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Islam working against women in Morocco

Art.1. Morocco is an Arab and a Muslim country.

Art.2. Islam is the official religion on the state¹

For a county to give religion such official status is very significant. To choose Islam in particular carries additional meanings. Islam is not just a religion in the usual sense; it is a set of laws that governs not just the spiritual side of life, but rather all other aspects, including the political, personal, and social. As Mernissi points out,

To choose to be Muslim implies a political and global vision of the world and a specific organization of institutions in general and of the family in particular. Islam is not merely a religion. It is a holistic approach to the world, characterized by a 'unique insistence upon itself as a coherent and closed system, a sociologically and legally and even politically organized entity in the mundane world and an ideologically organized entity as an ideal.'²

Morocco did not only select Islam as its official religion, it based its personal law on *Shari'a*, (Islamic law), which carries even further implications for women. In this paper, I would like to explicitly illustrate how Islam affects women in Morocco by influencing the laws and the culture to form a ceiling that is difficult for women to reach beyond, a visible ceiling that is made of concrete for all the *umma* (Islamic nations) to see.

¹Mernissi, Fatima. *Beyond the Veil: Male-Female Dynamics in Modern Muslim Society*. New Brunswick and New Jersey: Rutgers University Press, 1989, 17.

² Ibid.

Shari'a, the Islamic law, has a very distinctive, and alarming, character: it is supposed to be sacred and perfect in the way it was put forth by *Allah* through his messenger Mohammad. Mir-Hosseini points out:

What distinguishes Islamic law (the *Shari'a*) from modern systems of law is its sacred and transcendental dimension. In Muslim belief its source is divine revelation, from which ensure two assumptions underlying the ideal of *Shari'a*: first, that there are divinely revealed norms and rules to which Muslims are under constant duty to confirm; secondly, that they are immutable and all-encompassing, regulating every aspect of life³.

Drawing a similar conclusion about *Shari'a*, Fatima Mernissi, summarizes the implications of the supposed wholeness of *Shari'a*: it denies human's capability of putting forth legislations that are as good as Allah's, it is inalterable because it is from *Allah*, doubting it would be questioning *Allah*'s wisdom; and it covers all spheres of life.⁴ Indeed the implications of the sacredness of *Shari'a* are grave and its force poses a powerful and persistent threat for women, the most disadvantaged party in *Shari'a*.

Being based on *Shari'a*, the Moroccan personal law offers women an inferior status, in comparison to what a secular legislation, such as the one in Tunisia, offers them. For many Moroccan, changing the personal law is as unacceptable as changing Islam. Islam's resistance to change is apparent in the Prophet's saying: "Any change is considered innovation (in Arabic *bid'a*), and innovation is errant behavior (*dalala*).⁵" The punishment for *dalala* is hell. The Qur'an and Hadith, the two strongest components of *Shari'a*, seem to be extremely misogynous. However, the sacredness of *Shari'a* gives them a legitimacy and power that are almost impossible to shake. Islamic law has

³ Hosseini, Ziba Mir. "Strategies of selection: Differing Notions of Marriage in Iran and Morocco" Muslim Women's Choices: Religious Belief and Social Reality, edited by Camillia Fawzi El-Sohh and Judy Mabro, Oxford: Berg Publishers Ltd, 1994, 56.

⁴ Mernissi. *Beyond the Vile*, 21.

⁵ Mernissi, Fatima. *Doing Daily Battle: Interviews with Moroccan Women*. New Brunswick and New Jersey: Rutgers University Press, 1989, 4-5.

influenced the Moroccan culture until the two have become too intertwined for many to tell them apart.

Before discussing Moroccan law and culture, I would like to mention some Quranic verses that form the base of the Moroccan laws on issues such as inheritance and marriage. The Qur'an states women's rights and duties. Concerning the right of inheritance, Sura 4:11 states: "Allah chargeth you concerning (the provision for) your children; to the male the equivalent of the portion of two females". Therefore, a woman is given only half of what the man is given, insinuating that men deserve, according to *Allah's* justice, twice as much as women do. Perhaps the most famous verse is number 34, which gives men superiority over women: "Men are in charge of women, because Allah hath made the one of them to excel the other, and because they spend of their property (for the support of women). So good women are obedient..." This verse establishes men as masters of the women: God meant for them to excel over women. The Moroccan law also establishes men as the masters. Verse 4:3 establishes polygamy, exclusively for men: "marry of the women, who seem good to you, two or three or four."

If the Quran is not blatant enough in its misogynous message, the Prophet Mohammad is. Some of his sayings are: "Women are deficient in intelligence and in religion"⁶; "Never will succeed such a nation as makes a woman their ruler"⁷; "Ask the opinion of your wives, but always do the opposite"⁸; and "After my disappearance there will be no greater source of chaos and disorder for my nation than women."⁹ Taking into consideration that the Prophet is the role model for all Muslims, it is no wonder that

⁶ Roded Ruth "Sayings of the Prophet: Selective Quotation," 45.

⁷ Ibid, 57.

⁸ Mernissi, Fatima. *Doing Daily Battle*, 207.

⁹ Mernissi, Fatima *Beyond the Veil*, 43.

Moroccan women are treated the way they are. This treatment carries on to other institutions such as marriage. Next, I would like to explore further the influence of Islam on certain aspects of Moroccan women's lives.

Marriage

One of the most important events in the Moroccan woman's life is her marriage. However, despite the importance of such an event, at least for her first marriage, the bride seems to be absent in its arrangement: "Cultural norms demand that the prospective bride, who tends to be very young (14-16) and immature, maintain a passive and almost somnambulistic attitude through the marriage and trousseau negotiations."¹⁰ Who then arranges the marriage?

It is her father who is approached by suitors, who argues about the money and goods that the groom's family will contribute and who determines if and when his daughter is to be wed. It is he who validates the wedding contract in the presence of the court's scribes. At most, a potential bride can plead with her father to seek to influence him through her mother, but she cannot actually accept or reject a suitor.¹¹

This tradition is based on Islamic law. Sura 4:25 commands, "So wed them by permission of their folk." Furthermore, this Islamic law is institutionalized in the Moroccan personal law so that a woman cannot get married without the permission of her male guardian (*Wali*, or tutor). Article 12 of the Moroccan personal law states: "The woman does not herself conclude the marriage act, but should have herself represented by a *wali*."¹² Mernissi draws our attention to the fact that, at least in Morocco, "legally speaking, a Muslim marriage is not a marriage concluded between a man and a woman,

¹⁰ Rassam, Amal. "Women and Domestic Power in Morocco." *International Journal of Middle East Studies* 12 (September 1980), 174.

¹¹ Dwyer, Daisy H. *Images and self-Images: Male and Female in Morocco*. New York: Columbia University Press, 1978, 27.

¹² Mernissi, Fatima. *Beyond the Veil*.p.12.

but a deed signed between two men.”¹³ This leaves women at the mercy of their *walis* to marry them off whenever the *walis* wish and to whomever they wish. Moroccan women are by no means passive to this law. In fact,

The first objection that Moroccan women generally raise is that, while many work outside the home in responsible positions, raising a family and earning money for it, the law continues to treat them as minors...The Personal Status Code or *mudawwanah* prohibits a woman from entering into a marriage contract herself: she must have a tutor (*wali*). Moreover, tutorship over a female lasts until she is married (no matter at what age that occurs), so that a 40-year old unmarried woman must still have a tutor for certain affairs, whereas for a boy the tutor’s role ends at puberty.¹⁴

This law insinuates that women are a possession of male relatives and therefore do not have the freedom to act on their own. Laws are put forth, based on *Shari‘a*, to ensure that they are legally unable to execute such rights. Even more insulting, the law insinuates that a woman is inferior by nature and unable to make crucial decisions about issues as marriage without a male’s supervision. In cases such as the remarriage of widows and divorced women, Alston Baker notes that the male guardian can be a woman’s son, which possibly gives young sons authority over their own mothers.¹⁵

In many cases, this law creates conflict when the daughter’s wishes for marriage contrast those of the parents: “The conflict centers on the parent’s customary right to arrange marriage, and the young people’s rejection of this right and insistence upon their right to marry for love. The parents believe that the choice of sexual partner for their daughter...is their decision. Young Moroccans claim that they should choose their sexual

¹³ Mernissi, Fatima. *Doing Daily Battle*, 9.

¹⁴ Brand, Laurie. *Women, the State, and Political Liberalization: Middle Eastern and North African Experiences*. New York: Columbia University Press, 1998, 57.

¹⁵ Baker, Alston. *Voices of Resistance: Oral Histories of Moroccan Women*. New York: State University of New York Press, 1998, 30.

partners.¹⁶” However, as long as the law puts the power of concluding the marriage in the hands of the male guardian, women’s power is limited to manipulation (pleading, crying, begging or such efforts) as a way to influence the *wali*’s decision. By contrast, in Tunisia, where women are treated as equals, women can terminate a marriage without a guardian’s permission. It is believed to be the bride’s decision, not any one else’s, to validate a marriage contract.¹⁷

For many *walis*, the financial status of the suitor is given priority, rather than age, education or common traits between the suitors and the potential bride. Since *walis* have exclusive power over girls’ marriages, girls might seem at times as slaves bought and sold in the name of marriage. In fact, on the wedding night, if the girl’s virginity is proven, the groom confirms this by saying, “The merchandise has not been used.”¹⁸ Therefore, women in Morocco are stripped of their humanity and reduced to the status of *merchandise*, bought and sold at the desire of their male guardians, or, perhaps more correctly, their owners. Because many *walis* seemed to take advantage of their power to make financial profit, article 19 of the Moroccan law, put forth in 1958 discourages the *walis* from asking for money in exchange for giving their wards away in marriage. However, there are no laws to suppress the custom of *walis* making money from their wards.¹⁹

Once married, a woman’s insignificance continues, since she has “little formal authority in [the] conjugal household and none in the community at large.”²⁰ A wife,

¹⁶ Mernissi, Fatima. *Beyond the Veil*, 104.

¹⁷ Perkins, Kenneth J. *Tunisia: Crossroads of the Islamic and European Worlds*. Boulder: Westview Press, 1986, 125.

¹⁸ Dwyer, Daisy H. *Images and self-Images*, 65.

¹⁹ Anderson, J.N.D. “Reform of Family Law in Morocco.” *Journal of African Law*, vol. II, no 3 1958.

²⁰ Maher, Vanessa. *Women and Property in Morocco: Their Changing Relation to the Process of Social Stratification in the Middle East*. New York: Cambridge University Press, 2974, 104.

technically, needs her husband's permission to conduct almost any action. For example, she needs his permission to do a simple thing like shop. It is the husband decision whether to enforce his "right." It must make men feel in command, I believe, to know that they have such legal power over their wives.

Obedience from the Moroccan wife is expected and demanded by law and custom. One can argue that since it is based on *Shari'a*, the Moroccan law got its foundation for women's obedience from elements in *Shari'a* such as 4:34, which states: "The righteous women are devoutly obedient, and guard in (the husband's) absence what Allah would have them guard. As to those women on whose part ye fear disloyalty and ill-conduct, admonish them (first), (Next), refuse to share their beds, (And last) beat them (lightly); but if they return obedience, seek not against them means (of annoyance)." This verse, I believe, establishes men's "right" to women's obedience, and consequently her inferiority. Perhaps this verse explains a Moroccan official's statement in which he declares that "about half of all Moroccan married women experience domestic violence."²¹

Moroccan law has similar statutes that stress the man's "right" to control his wife. For example, according to Moroccan law, if a woman flees her marriage for whatever reason, the husband has the right to physically force her to return to his house with the help of the Moroccan police, the *'arif*. Mernissi provides an example of the husband's ability to force his wife to stay in a marriage that she resists. Zubida Zannati, one of the women that Mernissi interviews for her book *Doing the Daily Battle*, was forced into a marriage to which she did not consent. When she asked for a divorce, the husband responded, "That's out of the question." Zannati tried to escape and found shelter at a

²¹ WIN News. "The Status of Women in Morocco." Spring 2000 v26 i2 p.65.

distant relative's house. However, she laments, "They found out where I was and came to fetch me by force."²² This women's experience demonstrates not just her vulnerability but also her lack of status in the law and in the society at large. Like a run-way slave, she is brought back by force.

Another right that Islam and Moroccan law give men is the right to have more than one wife. Based on Sura 4:3, which says, "Marry of the women, who seem good to you, two or three or four; and if ye fear that ye cannot do justice to so many then one only or captives that your right hands possess," a man can marry up to four wives and have as many concubines as his hand can grasp. This Islamic law has also been included in the personal code to stress the superiority of men over women, since only men can have more than one wife. Women, on the other hand, are not allowed to marry more than one husband at most, and they can expect to share him with three others if he chooses to exercise his right to multiple wives. Mernissi sees further implications for polygamy:

Polygamy also has a psychological impact on the self-esteem of men and women. It enhances men's perception of themselves as primarily sexual beings and emphasizes the sexual nature of the conjugal unit. Moreover, polygamy is a way for the man to humiliate the woman as a sexual being; it expresses her inability to satisfy him. For Moroccan folk wisdom, this function of polygamy as a device to humiliate the woman is evident: 'debase a woman by bringing in [the house] another one.'²³

To have a better understanding of the Moroccan personal law, the list below states the rights of husbands and wives:

Art.36 The Rights of the husband via-à-vis His Wife

1. Fidelity.
2. Obedience according to the accepted standards.
3. Breastfeeding, if possible, of children born from the marriage.
4. The management of the household and its organization.
5. Deference towards the mother and father and close relatives of the husband

²² Mernissi, *Doing Daily Battle*, 70.

²³ Mernissi, *Beyond the Veil*, 48.

Art.35 *The Rights of the Wife Vis-à-vis Her Husband*

1. Financial support as stated by law, such as food, clothing, medical care, and housing.
2. In case of polygamy, the right to be treated equally with other wives.
3. The authorization to go and visit her parents and the right to receive them according to limits imposed by the accepted standards.
4. Complete liberty to administer and dispose of her possessions with no control of the husband, the latter having no power over his wife's possessions.²⁴

As these laws demonstrate, fidelity is required from women but not from men. In fact, a man can kill his wife if he sees her with a lover, but not vice versa. Obedience, as well as cleaning and other housework, is a duty of the wife. A husband is supposed to give his wife an authorization to visit her parents, but that is the only place which he must allow her to visit. That means that if a wife has no family, a husband is permitted to lock her inside the house for years on end, and this is perfectly legal as long as he is feeding her.

One of the many rights that women enjoyed in *Jahiliah*, and which Islam deprived women of, is the right to initiate divorce. Leila Ahmed quotes *Kitab Al-aghani*, which reports, "The women in *Jahiliah*...divorced men, and their [manner of] divorce was that if they lived in a tent, they turned it around, so that if the door faced east, it now faced west...and when the man saw this, he she had divorced him and did not go to her."²⁵ The privilege has been taken away from women and given to men.

The Moroccan law, following the Islamic *Shari'a*, gives a man the right to divorce wife by repudiation. The matter is much more complicated for wives. As Baker notes, a wife "cannot initiate divorce except in a few narrowly defined cases, such as when the husband fails to provide any maintenance or abandons the family and cannot be located for more than a year...the only other way a wife can get a divorce is by paying

²⁴ Ibid, 109..

²⁵ Ahmad, Leilah. *Women and Gender in Islam*. New Haven & London: Yale University Press, 1992, 44

her husband to repudiate her.”²⁶ There is a sharp contrast between the complication of the process of divorce for a woman and the ease of its facilitation for a man. In fact, the Moroccan law goes so far as to ensure men of any physical condition of their right to initiate divorce, regardless of physical disability. For example, Art. 46 states, “Repudiation can be performed either verbally or in writing, or by signs and gestures if the husband is an illiterate man, or deprived of the capacity of speech.”²⁷ This extreme facilitation of men’s right to divorce highlights the privileges that the Moroccan man enjoys, and which Moroccan women are deprived of. This inequity arises essentially because the law is based on *Shari’a*. To show the complicated process a woman who is seeking divorce has to go through, Dwyer states:

Women cannot sue for divorce directly. Instead each woman must individually convince the judge of the merits of her case...Because of the women’s lesser legal privileges and because of the biases of [male] judges and scribes, women typically do not initiate divorce actions when they seek to terminate their marriages; instead abandonment becomes the favored recourse...This process is not without pitfalls and penalties. In all desertion cases, the wife forfeits her right to monetary compensation *sadaq*, usually due to her in the event of divorce. Moreover, the husband still can sue for his wife’s return through the courts...Faced with those perils, some women take a surer but more costly route: they pay their husbands to divorce them, frequently quite substantially.²⁸

Divorce is so easy for a man that it can actually take place without the wife every knowing about it—that is how irrelevant women are made to be to this process. For example, Dawiy al Filaiaya, a woman interviewed by Mernissi, was manipulated into a marriage in which she had no say. Then, her mother decided that the man was no longer good for her daughter. The mother asked the husband to divorce her daughter, without the daughter’s knowledge, and he agreed. The divorce was legally finalized and only

²⁶ Baker, *Voices of Resistance*, 31.

²⁷ Mernissi, *Beyond the Veil*, 49.

²⁸ Dwyer, *Images and Self-Images*, 28-29.

afterwards, Filaiaya states, her mother “came and announced my divorce to me.”²⁹

Filaiaya’s passive acceptance may reflect the realization on women’s part of the futility of struggling.

In Muslim countries, such as Tunisia, which choose to ignore *Shari’a* and follow less discriminatory laws, women are treated equally in matters of marriage and divorce. For example, according to the personal law in Tunisia, either party of the marriage had the right to institute divorce proceeding the courts, which...[has] the sole power to terminate marriages.”³⁰ In fact, Tunisia ignored *Shari’a* to the extent that it allows women to marry men of different religions, a right given only to men in Islam (and in Moroccan law), despite the protests of the *ulama*.³¹ Many women in Morocco yearn for this status of equality that women in Tunisia enjoy.

Mernissi sees another reason for facilitating divorce for men in particular: “Repudiation prevents the male from losing his sexual appetite through boredom. It aims at ensuring a supply of new sexual objects, within the framework of marriage, to protect him against the temptation of *zina*.”³² Mernissi mentions the similarities between the Prophet and his grandson Hasan, who used his right of Repudiation quite often:

It has been said that Hasan Ibn Ali was a marriage addict. He married 200 wives. Sometimes he’d marry four at a time; he’d repudiate four at a time and marry new ones. Muhammad (benediction and salvation upon him) said to Hasan, ‘you resemble me physically and morally.’...It has been said that proclivity to marry is often precisely one of the similarities between Hasan and the messenger of God (benediction and salvation upon him.)³³

If the role model for the *umma*, the prophet, to put his pleasure first and

²⁹ Mernissi, *Doing Daily Battle*, 93.

³⁰ Perkins, *Tunisia: Crossroads of the Islamic and European Worlds*, 25.

³¹ Ibid.

³² Mernissi, *Beyond the Veil*, 49.

³³ Ibid, 50.

last, what should women expect from other, less pious Muslims?

Why facilitate the repudiation process for men, but not for women? To me, there can only be one apparent answer: to ensure that men are in command of both their lives and the lives of the female subordinates under their control.

Women have no control over their lives or even their children's lives, in case of divorce or widowhood. A widow or a divorced woman can not have legal guardianship over her children because that is "exclusively a male prerogative."³⁴

Such contrasting treatment of men as citizens with rights and women as citizens with no rights, if we take into consideration the personal law, indicates clearly the importance that the government places on men and the inferiority it assigns to women. I find myself agreeing fully with Mernissi's conclusion about the marriage that Islam seeks to promote among Muslims:

Muslim marriage is based on the premises that social order can be maintained only if women's dangerous potential for chaos is restrained by a dominating non-loving husband who has, besides his wife, other females (concubines, co-wives, and prostitutes) available for his sexual pleasure under equally degrading conditions. A new sexual order based on the absence of dehumanizing limitations of women's potential means the destruction of the traditional Muslim family."³⁵

The chart³⁶ that follows summarizes the differences between the right/duties of men and women in marriage in Morocco:

	Women	Men
1) First marriage	she technically must provide her own consent, but her male matrimonial tutor must also approve and represent	He must consent, but a representative is needed only in the preadult period

³⁴ Baker, *Voices of Resistance*, .31-2

³⁵ Mernissi, *Beyond the Veil*, 167.

³⁶ Dwyer, *Images and Self-images*, 23.(table 2.1:cont.).

	her	
2) Polygamy	Prohibited	A man can take up to four wives simultaneously, unless he waives this marriage in a marriage contract
3) Divorce	Legally acceptable reason are few (e.g., the husband's prolonged desertion); substantial danger or injustice must be shown	According to the husband's desire
4) Remarriage	Prohibited during the <i>idda</i> period (variably three to nine months after widowhood or divorce)	Immediate remarriage is possible
5) Virginity	Virginity must be proved for the first marriage; the bride's wealth can be halved and the groom has cause to abandon his bride if she is not a virgin	His past sexual experience constitutes no liability
6) conjugal sex	A wife has the right to sexual attention but no right to withhold sex, except when menstruating	He has a right to sexual attention but can more easily withhold sex, for men's sexual capability is believed to be less
7) Extramarital Sex	Prohibited by law: and the violator can be prosecuted for prostitution	Prohibited, but the violator is legally not prosecuted

Work

Moroccan women are hard-working women. Being a female means inheriting the hard work. "In cities, much of the most demanding artisanal work is done by women: decorating pottery, knotting carpets by hand, doing intricate embroidery, as well as work of the procession the spinning wool."³⁷ In rural villages nowadays, "little girls start working—tending livestock, hauling water, washing clothes, running errands—at a very young age, while their brothers play or go to school"³⁸ It is no wonder that in such areas the percentage of illiterate women is 90%.³⁹ As in other aspect of Moroccan life, women

³⁷ Baker, *Voices of Resistance*, 16.

³⁸ Ibid.

³⁹ BBC News. "Eyewitness: Moroccan Women's Misery." 10 August 2000.

seem to have the status of a slave, working hard and stripped of many rights that men take for granted.

Even when they are financially independent and support their families, women are treated as inferiors. In the labor code, “there is a long list of restrictions on employment that apply to children under age sixteen and to all women.”⁴⁰ The law makes women seem as though they are unable to develop after sixteen years of age. They apparently stay minors, whereas men continue to grow and develop mentally and physically and eventually become adults. Like minors, women legally need permission from their male guardian (husband, father, etc) to work. When women do get permission to work, they are expected to continue to perform all the housework duties in addition to their other job that generates a salary. Kapchan gives the of Fadela, who

works fulltime while also performing all the responsibilities of a Moroccan housewife. She prepares breakfast and lunch before leaving for work in the morning, walks half a mile uphill to her office, returns home for lunch, serves and cleans up, returns again to work, comes home, and prepares dinner...her husband does not cook, clean, wash, or do any other traditionally female tasks.⁴¹

Traditions in this case are responsible for the unpaid housework of women. However, these intolerant expectations of women are based on the way women are treated in all other aspects of life.

Islam, which promotes segregation and women’s dependency on men to preserve the social order it envisions for Muslims, plays an important role in the obstacles that women face when they try to achieve success professionally. According to WIN News, “While many well-educated women pursue careers in law, medicine, education, few

⁴⁰ Brand, *Women, the state, and political liberalization*, .57

⁴¹ Kapchan, Deborah A. *Gender on the Market: Moroccan Women and the Revoicing of Tradition*. Philadelphia: University of Pennsylvania Press, 155.

make it to the top echelons of their professions.”⁴² Women are not encouraged to climb up the social ladder.

However, the ideal image that Islam draws of men supporting their female relatives causes a grave gap between reality and the ideal. Having a fifty percent divorce rate, Morocco seems naïve to believe that women are supported by their husbands. Who supports divorced women and their children? Realizing this misconception, Mernissi states: “We encounter one of the gravest distortions in perception, a distortion which moreover has repercussions on the way in which the state, the decision-maker, in matters of planning and legislation, takes a position and acts: namely, the fact of perceiving man as the pillar of the family, the provider, and the only working member of it.”⁴³ Mernissi calls the perception of men as the main supporters of the society a “male fantasy.”⁴⁴

Education

Education for women poses a threat because it disrupts the status quo of the traditional Islamic community. As Maher notes, “This is especially true in the case of women for the value system which reserves the ‘public sphere’ for men and excludes women from it also requires the training of women to be entirely domestic so that they are unemployable and economically dependent.”⁴⁵ Obedience is required from women towards men because of their financial dependency, so the “idea of reducing the economic and political dependence of women on their husbands, fathers or brothers seems to present an intolerable threat to the status quo.”⁴⁶

⁴² WIN News. “Morocco: Country Report on Human Rights Practice for 1996.” Spring 1997 v23 n2 p28(1)

⁴³ Mernissi, *Doing Daily battle*, 6.

⁴⁴ Ibid.

⁴⁵ Maher, Vanessa. *Women and Property in Morocco*, 73.

⁴⁶ Ibid., 84.

In rural areas, where girls get married off very early, parents do not see any benefit coming from education. In their point of view, it is useless: “What can a girl learn out of books about being a housekeeper and mother, only to be hungry for unseemly clothes and expensive foreign goods?”⁴⁷ Education, in the villagers’ point of view, not only does not provide the domestic training of cooking and cleaning for the young girls, but it also make them vain and unrealistic. Because of the consequences that parents in the rural areas associate with school, many, when asked if they send their daughters to school, respond with pride, “We don’t send our girls to school.”⁴⁸ To them, keeping girls at home, or secluding them, means preserving the family’s honor. Schools are seen as a corrupting influence giving access to the public sphere.

This is the point of view of parents about education, but what about the point of view of girls? The girls have a totally different perspective. For them, “the excitement of meeting other children, of being active on their own account rather than serving others, seems to make school an enjoyable experience for girls. [however]a girl is never allowed to forget that her school life is circumstantial, and that her real role is at home, making bread, washing up and looking after small siblings.”⁴⁹ When a girl does go to school, it is usually for a short period. Furthermore, she still has to perform the subservient duties of a female, and is reminded that school is temporary and that being a housewife is the true destiny for her. Illiteracy, due to these attitudes, forms a serious problem in Morocco. According to the World Bank, in 2000, the illiteracy rate among men is 38.3 percent, whereas among women it is 63.9 percent.⁵⁰ This gap between men’s and women’s

⁴⁷ Ibid, 77

⁴⁸ Ibid, 83.

⁴⁹ Ibid.

⁵⁰ www.worldbank.org

illiteracy rates can be easily explained if we consider the cultural attitude towards girls' education.

Even though the school systems, "instead of promoting creativity and originality, often reinforce rote memory, strict adherence to rules, and unquestionable obedience,"⁵¹ education still makes a difference in women's life in Morocco. Education leads women to financial independence, and that saves them from relaying on males who are not genuinely concerned for their well being nearly as much as they are concerned with their own. Perhaps more and more women are realizing the importance of education since "the insistence of Moroccan women in demanding access to education is shown by a number of indicators, in particular their better grades than boys and their unshakeable will to continue their studies after marriage and children. Only a dozen years ago, marriage was regarded as making an end to any young wife's educational aspirations."⁵² The fact that Moroccan women are appreciating education above marriage indicates that they are on their way to liberty and independence. Education is not merely knowledge. It is an empowerment that cannot be taken away.

Sexuality

Since women are used widely as sex objects, understanding sexuality, as Moroccans perceive it, could lead to a better understanding of the culture. The woman in Islam is considered *fitna*: dangerous seducer. She is dangerous in the sense that it might distract the male believers from their mission on earth: worshiping *Allah*. Giving men the right to polygamy, for example, gives one the sense that it is the man's sexuality that must be fulfilled in the Muslim society. Men can marry four women, if that is the only

⁵¹ Suleiman, Michael. "Socialization to politics in Morocco: Sex and Regional Factors." *International Journal of Middle East Studies*. 17 (August 1985), 313.

⁵² Mernissi, *Beyond the Veil*, 165.

way that would prevent them from committing *zina*. It is insinuated, in my opinion, that the primary existence of women is to make sure that men fulfill their sexual appetite, in addition to their reproductive role, since fulfilling women's sexual needs do not seem to be a concern for *Allah*.

Mernissi describes how Islam's ideology of sexuality fits in the big picture of the society:

The Territoriality of Muslim sexuality sets patterns of ranks, tasks, and authority. Spatially confined, women were taken care of materially by the men who possessed them, in exchange for total obedience and sexual and reproductive services. The whole system was organized so that the Muslim *umma* was actually a society of male citizens who possessed, among other things, the female half of the population.⁵³

As Mernissi points out, *Shari'a* is constructed to accommodate men's interests and pleasures. Women are almost irrelevant as active partners in this scheme. They are tools used to achieve men's satisfaction and happiness. To ensure that women provide men with this "right," a wife is penalized both on earth and in heaven if she refuses to have intercourse with her husband. According to Imam Bukhari, the Prophet said, "If a man invites his wife to sleep with him and she refuses to come to him, then the angels send their curses on her till morning."⁵⁴ Following *Shari'a* article 123 of the Moroccan code states:

The non-pregnant woman who abandons the conjugal community or refuses to have sexual intercourse with her husband may retain her right to Maintenance but the judge has the right to suspend her right to maintenance if he commands the woman to return to the conjugal abode or to regain the conjugal bed and she refuses to obey. She has no right to appeal against the judge's decision as long as she does not execute his order.⁵⁵

⁵³ Ibid, p.169

⁵⁴ Bukhari. Vol.7 B.62. no.121. www.usc.edu/MSA/reference/searchhadith.html.

⁵⁵ Marnissi, *Beyond the Veil*, 59-60.

As this law demonstrate, the husband does not have to provide maintenance for his wife if she does not provide him with “his” conjugal rights. This arrangement, I believe strips marriage of any compassion and make it look like a deal based on sex and children for maintenance. In Islam, the greatest goal a man should aim for is to worship *Allah*. That is what men are created for. And to avoid any distractions from this mission, resulting from unfulfilled male sexual needs, Allah gave men a variety of options to fulfill the sexual needs with *Allah*'s rules. The Prophet, said, "There is none having a greater sense of jealousy than Allah. And for that He has forbidden the doing of evil actions (illegal sexual intercourse etc.) There is none who likes to be praised more than Allah does."⁵⁶

The notion of *Allah*'s regard for women as a destructive element has deep roots in the minds of the people in Morocco. Women are believed to be extremely sexual. Even women themselves believe the notion about the destructive sexuality of women. As women in Morocco say: “Alas, women want nothing but sex. They are built that way: their mind are in their genitals.”⁵⁷ Other descriptions of women, by women as well as men, included the “indisputable regarding maleness: the insatiable sexuality of women, their proclivity for causing conflict, the power that they have and use to destroy the well-being of a man.”⁵⁸ Best describing the potential uncontrollable sexuality of a woman is the Morocco proverb that says: “If a woman loves a man, she will give it [i.e., her vulva] to him [even] through a hole in door.”⁵⁹ This proverb, states Webster, reiterates

⁵⁶ Bukhari, vo.7 B.62 no. 147. www.usc.edu/MSA/reference/researchhadith.html.

⁵⁷ Dwyer, *Images and Self-Images*, 3.

⁵⁸ *Ibid*, 4.

Moroccan people's view of women's sexuality.⁶⁰

A significant complication in the perception of women as uncontrollable sexually is the fact that women's sexual behavior is the honor of their male members. A man can kill, steal and commit other crimes and still be honorable. However, if his sister performs a sexual act illegally, even if it is through rape, his honor is stained forever. This belief system gives men an extra excuse to scrutinize the female relatives under his guardianship. Mernissi's statement further explains the implications of this perception of honor:

Honor and purity, two particularly sensitive emotional concepts in Muslim North African society, link the man's prestige in an almost fatal way to the sexual behavior of the women under charge, be they his wives, sisters, or unmarried female relatives. A man who has a wife or sister working in an office or going to school is a man who runs a very serious chance of seeing his honour soiled.⁶¹

This surveillance of women's sexuality is another dramatic contrast from Jahiliya. During Jahiliya, women enjoyed more autonomy, which was considered Chaos by Islam. Leila Ahmed point out that women enjoyed "greater sexual autonomy than they were allowed under Islam."⁶² Many marriages were polyandrous. Such marriages "entailed a husband's visiting his different wives where they resided with their tribes. Similarly, some wives might have been visited by different husbands."⁶³

Even though Islam likes the *umma* to believe that women were liberated by Islam from the *Jahiliya* jungle roles, and perhaps in some way it might have, the fact is that

⁵⁹ Webster, Sheila. "Women, Sex, and Marriage in Moroccan Proverbs." *International Journal of Middle East Studies*. 14 (May 1982), 176.

⁶⁰ Ibid.

⁶¹ Mernissi, *Beyond the Veil*.p,161.

⁶² Ahmed, *Women and Gender in Islam*, 42.

⁶³ Ibid.

Islam stripped women of many privileges that they enjoyed without question during *Jahiliya*. A few of the rights that Islam took away from women are: the right to initiate divorce, child custody, polygamy (polygamy was permitted for both women and men in *Jahiliya*), freedom to mix with men and conduct business, and sexual self-determination. Those rights that Islam took away from women are some of the rights the Moroccan women are trying to win back.

Moroccan Women's Struggle Against Islamic Law

Women in Morocco have by no means been passive in accepting the status quo. It must be noted that many educated Moroccan women have established several women's groups to try to improve, in a multi-faceted dimension, women's situation. For example, "A number of women's group working specifically for changes in the law to make women more fully citizen have been established."⁶⁴ Apparently the personal law called *mudawwanah*, which is based on Islamic *Shar'a*, forms the biggest obstacle in the women's struggle towards a better and more equal life. Other problems that Moroccan women face include "illiteracy, poverty, prostitution, [and] skyrocketing divorce rates."⁶⁵

The Million Signatures Campaign is evidence of Moroccan women's determination to change the *mudawwanah*. Women from several organizations such as the UAF (Union de l'Action Feminine) worked together in protesting the injustice done to them by the *mudawwanah*, which treats them like second-, if not third-, or even tenth-class citizens. These women stood firm for their right to be equal citizens and faced the traditional Islamic reaction that "abrogating elements of *Shari'a* [is] apostasy, a crime

⁶⁴ Brand, *Women, the State, and Political Liberalization*, 39.

⁶⁵ *Ibid*, 55.

punishable by death.”⁶⁶ Women face blatant threats from misogynous Muslim *ulama* all over the Muslim countries in reaction to any progressive movements that try to accomplish equality between the two sexes. Such actions only confirm that Islam is misogynous, and that it is intolerant of equality between the genders or freedom of choice.

With globalization and access to other cultures that treat women according to human rights laws, the gap between *Shari'a* and democracy is widening. Democracy and Islam could not possibly go hand in hand. Why should women accept, for example, violence against them? Article 418 of the Moroccan penal code states that “a man who is the victim of adultery and who as a result commits murder or assault on encountering his wife and her lover benefits from considerations of extenuating circumstances: there is no mention of a parallel right for the wife.”⁶⁷ Therefore, only a women’s murder is understandable and justifiable, but not the other way around. Another law that stresses the wife’s inferiority requires that, if a wife desires to obtain a passport, regardless of her age, she needs her husband’s consent.⁶⁸ This law and many more strip women of their dignity and prevent them from exercising any kind of freedom, since they need a man’s permission in any action they would like to take.

Mudawwanaha laws, based on *Shari'a* or not, result in great hardship for Moroccan women, and soon for the government at large. For example, the law forbids abortion (forbidden in Islam) or contraceptives (allowed in Islam), especially for unmarried women. The limited thinking is costing the Moroccan government severely. Abandoned children are now a widespread phenomenon in Morocco. According to recent

⁶⁶ Ibid, 71.

⁶⁷ Ibid, 59.

⁶⁸ Ibid, 61-62.

news from the BBC⁶⁹ and WIN⁷⁰, police find abandoned babies every day. A policeman said, according to WIN, in Casablanca alone “the police found 364 abandoned newborn babies.”⁷¹ In contrast, Tunisia, the government “voiced strong support for birth control after 1956...A 1973 law made all women eligible for abortions.”⁷² To make matters even worse for Moroccan women, they are not even allowed to register their children without being married and having evidence of marriage. This law ignores completely women who are victims of rape, or women who simply do not possess evidence of marriage. It results in a generation of abandoned children that the government chooses to ignore. Because of this, many children do not even obtain birth certificates and end up in orphanages. In orphanages, WIN News reports,

Young girls in particular are exploited as servants. Some orphanages are knowing accomplices to the practice of adoptive servitude, in which the families adopt young girls who perform the duties of domestic servants in their new homes. Credible reports of physical abuse are widespread. The practice is often rationalized as a better alternative to keeping the girls in orphanages. This practice is socially accepted, attracts little criticism and is unregulated by the government.”⁷³

Not only do these misogynous laws leave women unprotected, they encourage violence against them. Brand draws attention to the strong connection that Naciri establishes in an article between the *mudawwanah* and violence against women in Morocco, arguing, “The law in fact legitimates...violence: it authorizes the husband as head of the household to hit his wife when she disobeys him; it allows a husband to kill his wife in the case of adultery; it permits him to prevent his wife from traveling, and

⁶⁹ BBC News. “Eyewitness to Moroccan Women’s Misery.” 10 August 2000.

⁷⁰ WIN News. “Raped Women and Made Outcasts by Islamic Society.” 1999 v25 i2 p.79.

⁷¹ Ibid.

⁷² Perkins, *Tunisia: Crossroads of the Islamic and European Worlds*, 128-9.

⁷³ WIN News, spring 1997 v23 n2 p28 (1)

gives him the right to marry his daughter to someone against her will. The ‘moral violence’ ends up legitimating physical violence.”⁷⁴

When half the society is suffering in many different ways, how can people be happy? According to Mernissi, this happiness can only be accomplished if both women and men move past the Islamic tradition that makes women’s sexuality men’s honor: “The Moroccan people would be a lot happier, and better off economically as well, if a man’s honour and prestige were no longer related to his ability to control his women...Just as they would be happier and better off if a woman’s honour and prestige were no longer related to her spatial immobility, her passive role as consumer, but instead depended on her ability to master solar energy or electronics.”⁷⁵

Even though women’s efforts so far have been unsuccessful (at the end of the Million Signature Campaign, the changes that women did accomplish were utter disappointments), many women felt it was worthwhile to try to make changes “because it demonstrated that the *mudawwanah* was not an immutable, sacred text.”⁷⁶ But according to the Muslim *ulama*, it is sacred and should not be altered. This optimism on the behalf of Moroccan women, despite the obstinate impediment they have to face, shows, if anything at all, that Moroccan woman will not give up their struggle until they win their case. The hundreds of thousands of women who marched in the capital of Morocco on March 12, 2001, in support of granting women more rights is an indication of the growing support for such progress.⁷⁷ One of the supporters seem to be prime minister Youssoufi who advocates for the Plan for the Integration of Women, which aims at

⁷⁴ Ibid, 82.

⁷⁵ Mernissi, *Beyond the Veil*, 159.

⁷⁶ Brand, Laurie. *Women, the State and Political Liberalization*, 77.

⁷⁷ Off Our Backs, “Women Right’s Plan Under Fire” May 2000 v30 i5 p4

abolishing gender inequalities. “In Rabat, some 100, 000 women and families gathered in a festive atmosphere to celebrate the plan and demand its implementation.”⁷⁸ However, nothing has been changed yet for Moroccan women. Officials can say supportive words, but unless they follow them with actions, it would not do any benefit for the Moroccan women.

In my opinion, Moroccan women will not accomplish complete equality until Morocco adopts secular laws based on human rights and makes religion in general, and Islam in particular, a private matter. Otherwise Islam will ensure that “women’s status remains one of subjugation.”⁷⁹ The government of Morocco has a significant role play in this matter. “The government” says Skalli, a female member of parliament, “bears responsibility and has clearly displayed a lack of courage on the issue of women.”⁸⁰ Morocco, in my opinion, needs to adopt the Tunisian style of weakening the Islamists and adopting secular laws that make men and women equal citizens in every way.

Islam and equality are not a possible pairing. Islam does not provide the equal status for women, like a secular system, similar to the one adopted in Tunisia, does. In Tunisia, the far-sighted government of Bourguiba, saw that

Assigning women to secondary place in society failed to capitalize on one of Tunisia’s most valuable commodities—its human resource. The priority accorded to the Personal Status Code of 1956 showed the importance the party attached to raising women’s status and promoting their full participation in the nation’s development.⁸¹

The Moroccan government needs to realize that it cannot move forward with half of its population crippled with misogynous laws. The government needs to make the initiative

⁷⁸ Howe, Marvine. “Fresh Start For Morocco.” *Middle East Policy* 8 (June 2001), 64.

⁷⁹ Mernissi, *Beyond the Veil*, 11.

⁸⁰ UNESCO Courier. “A woman in the Lion’s Den” June 2000 p.30.

⁸¹ Perkins, *Tunisia: Crossroads of the Islamic and European Worlds*, 124.

to change in the laws to make them less misogynous. Women should be granted autonomy in issues such as marriage, divorce, and guardianship. Furthermore, women should be given the right to child custody, and the right to register their children, born of marriage or not. In addition, the government should spread awareness among its citizens of the importance of education for girls and even mandate such laws.

With the existence of a global system that promotes equality as a condition for having a healthy society, Moroccan women can see the controversy of their situation as citizens, yet having almost no rights when it come to the personal law. Living or attempting to live the ideals of Islam means turning the clock back in time and agreeing to live by the rules of the 1400s. This is only possible with complete isolation from the world, as is the case in Afghanistan. However, in this time and age, such isolation is not really possible for an extended period. Democracy requires freedom of thought, speech and conduct. Islam does not have room for such freedoms for half its population. Therefore, Islam and modern life are bound to conflict.

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