

## **Gender, Globalization, and the Urban-Rural Divide: Examining the Effects of Legal and Social Change Throughout Morocco**

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**Abstract:** Although Morocco has long had a vocal women's rights movement, the goals of this movement have often been thwarted or redirected by the central government (*makhzen*), and the aims of activists are sometimes presented as irrelevant to the social traditions of the countryside. Particularly since the 2004 revisions to the *mudawana*, the family status code that governs women's rights in marriage and divorce, the urban-rural divide highlights a vast gap between legislation and implementation. While this is often framed as a cultural gap, behind this opposition is a deeper story: the uneven dissemination of development projects of the center that neglect the periphery. Urban areas boast lower rates of maternal and infant mortality as well as better opportunities for women's education and healthcare. These disparities are further complicated by processes of globalization, migration, and economic development that have skipped over parts of the country while also contributing to a draining of resources from rural areas. An examination of the reforms and implementation of the 2004 *mudawana* laws demonstrates both that the laws' effects were not as far reaching as activists hoped and that the urban-rural divide continues to imperil rural women even as it upholds stereotypes about the disconnect between city and countryside.

**Keywords:** Gender, Globalization, Women's Rights, Urban, Rural, Legal Reform, Activist.

### **Introduction**

Women's rights issues in Morocco over the past forty years have centered largely around legal reforms as the preferred avenue for improving women's status in society. In particular, activists have argued that changing the country's laws would alleviate violence against women by giving women greater legal independence. In 2004, Morocco implemented a number of significant changes to its family status code, the *mudawana*, which is derived from the Maliki school of Islamic law and lays out men's and women's rights in marriage and divorce. The reforms, the result of many years of campaigning and activism on the part of women's associations in Moroccan society, gave women the freedom to petition for judicial divorces, raised the age of marriage from 15 to 18, and allowed women to marry without the permission of a male guardian. Activists believed that changing the laws would ameliorate problems with domestic violence and harassment, as well as giving women greater autonomy over marital status. However, in the fifteen years since the laws have been

changed, Morocco has not seen significant improvement in terms of violence against women, underage marriage continues to be practiced by significant numbers of the population, and few women have taken advantage of the choice to marry without a guardian's permission.

Particularly in rural areas, women have seemingly been disinterested in taking advantage of their new legal rights. This refusal has been attributed by urban, elite Moroccans to the "traditional" nature of the countryside, and the inability of rural people to accept the "modern" direction in which the monarchy hopes to drive its citizens. However, the multiyear focus on legal reform as an antidote to violence against women masks a number of other significant challenges facing Moroccan women today that are beyond the domains of law, particularly outside urban areas. Rural women's problems are exacerbated by rural poverty, access to education, and high rates of infant and maternal mortality. Additionally, the laws do not address the rights of single, unmarried women, who are vulnerable to violence as well as the social and economic repercussions of childbirth outside of marriage, which has increased and is estimated by the Institut National de Solidarité Avec les Femmes to be at 50,000 births per year.

Popular understandings of women's failure to take full advantage of their full legal rights, even when those legal rights are inadequate, favor easy explanations that divide Morocco into binary oppositions, such as modern/traditional, or urban/rural. These oppositions serve to polarize the discourse as well as dismiss those on the receiving end of the criticism as unchangeable and set in their stagnating, country ways. One such binary famous in the historiography of modern Morocco is the division of Morocco into "*bled el-makhzen*," representing the lands under control of central government, and "*bled es-siba*," the land of anarchy not yet pacified by the authorities. These distinctions map roughly onto "city" and "countryside," even as the term "*makhzen*" refers to the central government. Related categorizations have included Arab/Berber, notable/tribal, plains/mountains and city/country.

In this essay I argue for an unpacking of the complexities of "urban" and "rural" as divisions that prevent the implementation of women's rights. Beneath the surface meaning and the seemingly easy oppositions of authority to disorder, the history of the terms "*bled el-makhzen*" and "*bled es-siba*" indicates that their usage was actually much more fluid and complex than the binary oppositions make them appear. In considering the process and implementation of legal reform, as well as the problem of domestic violence that the revised laws were intended to fix, it is possible to see the delicate process of negotiation among multiple parties in order to maintain power that was a hallmark of the original understanding of "*makhzen*" versus "*siba*."

Unfortunately, in the case of *mudawana* reform, a top-down approach to power in which various groups in society petition for reforms leaves no room for intersectionality, or a true consideration of the expressed needs of women in small towns and rural areas. Economically, projects of globalization, migration, and economic development have skipped over parts of the country while also draining resources from rural areas. A gendered and nuanced examination of rural-urban divisions, using the *mudawana* reform as a case study, demonstrates that the urban-rural disconnect imperils women even as it continues to play into stereotypes of orderly people from the city and their disordered countryside counterparts.

### **Bled *El-Makhzen* vs. *Bled es-Siba*: A Brief History**

The terms “*bled el-makhzen*” and “*bled es-siba*,” particularly during the colonial period, were used by scholars of the past to describe the relationship of the Moroccan central authority, the “*makhzen*” (literally “storehouse”), to the “dissident” or “anarchic,” and ethnically and geographically diverse, lands of the countryside. In the *bled el-makhzen*, which referred to the land between the Atlas mountains and the Atlantic Ocean, Arab tribes obeyed the sultan, while the remaining lands were said to be comprised of Berbers who generally did not respect the sultan’s political authority and preferred to govern themselves.<sup>1</sup> These terms, much debated in the historiography of Morocco, were largely colonial creations.<sup>2</sup> Without a doubt they provided a useful framework for the French to consider as they sought alliances in pacifying the country during the Protectorate, and it became easy to dismiss noncompliant zones as falling outside of the realms of civilization while also encouraging the *makhzen* to rely on the French for assistance. However, the reality was much more complex, with the term “*bled es-siba*” serving as a catch-all to describe, on the one hand, activities such as piracy and the robbing of caravans, but on the other hand, tribal claims to independent authority that originated outside of the sultan and the nation-state.<sup>3</sup>

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1. Robin Bidwell, *Morocco under Colonial Rule: French Administration of Tribal Areas, 1912-1926* (London: Frank Cass, 1973), 33.

2. Germain Ayache, “La fonction d’arbitrage du Makhzen,” in *Études d’histoire marocaine*, Germain Ayache (Rabat: SMER, 1979), 159-76.

3. As an example of the first instance, in 1844, responding to a Spanish complaint about pirates from the Rif, the Sultan described them as “savage bandits” who were “outside the domain of law” and therefore beyond his authority according to the 1799 treaty signed between Spain and Morocco (C. Richard Pennell, “Makhzan and Siba in Morocco and Examination of Early Modern Attitudes,” in *Tribes and State in Honour of David Montgomery Hart*, ed. E. & P. Joffe (Cambridgeshire: Middle Eastern and North African Studies Press, 1991), 164. By contrast, there were leaders in rural areas such as the heads of *zawiyas* or Sufi organizations who, when there was a breakdown in central authority, may have led local revolts against the *makhzen* where they once “had cooperated in the past,” see, Pennell, “Makhzan and Siba in Morocco.”

Prior to the Protectorate, relations between the two entities were much more fluid than the stark nature of the binary terms seems to indicate. In particular, the “*bled es-siba*” referred to multiple and diverse elements within Moroccan society whose loyalties could shift depending on the context. For example, resistance to colonialism in the early twentieth century in Fez sometimes originated among the urban lower classes and rural tribespeople, with the cooperation of urban notables, which surprised the French, who believed in the power of the urban ruling class to control Moroccan society.<sup>4</sup>

Edmund Burke has noted that prior to 1904, “French ethnographers emphasized the openness, flexibility, and absence of sharp cleavages in Moroccan society.”<sup>5</sup> But as France increased its interest in occupying Morocco, ethnographers also began to depict the country using these binary terms, implying that Morocco could not control its people and needed outside intervention. “By seizing on a few aspects of society and paying less attention to others that were no less important, French ethnographers and politicians helped to generate a series of stereotypes about Morocco that lasted well beyond the lifetime of the protectorate,” Burke writes. *Bled es-siba* and *bled el-makhzen* can be added to other oppositions such as Berber/Arab and country/city that also gained traction during the French protectorate and have continued to serve to highlight the divisions in Moroccan society today.

Although creations of the colonial area, these stereotypes set up an oppositional relationship that strengthens the image of the “*makhzen*” as united against disparate elements within the country whose grievances supposedly do not represent the entire population. Divisions of region, ethnic groups, and socioeconomic class prevent Moroccans from seeing themselves as fully united, or able to perceive a common cause in contemporary rebellions. The February 20<sup>th</sup> movement, coinciding with the Arab revolutions of 2011, and the *Hirāk* movement, the protest movement in northern Morocco that arose when a fish vendor was crushed in a garbage truck, presumably on the orders of the police, are both examples of social movements that captured national attention but have proven too fragmented to transform into large scale political change.<sup>6</sup>

Referring to the “*makhzen*” has become part of cultural parlance as well, with the “*makhzen*” coming to represent not just central authority but also

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4. Edmund Burke, III, *The Ethnographic State: France and the Invention of Modern Islam* (Berkeley: University of California Press, 2014), 155.

5. Burke, *The Ethnographic State*, 159.

6. Especially in the case of *Hirāk*, the conflict has taken on regional undertones and become an example of the continued disenfranchisement of northern Morocco, historically neglected during the reign of King Hassan II, a practice that has continued to varying degrees since King Mohammed VI took office in 1999.

the shadow state, the extensive network of the monarchy and its many allies, that controls political and economic progress in the country while feigning the appearance of some democratic political structures. Contemporary shifts in the usage of the term “*makhzen*,” combined with the existence of social media allowing other stories to be told, have led to those seeking resolution of grievances from the *makhzen* to assert the “people” as the opposing term in this equation, thus solidifying the image of an uncaring state intent on brutally protecting its authority, but on the other hand, citizens with legitimate grievances demanding accountability from the state.

An attempt to reclaim and give value to the concept of *siba* includes the assertions of Amazigh intellectuals such as Mohamed Chafik, who view *siba* not as dissidence but as an entity defending itself against the corrupt actions of the *makhzen*.<sup>7</sup> Other Amazigh historians have questioned *siba-makhzen* representations as privileging the *makhzen* and delegitimizing Berber culture, which in their assertions was more democratic. Similarly, even in precolonial writings there are examples of rural notables and *zawiya* leaders who considered the lands of the *makhzen* to be a space of corruption and excess, necessitating a flight to the countryside to practice a purer form of Islam.<sup>8</sup>

### Binary Oppositions: The Question of Gender

While not exactly paralleling the rural and urban divides which today color everything ranging from access to education to economic opportunities, the terms “*bled es-siba*” and “*bled el-makhzen*” also describe a specific relation of the nation-state to its citizenry. Prior to colonization, this was one in which the Moroccan sultan depended on but could not guarantee the loyalty of the tribes outside his domain, necessitating a relationship of give and take in which royal power could be held in check by dissenting tribes who negotiated for their own interests and withheld their fealty until their demands were met. As the nuances of this relationship became lost in colonial research bent upon pacifying all parts of the country for France, the colonial discourse of “*bled es-siba*” and “*bled el-makhzen*” hardened into a power relationship where primarily only the voices of the *makhzen* were made public, thus losing the complexity of why “*bled es-siba*” in its various incarnations may have needed to resist the powers of the central authority.

Although state power extends into all parts of the country today, the dichotomous opposition between countryside and city continues to this day. The central government initiates programs and top-down reforms that,

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7. Mickael Bensadoun, “The (Re)fashioning of Moroccan National Identity,” in *The Maghrib in the New Century: Identity, Religion, and Politics*, eds. Bruce Maddy-Weitzman and Daniel Zisenwine (Gainesville: University Press of Florida, 2007), 27.

8. Pennell, “Makhzan and Siba in Morocco,” 187.

for various reasons, never fully manage to trickle out into the hinterlands. Morocco is praised by international economic observers for its successes with investment and economic growth, yet although the luxury spaces available to the wealthy have multiplied in the cities, in the countryside, people still struggle with the vagaries of the seasons, living and dying in the absence of the more modern healthcare systems that are set up to support those in urban spaces. In terms of law and politics, the government makes the rules and where the rules fail, the people are presented as being noncompliant.

Where women are concerned, the process of negotiation with the *makhzen* and implementation of the 2004 reforms of the *mudawana* or family code provides an example of how urban-rural opposition masks deeper issues. In the major areas of reform: the raising of the age of marriage from 15 to 18, the removal of the requirement that women have a guardian approve their marriages, loopholes and exemptions from these requirements have been allowed, particularly in rural areas. The uneven enforcement of laws applying to women is a symptom of this unequal relationship between central authority and the out-of-reach countryside, but with consequences that speak volumes for the high level of inequality in the country, as well as Morocco's persistence as the lowest ranked country in North Africa in terms of gender parity, 143<sup>rd</sup> out of 153 countries measured.<sup>9</sup>

### Women's Rights and Legal Reforms

Morocco has known a vibrant and active women's rights movement since its foundations as a country. Far from being strictly a reflection of "Western" ideologies, women's associations have incorporated "universalist ideals of women's equality and rights" with a "determination to find and speak with local voices."<sup>10</sup> Additionally, the aims and goals of the women's movement have by no means been unitary, nor are they always aligned with the interests of the nation-state.

Global and local understandings of women's rights are often radically different, reflecting divisions rooted in social class as well as the disparate circumstances of rural and urban Moroccans. Thus, the goals of women's rights movements do not always resonate with all Moroccans, as issues such as revising the *mudawana* or laws to end sexual harassment are not always perceived as more urgent than other concerns, such as improving women's health outcomes or providing economic opportunities in rural areas. Further, the projects of the women's movement are often coopted by national leaders

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9. See, "Global Gender Gap Report." World Economic Forum. (2020): [http://www3.weforum.org/docs/WEF\\_GGGR\\_2020](http://www3.weforum.org/docs/WEF_GGGR_2020).

10. Amy Young Evrard, *The Moroccan Women's Rights Movement* (Syracuse: Syracuse University Press, 2014), 3.

to support projects that demonstrate a development-based agenda that often does not reflect the original aims of female activists. The project to revise the *mudawana*, and the subsequent outcomes of this revision, offer an opportunity to examine many of the social divides found within the country as they pertain to women.

Prior to independence, Istiqlal party leader Allal al-Fasi argued for a family code that would increase women's equality with men, suggesting the abolition of polygamy and many of the other reforms that were (minus the abolition of polygamy) finally carried out fifty years later when the *mudawana* was revised in 2004.<sup>11</sup> Yet after independence, in 1957 King Mohammed V adopted a conservative family code that appeased the concerns of tribal notables desiring a set of laws that preserved a patriarchal social order and patrilineal social organization, favoring the protection of inheritance and the privileging of the patriline over ties of marriage.<sup>12</sup>

Shortly after independence, women's rights movements moved from the aspirations of independence toward a concern with women's education and the problems that arose from poverty. The Union Nationale de Femmes Marocaines (UNFM) was formed by elite women in 1969 in response to King Hassan II's call for a movement to focus on these issues.<sup>13</sup> Within opposition political parties, such as the Union Socialiste des Forces Populaires (USFP), additional women's branches formed, calling as early as 1975 for a reform of the *mudawana* and the abolition of polygamy. These early efforts gained limited political traction until the 1980s, when groups such as the Union de L'Action Féminine (IAF) and the Association Démocratique des Femmes du Maroc (ADFM), initially formed within political parties, began to focus more intently on legal reform. From 1986-92, there was a flurry of activism, publishing and writing focused on the problems facing women in Morocco, particularly those wrought by poverty and exclusion. In 1992, a coalition of feminist associations delivered a million signatures to King Hassan II calling for *mudawana* reform, which resulted in minor reforms in 1993.

After Mohammed VI took the throne, women's activism gained additional momentum, spurred in part by the Plan of Action for the Integration of Women, proposed by the socialist government, which called for further reforms of the *mudawana* and greater equality for men and women. A parallel movement of Islamist women had also grown during the 1980s, however, and

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11. Maurice Borrmans, *Statut personnel et famille au Maghreb: de 1940 à nos jours* (Paris: Mouton, 1977), 128.

12. Mounira Charrad, *States and Women's Rights: The Making of Postcolonial Tunisia, Algeria, and Morocco* (Berkeley: University of California Press, 2001), 32.

13. Zakya Daoud, *Féminisme et politique au Maghreb: Sept décennies de lutte* (Casablanca: Eddif, 1996), 278.

they sought to guard the existing *mudawana* and improve women's status through the "true ethics" of Islam.<sup>14</sup> This movement attacked the changing of the laws as part of the infiltration of Western imperialist elements into the national discourse, and the women's associations as being out of touch with the realities of average women.

Two competing marches were held in Rabat and Casablanca in March 2000 in favor of and against the plan. The much larger demonstrations in Casablanca against the plan were led by Islamist groups, while the smaller demonstrations were led by leftist women's groups and political parties leading the charge in favor of legal reform.<sup>15</sup> The King appointed a commission of sixteen experts (which included only three women) to study this issue, where it was discussed behind closed doors for a few years before he announced his intention to change the laws in October 2003, according to the long-held wishes of the women's organizations. The new *mudawana* gave women the right to ask for a judicial divorce, raised the age of marriage to eighteen, and removed the requirement that a guardian (*wālī*) give women permission to be married. It did not, however, go so far as to ban polygamy, which some had initially called for. Many activists additionally felt that the law allowed too many loopholes and concessions to Islamist political interests, and that it was primarily a cosmetic document, "a symbolic gesture meant to placate civil society and external governments and funders while giving in to those powerful political figures who expressed their opposition to the Plan of Action."<sup>16</sup>

Moroccan women's associations had pursued legal reform as their primary aim for almost four decades, with the underlying assumption, common among transnational feminist movements, that changing the laws would give women greater protection against violence.<sup>17</sup> Accompanying issues, such as violence against women, are considered to be directly related to the lack of legal equality, and in my own fieldwork in the city of Fes prior to the 2004 changes in the *mudawana*, I observed how women's organizations sought common cause with women who were victims of domestic violence in an attempt to forge solidarity with them.<sup>18</sup> The upper-middle class, educated women who staffed the nongovernmental association (NGO) where

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14. Zakia Salime, *Between Feminism and Islam: Human Rights and Sharia Law in Morocco* (Minneapolis: University of Minnesota Press, 2011), xvi.

15. Salime argues that it is a mistake to view these marches as polarized, however, as the Islamist and feminist women's associations in Morocco have a long history of mutual accommodation and "'interdependent' trajectories." See, Salime, *Between Feminism and Islam*, xiv.

16. Evrard, *The Moroccan Women's Rights Movement*, 115.

17. *Ibid.*, 25.

18. Rachel Newcomb, *Women of Fes: Ambiguities of Urban Life in Morocco* (Philadelphia: University of Pennsylvania Press, 2009), 97.



I conducted fieldwork asserted that they, like all Moroccan women, were victims of violence. Yet they were quick to distinguish the types of violence they suffered, emphasizing that they experienced juridical violence from legal inequality in addition to street harassment, while the lower-class clients who came to the NGO were victims of physical, domestic violence.

While this approach mirrors a transnational feminist strategy of attempting to forge solidarity with women across class lines, it “has increasingly been questioned by scholars and activists who recognize the need to give voice to women marginalized by the largely White, middle class feminist movement.”<sup>19</sup> Despite operating within a Global South context, the women within the Moroccan feminist movement who were agitating for changes to the *mudawana* tended to come from elite backgrounds, while the women who came to the NGO, I was told, were generally first generation rural-urban migrants with strong ties to the countryside.<sup>20</sup> Although in all cultures, domestic violence crosses class lines, there was an underlying assumption of difference and a refusal on the part of the women activists to identify with violence they perceived as endemic to the lower classes.

This distinction between the poor, lower-class female victims of domestic violence and the educated middle-class activists who experience only street harassment or juridical harassment demonstrates class-based differences that also map onto urban stereotypes of poor and rural Moroccans. The belief that poor women were the only ones who suffered from domestic violence was coupled with other misconceptions, such as the idea that people from the countryside held different values and needed a more conservative legal framework to keep social order. While the well-meaning activists genuinely believed that changing the laws would help women across all social classes, many of my non-NGO interlocutors held stereotypes about ‘*arubi* (country) people and felt that the existing *mudawana* provided a framework of laws designed especially to protect people from the countryside, whose lives were very different from urban dwellers. Women needed to have the right to marry at fifteen, they argued, not because rural life was shorter, but because women matured earlier there and needed to have their sexuality controlled. Not being allowed to marry early would result in more out-of-wedlock births, and changing the laws would also insult the traditions of the country people.<sup>21</sup> This was a common viewpoint that people shared; in fact, in addition to the complaint that revising the laws insulted Islam, the claim that the *mudawana*

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19. Natalie J. Sokoloff and Ida Dupont, “Domestic Violence at the Intersections of Race, Class, and Gender,” *Violence Against Women* 11, 1 (2005): 41.

20. Complicating this picture somewhat, Morocco also has a large and vibrant Islamist women’s movement, which opposed *mudawana* reforms on the grounds that the changes went against Islam.

21. Newcomb, *Women of Fes*, 65.

existed as it did to reign in the *'arubi* people was probably the opinion I heard most frequently in my fieldwork.

*Mudawana* reforms also illustrate the difficulties activist women experienced in gaining the full support of the government, which much address the concern of multiple political groups in order to maintain their power. The negotiations behind legal reform reflected the delicate appeasement of different elements in the nation on the part of the *makhzen*, revealing the give-and-take of power between urban and rural areas that dates back to pre-colonial times.<sup>22</sup> Ultimately Mohammed VI decided to make moderate changes that satisfied (if barely) Islamists by not going too far beyond what the religion was perceived to allow, offered loopholes to those from the countryside so as not to alter traditions, and gave women's activists a resolution of their multiyear project to change the laws in a way that would ostensibly enhance women's equality.

It has been noted that in addition to the domestic demands the monarchy faces, Morocco's indebtedness to international funding and development agencies has meant that a focus on legal reforms is a concrete, reportable measure that makes Morocco look good in the eyes of international observers. This focus on legal reform has also meant that the palace has directed the agendas of women's rights groups, while not permitting them to create their own agendas.<sup>23</sup> Although various civil society actors took part in either agitating for or resisting changes, the complex process by which the laws were ultimately changed was not particularly democratic but still depended on Mohammed VI making laws that did not ultimately threaten his authority or the stability of his regime. Salime has observed that the timeframe of the laws' revisions just after the Casablanca terror attacks in May 2003 is significant. The reforms allowed the monarchy "to position itself within the U.S. discourse of democratization in the Middle East, without necessarily implementing profound changes to the structure of power still dominated by the king as a central player."<sup>24</sup>

### **Post-2004 *Mudawana* Reform, Violence and Structural Inequality**

After the adjustments to the *mudawana* were implemented in 2004, Morocco also withdrew its reservations to the Convention on the Elimination

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22. While in pre-colonial times, the sultan held ultimate authority, he also depended on his opposition for support. Relations between country and city were actually much more complex and fluid (Burke 2014, 158). Concessions could be granted in exchange for the recognition of the sultan's ultimate authority, which could placate strong tribes from the *bled es-siba* and prevent challenges to the sultan's ultimate authority.

23. Sokoloff and Dupont, "Domestic Violence at the Intersections of Race, Class, and Gender," 579.

24. Salime, *Between Feminism and Islam*, xxix.

of all Forms of Discrimination Against Women (CEDAW) in 2008, which further lent *makhzen* support to the idea of marital equality.<sup>25</sup> Additionally, the 2011 revised constitution, introduced in response to some of the demands of the February 20<sup>th</sup> movement presented during the period of unrest across the Middle East and North Africa, contained additional provisions for gender equality, although as Sadiqi notes, “the law is hardly known in rural areas because of lack of education.”<sup>26</sup>

Although the legal framework ostensibly improved for women after the laws were changed, and in urban areas, women did begin to use the law to their own advantage, such as in petitioning for judicial divorces, the enforcement of many aspects of the laws have been uneven. The number of judicial exceptions to get permission for underage marriage has actually increased dramatically.<sup>27</sup> Most proponents of the reforms tended to attribute the uneven enforcement to the fact that people in the countryside were still not fully educated about the changes, and indeed, the government instituted a campaign of education to disseminate information about the laws’ changes throughout the country. Yet the issue is not only a lack of education but of implementation, and of the presentation of one set of discourses that look good for international observers, causing Morocco to be touted as a pioneer of women’s rights reforms in the MENA region, and a reality that is radically different from the projected image.

In addition to the uneven enforcement of the laws, government observers have blamed the failure of the revised *mudawana* to end violence against women on the inability of the people from the countryside to accept the modern worldview of the nation-state.<sup>28</sup> Inherent in this belief in the pre-modern nature of rural Moroccans is the idea that they have refused to get on board with the country’s liberalization projects. Scholars have echoed this idea; as Moha Ennaji has written, “Morocco is a Muslim society where modernity and tradition compete – not to mention a country in transition towards democratization, integration into the globaleconomy and urbanization.”<sup>29</sup> Binarisms aside, Ennaji’s final point is significant, because while Morocco may be in transition, it is unclear that this transition is leading toward democratization, and in terms

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25. Fatima Sadiqi, *Moroccan Feminist Discourses* (New York: Palgrave Macmillan, 2014), 125.

26. *Ibid.*

27. Rachel Newcomb, “Justice for Everyone? Implementation of Morocco’s 2004 Mudawana Reforms,” in *Interpreting Divorce Laws in Islam*, eds. Rubya Mehdi, Werner Menski and Jorgen S. Nielsen (Copenhagen: DJOF, 2012): 116.

28. See, for instance, Alami (HCP 2011) and Ali Rame, *La strategie nationale de lutte contre la violence à l’égard des femmes au Maroc* (Querétaro: ICPC’s Eighth Annual Colloquium, 2008).

29. Moha Ennaji, “Violence Against Underage Girl Domestic Workers in Morocco,” in *Gender And Violence in Islamic Societies: Patriarchy, Islamism and Politics in the Middle East and North Africa*, ed. Zahia Smail Salhi (London: I.B. Tauris, 2013), 134.

of integration into the global economy, the country's rural poor have not been targeted in any meaningful way for this integration.

Despite the hopes of activists, the revised *mudawana* has not had a significant effect on the level of violence Moroccan women experience. Indeed, the primary project of activist women's groups since *mudawana* reform has been seeking legislation to tackle the issue of violence directly. Statistics from a national survey of women ages 18-65 in 2009 show that 62.8% had experienced some type of physical, psychological, sexual, and economic violence, with 55% reporting violence within marriage and 13.5% within the family.<sup>30</sup> Morocco passed a law in February of 2018 that aims to further address this issue by criminalizing certain forms of domestic violence and providing protection to abused women, although women are required to file for criminal prosecution.<sup>31</sup> An independent survey conducted by Human Rights Watch (HRW) revealed, however, that only 3% of women reported violence to the authorities, and there is considerable cultural pressure for women to reconcile with abusers and not involve authorities with domestic matters. Further, HRW reported that their interviews revealed many instances where police would not report or investigate their claims, or arrest abusers, in addition to dismissing victims with the admonition to return back home. Many critics additionally believe the law to be vague and ineffective because it does not define the meaning of domestic violence or criminalize marital rape, contains no prescriptions for how law enforcement and judges should handle these cases, and does not contain funding for women's shelters, of which Morocco has only ten (Human Rights Watch).

In interviews conducted with mostly Amazigh women throughout Morocco in 2016 and 2017, Gagliardi reported that most of the women she interviewed acknowledged violence to be wrong but stated that women could not leave their abusers because they were financially dependent upon them, feared losing their children, and had nowhere to go. In Gagliardi's words, women's activist groups lack a "grassroots understanding of the causes behind the persistence of violence against women," which also includes the understanding that women face "unequal access to justice and legal remedies (...) and an overall impunity for perpetrators."<sup>32</sup> One survivor of domestic violence whom Gagliardi interviewed in 2016, stated, "We know that violence against women is not normal but there is nothing we can do about it (...). Even if the *moudawana* is there and there are rights, women can never enjoy these rights."<sup>33</sup>

30. HCP (Haut-Commissariat au Plan du Maroc), 2011, "Principaux Résultats de l'Enquête Nationale de la Prévalence de la Violence à l'égard des Femmes."

31. Human Rights Watch 2018.

32. Human Rights "Violence Against Women: The Stark Reality Behind Morocco's Human Rights Progress," *The Journal of North African Studies* 23, 4 (2018): 569-90.

33. Ibid.

Katja Zvan Elliott has further observed that contrary to the narrative that rural women are uninformed about their legal rights, the government's numerous public relations and media campaigns have fully disseminated the knowledge of *mudawana* reform throughout the country. Rather, poverty and a lack of infrastructure have contributed to the insufficient applications of the law.<sup>34</sup> In her research in a small town in southern Morocco, Elliott conducted extensive interviews with Moroccans that demonstrated that while people were cognizant of the laws' changes, they chose to reject them not out of ignorance but because the laws disrupted complex notions of honor and female dependence that, at the core of the laws, is still present and remains unchanged. While the law speaks of men's and women's equality (*musawāh*), it does not lay out equal rights within marriage for both.<sup>35</sup> The *mudawana* still promotes the very ideals of a patriarchal household by designating the husband as provider and legal representative for his family, which leads to cultural suspicions that women who work outside the home are not fulfilling their intended roles as recipients of their husband's financial care.<sup>36</sup>

In practical understandings, the Moroccans Elliott interviewed saw the laws as advocating for gender complementarity, in which husband and wife are viewed as responsible for their separate spheres and interests.<sup>37</sup> To reject some of the laws' proscriptions, such as marriage without a guardian's permission or early marriage was to go against complex local understandings of both Islam and women's roles throughout the life cycle. Women who did not marry young and who pursued education and employment were not only seen as unmarriageable but also as still under the control of fathers and brothers, which the law does not question. Despite giving more rights to married women, unmarried women are still legal minors and perceived as "girls," no matter their age. Women in Elliott's research who followed the government's encouragement to become highly educated and pursue careers encountered considerable local resistance when they failed to live up to cultural expectations that they marry, thus dooming them to a marginal (and frequently disrespected) local status as girls.<sup>38</sup> Further, marriage without a guardian was viewed as a mistake because the choice to marry without permission meant that woman would lose out on her family's support in the event of a divorce, a viewpoint that has echoed my own research in urban areas of Fes. By following World Bank and United Nations understandings of women's empowerment in economic rather than in personal terms, Morocco's sole focus on women's educational and earning potential indirectly blames

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34. Katja Zvan Elliott, *Modernizing Patriarchy: The Politics of Women's Rights in Morocco* (Austin: University of Texas Press, 2015), 9.

35. Elliott, *Modernizing Patriarchy*, 86.

36. *Ibid.*, 69.

37. *Ibid.*, 103.

38. *Ibid.*, 18.

women themselves for poverty, when they do not choose these paths, rather than larger patriarchal structures of which women are a part.<sup>39</sup>

### Conclusion

In terms of sheer economics, it can seem at times that city and countryside are worlds apart. Take, for example, the opulence of the Morocco Mall of Casablanca, which for some time has been the largest mall in Africa, and where a multistory aquarium towers over the symbols of multinational consumption, the Gucci and Prada stores whose entrances are policed by guards who will not allow the wrong sorts of people (i.e. those without money) into the hallowed spaces of global capital. If these malls, smaller versions of which now exist everywhere in Morocco, represent the country's success, then perhaps the opposite image is that of the rural health clinic, a one or two-room space with only the most basic medical supplies, designed to serve hundreds of villages, some of which are located hours away over roads that often become impassable in the wintertime. It is there that women sometimes travel to give birth, when roads are passable, and when there is a medical attendant present, but there are still all too often moments when women die in childbirth due to complications and the limited availability of clinics.

Popular discourses that separate the country into progressive urban and regressive rural areas ignore the complex social, political, and economic dynamics that promote surface reforms but do not touch the overall patriarchal structure of society, or projects of globalization that contribute to urban development but leave rural areas largely untouched. In the case of women's rights, the idea that legal reform would accomplish the additional goal of ending violence against women has not accomplished this aim, and the puzzling inability of Moroccans in the countryside to accept the new laws has more to do with the resigned pragmatism of women who know that justice exists but do not expect it to be applied to them. Even as a new campaign to create laws criminalizing violence against women has been declared to be a success, those laws still will not touch the lives of women in both rural and urban areas who are unable to leave their abusive situations due to having no place to go. Nor does the revised *mudawana* address the situation of single women: not the single mothers who bring children into the world to great stigma, or the unmarried women who are still under the protection and control of their fathers. After the success of new laws has been reported with great fanfare in the media and to international aid organizations, the news story dies away to reveal that there is always a loophole, always a way to continue business as usual.

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39. Elliott, *Modernizing Patriarchy*, 13.

In the case of *mudawana* reform, Moroccan women activists have fought their way to the royal table as players in the game of negotiation with the *makhzen*, yet an intersectional analysis demands that we see women's interests not of one piece but dependent on their social position. Yasmine Berriane has shown how activists in Casablanca draw their legitimacy both from residence in the neighborhoods they serve, while also on their families' recent rural-urban backgrounds, yet as activists draw on resources from the state they must delicately balance local perceptions of affiliation with elites that sometimes interferes with their success.<sup>40</sup> The *makhzen* both directed the inquiries of women's rights activists and, when faced with opposing pressures from other elements of society questioning the monarchy's religious credentials, negotiated with both Islamist groups and more secular women's associations, giving both fewer concessions than either wanted but maintaining its poverty intact. The power of the Moroccan state lies in its ability to negotiate and compromise with multiple and often contradictory elements of Moroccan society and to continue maintain its full authority in the end, ideally through negotiation but with the threat of force if necessary.

Although Morocco and its international observers tout the country's accomplishments in terms of legal reforms and economic progress, exceptions are consistently made for those citizens who somehow fall outside the locus of control of the nation-state. Ultimately, as Mickael Bensadoun has argued, "the *makhzen* system is based on the politics of fragmentation, and over time Hasan II adapted the system to deal with cultural and identity challenges."<sup>41</sup> Although the actors and aims may shift over time, the fragmented nature of opposition generally presents a challenge to any sort of unified opposition to the monarchy, which obviously serves the interest of the nation-state. Petitioners with specific grievances must agree not to challenge the overall system of which they are a part. In the case of women's rights, this makes it challenging to enact reforms that would benefit all women, since the same structures of discrimination remain. While King Mohammed VI may appear to be more open to political actors making demands for the recognition of new forms of identity, the distraction of legal reforms masks the fact that the core problems of inequality, whether related to gender or economics, are rooted in a system that ultimately benefits from this fragmentation and complexity.

Recent ethnographic studies of women from lower socioeconomic classes, particularly from rural areas, echo international surveys that demonstrate women have made only modest gains in terms of gender parity. Yet more work remains

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40. Yasmine Berriane, *Femmes, associations et politique à Casablanca* (Rabat: Centre Jacques Berque, 2013).

41. Bensadoun, "The (Re)fashioning of Moroccan National Identity," 17.

to be done. As Samia Errazouki writes, “further inquiry into the situations of rural women would invite a political economic lens that would offer insight into how the structures of authoritarianism and neo-liberalism function alongside forms of patriarchy rooted in conservative religious jurisprudence to hinder the status of women’s rights in Morocco.”<sup>42</sup>

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42. Samia Errazouki, “Ten years after Morocco’s Mudawwana: The rhetoric and reality of women’s rights,” *Mediterranean Politics* 23, 4 (2017): 7.



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### الجنس والعمولة والتصديعات الحضرية والقروية: دراسة آثار التغيير القانوني والاجتماعي بمختلف أنحاء المغرب

ملخص: على الرغم من وجود حركة حقوقية نسائية في المغرب منذ فترة بعيدة، فإن أهداف هذه الحركة غالباً ما تم إفشالها أو إعادة توجيهها من قبل الحكومة المركزية (المخزن)، ويتم تقديم أهداف الناشطين أحياناً على أنها غير ذات صلة بالتقاليد الاجتماعية للبوادي. ومنذ تعديلات سنة 2004 التي شهدتها المدونة على وجه الخصوص، أصبح قانون الأحوال الشخصية هو الأداة المسؤولة عن تنظيم حقوق المرأة في مجالي الزواج والطلاق، كما اتضح في سياقات العلاقة بين البوادي والمدن، وجود فجوة عميقة بين آليات التشريع والتنفيذ. وفي الوقت الذي يتم فيه تأطير هذا الواقع في كثير من الأحيان على أنه فجوة ثقافية، إلا أن وراء هذه المعارضة قضية أكثر عمقا وتمثل في التوزيع غير المتكافئ لمشاريع التنمية لفائدة المركز على حساب إهمال الهوامش. وتتميز المناطق الحضرية بمعدلات منخفضة لوفيات الأمهات والأطفال، فضلاً عن فرص أفضل لتعليم المرأة وتمكينها من فرص الرعاية الصحية. وتزداد هذه التفاوتات تعقيداً بسبب سيورة العمولة ومؤثرات الهجرة والتنمية الاقتصادية التي تحطت أجزاء من البلاد، بينما تسهم أيضاً في استنزاف الموارد بالمناطق القروية. ويوضح فحص الإصلاحات وتنفيذ قوانين المدونة لعام 2004 أن آثار القوانين لم تكن بعيدة المدى كما كان يأمله النشطاء، وأن الفجوة بين المناطق الحضرية والقروية لا تزال في الاتساع بما يعرض المرأة القروية للخطر حتى مع دعمها للصور النمطية المرتبطة بوقوع الانفصال بين المدينة والعالم القروي.

الكلمات المفتاحية: الجنس، العمولة، حقوق المرأة، المناطق الحضرية، القروية، الإصلاح القانوني، النشاط والنشطاء.

### Genre, mondialisation et fracture urbaine-rurale: Examen des effets du changement juridique et social à travers le Maroc

**Résumé:** Bien que le Maroc ait depuis longtemps un mouvement de défense des droits des femmes, les objectifs de ce mouvement ont souvent été contrariés ou réorientés par le gouvernement central (*makhzen*), et les objectifs des militants sont parfois présentés comme sans rapport avec les traditions sociales des campagnes. En particulier depuis les révisions de

2004 du *mudawana*, le code du statut familial qui régit les droits des femmes en matière de mariage et de divorce, l'écart si grand entre les villes et les campagnes met en évidence un large fossé entre la législation et l'application. Si cela est souvent présenté comme un fossé culturel, derrière cette opposition se cache une histoire plus profonde: la diffusion inégale des projets de développement du centre qui négligent la périphérie. Les zones urbaines affichent des taux de mortalité maternelle et infantile plus faibles ainsi que de meilleures possibilités d'éducation et de soins de santé pour les femmes. Ces disparités sont encore compliquées par les processus de mondialisation, de migration et de développement économique qui ont sauté certaines parties du pays tout en contribuant à un épuisement des ressources des zones rurales. Un examen des réformes et de la mise en œuvre des lois *mudawana* de 2004 montre à la fois que les effets des lois n'ont pas été aussi importants que les militants l'espéraient et que la fracture urbaine-rurale continue de mettre en péril les femmes rurales, même si elle confirme les stéréotypes sur la déconnexion entre ville et campagne.

**Mots-clés:** Genre, mondialisation, droits des femmes, urbain, rural, réforme juridique, activisme.