

Women's condition in the Maghreb

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Abstract

Prisoners of a social and religious space with traditionalist codes, most of North-African women do not own their destiny. On the contrary, their fate is imposed upon them: women are belittled and perpetually treated as underage. Despite being given numerous rights they could not benefit from only ten years ago, progress will only exist in the long term. It is necessary for them to deconstruct social and religious codes with the help of actors engaged by their side.



In 2017, nearly 300 people spoke up in Casablanca to denounce the collective sexual assault towards a woman in a bus. In Morocco, violence against women is “common currency”¹, and even if some of them have been criminalised, there is still a jurisdictional void about this matter, proven largely by the increase of violence cases these last few years.

We will call “woman” anyone who considers themselves as one, although transidentity and intersexuation are both taboo topics and hidden matters in North-African countries. The fight for rights of North-African women can be compared to the fight of all women belonging to the Islamic community. This struggle is not a recent one and it takes tenacity and bravery to obtain progress in this domain. Indeed, women realise they belong to a society that oppresses them and whose religious and patriarchal system is fixed in mores. Saudi Arabia, Egypt, Algeria, Morocco - to only cite those countries - are impregnated by this same feminist fight. However, our analysis will only concern 3 specific countries: Tunisia, Algeria - both parliamentary Republics², and Morocco - a constitutional parliamentary Monarchy.

This topic occupies a central place in the present context since the years 2008-2010, at the beginning of the Arab Spring in countries of the Maghreb, composed in the general consensus, of Morocco, Algeria and Tunisia. Inside this very territory, delimited by the Mediterranean Sea at the north and the Sahara in the south, it showed some progress in the behaviour of women along the years, leaving them in an underage position. Little by little, they have been able to express themselves more freely and manage to obtain the support of a community, attentive to the evolution of their rights.

Firstly, it seems important to study the present situation of women in the Maghreb. For that, we need to study both the Law and the Quran.

THE FOUNDATION OF FEMININE CONSTRUCTION IN MAGHREB

What does the Quran say about women?

The principle of equality between men and women

It is a widespread idea that the Quran affirmed men as superior to women. Yet, the texts present another reality. Indeed, women have always been considered as the equal of men. There is first of all in the text, a distinction between men and women in front of Allah. We can see it through the use of the term

¹ N.D. (2019). Agressions sur la voie publique : les chiffres de la DGSN. *lesiteinfo.com*. [online] 19 Sep. Available at: <https://www.lesiteinfo.com/maroc/agressions-sur-la-voie-publique-les-chiffres-de-la-dgsn/> [Accessed 22 Aug. 2020].

LAMLILI, N. (2017). Maroc : Les chiffres alarmants des violences faites aux femmes – Jeune Afrique. *jeuneafrique.com*. [online] 23 Aug. Available at: <https://www.jeuneafrique.com/467656/societe/maroc-les-chiffres-alarmants-des-violences-faites-aux-femmes> [Accessed 22 Aug. 2020].

TANGUY, Y. (2017). Agression sexuelle collective au Maroc : "Quand on est une femme, on risque d'être harcelée ou violée à n'importe quel moment". [online] *lci.fr*. 24 Aug. Available at: <https://www.lci.fr/international/agression-sexuelle-collective-au-maroc-quand-on-est-une-femme-on-risque-d-etre-harcelee-o-u-violee-a-n-importe-quel-moment-tahani-brahma-2062206.html> [Accessed 22 Aug. 2020].

² N.D. (n.d.) The World Factbook - Central Intelligence Agency. *cia.gov*. [online] Available at: <https://www.cia.gov/library/publications/the-world-factbook/> [Accessed 22 Aug. 2020].



“believing women and men”, furthermore through quranic verses as in the sura 4 verse 1, in which Allah says:

“O people! Fear your Lord, who created you from a single soul, and created from it its mate, and propagated from them many men and women”

Through this verse, we can well see that men and women have been created “*from a single soul*” and that they therefore form an equal and complementary half. We find again this notion of equality between genders is the sora 9 verse 71:

“The believing men and believing women are friends of one another. They advocate virtue, forbid evil, perform the prayers, practice charity, and obey Allah and His Messenger. These—Allah will have mercy on them. Allah is Noble and Wise.”

Men and Women are described as “friends of one another”, capable of determining what is “the virtue” and “the devil” in a society. No distinction is and will be made depending on their gender, the latter will be judged the same way and must accomplish the same duties.

Violences against women

A second common misconception would want the Quran to encourage domestic violence, specifying that the man might beat his wife if she disobeys. And a verse of the Quran is used to affirm it, verse 34 of the 4th sora:

“Men are the protectors and maintainers of women, as Allah has given some of them an advantage over others, and because they spend out of their wealth. The good women are obedient, guarding what Allah would have them guard. As for those from whom you fear disloyalty, admonish them, and abandon them in their beds, then strike them. But if they obey you, seek no way against them. Allah is Sublime, Great.”

In this verse, if we stick to the standard translation, we observe that the man is superior to the woman, and that women must therefore obey their husband or they will be victim of domestic violence. Yet, this superiority is contradictory to everything we affirmed before, namely that the Quran preaches equality between genders. Furthermore, violence expressed goes also against the idea of “love and compassion” inside the couple as described in surah 30 verse 21.

The divergence here is caused by troubles of translation. Indeed, this misinterpretation concerning the idea of superiority and violence is essentially linked to three terms which can be translated differently³. They are:

1. *Qawwâmûn* which means “taking care of something”, “assuming the responsibility of something”, and which has been replaced in the standard translation by “are protectors and maintainers of”.
2. *Ba'da hum 'alâ ba'dîn* whose translation above refers to an idea of superiority “has given some of them an advantage over others”. Yet in the term *ba'dîn* nothing indicates that we are referring to women as “others”, contrary to the use of the pronoun *hum*, representing “them”, the men.
3. *Wa-dribû-hunna* which was translated literally by *wa*, “then”; *dribû*, “strike” et *hunna*, “them”, giving “then strike them”. Yet, the verb *daraba* possesses multiple significations as: “striking”,

³ Dr. AL AJAMÎ. (2018). Egalité homme-femmes selon le Coran et en Islam. *alajami.fr*. [online] 25 Jan. Available at: <https://www.alajami.fr/index.php/2018/01/25/egalite-homme-femme-selon-le-coran-et-en-islam/> [Accessed 31 Aug. 2020].



“proposing”, “giving”. Here namely, the meaning we are interested in is “to get away from”. This translation corresponds better because it joins the idea of “compassion” inside the couple.

Once modifications have been made, we observe that the verse takes a whole other meaning and confirms that in no instance domestic violence is tolerated in the Quran.

“Men have responsibilities towards women, as Allah has given some of them an advantage over others, and because they spend out of their wealth. The good women are obedient, guarding what Allah would have them guard. As for those from whom you fear disloyalty, admonish them, and abandon them in their beds, then get away from them. But if they obey you, seek no way against them. Allah is Sublime, Great.”⁴

In addition, the prophet Mohamed is considered as the example to follow for every muslim believer. The latter never once hit his wives and encouraged his companions to do so: never again lay a hand on their wives. To finish, in an Islamic State, if a woman is beaten, she can ask a judge to dissolve her marriage. This shows well that Islam do not tolerate domestic violence.

The notion of legacy

This question of legacy leads to believe that there would be a natural inequality between men and women. Yet, the question is much more complex. Firstly, there is two notions to distinguish: the inheritance (*al-wasiya*) and the heritage (*al-warth*)⁵. Both are mentioned in the Quran. Allah advises that each one writes their will and testament before dying, particularly in sura 2 verse 180: *“It is decreed for you: when death approaches one of you, and he leaves wealth, to make a testament in favor of the parents and the relatives, fairly and correctly—a duty upon the righteous.”*

This testament is left to one’s assessment, everyone is free to act as they want. However Allah recommends that it will be done in favor of relatives of the deceased but also in favor of “orphans and the needy who share”. Additionally, the sharing of the inheritance must be done between men and women but no other distinction is given except: *“Men receive a share of what their parents and relatives leave, and women receive a share of what their parents and relatives leave; be it little or much: a legal share”* (sura 4 verse 7).

The idea of inequality between men and women therefore comes from the notion of heritage and from verse 11 of the 4th sura:

“Allah instructs you regarding your children: The male receives the equivalent of the share of two females. If they are daughters, more than two, they get two-thirds of what he leaves. If there is only one, she gets one-half. As for the parents, each gets one-sixth of what he leaves, if he had children. If he had no children, and his parents inherit from him, his mother gets one-third. If he has siblings, his mother

⁴ Translation proposed by Dr. AL AJAMÎ. (2018). Egalité homme-femmes selon le Coran et en Islam. *alajami.fr*. [online] 25 Jan. Available at: <https://www.alajami.fr/index.php/2018/01/25/egalite-homme-femme-selon-le-coran-et-en-islam/> [Accessed 31 Aug. 2020]. Translated again in English.

⁵ Here, the inheritance refers to the testament written by ones in which they leave somebody something. The heritage is the goods available after the death, that are not mentioned in the testament. People therefore refer to coranic writings.

gets one-sixth. After fulfilling any bequest and paying off debts. Your parents and your children—you do not know which are closer to you in welfare. This is Allah's Law. Allah is Knowing and Judicious.”

In the first sentence of this verse is said: *“The male receives the equivalent of the share of two females”*. Hence the idea of inequality. Nevertheless, this notion of heritage is supposed to appear after the one of inheritance, as testifies this same verse: *“After fulfilling any bequest”*. Even so the exegetical reading done by Islamic jurists about the notion of inheritance put in the light the term of “heritage” under: *al-warth* and underestimated the importance of the “inheritance”: *al-wasyya*.

What does the Law say?

Numerous progresses have been made concerning women rights in those three states of the Maghreb, such as the recognition of the principle of equality between men and women, the access to high responsibility positions, especially in politics, for women or the criminalisation of domestic violence. However, progress is uneven between countries and laws are not perfect.

First of all, the countries who made the most progress is Tunisia who, contrary to Morocco or Algeria, abrogated the interdiction for women to marry non-Muslims, and also prohibited polygamy. However, the country lately showed its limits of recognition of women rights. As a matter of fact, a draft bill on gender equality about heritage was discussed but negotiations were suspended after the election of Kaïs Saïed⁶, who wants to maintain the actual system, based on the Quran in which women can only inherit half of a man’s part.

Also, one of the very first fights for women’s rights in the Maghreb was the one demanding the recognition of domestic violence. In Algeria, the “law n°15/19 of December the 30th of 2015 criminalises domestic violence, street harassment, theft between spouses or dispossession, by the husband, of his wife’s properties.”⁷. This Law envisages gradual sanction for the aggressor dependent on the gravity of injuries inflicted to the victim. The maximum penalty is life imprisonment, if the victim dies. However this law has a flaw because it implements a “forgiveness clause”, declaring that if the victim decides to forgive their aggressor, judicial proceedings can be terminated. Therefore, this clause creates risk of family and peer pressure upon the victim to retrieve their complaint.

Morocco too tried to fight against violence and improve women’s life conditions through the bill draft 103.13. However, this bill draft adopted in 2018 was judged insufficient by the “Federation of the Democratic League for Women’s Rights” (FLDDF in French), especially because it did not recognise marital rape. In December 2018, Tanger’s Court recognised for the first time a marital rape as a crime. This decision was largely applauded and seen as a sign of progress, even so the law was never edited and

⁶ Former Jurist then independent candidate to the presidential elections in Tunisia, he claims to be “against the system”. On October the 13th of 2019, he is elected as President with 72,71% of the votes.

⁷ BESSAIDI, N. (2017). Droits des femmes en Algérie : Les lois progressent mais pas les mentalités. *middleeasteye.net*. [online] 31 Jul. Available at: <https://www.middleeasteye.net/fr/opinion-fr/droits-des-femmes-en-algerie-les-lois-progressent-mais-pas-les-mentalites> [Accessed 31 Aug. 2020]. Translated again in English.



still exists as it today. Despite the United Nation Organisation 's denunciation (UN), a legal void about marital rape still exists in the Moroccan Law.

Meanwhile, Tunisia possesses one of the most complete Laws about domestic violences. It criminalises marital rapes and abolishes marriage between a rapist and their victim. What is still lacking however is a good access to information and “the presence of human and financial means to apply procedures as the law demands it”, as explains Karima Brini, in charge of the Manara center and the Association Women and Citizenship of the city of Kef (north-west of Tunisia).⁸ This lack of means is a recurrent problem in Maghreb, because even if some women have a strong will to press charges against their aggressor, they wonder where they will be taken charge of once judicial proceedings will begin.

The role of mores and social pressure

Although the Quran promotes equality between genders and countries of the Maghreb have made some progress on the topic of women's rights, the condition of women does not seem to evolve much. How can we explain this paradox? To answer this question, we need to take a closer look at the society in the Maghreb, how it operates, and the norms and values promoted within it. Because even if the law is an important vector of change and it allows the promotion of political fights, there still exist informal rules and anchored ways of thinking , preventing real change from happening. Yet without deconstructing those mentalities and without social changes, the condition of women is hard to improve.

First of all, it is important to recall that there has been a development in the Maghreb of what we could call a culture of religion, manifesting itself through two words: *haram* (حَرَام) “what is religiously forbidden” and *aib* (عيب) “what is culturally inappropriate”. Those two terms are generally perceived as identical, as if they had the same meaning and the same consequences⁹. Yet it is not true: what is *haram* responds to the religious domain and *aib* has to do with social rules; what is prohibited on a social/cultural level.

Women from the Maghreb are victims of continual social pressure in public spaces as much as in their private sphere. Their behaviour, the way they dress are strictly inspected and monitored. The Algerian writer Amine Zaoui express this pressure of which women are daily victims: “*the female body is also under the permanent inspection of neighbors, in the rear-view mirror of the taxi driver, under the gaze of the neighborhood's grocer, insulted by university's doctors in conferences, judged by the security agent of the establishment. Above all, it is cursed weekly in the lectures of the Great prayer every Friday!*”¹⁰ The society of Maghreb has a moralistic social tendency manifesting through everything that is *aib*. It is indeed common for young girls and women to be prevented from doing something because of the “what will be said” if one were to see her act or dressed in such or such way. It is a matter of honor,

⁸ BLAISE, L. (2019). Violences faites aux femmes en Tunisie : un an après la loi. *middleeasteye.net*. [online] 1 Feb. Available at: <https://www.middleeasteye.net/fr/reportages/violences-faites-aux-femmes-en-tunisie-un-apres-la-loi> [Accessed 23 Aug. 2020].

⁹ TEDWomen2015. (2015). *MURABIT Alaa - What my religion really says about women*. *ted.com*. [online] May. Available at: https://www.ted.com/talks/alaamurabit_what_my_religion_really_says_about_women#t-720872 [Accessed 30 Aug. 2020].

¹⁰ ZAOUI, A. (2017). Le corps féminin entre beylek et habou. *liberte-algerie.com*. [online] 17 Aug. Available at: <https://www.liberte-algerie.com/chronique/le-corps-feminin-entre-beylek-et-habous-392> [Accessed 31 Aug. 2020].



hers but especially that of her family or her husband. It is because, as the writer Kamel Daoud explains, a woman is generally “perceived as a source of imbalance, she is only respected when she is defined in a property relationship, as the wife of X or the daughter of Y.”¹¹ She represents a stake of virility of men, she is a representation of family values.

Alongside with the social pressure concerning the image they reflect, women are also daily victims of harassment on the streets. In Morocco, a case of street harassment made a particular impact, leading to a general indignation. On July the 31st of 2017 in Tanger, a group of men coming out of a theater started chasing a woman, in panic who was trying to escape. The publication of a video led to a wave of anger inside the population but also from the media. Thus, the journal *La Dépêche*, untitled its article of 1 August 2017: “Sexual harassment, a notion sport in Morocco?”¹² Yassine Jamali explained, in an opinion column for *L’Economiste*, that “the street in Morocco represents a place of humiliation and violence for women, it is undeniable, unless every woman of the countries is a mythomaniac”¹³. The problem of harassment is partly explained by a pervasive sexual frustration where the female body becomes the object of desire and fantasy. Nadia Naïr, a teacher at the University of Tetouan, explains that this frustration is mainly linked to the fact that in these countries “relations outside marriage, adultery and homosexuality are punished with imprisonment”¹⁴. Kamel Daoud also explains that everyone “likewise hopes to live a love story”, however “we prevent the mechanics of dating, seduction and flirting by monitoring women, by over-investing in the question of their virginity and by giving powers to the morality police. We would even pay surgeons to repair the hymens.”¹⁵ We no longer dare to speak of love, public displays of affection are not encouraged, all this has gradually become *aïb*, taboo, and all these phenomena promote this frustration.

In addition, in the Maghreb there is a strong opposition of modernity by social conservatism. When we talk about social conservatism, we basically mean the difficulty in changing mentalities. Of course, women have rights, but when they are in the private sphere, women find themselves in a position of inferiority. This is what Nourredine Bessadi, teacher-researcher at the Mouloud-Mammeri University of Tizi Ouzou explains, in her article: “Algerian women are citizens in the public sphere but find themselves in a situation of serious inferiority within the family unit”¹⁶. In his article, he also shows the impact of

¹¹ DAOUD, K. (2016). Opinion | La misère sexuelle du monde arabe. *Nytimes.com*. [online] Available at: <https://www.nytimes.com/2016/02/14/opinion/sunday/la-misere-sexuelle-du-monde-arabe.html> [Accessed 31 Aug. 2020].

¹² GONZALEZ, M. (2017). MAROC : Youssef Roudaby, “Harcèlement sexuel, un sport national au Maroc?”, *ladépêche*, 1 Aug. 2017. *lemaghreb.org*. [online] 2 Aug. Available at: <http://www.lemaghreb.org/fr/maroc-youssef-roudaby-harcelement-sexuel-un-sport-national-au-maroc-la-depeche-le-1-aout-2017/> [Accessed 31 Aug. 2020].

¹³ JAMALI, Y. (2017). Marocaines, au péril de la modernité. *leconomiste.com*. [online] 15 Sep. Available at: <https://www.leconomiste.com/article/1017479-marocaines-au-peril-de-la-modernite> [Accessed 31 Aug. 2020].

¹⁴ MATMATI, M. (2017). La situation des femmes au Maghreb : entre conservatisme socialo-religieux et espoir de modernité. *iris-france.org*. [online] 24 Oct. Available at: <https://www.iris-france.org/101256-la-situation-des-femmes-au-maghreb-entre-conservatismes-socialo-religieux-et-espoir-de-modernite/> [Accessed 29 Aug. 2020].

¹⁵ *Ibid.*

¹⁶ BESSAIDI, N. (2017). Droits des femmes en Algérie : Les lois progressent mais pas les mentalités. *middleeasteye.net*. [online] 31 Jul. Available at:



norms internalized by women. In fact, in 2014-2015, a study was carried out by Afrobarometer (equivalent to the Arab Barometer but for Africa) and which shows that “41% of Algerians completely agree with the idea that men make better policy makers than women, and therefore should be elected in their place. Only 16% strongly agree with the idea that men and women should have equal opportunities to be elected”¹⁷. In the same article, a survey carried out in Algeria by the Ministry of Health in collaboration with the United Nations Children's Fund (UNICEF) and the United Nations Population Fund (UNFPA) showed that in 2012- 2014: “59% of Algerian women aged between 15 and 49 believe that a husband has the right to hit or beat his wife for various causes”¹⁸.

Therefore, despite some struggle and the adoption of new laws, the improvement of women’s condition won’t be possible without an evolution of mentalities, without shaking social conservatism and without putting a stop to religious instrumentalisation of exegete. Thanks to multiple actors: feminists, the State and men allied to this egalitarian cause, we can however observe more and more progress in recent years.

THE CHANGE

The committed actors

The followers of Islam or muslims who are feminists

We would sometimes tend to believe that there is only one form of feminism because it is the one we know the most, or rather that has imposed itself on us. However, this is a mistake: it is Western-centered. In other words, this is a preconceived idea by the West, who wants to be dominant, better, more unique, even if it means crushing other ways of thinking. In fact, feminism as we know it was actually conceived by and for white women, to the detriment of racialized women. According to Zahra Ali, author of *Féminismes islamiques*^{19,20}, there is a need to « de-essentialize feminism ». In this way, she explains that feminism is not a matrix that we can simply take back and apply it to every situation, for every country. Zahra Ali adds that feminism does not belong to anyone, that it cannot be reduced to white Western feminism; around the world there are other forms of protesting against the oppression of women, they simply operate in different ways. Thus, there is not a single model for the empowerment of women.

Some racialized women have therefore theorized other feminisms in which they identify more. Political scientist and feminist activist Françoise Vergès writes that: “*I defend a decolonial feminism aimed at the destruction of racism, capitalism and imperialism*”²¹. We then speak of decolonial or postcolonial

<https://www.middleeasteye.net/fr/opinion-fr/droits-des-femmes-en-algerie-les-lois-progressent-mais-pas-les-mentalites>
[Accessed 23 Aug. 2020].

¹⁷ *Ibid.*

¹⁸ N.D. (2015). Est-ce que le mari a le droit de frapper son épouse ? *actu-maroc.com*. [online] 28 Nov. Available at: <https://www.actu-maroc.com/est-ce-que-le-mari-a-le-droit-de-frapper-son-epouse/> [Accessed 31 Aug. 2020].

¹⁹ [Notes from the translator] The book *Féminismes islamiques* can be translated into Islamic feminism in English.

²⁰ ALI, Z. (2020). *Féminismes islamiques*, Paris, Ed : La Fabrique éditions.

²¹ VERGES, F. (2019). *Un féminisme décolonial*, Mayenne, Ed : La Fabrique éditions.

feminism. This one is defined by the journalist Yann Lagarde in his interview with Françoise Vergès for *France Culture*²² as being a feminism which “*aims to achieve intersectionality and the convergence of struggles, both against sexism, racism, capitalism, imperialism. It also denounces the remnants of colonial ideology which structure the society.*” What Françoise Vergès insists on in her book is the need to let racialized women speak out about their oppression, to listen to them and to respect their own ways of fighting, without making any value judgment.

If one wishes to understand Muslim feminism, it is therefore essential to understand its specificities. Unlike Western feminism, Muslim feminism is built in agreement and support with religion, not by rejecting it. This idea is very well explained in the quote from Margot Badran, historian specializing in women's issues in Islam: “*I see Islamic feminism at the center of a Transformation within Islam struggling to make headway. I call this a Transformation rather than a Reformation. The Islamic Transformation is not about the reforming of patriarchal claims and practices that were insinuated into Islam; it is about the transforming of what has passed as ‘Islam’ through a realignment of Islam with the Qur’anic message of gender equality and social justice... Transformation is about restoring the deep Qur’anic message to the surface of awareness and articulation.*”²³ Thus, rising at the end of the 19th century, the Muslim feminist struggle is carried out mainly through a rereading and a new interpretation of the founding texts by women. All these erudite women want to demonstrate is absolute equality (*al-musawa*) for all. One of the pioneers in this struggle for a new, more egalitarian interpretation of the Qur'an is Virginia Commonwealth University professor of Islamic studies Amina Wadud. In her essential book for spreading Islamic feminism, *Qur’an and Woman: Rereading the Sacred Text from a Woman’s Perspective*²⁴, she explains that patriarchy has no place in Islam. Indeed, Allah designed all human beings to be equal. However, if equality between all is not respected, that is to say if men position themselves socially above women, these undermine the principle of the uniqueness of Allah (*tawhid*) by placing himself at a level equal to that of Allah; they 'associate' with Allah as Margot Badran explains²⁵.

However, reformist intellectuals and doctors of divinity, only men, refusing to make room for women, give too little credit to the research of these Muslim feminists, which is often mocked. This is why it is essential that other actors and actresses also take ownership of the issue of the status of women in the Maghreb.

The state, its judicial system and its laws

Feminism has shown to the State the existence of a new dimension within the population and a fortiori, it is increasingly aware of its role as an actor in the fight for women’s rights. The laws keep progressing thanks to the current feminist voices, always more dazzling. In Algeria, for example, the criminalization of

²² LAGARDE, Y. (2019). Le féminisme décolonial selon Françoise Vergès. *franceculture.fr*. [online] 21 Mar. Available at: <https://www.franceculture.fr/societe/le-feminisme-decolonial-selon-francoise-verges> [Accessed 25 Aug. 2020].

²³ BADRAN, M. (2009). Islamic Feminism on the Move. in BARDAN, M. *Feminism in Islam : Secular and Religious Convergences*. Oxford. Oneworld Publications. p. 323-338.

²⁴ WADUD A. (1992). *Qur’an and Woman: Rereading the Sacred Text from a Woman’s Perspective*. 2nd Edition. Oxford: Oxford University Press.

²⁵ BADRAN, M. (2010). Où en est le féminisme islamique ? *Critique internationale* (n° 46). [online] Jan. Available at: <https://www.cairn.info/revue-critique-internationale-2010-1-page-25.htm> [Accessed 24 Aug. 2020].



domestic violence²⁶, aimed at protecting women victims of beatings by their husbands, has been introduced since 2015. Women's participation in politics had already in 2012 gained importance with the organic law no.12-03 of January 12, 2012 “*defining the terms and conditions increasing the chances of women having access to representation in elected assemblies*”²⁷. In addition, forced marriage is legally not possible in the region. However, although the laws are moving in a quest for egalitarian feminine freedoms, social practices, for their part, remain for the most part immutable. Forced marriages can be motivated by a desire not to belittle the honor of the family, and in such cases the law reveals its limits.

In addition to these legal gaps, even if the law presents difficulties in an integrating manner, it acts as a real social engine and shows a desire to advance mentalities towards the liberation of women. In this sense, in 2012, when the Algerian People's National Assembly²⁸ had become accustomed to welcoming men exclusively, the entry of women was overwhelming, representing 31.6% of elected representatives.

Nevertheless, on other subjects and depending on the country, for instance the situation in Tunisia, the State remains liberticidal for women when in the event of rape, the rapist has the possibility of deciding to marry his victim in order to to stop legal proceedings²⁹.

This shows that even if the state legislates based on current demands, it can be a brake on progress on certain subjects. On the other hand, we tend to believe and admit that the advance towards feminist laws is only recent. However, in Tunisia, the Code of Personal Status of 1956³⁰ indicates that progress began much earlier and reveals more advanced legislation than its neighboring countries³¹ in the area of women's rights, even if there are still laws that are just as reprehensible as the ones in the other Maghreb states. Consequently, the demands have certainly become more numerous, only that they face a socio-religious anchoring which is, in fact, predominant in the law in the Maghreb. Greater importance is given to cultural and religious aspects, modeled on Sharia, Islamic law that is based on the precepts of the Quran. Just that let's not forget it's about the interpretation³².

²⁶ *Ibid.*

²⁷ Ministère de l'Intérieur et de Collectivités locales. n.d. *Loi Organique n° 12-03 Du 12 Janvier 2012 Fixant Les Modalités Augmentant Les Chances D'Accès De La Femme À La Représentation Dans Les Assemblées Élués (JO n° 01)*. [online] Available at:

<https://www.interieur.gov.dz/index.php/fr/elections/225-elections-legislatives-10-mai-2012/dispositif-1%C3%A9gislatif-et-r%C3%A9glementaire/604-loi-organique-n%C2%BO-12-03-du-12-janvier-2012-fixant-les-modalit%C3%A9s-augmentant-les-chances-d%E2%80%99acc%C3%A8s-de-la-femme-%C3%AO-la-repr%C3%A9sentation-dans-les-sembl%C3%A9es-%C3%A9lués-jo-n%C2%BO-01.html> [Accessed 22 Aug. 2020].

²⁸ *Ibid.*

²⁹ N.D. (2016). La justice tunisienne valide le mariage d'une fille de 13 ans et du violeur dont elle est enceinte. *francais.rt.com*. [online] 14 Dec. Available at:

<https://francais.rt.com/international/30643-justice-tunisienne-autorise-mariage-fille-13-ans-homme-mise-enceinte> [Accessed 22 Aug. 2020].

³⁰ Legislation.tn. n.d. [online] Available at: <http://www.legislation.tn/sites/default/files/codes/Statutpersonnel.pdf> [Accessed 24 Aug. 2020].

³¹ BELKAID, A. (2019). Femmes et héritage en Tunisie, l'échec d'une réforme. *lemonde-diplomatique.fr*. [online] Available at: <https://www.monde-diplomatique.fr/2019/08/BELKAID/60165> [Accessed 23 Aug. 2020].

³² BOIREAU, M., (2011). Qu'est-ce que la charia ? *camintéresse.fr*. [online] Available at:

<https://www.camintéresse.fr/economie-societe/quest-ce-que-la-charia-117578/> [Accessed 22 Aug. 2020].



Support from men

In this fight against the patriarchal oppression of society, men appear counterintuitively as allies of this struggle led by women, providing support that comes in many forms. Historically, several figures have played a role in the development of women's rights in the Maghreb.

Tahar Haddad³³ is a key Tunisian writer in the history of 20th century Algeria. Between militancy, activism, trade unionism as well as the defense of Tunisian women and the abolition of polygamy, he is the author of *Notre femme dans la législation islamique et la société*³⁴ (1930). This book is the result of the author's ideas on the emancipation of women as individuals and within the family. He affirms that originally the Muslim religion considered that men and women should have the same rights and duties, especially in the area of private property. In practice, however, a tradition has developed in which most women entrust their property to their husbands or fathers. On this point then, Haddad calls on women to claim their right to have total control over their property. Regarding the judicial aspect, he argues that women should be able to occupy positions within the system as well as being witnesses.

In terms of education, he advocates full education for women and rejects any form of exclusion of those who do not have the right to complete their studies. According to him, they should finish their education and participate fully in public life. As for marriage, he wishes to emancipate women from forced or arranged marriage. He believes that the family cannot be united and fulfilled if parents arrange the fate of their daughters against their will.

In short, his work has enabled his ideas to materialize and constitutes an anchor point from which progress can only continue. At the time, its tenets were consistent with those of the Egyptian thinker Kacem Amin, author of *La nouvelle femme*³⁵ (1990). In Tunisia, his ideas were not well received by the conservatives, but his proposals were taken up at the time of independence, when the Personal Status Code was promulgated in August 1956.

Mohamed Chouikh³⁶ is an Algerian film director. He expresses through his works a particular sensitivity to the feminist cause. His film productions feature different eras and various aspects of feminism. The subject of the oppression of women in *La Citadelle* (1989) was approached by showing the passivity and the frustration that women experience in the face of their daily suffering. In addition, in his film *Youcef* (1993), he expresses the deception and betrayal of fathers and husbands suffered in the 1960s. In his following works, he will thus complete his “feminist lacuna” by showing the woman in action, the one who takes her destiny in her hands, the revolutionary woman. He even states that it was the women who fought most courageously while the men stayed at home. In *Douar des femmes*, produced in 2005, women strive to defend villages from attackers while men work in factories. Chouikh thus shows the

³³ N.D. (2019) HISTOIRE - Tahar Haddad, militant et féministe d'avant-garde. [online]. *Lepetitjournal.com*. Available at: <https://lepetitjournal.com/tunis/actualites/histoire-tahar-haddad-militant-et-feministe-davant-garde-53811> [Accessed 22 Aug. 2020].

³⁴ [Notes from the translator] *Notre femme dans la législation islamique et la société* can be translated as “Our woman in Islamic legislation and society” in English.

³⁵ [Notes from the translator] “*La nouvelle femme*” can be translated to “*The New Woman*” in English.

³⁶ DERFOUFI, M. (2019). Entretien avec Mohamed Chouikh. *delautrecote.org*. [online] Available at: <https://www.google.fr/amp/s/delautrecote.org/2019/06/17/entretien-avec-mohamed-chouikh/amp/> [Accessed 22 Aug. 2020].

awareness of their importance and their status. In view of these behaviors that have marked history, it is customary in Algeria to say that the only men in the country are in fact... women. The director thus stands out for his commitment to feminism, which he has taken to heart since 1989, when *La Citadelle* was released. However, men allied to the feminist cause in the Maghreb seem less numerous than in Western countries, or at least, little was put forward.

On the other hand, it is interesting to note that little is generally said about fathers and husbands who support their daughters and wives in their struggles. Mohamed Chouikh rightly argues that, paradoxically, the men in this society, which is eminently oppressive for women, feel a deep discomfort. Above all, he seeks to point the finger at the infernal cycle of society which is built on inequitable and unjust principles, beliefs which claim to be sovereign and whose inherent practices are posited as just. This explains why Mohamed Chouikh does not realize a division between men and women in his productions, because evil does not come from men, the root cause comes from elsewhere.

The means and modes of actions

Social media

At the start of 2020, a feminist campaign video made the buzz. It features Cynthia Nixon, a well-known actress from the movie *Sex and the City*. You have most certainly seen it circulating on social networks as it has been shared and then reshaped, and so much has it been the subject of reactions. This is the video clip “*Be a lady, they said*”³⁷. This original English version was used in a version intended for Moroccan women to “*be a lady*”³⁸ in Moroccan, broadcast by Jeel Media. This applies more to the mores of their society and to the socio-religious framework to which they belong. It discusses the subordination of the woman to her husband and the pressure from society and the family more particularly, which pushes young women to marry and give birth very early. In addition, references to the Muslim religion concerning the Islamic veil and the presence of Allah clearly indicate that the framework is specific to the socio-religious framework of the Maghreb countries. For example, the wife should not stand up to her husband or should remain patient and pray to Allah that her husband does not raise his hand over her again. She must not remain “old maid” and must get married as soon as possible.

This video had a remarkable impact and allowed a questioning among Maghrebian women but also a general support as for their condition, their role within society, their family and within their couple because they are words that they hear daily. This is a subject that never leaves them, feeding their discomfort but, at the same time, gathering the audience around it, giving them the keys to emancipation.

³⁷ DUBE, A. (2020). De Weinstein À “Be A Lady They Said” : Le Cri Du Coeur Des Femmes. *canalvie.com*. [online] Available at: <https://www.canalvie.com/sante-beaute/bien-etre/be-a-lady-femme-1.10607103> [Accessed 22 Aug. 2020].

³⁸ Moroccan Ladies. (2020). “*Sois Une Femme-اكني امرأة*”, *The Awareness Campaign Combating Violence Against Women - Moroccan Ladies*. [online] Available at: <https://moroccanladies.com/breaking-news/sois-une-femme-%D9%83%D9%86%D9%8A-%D8%A7%D9%85%D8%B1%D8%A3%D8%A9-awareness-campaign-combating-violence-women-31869> [Accessed 22 Aug. 2020].



Other productions have served the cause defended by women in the Maghreb, such as the explanatory episodes produced by Jeel Media³⁹, about street harassment in Morocco.

Education

Emile Durkheim, the founding father of sociology, gives the following definition of education: “*Education is the action exerted by the adult generations on those who are not yet mature for social life. Its object is to arouse and develop in the child a certain number of physical, intellectual and mental states that demand of him, and of political society as a whole, and of the social environment for which he is particularly intended.*”⁴⁰ In other words, by education we mean the transmission of knowledge considered essential to the development of a child, so that he can integrate into society. However, in Muslim countries, the issue of girls' education remains controversial, although inequalities have tended to decrease in recent years. Thus, the journalist Claire Levenson wrote for the magazine *Slate.fr*: “*The educational gap between men and women has decreased a lot in recent years. Indeed, for Muslim women born between 1936 and 1955, the average number of years spent in school was two and a half years, compared to four and a half years for men. For the generation born between 1976 and 1985, the gap was only one year.*”⁴¹ She adds later, in the same survey: “*At the global level, the rate of Muslim women who have never been to school has increased from 64% for the generation born between 1935 and 1955 to 33% for that born between 1976 and 1985*”. There has therefore been a marked improvement in the literacy rate for girls in Muslim countries, but which still needs to be improved.

Although the Quran advocates education for all⁴², some people still think that a woman does not need to go to school and that her place is to take care of the children, her husband and the mother. However, the challenges of girls' education are numerous. First of all, the right to education is a universal human right, guaranteed both by article 26 of the Universal Declaration of Human Rights of 1948 but also by the Convention on the Rights of the Child. of 1989 (Articles 2, 9, 28 and 29). In addition, articles 1 and 10 of the Convention on the Elimination of All Forms of Discrimination against Women also advocate equal access to education for boys and girls. However, these texts have all been signed, or at least entered

³⁹ Jeel. (2019). *Episode 1 : Le Harcèlement de rue au Maroc*. Jeel Media. *facebook.com*. Available at: <https://www.facebook.com/watch/?v=512453952859552&extid=B1Hy4g7mLKHQZokQ> [Accessed 24 Aug. 2020].

⁴⁰ DURKHEIM, E. (1911). Education. in BUISSON, F. *Nouveau dictionnaire de pédagogie*. Paris. Ed: Hachette.

⁴¹ LEVENSON, C. (2017). Les femmes musulmanes sont désormais presque aussi éduquées que les hommes. *Slate.fr*. [online] Available at: <http://www.slate.fr/story/132983/femmes-musulmanes-education> [Accessed 26 Aug. 2020].

⁴² “*Un hadith dit : « la quête du savoir est une obligation pour tout musulman ». En outre, l'islam exige que les parents assurent la prise en charge matérielle de leurs enfants et veillent à leur développement intellectuel et moral, en leur dispensant l'enseignement et l'éducation nécessaires afin de favoriser leur intégration dans la société. Or l'enseignement comprend, d'une part, l'instruction religieuse et, d'autre part, l'instruction générale qui permet à l'individu de s'intégrer dans la société afin de gagner sa vie et préserver sa dignité. Il comprend également toutes les sciences qui sont utiles à la société dans laquelle il vit.*” OTHMAN ALTWAIJRI, A. (2014). La femme en islam et son statut dans la société islamique. *Société, droit et religion* (n° 4). [online] Jan. Available at: <https://www.cairn.info/revue-societe-droit-et-religion-2014-1-page-15.htm> [Accessed 26 Aug. 2020].

[Notes from the translator] The quote above in French can be translated to English as follow - “A hadith says : “the quest for knowledge is an obligation for every Muslim.” In addition, Islam requires parents to provide material care for their children and ensure their intellectual and moral development, providing them with education and education necessary to promote their integration into society. Yet education includes, on the one hand, religious instruction and, on the other hand, general education which allows the individual to integrate into society in order to earn a living and preserve his dignity. It also includes all the sciences that are useful to the society in which he lives.”



into force⁴³, in the Maghreb countries. It is therefore essential to respect these commitments in the name of international law.

In addition, educating girls contributes to the sustainability of society and social stability. Through education, the government helps reduce unemployment, but also births, which leads to economic development of the country. Women become an additional more skilled workforce and can also bring a different perspective, be an asset, in different sectors.

Finally, it is through education that women can defend themselves and their rights. Researcher Leïla Tauil recalls in her interview with *France Culture*⁴⁴ that it is “ignorance [that] has kept women in a state of subjection for so long.” Abdessalam Yassine evokes the same idea in his book *Islamiser la modernité: “Muslim woman must learn about her rights. Conscious and well informed, it will have to claim their application. No one else can do this for him.”*⁴⁵ Indeed, when we ignore our rights, we do not have the opportunity to argue in order to defend them. Thus, it was when women reached a higher level of education, at the end of the 19th century, that the first feminist demands appeared.

Actions taken by women

Gradually, more feminist actions are in the media. Directors, comedians, authors and journalists are mobilizing and providing support to women so that they can assert themselves and find a place they have chosen. In Annaba, a town in eastern Algeria, a group of women called for bikini bathing in response to Salafi threats. Officially, Algerian law in no way prohibits bikini swimming for women⁴⁶. However, the latter are the subject of numerous judgments as to their dress, especially by Salafi activists. While absent from the law, the ban in general is exercised through social pressure. Kamel Daoud⁴⁷, Algerian writer and journalist, already spoke on this subject in 2016 in the *New York Times*, on *La misère sexuelle du monde arabe*⁴⁸. Indeed, being a father, a husband, a brother but also a son, he grew up in a society where desire is a problem. He defends the idea that women, but also men, find themselves in a society of frustration, where going to the movies, holding hands and kissing in public places is impossible. Thus, sexual misery goes beyond the narrow sense of sexual frustration: it induces cultural misery, which also has repercussions at the level of religious life. For him, this problem of the world's desire is the main source that has fueled Islamist religious radicalism and causes multiple forms of violence against women. The latter suffers, in a way, the struggle of the Maghreb society in the conceptions, the visions of this world.

In addition, this kind of action makes it possible to highlight the shortcomings of the country in question at the international level thanks to media relays. Thus, even if few women have carried out the initiative

⁴³ Some states that did not sign the treaty when it entered into force in 1981 are still adhering to it today, even without having signed it. Today, the only countries not recognizing this convention are Tonga, the Vatican, Somalia, Iran and Sudan.

⁴⁴ BENCHEIKH, G. (2019). Le féminisme islamique est-il oxymorique ? in *Question d'islam. franceculture.fr*. [online] 27 Jan. Available at: <https://www.franceculture.fr/emissions/questions-dislam/le-feminisme-islamique-est-il-oxymorique> [Accessed 26 Aug. 2020].

⁴⁵ ABDESSALAM, Y. (1998). *Islamiser la modernité*. Casablanca. Ed: al Ofok impressions.

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

⁴⁸ [Notes from the translator] “*La misère sexuelle du monde arabe*” can be translated to “*The sexual misery of the Arab world*” in English.

proposed previously, movements like this one remain essential because they make it possible to denounce the oppressive functioning of the society undergone by the women. The media coverage alone is already a given, a sign of social rebellion for women who seek freedom.

It was the same in Morocco with the media coverage of a video in August 2017 showing a scene of sexual assault on a mentally disabled young woman. She was assaulted on a bus in Casablanca by a group of people. The video having been very widely distributed, it shocked its audience. Sexual assaults on women are repeated scenes in Morocco and the relaying of information by the international media has enabled the effective arrest of the attackers and foreign support for Moroccan women. This support is important because it represents a motor for their demonstrations and gives them courage and determination to assert their demands.

In Morocco, but also in Algeria, women are becoming more and more politicized. They realize their value in society and the injustices of which they are victims. Their place as women consumed by norms is changing: they now mingle on the streets, where they protest, with the more or less affirmed support of their families.

Conclusion

The situation of women in the Maghreb is still very complicated to understand today. First of all, there are several texts with different foundations which each impose a certain behavior, which can sometimes lead to one contradicting another. On the one hand, we have law, the civil aspect, which tries to impose itself against religion, the moral one, advocated by the Quran. However, the situation cannot be understood correctly if we do not take into account the importance of individual mores and habits, which participate in the development of implicit norms, specific to the Muslim societies of the Maghreb. In an attempt to break with these well-established traditions, several actors are developing strategies. Feminists advocate equality by seeking their legitimacy through the sacred texts of the Quran, and can also rely on the State, which increasingly participates in the recognition of their rights through the promulgation of new laws. In patriarchal societies where women's voices aren't heard, it is essential to find allies among men in order to transmit and share their stories. Finally, these actors and actresses rely on various means of action, such as social networks and the development of communication, education for all, as well as "shock" campaigns led by feminists to react.

However, the rise of Islamist currents is increasingly emerging as the main obstacle to changing mores and advancing gender equality. The most prominent example is the attempted assassination of the young Pakistani activist, Malala Yousafzai⁴⁹, perpetrated by the Islamist terrorists, the Taliban. She was assaulted with a gun near her school's location in 2012 and her story was relayed around the world. In 2014, she received the Nobel Peace Prize at the age of 17.

⁴⁹ YOUSAFZAI, M. (2013). *Moi, Malala, je lutte pour l'éducation et je résiste aux talibans*. Paris, Ed: Hachette.

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