Dynamics of Inclusion and Exclusion in the MENA Region : Minorities, Subalternity, and Resistance

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This publication contains a selection of papers presented during the international conference on Middle Eastern and North African Studies entitled "Dynamics of Inclusion and Exclusion in the MENA Region: Minorities, Subalternity and Resistance", which was held on March 10-11, 2018 in Marrakesh, Morocco.

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Preface

Dynamics of Inclusion and Exclusion in the Mena: Minorities, Subalternity and Resistance

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Introduction

Discussions focused on human rights often provide critiques of the "othering" of marginalized groups through a range of socio-political, legal, and economic institutions. In Western Democracies this "othering" is examined within a context that falls under the general rubric of "identity" politics. For instance, a demand for the legalization of same sex marriage is understood as an issue for those who identify as members of LGBTQ communities. Identity frameworks assume a certain stability about the constitutive nature of its members and attempt to track the specific ways access to privilege and power are singularly determined. Recent scholarship has pointed out such categories often based on race, gender, sexuality, ethnicity, religion, able-bodiness, etc. have proven inadequate in capturing the shifting alliances and multiple identities many insist more accurately encapsulate their lives. As a result, the actual tools of sustaining systemic inequalities remain relatively intact irrespective of what might seem to be attempts towards greater inclusivity.

As problematic identity politics may be within Western nation-states it is even more so in countries that do not conform to neoliberalist

mandates. Nevertheless human rights activists continue to rely on their westernized "gaze" to demand reforms that ignore the voices of those who inhabit postcolonial nations. Antonio Gramsci first proposed the idea of telling history from the perspective of the masses, the subaltern, in his critique of cultural hegemony. Subaltern scholarship critiques the ways the mechanism of the West's colonial empires required the silencing of the voices of all those outside of the institutions of power. In her article, "Can the Subaltern Speak" (1988) Gayatri Spivak argues that western scholarship critiquing colonialism continues to situate the West's perspective as the dominant discourse within which the subaltern cannot possibly find their voice. Spivak explicated this silencing effect in her examination of the Sati women in India under British colonial rule. British humanists argued that the women needed to have their individuality legally recognized as a way of addressing what they understood to be the barbaric practice of Hindu widows throwing themselves on their husband's funeral pyre. In contrast there were Hindu leaders who argued that women should be allowed to make the choice voluntarily. Either way, the women, as subaltern, were denied a voice and placed in a false duality of having to choose between traditional practices and modernity. It is important to recognize that the subaltern are heterogeneous and may not always share the same 'identities." However, the one uniting feature is the ways they resist the dominant elites. In so doing, subalternity points to reestablishing the history, culture, language, etc. of the subaltern as a way to overcome colonialism continuing effects.

The essays in this collection reject "identity politics' and create spaces that include the voices of the subaltern within MENA.

Migration Policy and Sectarianism in Areas of Limited Statehood

Marginalization as Cause for Sectarianism, Leading to Sustainable Obstruction of Nation- and State-Building Processes : A Yemeni Case Study

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Abstract

This paper analyses the rise of sectarianism, violence and instability in Yemen in the context of preceding marginalization processes. The territorialised governance obstructed economic development and political participation in the northern province of Saada. The local population's reduced ability of participation increased the willingness to use violence. This lead to radicalisation of the Saada based ideological movement of the "Believing Youth", known as the Houthi-Rebels. Their members demand social, economic and political restoration, justifying their violence with the previous oppression. The Houthi campaign is seen as one of the main factors leading to the nation's collapse.

The Houthi can be seen as an imagined community constituted by the performative praxis of exclusion. Historically scarcely relevant categories of confession, origin, ethnicity or tribe become politicized in the originally resource-oriented conflict, giving rise to estrangement and societal alienation. This shows how marginalization processes induce societal division and instability.

Keywords: Yemen, Houthi, Imagined Communities, Conflict, Marginalization

1. Introduction

With 17 million people (half of the population) not knowing where the next meal will come from, 7 million immediately threatened by hunger,

people dying even from illnesses that are easy to heal, a Cholera epidemic with 900.000 infected and 3 mio refugees (Rühl 2018, Serr 2018: 6), the humanitarian situation in Yemen can be called one of the largest man-made disasters of our time. Meanwhile, the medial and international attention to the war in Yemen is astonishingly low. Together with the complex constellations, this makes it difficult to gain a deeper understanding of the conflict. The constellation of the conflict groups is often presented as a given state, presenting the conflict as religiously motivated. Yet, only 28 years ago, the borderlines that today divide friend and enemy have been blurred and the enemies have been friends.

This paper wants to analyse the rise of sectarianism, violence and instability in Yemen in the context of the preceding marginalization processes and the conflict dynamics. It therefore focuses on the Houthi-Rebels as major, yet rarely thoroughly reflected conflict party.

The theory of performativity together with theoretical approaches to collective action will be employed to observe how the conflicting groups were and are constituted by the marginalization processes and the conflict itself.

Based on Judith Butler, performativity is applied as a theory of social construction of cultural order and interpretation patterns. The steady reproduction gives solidity and evidence to the cultural norms which the specific signs and gestures relate to (ibid.: 42). Consequently, there is no prediscursive or precultural subjectivity that could operate out of a distance from cultural norms (ibid.: 46). The executions of performative acts bring forward new understandings that are not fully explainable by given structures, principles or actors (ibid.: 44). The effects of performative acts are structuring insofar that they self produce differences (ibid.: 33).

The different authors dealing with collective action and the radicalization of collectives agree that conflicts don't emerge because concurring collectives pursue their interests. Rather the conflicts (about power, resources, influence, supremacy etc.) form collectives or enforce the enclosing of collectives. In case of conflict the individual joins a collective due to need for protection or to better pursue its interest with the collective's help (Taken 2012 : 77 f).

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Not only immediately experienceable, but also imagined communities can provide sense. Origin and language, neighbourhood and territory, religion or social class can define them.

In a process of radicalization, beforehand non-existent or less relevant identity categories can become the main community that people are willing to fight and die for, while other collectives are constructed as enemies.

The following text aims to analyze how the conflicting parties in Yemen were shaped by the performative power of conflict. The naturalized view explaining the conflict by different confessions will thereby be questioned.

2. Historical Development

The brief overview about the later development of the conflict in Yemen will help understanding the further elaborations on the Houthi-Rebels.

In 1990, the before separated states of North- and South-Yemen were united under the authoritarian President Ali Abdallah Saleh. When the south attempted to secede in 1994, Saleh fought and won a civil war. Yemen remained united, but deep economic, social and political grievances were caused in the south.

In the 1990s the ideological Ansarullah (Partisans of God) movement was founded by the Houthi family in the northern province of Sadaa. They transformed into a militia often referred to as the Houthi-Rebels. Between 2006 and 2010, there were six separate wars between the government and the militia in the north. The Houthi-Rebels employed a guerrilla tactic, and the government reacted with an iron fisted rule cracking down on their opponents via extrajudicial imprisonment, torture and forced disappearance.

In January 2011, the Arab Spring demonstrations began in Yemen. Saleh reacted with defiance and violence first, later came some small concessions (Fraihat 2016: 39). His opponents allied with powerful tribes and military commanders, pushing the country into a tense military and economic stalemate on the edge of a civil war (Ibid: 40). The Gulf Cooperation Council and the US retired support and put pressure on Saleh, until on November 23, he surrendered the presidency. Yet, he left only under condition of immunity for him and his partners and the

agreement allowed his party to stay in power. The major underlying causes and conditions of the conflict were not addressed.

In September 2014, forces of the old regime that had remained in the political system allied with the Houthi-Rebels to take over the capital Sanaa and other districts in Yemen by force, igniting a civil war.

In March 2015 Saudi Arabia reacted with a military intervention that mostly consists of air raids. They formed and lead a military alliance with Arab and African states, supported by the US, France and Great Britain (Transfeld 2017 b: 1). Also, Riyadh formed a tight naval and air blockade around Yemen. This deepened the already harsh humanitarian crisis. Further fuel shortages will diminish the food market even more. Now, Saudi Arabia's military options are limited, as all the legitimate targets for the air force have already been destroyed (Serr 2018: 6 f.).

In December 2017, President Saleh left the alliance with the Houthi-Rebels. His former allies killed him few days later after a vanished ultimatum to give up and hand himself to the Houthi-Authorities.

To sum up an interim status, the military campaign could not convince the Houthi-Rebels to negotiate, Yemen is further entangled in the Saudi-Iranian conflict and the Al Qaeda on the Arab Peninsula (AQAP) expanded its support within Yemen's southern – sunni – population (Serr 2018: 7). The large number of civilian deaths and the destruction of infrastructure by Saudi air strikes rendered the goal of a functioning state after the war unattainable for the foreseeable future (ibid: 9). Even if the Saudi-led coalition conquered Sanaa, this would not end fighting. The most probable outcome is the emergence of a failed state in Saudi Arabias direct neighbourhood, where the Houthi-Rebels and other armed non-state actors remain a hostile key player, which provides ideal breeding ground for jihadism to thrive (Serr 2018: 10).

3. Events and dynamics leading to sectarianism

The following chapter aims to retrace how the conflict in Yemen led to the strong sectarianism, which is to be observed now within the Yemeni society. To get a channelled approach, these processes will be shown by the example of the Houthi-Rebels. Step by step it will put an eye on this actor's development, analyzing by the theories of performativity and collective action how the events enhance the formation of opposed collectives.

3.1. Conflict's default situation

Historically, Zaidi imams ruled North-Yemen from the late 9th century until 1962. While the Zaidi-Shiism (40% of the Yemeni) dominates in the northern Highlands, Sunni form the majority elsewhere (Baron 2017). The population of the northern provinces believed that Saleh's Regime subjected them to hardships including political and religious discrimination, economic marginalization, lack of government services in their territories, exclusion and removal of their preachers and Imams, confiscation of their mosques and suppression of their rituals (Fraihat 2016: 46).

Generally, there were strong social inequalities in the Yemen before the civil war and minorities like the black Yemeni suffered from discrimination (Al-Mikhlafi 2005). Also, the southern secessionist movement Hirak felt underrepresented and underprivileged. Hence, already before taking openly violent shape, a subliminal conflict for resource access and political participation bubbled strongly.

Yet, sectarianism was minimal. Intermarriage between Sunnis and Zaidis was considered routine and Yemeni of different sects prayed at the same mosques without a second thought (Baron 2017).

Geographically, it is important to see that Yemen is located on a dry, semi-arid portion of the Arab Peninsula, with no rivers supplying the country with water. The economic boom triggered by money transfers from Yemenis working abroad led to industrialization and expansion of agriculture. This highly intensified the use of ground water (Hettle 2016). In addition, the population grew by 25% between 2006 and 2014, needing additional food and water (Douglas 2016). This worsened the water shortage, so that in 2004 one third of the population had no access to fresh water (Hettle 2016). The situation gets more severe by Yemen's vulnerability to climate change. Predictions expect more and longer droughts that potentially might destroy agriculture (ibid.). Social conflict is also fuelled by another consequence of the population boom: roughly 60% of the population is under the age of 23. The little economic growth and the high unemployment rates put strong pressure on the young people (Douglas 2016).

Generally, it can be said that many people in the Yemeni society had grievances. Those were mostly related to political neglect of the region they live in as well as environmental problems. They felt relative deprivation, which can be defined as perceived discrepancy between

how an individual thinks it should live and the opportunities to reach this life (Taken 2012: 106) due to different local factors. In addition, the globalized economy leads to rising wealth in certain regions, while others can't profit and might even suffer from the negative side effects like climate change. These unfulfilled postcolonial development promises increase the relative deprivation. Still, the globalization led to modernization processes like urbanization and a changing labour structure. These cause increased tension and burden for one and increased opportunities for the other part of society and form a mobilization-reservoir for social movements (Taken 2012: 104). Especially with the administrative and political institutions being incapable to adequately manage the problems and tensions, this structural dissatisfaction provided a base for stable conflict groups (Taken 2012: 92).

As relative deprivation is perceived in comparison to others, it already constructs a perceived difference between 'them' having a better life than 'we'.

Acting in a group makes it easier to fight for one's interest. The wish for improvement can push the individual to stronger link to a collective identity. This way, identity categories provide a base that can be instrumentalized in the fight for power and recognition. The homogeneity of the groups – the northern population being mostly Zaidi, the southern mostly Sunni - eases formation of collectives (Heckmann 2015).

Hence, it can already be foreseen that the different categories of identity like origin, religion, tribe, family or ethnicity won't remain open, parallel and non-exclusive much longer.

3.2. First triggers

In the 1980s Saudi Arabian supported salafist groups started doing missionary work in the north. Also, Saudi Arabia founded a Sunni religious school in the north in order to gain influence in the region. The government in Sanaa supported the groups because it feared political concurrence of powerful Zaidi families in the north (Steinberg 2017: 2). President Saleh being Zaidi shows that this was about power and not religion.

Also the rise of political Islam, employed by the Muslim Brotherhood-linked Islah Party, has raised tensions (Baron 2017).

These developments show how existing categories of identification were increasingly instrumentalized for political influence. The Islah Party politicized the Islam to gain voters and a representative legitimism, Saudi Arabia politicised confession in order to gain influence in its Shiite neighbour region by supporting Sunni movements.

By being used in this context, the religious identities take up new meaning. Zaidi and Sunni are presented as opponent groups with conflicting interests; the confessions are misused as an easy explanation for the conflicts. Instead of the region they life in, the Zaidi confession gets linked to the marginalization experience.

These can be seen as key contributing factors in the emergence of the Houthi movement (Baron 2017).

3.3. Foundation of an ideological Movement: Imagined Community

In the 1990 the Zaidi al-Houthi family from the northern province of Sadaa founded the political-ideological movement Ansarullah (Partisans of God), mostly referred to by the name of it's founding family (Transfeld 2017 b: 1).

They demanded more political participation, socioeconomic improvement plus protection of cultural and religious rights that they saw threatened by the central government's politic (Steinberg 2017: 2). Hence they were a mostly political and not confessional movement arousing from the desire for more political and economic participation and access to resources, motivated by the general political and economic marginalization of their remote northern region (Transfeld 2017 b: 2). They presented themselves as representatives of all north Yemeni Zaidis (Steinberg 2017: 2).

The Ansarullah ideology legitimized (armed) rebellion against oppressive rulers already in the beginning (Stryjak 2017). Until 2000, they evolved into an armed militia (Fraihat 2016: 45).

From the perspective of collective action and radicalization, the al-Houthi family can be seen as "entrepreneur of social movement" (Taken 2012: 107). Exploiting the tensions to improve their own position, they rationally act in their own interest. By founding the Ansarullah movement they provide an ideology supposed to easily explain the grievances and help the marginalized people to defend themselves

by forming a strong collective. They promote a self-understanding as subject of the Zaidi history, telling that they are who they are and life under these circumstances only because they are Zaidi (Eckert 2013: 14). As this identity evolves mainly from the employed narratives, they form an imagined community. Religion is used to form the border of the collective. As the 'we' always implicates 'them' to the outside, non-members are presented as a concurrence. The collective identities establish an interpretative frame that distinguishes between those populations on which depends an individual's life and existence and those presenting a direct threat for it. Those perceived as threatening are constructed as worthless lives (Butler 2010: 55 in: Bünger; Trautmann 2001: 400).

At this state, individual conflicts are interpreted as part of the larger conflict. Violent events gain strong attention and are transferred into a friend-enemy relation (Eckert 2013: 12). As the process of radicalization intensifies, people identify with the Ansarullah movement more strongly than with other groups. They feel that they have to care for this collective, even with violence. Positive duties (to take care) are only perceived towards the own collective, negative duties (you may not kill) are denied to the others. The collective identity produces solidarity and trustful relations that give emotional security and raise the motivation to engage also despite risks. Thereby, collective identity itself becomes a resource of mobilization. This especially is the case if, like in the Ansarullah ideology, the use of violence is not excluded (Taken 2012: 103).

3.4. First violent conflict

Between 2004 and 2010, the Ansarullah movement took military action and fought guerrilla wars against government and affiliated tribes in the northern provinces (Steinberg 2017: 2). Reacting harshly, violating human rights and also hitting the civil population, the Saleh regime presented them as terrorists. Saleh and especially General Ali Mohsen – Chief of Command of the 1. Tank Brigade and leader of the islamist Islah party – stigmatized them falsely claiming that as Shiites they were allied to the Iran, thereby convinced the Saudi government to intervene the first time in 2009 (Steinberg 2017: 2). Yet the Zaidi-Shia practiced in Yemen is far from the Iranian interpretation and closer to the Yemeni Sunni (Transfeld 2017 b: 2).

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Obviously, the members of the Ansarullah movement eventually were radicalized to an extend that led to the employ of violence. Violence, in turn, can be seen as main motor of conflict-escalation. The Houthi-Rebel's guerrilla-tactic undermined the security promise of the state and provoked overreactions (Volkan 1999). As the state cannot easily fight the guerrillas, who hide between the civil population, the state's measures hit also the civil population. In the need for protection from the experienced violence that is perceived as unfair, they increase solidarity with the Houthi-Rebels. Thereby, the Houthi-Rebels, who before have been an independent group, become what they claimed to be: the representative of all north-Yemeni Zaidi. By this, the use of violence of a small group pushed forward the radicalization of large parts of the population (Eckert 2013: 12). The intense hostility did not presume conflict, but was produced within. Fear forced people to join one of the conflict parties to find protection (Eckert 2013: 11).

3.5. Stepping into escalation

After the political transformation process of the Yemeni Arab Spring failed and no reforms that would have improved the people's situation or fought corruption were introduced, the government under the new president Hadi lost legitimacy. The Houthi-Rebels started a civil war in late 2014. They conquered large parts of northern Yemen including the capital Sanaa and temporarily controlled also important parts of the south.

The armed campaign was primarily motivated by the shortfalls of the failed transition process. They had been excluded from both the negotiations on the Gulf Cooperation Council-mediated agreement and the creation of the 2011 government (as had al-Hirak) (Transfeld 2017 b : 3).

Their strongest opponent had been the Islah party, which consists of the Yemeni Muslim-Brotherhood and armed tribes. Saudi Arabia had stopped their before strong financial support in 2013. Hence, they could not mobilize against the Houthi-Rebels, the Islah tribes remained neutral or joined them. Also, the opponents of the rising Islah party backed the Ansarullah movement as a political counterbalance (Transfeld 2015: 3).

Finally, the Houthi-Rebel's quick military raise was due to an alliance with former president Saleh. After quitting power in 2011, he still had remained one of the most powerful actors in the country. Saleh wanted to weaken the new government and gain influence. Hence he ordered

the tribes and military under his influence not to fight the Houthi. Like this, the rebels could annex Sanaa in 2 days (Transfeld 2017 b: 3).

Once the Houthi rebels had gained power, they soon cracked down on other groups. They arrested some of Islah's leaders and the then-Prime Minister Khaled Bahah along with hundreds of other party leaders, suspending the democratic institutions (Fraihat 2016: 55). Further, they randomly imprisoned members of the religious minority of the Bahai-Community, discriminated the already small Jewish community, curbed the freedom of press and employed violence against critical voices, leading to a broad political and social oppression (Aheimer 2017, Aheimer 2018, Serr 2018: 9).

Meanwhile in the South of Yemen, AlQaeda and IS gained large territories and organized an increased number of terrorist assaults in Yemen, while the southern secessionists retook their fight against governmental forces (Steinberg 2017: 6, Ramme 2018). The Yemeni society became deeply divided.

The conflict also exasperated the water crisis. The number of people with no access to fresh water rapidly increased. Improper storage lead to a spike in malaria. The Al-Qaida made use of this, providing water supply and dwelling technology that made many Yemenis turn to them. Many violent conflicts were and are fought over water rights. The water scarcity fuels the crisis by leading to more tribal disputes and violent conflicts between young unarmed men (Hettle 2016).

On the analytical level it can be said that the Arab Spring revolution initiated different change-processes. These brought new opportunities to certain actors, while many were neglected and disappointed or even lost power. This led to social tension, while the state was weakened and unable to regulate the conflicts. The chaos provided opportunities to get power that the Ansarullah knew to seize.

In the course of the armed conflict, the events are interpreted via the ideological frame provided by the Ansarullah, relating everything to their collective identity. The actual content of the conflict is generalized, until a clear opposition of 'good' and 'evil' is perceived (Volkan 1999).

As the Zaidi Houthi-Rebels move into Sunni-dominated south, the conflict generally starts to be perceived as a religious one.

The air raids of the Saudi Arabian alliance hit many civilian targets and destroyed the infrastructure while the sea-blockade aims to deteriorate

the civil-population's situation to raise pressure. If before, the northern Zaidi population sympathized with the Houthi-Rebels, they now started feeling existential threat that pushed them to seek protection from the group that is closest to them. By increasing resource scarcity, the war provided additional reason for conflict. So, the violent escalation of the conflict cements the collective identities and the country's division.

3.6. International instrumentalization of Religion: Iran and Saudi Arabia

Until after the 2011 upheavals, none of the Yemeni groups was referred to as Shiite. After Houthi-Rebels took over Sanaa, they were increasingly portrayed as a Shiite group backed by the Shiite Iran. Yet they had never expressed solidarity with other Shiite communities (Transfeld 2017 b a).

Saudi Arabia believed Houthi-Rebels to be backed by Iran and feared strengthening Iranian influence in their neighbour country. Hence, Riyadh started a military campaign against the Houthi-Rebels end of March 2015 (Serr 2018: 2).

Still, the Iranian support, featuring few weapons, military trainings and television broadcast via the Libanese Hisbollah was not decisive for Houthi-Rebel's success. Iran has no control over the Houthi-Rebel's decision making, their decisions were driven by local factors (Transfeld 2017 b a). Thus, they are no direct proxy of Iran. Yet, this may change with further escalation, as under rising pressure the Iranian support becomes more important to the Houthi-Rebels (Serr 2018: 4; Steinberg 2017: 6). In this way, the Saudi Arabian claim of the Houthi-Rebels being allied with Iran might eventually push them to become a proxy and approach ideologically (Steinberg 2017: 8). The claim became a performative act, shaping the reality that it refers to. In order to resist the military force, the Houthi-Rebels are forced to take the role Saudi Arabia shaped for them.

As shown above, Saudi Arabia's claim that Houthi-Rebels and Iran were allies develops a strong performative power. Even though the Yemeni Zaidi and Sunni interpretations of the Islam are not much different, they are constructed as opposing by denoting the Zaidi as Shiite. With the military power, Saudi Arabia has got the authority to push through their interpretation. The resuming events follow a logic of its own. It further gives the conflict a confessional image and enforces the boundaries

between Zaidi and Sunni. Further, this pushes Houthi-Rebels towards Iran, which might lead to an ideological rapprochement. Even if the Zaidi did not understand themselves as Shiites before, they might end up doing so as an opposition to the Sunni opponents.

3.7. International intervention: Performativity of piece building processes

The National Dialogue Conference ended in 2014 voted for a federal structure dividing the country into six regions, hoping this would solve existing conflicts. This would have given specific regions to the respective conflict groups (Transfeld 2015: 2). The resolution was not accepted by the conflicting parties. The UN-Supported peace talks between the Hadi Government and the Houthi-Saleh-Alliance in 2015 (Geneva) and 2016 (Kuwait) achieved no results (Transfeld 2017 b: 4).

While the collectives within the society are fluent and keep transforming, the mediation processes fix and institutionalize a singular moment. Initially being just a small ideological movement, the Ansarullah would have received a region dedicated to the collective they represent. The different regions would have kept the now divided groups separated. In this case, the performative power could not fully work out because the operating institution had not enough authority. Yet the processes accepted the Ansarullah as a political actor and thereby allowed them to actually be one.

4. Synthesis

While before the emergence of the Ansarullah, religious identity was not a primary source of identity. The original conflict was based on unequal distribution of resources and political neglect. The need to find a collective fighting for one's interest together with the political exploitation of confessions led to a stronger focus on religious identity. This gave rise to estrangement and societal alienation. The Ansarullah made use of this to shape an ideological movement nourishing from the perceived relative deprivation and the sensed danger of cultural oppression. The thereby shaped collective of the Houthi-Rebels radicalized in the armed conflict, leading to a factual separation of the population between strong imagined collectives. The process was strongly fuelled in terms of ideology and violence by the Saudi Arabian

military alliance with their construction of the Houthi-Rebels as a Shiite Iran-backed opponent.

This shows that collectives cannot be naturalized, but develop following a logic of sectarianism that evolves from the conflict itself. As the conflict demands belonging to groups supporting your personal goals and giving easy explanations, the identity categories become related to the conflict. 'Zaidi' get's connected with 'Houthi-Rebels' and 'endangered by Sunni'. In the end, the reality is shaped by these ideas. People do primarily identify via these ideas and form concurring collectives.

Violence immediately produces fear and hostility, while the absence of violence can create trust only over a long term. Hence, these processes of radicalization are very difficult to reverse (Eckert 2013: 17).

Regarding imagined communities and their radicalization reminds that nation states are not a natural deposition, but a construction. Such are the idea of homogeneity within nation states and clear borders separating different peoples.

The concept of a sovereign nation state with extensive authorities and responsibilities requires nationality to be a major source of identification. Other collective identities (like Zaidi/Sunni, the Ansarullah or the tribe) must keep a parallel, non-exclusive role. As it gets clear in Yemen, resource conflicts are the major initiator of the construction of concurring collectives. Hence, nation states can only remain stable if marginalization and discrimination are minimal.

What can other nations learn from this? In order to keep a nation state united, it can only be counterproductive to enforce the national homogeneity by marginalizing minorities or forcing them to adapt to an imagined primary culture. Judith Butler shows how, once one group claims to be 'the people', they refer to an excluded population. Once the struggle gets intense, those outside the own collective will be constructed as threatening or opposing 'the people' (Butler 2015: 4). These problems can be minimized if heterogeneity is positively accepted. This requires respecting the needs of all groups and keeping social, political and economic inequality at a minimum in order to reduce potential for conflict. If economic welfare and political participation had been more equally distributed in Yemen, the strong frustration and the thereby-fuelled conflict might have been avoided.

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Migration and the post "Arab Spring" Era: A Transition Towards a New Security Nexus

Nexus

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Abstract

The concept of transition is an important and a complex dimension of uprising. Through it many social and cultural realities get constructed and many policies and laws get established. Morocco's position within the transnational migration system is witnessing significant changes. The financial crisis, the Arab spring along with other factors have affected migration realities, policies and also the way the Moroccan state deals with such issues. In this paper, I focus on a new phenomenon of migration by analyzing the post "Arab spring" era in the MENA region with a focus on Morocco. I attempt at revisiting our understanding of contemporary migration to dwell on new facets of a globalized migration that reflect a need of going beyond the Eurocentric approaches dealing with migration research. I also focus on migrants as minorities who negotiate their power positions through their sense of activism and social control. This paper reflects also on the main security challenges in Morocco and the Mediterranean and analyzes the impact of such uprisings on issues of security.

Keywords : Migration, Transition, Minorities, Financial Crisis, Arab Spring, Social Change, Security

Introduction

Throughout history, Morocco have experienced different forms of migration and consolidated its position as a sending country. The different forms of migration – "internal and external, voluntary and

forced, individual and collective, legal and illegal"[1]- fostered the presence of the large Diaspora communities in Europe and elsewhere and diversified such mosaic. Since the 1960s and 1970s many migrants from North Africa and Morocco in particular travelled to Europe and settled themselves in order to develop their socioeconomic conditions[2]. However, with the rise of 2008 the patterns of migration have changed due to many reasons: the financial crisis, the so called Arab spring and its consequences not only on the region but also on the policies and social and cultural realities of Morocco.

This paper reflects on such issue beyond the Eurocentric approach that considers Morocco as a migration sending country. So, when we talk about migration we have always the intention of talking about a movement from the south to the North in the search of development and prosperity. However, it is not always the case "as Morocco and since the mid 1990s also evolved into a destination for migrants from sub-Saharan Africa, Europe and elsewhere"[3]. In fact, such shift in the paradigm of movement from the North to the South is not as striking as the case of Moroccans abroad but is still an important face of migration that reflects a paradox in the Eurocentric approach that deals with transnational migration and mobility as a merely homogenic and unified entity.

1. Morocco as a receiving country

Youth unemployment, difficult economic conditions along with social and political instability in different parts of the world pushed people to migrate to Morocco legally and illegally. Different migrants from sub-Saharan Africa moved legally to Morocco to pursue their academic

1 See Moha Ennaji: "Patterns and Trends of Migration in the Maghreb" in Migration and the Maghreb. Washington: Middle East Institute, (2010), p. 7.

2 See omar Moumni, "Between Global Financial Crisis and Arab Spring: A Paradox in the Vision of Migration" in Migration, Human Rights and the Politics of Identity in a Globalized World .ED. Said Graiouid and Taieb Belghazi. Rabat : Faculté des Lettres et Sciences Humaines de Rabat, n : 183 (2014), p. 154.

3 See Mohammed Berriane, Hein de Haas and Katharina Natter, "Introduction: revisiting Moroccan migrations" in Journal of North African Studies. London: Routledge, (2015), p. 513.

education or simply to work in different fields. Others moved illegally to Morocco to escape social and political oppressions and considered Morocco as a transit country to move to other European countries.

Global economic crisis in 2008 affected transnational migration and had more impacts on Moroccan migrants living in southern European countries and also on Europeans. Such financial crisis led to serious slowdown in job opportunities and affected migrants all over the world causing short and long term effects[4] and pushed many Europeans to move to Morocco to quest new job opportunities.

European countries were also affected by the financial crisis which pushed many citizens especially from affected countries like Greece, Portugal, Spain and France to move to other developing countries like Brazil, India or even Morocco. This phenomenon is witnessed both in the north and the south of Morocco and where many Westerners from different European countries moved to live and work[5].

Some of them managed to establish their own investments to benefit from the socio-economic climate of Morocco, some managed to work in small businesses or with Moroccan parties while others decided to live in Morocco as migrants/tourists. This last mentioned category represents the category of retired people who escaped the hard living conditions of their countries and who moved to Morocco to enjoy the placid life and the ease that they missed in their home countries[6].

So, in contrast to the existing Eurocentric literature, Morocco witnessed migration from all sides. From the North as many Europeans migrate to Morocco as from the south as many individuals and groups from sub-Saharan countries migrate to Morocco legally and illegally to settle and live. With the so called Arab spring waves of migrants moved to Morocco to escape political oppression as well as from other sub-Saharan countries that suffer as well from difficult economic situations and authoritarianism.

The year 2011 is very important and can be considered as a turning point as many Arab societies revolted against authority and challenged

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4 See Omar Moumni, "Between Global Financial Crisis and Arab Spring: A Paradox in the Vision of Migration", p. 155.

5 Ibid.,p.159.

6 Ibid.,p.160.

the dominant systems, aspiring for democracy, human dignity and personal freedom. Such movements and transitory phases in the region pushed many sub-African migrants to move to Morocco. In addition to them, we find many Syrian refugees and other Arab refugees.

The huge waves of migrants from Europe, Africa and countries that witnessed the Arab spring put Morocco at stake and problematized the position of such migrants. Those migrants who used Morocco as a transit space realized that they would suffer from the consequences of the financial crisis in Europe and preferred to stay. Such attitudes towards European borders along with the increase of migration flux especially from Tunis, Libya and Egypt in 2012 and the huge masses of Syrian refugees in 2013[7] created a new face of migration and reshuffled the tenacious face of Morocco as a site of settlement rather than a country of transit.

2. The post Arab spring era and the Moroccan state policies

In front of the world economic crisis, many migrants especially from countries that witnessed the uprisings and from sub-Saharan countries decided to settle and live in Morocco. The presence of such migrants in the public sphere "confronted Moroccan society with social and legal questions"[8] and puzzled the Moroccan state with different social, cultural, religious and legal problems.

The state's reaction towards such illegal migrants remained ambivalent and in many cases ignored their presence. However, such reaction could not last due to many reasons: the social mobility and awareness of such issue and that imbibes from the spirit of Arab spring, the pressures of the European union regarding illegal migrants and refugees who attempt regularly to cross northern Moroccan borders with Spain, the mobilization of the social fabric as many migrant associations, religious institutions, human rights NGOs and other individuals who supported

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7 See Mehdi Lahlou , "Morocco's Experience of Migrations as a Sending, Transit and Receiving country'in IAI Working Papers. Roma: instituto Affari Internazionali, (2015), p. 99.

8 See mohammed berriane, Hein de Haas and Katharina Natter, "Introduction: revisiting Moroccan migrations" in Journal of North African Studies. London: Routledge, (2015), p.515.

illegal migrants and refugees in their plight and finally the image of Morocco abroad.

All mentioned reasons reflect in a way not only the pressures put on Morocco regarding the issue of migration but also the dangerous journeys that those migrants go through. In fact, their journeys of sufferings capitalize on the inhuman condition and violent practices that migrants face. Such violence emanates from migrant's hard living conditions, daily struggle and encounter with society and also from the state's ignorance.

Indeed, the Moroccan state had a malicious eye on those illegal migrants and complicated their situations especially through its ambivalent attitudes and reactions. On the one hand, it simply ignores their presence and in some cases pushes them away from the urban centers while on the other hand it destroys their informal camps and monitors their informal settlements in the forests especially in the eastern and northern borders of Morocco[9].

The Arab spring has brought considerable changes in the Mena region and created more challenges to Morocco by triggering two refugee crises in the neighbourhood of Europe[10]. In front of such factors, the Moroccan state had to make some changes to rectify its image abroad and to satisfy the needs of the European partners regarding such issue. Pressures from all sides emerged and the "restrictive security based approach, largely emulating dominant European approaches and accompanying discourses" proved its failure[11].

Such difficult situation pushed the Moroccan authorities to revisit migration laws and policies to avoid the harsh criticism that accuses Morocco of the abuse of migrant's rights. In 2013, King Mohammed IV Surprises the world community when he announced a new, more strongly

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9 See Aysen Ustubici, "Political activism Between Journey and Settlement: Irregular Migrant Mobilization in Morocco" in GEOPOLITICS. London: Routledge, 21:2, (2016), p. 308

10 Philipe Feargues and Christine Fandrich, "Migration after the Arab Spring", 2012:9, Robert Schuman Centre for Advanced Studies, San Domenico di Fiesole: European University Institute, (2012), p. 1.

11 See Mohammed Berriane, Hein de Haas and Katharina Natter, "Introduction: revisiting Moroccan migrations", p.515.

human based migration policy. "Its centrepiece was a regularization program that granted legal status to nearly 18,000 irregular (mainly African but also European) migrants between 1 January and December 2014"[12].

Such migration policy helped Morocco not only "to meet European concerns"[13] but also to gain more power and strength in the African continent. Through such policy Morocco helped "transit" migrants in their stay through the process of regularization and induced them to change their decisions and hence to settle in Morocco instead of any other European country. By doing so, Morocco respects the migration human rights and gains the support and appreciation of many African countries that can serve Morocco as an ally in its confrontation with Algeria over the Moroccan Sahara.

At the end of 2014, Morocco initiated a new national strategy that focuses on migration and asylum. This strategy aimed at "ensuring a better integration of the immigrants and a better management of the migration flux within the framework of a coherent, overall humanistic and responsible policy"[14] which increased in a way the visibility of migrants in the public sphere and offered them more space to protect themselves and to defend their cause.

This strategy "announced the integration of migrants regularized in 2014 as well as the elaboration of three laws on migration, asylum and trafficking to replace the 2013 law"[15] and that helped the migrants to articulate their problems and to gain more power within society especially with the emergence of many-proto activists who are eager to defend them in policy circles as well as in the public sphere[16].

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12 Ibid., p. 515.

13 See Mehdi Lahlou , "Morocco's Experience of Migrations as a Sending, Transit and Receiving country', p. 99.

14 See Mehdi Lahlou , "Morocco's Experience of Migrations as a Sending, Transit and Receiving country', p 114.

15 See Mohammed Berriane, Hein de Haas and Katharina Natter, "Introduction: revisiting Moroccan migrations", p.515.

16 See Aysen Ustubici, "Political activism Between Journey and Settlement: Irregular Migrant Mobilization in Morocco", p. 308.

The space of freedom granted to illegal migrants allowed them to shift their views about Morocco from being a transit point to one of alternative settlement[17]. Such change in Morocco's attitudes towards migration along with its new geopolitical position influences not only domestic policies but also push towards a kind of social change as society becomes aware of such migration problems and pushes towards a legal and human treatment of such issues. Indeed, the changes that occurred in the migration policy reflect a huge shift in the paradigms of economic and political interests.

3. Minority identities and political activism

The condition of illegal migrants in Morocco is neither stable nor smooth. Many migrants face violent acts and even aggression at the hands of authorities and sometimes individuals. However, this reality of lack of protection in Morocco mobilized illegal migrants to protect themselves through the sense of collaboration "with other actors in Morocco and beyond"[18] and also through their daily struggle with authorities.

The harsh conditions of illegal migrants reflect how vulnerable they are especially in the current, social, political and cultural context of Morocco. So, despite their different dimensions of integration they remain in an "exceptional state of illegality and exclusion". In their daily lives, migrants attempt to get the sympathy of Moroccans by initiating their personal stories and their "selves" in different types of formal and informal jobs, to work and to achieve a kind of partial integration.

In 2005, illegal migrants tried to cross the Moroccan Spanish borders and as a result many migrants were killed. Such brutal incident known as "Ceuta and Melilla scandal" created a starting point for migrant's mobilization and strive to create a kind of social awareness and also to gain visibility in the public sphere.

The rise of different inter/national organizations that deal with the issue of sub-Saharan migrants in Morocco, along with the emergence of different councils and associations such as the council of sub-Saharan migrants in Morocco (CMSM) established in 2005, the collective of

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17 See Imane Bendra p 1

18 See Aysen Ustubici, "Political activism Between Journey and Settlement: Irregular Migrant Mobilization in Morocco", p. 308

sub-Saharan migrants in Morocco (founded in 2010) and (ALECMA) -known as association lumiere sur l'emmigration clandestine au Maghreb- founded in 2012 helped sub-Saharan migrants to represent their different ethnic, religious, and cultural differences as well as to articulate a voice from without.

Such councils and associations were of real support to the migrant's issues and helped them a lot to denounce violence and to assert their rights. All those institutions along with activities managed by the civil society succeeded at highlighting the problems and sufferings of sub-Saharan migrants in Morocco and put more pressures on the Moroccan state to take the initiative and to make a change by seeking a panacea and by improving their situations in Morocco.

All actions and reactions of those migrants helped them to impose, themselves by getting state recognition and the anti-racist group of support and defence of foreigners and migrants (GADEM) is only an example. Such group was founded in December 2006 but was not recognized by the state until November 2013 under the new migration policy[19].

Illegal migrants were strong since the beginning of the regularization process and were able to set their own agendas by defending themselves in the public sphere, by getting united in different forms and also by creating a "successful alliance between civil society and migrant associations"[20]. The representatives of migrants managed to produce an important political discourse that goes hand in hand with the state's discourse of democratization and human rights in Morocco and by doing so, they managed to empower themselves by getting more visibility and power and by requesting the same rights that Moroccan migrants got in their host countries.

Indeed, sub-Saharan migrants do not simply represent minorities that suffer from persecution, ill-treatment and abuse but are rather active agents of resistance who managed to move from the periphery to the center and who resisted all types of pressures. Through their journeys of suffering in Morocco, they managed to get united and to get a political voice that granted them more space of freedom, hope, security and

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19 See Aysen Ustubici, "Political activism Between Journey and Settlement: Irregular Migrant Mobilization in Morocco", p. 312.

20 Ibid 314

resistance. Such journey of sufferings turned to become a journey of emancipation that helped a lot in putting pressures on Moroccan state to adopt new migratory approaches.

4. Morocco: towards a new security nexus

Morocco remained for a longue time a transit space for both sub-Saharan migrants and also for Moroccans who wished to move to the European countries. Morocco had a very limited role in the African continent and for many reasons among which: its departure from the African union (AU) in 1984, political conflicts with some African neighbours and also the unstable relationships with the European Union and mainly with Spain.

After the 2003 terrorist attacks in Casablanca, Morocco criminalized irregular migration and "imposed heavy penalties and imprisonment for illegally entering or leaving Morocco"[21]. With the so called Arab spring and the financial crisis, different measures are established to tackle security issues. The strict control of borders and the firm actions and reactions towards illegal migrants proved their failure and pushed the European Union to revisit its security nexus and cooperation with Morocco.

Migration issues are among the issues that witnessed a considerable attention in the last decade. The European Union made great efforts to adopt a "cross polar approach"[22] to migration by supporting third countries financially in order to reduce illegal migration. However, the approach remained isolated and could not create dynamisms. In fact, failure reflected a need for a deep political dialogue between the European Union and Morocco and other parties. Such dialogue is fostered with the realities that took place after the Arab spring era.

Morocco fostered its presence in the region as an essential partner in dealing with migration issues and trespassed serving as the European gate guardian to negotiate its position not only in the Mena region but also in Africa. Morocco moved to focus on win-win relationships with

21 Bendra p 4

22 Gemma Pinyol-Jiménez, "The Migration-Security Nexus in Short: Instruments and Actions in the European Union" in Amsterdam Law Forum, 4:2, Amsterdam University, (2012), p.46.

southern partners and got back to the African union and emphasized the need to create south-south alliances.

In this regards, the process of regularization that started in 2013 is only a first step towards the integration of those migrants within the Moroccan society. The Moroccan state fights the discourses of racism and xenophobia and hence plays and essential role in the regional migration systems. The plurality of roles played with both the European Union and the African union seems to position Morocco as a mediator assuming "the function of a bridge linking African and Euro-Mediterranean migration systems" which certainly will create future changes in patterns and trends of migration from and to Morocco[23].

Conclusion

Migration from and to Morocco unveils the fact that Morocco is neither a sending country nor a place of transit for other migrants. On contrary, Morocco can be considered as a land of migration which reflects a need to revisit and reconsider ways of conceptualizing global migration and mobility. In fact, different factors have affected and helped Morocco in its policies of migration: the financial crisis, the Arab spring and the post Arab spring era which is characterized by different uncertainties and ambiguities. All that, have affected the changing migratory realities and put Morocco in an advanced position to function as a bridge between African and euro-Mediterranean systems of migration while negotiating its socio-cultural and geopolitical positions.

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23 See Mohammed Berriane, Hein de Haas and Katharina Natter, "Introduction: revisiting Moroccan migrations",p. 519.

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The Taming of the Shrewd: Towards an ArabSpringing of Dangerous Classes in MENA

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Abstract

Drawing on cases of dialogic discursivity facilitating exchanges between disobedient subjects, dangerous citizens and state authorities, this paper - part of a long research project - will highlight insights that would re-read street protest efforts in post Arab spring societies that helped redraft constitutional rights and implementing existing policies of exclusion in education, health, employment, gender equity and social security, meant to renegotiate the social inclusion of the growing number of "dangerous classes" (angry and disappointed youth) and convert them into sly civil subjects. Unlike many post Arab Spring countries, the vast majority of civil disobedience moments in the MENA region - viewed as circumstantial security threats facing social and political stability of the country – prescribe domestic rifts involving random, irregular, so as not to say incoherent and haphazardly structured, bastard factions such as youth protestors, human rights insurgents, (hu)angry gangs and substitute religious clerics. Assessing the risk of mishandling these "internal threats" requires not only a functional accountability and smart governance from the government, but also a greater degree of cooperation from civil society, non-state intellectuals and local communities. Nonetheless, in the total absence of such societal coalition of intent, both public and state accountability remain often limited and inefficient by low levels of trust in the unpopular elite leadership and the notoriously attractive sectarian sector, particularly the rule of law forces, who are inclined to review their notoriety for corruption, unprofessionalism, heavy-handedness and state allegiance. Conferring on such state of facts, this paper will not bet on silver bullet solutions to the predicament of post Arab Spring youth but would argue

instead that improving the dictates of social justice, equity and security, is directly tied with improving political governance, implementing a rule of law agenda, upgrading reform priorities and upskilling party leadership and youth empowerment.

Paper Objectives

In his foreword chapter to "The Arab Uprising: Catalysts, Dynamics and Trajectories (2015) Rami G. Khouri warns "All of us – governments, academics, journalists and civil societies – should not repeat the same mistake of ignoring a representative sample of citizens in the Arab countries" (p. xi.) Khouri commends the urgent need to understanding the complexity of what would later on be called Arab spring revolts and "careful listening" to youth movements in order to identify the issues that need to be tackled and analysed. This paper takes diacritical sides with this notion of the socio-political handling of "dangerous classes" in the wave of main streets and central squares' uprising across the MENA countries. Viewed in retrospect, my primary aim is to examine its unexpectedly nascent yet fast growing street power in the post Arab Spring times and places: engaging with ways MENA governments managed to tame their shrewd youth, reading the life narratives of lead members of the "dangerous classes"; probing the social conditions in which they emerged; assessing their relationship with mainstream, "respectable" social servants and especially with state authorities and religious orthodoxies, it is worth noting the inherent impact in determining

- their political inclinations and potential for social reform,

- their role in shaping formulations of systems and institutions of political governance,

- their representation in literature and in popular culture,

- their reception of ambivalent attitudes towards them from politically-motivated elites.

Historicising Dangerous Classes

Most studies tend to locate the precepts of the "dangerous classes" in mid-nineteenth century European feudal states. The heavily loaded cliché soon gained notoriety after the publication of a book with the same title by the American social reformer Charles Loring Brace (New York 1872). In the subsequent literature on the topic, the "dangerous classes" concept - invoked by the lumpen proletariat of Karl Marx and Friedrich Engels - prescribed a complex profiling of all possible cases of social outcasts who had fallen out of the working classes into the lower depths of the new industrial environments and urban social conditions and survived there by either purging their witty survival endeavours and/or by resorting to various amoral, disreputable or criminal strategies of social inclusion rights.

Among these social outcasts we can cite gypsies and derelicts, pickpockets and burglars, prostitutes and courtesans, beggars and vagrants, discharged soldiers, ex-prisoners, tricksters, drug-dealers, the unemployed, even the unemployable; indeed, every type of what was rated criminal, dangerous, including the silenced, subaltern, wretched and marginal. They were drawn from among women as well as men, juveniles as well as adults. Such social outcasts, figures of the "dangerous classes," were well-represented in literature, notably by Emile Zola, Charles Dickens and Victor Hugo in the nineteenth century and later on by Bertolt Brecht, Mohammed Choukri, Mohammed Mrabet and many other artists in the early twentieth century, as well as in cinema and popular culture paradigms of all kinds later on.

Reviewed from a purely sociological outlook, the "dangerous classes" rebel, sometimes barely distinguishable from the new working class in the urban industrial centers in Western Europe and the US, became a constant preoccupation of the emerging bourgeoisie, which widened the gap between social classes, thus grounding the conditions for small numbers of soft rebels to strive and thrive. Although the concept fell into disuse by the turn of the twentieth century in Western societies, it is often argued that its impact across borders and ideologies remains embedded in elite discourses of connections between marginalization, poverty, immorality and criminality inherently creating an "underclass" status, labelled "quiet rebels," which lately extended to include such species as highly literate poor, empowered youth outcasts movements, diplomés chomoeurs, LGBT and other such minorities across the globe. Fear of a lack of counter, permeated social policy, including an

inadequate vision among social and political reformists, was central to the haphazard establishment of new methods of control, discipline and punish, extending to a systematic policing of social networks and communication systems that helped screen their movements as fashionable forms of social disobedience, protest and revolt.

It is this ongoing tension between the technical and political composition of "dangerous classes" that is perhaps one of the greatest strengths of such autonomist concept, but also its weakness when applied to what is known as the Arab uprising in the MENA region. This is why the multiple meanings and analogies of related concepts such as social exclusion, precarity, uprising, revolt/revolution, Arab Spring, etc… pre-defines what it does as a movement and conditions a foregrounding of its growth as a street power during moments of civil disobedience, counter state rebellion and trans-national revolt. I consent that a serious study of this growing and fluid social phenomenon is hardly a problem of its lack of coherence, but rather an expression of its added value to alternative projects of economic reform, political governance, gender equity and social justice agendas. The inherent meaning of dangerous classes is therefore not determined by a set of Arab spring stream criteria that define it, and thus can be instrumentalized as a tool of field-work research on much deeper inscriptions and thicker descriptions. Rather, I contend to understand it as a cultural praxis whose meaning is shaped by the context from which it emerges, the composition of its political disruptions and the poor administrative governance in which it is utilized.

Read in this perspective, dangerous classes can thus denote both a **beautiful** project, promoting the idea of an escape project/dream/alternative from extreme poverty and social exclusion, and a **horrible** predicament demoting a trap in the conditions of intensifying neoliberal globalization austerity measures leading to the destruction of social welfare programs and state covenant agendas. It entails a thick description theory, containing multitudes of facets, modes and codes, and possibly invoked by a multitude of motives, anxieties and fears. Dangerous classes is most useful not as a concept for mapping out new class categories for integrating them into a new institutional politics, but as a tool for intervening in the shaping of new forms of resistance, check-and-balance models for social struggles and bottom-up guidelines for political reforms. Again, dangerous classes is not just a question of the changing composition of social reform agendas and constitutions,

but of experimenting with modes of being and community management that are not determined by inflicted survival struggles, but mostly by inherently fossilized and corrupt political powers. The task then for the politics of social inclusion, human rights and gender equity in a country like Morocco today is not to refine it as a sociological concept to be applied in research but to renew it as a compositional project for the development of new forms of glocal justice movements, human rights webrings and novel political governance bills.

Post-Arab Spring Disillusionment: Rhetorical Reform Allegories

The common core among the recent Arab uprising movements seems quite similar to the old tactics and much older approach of the previous protest movements across the globe, with respect to the global justice movements in Eastern Europe, Latin America…, in a rejection of fixed state structures, a staging of joyful convergences in the streets, and a heavy focus on media politics. It builds on the idea that a left-wing form of radicalism, instigated by small numbers of social renegades might be embraced as a result of growing systemic forms of poor governing and utter indifference to street calls for prompt measures to solving people's urgent problems and handling fairly their daily needs and untethered deeds. Ironically, even in the most successful and promising cases, i.e. Tunisia, the democratic transition has largely benefitted state agendas and corporate businesses much more than the people whose standards of living, dignity and pride it was supposed to upgrade, free and support, with the ongoing economic crisis amplifying forms of gender inequality, social injustice, multi-layered oppressions, and persistent precarity cases by large parts of the population. Given that bleak scenario, the neoliberal measures that are responsible for this disillusionment seem all the more troubling precisely when previewed in revolutionary and Marxist jargon, such as when members of the Moroccan parliament – on a three-year mandate - defend their life-long retirement schemes, post-mandate perks, and such policies as 'dialectical unity' of government subsidies and corporate finance.

Beholding youth movements and street perspectives to reform claims, I suggest three "modest proposals" to square the debate around the idea of "arabspringing" dangerous classes in the MENA countries:

1. Guy Standing's angst against 'truncated status.'

For G. Standing, cases of dangerous classes/precariat in modern societies tend to perpetuate a 'truncated status' in the sense that it does not correspond to the previous social position of the proletariat where 'labor securities were provided in exchange for subordination and contingent loyalty, the unwritten deal underpinning welfare states,' and therefore does not map neatly onto any craft occupation status (Standing, 2011: 8). In this regard, the angst against "truncated status" picks up on the popular discussions of precarity that use it to characterize not just labor conditions, but the growing uncertainty of everyday life expectations and conditions of new economies of knowledge in an era of dying neoliberalism, unbalanced globalism and post Arabspring despotism.

2. Bar-Yuchnei's call for a "political decomposition."

A recent article published by Bar-Yuchnei (2011) in the ***Endnotes*** Journal makes a critique of this core autonomist notion, suggesting that in current 'conditions of austerity' the capacity of class antagonism to act as an agent of social and economic transformation has proven dysfunctional and reached its expected failure as a solution. This, however, is by no means considered an argument to return to an assessment based upon analyzing 'tendencies to crisis' or other more economistic frames. When applied to post-ArabSpring societies, it seems to indicate that continuing emphasis on same old political composition as subjective becoming has reached something of a dead end. Perhaps it is the further incorporation of subjectivation as a factor of production in flexible, creativity-oriented economies that precludes it operating in the same role it had played in cases before. Nonetheless, it would seem that if subjectivity is more essential to the workings of the state economy and class structure that its incorporation into socio-economic projects, its dynamic of decomposition to serve equitably all the population segments across the board, would serve as a basis for a new form of political re-composition. I am hopeful and by default an optimist. Yet, this alternative remains to be seen, in today's MENA countries dangerously afflicted by a persistent post-Arab Spring mood for a radical change.

3. Arjun Appadurai's "Bottom-up Globalization."

In his controversial essay "Fear of Small Numbers: An Essay on the Geography of Anger, 2006" Arjun Appadurai tackles the most burning and perplexing problems of collective violence across third world countries, which keep besetting modern societies dangerously today. Following up borrowed modernity projects with a look into the seamy side of globalization and analysing the growing inequalities and endemic violence of the past decade, Appadurai still detects signs of hope in less noticed trends of a 'globalization from below.' The essay provides a fine introduction to the conjunction of globalization, violence, and identity politics and concludes that "(O)ne of the most harmful aspects of modernity," is indeed exerting different forms of violence against minorities referring to cases of large segments of society who are victims of poor health services, extreme poverty, illiteracy and unemployment, among them.

Appadurai argues that globalization's promises of "open markets", large sums of "financial capital", and enlightened "constitutional rule" have deteriorated into all-too-frequent nightmarish scenarios of insurmountable economic inequality within and between nations, and swiftly inflamed hatred of the West/United States terrorist attacks on civilians, and genocidal ethnic cleansing. His theory probes into globalization's dark side and, most significantly, demonstrates how "small number" minorities have become both victimized and victimizer. Despite a few positive promises of a "global endorsement of open markets, (a) free flow of finance capital and liberal ideas of constitutional rule, and (an) active expansion of human rights," ever since the late 1980s MENA governments have proven unprepared, unwilling and unskilled to accommodate an era of intense globalization, which has partly led to "a proliferation of violence of ethnic cleansing", on the one hand, and "extreme forms of political violence against minorities," on the other.

It follows then that Al-Qaeda's 9/11 terrorist attacks were understood not only as random acts of retaliation against the United States, but also, more symbolically, meant to be deliberate, revenge attacks from clusters of oppressed minorities against the integrity of nation-states as political entities. Al-Qaeda demonstrated how small numbers of terrorist cells could quickly disrupt societies' life-styles, question border safety measures, endanger home security and eventually alter international relations and remap a new world order. Nascent models of

modern terrorists have formed "cellular" structures and organizations that use new information technologies to gain allegiance support and ideological legitimacy among other similar minorities: "small number" cells have taken advantage of globalization's flaws to cross virtual borders, recruit members and nurture an appeal for sympathizers to causes that transcend national boundaries. The perpetrators of the 2003 Casablanca terrorist attacks, just like the 2005 London bombings, were staged by an undereducated and undervalued small number of youths, who identified with a much broader international terrorists' intelligence than with Morocco's slum youth or Great Britain's third world minorities. In this instance, the oppressed took on new roles, tracked target foes and became "legitimate" aggressors.

Smoking out the enemy, Al-Qaeda's tactics were to lure the US army to its own battlefield. In a similar fashion, the United States has nurtured its own conditions to cause an unprecedented "fear of small numbers" both in Iraq and elsewhere, where minority coalitions conspire to kill American diplomats, compatriots and troops, in contradiction to the Bush administration's prediction that U.S. forces in the MENA would be welcomed as democracy providers and freedom liberators. Partly due to the biased US foreign policy in the Middle East, the world is now full of small number identities, across the continents, such the Kurds, Sikhs, Catalans, Basques, Armenians, Kabyls, and other angry minorities, who have become inadeptly potential victims of ethnic cleansing themselves and thereafter are prepared to create or join existing terrorist cells.

Though the book ends with a cautiously optimistic appraisal of a growing number of beneficial cellular organizations that promote human rights and ecological balance, citing Greenpeace and Doctors Without Borders among them, the ultimate argument as this thought-provoking investigation warns, is how the balance of civilizations might be determined in the next decade or so? Which set of "small number groups" - the liberal progressive or the orthodox terrorist - will prevail and determine the fate of the globe. Tempting an assessment to this global predicament, Appadurai argues that all modern nations, attribute their sovereignty at least in part to "some sort of ethnic genius"--that is, "a national identity or spirit--a belief that can all too easily lead to a simplified worldview and then to genocide." (Op. Cit. pp. 3-4) People who are not perceived as belonging to the ethnic majority pose a challenge to this national self-conception.

The book's title is explained here as a political allegory suggesting that "small numbers represent a tiny obstacle between majority and totality or total purity." I can only fairly conclude that the fear of small numbers as dangerous marginals has been identified, understood and exemplified in a number of regions in and across the MENA region. Minorities, a euphemism for dangerous classes, are being hated and I should say feared, all across the Arab world. Minorities, by definition and some implication, are supposedly tamed and reduced to remain a weak entity. If the concept has developed out of a global complicit census misunderstanding, of its inherent power, isn't it ironical that the same minorities are being feared first and consequently hated? The post-colonial, neo-liberalism-era treats socially excluded minorities as "small numbers," where actually the minority as an individual cast is able to exist within a constitutional context procedurally. In other words, the minority as individual is able to redress the vertebrate structures of the state through a common-sense street rule of law and other constitutional protection rights.

Globalization, nevertheless, is understood in most non-Western societies as a form of Westernisation/Americanisation to say the least; bearing the seeds of a new protectorate mode of "cultural imperialism," to borrow Edward Said's terms. It has created the cellular growth of individuals as a multitude of identity casts/conned identities that may not fit within a one given constitutional frame. Borrowed models of democracy, social justice projects and enlightenment canons remain pending frames without pictures; that is to say, circumstantial action plans conditioned by inadequate foreign policies and inappropriate local strategies. For Appadurai, the answer lies in the very globalization paradigm that hasn't yet been critically analysed from the point of view of the kind of violence that it has helped promote or rather demote in post Arabspring countries. Though, I cannot agree with everything Appadurai observes and theorizes about small numbers, I do believe that he offers an interesting geopolitical perspective to dealing with social reform agendas wrought up from within the margins/soft rebels/dangerous classes/minorities that can be used to understand the dichotomy of victimized/victimizer in the post Arab spring MENA region….

Facing up to the negative impact of globalization and having to grasp with an economic system that awkwardly fits the current corrupt political powers, post Arab Spring states are likely to face more and

more internal/"domestic" conflicts, more and more revolt schemes, *7irak*/resistance movements and ambitious reform plans, all dictated from a bottom-up approach, where small numbers use city streets and squares as alternative parliament floors and substitutes of a new form of intelligence, drafting alternative governance plans of social justice, gender equity, food and job security. In this respect, Appadurai's essay provides some interesting insights into the modern concept of post Arabspring nationhood, wherein the national character is defined around its newly formed street majority. Also, importantly, Appadurai schematically foresees the eventual globalization => expansion of social uncertainty => fundamentalism & the "narcissism of small differences"=> violence. As for the capacity for violence itself, though it may be obvious that it has always been there, Appadurai makes an elegant explanation of the current forms and targets of violence - from the intense, almost intimate violence between inner tribes and ethnicities (as in the case of Rwanda and South Soudan) to the evolution of "long distance hatred" among fluid creed systems (such as *al-Qaeda* affiliate types in Sub-Saharan states).

Synthetic Affluence: Political Decomposition/Truncated Status/Bottom Up Globalisation

A major consequence of the new global restructuring of social reform agendas in the MENA societies - dictated under the pressure of street revolts - has been instigated by a double process of poor political governance, on the one hand, and social exclusion and informalization, on the other. Both processes tend to generate discontent on the part of many urban grassroots with varying degrees of violence from one region to the other and from one state to the other.

- First, there are many among the urban disenfranchised youth who find it difficult to function, live and work within the "modernizing" economic and cultural systems characterized by market disciplines, social contracts, exchange value, corrupt practices and bureaucratic processes promised by the globalisation project. Dangerous minority groups are forced to exit from such social and economic pre-arrangements and instead seek alternative and more familiar, or informal institutions, complicities and networks.

- Second, imported aspects of globalization have a tendency to impose novel concepts of democracy, social justice models, gender

equity statements and political governance policies through the programs of Western structural adjustment, rendering many people in the Arab world unfit, unskilled and/unemployed or pushing them to seek refuge in informal production, dubious trade, training and work networks.

In this transitional state of political immaturity to face up to the challenges of globalisation, transnational street vendors - circulating, for instance, between the new downtowns of Tunis, Cairo, Casablanca and elsewhere, or between Gaza and Jordan - are symptomatic of the latest product of this post Arab spring wave of thwarted change scenarios. In short, the new global restructuring tends to intensify the growth of subjectivities, social space and terrain of political struggles that are likely to characterize the major cities of the MENA region. Regardless of the prevailing perspectives redesigned by the imprints of youth survival strategies, urban street movements and everyday forms of resistance in Al Hoceima, Nador, Jerrada, and elsewhere in Morocco provide useful angles to view the activism of the regional subaltern as symptomatic of the whole nation's agenda for a pending utopian outlook that spells an urgent call for cultural revolution, sustainable political change and socio-economic amendment. Their outcome, however, suffers from some major drawbacks, which are reflected mainly in the essentialism of what Asef Bayat calls massive segments of society's marginal groups; performing an existentialism of 'passive poor', a reductionism of optimal 'surviving poor', an Arab-elite-centrism of the 'political poor' and finally a conceptual perplexity of 'resistance literature.' (Asef Bayat, "From 'Dangerous Classes' to 'Quiet Rebels': *Politics of the Urban Subaltern in the Global South"* 2000).

I am inclined to agree with Bayat's idea of a 'quiet encroachment' perspective and argue that it might offer a "politics of the urban subaltern" to suggest ways to get out of globalisation's conceptual impasse. Looking away from this perspective, the most obvious lesson taught by street subalterns is that the poor base of society ought to struggle not only for a short term survival kit, but most importantly for a life-long cultural praxis to upgrade the whole generation's utopic plans through often individualistic leadership and a quiet encroachment on the public goods and on the power and property of social activists groups acting as an *a*political strategy. In this process, the dangerous classes cannot not directly challenge the effect of social reform agendas all by themselves. Rather, in their quest for basic rights of a decent

health, free education, fair wages and job security, they get involved in constant negotiations with other super powers within and beyond the state to maintain or seek empowerment in any space which thereby remains unaffected. At the same time, in this process, the unintended consequences of their daily encroachments and negotiations beget significant promises of social changes in the political governance of major services, city structures, administrative processes, as well as democratic practices, economic shares and in broad public policy.

Essentialism works both ways and informs all sides of the controversy. As mentioned above, Bayat argues that the ensuing debates are galvanized into four identifiable perspectives: the 'passive poor', the 'survival poor', the 'political poor and 'everyday resistance' models as the quiet rebel. The question now remains as to how far this quiet encroachment can take these undisciplined actors to redesign new social, political and spiritual directions? Given their existential constraints (limited leadership skills and functional literacy, poor income, false connections and dubious influence), quiet encroachment rebels seem to serve at best as a viable enabling strategy for the marginalized groups to draw a survival line and offer a glimpse of hope to better their lot. The recent boycott of a few products (mineral water, milk and gas brands) and a couple of services, for instance, act barely as a coherent, anti-government social protest fringing at times on civil disobedience; hardly collecting the ingredients of a revolt/revolution. It is neither able to cause broader political transformation, nor does it honestly aim for it, *per se*. Only a larger national social movement may claim to have the capacity for such a transformation. Nonetheless, compared to regional/national mobilization, these localized struggles remain both malleable and manageable for the government: malleable in that they can make sense of the anxiety, anger and fear of the actors and give an idea of the consequences of their actions, and manageable in that they, rather than led by some remote visionary leaders, they haphazardly set optimal agendas, project optional aims and control minimal outcomes of limited actions here and there. In this sense, for the grassroot rebels, the immediate and local survival needs take on priority and are privileged over the regional and national dreams of a lasting future.

To argue then that small towns' grassroots could well succeed in extending their life chances often through lifetime struggles is a fallacy, to say the least. Crucial social spaces and political arenas remain out of their reach, hardly within control. Their spare leadership is barely

sustainable, its credibility unaccountable. This lack of vision creates spaces of undisciplined actions performing traumas of uncontrolled anger. We can witness cases of the poor who may be able to squat on public land and erect shrub shelters, build slum schools; others who may have to tap running water or light up their homes illegally from the main street posts or neighbours' outlets; more desperate youth groups may secure a job on the street corner by selling fruit and vegetables on carts and chariots and may have to bribe or dodge the municipality authorities every now and then for an undeniable favor, yet how can any of these individualist groups get to secure a lasting food supplies, professional training, decent health services, public service rights, paved roads, security and retirement; that is, how can they maintain regular access to the social goods which are tied to larger structures and processes, the national state's strategic planning and competitive global economy?

In other words, the largely atomistic and localist strategies of the relatively soft disenfranchised, despite their advantages, render a search for social justice in the broader, national sense poorly served and hardly sustained. The disenfranchised are unlikely to become a more effective player at a larger scale unless they become mobilized on a collective basis, and their struggles are linked to broader social movements and more influential civil society organizations. All the same, it is crucial to remember that until a broad perspective is skilfully composed, and its results are carefully tested, quiet encroachment groups will remain perhaps the most viable enabling strategy, yet they will produce the least effective action plan which the towns' grassroots pursue irrespective of what social scientists think of as a utopia for a change. Even with Frantz Fanon's passionate defence of lumpen proletariat as the revolutionary force in the ex-colonies (Fanon, 1967), the promptly popularized post-colonial communist parties, in what will later on be labelled the Third World, did not go beyond looking at the "domestic" disenfranchised as the 'toiling masses' who might have the potential for alliance with the working class of society at large.

Conclusion

By synthesizing contemporary changes within a unilinear-progressive trajectory, newly drafted constitutions, featuring tempting democratization processes and promising management experiences in most MENA countries - affected directly or not by the Arab Spring fever

of social reform - have so far revealed incommensurable contradictions. Getting at its 'third wave' of democratization stages, constitutional amendments and government changes, the 'Arab Spring' movements keep advancing in a cul-de-sac fashion, hampered by structural anomalies truncated by economical deficit, intellectual corruption and political immaturity - a socio-political predicament, which Andrew Hom's quotes diagnose as an angst of false starts and wrong directions.

> "the '*belated* arrival of democracy' (Magen, 2012: 10) in a place hitherto 'left behind' (Joshi, 2011: 64), which had 'somehow missed its rendezvous with modernity' (Pace and Cavatorta, 2012: 130). Or the revolts redress a 'democratic deficit' (Chaney, 2012: 365) and prove that (…) a good idea's 'time has come' (Kneissl, 2011: 1–2). So go remarks about the 'fledgling' status of 'Arab Spring' states (Kamrava, 2012: 99; Miller et al., 2012: xvi), for only on a known and shared trajectory can we determine that revolts signal 'an arrival at maturity' (Sawani, 2012: 388; Adib-Moghhaddam, 2012: 24) or that missteps signal persistent immaturity (Joshi, 2011: 65). Both assessments equate political maturity with institutionalized democracy (see Miller et al., 2012: 224) and thereby synthesize multiple experiences into a singular continuum prescribing *when* specific changes can and should take place in order to reach a common endpoint." (Andrew R. Hom. Angst Springs Eternal: Dangerous Times and the Dangers of Timing the 'Arab Spring.' Secu*rity Dialogue* 47 (2)).

The road not taken for most Arab spring governments made their polities sound lame and clumpered. Why did they straggle into tangible social reform, economic growth and political governance? Possible answers could point to chronic parties' political illiteracy and inexperience. Or is it simply too soon to expect management perfection from newly elected governments or 'inchoate' poorly non-institutionalized polities? The problem M. Mabrouk argues is that though they may have exited the 'womb of revolution' (Mabrouk, 2011: 144), quiet rebels who took their undrafted reform agendas to the street still do not realize how lengthy

and difficult social development plans could take to mature, so they may have to willy-nilly realize that they have to stop running unfit and unprepared before they can make sure they are able to walk bare and declared. Undeniably, an 'Arab Spring' reform plan requires good political mentoring, financial sponsoring and intelligence training: street protestors will need to be 'taught' parliamentary politics (Lynch, 2013: 122) so as to turn a 'youthful transition' angst against autocracy into a 'productive' and transfusion plan for democracy.

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Morocco's Migration Reforms: From the 2003 Law to the 2014 Regularization Program

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Abstract

Morocco's new migration policy was implemented in 2014 with the key objective of regularizing the status of thousands of irregular sub-Saharan migrants living in Moroccan territory. The legal and political discourse surrounding it emphasized a more humanitarian approach to managing migration flows in Morocco. Indeed, despite various problems with the law, the new approach marked a shift in the state's attitude towards the issue of migration in general and Sub-Saharan irregular migrants in particular. The significant shift appeared to take place when King Mohammed VI became involved in the issue and accepted the recommendations proposed by the National Human Rights Council in a report highlighting the dire situation of sub-Saharan immigrants in Morocco. Now that the regularization program has officially come to an end, Moroccan civil society and the migrant community are waiting to see what happens next. Given the debate surrounding the substance of this migration policy and the regularization program in Morocco and abroad, this paper aims to deconstruct and evaluate the new Moroccan migration policy in the context of the grim reality unfolding in Morocco and the Mediterranean region. This will be achieved through a study of both legal changes and developments on the ground. I will compare the new migration policy with the 2003 Law n°02-03 on the entry and stay of foreign nationals into Morocco. This comparative approach looks at the key differences between the two laws, as well as the different contexts in which they were passed. The paper ends with a list of recommendations that aim to address both the strengths and the weaknesses of the new migration policy.

Key words: Morocco, Migration, irregular migrants, reform, gender

Introduction

Morocco lies at the cross roads of Europe, Africa, and the Middle East. It is a country of rich cultural diversity given its geographical proximity to a plethora of civilizations and cultures. Throughout the twentieth century Morocco's migration flows have undergone diverse changes. Its dynamics are influenced by socioeconomic and political imperatives both domestically and abroad.[1] Flows of Moroccan migrants predated the Second World War and have ever since been characterized by a diversity of motivations and destinations. Today Moroccans form one of the largest and most dispersed migrant communities in Europe, estimated at around four million.[2] This means that around 10% of the Moroccan population lives abroad.

While Morocco has represented a country of emigration throughout most of the twentieth century, this profile began to change in the 1990s when sub-Saharan immigration into Morocco began to increase. Due to frequent civil wars and subsequent economic recessions in several sub-Saharan African countries, between 65 000 and 120 000 irregular migrants are said to have entered North African countries every year[3]. However, because of the political turmoil and instability in some North African countries, in the last several years Morocco has turned into a relative safe haven for these immigrant communities. Some use Morocco as a point of transit to Europe while others have found it easier to stay and reside in the country. The growing numbers of these irregular migrants and their increasingly precarious living conditions pushed the Moroccan government to enact measures to curb this phenomenon. These measures started with the 2003 law n° 02-03 on the entry and

1   SADIQI, Fatima & ENNAJI, Moha (2004) 'The Impact of Male Migration from Morocco to Europe on Women: A Gender Approach', Finisterra, XXXIX, 77, pp. 59-76. Retrieved from http://www.ceg.ul.pt/finisterra/numeros/2004-77/77_05.pdf on March 2005

2   DE HAAS, Hein (March 19, 2014) . "Morocco: Setting the Stage for Becoming a Migration Transition Country?" http://www.migrationpolicy.org/article/morocco-setting-stage-becoming-migration-transition-country

3   DE HAAS, Hein. (November1st, 2006) "Trans-Saharan Migration to North Africa and the EU: Historical Roots and Current Trends" . Retrieved from http://www.migrationpolicy.org/article/trans-saharan-migration-north-africa-and-eu-historical-roots-and-current-trends

stay of foreigners and most recently ended with the adoption of the 2013 migration policy.

This paper aims to deconstruct and evaluate the new Moroccan migration policy. Given the daily tragedy of migrant deaths across the Mediterranean Sea, Morocco's role in managing and supporting the migrant community is more crucial than ever. .This study will compare the two laws on migration with the goal of assessing to what extent the new migration policy has managed to correct the security and control oriented focus ofthe 2003 law. Civil society groups in Morocco have lobbied for changes to this law for several years, and the goal of this paper is to critically study whether the 2013 law meets the expectations set by international human rights criteria and Moroccan civil society. A comparative legal approach will be supplemented by a discussion of the political and social realities surrounding the implementation of Morocco's regularization program in 2014.

The paper is divided into two sections. The first section focuses on the 2003 and 2013 laws, and specifically the legal changes that occurred with the implementation of the new law and the regularization program in 2014. It also traces the factors that helped promote a new migration policy in Morocco. The second section examines the Moroccan regularization program and reviews the implementation of other regularization programs and their shared criteria. I believe that this will aid in understanding the nature and specificities of the Moroccan policy of migration and shedding light on the various strengths and weaknesses of the program. The paper concludes that more works needs to be done in order to better implement the objective of a more "humane approach" to managing these growing migration flows in Morocco.

I. Moroccan migration laws: 2003-2013

A- Law 02-03: First measures to stop irregular migration in Morocco

After decades of turning a blind eye, the government finally acknowledged the growth of irregular migration by in Morocco adopting law n°02-03 on the entry and stay of foreigners. Indeed, Law 02-03 , which was adopted in November 2003, was the first legal framework that attempted to manage regular emigration in Morocco. The purpose of the law is twofold; the first is to manage migration at

the borders by controlling entry and exit migrants[4]; the second is to ensure that "legislation on this issue is in accordance with international conventions on the rights of emigrants and foreigners [of illegal status], and also that respects Morocco's commitment towards its partners in the domain of the fight against emigration".[5] Indeed, the law was debated during an era of fraught with irregular migration and terrorism related problems. The Casablanca terrorist attacks took place in May 2003, and civil society groups like the Anti-racist Group for the Support and Defence of Migrants (GADEM) and The Global Detention Project argue that this played a fundamental role in amalgamating migration control with terrorism concerns in the Moroccan law. This legally and politically positioned migrants in the category of national security, provoking a slippery slope in terms of respect for their human rights.[6] Under law n°02-03, foreigners who wish to enter Morocco are required to present themselves at border checkpoints. In the event of the border authorities refusing entry, the law enables applicants to contact the person who had invited them, to notify him/her by any means, notify their country's consulate or notify a lawyer of their choice. In case of the inability to fulfil any of this, the potential migrants can be jailed or fined if he/she attempts to enter the country in an illegal way. [7] The law strengthened legal penalties against people who facilitate or organize irregular entry into or exit from the country. This stipulation is meant to target smugglers, but it has also acted as a deterrent for people offering assistance to immigrants residing in Morocco. To achieve this and

4   **Gro**upe Antiraciste D'accompagnementet de Défense des Etrangers et Migrants (GADEM). (2010). "The human rights of sub-Saharan Migrants in Morocco".A document produced through the Justice Without Borders Project : An MRI and OSIWA initiative

5   Moroccan Department of Interior cited in Groupe Antiraciste D'accompagnementet de Défense des Etrangers et Migrants (GADEM). (2010). "The human rights of sub-Saharan Migrants in Morocco". A document produced through the Justice Without Borders Project : An MRI and OSIWA initiative

6   "Immigration Detention in Morocco", Global Detention Project, February 2014,   http://www.globaldetentionproject.org/fileadmin/docs/Morocco_report..pdf

7   Melliani, Mohammed and El Chigueur, Mohammed (May, 2009). "Irregular migration in Morocco". Oujda: Partners in Development for Research, Consulting and Training. Retrieved from http://pidegypt.org/download/migration-conf/Irregular%20Migration%20in%20%20Morocco.pdf

tighten control over borders, the law doubled the number of permanent border guards from 4000 to 8000 and created the Direction of Migrants and Boarders Surveillance (DMBS). On the other hand, to keep with international human rights conventions, the law protects some foreign nationals from deportation, namely pregnant women and minors (Article 26 of the law). However, civil society groups have extensively documented various violations of the 2003 law, especially concerning those vulnerable groups that are legally protected from deportation, including refugees with the proper documentation from the UNHCR, pregnant women, and minors. In spite of their legal protection, they would be deported or dropped off in unsafe areas in direct contradiction with Morocco's international legal commitments and its own domestic laws.[8]

Though law 02-03 provided the legal framework for the detention and deportation of irregular migrants, it did not stop the phenomenon of migration. The 2003 law copied the European Union security and control-oriented strategy to migration control. According to the Global Detention Project, the 2003 law is based off of the 1945 French law that was amended by former French President Nicholas Sarkozy in 2003. The article argues that:

> The law emerged following a series of developments and "emergency" events in the late 1990s and early 2000s, including a significant rise in the numbers of irregular migrants traveling to southern Spain and the Canary Islands by boat from Morocco as well as the 2003 terrorist attacks in Casablanca (Duvell& Vollmer 2009, p.19).[9]

Additionally, Morocco became a country of transit and destination for various groups from sub-Saharan Africa, the Middle East, and Southeast Asia during this period. The vastness of the Moroccan-Algerian borders (the two neighbouring countries share a 1,500 km (970 miles) land

8 "The Human Rights of sub-Saharan Migrants in Morocco " GADEM and the Justice without Borders Project, 2010, http://www.jsf-jwb-migrants.org/documents%20-%20all/phaseI_studies/justice-Gadem-eng.pdf

9 « Immigration Detention in Morocco » Global Detention Project, February 2014, http://www.globaldetentionproject.org/fileadmin/docs/Morocco_report..pdf

border that stretches from the Mediterranean Sea to the Sahara desert), its political stability, and its proximity to Europe has contributed to this significant change.

In 2013, the Moroccan ministry of interior declared that between 25 000 and 40 000 irregular migrants live in the Moroccan territory. These irregular migrants are foreigners who have entered the country irregularly or have been unable to renew their documentation because of Morocco's strict rules concerning residence permits. This group also includes asylum seekers who are waiting for the recognition of their status by the Moroccan state, even though they are legally protected from deportation by documentation from the UNHCR while they wait for their refugee status determination.

Migrants are scattered all over the major cities of the country and are living in difficult circumstances. However, the official numbers provided by the interior ministry are very small in comparison with the number of migrants living in the neighbouring European countries,and especially Spain. The British daily The Guardian reported that 5.6 million non-Spaniards were registered as living in the country in 2009[10]. Yet the fact that Morocco is a developing country and thus a sending country makes the existence of these irregular migrants on its territory an unusual phenomenon. This situation, coupled with the European Union's "externalization of its borders" to neighbouring countries, has put pressure on countries like Morocco to keep migrants out of the Europe at the expense of their human rights. It has intensified the trickling down of the EU's security-control oriented strategy to the management of migration flows to countries like Morocco. This regional dynamic and the lack of a clear migration policy in Morocco has subjected it to sharp criticism for its ill-treatment of migrants and its inability to address their vulnerable existence within its territory.[11]

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10 The Guardian 8 February 2010. "Spain sees sixfold increase in immigrants over decade". Available at http://www.theguardian.com/world/2010/feb/08/spain-sixfold-increase-immigrants Accessed 30 May 2015)

11   Mehdi Alioua, « Transmigrantssubsahariens et externalisation des frontières del'Europe,"https://www.academia.edu/1649730/Transmigrants_subsahariens_et_externalisation_des_frontières_de_l_Europe

B- Morocco's 2013 Migration policy: national and international triggers

Given the above factors and the vocal criticism from Moroccan, European, and African civil society groups, Morocco began to feel pressure to establish a policy of migration that focuses mainly on regularizing the status of irregular migrants. The International Organization of Migration(IOM) has offered a voluntary return and reintegration program in Morocco at various points in the last several years, and this option continues to be available for migrants in need of financial support to return to their countries of origin. However this program is focused on particularly vulnerable individuals and funding schemes are limited. This offers a helpful service rather than a long-term solution. Therefore in 2013, the government announced its intention to implement a new, comprehensive emigration policy, the first of its kind in the Arab world. The new policy is based mainly on regularizing the residency status of irregular migrants living in Moroccan territory. The fact that the policy was officially announced by the king surprised researchers, academics, journalists and civil society activists working on migration because the royal announcement was regarded as an official change from the harsh legal and social attitudes towards irregular migrants in Morocco; it appeared to mark a radical shift towards the issue of migration in general.

The 2013 migration policy was implemented in the context of increasing irregular migration, international and domestic civil society groups calling on Morocco to abide by its international human rights obligations, an intensification of human rights abuses against sub-Saharan immigrant populations in Morocco and the popular dissemination of these abuses among international news agencies, Morocco's history of immigration and cultural diversity, geostrategic concerns, and the recent economic and political rapprochement with western Africa countries.

1. Increasing number of irregular immigrants living in precarious situations in Morocco

Not only is there an increasing number of women and children taking the perilous journey across the Sahara to try and enter Morocco, but once migrants arrive in Morocco they find themselves with a limited ability to find work and no real social support besides the limited

resources offered by civil society groups and some international organizations. The irregular legal status of many migrants also makes them vulnerable and more open to exploitation. This means that they may be charged more money for rent, feel uncomfortable going to the police or pursuing medical attention. They are also less inclined to turn to the police in reaction to racist attacks. Finally, the number of police aggressions around border areas in Morocco and Spain has been the subject of various human rights reports both in Morocco and abroad. This brought more attention to the issue and began to darken Morocco's carefully crafted imaged as a "regional exception" in terms of human rights and political reform. The difficult of entering Europe has caused many irregular migrants to reside in Morocco for lack of a safe and affordable option of returning home or travelling elsewhere. There is also a growing number of migrant families in Morocco and many of them are calling for the regularization of their status and residence to have access to health care and education to their children.

2. Morocco's domestic and international legal obligations

The strict migration policies in European countries since the early 2000's[12] and the political instability in the North African region make Morocco the best alternative destination for a large number of sub-Saharan irregular migrants. Furthermore, Morocco has ratified a number of international human rights conventions and protocols as well as regional and bilateral agreements including the 1951 Convention Relating to Status of Refugees, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Protection of the Rights of Migrant Workers and their Families, the Convention on the Rights of the Child, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.[13]

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12 - In fact, through the 2005 EU-Morocco bilateral agreement, 'Europe has sought to stem irregular migration flows into the region by extending the monitoring and exclusion of its boarders to Morocco and other countries of the Maghreb, repositioning them as the 'new frontiers' of Europe''. For more details see CHERTI, Myriamand GRANT, Peter (10 June 2013) The myth of transit: Sub-Saharan migration in Morocco. A report by the Institute for Public Policy Research.http://www.ippr.org/publication/55/11051/the-myth-of-transit-sub-saharan-migration-in-morocco.

13 - "Who has sigmed what…" http://www.fmreview.org/FMRpdfs/Human-

Furthermore, Morocco adopted a new constitution after protests erupted during the Arab Spring calling for democratic reform. The 2011 constitution emphasizes Morocco's commitment to human rights, with a focus on the rights of migrants. In the preamble of the 2011 constitution, the kingdom of Morocco commits itself to protecting and promoting the mechanisms of human rights and international humanitarian law; it also pledges to ban and combat all discrimination on the basis of sex, color, beliefs, culture, social or regional origin, language, handicap, etc.

3. The strategic choices of the state

In light of the EU's eagerness to cooperate with developing countries on the issue of irregular migrants, Morocco used the diplomacy of migration as a strategic instrument to regain visibility on the international scene, recover its political weight in the region and its role as a pivotal partner to the EU[14]. Because of the security threat illegal migrants pose, a policy of migration will undoubtedly ensure security in the region, a fact which will enhance Morocco's international visibility and position.

4. The historical and moral obligations of Morocco

Morocco prides itself on the values of hospitality and a long history of immigration and cultural diversity. In this regard, Melliani Mohammed and El Chigueur Mohammed (2009) argue that "Idris 1st, the first king of Morocco who founded the Idrisi State, was a refugee chosen by the Northern Berber tribes as the king of the land in 788H" (p.4). They also report that "Morocco was a safe haven for Jewish and Moslem migrants who were expelled from Europe and Andalusia in the fourteenth century". (p.5) Additionally, "throughout the nineteenth century and the beginning of the twentieth century, there was a major influx of Algerian nationals as a result of the French colonization of Algeria; as well as Spanish nationals who came fleeing the tyranny of the Franco regime" (Ibid). These foreign settlers, Melliani and El Chigueur concluded, have given Morocco a special kind of roots, language, mores and customs.

Also, it should be noted that more than four million Moroccan immigrants live in various countries of the world and various international and domestic civil society groups have made migrants' right a domestic and

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Rights/signatories.pdf

14   Ibid.

international priority. Therefore, the positions of Morocco should be consistent with this humanitarian principle in dealing with immigrants residing on its territory. To this effect, given these historical facts, establishing a regularization program to legalize the status of illegal sub-Saharan migrants was both a historical and moral imperative.

5. The pressure of civil society activism and the regional climate of the Arab spring

In 2005, 1400 irregular sub-Saharan immigrants tried to climb the three-meter-high fences surrounding the two Spanish enclaves Ceuta and Mellilia. However, the border guards tried to prevent them, shooting and killing at least twelve migrants. This incident stirred international media attention and led to various media reports on the dire conditions of sub-Saharan immigrants in Morocco[15], especially those trying to enter Europe. In addition to NGOs providing legal and social assistance, many others have lobbied and organized campaigns for the rights of these migrants and to influence political discourse[16]. Five years after the incident, as Katherine Nattar (2014) argues, "Moroccan popular demands for more human rights and democracy in the course of the Arab Spring indirectly increased the prominence of migrants and refugee rights in the public sphere" [17].

6. Morocco's rapprochement towards Western Africa

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15 See "New BBC Report Unearths Immigrant Rights Violations in Morocco, " The African Migration Insider, September 2013, http://wwwamadpocinsider. blogspot.co.uk/2013/09/new-bbc-investigative-report-unearths.html

16 Civil society organizations that provide assistance and defend irregular migrants right on the Moroccan territory include the Council of Sub-Saharan Migrants in Morocco (CMSM), the Moroccan Association of Human Rights (AMDH), Anti-Racist Defence and Support Group of Foreigners and Migrants (GADEM), Moroccan Association for the Study and Research of Migration (AMERM) among many others

17 NATTER, Katharina. "Interpreting Morocco's 2014 Exceptional Regularization Program"A paper presented in the international conference on "People Moving – Implications of Migration for Societies and States in North Africa", organized by the Centre of Tunis for Migration and Asylum and the German Council on Foreign Relations in Tunis, Tunisia from June 19 to 23 2014.

Morocco's 2013 migration policy to regularize the status of Sub-Saharan irregular migrants is also perceived as a tool for consolidating its recent political and economic rapprochement with West Africa. Despite   Morocco's withdrawal from the African Union in1984 over the Western Sahara issue, it has maintained its relationship with most African countries. The recent regional cooperation stems from Morocco's search for new economic frontiers after the start of the Euro zone crisis in 2008. Indeed, the economic crisis has led Morocco to reconsider its strategic choices by boosting its economic and diplomatic links with sub-Saharan African countries.

> "[M]any large Moroccan firms—including banks like BMCE, Attijariwafa Bank and Banque Populaire, real estate developers like Addoha and Alliances Développement Immobilier, insurance companies like the Saham Group, mining and industrial companies like the Managem Group & OCP, and telecom companies like Maroc Telecom are currently operating in some 23 African countries, with a particular focus on the members states of the Economic Community Of West African States (ECOWAS)".[18]

King Mohammed VI has reinforced this commitment to West Africa by spending significant time there and meeting with various state leaders. In February 2014 the Moroccan monarch led a large delegation of businessmen through a diplomatic tour of Mali, Côte d'Ivoire, Guinea, and Gabon. This four-state tour attracted a lot of media attention and promoted various cooperation agreements including the establishment of joint business councils between Moroccan business owners and their counterparts in these countries.[19]

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18 (October 2013). "Opinion: Morocco's African Integration". Retrieved from http://www.casablancafinancecity.com/en/content/opinion-morocco-s-african-integration

19 "Morocco eyes Africa for investment, political support", Retrieved from http://www.al-monitor.com/pulse/iw/politics/2014/04/morocco-africa-continent-investment-political-support.html#

II. Moroccan Regularizing program: 2013-2104

A- The story of new migration in Morocco

In2013, after the National Human Rights Council (CNDH) submitted a report on foreigners and their rights in Morocco, the Moroccan King chaired a working meeting on September 10th, 2013 to discuss various aspects of immigration with the aim to develop a new national migration policy. The meeting was attended by the prime minister Abdlelah Benkirane, several ministers and senior officials. Based on the recommendations of CNDH, the king insisted on the need to adopt a humanitarian approach to the migrants residing in Morocco. He also stressed the need to tackle networks that traffic and trade in human beings. He urged the government to devise and implement without delay an appropriate strategy and action plan in partnership with CNDH and the various stakeholders in order to shape an overarching immigration policy.

On Monday, November 11th, 2013, the Moroccan government announced the program to regularize the status of up to 40,000 irregular immigrants as its part of a new migration policy initiated in September to comply with international agreements. The program, which started on January 1and lasted till December 31st, 2014 targeted:

- 850 immigrants considered as asylum-seekers by the UNHCR

- Foreign spouses of Moroccan citizens who could prove they have resided with their partners for at least two years,

- Immigrant couples who have lived together in Morocco consistently for at least four years

- Children of both the above categories would also benefit from the measure.

- Immigrants in possession of a valid work permit of at least two years' duration,

- Immigrants who could prove five years' continuous residence in Morocco

- Immigrants affected by a serious illness and have been on Moroccan soil prior to 31 December 2013.

For this reason, a bureau was set up in each prefecture and province across Morocco to receive and approve regularization requests. Also, a national appeal committee was created, with the involvement of the National Human Rights Advisory Council (CNDH). Further, in order for the action to take place, a new legal and institutional framework was developed to improve the legislation on migration, asylum and human trafficking. Finally, applicants whose files were turned down were given the possibility to re-apply at a national appeals commission. Applicants who received a positive reply were delivered one-year registration cards.

Regularization is a term usually used to describe programs that give irregular immigrants already residing in a country the ability to gain a legal status on permanent or on temporary basis. Regularization programs are of many types; they include exceptional humanitarian programs (residence permits to refugees, asylum seekers or individuals with health problems), family reunification programs (allow a family member reunite his spouse and children living abroad), permanent or continuous programs (offering a permanent residence status for an individual migrant who proves to live in the county for a certain number of years), one-off or one-shot programs (provide temporary living and working permits to applicants that expires after certain period of time) and earned regularization programs (temporary residence and working permit that turns into a permanent one after completing certain criteria of integration: language, community activities, payment of taxes and a stable employment)[20].

Despite their diversity, all the above-cited regularization programs set some criteria for irregular migrants when they apply for a legal residence permit. The criteria that they should meet are described as follows:

- *Employment:* The potential applicant must have a labor contract that proves his/her regular employment or in some cases a job offer.

- *Length of residence:* The potential applicant must prove that he/she has resided in the host country for a specific amount of time, a fact which is hardly or sometimes impossible to achieve.

20 GREENWAY, John.(July 6, 2007). "Regularization programmes for irregular migrants". A Report . Retrieved fromhttp://assembly.coe.int

- *Evidence of integration efforts and payment of contributions to a social insurance fund:* The potential applicant must prove that he/she has paid taxes or contributed to a community service.

- *Ethnic ties or nationality-based quotas:* In some countries of immigration, a specified number of permits are granted to migrants originating from specific countries. The Green Card Program implemented by USA is a good example in this regard.

- *Health and Humanitarian reasons:* Applicants who are in very critical health conditions or unable to return to their country of origin and are waiting their asylum application to be determined are often given priority in any types of regularizing programs.

On the other hand, lawmakers specify certain grounds for exclusion or disqualifications. These elements of exclusion include a record of criminal behavior, appearance on security-watching lists or previous types of migration violations[21].

Immediately after its independence in 1956, Morocco joined the international community by ratifying a number of international conventions and protocols as well as regional and bilateral agreements on the respect of human rights including the rights of migrants along with their family members. The best example in this regard is the international agreement no 158/45 on the rights of all migrant workers and their family members. It was ratified by Morocco on June 21st, 1993[22] after it had been adopted by the UN General assembly on December 18th, 1990 but its instruments were not implemented by Morocco till July 1st, 2003. The main goals of the covenant include:

- The respect of the human rights of the migrants

- Equal treatment of migrants and citizens of the host country

- Widening the qualification of migrant workers, namely seasonal laborers, marine workers and workers accepted for specific jobs

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21 ROSENBLUM, Mrac R. (December 2010). "Immigration Legalization in the United States and Europe: Policy Goals and Program Design".Policybrief. Migration policy institute.Retrieved from

h t t p : / / a s s e m b l y . c o e . i n t / A S P / D o c / X r e f V i e w H T M L . asp?FileID=11614&Language=EN

22 See MELLIANI, Mohammed and El CHIGUEUR, Mohammed. (May, 2009). Op, cit.

The question that rises in this regard is to what extent these articles have been echoed in the new regularization program Morocco implemented in 2014. In other words, has the new program managed to correct the negative image surrounding the 2003 migration law? This will be the concern of the following section.

B- Morocco's regularization program: strengths and weaknesses

On February 9, 2015, the minister of interior, Mr. Charki Drais announced the end of the regularization program that began in January 2014. In his press conference organized in Sale, the minister announced that "Out of a total number of 27,332 applications received for special regularization of foreigners in Morocco as of the December 31, 2014 deadline, 17,916 were approved, an approval rate of 65 percent".[23] He also declared that the program "has benefited nationals from 116 countries, led by the Senegalese (6600), followed by Syrians (5250), Nigerians (2380) and Ivorians (2281)"; he explained that "the region Rabat-Salé-Zemmour-Zaer tops the regions of the Kingdom in terms of applications received with 8198 requests (29.99 percent), followed by Casablanca 6363 (23.28 percent), the region of Oujda with 2730 (9.99 percent) and Fez-Boulemane with 2686 (9.83 percent).[24] Still, a striking aspect of the program is the gender approach adopted. The minister declared that "100 percent of the applications received from women and children, about 10,178, were approved"[25].

Despite being the first of its kind in the North Africa, the program was criticized during and after its completion. Immediately after launching the program, civil society actors questioned the restrictive nature of the criteria set to regularize the status of irregular migrants. For instance, applicants should have lived for at least five years in Morocco; lived together with a Moroccan spouse for at least two years; or have been employed for at least two years[26]. On the other hand, many civil society

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23 Morocco World News (February 9th, 2015) "Morocco Regularizes Status of 17,916 Immigrants" . Retrieved from http://www.moroccoworldnews.com/2015/02/151427/morocco-regularizes-status-17916-immigrants/

24 Ibid

25 Ibid

26 BACHELET, Sébastien Cynical and Macabre 'Politics of Migration' at

NGOs working on the issue of migration in Morocco, such as GADEM (2015), expressed its surprise immediately after the minister's press conference. In its press release, GADEM expressed that the declaration about the completion of the regularization program was surprising because it:

> [O]ccurred despite the fact that the national monitoring and appeal commission - which was established by the December 2013 joint directive of the ministries of interior and migration affairs - has not yet started the review of applications rejected in the first round by Moroccan authorities".[27]

In the same press release, GADEM (2015) condemned the Moroccan security forces for a repressive raid against migrant communities in border areas.

> Two hours after the end of the press conference, Moroccan authorities conducted an extensive sweep of the camps in Gourougou, near the occupied city of Melilla, which led to the arrest of about 1,200 people. The authorities took their fingerprints, photographs and listed their civil status and nationality and sent them by bus to different cities.[28]

In addition to the continuation of violence perpetuated against migrant communities, the regularization program makes no reference to a long-term strategy and what will happen to those individuals that applied and were rejected. Also, these residency permits issued are for short periods of time, normally up to one year. It is unclear if the government plans on facilitating the renewal process, which has been traditionally slow and difficult. The announcement of a second regularization process in October 2015 assuaged some of the criticisms regarding the 2014 regularization process and the cutting short of the appeals process.

Morocco's Bordershttp://www.jadaliyya.com/pages/index/16584/cynical-and-macabre-politics-of-migration-at-moroc

27   GADEM Press release Rabat, 12/02/2015 Morocco's exceptional program of regularization cut short http://www.gadem-asso.org/Morocco-s-exceptional-program-of

28   Ibid

Nonetheless, it is still unclear how the state will deal with the larger issue of irregular migration and when a new migration law will be passed. Even with the extension of the regularization process, the migration community and civil society groups are waiting to see if this will translate into a more comprehensive legal framework for migrants in Morocco.

Situating this program in the international context shows that it is insufficient in many respects. Rosenblum Marc's criteria set in his December 2010 policy brief on "Immigration Legalization in the United States and Europe: Policy Goals and Program Design"[29] indicates the lack of the following four requirements:

- *Inclusiveness:* The program should include as many irregular migrants as possible. In the Moroccan case, priority is given to asylum seekers, married couples and their children and immigrants affected by serious diseases. In other words, the regularization program is reduced to the process of legalizing the residency status of only a specific category of migrants, which consists of a very small percentage of illegal migrants waiting the normalization of their residence status

- *Fairness:* In other words, the program should avoid unduly rewarding bad behaviors? In the Moroccan legalization program, no practical measures to alleviate the daily problems these migrants suffer are mentioned or made reference to.

- *Cost effectiveness:* That is whether the program has any positive economic impact? A look at the regularization program adopted by Morocco shows the absence of exact or clear data concerning the costs and benefits of this regularization program.

- *Self-enforcement:* Is the program likely to solve the issue of irregular migration in the long-term? So far, neither the 2003 law nor the 2014 regularization program has managed to stop the influxes of irregular migrants that daily target Morocco.

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29 ROSENBLUM, Mrac R. (December 2010). "Immigration Legalization in the United States and Europe: Policy Goals and Program Design" .Policy brief. Migration policy institute. Retrieved from http://www.migrationpolicy.org/research/immigrant-legalization-united-states-and-european-union

Still, despite these program limitations, the program could be a good step to:

- Contribute to a more coherent migration policy that would overcome the abovementioned imitations,

- Correct the human rights image of the country abroad, something which would encourage more foreign investments,

- Reduce the number of these irregular migrants at a reasonable cost (Instead of interior enforcement which requires expenditures on the identification, detainment and the removal of these migrants, regularization usually tempts them to identify themselves voluntarily)[30],

- Provide a larger and cheaper labor force particularly in the sectors no longer of interest to Moroccans,

- Establish a solid precedent for better social integration and tolerance of the other

- By moving immigrants from the informal economy to the formal one, regularization may result in wage increases and greater tax-payment, giving a boost to the economy and benefiting both native and foreign workers. Also, reducing the informal economy eliminates unfair advantages for those who hire unauthorized immigrants.[31]

In Brief,, regardless of its objectives, the program remains a step in the right direction, especially in terms of addressing the acutely precarious situation of women and children. But, the Moroccan state still has to clarify and unveil its policies in the future concerning the residency status of irregular migrants in general and female ones in particular. The long-term nature of this program must be more clearly defined if we are to see the real benefits of the regularization program.

Conclusion: Some Recommendations

To conclude, the 2013 migration law suffers from both legal and contextual issues, which hinder its effectiveness. This relates to common problems with political reform in Morocco, which tend to focus on

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30 Ibid

31 Ibid

short-term solutions, the gap between legal theory and practice, and the reality of racism and police abuse. While the regularization process was a step in the right direction, it does not represent a radical shift in the lived realities that sub-Saharan migrants experience in Morocco. To this effect, the following recommendations could help to mitigate some of these issues.

- Morocco should study other regularization programs to help focus on better implementing the goals they laid out and the problems cited by the National Human Rights Council and civil society groups. The Greek experience is a good example in this regard.

- It is necessary establish a clear and global policy that engages all stakeholders to better manage the influx of irregular sub-Saharan migrants migration flows and make them safer.

- It is essential to partner and include the European countries and avoid reducing their role to a mere financial help. Also, Maghreb countries including Algeria and Tunisia should focus on some sort of regional strategy with countries like Morocco to ensure better coordination and safer border practices.

- It is necessary to ease documentation rules. That is, as a practical measure to reduce the number of irregular migrants, Morocco can introduce visa programs through which migrants can be allowed to enter the country legally. This could be done through implementing a quota system for jobs which the native or citizen population does not want to take up (seasonal agriculture or farming, maid services… etc).

- Given the increasing urgency and complexity of the issue, establishing a ministry or national institution that take charge of the issue of migration in general and these migrants in particular is becoming a necessity.

- Provide practical solutions to facilitate the integration of these migrants in the Moroccan society after legalizing their residency status.

- Concerning police abuse and racist violence, both Morocco and Spain should implement and provide training programs for their security forces to ensure less abuse and corruption vis-à-vis irregular migrants. The police should stop using raids to clear out areas—they are dangerous(include burning, arrests, etc.). Moroccan

government, as expressed by usually demanded by civil society actors, should be more transparency about where those arrested are taken.

- Moroccan government should ensure better legal protections for migrants - access to a lawyer and legal aid are crucial to ensuring that their human rights are respected irrespective of their "legal status". This will help mitigate the impunity that has marked the treatment of sub-Saharan migrants and the gap between legal protections and social realities.

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Minorities in Contemporary Morocco: Persecution, Digital *'Intifada'*, and Prospects of Secularization

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Abstract

The wave of popular protests that Morocco witnessed in 2011 and that was represented by the February 20 Movement, regardless of their incapability to profoundly re-order the relations of power in both state and society, successfully induced King Mohamed VI to initiate a constitutional reform. While the main slogans that were raised in more than sixty Moroccan cities and towns were 'Hurriya' (freedom), 'Karama' (dignity), and 'Al Adala Al Ijtimaiya' (social justice), the protesters were still more feared than joined by Moroccan minorities, particularly the Christian community and the LGBT community. The latter have migrated to the digital sphere, which has undoubtedly been a safe resort and refuge, creating an unprecedented visibility as an act of both normalization of their identity and resistance against the mainstream authoritarian culture. In this sense, Morocco, as was the case in other North African and Middle Eastern settings, witnessed a political revolution instead of a social revolution, to put it in Skocpol's terms. Skocpol (1979) contends that while social revolutions, that are usually rare and mobilized to carry out a programmatic set of visionary objectives, radically reshuffle the power relations in a state and society, political revolutions instead may affect the operation of the state (exactly the person who rules like was the case in Egypt and Libya) without necessarily transforming power relations. This paper will address the digital 'intifada' (revolt), particularly the one taking

place on Facebook, as an act of rebellion against the shackles of socio-cultural realities as well as an act of exploring new horizons. Deploying an interdisciplinary approach and adopting an analysis of social media pages of LGBT activists and Moroccan Christians, this paper is also an attempt to demonstrate the latter's forms of resistance and their yearning to find their space in Morocco regardless of their race, language, religion, gender identity, or sexual orientation. This paper looks at the minority activism in contemporary Morocco not only as a strategy to attract a wide audience but rather as a major step towards the normalization and pacification of the popular discourse and perception of sexual and religious minorities. The digital turmoil that this paper tends to examine creates a vacuum through which a public debate on secularization could occur.

Introduction

While the impact of traditional media sources (such as broadcast news, newspaper reports, and radio broadcasts) have a great hold on public opinion, new types of media messages have emerged as a great force that configure and reconfigure the public views resulting in a trend of an increasing compartment of 'mediascape' based on pluralistic social life and heterogeneous virtual spaces (Chen, 2015). In this digital media framework, debate arises between those who believe social networking serves human needs and those who believe it shapes human evolution. Both sides of the debate agree on one factor; historical turning points are marked by technological advances (Carr, 2010). The rise of the internet and digital media has in fact empowered the masses and has given everyone a platform for self-expression. Although not all media information is valid, but such a vast human digital empowerment is worth celebrating. Notably, social media including Facebook have become a tool of liberation enabling the oppressed to voice out their relevant concerns regarding social calamities. They further rearranged the social order and introduced a new logic that privileges individual patterns over the dominant majority dynamics.

Media has the power to heighten cultural awareness, suppress it, wage wars, or even pacify them. Furthermore, they have the power to dictate policies, overturn them, and construct meanings. They have emerged as

tools that give freedom or take it away (Dennis McQuail, 2010). During the 2011 uprisings in the Middle Eastern and North African settings, social media posed a threat to sovereignty and helped activists shake off authoritarian regimes that encompassed all forms of undemocratic rule. Given all the political threat posed, the net emerged as a new tool of global governance. It has been recognized as a powerful free speech zone that alters the political landscape. Particularly, social networking opens up new realms of communication for the less advantaged who have long been struggling with their marginality and absence of power. For this reason, religious and sexual minorities have opted to operate outside of their physical social reality and shaped a new virtual space of belonging alternative to the mainstream.

In this paper, we optimistically view that digital media enables different communities to find entrance into the public sphere and to interact with different social and cultural contexts. Digital media, serving as bridging media, though it indeed fragments the public opinion by providing alternative perspectives and communication on issues not covered by mainstream media, creates an outlet for excluding individuals and minorities that are seen as imagined communities within the virtual sphere (Brantner & Herczeg, 2013: 215). In the effect of the two pairs of tensions -the real and the virtual, dynamics of division and connection-digital media plays a two-fold role: first in constituting the minority community virtual space and second in reshaping the imagination of the minorities and their relationship with the majority in the Moroccan thought. The fundamental argument of our study points to the duality of digital media in accentuating hybrid identity, ambiguous lived experiences, and thus pluralistic integration by appropriating media messages embedded in multiple contexts.

The purpose of our research is to investigate how digital media deploy the construction of different identities (minorities) to form a virtual community that can mobilize social actions in post-2011 Morocco. We attempt to answer a primary question: How do digital media influence the integration of minorities in the Moroccan community? The case of Facebook helped us understand more about the power of media in shaping individual's identity along with the views on culture and society and their important role in creating cultural and social community. A cultural perspective was employed in this research to explain how digital media are appropriated to solidify the cultural integration of minorities into the mainstream society.

1. Power Distance between Leader Majority and Subordinate Minority

For Hofstede (2001), the relationship between leader-subordinate is different considering cultures with high and low 'Power Distance'. This dimension is directly related to the way that different societies deal with the fundamental issue of managing social inequalities. In every society, there are stronger people who are capable of determining the behavior of others and subordinates who are less satisfied in disempowered position. Hofstede (2001) believes that members of a culture with high 'Power Distance' are subordinate in front of people making the final decisions about their destinies. They are generally afraid of and unwilling to disagree with the ruling community. In such settings, the paternalistic rule prevails over participatory democracy and decision-making is centralized. In the same manner minority groups that are subordinate in low 'Power Distance' societies are more forced to follow the norms established by the leading majority.

Dickson (2003) affirms that leadership involves disproportionate influence; in all over the world the leadership role is associated with power and status. In this sense, the way in which power and status are divided in society is obviously relevant to the leadership role. For Dickson, subordinates in high 'Power Distance' societies are more reluctant to challenge their leader and more fearful in expressing disagreement with their governments. In accordance with Hofstede (2001), Schwartz (1999) argues that in hierarchical cultures there is an emphasis on the chain of authority and the unequal distribution of power and status is legitimate and expected. In these societies, the followers comply with directives without questioning them, which means that they are less willing to take part in a decision process. On the other hand, in egalitarian cultures people view each other as moral equals and they are expected to take part in the process of decision-making.

Minority social groups in high 'Power Distance' cultures although they are members of the collectivistic community, they are out-group members and they are treated differently. It is important to realize that the individual choices and preferences, according to Triandis (1995), are more dependent to groups than to the self. Collectivists define themselves as part of the group and the group's goals have priority over personal goals. Individualists however, focus on self-concepts that are independent from groups and have personal goals that may,

or may not coincide with the group (White, 2005).Taking into account these different perceptions of the self and its relation to the group, Collectivistic and Individualistic societies have developed different forms of relationships between the individual goals and the group's objectives (Schwartz & Sagie, 2000).

In accordance with Hofstede (2001), Schwartz (1999) argues that in hierarchical cultures there is an emphasis on the chain of authority and hierarchical structures. In these societies, the followers comply with directives and their interests do not prevail over the interests of the group. Therefore, they enter into conflicts and clashes as their needs and rights are not regarded as virtues by the ruling majority. In this case of difference, the individual goals and the group's objectives are separate constructs with multiple dimensions as the individual self-finds difficulties to merge with the collective self and feels subordinate to its in-group entity (Triandis, 1995; Dickson et al., 2003). In this pattern, individuals become typically engaged in a competition with the majority and they strive to become distinguished (Triandis, 1995; Dickson et. al., 2003). In this hierarchical relationship between the individual and the group Triandis (1995) claims that democracy retreats and loses ground.

2. Media Minority: A New Concept of Community

Social media changes our notion of community; according to Cormack (2013), in this new era "we are moving away from the traditional sense of territoriality defined community by organizing ourselves into communities of interest" (p.258). Wenger (2006) made a similar point by defining what he called 'communities of practice,' which are "groups of people who share a concern or a passion for something" (p. 1). Wenger further explained that a community of practice combines three core elements that should be developed in parallel. First of all, community of practice is identified by a shared domain of interest. Second, members of this type of community should build relationships that enable them to learn from each other. Finally, the members of the community should also develop a shared repertoire of resources, that is, a shared practice (e.g. experiences, stories, tools, etc.), which "requires sustained mutual engagement over time" (Wenger et al., 2009, p.56). Given that, digital media seems to facilitate the experiences of minority communities, since "it creates new 'community times' that are unconstrained by schedules and time zones as it creates 'communal spaces' that do not depend on physical location (p. 56)".

While talking about the increased networked world in which we are living, Wesch (2008) argues that "new forms of community create new forms of self-understanding". This is because online communities allow everyone to connect without constraint; everyone is freely creating and remixing stories. Wesch also noted that the presence of minority community on the Internet is also seen as an expression of the so-called convergence culture, in which heightened levels of participation and interactivity are key elements (Jenkins, 2006). In this regard, Deuze (2006) asserted that convergence is what blurs the boundaries between members of the same culture emphasizing community involvement rather than simply individual expression. Within the online community, the inner-group is solidified by reinforcing a sense of belonging and cohesion to the minority group. Furthermore, the members always adopt a collective form of community group to identify themselves; they reinforce a sense of involvement to the "we-ness" opposite to the exclusion of "other-ness".

Digital media as an open space with equal access to anyone and everyone provides an equal voice for demonstrating anyone's point of view that can be heard through exploring the collective social concerns. The online sphere is set up by inner-group interaction between members of the online community. Media sphere tolerates difference among those people with different convictions but yet sharing single unified perspectives. The online spaces although split up into pieces by millions of diversities and fragmented heterogeneous groups enables its users to transcend social boundaries and connect with each other to expand their concerns to the mainstream society.

The use of social media by minority groups goes far beyond a simple way to connect with others; it serves as a platform, where they are able to advocate for their rights and assert their own cultural identity instead of having it shaped by others. Given that, media minority is conceptualized as a community assumed to be created by people who choose to migrate to the social network that they consider their "homeland" to float their lives and make sense of their subjectivities (Shi, 2005, p. 57). In certain media context, minorities negotiate the social tensions among different opinions and communicate their sentiment to the mainstream society. In a complementary way, media minority uses a language that "bridges the norms and values to actively develop new forms of reflective hybrid identity" (Bonfadelli, 2007, p. 51).

3. Minorities in Morocco between Media Freedom and Constitutional Constraints

Morocco's most recent Constitution adopted in 2011 declared the country to be a sovereign Muslim state. Additionally, the Supreme Religious Council (the highest religious authority in the country) made its position clear later in 2013 stressing that "… whoever left the religion of their fathers and forefathers is considered an apostle in Islam, therefore deserving punishment, unless they atone, or else all their deeds become null, and they lose both in this life and the hereafter and they should be punished accordingly." This controversy over freedom of religion in Morocco returned to the front page when the February 20 movement marched through the country during the Arab uprisings demanding all forms of freedoms including religion. However, several opposing views have been put forth by political parties and especially the PJD that called for narrow ideological considerations when Abdelilah Benkirane, then Secretary General of the PJD, openly threatened to vote no to the proposed constitutional changes, after news leaked that the constitutional committee was intending to include freedom of religion as a fundamental human right.

The question of minority status was later not assumed important as the current Constitution does not define minority or provide details relating to the geographical and numerical specification of the minority concept, it appears that the constitutional scheme envisages the protection of Muslims only as a considered sole population of the country as a whole. In the context of this case, one should ask what constitutes a religious minority and how it is determined? In fact, there is no internationally agreed definition as to which group constitutes a minority but the best definition is the one proposed by the UN Sub-Commissions in Prevention of Discrimination and Protection of Minorities which considers minority as a group numerically inferior to the rest of the population of a state which wishes to preserve stable ethnic, religious or linguistic traditions.

Although the Moroccan state counters minority ideology and ignores its demand for a "minority status" before the law, digital media ignite a new hope for the disperse minority groups as they enable them to exist in the virtual space in a way that "deterritorializes" the social force that restrains them to offer them liberty from the geographic location of nation, state and group to a common "virtual community" (Alonso

and Oiarzabal, 2010, p.11). *When seen in this way digital media can be said to be "building bridges" between the minority religion and mainstream society as "the minority institution" becomes identifiable in the mainstream institution.*

The transition towards a society where freedoms are enjoyed seems to be too lengthy and the quest for its manifestation in real life is absolutely beyond reach in post-2011 Morocco. Because of this reason, minorities in Morocco, including Christians, Shias, the Baha'is and the LGBT community, migrate to the social media platform to seek liberty from any dogmas that can criminalize their freedom of speech, faith and worship. Sadly, the rule of law in Morocco is based on civil foundations; therefore, minorities, already denied the full enjoyment of their fundamental rights, are not granted security. They harbor in secret in their homes for religious or sexual practice and in the media for refuge and comfort.

4. Media Minorities' Fight for Visibility and Social Integration

Social integration is related to the social connectedness status a person would choose in order to enforce his in-group cohesion into the system (Esser, 2006). Regardless of the difference or the distance, social media connecting people from different groups, can positively influence their integration in society at large. The use of social media would lead in this case to ensuring inclusion of the marginalized groups through the following dimensions: acculturation, interaction, identification, and placement (Peeters & d'Haenens, 2005). Social media can also function as an additional mechanism responsible for empowering the disempowered through web-based generated content that focuses on their communal disturbances manifested through the lens of social media sites (Facebook).

The focus in social integration in this context is to transcend the social and the political divide for an elaboration of a more diverse Moroccan identity. This perspective tells us more about how minorities use social media to gratify their needs (e.g. need to connect with other people) what their motives are, and the consequences that follow from their needs (e.g. integration) (Raacke & Bonds-Raacke, 2008). Consequently, their interaction within the net-shared content places them in a social position where they can gain rights in the online community. In this section, we

outline images of media representations of minorities as outlined on Facebook to provide a glimpse into their attempt for potential visibility in the Moroccan society.

Content in this shot is designed specifically to represent Moroccan minorities 'come out' to call for their 'religious and LGBT' rights to be recognized

Because there is no real national stage where gay activists can present their case and advocate publically for their rights, LGBT groups often focus their activism within the social network to retain some form of anonymity. It will be a long road for gay activists to achieve their goals, but the gay movement in digital media is only a beginning towards securing an affirmative existence. Now, it is important to mention that homosexuality is illegal in Morocco and punishable by up to three years of imprisonment. In 2014, the Moroccan court upheld the convictions of six men accused of homosexual acts. Four of the six defendants were convicted, under article 489 of the penal code, on charges that included "unnatural acts with an individual of the same sex". On the 12th of May of the same year, police arrested two men for homosexual acts along with incitement to prostitution and public drunkenness. One of them was sentenced to three years in prison and the other to two and a half years. According to the Ministry of Justice there were 81 prosecutions for homosexuality since 2011, though it is unknown how many of these resulted in conviction.

Content in this shot represent Moroccan Christians fight for online existence

Religious minorities, besides to the LGBT minority, also suffer from marginalization and exclusion and in response to the apparent suppression of their worship ceremonies and assembly, they choose to migrate to Facebook to highlight the common challenges faced by their group. By law, only foreign Christians are allowed to collectively worship in Moroccan churches, Moroccan Christians however; claim that they suffer from discrimination by authorities that refuse their openness. Despite the King's positive vision towards religious pluralism (as expressed via a royal message read out by the Minister of Endowments and Islamic Affairs and addressed to the participants of a conference on Protecting Religious Minorities in Muslim Countries hosted in Marrakech earlier this year) all faiths are still not yet welcomed and proselytism is punishable by up to three years in prison.

A shot representing the shared feelings of minority religions for a legal social recognition

Christians, *Shias* and *Baha'I* are all afraid to be charged with threatening the stability of the country and could even be sentence to death for this reason. This ruling goes against a United Nation resolution made in April 2014 which stipulates that everyone has the freedom to believe whatever he wants "…including the right to change one's religion and beliefs". However, fear of government's pressure led local Christians, Bahais and Shia to refrain from public worship and meet on the media platform to express their frustrations. From what have been listed above, we figure out that minority community is diverse, fragmented, and connected at the same time (Yang, 2002). The virtual space is segmented in terms of issues and divided into a number of heterogeneous and independent circles of social networking. But yet, although it is split up according to areas of interest, online minorities on the networking platform play an essential role in bridging the offline and the online community. Furthermore, the diversity that the online space provides indicates some degree of pluralism, which fosters the democratic value of respecting and celebrating difference (Yang, 2002). In this respect, Facebook, being an open space that offers equal access to all voices to demonstrate their point of views, is set up as a sphere that tolerates differences among those groups who hold different convictions but tend to be sharing and celebrating single unified written language of freedom in its widest sense.

5. Minorities and the Path to Secularization

Islam is understood as a fusion of religious and political functions in one single body. Religious and secular spheres are not doctrinally separated as Islam is "…merely both a system of and a compartment of life" (Lewis, 1993, p. 4). Gellner puts forward that "Islam is the blueprint of a social order" that allows no room "for an internal separation of society into two parts" (1981, p. 1). Morocco, as a Muslim country, stands out amongst the nations that reject the particular implementation of secularism as it refuses to demarcate the boundaries of religion vis-à-vis the political sphere. This separation that Morocco refuses might be understood within the 'differentiation' of various structures by sociopolitical actors in a way that diminishes the hold of religious authority in favor of a secular form of power. Differentiation produces secularization not simply due to an evolutionary or functional necessity, as implied by Bellah (1970), but through the agency of actors that

separate/differentiate diverse manifestations of religious authority away from sociopolitical prominence (Alexander, 1990).

In reality, different religions have historically and geographically interacted with the Moroccan political power in very different ways, but yet religious difference fails to institutionally function within the rigid normative framework of the Kingdom. The trajectories of social change that took place after 2011 have led to a battle between the social actors who wish to expand the domain of 'the sacred' and those who wish to restrict it. The silent tension existing between the state and minorities corroborates the idea that the secularization paradigm is relatively controversial with the sociopolitical terrain that opposes the configuration of the dominant spiritual establishment.

Authoritative institutions, particularly the state, categorize people and shape the exercise of their collective behavior. One of the most influential and active agents of identification and categorization of people is religious conviction. It determines, according to Bourdieu (1980), the formation of national identity through a system that enables the state to shape 'mental structures. The practical use of categorization produces social cohesion based on a sense of a shared set of beliefs. Then political actors, once their national values are defined, justify collective actions in the name of the so-called imagined 'collective communities'. Therefore, the practical use of the idea of collectivity generates loyalty and trust, and becomes an effective source of legitimacy.

Now, the nation is an ongoing construction; it is continually reshaped as part of the construction of different identity processes (Friedman, 2000). Nationhood is a diverse place where the dominant and the dominated compete, conflict, or negotiate. Therefore, the ideological and political struggles between the different social members can bring about the emergence of different outcomes in the exercise of inclusion and exclusion in a society. In this context, the ideological spaces of the leaders and the subalterns compete with each other to shape a new national identity. National minorities in the case of the current research are trying to change, through their coming out in media platform, the religious landscape in the country by creating new ideologies of online inclusion in an attempt to influence the official ideology. It is important to highlight that the struggle lead by minorities for religious difference is a marker for conditioning diverse patterns of 'extra-religions' in Morocco. The diverse changes in the sociopolitical scene in Morocco

suggest that essential mechanisms might fashion and energize mentalities to be secular.

Conclusions

The peaceful demonstrations of minorities in the digital media suggest a new definition of nationhood for a social cohesion of all the marginalized groups in contemporary Morocco. Even though so many still suggest that minorities, due to the threat they may represent to the cohesion of the nation and its values, be disallowed integration within the Moroccan society, these minorities do not identify themselves as alienated from the country. Contrasting the expectations of the majority, minority groups in Morocco, as so many footages gathered from Facebook and YouTube pages clearly show, do identify themselves as nationalist inclusive citizens and seem to be seeking the building of an inclusive society where differences in terms of religion, political beliefs, language, gender, and sexual orientation are embraced but never feared. Generally, having a public debate in Morocco regarding the minority question could actually be perceived as a positive change in the country.

Mohamed VI's Morocco seems to be tolerating tense public debates about a variety of issues, including the minority question; nevertheless, political parties, which are supposed to mobilize citizens and meaningfully articulate the discourses of human rights and progressiveness, have already been co-opted and weakened. Moroccan citizens, particularly youth, are dissatisfied with the political landscape and the political parties' search of economic crux and political portfolios instead of a democratic change. Civil society has been *'Makhzenized'* since late 1990s, while several associations are making use of the margin freedom of expression that exists in the country in order to address issues related to the respect of human rights and to essentially construct a human right-oriented public opinion that is not based on the state's prerogatives.

Islamism is likely hampering any transition to a liberal society where people are treated as full citizens and where those who are different in terms of their political views, religious beliefs, or sexual orientations are not demonized or attacked. The Justice and Development Party, the well-known Islamist political party in Morocco, has completely neglected the minority question since 2012 when they gained the majority of seats in parliament and eventually headed the government for the first time. Mustapha Ramid, a key figure within the aforementioned

party and who served as the minister of Justice in Abdelilah Benkiran's government and who is currently the Minister of Human Rights, has firmly rejected any calls to amend articles of the penal code that criminalize religious and sexual freedoms. Describing homosexuals as *"awsakh"* (trash) and as "perversion" that "disgusts the public opinion" while being the Minister of Human Rights, Mustapha Ramid confirms that Morocco does still lack a sense of direction and that the right profiles are still not welcomed in the right place. Even though this statement sparked the outrage of several local non-governmental organizations and human rights associations, Mustapha Ramid is still the minister of human rights. Generally, we believe that the discourse of the PJD in particular and of Moroccan Islamist movements in general has always hindered the dissemination of democratic values in society, hence partially bringing about a stumbling transition to democracy in the country. Because of the populism that characterizes the Islamists' discourse and because of the various ways Islam is always mixed with any public debates on human rights and democracy, Morocco has so far failed to instill citizenry and democracy in the mentality of the majority of Moroccans. The latter still seem to be lacking a vision regarding the Morocco that should be built, especially that secularism is still being associated with atheism. The Muslim perception of secularism needs to be rethought for inclusivity and engagement that would help triumph democracy. In our view, the religious ideology of the country impedes both political revival and national renaissance.

The unawareness of what secularism means stands in the way of the building of democracy in the country. However, the political system is to a large extent accountable for this situation as the leftist and progressive movements in the country were rejected in the 1980s and 1990s, a period marked with persecutions, violations of human rights, co-optations, and the facilities provided so that the Islamists would create their space on university campuses and subsequently in the political scene. As a consequence, various Moroccan social movements seem to be raising unprecedented democratic slogans nowadays without putting pressure on the state to constitutionalize democratic values first before setting for transparent elections. This is what precisely happened with February 20 Movement in particular, a movement that did not encompass minority groups in Morocco even though their well-known slogans were *"hurriya"* (freedom), *"Karama"* (dignity), *"Dimocratia"* (democracy), and *"Al Adala Al Ijtimaaia"* (social justice); that is, the protesters were still more feared than joined by Moroccan minorities,

particularly the Christian community and the LGBT community. These minority groups, among others, have migrated to the digital sphere and created their space and visibility that help them challenge the mainstream authoritarian culture and transcend social boundaries of identity categorization. In this sense, Morocco, as was the case in other North African and Middle Eastern settings, witnessed a political revolution instead of a social revolution, to put it in Skocpol's terms. Skocpol (1979: pp. 4-5) contends that while social revolutions, that are usually rare and mobilized to carry out a programmatic set of visionary objectives, radically reshuffle the power relations in a state and society, political revolutions instead may affect the operation of the state (Mubarak in Egypt and Qadafi in Libya for instance) without necessarily transforming power relations. The digital 'intifada' (revolt), particularly the one taking place on Facebook and Youtube, is an act of rebellion against the shackles of socio-cultural realities that undermine democratic values.

Our need of a radical religious reform is inevitable. Morocco is expected to examine not only the interpretations of Islam in the political arena, but also the roles of the ulama (religious scholars) in order to assess the factors that have led to increasing the marginalization of religious, ethnic, linguistic and sexual minorities over time. The renewal of some archaic religious interpretations of both the Quran and the Hadith will help end the political tension arising from the state's inability to incorporate minority groups into constructions of statehood and nationhood. The increasing political influence of some fundamentalist ulama in Morocco, especially with their close association with the state's legislative and coercive mechanisms, has helped several conservative groups disseminate a fundamentalist interpretation of Islam and lobby the government to base some legislative reform (the penal code for example) on such interpretations. This type of "Islamic" ideology then creates categories of inclusion and exclusion. This does accordingly discriminate against minority groups, or in other words against those who do not fit in with the "Islamic worldview" as proposed by some Ulama who reject liberalizing the Islamic thought and acclimating it to the twenty-first century socio-cultural, economic and political challenges and aspirations.

Indeed, the Commander of the Faithful, the highest religious authority according to the constitution, could always play a crucial role in creating a balanced reading of Islam. Several efforts, usually symbolic

ones, have been made since 1999 to recognize the rights of religious minorities in Morocco. The "Declaration of Marrakech", regardless of the lack of clarity in many of its sections, represents a very positive step towards the inauguration of a new religious jurisprudence in Morocco, a jurisprudence that reconciles Islam with modernity and human rights as they are internationally recognized. Interestingly and as previously pointed out, the "Declaration of Marrakech", a statement made in January 2016 by more than 250 Muslim religious leaders, heads of state, and scholars and which champions defending the rights of religious minorities in predominantly Muslim countries, was made in Morocco where it was held and signed as a response to the persecution of religious minorities such as Christians and Yazidis by ISIS. In a statement read by the Minister of Endowments and Religious Affairs on behalf of King Mohamed VI, the latter stated: *"We in the Kingdom of Morocco will not tolerate the violation of the rights of religious minorities in the name of Islam… I am enabling Christians and Jews to practice their faith and not just as minorities. They even serve in the government."* Despite the fact that King Mohamed VI's bold statement did not clearly show if it is a defense of the Christians who visit the country as tourists on a daily basis or the ones born in Morocco, the Declaration of Marrakech in general and the King's address in particular positively contributed to the emergence of a scholarly debate on the minority question in Morocco. Paradoxically, the fact that we still get several xenophobic profiles appointed to serve in the government and that many of them do not consider the King's progressive statements while serving tells a great deal about Morocco's lack of a sense of direction. Still, what remains quite promising at this point in Morocco is the virtual Intifada led by minority groups as well as their struggle to transform society and lobby for their incorporation into constructions of statehood and nationhood. While the landscape is still not clear enough, the future will absolutely have much to tell and teach.

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Tolerance and Recognition of Religious Minorities

Navigating Historical Minority Dilemmas Today: Presenting Violence against Copts to an International Audience after 2011

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Abstract

In the case of Egypt's Coptic Orthodox Christians, the application of the minority label, especially by outside actors, is viewed as undermining. Labelling Copts a minority is not only resisted as running counter to Coptic discourses of identity but also by Egyptians in general as a threat to national unity (*al-wahda al-wataniya*). At the same time Christians are often targets for violence and suffer from weak representation in the political system. How to manage Coptic inclusion in conceptions of Egyptian national identity while securing Christians and Christian spaces is a dilemma that has evolved but persisted. Indeed, in the aftermath of Egypt's January 25th uprising there has been an increase in violent attacks on Copts. As a result of the uptick of violence stemming from the rise of IS, Coptic church leaders in the diaspora have begun to tap into a broader discourse of genocide against Middle Eastern Christians. This has enabled them to bypass the dilemma over minority language while at the same time providing a framework with which to discuss and raise awareness of the violence against Copts in Egypt to an international audience.

Keywords: Coptic Christians, Egypt, minority politics, national belonging, genocide

Introduction

This article discusses the way in which the term minority has been perceived and developed within a specific national and historical context affects the way a particular community engages with the dilemma of claiming inclusion in the nation while raising awareness

of discrimination and attacks on their community. While the term minority is ubiquitous in western media, policy and academic speech, this belies the controversial nature of its application and debates over its meaning. In the case of Egypt's Coptic Christians, the application of the minority label, especially by outside actors, is often perceived as interference and as undermining the national status of the Copts, as well as undermining Egyptian sovereignty. Therefore, labelling Copts a minority is not only resisted as running counter to Coptic discourses of identity but also by Egyptians in general, as a threat to Egyptian conceptions of national unity and nationhood.

Attacks on Copts have increased since the start of the Arab uprisings and this has necessarily provoked a response from the Coptic leadership, which is largely found among the top layer of the Coptic Orthodox Church leadership, centered around the Patriarch, Tawadros II. In the immediate aftermath of Egypt's uprising, this church leadership was challenged by Copts who sought a voice outside of the institution of the church. Therefore, the leadership has had to balance its commitment to the public discourse of national unity while at the same time acknowledging the frustrations and fears among the Christians of Egypt concerning the insecurity they face in daily life. The leadership has also had to take the substantial Coptic diaspora into account and offer mechanisms though which anger and fears about attacks on Copts can be expressed without undermining the stance of the Coptic leadership vis-à-vis the Egyptian state. This is necessary in order to remain in overall control of the portrayal of Copts both in Egypt and globally, especially in light of the ongoing developments in communications technology and social media.

This article contends that one way in which the Coptic community has sought to solve the dilemma of how to express anger about lack of security for Copts in Egypt while remaining loyal to the entrenched national unity framework is to continue to avoid speech that minoritizes Copts. At the same time, Coptic leadership has had to react to the frustrations brought to the surface in recent years at the lack of security for Copts in Egypt. I suggest that to do this the Coptic church leadership in the diaspora has increased their engagement with the regional and international conversation about a genocide targeting Middle Eastern Christian in general, as well as other religious groups, such as Yezidis. This has given space to raise awareness about the challenges faced by Copts without compromising the entrenched public discourse of

national unity that particularly objects to the labelling of Copts as a minority by foreign actors.

Copts and the Modern History of the Minority Label in Egypt

For some communities, the minority rights framework is an opportunity to achieve enhanced rights and protection and they actively seek this status (Berbrier 2004). For others, the implications of the minority label include 'difference' or 'otherness', which enhance perceptions of being apart from the nation and can reinforce barriers between communities and challenge national unity. This calls into question the usefulness of the minority label and also requires consideration of the impact of a term that has entered into common usage and modern political consciousness. At least this suggests that the term requires closer investigation in its every day and academic usage. It also requires an unpacking of the historical trajectory of the concept of minority within the specific context of Egypt in order to understand the implications of the term for the Coptic community and why it forms a barrier that still shapes the way Copts represent themselves, their identity and status, and the challenges they have faced since 2011.

While Egyptian Christians acknowledge that numerically they are a religious minority, they prefer not to be described as a national minority (Tadros 2013). This stance was reaffirmed neatly by Pope Tawadros in 2013 when he stated: 'Yes, we are a minority in the numerical sense, but we are not a minority when it comes to value, history, interaction, and love for our nation.' [1] This distinction demonstrates that the term minority is not simply a numerical categorisation but is also one that has social and political effects (Smith 1987). In this case study, it also sits in tension with the community's self-identification as indigenous by undermining it's understanding of what it means to be a citizen. Therefore, to consider 'minority' to be a self-evident category is to obscure the relations of power that it establishes in many instances. Internationally, this is also a challenge because of a tendency to see non-Muslims as beleaguered minorities and even an anomaly in an assumed

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1   Weber, K. (February 13 2013) Egypt's Coptic Leader: 'Christians Are Not a Minority in Terms of Value to the Nation', The Christian Post, Online http://www.christianpost.com/news/egypts-coptic-leader-christians-are-not-a-minority-in-terms-of-value-to-the-nation-89697/   accessed 21 April 2017.

homogenous 'Muslim World'. In this mindset, communities such as Copts are usually invisible, except when they are portrayed as victims. In addition, the role of European powers in setting up regimes such as the capitulations during the Ottoman era and some of the policies employed during the colonial period, have left a legacy of distrust of external actors regarding their intentions vis-à-vis national minorities.

This clearly applies in the Coptic case. The Copts fear that foreign intervention on their behalf undermines their status within the nation, and this includes the activism of diaspora Copts. Indigeneity is central to Coptic identity and advocacy for Coptic rights in the diaspora is seen as denying this. The term Copt is derived from Aigyptos, the ancient Greek name for Egypt, and originally meant simply Egyptian. With the Arab conquest and the subsequent, gradual process of the Islamisation and Arabization of Egypt since the seventh century, the term Copt came to refer only to those Egyptians who remained within the Christian faith. For Copts then, Coptic identity consists of both religious and national elements that are largely intertwined and root their church and Egypt within one another. Former Coptic pope Shenouda III was often heard to repeat the famous slogan: "Egypt is not a nation that we live in but a nation that lives within us." The rootedness of Copts in Egypt is integral to their denominational identity and to the church's understanding of its primacy as the largest Christian community. The authenticity of the church is predicated on its identity as *the* Egyptian national church. Christians make up approximately 5-10 per cent of the population and are not ethnically or linguistically distinguishable from Muslim Egyptians. While Christians are a minority vis-à-vis Muslims, the Coptic orthodox are the majority among Christians, at around 90% and they are the most visible and dominant representative of Christianity in the nation. Indeed, the Coptic orthodox are the largest Christian community in the Middle East, so this dynamic also affects the sense of Copts as spokesmen for Christians in the both the nation and the Middle Eastern region. Since the emergence of the modern nation in Egypt, Copts have sought to have sought a national voice and status, not as an othered minority but as a foundational element of the Egyptian nation.

Christians in Egypt publicly raised grievances about inequalities concerning their status in the nation at the Coptic congress held in 1911 in Assiut. This was followed by a congress held by Muslims that sought to reject Coptic demands, leading to a vigorous debate in the national

press. Yet the force of the Egyptian independence movement against the British and development of ideas of Egyptian nationalism involving unity between Christians and Muslims as a fundamental element meant that since the time of the 1919 revolution, 'cross and crescent' imagery became an integral part of the imagination of Egyptian national unity and independence. Consequently, Copts and Muslims rejected the application of the minority label to Copts in the emerging independent nation, along with any special protections in the constitution or parliamentary laws (Mahmood 2016).

1919 is still pivotal in popular imagination about relations between Muslims and Christians in the national space today (Ibrahim 2010: 60; Iskander 2012b). Unity and tolerance, as well as the rejection of the language of minority and majority, are therefore not only part of Coptic identity discourses but of Egyptian expressions of national identity found among both Christians and Muslims. Yet, many of the grievances raised in 1911 remain and over the course of the latter half of the twentieth century Copts found themselves increasingly marginalised from political life. Without calling on the minority label as a mechanism for protection or representation, Copts were neither fully included nor fully protected and increasingly relied on the Coptic church to represent them in political matters. This has left them vulnerable to the violence that successive governments have failed to address and treated as a mere security issue without addressing the social and political aspects behind this situation.

This situation has become entrenched because the Church leadership is bound by a fear of marginalisation within the framework of the Egyptian nation that leads to a public discourse that emphasises national unity and seeks to diffuse tensions between Muslims and Christians, even at the cost of failing to address the roots of discrimination. This has been illustrated by the dependence on the use of reconciliation councils to address disputes between Muslims and Christians rather than use the court system, often resulting in a failure to accord justice or compensation to Coptic victims. In exchange, the Church leadership acts as a national institution that cooperates with the state in a kind of pact between the Pope and the President. This has given public visibility to the church leadership and a channel for the expression of Coptic interests. However, under this framework Copts experience at least as much co-optation as cooperation and thereby remain trapped within

a relationship of unnamable minoritisation and therefore untreatable discrimination.

Coptic Activism and Insecurity after 2011

The Arab Spring moment was embraced by many individual Copts as an opportunity to redress some of the marginalisation processes that were entrenched as a result of this status quo. There was also a sense that Copts should have agency as Egyptian citizens and no longer be treated as a homogenous Coptic political bloc with the pope as their only voice. This was in line with the national mood, as demonstrated by the growth of protest movements such as *Kifaya* (enough) and April 6th in the 2000s. The Coptic Church, being an organ of the state, initially advised Copts against joining the protests but large numbers still took part and national unity slogans and banners were part of the imagery of Egypt's uprising. Recalling the 1919 revolution and the cross and crescent imagery was central to assertions of Egyptian national identity among protesters. Young Christians in particular did try to use the gaps that the uprising had apparently opened up in order to bring their grievances into the open rather than revert to the mechanism provided by the church to put forward their grievances. They campaigned for considering discrimination against Copts and other issues affecting them as national issues to be addressed in the public sphere, rather than within the church space (Doss 2014).

However, these efforts were dismissed in the Egyptian media as 'factional concerns' (Matalib Fi'owiya) that came second to securing Egyptian interests; Coptic interests were thereby minoritised *vis-à-vis* national interests and portrayed as a distraction from the 'real' issues facing the nation despite the insistence on the national unity discourses and symbolism that are still so entrenched in Egyptian nationalism since 1919 (Monier 2012). This echoes the congresses of 1911; the Christian one known as the Coptic congress and the Muslim one as the Egyptian congress. The unspoken implication of this exclusionary discourse (Riggins 1997) is that the Christian concerns were Coptic and the Muslim response represents the Egyptian stance, thereby othering the Copts. In the atmosphere of threat and vulnerability that proceeded from the 2011 uprising, Egypt saw a spate of arson attacks on churches in the months following the uprising (Tadros 2013). This increase in violence against Copts was seen as going unpunished by the government and even being perpetrated by the state during the

Maspero Massacre on October 9, 2011, when army soldiers killed over 20 Coptic protesters. Yet the church leadership held firm to its support of the army-led transitional government, indicating that it was unable or unwilling to risk any disruption to the church-state relationship, bounded by the national unity discourse. Demonstrations held days later also saw protesters chant national unity slogans in response to the Maspero massacre, illustrating the way that this discourse acts as a refuge and defense in times of violence against Christians, rather than becoming a target for criticism.[2]

This indictaes that despite (or because of) the events of 2011 Copts continue to hold to their historic stance that the protection of Copts is to be found in their loyalty to the Egyptian nation and Egyptian citizenship (cf. Labib 2004) and not in outside interference or special protection as a differentiated minority even in times of violent attacks on the community. The brief experience of Muslim Brotherhood rule during the presidency of Mohammed Morsi from 2012-2013 has reinforced the argument that security for Copts and continued existence in the homeland of Egypt is only guaranteed by a cooperative relationship with the government via the Church leadership in promoting the idea of a civil state as opposed to a religious state that would see the encroachment of political Islam that would force Christians out of Egypt. Consequently, after a period of instability and uncertainty about the shape of the relationship between church and state and between individual Copts and their government after 2011, the ouster of Morsi and institution of Abdul Fattah al-Sisi as president seem to have sealed the return to the church-state pact (Guirguis 2016: 96).

This support did not protect them from a backlash when Copts were targeted for this support, with around 80 churches and Coptic properties being attacked and often set on fire immediately after the ouster. In fact, this actually played into the resurrection of the 'cooperation for security' arrangement between church and state because the attacks were likely carried out by Brotherhood supporters. Under the al-Sisi government, the Muslim Brotherhood represented the main enemy of the Egyptian nation and Egypt's 25 January uprising. The attacks on

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2   YouTube User Al Masry al Youm, Maseerat al "wahda al wataniya" tanta-laq min al Azhar lil Kat'idra'iya" [National Unity March starts from al Azhar and Heads to the Cathedral] uploaded October 14 2011, online https://www.youtube.com/watch?v=yzVw5vMrcck, Accessed May 9 2018.

Copts supported the discourse that placed responsibility for trying to break up the unity of Egypt at the door of the Muslim Brotherhood. The cooperation between church and state then reinforced the traditional national unity attitude and provided the government with further justification for the crackdown on the Muslim Brotherhood. It also limits the political freedom of Coptic individuals as they continue to be treated as single political bloc.

As a result, Copts act like a political minority in a kind of millet system, in which political representation is via religious leaders and not via direct representation. Thus while Copts refuse to accept formal protection as a minority, they in fact act like an unofficial minority without the formal guarantees of minority protection or recognition, such as through a parliamentary quota that would guarantee a degree of political representation for Copts as an alternative to the Church-state pact. As in 1922/3, the idea of a quota for Copts as debated post 2011, is seen as undermining national unity but designating Copts as a minority in need of special protections to ensure inclusion. While ideally special measures would not be needed to ensure representation, it remains a reality that there are challenges left unresolved by the aversion to introducing any speech or mechanism that implies Copts are a minority.

The Emergence of IS and Forming a Transnational Narrative of Violence Against Copts

Although the 2011 uprising by and large failed to alter the situation for Copts in Egypt, it has forced some small changes in the dynamics of the community, especially vis-à-vis the way the Coptic leadership shapes the portrayal of events in international circles. Added to this insecurity within Egypt though was the emergence of Islamic State (IS) in Syria and Iraq. This has had the effect of increasing the transnational element of the security threat to Christians in Egypt. Not only is the threat from terrorism stemming from inside Egypt and the Muslim Brotherhood but also international terrorism is reaching in from outside Egypt's borders. In fact, 21 Copts were killed in 2015 in Libya by IS affiliates and in 2017 IS issued a warning that Copts would from then on be a major target (Tadros 2017). A series of attacks on Copts by IS affiliates in North Sinai even led to the internal displacement of a number of Christian families (Ibrahim 2018).

This changing dynamic has led to a new development in the way violence against Copts is portrayed. How to portray attacks on Copts has been a sensitive issue as a result of the minority dilemma described above. It has been particularly sensitive in international circles with Copts in the diaspora who employ minority rights language to call for pressure on the Egyptian government portrayed by Egyptian media in general and also the Coptic leadership, as traitors to Egypt and as seeking to undermine Egyptian sovereignty. This is part of the legacy of the historically embedded sense that foreign actors exploit calls for minority protection to undermine Egyptian sovereignty and national unity (Iskander 2012b). However, IS's rise to global prominence in 2014 has provided a new context. That is the adoption of the genocide discourse that has also been employed by Christians and other communities such as the Ezidis (Yezidis) in Iraq and who have suffered extreme violence and displacement as a result of the actions of IS (Monier 2017).

The actors involved in raising international awareness of the persecution of Copts have also changed with church leaders in the diaspora becoming increasingly visible in global media rather than the Coptic civil society activists that had in previous decades sought to campaign for minority protection. Figures like Bishop Angaelos, the Coptic Bishop of London, have been heavily involved with the campaign for the US congress to describe IS's actions as a genocide against Middle Eastern Christians and Ezidis. He has spoken on the BBC's Hardtalk programme about genocide against Christians in the Middle East and the persecution of Copts, as well as the need for the global community to act.[3] Similarly, Bishop Suriel, Coptic Orthodox Bishop of Melbourne, has been increasingly vocal in Australian media and social media (Saad and Westbrook 2017) in publicising attacks on Copts and calling for global awareness about the genocide of Middle Eastern Christians. [4]

While such figures might occasionally use the term minority in their speech or writings, this is not usually to call for protection as minorities

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3   Bishop Angaelos on BBC Hardtalk, 24 April 2017, Accessed 26 February 2018, Online: http://www.bbc.co.uk/programmes/p0509gzz ; Interview with General Bishop Angaelos, BBC Hardtalk, 20 August 2014, Accessed 26 February 2018, Online: http://www.bbc.co.uk/programmes/n3csw9hh

4   See for example, The Horrific Genocide of Christians in the Middle East, *AINA,* August 2 2014, Accessed 26 February online: http://www.aina.org/news/20140801201647.htm

but for protection of citizens that are being targeted for their religious affiliation. Their speech also places this call in terms of building a culture of citizenship and justice for all. In his testimony at a congressional hearing on 'Human Rights Abuses in Egypt' in Washington in December 2013 Bishop Angaelos said:

> "Since the uprising, and due to a decrease in law and order resulting from the turbulent period under the rule of Mr Mohammed Morsi, there have been increasing challenges facing Christian and minority groups in Egypt. Having said that, and in looking to the future, we continue to support the current process of rebuilding Egypt with a new constitution and ethos, and support the whole community as it calls for change."[5]

This extract from his testimony still shows a reluctance to use the term minority for Copts by referring to "Christians *and* minority groups" separately. There is also an evident commitment to address the problem of violent persecution within the national framework and as part of addressing the social and political challenges facing the Egyptian nation as a whole, so it is not a call for improving the rights of certain groups but of improving the situation for all Egyptians. This testimony was given in 2013 when the main concern in Egypt was the removal of the Muslim Brotherhood and supporting the presidency of al-Sisi.

Moving into 2014, this speech evolves again to place more emphasis on the genocide aspect as it is from August 2014 onwards that IS really comes into play and the world begins to see the cruelty of their actions in Syria and Iraq. The focus is not on Copts but there is a concern to highlight the violence against Christians, Ezidis and other groups in Iraq, Syria *and* Egypt. In doing so, the attacks on Copts become a global issue beyond borders and not a localized Coptic or Egyptian problem but one that is the responsibility of the international community. It is not a problem of a national minority, but a global problem of citizens targeted by extremists who seek to divide the peoples of the region and are therefore enemies of national unity and regional stability. In this

5   Grace Bishop Angaelos testified at Hearing, *Coptic Orthodox Church Centre UK*, Accessed 27 February 2018, Online: http://www.copticcentre. com/grace-bishop-angaelos-testified-at-a-congressional-hearing/

framework the issue at stake is not one of minority protection from discrimination within national borders, but an ethical one that supports victims of a transnational terrorist phenomenon. This gives a partial answer to the dilemma of how to highlight the problems faced by Copts in Egypt to an international audience without abandoning the Coptic stance on the national minority label. In this way, while history and national politics have bound Egyptians within a national unity discourse that denies the applicability of minority rights to Copts or to an indigenous issue of sectarianism, Copts have sought agency within global debates on the violence against Christians, including Copts, in the Middle East. In this way they have increased their visibility without compromising their stance within Egypt.

In the case of Copts, the deeply embedded rejection of the label appears to demonstrate that the community seeks to remain in control of its own categorisation and to claim agency in the definition of its relationship vis-à-vis national identity and belonging (cf. Iskander 2012a). However, I would suggest that the entrenched and hegemonic national unity discourse that is rooted in the social and political developments that took place in Egypt during the early part of the twentieth century, also acts as a boundary beyond which Copts, and Egyptians in general, cannot step. Consequently, alternative discourses that allow the flexibility to raise awareness of the challenges faced by Coptic community without contradicting the hegemonic of national unity discourse by, for example, utilizing minority terminology, needed to be found to enable the Coptic and Egyptian leaderships to manage the circumstances thrown up by the Arab Spring.

Conclusion: transcending the national minority dilemma in Egypt

This article has revealed that Christians in Egypt have been involved in a process of negotiating their status and belonging since the emergence of the modern independent Egyptian nation. This process is far more complex than a simple minority-majority binary based on religious affiliation. In fact, Copts, and Egyptians in general, prefer not to use minority-majority language for historical and political reasons that have governed the way the understanding of the term minority has evolved and been applied since the early twentieth century and into the present day. This has affected the way Copts respond to and portray violent

attacks on their community as they negotiate constructions of identity that are at once both religious and national. As a result, how to respond to the label of minority that is frequently applied in international media and political speech has been a particular dilemma for the leaders of the Coptic community.

Copts are not without any agency and seek to influence the way they are portrayed both in Egypt an internationally. The most recent phase in this continual process of negotiating the status of Copts in the nation is the post-2011 period during which there were social and political ruptures leading to instability in forms of political action and social relations. In response to this, and particularly to the uptick in violence against Christians in the Middle East with the emergence of IS, Coptic leaders in the diaspora have constructed new spaces in which they can normalise their visibility and raise awareness of the struggle with sectarian violence without having to employ calls for the protection of minority rights for Copts. This has come in the form of taking an active part in the global discussion of genocide against Christians (and other groups) in the Middle East.

While tapping into a globally recognised and emotive genocide discourse they continue to hold to their historic stance that the protection of Copts is to be found in their Egyptian citizenship, not in outside interference. Copts are not bypassing the nation in doing this but are actually seeking to reinforce national unity narratives and calls to strengthen the culture of national citizenship. It also avoids the marginalising accusations of factional interests that raising issues of Coptic rights directly at national level has previously provoked. This has enabled them to partially bypass the dilemma over minority language while at the same time providing a framework within which to discuss and raise awareness of the violence against Copts in Egypt to an international audience.

While it appears that Copts, in adopting and adapting to this format for discussing the violence against Christians in Egypt, are asserting agency over their representation, they are also constrained by the rejection of the minority label. The historical narratives that problematise any mechanisms that could guarantee representation and inclusion specifically for Copts because of the negative association with creating Copts as a permanent minority community, for example a parliamentary quota, form a barrier to achieving representation of Coptic concerns except via the Church leadership. This has not prevented Coptic interests from being seen at the national level as other to Egyptian interests.

Additionally, authority is centralised in the religious leadership which eventually undermines a secular conception of citizenship or political representation and in effect maintains the religious aspect of the boundary between citizens because representation is based on religious affiliation. Although the church leadership in the diaspora has been engaging with international audiences using new language of genocide against Christians in general, the situation within Egypt is more guarded and the speech is less innovative. Within Egypt there is heavier reliance on the traditional national unity speech that dominates any issues that touch on Muslim-Christian relations and maintains the status quo; a system of unmentionable majority/minority relations that enable the entrenched inequalities to persist. Even in the diaspora the innovations adopted in the portrayal of Coptic concerns and attacks on Christians to international audiences remain restricted by the limitations that require the avoidance of speech that could suggest that Copts are a minority who require any special guarantees to ensure their representation and security within the Egyptian nation.

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Religious Minorities as "Subalterns" in Post-2011 Morocco: Between Modalities of Co-existence and the Quest for Recognition

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Abstract

Given the debate currently prevailing over religious freedom in post-2011 MENA, the provision for a rationale for investigating the official discourse on religious minorities in Morocco in the light of the recent religious institutional reforms and the "Marrakech Declaration" is likely to maximize spaces of contesting the State's (semi) authoritarian (Ottaway, 2013) strategies of controlling the (un)equal inclusion of "subaltern" [1] religious groups as well as renegotiating the notion of equal citizenship. In this regard, this paper seeks to re-problematize the religious majority-minority dialectics in Morocco as a predominantly Muslim country where Sunni Malikite Islam is a source of political legitimacy and the basis of the State's identity. It also looks within a critical framework at the different ways through which the Moroccan government has intended to institutionalize the religious field and "modernize" it. My readings then reveal how the recent reforms carried out by the Islamist government are nothing but an instrument of political power that is used to both strengthen the religious authority of the monarch and homogenize religiosity among Moroccan Muslims

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1   The term "subaltern" was coined by Antonio Gramsci in his collection of *Selections from the Prison Notebooks* (1929-1935) to denote the inferiority of a specific noncommissioned military troop to military hierarchies, particularly, to authority generals, colonels and lieutenants. The same concept was later deployed by Gramsci in reference to non-hegemonic classes who are completely excluded from positions of power and hence relegated to an inferior position in society. The "minorities" in Morocco, in this regard, are placed in a lower rank because of their religious or non-religious affiliations.

while restraining the religious freedom of other individuals. This article equally endeavors to divulge how social media functions as a powerful virtual tool through which religious minorities show dissent and demand individual liberties.

Keywords: Post-2011 Morocco, Religious Freedom, Religious Minorities, Discourse Analysis, Socio-Political Inclusion/Exclusion, Nation-State- Hegemony, Resistance

Introduction

Following the tumultuous events of the so called "Arab Spring," the issue of religious freedom in the MENA region, and more particularly in Morocco, became a central local and western media concern, culminating into rounds of debates over whether the 2011 large public demonstrations in Morocco led to a deep constitutional change that would determine future prospects of religious minorities or they merely contributed to a reshuffle in Moroccan politics. Ever since the Party of Justice and Development (PJD) managed to position itself as a leading Islamist conservative party in the country after winning the 2011 parliamentary elections, Morocco has gone through a whole process of political transformation that involves the wider religious sphere. The incremental institutionalization of the religious field came in a context of wider political and economic series of reforms the government carried out in different sectors in an effort to reduce poverty, and alleviate the intensity of socio-economic grievances that culminated in the "radicalization" of the impoverished segments of Moroccan society, especially the youth.

The reforms also came as a response to the pressures wielded by the international community as a result of the growing specter of home-grown terrorism in addition to immigration issues pertaining to the Moroccans living in Europe. In parallel to political pragmatism and the security measures associated with radical religious ideology, the state adopted an official religious discourse of a "Moroccan Islam" which revolves around "tolerance," "moderation," "openness," and "coexistence" (Hmimnat, 2009). Such broad concepts apply to a more updated version of religious liberty in its modern legal sense. As stated in article 3 of the Moroccan Constitution, "Islam is the religion of the State, which guarantees to all the free exercise of belief," [2] including

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2   Please, see the official translated version of the 2011 Moroccan consti-

freedom of religion and "the freedoms of thought, of opinion and of expression under all their forms" (Ruchti, 2012). Although the constitution explicitly recognizes freedom of belief and thought, in reality, a significant number of Moroccan Christians, Baha'is, Shiites, as well as the non-religious are still discriminated against, marginalized, and are subject to investigations and detentions by the authorities.[3]

Against the backdrop of systematic marginalization, coercion and bias against Moroccan religious minorities, this article is devoted to demonstrating the disruptive techniques of resistance deployed by religious "subaltern" actors in what Antonio Gramsci (1971) labels ongoing "war of manoeuvre/ war of position"[4] to negotiate and challenge hegemonic centers of power, thereby unveiling their own narratives of dissidence, social (in-) justice and religious as well as political freedom. Throughout this paper, we will consider some very crucial questions: does religious freedom exist in Morocco? What strategies has the state adopted to manage the religious field? What kind of significant reforms has the current Islamist government carried out to instigate democracy and guarantee freedom of thought and religion? What is the meaning of equal citizenship under the 2011 constitution and the Marrakech Declaration? Is the Marrakech Declaration a Muslim call for protecting religious minorities or a call for freedom of religion? And last but not least, what role has social media played in mobilizing religious groups and human rights activists?

Investigating the Official Discourse on Religious Freedom in Morocco in the Light of the 2011 Constitution

For many centuries, Morocco has been primarily a Muslim society in which religion plays an instrumental role in generating and reinforcing ideological force for politics, cultural identity and nationalist

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tution. Available at https://www.constituteproject.org/constitution/Morocco_2011.pdf (accessed 23 February 2018).

3 For more details, see the 2016 State Department International Religious Freedom Report on Morocco. Available at https://www.state.gov/j/drl/rls/irf/2016/nea/268906.htm (accessed 22 January 2018).

4 For a thorough discussion of the Gramscian couplet "war of manoeuvre/ war of position", see A. Gramsci, Q. Hoare and G. Nowell-Smith, *Selections from the Prison Notebooks*. New York: International Publishers, 1971.

consciousness in contrast to many other North African communities (Rondot, 1973: 41- 50). Building on the traditional religious school of malikism which draws from Sunni Islam and scripturalist orthodoxy, the monarchial institution has not only managed to maintain control over the political field, but it has also been able to maneuver the potential threat of political Islam and ward off the perils of religious extremism (Tozy, 1999). In fact, religion in Morocco has been plainly interwoven with politics since article 41 and 42 of the constitution represent the king as "Commander of the Faithful," "the Supreme Representative of the State" and "Symbol of the unity of the Nation" (Ruchti, 2012). In his 30 July 2004 speech, the monarch reiterated this by stating that "in the Moroccan constitutional monarchy, religion and politics are united only at the level of the monarch, as "Commander of the Faithful". [5] Hence, the instrumentalization of Islam has been an integral component of monarchial political power and religious policy.

Interestingly enough, the official discourse about Moroccan religious tolerance and cultural diversity has been framed and controlled by the state. On several occasions, the Minister of Endowments and Islamic Affairs Ahmed Taoufiq has conveyed Royal messages in which he pointed out that Morocco has been historically "an outstanding model" in the way it has embraced multiple civilizations and faiths together in its soil, where coexistence, peace and tolerance prevailed among Jews, Christians and Muslims in urban and rural areas.[6] This tolerant attitude, he added, accounts for the country's rich Moroccan-Andalusian heritage "which united different religious groups and initiated the development of exchanging knowledge, philosophy and science ("King Mohammed VI's Message," 2016, para. 13). Yet while the Moroccan State has recognized the freedom of religion for Jewish people and foreign Christians, the rest of Moroccan religious minorities, namely Christians, Shiites and Bahais or even non-religious actors, as reported by the US State Department's Bureau of Democracy, Human Rights

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5   Speech by Mohammed VI. Available at http://www.maroc.ma/en/royal-speeches (accessed 20 January 2018.

6   For further detail, see The full text of King Mohammed VI's message in the conference on "The Rights of Religious Minorities in Muslim Countries", read by Minister of Endowments and Islamic Affairs, Ahmed Toufiq. Available at https://www.moroccoworldnews.com/2016/01/178185/king-mohammed-vis-message-to-conference-on-rights-of-religious-minorities-in-muslim-countries (accessed 23 January 2018).

and Labor (DRL), 2017, have been persecuted and have had nowhere to practice their beliefs. According to a survey previously released by the (DRL) on August 15th, 2016, Moroccan Christians, Bahais and Shiites are discriminated against as they are considered as "minorities" in a country where more than 99 percent of the population is composed of Sunni Muslims (as cited in Lahsini, 2017).

In the wake of the large public protests in Morocco, which were inspired by the so called "Arab Spring," and following a 2011 constitutional referendum, the people approved of a new constitution which demonstrated the monarch's relinquishing of some of his legislative powers, recognized Morocco's cultural diversity, and promoted new civil rights and individual liberties. Yet although the Moroccan constitution guarantees freedom of thought, expression and assembly, and the free exercise of belief to everyone, there still exists a law that discriminates against non-Muslims. For instance, article 220 of Morocco's penal code prohibits proselytizing and disseminating Christian religious materials (Bureau of Democracy, Human Rights and Labor, 2017). Any attempt to evangelize Moroccans, especially children and poor people, is considered as a threat to *Imârat Al-Mu'minîn* (The Emirate of the Faithful) which represents the religious legitimacy and political power of Morocco's constitutional monarchy. This breach of religious liberty, in fact, remains in total contradiction with the human rights principle of adopting a religion on the basis of a person's free decision.

Indeed, the controversy and contradictions over religious freedom in Morocco markedly came to prominence following the governments' adoption of the 2011 new constitution. Human rights organizations and local Christian leaders, in this respect, reported that in March 2016 several Moroccan Christians were detained and questioned about their beliefs and contacts with other Christians, and some of them were even forced to abandon their faith (Bureau of Democracy, Human Rights and Labor, 2017). On March 6th 2016, for instance, a Moroccan Christian from Guelmim was arrested and interrogated by the Royal Gendarmerie for five hours about his belief. On March 10th 2016, another Moroccan Christian from Salé was arrested by the police and was taken off a bus after announcing his new faith to the passengers. After eight hours of detention, the individual was accused of apostasy and was allegedly coerced to reconvert to Islam. One way to pressure Christian converts to renounce their faith was by informing the converts' friends, relatives and employers. Although the two Christian converts filed a complaint

to the Ministry of Justice in March 2016 about their detention and interrogation, the authorities took no initiative in investigating the incidents (Bureau of Democracy, Human Rights and Labor, 2017).

The 2016 international religious freedom report also indicates that local Christians are not the only religious minority that faces persecution in Morocco. In May 2016, a Moroccan Shia Leader Abdou El Chakrani was arrested for "alleged financial improprieties" (Bureau of Democracy, Human Rights and Labor, 2017). However, some Shia officials later confirmed that he was detained for his religious orientation and his attempt "to register an association affiliated with Shia leaders" (Bureau of Democracy, Human Rights and Labor, 2017) and not for his financial misconduct. In the same vein, while the government continued to allow foreign resident churches to register with the Ministry of Interior officials, local Shia and Baha'is, who constitute less than 1 percent of the population, could not form associations under which they can operate officially. Moroccan Baha'is, on the other hand, continued to report government rejection of their registration requests which led them to refrain from public worship and meet discreetly in members' homes. The graph below by the Varieties of Democracy program V-dem shows that Morocco, in 2014, had very low rating of freedom of religion which was estimated at approximately 0.78 (as cited in Arroub, 2016: 22). This means that Moroccans' freedom of religion was hardly respected by the authorities; it was even sanctioned by the law.
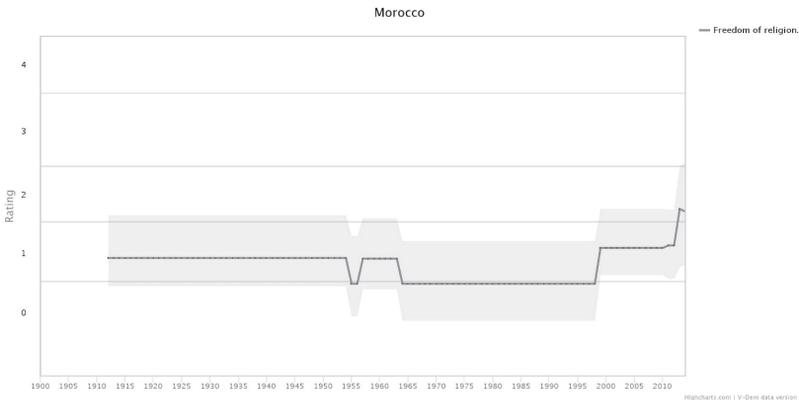
The level of freedom of religion in Morocco and other countries was measured by the V-dem program as follows:

0- Not respected by the public authorities.

1- Weakly respected by public authorities.

2- Somewhat respected by public authorities.

3- Mostly respected by public authorities.

4- Fully respected by public authorities.

Such rating clearly demonstrates that Moroccans are unable to express publicly another faith apart from the official faith of the state - the Sunni Malikite Islam. Despite their exposure to daily harassment and pressure by the authorities, Moroccan Shiite, Baha'is and Christians never gave up their quest for recognition as Moroccan citizens who are supposed to enjoy equal political and civil rights. It is this concept of equal citizenship which will be dealt with next under Morocco's Post 2011 religious reforms and in the light of the Marrakech Declaration.

Contesting the State's Semi-authoritarian Strategies and Coercive Mechanisms of Religious Control

The link between politics and religion in Morocco as has been mentioned earlier is framed by the Monarchy's religious dominance. The state's semi-authoritarian strategy of control over the religious field was launched following the May 2003 terrorist attacks in Casablanca. A panoply of security measures, in this respect, were adopted by the authorities to fight extremism and promote a moderate version of Islam which advocates peace and religious tolerance. However, the question that should be addressed here is can religious tolerance, cultural diversity and moderation, as associated with the so called "Moroccan official Islam," be applicable in a context where tolerance does not insinuate equality of rights of those who are either Moroccan Christians, Shiites, Baha'is, atheists or even those who would like to convert to another religion?

In an attempt to modernize the religious discourse, the state undertook a number of reforms which can be better perceived, according to Maghraoui (2009), "as part of a process of restructuring than as part of a significant theological breakthrough that has the potential for the secularization of the state institutions" (2009: 202). The first step in reforming the religious field, therefore, included an upgrading of the Ministry of Islamic Affairs religious programs. The latter were

revamped by the state in April 2004 in an attempt to structuralize religious education and have monopoly over the religious discourse in mosques. Tolerant messages of a more moderate Islam based on "the true Moroccan values and the uniqueness of the Maliki faith and rite" (as cited in Maghraoui, 2009: 204) were transmitted through the use of modern telecommunication, including *Assadissa* TV channel and a free telephone for Moroccans seeking religious advice. Religious restructuring also included the training of the *mourchidat* (female religious guides) and young imams under the supervision of religious scholars, the creation of local and regional *Ulama* (religious scholars) councils as well as the Council for Moroccans Abroad in addition to the promotion of Sufism as an integral part of Moroccan Islam that would "effectively" counter Wahabism and militant Islam (Maghraoui, 2009: 202). As the minister of Islamic affairs and a follower of the Boutchichi Sufi brotherhood, Ahmed Taoufik noted that "Sufism is constitutive of the Moroccan personality…It is a building block against deviation and the use of religion for goals other than spirituality. Sufism has the particularity of moderation, tolerance and openness to other expressions and opinions" (as cited in Fernandez Suzor, 2007: 13).

Although Sufism has been revived in the Moroccan public sphere as part of a religiosity that promotes interfaith dialog, universalism, peace and tolerance through the organization of spiritual festivals and through today's folkloric Sufi rituals, it still remains intertwined with *Sharifian* politics. Sufi orders have been used by the government to combat extremist views among the youth in Morocco; it has also been used as a strategic tool in its foreign policy towards Sub-Saharan Africa (Chebaki, 2007). In an effort to fight extremist ideologies, the government has coined the catch phrase "Spiritual Security"[7] which has been recurrently deployed in today's political discourse to ensure the homogeneity of religious thoughts among Moroccans. Limiting the concept only to fighting undesirable doctrines, nevertheless, makes it weak and lacking objectivity as it totally discards the spirituality of other Moroccan citizens who have chosen other faiths.

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7   While addressing the Higher Council, the monarch stated that the councils are established in order to "contribute to strengthening the nation's spiritual security, ensuring the preservation of its religious doctrine, which is based on a tolerant Sunni Islam . . . and to guide the people and combat those who hold extremist views" (see *al-maghrebia*, 4 October 2008).

In the aftermath of the 2011 constitutional reforms, which were essentially cosmetic and driven by the agenda of a reigning monarchy and the PJD-led Islamist government, the state continued its long established policy of control over religious affairs by training more imams and female spiritual guides and by inaugurating Mohamed IV foundation for African Islamic scholars in Fez in an effort to safeguard the image of a moderate Sunni Malikite Islam in West Africa and protect it from the influences of other Islamic doctrines. Another initiative which came as a response to the egregious persecution against ethnic and religious minorities in Muslim-majority contexts by violent extremist groups associated with DAESH or the so called ISIS was the January 2016 Marrakech conference on *The Rights of Religious Minorities in Predominantly Muslim Majority Communities*. The conference was organized jointly by the Ministry of Endowment and Islamic Affairs in the Kingdom of Morocco and the Forum for Promoting Peace in Muslim Societies based in the United Arab Emirates, under the patronage of His Majesty King Mohammed VI. Hundreds of scholars, religious leaders and clergy representing a broad range of religions and schools of thought within Islam attended the conference which culminated in the drafting of the Marrakech Declaration. Among the Declaration's proposals was the development of constitutional laws grounded on the historic Charter of Medina, a form of contractual citizenship that was formed by Prophet Muhammad (Peace be Upon Him) in the 7th century to ensure the equal treatment of all in the multi-religious society of Medina. Led by the religious scholar Sheikh Abdullah bin Bayyah and affirmed by forty-two governments, including Morocco, the Declaration stressed the need for urgent cooperation among various segments of Muslim-majority societies to protect "minority" rights based on a legal framework for equal citizenship and on the fundamental Islamic values that strengthen bonds of humanity between tribes and races and prohibit religious compulsion. The Declaration goes further by affirming that "Cooperation must go beyond mutual tolerance and respect, to providing full protection for the rights and liberties to all religious groups in a civilized manner that eschews coercion, bias, and arrogance" [8].

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8   This statement is taken from the Executive Summary of the Marrakesh Declaration on the Rights of Religious Minorities in Predominantly Muslim Majority Communities issued by Muslim scholars and politicians on January 26th, 2016 in Marrakech. Available at   http://www.marrakeshdeclaration.org/marrakesh-declaration.html (accessed 23 January 2018).

This framework, bin Bayyah (2016) argues, is in harmony with the Universal Declaration of Human rights which is ironically seen by many Muslim communities and institutions as an irrelevant discourse and a purely Western invention advocating values of secularism and individualism. Formulated within the framework of human rights, the Marrakech Declaration is, thus, presumed to strengthen the legitimacy of human rights with core Muslim values and traditions. The declaration is also claimed to be a clear call for protecting religious minorities' rights in the Muslim world and for taking necessary political and legal steps to establish a constitutional contractual relationship among its citizens based on principles of equal treatment, inclusion and pluralism. It equally urges intellectuals and authorities to challenge religious bigotry and reconsider educational curricula dealing with materials which insinuate extremism and aggression. At this juncture, the following questions arise: if the Declaration is based on Islamic traditions, freedom of religion and principles of equality and co-existence among religious groups, how would Muslim jurists interpret article 14 in the Charter of Medina which states that "A believer shall not slay a believer for the sake of an unbeliever, nor shall he aid an unbeliever against a believer"? [9] Is the declaration a call for religious freedom or just a declaration on religious minorities?

If religious freedom is understood as the right of the individual to criticize religion, convert to another religion or become non-religious, then these rights are not part of the Marrakech Declaration. The latter, in fact, received far less attention from local media and from religious minorities in the Muslim world than it did outside it. Many critics attributed the lack of media coverage to the participants' lack of interest in bringing to the fore the social and institutional discrimination and restrictions religious minorities face in countries such as Saudi Arabia, Iran, and Pakistan (Hayward, 2016: 6). In such countries apostasy remains deeply problematic. Even in Morocco, which was extoled by the Conference participants as a land of peaceful co-existence between religious groups, it is prohibited to use any means of temptation to shake a Muslim's belief. As has been mentioned earlier, many Moroccan Christians, Bhais, Shiites are still forced to practice their religion in secrecy; they risk prison and physical punishment. They also

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9   This text is taken from A. Guillaume, *The Life of Muhammad—A Translation of Ibn Ishaq's "Sirat Rasul Allah".* Oxford, UK: Oxford University Press, 2002.

risk cancellation of parental custody and inheritance rights (Petersen & Moftah, 2017). Even those who do not practice any religion or criticize it are persecuted and discriminated against and are treated as traitors to their faith and nation. It is therefore appropriate to mention that the concept of equal citizenship or what has been referred to in the Declaration as a "contractual citizenship", a legal prescription that purportedly goes beyond the majority-minority binary to ensure equitable relationships among citizens based on mutual recognition of rights and responsibilities among them, can hardly be concretized and operationalized in Muslim majority contexts where local religious minorities continue to face legally sanctioned discrimination.

In this respect, the initiative to implement the legal framework of the Marrakech Declaration can be viewed as ambiguous, utopian and self-congratulatory since it only tries to project before the international community a hypocritical, idealistic image of co-existence, tolerance and respect for diversity with no political will to materialize it. Another problem with the initiative is related to the ideology encoded in the translated English version of the original Arabic booklet available on the Declaration's website. While the booklet includes Shaykh Abdullah bin Bayyah's lecture notes, it totally excludes those of the other speakers. Significant sections in the Arabic version have also been edited out of the English version or have not been translated at once. The sections that were not translated into English include an outstanding but brief discussion on the traditional definitions of *Jihad*, and *ahl al-dhimma* or "people of the book."[10] Paradoxically, such "Islamic principles" are

10   *ahl al-dhimma* or "people of the book" are non- Muslim individuals, including Christians and Jews, living in Muslim lands, who were granted special status and protection in Islamic law in return for paying capital tax or *Jizya.*

11 On November 17, 2017, the independent digital press Hespress live-streamed a seminar titled, "'Religious Minorities' in Morocco: Between the Real and the Imaginary", in which a Moroccan Christian, a Bahai, and a Shiite expressed their views about religious freedom in Morocco. Available at https://www.youtube.com/watch?v=hD0lbffiJh8. (accessed 20 January 2018).

12 Speaking to Med-radio host Ridouane Erramdani on his show "*Fi Qafass Al Ittiham*" (In the dock) broadcast by "Kifache" YouTube channel on January 1, 2017, Moroccan Christian Zouhir Doukkali voiced his stridently outspoken views about the way Moroccan Christians are treated by the authorities and their families. He also affirmed that faith is a personal matter and concluded by demanding full recognition as a Moroccan Christian citizen. The

invoked in the Medina Charter which was adopted by ISIS in 2014 as the basis of its constitutional proposals culminating in more fanaticism and thus more atrocities.

More importantly, some critics responded to the Declaration by mentioning the failure of similar initiatives and interfaith declarations in the past, including the 1990 Cairo Declaration on Human Rights in Islam, the 2002 First Alexandria Declaration of the Religious Leaders of the Holy Land, the 2004 Amman Message, and the 2010 Mardin Conference, to organize and mobilize action to advance peace and reduce sectarianism (Mumisa, 2016). Ironically, none of the aforementioned declarations culminated in tangible positive measures to meet their stated goals. Secular critics, on the other hand, viewed the effort as too Islamic in nature since it aims to frame modern laws by reference to religion, which, they believe, is deeply problematic (Hayward, 2016). Such kinds of initiatives, according to Ottaway 2013, are common in semi-authoritarian states which are

> ambiguous systems that combine rhetorical acceptance of liberal democracy, the existence of some formal democratic institutions, and respect for a limited sphere of civil and political liberties with essentially illiberal or even authoritarian traits. (2013: 3)

Semi-authoritarian systems, in this sense, employ deliberate ambiguous mechanisms to retain control over the religious affairs of the state by maintaining the façade of democracy without losing hold on monarchial political power. The semi-authoritarian regime emerges in a "vast gray zone" (Ottaway, 2013: 6) where the democratization process is consolidated at one end and authoritarianism at the other. Such a "hybrid" regime opens up a new political space on matters pertaining to the freedom of the press and individual liberties, including religious freedom, without putting the continuation of government control at stake.

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whole interview is available at https://www.youtube.com/watch?v=Vs1OgD9-id0&t=2s (accessed January 20, 2018).

[13] "Moroccan and Christian" YouTube channel was created on March 15, 2016 by a group of Moroccan Christians with the objective of clarifying some misconceptions about Moroccan citizenship and Christianity. Available at https://www.youtube.com/channel/UC117bsAjyw-1v0FmJb2_HmQ/about (accessed November 29, 2017).

In response to the systematic marginalization, persecution and coercion against religious minorities in Morocco, a number of Moroccan Christian activists, namely Brother Rachid, a host of an evangelical Christian TV program in Europe, and other local Christians, Baha'is and Shiites took full advantage of social media. They not only created YouTube channels but also took part in live-streamed seminars held by the Moroccan independent digital press Hespress. They were also guests in programs broadcast on local radio stations in an attempt to enable their visibility and stand up for their full rights as citizens.

Social Media as a Virtual Discursive Platform for Expressing Dissent and Demanding Recognition

No doubt, social media has emerged over the past few years as a subliminal terrain which allows for the reproduction of dominant relations of power and resistance and helps shape public understanding and thoughts of a whole group of people. It has definitely served as a cyber-activism tool for mobilization, communication and coordination either before or after the Arab uprisings. Facebook, Twitter, and YouTube, in particular, have reinvented a high tech public sphere where the state attempt to control and orient the religiosity of Moroccans is contested and challenged. Such modernized semi-authoritarianism, Ottaway further explains, "leave enough political space for political parties and organizations of civil society to form, for an independent press to function to some extent, and for some political debate to take place."(Ottaway, 2013: 3). A few months after the Marrakech Declaration was launched, the first videos on the YouTube channel "Moroccan and Christian" sparked much controversy and created even more divided reactions among Moroccan citizens. Such videos display Moroccan men and women's stories of their conversion from Islam to Christianity and the various stigmas that come along with the process. Their testimonies also show their discontent with governmental harassment and continuous societal and familial pressure, including ostracism by converts' families which make them refrain from public worship. Using YouTube as an open democratic virtual platform, the Christian activists not only challenge state monopoly over information in the religious field but they also heighten social and religious awareness by focusing on national unity and identity. In this sense, the new technologies, as emphasized by Lynch 2013, are used as a tactful tool to shift "the overall control of the public sphere from state controlled media to the satellite and social media"

(as cited in Mahmood, Firdaus, & Adnan, 2014: 4). In the same vein, Dale F. Eicklman (2003) argues that access to the new technologies has:

> eroded the ability of authorities to censor and repress, to project an uncontested ''central'' message defining political and religious issues for large numbers of people…Censors may still restrict what is said in the mainstream press and broadcast media, but these media have lost the exclusivity they once had…the availability of alternative media have irrevocably altered how ''authoritative'' discourse is read and heard. (2003: 33-34)

Clearly, social media provides a suitable environment for Moroccan religious minorities to mobilize, voice their dissent and demand recognition as individuals who have the capacity to achieve their religious as well as social and political rights.

Conclusion

This article has sought to shape a relatively comprehensive view about how the religious majority-minority dialectics are problematized in the light of the recent institutional religious reforms in Morocco and the Marrakech Declaration. No doubt, the Marrakech Declaration is one such effort which is intended to encourage religious freedom and mutual tolerance among religious groups. Still, such an initiative must not be viewed as elitist, one that is supported only by Sunni, Saudi and UAE Muslim organizations and actors. The wider Muslim community should get involved in advancing the goals of the Declaration across regional, sectarian and racial borders while reconsidering its legal framework, especially, the *dhimmi* law practices which undermine the treatment of religious ''minorities'' as equal citizens. I believe that the PJD-led government official rhetoric about religious liberty, tolerance and co-existence might be plausible and effective if it is conceived in a way that frees citizens from the state doctrinal dogmatism as well as political obstacles. In order to go beyond such a schizophrenic cohabitation between the state desire to tolerate religious minorities and its semi-authoritarian tendencies of controlling their inclusion, more philosophical intellectual engagement is needed along with an updated understanding of religion which goes beyond structural ideological barriers and which conforms to the urgent demands of political modernity and democratic political institutions.

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Religious Minorities in the Sherifian Kingdom of Morocco: Change and Lack of Change

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Abstract

When Arab Spring swept to Morocco in 2011, many popular protests took place all over the country. King Mohammed VI smartly responded to the Moroccans' demands, and announced profound constitutional reforms which might democratize the country. Nevertheless, the new constitution did not make deep changes concerning the issue of religious minorities in Morocco; along with Islam, the official state's religion, only Judaism has become recognized by the state and, therefore, more privileged than other religious minorities such as Christianity and Baha'i faith. The marginalization of other religious components brought about serious public debates on whether or not religious freedom exists in Morocco. In my short article, I will try to briefly deconstruct the concept of religious choice according to the new Moroccan Constitution, with an attempt to shed light, through many cases of annoyance and imprisoned Moroccan Christians and Baha'is, on the contradictions associated with religious freedom in Morocco. It would be also an attempt to criticize the state's policy for homogenizing religion in Morocco, impeding people from converting to other religions. In doing so, Morocco's violations of international laws put the country in troubles. Last but not least, my article is but an attempt to show that Morocco's progress to achieve democracy is moving at snail's pace. Accordingly, recognizing all minorities would be a progressive step to embrace real democracy.

Keywords: Morocco, Religious Minorities, 2011 Moroccan Constitution, Universal Declaration of Human Rights, Democracy, Individual Freedoms, Christianity, Baha'i.

The term 'minority' may refer to a group of people who are different from the majority of population in terms of religion, race, language, sexual and political orientation, and ethnicity, to name but a few. This majority is considered to be the norms simply because of the fact that they follow the mainstream culture within society. Hence, in social sciences' approach, the term 'minority' could be used in order to describe social power relations between dominant and dominated groups. However, minority could also mean a demographic variation within a particular population. In his Racial and Ethnic Relations[1], Fagin enumerates five characteristics for a minority group; suffering discrimination and subordination, physical and cultural particularities like skin color and language, involuntary membership in the group, awareness of subordination, and the tendency to marry within the group.

Minority groups could be defined as excluded groups from the dominant culture. It is, therefore, the society that gives the membership of belonging to the majority. Furthermore, it is crystal clear that minority groups have less power and do not enjoy the same rights as the majority groups do. Minorities are suffering discrimination and inferior status within society. All the same, any attempt to oblige minorities to adopt the mainstream culture norms may inspire inflexible resistance. In modern states, we could distinguish between two kinds of minorities: national / territorial and transnational minorities. While the former are national or were created during the nation-building process, and are often granted more rights and privileges, the latter are the result of international migration whose usual demands are for equality, recognition, and access to citizenship[2]. To put it simply, minority groups are viewed as possessing cultural and physical qualities which are not approved of or preferred by the larger population.As a result, minority groups have been all the time striving for their rights and individual freedoms. Individual freedom or Individualism could be meant as the "belief in the primary importance of the individual and in the virtues of self-reliance and personal independence".[3] In this very context, Jean Paul Sartre,

1   Joe R. Fagin (1984). *Racial and Ethnic Relations*(2nd ed.). Prentice-Hall. p. 10. ISBN 0-13-750125-0.

2   Z. Layton. Henry. International *Encyclopedia of the Social & Behavioral Sciences*, 2001, Elsevier BV, p. 9894-9898. DOI: 10.1016/b0-08-043076-7/01918-5

3   Individual freedom. (n.d.) *American Heritage Dictionary of the English*

one of the most influential philosophers of all time, whose theories on existentialism and freedom , tries to explore the meaning of being free and having a free will. For him, "Man is condemned to be free, because once thrown into the world he is responsible for everything he does"[4] Sartre emphasizes that human being is free as long as he is self-aware, and the choices he makes certainly define his essence and his purpose of life. Furthermore, there is no restriction that deprives us of being what we want to be[5].

It is clear that the concept of freedom has been controversial in the sense that philosophers and theoreticians are working on it and still are trying to find broader space wherein everyone could enjoy their rights. However, in some undemocratic countries people are not able to enjoy their individual freedoms as much as the Universal Declaration of Human Rights[6] allows. In this regard, our focus on minorities' choices and freedoms will be the core of this paper especially that they do not enjoy their rights merely owing to the fact that they are different from the majority, the larger population within society. At this moment, this paper will shed light on religious and sexual minorities particularly in Morocco as it is going through unprecedented clashes with those minority groups. In other words, the state of Morocco is a member of the United Nations and has signed many UN human rights conventions and treaties[7].

"…the appropriate normative framework for protecting religious minorities is that set of international human rights standards that

Language, Fifth Edition. (2011). Retrieved August 2 2018 from https://www.thefreedictionary.com/Individual+freedom

4   Martin Heidegger, Simone de Beauvoir, Jean-Paul Sartre (2016). _"The Philosophical Library Existentialism Collection: Essays in Metaphysics, The Ethics of Ambiguity, and The Philosophy of Existentialism"_, p.167.

5   Paraphrased from https://yourstory.com/2017/06/jean-paul-sartre-philosophy-existentialism-freedom/

6   United Nations. (1998). _The Universal Declaration of Human Rights_, 1948-1998. New York: United Nations Dept. of Public Information, articles 1 and 2.

7   Paraphrased from http://www.claiminghumanrights.org/morocco.html

constitutes "religious human rights" or what are perhaps better referred to as "belief-related rights"[8]. They include four guarantees:

- The right of freedom of religious or conscientiously-held belief and its manifestation or exercise;[9]

- The right to equality, known as freedom from discrimination "based on religion or belief";[10]

- The right of members of "ethnic, religious or linguistic minorities" to profess and practice their religion or belief, to enjoy their culture, and to use their language;[11]

- The right of individuals, including members of minorities, to be free of becoming the target of "any advocacy of… religious hatred that constitutes incitement to discrimination, hostility, or violence;[12]

Nonetheless, like other minorities, Moroccan religious minorities are widely perceived to be "a threat to national equanimity and security"[13] which puts them at risk[14]. Basically, Morocco seems to endorse human rights as stated in both the constitution and the international treaties it has already signed. It is true that the Moroccan constitution does protect individual liberties despite the fact that the country's ruler King Mohammed VI, the highest authority in Morocco, is the Commander of Believers, and whose power is legitimately Islamic. As far as the

8   Little, David (2002). Religious minorities and religious freedom: an overview. *Protecting the Human Rights of Religious Minorities in Eastern Europe*. P.35. Retrieved from http://eds.b.ebscohost.com.libproxy.aui.ma/eds/ebookviewer/ebook/bmxlYmtfXzkyMTA2X19BTg2?sid=efc4c53c-5ee2-412b-af05-af42225e48b3@pdc-v-sessmgr02&vid=1&format=EB

9   Universal Declaration of Human Rights (UDHR), Art.2, 18, International Covenant on Civil and Political Rights (ICCPR), Art.18, and the UN Declaration on the Elimination of All Forms of Intolerance or Discrimination Based on Religion or Belief (DEID), Art.1.

10   UDHR, Art.2,7 ; ICCPR, Art.2.1, 26 ; DEID, Art.2.

11   ICCPR, Art.27.

12   ICCPR, Art.20.

13   Danchin, P. G; & Cole, E. A. (2002). *Protecting the Human Rights of Religious Minorities in Eastern Europe*. New York: Columbia University Press. P.33.

14   Ibid,

problematic of individual freedoms in Morocco is concerned, it basically dates back to the establishment of the modern state in the sense that after independence in 1956 and the nation-building process, Morocco established a religious conception of the state. Thus, individual liberties have been associated with Western values, the fact that has made it difficult for Moroccans to adopt the concept of individual liberties in particular and modernity in general. This psychological dilemma pushed people not to recognize the individual, the cornerstone of individual liberties. In the Arab-Muslim countries, Man is not given the right to freely choose their life style for many reasons, one of which is that in the Islamic cultural system, Muslims still consider themselves as a community [jamāʿa جَماعة]. The concept of community is very essential in this context, William G. Brueggemann defines communities as "…natural human associations based on ties of relationship and shared experiences in which we mutually provide meaning in our lives, meet needs, and accomplish interpersonal goals"[15]. It would be safe to point out that the individual sees community as a threat to human freedom which is the essence of humanity in general. Accordingly, the individual in the Arab-Muslim world faces the community which does not recognize whoever outside the dominant culture. Ahmed Assid, a Moroccan Berber intellectual, philosopher, poet, professor, and civil society as well as political activist, argues that Muslims consider themselves as a coherent and harmonious religious community, and that every individual who is out of the community is marginalized and should live away from majority/ community[16]. Along with that, the outsider, continues Assid, is ceaselessly mistreated by the group as if he/she were not a part of society. It is worth pointing out that Assid sees that community makes Muslim people unable to manage the status of the individual within the framework of the modern state. In this perspective, the modern state requires that individuals be equal before law no matter what their religion, sex, race, and political and sexual orientations are, which is not possible within the framework of community on the grounds that community perceives that what

15   Brueggemann, W. G. (2014). *The Practice of Macro Social Work*. Belmont, CA: Thomson Higher Education, p.114.

16   Hammami, R. (November 25th, 2015). *Daring Question, [suʾāl jarī']*. 432. in Brother Rachid. "*What is the Situation of Individual Freedoms in Muslim Countries''?* [ما وضع الحريات الفردية في البلدان الإسلامية؟]. *Al-Hayat TV. [00.02.00]*. https://www.youtube.com/watch?v=5SVlBopIJGc&t=132s

gathers individuals within society is religion, and those who do not adopt the same religion cannot be equally treated and don't have the same rights. Hence, once the religious legitimacy is predominant, the civilian legitimacy is missing. For him, the civilian legitimacy provides individuals with power to voice themselves as free agents[17]. It is quite universally acknowledged that individual freedom simply means the individual's right to choose their life style including the way they eat or drink, the way they dress up, the way they draw or sing (freedom of aesthetic creativity), to cherish the freedom of using the body, and above all the freedom of religion which is the essence of individual freedoms.

The Moroccan new constitution adopted in 2011 is more open to all the national components including the Arab-Islamic, Amazigh and Saharan-Hassani, which undoubtedly makes it with a rich African, Andalusian, Mediterranean and Hebrew heritage[18]. On top of that, unlike the previous constitutional texts, the Amazigh language is an official language of the state along with Arabic[19]. Indeed, this is an undeniably remarkable progress that Morocco has finally achieved. Nonetheless, the situation of freedom of religion in the new Moroccan constitution is still controversial. The Kingdom of Morocco is described in the preamble as a sovereign Muslim state. It is conceived to be Muslim state on the basis of the fact that the majority of Moroccans are Muslim. "Islam is the religion of the state, which guarantees to all the free exercise of beliefs"[20]. From this article, one will probably understand that the Moroccan state does guarantee the freedom to exercise religious practices, but it does not recognize the freedom of conscience and religion at all[21]. That is to say, the 2011 constitution does not give the right to the individual to choose the religion that fits their spiritual needs, and, therefore, the individual liberty gives a meaning to one's belief. According to what has been mentioned, Muslims seem to have

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17   Ibid,

18   Look at *the Moroccan new constitution*'s preamble. https://www.constituteproject.org/constitution/Morocco_2011.pdf

19   Ibid, (article 5).

20   Ibid, (article 3)

21   Madani, M., Maghraoui, D., & Zerhouni, S. (2012). *The 2011 Moroccan Constitution: A critical analysis*. Stockholm, Sweden: International IDEA. p.19.

a flaw in their belief. Before the establishment of the civil state, belief was within the framework of the community, an individual's belief was inevitable in the sense that they must adopt the majority's religion; otherwise, they may face torture, exile, and sometimes death. The civil state, in contrast, has come with a new perception of individual belief; it is an individual agency, in fact. It is also important to state that one's religion has become flexible, changeable according to his or her personal convictions.

It is obvious in the Moroccan context that the state shows more tolerance with Moroccan Jews than with other minorities including Christians, Baha'is, and irreligious people alike. Historically, the Moroccan Jews have been living in Morocco in El Mallah[22], and their population is approximately 2,500[23]. The 2011 Moroccan constitution admits that Moroccan Jews are regarded as one of the state's components under the umbrella of Moroccan identity. Throughout the years, Moroccan Muslims and Jews have been coexisting and living together in peace since Morocco is considered to be "…their home and their lands"[24], to put it in Sheikh Fizazi's words, a Moroccan Salafist. The latter expressed his view about religious diversity in Morocco claiming that "religions can be different, but the nation is still one and unified"[25]. Frankly, Morocco seems to be tolerant with the other religious minorities at a constitutional level, but reality tells another story. For instance, Christianity in Morocco faces severe restrictions by the Moroccan institutions. Moroccan Christians' number is approximately estimated to be between 2.000 to 6.000 distributed throughout Morocco. Foreign Christians are as high as 25.000, most of whom reside in Casablanca and Rabat. Moroccan Christians are facing marginalization and exclusion, the reason why the Moroccan Committee for Religious Minorities (MCRM) organized an unprecedented conference in Morocco which was officially unauthorized by Moroccan authorities. Indeed, they are not allowed to exercise their religious beliefs even though the Article 220 of the Penal Code stresses that any attempt to stop one's religious

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22   It is a Jewish quarter where Jewish people used to live in from the 15th century to the early 19th century. it is analogous to the European Ghetto.

23   Sergio DellaPergola, *World Jewish population*, 2012, p. 62.

24   Paraphrased from https://www.moroccoworldnews.com/2017/11/232967/morocco-religious-minorities-islam/

25   Ibid,

practice is unlawful[26]. Additionally and more importantly, Moroccans who intend to convert to Christianity face social ostracism and short period of questioning or detention[27] by the official authorities. More than once, Moroccan Christians are not allowed to worship at a church seeing that only foreign Christians have access there. Therefore, Moroccan Christians meet behind the scenes at secret gatherings, and sometimes they are interrupted by authorities. One may assume that there are contradictions in Moroccan public policy in as much as the constitution, which is a sacred manifesto, allows things which are not allowed on the ground. It is also known that King Mohammed VI gave a strong statement read by Ahmed Taoufik, the minister of Religious Affairs, at a conference held in Marrakech on 27th January 2016 on *The Rights of Religious Minorities in Predominantly Muslim majority communities'*. "We, in the Kingdom of Morocco, will not tolerate the violation of the rights of religious minorities in the name of Islam"[28]. He adds "I am enabling Jews and Christians to practice their faith and not as minorities. They even serve in the government"[29]. It goes without saying that King Mohammed VI was utterly clear on this very point and that the Declaration was to protect and to promote a tolerant dialogue. It is also important that the Marrakesh Declaration's content copes with the values of Human Rights as internationally recognized. Furthermore, the Declaration is but an attempt to protect religious minorities in Muslim world. During the conference, Azoulay, one of the King's advisers, intervened to express that he, as a Jew, has never felt belonging to a minority in Morocco. While Morocco may be seen as an exceptional model in the MENA region in terms of respecting the international laws and treaties, many violations and abuses took place regarding this issue. Marrakesh Declaration is supposed to soften the situation of religious minorities in Morocco; nevertheless, the situation remains the same.

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26   See Moroccan Penal Code (Article 220) at http://adala.justice.gov.ma/production/legislation/fr/penal/Code%20Penal.htm

27   http://www.refworld.org/pdfid/4b6fe2a00.pdf

28   See https://www.moroccoworldnews.com/2016/01/178185/king-moham-med-vis-message-to-conference-on-rights-of-religious-minorities-in-muslim-countries/ for further details.

29   Ibid,

El Mustapha Ramid, the former Moroccan minister of Justice and Liberties and the current minister of Human Rights from the Justice and Development Party, announced during a conference in Rabat that Moroccans are free to convert to another religion, and that there is no article in the Moroccan Criminal Code that punishes converting to another religion[30]. Another video on YouTube[31] shows the statement of Ramid at Moroccan Press Agency forum (MAP) in which he, as a Minister of Human Rights, guarantees the freedom of religion. The same person seems to change mind and recently announced a different view. In one of his controversial interviews with *Assabah* newspaper, El Mustapha Ramid states that religious freedom threatens the state, and that he cannot accept same-sex marriage on the grounds that the Penal Code[32] is decisively clear on that[33]. Indeed, it seems that the double-standard discourse is obvious. When the Arab Uprisings swept to Morocco, King Mohammed VI announced profound democratic reforms in the new constitution. Abdelilah Benkirane, the then Secretary General of PJD, threatened to vote No if the new constitution includes the freedom of religion[34]. In his speech in Temara City, Benkirane ironically wonders: what is the freedom of religion? Is it eating publicly during Ramadan? Is it allowing same-sex marriage? Not only that, he stresses that the freedom of religion in Morocco will be the end of "the Emirates of the Believers". In light of what has been emphasized, the PJD which has governed Morocco since 2011 deliberately puts a spoke in the wheel

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30   See https://www.moroccoworldnews.com/2015/07/162801/moroccans-are-free-to-convert-to-another-religion-justice-minister/ for the whole press article.

31   The video on YouTube https://www.youtube.com/watch?v=VU52kWAS Vls&index=84&list=WL&t=13s

32   Article 489 of the *Moroccan Penal Code* criminalizes 'lewd or unnatural acts with an individual of the same sex". It can be punished with anything from 6 months to 3 years' imprisonment and a fine of 120 to 1,200 Dirhams.

33   https://www.goud.ma/%D8%A7%D8%B4-%D9%87%D8%A7%D8%AF-%D8%A7%D9%84%D8%B1%D8%AC%D8%B9%D9%8A%D8%A9-%D8%A7%D9%84%D8%B1%D9%85%D9%8A%D8%AF-%D8%AD%D8%B1%D9%8A%D8%A9-%D8%A7%D9%84%D9%85%D8%B9%D8%AA%D9%82%D8%AF-%D9%83%D8%AA-360845/

34   See https://arabic.cnn.com/world/2016/06/25/religious-minority-mo-rocco-opinion?amp for the whole article.

of the establishment of a democratic state where Moroccans without exception can coexist notwithstanding their different religions, race, sex, political and sexual orientations. Instead of investing its discourse to implement democracy and human rights, the Islamist government did not help to pave the way to facilitate this debate. Therefore, neither the political parties' public discourse nor society seems to reconcile with religious minorities. Furthermore, educational curricula and national official media channels are sometimes to consolidate the culture of authoritarianism, making the international laws merely a dead letter.

According to article 18 of the Universal Declaration of Human Rights, "everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance"[35]. Based on this article, Morocco seems to neglect and exclude the other religious minorities, and by doing so, the state does not prove that it is a successful example of tolerance and coexistence. Recently, national and international reports and statistics argue that the number of Moroccan Christians is increasingly growing while other religious minorities have started to see light, Baha'is as a case. The number of Moroccan Baha'is is estimated to be between 350 and 400[36]. Ayyad Ablal, a Morocco sociologist, states that this number cannot be objective and that the report carries some contradiction. For him, the report argues that the number of Baha'is in Morocco is about 400 while the same report insists that Moroccan Baha'is have never been able to reveal their belief[37]. As a matter of fact, Moroccan Baha'is have typically been mistreated by official authorities since its emergence in Morocco precisely in 1962, they year when 13 of them were arrested[38]. Not only were they arrested, some were even sentenced to death as well,

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35   United Nations. (1998). *The Universal Declaration of Human Rights*, 1948-1998. New York: United Nations Dept. of Public Information, article 18

36   According to International Religious Freedom Report for 2016 United States Department of State Bureau of Democracy, Human Rights, and Labor, p.3

37   Paraphrased from http://www.bahairights.org/2009/06/02/the-bahaii-faith-and-religious-pluralism-in-morocco/

38   Ibid

but granted pardon in the long run[39]. This is a case that took place in Nador, the Northeastern Rif region of Morocco; "the Regional Tribunal at Nador condemned three men to death, five to life imprisonment, and one to ten years… all members of the Baha'i Faith…"[40] These sentences were described as harsh and unfair, and contain deep dimension. In December, 1961, the Istiqlal (Independence) Party's official newspaper *Al Alam* triggered an article[41] deploring the alleged decline of Islam and attacking the Christian missionaries and Jewish community along with the Baha'is[42]. Accordingly, the Baha'i community in Morocco was attacked by the religious institution which made many Baha'is lose their job at universities and government. Besides, one of the most memorable instances of persecution dates back to 1968 in Rabat when five Baha'is were sentenced to death , not carried out due to pressures from human rights organizations[43]. It is probably assumed that Moroccan Baha'is are "considered apostates and enjoy no social, institutional or legal recognition"[44]. Morocco World News, a Moroccan online newspaper, had the chance to interview Jaouad Mabrouki, a Moroccan Baha'i psychotherapist and one of the prominent voices of his Baha'i community. For him, Morocco is drastically changing and more and more Baha'is have become able to publicly declare their beliefs. Morocco, he adds, is aware of its cultural diversity, and one of

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39   Paraphrased from https://www.moroccoworldnews.com/2017/10/230254/moroccan-bahai-moroccan-society-religious-difference-jaouad-mabrouki/

40   *Freedom of religion on trial in Morocco: The Nador case*. (1963). New York: Baha'i International Community. p. 1, Retrieved August 7, 2018, from https://www.h-net.org/~bahai/diglib/books/A-E/B/BIC/Morocco_Case_1963.pdf

41   Al Alam, Casablanca, December7, 1961.

42   Ibid,

43   Lefebvre, S., & Brodeur, P. C. (2017). *Public Commissions on Cultural and Religious Diversity Analysis, Reception and Challenges*. p. 289. Retrieved August 7, 2018, from https://books.google.co.ma/books?id=wiIlDwAAQBA-J&pg=PA289&lpg=PA289&dq=the+situation+of+baha%27i+community+in+Morocco&source=bl&ots=kmNiMHpAnW&sig=lPZY7rIqdYIExfBAVdzlRQBj5RQ&hl=fr&sa=X&ved=2ahUKEwis8aX299rcAhUjIJoKHaXXDys4ChDoATAMegQIAhAB#v=onepage&q=the%20situation%20of%20baha'i%20community%20in%20Morocco&f=false

44   Ibid,

his purposes is to establish religious coexistence in Morocco. Mabrouki sees that the Baha'i Faith "answers all his expectations"[45]. As a response to the issue of annoyance, he stresses that Moroccan Baha'is are living in peace. In reality, in the absence of any institutional recognition of the Baha'i community in Morocco, Moroccan Baha'is still feel that they are endangered, and hence, they avoid disclosing their religious affiliation for fear of official and social persecution.

At no other time has the question of minority been so crucial than it is today. In Muslim societies, it is quite difficult to discuss the religious freedom because people are thought to be doomed to be Muslims since their birth. For instance, the Moroccan state considers its citizen as Muslim by nature. In addition to that, one could notice that the Moroccan Penal Code's lines state that 'everyone who is considered Muslim will be punished if he/she is caught…", for example. It can be clearly seen that, it is the state which considers you a Muslim and that it is not a personal choice. When a Muslim decides to convert to another religion, the state regards him/her as going out of it. But it is not really the case because this convertor still belongs to the state, is an agent who works for the benefit of the state, defends the state in international organizations, and ready to die for this state when it is colonized or at war. In spite of all this, the state considers the convertor out of it simply because he/she changes their religion, a religion that the state monopolizes and manipulates in the political sphere. The problem of individual freedoms is, accordingly, the manipulation of religion in politics in order to control society. When the police arrested some Moroccan Christians, the Movement of Unity and Reform[46] (Harakat al-Islah-wa-Tawhid) issued a statement in which the movement praised the security services. How come a civil organization expressed its happiness for arresting citizens practicing their belief while dozens of Islamic organizations actively and freely spread Islam in Europe and America with no troubles? Is it fair to spread your religion outside your country while preventing people from doing the same in your state? Why do these people speak in the name of justice while promoting

45   From https://www.moroccoworldnews.com/2017/10/230254/moroccan-bahai-moroccan-society-religious-difference-jaouad-mabrouki/

46   It is a religious movement established by Abdelilah Benkirane in the early 1980s after separating from Abdelkarim Mouti's the Islamic Youth Movement which emerged in the 1960s as one of the first movements inspired by religious ideology in Morocco.

inequity? Based on these problematic questions, we probably could point out that the Islamist personality is frustrated for being unable to achieve the project of modernization. As far as the national unity is concerned, it would be stronger and more coherent if all the people live together regardless of their race, ethnicity, and religion. With the coming of Maréchal Lyautey into Morocco in 1912, he established the modern state with respect to the traditionalist one (Makhzen). When Morocco took independence in 1956, Moroccans inherited a two face state; a traditionalist state and modern state. This is clear in the state's official discourse since there are brilliant rules and democratic laws which are the result of modern state, but in practice we see the traditionalist dominant face which considers the religious diversity as a dispersion of the state's unity.

In Moroccan schools, our children are taught that Islam is the best religion, and that anyone who adopts another belief is refused and ostracized. Also the notion of religious freedom is misunderstood at schools; religious freedom in Morocco is to freely choose Islam.

The Post-2011 Morocco: A Vibrant Society

This section will shortly and primarily deal with a new means of activism that appeared in a certain context, and brought about several changes, economically, socially, politically, and so forth. Digital activism could be meant as any kind of activism including protests, campaigns, and public debates over social, economic, and political issues. It is, hence, the use of new means of technology especially social media including Face book, Twitter, and YouTube, to name but a few. Particularly in 2012, Facebook claimed to have one billion users and Twitter 500 million users[47]. In fact, these huge statistics have proven that social media have reached a remarkable level of cultural universality[48] This new trend enables people and citizen movements to better communicate and to deliver local information to a large audience[49]. Basically, internet

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47   Fecteau, A. (2017). The Arab Spring and Women›s Rights Activism on Fcebook. In *North African Women after the Arab Spring in the Eye of the Storm* (pp. 77-96). Palgrave Macmillan. Retrieved from https://books.google. co.ma/books?id=kCopDwAAQBAJ&printsec=frontcover&hl=fr&source=g bs_atb#v=onepage&q&f=false

48   Ibid, p.77.

49   Baban, E., & Gûzel, E. (2015). Digital Activism and Social Movements:

and social media in particular play a fundamental role in creating a culture of online activism thanks to which many profound changes are still taking place in our contemporary world. Accordingly, religious minorities in Morocco are taking the virtual world to mobilize their thoughts and to expose their dissent demands and individual freedoms. No one can deny that social media websites have appeared as alternative media with the ultimate purpose to reveal what is happening behind the scenes. It is also aiming at shaping peoples' conception and understanding of the dominant-dominated relations, giving to dominated people the opportunity to resist and to unite their voice. Religious minorities in Morocco have become able to establish a public sphere where they expose their thoughts, and seek visibility. By doing so, religious minorities have brought about deep and serious public debates among Moroccans, trying to assert their existence as part and parcel of Moroccan society, and they can actually be good citizens despite their different religions. In this perspective, it is safe to emphasize that a YouTube channel[50] was triggered few months after Marrakesh Declaration to enable Moroccan Christians to show up in public, voice themselves, and to expose their sorrows and the hindrances of worship they encounter. In addition to that, digital activism has become a space in which the state's hegemonic discourse of religious' uniformity is forcefully shaken off. The alternative media have been showing a new reality which is not canonized by the national official media. Therefore, it is an attempt to present counter-narratives to the official media. The Moroccan religious minorities are unvoiced and do not have access to national media, rather they resort to social media technology to make themselves visible, and their voice heard. It is a space of mobilizing and voicing their demands and grievances. During the 2011 uprisings and the emergence of 20 February Movement[51], the

How the World Perceives the Gezi Movement [Abstract]. *Amity Journal of Media & Communication Studies*, 5(1-2), 16-26. Retrieved August 9, 2018, from http://amity.edu/UserFiles/asco/journal/ISSUE14_3.%20Ece%20Baban%20-.pdf

50   A channel on YouTube was created by Moroccan Christians to tell their untold stories and their sufferings with official authorities. You can find the channel at https://www.youtube.com/channel/UC117bsAjyw-1v0FmJb2_HmQ/videos , accessed on 10, August, 2018.

51   It is a youth movement that first took to the streets on February 20, 2011 demanding "Al Karama" (dignity), "Al Hourriya" (freedom), and "Al Adala

virtual sphere in Morocco became a space where Moroccans in general and youth in particular exercise their activism. No one can deny that internet and social media played an important role in bringing about socio-political changes in Morocco. Hence, we could assume that the future of democracy in Morocco seems to be much healthier than ever before thanks to the internet and social media websites. It is important to stress that the social media websites are also censored by the state, as many activists were arrested for criticizing the monarch, for instance, or disseminating a discourse that does not cope with that of the state.

Conclusion

I have come to the conclusion that religious minorities in Morocco still encounter many hindrances despite the King's positive vision towards religious pluralism. The royal message is clearly positive regarding the freedoms of religious minorities in Morocco. Hence, all religions should coexist with no fear or hate. It is true that Morocco has achieved a remarkable progress in bringing about public debates as a kind of openness regarding religious liberty, but it is not enough. The Moroccan Constitution of 2011, regardless of its flaws and shortcomings, has made a progress in freedom of expression. However, in terms of religious components, the new constitution recognizes only Islam and Judaism as components of the national religious identity, leaving out Moroccan Christians and Baha'is. It is high time Morocco embraced all faiths and religious minorities because the issue has become an issue of huge embarrassment for Muslim governments. Democratically, the modern state requires neutrality towards all religions, and should not intervene to impose a given faith or punish another. We also can conclude that there has been a misconception of freedom and democracy in post-2011 Morocco uprisings; the concept of democracy is comprehensive and inclusive, not exclusive. Minorities are not a problem as long as the state is democratic and aware of diversity in politics, culture, arts, and religions. Indeed, there is an obvious attempt to maintain a religious-based uniformization. Morocco is qualified to be an exceptional country in the MENA region wherein priority should be given to Man rather than to religion for the latter came to serve Man, and not the other way around. Morocco is required to give minorities their rights due to the fact that the Universal Declaration of Human Rights, which Morocco signed and recognizes in the constitution, confesses that human rights system

Al Ijtimaiya" (social justice).

is indivisible. Accordingly, Morocco should respect the supremacy of international laws. Moroccan religious institutions should be tolerant with non-Muslim minorities, and should exert a culture of coexistence and tolerance. Moreover, it is the role of educational curricula to teach children to respect the others no matter what their religion is. Mass media and public policy are required to give birth to a new inclusive generation. Last but not least, social media websites should be an inclusive space where Moroccans avoid polarizing themselves based on religious or sexual affiliations.

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Gender Equality, Non-Discrimination and Human Rights

Gender Bender on the Air: Moroccan Social Media and the R/Evolution of Sexual Minorities

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Abstract

While the legal and mediatic climates for Moroccan sexual minorities are unfavorable, some famous Moroccan social media have, surprisingly, turned too sympathetic to their issues. This paper believes that broadcasting gender bending on the air is not only a strategy to reach a wider audience, but also a major step toward normalizing and pacifying the popular discourse about sexual minorities. On a parallel note, we consider that social media could be an effective tool to subvert the gender order found in any patriarchal society. Accordingly, this paper sheds light on the construct of cultural ambivalence in the contemporary Morocco and how it favors a wide range of revolutionary gender performances that emphasize the cultural paradigm between dominant culture and subculture. The present paper locates itself within the fields of critical sociology and gender studies as it provides an ethnographical and critical investigation of different, sometimes problematic, dynamics of young femininities and masculinities within their respective contemporary sociocultural scenes. I argue that some young femininities and masculinities resist the normative sociocultural and symbolic order by acting revolutionary as well as troubling performances that aim at undoing our normative definition of gender. Their undoing of gender is believed to be not only a revolutionary tool to subvert and question the socio-cultural systems of the dominant culture but also an opportunity to evolve a new gendered symbolic order that accepts and admits an incredible number of gendered possibilities.

Key words: Gender bender, social media, R/Evolution of gender, gender performativity, cultural ambivalence and gender un/doing

The importance of gender embodiment has triggered recent debates in the fields of media and gender studies about the link between gender representations in media, gendered bodies in virtual space, and gender as performance. With the emergence of social media websites, such as Facebook, Youtube and other internet channels, users now enjoy a relatively free space that lets them to interact widely, to virtually twist others' views and believes of them, and to even act gendered identities in cyberspace. To discursively highlight the "doing of gender" within sexual minorities on Moroccan channels in social media, I utilize West and Zimmerman's article "Doing Gender" (1987), which represents a feminist structuralist discussion of gender socialization and reiteration of gender roles. Undoubtedly, West and Zimmerman's seminal article suggests a generally accepted statement concerning the social construction of gender. They were the first to propose the notion of gender not as a social trait and representation, but rather as an achievement and an outcome of everyday life dynamics which crystallize an individuals' gendered identities. West and Zimmerman introduce three key concepts on which the "doing of gender" is constructed. They are all introduced in the following excerpt:

> To propose an ethnomethodologically informed, and therefore distinctively sociological, understanding of gender as a routine, methodical, and recurring accomplishment. We contend that the "doing" of gender is undertaken by women and men whose competence as members of society is hostage to its [the doing of gender's] production. Doing gender involves a complex of socially guided perceptual, **interactional**, and micropolitical activities **that cast particular pursuits** as expressions of masculine and feminine **"natures."**[1] (13-14)

Thus, the conceptual triangle on which one's gender is done are the interactional nature of gender, accountability, and the "doing of gender." The interactional trait of gender is the first theoretical concept highlighted. West and Zimmerman define gender as interactional and that it does not have an existence outside of its dynamic structure. It

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1   West, Candace and Don H. Zimmerman. "Doing Gender". In Judith Lorber and Susan A. Farrell (Eds.), *The Social Construction of Gender*. Newbury Park, CA: Sage. 1991

is an output of social situations in which establishing one's sexual category is only one such feature. Concepts like "accomplishment of gender" and the "doing of gender" all establish gender as a performance of individuals in contact with others and a current and never-ending system of evaluation. Consequently, doing gender requires conformist behavior that better fits the situation and edited behavior as the situation demands according to the normative sociocultural structures by which we all abide.

Accordingly, assessment and accountability come as a normal consequence of the interactional nature of gender. One's performances of gender are both watched and evaluated by others within the dynamic web. One does gender while bearing in mind that others evaluate his/her actions and may even point them out. This accountability may consciously direct one's gendered deeds, so the output is evaluated as gender-appropriate or inappropriate. Thus, according to West and Zimmerman, one is accountable for their doing of gender.

> To "do" gender is not always to live up to normative conceptions of femininity or masculinity; it is to engage in behavior at the risk of gender assessment. Although it is individuals who do gender, the enterprise is fundamentally interactional and institutional in character, because accountability is a feature of social relationships and its idiom is drawn from the institutional arena in which those relationships are enacted[2] (23-24).

This excerpt highlights the role of institutions in shaping one's doing of gender. Institutions also provide the right context to the proliferation of normative yet stylized doing of gender. Finally, the structure-agency nexus or the relationship between institutional and individual interactions best exemplify the last concept of this chapter, i.e. the doing of gender. The doing of gender renders social arrangements based on sex category as normal and natural or legitimate ways of organizing social life. Thus, in doing gender, men are asked to do hegemony and women are asked to do compliancy. The consequent symbolic order,

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2   West, Candace and Don H. Zimmerman. "Doing Gender". In Judith Lorber and Susan A. Farrell (Eds.), *The Social Construction of Gender*. Newbury Park, CA: Sage. 1991

which crystallizes "natural differences," is a powerful strengthener and legitimator of categorizing arrangements which help with the reinvention of patriarchy.

Figure 1: A tutorial for women to hide the physical traits of violence on Sabahiat 2M.

The screen shot above best exemplifies how the state owned TV (2M) that broadcasts on a daily basis a women's program that deals with normative and stereotypical gender roles of women (roles ranging between cooking, caring, beauty…) and this is an excerpt where they show women how to hide the physical effects of battering and violence by makeup.

In her path-breaking book *Gender Trouble: Feminism and the Subversion of Identity*, Judith Butler (1990) provides a thorough ontological critique of subjecthood. As the subtitle suggests, Butler is driven by a radical impulse, not only to complicate and multiply identity formations by recognizing difference across time and space but, above all, to subvert and implode the very basis of identity itself.

The present paper explores sexual minorities' impulse to enact and present stylized forms of gender embodiment, and sometimes spectacular enactments of transgression that can elicit a practice of gender dissimulation.

Figure 2: Pictures are accessed on 10/03/2018. Adam Lhlou Official Page on FB. (Pictures are open for public access)

But if there is something profoundly 'troubling' for feminism about the negation of a female subject, its antidote lies, perhaps, in the subversion and dramatic proliferation of gendered identity possibilities. What happens, we may wonder, to our notions of gender if the lipstick put by Adouma[3] is red to exhibit an alternative veiled woman is used as well by a relatively bearded machoman with a Batman shirt and how would the same person (Adouma) be viewed and defined when he puts on a feminine bag and posing in a more feminine way with masculine outfit? Here, the incitement of normative gender behaviour and sexual codes of practice gives rise to an irrepressible proliferation of 'Other' sex/gender possibilities-the tomboy, the lesbian, the drag queen, and so on. In these instances, *'genders can be rendered thoroughly and radically incredible'* (Butler, 1990, p. 141).

In *Gender Trouble,* Butler (1990) affirms that gender is a performance that is culturally informed and imposed by heterosexuality, accordingly

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3   Adouma is a gay superstar on the Moroccan social media. His official page (Adam Lhlou Official) on Facebook is followed by more than 291,000 followers. He has other pages on social media that have similar number of followers. Now as a buzzmaker, he is invited to different TV programs and solicited to make part in different events.

it becomes performative. Instead of articulating the inner core, the gender performance yields the *illusion* of one's core. Consequently gender turns into a cultural effect, a product of particular signifying practices, as it will be exemplified in the following sections of the next part of the thesis. Butler (1988) in her essay states that:

> Gender is instituted through the stylization of the body and, hence, must be understood as the mundane way in which bodily gestures, movements, and enactments of various kinds constitute the illusion of an abiding gendered self. This formulation moves the conception of gender off the ground of a substantial model of identity to one that requires a conception of a constituted social temporality […] the ground of gender identity is the stylized repetition of acts through time[4].

In this quote, Butler argues that there is the notion of temporality to this performance as it involves the ritualized repetition of conventions, which are also shaped and compelled by compulsory heterosexuality. She calls in Gender Trouble these repetitions as "sustained social performances" which make the reality of gender, but which, interestignly, are not dissociable from agents, or if one may call them as actors, preceding the performances, like a theatrical performance. Indeed, this inseparability is highly important to Butler's account of gender performativity.

In addition, Butler's notion of gender performativity englobes performance and most of the time connotes theatricality which undoubtly confuses the reader. However, when she links performance with drag and then the latter with the act of subversion, this widens the scope of its projection on the stage of reality. What a person can deduce is that we do our genders through continuous social and cultural performances that encompass the iteration of socially informed meanings. The same act is seen in another way according to Butler (1990) who asserts that "*gender attributes and acts [are] the various ways in which a body shows or produces its cultural signification*"[5].

4   Butler, Judith. "Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory". Johns Hopkins University Press: TheatreJournal, Vol. 40, No. 4. (Dec., 1988), pp. 519-531, (P:519)

5   Butler, Judith. *Gender Trouble: Feminsim and the Subversion of Identity.*

So by doing one's gender, s/he is establishing his/her own identity s/he would like to reveal in "*a stylized repetition of acts"6*.

The popular reception of Adouma's official page on one of his pages on social media is mysogenistic. If the enactment of lesbian masquerade enables the subversion of identity to occur, it also throws into relief the extraordinary compulsion to 'act straight' from some of the surrounding community. While going through Adouma's like other buzz makers of homosexual identities official pages and reading the comments of viewers and followers on their videos and pictures, one can say that heterosexual masculinity and femininity of the commentators is an impossible ideal that is struggled over, negotiated and reconstructed anew in the effort to make it appear 'just-so'. This is well illustrated by a video diffused by Noonpress.com about common people's views about « the propagation » of the phenomenon of homosexuality. For example: a man in his 40's: *Munkar*' (Wrongness, immoral and offensive), a young man in his 20's: ' *'Chowhou Dounia"* (It is disgraceful), a woman in her 50's: ' *'Diwhom l Sahra"*: (Exile them or send them to desert), and a young in his 30's: ' *'Cheelou fihom Afia"*: (Burn them)

Evidently, heterosexual masculinity/femininity was not something that could lie still, but continually had to be asserted, regulated and performed. This also best illustrates the concept of heterosexual masculinity and femininity building. Thus, this paper considers that social media helps r/evolutionalising the normative gender definitions, yet it has got an ambivalent role. In the sense that if social media proliferates the gender possibilities, it also serves as a reinforcer of hegemonic gender roles. Social media may be considered as a space of gendered oppositionality.

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From "She-Other" to "She-Self"[1] Reshuffling Citizenship, Cracking the Gender Order

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Abstract

The premise of this paper is that although women Everywhere in the MENA region have been part of all historical processes of social change, innovation and thought, they have consistently been denied an equivalent place and status in society, culture and politics. As a consequence, they have been disenfranchised and their agency limited. In fact, because law systematically conflated with culture in the most crucial area of women's rights, their private lives, it has deprived them of citizenship, usually through the invocation of the prominence of religious law above state law. Therefore, the paper further defends that the only way to promote real democracy is by safeguarding women's rights as equal citizens and not subordinate subjects and goes on into displaying some of the strategies the women of the region use to crack the gender order.

Keywords: agency, gender order, citizenship, state law, cultural identity

> "As a Woman I Have No Country; As a Woman My Country Is the Whole World"
>
> Virginia Woolf [2]

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1   This phrase is Rosi Braidotti's title to Chapter Ten of *Nomadic Subjects: Embodiment and Sexual Difference in Contemporary Feminist Theory*, Columbia University Press: New York, 1994.

2   *Three Guineas*, p.197.

Despite major achievements in a number of areas, especially in the professed willingness to promote women's status in the official discourse, women's rights throughout the MENA region still face enormous challenges in every aspect of their everyday lives, making of the region one of the slowest growing areas and the least democratic, even in the high income countries. Everywhere, a profusion of reforms have been adopted, new laws passed and provisions made for the improvement of women's rights. In Morocco, for instance, the 2011 constitution undeniably was an essential stage in the process of recognizing women's rights: its preamble enshrines equal rights for both sexes and its ninth Article provides for equality between men and women in civil, political, economic, cultural and environmental rights and introduces an effective concept of rights and freedoms. It equally promotes affirmative action measures and mechanisms and recognizes the primacy of international conventions ratified by Morocco on national laws and the obligation to suit the latter accordingly. Moreover, Morocco also ratified multiple international agreements and covenants on civil, political, economic, social and cultural Rights for women. In addition, it ratified the International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and lifted reservations on article 9 -guaranteeing transfer of nationality to the children by their mother - and article 16 - specifying equality in marriage and divorce for men and women.

However, held against women's experiences, in more aspect than one, these laws and reforms seem pretty much like advertisement effects, which are not rooted into the cultural fabric of the polity, particularly in women's very livelihoods, subjecting flesh and blood women to the meanders of intersecting forms of subalternity, violence and discrimination. Multiple reasons stand behind women's experiences in the region. One can mention very difficult economic and social conditions in some countries, high illiteracy rates among women[3] in many, the huge gap between urban areas and rural ones[4], the effects of globalization and the resulting deep transformations it has come along with as well as the power of the patriarchal system that is extensive and deeply rooted in everyday practices. But above all, the main reason seems to be the founding principles of the different sates. In fact, except for Tunisia

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3   There are about 100 million illiterates out of the 300 million people making the Arab population, 60% of which are women.

4   In urban areas, women were educated but in rural areas women were always subject to the control of religious forces.

and Turkey, no matter what the regime type, all the new nation-states stated their religious belonging in their supreme laws. Islam is the state religion, the family the core unit of the *'Umma'* (community). Translated into the conservative character of the successive governments –were these proclaimed liberals – this would induce a series of compromising deals with religious authorities to keep the status quo unchallenged. Consecrating religious law above state law and making the family the core unit of the nation actually induces a natural discrimination in regard to women's rights and status in society. As a matter of fact, states have essentialized a debate of the polis - the public sphere – by bringing it to a more specifically restrained space of the private sphere – the family, where women are already discriminated and subjugated.

The focus of this paper is therefore to show how equal citizenship has been systematically denied women in the MENA region, usually through the invocation of the prominence of religious law above state law and how the only way to promote real democracy is by safeguarding women's rights and asserting them as equal citizens and not as subordinate subjects. This can only be achieved by promoting equality in the totality of their rights. This paper further claims that making the choice of giving preeminence to family law – in many instances based on religious law - above state law is handicapping women's ability to achieve any progress to note.

Let us first recall that despite some common cultural traits, MENA is not one uniform block: there are significant differences between the countries making it even when language, religion or cultural practices are the same. MENA is a very diverse region that is home to different religions – and different practices of the same religion, multiple histories, numerous influences and quite composite interactions. Furthermore, it might be useful to highlight that MENA has historically -as early as the 19th century- equally been home to multiple attempts to citizenship organizing and participation, with more or less success. Egypt, for instance, has experienced its own enlightenment in the middle of the nineteenth century. As early as the beginning of the 20th century, quite at the same moment as major women's liberation movements in Europe, women's liberation movements championed by men as well as women were widespread. In Tunisia and Turkey women were granted relative equal rights to those of men in the beginning of the twentieth century. For various reasons, the historical conditions of the region, many invoke the dramatic role that colonial history has played, have brought about

the growth of standardized types of membership that did not favor the emergence of a fully democratic participation, least of all for women.

Laws, Norms and the Construction of National Identity

It is a paradox that while women in the MENA[5] region have been part of all historical processes of social change, innovation and thought, their place and status in society, culture and politics has not evolved in consequence, limiting their agency and reducing their hopes for any significant breakthrough. It is important to recall that discrimination against women in the region is the cause of substantial economic losses, huge delays in human development and serious perils on security and stability. The recent surge of new waves of feminism across the region has championned an idealized image of religious equality between the sexes, suggesting it is not religion that is unfavorable to women but tradition and cultural practices that are. Therefore, in this outlook, it is freeing women from tradition, and not from religion, that is the solution. That would necessarily have to go through a thorough re-education of society to "true" religious values, which actually do grant equal rights to women. The purpose of this paper is, of course, not to go into a discussion over the role and effect of religions in the subjugation of women. Suffice it to say that human history challenges this view, which, it seems, does not take the complexities of human experience in consideration. Actually,

> "The exclusion of women from the territories of the sacred is a revelation of the hierarchy between the sexes in the religious field. In the three religions of the Book, the figure of God, even when not represented - case of Jewish and Muslim traditions - is actually male. (It is men who) over the centuries, have been in charge of rituals and celebrations, the conduct of prayers, sermons, the administration of the sacraments and the manipulation of sacred objects". *(*Mathilde Dubesset, « Femmes et religions, entre soumission et espace pour s'exprimer et agir, un regard d'historienne »[6])

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5   The scope of this paper is intently limited to the area of MENA usually called the Arab world, with its islamic cultural component. Most figures tackle Morocco.

6   My translation

Despite the slight variations, women's existences across the region hold the historical processes against the religious egalitarian myth and prove it is now time to move past it.

However, the colonial past as well as the recurrent threats on the region's stability and integrity seem to be more consistent motivations for the states faced with a nation-building process. In Morocco, for instance, it is worth mentioning that three major historical moments have been crucial in the formation of the modern nation-state. These have had equal importance in the production of a religion-based ideological discourse that both legitimizes and seeks legitimacy from them. The first is the struggle for territorial integrity against the Portuguese presence in Morocco during the 16th century[7] and the Saadians' choice to base the state on the hereditary descent from the Prophet (*Annasab Asharif*), which will legitimize all ensuing states to come. The second event is the colonization of Algeria in 1830, which again brought threats on the order set by the Saadians a few centuries before. The third moment is the equally crucial and extensive fight against the French colonial forces and their attempts to break up the nation into ethnic (Berber-Arab) or religious (Moslem-Jew) fragments. No wonder then, in 1956, the freshly independent Morocco consolidated a sovereign nation that declared itself Arab and Muslim. What is true for Morocco can be substantially said to be true for the rest of the Mena states.

Actually, immediately after the independences, nationalist movements-regimes together with quickly emerging political polarizations and zealous pro-government organizations left little if no room for the action and voice of active civilian participation. Established forces sought their legitimacy in tradition and endeavored to keep the (female) subaltern voiceless. In this respect, two major trends have consistently pervaded the region dynamics. In fact, if few countries cautiously tried to harmonize their state laws with universal human rights principles or with international law, walking a tight rope in balancing legitimate rights of female activists and civil society, many others deterred any option that was not firmly rooted in religious law and did actually embrace the sacred instead of the secular as a rule of law. However,

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7   The threatening transformations this presence was operating in the country would later conclude at Wadi El Makhazin battle, with the ensuing Saadian reign that will spread the authority of an organized state over a relatively unified kingdom.

whatever their choice, they have all consistently used family law; i.e., religious laws and authority either to curb women's aspirations to a full citizenship or to retreat the relative rights they had achieved in some countries. No need to say that this raptness into tradition occurred while key social transformations were undeniably on the go, the most important of which being probably the increase of the number of single women with children. Moreover, although qualitative changes were reshaping women's experiences and expectations everywhere, with family structures and work characteristics becoming gradually more flexible and unstable, the gap between the public and the private spheres did not weaken much. As a matter of fact, the dual-income model created additional and new inequalities because it did not question the traditional sexual divide. With more social inequality and states not making much effort with regard to public services, the living conditions of a large number of women became more difficult, exposing them to additional forms of discrimination, vulnerability and violence.

As a consequence, one can stress that notwithstanding the many dissimilarities in MENA, a distinctive attribute in respect to civil rights – particularly women's - reveals a blatant failure of successive governments to practice professed oaths and principles already very controversial at the begining. This presents a flaw in the make-up of citizenship in the first place. The modern nation-state is based on the principle of consenting, responsible citizens' surrendering some of their freedoms against some privileges; i.e., it is a balance of rights they are entitled to against duties they commit to, as individuals, whatever their gender, race, ethnic group, faith, color. It is a dual relationship between a free citizen and their rights guarantor, where privilege is granted against loyalty. Although nationhood holds many more complex notions than the confines of universal citizenship can ever hold - actually, nation-states do usually distinguish among their members by a number of identities including religion class, ethnicity and gender - there still seems to be a paradox in the way the wording of supreme laws in MENA actually evokes modern concepts of nationhood in theory while anchoring their spirit in tradition[8]. In reality, the texts do actually conjure up antithetic notions and principles that make them simply inapplicable.

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8   Most Arab league member states expressed reservations on CEDAW, reducing it to personal status clauses, on the ground of the relativity of women's rights in every culture.

Empowering texts, disempowering Practices

There is, in reality, an implicit and principled ambiguity in the fact that the various constitutions do state equality in rights between men and women while relegating women's rights to personal status laws. The latter, in contrast, distinguish the male from the female in a range of individual rights and freedoms. In marriage questions; the male's ability to marry more than one woman, the right to choose a partner, the age of marriage, the need for a "*wali*"[9]. In divorce matters, the right to file a divorce and the right to children custody. In testimony, a female witness' word is less valued than a man's. Regarding citizenship, most women cannot pass their nationality to their children if they are married to a non-national. In Economic rights; the issue of unequal inheritance rights between males and females and the impossibility of owning their own businesses. In terms of freedom of movement, many states, do not allow women to travel without a male kin's permission or presence. In brief, because of these regulations, women are minors under the control of brothers and fathers. They are mothers to children that are not their own. They are objects of the law in states that do not recognize their minimum citizen rights. More than that, the *de jure* citizenship contradicts the *de facto* law.

It is clear the reasons for that seem to be rooted in a citizenship that was based on a gender biased approach from the formation of the nation-state, which made of citizenship a unique hybrid of two antinomic principles where the state sets religion above the law and religious belonging over civil belonging. Most MENA states[10] (even thoses with important religious minorities) declare Islam the religion of the state and defer their legal authority in matters of personal status issues to legally recognized religious bodies, subjecting women to the patriarchal control of male relatives and clerics in their communities. Their laws are a mix of secular laws and personal status laws (family codes that regulate marriage, divorce, inheritance and child custody). While the first draws on the juridical community of interest, the latter derives its legitimacy from a community of faith, whose dicta have traditionally been interpreted in ways that make of the family – instead of the individual - the core unit of the social structure and which, in consequence, favor male privilege in a

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9   a male legal representative who actually "hands over" the bride to the groom.

10   Only Turkey and Tunisia are excluded.

strongly patriarchal order. These gendered citizenships further entrench religious groups and nurture the legal authority of religious leaders - i.e; religious discourse - over the community - civil discourse, leaving no room for a balance of powers - nor for rational dialogue - in societies that are already eroded by illiteracy, poverty and lack of democracy.

Analyzing the root causes and the ensuing effects of truncated MENA citizenships cannot be complete without mentioning the historical link between what was considered a secular, liberal feminism in the beginning of the 20th century and the authoritarian regimes, especially Habib Bourguiba's in Tunisia and Anwar Sadate's in Egypt, that had co-opted it in a move to consolidate their hold on power[11]. What started as a top down liberation of society would eventually be criticized for having no connections with the country's aspirations and realities and further fought for being alien to the cultural identity of the nation. Two opposed ideologies have pervaded the MENA political scene, one outwardly claiming its traditional (conservative) stance and another stating a supposed modern (liberal) posture. Women's rights would never cease to crystallize political battles, entrapping flesh and blood women all the while, between rival social choices and ideological orientations.

Multiple identity factors, such as race, class, gender or sexual orientation, to name a few, come into defining the experiences of marginalization and privilege and are usually established, molded by, and rooted in social systems of power. In MENA, gender seems to fall across all of these. " A society's cultural heritage explains considerably more of the variance in the percentage of women in parliament than does economic development, … (r)eligion has long been found to be one of the factors predicting levels of female representation" (Ingelhart, p.7). Their political roles are limited and they are expected to act in consequence, as everytime culture comes in contact with politics. Instead of empowering them as equal citizens, state law disenfranchizes them as patriarchy's "others" so that what they are as cultural objects supersedes who they are as political subjects. More than that, their political roles/rights are more often than not negotiated through their social and cultural roles (mothers, wives, etc,…). Women are subalterns

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11   Modernizing regimes everywhere in the region –Tunisia, Turkey, Irak - used women's education, their inclusion in the labor market and politics, together with the promotion of new dress codes as new banners for their own evolution towards the modern nation-state.

in a male order that essentializes them in social roles that stress their dependency on male kins as mothers, wives, children or siblings, in the same ways that minors do depend on adults:

> "One reason citizenship is often dependent on familial membership is that patriarchy weaves together civil society, state, market and family in Middle Eastern societies, subverting the separations and boundaries that Western theorists argue are necessary for democracy. Discussions of community in relation to citizenship are often divorced from discussions of patriarchy, yet patriarchies are central to the social organization of almost all Middle Eastern subnational and national communities" *(Joseph)*.

In this construct, female citizens are not addressed as "subjects" but as "objects" of the state's normative continuation and the male privilege contract. In different forms of vernacular arabic, women are "عيال", from "ال،ع - يعول", women or children whom a male individual is responsible for. Since it is well established today that women's' private - family -roles do prevail over any of their public - citizenship – ones.

In this build-up of citizenship, women have consistently been entangled into power dynamics that have taken away the true conditions of citizenship from them. Conceding that citizenship may occur as part of a patriarchal arrangement makes us fully aware that the concept of citizenship itself is pervaded with power relationships, and that marginalization is naturally at the root of all the held power. In this frame, women are marked out as synonymous with unreliability and immaturity, and those who claim participation are associated at best with transgression, and, at worst, with belligerence. Therefore, their political involvement is disallowed under the argument that their participation can only be insignificant or outwardly dangerous. In this particular construct, politics and culture concur into making women and their bodies a property both of the law and of patriarchy. In both cases, they are reduced to the ranks of an invisible minority that has no claim on the Agora, which is a political proposal in the first place that makes of women the struggle space of parties, of the authority of the state and of mechanisms of political balance. "Offenders" are the subject of all retaliation forms, domestic and public space violence, more rigid implementations of the existing laws and threats of buckling up the political arena in women related

issues. Actually, the more visible women are in the public sphere, the more laws –sensed as gender responsive - are passed, the more women are victims of violence everywhere, at home, on work sites, in the political arena and in the streets.

In 2011, the High Commissioner of Plan (HCP)[12] revealed alarming gender based violence figures: 62.8% of women in Morocco aged between 18 and 64 had been victims of various forms of violence during the year preceding the study. The same study found that male partners in 55% of the cases were the perpetrators. Another report[13] in 2011 stated that in cases of violence against women, the offender was the husband, usually in eight out of ten cases. The figures show, if need be, that there is a widespread acceptance of domestic violence and mistrust in the judicial system, which prevents victims from reporting cases of abuse and violence. Civil society organizations' activism in favor of setting the age of 18 as a legal age for work and marriage for both males and females and to harmonize that with the various laws and reforms (family law, criminal procedure law, etc.) according to the provisions of the new constitution has not come to fruition yet. Add to that the absence of any legal framework against gender-based violence and the shying off the state – and its representatives - from intervention in cases of domestic violence, which is considered a private matter. In this respect, there as been an extraordinary commitment of civil society organizations in displaying the intersectionality of women's issues, establishing the continuum and linkages between identities and shining a light on the opportunities to build common resistance against superimposed axes of oppression and discrimination.

The Subaltern Fights Back

In fact, new, globalized realities are today ripe with deep social and cultural transformations – both at the local and international levels - which call for a redefining of the nation-state and its structural pillars. In fact, class, gender, race, ethnic issues have become questions of contemporary debate, both as a human reality and for the political responses they summon and the "trend toward gender equality is

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12   Moroccan High Commission of Planning, Enquête sur la Prévalence de la Violence à l'égard des femmes, January 2011.bat

13   CNDH, Memo sur la Violence faite aux femmes, Contribution au débat public n4, 2011.

intimately linked with the broader process of cultural change and democratization. In a sense the link between women's representation and democracy should be self-evident, since women account for over half the population of most societies: if the majority doesn't have full political rights, the society is not democratic" (Inglehart, p2). Likewise, lack of democracy has consistently led to an alarming reduction in women's rights. Because gender equality and women's empowerment are key in processes of inclusion-exclusion, the pursuit of women's rights by unprejudiced citizens – women as well as men – and the assumption of a comprehensive notion of equal citizenship should bring everybody together. Turning women into real individual citizens, by promoting their agency and authority instead of objectifying them into second-hand citizens subjected to the family, the tribe, the religious community and the balance of powers of the nation is a possible way of reshuffling citizenship and, by way of consequence, cracking the gender order. It is equally a promotion of citizenship rights as well as the consolidation of the idea of the modern nation-state.

As a consequence, public space unsurprisingly becomes an area for mobilization around ideas and actions that seek to improve the lives of women through advocacy, political participation and lobbying for transformation in the political and the cultural system. In this regard, the role of women's associations has been paramount in the area. Although they vary from one country to another, and besides improving women's livelihoods, they have usually substituted states in raising awareness of, advocating for and promoting human and women's rights. In point of fact, this is an amplification of women's presence into the public sphere that stands for a significant breach of the gender order. Since the personal is always political, bringing women's bodies in the public space, forcing their presence in the political arena, as a space in which narrowing of their rights can be established, is already partaking in recognizing their bodies as territories for citizenship. This agency should further disclose their hidden cultural identities and participate into their personal and collective empowerment:

> "cultural changes seem to bring rising female representation regardless of whether or not democratization occurs … trend(s) toward democracy and the shift toward gender equality … reflect underlying cultural changes that are transforming society" (Inglehart, p.9).

Another key area of struggle for women is the law. As a bearer of duties towards its citizens, the nation state is the central playing field for opposed factions concerned with rights and responsibilities symbolized in citizenship. In the interplay of cultural, economic and political interests of the nation, it is in their relation to the nation-state that these groups can seek – and sometimes find – alliances and protections against other competing forces. Women have often resorted to the state for protection from the domination of oppositional political parties or movements. In Morocco, for instance, feminist movements have sought the monarch's mediation multiple times in issues related to status law reforms over the last decade[14]. Likewise, activism for women's rights is shifting to systematically addressing supreme laws, although the relation between the texts and their implementation in real life is a paradigmatic issue that is yet to be solved even in the most democratic countries. In fact, during the so-called "Arab spring", with the exception of Tunisia, where women's liberation movements were already strong, women petitioned the states for a secular family code everywhere in the region, "the struggle to reconfigure the social contract between subject and state—that is, to redefine citizenship—crystallized in the constitution-drafting process" (Véricat, p.3). In the same vein, the Islamic parties that reached power translated their increasing influence into attempts to eliminate what meager assets women had achieved so far. Their first attacks were on the constitutions since these "reflect (both) different ideologies in society…(and)… the existing balance of power and networks of interest" (Inglehart, p.21). This process revealed constitution drafting had the potential to impact women in particular in a region that stands out for its discrimination against them, especially after the huge popular mobilization around women's rights, which in some countries could bring tangible benefits.

Since the state is normally the guarantor of equal citizenship rights, scrutinizing its different practices and those of its agents in regard to its citizens – in this case women – can give a good insight into the multiple, sometimes divergent interests, it seeks to maintain and the ways the state goes about doing it. In this regard, everywhere in the region, some states have been accused of directly or indirectly cultivating religious - sometimes radical - movements. Every time and everywhere it happened, women's rights, their dress codes and their bodies have

14   in 2004, for the Moudawana, in 2014-2015 in discussions over abortion, in 2016 about the nationality code and in 2018 regarding the inheritance issue.

been at the center of serious tension zones between the belligerants; namely, national and religious forces. More often than not, they have had to forfeit their individual rights in the interest of an alliance between conventional opponents. With the rise of religious fundamentalism, the loss of influence of political parties over the populations and the seeming radicalization of many political actors, the war today is raging not only between women's rights advocates and conservative forces. The battle is today between the state and all the defenders of all types of minority rights. One of the many dangers this results in is that the conflict is neither organized nor does it recognize the authority of conventional protest bodies. However, it also has multiple benefits for the reshaping of more egalitarian citizenships across the region for it is well known that moments of tensions and challenges in the history of nations do usually make states more prone to untighten the constraints on vulnerable social groups. Eventually, citizenship rights are ripe to take. As Judith Butler puts it "the force of the performative is thus not inherited from prior usage, but issues forth precisely from its break with any and all prior usage. That break, that force of rupture, is the force of the performative" (Butler, 148).

Conclusion

Making rights claims makes of the subject of the state – in this respect, women in the MENA - a full citizen by force of circumstances. These "subjects" of the state not only oppose objectionable practices of the state's authority but also have a role in reshaping the type of citizenship they would like to be part of. In so doing, they do renegotiate the contract from which they have been excluded in the first place and act as full "citizens" in the state, by becoming the state's interlocutors. In most instances, this recovered citizenship takes them to longer distances than they would ordinarily have covered had they recurred to conventional political negotiations. In MENA in every country where mobilizations were the most structured, women could achieve more than they had set to in the first place. Besides, it is now common for women's rights activists to put the social and political bar very high in order to achieve mid-term outcomes. Claiming the right to abortion could work out a solution to the debate on child marriage, in the same way that starting talks on inheritance could shake certainties on equal pay.

Moreover, in their quest for full citizenship, women do usually line up with other minority groups and struggle not only for their rights but also

for the rights of others, across boundaries and borders. Going out of their strict interest group makes them exceed the limits of the personal, the ethnic and the racial, towards a universal understanding of rights in their indivisibility, where responsibility is taken for others' rights. This opens them up on true citizenship where they renegotiate and reshape the rights under which they make claims - "She-Object" – along with those to which they make claims -"She-Self".

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Human Trafficking in African Women: Case of Trafficking in Sub-Saharan Women in Morocco

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Abstract

The trafficking of humans is a barbaric act that has tremendous harm on humanity. It is the sole factor to the increase of organized crime, which makes it the number three most highly, rated crime in the world after weapons and drugs. According to a study by US State Department, "trafficking has become the most lucrative crime business because the 'merchandise' can be sold over and over again". Trafficking is particularly thriving in Africa: first, based on Africa's high rate of corruption and extreme poor level of security control to protect her citizens, second, lack of good legislative system and prosecutorial system of law, and third, the governments' inability to recognize the rights of its citizens. These amongst many reasons, are the contributing factors to the flourishing of this business in Africa today and the rest of the world. The above mentioned factors create avenue for traffickers to go into the business of human trafficking by exploiting the vulnerability of people who are filled with deep desperation for the life beyond their country of origin with the hope of having 'something better'. This paper is an attempt to explore different aspects of trafficking in sub-Saharan women, particularly in Morocco. The focus is on three main objectives. The first objective concerns the causes for sub-Saharan African women's migration in Morocco. It includes push factors such as poverty, oppression and lack of human rights. In addition, pull factors are examined such as industrialization and development in Morocco. The second objective focuses on the challenges those women go through in Morocco; this includes sexual, labor or begging exploitations and gender discrimination. The third objective focuses on the attempt the

Moroccan government is taking to care of and protect sub-Saharan African women migrants, who are victims of inhuman exploitations.

Keywords: Violence against women; trafficking in women, case of trafficking in Morocco, trafficking in sub-Saharan women, sexual exploitation of vulnerable women, measures taken to face the phenomenon or raise awareness

Introduction

The business of trafficking in human beings across nations and continents has progressively become an intense act especially within the African continent. Researchers have shown that most countries in Africa are part of this act of human trafficking. They are involved either directly or indirectly as point of origin, destination or a transit route country. Morocco experiences the stage of being a transit route but ends up becoming a destination country for most Sub-Saharan African migrants.

The speedy increase on the illegal movement of people from one country to another and from one continent to another, especially from the African continent to the European continent is what has made the tightening of borders to become the obvious aimed solution for regulating the inflow of undocumented migrants trying to move from their country of origin. The recent border tightening in the European countries has made these illegal movements extremely backbreaking for migrants to enter into their territories, leaving them aground in Northern African countries like Morocco, Algeria, Egypt and Libya to suffer. Out of the Northern African countries, Morocco has the closest proximity to these European countries like Portugal, Spain and France, making her vulnerable to the inrush of people of which most are Sub- Saharan African migrants who could no longer continue their journey into Europe.

The method for which this research has been carried out is based on informal interviews with Sub-Saharan African women migrants in Morocco who had at one time had experienced violence and sexual exploitations in the hands of the locals. Interviews with the victims were not an easy task because of the sensitivity of the subject matter, and due to the fact that most of the victims neither could read nor write. In order to conceal the identities of these victims - being that most of them were scared of speaking and opening up with the fear that the student doing the interview was from the government- it has been decided just to use

the victims' first names with their permission as a sign of respect to them.

The interviewer (Ernest Riches Benjamin), himself a Sub-Saharan student from Nigeria, has had help from a friend from Congo and a leader from the Nigerian migrant community who have facilitated access to speak with migrant women from Nigeria and other Sub-Saharan African countries, in order to understand the challenges they go through as migrants in Morocco.

Based on my research, I have found out that there have been few international organizations like "Médecins Sans Frontiers" (MSF), (English: "Doctors Without Borders") that was present in Morocco from 1997- 2013, as one of the international organizations providing medical aid for these women migrants. They have been able to provide comprehensive data and discovery on the pains and predicaments of these Sub-Saharan African women migrants in Morocco.

(The graph below is the interpretation of the percentage of each gender helped by MSF)
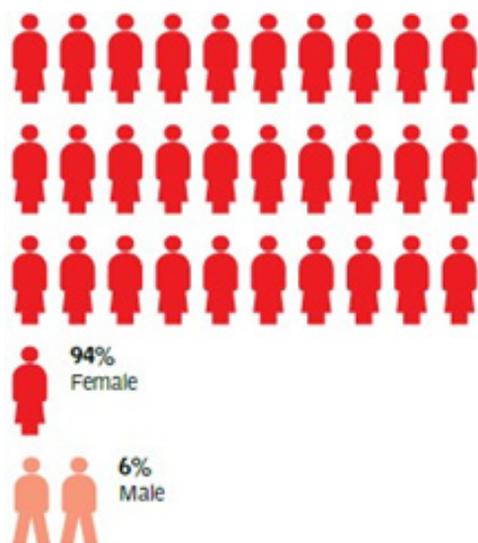
In their 2013 report on the situation of Sub-Saharan migrants in an irregular situation in Morocco, MSF made a research of the kind of

violence these Sub-Saharan African women migrants had experienced in their journey to Morocco. And being an organization that was established to provide vulnerable victims with medical aid, they were able to provide medical assistance and psychological help for these women migrants in Morocco, who had become victims of rape and sexual exploitation.

The paper has three main objectives. The first objective will focus on the causes for sub-Saharan African women's migration in Morocco. It includes push factors such as poverty, oppression and lack of human rights. In addition, pull factors are examined such as industrialization and development in Morocco. The second objective will focus on the challenges those women go through in Morocco; this includes sexual, labor or begging exploitations and gender discrimination. The third objective will focus on the attempt the Moroccan government is taking to care of and protect sub-Saharan African women migrants, who are victims of inhuman exploitation.

II. Causes for Sub-Saharan African Women Migration to Morocco:

A. Push Factors

a. Economic Factors:

Poverty is one main root to vulnerability of these women being pushed to migrate from their country of origin to Morocco. Because people who are indigent are more actuated to search for better living conditions, they are defenseless against circumstances that make human trafficking easier. Susceptible people searching for better life for themselves and their loved ones are often deceived through job offers, training and false economic opportunities.

Other push factors for these Sub-Saharan African women migrants include oppression, lack of human rights, poor social and economic opportunities, economic instability and poor living conditions for a long time. These factors put so much pressure on these Sub-Saharan African women thereby pushing them into migrating to a seemingly prosperous and better environment from where they are coming from: from their countries of origin to Morocco.

b. Political factors:

Political instability, militarism, civil wars, armed conflicts in most of these sub-Saharan African countries give rise to the migration. There are two sides of the political factors, the first concerning the countries that receive victims of trafficking; and the second is related to the countries that send victims. On one hand, the countries that receive victims lack law enforcement, regulations of domestic related business where most trafficking occurs whether it is domestic servitude, forced labor, or sex trafficking; besides, corruption and coercion facilitate the work of traffickers, such as it is the case in Morocco.

On the other hand, the countries that send victims do not provide protection for their citizens abroad, or are suffering from interior political conflicts, extremism, or corruption. These armed conflicts affect women more than men, especially in cultures where patriarchy is the widespread mindset. In host countries, women are defenseless against trafficking more often than others. Armed conflict causes decay of national institutions.

c. Cultural Factors:

Trafficking in women depends mainly on patriarchy; the forms of exploitation are gender-biased, and victims of trafficking in women come from different cultural backgrounds. Women are not exploited the same depending on their cultural background.

Education, in fact, is a right denied to women in many cultures who believe that women's main purpose in life is to find a husband, and establish a family. Education of young girls can either prevent or encourage trafficking of women. On one hand, if girls are encouraged to continue their education until at least the age of 18, girls may gain an intellectual independence and might reject different exploitative traditional customs; these women as well may gain the economic independence when they have the opportunity to work with their diplomas. On the other hand, in the cultures where girls are illiterate, or were forced to drop out, trafficking takes place; as the example of Sudan, Nigeria where Boko Haram ferociously have fought education of girls... Trafficking in the African cultures where girls are denied their right of education is higher.

Cultural violence against women support some forms of trafficking more than others, especially in tribal communities where the laws are regressive and based on male dominance. In many African communities, it is considered as the natural pathway for girls not to choose their partners, and conform to the gender roles imposed by male power.

The Internet

Historically, trafficking has always been traditional, mainly within borders; it was slow, and its victims were limited in numbers. Thus traffickers used to profit from wars, gender inequality, and other factors to track down women. But since the rise of the Internet, a space of unrestrained communication has been created; thus, trafficking has become faster and vaster in numbers of victims. Also, the number of gangs and trafficking of rings have increased due to the freedom access to the Internet has given them. Therefore, new forms of exploitation emerged because of the Internet.

 The Internet first of all has made it easier for traffickers to organize and protect themselves. Today, anyone can start 'dealing in women' –through cyber trafficking- from all over the world as borders are erased, and almost everything is possible. Many traffickers can go unpunished since a great number of countries have not developed their laws to punish traffickers using the Internet as a means of trafficking. Therefore, traffickers have doubled in numbers, and they have become more creative and dangerous.

Pornography is very recent in duration, almost sixty years; but with each year, the porn industry generates more billions of dollars, and its viewers double in numbers and demand. Many are hooked in the addiction of seeing women exploited for selfish reasons of entertainment. The widespread of Pornography is mainly the product of the Internet; and it is considered for many viewers, even those who oppose trafficking in women, a freedom of choice, and a choice women make voluntarily. Such conclusions show the danger of the Internet because it is not as it used to be before. Today, there is contact between exploiters, and traffickers; a direct contact that might come with shock, or guilt; all those emotions of empathy towards victims of trafficking are erased through erasing the direct contact between viewers of Pornography and victims of exploitation for Pornography purposes.

B. Pull Factors

The level of industrialization and development in Morocco which may be attested to through her infrastructure, Internet and the availability of basic necessities, increase the desired passion needed for these sub-Saharan African women to make Morocco a destination country for settlement. This often happens when the dream to go to Europe becomes impossible.

Poverty and wealth have always been the relative concepts that lead these women to migrate from their countries of origin to seek a better life in any developed or fast developing countries.

III. Sexual Exploitation of Sub-Saharan African Women Migrants

The Sub-Saharan African women migrants, who are usually victims of sexual exploitation, have found themselves in a country as Morocco where resources are not made available for them and aids are not provided by the government. They oftentimes, experience extreme sexual exploitation through the use of power by local authorities, based on the fact that they are illegal immigrants, who do not have the legal resident papers that would enable them to live freely (although recently the Moroccan monarch has given his instructions to the authorities to issue legal residency stay to any illegal immigrant). But most of illegal sub-Saharan migrants live in the forest (East of Morocco) because they cannot afford the life in the city. This makes women vulnerable to sexual exploitation in the hands of the locals and security forces, who find them at the end of the day in their hideouts.

Forest East of Morocco: Source Google.com

Based on the sub-Saharan student's interviews, we have noted that sexual exploitation is an act experienced by most Sub-Saharan African migrants here in Morocco. Most of them are mostly exploited sexually at the frontiers by Moroccan police and immigration authorities as payment to enter into Morocco. In other words, the only way they can be allowed into Morocco by Moroccan immigration authority is by being raped and exploited sexually.

A Real Story: The Experience of Marie

Marie, a 30-year-old woman unveils her story in an interview conducted by Médecins Sans Frontières, in their 2013 report on the situation of sub-Saharan African migrants in an irregular situation in Morocco: "They left us in the desert and we walked for seven hours to get to Tamanrasset. There each nationality has a house. I was welcomed by the president and he took me to a house....he told me that he was going to introduce me to a man who would take care of me, that I would live with him and no-one would bother me. This man would be my husband....The men there they have sex with you like a dog morning, noon and night; they have sex with you constantly. They beat you; they do what they want. If you don't want to, they make you leave and the police come and take you.

"If I give birth now I will explain to my child. If he asks me "Who is my father?" I'll say to him "Who is your father? I cannot tell you." I will explain what happened. I don't know if it was the second or third rape. I have to tell him the truth, you can't hide it. It's a story that I will always tell, even if I go to Europe and one day I get married, I will always tell my story"(MSF 2013 report).

IV. Labor Exploitation of sub-Saharan Women Migrants:

Migration to Morocco offers tremendous opportunities to hundreds of women and men from Sub-Saharan Africa. They travel to Morocco in order to find jobs either in public or private sectors. These jobs can be in food services, retail trade, housekeeping, gardening, driving, and care giving or working as nannies. These jobs provide them the chance to financially help their families. However, the conditions in which many may work are so risky that they may amount to trafficking and forced labor.

Forced labor is defined according to the International Labor Organization (ILO) Forced Labor convention (No.29) of 1930 articale2), as "all work or service which is exacted from any person under the menace of any penalty and for which they said person has not offered himself voluntarily."

Trafficking in women for the purpose of forced labor is the second most dominant form of exploitation. Women constitute one third of trafficked victims for forced labor (35%) according to the UNODC's 2014 report on human trafficking, and 55% of all victims according to the International Labor Office (ILO) including forced sexual labor, in numbers 11.4 million are women and girls. The ILO reports that forced labor generates $150 billion per year.

Many Sub-Saharan migrant women are more vulnerable to forced labor, especially for domestic work purposes due to their high dependence on their employers, as well as the fact that private homes are often excluded from labor regulations and labor inspection. Underage girls are at special risk in domestic work; they're more readily subject to control and abuse by their employers and their relatives.

V. Exploitation of sub-Saharan Women/Girls in Begging Networks:

This phenomenon is relatively new but it is more and more conspicuous especially in big cities in Morocco. Because of the nature of the exploitation in begging, it is difficult to collect data. Even official reports do not highlight the practice. But, personally I notice many sub-Saharan women and young girls (often with children) begging especially in important crossroads and red lights of the city.

I would like to note that the research for reliable sources of information is still an on-going process.

VI. Reasons for Exploitation of sub-Saharan Women

a. Poverty

The height of poverty these migrant women live in Morocco is one of the major determinant factors to why they are being exploited sexually or otherwise. Poverty has so denied these women the resources to provide for themselves, which increases the rate of their passion for

search of money by all means necessary. This ordeal is what ends them up to sexual exploitation by locals and fellow sub-Saharans. The denial of these resources enlaces areas such as lack of access to basic needs and lack of women empowerment. Among these women migrants, the ones who are extremely out financially give their daughters out for prostitution in order to make money which eventually leads to sexual exploitation.

b. Ignorance and Illiteracy

The fact that most of these migrant women in Morocco are ignorant and illiterate without formal education is one other reason they are denied opportunities of getting jobs that would protect them from any exploitation. These women are exploited in different ways as a replacement for their educational qualification in order to get informal jobs. Oftentimes, these women migrants are forced into prostitution for financial and economic reasons being that they cannot get legitimate jobs.

Furthermore, their medium of entrance into the country in the first place, which is through the border without legal and documented papers, is also an impediment. The highest job some of these migrant women can get is to be employed as house maids, where they may be also exploited sexually. Some of them take to begging in the street, which is the most common and easiest thing for them to do.

VII. The Ordeal of sub-Saharan Migrant Women in Morocco

Most of the Sub-Saharan African women migrants in Morocco decided to leave their home countries, not knowing what awaits them at the other side. The grass looked greener away from their home countries. However, many of them end up sexually exploited by their link persons in the course of their trip to Morocco, as part of their dues in order for them to be allowed to continue their journey. They are also exploited sexually by the Moroccan authorities at the borders, as part of the dues they have to pay again for them to be allowed access into Morocco. This is because these women migrants can no longer continue their journey into Europe which was their original destination.

Crossing the border into Morocco, they are forced into prostitution and begging by the unforeseen circumstances they finally find themselves in. One of the clear examples of those circumstances is the lack of job opportunities based on the fact that they don't have legal documents to prove their legal residence in Morocco. In other words, there is no proper documentation on the country's database of their entrance or arrival into the country. The lack of documented proof of their presence in Morocco stands as a hindrance and a great limitation to them working legitimately which now leaves them with options of self-subjugation to begging, forced labor and prostitution. Those who go into prostitution are exploited sexually by not being paid for their sexual services; while those who go into begging are deceived by being offered jobs as housemaids and later on exploited and abused sexually by their male employers.

These women migrants who are oftentimes from Nigeria, Cote d'Ivoire, the Democratic Republic of the Congo, cannot do otherwise in the sense of going to the appropriate authority to report their ordeals when they have been victimized and exploited. Considering the fact that their presence in the country is not recognized and documented in the country's database, allows their extreme vulnerability to all sorts of abuse and exploitations in Morocco.

Another reason for their predicament of sexual exploitation being on the increase is the fact that the Moroccan punitive institutions do not actually have concrete laws speaking against this act of sexual exploitation of sub-Saharan African women migrants. Though, the Moroccan government has laws against crimes like trafficking of persons, rape and prostitution. However, the very act of sexual exploitation, which is the sexual abuse of persons through the exchange of sex for drugs, food, shelter, protection, status or power by means of deception, has no specific law fighting against it.

This fact makes it difficult for perpetrators of sexual exploitation of sub-Saharan African women migrants in Morocco to receive full measure of punishment for their crimes. It also, prevents these women from having legal rights to receive legal help based on the fact that there is no specific law speaking against the crime when they fall victim of it. They have neither medical aid nor legal help provided by the Moroccan state for these sub-Saharan African women migrants.

Moreover these women in Morocco are usually deprived of economic dependency; most of them are physically abused, traumatized psychologically and sexually exploited thereby leaving them helpless. And all these acts have health consequences on these women migrants because they are women; not just women, but women of color who are migrants. Skin color or race discrimination is undeniably a negative cultural phenomenon in Morocco. Despite this grievous act against sub-Saharan women, it is never addressed the way it should be addressed. In spite of the flinty nature and sensitivity of this issue, the lack of evidence against perpetrators of this crime makes it difficult for these vulnerable women migrants to get justice for the crime committed against them.

a. Sexual Abuse

This group of sub-Saharan women is always at the greatest risk of sexual abuse from fellow migrants within the same community, and from the Moroccan society as a whole. They also undergo gender-based violence from Moroccan security forces. As a result of this sexual exploitation against these women, most of them get pregnant resulting to unwanted and fatherless children. Those of them who cannot bear the struggle of unwanted pregnancy try to get the pregnancy aborted; but because abortion is a crime against humanity and under Moroccan punitive system, they carry out this operation of abortion illegally. Most of them carry out this operation by themselves, by taking herbs that flush out the embryo from their wombs. They mix limes and alcohol together and drink it while the pregnancy is still few weeks old.

b. Access Denials to Education and Healthcare

Access to education is the ordeal of the illegitimate children of Sub-Saharan African women migrants in Morocco. Many of them are not allowed access to education on the single fact that there is no record of their birth in the country's database. In other words, there is no birth certificate to prove their legitimacy.

Most of these women migrants' children are born out of wedlock to parents who are not legally married with the proof of a marriage certificate. This is the reason why most illegitimate children do not have birth certificate in Morocco because, for a child to have a birth certificate from a hospital in Morocco, its parents must be legally married. And for a child to be admitted into any school in Morocco, a proof of birth

certificate must be presented which most of these migrants do not have, thereby denying their children the right to education.

These women's right to healthcare is also denied and violated because they have no legal document backing up their residence in Morocco. The established fact that they do not have the same rights as citizens, results these migrant women to healthcare denial.

These migrant women in Morocco, who have no financial stability or formal educational qualification to better their lives, are now subject to sexual violence with no possibility of negotiating for productive healthcare, leaving them to be more vulnerable to all health issues that affect women in most developing countries. If there is no proper social network support group for these migrant women, there will be an increased risk for mental disorder, resulting to depression. Those who are infected with (STS) sexually transmitted sickness like HIV, unwanted pregnancy will be psychologically dysfunctional. The following is the testimony of a victim of sexual exploitation in Morocco who now lives with HIV.

The ordeal of Beatrice

Beatrice is a 52-year-old woman who is a victim of sexual exploitation and now lives with HIV. **Médecins Sans Frontières** 2013 report on the situation of sub- Saharan African migrants in an irregular situation in Morocco:

"They sent us to Médecins Sans Frontières, who told us we should do the tests for HIV. It's I who is a victim; my children are in good health. When I started to cry the doctor encouraged me, she told me that it's good to know, because now that we know they can help me with the treatment" (MSF 2013 report).

c. Racism and Gender Discrimination

Gender discrimination and racial differences are two great challenges sub-Saharan African women migrants in this part of the world suffer the most, which makes them vulnerable to various acts of exploitation. This phenomenon is associated with skin color, gender discrimination, lack of education, and the ignorance of these women migrants about human rights.

Besides, these women often suffer human rights abuses from Moroccan security officers, thereby becoming victims of gender and racial discrimination that stigmatize them within the Moroccan society. In Tangier (North of Morocco), the student conducting the interviews personally had an experience of racial discrimination from Moroccan taxi drivers. He was at the Grand taxi stop trying to take a taxi to Tetouan; but he was refused access into the taxi because they thought he was an illegal migrant based on his skin color. Therefore, he was asked to present his "Carte de séjour" (resident permit) before he was allowed access into the taxi that he was going to pay for with his money. It was an embarrassing moment for him because he felt his right as a human was violated.

At first this sub-Saharan student had no idea why that scene had happened; he just thought maybe it is the usual thing they require from every passenger who travels from Tangier to Tetouan, until a Moroccan passenger who was inside the taxi and could speak English told him why that scene had happened. It was because he was black and he should be grateful to God that he had his "carte de séjour" and "student identification card" with him; otherwise, the situation would have been worse than he would have expected. It was there and then he got to know that there are groups of people who engage in "sub-Saharan migrant hunts" in Tangier which eventually breeds exploitation of vulnerable sub-Saharan women migrants.

Generally, it may be asserted that there is a high level of racism, gender inequalities and dissimilarities against sub-Saharan Africans in Morocco; and those who suffer this plight the most are the sub-Saharan migrants. Among these migrants, the women and children suffer the most, being that they cannot speak for themselves and do not have legal backings of their residence in the country. The most painful part of this whole marginalization against these sub-Saharan migrant women is the fact that the Moroccan authorities take no action against perpetrators of these crimes against them.

Morocco is a society where generally, the male gender has more right and influence than the female gender. As it is the case in most patriarchal societies, the female gender is still often seen as the weaker vessel and a burden to the society, while the male is seen as the strength of the nation and a strong public figure. The female may be considered the private figure and seen as a submissive figure. This cultural empowerment on the male gender in the Moroccan society is the reason why it is

very easy for these sub-Saharan migrant women to be victimized and exploited sexually. Though this phenomenon of the marginalization of women is not peculiar to Morocco alone; it is a worldwide dominating phenomenon where sons are given top priorities to daughters.

VIII. Testimonies of Sub-Saharan African Women in Morocco

The following are the testimonies of some sub-Saharan African women victims:

A. Josephine 26 years – Nigerian

"I came to Morocco in 2012 through my godmother who has been living in Morocco here for over fifteen years now and had been a very good friend to my late mother. I came to Morocco under the pretense of a better life abroad and great opportunity to work and earn enough money to take care of my siblings being that I am the first child of my parents. My father is a pensioner whose allowance cannot take care of all seven of us with him inclusive. The money does not come regularly as it can sometimes delay for months without any idea of when it will come. I had left secondary school four years before this time not being able to further my education to university, which also made it difficult to get a good job. Therefore, I resulted into prostitution in order to make a living for my family and myself. And when my mother died in 2012 as a result of stroke through too much thoughts of what has happened to her family, this friend of hers who is my godmother visited from Morocco and asked me what I was doing. I told her what it is I was doing because at this time I didn't care what anyone thought of me again; I just wanted to do whatever it takes to get out of poverty.

That was when and how she lured me into believing that there is a better life for me in Europe. She said if I came with her to Morocco, she would connect me to someone who would take me to Europe; and I would make in a month five times what I make one year in Nigeria. So, I believed her because we were in a desperate situation and I was desperate to leave that level of poverty that we were in. She offered to pay for my trip to Morocco if I agreed to pay her back every dime she would spend on me when I make money in Europe, which I agreed to by signing an agreement with her, without knowing what I was getting into. On reaching Morocco, I discovered it is not as easy as she made

me believed it is to get into Europe. I have been stuck here for four years now without job or any legal source of income. My family back home is so expectant of me, thinking life is treating me well here without the knowledge of my experiences in Morocco.

My challenges in Morocco are so overwhelming that I just want to return to my country; but I cannot because first, I do not have the means to return. Second, my godmother has seized my passport until I pay her back the whole money she has spent in bringing me to Morocco. Third, I have language barrier and lack of job opportunities. Lastly, I don't have adequate qualification and legal papers to get a legitimate job. Now I am left with no other option than to continue my old job in Nigeria here, which is to sleep with men and make a living for myself even though I hide to do it because it is not allowed here in Morocco. In one of the nights that I went home with a client who is also a Sub-Saharan African, I had an experience that I will never forget in my life. I was raped by three men, all Sub-Saharan Africans, even though at first we had a mutual agreement on how much he was to pay me for the night; which he gladly accepted. On reaching where we were to spend the night, I met two other men there smoking and drinking; at first, I thought they just visited and would leave so that we can carry out our business for the night. After like an hour of reaching there, the men were not making any attempt of leaving, which was when I asked the one that brought me what was happening and if we were not going to have our privacy; he said to me we already have our privacy that the night is for all four of us, that the amount he agreed to pay was for the three of them. That was when I told him he was out of his mind and I was leaving that I do not need his money. But before I knew it, one of the men gave me a kind of slap in the face that landed me back on the bed with my head spinning not having control of myself. And by the time I regained myself, one was holding my two hands, while one held my legs apart widely opened, while the third one who brought me was inside me having sex with me. They all took turns and had a folded cloth inside my mouth in order not to scream out for neighbors to hear and had loud music playing in the background. I passed out due to their aggressive way of having sex with me that by the time I gained consciousness, I could not even carry myself let alone to walk and talk.

They carried me into their car and took me back to the club where he had picked me from at about 2 am in the morning. I could not report this incident to anyone neither to the police for me to get justice because of

my fear of being caught and deported; being that my stay in Morocco is illegal and not documented. That is how those guys got away with their crime of sexual exploitation and rape against me. Truth is that I have not been personally harassed or exploited sexually by any Moroccan since my stay here; and I have more of them as my client even though I have friends who said they have been raped by Moroccans, I have not experienced it yet. After my experience with my fellow Sub-Saharan Africans, I do not get involved with them anymore.

My greatest joy is that I did not get pregnant from that incident or caught any sexually transmitted disease because they did not use protection which is condom and that I always use with my clients."

Josephine's interviewer had the impression that she looked as a young lady who had given up on life; a lady who doesn't care anymore about what happens to her even if she is caught in the act of what she does for a living being the fact that prostitution is a punishable crime in Morocco. She is so bold about it and not ashamed to say it to whoever cares to listen. This is why the interviewer is using her real name.

B. Ngozi 29 years - Nigerian

"I came to Morocco in a bus with some other sub-Saharan African migrants from other countries like Ghana, Ivory coast, Cotonue, Togo, Senegal, Guinea Equatorial and Guinea Bissau. I left my country, Nigeria, as a result of the hardship in my country which includes; lack of basic amenities like water, light, affordable education, Internet, jobs, good roads and all that. Life was so difficult for me back home to the point that I had to drop out of school and started working as a house help with very little payment. One morning, I got a call from one of my friends in Spain who told me he could help me get to Spain. He gave me a contact number and asked me to contact the person that would help me get to Morocco, where he would now meet me up and take me to Spain.

That was how I contacted this person and my journey started. I went to Kano, which is the northern part of Nigeria, and from there we set up through Niger. For me, I got to Morocco border in Oujda peacefully and successfully through all the borders without itches because my link person seemed to know every police and immigration personnel we met on our journey here. He seemed to have strong connection with these people and a strong relationship, which made me believe he has

been into this business for a very long time; and even the police and immigration officers of every border check seemed to be involved in it because of the easy access we had. He gave money at every border check; and because of him, other migrants just paid their way through without being harassed by police or any security force. I asked this link person of mine how he got to know these people, he said it is his route and he has been running this route for almost 20 years, that he has been bringing migrants through this route which is why he can speak many languages. He was the one who helped my friend in Spain cross over to Spain. With that short conversation with him, I became very relaxed thinking my life was made only to meet my ordeal at the border of Morocco.

On reaching Oujda, the linkman who brought me went and spoke to the police and security forces at the border. He took the superior officer in charge to a corner, spoke with him for few minutes, and then left. How he disappeared, I don't know till today, only for the police and immigration officers to come and started harassing us. They separated us into two groups: the women one side and the men one side. They took all five of us as women into a hidden corner and told the men they wanted to show us the way, which is where we were all raped sexually by every security personnel and asked us not to resist if we knew what was good for us. They asked us to just co-operate otherwise we would be taken back to the desert where we would be left to fend for ourselves. Better still, they would kill us and no one would ask after us after-all no one knows of our presence there. And because it was night, we could not do anything nor resist. They had so much filled of us. It was a horrible experience because most of them had terrible smell; both from their mouth and their body. I am very sure most of them had not had their bath in days. When they had had a great fill of us, they collected the money we had on us and every personal possession, and asked us to go that the sex was our payment as rite of passage into the country.

They took two of the women amongst us away and said 'they have been sold as wives to them by the man who brought us, that those women are now their private and personal possessions; so they will do with them whatever pleases them'. They were actually the most beautiful women among us. I cried my heart out that day and cursed the day I was born and the day I decided I wanted to leave my country. Now I am in Morocco unable to continue my journey; my friend who promised to come get me from Morocco to Spain says it is not as easy as I think it is.

He is now telling me stories asking me to be patient and make a life for myself here in Morocco after-all it is better than where I came from. But I told him, I'd rather go back home than continue life here in Morocco where you are not considered as an existing human being because you are black and illegal.

Now I regret ever deciding to leave my country because it wouldn't have gotten this worse for me back home. Life is far better for me back home than this hell I live here in Morocco. I wish I had stayed back home, 6 years in another man's country with nothing to show for it in any way. No job, no money, no access to healthcare. The color of your skin determines what you get; no husband to marry, no complete papers to even go back home; and even if I have the right papers, where is the finance! Even at our embassy, we are exploited financially. When we go to get necessary documents to do our "carte de séjour" since the King has approved that migrants should be given "carte de séjour" if they have passports, we are exploited by being charged extra fees different from the regular fees because they know we are desperate and are willing to do anything to get the papers. You cannot walk the street freely without Moroccan men and boys making ill comments about you. Some people would oftentimes walk up to you and then tap your buttocks and run off. I live with a man who always has sex with me almost every single night, for it is the only way I can keep living with him since I cannot afford an apartment for myself.

With the tears in Ngozi's eyes while she spoke with me, made me feel her pains and regrets. With the passion she spoke with me, I can say her greatest fulfillment will be to see herself in Nigeria back with her family where she would be loved unconditionally. When I saw the photograph of what she looked like and what she looks like now, I just could not reconcile the difference. She truly looked so much better than what she looks like now. The suffering and long stay in the sun begging and being exploited sexually has made her look twice older than her age."

C. Aimée, 25 years old (MSF 2013 report)

"He took me as his wife…..We arrived in Algeria and he sold me to his friends, saying, "This is my girlfriend, I've already paid for her so you do what you like with her." It was like that that his friends had sex with me there, in Maghnia….It was a code between them there….It was like I was their slave, each one did what they wanted with me."

D. Sede 21 years- Benin Republic

"I left my country in search for a better life in Europe; I dropped out because I lost my mother at the age of 17 as a result of physical abuse from my father. He was sent to prison for life, and I was forced to live with my father's brother since the family had taken everything that belonged to my parents. Life became very difficult for me because of the ill treatments I received daily from my father's siblings.

Being the only child of my parents, I felt all alone in this world, and the maltreatment continued for another three years; then I met a friend who I had known back in school; she looked so good that I was envious of her. She told me she lived and worked in Morocco and she is making plans to enter Europe that she just came to get some necessary papers back home. In addition, seeing the state I was in, she promised to help me by taking me along with her to Morocco; I was so excited and filled with great joy.

I left with her just to find out we were to travel by road, but because she told me that was how she came and it is cheap; I kept my calm and did not ask further questions. The journey was so rough and tiring because it took us almost two months to get to Morocco; and we were not the only ones on the journey. We travelled with four other women and a man whom she introduced as Smith and that he was the one who helped her. He also seemed to have his way at almost all the borders that led us to Morocco.

When we got here my friend Martha became something else that I could not recognize. She changed. I was kept in a room inside an apartment in Oujda with the excuse that since I entered Morocco illegally without papers that I needed to stay inside the house always until she works on getting me legal papers to legalize my living in Morocco and to be able to get a job. I was asked to provide money to process the papers, which I did not have and that was the beginning of my suffering here in Morocco.

I was made to sleep with different men to survive because that was the only way I could make money to survive except if I wanted to start begging. Sometimes when I am not lucky, they can sleep with me and after they are done, they will send me out without money and say if I do not leave they will take me to the police and say I am a prostitute so that they can send me to jail. I told my friend Martha who brought me that I want to go back home; she said that I cannot go back home

without legal papers and that I should endure it because that is how life is in Morocco; and she seemed to be doing well and enjoying it because she already knows her way around it all.

I wish I never left home because I do not recognize myself anymore; I am so frustrated. I want the government to conduct investigation on people who abuse women sexually and put an end to sex slavery in Morocco."

When Sede was asked why she did not go to the proper authority to report her challenges, she said she couldn't do that because she does not have legal rights based on her lack of legal papers that permit her to live in Morocco. Also, she knows that prostitution is a crime in Morocco, and she is afraid of going to jail.

E. Joy 24 years- Liberia

"My name is Joy from Zwedru in Liberia. I am 23 years old and a secondary school graduate; I met a man called Papi London through a friend back home in Liberia who promised to take me to Spain to help his wife in her boutique business. The funniest thing was that I had never met this man prior to the time we met and I did not ask questions neither did he ask for money from me for the journey. My father left us with our mother long time ago to marry another woman when I was still small at the age of five. My father left our mother by herself to fend for all five.

I used to help my mother in her farm work being the last child, and all my sisters married with their own families to worry about. I thought it would be a great opportunity to make more money for myself and my mother to have a better life. Two days after I met this man, we set off for Spain with three other girls; little did I know we were heading for Morocco. We left Liberia February 8th, 2013, ten of us travelled through the desert in a jeep; we took the straight desert road through the border line of the Ivory Coast to Mali and then to Algeria.

When we got to Algeria, we faced the issue of deportation so we spent over two months there before we could make it into Morocco in April 2013. When we got to Oujda, we took a bus to Rabat where I was locked up and refused access out. And for the other three girls, I do not know where they are anymore up until this very moment because we left them in Oujda. Then I told him this is not Spain as we have already agreed; he said 'yes' that we were just transiting through Morocco, and that I

should stay to rest until we are ready to continue our journey to Spain through sea.

When I got scared and told him I wanted to go back home, he said I should be patient that he was going back to Liberia to bring other girls who will join me to Spain; and he then handed me over to his friend Melvin, another Liberian who maltreated me and told me he had spent six years in Morocco and that he begged for a living. The first day he was nice; in the evening he came back home with food items; I cooked and we ate then went to sleep. The next thing I knew was he pounced on me and before I could do anything, he slapped me and beat me mercilessly and raped me because he was much bigger in size that he overpowered me.

This continued every single day to the point that he started inviting his friends over who would come and have sex with me whenever they came. He would lock the main entrance of the apartment leaving me alone inside the apartment when going out so I don't run away. He told me if I revolted, he would kill me and no one would know because he owned me, and he had paid for my life. So, he did with me as he was pleased everyday as his property. I succeeded in running away one night when he came back from club very drunk and passed out; his friends brought him home. I just want to believe God prepared that day for me as my day of escape.

He was so dead drunk that he had no idea when I pulled his clothes, searched his pockets and got the keys then packed few of my clothes and cleared every cash he had at home and I left. I met a Ghanaian woman who is also a migrant who now took me in. I am saving up to go back home because I am currently working as a house cleaner for people, cleaning their houses and babysitting children. I want the government to create a law that will prosecute people operating sex slave business and stop sexual exploitation of migrants in Morocco."

 Listening to all these migrant women share their experiences, one may conclude that they all have similar stories but each of them with her peculiarities. They all have similar push and pull factors, and poverty is the major factor. In my opinion, if poverty can be dealt with in every nation, then the issue of trafficking and migration would be reduced to a very minimal level and there will not be exploitation of women either sexually or by labor abuse of any kind.

X. Moroccan Protective Response to Exploitation of Migrant Women

A. United Nations Office on Drugs and Crime

The UNODC 2009 global report on trafficking in person, reported that trafficking in person is a criminalized act in Morocco through Article 2-274 of the criminal code. But then there is no distinctive definition between these two crimes of sexual exploitation and forced labor. It says the act of sexual exploitation and forced labor are criminalized through other offences included in the criminal code. It also says that a national action plan was adopted in 2007. The Division to Combat Family and public Norms-related Crimes and the Public Morals Group within the Judicial Police Department have jurisdiction over cases of trafficking in persons, sexual exploitation and forced labor.

Leaving this definition open-ended gives access for misinterpretation of the law by whoever chooses to break it. This penal code does not in itself speak on the gravity of this crime as a serious offense, but rather gives priority to the act of trafficking in persons in Morocco.

Sub-Saharan women in a waiting room: Source: Goolge.com.

B. Association for Women's Right in Development (AWID) Thomas Reuters Foundation News

Report by AWID 23rd January 2015 research discovered that Morocco being a country of migration, both into and out of, the government has

for more than twenty years after ratifying the UN Convention on the Protection of Rights of All Migrant Workers and Members of Their Families, failed to guarantee its implementation. Not only do security forces commit human rights abuses, but sub-Saharan migrants are victims of gender and racial discrimination that marginalizes them within Moroccan society. In Tangier, Morocco's main gateway to Europe, civic groups even engage in sub-Saharan migrant hunts, which have given rise to sexual violence against women and the murder of a young Senegalese migrant in August 2015.

The negligence of the implementation of this law by Moroccan government on the protection of all migrants' rights is one of the major reasons there is so much violence against these sub-Saharan African women. The government of Morocco has to specifically create penal code dealing solely with the issue of sexual exploitation of migrant women in Morocco.

C. Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime

Article 16 on Protection and assistance measures

a. In implementing this Protocol, each State Party shall take, consistent with its obligations under international law, all appropriate measures, including legislation if necessary, to preserve and protect the rights of persons who have been the object of conduct set forth in article 6 of this Protocol as accorded under applicable international law, in particular the right to life and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

b. Each State Party shall take appropriate measures to afford migrants appropriate protection against violence that may be inflicted upon them, whether by individuals or groups, by reason of being the object of conduct set forth in article 6 of this Protocol.

c. Each State Party shall afford appropriate assistance to migrants whose lives or safety are endangered by reason of being the object of conduct set forth in article 6 of this Protocol.

d. In applying the provisions of this article, States Parties shall take into account the special needs of women and children.

Following the reports from International organizations like the United Nations Office on Drugs and Crimes, Association for Women's Right in Development, and MSF- Médecins Sans Frontiers', it is revealed that these communities have taken a kin interest in the steps the government of Morocco is working on in order to provide assistance for these women migrants who are at a vulnerable position to be victims of exploitation and violence at the hands of the locals, police and criminal gangs. And since the issue of sexual exploitation against women has become more important on the international scene, the United Nations has focused on every country that is both destination and a transit such as Morocco and their plan to offer assistance to migrants in their Article 16 on Protection and assistance measures especially women.

During this research, I have discovered that before now, nothing much had been done for these victims by the government of Morocco in terms of medical treatment and living conditions. However, few international organizations like MSF (Médecins Sans Frontiers) was present in Morocco till 2013 with the sole purpose of helping the sexually exploited sub-Saharan women, for which most of them neither had knowledge or had any information about it. Some international organizations with the help of few NGOs have been able to render little help where the government of Morocco lacked.

Though at this moment, the government of Morocco, with instructions from the monarch, is taking on a new project of nipping the issue of trafficking and sexual exploitation of these migrant women, which will give the necessary push for international agencies to address the issue of large migration of people.

XI. Moroccan Health Response to Sexual Exploitation of Migrant Women

Médecins Sans Frontières 2013 report on the situation of sub-Saharan African migrants in an irregular situation in Morocco:

"In 2005 it was very difficult for sub-Saharan migrants to access healthcare. Each time they had to present identification or a document stating their place of residence, particularly for primary healthcare. I often had to leave my own identity card as a guarantee in order to get the necessary paperwork, especially for anyone who needed to be hospitalized. Now, thanks to the strong collaboration between the

Ministry of Health and different associations, things have improved." MSF Social Assistant, Rabat (MSF 2013. Pg 24-25)

Over the past ten years MSF has worked in close collaboration with the Moroccan Ministry of Health in order to avoid creating a parallel system of care in Oriental Region. In early 2011, MSF teams reduced the number of direct medical consultations they provided and focused on assisting and supporting sub-Saharan migrants' access to public health facilities. Working with regional health authorities staff at Al Farabi hospital and Makssem, Andalouse and Ennasr health centers, pharmacies and members of the migrant community, MSF staff have helped to ensure that sub-Saharan migrants are able to receive care via the Moroccan system. By developing strong links with the "Protection Civile", MSF has ensured that some level of emergency care is available to sub-Saharan migrants in both Oujda and Nador.

This collaborative approach and the efforts of MSF and other medical organizations have resulted in improved access to healthcare for sub-Saharan migrants in Morocco. In 2003, a Ministry of Health circular allowed for the medical treatment and care of "clandestine immigrants" on the grounds of infectious disease control. In 2011 the Moroccan government passed Law 34-09 relating to the "Health System and Offer of Care". This law affirms Morocco's commitment to the right to health as a fundamental human right (art. 1), equality of access to care and health services (art. 2), and respect for a person, their physical integrity, their dignity and their privacy (art. 7).24

MSF teams in Oujda have witnessed a reduction in the discriminatory and bureaucratic obstacles that were preventing sub-Saharan migrants from receiving the medical care they needed. Some Moroccan health professionals have become more sensitive and responsive to the medical needs of sub-Saharan migrants and Sub- Saharan migrants themselves are increasingly going to some health centers or hospitals on their own to seek care.

Yet considerable challenges remain in ensuring that the medical and psychological needs of sub-Saharan migrants are met, particularly with regard to non-emergency, secondary care, care for people with mental health problems and protection and assistance for survivors of sexual violence. Many of these challenges reflect systemic weaknesses within the Moroccan health system and affect both Moroccans and foreigners. They have been well documented and numerous proposals on how to

address them have been made. Any attempt to address these systemic weaknesses and reform Morocco's healthcare system should take into account the vulnerabilities and specific needs of the sub-Saharan migrant population.

Although access to primary healthcare services has improved in areas where non- governmental organizations (NGOs) are present, **access to secondary care remains problematic for many sub- Saharan migrants**. Emergency care and care for pregnant women is guaranteed; however, follow up services, tests and x-rays are both costly and difficult to manage. Procedures are complicated and administrative processes are heavy. The system is difficult for many Moroccans to navigate and there is a heavy reliance on family members and friends to assume the burden of care. For sub-Saharan migrants, many of whom do not speak Arabic or French and do not have family members or friends to assist them. It is even more challenging; and NGOs and associations have played a pivotal role in providing support.

Until recently, sub-Saharan migrants have been classed as having "no fixed abode" and have been eligible for medical care in public health facilities under the "certificat d'indigence" system. In 2012 the "certificat d'indigence" was replaced by a new health insurance scheme, the Régime d'Assistance Médicale, also known as RAMED. RAMED aims to assist 8.5 million vulnerable Moroccans access health services through a system of individual and state contributions. Foreigners, including sub-Saharan migrants, are excluded from the regime.

The new system began to be implemented in early 2012; and it is not yet clear what impact it will have on sub-Saharan migrants' access to healthcare. According to information provided to the "Plateforme Protection des Migrants," primary healthcare services and emergency care will remain free. It seems possible that sub-Saharan migrants could be included as "no fixed abode" under Article 118 of law 65-00, which outlines the criteria for "benefices de droit de l'assistance médicale." If this is the case their claims would need to be supported by the NGOs or other associations which assist them; however, it is not clear how this would work and who would pay (MSF 2013) for the cost of the treatment need.

Conclusion

The migrants, who are stuck in Morocco because of the European border tightening, consider Morocco a comfortable stopped destination based on its peaceful nature and its warm cultural virtue of accommodating foreigners. In my opinion, Morocco is the most receptive and accommodating Arab country, which is why most of the migrants who are stuck at the frontier take refuge or seek asylum in Morocco.

Morocco, majorly being a transit country and now a source and destination country for human trafficking based on the drastic measures taken by European countries on border tightening to prevent migrants and human traffickers from entering their territories, has begun a work on a much needed and suitable plan on a fight against human trafficking and sexual exploitation of women migrants. Being that before now, nothing much had been done by the government to aid victims of who most are women and oftentimes cannot return to their home countries. They were often left alone without the provision of proper healthcare, and stability of better living conditions, abandoned to suffer sexual exploitations and abuses of all kinds in Morocco. Many Sub-Saharan African women migrants have exposed to various health issues such as, depression, unwanted pregnancy and psychologically dysfunctional effects.

The fight against exploitation of these women means there is great hope and a future for Sub-Saharan African migrant women in Morocco. King Mohamed VI has recently been building strong political and economic bridges with many Sub-Saharan African nations. The government of Morocco has also approved the issuing of resident permit to migrants who have been in the country for a long time in order for them to have access to some of the necessary basic needs like health care, education and legal jobs. Yet the fight to eradicate the plight of trafficking in women requires the contribution of many stakeholders and a strong will from different parts – and not only Morocco.

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United Nations 2000 Protocol Against The Smuggling Of Migrants By Land, Sea And Air, Supplementing The United Nations Convention against Transnational Organized Crime

Narratives of Single Motherhood between Stigmatization and the Role of Non-Governmental Organizations

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Abstract

The objective of this article is to remap the position of single mothers in the Moroccan context. This article sheds light on the ideology of shame and guilt facing single mothers, and the role of NGOs in the struggle against social stigmatization. Focusing on the stigma against lone mother families should not keep us from recognizing the problems they confront and the blame they bear alone. In fact, rethinking fatherhood is an essential challenge to reorient policy toward single-mother families. While NGOs played a vital role in the assistance of Moroccan single mothers, their efforts have been, recently, well observed in Moroccan society. However, they still call for a cultural conversation to meet and counteract the challenges of this issue. Through the feminist approach, it was possible to recuperate the positioning of single mothers within contemporary policy debates. Narrative interviews and semi-structured interviews are used as qualitative methods while narrative interviews are considered the primary source of this study. The use of different narratives of single mothers is to better analyze and understand these women's experiences and to avoid generalization.

Keywords: Narratives, Single Motherhood, Shame and Guilt, Attitudes, NGOs, Morocco.

Introduction

The presence of single mothers is of concern to people in many societies. Because of their behavior, they threaten the almost universal norm of bearing children only within a marital relationship. Given the centrality

of this issue to the ideology of stigma throughout the epistemological traditional morality, narratives of single mothers are crucial to attribute our society's semantic and ideological commitment to gender hierarchy, which constantly pushes us to deny putting the responsibility on men, particularly fathers. Therefore, the use of single motherhood narratives serves the important function of bringing the past into the present consciousness providing a sense of continuity to the self and society.[1] These narratives will provide new models and open up possibilities for the shape of our lives to come as well as create an ideology of diversity. Taking a middle-ground position, narratives would rethink gender and relationship aspects of parenting if equality is to have real meaning.

Methods

The usual approach to a sample collection of such narratives is to interview single mothers. So, to begin with, I targeted feminist centers and non-governmental organizations that deal with the issue of single mothers. It is important to bear in mind that the sensitivity of this topic remains challenging because a number of limitations may influence the results obtained owing to the difficulty of collecting data. Overall, this case study draws heavily on research conducted in Fez. However, I made an additional visit to Rabat, where I went to the *Feminine Union Action* association, and which I would like to share as well in this study. Starting with Fez, there are two main centers concerned with the issue of single mothers. One is called *People's Rights Center* in Fez, Chefchaouni Street region. This center deals with cases of violence against women across all sectors, but they have increased their involvement with single mothers and help their cases as well. The second center is called, *Batha Center*, in the Medina of Fez, directed by Mr. Amine Baha. It treats cases of violence and discrimination against women and is especially concerned with the improvement of social conditions of single mothers in society. Moving to Rabat, there is a great iconic association called, *Feminine Union Action* association, directed by Latifa Jbabdi. Like the *People's Rights Center*, UAF is also concerned with fighting against violence against women, raising awareness of women's rights, empowering of women through professional integration, and facilitating access to justice. According to these three issue-based organizations, there are many causes behind the phenomena of single motherhood.

1   Van Teun A. Dijk, *Discourse Studies: A Multidisciplinary Introduction* (London: Sage, 2011), Vol. 2, p. 70.

These grounds are divided into social and economic causes in relation to the varying situations and conditions of these women's lives.

This study involved in-depth interviews conducted with six single mothers of Moroccan origin. These interviews were conducted in 2017 and 2018 in Fez, Morocco. First, I interviewed a social activist in *People's Rights Center* who did not want to disclose her name, but she gave me an overview of the work of their association and the single mothers with whom they are in charge. In order to avoid becoming enmeshed in groups of like-minded mothers, I limited the number of women that I interviewed to six. I spent two to three hours speaking to each mother.

With respect to the narrative interview method, I told my interviewees about the context of the research and the procedures of the narrative interview. Exposing the central topic subsequently leads the narration that develops the criteria of the issue. I proposed that the participant should narrate freely from an open question, so as to enable non-conditioning of responses. All interviews were tape-recorded except for three interviewees who refused to have their experiences recorded. However, all interviews were transcribed and coded. In addition to the interviews, every single mother answered ten questions regarding single motherhood ideas and practices. Second, in order to increase the validity of this study and reach wide sources of information, the personal information of participants remains confidential and protected. Code names are used for all single mothers interviewed in this study. It is important to note that among these mothers four of six are from rural areas while two of six are from urban areas. Three of six disclosed the names of their residential place, while the rest refused to identify them.

This small sample includes women of many different backgrounds. First, I selected single mothers from four categories, according to their class positions, age, educational backgrounds and their circumstances as either paid-working mothers or stay-at-home mothers. In the end, I spoke with three out of six working-class and poorly paid working women, three out of six stay-at-home mothers. Four out of six illiterate women and two women out of six had dropped out of school. The small size of my sample means that these results cannot be claimed as representative. However, there are reasons to believe that the stigma these single mothers espouse is not limited to this small group.

Narratives of Single Motherhood between Reality and Attitudes of Civil Society

1. Narratives of Single Motherhood

1.1 Marriage Promise

Mouna, 33 years old – Still pregnant

The first narrative concerns Mouna,[2] an unmarried girl in her early thirties. She was an orphan who used to live with her brothers in her late parents' house, in *Ghafsai*.[3] Although she was illiterate, she had training in tailoring and worked in a sewing factory. Most importantly, she was capable of supporting herself financially. At age 32, she got engaged to a man she knew and loved. She mentioned that her fiancé's continuous attempts to become intimate were enough to make her submissive to him. She notes that whenever she tried to stop him from initiating sexual activity with her, he got angry and accused her of not trusting or loving him. Additionally, she says that she had little knowledge about sexual education from her friends who used to have secret talks about this issue. As a result, Mouna had consensual sexual intercourse with him out of wedlock. Unfortunately, after a couple of months, they broke off their engagement. Right after their break up, Mouna's ex-fiancé became engaged to another girl and married her. While Mouna was left single and still recovering from her unsuccessful relationship, unluckily, she found herself pregnant.

Mouna mentioned that she talked with her ex-fiancé about her pregnancy. She says that his reaction was positive to some extent. He seemed to regret their wrongdoing, but it was hard for him to take responsibility since he had married another woman. More or less, he told her he would try his best to find a solution to this predicament. These words were enough for Mouna to support herself with. She says:" I was comforted by his words. I felt that I had a man having my back."But he could

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2   This woman is already in the center, but she found herself not ready to talk about her case since she is still pregnant and psychologically broken.

3   Ghafsai is a town in the Tawnat Province, in the region of Fez-Meknes, Morocco. It is located in the Rif Mountains. Though it is a small town it has been urbanized and economically developed in recent years.

do nothing but comfort her with words. In the first two months of pregnancy, she was so affected that she had to quit her job and stay at home. "Whenever people look at me when I go out, I feel as if they know what I have done. I become ashamed and afraid" says Mouna. Her ex-fiancé could do nothing as a father. She was unable to press charges against him because she was fearful of her brothers' reaction.

In order to cover up her premarital pregnancy form her family and community, Mouna told her family that she would go to her aunt's house for awhile, in Fez. Her plan was to stay away from home until she gives birth without anyone else's knowledge. In fact, her aunt supported her physically and morally, but it was financially hard for her. Later, she was introduced to *People's Rights Center* thanks to her friend (a female neighbor). She came right away to the center for fear that she would cause any further inconvenience to her aunt. Currently, she is at the center waiting to give birth to her child to make a decision about her future plans with her child. She believes that if she cannot find a job to finance her child, she will give him up for adoption. (Mouna, personal communication, March 5, 2017)

Fatima Zohra, 20 years old - a mother of a daughter: three months old

In the same context of marriage promises, twenty-year-old Fatima Zahra narrates her story. She lives in a village near Fez called *Beni Sadden*.[4] Consensually, she dropped out of school at an early age. She was only 17 years old when she fell in love with Mohammed. He was old enough and financially stable to start a family as he promised Fatima Zohra. However, they had a secret love affair which had led to consensual premarital relationship. Fatima Zohra says that Mohammed had some family issues which prevented him from proceeding with marriage, yet as soon as they were solved he would marry her. However, they were at ease enough to start a full sexual relationship. Unaware of the upcoming consequences of their actions, Fatima Zohra conceived and started her earliest stages of pregnancy. Her family was already aware of their daughter's relationship with Mohammed, but they were against it because of the man's poor reputation. Despite this, Fatima Zohra says: "I was blinded by love and lost in devotion with him." Fatima Zohra confirms that she knew nothing of the details of sexual intercourse, and

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4   *Beni Sadden* is a tribal area of Fez-Boulmane region, in Morocco.

she was completely submissive to him. Though she repeatedly asked him whether she had lost her virginity or not, he assured her that she was still virgin. His lies assuaged all her doubts and comforted her. Unlike Fatima Zohra, Mohammed was knowledgeable that they had full sexual intercourse, after which he continually asked her about her monthly period. Ironically, she missed her period three months, but she had no idea that she was pregnant because as she says: "I know nothing about sexual education. My mother had never talked to me about it because it is *hshouma* (shameful). I only knew such an experience for the first time with Mohammed."

Not surprisingly, Mohammed no longer contacted her as he discovered that his fear came true. By the time she started to become depressed about the changes in her body and unpredictable mood swings. Concern about her led her family to take her to the hospital. Fatima Zohra did not have the opportunity to find out about her pregnancy on her own. It was her family who discovered her pregnancy at the hospital. As expected, the fact of her premarital pregnancy was shocking news. Fatima Zohra says:" Mohammed was accompanied by his brother when I was about to confront him with reality. Because he had no intention to fully assume his responsibility, he slapped me so hard that I lost consciousness." It was Mohammed's aggressive behavior which made Fatima Zohra sue him for violence and sexual assault.

Her family's anger did not last for long. Their hope to get their daughter's rights made them embrace. When Fatima Zohra went to the police station to give her statement, police officers asked her: "What was your feeling during sexual intercourse with him? Was your pleasure satisfied?" Fatima Zohra did not answer. She felt insulted. She was hurt. Only with the presence of her lawyer, she carried on the investigation. Sure enough, in court, Mohammed evaded all his responsibilities and denied all ties with Fatima Zohra, yet he accused her and her mother of prostitution. Recklessly, Fatima Zohra confessed that she had consensual sexual relationship with him. Therefore, despite the lawyer's efforts to protect and defend her rights, he was barely able to save her from a clear case of adultery. For the most part, her maternal concern was strong enough to neither abort her child nor abandon him.

After she lost the case, Fatima Zohra says that she was still welcome to stay at her parent's home. However, her sibling's behaviors toward her broke her. She says that none of her siblings would share the room with her. She adds that she has been isolated by her family while she

is with them. Restrictions on her became more apparent. She barely goes out into the village. She said that once her brother, Ismail, had a conflict with his friend. He insulted Ismail for his inability as a man to watch over his sister who is pregnant out of wedlock. In return, Ismail insulted Fatima Zohra for disgracing their family's honor. He, then, cut all ties with Fatima Zohra. As soon as one of her neighbors introduced her to a social worker in *Batha Center* she decided to go to it. She cites: "it was better for me to stay here than to stay with my family who can no longer stand nor support me in my situation." (Fatima Zohra, personal communication, April 6, 2018).

Hanan, 32 years old – a mother to two daughters: five years old, and expecting another by August

Here is another narrative by Hanan who has gone through this experience twice. Like Fatima Zohra, she originates from a conservative family in Al Hoceima. She is an illiterate woman who has never gone to school. She was 17 years old when she fell in love with a married man with whom she developed a love affair he married his cousin to satisfy his parent's wish, he was still in a relationship with Hanan. He made her believe that he would divorce his wife and marry her. While she was head over heels with him, she trusted him blindly and waited for him rejecting several offers of marriage. Therefore, they had been in a love affair for eleven years. Their long-term relationship with no contraceptives led to pregnancy.

The married man with whom she had an affair did not accept the responsibility of an illegal child especially because he is already married. She says: "While my brothers live abroad and I can barely see my father who works all day long, I was able to deliver a healthy baby at home. My mother and sister were supportive and tolerant of my mistake. However, they could not tolerate a second mistake." Ironically, Hanan was a single mother with a four-year-old daughter whose father did not acknowledge her, yet she was still in a relationship with him when she became pregnant again. She cries and says that she only knew that she loved him. As a result, her second careless mistake filled her with disgust at herself as a woman and a mother. Her mother and sister could not tolerate the same mistake twice. This means that she had to solve the problem on her own. Only then when the woman she used to work for introduced her to the *Batha Center* in Fez where she

immediately traveled with her daughter.[5] She came to the *Batha Center* when she was five months pregnant with her second daughter (she still did not give birth to her child). After she lost hope and trust in the father of her daughters she cut all ties with him. It was only then when she understood she was stupid enough to devote her life and trust him and his lies when he only used her as a mistress to satisfy his pleasure. Like Fatima Zohra and Mouna, she lost trust in him and in men in general. She bitterly says: "Now, I ended up with two illegitimate daughters in this society. I know that I was stupid enough to fall into the same mistake twice, but I have lost trust in men for once and for all." Thus, I asked her about her future plans for her current situation when she says:" I do not know. I can no longer go back home with my daughters. I have to work for their sake. But how can I get a job with no education and no professional experience." (Hanan, personal communication, April 11, 2018).

Fadoua, 38 years old - a mother to two daughters: one is four-year-old and the other one is only two-months-old

A different story about single motherhood is narrated by Fadoua. She is a 38-year-old mother, who also went through the experience twice, but with two different men. Like the previous narratives, Fadoua originates from a village near Fez. She says: "I am an illiterate mother who has never been sent to school." She used to live with her mother, two sisters, and three brothers. As she was the oldest, she worked to financially support her family. Fadoua says bitterly that her brothers were addicted to drugs, so they used to abuse her whenever they got the opportunity. Soon, she managed to convince her family to travel to Fez to look for a job. She rented a room and started working in a coffee shop for low wages. Fadoua complained several times about being exploited by a man who repeatedly came to the coffee shop. Although he was a married man, later on, Fadoua describes how she developed a love affair with him. She said that his continuous promises to take her as a second wife removed all possible boundaries between a man and a woman. They had unsafe premarital sexual intercourse until she fell pregnant.

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5   Hanan has a daughter of five years old named Leila and now she is five months pregnant with another baby girl.

Fadoua says:" I begged him to marry me and save me from scandal, but he told me to abort the baby because his situation could not afford him to marry her." Luckily, Fadoua was introduced to a middle-class woman who employed her as a maid at her house. In fact, both agreed that as soon as Fadoua gave birth, her employer would adopt the child as her own. Helplessly, Fadoua says that she could not refuse, as it was her one and only solution. After nine months, she gave birth to a healthy baby girl, whose identity was given to other parents. In return, Fadoua was given permission to visit her daughter whenever she feels like. But she can no longer work in the house where her daughter lives.

After such a bitter experience, she picked up her life right where she left off. Days passed, she met with her cousin in Fez with whom she came to develop another love affair. Fadoua continuously described how they have fallen in love with each other that they are determined to get married. Following in the footsteps of her first experience, Fadoua became pregnant again. Provided that he loves her, her cousin suggested her to abort the baby since he is unemployed and cannot afford to start a family. She went again to the woman who adopted her older daughter to seek help. However, she refused to help her again. Additionally, Fadoua's family became aware of her premarital pregnancy. As a result, her brothers came to Fez in search for her to avenge their honor. Fadoua notes that she spent days and nights in the streets. She was unemployed and could not afford to pay rent as well as she had to escape to survive her brothers' punishment.

Fadoua claims that, in the street, she was found by a social assistance worker who took her to the *Batha Center*. She gave birth to another baby girl. With tears in her eyes, she says:" *Desert melli jit lfes akhti.*"[6] She adds: "I am aware of my sin and I weep a great deal in hope that Allah will forgive me." Reluctantly, she states that she continuously goes to beg and ask her cousin to marry her so as to register her daughter. Repeatedly, she expressed her gratitude to *Batha Center* that took good care of her now. Currently, she has to look for a job because she cannot live for too long in the center. Fadoua claims that though he may be the poorest one on earth she wishes him to wed her. She concludes that she can manage to work at any place to finance her daughter. She only

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6   She meant to say to me that when she came to Fez, she has gotten away ahead of herself and broke all boundaries.

needs her cousin to agree to marry her to save her child from being an illegitimate child. (Fadoua, personal communication, April 6, 2018).

1.2. Rape Case

Leila, 20 years old – a mother of a daughter: two months old

The fifth narrative begins with Leila, an unmarried twenty-years-old mother. She came from a poor rural area near Fez city. She is an illiterate mother under the very traditional perception that she belongs to her husband's house, in which there is no value attached to educating girls. As a result, the essence of her upbringing was to become a typical married housewife. The climax of her experience started when she was raped by three men. In the early morning, while she was collecting firewood, she was brutally escorted out into the wilderness by three men. Leila cries as she relates the events and says: "It stinks to remember. I do not remember how it happened so fast. I only remember how I felt disgusted at the end." She went home, washed her body roughly, as she described it, *moussekh*[7] and stayed in her own room for days. Leila was afraid of being killed by her brothers if they were to find out that she was raped and had lost her virginity. In fact, this is not particularly surprising given the fact the tribal system is very conservative and discreet. It is essential to note that tribal customs are substantially based on the preservation of honor. Being afraid of exposure and shame by her community, Leila thought only about escaping from the village but was unsure how to do it or where to go. Nevertheless, when she found herself pregnant she felt threatened and escaped immediately.

Leila managed to come to Fez on her own in order to give birth to her child safely. Her encounter with *People's Rights Center* came after she gave birth to her daughter. She had a female friend from Fez whom she came to seek for help. Her married friend could not keep her at her home because she knew she was pregnant. Yet she helped her look for a job as a maid. Being aware of her situation, her employer sympathized with her and helped her until she gave birth. Later, she introduced her to the center to help her find a solution for herself after this experience. She is still not determined what she would do later. (Leila, personal communication, June 12, 2017).

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7   *Moussekh* means dirty. Leila meant that she felt her body dirty after she has been raped.

1.3. Customary Marriage (Al-Fatha[8] Marriage)

Sanae, 18 years old mother – a mother of a baby girl: one-year-old

Sanae is an eighteen-year-old girl who dropped out of school from the fifth grade. She belongs to a poor family in a village near Fez city. When I saw her first in *People's Rights Center*, she was carrying her one-year-old baby and accompanied by her father. Sanae says that she was seventeen years old when she got married to her husband who is a soldier. They were married with *Al-Fatha*, which means they had no signed marriage contract. They lived together for almost one year until she got pregnant. She states that before giving birth to their child, they had an aggressive relationship with conflicts, which she respectfully did not want to disclose. One month before the birth of their child, he abandoned his family and disappeared. Even after delivery, she says that he did not visit her nor did he show up later.

In Sanae's case, legally, she became an abandoned single mother because she does not have a marriage contract that proves her marital status. Unlike Leila and Mouna, Sanae had the support of her family. Sanae describes proudly how her father stood by her and took care of all the financial needs of her child, even though he is poor. However, Sanae says that she is aware that her father would not be able to finance her for the rest of her life. Sanae began to face stigmatization when she wanted to register her child. The inability to provide a marriage contract, an essential component to complete formalities, raised her concerns. She had to sort out her problem. Sanae says that though she was married when she was abandoned, she felt that she had been used like a sex object and thrown away.

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8   *Al Fatha* marriage is a marriage tradition. In the past, it was a non-contractual marriage where the men read *Surat Al Fatiha* to complete the marriage. With the change of the Moroccan Family Law, this type of marriage was proved to be legally vulnerable to the bride. The absence of the legal documents that prove the couple's marriage nullifies the bride's rights and exempts the husband from any legal responsibilities towards his children. Consequently, all marriages now require registration of the marriage contract in court to be valid. On general grounds, there are some villages where the old vision of *Al Fatha* marriage is still exerted.

Under these circumstances, Sanae believes, it would be a nightmare for her to live as a single mother. More importantly, her daughter will be a fatherless child because she is not registered by her father. The case of Sanae was introduced to the UAF association by *People's Rights Center*. The Vice-Director of the UAF association, as expected, took considerable measures to provide Sanae with assistance for the required legal proceedings. The main process was to sue the husband for recognition of this customary marriage. As I have mentioned above, there is an alternative solution to prove her claim of marriage which is the testimony of twelve witnesses to the marriage. As a result, Mme. El Abouni, the vice-director of the UAF association notes that if there are no witnesses as required by law, Sanae will have to be considered a single mother. Unexpectedly, this case was a failure because Sanae could not produce the required number of witnesses. Sufficient evidence was not provided as well. Evidently, the people of the village did not want to give their testimony in court.

The available evidence seems to suggest that, as Sanae's case, many mothers can be and are condemned as single mothers under the so-called "customary marriage" arrangement. Their inability to provide sufficient evidence to prove their marriage nullifies their claim to marriage and its legal protections. Such narratives draw us to conclude that there is another reality behind single motherhood, a reality where the single mother is victimized twice, first by her husband, then by society. This makes customary marriages like *Al-Fatha* marriage another source of single mothers in society.

So far, this section has demonstrated the use of the narrative interviews method that places single mothers at the heart of the research study. The narrative interviews are more appropriate to report detailed stories of the life experiences of lone mothers and their families. It is now necessary to further the discussion in a structured way to draw implicit themes obtained from the narrative interviews. The analysis of cross-narrative themes, their principal issues, and suggestions which have arisen in the discussion are provided and evaluated in the forthcoming section. (Sanae, personal communication, June 12, 2017).

2. Analysis of Narratives: between Myths and Realities

For the debate to move forward, a better understanding of these experiences and a critical analysis of the ideology of stigmatization

needs to be developed. Mouna, Fatima Zahra, Hanan, and Fadoua had consensual sexual intercourse with their male partners prior to marriage. In contrast, both Leila's and Sanae's narratives emphasize the premise that the stigmatization of single motherhood is not only substantially associated with consensual sexual behavior, but with a sexual assault or a customary marriage as well. Consequently, these six narratives exemplify different controversial viewpoints.

I will begin with the narratives of consensual sexual intercourse. Generally speaking, such behavior is a fundamental belief grounded in and linked to religious doctrines that condemn sexuality and childbearing out of wedlock. Whether it is Biblical or Quranic condemnation, the Old Testament punishes men and women with stoning to death if s/he violated the code of sexuality prior to marriage.[9] In our context, Islamic teachings restrict sexuality within marital status because it is a transgression of the law of God, as Allah says in *Sūrat al-Isrā*:

> And do not approach unlawful sexual intercourse.
> Indeed, it is ever an immorality and is evil as a way.[10]

To demonstrate the explanation of this verse, it is apparent that any sexual behavior out of wedlock is immoral and most importantly, forbidden. The wise interpretation of this restriction lies in the prevention of confusion and conflict of legal presumptions of paternity of children, as well as preserving their rights as future individuals. Subsequently, a number of rules found in religious sources have their roots in cultural norms. With this in mind, Mouna, Fatima Zahra, Hanan and Fadoua's sexual behavior with their male partners stigmatizes them all (male and female) with immorality and inadequacy. Accordingly, in the context of adultery, his almighty says in surat Anour:

> As for the adulteress and the adulterer flog each of
> them with a hundred stripes, and let not compassion
> with them keep you from [carrying out] this law
> of God, if you [truly] believe in God and the Last

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9   Nancy E. Dowd, *In Defense of Single Parent Families* (New York: New York University Press, 1997), p. 40.

10   Sahih International (2017), "Chapter (17) sūrat l-isrā (The Night Journey)," retrieved on 15 May 2018, from http://corpus.quran.com/translation.jsp?chapter=17&verse=32

Day; and let a group of the believers witness their chastisement.[11]

This is an important finding in the understanding of the stigma of blame and guilt. Simultaneously, Allah, the almighty, expresses that any further results of any sexual behavior are incumbent upon both, the adulteress and the adulterer. This Quranic verse has encouraged debate on equal punishment to the male and female because both of them share the same blame, guilt, and responsibility. In similar words, the result of premarital pregnancy of the adulteress is a shared responsibility by her and the adulterer as well. In contrast with the contemporary moral standards of a society that focuses on the stigmatization of blame against single mothers, Islamic belief exposes the illusion of shame that hides the importance of gender equality and the psychological imbalance of marriage. The reason for this rather contradictory result validates the extent to which our semantic and ideological commitment to gender hierarchy constantly pushes us to deny blaming the fathers. From this viewpoint, considerable attention must be paid to the observation that moral condemnation of single mothers perpetuates patriarchal misogyny.

While the narratives of marriage promises invoke the common interpretation of social stigmatization of women's inadequacy and the ideology of shame, Leila's narrative nullifies it. Leila's voice calls into question the story of the stigma that blames mothers and morally condemns them. Leila was forced to submit to a forcible sexual assault by three mature men. Ironically, a healthy normal sexual intercourse involves two people, a man and a woman. In contrast, Leila was cruelly and sexually assaulted successively by three males. So, we must take into consideration the aftermath of this type of abuse, which can bring about psychological and physiological disorders, such as mental health disorders, diminished social confidence, post-traumatic stress, and self-blame.

On personal grounds, the only sensible method to analyze the narrative interviews is through a feminist critique of patriarchy. While Leila had no way to anticipate what would happen to her one day in broad daylight, three men were determined to satisfy their sexual desire, asserting that they "would not take no for an answer." In a broad context, as men, they

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11 Muhammad Asad (2016), "AYAH an-Nur 24:2," retrieved on 15 May 2018, from https://www.islamawakened.com/quran/24/2/default.htm

believed they hold power and dominance over women whereas women are deprived of the ability to resist or fight against such power. Within the scope of feminist scholarship, feminists have reframed the notion of rape from a sexual need to a patriarchal misogyny. In Brownmiller's book, *Against Our Will: Men, Women and Rape*, she says:" Rape is not a crime of irrational, impulsive, uncontrollable lust, but is a deliberate, hostile, violent act of degradation and possession on the part of a would-be conqueror, designed to intimidate and inspire fear..."[12] A remarkable result to emerge from Brownmiller's quote is that rape perpetuates violation and conquest of the female's private property, her body. Thus, the hierarchy of fear signifies the willingness to prove power and masculinity over women. Similarly, Leila was deprived of choice, protection, and justice because the rapists asserted their power and urged to dominate over her. Significantly, Brownmiller's argument about the point that rape generates fear and intimidation is worth mentioning. Leila told none of her family about her bitter experience because she was afraid of their reactions, especially her male relatives.

Apparently, for raped women such as Leila, the strongest challenge that perpetuated fear and intimidation of their being is moral condemnation rather than the violation of their body. This idea highlights the fact that social conventions of shame and bringing disgrace to the family are associated more with women than men. Though it is Leila who has been victimized, she was afraid of moral condemnation that places blame on women. As a result, Leila remained silent. Critically, the foregoing discussion implies that a woman is not taught to protect her body because it is her own property, rather she has to protect her body so as not to bring shame to her family. In similar words, the violation of the woman's body is the violation of the property of her male relatives. Within the framework of this norm, Brownmiller invokes the premise of women as "protected" property. She points to the origin of the male-dominated family that gives men, formalized as a father, husband, brother or a clan, the burden of protecting their women against abuse by other men.[13] The central terrain lies in the fact that women do not value their bodies because it is their essential right. As a result, Leila felt that she could not voice her right on her own body, nor could she

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12   Susan Brownmiller, *Against Our Will: Men, Women, and Rape* (New York: Simon and Schuster, 1975), p. 72.

13   Ibid., pp. 17-18.

say that she had been victimized, nor could she report the incident to legal forces or her family.

If the debate is to move forward, we need a better understanding of customary marriages, known as *Al Fatha* marriage, which can be illustrated through Sanae's narrative. This marriage, unlike the legal one, requires no marriage contract. It is sufficient to recite the first chapter of the Quran, *Al Fatiha*, for the marriage to be considered legitimate. Though this tradition represents an Islamic tradition that was adopted during the time of the Prophet Muhammad, peace be upon him, Moroccan Family Law regards it as illegitimate. All marriages without the provision of a formal contract are considered invalid and they violate the provisions of the article 16 of the Moroccan Family Law.[14]By contrast, *Al Fatha* marriage is still widespread in the rural areas of Morocco. One major drawback of this type of marriage is that many husbands abandon their families, leaving behind unidentified children. On the one hand, this particular practice poses a threat to the legitimacy of children as well as the status of the wife as a married woman. Children, therefore, are deprived of their identity as future individuals of society while mothers can be considered single mothers.

In analyzing the narrative interviews, three compelling themes that emerge are education, dependency and poverty, and fatherlessness in the family structure. The different stories of women bring about different ideas to deconstruct the voice of silence. Hence, these essential themes which will be foreground discussion in this section.

2.1. Education

The Oxford dictionary refers to education as an enlightening experience. It is the process of accessing systematic instruction, either at a school or university.[15] It is a fundamental pillar of development for both male and female individuals. According to the narratives of these single mothers, four of six state that they are illiterate, while two of six state that they dropped out of school. This shows that the phenomenon of illiteracy is still significant for women. It is notable that the Moroccan government

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14   The Moroccan Family Code (*Moudawana*) of February 5, 2004, *Global Rights,* (2005), p. 9.

15   "Education," Oxford Dictionary, retrieved on 25 May 2018, from https://en.oxforddictionaries.com/definition/education

made basic education compulsory for all children from 6 to 15 years of age.[16] However, Mouna, Hanan, Fadoua, and Sanae, were not given the opportunity to enroll in school, therefore they do not have a proper basic education. They did not learn to read or write, nor are they able to perform basic arithmetic. In this brief, the central focus of education is not necessarily to get a good job, but it is about power. Without education, women are powerless, voiceless. The main question which can be asked is why are there still some girls not sent to school?

While poverty can also be a common reason why girls drop out of school, an alternative explanation for this question is given by Leila. She said that her parents took into consideration a very traditional perception. A female is expected to move to her husband›s house and raise children, wherein it is the duty of the male to work and provide financial support for his family. A common example of such exemplifies how some families prioritize their sons' education while disadvantaging their daughters. This argument raises two points: first, gender ideologies and roles that assign the majority of domestic work to girls impede their opportunities for study; secondly, depriving girls of education is to deprive women of the ability to earn a living. In similar words, the ideology of illiteracy constructs powerless female identities. Fatima Zohra and Sanae have little advantage over the illiterate women; the sole difference is their ability to write and read. The vital role of education to empower girl's development opportunities and their well-being lags behind. Parents are most responsible for their children's well-being. We cannot neglect the fundamental role of the parents to guide and educate their children about what is beneficial to their future. Subsequently, they remain responsible for not educating their daughters, taking them out of school, or not encouraging them to pursue studies. In short, illiteracy divulges and embodies social norms and practices that reflect a gendered expectation of boys' and girls' roles in society. Sen et al. (2007) contend that norms are vital determinants of social stratification. Norms are subsequently powerful in underscoring gendered relations. They reflect and reproduce relations that empower and give authority to some groups. By contrast, they marginalize and subordinate others by normalizing shame, inequality, indifference or invisibility that hinders

16   Lorent-Bedmar Vicente, "Educational Reforms in Morocco: Evolution and Current Status," *International Education Studies*, Vol. 7, No. 12 (2014), p. 99.

social development.[17]In this context, we can identify men as a powerful group who benefit from the illiteracy of women, the subordinate others. Depriving girls of the right to education is a way to keep them powerless in the future. It foregrounds the legitimacy of subordination and powerlessness.

Similarly, these single mothers' narratives show how illiteracy and lack of education affected their behaviors and led to their current situation. Hanan spent her youth with the sole hope of getting married one day. She believed her husband would be the man she fell in love with at 17 years old. Despite the fact that she had opportunities for other arranged marriages, she waited only for him as she was overwhelmed by love and his so-called "promise" to marry her. But love weakened her ability to distinguish between right and wrong, between what is permissible and what is forbidden. Her lack of critical thinking veiled her ability to think clearly and rationally about what to do or what to believe. The same goes for the other single mothers. Their lack of education decreases the importance of being self-reflective and attaining self-knowledge and progress. She denotes that the ability to look critically is a primary measure to describe being self-reflexive.[18]

Another major flaw of female illiteracy is the lack of self-esteem and self-empowerment. The construction of gender relationship influences gender identity. That is to say, power talk between men and women shapes femininity and negotiates power. In his book, Van Dijk denotes that being a 'smart girl' signifies an emancipated feminine identity. Smartness is a valued attribute associated with the savvy emancipated woman. He contends that women are either reflexive or stereotypically emotional and naïve. When a woman gives in her emotions, she stops being smart.[19] This argument explicates the case of marriage promises. Mouna, Fatima Zohra, Hanan, and Fadoua believed that love means submissiveness. Ironically, a woman has to prove her love through giving her precious body to satisfy her male partner, even if it is before marriage. It is irrational to contextualize love as if it is all about sex. If

17   Rachel Marcus and Caroline Harper, "Gender Justice and Social Norms – Processes of Change for Adolescent Girls," *UKAI*, (2014), p. 12.

18   Amani Hamdan, *Muslim Women Speak: A Tapestry of Lives and Dreams* (Toronto: Canadian Scholars' Press, 1973), p. 185.

19   Van Teun A. Dijk, *Discourse Studies: A Multidisciplinary Introduction*, p. 230.

this argument is taken into consideration, then sex workers encounter pleasure with their clients out of love and not money. Therefore, smartness in a woman is about self-esteem and being mindful of her rights. It empowers women to voice themselves and say 'no', especially for Hanan and Fadoua who repeated the same mistake twice. However, we cannot excuse their male partners who take advantage of their powerlessness and ignorance. It is ironical, that married men would emotionally blackmail other women to have sexual intercourse with them. In a society where women are constrained by gender norm, men take advantage to exert their power over women. In the same context of self-esteem, Fadoua noted that she continuously begged her cousin, the father of her daughter, to marry her. Despite the fact that fatherhood is a duty and a responsibility of men to their children, Fadoua, as a mother, has to beg her male partner to fulfill his duty. Simultaneously, the other single mothers had to face their male partners in the same way.

In another context, Leila who was raped used the connotation *moussekh*, which means dirty, to describe her body. She explicates how disgusted she felt about her body after being raped. In fact, Leila depicts how her damaged body became useless and powerless. The available evidence seems to suggest that the violation of a woman's body perpetuates self-blame through the feeling of powerlessness to protect herself from the rapist who took control of her body. Consequently, her silence was not an error, but an inability to face moral condemnation and to defend her rights. Leila's silence was out of fear of shame and blame. Limits on girls' mobility and the high value placed on virginity before marriage is of utmost importance because it legitimates the ideology of shame and blame on women who could not protect it. The ideology of shame and blame is a premise shared by all these single mothers except for Sanae who regarded herself as married.

Enhanced 'voice' in the family is one of the major gains of education. Unfortunately, this was the significant missing part of Leila's narrative. In the same way, Leila's unexpected pregnancy increased her helplessness and weakness. Her inability to overcome the hidden trauma synthesizes her vulnerability. She consolidates the imposition of male-dominated authority. As a result, Leila's escape was out of lack of choice which is predetermined by a structure that penalizes premarital pregnancy of women under any pretext. As I have mentioned earlier in Brownmiller's context, Leila did not value her body because it belongs to her. Leila has been normalized to the idea that her body is the property of her male

relatives and something which she has to protect in order to preserve the family's honor. So, the feeling of insecurity within her community and family was enough to encourage her to give up everything to save herself from the ideology of stigma. Her illiteracy makes her perpetuate and legitimize the social norms that generate shame, inequality for marginalized women.

On another level, sexual education is also a crucial right of the general public, especially women. I strongly argue that lack of sexual education is an essential attribute leading to single motherhood. Four of six shared the same statement about sexual education. For example, Mouna mentioned that she had a little knowledge about sexual education from secret talks with girls. Meanwhile, Fatima Zohra said that she knew nothing about sex education, not ever from her mother, simply because it is *hshouma* (shameful). She added that she only had to know little with Mohammed. This is particularly important when investigating this debatable issue. The pervasiveness of sexual education as a taboo generates different interpretations most of which are incomplete or not true. In fact, parents who teach children that sex is shameful and dirty, create an impression which is hard to outgrow. More importantly, parents tend to be more protective toward their daughters. Not every woman is brought up with an unhealthy or repressive view of sex. Parents impose their own moral, religious or personal views toward sex particularly the case with girls. To this, feelings of guilt and shame are born in the household and at a very young age, when little girls are taught to hide or repress their physical selves.

In contrast, sleeping with a lot of women, for a man, can be a point of pride. Men can express their sexuality and sexual curiosity while women face great pressure not to show interest in knowing about sex, sexual activity, or sexual appeal. For a woman, it's a point of shame. Society's point of view reminds us that men are designed to want sex while women are designed to withhold it. Consequently, many women are less likely to reveal their sexual desire. The same goes for marriage promises' narratives. Single mothers mentioned that they were submissive during sexual intercourse that was led by the male partner. Importantly, women who are being sexual are condemned as being "sluts". Alternatively, the ideology of stigma highly censures women for the premise of being sexual, hence, "sluttish". Unfortunately, women lack education and awareness of reproductive physiology and various psychological and sociological aspects of sexual response.

Most importantly, women are less likely to be knowledgeable about sexual education, sexual health, and birth control process that must be learned to prevent unwanted pregnancy. For example, Fatima Zohra missed her period for three months, and still, she was not aware of her pregnancy. Similarly, Hanan and Fadoua had sexual intercourse continuously without contraceptives. Ironically, if these women were not sexually educated, at least men could have used male contraceptives to prevent pregnancy. At this stage of understanding, we believe that men as well are not educated about sexuality. Yet, some stereotypes regarding sexuality as a taboo are based on the influences from both society and family. Many of our attitudes toward sex are shaped by how we were raised and how sexuality was portrayed to us in our families and in our communities.

This discussion may raise concern about public awareness as well. In this concern, we can refer to Leila's attitude after her sexual assault to hide what happened, rather than to report the crime to the police or to go to the hospital. Dr. Ibtisam Senhaji Louzi,[20] a gynecologist says that a woman who has been raped needs to seek care after the sexual assault. Emergency care facilities offer women who have been raped an emergency contraceptive injection to prevent pregnancy after rape. This injection significantly reduces the risk of pregnancy if taken within 72 hours. As a result, girls' increased access to information would have a positive impact on the importance of health education and sex education.

Leila did not report her sexual assault to law enforcement; she decided not to tell anyone and to try to forget about it. There are two significant points to cite. Either she is unaware of her legal rights as a victim who has been sexually assaulted, or she is afraid of stigmatization. In either case, her silence was not a lexical choice. In particular, sexual assault can also be seen as the fault of the woman involved rather than the man because a woman is to blame who is not protective of herself. The stigma of blame and shame associated with virginity discourse suppressed her powerful agency that would protect her and defend her right as a victim. As a result, Leila reframed the discourse of sexual violence as an act of power of the patriarchal domination of women. It is significant to note that all these single mothers were not aware of

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20   Dr. Ibtisam Senhaji Louzi is a gynecologist at Hassan II University Hospital of Fez, Morocco with whom I made an interview about medical health.

existing NGOs that defend women's rights. In their narratives, all single mothers demonstrated that they were introduced to NGOs by a female friend or neighbor after they found themselves in crisis. So essentially, these women were not knowledgeable about where and whom to ask for help. Accessing legal information would also play a vital role in preserving the individual's rights. The same way Leila was oblivious to her legal rights as a victim of sexual assault, Sanae was not aware of the necessity of a marriage contract. It is significant that her parents as well were not up to date with new legal reforms. Their lack of legal awareness played a role in denying them their rights, Sanae's rights as a married woman, and her daughter as a legitimate child.

The UN Special Rapporteur on the protection and promotion of the right to freedom of opinion and expression, Abid Hussain, denotes that violence and intimidation of violence in public and private life remains one of the main concerns of women. He contends that the feelings of shame associated with sexual abuses in the context of family and workplace need to be reconstructed. With those points in mind, Hussain complains that lack of public awareness leaves women under-represented. Societies will continue to ignore not only their rights and needs but the creative contribution they can make towards a general improvement of societies.[21] To this, designing public awareness campaigns ensure the realization of all human rights for all women especially the rights to opinion, expression, participation, information, association, and assembly. The government remains responsible for raising the public conscience. In this regard, it would be beneficial to ensure that the public interest is served by disseminating the information, all laws and decisions concerning the right of protecting oneself. In fact, the main struggle is evidenced by the widespread silence, and lack of information in society. Women's lack of awareness eventually reinforces gendered power imbalance. In this respect, the community plays a growing role in perpetuating, condoning and gender power relation.

Raising public awareness and popular education would also address the stigma experienced by single mothers. Taboos associated with the ideology of stigma against women at the community level justify

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21   Hussain Abid, "Report of the Special Rapporteur on The Protection and Promotion of The Right to Freedom of Opinion and Expression," *Commission On Human Rights,* Fifty-fifth session Item 11(c), (1999), p. 13.

women's silence, rather than their seeking help.[22] The drafting and implementation of rights under law family catalyze social attitudes toward change on the issue of single motherhood. The political activist Antonio Gramsci brought heightened attention to the way dominant groups in society use information and media as key to consolidating power and domination via popular culture and shared 'common sense'.[23] Public awareness, hence, triggers women to emerge from the silence. Women's voices challenge patriarchal values and popularly shared ideas of male superiority and domination that legitimate the stigma of shame and blame.

2.2. Dependency and Poverty

The very notion of "dependency" is highly associated with the issue of illiteracy. Taking into consideration the narratives of these single mothers, illiteracy, and lack of proper education played a major role in obscuring their independency. Although Mouna worked in a sewing factory before her experience, she was a working woman with a low-income wage. The same goes for Fadoua who used to work in a coffee shop. Sanae, Leila, Fatima Zohra and Hanan were financially dependent on their families. As parents, much of their fear of single motherhood comes from their inability to raise their children and support them financially alone. Because of the stigma of single motherhood, they had to be separated, or separate themselves from their families under the guise of so-called "family's honor". The problem of dependency becomes apparent as soon as the dependent female is separated from her family. In their narratives, Fatima Zohra mentioned that she does not have plans for how to support her daughter. She has neither experience nor a degree because she did not need to worry about money while living with her family. By contrast, Mouna was at least able to finance herself, but she had to quit her job due to stigma. She escaped to her aunt's house, but she could only support Mouna financially for a while. As for Fadoua, she said that she had to sleep in the streets because she became jobless and homeless. These mothers were obliged to stay at the centers because they had no other place and no other choice. In the case of Sanae, she mentioned that she became dependent on her father

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22   Francine Pickup, et al., *Ending Violence Against Women: A Challenge for Development and Humanitarian Work* (England: Oxfam, 2001), p. 230.

23   Ibid., p. 231.

again once again after being abandoned. These findings provide insight into the needs of women for help to gain autonomy, reassurance in their difficulties and both financial and emotional support.

In fact, limiting women's freedom of movement outside the home is often particularly strong among more affluent households who are less reliant on income earned by female family members. Women's free mobility is restricted by their inability to provide adequate financial support for their children. The very assumption that a female is unable to attain independency legitimizes the discourse of female passive dependency. In considering female's and male's struggles around dependency, females show dependent attitudes more openly. Thus, dependent females were trained and normalized into dependency. Women were obligated to care for the home and the husband. Previous feminist scholars and researchers have indicated that females are often trained independency, like passivity, from birth.[24] To illustrate this argument, Perrault's Cinderella provides an example of how social norms place gender expectations on women. He argues that dependency becomes a source of freedom from oppression, whereas becoming independent may provoke challenges from family or society. By traditional standards, the female identity is constructed upon qualities deemed feminine, such as obedience, patience, virtue and sexual innocence. A woman who lacks any of these qualities may feel guilty and inadequate. Women, hence, are taught to become dependent on a man as a source of protection, identity, and proof of love. Thus, women tend to be more self-disclosing, and better able to acknowledge and express fears, vulnerability, and wishes to be taken care of.[25] Such women do not take actions to solve their own problems and do not state clearly their opinions out of fear of engendering conflict and disapproval. Most importantly, the stigma of single motherhood gains legitimacy through their passive-dependency.

Women's dependency arises from economic necessity exacerbated by the social and economic restraints limiting women's activities. Justice, for Aristotle, occurred because men were morally obligated to care for women. Women were obligated to care for the home and the husband,

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24   Carmen E. H., Rieker P. P*., The Gender Gap in Psychotherapy: Social Realities and Psychological Processes* (New York and London: Plenum Press, 2012), pp. 125-127.

25   Suresh M. Makvarna, eds. Patel P. Ankit, *The International Journal of Indian Psychology* (Gujarat: Redshine, 2016), Vol. 3, Issue 3, No. 8, p. 119.

but these mutual obligations did not reflect any sort of equality of relation. The notion of reciprocal duties within family systems became the basis for family law until the 1970s.[26] As a result, female-headed households are relegated to positions of extreme vulnerability both morally and economically. In the same context, the common belief that they are in need of the protection of a male patriarch undermines their position and influence. They may, therefore, remain fearful of challenging the outside world. In this respect, the dependency of these single mothers indicates their need for protection and their inability to provide financial support.

Eventually, the pejorative connotation of the dependency of females is highly associated with poverty. Poverty status varies markedly according to gender. Most single mothers do not have the choice whether or not to live in poverty. However, their failure to deal with independency increases the poverty rate among them. In her article, Karen Christopher denotes that social science research confirms the importance of education and employment in reducing poverty. But increasing women's employment is not sufficient to ameliorate poverty. Level of education is the most important dimension behind unemployment among mothers. The risk of unemployment falls with increased education. The unequivocal evidence explicates why single mothers who have no degree and almost no work experience, frequently work in poverty-wage jobs.[27] For example, Hanan worked as a maid when she was pregnant with her first daughter. A woman who sympathized with Hanan agreed to employ her as a maid to raise her child. The same goes for Fadoua who faced the same situation. However, she gave her daughter up for adoption because she was unable to support her.

The evidence shows that low-income wages remain insufficient to pull single mother families out of poverty. Many single mothers find it nearly impossible to find the time and money to combine childrearing, employment, and education. Their inability to be self-supporting would be alleviated in significant measure by employment, thus shifting the dependent female into an independent wage earner. There is a difference

26   Julie A. Mavity Maddalena, "The Systematic Oppression and Stigmatization of Poor, Single Mothers in America and Christian Theological Responses," *Crosscurrents,* (2013), p. 157.

27   Karen Christopher, "A 'Pauperization of Motherhood'? Single Motherhood and Women›s Poverty over Time," *Journal of Poverty,* (2008), pp. 7-8.

between a woman who has chosen independence and a woman who is obliged to become independent. A woman who seeks independence already believes in her autonomous agency and her self-sufficiency. By contrast, a woman who has been taught dependency and is obliged to become independent encounters many difficulties. Being unready to face the outside world explicates her failure to escape poverty. As a matter of fact, the social stigma of single motherhood also plays an essential role in the feminization of poverty. Moral condemnation of single motherhood obscures work opportunities for single mothers. It legitimates their failure to "solve the problem of poverty". Grudging acceptance and social norms are partially to blame for the feminization of poverty of single motherhood. As a result, social attitudes contribute to the impoverishment of lone mother families and the predictable consequences of poverty. On general grounds, poverty can be considered a reasonable factor determining why single mothers give up their children for adoption.

2.3. Fatherlessness and Family Structure

In his book, Blankenhorn refers to fatherhood as a social role that obligates men to their biological offspring. He argues that every child needs a father because of two reasons. The first reason is that fatherhood bends maleness. It makes men become good men who obey the law and think of the needs of the others. The second reason is that fatherhood privileges children. It socializes men by obligating them to their children. However, he argues that fatherlessness raises male violence and threatens children's well-being.[28] Narratives of these single mothers have clearly demonstrated how they were abandoned by the biological fathers of their children. Single mothers could have denied their role of mothering through undergoing an abortion. All single mothers interviewed in this study indicated that their maternal instincts were more powerful than choosing abortion or abandonment after birth. Illustrating this argument, Fadoua said that she was given money to abort her child, but she refused whereas Fatima Zohra, was offered to give her child up for adoption, but she rejected this option. In this pretext, women seem to differ from men in their greatest tenderness and less selfishness. Hardy argues that, a woman, owing to her maternal

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28   David Blankenhorn, *Fatherless America: Confronting Our Most Urgent Social Problem* (New York: HarperCollins Publishers, 1995), pp. 25-26.

instincts, displays these qualities toward her infant in an eminent degree.[29] Paternal abandonment by men questions their paternal instincts toward their children. Between paternal abandonment and maternal care giving, it seems that parenting for women is considered a duty, while men see parenting as an option. As a result, we condemn single mothers for the absence of a father. Single mothers have to overcome and compensate for the absence of the father in the household.

The total absence of a father in the family structure remains inherently remarkable. In her book,[30] Dowd claims that the condemnation of single mothers for raising children without fathers is another basis for the stigmatization of lone mothers. One of the main concerns about single motherhood seems to be the absence of a male patriarch. Under the very notion of the 'traditional family', headed by the traditional father, his absence demonstrates a flaw in the social thread. In this context, Hanan mentioned that only if she marries a man would she be accepted back home. In similar words, Fadoua claimed that her plea to her cousin to marry her was the only solution to save her from stigma. So, the presence of the patriarchal father in the family structure counteracts the social stigma of motherhood. On a personal level, it is ironical that single mothers' fate is determined by men's choice. Men hold the power to choose to abandon the mother and their children. While a single mother's failure to provide a father for her child is quite powerful, his irresponsibility toward his child also increases the burden on single mothers. Therefore, the importance of the "male-headed" family seems an inevitable trajectory in society.

Nancy Dowd argues that the failure to adopt the patriarchal structure of marriage, within which childbearing is permissible, remains quite arguable. Disreputable, Dowd mentions that previously immoral women were classified through their sexual activities. Women who violated the preferred norms of sexuality and childbearing within marriage were regarded as disrespectable. Unlike men whose economic status determined their class, women derive their class from sexuality and relationship to men. Women's class distinction is based on their relationship, or the absence of such, to a man who protects them and on their sexuality. However, Dowd adds that although society still

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29   Hardy B. Sarah, *Mother Nature: A History of Mothers, Infants, and Natural Selection* (New York: Pantheon Books, 1999), p. 3.

30   Dowd E. Nancy, *In Defense of Single Parent Families,* p. 28.

condemns single mothers for their perceived immorality, social norms surrounding parenthood have shifted in the recent years.[31] By contrast, I would like to argue that Moroccan social norms are still considerable oriented toward the two-parent system.

While the male breadwinner family form continues to represent the norm of the family system, single mothers are blamed for their inability to provide a male patriarch to protect and support the child. In fact, social norms' emphasis on the need for a male patriarch at home lies in the idea that the man controls the behavior of the woman. Restrictions on the behavior of women who are not married are not as severe as those on married women because a daughter's virginity is important in making a good marriage. Thus, the presence of the male relative, father, brother or a husband is not only linked to protecting women but to restricting their freedom as well. The acceptance of single mother families without fathers would denigrate the role of the man as a father. In this respect, it constitutes a social threat to manhood, parenthood, and society as a whole. In this account, I argue that the main problem is that fatherlessness does not concern the father-child relationship, but the myth that a woman needs a relative man to watch over her. Hanan, Fadoua, Leila, and Mouna who could not provide a man to protect them, escaped from their families. To their families, it is necessary for the girl "to remain chaste" until her marriage. Even if it is not the biological father of the child, getting married to a 'Man' substitutes the stigma of shame and generates acceptance. In her book, Katja Z. Elliot notes that marriage means protection (*sitr*), because no one will protect a girl except her husband.In similar words, a married girl means *mastura* or has a good reputation, while both *sitr* and *mastura* are derived from the same root letters.[32] So, a married girl, therefore, is the girl whose good reputation is protected. As a result, watching over women so as not to cross the boundaries or the *hudud*[33] shaped by the dominant power is a man's legitimate duty.

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31   Ibid., p. 40.

32   Katja Z. Elliott, *Modernizing Patriarchy, The Politics of Women's Rights In Morocco* (Texas: University of Texas Press, 2016), p. 165.

33   *Hudud* is a term first used by Fatima Mernissi to define the word frontiers between good and bad in her book *Dreams of Trespass: Tales of a Harem Girlhood* (New York: Perseus Books, 1994), p. 158.

To this, commitment to gender hierarchies constantly defers the blame away from fathers. In contrast, all of these single mothers indicated that they have lost trust in men. The ideology of stigma obscures the psychological burdens of these single mothers. Nancy Dowd argues that single mothers suffer additional stress because of economic insufficiency, role strain, and social isolation.[34] They are at great risk of depression, low self-esteem, the feeling of guilt, and incompetency. Although being disappointed and insecure, these single mothers would only take marriage into consideration to conceal the stigma of single motherhood. In other words, a single mother has to be accepted by another man to bring satisfaction to society and provide their children from illegitimacy.

3. The Attitudes and Behaviors of Institutions toward Single Mothers

This part takes a close look at the relationships between single mothers and community: the family, hospital, the police, and civil status authorities. Throughout single mother narratives, it is made clear that social stigma rationalizes their marginalization and discrimination. The social presumption of stigma toward single mothers creates different attitudes and behaviors of different entities of community. As a result, their attitudes are either discriminatory against lone mothers or sympathetic.

3.1. The Family

"Family" is considered the building block of society. It represents security, warmth, and love. Education starts with the family. Much of children's behaviors, attitudes, and moral standards are internalized by family. Meanwhile, parents remain responsible for their children's mistakes. Society blames family for their children's inadequacy. Much of the family's honor centers on women, whether it is a mother, daughter, or sister. Subsequently, protecting the family's honor is more focused on women's relations with men unrelated to them. Particularly, women remain under surveillance for their decency. In contrast, the stigma expressed toward single mothers reflects the failure of the family to watch over their women. A good example of this argument can be

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34   Dowd E. Nancy, *In Defense of Single Parent Families,* p. 34.

seen in single motherhood narratives. Fadoua reported that when her brothers knew about her premarital pregnancy, they came looking for her to avenge their family's honor. Though their cousin is the biological father of Fadoua's child, her brothers place the blame on her and her inadequacy. As a result, she escaped the family in order to survive. In order not to suffer the same fate, both Mouna and Leila ran for their lives. The very expected reaction of vengeance to the family's honor by their male relatives encouraged them to run away. As I mentioned earlier, the premise of shame, guilt, and blame is stamped on the single mother. Eventually, the act of vengeance against the offending girl is highly recommended by society to avoid gossip. As a result, any type of punishment to preserve the family's honor remains acceptable to critical voices.

In a different context, Fatima Zohra did not have the opportunity to become aware of her own pregnancy. It was her mother who discovered it at the hospital. Perhaps, if she had discovered her pregnancy privately, on her own, Fatima Zohra might have chosen the same solution as Mouna and Leila. She could have run away. In fact, much of their fear during the early stages of motherhood was out of shame, guilt and uncertainty about their future; however, for Fatima Zohra, the decision-making was left to her family. Her family's anger subsided over time. Her father, she said, came to understand that it was destined that she should undergo such ill fate. As a single mother, she stayed at her father's house. She was supported by her parents who encouraged her to sue the biological father. Instead of vengeance, Fatima Zohra's family lived on the very hope that their daughter would take her rights from *Mekhzen*.[35] To the public, proceeding with legal procedures against the father reinforces the presumption of innocence of their daughter. This process validates the victimization of their daughter instead of accusing her of wrong-doing. Subsequently, their loss of the case validates the stigma of shame and guilt of their daughter's. Fatima Zohra claims that she was welcome to stay at her father's house. However, her sibling's behaviors did not encourage her to stay. She felt as if she were isolated from her family. As a matter of fact, gossip and rumors spreading about her immoral behavior threatened the honor of her family. A concrete example applies to Fatima Zohra's brother's actions. A friend of Ismail insulted his manhood through his sister's immoral behavior. Consequently, he cut

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35   The term '*Mekhzen*' refers to the governing institution in Morocco. It is used to designate "deep state".

all ties with her. The same goes for her siblings who no longer even talk with her. Thus, the power of the word appears in people's gossip. Being criticized for one's faults perpetuates humility. As a result, humility weakens the ability to acknowledge and correct one's mistakes. Hence, we would create injustice against ourselves and undermine the example we hope to become.

As for Hanan, her mother and sister were the only ones who knew about her pregnancy. Since her father was barely present at home, she was able to give birth healthily at the house. Until now, her male relatives are not aware of her current situation. While her mother and sister sympathized with her, they accepted her mistake. Fair enough, a mother's instincts make her always embrace her children's mistakes and help them. Hanan's mother supported her fully. She decided to raise her daughter's baby at home as an adopted child. Like Fatima Zohra, she was more restricted to stay at home. Unlike men, restricting Hanan from going outside was not out of lack of trust in her. It was out of protection from exposure and stigmatization by people. Essentially, people's gossip legitimizes the ideology of blame and stigma. However, Hanan's mother could not tolerate the same mistake twice. Eventually, the intolerance of Hanan's repeated mistake was out of fear of taking it as a habit. Hanan's mother had to be rough to make her daughter understand her mistake. On logical grounds, it is not only the single mother who faces disappointment from her male partner, the family as well faces the disappointment of their daughter's immoral behavior.

In terms of customary marriage, Sanae was proudly married in the presence of her family. The stigma of immorality involving premarital sexual intercourse is not taken into consideration. So for Sanae's family, she is a victimized mother who has been abandoned by an irresponsible husband. Unlike other narratives of single motherhood, Sanae was more sympathized with than accused. Much of her family's support was out of protection of their daughter's rights. Her father's undertaking the responsibility of fatherhood to her child, protecting his daughter is associated with his duty to rescue his granddaughter from future stigmatization of illegitimacy. It was not only Sanae who was deceived but her family as a whole. Therefore, social stigmatization of Sanae is out of her inability to verify the legality of her marriage and provide a name for her daughter. So, much of her family's support comes from the family's duties to ensure security and stability to the family members.

In an interview with the director of *Batha Center*, Mr. Amine Baha describes the single mother-family relationship: "After receiving the news of pregnancy, very few families accept their daughters to stay with them at home." He adds that in most cases single mothers are kicked out of the house, taken to an association, or sent to a far relative until they give birth. According to Mr. Baha, the reaction of the family can be a deathblow to the single mother. When a girl makes a mistake that brings shame and is rejected by her family, she is left without a shelter, in the street, that is to say, in the male dominant sphere. Nevertheless, when the girl is embraced by her family, she becomes more courageous because she is backed up by her family. Logically, when the victim is pregnant as a result of rape, she has to make a report about the incident in the police station so that the family stands by her side because at least there is a chance that the law might grant the victim her rights.

In such a situation, the victim's silence creates problems for her. When a victim remains silent about the incident, it becomes very complicated if she reaches pregnancy. When the victim has no evidence to prove to her parents that she was raped, it is difficult or impossible to prove it to the police as well. Therefore, we cannot expect the reaction of the family to be comprehensive in this matter. In the same context, the harsh reaction of the family, especially of the parents, is linked to the lack of power to prove the violation of the daughter's rights. As a result, her sexual assault is perceived as adultery. A single mother who cannot prove sexual assault can be kicked out or mistreated within the family.

In the case of marriage promises, a family that embraces their daughter even though she has made a grave mistake gives a moral lesson to the daughter who broke the trust of her family. They would also strengthen the parent-child relation more than before. In a book edited by Fatima Sadiqi entitled, *Femmes Marginalisées et Insertion Sociale*, she says that single mothers often are separated from their families. Begrudged acceptance, single mothers become excluded and marginalized. She notes that even single mothers, whose families still accept them, opt to choose either their families or their children. As a result, single mothers might abandon their children to preserve their relationships with their families.[36]However, a family that kicks their daughter out because of shame makes the single mother develop a feeling of guilt and hatred.

36   Fatima Sadiqi, *Femmes Marginalisées et Insertion Sociale* (Fez: Imprimerie Imagerie Pub Neon, 2010), p. 14.

Many of these negative feelings are then directed either toward men in general or toward the child. In some cases, Mr. Baha says that the single mother carries on with her pregnancy, but she mistreats the child. She thinks of her child as the catalyst for her experience who changed her fate and broke her relationship with her family and society. The social activist in *People's Rights Center*, states that these women often had little hope that their families would embrace them. For example, Mouna, mentioned above, took her own decision and left the house because she did not expect her family to accept her with them, nor her friends, nor society. Mouna believed that since she lived with her brothers, as male patriarchs they would not hesitate to "torture" her if not to kill her. (Mouna, personal communication, June 12, 2017) He ends by saying that their lack of choice to become single mothers is predetermined by a male patriarch who is irresponsible. In a patriarchal society, it is not a lexical choice for a woman to bear a child alone. It needs a lot of courage and ability to counter society. So, these single mothers need support and help to internalize their experience and learn from it because they are already aware of the sinful act they have committed.

3.2. Hospitals

Single women used to face a lot of discrimination in hospitals either during treatments or delivery. Dr. Ibtisam Senhaji Louzi says that all pregnant women have the right to give birth at the hospital. Yet she has to provide illegal papers that prove a patient's marital status to complete formalities of hospitalization. Dr. Senhaji mentions that a pregnant woman is normally accompanied to the hospital by her husband or relatives at birth, wherein it becomes suspicious for a mother to come alone. There would be no problem if she brings her documents. But, if she cannot provide needed papers, it means that she is a single mother. In fact, Dr. Senhaji notes that it is obligatory to inform the police to maintain the rules of the hospital. Since hospital rules are firm, any illegal act exposed is a threat to those involved. Dr. Senhaji says that they will treat the mother in the maternity unit, but later legal procedures will proceed. Covering up on an illegal matter is regarded as a crime. She adds that as soon as rumors about her status are known, it is possible that some staff member might mistreat or disrespect her. It is, therefore, not unusual to hear that in some cities or the villages where small dispensaries are located, single mothers are reported to the police or gendarmerie sooner or later.

As a doctor, she says that it is true that single mothers face stigmatization because of their immoral acts, even though the woman takes much of responsibility for her situation. A woman is in need of sexual education and religious ethics. It is a must for a woman to acquire sufficient knowledge about her body and how to protect it. In this respect, it is important to note that hospital formalities are meant for social stability. However, I would argue that hospital rules toward single mothers are discriminatory In fact, the attitude of medical staff and related authorities explicate why single mothers choose home delivery. Hanan, Fadoua, Mouna and Leila, all have gone through home delivery. Though they included no further explanation for their choice, it was most likely out of social intimidation. Eventually, Fatima Sadiqi argues that pregnancy screening provided by medical centers is not available for single mothers. There is no special training staff that would give support and treatment to single mothers. Sadiqi contends that women are not knowledgeable about the pregnancy process and therefore cannot shape the healthiest relation with their body.[37] Much of single mothers' concerns relate to traditional beliefs or customs that restrict them from moving out and fear of involving hospital personnel in such occasions.[38] In fact, their lack of knowledge about menstruation, reproductive physiology, and birth control methods are most important for single mothers, whether in rural or urban areas.

In the same context, *The Convention on the Elimination of all Forms of Discrimination Against Women* (CEDAW) is an international treaty described in a Bill of Rights for Women. Focusing on socio-economic justice and gender equality, it was adopted in 1979 and ratified in Morocco years later.[39]One of the main aims of the CEDAW treaty is to achieve all essential needs to assert health rights, for every individual without any kind of discrimination. It asserts as well that women, in general, are able to benefit from this right and all other rights of the treaty. This perception can be seen in CEDAW's Article 12:[40]

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37 Ibid., p. 13.

38 Ginu G. Powathil and Nirmala B. Parthsarath, "Psycho Social Aspects of Tribal Unwed Mothers," *International Journal of Medicine and Public Health*, (2017), Vol. 7, Issue 2, p. 109.

39 Santy Said, "Single Mothers and Their Children's Guidebook," (2014), p. 8.

40 CEDAW (1998), retrieved on 26 March 2017, fromhttp://www.un.org/

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of healthcare in order to ensure, on a basis of equality of men and women, access to healthcare services, including those related to family planning.

2. Notwithstanding the provisions of paragraph I of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

In accordance with these articles, activists in Morocco are working to apply transnational ideals such as "equality" and "women's human rights" to eradicate discriminatory acts against single mothers. Since giving birth in hospitals may represent a threat for many single mothers, there are single mothers who prefer secret home delivery with the help of a common midwife. In this regard, feminist groups have devoted much of their work for single mothers to solve these obstacles. As for *People's Rights Center,* it provides one or two social assistants to accompany patients to the hospital when pregnant single mothers in the center's care are due to deliver. This accompaniment is like a ticket to ensure the safety of the single mothers from any discriminatory act. Thus, single mothers benefit from free hospitalization. They benefit from all necessary treatments like other patients for free. Similarly, Mr. Baha states that the Center also facilitates free access to maternity unit and health care for single mothers in their care. However, there are some single mothers in the center who refuse to go to hospitals for fear of being exposed or seen by someone. He suggests that the sensitivity of the issue enables people to understand single mothers' concerns. As a result, the center started to provide maternity facilities. Single mothers like Fatima Zohra and Fadoua gave birth in the center by a sworn obstetrician.

As a result, and according to the Moroccan constitution, the Moroccan law has fully recognized the right of healthcare for all Moroccan citizens. While the Moroccan constitution is the most important document in the country, the Moroccan legislation has included the right of health to every citizen, men and women without any kind of discrimination.[41] All feminist groups involved in the issues of single mothers give full

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womenwatch/daw/cedaw/text/econvention.htm#article12

41   Santy Said, "Single Mothers and Their Children's Guidebook," pp. 13-14.

attention to these rights and make sure to implement them, to which now, single mothers are not charged nor prevented from their rights to have a treatment in hospitals and give birth.

3.3. Civil Status Authority

The police have the right to enforce the law and limit civil disorder. In particular, according to the article 489 of the Moroccan Penal code that criminalizes the act of adultery, pregnant single women and single mothers may be threatened with prison. Given the world's focus on the relationship between citizens and their governments in the MENA region, women's rights will come into play to lend insight into women's issues. While it may be necessary to criminalize all adulterous acts, legal authorities do not take sufficiently into consideration the conditions of single mothers. Fatima Zohra mentioned in detail that when she went to the police station to give her statement, police officers asked her about her feelings during her sexual intercourse. The point focused on whether she had an orgasm during intercourse. Fatima Zohra mentioned that it seemed clear that they were indirectly making fun of her. She faced humiliation and a sense of powerlessness.

Since the law is most concerned with evidence a paternity test is the considered a solid proof of the paternity of a child. When Mohammed denied knowing Fatima Zohra, she had to provide to court evidence of sexual assault. Fatima Zohra had no evidence because she had a love affair with him with consent. At the very end, she said they were not asked to provide a paternity test because, in court, the charge was reduced from rape to unlawful sexual intercourse. Ironically, Mr. Baha says that a DNA test costs 5000 DH. Moreover, there is only one governmental laboratory that can provide this test in Morocco. In contrast, other private laboratories that conduct paternity tests cost 3 million DH. Evidently, in cases of these single mothers who face poverty, providing a paternity test would be a prohibitive task. Expensive and difficult, single mothers are left criminalized with their stigma over time. It would also have been hard in the case of Leila. She did not report her sexual assault to the police at the time; later, possible evidence to criminalize the rapists was no longer available. As a result, rape victims who become single mothers are also treated as adulteresses. In order words, the law requires that a medical examination, an investigation, or other physical proof of rape for the crime to be prosecuted. Overall, many single mothers who have low educational levels and are not aware of what to do, are left

to their stigmatization. The only case of single mothers where the law can quickly intervene is in the case of minors. Under-age girls who become pregnant are more likely to be supported by law, rather than being prosecuted or charged. However, they may also face the difficult reality of single motherhood.

Batha Center's director cited that efforts toward women's rights and equality need the assistance of legal authorities' assistance to counteract the issue of single motherhood. Hence, in as much as police stations are cooperating with these associations to control and treat this issue, we can observe that progress is being made. For example, vagrants and homeless people, men or women, found in the street are taken by the police for further investigation. If there are single mothers among them they send them to associations that can help them. Indeed, Mr. Baha admits that some cases of single mothers were sent to their center by the police for assistance.

The issue of single motherhood is not only about a woman who is pregnant while she is unmarried, but also about a child born out of wedlock, a fatherless child who needs identification. To obtain this, a single mother has to go through several obstacles that may never end. According to Section 2 Article 54 of the Moroccan Family Code, parents have to ensure respect of their children's identity and its preservation, particularly their name, nationality and registration in the civil status record. This article shows that both parents are obliged to ensure their child's rights. The government, as well, would do the same because the child has to be identified and registered to benefit from his or her rights.

In an interview with Mr. Driss Rezzouk, a former civil status officer in Fes-Jdid district, he says that legally, both parents have to be present during the birth registration. If possible, at least one of them has to submit papers. The documents necessary to complete legal registration for the child are a marriage certificate, birth certificate of the mother, identity cards of both parents, and the family booklet. In order to list the name of the child in the family booklet, a civil status officer needs to verify the validity of these papers. If there is no marriage certificate, then the case is in hands is of a single mother. Normally, they do not call the police because they prioritize the benefit of the child. In the past, Mr. Rezzouk says that it was customary to write an X in the name of the father for fatherless children. As a further method to identify the child, the particle "*abd*" is added in front of his or her name, which is chosen by the mother from a list of potential names. Nevertheless, civil status

law number from 37 to 99 of Fes Boulmane region declared that single mothers have the right to give their last name to their child and obtain a family booklet. Except for Sanae, all these single mothers registered their daughters under their name with the help of *People's Rights Center*, or *Batha Center*. Sanae who was still in search of a solution to her marriage has not yet registered her daughter.

Overall, despite the diverse backgrounds of these women, they tend to share a specific set of ideas about cultural and moral standards. In this regard, I would like to emphasize that the contemporary social behaviors toward single mothers most commonly take the form of an ideology of shame and guilt. Therefore it is necessary to systematically unpack and analyze the moral standards of Moroccan culture, in general, concerning single mothers. It is a significant moment for society to begin to explore the meaning and interpretation of these social issues anew, without preconceptions about what single mothers have done, or the shame they have brought to themselves, or how they and their children should live in society; rather the focus should be on the lives of women and children in society, and how best to benefit the future for all concerned.

4. Single Motherhood between NGO's Role and Implementations

4.1. The Role of NGOs

This section focuses on non-governmental organizations and their role in providing protection to women and single mothers in particular. First, I would like to describe how these organizations function to embrace single mothers in their centers. In this description, I concentrate on the role of *Batha Center*, *People's Rights Center* in Fez and the UAF association in Rabat. The central focus of this chapter is to display the eminent role of these associations in promoting the well-being of single mothers. Many examples of their efforts and assistance to single mothers are recorded in this section.

The social activist, I have mentioned before, in *People's Rights Center* provided me with information about the types of assistance they offer, especially economic and psychological support. The director says that single mothers, who seek their help, are usually either alone or accompanied by a close relative. At the same time, there are single

mothers who seek only judicial advice. Single mothers face difficulties even just in order to come to the center, and it requires significant effort for them to become self-confident to voice themselves. So, the major role of social assistance is to help them break their silence.

The center provides from ten to fifteen places for single mothers who are in their fifth or sixth month of pregnancy. In case they have more women, they send them to *Ibtisama Center* in Meknes. However, there are some single mothers in their early stages of pregnancy that may have nowhere to stay. They might be intimidated by male relatives or the male partners. As a result, they can stay in the center as an exception or can be sent to the center in Meknes. In case the family of the single mother has no problem with her situation, she stays with her family.

During their stay in the center, single mothers are integrated into several activities where they can find and give psychological support. Focus groups, as the director says, are made between single mothers from time to time. Every mother voices her story and her feelings. All single mothers are treated as mothers, without prejudice. The mother is given at least three sessions per month with a psychologist. These treatments help single mothers to avoid or deal with depression and self-hatred. These activities also aim to help these mothers fully comprehend their status, accept responsibility, and treat themselves and their offspring with love. The center helps them to integrate with people of close connection, so as not to be isolated. Provided that a single mother has the choice either to keep and raise or to abandon her child, the center tries to encourage women to keep their babies.

When a single mother's water breaks she is taken to the hospital accompanied by a social assistant who ensures that the hospital treatment is free of cost. The same happens with lawyers and psychologists who volunteer in this center on their own to give free legal and medical services to these women. The social assistant who accompanies the mother to the hospital makes sure that the mother is fully respected and can access services, like all mothers.

After birth, the mother must take a decision about her future plans. A woman, who chooses to give up her child, signs a legal document stating her decision to give up her child. In such cases, the child is sent to an adoption association. If a woman chooses to keep her child, the center helps her to find a job from which she can provide financial support to her child and herself. Some mothers who do not want to raise their

children may find a family relative who wants to adopt the child. As a result, they may hope to have an on-going relationship with the child.

The *Batha Center,* from which I have received much information as well, is involved in many activities, including providing judicial and medical assistance to single mothers, as does the *People's Rights Center*. When a mother is registered in the *Batha Center*, she gets her own booklet called "Intervention Program". This is a program that concerns the choices of the single mother after she gives birth. This program involves the judicial and medical assistance as well. The center provides housing for twenty single mothers for an entire year while other cases are sent to other associations like the *Ibtisama Center* in Meknes.

Mr. Baha notes that the center is supported by three volunteer lawyers who provide single mothers with judicial advice and defend their cases. *Batha Center* involves also two volunteer psychiatrists who work with single mothers and treat them over the year of housing. The core point of the medical treatment, as the director elaborates, is to encourage single mothers to build a strong relationship with themselves. It is important to love themselves and their children. He contends that single mothers do not need to be criticized for what they did nor do they need to be forced to make certain choices because they already know they have made a mistake. So, what they need is support and encouragement to fight against stigmatization and lead a new life for themselves and of their children.

Single mothers are likely to be integrated into activities during the housing and after delivery including group workshops, focus groups or babysitting activities. The director notes that these activities are important to connect the mother with her child. For example, the mother is given instruction on how to dress a child-like puppet, wash it, tie its shoes' laces and take care of it. This activity may seem simple and easy, yet it provides effective role-play for the mother-to-be. Thus, they start to look forward to having and caring for a child. They are provided as well with social assistance to the hospital and during child registry. A mother who chooses to give up her child has to register her child before abandoning him/her. This ensures the right of the child to future opportunities of adoptions.

A single mother who keeps her child is given three choices. The first is that the center would search for work that is suitable for her, bearing in mind that the payment may not be a sufficient income to provide

for herself and her child. With respect to the efforts made by these organizations, it is recognized that single mothers may face poverty. Support amounts are characteristically lower than actual expenses and lower than typical families of the same income level. The second choice is to complete a six-month professional diploma course to prepare for higher paying work. Certainly, this choice promotes autonomy and self-reliance and the possibility of adequate income. However, most single mothers are in need of employment to support themselves immediately, and especially those who have left their families, as some interviewed, they have no one to take care of their children. The third choice is to have a project of her own sponsored by the center. If the project becomes successful she pays back the center, but if the project fails, she is not obliged to pay.

Both *Batha Center* and *People's Rights Center,* work on the relationship between the single mother and her family. They try to reconcile them so that the family accepts the single mother back. *People's Rights Center'*s social activist reports that most single mothers who keep their children find it difficult to be accepted back by their families. Because of stigma, the power of talk and moral condemnation, they cannot face the shame. However, some families do accept their daughters back with the condition of traveling to another city to give birth and live. Single mothers who give up their children the same difficulties of being accepted back into their families, especially if they have been publically exposed, yet most of the families who accept their daughters back travel away from their city to another one.

Feminine Union Action association in Rabat does not offer housing and activities but specializes in receiving all types of women in difficult conditions. It supports them with judicial assistance and information about lawful procedures. In the case of single mothers, UAF association sends them to Casablanca's associations and centers or Meknes' *Ibtisama Center*.

The roles performed by these activists show how Morocco has progressed and paved the way for development. These groups assist women who are stigmatized by society, especially, single mothers who have been marginalized legally, socially and economically by providing shelter and support. Women who seek their help lack economic, academic, social, and political knowledge and resources. The central focus of these NGOs is to counter the cultural and social biases that perpetuate the epistemological patriarchal system. In doing so, these

organizations address key challenges of this process, given the need to maintain humanitarian space and principles.

4.2. Implementations of NGOs

Feminist groups and activists have been effective in various ways throughout recent years in Morocco. They partner with several Moroccan associations for educational projects on human rights and women's rights. The associations and centers I have mentioned provide evidence of these achievements. Importantly, their role is not limited only to the housing of women who have been exposed to sexual abuse. Their role is also to address the marginalization of women by advocating for change of law, and providing legal advice. Their fight in the post-independence era has been engraved in the minds of all Moroccan women. Mr. Amine observed that social activism needs to be an ongoing, and not a temporary process, continually updated and always in progress. To this, *Batha Center* has been working for the past two years on new cases such as underage marriages. The same goes for *People's Rights Center.* Mr. Baha says that as social activists, they try to address overwhelming issues while doing their job in assisting and helping single mothers.

Associations support campaigns of awareness in schools, hospitals, prisons, villages, and universities. As the social activist in *People's Rights Center* says, they were able to hold campaigns in different places in Morocco especially villages. In these areas, several public awareness-raising campaigns are undertaken to sensitize women and women. Public education is. a significant activity for these NGO's. As for the director of the *Batha Center*, he says that they have visited countless schools around Morocco. They intend to get in touch with adolescents who are in the process of developing their identity and becoming more independent. Mr. Baha notes that they focus on youth because they are the new generation and the base of future society. He insists on sexual education as well. This issue may cause concern in our Moroccan society. Parents impose their own moral, religious or personal views toward sex onto their children, particularly. Feelings of guilt and shame are initiated in the household and at a very young age, when little girls are taught to hide or repress their physical selves. Eventually, most adolescents learn flawed information about sex education from the internet or secret talks with their friends. Therefore, sexual education remains a crucial element in public education of youth.

Batha Center is supported annually with approximately 100 million DH from donations, notes Mr. Amine Baha. The main challenge is to promote the position of vulnerable and disadvantaged women. One of the major problems that NGOs focus on is social pressures. There are three major themes of social pressure treated by NGOs namely, feeling of guilt, custodial pressures, and stigmatization. Stigmatization has the most extensive effect on single mothers' well-being whereas custodial responsibilities have the most limited one. Children play the role of a catalyst between their lone mothers and the community. The lack of social support increases stigmatization and adds to the distress of single mother families. In contrast, satisfaction with social support has an indirect impact on lowering distress by decreasing the feeling of stigmatization. Thus, both social support variables, namely, a lack of social support and satisfaction with the support are good predictors of stigmatization, but their impact on stigmatization is dissimilar.[42] In fact, *Batha Center* plays a positive role in the de-stigmatization process by empowerment training to present a more accurate view of single mothers to themselves as both women and mothers. *Batha Center* offers workshops to empower lone mothers to deal with individual weaknesses that undermine single mothers' efforts to lead mainstream lives.

In general, organizations tend to support the role of the police towards single mothers as well. Mr. Baha mentions that they need the corporation of the police. Many police officers may not give much importance to social activists' works. For example, a woman who wants to report on a sexual assault is likely to be threatened if the victimizer is aware of her intention. In this case, the director says that protection by the police is very significant to her efforts to achieve justice. The victim can be threatened and abused to remain silent which is one of the problems that single mothers face.

In the case of judicial prosecution, NGOs like *Batha Center*, struggle to create a more protective legal framework. Initially, they offer judicial prosecution for single mothers who want to sue the male partner, to help her voice her story. Additionally, political and civil society organizations have encouraged government officials to support the overturn of the law allowing single mothers to be arrested. It is important to note that

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42 Elisabeth Rudowicz, "Stigmatization as a Predictor of Psychological Well-Being of Hong Kong Single Mothers," *Marriage & Family Review*, (2008), p. 80.

there are few domestic legal protections for single mothers. Pregnancy out of marriage raises a presumption of prostitution, exactly the way Fatima Zohra experienced. Proving paternity to claim child support is extremely difficult through the court system. Although the *Moudawana* establishes different types of evidence admissible to determine the paternity of a child, the mother must be able to prove that she was engaged to the father before a judge may order a man to undergo a DNA paternity test. Critically, the mother must bear the cost of the paternity test, and the court rarely orders the test to be carried out.[43]As mentioned previously, official paternity test is expensive, and the single mothers of this study cannot afford to pay. Moreover, single mothers, largely poor, uneducated women and girls, face severe social and legal consequences for their pregnancies.[44] As a result, it is almost impossible for these mothers to prove and attain their rights. Thus, existing laws often cause harm to the women they are meant to protect. In this case, it is better to claim for a welfare system to support their families. The main focus is to support them and most importantly their children. At least, welfare strategies are methods thatwould minimize the pejorative constructions associated with poor single mothers.[45] Providing free access to the official paternity test for single mothers would be beneficial for single mothers' children as well. In this regard, fathers will be obliged to acknowledge their children instead of leaving them illegitimate for the rest of their lives.

Social activists concerned with the issue of single motherhood pay attention also to single mothers who are fired from their work after being exposed. This problem is considered very difficult since acceptance of single mothers in the job market is still challenging. In relation to the stigma, many, if not all, employers do not want to employ single mothers. Even those who find work may face condescension,

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43   Christie Edwards, "Advocacy Strategies for Marginalized Women in Morocco," *Journal of New Media Studies in MENA*, issue no.1, (Winter 2012), p. 5.

44   S., Touahri (March 13, 2009), "New Law to Regulate Morocco's Domestic Services industry," *Magharebia*, retrieved on 15 May 2018, from http://www.magharebia.com/cocoon/awi/xhtml1/   en_GB/features/awi/features/2009/03/13/feature□03

45   Luna M.Yvonne, "Single Welfare Mothers› Resistance," *Journal of Poverty*, (2009), p. 443.

harassment or sexual exploitation. NGOs, as a result, moved social assistance strategies towards a work-fare-oriented system for these mothers. As I have mentioned in the previous section, *Batha Center* offers different strategies for single mothers to finance themselves and their children, including the option of establishing an enterprise. The stated goal is to change the social assistance system 'from a culture of entitlement to a culture of employment and self-sufficiency.'[46]

Indeed, these organizations have been able to provide free hospitalization for single mothers and judicial support, which shows that they have gone further toward ensuring the rights of invisible women and women in general. The same goes for ensuring the rights of abandoned children or fatherless children. This can be seen when single mothers seek the help of associations and centers instead of resorting to abortion, abandonment or neglect. Empowering and employing women helps alleviate other problems such as homeless children, illegal abortion, and prostitution.

The issue of single mothers has become publicly negotiated. It is still not accepted, but women are now able to take back their rights. In Casablanca, Mme. Aicha Ech-Chenna, the head of *Feminine Solidarity Association*, and labeled, "Mother Teresa" has raised an important public debate about the issue of single mothers. This led to her being accused of promoting promiscuity. She has been severely criticized by several parliament representatives especially the Islamists. Nevertheless, her association has received financial support from the King Mohammed VI of Morocco. While in 2004, King Mohammed VI's wife, Princess Lalla Salma, attended the opening of the association's Fitness center and spa. Hence, this association has made it possible to shift a marginalized, unaccepted group to an included and recognized population. As the social activist Aicha Ech-Chenna said in an interview in 1985, "We decided to start a program. We began in a basement. We conducted no studies and we had no resources. Everyone was a volunteer, including me. If we had submitted a project proposal, it would have been rejected by everyone. Indeed, had we any notion of the obstacles we would face, we would never have had the courage to begin. We began with a daycare center so that babies would be cared for during the day while

46   Sylvia Fuller, Paul Kershaw and Jane Pulkingham, "Constructing 'Active Citizenship': Single Mothers, Welfare, and The Logics of Voluntarism," *Citizenship Studies*, (2008), p. 161.

their mothers had a chance to recover their self-esteem and learn some skills that enable them to work."[47]

Other associations like *The National Institution of Solidarity with Women in Distress* association in Casablanca (INSAF) have lunched guidebooks for single mothers and their children. They provide necessary information about the problems these women face. Thanks to the ratification of CEDAW in Morocco, these women are granted the rights of health and protection without neglecting the rights of their children as well.[48] Despite these humble achievements, social and feminist activists, still have a long path to go. In addition to traditional methods of advocacy, local and international NGOs must also consider new and ground□breaking advocacy strategies to eradicate illiteracy and promote awareness□raising on this issue. For example, using social media outlets, particularly YouTube, Facebook, Twitter, blogs, and websites are essential since they have become an important means of organizing toward social change.

Conclusion

In our society, where single motherhood is increasing, one might well wonder why our culture considers sexual education as a taboo. And in a society where the logic of patriarchy prevails and to guides so many spheres of life, one might further wonder why blame is placed on mothers, while fathers can avoid all responsibility and accountability. These two puzzling phenomena make up what I call the cultural contradictions of contemporary motherhood. Our society places the heightened stigma of shame and guilt of premarital sex and childbearing squarely on the shoulders of single mothers. While premarital pregnancy results from shared sexual conduct by two adults, single mothers have to face the consequences. In fact, rethinking fatherhood is an essential challenge to reorient policy concerning single-mother families. It is important to note that as much as single mothers are responsible for their illegitimate children their fathers are responsible as well. When a father evades his responsibility toward his offspring, he undermines the role of the

47   Katherine, Marshall, "Fighting for Girls' Rights with God's Help: A Conversation with Aicha Ech-Chenna," retrieved on 02 July 2017, from http://www.huffingtonpost.com/katherine-marshall/fighting-for-girls-rights_b_792476.html

48   Santy Said, "Single Mothers and Their Children's Guidebook," p. 10.

father in the family. Essentially, a single mother has to overcome and compensate for her mistake and that of her male partner as well. On a general level, she has to compensate for the absence of the father in the household, along with performing her role as a mother.

In accordance with the public interest in the issue of single motherhood, it has become apparent that single mothers face injustice through submitting to the choice of irresponsible men who can easily escape stigmatization. We have seen that NGOs intervene to highlight challenges faced by single mothers. They have invested substantially in providing information and assistance to these women. Although NGOs make eminent ongoing efforts to promote the implementations of de facto equality for marginalized single mothers, they still face challenges that hinder their interventions. Non-governmental organizations' campaigns may influence discourse and thus lead to a change in social norms. Provided that the government tries to enact measures and affirmative action to eliminate discrimination and empower women, NGOs still struggle to achieve change in both laws and policies and attitudes and norms. For example, we have pointed out that the prohibitively high cost of paternity tests makes them impossible for many single mothers to afford. Nevertheless, as long as NGOs attempt to reframe norms of justice, their ongoing social mobilization to defend women's rights would strengthen women's agency and mobilize citizens for social change.

I hope that this study illuminates the different standards to which society holds never-married single mothers. Narratives displayed in this study present a few voices of women who have been brave to narrate their stories. There is, however, a chorus of silent voices that need to break their silence. The different stories of women bring about different ideas to deconstruct the voice of silence. In the different voices of women lies the truth of an ethic of care, the tie between relationship and responsibility. Thanks to non-governmental organizations, their communicative webs offer help to sustain work and mobilize ideas, not just people. More broadly, these organizations target the process of legal change that establishes the rights, responsibilities, and mechanisms for accountability that affect the lives of marginalized women and their children. They want to establish agreed international norms on gender equality and other issues. Hence, instead of perpetuating social stigmatization, we need to understand our gendered society. Instead

of focusing on social factors that limit gender-based stereotypes about single mothers, cultural inflections must be challenged and reformulated.

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Transitional LGBT in Morocco
LGBT between Islam and Human Rights

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Abstract

This article aims to deal with the main following question: to which extent and with which meaning is Moroccan LGBT transitional? In order to obtain an adequate response, it is necessary to identify: 1) the status of LGBT in *Shari'a* and in the Moroccan law, 2) the socio-cultural perceptions of LGBT in Morocco, 3) the birth of Moroccan LGBT movement, 4) the expressions of Moroccan homophobia, 5) the support given to LGBT by human rights organizations, 6) and the ways of reform in order to normalize LGBT situation.

Keywords: Socio-religious perception, LGBT movement, homosexual misery, sexual transition, ways of reform

I- Legal rejection of homosexuality

Sex (being male or female), decided and offered by God, has to be accepted by the individual. According to this divine gift, male is obliged to accept the social status and roles linked to his sex. He must become a man (gender) and feel himself as a man (gender identity). The same is true for the female who should become a woman. Therefore, body-sex-gender is a border[1] meant not to transgress. In a word, anatomy is a sexual, social and psychological destiny.

Of course Sunnah and the Muslim law (*fiqh*) deal with the cases of the effeminate (*moukhanhath*) and of the hermaphrodite (*khuntah*). The "*mukhannath*" is the one who is male and who behaves like a woman in gentleness, speech, appearance, and physical behavior... This trans-female is cursed in the hadith: « the Prophet cursed effeminate men;

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1   Bouhdiba, A. La sexualité en Islam. Paris : PUF, 1975.

those men who want to be like women and those women who want to be like men… Turn them out of your houses"[2]. If sex cannot be determined when both male and female organs are equal, such a person is called *khuntah*. His/her marriage cannot be valid, but if the *khuntah* is sexually attracted to women and affirms to be a man, this is a proof that he is most likely male[3], and vice versa. In this case, his/her gender identity is recognized and Islam allows surgery[4] in order to make his/her sex conform and adapted to his/her gender identity.

Difference and complementarity of the sexes imposes heterosexuality as the only normal and legitimate public sexual order. In Islam, being heterosexual is being sexually correct. The sexual use of the anus by the man turns him into a woman while the sexual use of the clitoris by the woman (with another woman) turns her into a man. The anus is not a relevant organ to distinguish sexes[5], so its use in sexuality creates the disorder. As for bisexuality, this double sexual orientation is not mentioned as such in the Koran or in the Sunnah.

Lesbianism is not explicitly mentioned in the Koran. Only some neo-traditional scholars like Al Alwani interpret "lewdness" as lesbianism in the following verse:

> "*Those of your women who commit lewdness, you must have four witnesses against them, from among you. If they testify, confine them to the homes until death claims them, or God makes a way for them*" (4:15).

For Al Alwani[6], the word *fahisha* (indecency), as it appears frequently in the story of Lut, "means the act of adultery and the actions committed

2   Al Bukhari, M. Sahih: 7 :72 :774 ;

3   Camilla Adang. « Ibn Hazm on Homosexuality », Al Qantara, Vol. 25, No. 1, 2003, pp. 5-31.

4   Stephen O. Murray and Will Roscoe. Islamic Homosexualities: Culture, History, and Literature. New York University Press: 1997, pp. 88-94

5   A. Dialmy. *Logement, sexualité et islam*. Casablanca : EDDIF, 1995, p. 46.

6   Zollner Barbara. « Mithliyyun or lutiyyun? Neo-orthodoxy and the debate on the unlawfulness of same-sex relations in islam", in Samar Habib (ed), Islam and Homosexuality. Santa Barbara California: ABC-CLIO, LLC, 2009, pp. 193-22.

by the people of (male) sodomy and (female) lesbianism. At the contrary At-Tabari (d. 923) who is one of the classical exegetes of Koran did not explain "lewdness" in this verse as "lesbianism", but as a heterosexual fornication. However, one hadith assimilates female same sex acts to fornication: "if a woman has sex with a woman, they are both fornicators". Because of the weakness of this hadith, Muslim traditional scholars put that no "*had*", no pre-determined penalty (whipping or killing) against lesbians. Besides they defined fornication as the entry of as little of the corona of the penis into a partner's orifice. Therefore, no (female) penis means no fornication. Because of that, traditional scholars named lesbianism sihaq in order to mean clitoris crush between two women. Consequently, only "*ta'azir*" has to be applied against lesbians. "*Taazir*" is admonition or tax or jail or exile; and the judge is free to choose between them[7].

As for male homosexuality, the Koran expresses the divine wrath on the people of the Prophet Lut who transgress the sexual border, the heterosexual destiny:

> "*You approach men lustfully instead of women. You are (nothing) but ignorant people*" (27:55) …

> "*So when Our punishment came upon the people of Lut, We turned the city upside down and showered them with stones of baked clay, one after another***"** (11:82).

If there is no individual penalty against homosexual in the Koran, it is not the case in the Sunnah. The following hadith is categorical: "if you find anyone doing as Lut's people did, kill the one who does it, and the one to whom it is done »[8]. Despite the clarity of this hadith, there is a divergence between the founders of Islamic law doctrines[9].

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7   « The punishment for lesbianism », www.islamqa.com*, and* Suad, Joseph. Encyclopedia of Women and Islamic Cultures. Leiden, Boston: Brill, 2006.

8   Sunan Abu Dawood, 38 : 4447*, Sunan At-Tirmidi, 15 : 1456.*

9   Al-Munajjid, Mohammed Salih. *« The punishment for homosexuality », in Islamqa. info.*

The doctrine of Shafi'i applied a distinction between the married homosexual who deserves death and the non-married one who should be only whipped. The doctrine of Ibn Hanbal considered any anal penetration as an illicit fornication, regardless of whether the object of penetration is a man or a woman. As for the doctrine of Malik Ibn Anas (d. 795), it differentiated between the insertive and the receptive partners. For the insertive partner, Malik immediately calls for the death penalty. The receptive partner could escape responsibility for his actions when considered as having « ubnah », a disease affecting an individual who makes him eager to be penetrated according to some medieval Arab physicians like Razi[10], or if he is the victim of his mater's sexual harassment. If the receptive homosexual only looks for a material gain in order to survive, he also escapes the penalty in this case. In sum, no sanction is assigned if there is no evidence of voluntary passive homosexual sexual desire [11].

Does the Moroccan "Penal Code" maintain the *Malekite doctrine*? There are two answers to this question. The first answer is yes because homosexuality is penalized in article 489: "Is punished by imprisonment of six months to three years and a fine of 200 to 1,000 Dirhams, unless it constitutes a more serious offense, who commits an indecent act or act against nature with an individual of the same sex". The second answer is no because in this article there is no use of the *"liwat"* or*"sihaq"* Islamic notions. It only uses the terms "indecent act" or "act against nature", which are secular terms. Besides, the article does not apply the Koranic or the Sunnah penalties, killing or whipping the homosexual. Finally, it considers all same sex acts/actors the same way: men and women, insertive and receptive, receptive for money and receptive for enjoyment.

For the "Supreme Oulema Council" (headed by the King), article 489 is just not sufficient, as it has not been able to stop the "glorification of homosexuality". After the visit[12] of the Spanish Confederation of LGBT

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10   Ar-Razi, M. *Risalah fi Al-Ubnah*, translated by Franz Rosenthal: « Treatise on the cause and treatment of passive homosexual desire », in Bulletin of the History of Medicine, 52 (1978): 45-60. See https://people.well.com/user/aquarius/ubnah.htm

11   Lagrange, Frédérique. Islam d'interdits, Islam de jouissance. Paris, Téraèdre, 2008.

12   February 19-26, 2009.

associations (Colegas), the Council launched a homophobic *"fatwa"* against this visit. It justified its *"fatwa"* by the fact that "the Moroccan government should have a policy against this kind of deviance".

II- Socio-cultural perception of homosexuality

Same sex acts are, for a large majority of Moroccans, an indicator of perversion and deviance: « 90 % condemn homosexuality and et 87,2% lesbianism »[13].

Male homosexuality

First of all, the perception of male homosexuality expresses itself in the naming. It adopts the legal Malekite distinction between the insertive and the receptive partners. For the Moroccan society, the insertive always acts as an insertive and he is considered as the active. As for the receptive, he is also perceived as a constant receptive; that is to say as the passive. The active homosexual, called *"louat*[14]*",* is the penetrator. Because always said as acting as a penetrator, he is not perceived as homosexual[15]. Penetrative homosexual act is not sufficient in itself to establish a negative social homosexual identity. Consequently, the homosexual is culturally defined as the man who lets himself "be taken from behind"[16], and only this man, very devalued. Some young Moroccans were thinking that only the passive is risky to be infected by HIV in case of non-use of a condom, not the active one. "Some youngsters report that they penetrate western tourists without (using a condom) and without any (AIDS) risk"[17]. Consequently, the passive sexual act is sufficient to establish a very negative social homosexual identity irrespectively of the will of its actor. There are two names for

13   Dialmy, A. Logement, sexualité et islam. Casablanca : EDDIF, 1995, p. 229.

14   It is an adjective coming from Lut, the prophet of the people who likes to sodomize men.

15   Dialmy, A. Jeunesse, sida et islam au Maroc : les comportements sexuels. Casablanca : EDDIF, 2000, p. 77.

16   Dialmy, A. « Sexuality and Islam », The European Journal of Contraception and Reproductive Health Care. Stockholm, 2010 Jun;15(3):160-8.

17   Dialmy, A. Jeunesse, sida et islam au Maroc : les comportements sexuels, op. cit, p. 183.

the passive homosexual: "*zamel*" and "*hassass*". The word "*zamel*" is more frequent and probably refers to the beast that someone rides (in ancient standard Arabic). As for the word "*hassass*", it means sensitive. It belongs to standard Arabic. It refers to "*maaboun*", which is the adjective coming from *Ubnah*, that "disease" which makes the man eager to be anally penetrated. In this context, a popular explanation of the male passive homosexuality evokes a surplus of female hormones[18]. The homosexual is prisoner of his female hormones; he yields to these without being able to resist them.

Two other popular social theories "explain" passive homosexual identity. According to the first one, the passive homosexual is sexually an impotent man[19]. For this reason, he acts as a female and agrees to be penetrated by another male. The second one states that the "*zamel*" is a sex worker, doing that for money in order to survive [20]. The passive homosexual prostitute is more tolerated and socially accepted than the homosexual who likes to be penetrated for pleasure in Agadir. On the contrary, being penetrated for enjoyment is more appreciated in Tangiers [21].

Which relationship is there between homosexuality and masculinity? Does the homosexual remain a man? Does he lose his masculinity because of his homosexuality? Five popular attitudes are identified regarding this issue [22].

The hetero-normative attitudes are the most dominant. They are three. The first one affirms that only the receptive homosexual is demasculinized. Once penetrated by a male, the man loses the "throne of masculinity" according to an interviewee in Khenifra. He loses power and domination. The second one demasculinizes all homosexual actors because male same-sex acts are the best way to lose honor: no

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18   Dialmy, A.
 - « Masculinity in Morocco », Al-Raida, LAU, Vol. XXI, Nos. 104-105, Winter-Spring 2004, pp. 88-98.
 - Vers une nouvelle masculinité au Maroc. Dakar : CODESRIA, 2009,
 - Critique de la masculinité au Maroc. Rabat : Editions Warzazi, 2010.

19   Ibid.

20   Ibid.

21   Ibid.

22   Ibid.

masculinity without honor. The third one is more radical: all homosexual actors cease to be human beings because they lose their religion: no masculinity without religion. Without religion, the human being is an animal without any morals or any boundaries.

The proto-homo-normative attitudes are minor and emergent. They are two. The first one claims that passive homosexuals are neither men nor women. This attitude is expressed not in order to support the idea of a third gender (an unknown notion among the majority of Moroccans), but only to say that the homosexual's passivity cannot be compared to the female sexual passivity. The female one is respectable because "natural" while the male homosexual one is "anti-natural". Consequently, comparing homosexuals to women is not correct. Women should be respected. They are respected when not compared to male passive homosexual. The second one says "being a male is being a man", regardless of same-sex acts or of sexual orientation: at the national level, 25% think that the passive homosexual remains a man, 40% in Tangiers) [23]. The penis is the only condition to be a man. Distinction between hegemonic and dominated masculinities is not made.

These proto-homo normative attitudes are spontaneous and popular. They totally ignore sexual orientation, gender identity and third gender notions.

Lesbianism

As for lesbianism, there is no Moroccan specific word to name the lesbian. Only one metaphor exists. The lesbian is described as a "*hakkaka*", that is to say the woman who rubs the clitoris of another woman. As we see, the "name" comes from the action of rubbing. It is not specific to (same) sex acts. It is used in many non-sexual situations. The same is also true for the clitoris: there is no specific dialectal Moroccan name for it. Also only two metaphors are used to name it: the small tongue, the small penis. It means that clitoris is not recognized as a specific sexual female organ and, consequently, that same-clitoral acts are a kind of male sexuality, a weaker sexuality, or a false sexuality. Naming clitoris as a penis is a way to refuse it as such, as a possibility of non-male sexuality, as a possibility of sexuality without man.

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23   Ibid

Because it is perceived as a non-true sexuality, as a female foreplay, lesbianism is more acceptable. It is an object of joke, so social repression is weaker. In lesbianism, there is no loss of semen, no risk of non-intended pregnancy, and no risk of deflowering the clitoris (it was only perceived as clitoral without any use of artificial penis). Therefore, lesbianism is less dangerous and less subversive.

Traditionally, lesbianism is explainable by the length of the clitoris. The longer the clitoris is, the riskier the woman is to become lesbian, to be sexually active, or to behave as a man with another woman. Hence, the lesbian woman is precisely the active woman, promoted to the patriarchal superior male rank.

Bisexuality

Bisexuality is not considered as such. In this case, for the Moroccan society, homosexuality hides heterosexuality in the same individual. Same sex acts become determinant in defining the bisexual as a homosexual, as a deviant and as a delinquent. His/her heterosexuality, though marital, is not considered. It is not an excuse. Bisexuality is identified as homosexuality and has no specific name in Moroccan dialects[24]. Also it is not mentioned as such in the "Penal Code".

Transgender

Anthropological and sociological data are quasi- inexistent in this specific issue because transgender people are generally reduced to be homosexual. Their sex is the basis of their identification as homosexual. Their gender identity is not considered as a difference, but only as a disease or a mental disorder. Psychological discordance between sex (biologic sex identity) and gender (social identity) is still perceived as an abnormal phenomenon in the Moroccan society.

Hence, at the legal level, there is no recognition of gender identity. Consequently, the most famous trans-female, Nourreddine, becoming Noor (a female and taking a female name) thanks to a surgery, is still a man in his/her official documents. Courts refused her application for changing her legal gender, her legal status and her legal name. Despite

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24   Dialmy, A. "Interview on homosexuality in Morocco", in Morocco Situation of LGBT Persons. Copenhagen: Danish Immigration Service, March 2017, pp. 29-32.

this deprivation, she is not a transgender activist. As a fashion model, a dancer and an actress model, she declared: "I chose to be what I am, it's nobody's business, let me live in peace"[25].

III- Birth of the LGBT Movement

Thanks to the normalization of homosexuality by the WHO (World Health Organization) in 1990; thanks to the Declaration of Human Rights Council against discrimination on the basis of SOGI (Sexual Orientation and Gender Identity) in 2008; and thanks to the impact of the Internet, Moroccan LGBT people (Lesbian, Gay, Bisexual, and Transgender) began to discover each other and to form social networks on a large scale[26].

Some of them who are from upper-social classes[27] progressively assume their homosexual identity and claim the right to be as such. They assume it as an exclusive, stable and definitive identity. They start to challenge the hetero-normative system and call for a normalized homosexual orientation and gender identity. They also know, use and call for the legitimacy of a third gender category. An individual conception of the person is born. At 1997, "homosexual practices were not assumed as the expression of an homosexual identity"[28]. Some coming-outs are famous as in the case of Abdellah Tai'a who comes from popular milieu. His coming out was firstly done in France where he was a kind of "political refugee" for homosexual reasons. After becoming a famous writer, his coming out in Morocco was easier.

It is the birth of the gay, very different from the "*zamel*", which is a "stigma" serving as an incentive to respect the ideal masculinity, and scoring shifting boundaries between a real man who wants to be

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25   Noor. « Pourquoi et comment je suis une femme », *Telquel*, N° 344, 25-31 Ocober 2008, pp. 38-44.

26   Dialmy A. « Du pervers au gay: une rupture épistémologique (mina ach choudoud ila al mithliya: katiatoun ipistimoulougia: Al Awan, 7 november 2009.

27   Rebucini, Gianfranco. « Masculinités hégémoniques et « sexualités » entre hommes au Maroc », Cahiers d'Études africaines, LIII (1-2), 209-210, 2013, pp. 387-415.

28   Dialmy, A. *Jeunesse, sida et islam au Maroc : les comportements sexuels*. Casablanca : EDDIF, 2000, p. 77.

only active/insertive, independent and mobile, and the homosexual (*zamel*) openly represented as passive/receptive and dependent[29]. These boundaries are, however, internal borders of masculinity, such as degrees of intensity on a male scale. Refusing these patriarchal boundaries, the gay refuses to abide by the gendered and hetero-normative system, marriage rule. He will not marry a woman while the "*zamel*" will do. The "*zamel*" remains a transitional and temporary category[30], and does not claim a definitive and a stable homosexual orientation and a gay identity.

In this setting, there is adoption of new names by gays, lesbians, bisexuals and transgender. For gays and lesbians, they call themselves "*mithliyoune*" (plural of *mithly*), a neutral name coming from standard Arabic which means the same. It is the first M. As for bisexuals and transgender, they simply translate the foreign names into standard Arabic. It also gives neutral names: "*mouzdawaj*" (bisexual), "*moutahawwil*" (transgender). It is the birth of the M society: mithy, mouzdawaj, moutahawwil. This results in a rupture with the old pejorative names or with the old lack of names. Thanks to that, homosexuality, bisexuality and trans-gender are becoming a social formation in itself, characterized by a sense of self and group identity. This new community is aware of itself, militant, and identifying itself as a sexual minority. It is trying to belong to the Moroccan civil society, to organize itself within as a NGO.

The first LGBT (Lesbian, Gay, Bisexual, and Transgender) Moroccan NGO is named "*Kifkif*". This word is a dialect transposition of the standard word "*mithly*" (same). "*Kifkif*" was founded on 27th, June 2007 in Spain. In Morocco, it remained clandestine because of the article 489. "*Kifkif*" initiated Morocco's first gay online magazine, named "*Mithly*". At April 2010, this monthly gay magazine "*Mithly*" appeared on the internet and sold clandestinely in paper.

Since 2012, another NGO was founded, and which is called "*Aswat*" (Voices). Also being clandestine, most of Aswat's activities are organized around the Internet. Since 2013, Aswat has used its online "Aswat Magazine" as a forum for communication and interaction within the LGBT community.

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29   Ibid.

30   Ibid.

Finally, *Akalliate* (minorities) is the newest online LGBT magazine. It is an expression of LGBT outreach activities on the internet.

Using the Internet, the trans-female Hamza/Mala is the model of the free LGBT militant. "I am a woman with a mustache and a beard"[31], she said. She continues:

> *"It was different from what Zbiba taught me, for whom the only way to survive was to live a double life. Instead, I realized that we need activism to defend our rights. It was a major transformation in my life, and I started to convey that vision to other queers. They gathered around me with enthusiasm and I talked to them about love, nature and rights. Gradually, I began to reveal my sexual orientation, and began to write nervously on the placards "No to Article 489" and "Do not criminalize love". In May, I raised the rainbow flag in a demonstration that exasperated the Islamists. I got up, my body shuddered and I shouted: "The rights of homosexuals are human rights, we must accept the fact that many people who demonstrate with us are queers, and there are many!"*[32]

In its turn, the Moroccan cinema also tried to support the Moroccan LGBT battle[33]. The film "A Minute of sun in less" by Nabil Ayouch (2002) raised an outcry because of the question of homosexuality which it evokes; however, it was censored. "I am gay and Muslim", directed by Chris Belloni (2012), tells the daily life of homosexuals in a Muslim country, Morocco. Suffering, violence, ostracism is what gays live every day. Finally, "Army of Salvation" of A. Taiaa (2013) is an autobiographical film dedicated to homosexuality, presented at the Venice Nostra.

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31   Huffingtonpost, 06/06/2016. https://www.huffingtonpost.com/mala-badi/world-im-a-woman-with-a-b_b_10320288.html

32   Ibid.

33   Dialmy, A. « Cinéma et minorités sexuelles », communication au festival du film transsaharien « Cinéma et minorités », Zagora, 18-21 Novembre 2013.

IV- The birth of homophobia: the homosexual misery

The birth of Homophobia in Morocco is a reaction against the LGBT Movement. It expresses an Islamic and an Islamist refusal of homosexuality as a normalized and legal identity. Hence, notions as sexual orientation, gender identity and sexual minority are criticized and rejected as tools to re-consider the status of homosexuality. Islamists especially perceive (homo) sexual rights claims as a sign of westernization and of obedience to an imperialistic sexual order[34]. Homosexuality is still strongly defined as a vice/debauchery, as a choice of westernized style of life. Moroccan faculties of medicine themselves still teach homosexuality as a mental disorder.

Currently, homosexual practices are less socially tolerated than before, because they are linked by general population to westernization (of Morocco) and because Moroccan LGBT began to claim the right to be LGBT. The move from same-sex acts (traditionally understood and integrated to some extent as a disease or a deviance) to the legal LGBT identity is completely refused in the name of the Islamic identity of Morocco.

This leads to a hard discrimination against LGBT and to an intense social stigmatization. The risk of mob gay bashing and assaults are real. For example, if an individual or a group of people catches two homosexuals in action, whether they are actually bisexual or not, they are at risk of being beaten and "arrested" by these people until the arrival of the police. Facing the LGBT claims in Morocco, general population attacks homosexuals and bisexuals. Collective homophobic violence (lynching as a street justice) was exerted in three famous cases reported by Moroccan medias: 1) against actors of a gay pseudo-wedding in their home in Ksar el Kebir (2007), 2) against a transvestite in the street in Fez (2015), and 3) against two homosexuals in their home in Beni Mellal (2016). The police had first to protect homosexuals from the crowd anger and violence (which is expressed "in the name of Islam"). After then, the police had to arrest the homosexuals (in the name of the penal code). The first and the third cases demonstrate that social prosecution against homosexuals starts by invasion of the homosexual's home (a private and sacred space) by some individuals. Then, in the third case, caught homosexuals were naked and they were shown naked to the

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34   Massa, Joseph. "Re-Orienting Desire: The Gay International and the Arab World", Public Culture, 2002, 14(2): 361–385.

crowd in the street. The arrival of the police saved the homosexuals from more serious lynching. This social and collective behavior is a violation of the private life, a new and worrisome phenomenon against individual freedom[35]. It is neither religious nor legal. Yet, the violation's actors are not seriously punished by the authorities as there is some kind of informal complicity between the current Islamist authorities and conservative population against homosexuals [36].

Also, the father-in-law has the power to oblige a bisexual to divorce; otherwise he will report to the community the same-sex act [37]. He may also put pressure on his daughter to divorce by using the religion: blessing if she agrees to a divorce, curse and denial if she refuses[38]. Moreover, economically dependent on her father, the daughter cannot refuse. As for the employer, he also has an informal power to dismiss an employee because of his/her homosexuality[39]. Shame and fear of a scandal are the weapons secretly used by the employer against his/her LGBT employee. These weapons make the homosexual vulnerable and unable to claim his rights as an individual.

In this context, hiding bisexuality and same sex acts becomes the last resort. For that, the bisexual is obliged to marry. Religious, legal and social pressures faced by homosexuals, lesbians and bisexuals and transgender lead to marriages between these groups and heterosexuals[40]. In Morocco, marriage is still the "Norm", the way to be religiously/ socially integrated. Staying single is suspicious. As heterosexual marriage is the only possibility, LGBT have no other choice if they want to preserve a good social image of themselves. They cannot live safely as LGBT, they have to give the appearance of accepting the hetero-patriarchal norms in order to avoid being harassed or physically assaulted by family, neighbors or colleagues. The right to complain to

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35   Dialmy, A. "Interview on homosexuality in Morocco", in Morocco Situation of LGBT Persons. Copenhagen: Danish Immigration Service, March 2017, pp. 29-32.

36   Ibid.

37   Dialmy, A. "Affidavit in support of the asylum application in the USA for a Moroccan Bisexual", June 9, 2016.

38   Ibid.

39   Ibid.

40   Ibid.

the police in order to be protected is recognized, but the LGBT first must explain and provide evidence. This will be very compromising for him/her because his/her arguments are recognition of his/her homosexuality. Finally, his/her recognition/complaint will be exploited against him/her; it is evidence that the police could legally use to arrest him/her as homosexual. Consequently, he/she will not seek the protection of the police. If caught in action by the police, then he will be arrested and sent to jail, where the gay probably will be assaulted and raped by some other prisoners once known as a homosexual in the prison[41]. Also, in the prison, he has the right to complain to the court, but via the prison guards and administration. This means that his complaint is unlikely to arrive to the court because of the Moroccan collective homophobia, so he will stay without any protection and he will have to suffer in silence all kinds of sexual violence throughout his imprisonment.

Bad welcome or mockery in health services and lack of restaurants or cafés[42] with an open or explicit 'gay identity' are other expressions of stigmatization and marginalization in Morocco.

In order to flee such persecution and violence, such (homo) sexual misery[43], 45 Moroccan applications for asylum (for homosexual orientation) were registered in Spain during the first trimester 2016. Since 2015, asylum was granted to 77 Moroccan homosexuals. Most of them claimed to have suffered at least once physical and verbal harassment, in addition to humiliating sexual abuse as teenagers from parents, neighbors, classmates or teachers. Before 2015, only from 5 to 8 applications for sexual asylum were registered each year. This sudden increase in the number of applications for political/sexual asylum is very symptomatic of the degradation of the Moroccan LGBT's situation. By the way, asylum seeking is another occasion for LGBT to flee harassment and abuse. "Spanish authorities in Melilla said they have been receiving

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41   Dialmy, A. "Interview on homosexuality in Morocco", in Morocco Situation of LGBT Persons. Copenhagen: Danish Immigration Service, March 2017, pp. 29-32.

42   Gianfranco Rebucini, « Lieux de l'homo-érotisme et de l'homosexualité masculine à Marrakech », L'Espace Politique [En ligne], 13 | 2011-1, mis en ligne le 03 mai 2011, consulté le 17 novembre 2013. URL : http://espacepolitique.revues.org/1830 ; DOI : 10.4000/espacepolitique.1830

43   A. Dialmy. Interview with *Telquel*, « Explosion sexuelle au Maroc », 9-15 March 2009, p. 56.

increasing numbers of asylum applications related to sexual orientation after a high-profile case in 2013 when a gay Moroccan man publicly announced that he is seeking asylum in Spain »[44].

V- Human rights activism for LGBT

As a heterosexual intellectual, and in respect to sexual diversity/ minority, the sociologist Dialmy was the first who called for deleting article 489 in 2007. In his argumentation[45], the fact that this article is daily transgressed shows that law is late. Sexual practices are already semi-secularized. This article is also the basis of the violation of the LGBT's rights to make demonstrations in the public space. In the same article, Dialmy also called for the deletion of articles 490 and 491 which penalize premarital and extra-marital sexualities[46]. He called to distinguish between the right to marriage and the right to sexuality. The right to sexuality has not to be subordinated to the duty of marriage. It is a right in itself, a universal human right.

In its turn, "Association Marocaine des Droits de l'Homme » (AMDH) started also to support LGBT struggle[47]. It affirms that the government offers quasi-impunity to persons and groups who have been harassing homosexuals or even lynching them in the public space. It recalls that Moroccan LGBT auto-censorship has a negative impact on the effective access to HIV/AIDS prevention and care services. According to AMDH, stigmatization is also a common practice within in the health sector. Finally, AMDH also makes efforts to abolish article 489.

As for the "Human Rights National Council", the official institution supporting human rights in the name of the Moroccan state, the current

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44 https://www.moroccoworldnews.com/2018/01/238697/moroccan-gay-asylum-applicants-face-abuse-harassment-ceuta-melilla-migrant-centers/

45   Dialmy, A. « La bataille sexuelle actuelle ou la volonté de sécularisation silencieuse » (in Arabic), Al Ahdath Al-Maghribya, 19 Janvier 2007, et « De la transition sexuelle ou la sécularisation silencieuse », in Dialmy, A. Sociologie de la sexualité arabe, Beirut, Dar At-Tali'a, 2009, p. 178 (in Arabic).

46   Ibid.

47   AMDH. "Interview on homosexuality in Morocco", in Morocco Situation of LGBT Persons. Copenhagen: Danish Immigration Service, March 2017, pp. 20-22.
Danish

opposition to LGBT persons and their human rights is primarily driven by a fraction of the population; those who are vividly engaged in the defense of traditional values[48]. According to this Council, it is neither the tribunals nor the Government that are driving this opposition[49]. It also recalls that LGBT prisoners seek to conceal their sexual orientation in order to avoid harassment. This Council accepts the UN Agencies' recommendations to legalize consented sexualities, but it never claims to delete articles 489, 490 and 491.

Maybe this institutional council is limited in its action by the fact that there is no international convention or treaty (to sign and to ratify) recognizing LGBT rights or LGBT as a sexual minority. Only some UN agencies (Council of Human Rights, WHO and UNFPA) and NGOs (like IFFP) do it. Therefore, states are not yet obliged to change their sexual laws. This point shows that human rights are not only a means to make change in society; further there is still a space of struggle for more rights, for new rights, especially sexual ones[50].

VI- The ways of reform

The reform to be achieved is twice: at the theoretical level and at the Islamic law level.

The theoretical level

On the one hand, sexual rights are a part of human rights: no human rights without sexual rights. Without them, human rights are incomplete. On the other hand, human sexual rights are an expression of sexual modernity. By this notion, we mean[51]:

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48   CNDH. "Interview on homosexuality in Morocco", in Morocco Situation of LGBT Persons. Copenhagen: Danish Immigration Service, March 2017, p. 19.

49   Ibid.

50   Sonia Corrêa, Rosalind Petchesky and Richard Parker. Sexuality, Health and Human Rights. Political Science Review: 2006 12(2): 37-66

51   Dialmy A.
  -« The unequal transition toward sexual modernity », in Unequal Modernity, Conference by GRET/ESIG, Marrakech, 5-6 May 2016.
  -« Which sexuality in which sexual education for Morocco », in Technical Consultation Meeting: Building Evidence for Comprehensive Sexuality

- Secularization: sexuality is liberated from the religious notion of sin. It is not still conditioned by marriage, and the field of the illicit is decreasing and reduced. Sexuality is de-institutionalized and de-ritualized. It obeys a humanist permissive ethic based on the individual freedom. In this respect, it becomes an object of positive sciences: biomedicine, psychology, history, sociology, and anthropology.

- Equalization: theory of gender leads to the regression of sexual discrimination and to the principle of equality in sexual rights between all sexual actors: men and women, married and unmarried, heterosexual and LGBT. Sexuality tends to cease to be a tool of male domination. Sexuality, gender, gender identity and sexual orientation as differences become the basic components of an equal sexual diversity. It is the crisis of hetero-normativity.

- Erotization: thanks to the modern contraceptives since the 1950 years, sexuality ended to be subordinated to reproduction, sexual pleasure becomes the supreme goal of sexual activity, and all erotic practices are normalized when granted among adults. Sexual enjoyment is the main basis of the well-being and the orgasm becomes one of the main indicators of sexual health.

In the context of sexual modernity, a recent and important move is occurring from LGBT notion to SOGI (sexual orientation and gender identity) notion[52]. Indeed SOGI has started to replace LGBT in many international legal formulations; SOGI is considered more inclusive and more fluid, as opposed to the fixed identities specified in the LGBT classification. SOGI notions are less aggressive and less activist than LGBT notions[53]. In recent formulations, SOGI has evolved into SOGI & Expression (SOGIE)[54].

Education, UNFPA, Marrakech, 20-22 July 2016.

52   Tirado Chase, Antony. « Human rights contestations: sexual orientation and gender identity", The International Journal of Human Rights, Volume 20, 2016 - Issue 6, pp. 703-723. Published Online: 01 Mar 2016: http://dx.doi.org /10.1080/13642987.2016.1147432

53   Ibid.

54   Ibid.

VII- Islamic internal reform

This reform should deal with the status of homosexuality in Islam. Despite the fact that major Islamic doctrines and opinions condemn homosexuality, it is today necessary to find some legitimacy for homosexuality in the name of Islam itself. "I'm gay and Muslim" is not only a film title or an LGBT slogan, but also mainly a sincere desire of Muslim LGBT to reconciliate between their faith and their homosexual orientation. In this respect, let's recall some famous attitudes and opinions developed by *foqaha* themselves that show the possibility to end homosexuality Islamic penalization.

The example of the Hanafi School is one of the best favorable mainstream arguments. According to this school, same-sex acts (liwat) are not mentioned as punishable acts in the Qur'an[55]. For this reason, it does not consider those acts under the rubric of "*had"*, but only under the rubric of "*taazir"*. It means that same sex acts do not deserve killing or whipping (the two kinds of *hadd*), but only admonition, jail, fine or exile (*kinds of taazir*). These sanctions are less grave and the judge is free to choose between them[56]. In Hanafi doctrine reasoning, same-sex acts are not equivalent to fornication (*zina*). "*Zina"* is mainly defined as a heterosexual act outside marriage or concubinage.

Furthermore, Ibn Hazm, the tenth-century jurist of Córdoba and prominent Arab intellectual (from the Sunnite *Dahirya* School) affirms that the *hadith* against homosexuals is unreliable because reported with only a single chain of narration (*hadith ahad*). A hadith reported by only one narrator is weak and unreliable, so it cannot be a source of Islamic law[57]. In his analysis, Ibn Hazm recalls that the only reliable source was a Qur'anic verse saying Muslim men must have no sex with anyone with whom they do not have a contract (that is to say others than wives and slaves). Indeed the legal contract of slavery gives the owner the right to have sex with slaves without explicitly specifying that those concubines should be necessary females. Consequently, same

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55   Zollner Barbara (2009) : « Mithliyyun or lutiyyun? neo-orthodoxy and the debate on the unlawfulness of same-sex relations in islam", in Samar Habib (ed), Islam and Homosexuality, Santa Barbara, California, ABC-CLIO, LLC, 2009, pp. 193-22.

56   Ibid.

57   Ibid.

sex acts between male owners and their male slaves also are legal. More importantly, Ibn Hazm conceived that loving attraction happening between two men or two women is identical to that of between a woman and a man. Besides, several koranic verses talk about beautiful adolescent boys (Adonis) who await for the true believers in heaven in order to be taken by behind (it is an interpretation which was done in order to justify pederasty practices in Muslim societies)[58].

Another Muslim contemporary researcher, Scott Kuggle, mentions that the hadith condemning homosexual to death is not reported in the two main reference works for *hadith*[59], *namely Sahih al-Bukhari* and *Sahih al-Muslim*. Furthermore, he made a re-interpretation of the Qur'anic story of Lut. According to him, the verse "y*ou approach men lustfully instead of women, You are (nothing) but ignorant people"* (27:55) could be interpreted in terms of a violent same-sexual act of a rape. He also recalls that the use of *shahwa* in this verse goes in the same direction. For that, he exploits Zamakhshari who defines *shahwa* as a *"pure desire without having any affection and* without any gentleness"[60]. In his view, only such sex acts are to be condemned.

Besides these Islamic scholar efforts to discuss Islamic scholar homosexuality penalization, popular Islam also is another way to integrate homosexuality in/by Islam. Moroccan popular Sufism is the best example.

In the 17ᵗʰ century, a male saint named Sidi Ali Ben Hamdouch never married, never had children, and he sometimes wore female clothes. This special and specific act is considered as *karama*, something only given to saints by God. *Karama* is the small "miracle" inherent to saints while miracle is given to prophets and messengers of God. Another *Karama* was also given to a female saint Lalla Aïcha Soudaniya, called "*Mmima Aicha*": she became a man in order to escape a rape. Then she definitively refused sex with men. Nowadays, these two popular saints constitute a reference and an Islamic mystical protection for Moroccan

58   Abdelghani Mahmoud. The forbidden enjoyment (المتعة المحظورة الشذود الجنسي في تاريخ العرب), Cairo, 2006.

59   Kuggle Scott and Hunt Stephen (2012): «Masculinity, Homosexuality and the Defense of Islam: A Case Study of Yusuf al-Qaradawi's Media Fatwa", in Religion and Gender, vol. 2, no. 2 (2012), pp. 254-279.

60   Ibid.

LGBT. Both give an Islamic popular legitimacy to LGBT. They express the psycho-social need of lower social classes to legitimate homosexuality and transgender on an islamic basis. Pilgrimage to their sanctuaries (near Meknes) is yearly organized at the occasion of Prophet Mohammed birthday[61].

All these elements help to make a synthesis whose goal is to integrate homosexuality into Islam[62]. They also show that sexual modernity origin is not specifically western: it is the result of a human history with a participation of Islam and Islamic societies[63].

First of all, equalization is not only recommendable in Islam, but it is obligatory. LGBT are also creatures of Allah and have to be accepted as a creature of Allah. Sexual diversity is an expression of divine will, so Allah is in all His creatures. Sufism is a legitimate expression of Islam. In this title, it is a refusal of sexual extremism. At the contrary, it imposes to love all creatures of Allah. « Love is my religion and my faith » concludes Ibn Arabi as a Sufi, as a true Muslim.

From this point, one can raise the question "why same sex is prohibited by mainstream Islam"? Is this prohibition free from any socio-historical context? Is it at the contrary determined by a specific context? It is useful therefore to mention that for the Islamic state at its beginnings the challenge was to be strong thanks to being a more numerous population. Talking to his *Umma* (community), Prophet Mohammed says: "Marry and reproduce (be numerous), I'll be proud of you the day of the last judgment". Obviously same-sex acts cannot work in this sense. Maximal reproduction was a goal; it was the goal for the new Islamic state. Any loss of semen elsewhere than in the field of the plowing field (the vagina) was highly disregarded. Today, however,

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61   Mediany Ahmed et Ahdani Jassim. « A Sidi Ali Ben Hamdouch, «le péle-rinage homosexuel» entre mythes et réalité », Telquel, 06/12/2017 : https://telquel.ma/2017/12/05/reportage-a-sidi-ali-ben-hamdouch-le-pelerinage-ho-mosexuel-entre-mythes-et-realite_1571679

62   A. Dialmy. Dialmy. «Den Islam vom Hass auf Homosexuelle befrein » (Integration of Homosexuality in Islam », in Welt Sichten, October 2009, Francfort , pp. 31-33.

63   A. Dialmy. « The continuity between Islamic *Shari'a* and international *Shari'a* in family law", *Muqaddimate/Prologues*, Hors-Série, no. 4, 2000, pp. 68-88 (in Arabic).

Muslim states, scholars and populations know well that being numerous does not mean being strong. Strength is not only and/or mainly in being numerous. Sometimes being less numerous is a means to be stronger. For this reason, Muslim states, scholars and populations adopted family planning. Besides, Islam recognizes that sexual enjoyment is an objective in itself. Some Muslims as creatures of Allah prefer same sex enjoyment without threatening the demographic growth of the Muslim community. Therefore, there is no reason to continue to condemn them and to refuse them as faithful Muslims[64].

Indeed a Muslim continues to be a Muslim despite same-sex acts (or non-marital hetero sex acts). The indisputable level of being Moslem is the faith, the belief in Allah and His Prophet. As for rites (*ibadate*) and contracts (*mu'amalate*), it is a disputable question between school readings. As they are disputable, they are not the core of Islam. Sex affairs belong to contracts (*mu'amalate*), so their laws must change and adapt. Further they are not only a question of fornication, marriage, slavery or prostitution, exclusively regulated by rites and contracts, they are also and mainly a question of love, but love between two human beings (regardless of their sex and their sexual orientation) which occurs should be accepted as natural and legitimate in/by itself. Naturalness of sex and love does not mean the potentiality of procreation. Its definition has to be released from the reproductive complementarity between females and males because anus is also a naturally erogenous organ. Its exclusion from eroticism is due to the subordination of eroticism to procreation, to species reproduction. This subordination is a central element in the patriarchal sexuality which culturally builds men as exclusively the female's penetrators.

Consequently, Islamic laws should be updated because of the social evolution of Moslem societies and because of the homosexual needs of some Moslem categories[65]. Ending essentialist non-historical perception

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64   Dialmy A (2009/5). « L'ijtihad face à l'homosexualité » (Al Ijtihad ama-ma al mithliya), Al Awan, 30 septembre 2009.

65   Dialmy A.
- «Réhabiliter les doctrines islamiques marginalisées, séculariser, faire du Marocain un citoyen, les trois voies pour reconnaître les LGBT comme minorité sexuelle », Entretien donné au quotidien arabophone Al Watan Al Ane, 26 mai 2008.
- « L'homosexualité entre la *Shari'a*, le *fiqh* et le droit », (Al mithliya al jinsiya

of Islamic laws is the main challenge in order to win the battle of gender equality between Moslem heterosexual and Moslem LGBT, (and also between males and females).

Conclusion

The current negative and repressive Islamic vision of LGBT expresses the experience of Muslims weakened by the loss of power and prestige at the international level. The more Muslims are weakened and humiliated, the more they need to hang on a virile heterosexuality (defined as superior by a pure and hard Islam, in fact a very simplified, very schematized and very impoverished Islam). This dominant Islam today is a de-cultured and de-territorialized Islam, which does not exist anywhere in fact. It is an abstract Islam, a myth. Consequently, it is necessary to:

1. Give a political destiny to the Sunnite dahirite opinion, which claims that the homosexual incurs no sanction,

2. Transform this opinion into a source of modern legislation in all modern Islamic states,

3. Teach it in colleges,

4. Diffuse it through different media in the Islamic World.

Meanwhile, Moslem LGBT is currently transitional: from self-refusal to self-acceptance, from Islam to inclusive human rights, from a patriarchal homophobic Islam to an inclusive Islam for human rights.

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Minority-ness in the Post-Arab Spring Discourse: LGBT Community in the 20th February Movement

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Abstract

The insurgence of the Arab uprisings that was sparked in the year 2011 marked a new phase in the life of the Arab minorities, who had started to feel the need for more equal representation in the social, economic and political life of their country. However, the situation after the uprisings has turned out to be depressive for most of minorities, especially the LGBT one. Indeed, the recognition of their social and economic rights took a U turn. By framing the question of LGBT minority as a post Arab Spring discourse; this paper tries to discuss the impact of the Arab Spring on how the LGBT youth have constructed new spaces to promote the discourse of homophobia within their hostile societies. It specifically seeks to analyze the extent to which the Arab Spring in general and the Moroccan 20th February movement constituted a good ground for LGBT youth to come out of the "closet" and openly challenge the long standing oppression that strangled them and denied their full rights to participate in the public life. Furthermore, it tries to examine the LGBT youth's political activism and the mechanisms by which they were able to break the silence and normalize their visibility in a repressive and hostile environment like Morocco. This article relies heavily on the data collected for my PhD project focusing on youth, gender and February 20 Movement. Based on close observation and interviews conducted with various constituents that were part and parcel of the protests in the cities of Fez, Rabat and Casablanca between 2016 and 2017, this article argues that the 20th February movement was a podium through which underprivileged categories such LGBT youth have not only expressed their needs for recognition and participation in their countries, but, more importantly, learnt new creative ways to come out of the closet.

Keywords: LGBT, Morocco, In/Visibility, Activism, 20 February Movement

Introduction

The insurgence of the Arab uprisings that was sparked in the year 2011 marked a new phase in the life of the Arab minorities, who had started to feel the need for more equal representation in the social, economic and political life of their country. During this period, many vulnerable and marginalized groups, including sexual minorities were extremely excited by the new revolutionary changes occurring in their countries and they started to inquire about the possibility of "coming out of the closet" to negotiate social justice and claim recognition as full citizens of their nations. However, the situation after the uprisings has turned out to be depressive for most of minorities, especially the LGBT one. Indeed, the recognition of their social and economic rights took a U turn.

The governments that took on power especially in Tunisia, Egypt, and Morocco were basically those of political Islam. Many have argued that the ascendance of Islamism meant a serious rolling back on the rights with regards to LGBT communities in the country. As convincingly expressed in the word of Michael Lucas (2011), "the *expectations raised by the Arab spring will be hard to live up to; soon the new governments will start looking for scapegoats and distractions. Gays have always played those roles too well."1* Admittedly, the situation of LGBT communities in the post –Arab uprisings remained relatively uncertain in the Arab world.

Homosexuality is intolerant and illegal in most of the Middle East and North Africa countries as identified in a report by the International Lesbian and Gay Association in 2016.[2]If one takes the example of Morocco which the case taken here, Article 489 of Morocco's penal

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1   Michael Lucas, "*The Hard Fall Of The Arab Spring." Huffington Post.*. 16 November 2011. Web. 20 September 2018. https://www.huffingtonpost.com/michael-lucas/arab-spring-gay-rights_b_1095798.html>

2   Aengus Carroll."State Sponsored Homophobia 2016: A World Survey of Sexual OrientationLaws:Criminalization, Protection and Recognition." Geneva: *ILGA*, October 2016.Web. 20 Sep.2018. https://ilga.org/downloads/02_ILGA_State_Sponsored_Homophobia_2016_ENG_WEB_150516.pdf

code (1962) states that *Homosexual acts are a criminal offense punishable with six months to three years of imprisonment and a fine ranging from 200 to 1,000 Moroccan Dirham*."[3] Due to the latter criminalization along with many other social, religious and cultural prejudices, Moroccan gays and Lesbians are not only marginalized, but are also denied free access to public spaces to protest against those contingent and exclusionary schemes, a fact which corner them in a state of Judith Bulter's term "social death."[4]

In this perspective, LGBT persons are forced to seek out "subaltern counterpublics"[5] within which they could contest the existing norms and structures that negate their existence in the public sphere. Counterpublics such as cafes, houses, bars and parks provide a safe locus where LGBT people could engage in what Hassan El Menyawi(2006) calls "activism from the closet"[6]. However, the Arab Spring in general and the Moroccan 20th February movement constituted a good ground for LGBT youth to come out of the "closet" and openly challenge the long standing oppression that strangled them and denied their full rights to participate in the public life.

This view was clearly articulated by Katherine Hirsch (2016) who argued "*after the February 20th movement in Morocco, "there has been a reconstruction of the meaning of space." Not only are counterpublics becoming more developed as sites of resistance but also the public sphere itself is expanding."*[7] Given this context, this paper tries to discuss the great impact of the Arab Spring on how the LGBT youth have

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3   Quoted in "Morocco: Situation for LGBT Persons."Copenhagen: *Danish Immigration service , March 2017.p,5.*

4   See Judith Butler. *Senses of the Subject*. Fordham University Press, 2015) 177

5   Nancy Fraser. Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy. *Duke University Press.* n (25/26), 1990. pp,56-80.

6   See Hassan EL Menyawi. "Activism from the closet: Gay Rights strategizing in Egypt". Melbourne Joournal of international Law, vol. 7,Issue 1 ,May 2006.

7   Katherine Hirsch . "*A Critical Analysis of the Public Sphere: How the LGBTQ Movement Utilizes and Occupies Space in Morocco*". Independent Study Project (ISP) Collection,2016.

constructed new spaces to overtly promote the discourse of homophobia within their hostile societies. It specifically seeks to analyze the extent to which the Arab Spring in general and the Moroccan 20th February movement constituted a good ground for LGBT youth to come out of the "closet" and openly challenge the long standing oppression that strangled them and denied their full rights to participate in the public life.

Furthermore, it tries to examine the LGBT youth's political activism and the mechanisms by which they were able to break the silence and normalize their visibility in a repressive and hostile environment like Morocco. This article relies heavily on the data collected for my PhD project focusing on youth, gender and February 20 Movement. Based on close observation and interviews conducted with various constituents that were part and parcel of the protests in the cities of Fez, Rabat and Casablanca between 2016 and 2017, this article argues that the 20th February movement was a podium through which underprivileged categories such LGBT youth have not only expressed their needs for recognition and participation in their countries, but, more importantly, learnt new creative ways to come out of the closet.

LGBT Youth in the Arab Spring: Making the Invisible Visible

Longtime taboos have reached the Moroccan public space[8]

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8   Photpographed by me, 20 Februray 2016, Rabat.

The Arab Spring has certainly brought many social, political, religious and even cultural concepts and percepts into question. In many of the social and political movements that called for the ousting of the regimes such as Kefaya in Egypt, the 17th of February in Libya, the 20th February in Morocco and so on, the issues of sexism, patriarchy and homophobia that robbed some minorities of some of their basic rights as citizens were at the center of the debate and dominated the protesting scene. The public squares in these countries and in the MENA region in general have witnessed a tremendous acceptance of various categories and groups that aspired for social, political, economic and religious equality.

Looking at these various squares, one would not deny the fact that social groups and minorities such as LGBT communities were highly visible in these contexts who called for social equality and respect of their rights within the mostly conservative societies that do not recognize them as full citizens. The presence of some gay and lesbian youth in the protesting arenas shows the extent to which the squares of resistance have become loci not only for political rebellion, but also a site for questioning the validity of social perceptions and sexual orientation. This is clearly expressed in the words of a Moroccan lesbian activist, who said that "*When the revolution started in the Tunisia, I remember I started connecting with other activists from that part of the world, I guess it was a kind of mobility for all kinds of alternative people to come out and try to do something.*"[9]

One could see, form the above articulations, the degree to which the situation in these Arab regions had been formulated by the commonality of the socio-cultural and economic conditions. The concept of intersectionality is of extreme importance in this particular context. It is the common suppression of these social categories that brought many of the socio-cultural and political views into question. As defined by Crenshaw Kimberle (2004), the concept stands for,

> Intersections between forms or systems of oppression, domination or discrimination. The theory suggests that —and seeks to examine how —various biological, social and cultural categories

9   Quoted in Ramsvik Melby, E. "Identity struggles: LGBT activism in Morocco". Master's Thesis. Sweden: University of Oslo, 2017.

such s gender, race, class, ability, sexual orientation , religion, caste, species and other axes of identity interact on multiple and often simultaneous levels, contributing to systemic injustice and social inequality. Intersectionality holds that the classical conceptualizations of oppression within society, such as racism, sexism, biphobia, homophobi, transphobia, and belief-based bigotry , do not act independently of one another. Instead, these forms of oppression interrelate, creating a system of oppression that reflects the ''intersection'' of multiple forms of discrimination.[10]

In fact, the new dynamisms in the Arab world have often been considerate of the need to bring peoples' demands into the arena. Despite the powerful social and cultural perceptions about certain groups such as gays and lesbians, the latter have found it extremely pertinent to raise their voice at a time where everybody was challenging a certain authoritarian and oppressive discourse. The validity of the LGBT claims found itself into an array of challenges that tried to topple down any sort of oppression be it through dictatorship, patriarchy or homophobia.

It is quite true if one traces the ailment of LGBT groups in most of the MENA countries, one would not be surprised to hear that their situationt as LGBT persons is associated with complete rejection, oppression, torture , violence and prejudice by both the law and society . The latter situation is eloquently captured by one of the rare openly Moroccan homosexual Abdellah Taia when he stated that,"*What was always unbearable for me was to feel rejected from a world that I always loved with all my heart, and to which I still feel strongly attached today,'' Taïa says of his experience growing up in Morocco. ''It was very difficult, feeling isolated, abandoned, and to have found, by myself, the necessary protection. I cried a lot when I was a child*."[11] As described in

10   Crenshaw, K. « Intersectionality : The Double of Bind of Race and Gender ». Interview by Sheila Thomas. *American Bar Association. Spring 2004. p.2.*

11   Amanda Randane. "*What It's Like to Be Gay in Morocco.*"*TeenVogue.* 21.Mar.2017.Web. 19 September 2018. https://www.teenvogue.com/story/

the words of Taia , one could clearly infer the great extent not only to which homosexuality is an extremely taboo subject in the Arab world, but also how It is very difficult to live openly in a country where your mere existence is a rejected and denied. It is even more complex when you are not given access to a space to advocate for the right to exist

Evidently, the squares in the various countries of the Arab world stood out as a glaring example of the true meaning of a square which has historically stood as an emblem of fairness and equality. Whether it is a *Tahrir Square* or a *Taghyir Square* or any other spot, these arenas challenged the various types of social, political, economic, cultural and religious oppression. According to an article written by to Mohamed Shahatah (n.d), in Al-Ahram Newspaper, *Tahrir Square is the only place where time and history melt together, and where social and religious differences disappear. The only thing that stays in the minds of the dwellers of Tahrir is the new situation of this place.*" (My Translation).[12] Dictatorship stood in shock of the subversive emergence of voices that did not only question the legitimacy of the regimes, but also of a serious and dangerous inquiries raised by other socially oppressed categories such as women, LGBT communities and so forth. These communities for example, found in the atmosphere of the Arab Spring the most suitable environment for raising the demands for social equality and acceptance of all. As clearly stated by Brian Whitaker (2012) with regards to gay rights in the Arab Spring;

> There are basically two strands to achieving LGBT rights... One is institutional acceptance, which involves changing laws, and the other is social acceptance, which involves changing people's attitudes. You need to have both, but in practice they don't always happen simultaneously. What we are seeing with the Arab Spring is the beginnings of generalized institutional change, starting with the removal of authoritarian regimes. But that is also being driven by social pressures – frustrations

what-its-like-to-be-gay-in-morocco

12   Shahatah, M. (n.d). Ard al-Thuwartathur bi al-Asrar.In Al-Ahram Newspaper. 18 Feb.2011.Web. 15 March 2015http://www.ahram.org.eg/archive/Friday-supplement/News/63409.aspx

over a lack of freedom…. These social pressures for change began long before the events in Tunisia and they'll continue long after the dictators have gone. Looking elsewhere in the world, institutional acceptance of LGBT rights has often been the result of political upheaval. For example, South Africa when apartheid ended, or Latin America when the age of the military juntas came to an end.[13]

As the above analysis shows clearly, the notion of common suppression encapsulates how different mechanisms and dynamics of change and resistance had merged together to draw a new and spontaneous strategy of subversion towards all types of political, social, cultural, religious, economic or gender discrimination and oppression. More importantly, one of the main virtues of the Arab Spring has been the normalization of the LGBT groups' visibility, activism and discourse. For most of Arab LGBT persons, this new wave of "freedom" brought hope and discourse that it was possible to engage in activism in new ways and spaces that had not been accessible before. As Khaled, a twenty-two year-old Egyptian biology student put it that "*As a gay Arab, I feel represented in these protests in every way and I'm confident that one day there will be a gay rights movement sweeping the Arab street.*"[14]

My observation through the domain of the protests in the Moroccan context has shown the great degree to which the socio-cultural perceptions of LGBT groups have melted within the protesting scene and discourses related to LGBT rights and activism has increased. The following section will analyze how the 20th February movement group help LGBT community not only to sustain and reinforce their activism, but also to construct alternative spaces to express their grievances and mobilize for public visibility through promoting the discourse of homophobia.

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13   Whitaker, Brian, "Gay Rights and the Arab Spring". *Al-Bab*. 24 Feb 2012. Web. 20 Aug 2014. <http://al-bab.com/blog/ 2012/02/gay-rights-and-arab-spring>

14   Simba Shani Kamaria Russeau. *"A Touch of Spring for LGBT Arabs." Inter Press Service.11Jan.2012.Web. 19 September2018* .<http://www.ipsnews.net/2012/01/a-touch-of-spring-for-lgbt-arabs/>

Beyond February 20 Movement: Alternative Spaces for LGBT Youth Activism

"Getting involved in political activism helped me come out of the closet and find my community"[15]

The emergence of the 20th February Movement marked a new era in the history of political resistance in the country. For many, the country has now moved from a phase of fear and intimidation by the forces of *al makhzen* to a new stage of openness and flagrant criticism of the political system. In fact, the 20th February Movement has come as a result of the socio-political upheavals that marked the whole scene in the Arab world since the year 2011. Moroccan youths who had their eyes on the revolutions in Tunisia and Egypt via media channels and internet social websites started to inquire about the similarity of their conditions to that of the revolting countries. "*These young people convened demonstration throughout the country for 20 February, 2011. The 20th February was born.*" [16]

Truly, the 20th February Movement had opened wide the doors before a chain of political protestations and activism that put at its heart of bettering of the social, economic and political life standards of the Moroccan population. Earlier the culture of protestation was approximately absent, especially because of the great violence with which it was met, particularly during what Moroccans have termed "the Years of Lead". As was clearly asserted by the interviewees, almost all the informants have agreed upon the fact that the insurgences that happened in Morocco by the beginning of 2011 and the emergence of the 20th February Movement have marked the beginning of a new stage in Moroccan politics. As stated by one of the interviewees,"*We are no longer under the fear and cowardliness of the old days of the kingdom. The 20th February Movement has helped with creating a new environment of protestation and paved the way before more subversive*

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15   Hannah Brashers.*"Getting Involved In Political Actvisim Helped Me Come Out Of The Closet; and Find My Community." HellowGiggles* 26 June.2016. Web.19 Sep.2018.

16   Thierry Desrues. "Moroccan Youth and the Forming of a New Generation: Social Change, Collective Action and Political Activism." .*Mediterranean Politics,*vol.17, Iss.1, 2012. p,31.

contention that challenged the traditional regimes and the political power".[17]

Certainly, as was stated by this informant, the Arab Spring in general and the Moroccan 20th February Movement has taught the world about the need to revolt against the long standing oppression of the ruling political regimes that had strangled the Arab population and denied their full rights to participate in the making of the political and economic life.According to Brouwer and Bartels (2014), the constitution of the 20th February Movement was diverse as it managed to have different and sometimes divergent political and cultural tendencies. Brouwer and Bartels (2014) argue that,

> It was not only independent youths, but people from the Berber movement, from different political parties, Marxist groups and labour unions who joined the movement, or supported the demonstrations.…. the biggest Islamist group, the Justice and Charity group (al-Adl wa-Ihsan) of the late Sheikh Yassine, actually did.[18]

As we could clearly see from the above quote, the 20th February Movement was a melting pot that united the diverse and divergent categories of youth from different political groups and parties. Moreover, the movement has succeeded in bringing to the surface some of the most important issues that were at the heart of the Moroccan ailments. The movement worked on unifying the voice of the young regardless of their social, or political and economic position. Moreover, LGBT Youth found in the public a way to put forward their claims with regards to their positioning in the Moroccan social and cultural heritage. In her article entitled: Gendering the February 20th Movement, Houda Abadi (2014) claims that,

> To make its messages audible, meaningful, and unifying, the February 20th movement used music, reappropriation of national and state symbols, promo videos, films, protest signs, and different

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17   Sara Soujar. Personal Interview. 20 February 2017. Casablanca.

18   Leni brouwer and Edien Bartel. "Arab Spring in Morocco: social media and the 20 February movement". *Africa focus, vol.27,Iss .2,2014.*

social media platforms. Their videos called for universal values of diversity based on ethnicity, language, gender, and class, while simultaneously making claims to Moroccan identity and 'Moroccan values,' such as freedom, education, economic social justice, and gender equality.[19]

It was this notion of a unifying space that grouped various groups and social and political parties and classes that made the revolutions more adorable to the younger generation that had for so long aspired for social and political equality and a more representation in the corridors of power. The notion of unity and solidarity were at the heart of the 20th February movement and allowed it includes various social, political and ethnic categories that looked for change and aspired for a better future. As the majority of our interview respondents have claimed; the movement created an atmosphere of brotherhood and sisterhood. We felt the absence of the social, economic, cultural and religious barriers that had often set us apart. The movement had been a locus for social and political resistance[20].

For the young Moroccans, it has been a safe haven for them; they shouted, they argued fervently and criticized all the habits and manners that excluded them. Taking into account the semi –authoritarian nature of the Moroccan political system, there are no safe spaces where youth in general and LGBT persons in particular can operate and protest without control and repression of the authorities. Thereby, defining the movement, by the respondents, as a safe haven is very much related to the political openness that was created by the Arab spring protests.

As a matter of fact, despite the weakening of the movement trough strategies such as reform and co-optation, the youth in general and LGBT minority in particular took advantage of the 20 February movement space not only to learn new ways of political mobilization and activism, but more significantly, to construct their own alternative transitional justice spaces through which they could uncover their grievances and mobilize

19   Houda Abadi. "Gendering the February 20th Movement: Moroccan Women Redefining: Boundaries, Identities and Resistances ». *CyberOrient, Vol.8, Iss.1, 2014.*

20   Activists of the 20 February movement. Personal interivew . 20 Feburary 2016-2017.

for their cause openly. In the post-2011 of February 20 movement, there has been a glaring change that was reflected in how the increasingly visible participation of LGBT groups and strengthening of advocacy in this arena has begun to open up spaces where such groups feel able to create a public debate on their own basic rights.

The Group in defense of minorities (GDM), which was set up in 2013, could be seen as a perfect example of the political groups that mobilize and struggle for LGBT rights and gender minorities in the post-"Moroccan Spring". The core aim of this group is to problematically increase public and open discourse on homophobia in the Moroccan society through uncovering the daily survival of LGBT minority, ranging from violence to arrests. Though the group is active in organizing workshops and seminars on the rights of LGBT persons, it is more known for its media campaigns with the purpose of capturing and covering the different sorts of violence and issues faced by LGBT persons, be it social, institutional or physical.Those mobilizing campaigns, according to a study done by Eli Ramsvik Melby (2017),

> Consist of information on arrests, online petitions to demand the release of the victims, and press releases that condemn arrests in collaboration with Moroccan and/or international human rights organizations. The campaigns figure in several languages; English, French, Standard Arabic and the Arabic dialect Darija – as the group aims to reach audiences both in Morocco and abroad. The members themselves define the group as an independent community revoked from traditional and institutional organizational structures. This implies that there are no leaders, no fixed positions, or administrative hierarchy in the group. Being established in 2013, the group can function as an example of how young LGBT activists organize in the region of North Africa in the aftermath of the Arab Spring.[21]

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21   Ramsvik Melby, E. "Identity struggles: LGBT Activism in Morocco". Master's Thesis, Sweden: University of Oslo,2017.

Relevantly, this kind of mobilizing strategy has brought visibility to sexual minorities and rights issues that were quite hidden and invisible. Since the year 2015, there have been a number of homophobic acts of violence against LGBT "citizens" that were filmed and captured on smart phones and posted on social media. The case of the man who was brutally attacked in the city of Fez by a mob for being presumed to be gay could be taken as a flagrant example of the homophobic assaults experienced by LGBT persons living in a heterosexually dominant society. The latter case was only one example of the intolerable and challenging situation of LGBT people in Morocco.[22]

The new forms of LGBT activism, basically the acts of filming and posting something real about their "collective memory" as sexual minority could be interpreted as performances that not only give a powerful impression of being real on many open spaces, but more importantly normalize their public visibility in the streets. Interestingly, the use of the virtual space to connect the real and physical space could be read as heterotopias spaces of otherness in line with the concept described by Michele Foucault (1967). As eloquently argued by Tabassum Zaman (2010) when he stated that,

> Like the Foucauldian heterotopia, Facebook is an
> —other space which is always valid in relation to
> a real space. In Faceebook, the locus of interaction
> may be imagined, but it is predicated on the same
> sets of normative spatial relations that construct
> real life space. Thus, interactions in a virtual party
> follow the conventions of real life party interactions.
> If space is constructed by discourse, then the binary
> between _real life'space and cyberspace collapses.[23]

This innovative mobilizing strategy of using the cyberspace to cover the real life conditions of LGBT persons in the Moroccan society

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22   In June 2015, a video was posted on social media covering the scene of a mob of men beating a Moroccan transgender woman in the city of Fez .Two of men   involved in the attack were arrested by the Authorities Similar incidents of homophobic acts of assaults happened in Beni Mellal and in other cities of the country in 2016.

23   Tabassum Zaman, "Facebook: Utopia, Dystopia Or Heterotopia." BRAC University Journal. Iss.1,2010

has benefited the Moroccan LGBT community in more open ways than previous years. Apart from helping them to overtly declare their existence and reach out each other to start the dialogue with one another, it was an effective way through which they were able to generate a serious public debate about the long considered hidden and invisible taboo among a number of activists, academics, researchers, journalists and policymakers.

Given this context, many have started to question the 2011 Moroccan constitution, especially its sections where it states that the Moroccan Kingdom "*commits to ban and combat all discrimination whenever it encounters it, for reason of sex, or color, of beliefs, of culture, of social or regional origin, of language, of handicap, or whatever personal circumstance that may be."24* Also, other articles mainly 21, 22, 23 and 24 that focus on the fundamental freedoms and rights, basically security and protection of the life of all persons. The linkage between the aforementioned fact of how the public start to be engaged in addressing questions related to LGBT minority more open than previous years and the act of the arrests of the attackers by the authorities speaks to the core of the emerging change taking place in the Moroccan society.

Subsequently, one could conclude that this generational push of constructing alternative spaces to promote the discourse of homophobia within their hostile society is a vector of socio-political change. These powerful ways of activism could only be defined in Asef Bayat 's term (2010), "*the art of presence": "the courage and creativity to assert collective will in spite of all odds, to circumvent constraints, utilizing what is available and discovering new spaces within which to make oneself heard, seen, felt, and realized"25* Effectively , thanks to this generational activism, either through the 20 February Movement space , the cyberspace or the GDM's one,   that the Moroccan society is changing and the issues of homosexuality and gender minorities are gaining more prominence in the post-Arab spring.

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24   "Morocco's Constitution of 2011". English version ,p.3. *The constitution Project, 2012.Web. 12 Sep.2018.*
https://www.constituteproject.org/constitution/Morocco_2011.pdf?lang=en

25   Asef Bayat . "Life As Politics: How Ordinary People Change The Middle East.*".* Palo Alto,CA: Standford *University Press*,2010,pp,26.

Conclusion

One would claim that the Arab winds of change have swept across various regions in the Arab world. Whether these winds of change were positive in their results or not is a question that would need a whole different article to answer. But, without a doubt, the problems that initiated the uprisings in the Arab world had the same roots that lied basically in issues such as oppression and exclusion of social categories such as youth and sexual minorities from the socio- political and economic sphere. Surely, the political protesting scene in the Arab world in general and in Morocco in particular, and through the 20th February Movement specifically has been inclusive of various social, political, cultural, religious and gender categories that had been excluded or relegated to the margin of the political life of the countries of the Arab region.

In fact, what happened and is still happening in Morocco shows the great degree to which the uprisings have opened the door before a much more civilized and democratic manner of protestation. The youth, both men and women have come to comprehend the value of taking to the streets and asking for their full rights of representation and participation into the public sphere. In the words of the one of the respondents from the 20th February Movement, "*we now understand as Moroccans that people are powerful and that we could through peaceful protestation achieve our goals of political, social, and economic reform. We now know the value of the streets and the public squares; they are not only for us to walk in and enjoy, but to walk in with a purpose and to make a difference*"[26].

Moroccan scholars such as Abdel Ilah Belkziz (2017)[27] had been aware of the particularity of the Moroccan context in this regard and had highlighted the vitality of the public arenas in contesting the social and economic inequality amongst the various ingredients that constitute the Moroccan nation. The Moroccan democratic spring had set a great example on the importance of benefiting from social and ethnic diversity as not only to challenge the long standing oppression, but also to unify around themes such as fighting all forms of marginalization and aspiring for social and political justice.

26   Sara Soujar . Personal Interview. 20 February 2017. Casablanca.

27   Abdelilah Belkziz. "«*Beyond the Arab Spring*". Casablanca: Cultural Center of Books, 2017. (My translation)

Importantly, the article has tried to highlight the importance of what we called "the common suppression" in relation to the political claims and demands raised during the uprisings. The goal of the paper was to show the narrow thread that linked the popular demands to the common suppression of social categories such as the youth, women and minorities like the LGBT community. People who contributed to the revolts belonged to these different and sometimes divergent social groups, but were aware of the nature of their unity under the banner resistance of corruption, unemployment, social and political exclusion.

Despite the fact that the youth in general in the LGBT ones in particular were mostly betrayed by the end of the revolts in various parts of the MENA region, still their presence and participation in the protests was of extreme importance, not only for them to learn the new ways of politics and activism within these contexts, but more significantly, to deconstructed sexual and gender identities that reinforce the same old power structures of historical, social, and cultural hegemonies through "the art of presence".

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Legal, Political and Cultural Representation of Minority Groups

Minorities in Tunisia: a Transitional Issue?

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Abstract

After the uprising of 2011, Tunisia started its democratic transition and issues that were out of sight of the political and social debate came to the surface. The fate of Minorities in Tunisia were among the first issues to be raised by civil society activists especially during the constituent period between 2011 and 2014. Tunisia discovered itself richer than state built homogenous arabo-muslim identity and religious, ethnic and sexual minorities started their advocacy for a better recognition and a full citizenship with no discrimination.

Civil society organizations were very active thanks to a favorable legal context that allowed the creation of many organizations. However, if it is in favor of freedom of expression and association, the Tunisian state seem to be keener to recognize the rights of some minorities more than others. The article tries to understand the the dynamics of inclusion and exclusion of minorities to explain how this issue is being treated in a country were the "Arab spring" was more successful than else where.

Keywords: Minorities, Tunisia, human rights, inclusion, democratic transition

Introduction

Speaking of minorities is not an easy task as the very definition of a minority is still difficult. The term minority is a plural and ambiguous term. It is certainly easy to define it as the opposite of the majority, but when it comes to finding its definition in international law, the task becomes more difficult. Indeed, and to this day, no legal definition is retained by all the states of the world and the international texts do not give any clear definition since one only finds there a mention of the minorities and the rights that they can enjoy or what the state should

grand them without any definition of what a minority is. As an example, the International Covenant on Civil and Political Rights (ICCPR) only mention minorities in its article 27 without providing any definition.1

One may find a possible solution in the definition offered by Francesco Capotorti[2] in 1977. Indeed, Capotorti considered that a minority is a group:

- numerically inferior to the rest of the population of a State,
- in a non-dominant position,
- whose members - being nationals of the State - possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and
- Showing, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language[3].

However, even this definition is still problematic as nationality may be very controversial and the definition seems to be limited to national, ethnic, religious and linguistic minorities while it is easy to notice that the state of minority can have other grounds as sexual orientation (LGBT minority) or genetics (Albinos) or health conditions (people living with HIV or leprosy). In addition, minorities in the world can combine various grounds in a way that makes the understanding of the basis of the discrimination very difficult.

At the end, it seems that the state of minority is a de facto situation more than a de jure one even if the discriminations in the law can sometimes help in the determination of the state of minority.

It is the case of Tunisia, where legal texts can allow us to understand how minorities' issues were treated by the state. The examination of the Tunisian legislation since its independence in 1956 allows us to

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1   " in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language" (ICCPR, Article 27)

2   Special Rapporteur of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities

3   https://www.ohchr.org/EN/Issues/Minorities/Pages/internationallaw.aspx

say that the Tunisian state has a tendency to consider its population as highly homogeneous. The first constitution of the country of 1956 provides that *"tunisia is a free, independent and sovereign state. Its religion is Islam, its language is Arabic and its type of government is the Republic"*. The existence of national minorities is mentioned in watermark in the constitution, as it requires a condition of islamity for presidential elections candidates[4]. Without being clearly mentioned in the constitution, the Jewish community of Tunisia is the only officially recognized national religious minority.

After the 2011 uprising, the openness of the democratic space allowed the emergence of new civil society activism in which several actors were doing advocacy for the rights of minorities. This mobilization showed that in addition to the Jewish population of Tunisia, other minorities were living in the country such as religious (Baha'i, atheist, Shia and newly converted Christian), ethnic (black and Amazigh population of Tunisia) and sexual (Tunisian LGBT) minorities.

The mobilization also showed the importance of discriminations in the law and in the daily life that minorities were facing and how various the Tunisian society was compared to the uniformed vision drawn by the state. The minorities issue became an important point of the democratic transition of Tunisia especially when the country started drafting its new constitution. Representatives of several minorities wanted to be included and recognized as full citizens in the document that would shape the new Tunisia. As we will see it, some managed to gain recognition; others instead are still fighting for it. This why we can clearly speak, when it comes to minorities in Tunisia issue, of different dynamics of inclusion and exclusion depending on the ground of the status of minority. Tunisia seems to be keener to accept or tolerate some minorities and not others. The topic becoming sensitive and politically involving, Tunisia seems to refuse to decide about its minorities without comparing itself within its cultural and religious context of the MENA region and widely the Muslim world.

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4   Tunisia constitution 1959, Article 40 , May stand as a candidate for the presidency of the republic any Tunisian who has exclusively the Tunisian nationality and not possessing any other nationality, who is Muslim, and whose father, mother, and paternal and maternal grandfathers and grandmothers are all of Tunisian nationality without discontinuity.

We will analyze the minorities issue in Tunisia following a historical approach as we can easily distinguish three different momentums since the independence and the building of the first Tunisian republic where the dynamics of inclusion/exclusion were visible.

1. The post-independence phase

2. The post 2011 uprising phase

3 The post 2014 constitution phase.

1. The Post-Independence Phase

Tunisia became independent in 1956. Until then it was a kingdom ruled by the *husainid* [5]dynasty, under a French protectorate. Before the independence, such as many Mediterranean countries and ottoman provinces, the population was composed of several elements and minorities as a concept was only seen from a religious perspective. There were the Muslim and Jewish native population of Tunisia in addition to a Christian European population living in the county later a European Jewish community from Livorno (Italy) would join the population of Tunisia and be a part of it.

Right after the independence, Habib bourguiba[6] abolished monarchy and replaced it by a republican regime. All subjects of the kingdom of Tunisia would then became citizens. Pushed by Bourguiba's vision of the country, the state immediately started working on building a national Tunisian identity with common laws for all citizens no matter what was their religious belonging. Under the monarchy and the French protectorate, every religious community was submitted to its own laws with its own tribunals[7]. The newborn state wanted to to unify the legislation to all its citizens with its no discrimination. Even if it kept the islamity as a cultural marker of the majority of the Tunisian people, the legislator did great efforts to produce positive laws with

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5   a family from ottoman descent

6   First president of the country.

7   Tunisia used to have three jurisdictions : one for the Muslim population with two Muslim schools one maleki for the population and hanefi for the royal family and families of ottoman descent. One for the Jewish indigenous population and the French tribunal for the Christians and European Jews for their non-religious matters.

few references to Islamic normativity. The state building of a national identity did not go only through the legal system. It also went through important changes in the fields of health and education in a way that changed social dynamics in urban and rural areas.

While building this national identity by the laws, the bourguiba regime took some measures to make the national identity or if I may call it « *tunisianity* » prevail on any other identity. This how the Amazigh [8]were not allowed to use their native language the "tamazight" or Amazigh names to call their children. The standardization of the Tunisian Arabic (Tunis dialect) as the national language went through official medias (TV/ RADIO) and school programs making it the official language of the county. Ethnic or tribal belongings, social structures and allegiances were replaced by a national belonging to the country.

The Jewish population would be included in the first governments and the parliament as equal citizens but this will later stop de facto mainly due to Jews leaving Tunisia because of the impacts of the the Israeli/ Palestinian conflict on their daily lives.

As a minority, the black population of Tunisia did not seem to be issue for the state after the independence until the uprising of 2011 that will analyze later. Proud of being among the first countries in the world to abolish slavery. The state was not considering that the black population of Tunisia might not enjoy the rights and equality granted in the constitution and legal texts. For many descendants of former slaves facing economic and social marginalization, especially in the southern parts of the country, the only possible option was immigration to France and neighboring Libya.

The situation of the LGBT population in the bourguiba period (1957-1987) was not a visible issue either. Homosexuality was penalized under the article 230 of the penal code[9] and this was not really discussed politically or socially. LGBT rights would be raised under the ben Ali regime (1987-2014) before the tribunals. The sami/samia case is the first case before the Tunisian justice regarding LGBT rights. Indeed Sami, a transgender that went through the process of sex changing in Spain went back to Tunisia and asked for a new ID with his new gender identity.

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8   indigenous population of Tunisia

9   Three years imprisonment

The Tunisian court in a decision [10]refused categorically stating that his gender identity problem "could have been treated by pills and justified the rejection of the ID change that the transformation was made by an artificial process while Islam only accepts hermaphrodism [11](intersex). The position of the court was an unusual reference to Islamic laws, as Tunisian laws are positive law with no reference to sharia laws except in the field of inheritance. Moreover, the reference is wrong as they used the references used for prohibition of homosexuality to reject a gender identity issue.

Under the ben Ali regime, the dynamic of inclusion of the Jewish minority of Tunisia is very interesting to study in its relationship with the regime. Indeed, the existence of a Jewish minority living in Tunisia and getting a clear protection from the regime was used by Ben Ali propaganda every time the issue of Human rights and minorities was raised by international critics of the Ben Ali regime (in addition to women's rights). Even if an important part of the Tunisian Jewish community left for France mainly and Israel, the remaining Jews in Tunisia enjoyed a good situation and an original one in the MENA region[12].

Until the end of the Ben Ali regime in 2011, the issue of minorities seemed to be limited to the religious communities. According to its official report[13] on the application of the CERD[14] convention in Tunisia, the state stated in 2007 that *"in 2006 the population of Tunisia was approximately 10.1 million and that the number of Tunisians who are not Muslims may be estimated at 5,000. Of these, 3,000 are Jews and the remainder Christian"*.

For the only ethnic minority which are Amazigh, the state also seemed to consider that the forced assimilation by the state was a form of

10   Court of appeal of Tunis, Decision of december 22, 1993.

11   Cf . Hamadi redissi et Slaheddine Ben Abid, L'affaire Samia ou le drame d'être « autre » : commentaire d'une décision de justice,in Moulin Anne Marie (dir), Islam et révolutions médicales. Le labyrinthe du corps, éditions Karthala, 2013. p.236.

12   The situation of Jews in Tunisia was similar to Jews in morocco.

13   https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fTUN%2f19&Lang=fr

14   Convention on the Elimination of All Forms of Racial Discrimination.

successful integration as the same CERD report mentioned that" *It should be noted that the Berbers of Tunisia are particularly well integrated into Tunisian society and that they have no grievances".*

2. The Constituent Phase

January 14, 2011 did not only put an end to the ben Ali regime or started the so-called Arab spring. The Tunisian uprising has unveiled many hidden issues and allowed people from minorities to go on the public scene and to become a political and social issue. The opening of the democratic space and freedom of speech allowed a clearer vision of the reality of the minorities 'situation in Tunisia. Tunisia proved itself more diverse as religious diversity appeared to go beyond Judaism and Christianity and other ethnic and sexual minorities were living in the country.

Minorities' rights issue seemed to be welcomed by the state in the framework of the democratic openness and the transitional justice process. A new ministry of human rights[15] was even created on December 24, 2011 with a special focus on human rights and democratic transition including minorities' rights. The ministry also started working with human rights mechanisms from the UN system.

But the main contribution to the cause of minorities came from civil society. Defined by Jurgen Habermas as *"more or less spontaneously created associations, organizations and movements, which find, take up, condense and amplify the resonance of social problems in private life, and pass it on to the political realm or public sphere*[16]" Tunisian civil society would contribute to the cause of minorities rights.

Adopting the different causes of minorities, several civil society organizations were created to work on the inclusion of several populations' rights in the new constitution of the country that would be drafted by the constituent assembly after the first free elections of

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15 http://fr.tunisie.gov.tn/annuaire/62/9-minist%C3%A8re-charg%C3%A9-des-relations-avec-les-instances-constitutionnelles-la-soci%C3%A9t%C3%A9-civile-et-des-droits-de-l%E2%80%99homme.htm

16 Ali Mohamed Farah, the role of civil societies in democracy: the tunisian revolution, Humanitrarian and social research center, available online: http://insamer.com/rsm/files/GozlemSaha%2008%20The%20Role%20of%20 Civil%20Societies%20in%20Democracy.pdf

the country. The Decree Law n ° 2011-88 of September 24, 2011 on organizations[17] helped a lot as it allowed those who were not able to work on the minorities' rights issues to gather and make advocacy.

In 2011, the organization for the Amazigh culture was created and started working on promoting Amazigh rights. In 2012, Adam for equality and development, the first Tunisian organization[18] defending the rights of black Tunisian was born. Both wanted to make MPs aware of the minorities' rights and aimed to include Amazigh and black identities in the constitution but would not succeed.

Speaking of minorities and making it a public debate would conditioned by the type of minority. Anything that would seem to undermine the state built homogeneity of Tunisia would be discarded. In addition, Advocacy for the rights of minorities seemed more difficult in a political context where political Islam returned to Tunisia to promote conservative values and a unique identity such based on Islam and Arabism.

The post 2011 uprising phase was the phase of mobilization and advocacy. The civil society actions allowed the minorities to get out of the shade and to learn how to ask for full equality. However, the success was not as expected. In 2014, the new Tunisian constitution was adopted and some rights were granted related to minorities were clearly visible such as freedom of religion (article 6), equality between all citizens (article 21), protection of privacy (article 24), freedom of thought and expression (article 31) and freedom of association (article 35). The new constitution would open a new phase where minorities will use the granted rights.

3. The Post 2014 Phase

After the finalization of the 2014 constitution, Tunisia organized new elections for electing a new parliament and a new president in the same year. Minorities issue was not really solved in spite of some visible progress. The 2014 constitution indeed kept the legal exclusion of ethnic religious and linguistic minorities as its first article provides that Islam is the religion of the state and Arabic its language. Even if the

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17   Décret-loi n° 2011-88 du 24 septembre 2011, portant organisation des associations.

18   http://jamaity.org/association/adam-for-equality-and-development/

terms of the constitution are in the direction of openness and tolerance, Islam supremacy on other religions and arab ethnicity on others are still visible as islam is still a sine qua none condition for presidential elections and Arabo- Islamic values are part of what the state should transmit to the next generations (article 39).

Beyond that, the constitution introduces an ambiguous notion that could have a negative impact on the future of the minorities issue in Tunisia. Speaking about national union, the ninth article[19] may be used as ground to stop any claim for recognition coming from some ethnic or religious minority. National unity combined with a national identity built by the state seems to be a threat for minorities' rights especially for Amazigh as the state was reluctant seems to consider an ethnic minority asking for recognition of its language and culture as a possible split from the national union. The fear of minorities is not proper to Tunisia. It is also visible in several contexts of the MENA region where states were built right after the Ottoman Empire, colonization and decolonization with no consideration form minorities and where minorities claim led to the division of the national territory.

On the other hand, some articles of the 2014 constitution may be used to help citizens from ethnic or religious minorities to claim rights such as equality and non-discrimination (article 21). This is in se a contradiction in the new constitution. The solution may come for the constitutional court, which will interpret and clarify the content of the Tunisian constitution.

In terms of contradiction on minorities' issues in Tunisia, it is not limited to the constitution as the highest legal text but the contradiction is also visible in positions of the government. As there is a big contradiction between the behavior of the ministry in charge of human rights and civil society and other ministries.

The ministry in charge of human rights seems keener to work on the improvement of minorities rights especially in front of the United Nations human rights mechanisms. Other ministries seem to be more reluctant to do so. On one hand the ministry in charge of human rights is working on implementing the human rights mechanisms recommendations on minorities in the countries, the ministry of interior is not considering

19   "The preservation of national unity and the defense of its integrity constitute a sacred duty for all citizens"

them. The best example is may be related to the LGBT community as anal testing was used by the police to prove the homosexuality. The ministry of human rights took the commitment to remove this practice considered as an ill treatment and possibly a form of torture while many testimonies reported that this practice was still on.

Same thing for religious minorities, the ministry of human rights is working with organizations representing religious minorities and atheists while the ministry of religious affairs is still seeing religion as limited to the three monotheisms.

Contradiction may sometimes come from the same ministry. While working on racial discrimination, the ministry of human rights seems to prefer the limitation of "racial' to the black population of Tunisia as the draft law on penalizing racial discrimination submitted by the ministry to the parliament seems to have skipped the discrimination that the Amazigh are facing.

The ministry of culture can also be an example of the Tunisian contradiction as it had indeed allowed the first "queer festival" in Tunisia during which LGBT movies were shown to ban few months later the projection of the movie " call me by your name" which is about the same thematic[20].

Conclusion

Although Tunisia has made big steps forward on the path of democracy since the uprising of 2011, minorities as an issue is still a work in progress issue from both side: the state and civil society. While civil society and international actors' expectations are big, Tunisia seems to prefer a careful, progressive and case-by-case strategy.

It is interesting to link what Tunisia is living today with what happened right after the independence and to understand how the context of change has changed.

 As mentioned above , Tunisia had already made major changes compared to its religious and cultural context in the fifties. These major changes were related to women rights and citizenship and were made by the will of the political power. In the new Tunisia, where democracy is gradually being established, this kind of change seems to be subject

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20   http://www.newnownext.com/call-me-by-your-name-tunisia/03/2018/

to social approval and cannot be made by the only political will as the relationship with the ruling power has changed.

The composition of civil society has also changed in Tunisia. Before the uprising, it was only constituted by "progressive" organizations while after it many "conservative" organizations were born asking for returning to conservative values. This cleavage is also visible at the level of elections as the democratic openness allowed the constitution of conservative parties. The elections shaped the Tunisian parliament between conservatives and progressives in a way that it finds itself locked sometimes when it comes to laws related to societal changes and human rights issues. The vision of conservatives and progressives on what Tunisia should look like is not the same and it seems that both sides are not working for a more balanced and non-exclusive vision of Tunisia future.

In this context of cleavage, minorities' rights are among the most controversial issues. The passage from the unique vision of a single party in Tunisia to a political diversity has made the issue of minorities an issue for parties seeking to work on their electorate either by supporting or opposing minority rights. This made minorities rights become a political card as other controversial issues between the political components of Tunisia. The minorities issue is also sensitive in Tunisia because of the international support to civil society. On one hand the international support to organizations defending minorities' rights was perceived as a form of interference with national sovereignty from foreign powers. The international support to civil society organizations opposed to minorities rights and promoting conservative values was perceived as attempt of making Tunisia regress and step back in the progression it made since the fifties.

It seems that Tunisia still need time to work on minorities issues with a more serene and depolarized approach. It is also clear that Tunisia should see the Tunisian context in its unicity and difference from the MENA region without completely cutting with it. To conclude ,it seems that several minorities issues in Tunisia are linked with history and geography cannot be solved without harmonizing the approach with the ones taking place in other contexts such as other Maghreb states specially the Amazigh issues. While others can be discussed in the exceptional Tunisian context as, it is the case for women rights in which the country is still an exception.

Minority parties in Germany – Between Political Representation and No Man's Land

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Abstract

The Danish minority party in Germany is the only minority party that holds mandates in a regional parliament. The paper analyses why the other minority parties in Germany, the parties of the Frisians and the Sorbs, have no political representation by parliamentary seats on the regional level. The reasons are complex, while the Danish party (South Schleswig Voters' Association) can rely on a long tradition of parliamentary representation, the other minority parties have no long tradition and have therefore a weak organization. The political representation of the Frisians and the Sorbs is more guaranteed by the associations, which is why the parties are not seen as the official representative. Finally, the Danish party benefits from two factors: the exemption of the 5% vote threshold and the concentration of the minority members inside one regional state, so as well in one political area.

Keywords: German minorities, minority party, representation, state politics, regional election

1. Introduction

The party of the Danish minority, *"Südschleswigscher Wählerverband"* (SSW)[1], is the only minority party in Germany that holds political mandates in a regional parliament. The party is represented in the parliament of Schleswig-Holstein since 1947 with an interruption during the election period between 1954 and 1958. Two of the three

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1   English: South Schleswig Voters' Association.

other minorities are also connected to a party that represents their interests: the *"Lausitzer Allianz"* (LA)[2] for the Sorbian people and *"Die Friesen"*[3] for the Frisian ethnic group.

However these two parties have never hold a seat in a regional parliament and therefore they have no political representation on a level that is responsible for the constitution or legislation of regional states.

This article will work out why there are significant differences among the minorities in Germany relating the political representation.

1.1. Research Question

Every minority has its own identity, history and context. So it is in the national context of Germany while all four minorities, the Danish, Sorbian, Frisian minority and the Sinti and Romani people, have the common legal status as 'National Minorities' on the basis of the Framework Convention for the Protection of National Minorities of the Council of Europe. This treaty was created to establish individual and collective rights for members of minorities in Europe.

Thereby the minority groups live under the same legal framework of the Convention of the Council of Europe that enables the free development of culture, language and tradition. However the political representation shows a different reality. While the Danish minority party holds three seats in the parliament of Schleswig-Holstein, no other party that is connected to a minority holds a seat in a regional parliament.[4] In contrast the Frisian party "Die Friesen" and the Sorbian party "Lausitzer Allianz" are just represented on the local level. The minority of the Sinti and Roma people do not have a party that try to represent their interests.

Therefore the paper will analyze the following research question: Which reasons can be found to explain the different political representation of the minorities in Germany?

2　English: The Lusatian Alliance.

3　English: The Frisians.

4　At this point is must be mentioned that the SSW also represents the interests of a part of the Frisian
ethnic group.

1.2. Case selection and approach

This article will concentrate on the political representation of the Danish, Sorbian and Frisian minority, thus the minority of the Sinti and Romani people will be excluded because there is no political party that represents the minority's interests on the political arena. This function is taken by the interest group of the minority which is called 'Central Council of German Sinti and Roma'. For example the group negotiated the inclusion of the Sinti and Romani people within the Framework Convention of the Europe Council to be accepted as a national minority with an own minority language.

These negotiations with political players like the German federal government or regional governments are seen as political actions but this paper will focus on political representation in a parliamentary framework and within a political competition. The three other minorities have both, a minority party and interest groups that works on different minority issues.

2. Information about the three minorities

2.1. Status and general information

Most of the members of the Danish minority live in the northern part of the German Land Schleswig-Holstein. However the exact number of people that confess to the Danish minority is impossible to say because official surveys of the administration are impermissible. According to estimations there are approximate 50.000 members of the Danish minority with German nationality.

The minority work is based on the Bonn-Copenhagen Declarations of 1955, a bilateral contract between Denmark and Germany to guarantee minority rights for the minorities on both sides. These declarations manifested the same civil rights for the members of the Danish minority, an exemption for the SSW from the 5 % vote threshold and the principle of the free confession. This legal and political framework is still present today so that no official authority is allowed to prove the belonging to the minority. The South-Schleswig Association (SSF)[5] is the umbrella

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5   SSF stands for Sydslesvigsk Forening (English: South Schleswig Association).

association for all Danish institutions like schools, youth association, the Danish church or the Danish central library.

The minority of the Frisian ethnic group is separated into a group in the West (in the Netherlands), in the East (German Land Lower-Saxony) and in the North (German Land Schleswig-Holstein). Nevertheless, the two German Frisian groups are seen as one minority and have in total 60,000 members. The three Frisian groups are organized by the Interfrisian Council that is subdivided into the three sections: West, East and North.

The North Frisians are organized by several institutions. The North-Frisian Institute is a research institute in cooperation with the University of Flensburg. It works scientifically on the North Frisian language, culture and history. In addition to that the North Frisian culture and language is also supported by the North Frisian Association that has already existed since 1923. However, the ethnic group cooperates with the Danish minority on the political level and is also represented by the SSW. Both Frisian groups have their own language, but the East Frisian language is almost extinct in comparison to the North Frisian language. Only the dialect named Saterland Frisian language is still spoken by approximate 2.000 people. At this point it is remarkable to state that there is no association or institute that does cultural work of the East Frisian ethnic group. However, since 2007 the Frisian party is trying to represent East Frisian interests on a political level.

The Sorbs with 60,000 people are living in the region Lusatia that is separated into Lower Lusatia in the German Land Brandenburg and into Upper Lusatia in the German Land Saxony. They are a West Slavic ethnic group and speak the Sorbian languages that belong to the West Slavic language family. Already in 1912 the political interest group Domowina was founded and is still – with an interruption during a period in Nazi Germany – the umbrella association for Sorbian institutions. The Institute for Sorbian Studies which is a part of the Leipzig University has a history back to 1716 and is now the only place to study Sorbian studies. Additionally, there is the Sorbian Institute that is connected to the Institute for Sorbian Studies and it concentrates on research on the topic of Sorbian language, history and culture. Another important institution is the Institute for the Sorbian People whose council is consisted of representatives of the Sorbian people, of the Land Brandeburg, of the Land Saxony, of the federal administration and of municipalities within the Sorbian living

space. Furthermore the institute also includes a parliamentary advisory council that is formed out of members of the federal parliament and the parliaments of Brandenburg and Saxony.

2.2. Minority party politics

2.2.1. SSW – South Schleswig Voter's Association

The SSW is the minority party of the Danish minority and of a group inside the North Frisians that identify themselves as an independent ethnic group outside the Germans. The party was founded in 1948 and used to be part of the South Schleswig Association. Since 1947 it is represented in the parliament of Schleswig-Holstein. Between 2000 and 2012 they were able to increase their votes on a significant level. This was why they became part of the regional government for the first time as a junior partner inside a coalition with the SPD and the Greens in 2012.

The party has an extensive presence in the northern part of Schleswig Holstein and plays an important role in the local politic of cities and municipalities in the northern districts.

2.2.2. LA - The Lusatian Alliance

The Lusatian Alliance was founded in 2005 and sees itself as the successor of the former Sorbian minority party which started their political engagement in 1919. They want to complement the various Sorbian associations as a representation on the regional political level.

Politically, they did not participate on the last regional elections and focused on the local level. As an extra-parliamentary party they either support petitions that are in the interest of the Sorbian people like the petition against surface mining in the settlement area of the Sorbs. They see the minority as an endangered ethnic and cultural group that needs more liberties.

2.2.3. The Frisians

The party of the East Frisians was founded in 2007 and holds seats in four municipalities on a local political level. Besides working for the interests of the Frisian ethnic group, they concentrate on topics like conservation of the homeland, education or coastal protection.

However, they did not participate at the last regional elections due to their protest against the maintenance of the 5 % vote threshold for the party.

Concluding this they have never hold seats in the Lower-Saxony parliament and are focusing on the local political level.

3. Analysis

3.1. The will for representation

Before analyzing the different categories that may have an influence on the political representation of minorities, we should think about the question if the minority wants to be represented politically by a political party. This goes back to the idea why a social group wants to be represented on a political level. A social group or, in this case, an ethnic group sees a need for political representation when they do not hold sufficient rights or they see the danger of losing their status (e.g. rights, tradition, language). Pitkin (1967, 8 f.) describes the concept of representation as making something present that is not present "literally or in fact".

Concluding this, an ethnic minority has no need to seek for political representation when the group holds all sufficient rights and when they can live out their cultural life and traditions.[6] For all other socio-economic problems members of ethnic groups could be represented by parties with ideologies or topics like conservative, socialist or liberal parties.

3.1.1. The Danish Minority

The Danish minority is the "newest" minority in Germany due to the cession of the Dutchies of Schleswig, Holstein and Saxe-Lauenburg to Prussia and Austria in 1864. The following Austro-Prussian War in 1866 led into the annexation as a province by Prussia and 200,000 Danes came under German rule.

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6   Of course all the minorities live under the Framework Convention for the Protection of National Minorities of the Council of Europe and hold special minority rights.

The number of Danes in Germany decreased after the Schleswig plebiscite following the end of the Frist Wolrd War because the northern part of Schleswig with a larger Danish population voted to join Denmark. Although the minority lived under certain repressions during the time of Nazi Germany, the confrontation has not stopped after the end of the Second World War. On the one hand the Danish culture was threatened from the political side (Lübke's government) and on the other hand members of the Danish association (SSF) lived under social pressure (Klatt 2011: 191, 193).

The whole situation in the northern state Schleswig-Holstein after the World War was marked by refugees and the reconstruction so that the members of the Danish minority feared the disappearance of their culture and traditions. These circumstances show that there were reasons to seek for political representation.

Another reason for the foundation of a minority party was the historical background of the election in the German Empire and the Weimar Republic. Already since 1867 the Danish dominated regions had their preferred candidates that represented the interests of the Danish population. After the plebiscite in 1920 the Danish association took part at the national and regional elections. This parliamentary tradition could show the will of the Danish minority to continue the representation on a political way.

3.1.2. The Sorbs

The Sorbs used to have one big settlement area until the Congress of Vienna and the area was split into a big one that went to Prussia and a small one that remained in the Kingdom of Saxony (Michalk 2002, 20). The majority of the Sorbs lives from there on in Prussia and was repressed by the state. These repressions went on after the foundation of the German Empire so that the language was banned from all schools. The anti-Sorbian atmosphere was also related to the German-Russian relationship which was on a decreasing level during this period (Michalk 2002, 25).

The worst period for the Sorbs was under the reign of Nazi Germany when all Sorbian institutions and their public life was banned. Many Sorbs resisted the reign of terror and were deported into concentration camps or prisons where many of them died (Michalk 2002, 26 f.).

The end of the Second World War meant liberation for the Sorbian community. Inside the German Democratic Republic new Sorbian institutions were founded which guaranteed a new cultural life. However, the new regime also brought degradations in some areas. At the beginning, they were not allowed to found again a Sorbian party which was dissolved in 1933. Few years later their institutions were exploited by the ruling powers to support the political regime and the Sorbian culture suffered more repression especially relating their language.

After the unification of the two German states the Sorbs were mentioned in the unification treaty where certain minority rights were guaranteed (Michalk 2002, 39). Besides special rights from the constitutions of the two states, Saxony and Brandenburg, they are also protected by the Framework Convention of the Council of Europe since 1998.

Although they hold sufficient rights by various legislative guarantees, the Sorbs as a Slavic minority in Germany are threatened to lose their traditions and culture by the modernization. We can conclude that the minority has reasons to seek for a representation on a political level that works for Sorbian interests.

3.1.3. The Frisian ethnic group

The history of the North Frisians inside Frisian ethnic group shows that this question is dependent from the minority's identity. In the 1920s the North Frisians were split into two groups: the National Frisians and German Frisians (Steensen 2006, 18). While the first group does not see itself as a subgroup of the German people, the German Frisians identify themselves as a part of the German ethnicity.

The German Frisians founded the North-Frisian association in 1923 and worked politically against the new border to Denmark. In contrast to that the National Frisians founded the Frisian-Schleswig Association that worked together with the Danish minority and wanted to improve the relationship to the north. Steensen (2006, 18) says that their work for the Frisian culture was very political and that their first chairman supported the joining of the Frisian area to the Danish state.

The period between the World Wars was marked by conflicts of the two associations. The North-Frisian association was criticized for being "German-Prussian" which meant that they worked secretly for Germany and not for the Frisian ethnic group. In comparison to that

the association of the National Frisians was blamed to work for Danish aims (Steensen 2006, 20).

The split between the two North Frisian groups outlasted the WWII so that some members of the community took part of the development of the SSW. After the conflictual post-war time where the National Frisians again preferred a joining to Denmark the two associations improved their relationship and work nowadays together, but separately, inside the North Section of the Frisian Council.

Today, the most important target of the National Frisians was reached by being recognized as a national minority in Germany. However, the socioeconomic changes also threatened the Frisian culture and especially the language so that the Frisian ethnic group, including the East Frisian part, has a reason to seek for political representation.

Nevertheless it must be emphasized that the Frisians are the most assimilated group of all minorities in Germany. Especially in East Frisia the Frisian language is not widespread and even the old people often just speak a Frisian influenced Lower German. Concluding this, it can be stated that the Frisians have an interest for policies that try to save the Frisian culture, but it is questionable – especially for East Frisians – how many of them want to reach this goal by minority party politics.

3.2. Reference state

Among the three minorities there is just the Danish minority that has a reference state with Denmark. They became a minority by border changes and used to be a part of the Danish state until the year 1864. The Sorbs are an ethnic group that is the descendent of two Slavic tribes who lived in the same settlement area about 1000 years ago. The Frisians can look on an even greater history, they are mentioned since ancient times as a Germanic tribe.

This section will analyze what a difference a reference state can make relating the political organization of the minority. Many years the Danish state played a passive role inside the interior affairs of Schleswig-Holstein while the minority was strongly supporting the idea of joining their motherland in the north. This can be justified by the reason that the majority of the Danes accepted the new political border and many people except the hardliners believed that the German and Danish minorities will assimilate (Rasmussen 2011, 93).

The Danish support concentrated on cultural, moral and economic aid. They wanted to guarantee that the Danish culture could develop in special institutions like schools, libraries, associations and the church (Rasmussen 2011, 94). Politically, the German side tried to set an agreement to regulate the minority policy of both countries in 1920, but the Danish side feared a German influence due to their political power. The Danish state preferred to guarantee liberal rights what was supposed to be the best model to set liberal rights for all citizens including the German minority (ibid., 94). However, the Danish minority just received roughly the same rights some years later in 1926 (ibid.).

After WWII the Danish government and all parties wanted to preserve the status quo again. That was not reasonable for the major part of the Danish minority, especially the South-Schleswig Association that campaigned for a "natural right" to decide over the future of their homeland after a German defeat in the war (Klatt 2011, 146).

The organization and development of the Danish minority association and the party after the war was marked by British demands. The minority had to found a new association because the old one was not recognized as a political party by the Brits (Klatt 2011, 166). Except the negotiations with the British side concerning the association's statute, the Danish state just played a minor role the following time for the organization (ibid., 167).

However, Denmark became an important factor for the political situation of the Danish minority party SSW. The votes for the minority party decreased so the party lost their seats in the regional parliament. They were not even represented in the parliament with 42,241 votes (Klatt 2011, 203). This coincident, the fact that the German minority in Denmark held one seat in the national parliament with about 9,000 votes and the border conflicts led into protests of the Danish minority and Danish citizens (ibid.). The Danish government was pressured to act so they used the accession of West-Germany to the NATO in 1954 to bring up the unresolved minority question. The two affected countries formulated the Bonn-Copenhagen Declarations to set a general agreement in the minority question. They achieved two important guarantees: the exception from the 5 % vote threshold for the Danish party and the principle of the free confession. No authority is allowed to prove the identification of people who confess to the minority.

In a critical time for the minority, Denmark as the reference state used their political influence to improve the situation of the party and all the members of the minority. This can be a big advantage while the other minorities may have a lack of support and have to fight on their own for their rights. Into the bargain, Denmark gives financial support for the Danish association and school system what helps a lot to guarantee a continued existence of culture and traditions.

3.3. Organization

This section will try to analyze the impact of the minority's organization and of their conditions to develop an political organization on the possibility of political representation. It tries to answer the questions, how are the minorities organized, which institutions are working for the minority's affairs and which environmental conditions are influencing the development of a political organization?

3.3.1. Structure

While the Danish minority and the Sorbs have one umbrella association that organizes the cultural life and tries to represent the interest of the minority, the Frisians have a more complex organizational structure.

The Danish South Schleswig Association - founded in 1920 - cooperates with many connected associations or institutions like schools, the youth association or with the SSW in political affairs. The same structure exists around the Domowina, the Sorbian association which was founded in 1912 (Michalk 2003, 65). It works i.a. with cultural institutions, the Sorbian school association or the Sorbian Catholic Church. Besides the Domowina there is one institution "the Foundation for the Sorbian People" that supports many Sorbian association in the fields of culture, language and traditions financially. By financing this foundation the federal state, Brandenburg and Saxony support the Sorbian culture and tradition. On a political level the minority has the opportunity to get an influence on the legislation of Brandenburg and Saxony by a council in each state parliament. This special council is guaranteed by the constitution of Brandenburg and the "Sorbian Law" in Saxony.

However, in contrast to the cooperation among the Danish institutions the Sorbian association does not cooperate with the Sorbian party. It can be explained by the fact that the Domowina sees itself as the political representation of the minority. In addition to that the party just has a

basic structure indicating that they did not participate at any regional election and concentrated on the local political level.

The two Frisian groups in Germany are organized in an international institution - the Frisian Council – together with the Dutch Frisians. The East Frisians are actually a frequented group that does not seem to be well organized. They do not have one umbrella organization that includes all cultural institutions. Inside the mentioned Frisian Council they are organized in regional groups of the Section East.[7] In addition to that there is no cooperation to the East Frisian party "Die Friesen".

In comparison to that, the organization of the North Frisians was marked by the conflicts between National Frisians and German Frisians. As mentioned in 3.1.3 the two groups have a cooperating relationship today and are both part of the Section North of the Frisian Council. However, just the association of the German Frisians - the North Frisian Association - has the status of an umbrella organization for smaller regional associations in the settlement area. The Friisk Foriining – the association of National Frisians – can be considered as an own cultural association.

The political representation for the North Frisians is the SSW, also the Danish minority party. National Frisians have already cooperated with the Danish movements since the end of WW2. They were part of the foundation and three North Frisians were members of the first executive board. Today it just can be speculated how many North Frisians feel be represented by the SSW. On the list of cooperation the party is just mentioned by the Friisk Foriining and not by the North Frisian Association. Even on the internet page of the SSW it says explicitly that the party was founded by the Danish minority and "National Frisians" (SSW Homepage, kurz über den SSW). This all can be a sign that the North Frisians are still not politically united.

3.3.2. Geopolitical and geographical conditions

The three minorities have different conditions relating their geopolitical situation. For the political strength of a minority it is important to be united inside one geographical and political territory to bundle the power. The Sorbian minority lives in the territory Lusatia which is divided into a territory of Brandenburg and into one in Saxony. They do

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7   Every section is organized as an association.

not have the possibility to candidate for only one regional parliament and they cannot combine the votes of all minority members in one regional election. The same condition exists for the Frisian ethnic group that lives fragmented in Lower-Saxony and in Schleswig-Holstein.

The Danish minority is the only minority that lives in one geographical and geopolitical area: in South Schleswig. Nowadays their votes are not enough to win a direct mandate, but the votes are sufficient to gain at least two seats in the regional parliament of Schleswig-Holstein since 1996.

3.3.3. Political conditions

This section will present the political condition of the party itself to take part in the regional political contest. The SSW is excepted from the 5 % vote threshold and can hold at least one seat when they gain mathematically enough votes that are sufficient for one seat in the parliament. This fact is also important for the North Frisians because a part of the ethnic group is also represented by the SSW.

The Frisian party in Lower-Saxony is not excepted from the 5 % vote threshold and complained about this electoral condition because they identify themselves as a national minority. However, the state court denied the complaint wherefore the party made an electoral boycott for the last two regional elections.

Although the party of the Sorbs is excepted from the 5 % vote threshold of the Brandenburg regional election, they did not participate on the last elections. They also did not took part on the regional election in Saxony with the argumentation that they focus on the local level and the work in councils of cities or municipalities.

3.4. Analytical results

The exploration started with the fact that the SSW, the party of the Danish minority and partly of the North Frisians, is the only minority party with a representation in a regional parliament. The other part of the North Frisians, the more German-minded group, is not connected to a minority party and may not see a necessity to be represented by an own minority party because they identify themselves as a regional group among the German ethnic group.

The party of their related ethnic group in Lower-Saxony, the East Frisians, is not represented in the parliament. The reason can be the missing connection between party and cultural associations. By a well-working support and cooperation the minority party could easily recruit voters from the umbrella association or another minority organization. In the case of the East Frisians there was no umbrella organization, they have either various cultural organizations that perform different duties for the minority. Another factor was the 5 % vote threshold that still subsists for their party *"Die Friesen"*. Since there are many assimilated members inside a small total number of minority members, they tend to vote for other parties. By this it is almost impossible to gain a seat in the Lower-Saxony parliament.

The Sorbs are like the Frisian spread among two states by what they cannot unite the full number of potential voters on one electoral area. However, one step back the party *"die Lausitzer Allianz"* did not even participate at the last regional elections and focused on the local level. As a very young party it can be explained by the basic party structure and a lack of organization what goes back to the time of the foundation of the German Democratic Republic. The minority was not allowed to found an own minority party, so they could not build up a structure on the long-term. The low level of organization is why they decided to focus on the local political level. Another important factor is the missing connection between the party and the umbrella organization. First, many minority members may not accept the party as a legitimized representative of the minority because they do not cooperate with the Domowina. Second, the Domowina already performs political duties and with the councils inside the regional parliament there is also an opportunity to influence the legislation in the two involved states. This missing legitimization could be a reason why the party holds a weak party political position.

Around the Danish minority there are many factors that could affect positively the process of political representation. Starting with the history, the Danish community in Germany has started early after 1864 to participate in elections and fight for their interest by political instruments. Besides their own political engagement they were supported by the Danish state and that showed that they are the only minority with a reference state. After WWII Denmark intervened for example in German state policy after a change of the election law and achieved that the SSW is excepted from the 5 % vote threshold.

This is an advantage for the minority party because they just need a sufficient number of votes that are at least necessary to win one seat in the parliament. Due to this special rule they could hold at least one seat in every election period to work for minority affairs in a parliamentary space. In addition to that, the principle of the free confession allows the party to recruit voters from outside the minorities. This circumstance could be observed since 2000 when the SSW was able to increase their votes.

Another important factor was the well-structured minority organization. All minority associations, especially the umbrella organization, work closely together with the minority party. By this point the party can easily recruit voters from the culture organizations that are integrated in the South Schleswig Association.

Finally, the Danish minority is the only minority that can unite their members inside one political area (on the state level). They used to live in the northern part of Schleswig-Holstein and are mostly still concentrated inside this territory. In comparison, the Sorbs and the Frisians are divided into two states and cannot concentrate their members as potential voters inside one political area.

4. Conclusion

The article analyzed the political situation of minority parties in Germany and concentrawted on their political representation on the regional level. The SSW was the only party that holds seats in a regional parliament and represents the interests of the Danish minority and partly of the North Frisians.

On the one hand the analysis showed that there are various reasons why the Danish minority party holds a good political position. On the other hand the analysis could also explain why the Frisian and the Sorbian party just play a minor role inside their state politics.

The well-organized SSW has a long tradition of political representation and has been supported by the Danish state so that the minority party holds certain political benefits. The other minority parties do not own a good political organization due to their young status and relation to other minority organizations. The factor identification is an important factor for the Frisian party because their members are the most assimilated minority group. In contrast, the Sorbs do not accept

the Lusatian Allicance as political representative what shows a lack of legitimization.

Finally, the field of minority parties is an interesting research field of political parties. They are also affected of party political changes but still hold a special position due to their minority status.

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Deconstructing and Reweaving the Grid: Artisans in the Middle Atlas

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Abstract

Conversations with artisans of Morocco's Middle Atlas region confirm best practices in historical preservation and development, recognizing the interconnected nature of the arts and architecture, language, culture and the environment, and stressing the transfer and recording of skills and specialized knowledge. The aim is not only to preserve, but to expand the creative vocabulary toward creating new, sustainable design solutions for a future that includes and empowers all. A concerted effort to integrate local tangible and intangible culture into contemporary education and initiatives is essential to establish a creative economy with strategies to eradicate poverty, generate economic growth, and establish a new paradigm of decentralized development. The critical challenge is to incorporate the expertise and techniques of minorities and marginalized artisans into contemporary architecture, interiors, product design, and agrarian management, a strategy which would not only transform local economies, but invigorate the unique cultural heritage and incite a renaissance in education, entrepreneurship and job creation.

Key words: Artisans, Minorities, Amazigh, Weaving, Sustainable development, Cultural Heritage, Tangible and Intangible Knowledge

Deconstructing & Reweaving the Grid: Minority Artisans in the Middle Atlas

Contemporary artisans of Morocco's Middle Atlas Mountains carry forward ancient arts of weaving, building, agriculture and animal husbandry in a complex modern milieu. While such artisans often self-identify as minorities, and have been, to a great extent, isolated by

geographical, ethnic and economic factors, they have much to contribute toward innovating a new and necessary paradigm that fuses artisan skills, contemporary design, and sustainability in the environment. Isolation is relative in today's globalized world; even remote mountain communities have children studying or working abroad and internet cafes connect rural and urban to international. A more inclusive and decentralized paradigm, already articulated as part of the national conversation, depends now on furthering policies that value local skills and methods, on empowering minorities, and on linking responsible ecological policies to all initiatives. Expanding the conversation to include traditional practitioners can help young designers develop effective ideas and methods, while preserving structures, culture, and neighborhoods, and utilizing local expertise. Historically, across the Atlas, weaving and architecture have been closely intertwined, with nomadic shelter itself -- both the external envelope and the furnishings, being sometimes entirely woven -- such as the *khaima*, the Shilha wool tents still used in remote areas of the Middle Atlas (Fig. 1).

Fig. 1 Handwoven Amazighn (Berber) tent, Lake Efnorir, Ifrane Province, Middle Atlas Mountains, Morocco, 2014.

Considering both the arts of weaving and vernacular architecture, still practiced in the region, this paper focuses on the artisans of Ain Leuh, a rural community in the Middle Atlas, and surrounding hamlets.

Artisans and Cooperatives

Scholars of Maghrebi culture have long observed the split between predominantly rural and court, or urban milieus in the traditional arts, a convenient trope to engage the distinction between Arabic, or Islamic-influenced arts, from indigenous, tribal or Amazigh arts and culture. But in the contemporary world, such divergences are bridged by increased mobility and communication, education, and economic factors. Artisans in Fés or Meknes offer expertise and require support, just as do rural artisans working in village cooperatives or isolated mountain households (Fig. 2). Tribal, long-standing family and geographical factors shape, in part, the

Fig. 2 Artisan working in zellij (mosaic tile), Fes, Morocco, 2017.

identity of artisans, and influence their decision-making processes. Conversely, Moroccans are a multi-cultural mix even in the smallest, rural Middle Atlas villages. In this region, artisans organized into cooperatives under the jurisdiction of the Moroccan Ministère de l'Artisanat have certain responsibilities toward their membership, and may receive benefits of instruction and exhibition, business and literacy education, and donations of materials or equipment
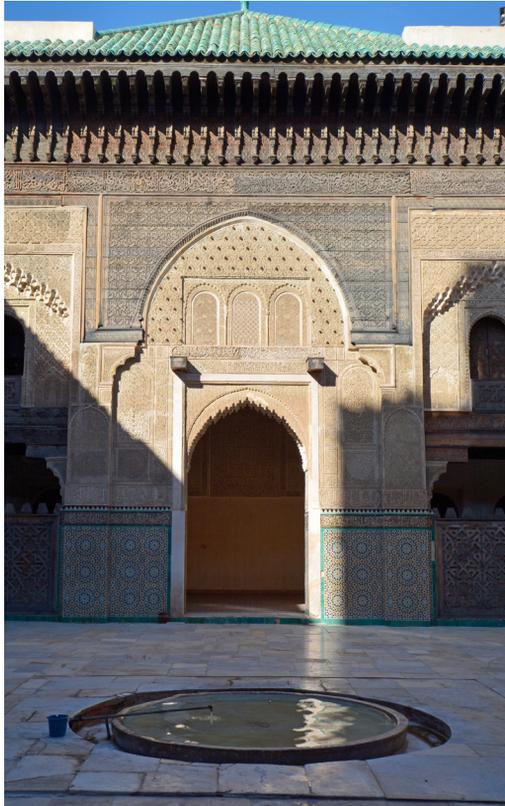
Fig. 3 Madrasa Bouanania, Fes Medina, 2017.

Others, not members of a cooperative may consign their work for sale through a cooperative, or may operate entirely independently, usually through travelling middlemen, often knowledgeable connoisseurs, who buy and re-sell weavings and other artifacts. The trade in antique crafts, weavings, and architectural elements, doors, windows, and other items, which are often then traded out of the country, has increasingly depleted artisan families of valuable heritage materials. While museums are being built and opened in smaller, provincial cities -- a new cultural center and museum in Azrou offers exhibitions of regional heritage -- there is a dearth of valuable items to acquire for their collections. The finest objects are first to go. Traditional arts and skills are part of the construction of identity; their loss indicates a dispersion and dissipation of cultural knowledge, and thus, of self-knowledge. Loss of heritage

objects is one consideration -- that is, a loss of value, while the loss of traditional knowledge and skills truly erases culture and diminishes identity. That Moroccan leadership recognizes this is evidenced by the vision of development partnering with culture articulated by King Mohammed VI in 2008: „That vision consists in making sure culture serves as a driving force for development as well as a bridge for dialogue" (cited in Ben-Meir 14) (Fig. 3).

Cultural Heritage

Cultural heritage, transferable knowledge and skills, and the ecological environment are inextricably linked to, and provide a key to achieving sustained and inclusive economic growth.

Fig. 4 Volubilis/Oualili, ruins of a Roman city outside Meknes, Morocco, 2007.

Cultural heritage is recognized by UNESCO as "an enabler and driver of the economic, social and environmental dimensions of sustainable development" (UNESCO.org). Integrating tangible and intangible culture into contemporary initiatives is essential toward establishing a creative economy with strategies to eradicate poverty, generate economic growth, and establish a new paradigm of decentralized development. Skilled artisans, in both the medinas of the Imperial cities and the rural mountains, carry forward rich traditions in design, construction, and the

decorative arts, in a plumb-line from earliest history through the unique refinements of al-Andalus, to modernity. The skills of *zellij,* practiced by contemporary craftsmen in Fés, are a legacy of the Roman artisans who tiled Oualili (Fig. 4).

Potters, weavers, and builders carry forward ancient, vernacular arts: such skills represent a living heritage that defines identity and creates value, not only for practicing artisans, but for the culture as a whole. Acknowledged as a factor in promoting social well-being, and economic growth, the arts consistently demonstrate their exceptional value in the marketplace. The specialized knowledge of artisans not only enhances locally, but ensures significant, long-term economic and social benefits to the wider community (Fig. 5).

Fig. 5 Nejjarine Museum, detail exterior, Fés Medina, 2013.

Entrepreneurship

Entrepreneurial skills of invention, adaptation, and improvisation are constants in the work of traditional artisans, who have much to contribute to development, both rural and urban. These skills, often in the hands of the poorest and eldest, can incite a renaissance in

education, entrepreneurship, and job creation to improve the economic, social and environmental aspects of people's lives. Women, responsible for much of the productive work in agriculture, manufacturing, and other realms, are undercompensated, even unrewarded in the formal economy, yet they are frequently the main, or the only source of support for their families. In his study of agrarian Moroccan households, David Crawford notes the inequality of labor in one Berber village. Observing the gendered nature of labor that results in women and girls working harder, and starting at a younger age than boys do, he notes that their tasks include cooking, caring for household members, gathering firewood, milking cows, feeding animals, gardening, picking fruit, harvesting in season, washing clothes, cleaning house and supervising children (67). In remote mountain areas, a high percentage of children do not graduate from high school, and girls are at much greater risk of being forcibly stopped from attending school because of parental restrictions or family requirements, including work or marriage (Ben-Meir, 2016). The eldest generations, with skills to share, are also at the periphery of formal economies. Linking their expertise to the larger economy is key to developing jobs and stable incomes for all. The goal of promoting inclusive, sustainable, economic growth and productive employment is best achieved by incorporating traditional skills, local knowledge, and marginalized populations into the economy; by reconfiguring habitats through clean energy and sustainable design; by educating for inclusivity and opportunity; and by creating an economy that replenishes the environment rather than depleting it (Fig. 6.).

Fig. 6 Weaver Heshmia Dwerie, Tissage Ain Leuh, with h'nbl in design of Amazigh alphabet, 2018.

Culture and Environment

The Commune Rurale, Ain Leuh, on approximately 34,000 hectares, at an altitude between 1,000-1,800 m., is situated under the summit of Sidi Mguild (2,200m), adjoining the Ifrane National Forest. As the name implies, the site of fresh water springs, cascades, and rocky slopes supports an agrarian life based on wheat, orchards, sheep-herding, cattle and horses with a population of some 10,000, according to the 2004 census. An ethnic mix, residents include those who identify as Ait Mouli, Ait Mguild, including Ait Azzouz, Ihadrane, Ait Moussa and Lassamen; they are also Arab, from the Sahara, and other regions in Morocco. With twenty-six inhabitants per square kilometer, the population is more than 50% women, and over 40% are under the age of twenty (Saddadi, 2013). The crumbling ruins of a *kasbah*, dating to the reign of Alawite Sultan Moulay Ismail (1645-1727), later used as a garrison by the French military, stand atop the hill and provide homes for some families. Residents are farmers, government employees, teachers and other professionals who commute to nearby Azrou. Many have left for larger cities; most have relatives working and living abroad. The extraordinarily rich ecology of the area includes Lake Ouiwane, the ancient volcanic crater lake, Afenourir, which supports rare migrating bird species, cedar forests (*Cedrus atlantica*), still

populated with *magot* monkeys, wild boar and endangered species such as the lynx. In the twentieth century, the vulture, panther, and lion, the ibis and the wild deer were made extinct in the region. Not far is the source of the Oum Errabia, Morocco's second longest river. Located about twenty kilometers south of the road from Marrakesh to Fès, Ain Leuh is approximately 350 kilometers from Marrakesh and fifty from Fès. The unusual wealth of natural resources and biodiversity of this region are an extraordinary asset, supporting the life and skills of its artisans; further policies protecting both must be enacted to prevent the exploitation and destruction of this national heritage.

Natural Resources

The unique wealth of the natural environment around Ain Leuh, with its cedar forests, lakes and springs dramatically demonstrates the need for continuing reforestation and attention to water resources. Both are currently over-exploited and threatened by human populations dependent on burning wood for heat throughout cold winters, and extensive sheep-herding, which exacerbates deforestation on public and private land. Wool is an important resource for local artisans; however, over-herding threatens the forest, and wool production was long ago moved to urban, coastal areas, leaving shepherds and weavers disempowered. Artisans would benefit from decentralization of wool production nationally, and increased control over, and participation in managing the resources that they produce and use. The rural poor would benefit from increased and varied sources of income, rather than continuing to be overly dependent on sheep-herding and subsistence farming (Fig. 7)

Fig. 7 Seasonal river Boykor, grazing sheep, Ait Y'shou Ali, 2018.

The Moroccan government's greening and tree planting initiatives, administered in this region primarily through the Departments of Agriculture, Forestry, and Highways have made dramatic inroads in tree-planting primarily along roadways: the difference in a decade is dramatic. Measures encouraging orchard planting have also had a special impact on this fruit growing region. Increased orchards mean increased drilling of wells on private lands. During recent droughts, Lake Afenourir's water levels decreased dramatically, adversely affecting migratory bird populations, and indicating the extreme stress on the water table. This region, essential to the supply of fresh water for the nation, and well situated for the development of eco-tourism, requires safeguarding its forest and water reserves.

The lives of pastoralists and artisans are co-dependent on the resources of water, wood and wool. What further measures, therefore, can be taken to address needs and meet challenges? Working with government and private sector partnerships, the High Atlas Foundation, for example, supports a range of initiatives to move farmers from subsistence agriculture, out of poverty through cash-crop farming, often through planting commercial, organic fruit orchards. Their 1 Billion Tree Campaign, designed to address both economic and ecological concerns through building a green economy depends in part on organic certification of produce, water efficiency, with community development operating in a global market (HAF, 2018). Here, too, vernacular architecture, incorporating passive solar design and thick, adobe or earth brick walls, can make a positive impact by reducing the use of wood for heat.

The natural environment and unique, local culture make this region prime for eco-tourism, which can bring varied income generating activities into the local economy; however, careful planning and management should accompany development for increased tourism, with initiatives and management developing under local direction.

Vernacular Architecture

Twenty-first century challenges of climate change, deforestation, and environmental degradation dramatically impact this region, yet strategies for innovative, sustainable design using local and recycled materials, natural ventilation, solar orientation, and green technologies, are readily found in local traditions. Contemporary architects, informed by modernism, can make use of the repertoire of traditional practices from

which to craft contemporary, sustainable design. Unique among MENA nations today, Morocco's architectural and artisan heritage shares the legacy of al Andalus, the finest traditions of Islamic and Mediterranean craft. Middle Atlas cities, Meknes, Fés, and Azrou, still have thriving ancient city cores, *medinas*, with an architecture that carries forward the shape of these cities since their history began (Fig. 8).

Fig. 8 Fountain, Fes, Medina, 2015

This provides a rich and varied trove of design ideas and structures which require support, preservation, rehabilitation and repair for continuing use. Such city cores and their structures conserve a uniquely vibrant heritage, in contrast with other places where the medina has been abandoned, degraded and largely destroyed.

Vernacular domestic construction in rural areas makes use of local, site-specific materials: rock, earth, straw, grass, rattan, and cedar. Earth buildings, compacted of dried soil, usually sourced directly from the site, mixed with organic binders of straw, twigs, schist rock, and lime, depend entirely on available local resources, geology, and mineralogy. Flat roofs, made of the same materials, beaten with a bat, called *takhabbat* in Amazigh, protect from rain, snow and summer sun (Saddadi, 2013). Generations of artisans have developed methods which are not only durable but provide excellent thermal insulation. Meter-thick walls keep heat inside during winter and outside during summer. Centuries of observation and practice informs the siting of a building in the environment, all elements of which must be considered to achieve passive solar practices. Wind, water, sun and shade: each variable is considered in siting a structure suitable for the four seasons and extremes of heat and cold in this mountainous region (Fig. 9).

Fig. 9 Mud house Zouia d'Ifrane, 2013.

Threatened with the loss of the specialized knowledge of the eldest generations, heritage programs sponsored by UNESCO, World Monuments Fund, Global Heritage Fund, The High Atlas Fund and others, undertake educational programs to collect, document and disseminate such information, recognizing the value of redefining sustainable architecture on local levels. Sharing of skills between generations, including the eldest, and capacity building for construction workers and architecture and design students is essential to incorporate these skills and knowledge into a new paradigm of design that meets modern domestic needs with efficient methods and economical materials. Presently, construction in the villages most often uses cheap, hollow ceramic or cement block with iron reinforcing rods, a method with provides zero insulation in the cold winters and increases the use of firewood, further exacerbating the stress on the forests. Rural households are still built of rock, earth, and salvaged plastic and metal; some nomads continue to live in *khaima*, woven wool tents, reinforced with plastic, even throughout the harsh, snowy winters. Bringing together long-established, vernacular techniques with state of the arts science and technology, to incorporate the skills of sustainability with invention and improvisation is critical for this region. In addition, providing incentives for building with materials such as Compressed Earth Bricks (CEB), available in Azrou, through Symbiotech (symbiotechmaroc. com) and possibly other sources,would go far to improve the conditions of residents of this mountainous region. Architecture and design can draw upon the rich traditions of Mountain, Mediterranean and Islamic

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styles to meet current challenges for sustainable management of local resources and improved living conditions.

Weaving, an Endangered Heritage

Women weavers of the Atlas persist in a rugged craft, expressive of the nature of their heritage and they may be among the last to do so. Their sense of identity is bound firmly to their craft, to both the history of Benni Maguild weaving and the present, daily practice. Tribal, patterned weavings, known as *h'nbl (or hanbel*), often referred to as *kilim* (Fr. tapestry), made since earliest times, are used for both practical and ritual purposes. Contemporary weavers continue to practice their art, although few young girls choose to learn the skill. It's a "vanishing art" - with the caveat that weavers persist in spite of the odds. Local clients value their weavings for utility, but also as a tie to tradition, especially in the weaving of cloths signifying life passages. Often arts and cultures that are termed "vanishing" have a longer life than anticipated by observers. Change occurs, but forms, activities and values continue.

So what questions can we frame around the future of the craft: if weaving is an aspect of "vanishing culture," what investments do weavers require to keep their skill thriving? How do they conceptualize the continuum of their craft and what measures do they suggest be taken? UNESCO's criteria defining world cultural heritage, both tangible and intangible, is that it should bear an exceptional testimony to a living or threatened cultural tradition and that it should be directly or tangibly associated with events or living traditions, with ideas, beliefs, or artistic works of universal significance (whc.unesco).

A decade ago, Ain Leuh weavers may not have seen their craft as an endangered art; now they might. *Tissage Ain Leuh (TAL)* has been a cooperative since 1979 under the jurisdiction of the *Délégation Régional de l'Artisinat, Meknés*, the Moroccan *Ministère du Tourisme, de L'Artisanat et l'Economie Sociale.* Reputedly the longest running weaving cooperative in Morocco, TAL recently became a non-profit Association with the mission to support the weavers and the cultural heritage of the Middle Atlas. Noted for the excellence of its products, TAL leads the region as a successful, active, artisan's cooperative. The executives are drawn from a nucleus of women, members since the founding, when they were apprentice weavers, still in high school,

studying with a senior generation of weavers. Several of the founders are members emeritus and have been associated with the Tissage for thirty years. The cooperative membership elects officials bi-annually. Essentially the same group of women are consistently elected to and hold the executive positions in rotation and make all of the decisions. This insures stable, competent leadership for the group, but can also engender conflict when younger, newer members feel left out of the decision-making process and deprived of financial and other relevant information.

Itto Zakka started *Bouharsh Cooperative,* the second weaving cooperative in Ain Leuh village, in 2008, out of the need to make some income and continue this craft, which she says she does not want to see disappear. Current membership includes twenty-four women, some of whom weave at the atelier, some at in Bouharsh, Boudraa, Ait Ali, and Ain Leuh. They make *khaima* (tents), *zerbia* (carpets), *hanbel*, *djallaba* (hooded coats*)*, *tamizart,* (bridal capes*)* and other products for sale to clients who come primarily from larger cities in Morocco and France (personal conversation with Zakka, I, transl. Adnani, Z., February 16, 2018) (Fig. 10).

Fig. 10 Itto Zakka, founder, Bouharsh Cooperative, Ain Leuh, 2018.

The weavers produce traditional, natural-fiber goods, utilizing a repertoire of Amazigh symbols and geometric motifs, yet each weaving is unique, made of natural fibers such as bamboo, wool or cotton. Using vertical looms for flat weave and knotted pile products, and horizontal looms for *batania* (blankets), most weaving is done in wool with cotton as the warp, for its greater strength. *H'nbls* are woven in a plain weave with weft substitution method, or "skip plain weave" which results in a

flat surface on one side, while the other has an irregular, thick surface of uneven weft threads of various colors. Weavers face the back of the weaving as they work. They do not see the pattern develop; they see, instead, a tangled vertical plane of dangling yarn as they work. The weaver holds a repertoire of complex geometric patterns in her memory.

Various national and international agencies have donated materials, equipment, volunteers, and expertise to cooperatives to expand their commercial viability, by attending workshops in natural dyes, or getting advice in grant-writing. "Yes," Itto Zakka considers weaving to be a vanishing art. Some young women are interested, as they have in the cooperative one eighteen-year old and one twenty-year old. Itto learned weaving from her mother by age fourteen, and would like her granddaughters to weave, but she can't force them. When asked, she identified herself as a woman, Tamazight, Berber, Moroccan, Islamic, and when asked, her reply was: yes, she considers herself a minority (personal conversation with Zakka, I., transl. Z. Adnani, Z., February 16, 2018).

So much of the weaver's specialized knowledge, both of patterns and processes, is held in her own memory, passed from one woman to another. Little is written, recorded or archived. Cloth is a perishable commodity, as art historians and museum curators well know. This oral tradition reiterates Sadiqi's (2007) position that Amazigh culture and language thrives only because of the role of women in continuing traditions in the domestic realm. Current practices in heritage preservation stress the recording and archiving of intangible skills to insure that specialized knowledge is not lost. Such expertise is often in the hands of the eldest and the poorest. The emphasis in heritage preservation has expanded to encompass the intangible: skills, expertise, procedures and process – all the accumulated wisdom of an art and its practitioners.

Gender Issues

Sociologists Mernissi (1994) and Maghadam (1993) have observed that [Moroccan] women have networks of social contacts, in family, neighborhood, bathhouse and work spheres; they have much influence in the domestic realm, in marriage and neighborhood relationships; they engage in productive work outside the household, in manufacturing and farming; they may have economic control of family funds to an extent. There is in fact no separate world between men and women and no

strict hierarchical model of sex roles. Many of the artisans in this study Amazign women, who self -identify as minorities. Their language and skills, self-sufficiency and entrepreneurial efforts continue to enrich the unique heritage of the region.

In 2017, Itto B., twenty-four years old, started *Bourach* (Gold) a cooperative of medicinal plants, with a membership of five women aged twenty-four to sixty years. Located in Douar Ait Y'shou-Ali, approximately five kilometers from Ain Leuh. Itto took the initiative to start the cooperative in 2017 after quitting high school. Of the five, one is divorced, one a single mother, one widowed, one a mother, and one single. The cooperative makes couscous, apple vinegar, lavender and rosemary. At this point, they define their needs as assistance in skills-development through workshops, grants, material and an atelier. When asked, Itto identified herself as Islamic, Moroccan and Berber (personal communication with Bouhssis, I., transl. Adnani, Z., February 18, 2018).

High Atlas Foundation Annual Report, 2018 summarizes workshops held for women's empowerment. Of the three hundred women in Al Haouz, Boujdour and Marrakesh who benefited from a series of workshops on Mudawana, (المدوّنة, *mudawwanat al-aḥwāl al-shakhṣiyyah),* the Family code of Moroccan law concerning marriage, polygamy, divorce, inheritance, and child custody, enacted 2004, HAF found that: "Over ninety-four percent of the women who participated in HAF's 2017 assessment, had before never heard about *Moudawana*. Most communities indicated that they felt left behind; that national processes and changes hardly reached remote areas, and that even if they were aware of their rights, they felt they could not secure them" (7). Literacy, women's legal rights, entrepreneurial advice, business skills are all areas where women actively seek resources, and the network of cooperatives are an ideal forum for increasing educational services to women "off the grid".

In 2008 Tissage Ain Leuh weavers defined three areas where they wanted to achieve substantive improvements: in human resources, in the physical plant of the atelier, and in preservation of cultural and historic traditions in weaving. Training and education of women and apprentices, toward enhancing their capacity in the economic sector as artisans, businesswomen and entrepreneurs, was directed at the acquisition of skills in computer skills, mathematics and accounting, languages and literacy. Literacy, accounting and computer classes,

tutoring and youth programs are offered by various agencies and cooperatives in the village. Improvements and renovations to the existing *atelier*, office and display spaces have been implemented, in part by volunteer efforts organized by *Safar*, a local eco-travel business. Finally, a long-term commitment to the cultural and historic resources of the community, to preserve, teach and transmit the skills and patterns of local weaving, was articulated. The social fabric of the village and the history of the region, as a visual record of experience, identity and meaning, is woven into these unique cloths. Continuing support for the weavers helps to ensure the preservation of unique regional traditions and enhance the prospects of the village and its inhabitants now and into the future.

Innovation and Change

A partial answer to the issue of "vanishing culture" is to emphasize the need to record and document minorities and master artisans so that their expertise is not lost. The craft of weaving satisfies UNESCO criteria identifying tangible and intangible culture, and weavers would benefit, if such a designation were sought after and attained. This author recommends that the Moroccan Ministère de l'Artisanat initiate the process to designate Atlas weaving as a world cultural heritage, according to UNESCO criteria, deserving measures to preserve and sustain (whc.unesco). A program to honor "national treasures" would be a significant start. Empowerment of artisans in their communities; education of women and children; social programs that value and reward creative contributions to culture; inclusion of the voices of minorities and artisans in decision-making -- initiatives in all of these areas will help transform the economic paradigm through participatory democracy and sustainable development.

With a dynamism informed by the methods of minorities and traditional artisans paired with cutting-edge technology, and learning from the sustainability of its past, Morocco can lead in developing an inclusive, creative economy that utilizes local expertise and resources, converges urban and pastoral, and creates communities that shelter, while conserving and renewing resources (Fig. 11).

Fig. 11 Naima Mameri, Ain Leuh weaver, 2018.

Author's Note

The research for this paper commenced during my work in Ain Leuh (2007-8) in the Small Business Development Project of the United States Peace Corps and the *Délégation Régional de l'Artisinat, Meknés*, the Moroccan *Ministère du Tourisme, de L'Artisanat et l'Economie Sociale.* Continuing association with the village and artisans of the Middle Atlas has enabled me to follow the weaving cooperatives, Tissage Ain Leuh, started in 1979 and Cooperative Bouharsh, started in 2008, and others in the region. A paper presented at the Royal University for Women, Bahrain, Conference, Women in Society, 20-21 April 2016 and Panel: Women in Art and Design: *Handwoven: the ancient art of weaving and contemporary women weavers in Morocco's Middle Atlas* addressed issues related to Atlas women weavers. My contributions to *Habitat: Vernacular Architecture for a Changing Planet*. Sandra Piesik, ed. (2017) have helped inform this essay. My thanks go to the women of Ain Leuh, the Tissage Ain Leuh, and the Cooperative Bouharsh, to elHoussin Zahrie, former President, Artisanat Azrou, and to Zakaria Adnani.

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