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# Anatomy of an Uprising: Women, Democracy, and the Moroccan Feminist Spring

Karla M. McKanders

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# ANATOMY OF AN UPRISING: WOMEN, DEMOCRACY, AND THE MOROCCAN FEMINIST SPRING

Karla Mari McKanders\*

ABSTRACT .....	147
I. INTRODUCTION .....	148
II. BACKGROUND ON THE <i>MOUVEMENT DU 20-FÉVRIER</i> .....	150
III. WOMEN'S RIGHTS AND THE <i>MOUVEMENT DU 20-FÉVRIER</i> .....	154
A. <i>Mouvement du 20-Février Leaders</i> .....	154
B. <i>Status of Women's Rights in Morocco</i> .....	157
C. <i>Feminist Spring Demands for an Equitable         Constitution</i> .....	159
IV. ANATOMY OF AN UPRISING: RE-APPROPRIATING WOMEN'S SPACE IN DEMOCRACY .....	160
A. <i>Religion and Revolution: Secular Moroccan Feminism         and Distrust of the West</i> .....	161
1. The History of Feminism in Morocco .....	162
2. Role of Religion in Legal Feminist Discourse, Activism, and Politics .....	164
B. <i>The New Constitution and Institutionalization of         Women's Participation</i> .....	167
V. CONCLUSION .....	172
APPENDIX A .....	175

## ABSTRACT

*During the Arab Spring, Moroccan men and women first took to the streets on February 20, 2011 to demand governmental reforms. Their movement became known as the Mouvement du 20-Février. In a series of protests, Moroccans called for democratic change, lower food prices, freedom for Islamist prisoners, and rights for the Berber people. Initially, King Mohammad VI attempted to suppress the*

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*movement. When this approach did not succeed, in a televised speech, the King agreed to reform the government. In June 2011, the constitutional committee proposed changes that would reduce the King's absolute powers, implement democratic reforms, and create a system in which the Prime Minister would be the majority party leader in Parliament. On July 1, 2011, the new constitution was passed by popular vote. In November 2011, Morocco experienced its first elections under the new constitution. Until now, Arab Spring publications have focused on the revolutions without taking into account the feminist perspective. In this Article, the author examines how the feminist perspective impacted the Arab Spring in Morocco based on her interviews with women who participated in the Mouvement du 20-Février. Further, this Article analyzes the feminist perspective's impact on how women conceptualize their status within the Mouvement du 20-Février and the future democratic society. Part II provides a background on the Mouvement du 20-Février and the demands for constitutional reforms. To understand the Feminist Spring Movement, Part III examines the gap between de jure and de facto women's rights in Morocco. Part IV examines the applicability of democratic and feminist theory to how Moroccan women view democracy as a mechanism for change in their individual lives and as a collective society. This Article posits that many Mouvement du 20-Février activists fear that changes in Morocco will be slow, merely perfunctory, and will not lead to fundamental transformation for the most vulnerable members of Moroccan society.*

## I. INTRODUCTION

*"Women may have sustained the Arab spring, but it remains to be seen if the Arab Spring will sustain women."<sup>1</sup>*

An "uprising" is defined as "an act or instance of rising up; especially: a usually localized act of popular violence in defiance usually of an established government."<sup>2</sup> The Moroccan Arab Spring certainly qualifies as an act of rising up against the established government. Although Morocco was not prominently featured in media representations of violence during the regional Arab Spring, Morocco experienced changes in its government and constitution. This uprising was called the *Mouvement du 20-Février* ("The Twentieth of February Movement"). What is most notable

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<sup>1</sup> Xan Rice et al., *Women Have Emerged as Key Players in the Arab Spring*, THE GUARDIAN, (Apr. 22, 2011, 1:00 PM) <http://www.guardian.co.uk/world/2011/apr/22/women-arab-spring>.

<sup>2</sup> MERRIAM-WEBSTER, MERRIAM-WEBSTER'S COLLEGIATE DICTIONARY, 1299 (10th ed. 1999).

about this uprising is that women were at the forefront.<sup>3</sup> Many Moroccan women seized the opportunities that revolutions across the Arab world presented and developed their own agenda for Morocco's future.<sup>4</sup> Whether women will remain in the forefront of the movement as the Moroccan government institutionalizes their demands or whether they will fall into the background of the changing Moroccan government is a complex question.

To date, Arab Spring publications have focused on the revolutions without taking into account the feminist perspective.<sup>5</sup> This Article examines how the feminist perspective impacted the Arab Spring movement in Morocco and how women conceptualize their status within the movement and the future democratic society. In order to develop a more nuanced understanding of the Moroccan Feminist Spring and women in Morocco, over the course of a ten-month period, the author interviewed six different academics and activists. The interviewees spoke about their experiences with political activism, feminism, the Moroccan Spring, the election of the Justice and Development Party ("PJD"), and their hopes for the future of Moroccan society.<sup>6</sup> The goal of the interviews was to

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<sup>3</sup> See Khadija Safi - Eddine, *The Arab Spring: Changing the Lives of Women in the Middle East and North Africa?*, MOROCCO WORLD NEWS, (May 4, 2012, 1:25 PM), <http://www.morocoworldnews.com/2012/03/32938/the-arab-spring-changing-the-lives-of-women-in-the-middle-east-and-north-africa>.

<sup>4</sup> *Id.*

<sup>5</sup> To date, there are few law review articles addressing the Arab Spring, as it is a fairly new topic. See generally Sarah Joseph, *Social Media, Political Change, and Human Rights*, 35 B.C. INT'L & COMP. L. REV. 145 (2012) (examining the role of social media and its use in the Arab Spring).

<sup>6</sup> See Appendix A: Interview with Widad Melhaf, Student, app. A at 5 (Jan. 25, 2012) (updated July 2013); Interview with Dr. Latifa Jbabdi, Family Code Changes, app. A at 6 (Jan. 31, 2012) (updated July 2013) (Dr. Latifa Jbabdi has endured detention as a political prisoner for her involvement in an illegal Marxist group known as "March 23," was elected to office in the parliament in 2007, edited one of the country's most progressive magazines (*8 Mars*), co-founded numerous human rights organizations, and served on several governmental commissions in more than thirty-five years as a fighter for equality and women's rights in Morocco. Dr. Jbabdi was President of the Women's Action Union ("UAF"), which has worked since 1987 to modernize Morocco's family code, the *Moudawana*. She was instrumental in the landmark changes made to the *Moudawana* in 2004, including women's right to divorce their husbands and petition for custody of their children.); Interview with Dr. Fatima Sadiqi, Professor, The Univ. of Fez, app. A at 3 (Jan. 23, 2012) (updated July 2013) (Fatima Sadiqi is the president of the Centre for Studies and Research on Women, director of the graduate unit "Gender Studies," and Professor of Linguistics and Gender Studies in the Department of English at Fez University. She has conducted research in Morocco and has written extensively on women, gender, Islam, and language in that country); Interview with Zineb Belmkaddem, Business Owner, app. A at 8 (Jan. 31, 2012) (updated July 2013) (Zineb is a twenty-seven-year-old business owner and activist with the *Mouvement du 20-Février*. She was born in

examine how rights-based consciousness is formed in relation to new democratic movements. Specifically, through a series of interviews, the author examined how Moroccan women of varying social, economic, and political standing conceptualized democratic participation and the new democratic reforms, both individually and collectively. Their opinions are integrated throughout this Article. Together, the interviews reflect the diverse opinions of the Moroccan women and their beliefs in moving towards a more democratic Moroccan society.

Part II of this Article gives background information on the *Mouvement du 20-Février* and the demands for constitutional reforms. To understand the Movement, Part III examines the gap between de jure and de facto women's rights in Morocco. Part IV analyzes the applicability of democratic and feminist theory on how Moroccan women view democracy as a mechanism for change in their individual lives and as a collective society. This Article posits that many *Mouvement du 20-Février* activists fear that changes in Morocco will be slow, merely perfunctory, and will not lead to fundamental transformation for the most vulnerable members of Moroccan society.<sup>7</sup>

## II. BACKGROUND ON THE *MOUVEMENT DU 20-FÉVRIER*

During the Arab Spring, on February 20, 2011, both Moroccan men and women took to the streets to demand constitutional reforms.<sup>8</sup> The movement, known as the *Mouvement du 20-Février*, was composed of student activists, leftists, Islamists, and Berber Nationalists.<sup>9</sup> In a series of protests, Moroccans called for democratic constitutional reforms, release of political prisoners, and social rights, including health and education

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Rabat, Morocco and studied Political Science and English in the United States); Interview with Woman #1, Lawyer & Professor, app. at 1 (Oct. 2011) (updated July 2013); Interview with Dr. Asma Lamrabet, Pathologist, Avicenna Hosp. in Rabat, Morocco, app. A at 2 (Oct. 2011) (updated July 2013) (unpublished transcript) (on file with author) (A native of Rabat, Morocco, Lamrabet was a volunteer doctor from 1995 to 2003 in Spanish and Latin American public schools, particularly in Santiago, Chile and Mexico. She has been engaged for several years in thinking about the issue of women in Islam, and she lectures widely on the subject worldwide. Dr. Lamrabet has been the director of the Center for Women's Studies in Islam in the Rabat Mohammadia scholars of Morocco since 2011.).

<sup>7</sup> See Mahnaz Afkhami, President & CEO, Women's Learning Partnership, Testimony on Women & the Arab Spring to the U.S. Senate, available at, <http://www.learningpartnership.org/lib/wlp-president-mahnaz-afkhami-testimony-women-arab-spring-us-senate> (discussing the "need to ensure that political revolution indeed leads to a fundamental transformation, not merely a cosmetic one, toward democracy and equality for all members of society").

<sup>8</sup> GLOBAL NONVIOLENT ACTION DATABASE, *Moroccan Youth Protest for Constitutional Reform*, <http://nvdatabase.swarthmore.edu/content/moroccan-youth-protest-constitutional-reform-2011> (last visited Jan. 9, 2013).

<sup>9</sup> *Id.*

reforms and rights for the Berber people.<sup>10</sup> The groups sought constitutional change, such that, in their words, they would have “[a] real government, a real parliament and real justice.”<sup>11</sup> They wanted a change from the authoritarian monarchy to a constitutional democracy.<sup>12</sup> The groups claimed it did not target the monarch; it targeted the makhzen - the powerful, wealthy, and often hated power structure surrounding King Mohammad VI.<sup>13</sup> Moroccans felt that despite voting for alternative parties, the result was never an alternative government.<sup>14</sup> As one activist noted, “[O]ur parties pursue posts, not power,’ since only one person - the king - has power in this country.”<sup>15</sup>

The focus of the *Mouvement du 20-Février* was on changing corruption, homelessness, and the lack of jobs for Moroccan youth. Widad Melhaf, a young activist, stated:

The homelessness problem is really big in Morocco. Many recent graduates cannot find a job. There is also a big problem with the healthcare system. The hospitals are in disarray. The places where people are living are horrible - they have no water, no electricity. The King’s company SNI-ONA controls all of the sectors. There are a lot of riches in Morocco, but the riches are not equally distributed amongst the people. The socio-economic problems are really serious. We do not have a democracy. The Minister of Interior controls elections and falsifies the results of elections. We wanted an independent commission for the creation of a new constitution, but the King appointed only people that he knew.<sup>16</sup>

Melhaf also noted, “At first, the *Mouvement du 20-Février* started in solidarity with other countries working to overthrow their governments.”<sup>17</sup> The solidarity of other countries incited Moroccans to begin their own movement, as the social, economic, and political problems in Morocco remained stagnant.<sup>18</sup> Specifically, the government was not representative of the people, corruption was rampant, and the people

<sup>10</sup> *Id.*

<sup>11</sup> Giles Tremlett, *Morocco Protests Will Test Regime’s Claims to Liberalism*, THE GUARDIAN (Feb. 18 2011, 7:38 AM), <http://www.guardian.co.uk/world/2011/feb/18/morocco-demonstrations-test-regime>.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> Susi Dennison, Nicu Popescu & Jose Ignacio Torreblanca, *A Chance to Reform How the EU Can Support Democratic Evolution in Morocco*, EUROPEAN COUNCIL ON FOREIGN RELATIONS 5 (May 2011), [http://www.ecfr.eu/page/-/ECFR33\\_MOROCCO\\_BRIEF\(1\).pdf](http://www.ecfr.eu/page/-/ECFR33_MOROCCO_BRIEF(1).pdf).

<sup>15</sup> *Id.*

<sup>16</sup> Interview with Widad Melhaf, *supra* note 6, at 6.

<sup>17</sup> *Id.* at 5.

<sup>18</sup> *Id.*

wanted a new constitution that would create a real parliamentary monarchy.<sup>19</sup>

During the *Mouvement du 20-Février* protests, approximately twelve people were killed and many people were arrested for their political viewpoints without reason.<sup>20</sup> For example, Mouad Belrhout, a twenty-four-year-old anti-Monarchist who performed as rapper El-Haqed (“The Indignant”),<sup>21</sup> was convicted of assault, sentenced to prison, and fined.<sup>22</sup> The *Mouvement du 20-Février* activists claimed that the charges were fabricated in an attempt to silence Mouad’s rapping against the Moroccan regime.<sup>23</sup> In addition, the journalist Rachid Nini was arrested and sentenced to a year in jail for being a “threat to national security” simply for writing an article.<sup>24</sup>

In 2012, longtime Moroccan activist, Dr. Latifa Jbabdi, stated:

Morocco had entered into a sort of lethargy before the *Mouvement du 20-Février*. Then, the movement came along and has been going strong for almost a year now. There is a new dynamic in Morocco. This is a historic moment where there have been very fast changes. This is an opportunity for a historic democratic transition in Morocco. The people have been re-thrown into the political sphere and are expressing principles against corruption, for democracy, and mobilizing society.<sup>25</sup>

At first, King Mohammad VI did not respond to the protests.<sup>26</sup> When the protests continued, in a televised speech, the King agreed to reform the government.<sup>27</sup> The King appointed a commission to review the constitution and implement changes.<sup>28</sup> In April 2011, the commission proposed constitutional changes that would reduce the King’s absolute powers, implement democratic reforms, and create a system in which the

<sup>19</sup> *Id.*

<sup>20</sup> *Id.* at 6

<sup>21</sup> See Lewis, *infra* note 23 (explaining that El-Haqed’s stage name translates in English to “The Indignant”).

<sup>22</sup> *Id.*

<sup>23</sup> *Id.* at 9; Aidan Lewis, *Moroccans See Limits of Reform in Rapper’s Case*, BBC NEWS (Nov. 24, 2011, 8:59 PM), <http://www.bbc.co.uk/news/world-middle-east-15877251> (“He was asking people to revolt and claim their rights, and he was fighting with all his energy against corruption in Morocco.”).

<sup>24</sup> Laila Lalami, *An Unlikely Martyr*, THE DAILY BEAST (June 26, 2011, 10:00 AM), <http://www.thedailybeast.com/newsweek/2011/06/26/journalist-rachid-nini-jailed-in-morocco.html>.

<sup>25</sup> Interview with Dr. Latifa Jbabdi, *supra* note 6, at 7.

<sup>26</sup> See Global Nonviolent Action Database, *supra* note 8 (explaining that “[o]n March 9, after three weeks of nationwide protest, the King spoke on television to announce the nationwide reforms.”).

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*



Prime Minister would be the majority party leader in Parliament.<sup>29</sup> The Moroccan government submitted the new constitution to a public referendum, and it passed with over 98% of the vote.<sup>30</sup> Approximately thirteen million Moroccans were registered to vote out of thirty-two million in the population.<sup>31</sup> Under the new constitution, the king would retain control of security forces, foreign policy, and religious affairs.<sup>32</sup> However, rather than the king, the Prime Minister would be the head of the government.<sup>33</sup> The party winning the largest number of seats would elect the Prime Minister.<sup>34</sup> The reforms also called for elections to be held in November 2011.<sup>35</sup> Despite all of these changes, the *Mouvement du 20-Février* felt that the King made “an appearance of major concessions with little substance.”<sup>36</sup>

In the period leading up to the elections, there was a lot of debate over affirmative action programs to give women more seats in the Parliament.<sup>37</sup> The electoral code, revised in 2002, introduced a proportional list system and reserved 30 seats for women in the 2002 House of Representatives.<sup>38</sup> Prior to the November 2011 elections, there was a debate about reserving seats for women and young people.<sup>39</sup> At least one women’s group pushed for the list to stay devoted to women.<sup>40</sup> Despite demands from women’s groups, the list was divided between women and young

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<sup>29</sup> *Id.*

<sup>30</sup> Souad Belhorma, *The Impact of the Arab Spring: Spotlight on the Future of Moroccan Women*, MOROCCO WORLD NEWS, Dec. 4, 2011, <http://moroccoworldnews.com/2011/12/the-impact-of-the-arab-spring-spotlight-on-the-future-of-moroccan-women/17635>.

<sup>31</sup> Will Kelleher, *Will Voter Apathy Strike Morocco’s Parliamentary Elections?*, THINK AFRICA PRESS, Nov. 17, 2011, 6:08 PM, <http://thinkafricapress.com/morocco/election-voter-apaty>.

<sup>32</sup> Frida Ghitis, *World Citizen: Why Kings are Surviving the Arab Uprisings*, WORLD POLITICS REVIEW, Oct. 17, 2011, <http://www.worldpoliticsreview.com/articles/10252/world-citizen-why-kings-are-surviving-the-arab-uprisings>.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> See Global Nonviolent Action Database, *supra* note 8 (stating that “elections were pushed forward from September 2012 to October 2011, and then to November 2011”).

<sup>36</sup> Dennison, *supra* note 14, at 7.

<sup>37</sup> See, e.g., Siham Ali, *Moroccan Youth Push for Political Representation*, MAGHAREBIA, Aug. 26 2011, [http://www.magharebia.com/cocoon/awi/xhtml1/en\\_GB/features/awi/features/2011/08/26/feature-02](http://www.magharebia.com/cocoon/awi/xhtml1/en_GB/features/awi/features/2011/08/26/feature-02) (discussing the efforts to increase youth and female participation in the Moroccan Chamber of Representatives).

<sup>38</sup> Rabéa Naciri, *Morocco*, in *WOMEN’S RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA: CITIZENSHIP AND JUSTICE* 183, 195 (Semeena Nazir & Leigh Tomppert eds., 2005).

<sup>39</sup> Ali, *supra* note 37.

<sup>40</sup> *Id.*

people under the age of forty.<sup>41</sup> When the code passed in the Council of Ministers, of the 326 seats in Parliament, 60 seats were reserved for women and 30 seats were reserved for people under the age of forty.<sup>42</sup>

After the November 2011 elections, the PJD, an Islamist Party,<sup>43</sup> took the majority of seats in Parliament.<sup>44</sup> The PJD party leader and Prime Minister, Abdelilah Benkirane, appointed only one woman to the government – Bassima Hakkaoui, Minister for Solidarity, Women, Family, and Social Development.<sup>45</sup> Benkirane's appointment of Hakkaoui, a veiled woman, was a very symbolic move.<sup>46</sup> The presence of this solé woman in government stands in sharp contrast with the *Mouvement du 20-Février*, which included many women on the frontlines. Further, Benkirane's administration stood in contrast with that of its predecessor, which contained seven women in the cabinet.<sup>47</sup> Women's organizations were outraged and feared this to be a harbinger of things to come from the new Islamist PJD party.<sup>48</sup>

### III. WOMEN'S RIGHTS AND THE *MOUVEMENT DU 20-FÉVRIER*

#### A. *Mouvement du 20-Février Leaders*

A combination of diverse actors facilitated the uprising in the *Mouvement du 20-Février*, and, specifically, female actors played an important role in facilitating the changes that occurred in Morocco. Furthermore, as demonstrative of its grass-roots nature, the *Mouvement du 20-Février*

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<sup>41</sup> *Final Report on Moroccan Legislative Elections* 31, NAT'L DEMOCRATIC INST. (Nov. 2011), <http://www.ndi.org/files/Morocco-Final-Election-Report-061812-ENG.pdf> [hereinafter *Final Report*] (discussing the ways to increase female participation in Parliament).

<sup>42</sup> *Id.*

<sup>43</sup> Souad Mekhennet & Maïa de la Baume, *In Vote in Morocco, Many Stay Skeptical*, N.Y. TIMES (Nov. 25, 2011), <http://www.nytimes.com/2011/11/26/world/africa/morocco-votes-in-first-ballot-since-reform-of-parliament.html>.

<sup>44</sup> *Final Report*, *supra* note 41, at 40. Activist Zineb Belmkadden believed that many of the *Mouvement du 20-Février* participants boycotted any formal elections because they thought they were only contributing to the continuation of existing corruption and power structures within Morocco. Interview with Zineb Belmkadden, *supra* note 6, at 7. This may have led to the election of the PJD party, whose ideologies, some activists see as contrary to the *Mouvement du 20-Février*. See Interview with Dr. Fatima Sadiqi, *supra* note 6, at 3.

<sup>45</sup> Mustapha Ajbaili, *Moroccan Female Lawmakers Protest Lack of Representation in Islamist-led Cabinet*, AL ARABIYA NEWS, Jan. 20, 2012, <http://english.alarabiya.net/articles/2012/01/20/189421.html>.

<sup>46</sup> Interview with Dr. Fatima Sadiqi, *supra* note 6, at 4.

<sup>47</sup> Ajbaili, *supra* note 45.

<sup>48</sup> *Id.*; Imad Estito, *Female Minister in Morocco's New Government: One Too Many?*, ALAKHBAR ENGLISH, Jan. 23, 2012, <http://english.al-akhbar.com/content/single-female-minister-morocco's-new-government>.

was leaderless and democratic.<sup>49</sup> The movement did not have a singular objective; its main guiding principles were freedom, social justice, and dignity.<sup>50</sup> One activist stated, “[A]s you see with around the world now, it is the time for young women and minorities to rise. It is no longer the time for political parties full of men who are disconnected from young people.”<sup>51</sup>

Contrary to the composition of the current Moroccan government, Activist Melhaf felt that the *Mouvement du 20-Février* was very representative of a democratic society.<sup>52</sup> She stated that there were many women present in the protests, meetings, and commissions that made up the movement.<sup>53</sup> Further, a number of the women activists came from non-traditional public spaces to participate in the protests. For example, Belmkaddem became involved in the movement through volunteer work.<sup>54</sup> She felt that she did not have an impact through volunteerism and decided to move her energy towards transforming the corruption within the government that hindered facilitating change.<sup>55</sup> There were even people in the countryside who protested, though the media did not publicize their protests.<sup>56</sup>

Another quality of the activist composition was that many of them were young – many were under forty-years-old.<sup>57</sup> Scholars have noted that such a characteristic is not uncommon.<sup>58</sup> Some social scientists claim that the “youth bulge,” a large population of individuals between the ages

<sup>49</sup> Interview with Zineb Belmkaddem, *supra* note 6, at 9.

<sup>50</sup> Jean-Marie Guéhenno, *Arab Spring is 2011 not 1989*, N.Y. TIMES (Apr. 21, 2011), <http://www.nytimes.com/2011/04/22/opinion/22iht-edguehenno22.html>.

<sup>51</sup> Interview with Woman #1, *supra* note 6, at 2.

<sup>52</sup> Interview with Widad Melhaf, *supra* note 6, at 6.

<sup>53</sup> *Id.*

<sup>54</sup> Interview with Zineb Belmkaddem, *supra* note 6, at 9.

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> See Aziz Ajbilou & Brahim Boudarbat, *Youth Exclusion in Morocco: Context, Consequences, and Policies*, MIDDLE EAST YOUTH INITIATIVE, WORKING PAPER NO. 5 (Sept. 2007), [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1087430](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1087430) (“Currently, the age structure of the Moroccan population is characterized by the predominance of youth aged 15-24. The share of youth in the population grew from about 17 percent in 1971 to a little over 21 percent in 2004. This ‘youth bulge’ is regarded as one of the main causes of unemployment because the number of jobseekers is increasing much faster than the number of jobs that the economy can create. . . . But unfortunately, today’s youth face severe economic and social exclusion hampering their transitions to adulthood. Youth exclusion is determined by many factors including illiteracy and unemployment. But moreover, exclusion is not just a condition but rather a process which marginalizes certain individuals.”).

<sup>58</sup> Mara Hvistendahl, *Young and Restless Can be a Volatile Mix*, 333 SCIENCE 552, 552 (July 29, 2011).

of fifteen and twenty-nine, is a good predictor of conflict and instability.<sup>59</sup> Illustrating this point, the movement alleged that Parliament was out of touch with the fact that 82% of the youth was unemployed.<sup>60</sup> This persists, despite the fact that, in Morocco, the median age of the population is 26.9-years-old.<sup>61</sup>

The means through which the *Mouvement du 20-Février* mobilized – social media – was thought to be revolutionary throughout the region.<sup>62</sup> One of Belmkaddem’s criticisms of the Moroccan government was that it was composed of people who were old and clueless.<sup>63</sup> For example, an interviewee indicated that none of the actors within the Moroccan government communicated with the people using new technologies, such as the Internet.<sup>64</sup> Many of the *Mouvement du 20-Février* participants “grew up in an information era, where the Internet facilitated exchanges between people.”<sup>65</sup> Many activists critiqued that the old Moroccan government did not realize that the country and the world are now in an information era.<sup>66</sup> For example, out of the thirty-three parties in Morocco today, none of them have a blog.<sup>67</sup> One interviewee posited that during the November 2011 elections, there would not be many young people going out to vote because of the gap in information being transmitted through social media.<sup>68</sup> She posited that, as a result, the elections would bring about more of the same political ideologies already being perpetuated in society.<sup>69</sup>

Many journalists and scholars have challenged the notion that social media made a significant contribution to the Arab Spring uprisings.<sup>70</sup> Specifically, Malcolm Gladwell stated:

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<sup>59</sup> See *id.* (noting that “[t]he Arab Spring . . . occurred at a time when Tunisia, Egypt, Yemen, and other countries had a large share of young people in the adult population” and that there is a high population of unemployed, unmarried men in the population which social scientists postulate makes conditions ripe for revolution); see also *id.* (quoting John Weeks, demographer from San Diego State: “Although a growing number of youth doesn’t alone translate into unrest, he adds, the increase can be the kindling that sparks rebellion. When conditions deteriorate, ‘you have more young people who will be out there protesting.’”).

<sup>60</sup> Dennison, *supra* note 14, at 3 n.5; Interview with Woman #1, *supra* note 6, at 2.

<sup>61</sup> *Morocco Demographics Profile 2012*, INDEX MUNDI, [http://www.indexmundi.com/morocco/demographics\\_profile.html](http://www.indexmundi.com/morocco/demographics_profile.html) (last updated July 19, 2011).

<sup>62</sup> Belhorma, *supra* note 30.

<sup>63</sup> Interview with Zineb Belmkaddem, *supra* note 6, at 9-10.

<sup>64</sup> Interview with Woman #1, *supra* note 6, at 2.

<sup>65</sup> *E.g.*, Interview with Zineb Belmkaddem, *supra* note 6, at 10.

<sup>66</sup> *Id.*

<sup>67</sup> Interview with Woman #1, *supra* note 6, at 2.

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> See Malcolm Gladwell, *Small Change: Why the Revolution Will Not Be Tweeted*, NEW YORKER (Oct. 4, 2010), <http://www.newyorker.com/reporting/2010/10/04/>

Because networks don't have a centralized leadership structure and clear lines of authority, they have real difficulty reaching consensus and setting goals. They can't think strategically; they are chronically prone to conflict and error. How do you make difficult choices about tactics or strategy or philosophical direction when everyone has an equal say?<sup>71</sup>

In most of the Middle East and North Africa ("MENA") region, including Morocco, there is high illiteracy and underdevelopment, and relatively low access to technology, such as the Internet.<sup>72</sup> This fact may debunk the assertion that social media played a significant role in the uprisings, which may have been a Western media exaggeration.

### B. *Status of Women's Rights in Morocco*

While the majority of the *Mouvement du 20-Février* women were educated,<sup>73</sup> the majority of women in Morocco are uneducated and face problems with violence and discrimination.<sup>74</sup> Approximately half of Moroccan women cannot read and write.<sup>75</sup> Further, nearly eight out of ten rural women cannot read.<sup>76</sup> Around 22% of rural girls do not receive

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101004fa\_fact\_gladwell. See also Ekaterina Stepanova, *The Role of Information Communication Technologies in the 'Arab Spring': Implications Beyond the Region*, PONARS EURASIA, POLICY MEMO NO. 159 (May 2011), available at <http://www.ponarseurasia.org/memo/role-information-communication-technologies-arab-spring-implications-beyond-region> (stating that Information Communication Technologies "and social media had little to do with the underlying sociopolitical and socioeconomic factors behind the protest movement," that "underdevelopment and the lack of Internet access" contribute to social media not playing a big role in uprisings, and finding that "no direct regional correlation [in the Middle East] can be traced between, on the one hand, levels of Internet penetration and other [Information Technology] indicators (such as the spread of social media networks) and, on the other, proclivity for and intensity of social protest[s].").

<sup>71</sup> Joseph, *supra* note 5, at 151 (quoting Gladwell, *supra* note 70).

<sup>72</sup> See Abderrahim El Ouali, *MOROCCO: Arab Spring Brings Little for Women*, INTER PRESS SERV., Aug. 9, 2011, <http://www.ipsnews.net/2011/08/morocco-arab-spring-brings-little-for-women> (stating that women are disproportionately illiterate); see also Naciri, *supra* note 38, at 183 (stating the literacy rate in Morocco for women was 38.3% in 2005); see generally *Morocco Demographics Profile 2012*, INDEX MUNDI, [http://www.indexmundi.com/morocco/demographics\\_profile.html](http://www.indexmundi.com/morocco/demographics_profile.html) (last updated July 19, 2011) (citing statistics of Moroccan women's literacy rates and Morocco's education expenditures in relation to GDP).

<sup>73</sup> See generally Interview with Zineb Belmkaddem, *supra* note 6, at 9 (realizing that the *Mouvement du 20-Février* is being led by elite Moroccans).

<sup>74</sup> See El Ouali, *supra* note 72.

<sup>75</sup> El Ouali, *supra* note 72; see also Naciri, *supra* note 38, at 183 (citing the literacy rate for women in Morocco as 38.3% in 2005).

<sup>76</sup> *Id.*

any formal education.<sup>77</sup> A 2010 study found that women represented only 25% of the working population in Morocco.<sup>78</sup> These statistics impact the level of political participation and the amount of buy-in to the ideologies of the *Mouvement du 20-Février* and its promises for a better life.

In the past decade, women have gained significantly more rights in Morocco. King, Muhammad VI “is seen by many as a revolutionary leader in the Middle East and North African region for women’s issues.”<sup>79</sup> Specifically, King Muhammad VI has:

[A]llot[ed] equal rights to both husband and wife in marriage, making divorce more accessible, and paving the way for women to hold at least 30 seats in Parliament (As a comparison, today women in Morocco’s parliament constitute about 11% of the seats, whereas in the US women have about 14% of the seats.)<sup>80</sup>

King Muhammad VI also reformed the personal status code (“CSP”) that regulates women’s behavior.<sup>81</sup> The CSP allows for free choice of spouse, raises the legal age of marriage for girls from fifteen to eighteen, abolishes polygamy, and gives women the right to repudiation, thus simplifying divorce.<sup>82</sup> In addition, women may now receive money and custody of children after the divorce.<sup>83</sup> However, even though the CSP was revised, the patriarchal mentality of family court judges has impeded full implementation of the new family code.<sup>84</sup>

Further, Morocco recently ratified the Convention for the Elimination of All Forms of Discrimination against Women (“CEDAW”).<sup>85</sup> The Moroccan government, however, adopted many reservations to the CEDAW, which some argue nullify its protections.<sup>86</sup> The problem lies not in the legal texts and positive reforms, but in their implementation

<sup>77</sup> *Id.*

<sup>78</sup> *Id.* at 193.

<sup>79</sup> *Morocco: Giving Women More Rights*, MUSLIM WOMEN’S COALITION, <http://www.mwcoalition.org/id130.html> (last visited Jan. 11, 2013).

<sup>80</sup> *Id.*

<sup>81</sup> See Naciri, *supra* note 38, at 188–89 (describing how the revisions of the CSP in 2004 enabled Morocco to “take a significant step forward in the direction of democracy and modernity”); “The CSP, also known as the *Mudawana* and based on the *Malikite* School of Islamic law, governs the status of women under civil law.” *Id.* at 184.

<sup>82</sup> *Morocco: Giving Women More Rights*, *supra* note 79.

<sup>83</sup> See generally *id.* at 189–90 (describing changes made to the CSP that impact women’s rights).

<sup>84</sup> See *id.* at 130 (“New rights need to be explained, understood and made enforceable, which requires new skills as the target of activism shifts from politicians to judges for a full enforcement of the law.”).

<sup>85</sup> Naciri, *supra* note 38, at 187.

<sup>86</sup> See *id.* (describing reservations to the CEDAW on Articles 2, 9(2), 15(4), 16, and 29); see also United Nations Entity for Gender Equality and the Empowerment of

and application.<sup>87</sup> There are deep cultural norms that still pervade in which men head the households and must always be obeyed.<sup>88</sup> Such norms impede the full implementation of women's rights in Morocco.

### C. *Feminist Spring Demands for an Equitable Constitution*

During the *Mouvement du 20-Février*, groups like the Democratic Association of Moroccan Women ("ADFM"), advocated, both nationally and internationally, for a constitution that guarantees the equality of women and men.<sup>89</sup> They called their movement "the Feminist Spring."<sup>90</sup> The desired constitutional democratic reforms were based on international human rights norms with the recognition that de jure constitutional modifications must be followed with changes to de facto discrimination policies.<sup>91</sup> The Feminist Spring group posited that the constitution must require formal and substantive equality of women and men in order for true democracy to exist: "Democracy is a participatory framework that cannot be based on the exclusion of any component of the society, be they women or men. It is therefore dependent on the attainment of equality and the renunciation of discrimination."<sup>92</sup> The Feminist Spring movement hoped that the concretization of formal equality in the Moroccan constitution would ensure that positive measures are taken to "accelerate the removal of barriers to full citizenship for women and their effective enjoyment of their rights."<sup>93</sup>

Women's groups with the *Mouvement du 20-Février* focused on the application of de facto gender equality standards and non-discrimination within the new constitution.<sup>94</sup> The Feminist Spring group argued for the implementation of principles of human rights without discrimination based on sex, color, or race.<sup>95</sup> The group also argued for gender equality,

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Women, Declarations, Reservations and Objections to CEDAW (2009), <http://www.un.org/womenwatch/daw/cedaw/reservations-country.htm>.

<sup>87</sup> El Ouali, *supra* note 72 (quoting Fatima Bouhraka, a writer on women's issues).

<sup>88</sup> *Id.*

<sup>89</sup> *Memorandum Presented to the Advisory Committee for the Revision of the Constitution: For a Constitution that Guarantees Effective Equality of Women and Men as an Indicator of Democracy*, Association DÉMOCRATIQUE DES FEMMES DU MAROC (Apr. 11, 2011), [http://www.adfm.ma/IMG/pdf\\_Memorandum\\_ADFM\\_Ang.pdf](http://www.adfm.ma/IMG/pdf_Memorandum_ADFM_Ang.pdf) [hereinafter *Memorandum*].

<sup>90</sup> *Feminist Spring for Democracy and Equality*, ASSOCIATION DÉMOCRATIQUE DES FEMMES DU MAROC, <http://www.adfm.ma/spip.php?article1436> (last visited Feb. 16, 2013).

<sup>91</sup> *Memorandum*, *supra* note 89, at 3.

<sup>92</sup> *Id.* at 2-3.

<sup>93</sup> *Id.* at 3.

<sup>94</sup> *Id.* at 2.

<sup>95</sup> *Id.* at 4.

elimination of violence against women, the equalization of disparities in decision-making positions, and political positions for women.<sup>96</sup>

Equal status in citizenship laws is a marker of women's progress.<sup>97</sup> The new Moroccan constitution adopted many de jure provisions that will equalize women within the country, including a provision which provides that men and women are equal.<sup>98</sup> Another section, entitled "Liberties and Fundamental Rights," includes statements concerning the rights of women, children, and the disabled,<sup>99</sup> and safeguards these rights and liberties even during states of emergency.<sup>100</sup> More importantly, the new section mandates that these rights cannot be retracted in future constitutional revisions.<sup>101</sup>

Women's associations and human rights organizations took credit for leading the implementation of the equal protection provision:

Article 19 guarantees men and women equal social, economic, political, and environmental rights as well as equal enjoyment of civil rights. Further, the constitutional reform creates an "Authority for Equality and Fight against all Forms of Discrimination" which will put into practice the constitutional recognition of equal rights.<sup>102</sup>

Even though a constitutional equality provision now exists, Moroccans face the challenge of implementing the laws, which will effectively change the cultural norms that perpetuate gender inequality.<sup>103</sup>

#### IV. ANATOMY OF AN UPRISING: RE-APPROPRIATING WOMEN'S SPACE IN DEMOCRACY

Feminist ideologies played a large role in legal reforms for equality in the *Mouvement du 20-Février*. Feminism can be defined as "a critical awareness of the structural marginalization of women in society' seeking to engage in 'transforming gender power relations in order to strive for a society that facilitates human wholeness for all based on principles of gender justice, human equality and freedom from structures of oppres-

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<sup>96</sup> *Id.* at 4-5.

<sup>97</sup> See Naciri, *supra* note 38, at 185 (stating that women are still not considered full citizens in many sectors of the law and that Moroccan women do not have the same rights to citizenship as Moroccan men).

<sup>98</sup> 2011 Const. Royaume du Maroc Secretariat General du Gouvernement, Serie Documentation Juridique Marocaine Titre II Libertes et Droits Fondamentaux, art. 19 at 11, available at [http://www.sgg.gov.ma/constitution\\_2011\\_Fr.pdf](http://www.sgg.gov.ma/constitution_2011_Fr.pdf) (last visited Feb. 18, 2013).

<sup>99</sup> *Id.* at 16-17.

<sup>100</sup> *Id.* at 24.

<sup>101</sup> *Id.* at 61.

<sup>102</sup> Belhorma, *supra* note 30.

<sup>103</sup> See *id.* (stating that the challenge is to "make the dream a reality").



sion.’”<sup>104</sup> Thus, it is important to understand the history of feminism in Morocco and the goals of the women involved in the *Mouvement du 20-Février*.

This section explores the intersection between feminist ideologies and the Arab Spring Uprising in Morocco. This section includes excerpts from interviews from a variety of women who were involved in the *Mouvement du 20-Février*. The women were asked their opinions about the *Mouvement du 20-Février*, the election of the PJD party, and their hopes for the future of Moroccan society. Specifically, this section explores how women facilitated the uprising in Morocco and whether the constitutional principles of equality from the Moroccan Feminist Spring will be sustained.

#### A. *Religion and Revolution: Secular Moroccan Feminism and Distrust of the West*

An understanding of the history of Moroccan feminism is important to understand the constitutional demands of the Moroccan Feminist Spring and the demands for equality in Morocco. Specifically, it is important not to engage in “gender essentialism” of Moroccan women and Islamic feminism. Gender essentialism is the belief that one woman’s experience explains the realities of all women.<sup>105</sup> Essentialism is dangerous because it ignores individuality and fosters the creation of stereotypes based on a unitary theory of what it means to be a woman.<sup>106</sup> Some scholars have critiqued that “[t]he scholarship regarding women in the Middle East produced outside of the region often fails to recognize Muslim women’s dynamic roles and reduces women to static and passive roles. Theorist Sa’diyya Shaikh writes that, often contemporary Euro-American feminist approaches reinforce reductionist views of Islam as peculiarly sexist.”<sup>107</sup>

The traditions of feminism in Morocco date back to the nationalist movement, in which women played a key role.<sup>108</sup> This section juxtaposes the nationalist movement with the current feminist spring and critically analyzes whether women will be involved in the more long-term systematic reforms as the new government begins to implement the principles of equality espoused in the new constitution.

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<sup>104</sup> Sa’diyya Shaikh, *Transforming Feminisms: Islam, Women, and Gender Justice*, in PROGRESSIVE MUSLIMS 148 (Oxford: OneWorld, 2003).

<sup>105</sup> Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581, 585 (1993).

<sup>106</sup> *Id.* at 603 n. 103.

<sup>107</sup> Shaikh, *supra* note 104.

<sup>108</sup> See Interview with Dr. Latifa Jbabdi, *supra* note 6, at 8 (noting that women were present during the revolutionary stage of the Moroccan nationalist independence movement).

## 1. The History of Feminism in Morocco

Along with other movements for liberation from colonial rule in the region, the secular Moroccan feminist movement developed from the nationalist movement's struggle against French occupation. Accordingly, colonial occupation definitely colors perceptions of feminism in Morocco.<sup>109</sup> Specifically, "many locals are hostile to foreign imports of feminism in their societies and view it as a direct challenge to their interpretation of Islamic faith."<sup>110</sup> Like the women in the Moroccan Feminist Spring, most of the women's rights advocates came from the educated and aristocratic elite.<sup>111</sup>

After Morocco gained independence in 1956, the feminist movement continued to align with the nationalist movement.<sup>112</sup> There was, however, a dichotomy between the Moroccan feminists' demands and those of the males who supported them during this time.<sup>113</sup> Out of this movement, Moroccan feminists developed a key insight that social practices use religion (not specifically Islam) as a means of reinforcing inequalities between men and women. According to Fatima Sadiqi, "Liberal feminists quickly realized that Islamists targeted women, especially the lower classes, through their call for veiling and their carefully packaged discourses that comforted the patriarchal tendencies among men, especially young unemployed males who were easily led to think that women's work outside the home robs them of opportunities."<sup>114</sup> Liberal feminists also recognized "that by pushing politicized women to demand rights from a religious perspective they were trying to highjack the discourse space, and fruits of years of efforts by liberal feminists."<sup>115</sup>

Activist Nadia Yassine believes that:

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<sup>109</sup> See Shreen A. Khan & Knut Fournier, *Islamic Roots of Feminism in Egypt and Morocco*, 20 J. INT'L SERV. 119, 120 (2012) (noting how colonial experiments in the Middle East have "created much of the sensitivity surrounding contemporary western efforts at society building and civil change"), available at <http://ssrn.com/abstract=2010805>.

<sup>110</sup> *Id.*

<sup>111</sup> See Interview with Zineb Belmkaddem, *supra* note 6, at 9 ("The movement is being led by elite Moroccans, to the exclusion of people in more rural locations in Morocco.").

<sup>112</sup> See Interview with Dr. Fatima Sadiqi, *supra* note 6, at 5 (stating that once the movements have achieved power, power is not shared with women).

<sup>113</sup> See Fatima Sadiqi, *The Central Role of the Family Law in the Moroccan Feminist Movement*, 35 BRIT. J. MIDDLE E. STUD., 325, 326 (2008) (noting that men's feminist views were more abstract than women's feminist views aimed at improving women's lives).

<sup>114</sup> Fatima Sadiqi, *Morocco's Veiled Feminists*, PROJECT SYNDICATE (May 25, 2006), <http://www.project-syndicate.org/commentary/sadiqi1/English>.

<sup>115</sup> *Id.*

The secular feminists are only part of a small elite. They live in an intellectual bubble. They imitate the West. They have removed themselves from Islamic culture. They are followers of small political parties that are dependent on the king. That is why, more than anything else, they want to defend their privileges. The Islamists, on the other hand, are popular. They represent the people. Because the fact is that we are living in a Muslim society here. So I ask you: How else should the women's movement work than on the basis of Islamic values? Our religion is much more capable of solving social problems than Western models that only benefit the elite. If you solve the social problems, you also help women. Women have no problem with Islam. They have a problem with power.<sup>116</sup>

...  
The history of the women's movement in the West has unfolded completely differently from here. It is based on other traditions and pursues different goals. Seen superficially – if all that matters are the rights of women – you can call me a feminist if you like. But I speak for a different culture, the Islamic one.<sup>117</sup>

Lastly, Yassine notes, “Our religion is very much friendly to women. In theory, in our sacred texts, we have many rights. But the men, these little machos, have robbed us of that. It's their fault that the whole world believes the opposite.”<sup>118</sup>

In Morocco, there seems to be graduations of Islamic feminism. “By the start of the 1990s, it was becoming increasingly apparent that women were envisioning a new feminism through their fresh readings of the Qur'an.”<sup>119</sup> All women see Islam as something different.<sup>120</sup> Types of Moroccan feminism include secular spiritual Islam and Islamist feminism.<sup>121</sup> For example, secular spiritual Islam sees Islam as a way of life, a culture.<sup>122</sup> In Morocco, there is an opportunity for all feminist perspectives to exist side by side.<sup>123</sup>

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<sup>116</sup> Interview with Moroccan Islamist Nadia Yassine. SpiegelOnline (July 3, 2007, 2:22 PM), [www.spiegel.de/international/world/interview-with-moroccan-islamist-nadia-yassine-our-religion-is-friendly-to-women-a-492040-druck.html](http://www.spiegel.de/international/world/interview-with-moroccan-islamist-nadia-yassine-our-religion-is-friendly-to-women-a-492040-druck.html)

<sup>117</sup> *Id.*

<sup>118</sup> *Id.*

<sup>119</sup> Margot Badran, *Between Secular and Islamic Feminisms: Reflections on the Middle East and Beyond*, 1 J. MIDDLE E. WOMEN'S STUD. 6, 9 (2005). (“By the 1990s some observers detected the emergence of a new feminist discourse in parts of the Middle East that they began to call Islamic feminism. The new feminism appeared at a moment of late postcoloniality and a time of deep disaffection over the inability of Middle Eastern nation-states to deliver democracy and foster broad economic prosperity.”).

<sup>120</sup> Interview with Dr. Fatima Sadiqi, *supra* note 6, at 8.

<sup>121</sup> *Id.*

<sup>122</sup> *Id.*

<sup>123</sup> *Id.*

Typically, it is not religion that contributes to women's subordination. Rather, cultural ideologies that are interpreted with religious texts contribute to women's subordination. From interviewing Moroccan women, it is clear there is no one feminist perspective that pervades in Morocco. However, there is an underlying belief that cultural traditions along with misinterpretation of religious texts have both contributed to women's subordination.

## 2. Role of Religion in Legal Feminist Discourse, Activism, and Politics

In the diverse *Mouvement du 20-Février*, there were varied opinions about the role that religion and feminism should play in politics, the movement, and the new Moroccan government. In the interviews with Moroccan women activists, however, there seemed to be an overall desire for a more secular state.<sup>124</sup>

Belmkaddem, while very religiously conservative, indicated that she believed that political action is a public service that should not be intermingled with religion.<sup>125</sup> She believes that "religion has been used by the government to sustain a dictatorship."<sup>126</sup>

Yassine, a very outspoken opponent of the Moroccan government, supports a government that functions according to Islamic principles:

What we want is true democracy and transparency. We demand a Muslim pact that includes all social groups – one that functions according to the lowest common denominator in this country: Islam. This alliance should develop a new constitution, which no longer serves the autocracy . . . we mainly have an upper class that enriches itself unfettered. We have nothing to do with the violent fundamentalist Islamist cells, but we understand their motivations. That is also why I am considered dangerous. I am an important opponent of the king.<sup>127</sup>

Moreover, Dr. Sadiqi noted that some women view Islam as cultural, while other, often younger, women see Islam as political:

Islam is a way of life. When Islam mixes with politics it disturbs me. I am from a traditional, rural Berber family. Back in my time, we were traditional, but we had socialist underpinnings to our traditional

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<sup>124</sup> See, e.g., Interview with Dr. Fatima Sadiqi, *supra* note 6 at 3.

<sup>125</sup> Interview with Zineb Belmkaddem, *supra* note 6, at 10.

<sup>126</sup> *Id.*

<sup>127</sup> Interview by Daniel Steinvoth, *Interview with Moroccan Islamist Nadia Yassine: 'Our Religion is Friendly to Women'*, SPIEGEL ONLINE (July 3, 2007), <http://www.spiegel.de/international/world/interview-with-moroccan-islamist-nadia-yassine-our-religion-is-friendly-to-women-a-492040.html>.

beliefs – this is not the case for the younger generation of Moroccan feminists [sic] revolutionists.<sup>128</sup>

On the other side of the spectrum, Dr. Asma Lamrabet believes that the re-interpretation of Islamic texts is needed to liberate women.<sup>129</sup> She posits that abandoning religion is not necessarily the key to ending women's oppression:

Forgive my skepticism, but anyone who sees the world in its present state can quickly realize that the fight for more rights and justice for women is ongoing and has a long way to go. Even in societies where 'abandoning of religion' is apparent, multiple manifestations of female oppression are still present, crossing all the other forms of domination and exploitation: in the form discriminatory practices in the workplace, increasing physical or moral abuse, economic globalisation in which women are more socially disfavoured, not to mention war and endless conflicts where women are undeniably the preferred victims.<sup>130</sup>

...

As a believer and a Muslim woman, I'm convinced that the Divine message is One and the [sic] no sacred writ, Muslim, Jewish or Christian approves of such injustice. Was not the message of Moses, Jesus and Muhammad - peace be upon them all - essentially on[e] of liberation? Therefore, to oppress women in the name of a spiritual message is not only betraying the message itself, but goes against what is most sacred in the history of humanity, namely the liberation from all oppression.<sup>131</sup>

According to Lamrabet, the Qur'an "speaks of women's autonomy and right to freedom," yet "[t]o date, she claims, the Koran has only been interpreted on a 'patriarchal and discriminatory' basis."<sup>132</sup>

Dr. Naciri, the President of the Association Democratique des Femmes du Maroc ("Democratic Association of Moroccan Women"), feels that:

The tension between secular and religious law helps to explain the delay in women's enjoyment of full legal rights and participation in mainstream political institutions, in spite of the enormous changes in their socio-economic position. The Moroccan Code of Personal Status, which governs the status of women and family relations, is based on traditional Islamic law whereas all other legal provisions are secu-

<sup>128</sup> Interview with Dr. Fatima Sadiqi, *supra* note 6, at 5.

<sup>129</sup> Interview with Dr. Asma Lamrabet, *supra* note 6, at 3

<sup>130</sup> Asma Lamrabet, *When Women Appropriate the Sources*, CRITICAL MUSLIM STUDIES at 1, <http://www.dialogoglobal.com/granada/documents/When-Women-Appropriate-the-Sources.pdf> (last visited Sept. 15, 2013).

<sup>131</sup> Interview with Dr. Asma Lamrabet, *supra* note 6, at 2.

<sup>132</sup> Wolf-Dieter Vogel, *Moroccan Feminism: Emancipation with the Koran?*, QANTARA.DE (Nov. 2, 2011), [http://en.qantara.de/wcsite.php?wc\\_c=8436](http://en.qantara.de/wcsite.php?wc_c=8436).

larized and modern. This code places the woman under male tutelage throughout her life - celibacy, marriage, divorce, widowhood - and institutionalizes the strict division of gender roles: the man is the head of the family and is responsible for maintaining the women and children; the woman has duties only towards her spouse.<sup>133</sup>

Again, on the other side of the spectrum, Belmkaddem noted that the movement was gender-neutral and that it demanded equality for all human beings.<sup>134</sup> At the mention of feminism, she strongly expressed her dislike of the term because it belittles women “by making them beg for their rights from men.”<sup>135</sup> She possesses the belief that women should be equal with men and should be able to demand general human rights, not just rights for women.<sup>136</sup>

Her statements reflect a post-feminist type ideology where advocates support a gender-neutral agenda that supports human rights in general, instead of an agenda supporting rights specific to women. Upon closer examination of the slogans of the movement, its demands were largely gender neutral. Some of the popular slogans of the movement were inspired by other movements from the region.<sup>137</sup> Many of the slogans began with the famous phrase “The people want” which translates into “El Shaab yurid” in Arabic.<sup>138</sup> Slogans included, “The people want to change the constitution,”<sup>139</sup> and “The people want bring [sic] down the despotism, [e]lections extends [sic] the life of slavery.”<sup>140</sup>

In contrast to Belmkaddem’s view of post-feminist-based ideas, Dr. Jbaldi expressed concern over the gender-neutrality of the movement’s

<sup>133</sup> Rabéa Naciri, *The Women’s Movement and Political Discourse in Morocco*, PUB. BROAD. SERV., <http://www.pbs.org/hopes/morocco/essays.html> (last visited Sept. 15, 2013).

<sup>134</sup> See Interview with Zineb Belmkaddem, *supra* note 6, at 9.

<sup>135</sup> *Id.*

<sup>136</sup> See *id.*

<sup>137</sup> See generally GILBERT ACHCAR, *THE PEOPLE WANT: A RADICAL EXPLORATION OF THE ARAB UPRISING*, (G.M. Goshgarian, trans., 1st ed. 2013) (discussing the phrase “The people want,” which was the first half of many slogans chanted since 2011 by millions of Arab protesters.”).

<sup>138</sup> Can Ertuna, *The Regime is Overthrown, What Now?* HURRIYET DAILY NEWS (Feb. 15, 2011, 12:00 AM), <http://www.hurriyetdailynews.com/default.aspx?pageid=438&n=the-regime-is-overthrown-what-now-2011-02-15> (stating that “El Shaad yurid” was a slogan used across the region); Marc Champion, *Morocco Joins in, Defying Predictions*, WALL ST. J. (Feb. 21, 2011, 12:01 AM), [http://online.wsj.com/article/SB10001424052748703498804576156180408970252.html?mod=googlenews\\_ws](http://online.wsj.com/article/SB10001424052748703498804576156180408970252.html?mod=googlenews_ws) (referencing chants that were heard when 10,000 protestors gathered in Rabat).

<sup>139</sup> *Id.*

<sup>140</sup> AFP, *Morocco Votes in First Election Since Reform*, AHARAM ONLINE (Nov. 25, 2011), <http://english.ahram.org.eg/NewsContent/2/8/27557/World/Region/Morocco-votes-in-first-election-since-reforms.aspx> (referencing the banner translation for the Associated Press photograph reproduced in the article).

tactics.<sup>141</sup> She noted that even though women have been extremely active in the *Mouvement du 20-Février*, “women’s issues are not present in [the movement’s] slogans and demands.”<sup>142</sup> She felt that it was very important that the movement include women’s and human rights.<sup>143</sup> She believed that the movement’s boycotting of the elections and constitutional reforms, as well as gender neutral slogans, took away some of the movement’s power.<sup>144</sup> Further, while Dr. Jbabdi is pleased that elections were held, she remained concerned that the new government will be unable to implement the principles of equality embedded in the new constitution.<sup>145</sup>

### B. *The New Constitution and Institutionalization of Women’s Participation*

One scholar has noted, “Progress on women’s rights is a crucial indicator of democratic development and a powerful symbol of increased pluralism.”<sup>146</sup> In examining feminist ideologies during democratic change, it is important to examine different forms of democratic feminist ideologies and the many contradictions therein. The first contradiction is between advancing the individual and advancing the collective.<sup>147</sup> The second contradiction relates to utilizing the public sphere, in which some women have traditionally been excluded, to advocate for change.<sup>148</sup> For example, scholar Tracy E. Higgins has posited:

At the heart of much constitutional law and theory is a familiar and basic inquiry: How do we mediate the tension between respect for majoritarian will and the protection of individual autonomy? This question, as many have observed, persists because we have a dual loyalty: a democratic commitment to respect the political will of the people and a liberal commitment to respect the rights of the individ-

<sup>141</sup> Interview with Dr. Latifa Jbabdi, *supra* note 6, at 8.

<sup>142</sup> *See id.* at 8.

<sup>143</sup> *Id.* at 8.

<sup>144</sup> *Id.* at 7-8.

<sup>145</sup> *Id.* In regards to the election of the PJD party, Dr. Jbabdi is “happy that the democratic process worked . . . . The elections were transparent, and the democratic methodology was respected.” *Id.* She also noted, however, that “the election of the PJD party is a source of worry for women . . . . The PJD has been an adversary to women’s rights in Morocco for a while now.” *Id.* Dr. Jbabdi pointed to the PJD’s opposition to the recent changes in the domestic family code and Moroccan ratification of CEDAW. *Id.*

<sup>146</sup> Ruth Hanau Santini, *What Women’s Rights Tell Us About the Arab Spring*, BROOKINGS CTR. ON THE U.S. AND EUROPE, (Nov. 10, 2011), [http://www.brookings.edu/~media/Files/rc/papers/2011/1110\\_arab\\_awakening\\_women\\_santini/1101\\_arab\\_awakening\\_women\\_santini.pdf](http://www.brookings.edu/~media/Files/rc/papers/2011/1110_arab_awakening_women_santini/1101_arab_awakening_women_santini.pdf) (last visited Sept. 16, 2013).

<sup>147</sup> Tracy E. Higgins, *Democracy and Feminism*, 110 HARV. L. REV. 1657, 1663–64 (1997).

<sup>148</sup> *Id.* at 1671.

ual. Though in conflict, these commitments are interdependent. The individual must be protected in particular ways to enable him to act within a democratic system as a citizen/sovereign. At the same time, the exercise of popular sovereignty must be respected as an aspect of the freedom of the individuals that comprise the sovereign. Thus, at the most general level, constitutional theory asks: How can popular sovereignty be both constrained and unconstrained?<sup>149</sup>

The individual versus the collective could be seen in the Moroccan democratic protests. First, the *Mouvement du 20-Février* is an example of the creation of a democratic space with diverse political ideologies. Though each woman interviewed had varying political ideologies regarding the Moroccan government and what is best for the state, they all agreed that change needed to take place. They all desired a new form of governance free from corruption to create a space for different ideologies to be heard and included.

Another contradiction between the individual and the public is evident in the election of the PJD party. While the early elections and the new constitution were brought about by the movement's protests, the results of the elections do not necessarily reflect the movement's ideals of democracy and the *Mouvement du 20-Février*. While the *Mouvement du 20-Février* was very democratic in its inclusion of varying ideological perspectives, Dr. Jbabdi noted that the PJD party has had a history of being opposed to reforms, such as Morocco's adoption of the CEDAW and other reforms benefiting women.<sup>150</sup> Further, Dr. Sadiqi noted that "[t]he new government has the challenge of synthesizing these voices."<sup>151</sup>

The second contradiction relates to women utilizing the public sphere, where some women have traditionally been excluded, to advocate for change.<sup>152</sup> Women are always present at the mobilization phase of revolutionary movements.<sup>153</sup> Dr. Jbabdi noted that women were present during the Moroccan Nationalist Movement, the French Revolution, and the Algerian Revolution.<sup>154</sup> However, when the institutionalization phase emerges, women are excluded from traditionally patriarchal spaces.<sup>155</sup>

The concept of occupying the public sphere was directly implicated in the Moroccan *Mouvement du 20-Février*. Democratic space is traditionally a patriarchal space, and, in Morocco, this type of patriarchy differs from that in the West.<sup>156</sup> In the West, one has an image of women, and "that image is perpetuated through capitalism and the attainment of

<sup>149</sup> *Id.* at 1658.

<sup>150</sup> Interview with Dr. Latifa Jbabdi, *supra* note 6, at 8.

<sup>151</sup> Interview with Dr. Fatima Sadiqi, *supra* note 6, at 4.

<sup>152</sup> See Higgins, *supra* note 147, at 1671.

<sup>153</sup> Interview with Dr. Latifa Jbabdi, *supra* note 6, at 8.

<sup>154</sup> *Id.*

<sup>155</sup> See Interview with Fatima Sadiqi, *supra* note 6, at 5.

<sup>156</sup> *Id.* at 4.



goods.”<sup>157</sup> In Morocco, Dr. Sadiqi states that “we are not rich, so the patriarchy is based on space. Once the mobilization phase is finished, once movements have achieved power, power is not shared with women. In the institutionalization phase, power is shared between men only.”<sup>158</sup> Women were essential “to the mobilization of the *Mouvement du 20-Février*, but when there is movement towards institutionalization, the women disappear. The institutionalization phase is patriarchal and very hostile to women.”<sup>159</sup> This was further illustrated when the PJD appointed only one woman to serve on the government.

Dr. Jbabdi noted that the women in the *Mouvement du 20-Février* must be hyper-vigilant to make sure that they are not excluded when the time comes to institutionalize their demands.<sup>160</sup> Women’s exclusion from traditional public spaces is evidence of an unequal democracy:

Morocco is perhaps a unique example in the Arab world; a country where the battle led by feminine NGO activists has begun to have a tangible impact on national human rights and development policies. Support for these movements remains essential, not just for Morocco, but for the sake of social development throughout the region. Moroccan women’s activism helps to promote awareness and knowledge of legal rights among women, to develop networks between women’s NGOs and community-based groups, and to ensure a broader spectrum of participation in the public sphere.<sup>161</sup>

Belmkaddem suggested that many of the women who participated in the movement were involved in volunteering in civil society organizations and became frustrated with their inability to change the system.<sup>162</sup> Women wanted to see bigger changes and more movement, so they became involved in the protest movement.<sup>163</sup>

Now, after the *Mouvement du 20-Février*, the question is how to synthesize the different voices into a democracy that incorporates everyone. One interviewee noted:

The new government, PJD party, is not going to have it very easy.

. . . .

The constitutional changes were great, [but] gender equality needs to be institutionalized. The new government has already shown that it cannot work within the constitution with the appointment of only

<sup>157</sup> *Id.*

<sup>158</sup> *Id.* at 4–5.

<sup>159</sup> *Id.* at 5.

<sup>160</sup> See Interview with Dr. Latifa Jbabdi, *supra* note 6, at 8.

<sup>161</sup> Sadiqi, *supra* note 113, at 334–35.

<sup>162</sup> See *id.*

<sup>163</sup> See *id.*

one woman. The new government has already demonstrated that women's issues will fall to the back of their agenda.<sup>164</sup>

Recently, the new PJD party placed only one woman in the government.<sup>165</sup> One activist commented:

Despite [Melhaf's] movement's boycott of the parliamentary elections that produced this government, it remains 'very upsetting that recent gains for the cause of women's rights were lost. Moroccan women have managed again and again to prove their worth and competence in numerous fields. Having only one woman in the Cabinet is an alarming glimpse into the future of women's rights in Morocco.' . . . 'The fact that only one female made it into the Cabinet gives the impression that the misogynistic view of women is still alive and well in Morocco . . .'<sup>166</sup>

Further, Melhaf noted that, despite the diversity of the movement, "[t]he Moroccan government is still not representative of an equal government for women."<sup>167</sup> She pointed to the fact that the constitution still contains some inequalities, such as what men and women can inherit.<sup>168</sup> Further, according to the constitution, the ruler of Morocco must always be a male king.<sup>169</sup> References to religion in the constitution, in her opinion, also tend to create inequality for Moroccan women.<sup>170</sup>

In theory, the new constitution codified the principles of equality and nondiscrimination.<sup>171</sup> Dr. Jbabdi noted, "When the new constitution was being considered, the commission invited civil society to submit memorandums regarding the changes in the constitution they wanted."<sup>172</sup> In fact, all of the women's groups gathered to create the Feminist Spring Memorandum.<sup>173</sup> These women's groups "then met with the commission to demand that [their] reforms be placed in the constitution . . . . The commission accepted all of [their] reforms."<sup>174</sup> She noted that "everyone was listened to during this process,"<sup>175</sup> though she also acknowledged that "young people with the Mouvement du 20-Février boycotted this process."<sup>176</sup>

<sup>164</sup> Interview with Dr. Fatima Sadiqi, *supra* note 6, at 3–4.

<sup>165</sup> Ajbaili, *supra* note 45.

<sup>166</sup> Estito, *supra* note 48.

<sup>167</sup> Interview with Widad Melhaf, *supra* note 6, at 6.

<sup>168</sup> *Id.*

<sup>169</sup> *Id.*

<sup>170</sup> *Id.*

<sup>171</sup> Interview with Dr. Latifa Jbabdi, *supra* note 6, at 7.

<sup>172</sup> *Id.*

<sup>173</sup> See *Memorandum*, *supra* note 89.

<sup>174</sup> Interview with Dr. Latifa Jbabdi, *supra* note 6, at 7.

<sup>175</sup> *Id.*

<sup>176</sup> *Id.*

The new constitution gives hope for women's sustained participation. According to one interviewee, "The constitution is the *code de la route* (map) to a dream society, it is now the responsibility of the King, civil society, and political parties to implement the change."<sup>177</sup>

In order to effectuate changes, one interviewee suggested that there has to be an equal representation of "male and female judges implementing equal rights for women."<sup>178</sup> In addition, parliamentary representation must be proportional.<sup>179</sup> One interviewee noted, "We voted for a new constitution but the new constitution is still supported by past culture and the elite of the past."<sup>180</sup> Two scholars stated that "new rights need to be explained, understood, and made enforceable, which requires new skills as the target of activism shifts from politicians to judges for a full enforcement of the law."<sup>181</sup>

The real test of change and the solution to many political ills is whether or not the corruption that plagued the old government continues to persist. In an interview with *The Guardian*, Rabéa Naciri, the leader of the ADFM, stated:

We're not a democratic country yet, but we are beginning to lay down the foundations for good governance and the new constitution is bringing a lot of improvements. What's crucial is how the new constitution is implemented over the next five years – new laws, new policies, a new judiciary system and the new electoral code – making the long hoped-for reform a reality.<sup>182</sup>

While the previous constitution did not recognize equality between men and women under civil law, the new constitution is pro-gender equality, opposed to discrimination, and, at least on paper, establishes "affirmative action" to encourage the participation "of women in magistrates' courts, in the civil service, everywhere in the state."<sup>183</sup> "We'll be watching it all closely . . . human rights and women's organizations will have to monitor to be sure it's all implemented," Naciri said.<sup>184</sup>

Some of the interviewees offered differing opinions about the reforms. Belmkaddem is one of those individuals not satisfied with the constitutional reforms.<sup>185</sup> Her dissatisfaction stems from her belief that the con-

<sup>177</sup> Interview with Woman #1, *supra* note 6, at 1.

<sup>178</sup> *Id.*

<sup>179</sup> *Id.*

<sup>180</sup> *Id.* at 2.

<sup>181</sup> Khan & Fournier, *supra* note 109, at 130.

<sup>182</sup> Lucy Lamble, *UN Women Report: Access to Justice in Morocco*, THE GUARDIAN (July 6, 2011, 8:23 AM), <http://www.guardian.co.uk/global-development/2011/jul/06/un-women-morocco-justice> (last visited Sept. 18, 2013).

<sup>183</sup> *Id.*

<sup>184</sup> *Id.*

<sup>185</sup> Interview with Zineb Belmkaddem, *supra* note 6, at 10.

stitutional committee was not convened democratically.<sup>186</sup> She noted, “When the constitutional reforms came, people were hired to throw stones at the Mouvement du 20-Février . . . . There were signs all over to ‘Vote for the King’s constitution . . . . The commission to reform the constitution was appointed by the King,” not through a democratic process.<sup>187</sup>

Lending support to Belmkadden’s reservations, Dr. Lamrabet notes that “Article 19 of the Constitution gives equality to women, but in practice equality does not and will not exist unless the hearts and minds of people are changed.”<sup>188</sup> Dr. Lamrabet states that even after the 2003 changes in family laws, “in reality there [were] no changes because the state and politicians did not change . . . . There was no education to support the passing of the new family laws.”<sup>189</sup> There existed “judges with the same mentality . . . under the new laws making the same rulings.”<sup>190</sup> Dr. Lamrabet further believes that “justice is the most important principle in the Koran, which is incongruent with how the Koran has been interpreted in family laws against women.”<sup>191</sup>

In her interview, Dr. Jbabdi noted her concern that “under the PJD there will be a regression of women’s rights and that past equality and parity measures that have been gained for women will be lost.”<sup>192</sup> She noted, “In the past, the PJD ha[d] reduced the women to family, home, and children . . . . The question is what [the PJD party is] going to do.”<sup>193</sup> Dr. Jbabdi highlighted the point that if democracy is to bring about change, women and human rights must be at the heart of any reforms.<sup>194</sup> According to Dr. Jbabdi, “[t]he absence of women from the political scene can only have a negative impact on their rights.”<sup>195</sup>

## V. CONCLUSION

To sum up the sentiments expressed by the interviewees, “Women are essential to modernization and democracy. We cannot imagine any true

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<sup>186</sup> *Id.*

<sup>187</sup> *Id.*

<sup>188</sup> Interview with Dr. Asma Lamrabet, *supra* note 6, at 2.

<sup>189</sup> *Id.* at 3.

<sup>190</sup> *Id.*

<sup>191</sup> *Id.*

<sup>192</sup> Interview with Dr. Latifa Jbabdi *supra* note 6, at 8.

<sup>193</sup> *Id.*

<sup>194</sup> *Id.*

<sup>195</sup> Latifa Jbabdi : «J’ai trois passions dans ma vie : les enfants, le social et la politique», AUJOURD’HUI; BACHIR HAJJAJ LE (Mar. 10, 2009), <http://www.aujourd'hui.ma/maroc-actualite/special-8-mars-fete-de-la-femme/latifa-jbabdi-j-ai-trois-passions-dans-ma-vie-les-enfants-le-social-et-la-politique—95037.html> (Google trans. Sept. 19, 2013).

development without women. It is the women's movement that has opened space for civil society and for democratic society."<sup>196</sup>

In comparison to other MENA countries that experienced uprisings, Morocco's changes took place in a fairly nonviolent manner. Some Moroccans claim that they do not want the instability that comes with quick revolutionary changes. Dr. Fatima Sadiqi "feel[s] that the process for change in Morocco will be a long, slow process."<sup>197</sup> She states that there will be a continual presence of a monarchy.<sup>198</sup> She also predicts that over the course of the next five years, Morocco will experience slow change, but "people will return to protests in the streets."<sup>199</sup> Illustrating this point, Yassine stated:

There is stability [in Morocco], but it won't last long. The foreigners who visit us and see the clean neighborhoods of Rabat and Casablanca get a completely false first impression. There is great desperation behind the scenes. The government may have improved the legal situation for women, but there are still hardly any jobs for the country's youth. The slums are growing and there is no functioning health system. I wouldn't even dare to set foot in some neighborhoods. The aggression there is tremendous.<sup>200</sup>

Additionally, Yassine stated that "about five percent of the population possesses almost all of the wealth in Morocco. The rest [of the country] live[s] in absolute poverty. For [me] it is impossible to talk about God and spirituality when stomachs are hungry."<sup>201</sup>

Civil society will play a key role in keeping the women's agenda alive within the new government. Civil society is important because it has represented poor women, abandoned children, single women, and those groups who are or have been traditionally marginalized. Right now, women's rights NGOs represent two ideas: first, that the new government needs time, and second, that there needs to be dialogue about the future. The ADFM has been effective in lobbying for safeguarding women's rights. However, this is not enough to uphold the rights in the constitution.

<sup>196</sup> *Hopes on the Horizon: Morocco* (PBS television broadcast Feb. 16, 2001), transcript available at <http://www.pbs.org/hopes/morocco/transcript.html>.

<sup>197</sup> Interview with Dr. Fatima Sadiqi, *supra* note 6, at 3.

<sup>198</sup> *Id.* at 4.

<sup>199</sup> *Id.*

<sup>200</sup> Interview by Daniel Steinvoth, *supra* note 127.

<sup>201</sup> *At Home in Morocco with an Islamist and a feminist*, WORLDFOCUS ONLINE (Amina Shabani, trans., Sept. 11, 2009), <http://www.youtube.com/watch?v=V1ORoPBYz0E> (see Rebecca Haggerty, *At Home in Morocco with an Islamist. . . and a feminist*, WORLDFOCUS ONLINE (Sept. 11, 2009), <http://worldfocus.org/blog/2009/09/11/at-home-in-morocco-with-an-islamistand-a-feminist/7164> (last accessed Sept. 21, 2013)).

New democratic changes, like the changes in Morocco, are a step towards ensuring equal rights for women and men. The next step is permitting women to move into traditionally masculine public spaces from which they have been historically excluded.

From the interviews conducted, most Moroccan academics and activists are not hopeful. They are skeptical because the reforms are being implemented by the same elite who ran the Moroccan government in the past. The *Mouvement du 20-Février* has expressed concern for the gap between the Moroccan elite and those who are illiterate, unemployed, and do not understand the alleged rights being implemented in the reforms. During the Arab Spring, many women mobilized in traditionally male public spaces to demand that their rights be recognized alongside those of their male counterparts.<sup>202</sup> With close to 50% of Moroccan women illiterate<sup>203</sup> and the rest of the population facing a high unemployment rate,<sup>204</sup> the ideals espoused by the new constitution as implemented by an elite government seem very far from their concerns.

Moroccans want real change. New feminist ideologies can guide the continuation of the movement. Women are taking the forefront and utilizing male dominated democratic spaces to demand that the de jure rights espoused in the new constitution do not become empty words.

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<sup>202</sup> Interview with Dr. Fatima Sadiqi, *supra* note 6, at 5.

<sup>203</sup> See *UIS Statistics in Brief: General profile – Morocco*, U.N. EDUC., SCI. AND CULT. ORG. INST. FOR STATISTICS, [http://stats.uis.unesco.org/unesco/TableViewer/document.aspx?ReportId=124&IF\\_Language=eng&BR\\_Country=5040&BR\\_Region=40525](http://stats.uis.unesco.org/unesco/TableViewer/document.aspx?ReportId=124&IF_Language=eng&BR_Country=5040&BR_Region=40525) (last visited Oct. 22, 2013).

<sup>204</sup> See Siham Ali, *Morocco jobless rate tops one million*, MAGHAREBIA (Aug. 13, 2013), [http://magharebia.com/en\\_GB/articles/awi/features/2013/08/13/feature-04](http://magharebia.com/en_GB/articles/awi/features/2013/08/13/feature-04).

## APPENDIX A

## INTERVIEW NOTES

***Interview with Woman #1 – Using Constitution as a Roadmap to Freedom.***<sup>205</sup>

*“Woman #1” worked on the committee responsible for drafting the new constitution. She is referred to as “Woman #1” because she wished to remain anonymous.*

**Q: What are the constitutional reforms you find most important from July’s constitutional referendum?**

**A:** There are three main constitutional reforms that are important: (1) non-discrimination on the basis of color, belief, handicap, or language; (2) the superiority of international law and treaties; and (3) equality for women in the civil, cultural, economic, social and environmental areas.

**Q: What may be some obstacles to achieving parity under the new Moroccan Constitution?**

**A:** I believe that even though there are many de jure changes, the state has the obligation to determine parity; to create instance to be against all kinds of discrimination; to realize that there are many mechanisms to realize equality between men and women and to think about the mechanisms in a manner that gives legitimacy between men and women; and to protect the well-being of both women and children with respect to social rights. I also believe that there has to be equality in the number of male and female judges implementing equal rights for women. This is obligatory for the high counsel to implement the constitutional principles. Further, representation in the parliament must be proportional.

**Q: How does the religious aspect of the government mix with the new constitutional reforms?**

**A:** The previous constitution said that you can change everything but religion and monarchy. The new constitution says that you can change everything but religion, monarchy, democratic choice and fundamental rights. In the old constitution there were four references to Islam, now there are about twenty references to Islam. For example, the new constitution mentions that the modern Islam should now be open minded, tolerant, and moderate.

**Q: What do you see the connection is between the February 20th Movement in Morocco and young people wanting change?**

**A:** As you see all over the world now, it is the time for young women and minorities to rise up. It is no longer the time for political parties full of men who are disconnected from young people. For example, out of the thirty-three parties in Morocco today none of them have a blog. None of them are connecting with young people. This means on November 22, 2011 with the elections, you will not see very many young people

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<sup>205</sup> Interview with Woman #1 (Oct. 2011) (on file with author).

going out to vote and you will see more of the same things being perpetuated in society.

**Q: What may be some obstacles to reform in Morocco?**

**A:** One big issue is that the actors in the game are not clear. The visible actors are the King, the political parties, civil society, and the press (syndicate), whereas those who are not visible but present are young people, the King, political parties, imams, and the army to stabilize the regime. There is obviously a gap. We voted for a new constitution but the new constitution is still accompanied by past culture and the elite of the past. The only solution for young people is less corruption – this will be the real test of change for young people.

***Interview with Dr. Asma Lamrabet: Reinterpreting Koran Text for Liberation of Women:***<sup>206</sup>

**Q: Where do you feel Morocco is in terms of the status of women's rights?**

**A:** The fight for more rights and justice for women is ongoing and has a long way to go.

**Q: What do you think about the status of women as it relates to Islam?**

**A:** Oppressing women in the name of a spiritual message is not only betraying the message of Islam itself, but goes against what is most sacred in the history of humanity, namely the liberation from all oppression. It is not Islam that reduces women to a lesser position, it is the interpretation of Islamic texts. What I do at my center is re-reading Koranic texts and identifying previous interpretations for what they are: macho and patriarchal.

I have called this re-interpretation of Islamic texts a “third way” of feminism. This third way of feminism is a modern approach combining universal, humanistic ethics with the humanitarian ideals of Islam.

**Q: How have feminist ideologies fared in societies like Morocco?**

**A:** The Muslim world hesitates to use this term “feminism” for its colonialist and westernizing connotations. However, we can say that it has a tendency to be similar to Western feminist movements, in that it is a diverse movement. In that sense, we can say that there are Muslim feminisms, too. But the movement that is of interest to us here is the one that promotes a re-reading of the source texts in order to liberate women from within Islam.

**Q: How do you feel about the election of the PJD party?**

**A:** My approach is distinct from fundamentalism. I distinguish myself from parties like the PJD Islamic party in that I believe that religion

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<sup>206</sup> Interview with Dr. Asma Lamrabet, Pathologist, Avicenna Hosp., in Rabat, Morocco (Oct. 2011) (on file with author).



should be free from political aspects. I believe that political Islam, Islamism, first made faith a source of oppression.

**Q: What do you think about the recent constitutional changes?**

**A:** I believe that even if the laws change that the hearts and minds of the people must also change. For example, in 2003, the family laws were changed. In reality there was no result or no changes because the state and politicians did not change. There was no education to support the passing of the new family laws. You had judges with the same mentality but under the new laws making the same rulings. I think that justice is the most important principle in the Koran, which is incongruent with how the Koran has been interpreted in family laws against women.

**Q: What do you see as the most important changes for Morocco?**

**A:** In the upcoming future, the two principles I want for Morocco are: (1) Laicite – separate religion from politics; and (2) religious freedom. I think that society will be more honest and just where people are able to choose their religion. The alternative could be the model that currently exists in Turkey. Right now, I believe in Morocco, political parties aren't really convinced by the principles of equality and frequently use religion to subordinate women.

*Interview with Dr. Fatima Sadiqi, International Institute for Languages and Cultures, Center for Arabic and Islamic Studies:*<sup>207</sup>

*Dr. Fatima Sadiqi is a professor at the University of Fez and a feminist scholar.*

**Q: How do you feel about the changes that have come about with the February 20th Movement?**

**A:** I am not very optimistic about the future of women's rights after the Moroccan Arab Spring. I feel that the process for change in Morocco will be a long, slow process. With the Moroccan Arab Spring, we saw a space being created where everyone's voice was allowed. Anything goes. People from remote villages were empowered to use social media to express their opinions. People were communicating. The question is now how to synthesize the different voices into a democracy. The new government, PJD party, is not going to have it very easy.

**Q: What is your opinion about the election of the Islamist PJD party?**

**A:** The Islamists are in power now. The issue is that people in Morocco are very conservative. It is a different kind of conservatism though. A lot of people do not pray but are conservative. Everyone is going back to conservatism. This is the first time that the PJD party is in power and they only placed one woman in the government, Bassima Hakkaoui. PJD is an Islamist party.

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<sup>207</sup> Interview with Fatima Sadiqi, Professor, Univ. of Fez, in Fez, Morocco (Jan. 2012) (on file with author).

**Q: What does the implementation of one woman to the PJD party signal for Moroccan women?**

**A:** What is symbolic is that this woman, Bassima Hakkaoui, is veiled. The constitutional changes were great, gender equality needs to be institutionalized. The new government has already shown that it cannot work within the constitution with the appointment of only one woman. The new government has already demonstrated that women's issues will fall to the back of their agenda.

**Q: Why do you feel the changes in Morocco will come about very slowly?**

**A:** The change in Morocco is going very slow. There is still a monarchy here and it is not going anywhere. In about five years, you will see things slowly change. This change will come about through turmoil over the next five years. People will return to protests in the streets. There are different voices and everyone sees democracy differently now. The new government has the challenge of synthesizing these voices.

**Q: Who will play a key role in implementing change in Morocco for women?**

**A:** Civil society will play a key role in keeping the women's agenda alive with the new government. Civil society is important because it has represented poor women, abandoned children, single women and those groups who are or have been traditionally marginalized. Right now, women's NGOs are saying two things: (1) let's give the new government time and (2) let's dialogue about the future. Association Democratique des Femmes du Maroc ("ADFM") has been effective in lobbying for safeguarding women's rights. This is not enough to uphold the rights in the constitution. Some of the key actors in civil society that are pushing women's rights are Spring of Equality, Union Action Féminine, and Nadia Yassine's group Justice and Spirituality, which is not recognized by the state.

**Q: What does the ideal of democracy look like in Morocco?**

**A:** The democratic space is a patriarchal space. In Morocco this type of patriarchy is different from in the West. In the West, you have the image of women and that image is perpetuated through capitalism and the attainment of goods. In Morocco, we are not rich, so the patriarchy is based on space. Once the mobilization phase is finished, once movements have achieved power, power is not shared with women. In the institutionalization phase, power is shared between men only. The French occupation and 1956 independence movement is an example of this occurring.

**Q: What is feminism in Morocco? And how does feminism mix with Islamic beliefs?**

**A:** Types of Moroccan feminism: (1) secular spiritual Islam and (2) Islamist feminism. There is not one type of Islam in Morocco. All women

see Islam as something different. Feminism is tied into the views of Islam. There is spiritual Islam, which sees Islam as a way of life, a culture.

**Q: With all of the different types of feminism, is there room for diversity of thought?**

**A:** In Morocco, there is an opportunity for all feminisms to exist side by side. Older women tend to see Islam as culture, while younger women see Islam as politics. The women of the February 20th Movement are not Islamists, they are secular and democratic. They were key to the mobilization of the February 20th Movement, but when there is movement towards institutionalization the women disappear. The institutionalization phase is patriarchal and very hostile to women.

For me Islam is a way of life. When Islam mixes with politics it disturbs me. I am from a traditional, rural Berber family. Back in my time, we were traditional, but we had socialist underpinnings to our traditional beliefs – this is not the case for the younger generation of Moroccan feminists revolutionists. The difference is not set in rock; people navigate between the various forms of Islam and this is not problem as long as politicians stay away from it.

*Interview with Widad Melhaf, Activist in the February 20th Movement.*<sup>208</sup>

**Q: How did the February 20th Movement begin?**

**A:** At first the February 20th Movement started in solidarity with other countries working to overthrow their governments. We were protesting in solidarity with the Tunisians and their overthrow of Ben Ali. Then, we began to think about all of the problems in Morocco and thought that we needed to start our own movement here. There were many social, economic and political problems in Morocco. The government is not representative of the people, there is a lot of corruption, and we wanted a new constitution that would create a real parliamentary monarchy.

There were people being arrested for their political viewpoints without any reason. So far twelve members of the movement have been killed. Mouad Belrhout, twenty-four, an anti-monarchist who performs as rapper El-Haqed (“The Indignant”) was convicted of assault and sentenced to prison and fined. The February 20th Movement activists assert that the charges were fabricated because Mouad raps against the Moroccan regime. On the surface, a banal enough affair; the fine was a modest 500 dirhams, or \$57 USD. In addition, the journalist, Rachid Nini was arrested, sentenced to a year in prison, for being a threat to national security. A one-year jail sentence for an article is the sort of detail that

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<sup>208</sup> Interview with Widad Melhaf, Journalism Student and Activist, in Morocco (Jan. 2012) (on file with author).

ruins the smooth democratic façade Morocco wants to present to the rest of the world.

**Q: What are some big issues or problems that Moroccans face today that may have precipitated the February 20th Movement?**

**A:** The homelessness problem is really big in Morocco. Many young graduates cannot find a job. There is also a big problem with the health-care system. The hospitals are in disarray. The places where people are living are horrible – they have no water, no electricity. The King's company SNI-ONA controls all of the sectors. There are a lot of riches in Morocco but the riches are not equally distributed amongst the people. The socio-economic problems are really serious.

**Q: How do young people feel about the new democracy in Morocco?**

**A:** We do not have a democracy. The Minister of Interior controls the elections and falsifies the results. We wanted an independent commission for the creation of a new constitution, but the King appointed only people that he knew.

Despite all this, the February 20th Movement is very representative of a democratic society. There are many women present in the protests, meetings, and the different commissions that make up the movement. The people in the Movement are also very young. The Moroccan government is still not representative of an equal government for women. Even the constitution still contains some inequalities for women. For example, there are still differences in what a woman can inherit versus what her husband can inherit. According to the constitution, the King of Morocco must always be a man, never a queen, never a woman. There are many references to religion in the constitution that create inequality for women.

**Q: How do you feel about the election of the PJD party?**

**A:** Recently, the new PJD party only placed one woman in the government. If there was a real democracy women would be present in the government. The fact that only one female made it into the Cabinet gives the impression that the misogynistic view of women is still alive and well in Morocco.

***Interview with Latifa Jbabdi, Activist, Leader of Family Code Changes:***<sup>209</sup>

*Dr. Latifa Jbabdi has endured detention as a political prisoner for her involvement in an illegal Marxist group known as "March 23," was elected to office in the parliament in 2007, edited one of the country's most progressive magazines (8 Mars), co-founded numerous human rights organizations, and served on several governmental commissions in more than*

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<sup>209</sup> Interview with Dr. Latifa Jbabdi, President, Women's Action Union, in Morocco (Jan. 2012) (on file with author).

*thirty-five years as a fighter for equality and women's rights in Morocco.*<sup>210</sup> Dr. Jbabdi was President of the Women's Action Union ("UAF"), which has worked since 1987 to modernize Morocco's family code, the *Moudawana*.<sup>211</sup> She was instrumental in several landmark changes made to the *Moudawana* in 2004.<sup>212</sup>

**Q: How do you feel about the February 20th Movement?**

**A:** Morocco had entered into a sort of lethargy before the February 20th Movement. Then, the movement came along and has been going strong for almost a year now. There is a new dynamic in Morocco. This is a historic moment where there have been very fast changes. This is an opportunity for a historic democratic transition in Morocco. The people have been thrown back into the political sphere and are expressing principles against corruption, for democracy, and for mobilizing society.

**Q: How do you feel about Morocco's new constitution?**

**A:** The new constitution is very good thing for Morocco. It codifies the principles of equality and nondiscrimination. It serves as a mechanism for respecting parity. When the new constitution was being considered, the commission invited civil society to submit memorandums regarding the changes in the constitution they wanted. All of the women's groups gathered to create the feminist spring memorandum. We then met with the commission to demand that our reforms be placed in the constitution. The commission accepted all of our reforms. International law was implemented. Everyone was listened to during this process. Young people with the February 20th Movement boycotted this process. The movement must participate and be present. They must give content to the slogans they support while they are protesting.

**Q: How do you feel about the recent election of the PJD party?**

**A:** In regards to the election of the PJD party, I am happy that the democratic process worked. The elections were transparent and the democratic methodology was respected. As a democratic society, however, I can disagree with the results.

The election of the PJD party is a source of concern for women. The PJD has been an adversary to women's rights in Morocco for a while now. They were against any changes to the *Moudawana*. As recent as October 2011, they were opposed to Morocco ratifying the Convention on Elimination of Discrimination Against Women. They have been opposed to the implementation of human rights norms in Morocco. The PJD message is very clear, they have a very conservative orientation. It is the obligation of the new government to put the constitution into force including equality for women. I am worried that the new government will

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<sup>210</sup> See *Moudawana: A Peaceful Revolution for Moroccan Women*, TAVAANA, 4 (Nov. 23, 2010), [http://tavaana.org/sites/default/files/moudawana\\_en\\_pdf\\_0.pdf](http://tavaana.org/sites/default/files/moudawana_en_pdf_0.pdf)

<sup>211</sup> *Id.* at 1.

<sup>212</sup> *Id.*

not be able to implement the principles of equality embraced in the new constitution.

**Q: How do you think women's rights will fare under the PJD party?**

**A:** I am very concerned that under the PJD there will be a regression of women's rights and that past equality and parity measures that have been gained for women will be lost. In the past, the PJD has reduced women to family, home, and children. Women's participation expands across all sectors. The question is what they are going to do. The women that have mobilized have expressed our worries about the election of the PJD party. If democracy is to bring about change, women and human rights must be at the heart of reforms.

**Q: What is your advice for the women in the February 20th Movement as someone who is familiar with bringing about societal change?**

**A:** My advice for women in the current February 20th Movement is to be present, visible and *avant-garde*. First, women have been very present in the February 20th Movement, but women's issues are not present in their slogans and demands. It is very important that they take on women and human rights in the movement. Second, historically, around the world, women have been present during the revolutionary stage, but when it comes to the institutionalization phase women tend to disappear. This was true during the French revolution, the Algerian revolution, and the Moroccan nationalist independence movement. We must learn from the past. Women must remain present through all phases and continue to fight for democracy, transparency, and social justice.

***Interview with Zineb Belmkaddem, Militant Activist for the February 20th Movement.***<sup>213</sup>

*Zineb is a twenty-seven-year-old, single mother, business owner, and activist with the February 20th Movement. She was born in Rabat and studied Political Science and English in the United States.*

**Q: How did you become involved in the February 20th Movement?**

**A:** I became involved in the February 20th Movement through volunteer work. It was through volunteering at a children's hospital that I discovered that I could not impact change in Morocco. Everything I would try to change, a higher corrupt force would intervene to block any positive changes. I was convinced that I could not get involved in corrupt politics in Morocco and could not make any changes. This was until the Arab Springs in the Middle East started occurring. I saw this as an avenue for changing Morocco. I have participated in the protests since last year. During the protests, I had found myself being subjected to police brutality.

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<sup>213</sup> Interview with Zineb Belmkaddem, Bus. owner & activist, in Morocco (Jan. 2011) (on file with author).

**Q: Who makes up the February 20th Movement?**

**A:** The February 20th Movement is composed of more women than men. It is leaderless and democratic. Most of the women, like me, became involved in the movement through volunteer work. We were able to see that not much change could happen through volunteering.

**Q: What are some of the principles of the February 20th Movement?**

**A:** I believe that the February 20th Movement is close to the principles of democracy in that there is no one leader of the movement, and not one main objective. Everyone learned from each other. It is a protest movement. Our main principles are freedom, social justice and dignity. There are people from different political ideologies – extreme communists, extreme left wing and everyone learns from each other. This is democracy as we wanted. There were even people in the countryside that protested but the media did not publicize their protests.

**Q: Is everyone really involved in the movement? Some allege that only elite Moroccans can participate?**

**A:** I realize that the February 20th Movement is being led by elite Moroccans, to the exclusion of some of the people in the more rural areas of Morocco. But this is a popular, not populist movement.

**Q: Can you talk about the involvement of women in the February 20th Movement?**

**A:** The movement has been gender neutral in that our demands were for equality for all human beings. I have a true dislike for feminism because it belittles women by making them beg for their rights from men.

**Q: What are your thoughts about how Moroccans feel about the current Moroccan government?**

**A:** We want people to be educated and aware about their government. The majority of the people in Morocco are touched by propaganda. My main criticism with the government is that they are old and clueless. I grew up in an information era, where the Internet facilitated exchanges between people. The old government does not take into account that we are now in an information era.

**Q: How do you feel about the recent constitutional reforms?**

**A:** I am not satisfied with the constitutional reforms. I feel that the constitutional committee did not occur through a democratic process. When the constitutional reforms came, people were hired to throw stones at the February 20th Movement. There were signs all over to “vote for the King’s constitution.” The commission to reform the constitution was appointed by the King. They were not democratically appointed. So, they boycotted the process.

**Q: How do you feel about the election of the PJD party?**

**A:** I am not very optimistic about the election of the PJD party. The party is not very ambitious. The PJD party also was not democratically elected. Twenty percent of the ballots cast in the election were blank and

only 24% of the adult population in Morocco voted. When elected, they had the opportunity to push the King for more reforms. Instead of pushing for reforms for the people, they accepted the first thing that the King suggested. The PJD party will just be cleaning up for the past administration and not making any new changes. In addition, the appointment of one woman to the government shows that this party is not respecting the equal representation clause, Article 19, of the new constitution.

**Q: How does religion effect the reforms in Morocco during the February 20th Movement?**

**A:** Religion has no place in the political arena. Political activism is public service, not religion. I am a very religious and spiritual person. I wear a headscarf and am spiritual. But I believe that religion has been used by the government to sustain a dictatorship. We must remain optimistic and keep doing the work in Morocco. We must take responsibility for the future of our country.