

**FREEDOM DOES NOT FEED BREAD.
ON THE STATE OF ARTISTIC FREEDOM IN
THE PERFORMING ARTS DURING
TUNISIA'S DEMOCRATIC TRANSITION**

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ARTS RIGHTS JUSTICE STUDY

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Photo Credit:

A scene from Meriam Bousselmi's performance "*Sabra, The Day After the Revolution*" in co-production with Theater an-der-Ruhr in 2012.

The performance faced censorship problems over criticism of political Islam.

In the photo, the body hidden under a "Burnous" (traditional Tunisian male coat) hovering around the female figure in the centre represents the danger to artistic freedom that lurked around the corner when political Islam invaded the public space during Tunisia's democratic transition.

For more information, please refer to Footnote No. 40

Video recordings of the performance are available on the artist's Youtube channel at:

<https://www.youtube.com/watch?v=xQTt-QxBQQs>

https://www.youtube.com/watch?v=Y_GYZwKJSpA

<https://www.youtube.com/watch?v=msMaMe4ONvU>

https://www.youtube.com/watch?v=R2ev_OtwXhc

TABLE OF CONTENTS

INTRODUCTION	3
I. “Illusion of Freedom in a schizophrenic reality and disguised censorship”?	6
1. On the shift away from the National Commission for Theatre Orientation	10
2. On the Emergence of Implicit Censorship	17
3. On Artistic Audacity during the Democratic Transition	22
II. Legal Incorrectness, Artistic Correctness?	27
1. Rap & Poetry Out Loud: An Outrage to Public Officers?	28
2. Fiction: A Threat to Public Order?	32
3. A kiss or a nude on stage: a violation of public decency?	35
III. Too Many Cages, Not Enough Free Birds?	39
1. Freedom or bread?	41
2. Corporatism versus Freedom?	46
3. The Sustainability of Freedom under unfulfilled political promises	50
CONCLUSION	53
RECOMMENDATIONS	54
BIBLIOGRAPHY	56

INTRODUCTION

“I swore I will never bend to anyone

Even if it makes me rich

Because nobody can own me.”

Malzoumat-Abderrahmane El Kefi / libertarian poem (in Tunisian dialect)

In a note addressed to his closest friends Anna Akhmatova and Boris Pasternak, the author of *The Stalin Epigram*, the brave Ossip Mandelstam who was arrested for speaking out against Communism's atrocities, had observed: *“I guess I should not complain. I'm lucky to live in a country where poetry matters. Only in Russia is poetry respected, it gets people killed. Is there anywhere else where poetry is so common a motive for murder?”* Indeed, Free speech is the worst enemy of all despotic regimes. Poets and free spirits risk always the worst punishments, and not only in Stalin's Russia, unfortunately. How many poets and how many artists are persecuted, arrested, and sentenced to death today around the world? The Freemuse report about the State of Artistic Freedom 2018 paints a pretty scary balance. Censorship statistics are increasing. And contrary to popular belief, outrageous attacks on freedom of expression are not just an issue in authoritarian systems. The threat has gone global, and even in the old Western democracies, freedom of expression is under threat.

Obviously, the major political changes at the dawn of the 21st century have affected the struggle for free speech. Censorship in its brutal traditional form, has evolved into new, much more subtle forms of repression. There is a kind of ontological perversion inscribed in the genes of freedom of expression today. The threat to free speech now does not only emanate from traditional enemies. Rather, it emanates from those who claim to support this freedom when in fact they seek to restrict it.

Free speech has become a kind of buzzword used to make profits. The political instrumentalisation of the freedom of expression reduces this high value into an empty ritual to which opportunists just pay lip service. Moreover, the lip service stops when it comes to point out what is commonly accepted no matter how wrong it is. A self-censoring quiet compliance is the order of the day. That is exactly the ongoing challenge of free speech: the travesty of its

insurrectional, anti-popular and singular value into a popular, conservative, and partisan celebration. And this confusing shift could be better observed in democratic transition periods.

In his latest Washington Post column, targeted and brutally murdered Saudi journalist Jamal Khashoggi cited Tunisia as the only Arab country where freedom of expression is truly respected. In fact, spearhead of the Arab uprisings in 2011, Tunisia has been promoted as an exception. Certainly, freedom of expression is the major achievement of the post-Ben Ali era. Article 31 of the new Tunisian constitution promulgated in 2014 states: "*Freedom of opinion, thought, expression, information, and publication shall be guaranteed. These freedoms shall not be subject to prior censorship.*" In fact, the Tunisian legislator opted for a double protection. First, the protection of the personal freedom of opinion and thought. Second, the protection of the substantive freedom of information, the right to inform and the right to access information. For this reason and at first sight, every Tunisian citizen has the right and the guarantee to express themselves publicly without suffering repression. It seems that there is no risk of reproducing "Mandelstam" or "Khashoggi" cases in the new Tunisian context. This begs the question: Are there still censors in post-Ben Ali Tunisia? Is free speech in Tunisia: a façade or reality?

With the fall of the dictatorship in January 2011, most Tunisian journalists and artists were destabilised by the disappearance of official censorship. In the past, they knew what topics were taboo and where the red lines were. After 2011, new forms of "social and lobbying censorship" appeared and the pressure of the single autocratic censor conceded to multiform attacks by the new protagonists of Tunisian society during its democratic transition: political parties, religious groups, trade unions... This conservative and corporatist push has fostered the proliferation of "publicly correct" opinions and aesthetics. The transgressive and subversive spirit that characterized theatrical and literary creation in Tunisia despite the official censorship before the Revolution has become rather a servile and docile artistic expression that conforms to popular expectations.

Although, the article 41 of the new constitution of 2014 states:

"The right to culture is guaranteed.

The freedom of creative expression is guaranteed.

The state encourages cultural creativity and supports the strengthening of national culture, its diversity and renewal, in promoting the values of tolerance, rejection of violence, openness to different cultures and dialogue between civilizations. The state shall protect cultural heritage and guarantee it for future generations.”

No cultural or artistic revolution has yet taken place in Tunisia. The visions of the world and the forms of resistance remain the same before and after the Revolution. No new narratives neither new looks at the world. The confusion between culture and art is widespread. There where culture opts for the consensus, art remains radical. There where culture stands as an authority, art progresses as a fragility. There where culture seeks to be the established model, art would act as the absolute reverse. But in an art market built on the mode of enslavement by subsidy, by profit, is there room for subversion? Freedom does not feed bread. And too much freedom does not mean that there are enough free birds.

The present report is meant to be an assessment of censorship forms and consequences in the performing arts in post-authoritarian Tunisia. Are there any conditions that artists must meet today to be able to produce and work freely there? Is there an artistic pluralism currently in Tunisia? What are the real threats against artistic freedom and how to explain the lack of reporting and documentation on the issue? In a tense political climate where claims related to unemployment, precarity, growing marginalisation between upper and lower classes, terrorism and nepotism are urgent and often violent, is there enough space to support artistic freedom?

The answers to these questions are assumed to be based on multiple and combined research approaches. A mixture of deductive and inductive methods is used to examine and analyse cases of censorship in post-revolutionary Tunisia and their effects on artists and public opinion. In addition to investigating the mechanisms used to protect artistic freedom, the appropriation of legal texts and related judicial and administrative decisions.

To complete the study, a set of recommendations is provided.

I. "Illusion of Freedom in a schizophrenic reality and disguised censorship"?

"Before, unfreedom was guaranteed. Today, absolute freedom is not protected"¹, sarcastically declared Tunisian theatremaker Taoufik Jebali to close his keynote speech at the symposium s held on Thursday, March 23, 2017, as part of the 12th Edition of the *Avant Première des Arts de la Scène*, a Tunis-based theatrical event which he founded together with his wife Zeyneb Farhat in their state-subsidized private theatre: *El Teatro*. To no one's surprise, Jebali's statement seemed to be the subject of a consensus in the *Carré d'art* hall, where theatremakers, producers, journalists, cultural managers, political activists, scholars, critics, and drama lovers have come together. Obviously, artistic freedom remains an illusion in post-Ben Ali Tunisia. None of the panellists or members of the audience who took part in the discussion could say otherwise, despite the significant changes in control mechanisms. Indeed, since the fall of Ben Ali's regime, the issue of art and censorship has been the subject of a controversial debate that has mobilised both public opinion and artists.

Undoubtedly, the democratic transition in Tunisia has brought new challenges for artists, audiences, and the state. Although Tunisians have gained freedom of expression and thought since the "Revolution", they have largely abused and misused it since then. The freedoms claimed by pluralities that are not always homogeneous and that have followed the monopolisation of freedoms by the former authoritarian regime have proved to be much more problematic than expected. The irruption of Salafist movements calling for "the restoration of the caliphate", "the application of sharia", the abrogation of "impious laws" and the "re-islamisation" of the State and society, including violence, surprised those who believed in the idea of a "Tunisian exception"². The broadening of the scope of freedoms and the diversity of voices have not made it easier to exercise freedom(s); on the contrary, it has made the exercise much more complex than before. Since it was no longer a question of accepting or rejecting the

¹ *El Teatro* - Facebook-live video documentation, March 23, 2017.
Available at: <https://www.facebook.com/EspaceElTeatro/videos/1685744888385620> [59:17' - 59:59'].
(Last accessed on 25.10.2023)

² FERJANI, Mohamed-Chérif, Tunisie, entre liberté de conscience et défense du sacré, posted on OASIS on 27 March, 2018. Available at: <https://www.oasiscenter.eu/fr/tunisie-liberte-de-conscience-defense-du-sacre>
(Last accessed on 25.10.2023)

red lines imposed by the deposed regime, but rather of ensuring the coexistence of different approaches to freedom as negotiated by the Tunisian elites.

Scholars identify 3 types of Tunisian elites³ in the modern history of Tunisia over two centuries according to three evaluation criteria:

1. Historically: Reformers of the 19th century, liberal Nationalists, and Islamists.
2. Culturally: religious conservatives vs. secularists.
3. Structurally: the wealthy vs. the excluded / the center vs. the margin.

They also distinguish between four moments of the Tunisian Elites:

1. The reformist moment
2. The patriotic nationalism moment
3. The post-independence moment
4. The democratic-transition moment (the current one).

It could be said that the democratic transition in Tunisia has witnessed the clash of two concepts: freedom of expression and forbidding the violation of sacredness. This led to the emergence of two new opposing lobbies that have since polarized the debate between the "guardians of sacredness" and the "guardians of freedom and art".

Since the revolution, aggressive campaigners have often disrupted the normal functioning of public and private cultural institutions or disallowed the performance of cultural and artistic events. Especially with the security drift and the weakening of the State control over mosques⁴ and media. In fact, media forums and virtual communication have played a major role in inciting violence against artists who do not respect what some consider as a red line. The

³ REDISSI, H., CHEKIR, H., NOUIRA, A. "*Les quatre moments de l'élite tunisienne*", La République des Clerqs, L'Assemblée Nationale Constituante : une enquête, Diwen Editions, Tunis, 2014, pp25 -29.

⁴ Regarding the status of mosques after the revolution, officials at the Ministry of Religious Affairs declared that most of the mosques have been facing a state of lawlessness and chaos due to the banishments of some imams and preachers appointed by the ministry and replaced by extremists. According to official statistics, during the month of December 2011 about 1100 mosques out of about 4835 mosques were completely out of the state control. (See the article published in Arabic on 4 October 2015 in Essahafa local newspaper under the title: « معركة إسترجاع الدولة للمساجد متواصلة » (Eng: The battle for state restoration of mosques continues).

instrumentalisation of mass and social networks to disseminate hate speech and reach large numbers of followers across the country represents one of the major changes in the dynamics of artistic freedom during Tunisia's democratic transition⁵.

Consequently, the Tunisian cultural scene has experienced an “*explosion of attacks on artists and on art in the name of religion*”⁶. Nouri Bouzid, the filmmaker known for his anti-conformism and commitment to freedom of expression, was hit on the head by a sharp object on 9 April 2011. The previous day, on *Mosaïque* FM radio, he had been advocating the inclusion of the principle of secularism in Tunisia's new Constitution. At the end of April 2001, the documentary movie director of “*Neither Allah, Nor Master!*”, Nadia El Fani declared on the private channel Hannibal TV: “*I do not believe in God, I have the courage to say it ... I know it's very cheeky. But I think “yezzi”! (means “enough” in Arabic)*”. Her 15-second interview got her into trouble: insults on the web, a death fatwa, and several lawsuits. Nadia El Fani then decided to change the title of her film to calm the controversy. On 26 June 2011, her film, renamed “*Laïcité, si Dieu le veut*” (means: “*Secularism, if God Wills*”), was due to be screened as part of the cultural event “Hands Off Our Artists” at the *CinémaAfricArt*, sponsored by the Arab Institute for Human Rights and organized by Closing Ranks *Lam Echaml*, a collective of Tunisian associations, when a group of violent protesters savagely attacked the cinema, its director, and the audience to prevent the film from being shown⁷.

While the six complaints filed in 2011 against Nadia El Fani for “attacking the person of God”, “inciting hatred of religion” and “offending public decency” were dismissed by the public prosecutor at the Tunis Court of First Instance 6 years later, namely in 2017 date of the

⁵ Several online Sheikhs' preachings were the direct source of violent attacks against artists. Among the links available: the speech by Sheikh Houcine Laabidi, the Imam of the Zitouna Mosque in Tunis concerning the Spring Arts Fair (1-10 June 2012 at the Palais El-Abdelia), in which he asserts that artists who create blasphemous works are “infidels” and must therefore “be killed and their blood spilled”. The speech was posted on YouTube on 12 June 2012. A spate of violence followed. Available at: <https://www.youtube.com/watch?v=ZsIIHQy9ciY> (Last accessed on 25.10.2023)

⁶ HLELI Kamel, *Freedom of creativity and protection of the sacred- Abdelliya model*, Dissertation to obtain a master's degree in Political Science Search (Unpublished), Supervisor: Prof. Dr. Hamadi Redissi, University of Tunis - Faculty of Law and Political Science, Tunis, Academic year: 2014/2015, p. 17

⁷ For more details, please refer to: *Tunisia: Police Inaction Allowed Assault on Film Screening, Action Needed to Curb Attacks on Artists Deemed “Un-Islamic”*, posted on Human Rights Watch, June 30, 2011. Available at: <https://www.hrw.org/news/2011/06/30/tunisia-police-inaction-allowed-assault-film-screening> (Last accessed on 25.10.2023)

reopening of the CinemAfricArt, closed since the 2011 attack⁸. This was not the outcome of the Persepolis case, in which the Tunis Court of First Instance fined the director of Nessma TV 2,400 Tunisian dinars for broadcasting the French-Iranian animated film adaptation of Marjane Satrapi's Persepolis, which was considered blasphemous. The director was found guilty of "disturbing public order" and "threatening public morals"⁹.

At the closing of the 'Printemps des Arts' fair, an artistic exhibition held from June 1 to 10, 2012, at Palais El-Abdelia on the edge of a northern suburb of Tunis, Salafists moved in the afternoon, accompanied by a bailiff and a lawyer, to account for the presence of art works judged, according to them, "blasphemous" and "offensive to Islam". These controversial works of art include a depiction of a bearded superman carrying another bearded man in his arms, a painting of a naked woman whose intimate parts were represented by a dish of "couscous with lamb" surrounded by dark men whose beards are woven into the work's background, and an installation of lapidated women's busts.

Both artists and curators refused to dismantle the condemned works and managed to evacuate unexpected visitors who wanted to disrupt the event. During the night, ultra-conservative activists managed to break into the exhibition hall, vandalise the property and destroy several works of art. The following day, 11 June, numerous insulting messages, and death threats against certain artists were posted online, along with their photos and contact details. On Tuesday 12 June, the Minister of Culture at the time, Mehdi Mabrouk, decided to file a lawsuit against the organizers of the exhibition stating shamefully that: "*Art must be beautiful but not revolutionary*"¹⁰.

Riots broke out in Tunis and a wave of violence followed across the country. Two artists, Nadia Jelassi and Mohamed Ben Slama, were summoned for "disturbing public order". Once again, Tunisian prosecutors used criminal law to censor artistic expression. They relied on

⁸ For more details, please refer to: *Cinéma: Les plaintes contre Nadia El Fani classées sans suite*, posted on Kapitalis on June 2, 2017. Available at: <http://kapitalis.com/tunisie/2017/06/02/cinema-les-plaintes-contre-nadia-el-fani-classees-sans-suite/>

(Last accessed on 25.10.2023)

⁹ For more details, please refer to: *Persepolis Verdict Exposes Misuse of Blasphemy Laws in Tunisia*, posted on Human Rights First on May 04, 2012. Available at: <https://humanrightsfirst.org/library/persepolis-verdict-exposes-misuse-of-blasphemy-laws-in-tunisia/> (Last accessed on 25.10.2023)

¹⁰ For more details, please refer to: *Tunisia: Artists under attack*, posted on Freemuse on 22 June 2012.

article 121.3 of the Penal Code, which criminalises acts that disturb public order or public morals, and which was used systematically by the Ben Ali regime against any form of opposition or free expression.

On Friday 15 June 2012, at a press conference organised by Tunisian artists at the *Le Monde* cinema in Tunis, Jalila Baccar, world-renowned Tunisian playwright, and actress, stressed in an opening speech that “*during Bourguiba and Ben Ali’s regimes, political content was censored from any artworks. During the current regime, political content is still forbidden, only under the guise of ethics and religion.*”¹¹

To fully grasp the significance of this statement, which sums up the evolution of artistic freedom in the performing arts during Tunisia's democratic transition, it is necessary to take a step back and assess the operation of institutionalised censorship up until the revolution (1). It is then necessary to determine the new challenges of artistic freedom acquired by the revolution (2). Finally, we will examine whether there is still room for artistic audacity in the new Tunisian political context (3).

1. On the shift away from the National Commission for Theatre Orientation

*"The censorship established by the Commission Nationale d'Orientation Théâtrale has been very anecdotal, with the exception of a few cases of extreme repression"*¹², attested the Tunisian theatremaker Taoufik Jebali during the symposium "Illusion of freedom in a schizophrenic reality and disguised censorship".

Indeed, the National Commission for Theatre Orientation was created within the Secretariat of State for Cultural Affairs and Information, by decree no. 69-87 of 12 March 1969¹³, and was tasked with giving an opinion on the visa required for new plays (an

¹¹ Ibid.

¹² *El Teatro* - Facebook-live video documentation, March 23, 2017.
Available at: <https://www.facebook.com/watch/live/?ref=search&v=1685744888385620> [48:10'-48:23'].
(Last accessed on 25.10.2023)

¹³ The decree published in French in the Official Journal of the Tunisian Republic of 11-14 March 1969, p. 303
Available at: <https://www.pist.tn/jort/1969/1969F/Jo01069.pdf>
(Last accessed on 25.10.2023)

administrative approval). Despite the name given to this official institution, which might suggest a purely artistic involvement through the meaning of the word "theatrical orientation", the aim of the Tunisian legislator was to establish preventive censorship through prior control of plays' contents and forms before authorising their public performance. This is why, since the launch of the National Commission for Theatre Orientation, theatremakers have taken to openly calling it "the censorship commission" because of its repressive intentions and practices, which differ from the purely aesthetic, dramatic, and technical objectives set out in the text of the law¹⁴.

In fact, the Commission's remit was characterised by ambiguity and a lack of transparency. What does it mean to "*read the dramatic works that playwrights, translators and adapters present to the Secretary of State for Cultural Affairs and Information so that they can assess the value of the text, the interest of the topic and the dramatic composition*"¹⁵? How to guarantee that committee members will have the necessary competence to assess the quality of theatrical projects and what are the criteria for the so-called "appropriate" performing arts projects? The Tunisian legislator seems to understand that censorship is as imprecise and indefinable as freedom. The ambiguous role and power of the National Commission for Theatre Orientation is also reflected in the requirement for artists to submit their performances for prior approval by the Commission's members before they can perform in front of an audience. Without an operating licence issued by the Commission, artists do not have the right to share their artistic work. But at the time, the members of the commission, in an official statement published in the local press, denied the repressive aspect of the institution in the following words: "*We want to affirm that we are not a censorship body and that our main concern is to improve the quality of theatre in Tunisia*"¹⁶. Automatic prior control of artistic works by a public

¹⁴ On the work and functioning of the National Commission for Theatrical Orientation, please refer to a paper by Tunisian scholar Ezeddine ABBASSI published in the gazette of the Union of Professional Actors called *KITAB ELMARAH* (the Theatre Book), first edition, 2007, p 24

(Original title in Arabic: "اللجنة القومية للتوجيه المسرحي، قراءة في هموم الرقيب" (عز الدين العباسي، ضمن كتاب المسرح، العدد الأول، اتحاد الممثلين المحترفين، تونس، 2007)

¹⁵ Article 1. 1 of Decree No. 69-87 of 12 March 1969 on the National Commission for Theatrical Orientation.

¹⁶ Official statement by the Commission members published in the newspaper *La Presse* on 08 April 1965.

authority was seen as a hostile cultural policy. Theatre-makers felt targeted. They are not the State's enemies, but the State seems to be afraid of them.

To understand Tunisia's cultural policy dynamics, we need to go back to the historical context of institutionalised censorship. The genesis of the "censorship commission" can be traced back to the 1960s, when Bourguiba, "the father of the nation", "the supreme fighter", the builder and the president of post-colonial Tunisia, had to face up to rebellion movements led by certain left-wing militants dissatisfied with his increasingly authoritarian regime. Subsequently, several repressions took place, including the assassination of a leading opponent, Salah ben Youssef, the banning of the Tunisian Communist Party and the censorship of all opposition newspapers. It was in such a highly controlled and hostile context that Bourguiba's regime sought to regulate all forms of expression, including theatre. It's worth pointing out that, until proven otherwise, Tunisian President Habib Bourguiba remains the only head of state in the world to have devoted an entire speech to the importance of theatre. "*Theatre bears witness to the birth of national consciousness*", he claimed in a public speech on 7 November 1962¹⁷. In this address, Bourguiba, a theatre connoisseur, set out the broad lines of his theatre policy, stating that: "*The government of the Republic attaches great importance to the dramatic arts as a powerful means of disseminating culture*"¹⁸. This political decision and its practical consequences have made a significant contribution to the development of Tunisian theatre and the training of the next generation of avant-garde directors. Nevertheless, this was done under the strict control of the State.

On August 30, 1966, *The Manifesto of the Eleven* was published by a group of "revolutionary" young theatremakers including Taoufik Jebali. They attacked the theatre of "grandfathers" which functioned as Pascalian entertainment that closed the audience's eyes to unpleasant reality, and asserted: "*Theatre for us is a necessary tool for changing many things in people's attitudes... A theatre of consciousness-raising against negativism and the infantilisation of the audience. It is a theatre in which individuals become aware of their rights and duties. A theatre for reflection, establishing a daily dialogue with the audience and*

¹⁷ BOURGUIBA, Habib, Discours, Tome X, 1962-63, Publication du Secrétariat d'Etat à l'Information. Tunis, 1977, p. 136 à 146.

¹⁸ Ibid.

encouraging them to reflect on the issues they face ... It is a theatre of protest, of questioning and re-examination everyday problems, far from courteous sentimentalism"¹⁹. These theatre rebels tried to resist the state control of theatre by producing works that the regime considered provocative and even offensive. It was precisely at this time that serious threats against theatre-makers began to weigh on Tunisia. But the institutionalisation of censorship in 1969 seemed to serve the cultural policies of Bourguiba's regime well. It was indeed time to develop its mechanisms.

In fact, ten years after the launch of the National Commission for Theatre Orientation (1969), a ministerial circular was published in 1979²⁰ to specify what was considered a "valid" work likely to receive the "visa for theatrical representation"²¹ issued by the commission. And although this circular asserted that literary and artistic production cannot be subject to precise classification and evaluation criteria, it nonetheless argued that the commission was bound to take into consideration certain criteria that theatremakers should respect. These criteria relate first and foremost to the work's content. A "valid plot" is one that does not undermine the nation's beliefs, the sacred, moral values, the country's Constitution, or public order. Secondly, the work of theatre must be signed by its author(s) and it would be forbidden to use the mention "collective work" without naming the authors. The circular also set out the preconditions that all theatre producers must meet in order to produce a theatrical work legally.

This circular, which was originally intended to strengthen the work of the National Commission for Theatre Orientation and remove any doubt as to its repressive nature, ended up only increasing the ambiguity surrounding artistic freedom. Especially since the circular's closing words openly stated that the commission's mission was to ensure "respect for the audience". But what does this mean? Isn't the audience being taken for a child unable to make up its own mind? And isn't the adoption of such a strict control mechanism turning the Ministry

¹⁹ BEN FARHAT, Soufiane, *Des origines à nos jours, le théâtre tunisien, missionnaire et d'avant-garde*, Horizons Maghrébins - Le droit à la mémoire, Persée, 2008/5, p. 112.

²⁰ Ministerial circular no. 34 of 12 May 1979.

²¹ The "visa for theatrical representation was established by Law no. 66-62 of 5 July 1966 on the approval of theatrical plays, published in French in the Official Journal of the Tunisian Republic of 8-12 July 1966, p.1065. Available at: <https://www.pist.tn/jort/1966/1966F/Jo03066.pdf> (Last accessed on 25.10.2023)

of Culture into a Ministry of Taste? From this situation, it may be deduced that both theatre artists and spectators were victims of institutionalised censorship, which seemed to stifle any theatrical event likely to disturb or radically undermine the ideology in place and the official choices. This meant that the scope for creative freedom was limited solely by the discretion of the censors. But at the same time, it was also up to dramatists to grasp the red lines and adapt their imagination to the variations in the ban. That's why Taoufik Jebali²², ironising the institutionalised censorship of the past, said that it was "anecdotal" and that artists were able to trick Bourguiba and Ben Ali, using wordplay, parables, metaphors, codified language and humour. He added that he was able to get round censorship by negotiating with the censors. For example, he sometimes had to add a single syllable to a censored word, just like the first word of Alfred Jarry's play *Ubu Roi*, "*merdre*" (the French word for "shit", with an extra "r"), and that was enough to get the censors to agree. Once on stage, he insisted on pronouncing this modified syllable so that the audience could grasp the message and react to it. A complicity was therefore forged between the stage and the auditorium, defying the power of censorship. As another example, he mentioned that one of his scripts was censored solely because of the word "*Kasbah*"²³ used in its literal sense of "reed" by the playwright, whereas the censors suspected that he might be hinting at the government because the government's offices are situated in a Tunis district called "*Kasbah*".

These trivialities were the key conflict issues between theatremakers and institutionalised censorship in Tunisia, according to Jebali, and therefore it was "*entertaining censorship*" and "*nothing more than a game of police reports*". Jebali insisted on playing down the state of institutionalised censorship in Tunis, saying that it was a senseless censorship that sometimes allowed subtle criticism that the censors did not understand, or did not want to understand. Or simply because they thought the public would not understand. Therefore, Jebali believes that the state censors mostly censored what was superficial, and not necessarily important, for obsolete reasons bordering on the ridiculous. In his opinion, the "mediocre quality" of such censorship is explained by the very composition of the censorship commission.

²² *El Teatro* - Facebook-live video documentation, March 23, 2017.

Available at: <https://www.facebook.com/watch/live/?ref=search&v=1685744888385620> [50:18'- 53:25'].
(Last accessed on 25.10.2023)

²³ The word *kasbah* has a variety of meanings in Arabic including: a North African castle or fortress, a native quarter of a North African city, a keep, an old city, a watchtower, or a blockhouse.

In fact, according to article 8 of the 1989 decree²⁴ reorganising the National Commission for Theatre Orientation, the board's composition includes:

- A president appointed by the performing arts specialists;
- A vice-president appointed by the performing arts specialists;
- A representative of the Ministry of the Interior Affairs;
- A representative of the departments responsible for theatre affairs at the Ministry of Culture and Information;
- Six members appointed among the "Men of Theatre" (all specialties included);
- Two members nominated among the "Men of Letters";
- Two members nominated from theatre critics.

Lastly, Article 8 stipulates that the commission's members are appointed for a period of two years by order of the Minister of Culture and Information. Taoufik Jebali strongly criticised this composition, especially as, according to him, due to financial problems, several members did not go to the theatre to attend the performances to which they had to grant or not a theatrical representation visa. Especially when it came to travelling to other inland towns outside the capital of Tunis to attend the "special performance before the members of the commission" that each company had to put on a week before the premiere to obtain the necessary visa. Only certain members were actually involved in controlling the performances as they were played on stage. Jebali added that, paradoxically, the most "open" members of this commission were the agents of the Ministry of the Interior, contrary to the cliché of the aggressive police, and that the most austere were the agents of the Ministry of Culture.

This leads to the conclusion that the apparatus of control and censorship was not that effective or really restrictive. Institutionalised censorship was moderate, and did not necessarily lead to artists being imprisoned or exiled. Instead, it led to fake battles and fake victories. It was

²⁴ Decree no. 84-461 of 22 April 1989 reorganising the National Commission for Theatre Orientation, published in French in the Official Journal of the Tunisian Republic of 2 May 1989, p.799
Available at: <https://www.pist.tn/jort/1989/1989F/Jo03189.pdf>
(Last accessed on 25.10.2023)

a game of clans rather than a question of freedom. Because Tunisian theatremakers seemed to have internalised the red lines and knew how to exploit them. Moreover, in a developing country like Tunisia, theatre remains a marginalised and elitist activity, even a luxury. Theatre did not really represent a danger to the Bourguiba and Ben Ali regimes. On the contrary, the so-called resistance to which the artists lent themselves served as propaganda for the ruling power.

Abdelhalim Massoudi, a Tunisian theatre scholar and critic reacting to Jebali's testimonies, ironically suggested that the title of the symposium on censorship in 2017 could be changed from "illusions of freedom" to "illusions of repression"²⁵ since, according to Jebali, there was no real censorship. Massoudi also argued that Tunisian artists have pretended to resist state censorship in order to hide their inability to be creative. The proof is that following the revolution and the removal of state censorship, Tunisian theatremakers have been unable to produce thought-provoking works about and in the new context.

It is worth recalling here that in the early 90s there was a tentative agreement between the Central Administration of Culture and Tunisian theatre producers to dismantle the National Commission for Theatre Orientation and replace it with regulations similar to those in the press law. This could have relieved theatre-makers of the sword of Damocles hanging over their heads. However, it was the theatre producers who later retracted the request under the pretext that the visa application for a theatrical performance ensured State protection for the theatre team during the public performance. And without this protection, artists risk being attacked by those who might see in their performances a violation of the red lines. The National Commission for Theatre Orientation continued to work until the beginning of January 2011. The interruption of the commission's work was tacit and did not result from a legal text. When the Tunisian revolution broke out, artists called for absolute freedom. The first play to be presented after 14 January 2011 without a prior visa application was "*Mémoire en Retraite*"²⁶ by Meriam Bousselmi, produced by the Tunisian National Theatre. The Première took place on

²⁵ *El Teatro* - Facebook-live video documentation, March 23, 2017.

Available at: <https://www.facebook.com/watch/live/?ref=search&v=1685778988382210> [17:48' - 20:13'].
(Last accessed on 25.10.2023)

²⁶ The play is published in German by Hartmann & Stauffacher GmbH Verlag für Theater more information
Available at: <https://www.hsverlag.com/werke/detail/t3815>
(Last accessed on 25.10.2023)

19 March 2011 at the Quatrième Art theatre in Tunis. The performance was originally due to be performed before the commission on 15 January 2011. A single day made a world of difference, as on 14 January 2011, Tunisia underwent the historic fall of the Ben Ali regime. But can the mere cancellation of the State censorship commission make a significant difference to freedom of expression on the Tunisian theatre scene?

2. On the Emergence of Implicit Censorship

“Under dictatorships we were afraid of censorship. Today we are afraid of freedom.”²⁷, had stated Mohamed Khenissi, President of *Nachaz*²⁸ and drama lover as he presented himself during his speech at the aforementioned symposium that took place in *El Teatro* on March 23, 2017, about censorship and the role of theatre in the post-revolution Tunisian context. He has a point. Fear has not disappeared. Fear has changed its name or its face. It is no longer called the State but Salafism, apostasy, terrorism, political Islam, lobbyists, and a schizophrenic society.

There is no doubt that the end of administrative censorship by the state apparatus has encouraged artists, and above all those who proclaim themselves as such, to invade the public space and make their voices heard 'freely'. In addition to the classic indoor spaces where the performing arts tended to be staged, there has been an expansion of new genres in outdoor Tunisia, such as happening, forum theatre, street dance, street poetry, street performance, and so on²⁹. The performing arts were no longer confined to closed spaces, but grew closer to the public. The new political situation has shaken up the performing arts dynamic and the

²⁷ *El Teatro* - Facebook-live video documentation, March 23, 2017.

Available at: <https://www.facebook.com/EspaceElTeatro/videos/1685744888385620> [12:45'- 12:53'].
(Last accessed on 25.10.2023)

²⁸ *Nachaz* is a Tunisian association with a cultural, intellectual, and civic vocation, which aims to contribute to the construction of a space for debate, and to the clarification and dissemination of the democratic idea. Further information available at: <http://nachaz.org/qui-sommes-nous/>
(Last accessed on 25.10.2023)

²⁹ KAROUI, Selima, *La place de l'art dans l'espace public tunisien*, Posted on Nawaat on March, 3, 2014
Available at: <https://nawaat.org/portail/2014/03/03/la-place-de-lart-dans-lespace-public-tunisien-1/>
(Last accessed on 25.10.2023)

expectations of both artists and audiences. Which is reflected in the way the theatre resonates with the revolution in its various phases. The revolution itself offered a spectacle.

At the start of the popular demonstrations, the streets and squares were transformed into real-life theatres, in which the actors were the rebellious peoples who had enough of being

spectators and resolved to claim their right to self-determination. This led most actors and playwrights to abandon their theatres and come down from their ivory towers to join the popular movements. Public spaces became huge open stages not just for viewing, but also for performing, and all kinds of revolutionary shows were staged there. New forms of political ritual have appeared: arenas for debate, spectacular demonstrations, collective marches for justice, improvised open-air scenes, martyrs' funerals, live broadcasts of assembly sessions on large screens in the public space, political trials, and profanations. The whole country has become one big theatre stage in which many forms of tragedy and comedy are played out simultaneously every day³⁰.

New questions then arose: does the end of state censorship in the performing arts mean that everything is permitted? Does it mean that there are no longer any restrictions or threats to artistic freedom? The responses were not long in coming. And the euphoria quickly turned to disillusionment. Indeed, the paradox of the Tunisian revolution is that by liberating speech in the public space, it also liberated the Islamist, xenophobic, racist, nationalist, sectarian, and corporatist speech that authoritarian regimes had previously censored. Everyone claimed freedom of expression, even if it came at the expense of others. The claim to "freedom of expression" has become an effective rhetorical device to legitimise attempts to attack those who think differently. Tunisian cartoonist Skander Beldi came up with a brilliant visual translation of the situation. On one of his drawings, a character commented sarcastically: "*Is freedom of expression under threat in Tunisia? No, because we are free to think for you!*"³¹.

Indeed, hopes for enhanced artistic freedom and a more prosperous performing arts industry were quickly dashed by the emergence of new hegemonic reactionary and conservative

³⁰ BOUSSELMI, Meriam, *Theatre When Everything is Theatricalized*, in Goethe-Institut, ART&THOUGHT / FIKRUN WA FANN 103, München 2015, S.49 – 55.

³¹ BELDI, Skander, *Flask*, Yaka Editions, Tunis, 2012, p.35

forces that had previously been in clandestine opposition and to which the Revolution gave visibility and power. Political Islam and all its variants, enemies of all forms of free artistic creation, have begun to decide what is "censurable". Since the beginning of 2011, control has been exercised by self-proclaimed guardians, defenders, and protectors of the sacred, who have been monitoring cultural institutions and public space and deciding which miscreant artists to punish and which performances to ban. Censorship is no longer about changing a word, cutting a line, or not getting "state permission" to perform. Censorship has become more violent, more complex, more unpredictable, and more intimidating. The danger no longer involved the performance but the physical safety of the artists and the security of the cultural institutions.

On his hospital bed, Rejeb Magri, a theatremaker, cultural activist and one of the founders of ACT (Arts Association for the Cinema and Theatre of Kef)³², testified about his aggression on May 25, 2012 in *EL kef*, a town in north-west Tunisia³³.

Rejeb Magri was on his way home when he felt a fist come down on his head. A group of men he identified as "Salafists" immediately attacked him with punches and kicks. Then a hand pulled him by the hair. He was hospitalised with a broken jaw and clavicle, and four missing teeth. He stated that police officers were present during the attack but did not intervene. His wife filed a complaint with the police.

"We are all Rejeb Magri", "Free people, independent artist", "Freedom, freedom for the artist in the regions", "Long live the theatre!". These were some of the slogans shouted by artists, intellectuals, representatives of civil society and citizens at a demonstration outside the headquarters of the National Constituent Assembly on 30 May 2012 to denounce the serious

³² KAROUI, Selima, *L'Association Des Arts Pour Le Cinéma Et Le Théâtre Du Kef : Un Regain Sauvateur D'énergies Humaines Créatrices*, posted on 05 May 2013 on Nawaat. Available at: <https://nawaat.org/2013/05/05/lassociation-des-arts-pour-le-cinema-et-le-theatre-du-kef-un-regain-sauvateur-denergies-humaines-creatrices/> (Last accessed on 25.10.2023)

³³ Rejeb Magri's testimony after being attacked, video posted on 26 May 2012 on Tunis Tribune's YouTube channel. Available at: <https://www.youtube.com/watch?v=vceBhrGdH-U> (Last accessed on 25.10.2023)

attack on their colleague Rejeb Magri³⁴. This was not the first time that theatremakers had been attacked because their artistic projects were deemed "inappropriate" by radicals.

Back in May 2011, artist Moufida Fedhila was attacked on Avenue Habib Bourguiba right in the very centre of Tunis by the police, who failed to intervene to protect her and her companions. She was presenting her first street performance in Tunisia, which she called *St'art Super Tunisian*³⁵. The attack put an end to the performance. The artist no longer felt safe to resume her performance because the assailants were not arrested.

Cancellation of events has become commonplace with the increasing attacks on live performance. Several festival directors have been forced to cancel some performances for security concerns. Especially after the attack against Bizerte music and theatre festival on summer 2012 by armed assailants with swords and sticks which left five injured victims³⁶.

If the cancellation did not come from the organisers, the radical groups set about disrupting the shows they did not like. For example, on Wednesday 15 August 2012, a group of Salafists prevented an Iranian troupe due to perform with Tunisian singer Lotfi Bouchnak from performing at the Sufi music festival in Kairouan, south of Tunis, claiming that their Shia chants were a violation of Islamic values³⁷. In the same week, the performer and comedian Lotfi Abdelli, threatened with death by extremists, and deprived of the police protection because of "*his harmful mockery against security agents*" according to the spokesman of the General

³⁴ On the protest a report in French with the title *Tunisie : Des artistes manifestent devant le siège de l'ANC*, posted on 31 May 2012 on Espace Manager. Available at: <https://www.espacemanager.com/tunisie-les-artistes-protestent-devant-le-siege-de-lanc.html> (Last accessed on 25.10.2023)

³⁵ CRENN, Julie, *Moufida Fedhila, Super-Tunisian en danger*, Inferno Magazine, posted on June 14, 2012. Available at: <https://inferno-magazine.com/2012/06/14/moufida-fedhila-super-tunisian-en-danger/> (Last accessed on 25.10.2023)

³⁶ *Tunisian alarm at assault on 'un-Islamic' culture?*, posted on Ahramonline on 17.08.2012. Available at: <https://english.ahram.org.eg/News/50672.aspx> (Last accessed on 25.10.2023)

³⁷ *Tunisie. Les salafistes empêchent un concert soufi de Lotfi Bouchnaq à Kairouan*, posted on Kapitalis on 16 August 2012. Available at: <https://www.kapitalis.com/archive/189-kultur/11334-tunisie-les-salafistes-empechent-un-concert-soufi-de-lotfi-bouchnak-a-kairouan.html> (Last accessed on 25.10.2023)

Directorate of National Security³⁸, was obliged to cancel his “100% *Halal*” performance in Menzel Bourguiba, a city in the North of Tunisia³⁹.

The stand-up comedy would offend Islam and the sacred and mock the Koran and the hadiths of the prophet, according to religious activists who have laid their prayer rugs outside the theatre on the morning of the planned representation and decided to read the Koran all day and evening. They even added that the spectators preferred their prayers to the stand-up comedy in question. The most dangerous thing is that these acts were committed at the instigation of an imam who, no doubt, had seen nothing of the show. And that this show of prayer was tolerated by the administration responsible for ensuring order in Tunisia in the name of religious freedom of expression and to the detriment of artistic freedom.

It is noteworthy that all these repeated attacks on performers have taken place with complete impunity. On top of that, the targeted artists and productions did not have a particularly audacious discourse or a genuinely subversive artistic form. They could have happened without any problem under Ben Ali's regime. The new censorship is therefore no less purely performative. It is no longer a question of “interactive” censorship where it is possible to negotiate with a censor who judges the work. This is “blind” censorship, where the censor attacks before even seeing the artistic work. The truth is that the activism of these religious extremists was linked to the laxity of the state authorities in the face of the diktats of some fanatics. There is no doubt that the Islamists in power (the political party Ennahda) at the time were at least tacitly complicit with the new censors. And the moderate Islam they claimed was a lie. Their plan was to gradually change Tunisian society by moving the red lines a little further each day than was allowed. To achieve this, they have opted for a strategy of implicit censorship, or censorship by delegation. Censorship is said to come from the “street”⁴⁰. No need

³⁸ *Le ministère de l'Intérieur : « Plus aucun spectacle de Lotfi Abdelli ne sera sécurisé à cause de ses moqueries »,* posted on Business News on August 17, 2012. Available at: <http://www.businessnews.com.tn/Le-minist%C3%A8re-de-l%E2%80%99Int%C3%A9rieur--%C2%ABPlus-aucun-spectacle-de-Lotfi-Abdelli-ne-sera-s%C3%A9curis%C3%A9-%C3%A0-cause-de-ses-moqueries%C2%BB,520,32401,3> (Last accessed on 25.10.2023)

³⁹ LAKDAR, Melek, *Les salafistes refusent un «100% HALLAL». L'humoriste Lotfi Abdelli “interdit” de spectacle à Menzel Bourguiba*, published in *Le Temps* on 16 - 08 – 2012. Available at: <https://www.turess.com/fr/letemps/68947> (Last accessed on 25.10.2023)

⁴⁰ This was the case with Meriam Bousselmi's performance *Sabra, Ou quoi de neuf après la Revolution? (Sabra, The day after the Revolution)* in co-production with Theater an-der-Ruhr in 2012. The performance, which sought

for institutionalised censorship like their predecessors. This is the boiling frog tactic: to gradually manipulate the capacity to adapt in order to stifle any resistance. The controversial ridicule not only sidetracked the fight against censorship, as the enemy was once again misidentified, but also encouraged fake battles and fake victories. The vicious circle of heroes and victims of fundamentalism has obscured the real obstacles to genuine artistic freedom in the performing arts. Trapped in the deep paradoxes of their schizophrenic society, Tunisian artists seemed to be disorientated. Is there a way to get rid of the projections/expectations that reduce them to reactionaries instead of creators?

3. On Artistic Audacity during the Democratic Transition

"The question I ask myself and I ask all of you is: can I really live up to the freedom we have today? In all honesty, at the moment, maybe that will change in the future, but for the moment, I don't feel I can live up to this freedom and I don't know why.... If any of you can tell me why I'm not living up to this freedom, it would help me understand how to move forward..."⁴¹, openly acknowledged theatremaker Samira Bouamoud during her contribution to the aforementioned debate on censorship at El Teatro on 23 March 2017. Her brave statement, which most artists fail to take on board either through lack of conscience or sheer pride, confronts us with the fundamental challenge of freedom during Tunisia's democratic transition. Do performers now feel and act freely? Are they ready to use their full freedom? Or, on the contrary, do their pernicious reflexes of self-censorship continue to prevail, despite the slogans they brandish against any fanatical, ideological, or religious threat, whether explicitly or implicitly avowed? Samira Bouamoud described her experience of dealing with censorship. In 2014, when she was directing a play for children, she was confronted with censorship from her fellow artists and members of the project who criticised her choice of the character of Santa Claus, who did not fit in with Arab-Muslim culture. The theatre director confessed that, due to a lack of courage, she had to replace Santa Claus with Zorro to put an end to the conflict. Then,

to propose a new aesthetic free of self-censorship against political Islam, provoked controversy and threats that ended up blocking the project. For further information, please refer to:

HEMKE, Rolf C., Kampf gegen den Druck der Strasse, posted on WDR, on 23.11.2012.

Available at: <https://www1.wdr.de/kultur/musik/hemke100.html> (Last accessed on 25.10.2023)

⁴¹ *El Teatro* - Facebook-live video documentation, March 23, 2017.

Available at: <https://www.facebook.com/watch/live/?ref=search&v=1685778988382210> [08:17' - 08:55']. (Last accessed on 25.10.2023)

in 2016, when she was directing an adaptation of Ariel Dorfman's play *Death and the Maiden*, she practised self-censorship because she did not have enough audacity to take on all the scenes in the play for fear of being attacked by her colleagues or the audience and ostracised. Her testimony calls for three observations.

First, on the question of freedom and identity, which the Revolution put back on the table. Tunisia, with its rich and varied colonial past, has always faced a split between three theatrical communities: the French-speaking scene, the Arabic-speaking scene, and the Tunisian dialect scene. These three communities opt for different cultural and aesthetic choices. They act according to specific contexts and using particular references. This diversity became a controversial issue during the democratic transition. The debate began with the drafting of the new constitution. And it has continued inside theatres and on stage. Are Tunisians Arab, French-speaking, Berber or mixed? What is the Tunisian identity at the crossroads of nationalism, Arabism, post-colonialism, and globalisation? And what identity should Tunisian theatres and performing arts have? What values should artists protect or promote in life and on stage? How can they defend their own history, which may differ from the dominant narratives? This is one of the challenges of artistic freedom, which requires a degree of audacity that not all artists have.

The second observation applies to the place of women and female authority in Tunisian theatre. Despite the visibility of Tunisian female theatremakers and their international renown, their freedom remains relative, being only a facade in a patriarchal and macho society where women are conceived as the property of men ("daughter of", "wife of", etc.), and where their freedom is a matter of family honour. It is easier for female theatre artists to fill second positions as playwrights, actresses, costume designers and so on. But it is more difficult to break through as a director, producer, or technical director, because these roles are still considered to be masculine. Most female directors work with a male partner or husband who can guarantee them a degree of protection. Female directors often face systematic resistance from their male colleagues when it comes to imposing their aesthetic and operational decisions. The preconditioning of a gendered social order that does not recognise the same rights for women undoubtedly limits the scope of their artistic freedom. In short, the Tunisian sociologist Taher Labib, founder of the Arab Sociology Association, summed up the status and position of

Tunisian women in this see-through formulation: *"the more Tunisian women liberate themselves, the more they become masculine"*⁴².

The third observation concerns the relationship between performing artists and the audience. Tunisian artists have three attitudes towards the public: either a didactic approach in the sense that they consider themselves above the audience and in a position to educate them. Either a laudatory approach in the sense that they want to please the audience in order to sell their performances. Or they feel inaccessible, misunderstood and victims of an audience that fails to understand their genius. Before and after the revolution, several world-famous Tunisian artists often expressed the feeling that they felt like "strangers" in their own homeland and that they were not recognised as they should be. As for audiences, they have three different approaches to artists. There is either exaggerated sacredness, aggressive rejection, or total indifference. All these complex attitudes reflect communication disorders. The gap between the stage and society makes it difficult to define what is tolerable and what is intolerable. Fear is at the heart of the creative act, the fear of not pleasing or not being good enough, and is in itself a form of censorship based on the projection/expectation of both. All these complex factors make it difficult to exercise artistic freedom. Consequently, the bravest artists are those who can defend their choices and stand up to their detractors. The majority, however, lack courage and the ability to take real risks. Even Tunisia's most prominent artists and most powerful institutions seem to have internalised censorship. Worse still, they develop the necessary arguments to legitimise their self-censorship. This is exactly what happened in the case of the "*Alhakom Al-Takathor*" dance performance.

On Thursday 16 February 2012, the Tunisian National Theatre (TNT) received a summons by a bailiff appointed by the National Union Council of Imams and Mosques Administrators affiliated with the Tunisian General Labour Union. They claimed the removal of the "*Alhakom Al-Takathor*" poster from the theatre's showcases because, according to this warning notice, the Arabic title "*Alhakom Al-Takathor*" which can be translated by "*Competition in increase diverts you,*" is an imitation of the first verse of the 102nd surah of the Koran, considered to be an "attack on the sacred" according to a press release issued by the

⁴² Interview in Arabic with Taher Labib on the obstacles to the revolution in Tunisia and the Arab countries and the horizons for the revolutionary rise on the *El Hiwar Ettounsi* channel, posted by Tahar Ben Hassine on YouTube on March 20, 2013. Available at: <https://www.youtube.com/watch?v=h6y6Qz2DgTY> (Last accessed on 25.10.2023)

director of the Tunisian National Theatre, Fadhel Jaïbi.⁴³Faced with these demands, the well-known theatremaker Fadhel Jaïbi, who continues to be a figure of resistance on the local and international performing arts scene, decided, in agreement with Nejib Khalfallah, the director of the criticised production, to modify the poster, crossing out the Arabic title in such a way as to make the "censorship" obvious. Meanwhile, choreographer Nejib Khalfallah announced on a local radio station that the name of his performance had been changed, and that he would simply retain the French title "*Fausse couche*" (Miscarriage). In a weak position widely contested by defenders of artistic freedom on social networks, he added: "*If I have to apologise, I'll apologise*".

Indeed, the press release issued by the theatre's head office just after the radio broadcast confirmed that the Arabic title had been dropped on the pretext that the director feared a threat or an attack on the Quatrième Art theatre. The press release also announced that the Tunisian national theatre had taken legal action against the imam (Ridha Jaouadi) who had instigated the protests. This decision, which legitimises self-censorship out of fear of violence, has been widely criticised. Nawaat editor-in-chief Thameur Mekki pointedly concluded: "*TNT's position expresses a cultural policy that regards freedom as an accessory that can be sacrificed according to circumstances*"⁴⁴. Along the same lines, Shiran Ben Abderrazak, a writer, and director of a cultural centre, denounced "*the censorship of fools*", stating that: "*we are right at the heart of this war of conscience. Except that the gratuitous and unassumed provocation of some has led to an easy victory for others*"⁴⁵.

Nevertheless, despite the fact that choreographer Nejib Khalfallah gave up the title of his dance performance and publicly declared that he is a "Muslim" in an act of self-defence

⁴³ Press release in French from the Tunisian National Theatre posted on Tuniscope on 06-03-2018
Available at: <https://www.tuniscope.com/article/113944/culture/theatre-et-cine/fausse-couche-191919>
(Last accessed on 25.10.2023)

⁴⁴ MEKKI, Thameur, Auto-censure au Théâtre National Tunisien : une capitulation si facile, posted on Nawaat on 21 February 2017. Available at : https://nawaat.org/portail/2017/02/21/auto-censure-au-theatre-national-tunisien-une-capitulation-si-facile/?fbclid=IwAR2tN_nJF19BN7NIJ3SdNVkP3ZofcXosMg-eXN80ixBOamH496GAnGWteno (Last accessed on 25.10.2023)

⁴⁵ BEN ABDERRAZAK, Shiran, La censure des imbéciles, posted on Nawaat on 21 February 21 2017.
Available at: <http://nawaat.org/portail/2017/02/21/la-censure-des-imbeciles/> (Last accessed on 25.10.2023)

against apostasy and fear of violence, he was attacked with iron bars one evening by three strangers on his way home after a performance in early April 2017⁴⁶.

Obviously, alongside the institutional retraction, the way in which artists manoeuvre around the argument of "artistic freedom" goes hand in hand with the existing limits. But what is the meaning of a call for artistic freedom that implicitly reproduces the same red lines? In a country that has undergone and internalised policies of cultural impoverishment, where censors have sought to belittle the individual, alienate society, and enslave free spirits through fear and financial dependence, it is indeed a problem to shape alternative narratives. Admittedly, it's not easy to tackle in depth the bedrock of our basic identity, our fears and our primordial obsessions in our relationship with society, women, God, sex, homosexuality, the body and our unfulfilled fantasies. It's not easy for performing artists to face up to all the hidden and overt demons of self-censorship and societal and religious doxa. Despite the political and cultural changes that have taken place during Tunisia's democratic transition, there are still a large contingent of quite reactionary performing artists. Many contemporary Tunisian performing artists who claim to be courageous and thought-provoking merely copy reality without augmenting it. Their performances are anything but subversive. Others have misunderstood freedom and the meaning of audacity. They confuse freedom of expression with misogyny, homophobia, transphobia, racism, ageism, ableism and regionalism. Especially in stand-up comedies. Because it's easy to make people laugh by making fun of someone's appearance or identity. They forget or ignore that freedom of expression that attacks minorities and does not contribute to collective intelligence runs counter to the imperatives of freedom. What they uphold in the name of freedom is in fact an intensely repressive norm which, paradoxically and wrongly, considers itself to be free. Fake audacity, vulgar humour, mediocrity, first-degree discourse, lack of creativity, gratuitous provocation, fake commitment, and disorientation are the signs of the productions of the performing arts in Tunisia's democratic transition. There is no doubt that dictatorship and censorship cannot justify inertia and mediocrity. Similarly, freedom is not enough to guarantee artistic quality. Some artists even believe that too much freedom kills artistic audacity. They put the blame on the very freedom! Such a freedom: it can be disarming! It is easier for them to find a sense of audacity under the dictatorship. Such was the case for

⁴⁶ Y.N., Le metteur en scène Nejib Khalfallah agressé par des inconnus, posted on *Kapitalis* on 4 April 2017. Available at: <http://kapitalis.com/tunisie/2017/04/04/le-metteur-en-scene-nejib-khalfallah-agresse-par-des-inconnus/> (Last accessed on 25.10.2023)

example of Mehdi Hmili, a theatre and film director, who declared: "*The dictatorship is great from an artistic point of view! ... To attack Ben Ali is to attack the sacred*"⁴⁷. But doesn't this really conceal a certain intellectual, cultural, and artistic deficit?

II. Legal Incorrectness, Artistic Correctness?

"*We are committed to Freedom. the only sacred and nothing above*"⁴⁸, wrote Prof. Dr. Hamadi Redissi, the independent intellectual and Honorary President of the Tunisian Observatory for Democratic Transition. However, since the Revolution, whenever the issue of freedom has been debated, numerous restrictions have been added to limit its scope. Professor Redissi has identified three arguments that undermine the debate on artistic freedom. Firstly, sacred, and national values. These vague notions can be interpreted in different ways, particularly the most restrictive. Secondly, the question of timing. The expression "not (yet) ready" is often used against certain demands. But, according to Professor Redissi, if there is a time for freedom other than "now", then Ben Ali was right to say that the Tunisian people are not yet ready to enjoy democracy. Thirdly, the scope of freedom. "It's too much", say some opponents. They always perceive freedom as excessive. And prefer half-solutions and half-measures. They have lost the battle before it has even begun, according to Professor Redissi. They are the opportunistic politician, the obedient citizen, the moderate intellectual and the devout Muslim. Unfortunately, these three pretexts are detrimental to the ongoing negotiations on mechanisms to protect artistic freedom. Reactionary and conservative forces continue to use such pretexts to muzzle artists and creativity, which may ultimately lead Tunisia to develop a certain official art.

In fact, this vague freedom is enshrined in vague laws. The new Constitution⁴⁹ reinforces the vague notions of "violation of the sacred", "public decency" and "public order". Right from

⁴⁷ PULDOWSKI, Charlotte, Quand les artistes se jouaient de Ben Ali, posted on Slate Africa, on 28 May 2014. Available at : <http://www.slateafrique.com/1665/les-arts-pour-contourner-censure-ben-ali> (Last accessed on 25.10.2023)

⁴⁸ REDISSI, Hamadi, Nesma et les vents d'Orient (Original Article in Arabic : نسمة ورياح الشرق), published on the Newspaper *Elmaghreb* on 11 October 2011, and in the book *Waraket Elwaraq*, Diwan Edition 2014, p. 27.

⁴⁹ The 2014 Tunisian Constitution was adopted on 26 January 2014 by the Constituent Assembly elected on 23 October 2011 following the revolution that toppled President Ben Ali. Translated in English by UNDP and reviewed by International IDEA. Available at: https://www.constituteproject.org/constitution/Tunisia_2014 (Last accessed on 25.10.2023)

the preamble, the vocabulary used is perilous. The interpretation of the following articles would allow for the best and the worst:

- *“Expressing our people’s commitment to the teachings of Islam and its aims”* (Preamble).
- *“The foundations of our Islamic-Arab identity”* (Preamble).
- *“Desirous of consolidating our cultural and civilizational affiliation to the Arab and Muslim nation”* (Preamble).
- *“Tunisia is a free, independent and sovereign State, Islam is its religion”* ... (Article 1).
- *“The State is the guardian of religion”* (Article 6).
- *“The State undertakes to disseminate the values of moderation and tolerance and the protection of the sacred and the prohibition of any infringement thereof”*(Article 6).
- *“The limitations that can be imposed on the exercise of the rights and freedoms guaranteed in this Constitution will be established by law (...) based on the requirements of public order, national defence, public health or public morals”* (Article 49).

All these vague legal stipulations create a great deal of legal uncertainty. They give political leaders, the police and judges a great deal of leeway when it comes to deciding on artistic freedom and censorship. There is far less freedom than the new Constitution led us to expect. Moreover, since the end of 2014, there has been an agreement between the Islamists and the opposition to reinforce conformity, which the government denies. But any artistic project that attempted to subvert or thwart conventional norms and rules was hindered and blocked. Uniformity and limitation of thought prevail on the art scene. It is for these reasons that rappers have been imprisoned (1), fiction banned (2) and the performing body kept taboo (3).

1. Rap & Poetry Out Loud: An Outrage to Public Officers?

"It's neither strange nor new to say that the police want to trample rap under their boot. Rap is an art form that disturbs and provokes conservationists and those afraid of any artistic expression that does not comply with the boundaries and red lines that our disciplined societies

have set"⁵⁰. These outraged words were written by Rim Benrjeb, a political science scholar and journalist who won the first Media Libre prize for the best article on individual freedoms for 2017. They are the opening words of her report investigating the imprisonment of Tunisian rapper Ashraf "Djenkel" in the aftermath of his performance at the Sbeitla International Festival on 18 August 2018.

Reportedly, the rapper performed his best-known song, a response to social marginalisation and police oppression, at the insistence of his audience. He used turntable scratching and lyrics played backward to conceal all the words deemed dirty, derogatory, or harmful. Although he did agree to change his music, which is undoubtedly an act of self-censorship, in order to please the festival director who asked him before he went on stage not to perform the song. And despite the new, "clean version" of the song, the rapper was left unprotected as the police stormed out of the theatre and abandoned the concert without security as soon as he started playing the song. The day after, the Syndicate of the Security Forces Unit in Kasserine lodged a criminal complaint against the rapper Achraf "Djenkel". The Public Prosecutor's Office worked within 12 hours to include the rapper on the wanted list without informing him or summoning him. This is a serious breach of procedure. An arrest warrant was issued for his immediate arrest. The rapper has been charged with public indecency and assaulting a police officer.

In Tunisia, underground rap preceded and accompanied the protests. From the start of the protest movement, a campaign was waged against rappers. Even rappers who were not arrested were subjected to warnings and intimidation. It seems that rap has always had a conflictual relationship with the police, perhaps more so than any other musical genre. In Tunisia, rap was seen as an explicit form of opposition to the deposed regime, and it still is. Before the fall of Ben Ali, rap music concerts were prevented by police raids due to the perceived threatening nature of the music. Since the Revolution, there has been an evolution from

⁵⁰ BENRJEB, Rim, Article in Arabic language entitled: *Kasserine: Ashraf Denkel's case, the police continue to suppress the Tunisian rap* (القصرين: قضية أشرف دجنكل، البوليس يواصل قمع الراب التونسي), posted on Nawaat on 8 August 2018. Available at:

<https://nawaat.org/2018/08/08/%d8%a7%d9%84%d9%82%d8%b5%d8%b1%d9%8a%d9%86-%d9%82%d8%b6%d9%8a%d9%91%d8%a9-%d8%a3%d8%b4%d8%b1%d9%81-%d8%af%d8%ac%d9%86%d9%83%d9%84%d8%8c-%d8%a7%d9%84%d8%a8%d9%88%d9%84%d9%8a%d8%b3-%d9%8a%d9%88%d8%a7/>

(Last accessed on 25.10.2023)

censorship of rap to the use of rap lyrics as evidence in criminal cases across the country. A good example is the case of the young Tunisian rapper Weld El 15. In June 2013, Weld was sentenced to two years' imprisonment in absentia for his song "*El boulisiyya Kleb*"⁵¹ (The police are dogs) in which he criticizes the unjustified abuse of violence by the police. Since then, police syndicates have called for a boycott of rap concerts, in response to the wave of solidarity among rappers following the conviction. Another well-known rapper condemned for his music is Klay BBJ⁵². His lyrics are a virulent criticism of the police, the corruption of the judicial system and the entire political class, including the ruling coalition and the opposition. On August 22, 2013, Weld El 15 and Klay BBJ were assaulted and arrested during their concert at the Hammamet International Festival. They were released later that evening. Weld El 15 was transferred to hospital and the doctor prescribed a 7-day medical rest certificate.

The prosecution's charges against rap artists include: conspiracy against the state and participation in rebellion, conspiracy to commit violence against public officials and verbal aggression against public officials (police forces), possession of cannabis and its promotion through subtle channels such as song lyrics. More than ever, during Tunisia's democratic transition, several courts allowed prosecutors to introduce rap lyrics into criminal trials as evidence of motive and intent. Tunisian rappers have been beaten, intimidated, arrested and sentenced to long prison terms, their concerts cancelled, their music banned from radio and television. "*Of Tunisia's entire artistic community, the musicians – and in particular urban rappers – have borne the brunt of the state's censorship and repression*"⁵³. The repression of rap music reflects a wider stifling of popular culture. Indeed, the country's stability-oriented rulers have sought to control this powerful tool for young people to express their anger, misery and complaints about police violence, urban poverty, and political corruption. Considered "distasteful content" by national cultural decision-makers, rap is still not recognized in its

⁵¹ ALIRIZA, Fadil, The Police Are Dogs, posted on Foreign Policy 16 December 2013. Available at: <https://foreignpolicy.com/2013/12/16/the-police-are-dogs/> (Last accessed on 25.10.2023)

⁵² AMRAOUI, Amal, Klay BBJ, Impassioned Artist, translated by Vanessa Szakal, Posted on Nawaat on 23 October 2015. Available at: <https://nawaat.org/2015/10/23/klay-bbj-impassioned-artist/> (Last accessed on 25.10.2023)

⁵³ BROWN, Daniel, Tunisia: Musicians Confronted with Censorship and Repression, posted on Norient on 11 January 2017. Available at: <https://norient.com/stories/tunisia-musicians-confronted-with-censorship-and-repression/> (Last accessed on 25.10.2023)

vehement complexity, hyperbole, and intrinsic rhetoric as a counter-cultural musical genre. A genre whose raison d'être is the aestheticization of violence, its transformation into a work of sound. But rappers are not the only public enemies of the Tunisian police. After these urban poets, the police are also attacking poetry lovers, as if they were poetry dealers!

On 27 January 2016, Omar Bel Haj Omar a student at The Faculty of Letters, Arts & Humanities, Department of English at the University of Manouba, member of the General Union of Tunisian Students, and activist of *Manich Masameh (I won't forgive)* campaign⁵⁴, was sentenced in absentia to two months in prison⁵⁵.

According to the young student's testimony, following his participation on September 3, 2015 in a rhetoric festival in front of Tunis' municipal theater as part of the *I won't forgive* demonstration, where he declaimed a poem by Muzaffer al-Nawab, a famous Iraqi poet known as the opposition's revolutionary poet, he was summoned to the police station and accused of verbal abuse towards a police officer who had heard the verses read aloud. The poem described by prosecutors as "offensive" reads:

"I urinate on the police in power

It's a time of urinating on tables, parliaments and ministers.

I urinate on them without shame,

just as they shamelessly pursued us".

⁵⁴ The campaign contests the adoption of a draft law introduced by President Beji Caid Essebsi in 2015, the law of "economic reconciliation". The Presidency's proposed bill addresses past economic violations, mainly financial corruption, and misuse of public funds. See on the topic: MEJDI, Ihsen, "*Manich Msamah*": resistance in times of consensus, posted on Nawaat on 3 August 2017. Available at: <https://nawaat.org/portail/2017/08/03/manich-msamah-resistance-in-times-of-consensus/> (Last accessed on 25.10.2023)

⁵⁵ BARAKET, Arroï, Article in Arabic language: (هضم جانب موظف عمومي بسبب شعر مظفر النواب): Muzaffar al-Nawab's poetry is judged as an insult against a public officer), posted on Nawaat on 23 May 2016. Available at: <https://nawaat.org/portail/2016/05/23/%D9%87%D8%B6%D9%85-%D8%AC%D8%A7%D9%86%D8%A8-%D9%85%D9%88%D8%B8%D9%81-%D8%B9%D9%85%D9%88%D9%85%D9%8A-%D8%A8%D8%B3%D8%A8%D8%A8-%D8%B4%D8%B9%D8%B1-%D9%85%D8%B8%D9%81%D8%B1-%D8%A7%D9%84/?fbclid=IwAR10gt4hLH7WDzyd9nXjnrXxglvhkOoULsbyAOZifxY7Psts5nZ5OOYNjEM> (Last accessed on 25.10.2023)

The defence lawyer stressed that this conviction was a violation of his client's right to freedom of expression and protest. He added that the poetic verses in question are taught in Tunisian universities, and that it's not his client's fault that the police didn't grasp poetry's subtleties. There's no doubt that this issue goes beyond a simple dispute over the interpretation of poetry. The incrimination is essentially aimed at silencing artists. It mirrors an ongoing struggle between the culture of oppression and the culture of freedom.

2. Fiction: A Threat to Public Order?

*"In this film, there are scenes of war and disorder ... In addition, the director plans to take down the national flag and hoist the Daesh flag in its place. Whether before, during or after the shooting of the film, it is unacceptable... Even if it is a work of fiction"*⁵⁶, said the governor of Kebili, a town in southern Tunisia, on radio Jawhara Fm, Monday, October 8, 2018. That was the first reason behind his decision to ban the shooting of certain scenes from Mehdi Barsaoui's film "Aziz" in the Ksar Ghilen region of Douz. The second reason, according to the governor, is linked to the importance of "image" in today's virtual world, and the priority of promoting tourism in the desert at Ksar Ghilen. He added that it would be a breach of public order to allow scenes of obscurantism and terrorism as depicted in the script, which could confuse people about the real situation in his governorate. They might associate the tourist site with a "negative image" while he is busy building a "beautiful image" of the region.

This administrative decision sets a precedent in the history of censorship in Tunisia. Firstly, because the film's producer had the approval of the Ministry of Culture and all other necessary permissions according to Article 4 of the Film Industry Code, which stipulates that the production or shooting in Tunisia of any movie or film sequence is subject to the prior authorization of the Secretary of State for Information. Secondly, because the governor who was informed of the shooting should normally just facilitate the work of the film team and not set himself up as a censoring authority to judge the content of the performance to be filmed.

⁵⁶ *Le gouverneur de Kebili est content d'interdire le tournage d'un film*, posted on Kapitalis on 8 October 2018. Available at: <https://kapitalis.com/tunisie/2018/10/08/le-gouverneur-de-kebili-est-content-dinterdire-le-tournage-dun-film/> (Last accessed on 25.10.2023)

Thirdly, the confusion between fiction and reality that the film can create for the viewer and that the governor fears is in fact a self-projection of his inability to tell the difference between the two. Fourthly, to proclaim oneself the guardian of public order in total disregard of artists and the audience is a dangerous act, as it reflects once again a misunderstanding and misuse of freedom during Tunisia's democratic transition. Such an act belittles the intellect and maturity of the citizen. The governor allowed himself to think that he had the power to decide what was right or wrong for the citizen, instead of letting the citizen decide for themselves. Fifthly, this abusive decision has caused financial losses and delays in the production of the film, which is detrimental to "Tunisia's image" and to the interests of Tunisian artists and producers on the international film market, especially as this is a Franco-Tunisian co-production.

After several correspondences with the governor, trying to convince him to change his decision, on Tuesday, October 30, 2018, the film team organized a press conference at the headquarters of the Tunisian National Union of Journalists in Tunis to reveal the facts and denounce the oppressive ban⁵⁷. The producer asserted that the scene described by the governor does not exist in the script, which means that his decision is not only an abuse of power but also a manipulation based on fallacious reasoning. The film's producers lodged a summary appeal before the administrative court. The court upheld their claims and ruled, on November 5, 2018, the cancellation of the unfounded prohibition issued by the governor of Kebili⁵⁸.

Luckily, this time, Tunisian judges did not authorize the construction of Siberian prisons in the desert landscape of Ksar Ghilen. And the governor's narrow-mindedness in differentiating between fiction and reality was not accepted as a valid reason for censorship under the pretext of public order. Undoubtedly, a ban for reasons of public order can sometimes be justified. But prohibition on political grounds is clearly untenable. To reduce fiction to a form of politically correct behaviour means to give up the freedom of imagination and ignore a large part of reality. Instead of censorship, it would be important to develop cultural policies capable of raising

⁵⁷ The press conference was covered in a video coverage by Nawaat, posted on YouTube on 4 November 2018. Available at: https://www.youtube.com/watch?time_continue=280&v=OhJxMBGD9Wo (Last accessed on 25.10.2023)

⁵⁸ *Le Tribunal administratif déboute l'interdiction de tournage d'un film à Kébili*, posted on Business News on 7 November 2018. Available at: <http://www.businessnews.com.tn/le-tribunal-administratif-deboute-linterdiction-de-tournage-dun-film-a-kebili,520,83702,3> (Last accessed on 25.10.2023)

awareness of works of fiction's value and its contribution to and challenges for reality. It's important to point out that even if the depiction of the removal of the Tunisian flag was foreseen in the script, the governor, by launching a media campaign denouncing the scene as "scandalous", "disrespectful" and "absolutely unacceptable", consciously or unconsciously sought to raise the debate to a political level. Especially when he emphasized his patriotic reverence, casting doubt on the artists' patriotism. This type of behaviour is dangerous because it engages public opinion in separatist debates, and this is the real danger to public order, social cohesion, and public safety. Indeed, since the establishment of an Islamic-secular coalition in Parliament, there has been a political polarization based on self-glorification and rejection of the other. Despite promoting the national consensus approach as a sensible compromise to break the political deadlock, the political elite has failed to promote peaceful coexistence. The two largest parties, the Islamic Ennahda and Nidaa Tunes, the main opposition party, fuel this culture of fake discord and animosity. The dominant narratives are those of the elimination of the "enemy", the "opponent", the "other". This is how censorship based on political calculations has increased in Tunisia's democratic transition.

This is the case of the film "Fatwa" by Mahmoud ben Mahmoud, produced by Habib Bel Hedi⁵⁹, which deals with the extremists who join the fight in the ranks of Daesh in Syria. In November 2017. The team had requested permission for shooting inside the hemicycle at the Assembly of the Representatives of the People (ARP), but their request was rejected by Ennahda Movement deputies⁶⁰.

According to Nadia Chaâbane, a former member of the National Constituent Assembly, to justify the refusal by: "*the shooting would cause inconvenience on the premises*" and "*the members of the board have expressed reservations about the use of the premises of the ARP premises for anything other than parliamentary work*", is a return "*to censorship and clientelism*"⁶¹. She asserts: "*in fact it is the film "Fatwa" that's disturbing, and the ARP's*

⁵⁹ Further information on the film is available at: <https://mad-distribution.film/movies/movie1115152.php> (Last accessed on 25.10.2023)

⁶⁰ *A l'ARP, Ennahdha a refusé le tournage du film "Fatwa"*, posted on Directinfo on 2 November 2017. Available at: <https://directinfo.webmanagercenter.com/2017/11/02/fatwa-lautorisation-de-tournage-a-ete-declinee-par-les-deputes-dennahdha/> (Last accessed on 25.10.2023)

⁶¹ CHAÂBANE, Nadia, *La censure refait surface à l'Assemblée !*, posted on Business News on 27 October 2017. Available at: <http://www.businessnews.com.tn/la-censure-refait-surface-a-lassemblee--526,75696,3>

refusal is neither objective nor neutral, as one might think; it's censorship disguised for trivial reasons, despite appearances".

In addition to denying filmmakers permission to shoot, Tunisian moviegoers have on several occasions been deprived of their right to discover on the big screens, films deemed contrary to morality and public order. Along these lines, the Tunisian Ministry of Cultural Affairs has censored the screening of the film on homosexuality "*Call me by your name*" by Italian director Luca Guadagnino in February 2018⁶². This hasn't been the first time, and it certainly won't be the last. There will be "reasonable restrictions" on artistic freedom as long as public order and morality are vague and shifting notions that depend on the cultural values and moral standards of the political elite. The democratic transition has obviously failed to discourage moral policing.

3. A kiss or a nude on stage: a violation of public decency?

*"It is the Koran, not the Bible, that must be applied in Tunisia in accordance with its constitution. Yet, the Koran is a religion of rights and freedoms, including artistic nudity!"*⁶³, wrote Farhat Othman a Tunisian diplomat and legal and political expert, following the recent controversy over nudity on stage in Tunisia.

It was International Human Rights Day in Tunis on Monday, December 10, 2018, which political authorities as well as artists and citizens are accustomed to celebrating. Everything seemed "in order" at Tunis Municipal Theatre, the main venue for the twentieth session of the Carthage Theater Days Festival. The audience was seated and the performance had just begun. Suddenly, just before the end of the performance, the doors of the auditorium burst open and the crowd poured out in anger and indignation. Clearly, something was amiss

(Last accessed on 25.10.2023)

⁶² *Un film en lice pour les Oscars, interdit en Tunisie*, posted on TunisTribune on 28 February 2018. Available at: <https://fr.tunistribune.com/2018/03/02/video-film-lice-oscars-interdit-tunisie/> (Last accessed on 25.10.2023)

⁶³ OTHMAN, Farhat, Nouvelle polémique sur le nu, nullement péché en Islam, posted on Réalités Online on 13 December 2018. Available at: <https://www.realites.com.tn/2018/12/nouvelle-polemique-sur-le-nu-nullement-peche-en-islam/> (Last accessed on 25.10.2023)

and the organizers had to improvise to restore order. So, what happened? What went wrong? The answer can be found in the clarifying statement issued (only in Arabic) the following day, Tuesday, December 11, 2018, by the festival's board saying:

"The board of the twentieth session of the Carthage Theatre Days festival expresses its condemnation and rejection of the individual act of the actor in the Syrian-German play "Ya Kebir" performed at Tunis Municipal Theatre on Monday, December 10, 2018. What the actor in question did did not appear on the video recording approved by the festival's selection committee. This is an isolated and irresponsible individual practice which engages the actor's individual responsibility. This constitutes a violation of the moral, professional, and non-amateur contract between the festival and the invited theatre company, which is supposed to perform the play exactly as it appeared on the video approved by the festival committee. Meanwhile, the festival board stresses the importance of guaranteeing the principle of freedom of creation and expression as stipulated by the Constitution of the Republic, but in compliance with accepted and customary norms and standards".⁶⁴

This poorly articulated and incoherent statement was mutedly signed by Hatem Derbel himself, who is the director of the 20th session of the Carthage Theatre Days festival. Yet the questions that persist after this official statement, which merely condemns without naming the act, are: what exactly happened on the stage of the Théâtre municipal de Tunis on Human Rights Day 2018? What is the "isolated and irresponsible individual practice" committed by the actor? And how are "accepted norms and standards" to be understood?

Indeed, in Amal Omran and Rafat Alzakout's play *Ya kebir*⁶⁵, produced by Collective Ma'louba & Theatre an-der-Ruhr, the actor Hussein Almoreey stripped naked on stage to reveal the extent of Syria's misfortune. Asked about the incident, he argued: *"For me the scene is a shame. It is the Syrian truth. It is my voice and the voice of my family. It is the strongest scene we have been looking at for six weeks of rehearsals in order to convey a small part of a seven-*

⁶⁴ The clarification statement in Arabic was published on Business News on 11 December 2018. Available at: <http://www.businessnews.com.tn/un-comedien-nu-sur-scene-la-direction-des-jtc-sexplique,520,84433,3> (Last accessed on 25.10.2023)

⁶⁵ More about the play on Collective Ma'louba's website: <http://www.collective-malouba.de/spielplan/repertoire/ya-kebir/> (Last accessed on 25.10.2023)

year-old tragedy"⁶⁶. The media campaign and the sharing of photos of the scene on social networks turned it into a national and even Arab issue. Mocking, even hateful comments exploded on Facebook pages. One post claimed that it was no longer the Carthage Theater Days but the "*Carthage Pornographic Days*"⁶⁷, taking offense that such a show was taking place in a Tunisian theatre! It seems that 10 minutes of nudity on stage has created a great deal of controversy among the audience(s), and among those involved in the artistic and intellectual scene. Two clans have clashed: supporters of artistic nudity as a right inseparable from artistic freedom, and critics who see it as an outrage against public decency incompatible with the values of a Muslim society as protected by the 2014 Constitution.

However, the jurist Farhat Othman asserts that artistic nudity is not at odds with the precepts of Islam since, according to the Koran, on the Day of Judgment, God resurrects his naked creatures as he created them and as they were in paradise, where they were not expelled for any original sin, as is the case in Judaic tradition. He denounced the reaction of festival director Hatem Derbel, who, he said, "*has no real respect for either art or Islam*". And whose "*shameful statement*" attests that "*he is artistically and ethically irresponsible*"⁶⁸. Sadly, once again a head of an international festival, who is himself an actor and theatremaker, has succumbed to the populist waves of morality and failed to seize the opportunity to rehabilitate the right to artistic nudity in Tunisia in accordance with the spirit of artistic freedom.

It should be underlined that the body, intimacy, sexuality, and nudity remain taboos in Tunisia "*the only free country in the Arab world*" according to the Freedom House report in 2018⁶⁹. The revolution has not overturned the moral order that curtails artistic freedom in the performing arts. On several occasions, artists have been mistreated because they dared to

⁶⁶ BAKOUCH, Asma, From the detainee to the theater ... Why the Syrian representative in Carthage?, posted on Teller Report on 13 December 2018. Available at: <https://www.tellerreport.com/news/--from-the-detainee-to-the-theater---why-the-syrian-representative-in-carthage--.Bk0j53yIN.html>(Last accessed on 25.10.2023)

⁶⁷ *Polémique autour d'une pièce de théâtre : La Direction des JTC s'expriment*, posted on Kapitalis on 12 December 2018. Available at: <https://kapitalis.com/tunisie/2018/12/12/polemique-autour-dune-piece-de-theatre-la-direction-des-jtc-sexplique/> (Last accessed on 25.10.2023)

⁶⁸ See footnote No. 58

⁶⁹ Freedom in the World 2018, Democracy in Crisis, Freedom House
Available at : <https://freedomhouse.org/report/freedom-world/freedom-world-2018>
(Last accessed on 25.10.2023)

timidly break the taboo. For example, in 2017, the Tunisian National Theater was attacked because of a "kiss" between a couple in Salah Felah's play "*When I saw you*". In an investigative style, the play deals with sentimental and sexual relationships through the story of a couple in crisis. It attempts to answer the question "*Is love an illusion?*"⁷⁰. The poster showing a couple kissing was torn down in several streets of Tunis. And many social networking pages criticized the play because of the "performed kiss" on stage, calling on the defenders of good morals to act and protect Tunisia's Islamic identity ⁷¹.

In July 2013, performers from the collective "*Fanni Raghman Anni*"⁷² (My Art in Spite of Me) were verbally and physically aggressed in El Kef, a town in northwest Tunisia, during their performance of "*Getlough*" (*They Killed Him*), a tribute to assassinated opposition leader Chokri Belaid. In fact, the 19 artists were performing in the street. Dressed with white fabrics attached to the waist, the young male performers (and no female), naked torsos and *Fouta*⁷³, didn't match some of the audience taste who found their outfits "indecent" and attacked them⁷⁴.

⁷⁰ HMAIDI, Hamdi, "Dès que je t'ai vu" de Salah Felah : Confessions troublantes sur l'amour, posted on Kapitalis on 7 February 2017. Available at : <http://kapitalis.com/tunisie/2017/02/07/des-que-je-tai-vu-de-salah-felah-confessions-troublantes-sur-lamour/> (Last accessed on 25.10.2023)

⁷¹ For more information on the play's reception by the public and Tunisia's relationship to the body and sexuality, see the article in Arabic by KHALIL, Moufida, " ... حين تثور الأجساد على الركح. ” حين رايتك لصالح الفالحي في قاعة الفن الرابع حين تثور الأجساد على الركح. ”, (Eng: "*When I saw you*" by Saleh Felah, In the *Quatrième Art Theatre*, *When the bodies rise on the stage ... the forbidden becomes permissible*), posted on ELMAGHREB on 28 February 2017. Available at: <https://ar.lemaghreb.tn/%D8%AB%D9%82%D8%A7%D9%81%D8%A9-%D9%88-%D9%81%D9%86%D9%88%D9%86/item/16371-%C2%AB%D8%AD%D9%8A%D9%86-%D8%B1%D8%A7%D9%8A%D8%AA%D9%83%C2%BB-%D9%84%D8%B5%D8%A7%D9%84%D8%AD-%D8%A7%D9%84%D9%81%D8%A7%D9%84%D8%AD%D9%8A-%D9%81%D9%8A-%D9%82%D8%A7%D8%B9%D8%A9-%D8%A7%D9%84%D9%81%D9%86-%D8%A7%D9%84%D8%B1%D8%A7%D8%A8%D8%B9-%D8%AD%D9%8A%D9%86-%D8%AA%D8%AB%D9%88%D8%B1-%D8%A7%D9%84%D8%A3%D8%AC%D8%B3%D8%A7%D8%AF-%D8%B9%D9%84%D9%89-%D8%A7%D9%84%D8%B1%D9%83%D8%AD-%D9%8A%D8%B5%D8%A8%D8%AD-%D8%A7%D9%84%D9%85%D9%85%D9%86%D9%88%D8%B9-%D9%85%D8%A8%D8%A7%D8%AD%D8%A7> (Last accessed on 25.10.2023)

⁷² Further information about the Collective available at: <https://fanniraghmananni.org/> (Last accessed on 25.10.2023)

⁷³ A Tunisian traditional towel.

⁷⁴ ABDELMOUMEN, Bechir, Kef : sauvés des griffes des salafistes, 19 artistes comparaissent devant le procureur, posted on Tunis Wbedo on 7 July 2013. Available at : <http://www.webdo.tn/2013/07/07/les-fanni-anni-se-reproduisent-a-gettar-tebourba-gafsa-et-se-font-arreter-au-kef/> (Last accessed on 25.10.2023)

Initially, the police intervened to rescue the 19 artists from their attackers, but subsequently the artists found themselves in prison for "public indecency". They were released only after several artists organized a campaign to demand their freedom. No charges were brought against the attackers.

To sum up and conclude, the entire legal arsenal of censorship has not been revised. Unclear and contradictory legal concepts leave plenty of room for manoeuvre for the usual censors: The State, the Police, the Institution. On top of this, the feverishness of the artistic and political elite and its alignment with the doxa when it comes to the usual artistic taboos: religion, sex, morality, etc., blocks the free practice of freedom. When festival and theater directors succumb to the demands of populist censorship, they do exactly what they shouldn't: promote the idea that the only work of art worth seeing is the one deemed acceptable by the mainstream. And it doesn't encourage the wide audience to confront artistic alternatives. Obviously, if artists, curators and the public don't have the courage to defend artistic freedom, art will remain a service provider rather than an innovator.

III. Too Many Cages, Not Enough Free Birds?

*“The popular uprising in Tunisia in January 2011 led to profound changes in cultural practices, particularly in music. Battling against a censorship that is far from having disappeared, emerging artists are struggling with precariousness and the risk of political recuperation. Some find it hard to escape the requirements of visibility and conformity.”*⁷⁵, claimed Tunisian journalist and activist Thameur Mekki in a noteworthy article published in the *Monde Diplomatique* in January 2018.

Indeed, there's a gap between the freedom advocated in theory and the day-to-day reality faced by every artist: poverty, unemployment, lack of infrastructure, marginalization and corporatist restrictions on their independence. The multiple challenges of the democratic

⁷⁵ MEKKI, Thameur, Autoritarisme et non-respect de la Constitution. La mise au pas des rappeurs tunisiens, *Le Monde Diplomatique*, January, 2018, p.8.
Available at : <https://www.monde-diplomatique.fr/2018/01/MEKKI/58276> (Last accessed on 25.10.2023)

transition, the economic crisis, the many urgent issues in all fields, and regional and national insecurities do not help to prioritize the revision of the status of artists and the development of empowerment strategies. On top of this, all election promises overlooked theater and the performing arts. The proof is that no new theatres or concert halls have been launched, apart from the opening of the City of Culture, a Ben Ali project⁷⁶. No significant rethinking of national and international cultural policies. In addition to keeping the same corrupt characters in place, whether artists or cultural operators, who continue to lay down the law and act with unchanging high-handedness and self-importance. Moreover, the same well-established theater-makers who claimed to be the most censored under Ben Ali are still the ones who are exclusively supported by today's official cultural policies. They continue to perform victimhood, even though they've been in power for over 50 years! In fact, they represent the official culture they claim to resist. They are nothing more than titans who claim to set themselves up as the undisputed dissenters, capable of putting the brakes on any new artistic practice that might compete with them. They are art's dictators, constantly killing father and son to stay in power. There is still no room for a new artistic generation with approaches different from those of the Ben Ali and Bourguiba generations. In a so-called " Youth-led Revolution " claiming Dignity, Employment, and more Freedom, isn't it questionable and alarming to elect a 92-year-old President of the Republic (Béji Caïd Essebsi⁷⁷) during the democratic transition? And to appoint a 73-year-old director (Fadhel Jaibi) to lead the National Theatre of Tunisia on July 8, 2014? We're obviously miles away from a genuine theatrical revival like in Portugal, with a 38-year-old theatremaker (Tiago Rodrigues) named in 2015 as director of Lisbon's National Theater! We're a world away from a Tunisian *Movida*⁷⁸, a vibrant counterculture movement able to bear subversive projects in an outpouring of freedom from suppression!

⁷⁶ Ismaël, Arts en Tunisie : la création asservie par l'établissement culturel, Posted on Nawaat on 4 February 2018. Available at :https://nawaat.org/portail/2018/02/04/arts-en-tunisie-la-creation-asservie-par-letablissement-culturel/#_ftn2 (Last accessed on 25.10.2023)

⁷⁷ The 6th president of Tunisia from 31 December 2014 until his death on 25 July 2019.

⁷⁸ *Movida Madrileña* (English: (English: The Madrilenian Scene), also known as La Movida, was a countercultural movement that took place mainly in Madrid during the Spanish transition to democracy after the death of dictator Francisco Franco in 1975.

Unfortunately, often reduced to anecdotal controversies, the attacks on artistic freedom during Tunisia's democratic transition are symptomatic of a disengaged political and artistic elite. The removal of pre-controls by official commissions and the rise of new debates on the impact of identity and religion on censorship are just fake problems that distract attention from the (governmental) precarization of Tunisian artists. The real danger lies in financial censorship (1) and in subjecting art to political agendas (2). What's more, initiatives such as the Carthage Declaration for the Protection of Artists in Vulnerable Situations, which aims to promote artistic rights and freedoms in concrete terms, have fallen on deaf ears due to a lack of political commitment and follow-up (3).

1. Freedom or bread?

*"How can you convince artists to free themselves when they can't meet their basic needs and lead a decent life? How do you take up the challenge of a counter-culture when artists in our country are essentially dependent on the administration, which only grants them freedom on the scale of the dominant policy?"*⁷⁹, wondered Taher Ajroudi, cultural animator and theatremaker during his intervention at the symposium on censorship in the performing arts on March 23, 2017 at El Teatro. His questions are actually answers that explain the docility of most Tunisian artists caged by subsidies. "Take the money and shut up" is the magic formula for keeping the artistic herd under control. And yet, as we all know, economic circumstances affect artists' ability to freely pursue their aesthetic practices. Financial independence is a precondition for artistic independence. In Tunisia, where the economic and social crisis is dragging on, where inflation is high and purchasing power has fallen tragically in 8 years of instability, artists are the most vulnerable to the economic insecurity that distracts them from pure and simple artistic ambition.

⁷⁹ El Teatro - Facebook-live video documentation, March 23, 2017.

Available at: <https://www.facebook.com/watch/live/?ref=search&v=1685744888385620> [29:45'-30:20']. (Last accessed on 25.10.2023)

In 2014, film-makers Mounir Baaziz and Lassaad Dkhili launched a movement called "*Les Indignés de la culture*" to denounce the precarious situation of Tunisian artists⁸⁰. Caught between a legal vacuum and socio-economic insecurity, artists have no clear status in Tunisia. Indeed, the first regulations governing the status of artists date back to the 1960s. According to Law 29 of April 1964, which classifies professions in the artistic sector (scriptwriters, musicians, composers, sculptors, dancers, photographers, etc.), artists may apply for a professional card in the "liberal professional" or "salaried employee" category. This means that state authorities have full discretion to decide who may or may not have a professional card, and therefore the official status of artist, and who may or may not claim the public benefits associated with it. Furthermore, it took more than three decades until Law 2002-104 of 30 December 2002 on social security for artists, creators and intellectuals allowed access to social security benefits through the National Social Security Fund (CNSS). This legal vacuum in the cultural sector has led to extreme poverty among artists, who are deprived of pensions and health insurance⁸¹.

The Manifesto which accompanied the movement "Les Indignés de la Culture", states:

"The indignant of Culture

I'm independent, I'm free, I make my living from creating art. I don't know how to do anything else. And why should I do anything else when I'm doing a job of public utility?

Like all public utility workers, they must be protected. This protection can only be achieved by creating a status that we will call "the status of the artist". A status that will enable all intermittent artists to live in a dignified way, i.e. not to find themselves, when they are not working, reduced to friendly begging or to mediatised gestures of charity with no future.

A "status of the artist" that provides security for artists at the end of their careers and prevents them from living in a precarious situation.

⁸⁰ SKAZAL, Vanessa, Status quo, or legal status for artists in Tunisia?, posted on Nawaat on 22 July 2016. Available at: <https://nawaat.org/portail/2016/07/22/status-quo-or-legal-status-for-artists-in-tunisia/> (Last accessed on 25.10.2023)

⁸¹ BOURIAL, Hatem, Une quarantaine d'artistes dans une précarité inquiétante, posted on Le Temps on 7 July 2016. Available at: <https://www.turess.com/fr/letemps/98095> (Last accessed on 25.10.2023)

That's why I'm indignant.

I'm indignant that good actors get a ridiculous pension of 180 dinars. (Around 60 euros)

I'm indignant to see my artist friends unable to consult a doctor.

The last straw for them is not having the means to attend performances or concerts.

I'm indignant to see families all around me breaking up because this profession can't provide for their day-to-day needs.

I am indignant to see that during this post-revolutionary period, one government after another, with their various troika and technocrat colours, has failed to work seriously on this issue, which is a priority for a country that wants to open up to modernity.

Artists are the pillars of modernity, but miserable artists living in poverty are the mirror of failure.

What would a country be without theatre? What would a country be without cinema and musicians? What would a country be without its artists? Poor artists mean poor culture. A people with a poor culture is liable to be invaded by obscurantism (just look at the number of young Tunisians recruited to kill in Syria) or by despair.

I am indignant to see ministers who don't bother to change obsolete laws.

I'm indignant to see artist friends who can't pay their social security contributions having bailiffs come to their homes to demand late payment penalties.

I am indignant to see ministers who do not care about changing outdated laws.

How can an artist who does not work pay a contribution that should have been paid by the various employers, both private and state-owned?

How can an artist who doesn't work be forced to pay a penalty when the whole system needs to be overhauled?

I'm indignant to see that culture continues to be marginalised when it is the bedrock of civilisation?

I am indignant to see creative energies being wasted.

I am indignant to see artists ignored and without a future in their own country.

*An indignant artist*⁸².

Fortunately, after years of mobilisation and negotiations, all this indignation led to the founding of a "solidarity structure": *La Mutuelle des Artistes Tunisiens, des créateurs et des techniciens du milieu culturel*, promulgated by the decree of 8 August 2017 and published in the Journal Officiel de la République Tunisienne (JORT) on 25 August 2017⁸³. Founders and members of the Mutuelle advocate a shared contribution by all cultural sector professionals, the suspension of penalties for debts accumulated at the National Social Security Fund (CNSS) and an increase in the guaranteed minimum pension. This is a strategically important achievement, but it remains fragile because it is highly dependent on political promises and the ability of artists to remain united in defending the same interests, which is no easy task.

Besides, Tunisian performing artists have no way of surviving without financial support from the state. Tunisian artists lack the means and opportunities to develop their skills, undertake long-term projects and set up their own independent cultural projects. Many theatremakers, for example, if they are not state employees such as theatre teachers or cultural workers, cannot make a living from their artistic work and spend their time and energy looking for financial solutions to cover their necessary expenses. Unlike wealthy countries, Tunisia does not offer artists other sources of potential economic support. Private funding from foundations or patronage is limited to well-established institutional or commercial artistic projects.

On 27 June 2018, El Teatro's board members held a press conference⁸⁴ to comment on the Ministry of Culture's decision to reduce the amount of running subsidies awarded to a few

⁸² Personal translation from French. The original text was published by Mounir Baaziz on the HUFFPOST website on 3 December 2014. The French text is also published on the artist's Facebook page. Available at: <https://www.facebook.com/notes/392032515153133/> (Last accessed on 25.10.2023)

⁸³ SKAZAL, Vanessa, Le travail de fourmi de Mounir Baaziz pour une Mutuelle Tunisienne des Artistes, posted on Nawaat on 11 September 2017. Available at: <https://nawaat.org/portail/2017/09/11/le-travail-de-fourmi-de-mounir-baaziz-pour-une-mutuelle-tunisienne-des-artistes/> (Last accessed on 25.10.2023)

⁸⁴ TRABELSI, Salem, La politique culturelle n'a pas bougé depuis 1982 ! Entretien du lundi avec Zeyneb Farhat,

independent theatre spaces. This was an opportunity for the directors of independent theatres to denounce the intolerable contempt with which the Ministry of Cultural Affairs continues to treat them, ignoring their valuable contribution to the Tunisian theatre scene. They also criticised the decisions of the grants award committee, which they considered to be "opaque" and "unfair". Some have compared this commission to the "censorship commission" under Ben Ali, arguing that subsidies are awarded according to political loyalty to the minister and that opponents are punished by receiving crumbs or nothing at all.

Moreover, there is an illusion of cultural dynamism in the Tunisian performing arts scene. In truth, when a performance is selected by the "purchasing committee" of the Ministry of Cultural Affairs, this means that only a maximum of 12 performances will be supported to tour in poorly equipped theatres across the country. Indeed, no cultural policy has really supported decentralisation until now. A concentration of projects and initiatives is taking place mainly in the capital, Tunis. This explains to some extent the marginalisation of the performing arts and the scant attention that Tunisians, especially in poorer regions, pay to theatre, dance and performance.

Furthermore, in a rather conservative and traditionalist society like Tunisian society today, there is no way of stimulating transgressive and subversive art. The Ministry of Culture is quite content to serve up what the audience prefers, "folklorism" and "cultural entertainment" through festivals and official events that are far removed from quality and high standards in the arts. Many artists opt to work with these LIMITS because, in their precarious situation, they have to earn money wherever they can.

The eternal bread-or-freedom dilemma persists in the absence of any real implementation of a cultural policy that guarantees artists the right to make choices. We tend to forget that money alone does not guarantee freedom. We recently witnessed how individuals from the wealthy Gulf States are setting themselves up as institutes to promote the performing arts. They appropriate for themselves the monopoly of setting the criteria for what they consider to be a "valid artistic product". This is the case, for example, of the Arab Theatre Institute⁸⁵,

posted on La Presse de Tunisie on 2 July 2018. Available at: <https://www.turess.com/fr/lapresse/150184> (Last accessed on 25.10.2023)

⁸⁵ Arab Theatre Institute website: <https://atitheatre.ae/> (Last accessed on 25.10.2023)

funded by the Crown Prince and Deputy Ruler of Sharjah, Sheikh Sultan bin Mohammed bin Sultan Al Qasimi. Drawing on significant financial investment in theatre in several Arab countries, the Arab Theatre Institute has become a supranational stakeholder and a reference authority playing a key role in the promotion and representation of Arab artists. Yet the very existence of an institution bearing such a name is nothing more than a self-proclamation based on financial power. This institution, which has no legitimacy to represent the "Arab theatre", if such a thing exists, is the result of a "fait du prince". The danger is that it sets out to monopolise the production and distribution networks of the Arab performing arts according to criteria set unilaterally: conservative theatre, respectful of sacred values and Muslim traditions.

Most Arab and Tunisian artists, even the most reputedly unsubmitive, collaborate with the Arab Theatre Institute and bow down to those who feed them. Between eating or starving to death, freedom can wait. Isn't that the very meaning of the word "freedom"?

2. Corporatism versus Freedom?

*"We wanted to welcome this law but it turned out that it is a project that penalizes art instead of freeing it"*⁸⁶, complained Houda Slim, Member of the Tunisian Parliament, on the 25th of January, 2018 during a parliamentary debate on the "Status of the Artist" law draft. The bill drafted by the Ministry of Cultural Affairs and approved by the Council of Ministers, was tabled in the House of Representatives on 27th of December 2017. In 2018, the bill was discussed during three meetings of the Parliamentary Committee of Youth, Cultural Affairs, Education and Scientific Research. By this law project, the State seemed to be opting, beyond the double role of mediator and funder, towards more corporatism and centralised control over the artistic and cultural milieu. Perceived as an attack on artistic freedom, the brutal interventionism contained in the bill has worried the Tunisian performing arts community.

⁸⁶ Commission Parlementaires des Affaires Culturelles, Le projet de loi sur le Statut de l'Artiste et les métiers artistiques consacre la centralisation culturelle, published in the local newspaper *Le Temps* on 27 January 2018. Available at: <https://www.pressreader.com/tunisia/le-temps-tunisia/20180127/281711205078783> (Last accessed on 25.10.2023)

Many meetings were planned to denounce a bill which, according to its critics, cultivates a spirit of surveillance, threat, and intimidation at the expense of the constitutional rights of culture and artistic freedom. Indeed, several articles of the contested draft refer to the official definition of what is known as the "Status of the Artist". A status reduced to a "professional card" accredited by a commission appointed by the Ministry of Culture. According to the Ministry, the aim of the "professional card" is to professionalise the sector. As if the professionalisation of performing arts could be summed up in a simple confirmation sheet issued by the State. This is obviously a nonsense argument, since one does not become an artist by the mere will of the State. This mechanism can only jeopardise artists' independence and freedom. Unfortunately, the new Tunisia undergoing democratic transition does not yet seem ready to stop staging an official culture that does not encourage alternative initiatives. Everything must be under state control.

Indeed, the bill, based on corporatist reflexes, seems to reduce artistic practice to a simple profit-making activity. Irreverently driven by the desire to limit the number of potential competitors or rivals more than anything else, the proposed structuring of the sector tends to be based on a binary model between the "professionals", i.e. the "legal" who obtain state recognition, and the "non-professionals", i.e. the "illegal" who must be excluded and banned because they have been refused state recognition. Any expert in the performing arts would confirm that the boundaries between amateur and professional are relative and permeable, depending on how each artist defines themselves. There are a multitude of possible situations in which artists define themselves as amateurs, professionals, or semi-professionals. It is impossible to draw a clear line between amateur and professional.

*"You have to be aware that half of Tunisian theatre relies to exist on the principle of voluntary work and the contribution of amateurs. Seeking to make it compulsory at all costs for anyone wishing to work in theatre to be issued with a "professional card" is to ignore reality. We reject this masquerade that even Ben Ali did not dare to produce."*⁸⁷, So spoke Taoufik

⁸⁷ LAHBIB, Hella, Le monde des arts et de la culture en émoi, Levée de boucliers contre le projet de loi relatif à l'artiste et aux métiers artistiques, posted on La Presse de Tunisie on 3 February 2018. Available at: <https://www.turess.com/fr/lapresse/143497> (Last accessed on 25.10.2023)

Jebali, host of the meeting organised at his El Teatro space on Wednesday 1 February 2018, to work out the necessary strategies to block the validation of the draft law.

Furthermore, repression and censorship can easily be seen through in this contested bill. Several articles list many penalties and sanctions that never existed before. It's the case of the Article 37 which stipulates: "*is punishable with a fine between 1,000 and 5,000 dinars one who exercises a professional activity without having obtained beforehand a professional card*". Ammar Kassab, an expert in cultural policy and "*very involved in the cultural debate in North Africa*", as he calls himself, has written a commentary on the bill, stating that "*as it stands, this bill does not constitute a step forward in the professionalisation of the arts and culture sector and the promotion of freedom of artistic expression and cultural action*"⁸⁸. Furthermore, he concludes that the Tunisian State does not seem to understand the meaning of "Artist Status". Instead of legislating to affirm the recognition of artists and the service of public utility that they play in society. Instead of legislating to guarantee artists certain benefits in compensation for the substantial discrimination caused by the " out-of-price " value of their artistic product. Instead of legislating to create better artistic working conditions and sustainable jobs. Instead of legislating to provide new protection mechanisms more adapted to the Tunisian artistic scene affected by the democratic transition. The Tunisian government seems to be opting for an oppressive legislation, disconnected from Tunisian artists' situation. "*This bill is actually a set of bureaucratic decisions that attempt to regulate the artistic sector without taking into account its singular aspect*", asserts Ammar Kassab.

Yet in 2015, the European Union awarded a grant of 200,000 euros to the Tunisian government to draw up this law on the "Status of the Artist"⁸⁹. A Belgian lawyer conducted a field study to gain a better understanding of the country's specific situation. According to actor and theatre-maker Atef Ben Hassine, who at the time was adviser to Culture Minister Latifa Lakhdar, the project led by the Belgian expert was historic since it included all artists without exclusion⁹⁰. In addition, a workshop was set up to develop the first draft of the project, and a

⁸⁸ KASSAB, Amar, « Statut de l'artiste »: consécration du corporatisme et atteinte à la liberté d'expression, posted on *Nawaat* on 8 February 2018. Available at: <https://nawaat.org/2018/02/08/statut-de-lartiste-consecration-du-corporatisme-et-atteinte-a-la-liberte-dexpression/> (Last accessed on 25.10.2023)

⁸⁹ See footnote No.87

⁹⁰ *Ibid.*

book was printed to summarise the work carried out. Meanwhile, a civil society draft was drawn up by around 120 independent participants and organisations. In both drafts, none of the corporatist measures envisaged by the 2017 new draft law existed. In fact, corporatism developed considerably during the democratic transition. Many cultural workers joined unions and associations to defend their rights. Except that these professional unions have become a threat to freedom and to art itself. Reduced to organised populist structures, many of them have acted as pressure groups, censors, and opportunists. Mediocre and usurping artists find in these professional communities of coalition a certain legitimacy to hold back their more talented and independent colleagues whose work gets noticed even though they do not hold a "professional card". This "professional card" measure was defended by certain artists and cultural operators who were involved in drawing up the bill. But it was largely rejected by all the independent and free spirits in the country. This controversy blocked the adoption of the law. And it must be said that it is not easy to iron out the differences. Several negotiations between campaigners for artists' rights and the Ministry of Culture took place in 2018.

A legal reform project concerning the "status of the artist and the artistic professions" is a process that can take time and may not come to fruition. So far, nothing is certain. It should be remembered that all the above-mentioned commissions, workshops and the quantity of texts produced in the past have often been ignored with each ministerial reshuffle. There is a tendency among Tunisian bureaucrats to wipe the slate clean of projects proposed and carried out by their predecessors. Ignoring the principle of State Continuity is a national sport. And this is not the least of the threats to artistic freedom.

3. The Sustainability of Freedom under unfulfilled political promises

"As we are outside the whole system, that we remain autonomous and that we want to remain free, we pay the price of our freedom. Nevertheless, "The Mutual of Tunisian Artists", remains, to a certain extent, at the mercy of political alliances"⁹¹, asserted the vigilant artist Mounir Baaziz, President of the "Mutual of Tunisian Artists". He is aware of the difficulty of preserving the gains of artistic freedom in Tunisia when political promises are not kept. The "Mutuelle des artistes", for which he is campaigning, is a major achievement in the emancipation of Tunisian artists. It is the result of several years' work and, above all, perseverance. Against short-lived policies that offer no long-term support.

Indeed, former Culture Minister Sonia Mbarek was enthusiastic about the project and allocated an operating grant of 50,000 dinars to the Mutual of Tunisian Artists in 2016. But there was no guarantee that her successors would do the same. Indeed, when Habib Essid's government was replaced by that of Youssef Chahed, the promise of funding was withdrawn. Clearly, political instability directly affects the situation of artists. Every new culture minister tries to break with the policy of his predecessor, and the victim always ends up being artists. Seeking at all costs to differentiate themselves from their predecessors, certain ministers and cultural operators will go so far as to eject certain artists or certain cultural projects on the pretext that they are the benchmark of a past policy.

The many ministerial reshuffles in Tunisia have also affected the implementation of another ambitious initiative: *The Carthage Declaration on the Protection of Artists in Vulnerable Situations*⁹². Initiated by human rights activist and cultural expert Prof. Dr. Lassaad Jamoussi when he directed the Carthage Theatre Festival from 2015 to 2017, the Declaration was drafted by Prof. Dr. Hamadi Redissi (Professor of Political Science at the University of Tunis) together with Meriam Bousselmi (Lawyer at the Tunisian Order of Lawyers and theatremaker).

⁹¹ See footnote No.83

⁹²The English translation of the Declaration is available at:
<http://fabbricaeuropa.net/wp-content/uploads/2016/12/Carthage-Declaration.pdf>
(Last accessed on 25.10.2023)

Drawing on numerous international conventions and charters that promote the rights of artists as inalienable, the Carthage Declaration was intended to have a global outreach. The Declaration's ambition was to establish a special international status for artists, allowing them to move seamlessly between their home and host countries without risk of reprisal, arrest, persecution, or exclusion because of their creative work. It was an attempt to the widespread attacks on artists that have multiplied in the wake of political upheavals around the world. Political changes have increased persecution, vulnerability, insecurity, precariousness, and danger for artists, particularly in areas of armed conflict.

The launch of the Declaration on 16 October 2015, during the opening ceremony of the Carthage Theatre Days Festival, under the motto "Theatre and Human Rights", took place in the presence of the Head of Government Habib Essid. The Minister of Culture at the time, Latifa Lakhder, declared her open support for the initiative: "*There can be no culture without democracy, openness and modernity. There can be no culture without protection for artists. I will hand this declaration over to the Tunisian government*"⁹³. It was with these words that she declared the opening of the 17th session of the JTC Festival. However, political promises have not been kept, and with the change of government, the Carthage Declaration has remained a dead letter.

Indeed, The Minister of Cultural Affairs from 27 August 2016 to 27 February 2020, Mohamed Zine El Abidine, who is known to be close to the former corrupt regime of Ben Ali⁹⁴, keeps a tight grip on the performing arts sector while marginalising independent initiatives. In a speech on 21 November 2016 at the professional meetings of the Carthage Theatre Days (JTC), Mohamed Zine El Abidine said: "*You can count on the support of your values by a minister who believes more than anything in the democratisation of culture and the freedom of artists*"⁹⁵. Despite this solemn declaration of commitment and official support for promoting

⁹³ TRABELSI, Salem, La Charte de Carthage est déclarée, Posted on La Presse de Tunisie on 1 October 2015. Available at: <https://www.turess.com/fr/lapresse/105305> (Last accessed on 25.10.2023)

⁹⁴ CHENNAOUI, Henda, Mohamed Zinelabidine, ministre de la Culture : le passé qui ne passe pas, posted on Nawaat on 5 September 2016. Available at: <https://nawaat.org/portail/2016/09/05/mohamed-zinelabidine-ministre-de-la-culture-le-passe-qui-ne-passe-pas/> (Last accessed on 25.10.2023)

⁹⁵ DAVIDOVICI, Mireille, Les Journées Théâtrales de Carthage (JTC) 2016, Posted on Théâtre du Blog on 27 November 2016. Available at: <http://theatredublog.unblog.fr/2016/11/27/les-journees-theatrales-de-carthage-2016/> (Last accessed on 25.10.2023)

the Carthage Declaration on a wider scale, the minister did not undertake any further follow-up procedures or actions. There is still a huge gap between proclaimed political commitments and concrete action taken. The Minister's statement is nothing more than political window dressing. Nothing more than fake advertising to please the international community.

In fact, the sole aim of this political staging was to gain control over the festival. There was no room for innovation or intellectual and artistic audacity. The artistic herd is hungry and it would be better to feed it to avoid any criticism that would threaten the Minister's political legitimacy. Populism and mediocrity have won the battle. Lassaad Jamoussi ended up resigning as director of the JTC festival. His independence had become compromised by the political manipulations of the minister in place. And with his resignation, any official action for the Carthage Declaration in Tunisia was put on hold. Even the website of the 2015-2017 JTC Festival Editions has been blocked, including the online versions of the Carthage Declaration and the list of signatories. The simple right to cultural memory and archives has not been respected in Tunisia during the democratic transition. Unfortunately, cultural policies in Tunisia continue to evolve according to a model of exclusion driven by "lobbies" and "clans". Cultural diversity and sustainability remain a utopian dream, where the tree hides the forest.

It is only through the personal commitment of Meriam Bousselmi and Lassaad Jamoussi, the Carthage Declaration has been presented at several international cultural venues, including the Berlin Academy of the Arts⁹⁶, the Paris Institute of Islamic Cultures⁹⁷, and Bozar in Brussels⁹⁸. Therefore, the Carthage Declaration events served as a pretext and a starting point for bringing together spectators, human rights activists, artists, and legal experts to share their views and discuss artistic freedom in different contexts. And although the Carthage Declaration was re-edited in the vocabulary and style of the United Nations and accompanied by an action plan for its adoption by the UN, thanks to the support of Frej Fenniche, Head of Section at the

⁹⁶ Further information available at: https://www.adk.de/de/programm/index.htm?we_objectID=55792
(Last accessed on 25.10.2023)

⁹⁷ Audio documentation available at : <https://www.youtube.com/watch?v=w1T8WEQKG88>
(Last accessed on 25.10.2023)

⁹⁸ Further information available at: <https://www.bozar.be/fr/calendrier/moussem-cities-tunis>
(Last accessed on 25.10.2023)

Office of the High Commissioner for Human Rights (OHCHR) in Geneva, the project ultimately came to nothing.

Finally, how sustainable is artistic freedom based on practices of elimination and omission? Is it possible to ripen the fruit of freedom by constantly cutting down the rhizomes? The rupture culture does not help in the fight for improvement. Improvement is only possible in the long term. It requires visionary leaders who are concerned not just with immediate results, but also with the future. Because the sustainability of artistic freedom depends on sustainable cultural policies. Artistic freedom doesn't grow on its own, but depends heavily on support mechanisms. There are often more cages than free birds.

CONCLUSION

*"Slaves are not those who have been chained,
but those who willingly accepted to wear the chains".*

The Tunisian Scholar and Reformer Tahar Hadded

Tunisian artists did not make the revolution, they instrumentalised it. They did this in two ways. On the one hand, by taking advantage of the Revolution, gaining visibility, attracting more international interest, and initiating a restructuring of the whole body of laws relating to the performing arts, which can be seen as a positive appropriation. On the other hand, one could say that appropriation has also been negative, because artists have not been able to take advantage, or not taken advantage enough, of the liberated freedom by falling into the trap of new restrictions, censorship and fake debates sparked by the democratic transition.

Although institutionalised censorship has disappeared, new forms of censorship have taken its place. Some Tunisian artists do not feel free enough. Others have more freedom than they use. There are five main threats to artistic freedom: insecurity, corporatism, self-censorship, political instability, and legal ambiguity. Furthermore, there are no specialised civil society organisations that observe, document and archive violations of artistic freedom.

*"In Tunisia, artists are alone and proud to be orphans"*⁹⁹, asserted activist and writer Taher Dhifaoui during his contribution to the above-mentioned symposium on censorship at *El Teatro* on 23 March 2017. His statement stems from the fact that, in Tunisia, art in general, and the performing arts in particular, continue to be regarded either as a luxury, or as a privilege of the elite, or as a propaganda tool, or as a showcase for foreign audiences. This explains the marginalisation and vulnerability of the Tunisian cultural and artistic sector. It is important to realise that cultural demands are not mass demands. And the inadequacy of the cultural infrastructure at all levels - training, production, distribution, and research - is not conducive to the development of artistic diversity. On the contrary, stagnation and conformity are the rule.

Sustainable artistic freedom can only be achieved through long-term empowerment and awareness-raising strategies that: firstly, encourage Tunisian artists to develop a more self-aware approach to their work and a greater commitment to quality art; secondly, motivate Tunisian citizens to fight for their cultural rights and spectator privileges in the same way as they fight for the right to employment and education. In this way, the performing arts could be fully recognised as a service of public utility, as essential as health care, water, and bread for all. Because *"man shall not live by bread alone"*.

RECOMMENDATIONS

1. Setting up a National Observatory for Artistic Freedom, a local organisation specialising in researching, documenting, and reporting violations of artistic freedom.
2. Creating an online database providing access to State archives on censorship, police investigations and court rulings on artistic freedom.
3. Developing long-term concepts for improving the performing arts infrastructure within the country.

⁹⁹ *El Teatro* - Facebook-live video documentation, March 23, 2017.

Available at: <https://www.facebook.com/EspaceElTeatro/videos/1685744888385620> [44:28' - 44:34'].

(Last accessed on 25.10.2023)

4. Stimulating closer cooperation between the Ministries of Culture, Education and Employment in order to promote the performing arts as a service of public interest.
5. Combating the State's monopoly in funding and structuring the performing arts according to political agendas and short-term interests.
6. Encouraging State investment in long-term private artistic initiatives.
7. Rethinking international and diplomatic cooperation through a better understanding of local realities to avoid continually supporting the same corrupt networks.
8. Supporting the training of Tunisian theatre professionals and artists in strategic planning, fundraising, project management strategies and financial management at international level in order to open up new horizons.
9. Organising a range of events such as conferences, forums, and awareness-raising activities to explore artistic freedom historically and in different contexts, so as to enable poorly-informed artists to become aware of their state of freedom.
10. Revaluing art as a necessary activity for humanity that goes beyond narrow, circumstantial calculations.

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