

A Historical Overview of the Personal Status in Tunisia

In 1924 and 1929, **Monoubia Ouertani**, and **Habiba Menchari** took the initiative to provoke the issue of removing the veil off Tunisian women. Consequently, a commotion between conservatives and reformists, nationalists and socialists, took place ⁽¹⁾.

The conservatives and nationalists, on one hand, assigned to women the passive role of the guardians of values. They argued that Tunisia, being a highway of exchange, is subject to intrusions of foreign nature. They claimed that if customs like the veil and traditional sex - roles are modified, then cultural heritage and national identity will be destabilized. Therefore, they insisted that by virtue of their traditional role, women should not actively engage in debating legislation and the struggle against colonialism.

The reformists and socialists, on the other hand, welcomed the movement of Ouertani and Menchari as a first step towards the emancipation of Tunisian women. They argued that the active participation of women is indispensable for the well-being of society. Thus, they insisted that women like men should be called upon to play their proper role towards the improvement of the environment and the support of the people in their daily chores ⁽²⁾.

Many debates over these issues continued over the years. In 1930, "Our Woman in Law and Society" was published by **Taher Haddad** denouncing the veil, polygamy, sex segregation and the rights of repudiation of the husband. Although Haddad's book was banned from Koranic schools as being heretic, his ideas played an important role in the evolution of Tunisian women⁽³⁾ (Al - Raida). Thirty years later, it was President Bourguiba who finally brought about legislative reforms mobilizing Tunisian women.

A Personal Status Code replaced Koranic law in the areas of marriage, divorce and children's rights in Tunisia ⁽⁴⁾. The new Personal Status Code especially forbade polygamy, making Tunisia the first Arab country to prohibit the practice explicitly. More generally, the Code made marriage and divorce civil matters. Unilateral repudiation by the husband was outlawed and religious prohibitions against women marrying outside the faith were revoked. The Personal Status Code also established a minimum age for marriage, fifteen for girls and eighteen for boys, discouraging the practice whereby families arranged the marriage of a very young child.

During Bourguiba's administration, programs specifically designed to meet the needs of women were also established. For example, the National Union of Tunisian Women (UNFT) was created to promote a new understanding of women and to stimulate women's participation in national life. The Union held numerous meetings to discuss problems of health, child care, birth control, professional opportunities for women, and other similar concerns. Other programs designed to change the traditional status of women included official efforts to promote political participation among women and aimed at giving women professional training. Consequently, in 1959, UNFT President Radhia Haddad was elected to the National Assembly. In the 1966 municipal elections, forty-four women were elected councillors (Moukhtars) in eleven different urban centers. Furthermore, projects under the Ministry of Social Affairs involved teaching, reading and writing to illiterate women and training them in home economics. Other projects prepared girls for work in hotels, offices and medical establishments.

Because of these changes, Tunisia acquired a reputation as the Arab Country in which women were making the most progress. Tunisia had a higher proportion of women enrolled in primary schools than any other Arab country except Lebanon. Further, Tunisia had a higher proportion of students enrolled as a whole than any other country except Lebanon.

The authors conclude by stating that this progress was hindered by the political controversies which produced significant obstacles and opposition to the continued emancipation of women. A Tunisian sociologist said in 1972, that the country has begun a "reactivation of tradition". Consequently, attitudes about women changed and diminished support was found among both men and women. Hence, the Tunisian women may have covered significant legal and social grounds in the journey towards emancipation and liberation, but they still have to deal with the fluctuations of the influence of traditions on prevailing mentalities.

(1) Marzouki, Ilhem. *Le Voile Des Colonisees* (Tunisie 1924-1936) Revue de l'Institut des Belles Lettres Arabes *IBLA*, 51eme année 161, Premier Trimestre, 1988.

(2) Op. cit p. 78.

(3) Accad, Evelynne. *Women in Contemporary Tunisia*. Al-Raida. Beirut: Institute for Women's Studies in the Arab World. Vol. VIII, No. 33, August 1, 1985.

(4) Excerpts from an article "Women's Emancipation in Tunisia" by Mark A. Tessler, Janet Rogers and Daniel Schneider, from the book *Women in the Muslim World* edited by Lois Beck and Nikki Keddie, Massachusetts: Harvard University Press, 1978.