaining space after the awakenings in the Arab region, have to bargain with secular élites who strongly ask for the ousting of religion from the public sphere.

In addition, Islamism in Tunisia is not a monolithic entity and rural areas tend to be more conservative than industrialized and urban areas. Furthermore, the ideology of Islamism does not serve as an alternative to the political values of democracy, socialism or communism but frequently may complement such values, especially since political Sunni Islam generally does not imply a specific form of government.<sup>8</sup> Anyway *takfirism* is not a recent idea in Tunisia but it goes back to the independence and the implementation of secular policies. Habib Bourghiba, the founder of the modern state, in his attempt to reduce religion’s influence over society, struggled to control the University of Zaytuna. This ancient Islamic institution always represented a bulwark toward cultural invasion and maintained the identity of the country over the centuries, sheltering from the winds of extremism. The *taharrur* movements that sprung inside the University balanced the extremism of the Wahhabi movement since its inception. The end of Zaytuna’s independence left a vacuum that made generations of Tunisian unaware about their religion. In his book, former Tunisian Minister al-TaHER Belkhouja reveals that Bourghiba feared religious fanaticism, and sought to spread the spirit of tolerance and consistency with the requirements of the era. The former President did not want to fight

Islam as religion but he struggled to fight Islamism and political Islam.<sup>9</sup> But in so doing, he pursued a secular policy that disaffected a large part of the urban society from religious values. These policies were followed by Ben Ali, too. In his attempt to fight Islamism, Ben Ali worsened the picture as encouraged Tunisians to practice their religiosity illegally and outside the public space.

But *takfirism* is as old as Islamism which, historically, evolved in Tunisia along three main lines: 1) by a group of liberal Muslim thinkers like al-Nafeyr and Jorchi who worked on the development of cultural reforms to highlight the peculiarities of Islamism in Tunisia. They tried to follow the stream of the University of Zaytuna even if it fell under the state control.<sup>10</sup> 2) Some other preachers such as Muhammad Ali Hurrath and Muhammad Khouja left the mainstream to create a preaching movement which could also result in armed revolt against tyranny. 3) Finally, the bulk of the movement, identified with al-Ghannushi and ‘Abd al-Fattah Muru, created the MTI (Movement of the Islamic Tendency, today al-Nahda) to participate actively in the political life of the country. Party politics is not only the choice of ‘mainstream Islamists’ of al-Nahda but also of several salafis.<sup>11</sup> Soon after the 2011 revolution, Muhammad Ali Hurrath grouped several salafi movements to create a party, based on the former *al-Jabhat al-Islamiyya al-Tunisiyya*. The same did Muhammad Khouja with *Jabhat al-Islah*.<sup>12</sup> These are little but respected political parties.

After the 2011 revolution, Tunisia experienced a kind of ‘anarchy of freedoms’, especially in the field of freedom of expression. Moreover, several radical salafi leaders, jailed under the Terrorism Act adopted by Ben Ali, were freed in a general amnesty proclaimed by al-Nahda government. Moreover, the executive adopted a soft approach facing the rise of *takfirism* and radical salafis, those who al-Ghannushi appealed in many occasion ‘our little sons’.<sup>13</sup> These statements encouraged takfiri militants to persist in their attacks as they perceive themselves as the protectors of truest Islam by divine delegation. Al-Nahda’s soft responsiveness, before the attack conducted by Ansar al-Shari‘a in front of the US embassy in 2012 and two political murders, derives from the party’s attempt to catch the votes of the radical islamists who represent an important electoral constituency. But after the killing of MPs Shurki Belaid and Muhammad Brahmi by a salafi jihadi cell, the government changed its approach, stating that anyone who violates the law and assaults on people and property should be punished regardless to his/her affiliation.<sup>14</sup>

More recently, following several attacks to the army, the minister of interior Lotfi Ben Jeddou, considered to be near to al-Nahda, is planning to adopt a new law on counter-terrorism to prevent extremism. This law should regulate preaching and proselytism in the mosques as to prevent Wahhabi thoughts to be widespread all over the country.<sup>15</sup>

## Balancing *takfirism* and freedom of expression during Constitution-making

During the discussion of article 1 of the Tunisian Constitution many different positions were confronted. In the previous Constitution, enforced after the country's independence since 1959, article one stated as follow:

Tunisia is a free, independent and sovereign state. Islam is its religion, Arabic its language, and the republic its system.

The debate over this article was harsh because secular wing of the Dusturian party, led by Habib Bourghiba, wanted to stress the secular identity of Tunisia, while the other wing, more keen to religion, wanted to put light on its Islamic identity.<sup>16</sup> This confrontation ended with the above mentioned formulation which is an ambiguous compromise: is Islam the official religion of the state or of the society? The most common interpretation accepted by lawyers is that Islam is the religion of society as 99% of Tunisians are Sunni Muslims. There are only tiny minorities of Jews and of Shiite Muslims.<sup>17</sup>

The 2014 Constitution maintained untouched this article but opened the way for a new interpretation: Islam is the official religion of the state which, in turn, must adopt policies consistent with *Shari'a*. This debate is related to *takfirism* and al-Nahda's deputed blamed the opposition that proposed to amend article 1. In fact, al-Nahda's official proposal was to maintain article 1 as it was in the 1959 Constitution because, as several leaders stated, it represents the 'intimate identity of Tunisia' and it is 'conform to Islam'. Recalling Islamic sources of law in the Constitution, al-Ghannushi said, requires a common understanding of what *Shari'a* means. But after decades of secularism, the Tunisian society needs a re-education on the true Islamic values.

During the final readings of the Constitution, Mongi Rahoui, a depute belonging to the leftists, proposed to amend the article 1 stating that Islam is the religion of the people, not of the state.<sup>18</sup> Al-Nahda's leader Habib El-Louz, considered near to the extreme wing of salafis, attacked him vehemently and declared that Rahoui struggled against Islam.<sup>19</sup> Suddenly al-Nahda issued an official statement criticizing El-Louz's position and stating that his declarations were not conforming to the party's official position. Nevertheless El-Louz apologized publicly with Rahoui, the opposition wanted article 6 to be amended as to criminalize *takfir*.<sup>20</sup> Tunisian religious scholars opposed this amendment, as the salafi *shaykh* Khamis al-Majri called it 'the worst law ever adopted in the Arab world and in opposition with article 1 of the Constitution'.<sup>21</sup> Finally, al-Nahda accepted amendment of article 6 because al-Ghannushi highlighted that his party is a '*harakat ijtihadiyya*' which does not set itself up as spokesman of Islam. El-Louz rejected the amendment stating that it is contrary to Islam and no other Arab Constitution provides for such a clause.<sup>22</sup> He also added that *kufir* and apostasy must be sentenced by Muslim scholars or judges who testify the presence of necessary conditions to issue this kind of rulings.

Since its birth, in 1981 as MTI, the Tunisian Islamists struggled to build up a new relation between 'life and religion'.<sup>23</sup> Moreover, al-Ghannushi thinks that individuals or groups could not be entitled to pronounce *takfir* but only governmental bodies (*ajhaza sultaniyya*) are in charge to carry this task on. For the Tunisian scholar, *takfir* seems to be allowed but only under precise conditions and guarantees. Sentencing and execution of sentences are tasks belonging to the judges only and not to the preachers.

In this respect, al-Ghannushi's approach is similar to that of the second Muslim Brotherhood General Guide, Hasan al-Hudaybi. Refusing the Qutbist approach, he stated that every Muslim committing a crime deserves punishment but he remains Muslim unless he commits serious sins (*al-kabba'ir*). This opinion is based on Quran 35,32 'Then we caused to inherit the Book those We have chosen of Our servants; and among them is he who wrongs himself, and among them is he who is moderate, and among them is he who is foremost in good deeds by permission of God. That [inheritance] is what is the great bounty'.<sup>24</sup>

According to al-Ghannushi, Muslims are equal in relation to their duties and prohibitions (*al-halal wa'l-haram*) but there are some differences upon what he terms 'equivalences' (*mushabahat*) to which there are no precise answers in the sources of Islamic law and its solid principles.<sup>25</sup> For example wearing the *niqab* is a matter which scholars disagree upon because there is not a unique way to regulate female clothing in the Quran. Thus, some scholars accept more liberal customs while others are keen to radical solutions and state that wearing *niqab* is compulsory.

From the point of view of *wasitiyya*, the moderate stream of thought to which al-Ghannushi belongs, men and women are free and are able to use their reason (*'aql*) to decide over religious issues without imposition and coercion. By the same token, al-Ghannushi rejects the idea of restoring the Caliphate. He is more keen to set up a kind of civil state governed by *Shari'a* but based on citizenship and religious pluralism (*ta'addudiyya al-adyan wa'l-madhahib*).

The same visions are endorsed by the Egyptian famous scholar Yusuf al-Qaradawi, one of al-Ghannushi's main references.<sup>26</sup> According to him, there are several Muslim intellectuals who do not belong to any jurisprudential school (*madhhab*) and are in favor of embracing radical positions because *takfirism* is not based on any recognized Islamic school of jurisprudence (*fiqh*). In preaching and jurisprudence all the schools, both from Shi'a and Sunna, agree that the basic principle should be facilitation (*taysir*) not exaggeration (*tashdid*).<sup>27</sup> Moreover, principles of Islamic law are subject to change according to time, place and customs. Thus, *Shari'a* is adaptable to all circumstances and, in the modern world, does not encourage *takfir*.

El-Louz refusal of article 6 amendment is explicable by the fact that al-Nahda accepts *takfir* but only if it is pronounced by the state apparatus through its muftis and scholars. This idea is in line with article 1 that makes Islam as official religion of the state and article 6 that gives the state the task to protect what is sacred (*muqaddasat*). Moreover, El-Louz explains that *takfir* must not be confused with freedom of expression which is guaranteed by the Constitution, too.



Amira Yahyaoui, president of NCA monitoring neutral organization al-Bawsala, criticized the amendment and described it as a too exaggerate legal device. She said that: ‘NCA deputies from the Islamist camp till the so-called democratic one have today voted against freedom of expression’. In fact, *takfirism* must be accompanied by a regular *fatwa* legally pronounced by the institution which is in charge of it.<sup>28</sup> But due to the particular context and the events Tunisia is facing since 2010, any such a statement automatically falls within the boundaries of *takfirism* and is considered an incitement to violence.<sup>29</sup>

Several Islamist groups, such as the salafi jihadi *Ansar al-Shari‘a*, adopt *takfirism* as a political tactic against their opponents provoking harsh reaction by secularists. While *takfir* is a fundamental principle in Islamic theology, its contemporary use is more about intimidation and even provoking violence against secular opponents. However, the salafi embrace of *takfir* as part of their public discourse is a symptom of the continuing social and political polarization, it is not a cause. The effort to ban or criminalize *takfir* creates a legal mechanism that formalizes the current divide between secularists and Islamists, closing off the potential for compromises in the future.<sup>30</sup> Banning *takfir* will not necessarily prevent the violence that declarations of being infidel are liable to engender. Moreover, criminalization could create a situation in which secularists use the law to target their Islamist opponents more than the opposite. Enshrining a *takfir* ban in the Constitution will entrench the secularist-Islamist polarization as a fundamental tenet of the state. The judiciary will ultimately be responsible for smoothing over the text’s inconsistencies, which could likely provoke future conflicts over religion’s place in society. The independence of the judiciary, thus, will be the most important pillar of the new Tunisian constitutional architecture.

### **Tunisian Salafism between *takfirism* and *malikism***

Constitutional expert Slim Loghmani said that Tunisia does not need to criminalize *takfirism* or apostasy because incitement to violence is already banned in the Tunisian penal code.<sup>31</sup> Moreover, article 6 of the Constitution as now it is, bears a contradiction. The first part grants freedom of conscience, including the freedom to be an apostate or atheist, but then it prohibits deeming someone to be *kafir*. This article limits the freedom of expression, because it fails to provide a clear definition of *kufr*, and does not specify whether *takfirism* is prohibited in all cases, or only when it implies an incitement to violence. For some other opinions, prohibiting accusations of unbelief is not a victory for the opposition, but reflects their acquiescence to the Islamist camp by accepting the notion that criticizing the sacred is indeed an offense.

In Tunisia, such as in other North African countries, the maliki *madhhab* is practiced. Scholars consider this Islamic school of law to be the most literalist among the Sunni ones but also the most flexible. Such a view derives from the massive usage of *maslaha* which is typical of the maliki school to decide over some issues when the Quran or sunna are silent.<sup>32</sup> Malikism is often cited as a key

aspect of Tunisian religious tolerance, contrasting starkly with radical takfiri ideology that, for example, brands non-practicing Muslims as infidels.

Muhammad Ali Hurrath, one of the most prominent Tunisian salafi leaders, said that all the Tunisians follow malikism and Salafis consider the *madhhab* of Imam Malik as their principal reference. While islamophobic media outlets consider salafism to be synonym of *takfirism*, Tunisian salafism could be divided into two main sides: on one hand stands radical salafism such as *Ansar al-Shari'a* which is proven to be affiliated to wahhabi ideologies, on the other hand there is a specific kind of salafism that explicitly recalls malikism and moderation, like the above mentioned *Jabaht al-Islah* and *al-Jabhat al-Islamiyya al-Tunisiyya*.<sup>33</sup> The latter was the first salafi movement (*salafiyya harakiyya*) to appear in Tunisia and was born in March 1988 by the initiative of Muhammad Ali Hurrath, Muhammad Khouja and 'Abd Allah al-Hajji. At that time, their main references were similar movements already existing in Algeria and Pakistan. I explicitly refer to these groups as 'maliki salafis'.

Generally, radical salafis refuse party politics and organize themselves as associations or simply as informal groups. Moreover, while other salafis adopt a 'quietist approach' refusing involvement in politics, maliki salafis accept politics and organizational structure (*al-'amal al-tanzimi*). In this regard Muhammad Ali Hurrath states that the founding principle of *al-Jabhat al-Islamiyya al-Tunisiyya* is to develop the truest faith based on the Quran and the muhammadi sunna. Thus, it encourages massive participation in politics in order to eradicate evils and promote righteousness in the society as a whole and inside its political system.<sup>34</sup>

Maliki salafis promote a kind of moderate Islam which is similar to that of al-Nahda's mainstream *wasatiyya*, a faith that refuses exaggeration, sectarian strife, violence and of course *takfirism*. The goal these salafis declare to pursue is to restore the original idea of Islam, a religion that is not against freedom of thought, beliefs and conscience. They repeal the extremism sponsored by Saudi Arabia throughout the wahhabi currents. Moreover, maliki salafis are rooted especially among the youngest generations, and their party is open to alliance with other political forces that believe in *islah* as a way to religiously improve the society.

Historically, salafiyya dates back to the teachings of *ahl al-hadith* and of those preachers of the third century of hijra such as Ahmad ibn Hanbal and, later on, Ibn Taymiyya or Ibn Qayyim al-Jawziyya.<sup>35</sup> They struggled to restore Islam back as practiced by the first generations of Muslims (*salaf salihin*). Only with interpretations of Muhammad Ibn 'Abd al-Wahhab al-Tamimi, in the late XVIII century, salafiyya started to become a matter of politics, as grounding ideology for the first Saudi state. This kind of salafiyya is called *'ilmiyya* (scientific) and takes mainly Saudi preachers as its referents (*marja'iyya*) for doctrinal disquisitions, such as 'Abd al-'Aziz ibn Baz or Ibn al-'Uthaymin. For them removing alliance to the constituted power, even if it is tyrannical, is always forbidden and obedience and patience are compulsory (*fard wajib*). In fact, they depicted the Arab awakenings as sources of *fitna*.<sup>36</sup>

In Tunisia this trend is widespread in mid-lower classes but it is not constituted as a group or a movement hierarchically and cohesively organized like the rest of the Islamists. They tend to disperse themselves in groups each of which follows a single mosque. Politically, these salafis refuse violence and asked to amend article 1 of the Constitution in order to strengthen the Muslim identity of Tunisia and to recall *Shari'a* as a source of legislation, taking article 2 of the Egyptian Constitution as example.<sup>37</sup>

Lastly, Tunisia has a tradition of salafiyya jihadiyya, too. First jihadi cells were born in the '80 and soon claimed the responsibility for several attacks in Susa and Monastir.<sup>38</sup> At that time, this organization had very strong ties with al-Nahda because some of its former members joined jihadi ranks.<sup>39</sup> Tunisian militants joined the global jihad and settled across the border between Pakistan and Afghanistan. They were known as Afghan Tunisians. There, they joined the militias headed by the Palestinian 'Abd Allah 'Azzam before he was murdered by KGB in 1989. After the end of the Soviet occupation of Afghanistan, in 1989, some Tunisians went back home, others choose the Balkans or Sudan as new theaters where to fight jihad. According to some sources, Tunisian were also the killers of Ahmad Shah Ma'sud, the Panjshiri lion, murdered on September 9, 2001. They have been trained by Sayf Allah ibn Husayn, known as Abu 'Ayad, who became one of the top leaders of *Ansar al-Shari'a* in Tunisia.<sup>40</sup> After the 2011 revolutions, *Ansar al-Shari'a* appeared not only in Tunisia, but also in Libya, Egypt, Yemen and in many other places. According to Aron Zelin, instead of adopting different name, jihadi groups are increasingly calling themselves 'Ansar'. In many cases, this name confirms their desire to establish Islamic states.<sup>41</sup> However, despite the fact that these groups share the same name and ideology, they lacked a unified command structure, or even a single leader.

The ideology of *Ansar al-Shari'a* is encompassed in a letter titled '*nahnu Ansar al-Shari'a*' written by Abu Mondher al-Shanqiti in 2012. In this letter, the Mauritanian preacher called his Muslim fellows to create organizations all over the world and unite them in a unique front. The letter is a kind of manifesto where al-Shanqiti underlines that this salafiyya considers *jihad* as its most important tool, followed by *da'wa* and other *takalif*. Anyway *jihad* is never referred to as 'war' and the letter specifies that all the means at disposal could be adopted, such as gatherings in the mosques, creation of associations, doctrinal lessons, publishing of booklets, and so forth. Moreover, it is also necessary to create an 'Islamic force' which pursues the goal of implementing Islamic law with all possible means, except for democracy. It is worth noting that, officially, the final goal is to develop religion (*iqama al-din*) not to set up an Islamic State. In Tunisia, *Ansar al-Shari'a* refused to participate explicitly in politics and did not register for elections. Moreover, their strong call for the application of Islamic law and their involvement in violent actions progressively deteriorated their relations with al-Nahda.

## Conclusion

This Working Paper demonstrates that *takfirism* is not a newly born phenomenon in Tunisia. It always existed in the modern history of the country even if it was contained by the state's policies. After the revolution, *takfirism* is spreading encouraged by the new legal framework that allows several freedoms, such as freedom of expression. The anarchical landscape, following the collapse of Ben 'Ali's regime, reverberates into the 2014 Constitution-making process. Giving the state the task to protect what is sacred means that public authorities must protect values that are not equal for all the citizenry. Moreover, the prohibition of *takfir* requires a balance between freedoms of religion and expression that are given to the people and the role of watchdog endorsed by the state. Article 6, as it was adopted, indirectly empathizes the role of the judiciary in sentencing such issues. The protection of what is sacred is linked to everyone's understanding because values are not necessarily the same for everybody. Tunisian judges will decide depending on their own conscience and intimate beliefs thus resulting in potentially discretionary rulings.

Moreover, banning *takfirism* reproduces the polarization of the Tunisian society between secular and religious camps but will also divide the Islamists among themselves. Proclaiming *Ansar al-Shari'a* a terrorist organization, al-Nahda stands as the 'official' Islamic party in Tunisia while in the previous chapters I demonstrated that there are several different groups in the country, some of them even more moderate of al-Nahda itself. Of course the ban was provoked by the criminal actions *Ansar al-Shari'a* is accountable for and not only due to its own agenda. Al-Nahda's leaders stated in many occasions that salafi ideas are tolerated unless they remain peaceful and non-violent as it is arguable in every democratic society. But banning *takfirism* seems to be a radical solution that will not prevent salafi groups to organize themselves illegally.

Despite media propaganda *takfirism* is not the same as accusation of apostasy. Paradoxically the latter is less dangerous than the former. According to Islamic law, apostasy (*ridda*) requires a factual element that is someone's conscious abandonment of Islam. Then, leaving Islam must be proved by testimonies or declared by the apostate himself/herself.<sup>42</sup> In this sense, apostasy is a purely legal matter that derives from someone intimate will. Instead, declaration of being *kafir* is a totally political act. Even if someone is accused of apostasy, the fact must be concretely demonstrable. In the case of *takfirism* disbelief is not clearly demonstrable and presupposes someone who is entitled to define who the best Muslim is. This (re)opens the floor to the struggle for the '*afdaliyya*' which characterized the first centuries of Islam and provoked tensions between the well inspired Caliphs themselves. In this sense, *takfirism* is not only detrimental for the relationships between secularists and Islamists but also for 'ordinary' Muslims, as the Tunisian community as a whole.

Tunisian Islamism is multifaceted even if al-Nahda represents its most popular wing. This party did not strongly oppose *takfirism* nor encouraged true salafism, especially those parties that recall malikism and moderation. They are opposing the spread of wahhabism along the country as demonstrated by the preacher Farid Elbeji who also represents the current of maliki salafism. The

most serious challenge for al-Nahda is that, being a huge party, it has to balance internal struggle in order to survive. Thus, its supporters stand from the moderate to the radical camps, as demonstrated by the threats Farid Elbeji claimed he had received several times from al-Nahda's factions once the Troika was governing the country.<sup>43</sup>

The debate over takfirism shows that, since the beginning of the Constitution-making process, Al Nahda's leaders have pursued the project of creating a moderate Islamic front to oppose the spread of radicalism. But, in so doing, the employment of legal measures, such as banning *takfirism*, proved to be extremely dangerous. Strongly opposing *takfirism*, al-Nahda demonstrates its sincere willingness not to monopolize the Islamic discourse, and, at the same time, it will open the way to a concrete religious pluralism in Tunisia. At the same time, leaving the other Islamist organizations completely unchecked badly reverberated over al-Nahda's reputation as in the case of the smooth approach adopted with *Ansar al-Shari'a* during the first four years after the Jasmine revolution.

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<sup>19</sup> See the recordings at the following link: <https://www.youtube.com/watch?v=QPajLfhYaD0>

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