# When the 'Minority' Speaks: Voices of Amazigh Women in Morocco

by

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## *List of abbreviations*

20FM or F20M……20 February Movement
ACM……Amazigh Cultural Movement
ADFM……Democratic Association of Moroccan Women
AMDH……Moroccan Human Rights Association
AMREC……Moroccan Association for Research and Cultural Exchange
AZETTA……Amazigh Citizenship Network
BCM……Berber Cultural Movement
CCRC……Consultative Commission for the Constitutional Revision
CEDAW…..Convention on the Elimination of All Forms of Discrimination
……Against Women
CERD……Convention on the Elimination of all Forms of Racial
……Discrimination
CNDH……National Human Rights Council
CRC……Convention on the Rights of the Child
CSO……Civil Society Organisation
DIDH……Inter-Ministerial Delegation for Human Rights
FAR……Royal Armed Forces
FLDDF……Federation of the Democratic League for Women's Rights
FDIC……Front for the Defence of Constitutional Institutions
HCP……High Planning Commission
ICC……International Coordinating Committee of National
……Institutions for the Promotion and Protection of Human Rights
ICCPR……International Covenant on Civil and Political Rights
ICESCR……International Covenant on Economic, Social and Cultural
……Rights
IDEA……International Institute for Democracy and Electoral Assistance
IER……Equity and Reconciliation Commission
ILO……International Labour Organisation
IRCAM……Moroccan Royal Institute for Amazigh Culture
LDDF……Democratic League for Women's Rights
MDS……Democratic and Social Movement
MINURSO……UN Mission for the Referendum in Western Sahara
MP……Popular Movement
MUR……Movement of Unity and Reform
NGO……Non-Governmental Organisation
NUIG……National University of Ireland, Galway
OHCHR……Office of the UN High Commissioner for Human Rights
OMDH……Moroccan Human Rights Organisation
PAM……Party for Authenticity and Modernity
PJD……Party for Justice and Development
PPS……Party of Progress and Socialism
PSC……Personal Status Code
RNGS……Research Network on Gender, Politics and the State
RNI……National Gathering of Independents
TWAIL……Third World Approaches to International Law
UAF……Union for Feminine Action
UC……Constitutional Union

UDHR……Universal Declaration of Human Rights
UN……..United Nations
UNDRIP…….....UN Declaration on the Rights of Indigenous Peoples
UNFM……..National Union of Moroccan Women
UNFP……..National Union of Popular Forces
UNGA……UN General Assembly
UNHRC……..UN Human Rights Committee
UNSP……..Socialist Union of Popular Forces
WAC……..World Amazigh Congress

## *Abstract*

Applying an intersectional approach,[1] this thesis examines the value and meaning that minority and indigenous (Amazigh)[2] women in Morocco attribute to human rights and gender equality and, as well, how rights-based claims are articulated in a local context. The thesis examines the complex relationship between feminism and group rights to highlight how the subaltern female Others understand and narrate these concepts as they tell their story. Against the backdrop of their voices, the thesis also questions existing minority groups' and indigenous peoples' rights discourses and tools. What emerges from ethnographic research undertaken across Morocco [3] is that these rights-based 'universal' toolkits are most often utilised by male, urban, and educated elite to craft a certain narrative, a 'collective history,'[4] and an 'imagined community,'[5] in order to preserve the status quo and current power distribution. While much of the literature on group rights and multiculturalism focuses on the role of the State vis-à-vis minority and indigenous peoples, the emphasis of this research is the dynamics within groups themselves and how individual members (namely, women) articulate and demand rights within their own communities. Using the thematic analysis method[6] to analyse qualitative data gathered during this research, participants' narrations and responses reveal that concepts, such as human rights and gender equality, carry widely different meanings for minority and


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[1] For a definition and discussion of the 'intersectionality' concept, see: Kimberlé W. Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color," *Stanford Law Review* 43, no. 6 (1991): 1241-1299. This approach will also be amply discussed in Chapter IV.

[2] Morocco has the world's highest proportion of Amazigh-speakers while estimates of their actual number in Morocco vary between 40% and 60%. For more information, see: http://minorityrights.org/country/morocco/ (accessed 30 May 2018).

[3] The PhD-related ethnographic research took place between September and October 2016 and in May 2017 and comprised semi-structured interviews with nearly 60 Amazigh women across Morocco.

[4] Eric Davis, *Memories of State - Politics, History, and Collective Identity in Modern Iraq* (Berkeley and Los Angeles: University of California Press, 2005).

[5] Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London and New York: Verso, 1991).

[6] Virginia Braun and Victoria Clarke, "Using Thematic Analysis in Psychology," *Qualitative Research in Psychology* 3, no. 2 (2006): 77-101.

indigenous women and often sit in stark contrast to those promoted by minority and indigenous leaders and sites of power.

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Cari mamma e papa', vi voglio bene.
Grazie.

All errors are my own.

## Statement of originality

I hereby certify that all of the work described within this thesis is the original work of the author.

Any published (or unpublished) ideas and/or techniques from the work of others are fully acknowledged in accordance with the standard referencing practices.

Silvia Gagliardi

September, 2018

# Introduction

## I. Introduction

> […] there continue to be difficult questions to be understood in designing effective groups rights mechanisms that do not simply render individuals vulnerable within minority communities to the exigencies of domination by members of the group. Such a circumstance could see minority rights protection used as a trump card against the human rights of individuals, and therefore presents a legitimate hurdle to the development of group rights regimes.[7]

Amidst the turmoil and mass protests that characterised the Arab uprisings in 2011, Morocco's monarchy managed to maintain control by initiating limited reforms. In this context, Morocco has been able to creatively engage and project reform and protection whilst, at the same time, maintaining power relations and structures intact. This dynamic is clearly demonstrated by the co-opting of the minority rights project, not just by the State, but also by the very elites within these communities. Against this backdrop, a significant number of Amazigh women face multiple forms of discrimination – as women, as minorities and as non-elites within their community.[8] Furthermore, women from Morocco's sizeable Amazigh community remain conspicuously absent from both State and civil society narratives on human rights progress, or the lack thereof. Although Amazigh women are often depicted as oral narrators and preservers of the Amazigh culture, their voice in the rights-related debates has, largely, been missing. Additionally, with the exception of a small number who are embedded among the NGO elites, their voices are also generally absent from both scholarly and non-scholarly works on Morocco. Accordingly, this thesis will investigate

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[7] Joshua Castellino, "No Room at the International Table: The Importance of Designing Effective Litmus Tests for Minority Protection at Home," *Human Rights Quarterly* 35, no. 1 (2013): 210.

[8] 'Non-elite' refers in this context to a general lack of access to public and advocacy platforms, a low socio-economic status and little or no education. Whilst the majority of research participants can be considered non-elite Amazigh women, the research also includes interviewees with university degrees who partake in various advocacy networks and public fora.

whether, rather than being "emancipated" or "empowered", minority and indigenous women are being penalised and further marginalised by the human rights project in general, and minority, indigenous and women's rights discourses, in particular.

There is a significant body of literature focusing on the Amazigh community in Morocco. Moha Ennaji and Bruce Maddy-Weitzman have focused on the identity, growth and development of the Amazigh community of Morocco from linguistic and political angles. [9] Abderrahman Zouhir has looked at the use, manipulation and politicisation of the (Amazigh) 'language brief' to maintain or accrue power by various actors, including, most notably, the monarchy.[10] Other authors, including Abderrahman El Aissati, Katherine Hoffman, Paul Silverstein and David Crawford, have conducted research on the birth, growth and meaning of Amazigh activism and movement(s) and its downfall, including its disconnect with the constituencies they purport to represent and their tendency to be co-opted by State structures.[11]

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[9] See, *inter alia*: Moha Ennaji, "The Berber (Amazigh) Movement in Morocco: Local Activism, the State, and Transnationalism," in *Multiculturalism and Democracy in North Africa: Aftermath of the Arab Spring*, ed. Moha Ennaji, Routledge Series in Middle Eastern Politics (London and New York: Routledge, 2014); Ahmed Boukous, "The Planning of Standardizing Amazigh Language: The Moroccan Experience," *IRCAM* (2014): 7-23; Sylvia I. Bergh and Daniele Rossi-Doria, "Plus Ça Change? Observing the Dynamics of Morocco's 'Arab Spring' in the High Atlas," *Mediterranean Politics* 20, no. 2 (2015): 198-216; Matt Buehler, "Continuity through Co-Optation: Rural Politics and Regime Resilience in Morocco and Mauritania," Mediterranean Politics 20, no. 3 (2015): 364-85; Bruce Maddy-Weitzman, "A Turning Point? The Arab Spring and the Amazigh Movement," *Ethnic and Racial Studies* 38, no. 14 (2015): 2499-2515; Michael J. Willis, "Berbers in an Arab Spring: The Politics of Amazigh Identity and the North African Uprisings," in *North African Politics: Change and Continuity*, ed. Yahia H. Zoubir and Gregory White (London and New York: Routledge, 2016).

[10] Abderrahman Zouhir, "Language Policy and State in Morocco: The Status of Berber," *Digest of Middle East Studies* 23, no. 1 (2014): 37-53.

[11] See, *inter alia*: Abderrahman El Aissati, "Ethnic Identity, Language Shift, and the Amazigh Voice in Morocco and Algeria," *Race, Gender & Class* 8, no. 3 (2001): 57-69; Samir Ben-Layashi, "Secularism in the Moroccan Amazigh Discourse," *Journal of North African Studies* 12, no. 2 (2007): 153-171; Graham H. Cornwell and Mona Atia, "Imaginative Geographies of Amazigh Activism in Morocco," *Social & Cultural Geography* 13, no. 3 (2012): 255-274; David Crawford and Katherine E. Hoffman, "Essentially Amazigh: Urban Berbers and the Global Village," *The Arab-African and Islamic Worlds: Interdisciplinary Studies* (2000): 117-34; Abderrahman El Aissati, "A Socio-Historical Perspective on the Amazigh (Berber) Cultural Movement in North Africa," *Afrika Focus* 18, no. 1-2 (2005): 59-72; Katherine E. Hoffman and Susan G. Miller, *Berbers and Others: Beyond Tribe and Nation in the Maghrib* (Bloomington:

Scholars, such as Katja Žvan Elliott, Samia Errazzouki and Nadia Guessous, have studied the impact of laws and epistemological approaches onto specific communities of women in Morocco.[12] Recent

Indiana University Press, 2010); John Lauermann, "Amazigh Nationalism in the Maghreb," *Geographical Bulletin* 50, no. 1 (2009): 37-55; Bruce Maddy-Weitzman, "Ethno-Politics and Globalisation in North Africa: The Berber Culture Movement," *The Journal of North African Studies* 11, no. 1 (2006): 71-84; "Arabization and Its Discontents: The Rise of the Amazigh Movement in North Africa," *Journal of the Middle East & Africa* 3, no. 2 (2012): 109-135; *The Berber Identity Movement and the Challenge to North African States* (Austin: University of Texas Press, 2011); "Contested Identities: Berbers, 'Berberism' and the State in North Africa," *The Journal of North African Studies* 6, no. 3 (2001): 23-47; Paul Silverstein, "The Pitfalls of Transnational Consciousness: Amazigh Activism as a Scalar Dilemma," *Journal of North African Studies* 18, no. 5 (2013): 768-778; "In the Name of Culture: Berber Activism and the Material Politics of "Popular Islam" in Southeastern Morocco," *Material Religion* 8, no. 3 (2012): 330-353; "Masquerade Politics: Race, Islam and the Scale of Amazigh Activism in Southeastern Morocco," *Nations and Nationalism* 17, no. 1 (2011): 65-84; Paul Silverstein and David Crawford, "Amazigh Activism and the Moroccan State," *Middle East Report*, no. 233 (2004): 44-48; Jonathan Wyrtzen, "Colonial State-Building and the Negotiation of Arab and Berber Identity in Protectorate Morocco," *International Journal of Middle East Studies*, no. 43 (2011): 227-249.

[12] See, *inter alia*: Maia Hallward and Cortney Stewart, "Challenges and Opportunities Facing Successful Women in Morocco," *Journal of North African Studies* (2018): 1-25; Vicente Llorent-Bedmar, Mercedes Llorent-Vaquero, and María Navarro-Granados, "Towards Gender Equality in Moroccan Universities: Female University Teachers from a Gender Perspective," *Women's Studies International Forum* 64, no. Supplement C (2017): 34-40; Moha Ennaji, "Women, Gender, and Politics in Morocco," *Social Sciences* 5, no. 4 (2016): 1-8; Souad Eddouada, "Feminism in Morocco: Between the Local and the Global," *International Journal on Human Rights* 13, no. 24 (2016): 65-74; Katja Žvan Elliott, *Modernizing Patriarchy: The Politics of Women's Rights in Morocco* (Austin: University of Texas Press, 2015); "Morocco and Its Women's Rights Struggle: A Failure to Live up to Its Progressive Image," *Journal of Middle East Women's Studies* 10, no. 2 (2014); Meriem El Haitami, "Women and Sufism: Religious Expression and the Political Sphere in Contemporary Morocco," *Mediterranean Studies* 22, no. 2 (2014): 190-212; Amy Young Evrard, *The Moroccan Women's Rights Movement* (New York: Syracuse University Press, 2014); Karla M. McKanders, "Anatomy of an Uprising: Women, Democracy, and the Moroccan Feminist Spring," *Boston University International Law Journal* 32 (2014): 147-181; Samia Errazzouki, "Working-Class Women Revolt: Gendered Political Economy in Morocco," *The Journal of North African Studies* 19, no. 2 (2014): 259-267; Aura Lounasmaa, "Women and Modernity: The Global and the Local in Moroccan Women's Ngos's Advocacy and Public Awareness Work" (DPhil Thesis, National University of Ireland in Galway, 2013); Kristina Benson, "The Moroccan Personal Status Law and the Invention of Identity: A Case Study on the Relationship between Islam, Women and the State," *UCLA Journal of Islamic and Near Eastern Law* 12 (2012-2013): 1-10; John Hursh, "Advancing Women's Rights through Islamic Law: The Example of Morocco," *Berkeley Journal of Gender, Law and Justice* 27 (2012): 252-305; Zakia Salime, "A New Feminism? Gender Dynamics in Morocco's February 20th Movement," *Journal of International Women's Studies* 13, no. 5 (2012): 101-114; *Between Feminism and Islam: Human Rights and Sharia Law in Morocco*, ed. Bert Klandermans, vol. 36, Social Movements, Protest, and Contention (Minneapolis and London: University of Minnesota Press, 2011); Nadia Guessous, "Genealogies of Feminism: Leftist Feminist Subjectivity in the Wake of the Islamic Revival in Contemporary Morocco" (DPhil Thesis, Columbia University, 2011); Doris H. Gray,

scholarship on Morocco has examined the progress, or lack thereof, in women's enjoyment of human rights; [13] reforms of relevance for women;[14] and synergies and divisions among and within (secular and religious) women's groups in pushing the 'woman brief' and relevant reforms. [15] Fatima Sadiqi and Zakia Salime analyse the intersection between various sites of struggle, including politics, gender and language in the Moroccan polity.[16] Yasmine Berriane and Stephanie Bordat have attempted to shed light on subaltern narratives through analysis of

*Beyond Feminism and Islamism: Gender and Equality in North Africa* (New York: I.B. Tauris, 2015).

[13] *See, inter alia*: Samia Errazzouki, "Ten years after Morocco's Mudawwana: The Rhetoric and Reality of Women's Rights," *Mediterranean Politics* (2017): 1-7; Silvia Gagliardi, "Violence against Women: The Stark Reality Behind Morocco's Human Rights Progress," *The Journal of North African Studies* (2017): 1-22; Young Evrard, *The Moroccan Women's Rights Movement*; Žvan Elliott, *Modernizing Patriarchy: The Politics of Women's Rights in Morocco*.

[14] Yasmine Berriane, "The Micropolitics of Reform: Gender Quota, Grassroots Associations and the Renewal of Local Elites in Morocco," *The Journal of North African Studies* 20, no. 3 (2015): 432-449.

[15] See, *inter alia*: Yasmine Berriane, "Bridging Social Divides: Leadership and the Making of an Alliance for Women's Land-Use Rights in Morocco," *Review of African Political Economy* 43, no. 149 (2016): 350-364; Meriem El Haitami, "Islamist Feminism in Morocco," *Frontiers: A Journal of Women Studies* 37, no. 3 (2016): 74-91; Moha Ennaji, "Women, Gender, and Politics in Morocco"; Leila Hanafi, "Moudawana and Women's Rights in Morocco: Balancing National and International Law," *ILSA Journal of International & Comparative Law* 18, no. 2 (2011-2012): 515-529; Aura Lounasmaa, "Breaking Down Dichotomies in the Narratives of Women's Activism in Morocco," in *Women's Emancipation and Civil Society Organisations: Challenging or Maintaining the Status Quo?*, ed. C.B. Schwabenland, et al. (Bristol: Policy Press, 2016); McKanders; Fatima Sadiqi, "The Impact of Islamization on Moroccan Feminisms," *Signs: Journal of Women in Culture & Society* 32, no. 1 (2006): 32-40; Salime, "A New Feminism? Gender Dynamics in Morocco's February 20th Movement"; Rebecca de Faria Slenes, "Human Rights, Religion, and Violence: Strategies of Moroccan Activists Fighting Violence against Women," *Procedia - Social and Behavioral Sciences* 161 (2014): 247-251; Young Evrard, *The Moroccan Women's Rights Movement*; Žvan Elliott, "Morocco and Its Women's Rights Struggle: A Failure to Live up to Its Progressive Image."

[16] See, *inter alia*: Fatima Sadiqi, "The Role of Moroccan Women in Preserving Amazigh Language and Culture," *Museum International* 59, no. 4 (2007): 26-33; "Language and Gender in Moroccan Urban Areas," *International Journal of the Sociology of Language* 2008, no. 190 (2008): 145-165; *Women, Gender and Language in Morocco*, vol. I, Woman and Gender: The Middle East and the Islamic World (Leiden and Boston: Brill, 2003); Salime, "A New Feminism? Gender Dynamics in Morocco's February 20th Movement"; Cynthia J. Becker, *Amazigh Arts in Morocco: Women Shaping Berber Identity*, (Austin: University of Texas Press, 2006); Ennaji, "Women, Gender, and Politics in Morocco"; Katherine E. Hoffman, "Berber Language Ideologies, Maintenance, and Contraction: Gendered Variation in the Indigenous Margins of Morocco," *Language & Communication* 26, no. 2 (2006): 144-167; Slenes, "Human Rights, Religion, and Violence: Strategies of Moroccan Activists Fighting Violence against Women."

grassroots voices and initiatives, and field-based ethnographic research.[17]

Amazigh women, in particular, have been the focus of much literature, especially vis-à-vis their role in the maintenance and perpetuation of the Amazigh language and culture.[18] Scholars, such as Cynthia Becker, aimed to give voice, either directly or indirectly, to Amazigh women by recounting their stories and recalling their contribution to the history and development of the country.[19] Yet, only a few authors who conducted ethnographic research in Morocco, such as Mounira Charrad and Alice Baker, interviewed participants who explicitly raised the issue of their Amazigh heritage in their interviews.[20] Therefore, the intersection of being both an Amazigh and a woman, and the implications of this complex identity kit on one's enjoyment and narration of rights and equality, have not been systematically researched to date.[21]

Despite the significant body of related research, there are two key issues that are absent from examinations of minority and indigenous people in Morocco. The first is how the inter-related characteristics of one's sex

[17] See, *inter alia:* Berriane, "The Micropolitics of Reform: Gender Quota, Grassroots Associations and the Renewal of Local Elites in Morocco"; Errazzouki, "Working-Class Women Revolt: Gendered Political Economy in Morocco"; Stephanie Willman Bordat, Susan Schaefer Davis, and Saida Kouzzi, "Women as Agents of Grassroots Change Illustrating Micro-Empowerment in Morocco," *Journal of Middle East Women's Studies* 7, no. 1 (2011): 90-119; Katja Žvan Elliott, "Women's Rights and Reform in Provincial Morocco: From Disenfranchisement to Lack of Empowerment" (DPhil Thesis, University of Oxford, 2012); Hallward and Stewart, "Challenges and Opportunities Facing Successful Women in Morocco."

[18] See, *inter alia*: Hoffman, "Berber Language Ideologies, Maintenance, and Contraction: Gendered Variation in the Indigenous Margins of Morocco"; Sadiqi, "The Role of Moroccan Women in Preserving Amazigh Language and Culture"; Becker, *Amazigh Arts in Morocco: Women Shaping Berber Identity*; Hoffman and Miller, *Berbers and Others: Beyond Tribe and Nation in the Maghrib*.

[19] See: Mounira M. Charrad, *States and Women's Rights: The Making of Postcolonial Tunisia, Algeria, and Morocco* (Berkeley and Los Angeles: University of California Press, 2001); Alison Baker, *Voices of Resistance: Oral Histories of Moroccan Women*, Suny Series in Oral & Public History (New York: State of University of New York Press, 1998).

[20] Hallward and Stewart, "Challenges and Opportunities Facing Successful Women in Morocco", 9.

[21] Some attempts have been made but there is ample space for more in-depth ethnographic research in this field. See, for instance: Hallward and Stewart, "Challenges and Opportunities Facing Successful Women in Morocco", 16.

and gender, on the one hand, and an ascribed group of belonging, on the other, combine to affect one's understanding and enjoyment of rights and equality. The second is to drill down in to the minority, indigenous and women's rights discourses and ask which actors benefit from their use, and how these discourses inform and define power relations in a postcolonial society. This research attempts to fill a gap in the literature by examining how being an Amazigh woman impacts an understanding and enjoyment of human rights and gender equality. It also opens a space for marginalised, sidelined and silenced voices in a society where being both a woman and an Amazigh-speaker often results in exclusion and discrimination. In changing the lens to examine minority and indigenous rights discourses, the thesis provides a useful analytical and methodological tool to examine other postcolonial contexts where rights discourses and projects are sites of contestation for different groups and the ways they use them to assert their agency in their respective societies.

Although there is a body of literature on women's rights within illiberal minority groups in liberal States, there is less critical analysis on women's rights in (commonly perceived and self-professed) liberal minority groups (e.g. the Amazigh) in semi-liberal States. Pointedly, Morocco is home to an indigenous 'majoritarian minority' within a semi-liberal State. Despite being numerically large (or even larger than the Arab community by many accounts), the Amazigh people (traditionally known as 'Berbers') are generally marginalised from power centres and discriminated against on various grounds. Conversely, according to many observers and scholars, the role and status of women within this group are purported to be superior than those of majority (read: Arab) women in Morocco. Whilst Amazigh are autochthonous to, and present in, various North African countries, Morocco has the world's highest

proportion of Amazigh-speakers, with estimates of their actual number in Morocco varying between 40% and 60%.[22]

## 2. Methodology

Using a constructionist and constructivist feminist qualitative inquiry framework,[23] this research uses post-2011 Morocco[24] as a case study to examine the meaning that Amazigh[25] women attribute to human rights and gender equality and how they articulate their claims to rights in a local context. Adopting an intersectional approach, the research examines the relationship between feminism and group rights, discourses and tools so as to understand how the 'subaltern female Others'[26] define these concepts and describe their identities. In order to engage with these debates, it is pertinent to deconstruct[27] minority and

[22] For more information, please see: http://minorityrights.org/country/morocco/ (accessed 30 May 2018).

[23] While social constructionism and constructivism share the same ontology and epistemology, they differ in a meaningful way. The former focuses on the 'collective generation [and transmission] of meaning'; the latter focuses on the 'meaning-making activity of the individual mind.' In: Michael Quinn Patton, *Qualitative Research and Evaluation Methods*, Fourth ed. (Thousand Oaks: SAGE Publications, Inc., 2015), 122.

[24] The case study can be potentially turned into a comparative study to include other North African and Middle Eastern countries with significant minority or indigenous components of the population.

[25] According to a leading Amazigh activist, the latest statistics as posted on official websites estimated exclusively Amazigh-speakers to be 28% of the whole population. Nonetheless, this number would rise to 70% if it included Moroccans who speak both Arabic and Amazigh. Official meeting with A. A. during TWIZA Festival, Tangiers, 16 August 2013. Also, '[i]t is commonly accepted in the literature on North African history that the indigenous people of this area are the Berbers, or the Imazighen, as they refer to themselves. (…) [*However*] The current number of Imazighen, or rather speakers of one of the Amazigh varieties, has remained a matter of estimates.' In Hoffman, Katherine E. 2006. "Berber Language Ideologies, Maintenance, and Contraction: Gendered Variation in the Indigenous Margins of Morocco." *Language & Communication* 26 (2): 144-167.

[26] Deriving the concept of 'subaltern' from Antonio Gramsci's work on the 'subaltern classes' in Italy, Gayatri Chakravorty Spivak applies it the question of woman. She suggests that 'the possibility of collectivity itself is persistently foreclosed through the manipulation of female agency. (…) In seeking to learn to speak to (rather than listen to or speak for) the historically muted subject of the subaltern woman, the postcolonial intellectual systematically 'unlearns' female privilege.' In: Gayatri Chakravorty Spivak, "Can the Subaltern Speak?," in *Marxism and the Interpretation of Culture*, ed. Cary Nelson and Lawrence Grossberg (Urbana and Chicago: University of Illinois Press, 1988), 79 and 91.

[27] Deconstruction is understood as a 'means to take apart the language of a text to expose its critical assumptions and the ideological interests being served. Perspective and power occur as hand in glove in postmodern critiques.' In: Patton, *Qualitative Research and Evaluation Methods*, 126.

indigenous peoples' rights discourses and tools, as well as to unpack how they are constructed.[28] The social constructionist approach of this research is grounded in the belief that,

> Things do not and cannot have essence because they are defined interpersonally and intersubjectively by people interacting in a network of relationships. (…) Any notion of "truth", then, becomes a matter of shared meanings and consensus among a group of people (…). Constructionist philosophy is built on the thesis of *ontological relativity*. (…) Constructionist philosophy is epistemologically subjectivist (…).[29]

This last point also implies that 'the qualitative inquirer is also engaged in social construction as opposed to objectively depicting reality'.[30] Tellingly, '[t]he premise that what is perceived as real is real in its consequences is at the heart of the social constructionist inquiry framework.'[31]

As Ball posits, '[b]y exercising control over language, and therefore control over the very categories of reality that are opened to consciousness, those in power maintain their power and privilege.'[32] Whereas much of the literature on group rights and multiculturalism[33]

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[28] Joshua Castellino and Kathleen Cavanaugh, *Minority Rights in the Middle East* (Oxford: Oxford University Press, 2013).
[29] Patton, *Qualitative Research and Evaluation Methods*, 121-122.
[30] Patton, *Qualitative Research and Evaluation Methods*, 122.
[31] Patton, *Qualitative Research and Evaluation Methods*, 127.
[32] Stephen J. Ball, *Foucault, Power and Education* (New York: Routledge, 2013).
[33] See, *inter alia*: Castellino, "No Room at the International Table: The Importance of Designing Effective Litmus Tests for Minority Protection at Home"; Chandran Kukathas, "Are There Any Cultural Rights?," in *The Rights of Minority Cultures*, ed. Will Kimlicka (Oxford: Oxford University Press, 1992); Will Kymlicka, *The Rights of Minority Cultures* (Oxford: Oxford University Press, 1995); Will Kymlicka, "The Internationalization of Minority Rights," *International Journal of Constitutional Law* 6, no. 1 (2007): 1-32; Will Kymlicka and Baogang He, *Multiculturalism in Asia* (Oxford: Oxford University Press, 2005); Susan Moller Okin, "Feminism and Multiculturalism: Some Tensions," *Ethics* 108, no. 4 (1998): 661-684; *Is Multiculturalism Bad for Women?* (Princeton: Princeton University Press, 1999); Vatthana Pholsena, "A Liberal Model of Minority Rights for an Illiberal Multiethnic State? The Case of the Lao PDR," in *Multiculturalism in Asia*, ed. Will Kymlicka and Baogang He (Oxford: Oxford University Press, 2006); Julie Ringelheim, "Minority Rights in a Time of Multiculturalism - the Evolving Scope of the Framework Convention on the Protection of National Minorities," *Human Rights Law Review* 10, no. 1 (2010): 99-128; Saharso Sawitri, "Female Autonomy and Cultural Imperative: Two Hearts Beating Together," in *The Rights of Minority Cultures*, ed. Will Kymlicka (Oxford:

focuses on the role of the State vis-à-vis minority and indigenous peoples, the emphasis of this research is on individuals within groups themselves and how female members articulate and demand rights within their own communities. In light of this, it is useful to adopt a post-structuralist approach as,

> Everything in each category (male/female) is assumed to be the same; hence, differences within either category are suppressed. In contrast, our goal is to see not only differences between the sexes but also the way these work to repress differences within gender groups.[34]

A thematic analysis method was applied to analyse qualitative data gathered during ethnographic research conducted for this study.[35] Participants' narrations and responses reveal that concepts such as human rights and gender equality carried widely different meanings for minority and indigenous women, and often sat in stark contrast to those promoted by minority and indigenous leaders and power centres.[36] The notion of socially constructed identities helps us unpack concepts of gender, culture and group consciousness, that are laden with meanings attributed to them to support a specific hegemonic discourse and the preservation of the status quo. With a view to presenting subaltern narratives while not appropriating them or stripping the interviewed

Oxford University Press, 2000); Ayelet Shachar, "Should Church and State Be Joined at the Altar? Women's Rights and the Multicultural Dilemma," in *Citizenship in Diverse Societies*, ed. Will Kymlicka and Norman Wayne (Oxford: Oxford University Press, 2000); Elsa Stamatoupolou, "Monitoring Cultural Human Rights: The Claims of Culture on Human Rights and the Response of Cultural Rights," *Human Rights Quarterly* 34 (2012): 1170-1192; John Tomasi, "Kymlicka, Liberalism, and Respect for Cultural Minorities," *Ethics* 105, no. 3 (1995): 580-603; Vernon Van Dyke, "The Individual, the State, and Ethnic Communities in Political Theory," in *The Rights of Minority Cultures*, ed. Will Kymlicka (Oxford: Oxford University Press, 1995); Leti Volpp, "Feminism Versus Multiculturalism," *Columbia Law Review* 101, no. 5 (2001): 1181-1218; Michael Walzer, "Pluralism: A Political Perspective," in *The Rights of Minority Cultures*, ed. Will Kymlicka (Oxford: Oxford University Press, 1995).

[34] Joan W. Scott, "Deconstructing Equality-Versus-Difference: Or, the Uses of Poststructuralist Theory for Feminism," *Feminist Studies* 14, no. 1 (1988): 46.

[35] Braun and Clarke, "Using Thematic Analysis in Psychology", 77.

[36] The full details and names of research participants have been excluded to preserve their anonymity and confidentiality. All interviews have been duly recorded and safely stored, if necessary for future reference and academic accountability. In line with the approach used for this ethnographic research, see also: Berriane, "Bridging Social Divides: Leadership and the Making of an Alliance for Women's Land-Use Rights in Morocco" 43 *Review of African Political Economy*, (2016): 350-364.

women of their agency, the point of departure of this research lies in accepting that,

> […] the alleged neutrality and objectivity of the most commonly accepted perspective is in reality just one perspective out of many that represents the view, largely of white heterosexual middle to upper class males.[37]

Against this backdrop, this work situates itself within, and engages with, the larger debate of 'outsider jurisprudence.' [38] In her work on multiculturalism and women's rights, Isabelle Gunning uses the concept of 'world-travelling' as a method of,

> […] perceiving and understanding (…) practices within their cultural context and relies upon a multicultural dialogue as a way to encourage the evolution of more shared values. (…) 'human rights law' can be used in the eradication of such [*culturally challenging*] practices but (…) the development of such laws must be the result of a multicultural dialogue and consensus. Their implementation must forego the use of punishment or force in favor of more dialogue and education.[39]

In line with this method, this research is rooted in a socio-legal perspective that is aware of its limits, biases and implications.[40] For instance, the fact that the author was an outsider might have triggered answers based on what participants perceived she wanted or needed to

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[37] Isabelle R. Gunning, "Arrogant Perception, World-Travelling and Multicultural Feminism: The Case of Female Genital Surgeries," *Columbia Human Rights Law Review* 23, (1992): 90, note 2. See Catharine A. MacKinnon, *Feminism Unmodified: Discourses on Life and Law* (Cambridge, Mass. and London: Harvard University Press, 1987); MacKinnon, "Feminism, Marxism, Method, and the State: An Agenda for Theory", in *The Sign's Reader: Women, Gender & Scholarship* (Chicago: University of Chicago Press, 1983).

[38] Gunning, "Arrogant Perception, World-Travelling and Multicultural Feminism: The Case of Female Genital Surgeries," 190.

[39] Gunning, "Arrogant Perception, World-Travelling and Multicultural Feminism: The Case of Female Genital Surgeries," 193.

[40] Related to this point is the fact that, while being born and raised in a Western, white, middle class background, the author has lived and worked in diverse societies for almost half of her life. During this time, she has worked for various policy-oriented institutions with a specific agenda and set of values. Despite this, she has continuously striven, personally, professionally and academically, to connect with and understand subaltern voices and underrepresented individuals in society at large.

hear from them.[41] The non-Other researcher should not fear to acknowledge his/her own ignorance; and should show empathy, a capacity to contextualise and an understanding of the inter-connectedness between the 'I' and the 'other' while engaging in feminist 'world-travelling.'[42] Aware of the 'inaccessible blankness'[43] that the subaltern Other might present to the non-Other external scholar, the research makes space for voices that have been so far disguised or silenced to preserve the existing power structures. This study thus attempts to support minority and indigenous women's agency without appropriating their voices or essentialising, re-colonising and re-orientalising the study subjects.

Moving away from the pre-modern 'methodological paradigms debate' pitting (quantitative/experimental) "objectivity" against (qualitative/naturalistic) "subjectivity",[44] the author adopted an 'emphatic neutrality', an 'understanding [*of*] a person's situation and perspective without judging the person – and communicating that understanding with authenticity to build rapport, trust, and openness'.[45] As Patton explains, '[e]mpathy combines cognitive understanding with affective connection, and in that sense it differs from sympathy, which is primarily emotional.'[46]

In line with Patton's 'emergent design flexibility', the format, scope and design of the research inquiry changed and adapted over time. Whilst

[41] These risks are clear and real but can be diminished by a heightened cultural awareness, thorough knowledge of the context in which one is operating, and, most importantly, through the adoption of a mutual dialogue framework, open-mindedness, and respect vis-à-vis the research participants.
[42] This is defined as: 'a method by which feminists of various colors can learn to identify their interconnectedness even as they respect independence.' 'World-travelling' can be achieved by, *inter alia*, challenging one's own beliefs and convictions when confronted with 'culturally challenging' positions or descriptions of lived experiences. In Gunning, "Arrogant Perception, World-Travelling and Multicultural Feminism: The Case of Female Genital Surgeries," 202 and 213.
[43] Spivak, "Can the Subaltern Speak?," 294.
[44] Patton, *Qualitative Research and Evaluation Methods*, 58.
[45] Patton, *Qualitative Research and Evaluation Methods*, 57.
[46] Patton, *Qualitative Research and Evaluation Methods,* 59.

certain principles and departure points (ethical considerations, initial focus, initial guiding interview questions etc.) were maintained throughout the research study, other components of the study (including some research and interview questions, sampling schemes etc.) were modified in the course of this research.[47] As it has been argued in reference to 'emergent methods' in qualitative research, those methods,

> […] arise as a means of accessing answers to complex research questions and revealing subjugated knowledge. These research techniques are particularly useful for discovering *knowledge that lies hidden* [*emphasis added*], that is difficult to tap into because it has not been part of the dominant culture or discourse.[48]

Field research in Morocco took place in the second part of 2016 and first part of 2017 for a total of six weeks spent in the country. This involved conducting first-hand, semi-structured interviews, and the use of the 'purposeful or purposive sampling' and snowballing methods. In terms of design strategy, purposeful sampling has been defined as,

> […] a technique widely used in qualitative research for the identification and selection of information-rich cases for the most effective use of limited resources (Patton 2002). This involves identifying and selecting individuals or groups of individuals that are especially knowledgeable about or experienced with a phenomenon of interest (Cresswell and Plano Clark 2011). In addition to knowledge and experience, Bernard (2002) and Spradley (1979) note the importance of availability and willingness to participate, and the ability to communicate experiences and opinions in an articulate, expressive, and reflective manner.[49]

This research adhered to Kemper's principles that should govern sampling strategies, namely,

> […] (1) the sampling strategy should stem logically

[47] Patton, *Qualitative Research and Evaluation Methods*, 50.
[48] Sharlene N. Hesse-Biber and Patricia L. Leavy, *Handbook of Emergent Methods* (New York: Guilford Press, 2008), v.
[49] Lawrence A. Palinkas et al., "Purposeful Sampling for Qualitative Data Collection and Analysis in Mixed Method Implementation Research," *Administration and Policy in Mental Health* 42, no. 5 (2015): 534.

> from the conceptual framework as well as the research questions being addressed by the study; (2) the sample should be able to generate a thorough database on the type of phenomenon under study; (3) the sample should at least allow the possibility of drawing clear inferences and credible explanations from the data; (4) the sampling strategy must be ethical; (5) the sampling plan should be feasible; (6) the sampling plan should allow the researcher to transfer/generalize the conclusions of the study to other settings or populations; and (7) the sampling scheme should be as efficient as practical.[50]

The method of storytelling and narrativising the lived experiences of Amazigh women was chosen, as stories 'help us understand. Stories provide insights that can't be found through quantitative data. A story helps us understand motivation, values, emotions, interests and factors that influence behavior.'[51] As Patton stresses, 'fieldwork is the central activity of qualitative inquiry. *Going into the field* means having direct personal contact with the people under study in their own environments (…).'[52] While other methodological approaches are available, fieldwork carried out through semi-structured interviews was found to be the most appropriate research method to match the purpose of the study; that is, making space for voices of subaltern, marginalised, female Others.

The author selected three interpreters to suggest interview areas, make contact with potential interviewees, seek prior consent to be interviewed, set up interviews, and carry out simultaneous interpretation and transcription (under the author's supervision) for the entirety of their assignment. The interpreters were chosen based on their interest in the research project, familiarity with the research topic and area of expertise, and their fluency in a specific Amazigh dialect or a

[50] In: Palinkas et al., "Purposeful Sampling for Qualitative Data Collection and Analysis in Mixed Method Implementation Research," 542.
[51] Richard A. Krueger, "Using Stories in Evaluation" in *Handbook of Practical Program Evaluation*, ed. Kathryn E. Newcomer, Harry P. Hatry, and Joseph S. Wholey (San Francisco: Jossey-Bass, 2010), 404-405.
[52] Patton, *Qualitative Research and Evaluation Methods*, 55.

given area covered by the research. The interpreters served as the first point of contact with local women and to build a first bridge of trust between the author and these participants. All three interpreters self-identified as Amazigh women and were university students/graduates. Their age ranged between 20 and 26 years. They stemmed from the Marrakech area, the Rif area and the Agadir area and were fluent in the (Amazigh) dialects spoken in those areas, in addition to knowing some other Amazigh dialects, Moroccan Arabic and either French or English. The interpreters ensured that participants understood that there would be no material gain from participating in this research project and that they would not lose any benefit if they decided not to participate. The interpreters reached out to participants prior to the interview to explain and distribute in hard copy, whenever logistically possible, the participant consent form and obtain their consent to be interviewed by the author.[53]

This research presents interviews with women from various backgrounds, many of whom were drawn from marginalised communities.[54] The success of the research fully relied on the author's capacity to access these communities and to make space for their voices through this thesis. The author adopted 'inductive analysis and creative synthesis', 'context sensitivity' and 'reflexivity' as analysis and reporting strategies, as defined by Patton.[55] Those strategies were especially important, respectively: first, to become immersed in the details of the inquiry to unveil relevant themes and patterns; second, not to fall in the trap of making generalisations across time and space while still allowing

[53] A minimum period of 24 hours was assured between informing potential research participants and seeking their consent for the interview and conducting the interview itself. When interviewees were only able to communicate in either Amazigh or Arabic, the author relied on simultaneous interpretation of the interview. A participant information sheet was handed out, read out loud and explained to participants in a language of their understanding. Sample copies of the 'Confidentiality Form For Translators,' 'Participant Information Sheet', and the 'Participant Consent Form' are appended at the end of this thesis.

[54] This refers to them being marginalised both in location (so physically) but also from power.

[55] Patton, *Qualitative Research and Evaluation Methods,* 47.

for the feasibility of 'extrapolating patterns for possible transferability and adaptation in new settings;'[56] third, to own and be reflective about one's own voice and perspective as a qualitative inquirer seen as the 'instrument of inquiry.'[57] This field-based research forms an integral part of the dissertation,

> Approaching fieldwork without being constrained by predetermined categories of analysis contributes to the depth, openness, and detail of qualitative inquiry. (…) [q]ualitative methods typically produce a wealth of detailed information about a much smaller number of people and cases. This increases the depth of understanding of the cases and situations studied but reduces generalizability.[58]

Interviewees included Amazigh women from different walks of life, age, educational and employment status, area of residence and origin, marital status etc. In practical terms, the field research involved travelling to designated Amazigh-inhabited urban and rural areas across Morocco. The author made use of her existing contacts in Morocco to map out, select and familiarise herself with all locations to be visited beforehand, and to prepare adequately for travel within Morocco, and for possible risks that might arise in different areas of the country. The interviews took place in mutually agreeable locations (including interviewees' homes, NGO headquarters, local offices and community centres, coffee shops etc.). In total, 58 Amazigh women were interviewed. The inclusion criteria included: being willing to participate in the study; self-identifying as an Amazigh woman or a woman of mixed heritage; [59] being 18 years old and older; being able to communicate verbally in any of the languages available for the interview by the author and/or interpreter; accepting, wherever possible, to be interviewed individually; and being logistically and safely accessible.

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[56] Patton, *Qualitative Research and Evaluation Methods,* 47.
[57] Patton, *Qualitative Research and Evaluation Methods,* 47.
[58] Patton, *Qualitative Research and Evaluation Methods,* 22.
[59] This included participants' subjective identification and did not require speaking a given Amazigh dialect, having exclusive Amazigh ancestry or living in an Amazigh-inhabited area.

The exclusion criteria were as follows: Age (minor), nationality (non-Moroccan), sex (male), ethnicity (exclusively, self-defined, Arab/not mixed). The age bracket ranged from 18 to 80 years old although at least six participants reported not to know their exact age. The language of the interview was: Amazigh in 28 interviews (or 48% of the sample); Moroccan Arabic in 18 interviews (or 30% of the sample); English in seven interviews (or 11% of the sample); and French in two interviews (or 3% of the sample). The three remaining interviews were conducted in a mixture of some or all of the above-mentioned languages. Not considering their knowledge of (European) languages, out of 58 interviewees: 50 knew Moroccan Arabic in addition to speaking, in various degrees, Amazigh (or 86% of the sample); eight could only communicate in Amazigh, while five only knew Moroccan Arabic and no Amazigh. Interviews took place in various locations across Morocco. Specifically, three interviews took place in Khemisset (Khemisset province, Rabat-Salé-Kénitra region); five in and around the capital, Rabat (Rabat prefecture, Rabat-Salé-Kénitra region); two in Skhirate (Skhirate-Témara prefecture, Rabat-Salé-Kénitra region); nine in Ifrane (Ifrane province, Fèz-Meknèz region); three in Zaouia village (Ifrane province, Fèz-Meknèz region); two in Azrou (Ifrane province, Fèz-Meknèz region); nine in Azilal village (Chtouka-Aït Baha); 20 in and around Agadir (Agadir-Ida Ou Tanane prefecture); five in Marrakech-medina (Marrakech-Safi region). Significantly, although the interview location was often in an urban setting, the vast majority of interviewees hailed from, or had strong ties to, their rural origins, and migrated to the cities for a variety of reasons, including as a result of marriage, enhanced job and educational opportunities and a change in family circumstances, to name but a few.

In terms of educational level, 23 interviewees had no education (bar some literacy classes in few cases); seven had from two to six years of primary school; three reached middle school (to various degrees); three

had some high school education (to various degrees); 20 were enrolled in or and had completed a few years of university education; and finally, two held PhDs. In terms of occupation, 22 participants defined themselves as 'unemployed' or 'housewives' (although four among those were actively learning how to sew at a local association, and three harvested and produced 'Argan' oil); 14 participants classified themselves as students at various stages of education (all at university level but one in the last year of high school); seven were employed in local co-operatives or working independently as bread makers and sellers; four were working for local associations in different (paid) capacities; three were housecleaners; two worked in family-owned shops; two were teachers in primary and secondary schools; two were (unpaid) interns at local associations; one was a child-minder in a hotel; and one was a full-time academic. In terms of marital status, out of 58 research participants: 26 were single; 25 were married (although one interviewee qualified this status as 'married but abandoned', and two qualified it as 'married but seeking divorce'); five were widows; and two were divorced.

The author adopted semi-structured interviews to prompt participants with initial open-ended questions to express a variety of views and perceptions on, *inter alia*, human rights, gender equality, identity, and representation by group leaders. In this context, '[t]he task for the qualitative researcher is to provide a framework within which people can respond in a way that represents accurately and thoroughly their points of view about the world, or that part of the world about which they are talking (…).'[60] While allowing the free flow of conversation and duly recording everything that was discussed, the author, in a couple of instances, redirected the participant on issues of concern to the research project when the discussion seemed to go too far astray. The interviews were held in the language preferred by the interviewees. In cases where

[60] Patton, *Qualitative Research and Evaluation Methods,* 26.

the interviewee preferred a language of communication other than French or English (as in the vast majority of cases), the selected interpreter simultaneously translated the interview so that the audio transcript would be as reflective as possible of the actual content of the conversation. The interpreter did not analyse the research data but did provide post-interview comments and remained available for clarifications, for example regarding ambiguities and doubts on the translated material.

Because of her previous work in and on Morocco,[61] the author had already established a wide network of contacts with human rights NGOs, national institutions and international organisations in the country. The author was sensitive to, and mindful of, any specific bias or political agenda when selecting the interviewees, especially those coming from an NGO background or affiliation. The author also drew from previous field research undertaken by other scholars on and in Morocco (such as Sadiqi, Becker, Salime, Žvan Elliott etc.), and from NUI Galway graduates with an expertise on, and field experience in, Morocco to identify accessible areas to locate and interview individual women belonging to minority and indigenous groups.

The author analysed the data gathered with the aid of a qualitative data analysis software (nVivo). This facilitated the task of identifying themes and patterns as well as key words and recurring issues within the interview material. The themes were then subsumed under larger categories and analysed once more against the larger theoretical

[61] In her former capacity working within the UN OHCHR Regional Offices for the Middle East and North Africa, the author had the opportunity to undertake a number of needs-assessments missions, group and personal interviews and human rights-related projects in the country between December 2012 and August 2014. This direct field experience enabled the author to observe first-hand socio-political developments occurring in Morocco in the aftermath of the 2011 constitutional reform, and most importantly, the impact of these changes on women's human rights in particular and the enjoyment of human rights in general. It is also because of these observations and experiences that the author decided to undertake her doctoral studies on the rights of minority and indigenous women in post-2011 Morocco.

framework and existing literature. Final analysis and conclusions were drawn and mainstreamed within the thesis. Extensive use was made of quotes by participants to highlight the voices that this research sets out to reveal.

In the first instance, by focusing exclusively on secondary research and literature analysis, it would have been easy to limit oneself to self-confirming theories, which promote a preferred policy line. By crosschecking theoretical allegations and assumptions with narratives and perceptions on the ground, the ethnographic research added an important analytical layer to either confirm or refute the initial hypothesis. Secondly, field research was crucial to debunk some of the assumptions and biases that permeate the literature on any subject. Finally, the author's original contribution on the specific topic of Morocco's Amazigh women can better inform relevant stakeholders in the formulation of new policies and actions, thus allowing them to better assist right-holders and beneficiaries alike.

In terms of limitations, the study was constrained by time and finances as well as the author's linguistic capacities. While some of the interviews were conducted in English and French, and despite the author's intermediate knowledge of Modern Standard Arabic, the author's inability to communicate in either Moroccan Arabic or Amazigh dialects imposed the need to recruit local interpreters. The process of interpretation is by no means a perfect science and some content and meanings might have been lost. At the same time, the outsider's status of the author allowed participants to shed some of the inhibitions that they might have had in front of a local interlocutor. The concept that 'participants had nothing to lose or fear' in speaking to a foreign researcher resonated with participants who tackled delicate private and political matters in their conversations with the author. The latter's status as an educated, white, middle-class, Western, female who studied and examined a foreign and diverse context with the extant biases that

such a status might carry, is recognised and acknowledged. The research would have surely benefited from a longer period of consecutive time spent in Morocco, an even more diversified and geographically scattered sample group and knowledge of Amazigh dialects and Moroccan Arabic. In terms of scope, future research could expand the current investigation to include human rights discourses and projects affecting other minority and indigenous groups both within and outside Morocco.

## 3. Structure of the thesis

Chapter I examines and critiques the human rights project through the existing literature, as it specifically focuses on women's rights and minority and indigenous peoples' rights, theories and discourses. Sections one and two dissect the relationship between feminism and international law on one hand, and Islam and women's rights on the other. Specifically, these sections question how these value systems, theories and ideologies have been constructed and appropriated to exert power and control on different constituencies. Section three foregrounds feminism, gender and women's rights to then dissect the ways in which feminism critiques group rights in section four. Sections three and four reveal how, as in other postcolonial contexts, the notion of feminism and who belongs to this category is emerging as a controversial and divisive issue. Conversely, the thesis supports the argument that feminism should be interpreted and contextualised locally to be effective and inclusive, and for possibilities for counter-hegemonic rights contestation to emerge. Section five investigates what minority and indigenous discourses tell us about power. This section narrows in on approaches that defend group rights as a way to secure rights for specific communities; and those that criticise group rights as an ineffective and detrimental way to empower some members over others within a given community. The Chapter concludes by using the Moroccan case study to showcase the ways in which supposedly liberatory discourses – such as those on minority, indigenous peoples and women's rights – are in fact appropriated and co-opted by various actors to maintain power and

cement the status quo. While this thesis focuses on Morocco, the methodological and analytical tools used to deconstruct the minority, indigenous and women's rights discourses could be extrapolated and applied to other postcolonial contexts.

To understand the meaning of the human rights structure that characterises the case study at hand, Chapter II focuses on the establishment of the Moroccan State. Recalling the country's post-1830 history, the Chapter reveals how various systems of controls have been used to maintain power structures and hierarchies, as well as to shape narratives in Moroccan society. Section one highlights the divisions existing in pre-colonial Morocco and how they were used and exploited by power centres. Section two then exposes the colonial strategies and techniques to acquire and maintain power, and notably France's divide-and-rule tactics. Section three, four and five unveil how the monarchy, among other actors, used the construction of a national identity and a collective history, and the appropriation of certain discourses to smother or co-opt dissent, as well as to retain power. What this Chapter exposes is that both colonial and postcolonial authorities, as well as other power centres, have successfully used and appropriated the human rights project and extant discourses to divide and conquer special interest groups, such as minorities, indigenous groups and women's movements. From this historical analysis, we are able to fully grasp the power dynamics at play in the contemporary Moroccan context.

Through the concepts of performance and co-optation, Chapter III unveils the various ways in which special interest groups, national institutions, political parties, civil society groups, and individuals perform their roles in Moroccan society. The Chapter also interrogates the roles played by these different actors in shaping narratives, and the way they interact with each other in Moroccan society. As the introductory section of the Chapter demonstrates, different Moroccan actors play their roles and execute their duties in a performative fashion.

Section one then reveals how the tactic of co-optation transcends all State-sanctioned and State–mandated activities including the passing of laws, reforms and policies of relevance to special interest groups. This way of exercising power is instantiated by the way in which reforms, such as those related to the 2011 constitution or the 2004 family code, came to be. In the context of the so-called 'Arab Spring' (hereafter: Arab Spring), section one also investigates how minority and indigenous rights groups and women's rights groups collaborate, disagree and intersect in monarchy-led power dynamics. Section two unpacks the construction of the Amazigh identity and exposes how minority and indigenous peoples' rights and discourses are used to cement power structures and, incidentally, further marginalise members of these very groups. Section three investigates the way gender and women's issues are dealt with in Moroccan society. Data gathered during this research reveal the discontinuity that Amazigh women feel with the leaders of their groups and, particularly, with women's movements. The section argues that the elite-driven prioritisation of certain issues and rights further marginalises non-elite women and suppresses their voices. Section four then deconstructs the ideological divides that seem to mire Morocco's women's groups, civil society and political parties.

Upon the examination of themes and patterns stemming from the ethnographic research conducted across Morocco, Chapter IV challenges constructs of Amazigh women that are mainstreamed and promoted by group leaders and elites. Among its main findings, this Chapter demonstrates that it is the intersectionality and inter-connectedness of multiple categories of belonging and sites of oppression that define these women's identities, rather than just the sum of their sex, gender, ethnicity, language, geography, religion and culture, among others. Section one argues how Amazigh women suffer from various forms of discrimination based chiefly on their sex and gender, Amazigh affiliation, and socio-economic status. Section two and three then focus on how not speaking the *lingua franca* and living in a rural area combine to negatively

impact the lived experiences of Amazigh women. Specifically, these sections challenge minority and indigenous rights discourses, as the conditions that made these women instrumental to the preservation of their culture also confined them to positions of subalternity. Section four and five importantly suggest that, for many Amazigh women, the preservation of the status quo, however grim that may be, is safer than changing things and risking a further deterioration in their living conditions. Having been presented as a guard against chaos and further deprivation, the State's hegemonic narrative of stability has served to preserve the status quo. Reproducing this belief, in turn, is instrumental to leaving power structures untouched. In stark contrast to other Arab countries that descended into chaos after pushing for greater societal changes, Morocco has presented itself as a beacon of peace and moderation in a region in turmoil.

The conclusion of the thesis challenges the supposedly 'emancipatory' power vested in minority, indigenous and women's rights discourses and questions the whole human rights project and paradigm, in particular through the lens of language rights. Language rights are considered to be the quintessential element defining the quest for the rights of minority and indigenous peoples. However, as the case of Amazigh women reveals, cultural rights, among others, can and have been used to marginalise, silence and oppress members of minority and indigenous groups.

Should the study be used to contribute to an overall feminist strategy for Morocco, the author argues that the latter would succeed only if carried out at the grassroots level, based on localisation and domestication practices. As the Soulaliyate women's tribal movement for equal land rights demonstrates, when special interest groups (in this case, a prominent Moroccan woman's association) reaches out to local women who have developed their own demands and positions on an issue

directly affecting them, [62] possibilities for cross-fertilisation, vernacularisation and successful advocacy can be created and achieve the desired change. Nonetheless, as Berriane cautions, 'For non-elite women to compete with elites, especially in the political field, they must be willing to accept "the reproduction of norms, representations and control mechanisms from above that contribute to reinforcing former power hierarchies (Berriane 2015, 1)."'[63] Yet, it is also pertinent to recall Mahmood's critique of feminism against this backdrop,

> What is seldom problematized in such an analysis is the universality of the desire to be free from relations of subordination and, for women, from structures of male domination, a desire that is central for liberal and progressive thought, and presupposed by the concept of resistance it authorizes.[64]

If one reads this research study in a neutral, non-prescriptive and analytical manner, the former can be utilised as a local, baseline assessment of a non-probability sample of Amazigh women who describe their own experiences and understanding of rights and equality. As Mahmood warns us,

> It is crucial to detach the notion of agency from the goals of progressive politics. (…) The meaning and sense of agency cannot be fixed in advance (…). (…) [t]he capacity for agency is entailed not only in acts that resist norms but also in the multiple ways in which one inhabits norms.'[65]

Whatever other strategic considerations or intentions this study might be used for, what this research presents is the human side of the story. It offers opportunities for reflection to States, institutions and academics alike, on how equality and rights are understood and lived by minority

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[62] See: Berriane, "Bridging Social Divides: Leadership and the Making of an Alliance for Women's Land-Use Rights in Morocco".
[63] Berriane, "The Micropolitics of Reform: Gender Quota, Grassroots Associations and the Renewal of Local Elites in Morocco", *The Journal of North African Studies* 20, no. 3 (2015): 434 quoted in Hallward and Stewart, "Challenges and Opportunities Facing Successful Women in Morocco", 5.
[64] Saba Mahmood, *Politics of Piety: The Islamic Revival and the Feminist Subject* (New Jersey and Oxford: Princeton University Press, 2005), 35.
[65] Mahmood, *Politics of Piety: The Islamic Revival and the Feminist Subject*, 42.

and indigenous women in a contemporary context. We will turn now to the task of analysing relevant rights theories and discourses and examining how they map out in the Moroccan case study.

# Chapter I: Theoretical framework

Relevant international human rights instruments recognise that 'persons belonging to minorities may exercise their rights (…), individually as well as in community with other members of their group, without any discrimination.' [66] This approach to minority rights has also been adopted by scholars who argue that minority groups and indigenous peoples have a collective right to the protection of their group identity and culture. [67] Yet, both the definitions of those groups, and what constitutes their identities and cultures, remain contested.[68] Still, others argue that the position of subordination of many minority and indigenous female subjects indicates that their rights are better preserved in an individual rather than a collective manner.[69] This holds especially true when the 'right to exit' cannot be guaranteed for members of groups.[70] As Patrick Thornberry powerfully states, '[c]ulture loses its shape, its power to compel and sense of fit, when the masses of those "subject" to it aspires only to "exit", to break away'.[71]

## 1. Human rights: Universality vs relativity

There are a number of arguments, which challenge the idea of universality of the human rights project. David Kennedy cautions us against the claims to universality that the human rights movement puts forward. In particular,

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[66] UNGA, "Res 47/135, 'Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities' (03 February 1993) 47th Session, Agenda Item 97 (B), a/Res/47/135." Art. 3.1.
[67] Kymlicka, *The Rights of Minority Cultures*.
[68] See: *ILO Indigenous and Tribal Populations Convention (No. 107)*, (1959 (entered into force)); *ILO Convention Concerning Indigenous and Tribal Peoples (No. 169)*, (1991 (entered into force)); UNGA, "Res 61/295, 'United Nations Declaration on the Rights of Indigenous Peoples' (13 September 2007), 61st Session, Agenda Item 68, a/Res/61/295"; *International Covenant on Civil and Political Rights (Adopted 16 December 1966, Entered into Force 23 March 1976) 999 Unts 171* (ICCPR), art. 27.
[69] See, *inter alia*: Moller Okin, "Feminism and Multiculturalism: Some Tensions"; Moller Okin, *Is Multiculturalism Bad for Women?*
[70] Kukathas, "Are There Any Cultural Rights?".
[71] Patrick Thornberry, "The Convention on the Elimination of Racial Discrimination, Indigenous Peoples and Caste/Descent-Based Discrimination" in *International Law and Indigenous Peoples*, ed. Joshua Castellino and Niamh Walsh (Leiden and Boston: Martinus Nijhoff Publishers, 2005), 45.

> The posture of human rights as an emancipatory political project that extends and operates within a domain above or outside politics - a political project repackaged as a form of knowledge - delegitimates other political voices and makes less visible the local, cultural, and political dimensions of the human rights movement itself.[72]

As Norberto Bobbio suggests,

> Human rights however fundamental are historical rights and therefore arise from specific conditions characterized by the embattled defense of new freedoms against old powers. They are established gradually, not all at the same time, and not for ever [*sic*].[73]

Bobbio's reflection underpins some of the contestation around the human rights project. In her analysis of the universality versus relativity of human rights, Zehra Arat underlines that there are justifications for resistance to the recognition and application of the 'International Bill of Rights.' [74] In this context, Arat affirms: '[w]hile the claims of state sovereignty are clearly about political power, the communitarian arguments also attempt to preserve the prevailing power relations.'[75]

Anthony Pagden's approach asks, if one supports the idea of the universality of human rights, one should also be prepared to acknowledge the origins of human rights, their initial rationale (i.e. legitimising European countries' struggle to impose their values on overseas empires),[76] and how the narrative of human rights is still used as a justification to continue meddling in other countries' affairs. [77]

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[72] David Kennedy, "Boundaries in the Field of Human Rights," *Harvard Human Rights Journal* no. 15 (2002): 115.
[73] Norberto Bobbio, *The Age of Rights*, Allan Cameron Translation (Cambridge, Mass.: Polity Press, 1996).
[74] The International Bill of Rights is the common denomination to refer to the *ensemble* of the Universal Declaration of Human Rights, ICCPR and ICESCR.
[75] Zehra F. Kabasakal Arat, "Forging a Global Culture of Human Rights: Origins and Prospects of the International Bill of Rights," *Human Rights Quarterly* 28, no. 2 (2006): 42.
[76] Anthony Pagden, "Human Rights, Natural Rights, and Europe's Imperial Legacy," *Political Theory* 31, no. 2 (2003): 171-199.
[77] Pagden, "Human Rights, Natural Rights, and Europe's Imperial Legacy".

Adamantia Pollis and Peter Schwab describe the original notion of human rights as 'a Western construct with limited applicability'.[78] Wendy Brown shifts the criticism of human rights from underlying Euro-centric values to being merely an extension of modern imperialism.[79] Slavoj Žižek criticises the Western appeals to human rights for resting on three main and supposedly false assumptions,

> First, that such appeals function in opposition to modes of fundamentalism that would naturalize or essentialize contingent, historically conditioned traits. Second, that the two most basic rights are freedom of choice, and the right to dedicate one's life to the pursuit of pleasure (rather than to sacrifice it for some higher ideological cause). And third, that an appeal to human rights may form the basis for a defence against the 'excess of power.'[80]

Being cognisant of the human rights project's specific temporal and geographical origins, other approaches find the universality principle useful to pursue the human rights project and its goals. Another set of scholars aims to highlight how the human rights project is more than a Western-based concept and toolkit. Roland Burke, for example, identifies the crucial role played by Arab, African and Asian States to the notions and development of human rights.[81] In the same vein, David Landy challenges the idea that human rights are a Western-imposed concept. He argues that such a view fails to consider the active role played by human rights advocates in developing and lobbying for these rights throughout the world, including in regions outside the scope of the 'liberal' West.[82] In many Arab countries, for instance, opposition leaders and pro-democracy activists adopt 'foreign-born' human rights

[78] Adamantia Pollis and Peter Schwab, *Human Rights: Cultural and Ideological Perspectives* (New York: Praeger Publishers, 1979).
[79] Wendy Brown, "The Most We Can Hope For...: Human Rights and the Politics of Fatalism," *The South Atlantic Quarterly* 103, no. 2 (2004): 451-463.
[80] Slavoj Žižek, "Against Human Rights," *New Left Review*, no. 34 (2005): 115.
[81] Roland Burke, *Decolonization and the Evolution of International Human Rights* (Philadelphia: University of Pennsylvania Press, 2011).
[82] David Landy, "Talking Human Rights: How Social Movement Activists Are Constructed and Constrained by Human Rights Discourse," *International Sociology* 28, no. 4 (2013): 409-428.

discourse to fight against authoritarian regimes that suppress the basic rights of individuals in these countries.[83] Against this backdrop, Landy argues that this disrupts the notion that human rights are a Western construct and suggests a view of,

> […] human rights discourse as a process of localised moments of cognition and contention translated into a universal language – a language which both constrains and enables the practice of transnational solidarity. [84]

As illustrated by Donnelly's notion of the 'relative universality of human rights', whilst the value of human rights may be almost universally accepted, the relative - non-universal - enforcement remains a global struggle.[85]

## 1.1. Feminism and international law

Feminist approaches to international law are a useful 'attempt to offer a different reading of the traditionally accepted notion of gender neutrality and impartiality of international law.'[86] Several feminist scholars argue that international law was originally (and still is to a large extent) codified on the basis of the male individual.[87] Yet, supporters of Kant's deontological approach contest this notion and assert the validity of international law based on the autonomous and reasoning individual, regardless of gender.[88] Ruth Buchanan and Rebecca Johnson criticise international law for being representative of one specific narrative, which is Western, white and middle class.[89] Alexandra Xanthaki recalls

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[83] Landy, "Talking Human Rights: How Social Movement Activists Are Constructed and Constrained by Human Rights Discourse".
[84] Landy, "Talking Human Rights: How Social Movement Activists Are Constructed and Constrained by Human Rights Discourse," 424.
[85] Jack Donnelly, "The Relative Universality of Human Rights," *Human Rights Quarterly* 29, no. 2 (2007): 281-306.
[86] Hilary Charlesworth, Christine Chinkin, and Shelley Wright, "Feminist Approaches to International Law," *The American Journal of International Law* 85, no. 4 (1991): 614.
[87] Hilary Charlesworth, "The Hidden Gender of International Law," *Temple International and Comparative Law Journal* 16, no. 1 (2002): 94.
[88] Fernando R. Teson, "Feminism and International Law: A Reply," *Virginia Journal of International Law* no. 33 (1992): 647-684.
[89] Ruth Buchanan and Rebecca Johnson, "The Unforgiven Sources of International Law: Nation-Building, Violence, and Gender in the West(Ern)," in *International Law: Modern*

leading postcolonial theorists who illustrated how different colonial powers have used their 'moral superiority' to influence and subdue other peoples. As she notes,

> [*Moral superiority*] (…) has been used against indigenous peoples, whose cultures have been portrayed as 'backwards' hence not worthy of protecting. According to Spivak, the 'white men saving brown women from brown men' narrative was important for the operation of British colonialism. Also, Ahmed has discussed how the British colonial authorities in Egypt relied on the rhetoric of women's emancipation for their colonial missions. Western feminism, Ahmed argues, became a 'handmaiden to colonialism' in this process.[90]

In view of this, Jill Steans explains the post-structuralist take on the human rights discourse:

> [p]ost-structuralists are apt to regard rights as both historically and culturally specific; arising out of a particular notion of human dignity that arose in the West in response to political and social changes produced by the emergence of the modern state and the rise of early capitalist economies.[91]

As regards women's rights and gender equality, it has been argued that 'gender mainstreaming' [92] together with sex and gender specialised programmes might be the best available tools to achieve equality in the long term. [93] Nevertheless, without a vernacular and an articulation of

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*Feminist Perspectives*, ed. Doris Buss and Ambreena Maji (Oxford: Hart Publishing, 2004).

[90] Alexandra Xanthaki, "Against Integration, for Human Rights," *The International Journal of Human Rights* 20, no. 6 (2016): 829-830.

[91] Jill Steans, "Debating Women's Human Rights as a Universal Feminist Project: Defending Women's Human Rights as a Political Tool", *Review of International Studies,* no. 33 (2007): 13.

[92] See the definition of gender mainstreaming in: United Nations, "Report of the Economic and Social Council for the Year 1997 (a/52/3/Rev.1)," (1997). Available at http://www.un.org/documents/ga/docs/52/plenary/a52-3.htm (accessed 30 May 2018).

[93] Throughout the text, the terms *sex* and *gender* are understood as mutable and constructed identities. See Dianne Otto, "Lost in Translation: Re-Scripting the Sexed Subjects of International Human Rights Law," in *International Law and Its Others*, ed. Anne Orford (Cambridge: Cambridge University Press, 2006); Otto, "International Human Rights Law: Towards Rethinking Sex/Gender Dualism and Asymmetry," in *A*

norms at a local level, gender equality will remain an aspirational and distant goal, rather than a short-term and practical objective.

As in other postcolonial contexts, in the case of Morocco, the notion of feminism and who belongs to this category is emerging as one of the most controversial and divisive issues.[94] A deeply polarising hostility is increasingly entrenched between so-called secular (or 'liberal') versus Islamic (or 'religious') feminists, who both claim to advance women's rights, albeit in different ways. This division is perpetuated at all levels and across all components of Moroccan society. Morocco's women's rights activists are actively fighting an ideological battle against the purportedly contradictory version of feminism embraced by some Islamist women in power.[95] From a post-oriental feminist perspective, secular feminists are both essentialising Islamic feminists and feeding into the Western discourse on Muslim women being passively co-opted in the male-dominated Islamist agenda.[96] Thus, framing debates in the dichotomous logic of a male dominated discourse[97] may prove detrimental to the long-term goals of feminism. In this context,

> Maintaining that feminism can only be defined in secular terms or that women can only operate in the religious framework both give credibility to the opportunistic dichotomy of choice defined by politico-religious parties and other identity-based political groups. (...) The task of redefining gender simultaneously entails a redefinition of all the other markers of identity important to an

*Research Companion to Feminist Legal Theory*, ed. Margaret Davies and Vanessa Munro (Ashgate: Ashgate, 2013). See for a deeper and more expansive discussion on gender, sex and identity: Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity*, ed. Linda J. Nicholson, 1999, Thinking Gender (New York: Routledge, 1999).

[94] Abdullahi A. An-Na'im, "The Dichotomy between Religious and Secular Discourse in Islamic Societies," in *Faith and Freedom Women's Human Rights in the Muslim World*, ed. Mahnaz Afkhami (London and New York: I.B. Tauris Publishers, 1995), 56.

[95] This demonisation seems to target especially members of Morocco's ruling Party for Justice and Development (PJD), such as Bassima Hakkaoui, Minister of Solidarity, Women, Family and Social Development.

[96] Guessous, "Genealogies of Feminism: Leftist Feminist Subjectivity in the Wake of the Islamic Revival in Contemporary Morocco".

[97] Abu-Lughod, "Do Muslim Women Really Need Saving? Anthropological Reflections on Cultural Relativism and Its Others."

individual.[98]

## 1.2. Islam and women's human rights

In the debate on the compatibility and relationship between Islam and women's human rights, one can first distinguish contextual versus textual analyses of the main sources of Islam (including the *Qur'an*, the *Sunnah* [accounts of the Prophet Muhammad's daily practices] and the *Hadith* [collection of traditions and sayings]). Other theoretical approaches differ, either favouring international women's rights and solidarity movements and toolkits, or discouraging them as part of hegemonic discourses that do not emancipate, but thwart local efforts and strip the latter of legitimacy and efficacy in their local contexts. Still, other scholarship shifts our gaze from religion as a moral or value system, to religion as a form of power and control by ruling authorities.

Belonging to the contextualist streak, Abdullahi An-Na'im stresses the need to reinterpret the 'scriptural imperatives of the Koran' to make them compatible with international human rights law.[99] An-Na'im claims that differences between secular and religious realms and discourses should be diminished in the pursuit of human rights,[100] as both contain norms that are overlapping and inter-linked. As An-Na'im argues, 'The asserted right to cultural self-determination and Islamic identity is itself in conflict with the claim of an exclusive monopoly to exercise that right on behalf of all Muslims.'[101] An-Na'im advises women's rights advocates to engage with and use 'cultural discourse and the power relations within the culture in ways which make their own

[98] Farida Shaheed, "Networking for Change: The Role of Women's Groups in Initiating Dialogue on Women's Issues," in *Faith and Freedom Women's Human Rights in the Muslim World*, ed. Mahnaz Afkhami (London and New York: I.B. Tauris Publishers, 1995), 97.
[99] An-Na'im, "Human Rights in the Muslim World: Socio-Political Conditions and Scriptural Imperatives - a Preliminary Enquiry," *Harvard Human Rights Journal* 3 (1990): 13.
[100] An-Na'im, "Human Rights in the Muslim World: Socio-Political Conditions and Scriptural Imperatives - a Preliminary Enquiry," 54.
[101] An-Na'im, "Human Rights in the Muslim World: Socio-Political Conditions and Scriptural Imperatives - a Preliminary Enquiry," 56.

understandings of culture prevail, rather than allow others to impose their understandings.'[102]

Ann Mayer compares racial and gender apartheid with a view to highlighting how cultural or relativist rationalisations and apologies for gender apartheid should no longer be accepted, as is the case for racial apartheid.[103] In particular, Mayer criticises rationalisations of gender apartheid among Western-based Arab academics, such as Azizah al-Hibri, who contribute to essentialising Arab women as pious and change-averse individuals.[104] In analysing al-Hibri's approach to women's rights, Mayer scathingly concludes that,

> Missing the political dynamics of the struggle over women's rights inside Middle Eastern countries, al-Hibri portrays the situation as being one where Middle Eastern Muslims want to be left alone to follow the dictates of their religion but are being plagued by external critiques of rights violations.[105]

Despite the many contributions to the formulation and development of human rights instruments by non-Western actors, and widespread ratifications of human rights treaties by countries outside the "liberal" West, critics of the universality of women's human rights contend that these rights are exogenous and foreign to these States. [106] Speaking from a textualist point of view, Bharath Venkatraman examines the necessity of maintaining reservations to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in light of Islamic law and experience. Venkatraman supports this position while advocating the pursuit of the Convention's objectives 'from a culturally specific

[102] Shaheed, "Networking for Change: The Role of Women's Groups in Initiating Dialogue on Women's Issues," 97.
[103] Ann E. Mayer, "A 'Benign' Apartheid: How Gender Apartheid Has Been Rationalised," *UCLA Journal of International Law and Foreign Affairs* 5 (2000-2001): 239-240.
[104] Mayer, "A 'Benign' Apartheid: How Gender Apartheid Has Been Rationalised," 291.
[105] Mayer, "A 'Benign' Apartheid: How Gender Apartheid Has Been Rationalised," 293.
[106] Mayer, "A 'Benign' Apartheid: How Gender Apartheid Has Been Rationalised," 292-295.

perspective.'[107] In response to this proposition, prominent Middle Eastern feminists, such as Lila Abu-Lughod, counterargue that: 'Condemning 'feminism' as an inauthentic Western import is just as inaccurate as celebrating it as a local or indigenous project.'[108] Abu-Lughod approaches feminism as a multi-layered concept that is locally interpreted and contextualised. In her post-Orientalist critique of feminism, Abu-Lughod warns that,

> Feminists from the Middle East, especially those who write in English or French, are inevitably caught between the sometimes incompatible projects of representing Middle East women as complex agents (that is, not as passive victims of Islamic or 'traditional culture') mostly to the West and advocating their rights at home, which usually involves a critique of local patriarchal structures.[109]

One suggestion to overcome this dilemma is that Middle Eastern feminists publish in regional languages and pioneer local projects both at the academic and activist levels.[110] Michael Peyron adopts a similar line and underlines the importance of acknowledging and analysing academic critiques coming from the local context and published in non-European languages.[111] Seyla Benhabib underlines how human rights contribute to a 'juris-generative' dynamic.[112] The latter takes place through consultations amongst women's organisations and debates over interpretation and implementation of Islamic law as well as of CEDAW.[113] Stressing the importance of local internalisation of human rights norms, Benhabib highlights that,

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[107] Bharath Anandi Venkatraman, "Islamic States and the United Nations Convention on the Elimination of All Forms of Discrimination against Wome: Are the Sharia and the Convention Compatible?," *The American University Law Review* 44 (1994-1995): 1952.
[108] Mayer, "A 'Benign' Apartheid: How Gender Apartheid Has Been Rationalised," 292.
[109] Abu-Lughod, "Orientalism and Middle East Feminist Studies", 221.
[110] Abu-Lughod, "Orientalism and Middle East Feminist Studies", 222.
[111] Michael Peyron, "Recent Cases of Incomplete Academic Research on Morocco's Berbers," *Journal of North African Studies* 15, no. 2 (2010): 157.
[112] Seyla Benhabib, "Claiming Rights across Borders: International Human Rights and Democratic Sovereignty," *American Political Science Review* 103, no. 4 (2009): 690.
[113] Benhabib, "Claiming Rights across Borders: International Human Rights and Democratic Sovereignty," 700.

> Although democratic sovereigntistes [*sic*] are wrong in minimizing how human rights norms improve democratic self-rule, global constitutionalists are also wrong in minimizing the extent to which cosmopolitan norms require local contextualization, interpretation, and vernacularization by self-governing peoples.[114]

In the same vein, Valentine Moghadam stresses that international conferences and transnational networks and treaties, such as CEDAW, provided women's rights advocates with tools and concepts that they can internalise and tailor to their own contexts and needs.[115]

Several authors examine the influence that Islam exerts on women's rights and their interpretation. Adila Abusharaf, for instance, highlights,

> [t]he contradiction of the state's gender ideology which sometimes treats women as productive agents, or values' guardians, or the very crux of the invention of a new Islamic citizenship, while women under state policies, national laws and the general social order cannot take advantage of full citizenship.[116]

Feryal Cherif tackles the question of how Islamic tenets bear weight on the nature of nationality and inheritance rights, and the positive role that education and labour can play in moderating the effects of religious values.[117] Conversely, Niaz Shah attempts to contextualise and re-interpret the Koran to overcome the unequal treatment of women and minorities stressing that, 'the intention of the Koran was to raise the status of women in society, not to relegate them to subordination as is commonly believed and practiced in much of the Muslim world today.'[118]

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[114] Benhabib, "Claiming Rights across Borders: International Human Rights and Democratic Sovereignty,"692.
[115] Valentine M. Moghadam, "Global Feminism, Citizenship, and the State," in *Migrations and Mobilities: Citizenship, Borders, and Gender*, ed. Seyla Benhabib and Judith Resnik (New York: NYU Press, 2009), 255.
[116] Adila Abusharaf, "Women in Islamic Communities: The Quest for Gender Justice Research," *Human Rights Quarterly* 28, no. 3 (2006): 727.
[117] Feryal M. Cherif, "Culture, Rights, and Norms: Women's Rights Reform in Muslim Countries," *The Journal of Politics* 72 (2010): 1144.
[118] Niaz Shah, "Women's Human Rights in the Koran: An Interpretive Approach," *Human Rights Quarterly* 28, no. 4 (2006): 868.

With a view to reinterpreting Islam to advance the women's rights agenda, Amna Arshad argues that,

> The use of ijtihad [*independent or original reasoning of problems not precisely covered by Islamic religious sources* ] (…) was a legitimate exercise of Islamic legal authority and is a sanctioned tool for substantive reforms in the area of women's rights in the larger Muslim world.[119]

In exploring the *de jure* and *de facto* sex- and gender-based discrimination in selected Arab countries, Sameena Nazir identifies an entrenched resistance to gender equality in countries in transition. As Nazir explains,

> In addition to the obstacles to change that women confront in their societies, their status is affected by national, regional, and global political developments. The emergence of extremist Islamic forces stands as a threat to gains women have achieved as well as to future possibilities of reform. Even where radical forces are not influential, the politicization of Islam seriously complicates the challenge of advocating for equal rights.[120]

Writing on the concepts of faith and freedom in reference to women's rights in the Muslim world, Fatima Mernissi approaches the debate on the compatibility between women's rights and Islamic law from a different perspective: 'The first step is to compare what is logically comparable: liberal democracy and the Muslim state as forms of government, rather than liberal democracy and Islam as culture or religion.'[121] Mernissi claims that, in their attempt to exert authority using different means (including through religious vernaculars), Muslim rulers assert their power through the elimination of pluralism and crushing of

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[119] Amna Arshad, "Ijtihad as a Tool for Islamic Legal Reform: Advancing Women's Rights in Morocco," *Kansas Journal of Law and Public Policy* 16, no. 2 (2006-2007): 130.
[120] Sameena Nazir, "Challenging Inequality: Obstacles and Opportunities Towards Women's Rights in the Middle East and North Africa," *Journal of the Institute of Justice and International Studies* 5 (2005): 32.
[121] Fatima Mernissi, "Arab Women's Rights and the Muslim State in the 21st Century: Reflections on Islam as Religion and State," in *Faith and Freedom Women's Human Rights in the Muslim World*, ed. Mahnaz Afkhami (London and New York: I.B. Tauris Publishers, 1995), 33.

opposition and dissent.[122] Religion is one tool through which divisions and differences can be silenced and that is why Islam is mobilised politically.[123] Due to the discriminatory treatment of minorities and women (and, formerly, slaves) in many Muslim States, the power of Muslim leaders rests on an uncomfortable paradox that permits discrimination against certain groups while claiming Islam's principle of the equality of all human beings.[124] Farida Shaheed clarifies that,

> [w]hat women in most Muslim societies share is that the cultural articulation of patriarchy (through structures, social mores, laws and political power) is increasingly justified by reference to Islam and Islamic doctrine, a process facilitated by Islam's central role in the self-definition and cultural reality of Muslims at large;[125]

As the interpretation and manipulation of religion are used by leaders to preserve their power,

> [t]he frequency with which customs unconnected and sometimes contradictory to religious doctrine are practiced by communities as supposedly religious, is visible proof that attitudes towards and practices flowing from religion are determined as much by collective memories, existing social structures, and power relations as by doctrines.[126]

Shaheed also stresses that the challenge for women's rights is both at the political and public level and at the domestic and personal level,

> The most efficient method of control, however, is perhaps through the laws an individual internalizes in the process of socialization (...). These unwritten laws are often greater obstacles to women's autonomy than formal legislation. (…)

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[122] Mernissi, "Arab Women's Rights and the Muslim State in the 21st Century: Reflections on Islam as Religion and State," 41- 43.
[123] Mernissi, "Arab Women's Rights and the Muslim State in the 21st Century: Reflections on Islam as Religion and State," 44.
[124] Shaheed, "Networking for Change: The Role of Women's Groups in Initiating Dialogue on Women's Issues," 80.
[125] Shaheed, "Networking for Change: The Role of Women's Groups in Initiating Dialogue on Women's Issues," 79.
[126] Shaheed, "Networking for Change: The Role of Women's Groups in Initiating Dialogue on Women's Issues," 80.

> The interweaving of traditional customs, mores, and beliefs with religion obscures the sources of both the law and ethnically defined or geographically specific frameworks outlining the parameters of a Muslim woman's identity.[127]

## 1.3. Feminism, gender and women's rights

When interrogating 'the question of what constitutes gender (in)equality, and indeed in the first instance, "human rights"' it [*is*] necessary to keep both of these concepts 'disconcertingly open to interrogation.'[128] In line with the precepts of this 'open interrogation', Judith Butler reminds us that 'if one 'is' a woman, that is surely not all one is; (…) gender is not always constituted coherently or consistently in different historical contexts, and [*it*] intersects with racial, class, ethnic, sexual, and regional modalities of discursively constituted identities.'[129] Butler highlights that the equation theorising that gender is to culture as sex is to nature, is flawed as 'gender is also the discursive/cultural means by which "sexed nature" or "a natural sex" is produced and established as "prediscursive" prior to culture, a politically neutral surface *on which* culture acts.'[130] Butler challenges the hegemonic feminist construction of a unitary or complete category of women, as she proposes instead that 'the definitional incompleteness of the category might then serve as a normative ideal relieved of coercive force'.[131] In Butler's interpretation, '[*there*] is no gender identity behind the expressions of gender; that identity is performatively constituted by the very "expressions" that are said to be its results.'[132]

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[127] Shaheed, "Networking for Change: The Role of Women's Groups in Initiating Dialogue on Women's Issues," 85.
[128] Jill Steans, "Debating Women's Human Rights as a Universal Feminist Project: Defending Women's Human Rights as a Political Tool," *Review of International Studies* 33, no. 1 (2007): 19.
[129] Butler, *Gender Trouble: Feminism and the Subversion of Identity*, 4.
[130] Butler, *Gender Trouble: Feminism and the Subversion of Identity*, 10.
[131] Butler, *Gender Trouble: Feminism and the Subversion of Identity*, 21.
[132] Butler, *Gender Trouble: Feminism and the Subversion of Identity*, 34.

Joan Scott adopts a post-structuralist lens[133] to question the binary categories in which discourses have been framed such as the 'equality-versus-difference' debate in feminism.[134] This debate is instrumental to illustrate how,

> [*a*] binary opposition has been created to offer a choice to feminists, of either endorsing 'equality' or its presumed antithesis 'difference.' In fact, the antithesis itself hides the interdependence of the two terms, for equality is not the elimination of difference, and difference does not preclude equality.[135]

In rejecting such binaries, Scott contends that these are hegemonically constructed discourses that eschew the ontology of how these terms came into being, and the exclusionary parameters of discourses as set by the hegemonic forces in society.[136] In recalling Michel Foucault and Jacques Derrida, Scott demonstrates how 'language, discourse, difference' are all constructed in a certain dialectic way to another, subordinate term of comparison that has been essentialised and levelled so that any difference within is not spoken about but rather silenced.[137] In addressing how post-structuralism and feminism can inform each other to achieve common goals, Scott explains that the former serves to,

> […] break the conceptual hold, at least, of those long traditions of (Western) philosophy that have systematically and repeatedly construed the world hierarchically in terms of masculine universals and feminine specificities. (…) Post-structuralism and contemporary feminism are late-twentieth-century movements that share a

[133] Leti Volpp articulates post-structuralism as follows: 'Binary constructions embody a logic that gives priority to the first term of the dyad, while subordinating the second. With binary structure term, one term is given a positive value, which 'constructs an "other" of itself which signifies everything it does not accept. The second term is thus denied an existence of its own. In Volpp, "Feminism Versus Multiculturalism," 1204, note 102. See also: Lisa Lowe, *Critical Terrains: French and British Orientalisms* (Ithaca and London: Cornell University Press, 1991), 24.
[134] Scott, "Deconstructing Equality-Versus-Difference: Or, the Uses of Poststructuralist Theory for Feminism," 38.
[135] Scott, "Deconstructing Equality-Versus-Difference: Or, the Uses of Poststructuralist Theory for Feminism," 38.
[136] Scott, "Deconstructing Equality-Versus-Difference: Or, the Uses of Poststructuralist Theory for Feminism," 37.
[137] Scott, "Deconstructing Equality-Versus-Difference: Or, the Uses of Poststructuralist Theory for Feminism," 34-36.

> certain self-conscious critical relationship to established philosophical and political traditions. It thus seemed worth while for feminist scholars to exploit that relationship for their own ends.[138]

In its critique of feminism, postcolonialism underscores how feminist legal theory has traditionally made a distinction between: 'A female subject and a victim subject of her uncivilized culture and male compatriots.'[139] In this context,

> The history of Western feminism in general, like that of international law, unfolded hand-in-hand with the colonial project whereby two thirds of the world's population came to be subjugated to European domination.[140]

In this context, Ratna Kapur expounds,

> The challenge for feminists has been to think of ways in which to express their politics without subjugating other subjectivities through claims to the idea of a 'true self' or a singular truth about all women. The re-envisioning of the subject of women's rights discourse leads to a reformulation of the notions of agency and choice. It is an agency that is neither situated exclusively in the individual nor denied because of some overarching oppression. It is situated in the structures of social relationships, the location of the subject, and the shape-shifting of culture. It is located in the recognition that the post-colonial subject can and does dance, across the shaky edifice of gender and culture, bringing to this project the possibility of imagining a more transformative and inclusive politics.[141]

Deniz Kandiyoti takes this discussion further by highlighting how '[a]n affinity (…) developed between post-colonial scholarship and feminist criticism in so far as they focus on process of exclusion and domination

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[138] Scott, "Deconstructing Equality-Versus-Difference: Or, the Uses of Poststructuralist Theory for Feminism," 33.
[139] Otto, "Lost in Translation: Re-Scripting the Sexed Subjects of International Human Rights Law," 328.
[140] Otto, "Lost in Translation: Re-Scripting the Sexed Subjects of International Human Rights Law," 328.
[141] Kapur, "The Tragedy of Victimization Rhetoric: Resurrecting the "Native" Subject in International/Post-Colonial Feminist Legal Politics," 37.

implicit in the construction of the 'universal' subject.'[142] Along similar lines, Steans opines,

> In this regard, recognising the need to engage seriously and reflectively with the concept of difference and the actuality of differences – cultural, national, ethnic and so on – among women does not foreclose possibilities for forging some common ground, nor engaging in discussions on apposite strategies for gaining equality.[143]

Under post-structuralist, post-orientalist, feminist scholarships, among others, the notion of the universality of human rights came under scrutiny and criticism. Tellingly, in debates pitting cultural relativists against human rights universalists, the areas and issues that interest women seem to be, in general, negatively affected.[144] Thus, 'gender and family are retrograde areas of most majority cultures (…): these are accommodations majority cultures have often been willing to make.'[145]

Abu-Lughod reiterates the need to be vigilant in owning our biases, preconceptions and stereotypes; to avoid the saving narrative of the powerless Other; to recognise and respect diversity.[146] She also notes that, while one acknowledges the limits and aberration of racism and classism, scholarship has still not overcome 'culturalism' that is justifying certain practices because they are 'cultural'.[147] In speaking to Middle Eastern feminists in particular, Abu-Lughod stresses that, to avoid re-

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[142] Deniz Kandiyoti, "Reflections on the Politics of Gender in Muslim Societies: From Nairobi to Beijing," in *Faith and Freedom Women's Human Rights in the Muslim World*, ed. Mahnaz Afkhami (London and New York: I.B. Tauris Publishers, 1995), 20.
[143] Germane to this debate is the argument by Moller Okin that: 'Cultural and religious groups often are particularly concerned with "personal laws" (…), most cultures have as one of their principal aims the control of women by men.' This author highlights that when groups claim special rights, the latter 'usually concern gender inequalities: child marriages, forced marriages, divorce systems biased against women, polygamy, and clitoridectomy.' In Moller Okin, *Is Multiculturalism Bad for Women?,* 13 and 17.
[144] In Steans, "Debating Women's Human Rights as a Universal Feminist Project: Defending Women's Human Rights as a Political Tool," 11.
[145] Moller Okin, *Is Multiculturalism Bad for Women?,* 13-17.
[146] Abu-Lughod, "Do Muslim Women Really Need Saving? Anthropological Reflections on Cultural Relativism and Its Others," 788.
[147] Abu-Lughod, "Do Muslim Women Really Need Saving? Anthropological Reflections on Cultural Relativism and Its Others," 789.

orientalising the 'native subject', scholars shall not underplay the '[p]ositionality as the social location from which one analyzes the world.'[148]

In referring to the work of the UN Special Rapporteur on Violence against Women, Xanthaki draws attention to the concept and practice of cultural essentialism,

> Essentialized interpretations of culture are used either to justify violation of women's rights in the name of culture or to categorically condemn cultures 'out there' as being inherently primitive and violent towards women. Both variants of cultural essentialism ignore the universal dimensions of patriarchal culture that subordinates, albeit differently, women in all societies and fails to recognize women's active agency in resisting and negotiating culture to improve their terms of existence.[149]

Because women are often portrayed and regarded as the preservers of cultures,[150] their emancipation and agency are tolerated insofar they do not contradict or contravene the accepted societal norms.[151]

## 1.4. Feminism and group rights

There are various theoretical approaches to the complex relationship between feminism and group rights, which underpin a major research question—what do these discourses about rights protection tell us about power? Contradictions and overlaps between the two systems of protection are considered. This analysis includes how those systems are used in UN settings, as well as in various scholarships, such as in defences

[148] Abu-Lughod, "Orientalism and Middle East Feminist Studies," 221.
[149] Xanthaki, "Against Integration, for Human Rights," 830.
[150] See Cynthia J. Becker, *Amazigh Arts in Morocco: Women Shaping Berber Identity* (Austin: University of Texas Press, 2006); Ayelet Shachar, "Privatizing Diversity: A Cautionary Tale from Religious Arbitration in Family Law," *Theoretical Inquiries in Law* 9, no. 2 (2008), 573-607.
[151] See the 'Soulaliyate Movement' as a notable case in which women fight for equal land rights despite the different interests and priorities of their communities. In Berriane, "Bridging Social Divides: Leadership and the Making of an Alliance for Women's Land-Use Rights in Morocco."

of group rights, dismissals of group rights for the protection of women's rights, intersectionality, multiculturalism, and strategic essentialism.

In the UN context, frictions and divisions between women's rights and group rights advocates have existed since the earliest days of human rights treaties and mechanisms' development. Up to 1999, the Committee overseeing the application of the Convention on the Elimination of all Forms of Racial Discrimination (CERD)[152] failed to pay due attention to racial discrimination against women.[153] In the past, CERD referred this issue to the CEDAW Committee[154] due to the perception that this was a 'women's problem rather than a racial one.'[155]

Premising her argument on a binary logic, Susan Moller Okin maintains that 'there is considerable likelihood of conflict between feminism and group rights for minority cultures, and that this conflict persists even when the latter are claimed on liberal grounds, and are limited to some extent by being so grounded.'[156] Moller Okin supports this position by emphasising that defenders of group rights 'insufficiently differentiate among those within a group or culture—specifically, they fail to recognize that minority cultural groups are (…) gendered;'[157] and, they do not pay enough attention to the private sphere in the lives of the group members. In contrast to Moller Okin's argument, Al-Hibri depicts the conflict between feminism and multiculturalism as,

> One in which feminists and human rights advocates are attempting to save the women on minority cultures from internal oppression. (…) By persisting in advocating secular feminist

[152] *International Convention on the Elimination of All Forms of Racial Discrimination (Adopted 21 December 1965, Entered into Force 4 December 1969) 660 Unts 195*.
[153] Rachel L. Johnstone, "Feminist Influences on the United Nations Human Rights Treaty Bodies," *Human Rights Quarterly* 28 (2006): 171.
[154] Johnstone, "Feminist Influences on the United Nations Human Rights Treaty Bodies," 171.
[155] *International Convention on the Elimination of All Forms of Discrimination against Women (Adopted 18 December 1979, Entered into Force 3 September 1981) 1249 Unts 13*.
[156] Moller Okin, "Feminism and Multiculturalism: Some Tensions," 664.
[157] Moller Okin, "Feminism and Multiculturalism: Some Tensions," 664.

> arguments that are intolerant of important religious values, secular feminists run the risk of turning patriarchal.[158]

Volpp also problematises the 'liberal feminist claim of writers like Okin,' [159] who espouses the 'feminism-versus-multiculturalism' paradigm. As Volpp clarifies,

> Posing multiculturalism and feminism as oppositional results in a discourse of 'feminism versus multiculturalism' that is premised on serious and fundamental logical flows. Such a discourse relies upon a particular subject [*and how she is constructed*], the immigrant woman victim of minority culture.[160]

Volpp deconstructs this paradigm by debating 'the theoretical underpinnings of the ubiquitous claim that minority and Third World cultures are more subordinating than Western culture, tracing its roots in the history of colonialism, liberalism, depictions of the feminist subject, and binary logic.' [161] In undermining some 'First World' feminists' argument that 'Third World' cultures are 'static,' [162] and women belonging to them seemingly possess no agency, Volpp criticises the hyper-mediatisation of cases of 'Third World Women's' 'death by culture.'[163] The latter seems to be yet another attempt to essentialise 'Third World' women as one culturally homogenous bloc and to explain violence against them on the mere grounds of their culture. As Volpp concludes, '[r]ecognising that feminism exists within communities of color [*or in this case study, minority and indigenous groups*] breaks down the equation between multiculturalism and antifeminism inherent in the

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[158] Azizah Y. Al-Hibri, "Is Western Patriarchal Feminism Good for Third World/Minority Women?," in *Is Multiculturalism Bad for Women?*, ed. Susan Moller Okin (Princeton: Princeton University Press, 1999), 44.
[159] Volpp, "Feminism Versus Multiculturalism," 1185.
[160] Volpp, "Feminism Versus Multiculturalism," 1183.
[161] Volpp , "Feminism Versus Multiculturalism," 1185.
[162] As Volpp explained, 'The kinds of claims rely on just as static a vision of culture as that represented by outside observers condemning "other" cultures, and *allow community and national elites to benefit* [*emphasis added*].' In Volpp, "Feminism Versus Multiculturalism," 1193, note 52.
[163] Volpp, "Feminism Versus Multiculturalism," 1185.

notion of "feminism versus multiculturalism."'[164] Inviting to adopt an intersectional lens to study the relationship between feminism and multiculturalism, Volpp cautions that, 'Constructing feminism and multiculturalism as oppositional severely constricts how we think about difference.'[165]

Whereas different authors examine the intersection between gender and language as possible sites of oppression,[166] the latter can come from within or outside a certain value system, group or society. In a context in which 'indigenous groups struggle for recognition and rights, public acknowledgement of intra-group fractures may be political suicide'.[167] Thus, while the State exercises power and control externally onto a group and its individuals, intra-communal pressure continues to be applied on minority and indigenous women, including through language and culture standardisation.

Intersectionality mandates that one cannot separate different sites of oppression when analysing someone's marginalisation.[168] However, many feminists embrace a '*strategic* use of positivist essentialism [*or strategic essentialism*]'[169] to identify common goals and push forward the woman's brief.[170] Nonetheless, as Valerie Amos and Pratibha Pramar highlight,

> For us there is no choice. We cannot simply

[164] Volpp, "Feminism Versus Multiculturalism," 1193.
[165] Volpp, "Feminism Versus Multiculturalism," 1203.
[166] For a larger discussion, see also: Kapur, "The Tragedy of Victimization Rhetoric: Resurrecting the "Native" Subject in International/Post-Colonial Feminist Legal Politics," 37. For the specifics of the case study, see: Becker, "Amazigh Arts in Morocco: Women Shaping Berber Identity"; Sadiqi, "The Role of Moroccan Women in Preserving Amazigh Language and Culture"; Sadiqi, "Language and Gender in Moroccan Urban Areas"; Sadiqi, *Women, Gender and Language in Morocco*.
[167] Hoffman, "Berber Language Ideologies, Maintenance, and Contraction: Gendered Variation in the Indigenous Margins of Morocco," 144.
[168] Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color".
[169] See: Gayatri Chakravorty Spivak, *In Other Worlds: Essays in Cultural Politics* (New York and London: Methuen, Inc., 1987), 205; Leti Volpp, "(Mis)Identifying Culture: Asian Women and the Cultural Defense," *Harvard Women Law Journal* 17 (1994): 95.
[170] See also Valerie Amos and Pratibha Parmar, "Challenging Imperial Feminism," *Feminist Review* 80, (2005): 47.

> prioritize one aspect of our oppression to the exclusion of others, as the realities of our day to day lives make it imperative for us to consider the simultaneous nature of our oppression and exploitation. Only a synthesis of class, race, gender and sexuality can lead us forward (…).[171]

Cognisant of the multiplicity of sites of oppression, Will Kymlicka contends that feminism and multiculturalism should be allies in that they both battle against 'the inadequacy of the traditional liberal conception of individual rights.' [172] In terms of individual rights, the traditional liberal conception of individual rights subsumes all rights under the will and culture of the majority; when it comes to group rights, the interests and prerogatives of the male members of the group seem to take precedence over marginalised, under-represented Others. There is a mutual interest in joining forces, Kymlicka explains, as both theories challenge the provision of equal treatment and rights as a way to restore inequalities and injustice.[173]

In terms of gender equality values among minority women, Saharso Sawitri investigates the relations between 'intraphysic and interpersonal autonomy.' [174] She maintains that 'liberal' theorists only focus on the latter while ignoring that the intraphysical - the cultural aspect of sexual scripting- better captures the struggle of many women in patriarchal, community-oriented cultures.[175] This means that 'women raised in a culture that does not value autonomy may find themselves hampered in their *psychological ability* to act autonomously.'[176] Sawitri concludes that

[171] Amos and Parmar, "Challenging Imperial Feminism," 61-62.
[172] Will Kymlicka, "Liberal Complacencies," in *Is Multiculturalism Bad for Women?*, ed. Susan Moller Okin (Princeton: Princeton University Press, 1999), 34.
[173] Kymlicka, "Liberal Complacencies," 34.
[174] Sawitri, "Female Autonomy and Cultural Imperative: Two Hearts Beating Together," 226.
[175] Sawitri, "Female Autonomy and Cultural Imperative: Two Hearts Beating Together," 226.
[176] Sawitri, "Female Autonomy and Cultural Imperative: Two Hearts Beating Together," 228.

the right of autonomy without the ability of acting autonomously is devoid of much meaning.[177]

Yael Tamir advises against the access to particular rights through group mechanisms, vehicles and vernaculars as these collective tools and registers tend to reinforce 'dominant subgroups within each culture and privilege conservative interpretations of culture over reformative and innovative ones.'[178] Tamir prioritises individual rights over group rights and favours change from within because '[g]ranting nondemocratic communities group rights (…) amounts to siding with the privileged and the powerful against those who are powerless, oppressed and marginalized (...).'[179]

An-Na'im's approach to tackle sex discrimination is not to ban a certain culture but to engage its members in a mutually critical and constructive language.[180] In his view, gender equality should be pursued in a fashion sensitive and respectful to the 'identity and dignity of all human beings everywhere.' [181] Ultimately, adherence to human rights standards 'cannot be achieved in a principled and sustainable manner except through the internal dynamics of the culture concerned.'[182] As regards the relationship between feminism and group rights, An-Na'im does not believe that an exclusive choice ought to be made; rather, advocates of

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[177] Sawitri, "Female Autonomy and Cultural Imperative: Two Hearts Beating Together," 240.
[178] Yael Tamir, "Siding with the Underdogs," in *Is Multiculturalism Bad for Women?*, ed. Susan Moller Okin (Princeton: Princeton University Press, 1999), 47.
[179] Tamir, "Siding with the Underdogs," 48.
[180] An-Na'im, "Promises We Should All Keep in Common Cause," 59.
[181] An-Na'im, "Promises We Should All Keep in Common Cause," 61. Significantly, the concept of 'dignity' is mentioned in Morocco's Family Law in several instances, two of which in reference to men's dignity specifically. See: *Dahir Pertaining to the Promulgation of the Law Related to the Family Code of Morocco*, Code number: 01-04-22, 2004, preamble. 'Doing justice to women, protecting children's rights and preserving *men's dignity* [*emphasis added*] are a fundamental part of this project, which adheres to Islam's tolerant ends and objectives, notably justice, equality, solidarity, ijtihad (juridical reasoning) and receptiveness to the spirit of our modern era and the requirements of progress and development.' Translation from http://www.hrea.org/programs/gender-equality-and-womens-empowerment/moudawana/ (accessed 30 May 2018).
[182] An-Na'im, "Promises We Should All Keep in Common Cause," 62.

both should mediate the conflict between rights. Finally, he encourages minority cultures to promote changes from within rather than repudiating multiculturalism.[183]

Ayelet Shachar examines how the multicultural approach might reinforce the patriarchal and hierarchical elements of a culture hinting at 'the paradox of multicultural vulnerability.'[184] Drawing us back to the questions raised by intersectionality, Shachar notes that 'the real challenge facing proponents of multicultural accommodation is to acknowledge the potential tension between respecting cultural differences and protecting women's rights – a phenomenon most evident in the family law arena.'[185] Rejecting both the 'religious particularist'[186] and the 'secular absolutist'[187] approaches, Shachar introduces a third possible option to treat women as equal citizens of the State plus parts of their 'nomoi' groups:[188] 'the joint governance model.'[189] As Shachar elucidates,

> The joint governance approach suggests a new, *multicultural* separation of powers between group and state. (…). The goal of the joint governance model is to build precisely such a system of co-operation between the State's law and the group tradition, which would result in *simultaneous*

[183] An-Na'im, "Promises We Should All Keep in Common Cause," 64.
[184] Shachar, "Should Church and State Be Joined at the Altar? Women's Rights and the Multicultural Dilemma," 199. Shachar defines this phenomenon as 'the fact that traditionally subordinated categories of group members may bear disproportionate costs for their *nomos,* and that their vulnerability may, ironically, be exacerbated by the very accommodationist policy aimed to promote their status as multi-cultural citizens.' In Shachar, "Should Church and State Be Joined at the Altar? Women's Rights and the Multicultural Dilemma," 200, note 1.
[185] Shachar, "Should Church and State Be Joined at the Altar? Women's Rights and the Multicultural Dilemma," 201.
[186] Shachar, "Should Church and State Be Joined at the Altar? Women's Rights and the Multicultural Dilemma," 213.
[187] Shachar, "Should Church and State Be Joined at the Altar? Women's Rights and the Multicultural Dilemma," 209.
[188] Shachar defines 'nomoi' (or community) groups as those that share 'a unique history and collective memory, a distinct culture, a set of social norms, customs and traditions, or perhaps an experience of maltreatment by mainstream society or oppression by the state.' In Shachar, *Multicultural Jurisdictions: Cultural Differences and Women's Rights* (Cambridge: Cambridge University Press, 2001), 2 note 5.
[189] Shachar, "Should Church and State Be Joined at the Altar? Women's Rights and the Multicultural Dilemma," 217.

governing of group members' family law affairs.[190]

Shachar offers an 'intersectionist or joint-governance framework'[191] to signify 'a clear rejection of the simplistic either-your culture-or-your-rights approach.' [192] In this 'transformative accommodation' [193] of 'privatised diversity,'[194] Shachar takes into account women's identity and membership interests in conjunction with the protection of their rights and dignity. She calls for 'a more context-sensitive analysis that sees women's freedom and equality as partly-promoted (rather than inhibited) by recognition of their "communal" identity.' [195] Although Shachar applies this framework specifically to minority-religious groups in a majority-secular society, her proposition is still relevant for the research case study as,

> Idealized and gendered images of women as mothers, caregivers, educators, and moral guardians of the home come to represent the ultimate and inviolable repository of 'authentic' group identity. These carefully crafted, gendered images of devout religiosity then become cultural markers that help erase internal diversity and disagreement, while at the same time allowing both minority and majority leaders to politicize selective and often invented boundaries between the 'self' and the 'other.'[196]

[190] Shachar, "Should Church and State Be Joined at the Altar? Women's Rights and the Multicultural Dilemma," 218.
[191] Shachar, "Privatizing Diversity: A Cautionary Tale from Religious Arbitration in Family Law," 596.
[192] Shachar, "Privatizing Diversity: A Cautionary Tale from Religious Arbitration in Family Law," 597.
[193] Shachar, "Privatizing Diversity: A Cautionary Tale from Religious Arbitration in Family Law," 602. From: Shachar, *Multicultural Jurisdictions: Cultural Differences and Women's Rights*, 117.
[194] Shachar, "Privatizing Diversity: A Cautionary Tale from Religious Arbitration in Family Law," 575.
[195] Shachar, "Privatizing Diversity: A Cautionary Tale from Religious Arbitration in Family Law," 579.
[196] Shachar, "Privatizing Diversity: A Cautionary Tale from Religious Arbitration in Family Law," 591.

## 1.5. Concepts, theories and the law

In considering the concepts, theories and laws related to women's rights on one hand, and minority and indigenous peoples' rights on the other, the relationship and compatibility between these concepts comes under scrutiny. To begin with, approaches that defend group rights as a way to secure special rights for specific communities are examined. Subsequently, scholarship that criticises group rights as a counterproductive and blind way to empower certain individuals over others within groups is also analysed.

### 1.5.1. Minority groups and indigenous peoples in international law

Prior to the 1992 UN Declaration on Minorities, [197] the most comprehensive definition of minorities was formulated by the then Special Rapporteur of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, Francesco Capotorti, who defines minority as,

> A group which is numerically inferior to the rest of the population in a State, and in a non-dominant position, whose members possess ethnic, religious or linguistic characteristics which differ from those of the rest of the population and who, if only implicitly, maintain a sense of solidarity towards preserving their culture, traditions, religion or language.[198]

Although the nationality criterion has been widely contested, Capotorti's definition crucially emphasises most minorities' 'non-dominant position' in society.[199] The UN Human Rights Committee (UNHRC) has argued that, '[t]he existence of an ethnic, religious, or linguistic minority in a given state party does not depend upon the decision by that party, but is

[197] UNGA, "Res 47/135, 'Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities' (03 February 1993) 47th Session, Agenda Item 97 (B), a/Res/47/135."
[198] OHCHR, *Minority Rights: International Standards and Guidance for Implementation,* (New York and Geneva: OHCHR, 2010), 2.
[199] OHCHR, 'Minority Rights: International Standards and Guidance for Implementation".

to be established by objective criteria.' [200] Importantly, the UNHRC authoritatively interprets article 27 to be applicable to indigenous peoples as well.[201]

Whilst there is no universally accepted definition of indigenous peoples, the most commonly used working definition thereof was put forward by the former Special Rapporteur on Indigenous rights, José Martinez Cobo,

> Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems. [202]

Cobo also underlines that individual members of 'indigenous communities' belong to these groups 'through self-identification as indigenous (group consciousness) and [*for being*] accepted by these populations as one of its members (acceptance by the group).' [203] Notably, 'the United Nations have applied the principle of self-identification with regard to indigenous peoples and minorities.'[204] In relation to this, Thornberry cautions that 'the exogamous ascription or

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[200] *General Comment No. 23 of the UN Human Rights Committee, (8 April 1994) Ccpr/C/21/Rev.1/Add.5*, para 5.2.
[201] Martin Scheinin, "Indigenous Peoples' Rights under the ICCPR," in *International Law and Indigenous Peoples*, ed. Joshua Castellino and Niamh Walsh (Leiden and Boston: Martinus Nijhoff Publishers, 2005), 5.
[202] José Martinez Cobo, "United Nations Economic and Social Council Study on the Problem of Discrimination against Indigenous Populations (E/Cn.4/Sub.2/476)," in *Final report submitted by the Special Rapporteur Mr Jose R. Martinez Cobo* (1981). Available at: https://www.un.org/development/desa/indigenouspeoples/publications/2014/09/martinez-cobo-study/ (accessed 30 May 2018).
[203] Cobo, "United Nations Economic and Social Council Study on the Problem of Discrimination against Indigenous Populations (E/Cn.4/Sub.2/476)".
[204] OHCHR, *Minority Rights: International Standards and Guidance for Implementation*, 3-4.

fixing of caste [*in this case study, indigenous or minority*] attributes on to populations recalls ascriptive processes attaching to 'race', 'colour' or 'ethnicity' based allegedly on immutable characteristics or incorrigible 'otherness'.[205] In line with the UN Declaration on Minorities, the UN system's interpretation of minorities included only persons belonging to national or ethnic, religious and linguistic minorities. Thus, for instance, persons with disabilities or vulnerable women who are marginalised from decision-making institutions and under-represented, would not constitute a minority group as such within the UN system.

From these working definitions, one can infer that the main characteristics differentiating indigenous peoples from minority groups are: first, the historical continuity on a certain territory; and, second, the cultural/ethnic/sacred link with ancestral lands. While the term 'community' is preferred to 'group or collective rights' when it comes to minorities, 'in the case of indigenous peoples the ICESCR Committee has used the right terminology, i.e. "peoples," in almost all references.'[206] Furthermore,

> [w]hat clearly distinguishes the minority agenda from the indigenous peoples' agenda internationally is that indigenous peoples transitioned from local struggles to international ones and created an international indigenous peoples' movement. On the other hand, there has never been an international movement of minorities.[207]

Whereas '[i]nternational organisations can strongly influence the way state – minority relations are framed and resolved, endorsing some

[205] Thornberry, "The Convention on the Elimination of Racial Discrimination, Indigenous Peoples and Caste/Descent-Based Discrimination," 21.
[206] Stamatoupolou, "Monitoring Cultural Human Rights: The Claims of Culture on Human Rights and the Response of Cultural Rights," 1182.
[207] Stamatoupolou, "Monitoring Cultural Human Rights: The Claims of Culture on Human Rights and the Response of Cultural Rights," 1180.

models of accommodation while discouraging others,' [208] Joshua Castellino supports a de-internationalisation of the minority discourse,

> [t]he theater for the development of minority rights has truly passed from the international to the domestic, and that those interested in seeking to develop mechanisms for their protection need to pay special attention to such developments, with particular focus on post-colonial countries who are forced to come up with solutions that are beyond the realm of the histories of the longer established and less artificially created Western states.[209]

Minority groups and indigenous peoples are entitled to protection in international law under a variety of instruments, particularly in relation to their collective rights ('internal' self-determination)[210] and minority-related (culture, ethnicity, language, religion etc.) rights.[211] These groups confront similar challenges, which may include: a non-dominant position in society, discrimination on various grounds, under-representation in public policies and decision-making, and social marginalisation, to name but a few. Yet, they also differ in meaningful ways including in the relationship to the country where they reside as well as advocacy tools

[208] Stamatoupolou, "Monitoring Cultural Human Rights: The Claims of Culture on Human Rights and the Response of Cultural Rights," 1175.
[209] Castellino, "No Room at the International Table: The Importance of Designing Effective Litmus Tests for Minority Protection at Home," 228.
[210] See on this Thornberry, "The Convention on the Elimination of Racial Discrimination, Indigenous Peoples and Caste/Descent-Based Discrimination," 32.
[211] While the term 'minorities' is specifically mentioned in ICCPR (art. 27), indigenous peoples are not. Aside from ILO Conventions no. 107 and no. 169 that respectively focus on 'indigenous and tribal populations' and 'indigenous and tribal peoples', the only other general human rights treaty that mentions explicitly 'persons of indigenous origins' is the UN CRC (art. 30). Other treaty bodies, such as CERD, articulated in specific general comments how minorities and indigenous groups also fall under their remit. See, *inter alia*: International Covenant on Civil and Political Rights (Adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR), arts. 1 and 27; International Covenant on Economic, Social and Cultural Rights (Adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 (ICESCR), arts. 1 and 2; Convention on the Rights of the Child (Adopted 20 November 1989, entered into force 02 September 1990) 1577 UNTS 3 (CRC), art. 30; International Convention on the Elimination of All Forms of Racial Discrimination (Adopted 21 December 1965, entered into force 4 December 1969) 660 UNTS 195 (CERD). ILO Indigenous and Tribal Populations Convention (no. 107); ILO Convention Concerning Indigenous and Tribal Peoples (no. 169).

and instruments they use to advance their claims.[212] Significantly, the lack of a universally accepted definition for either group signifies the theoretical *impossibility* for countries to claim that minority or indigenous groups do not exist on their territory.[213] In terms of which groups constitute minorities,

> It is often stressed that the existence of a minority is a question of fact and that any definition must include both objective factors (such as the existence of a shared ethnicity, language or religion) and subjective factors (including that individuals must identify themselves as members of a minority).[214]

### 1.5.2. Minority rights theories and critiques

Kymlicka developed what is arguably the most prominent, modern defence of cultural minorities as units, based on three distinct characteristics: culture, language and history. The main tenet of Kymlicka's theory is that, in culturally heterogeneous societies, liberalism must envisage the protection of special 'group rights' in addition to regular individual rights.[215] This special group protection would allow 'minority cultures to develop their distinct cultural life, an ability insufficiently protected by "universal" modes of incorporation.'[216] Kymlicka's theory defends the protection of group rights only for those groups which are internally liberal and guarantee the right to exit from

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[212] The separate normative frameworks are instantiated by the different human rights instruments dealing with minority groups and indigenous people as two separate (sometimes, overlapping) entities. To have a full picture of the different mechanisms and standards applicable, see, *inter alia,* the mandates of: the UN Special Rapporteur on minority issues; the UN Forum on Minority Issues; the UN Special Rapporteur on the rights of indigenous peoples; the UN Voluntary Fund for Indigenous Peoples; the UN Working Group on Indigenous Peoples; the UN Expert Mechanism on the Rights of Indigenous Peoples; the UN Permanent Forum on Indigenous Issues.

[213] Lee Swepston, "Indigenous Peoples in International Law and Organizations," in *International Law and Indigenous Peoples*, ed. Joshua Castellino and Niamh Walsh (Leiden and Boston: Martinus Nijhoff Publishers, 2005), 57.

[214] OHCHR, *Minority Rights: International Standards and Guidance for Implementation*, 2.

[215] Will Kymlicka, *The Rights of Minority Cultures* (Oxford: Oxford University Press, 1995).

[216] Kymlicka, *Liberalism, Community and Culture* (New York: Oxford University Press, 1989), 137.

the group. Despite this, Kymlicka underestimates the importance of one's position within the group to be able to exercise the right to exit or to influence change from within. As Moller Okin points out, the right to exit is often (explicitly or implicitly) denied to women within a given group thereby nullifying the basic premise of the liberal theory of group rights. [217] In another critical reading of Kymlicka's theory, John Tomasi maintains that,

> [...] because the deepest guiding concern throughout Kymlicka's discussion is the access of individual people to respect-securing beliefs about value, the strategic hope on which Kymlicka's argument relies – to fix on some supposedly intermediate concept – is one that is in principle misplaced. Kymlicka has not shown the liberalism's fundamental principles require a recognition of cultural rights.[218]

Along the same lines, Chandran Kukathas criticises the group rights approach noting that: 'There is no need to depart from the liberal language of individual rights to do justice to them.'[219] Further to this, Kukathas contests Kymlicka's claim that every member of a minority group faces the same type and extent of inequalities within the group. Kukathas questions the notion that fundamental moral claims should be attached to groups. The first reason to refute group claims is that 'groups are not fixed and unchanging entities in the moral and political universe.'[220] Secondly, 'groups or communities have no special moral primacy in virtue of some natural priority.'[221] Thirdly, groups are heterogeneous at any given time so both the interests of community leaders and their members are equally important in a liberalist view. Also, from Kukathas's point of view, the key right to protect is the freedom of association, although membership in most cultural

[217] Moller Okin, "Mistresses of Their Own Destiny": Group Rights, Gender, and Realistic Rights of Exit," *Ethics* 112, no. 2 (2002): 205-230.
[218] Tomasi, "Kymlicka, Liberalism, and Respect for Cultural Minorities", 594.
[219] Kukathas, "Are There Any Cultural Rights?", 230.
[220] Kukathas, "Are There Any Cultural Rights?", 232.
[221] Kukathas, "Are There Any Cultural Rights?", 234.

communities is defined by birth and not by choice.[222] Thus, the right to exit or disassociate is, often times, not substantially viable thereby violating the key principle for liberalists who wish to protect community rights, that is the right to associate.[223] Kukathas finally warns about 'cultural tolerance' as a 'cloak for oppression and injustice within the immigrant communities themselves.'[224]

Another fundamental debate raised by Kymlicka's theory of minority cultures has been on whether 'ethnic communities that meet certain criteria should be considered units (corporate bodies) with moral rights, and whether legal status and rights should be accorded to them.'[225] This dilemma is further problematised by the fact that 'often the fluidity of cultural identity renders one both part of the mainstream culture and a minority at the same time.'[226] Vernon Van Dyke posits that ethnic communities have, in some cases, irreducible rights based on moral claims, which are intrinsic to them as units, rather than belonging individually to each member forming part of these defined groups.[227] Being mindful of these questions, as applied to the present case study, it is essential to,

> […] understand and engage the concept of minorities in the Middle East [*and North Africa*] (…) [*departing*] from an understanding of the 'Middle East' as exceptional. (…) This approach lends itself to an understanding of the concept of minority rights as one of the many surfaces over which political contests are waged.[228]

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[222] Kukathas, "Are There Any Cultural Rights?", 234.
[223] Kukathas, "Are There Any Cultural Rights?", 236.
[224] Kukathas, "Are There Any Cultural Rights?", 250.
[225] Vernon Van Dyke, "The Individual, the State, and Ethnic Communities in Political Theory," in *The Rights of Minority Cultures* ed. Will Kymlicka (Oxford: Oxford University Press, 1995), 31.
[226] Zaid Eyadat, "Minorities in the Arab World: Faults, Fault-Lines, and Coexistence," in *Multiculturalism and Minority Rights in the Arab World*, ed. Will Kymlicka and Eva Pföstl (Oxford: Oxford University Press, 2014), 74.
[227] Van Dyke, "The Individual, the State, and Ethnic Communities in Political Theory," 31.
[228] Castellino and Cavanaugh, *Minority Rights in the Middle East*, 381.

Offering yet another perspective on the issue of group rights, Vatthana Pholsena analyses the complex interaction between different ways of conceptualising diversity and citizenship.[229] As she argues,

> [A] seemingly liberal approach conceals an illiberal framework of state policies. [*It is the State that defines the correctness of a given*] language, locality and culture regardless of a group's subjective belief in its existence as a people or in the legitimacy of these state-defined cultural traditions.[230]

Pholsena refers to this as 'politics of misrecognition' as it hinders minority groups from freely articulating their cultural identity.[231] In her analysis of how States and other actors create and reify identities for sub-groups in their societies, Pholsena clarifies,

> A greater effort of imagination, understanding and flexibility is therefore necessary to avoid the risk of reifying identities by imagining categories and creating fixed boundaries between those ethnic groups whose identities rest more upon subjective identification nurtured by their interactions with others than objective features. The creative abilities of human beings should not be neglected.[232]

Castellino observes the conflict between group rights and individual rights, especially in terms of vulnerable individuals or non-elite voices and their right to exit, among other rights. In his words, 'A third reason for the stunted growth of minority rights regimes at international level is the oft-debated and genuinely complex issue of how to generate systems of group rights protection that nonetheless provide room for the individual to opt out.'[233] Castellino cautions against the risk of 'groups

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[229] Pholsena, "A Liberal Model of Minority Rights for an Illiberal Multiethnic State? The Case of the Lao PDR".
[230] Pholsena, "A Liberal Model of Minority Rights for an Illiberal Multiethnic State? The Case of the Lao PDR," 14.
[231] Pholsena, "A Liberal Model of Minority Rights for an Illiberal Multiethnic State? The Case of the Lao PDR," 14.
[232] Pholsena, "A Liberal Model of Minority Rights for an Illiberal Multiethnic State? The Case of the Lao PDR," 104.
[233] Castellino, "No Room at the International Table: The Importance of Designing Effective Litmus Tests for Minority Protection at Home," 228.

rights mechanisms that do not simply render individuals vulnerable within minority communities to the exigencies of domination by members of the group.'[234]

Xanthaki draws attention to the misuse and misinterpretation of the concept of integration. Whereas, theoretically, this concept is based on the idea of integrating a community within a society while preserving its identity, integration has also been used to weaken the human rights of certain groups (namely, minorities, indigenous peoples, migrants etc.).[235] Whilst recognising the multiplicity of positive uses of integration (multiculturalism, social inclusion, protection of human rights, the fight against segregation, racism and discrimination etc.), Xanthaki identifies several ways in which integration undermines human rights. These are defined as follows: first, 'integration as an excuse for assimilationist policies'; second, 'integration as a one-way approach'; third, 'integration as an obstacle to the naturalisation of immigrants'; fourth, 'integration as a way to deny real equality'; and fifth, 'integration as a vehicle for the "Europeanisation" of human rights.'[236]

Xanthaki, like Castellino, highlights that '[s]ocio-economic measures were completely ignored as part of the integration policy of the state.'[237] In the case of Morocco, whereas the Amazigh movement advocates for civil, political and cultural rights, the lack of access to socio-economic rights for Amazigh women seems to be a secondary concern. Xanthaki recognises that (individual) women's rights should trump cultural rights and diversity in case of violations of the former.[238] In terms of access to real (transformative) equality, Xanthaki stresses that,

> The denial of positive protection is often based on the rhetoric of the 'neutral state'. It derives from the ideal of secularism, the ideal of a state that

[234] Castellino, "No Room at the International Table: The Importance of Designing Effective Litmus Tests for Minority Protection at Home," 209.
[235] Xanthaki, "Against Integration, for Human Rights".
[236] Xanthaki, "Against Integration, for Human Rights," 821-829.
[237] Xanthaki, "Against Integration, for Human Rights," 825.
[238] Xanthaki, "Against Integration, for Human Rights," 830-831.

> does not take a position on cultures and remains neutral. (…) [s]tate neutrality is in effect an affirmation of the way of life, the choices, and the ideas of the dominant group within the state.[239]

This idea of 'state neutrality' bears a special significance not only vis-à-vis the minority within the State, but also the minority within the minority (women) and how they can freely express their agency.

Karen Engle positions herself in the defence of stronger group rights, and considers the effect of the strengthening of collective rights over individual rights of under-represented and marginalised members. The concession that Engle seems to make is that '[*indigenous rights*] advocates have often aided in the production of indigenous subjectivities that are limited in terms of whom they actually cover and in terms of what rights they permit.' [240] This brings us back to the conceptual categorisation of subalternity as discussed by Spivak where the subaltern has to be considered 'in context of adjacent constituencies like the native elite', [241] without being exclusively defined by the latter. Engle's scholarship reveals the inadequacies and contradictions inherent in the West-inspired, neo-liberal-based human rights model that prevent it from delivering on promises of equality and justice, especially in terms of indigenous peoples' rights and claims. In this vein, Engle concludes that,

> […]the UNDRIP [*United Nations Declaration on the Rights of Indigenous Peoples*] may have the potential to become an important site for the ongoing struggle over the meaning of human rights, the dominance of human rights as the basis of justice, and the extent to which it might be mined or abandoned for alternative, transformative strategies.[242]

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[239] Xanthaki, "Against Integration, for Human Rights," 829.
[240] Karen Engle, "On Fragile Architecture: The UN Declaration on the Rights of Indigenous Peoples in the Context of Human Rights," *European Journal of International Law* 22, no. 1 (2011): 161.
[241] In Moore-Gilbert, *Postcolonial Theory: Contexts, Practices, Politics,* 102.
[242] Engle, "On Fragile Architecture: The UN Declaration on the Rights of Indigenous Peoples in the Context of Human Rights," 163.

In the South and East Asian context, Kymlicka and Baogang He detect colonialism as a key feature in shaping nationalist identities that united different ethnic groups against a foreign power.[243] Nevertheless, as soon as independence was reached, many dominant leaders reneged on their promises of autonomy, special status, group-specific rights or power-sharing with minorities.[244] As these authors note,

> According to some minority leaders, members of the dominant group betrayed a promise to share power, and have used the post-colonial nation-state as a tool to promote its particular identity, culture, and economic interests at the expense of other groups.[245]

### 1.6. The Moroccan case

In Morocco, the shift from colonial to postcolonial rule opened a space for ethnically and linguistically-based groups to mobilise and to adopt a 'vernacular communitarianism,'[246] whereby international human rights language is used to support group claims transnationally. Clearly, the way a group or movement presents a particular 'ethnic strife' has serious implications for the success of the movement or group.[247] Morocco's Amazigh peoples are considered 'the indigenous inhabitants of northern Africa' [248] and their elites benefit greatly in terms of support and advocacy as they draw from the 'international indigenous peoples' movement' [249] to advance their cause at the national level. Nonetheless, Amazigh peoples can also be viewed as a 'majoritarian minority'[250] and, in the case of Amazigh women, a double minority. While being a numerically large group, Amazigh (non-elite women especially) are excluded and multi-marginalised from decision-making positions.

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[243] Kymlicka and He, *Multiculturalism in Asia,* 3.
[244] Kymlicka and He, *Multiculturalism in Asia,* 3.
[245] Kymlicka and He, *Multiculturalism in Asia*, 3.
[246] Kymlicka and He, *Multiculturalism in Asia*, 6.
[247] Kymlicka and He, *Multiculturalism in Asia,* 5.
[248] Becker, *Amazigh Arts in Morocco: Women Shaping Berber Identity*, 2.
[249] Stamatoupolou, "Monitoring Cultural Human Rights: The Claims of Culture on Human Rights and the Response of Cultural Rights," 1175.
[250] Castellino and Cavanaugh, *Minority Rights in the Middle East*, 6.

As we turn to Morocco's human rights structure and discourses through the country's recent history in Chapter II, what becomes apparent is how the human rights (including relating to minority groups and indigenous peoples) and gender equality toolkits and vernaculars have been used for the maintenance and furtherance of power by various actors, and namely the monarchy.

# Chapter II: The politics of rights: Morocco's human rights structure

## 2.1. Establishment of the State

### 2.1.1. Pre-colonial Morocco (1830-1912)

In pre-colonial times, Morocco was not a unified nation State. Until 1956, when Morocco gained its independence, the country was conceptually divided between the 'Biled al Makhzen' (land of government) and the 'Biled al Siba' (land of dissidence).[251] Prior to independence, 'the country was characterized by an ongoing opposition between central power and autonomous tribes.'[252] Whilst the Sultanate was able to impose direct rule on the 'Biled al Makhzen,' it struggled to establish effective control in the 'Biled al Siba.'[253] As Mounira Charrad notes, '[t]he nature of the grievances made by rebelling tribes tells us something about the nature of the relationship between kin-based groups and the state.' [254] Significantly, unlike the other French colonies in North Africa (e.g. Algeria and Tunisia), Morocco never experienced Ottoman rule. That said, an opposition between central power and independent tribes has, historically, dominated its political landscape.[255] Long before the arrival of European colonialists in Morocco, the Sultanate exploited and capitalised on differences among tribes to its advantage so that local leaders were under the pressure of both the *Makhzen* (Palace) and their own tribes.[256] From this pre-colonial period onwards, the monarchy has progressively mastered the capacity to become a 'sectarian entrepreneur'[257] among Morocco's different power brokers to retain and augment its authority.

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[251] Driss Maghraoui, "Moroccan Colonial Soldiers: Between Selective Memory and Collective Memory," *Arab Studies Quarterly* 20, no. 2 (1998 ): 31.
[252] Charrad, *States and Women's Rights: The Making of Postcolonial Tunisia, Algeria, and Morocco,* 103.
[253] Baker, *Voices of Resistance: Oral Histories of Moroccan Women*, 15.
[254] Charrad, *States and Women's Rights: The Making of Postcolonial Tunisia, Algeria, and Morocco,* 88.
[255] Baker, *Voices of Resistance: Oral Histories of Moroccan Women,* 15.
[256] Charrad, *States and Women's Rights: The Making of Postcolonial Tunisia, Algeria, and Morocco,* 106.
[257] This concept was first used in: Beverly Crawford and Ronnie D. Lipschutz, "The Myth of "Ethnic Conflict": Politics, Economics, and "Cultural" Violence," Gaia Research Series

Spatially, Morocco lends itself to an administrative, colonial and academic division as the Atlas Mountains separate the country in two entities. The North and West of the Atlas where the Arabs lived was dubbed by the French as 'le Maroc utile' (the useful Morocco) for its fertile and great plains. The Atlas itself, the Rif mountains and the Sahara desert mostly inhabited by the Amazigh[258] were named by the French as 'le Maroc inutile'[259] (the useless Morocco).

Prior to France's attack on neighbouring Algeria in 1830, Morocco's Sultan Sulayman (1792-1822) had already endeavoured to prevent Europe's encroachment in Morocco, even as he was failing to extend control and tax collection in remote areas of the country.[260] Morocco's military engagement in the border regions of Algeria earned it a bitter defeat at Isly (1844), which marked the progressive fall of North Africa to European powers.[261] The signing of the treaties of Tangier (1844) and Lalla Maghnia (1845) between Morocco and France ended hostilities between the two countries; these agreements led to France's progressive encroachment from Algeria into Morocco, largely due to the lack of clear geographic boundaries.[262] Other European States, such as Spain and Great Britain that had political and economic interests in Moroccan

(Berkeley: University of California at Berkeley, 1998), 24. As Crawford explains, 'In those societies whose institutions are under pressure and weakened and whose institutional legacy perpetuated and either formally or informally politicized ethnic or sectarian cleavages, political entrepreneurs emerge who have both the incentive and the opportunity to exploit cultural cleavages and perceived inequities in an effort to mobilize popular support.'

[258] Throughout the thesis, the use of the endonym 'Amazigh' (*free person*) is preferred to the exonym 'Berber' as the former is how this group refers to themselves. However, the author will adopt the same choice of terminology (be either Amazigh or Berber) used by cited scholars in their work.

[259] Baker, *Voices of Resistance: Oral Histories of Moroccan Women*, 15.

[260] Martin Thomas, *The French North African Crisis: Colonial Breakdown and Anglo-French Relations, 1945–62*, Studies in Military and Strategic History (Palgrave Macmillan UK, 2000), 2-3.

[261] Edmund III Burke, *Prelude to Protectorate in Morocco: Pre-Colonial Protest and Resistance, 1860-1912* (Chicago and London: University of Chicago Press, 2009), 20.

[262] Mohammed Kenbib, *The Impact of the French Conquest of Algeria on Morocco (1830-1912)*, ed. George Joffe, North Africa: Nation, State and Region (London and New York: Routledge, 2016), 39.

affairs began exploiting the country's increasing vulnerability.[263] With Morocco's defeat in Tetouan (1859), the country 'was transformed into another subaltern state feeding European expansion.'[264] In this time of major (administrative, military, economic) reforms affecting Morocco,

> The makhzan's solidity, coherence, and continuity throughout the long nineteenth century served, almost to the end as the main engine of transformation. (...) A conjecture of factors – heavy state taxes, the venality of local officials, and natural disasters – led to a disaggregation of rural society that worsened over the following years.[265]

In the second half of the 19th century, the monarchy increasingly turned to a divide-and-rule policy, a technique that would later be utilised by the French.[266] Despite Sultan Hassan I's (1873-1894) efforts, rural areas continued to remain largely impervious to the monarchy's control. Those living in rural areas, for example, declined to pay taxes unless forced to do so.[267] Morocco was thus unable to effectively levy taxes on its resident population (both indigenous and foreign). As a result, the country became increasingly dependent on European loans.[268] The inability to raise necessary revenues combined with attacks on Morocco's central authority by local warlords further undermined the Makhzen's capacity to secure territorial control and fend off European colonialist designs on Morocco.[269]

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[263] Burke, *Prelude to Protectorate in Morocco: Pre-Colonial Protest and Resistance, 1860-1912*, 25-30.
[264] Kenneth Pomeranz, *The Great Divergence: China, Europe, and the Making of the Modern World Economy* (Princeton: Princeton University Press, 2000), 15.
[265] Susan G. Miller, *A History of Modern Morocco* (New York: Cambridge University Press, 2013), 30-31.
[266] See, *inter alia*: Lounasmaa, "Women and Modernity: The Global and the Local in Moroccan Women's Ngos's Advocacy and Public Awareness Work," 85; James N. Sater, "Civil Society and Political Change in Morocco" (DPhil Thesis, University of Durham, 2003), 87.
[267] Edmund III Burke, "Mohand N'hamoucha: A Middle Atlas Berber," in *Revisiting the Colonial Past in Morocco*, ed. Driss Maghraoui, History and Society in the Islamic World (London and New York: Routledge 2013), 133.
[268] Miller, *A History of Modern Morocco*, 62.
[269] Miller, *A History of Modern Morocco,* 63.

The monarchy's authority was not absolute and was further weakened by a number of factors, one of which was the growing system of 'protection' (today's diplomatic immunity) that attracted more and more Europeans to Morocco.[270] The practice of protection, which was described as the 'bridgehead of imperialism,'[271] exempted foreigners from Moroccan jurisdiction and created a system of special privileges and corruption that was hard to dismantle. In terms of minority rights, already in 1864, Sultan Muhammad IV (1859-1873) issued a *Dahir* (royal decree) ostensibly to ensure equal justice before the law for Jews living in Morocco. This was done at the request of Sir Moses Montefiore, a prominent British Jew who spearheaded the international solidarity movement to improve the conditions of Jews outside of Europe.[272] In actual fact, the Dahir 'went unheeded by the functionaries to whom it was sent, and in London and Paris, it was soon realized that the outcome of Montefiore's visit had proven ineffectual,' as the arbitrary detention and attacks against Jews continued and, in fact, had strengthened.[273]

Against the backdrop of a growing European encroachment into Morocco, Muhammad al-Kattani, a religious scholar from Fez, emerged as one of the strongest voices opposed to French colonial rule.[274] In the first decade of the 20th century, confronting the monarchy's incapacity to defend Moroccan sovereignty, al-Kattani built a coalition, which provided an alternative to the ailing Moroccan regime. Al-Kattani also played a key role in the *Hafiziyya* (Fraternal struggle for the Sultanate) (1907-1908) by supporting 'Abd al-Hafiz's struggle to replace his

[270] Hugo C. M. Wendel, "The Protégé System in Morocco," *The Journal of Modern History* 2, no. 1 (1930): 50-55.
[271] Miller, *A History of Modern Morocco,* 43.
[272] Abigail Green, "Rethinking Sir Moses Montefiore: Religion, Nationhood, and International Philanthropy in the Nineteenth Century," *The American Historical Review* 110, no. 3 (2005): 653.
[273] Paul B. Fenton and David G. Littman, *Exile in the Maghreb: Jews under Islam, Sources and Documents, 997–1912* (Madison and Teaneck: Fairleigh Dickinson University Press, 2016), 27.
[274] Sahar Bazzaz, *Forgotten Saints: History, Power and Politics in the Making of Modern Morocco* (Cambridge: Harvard Center for Middle Eastern Studies, 2010), 120.

brother 'Abd al-'Aziz as Morocco's Sultan.[275] Al-Kattani was eventually captured and brutally executed in 1909. What is interesting to note is that al-Kattani's legacy has been erased from the State's official historical record.[276] Al-Kattani's politically motivated erasure from Morocco's official history serves as an apt illustration of State techniques, such as the creation of a collective memory, to preserve power.[277]

While the Makhzen was engaged in counteracting internal attacks to its authority, France was quickly advancing into, and securing control over, parts of Moroccan territory bordering Algeria. In the Treaty of Algeciras (1906), signed by France, Germany, Great Britain and Spain, 'the legal and ideological framework of a European 'protectorate' over it [*Morocco*],' was agreed.[278] Sultan 'Abd al-'Aziz (1894-1908) was unable to curtail European advance into Morocco while France had secured international support for its 'peaceful penetration' into the country.[279] In line with this new policy, '[r]ather than ignor[*ing*] the authority of the Makhzen, France repositioned itself as its defender.'[280] In 1908, 'Abd al-Hafiz (1908-1912) succeeded his brother 'Abd al-Aziz as the new Sultan of Morocco; a regime change that did not secure, but rather accelerated the end of Moroccan independence.[281] In 1911, al-Aziz was imprisoned in his own palace by the tribes of the Middle Atlas. His subsequent appeal to France for assistance provided an opening for France to establish its presence in Morocco, ostensibly, to secure and stabilise the country.[282]

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[275] Bazzaz, *Forgotten Saints: History, Power and Politics in the Making of Modern Morocco*, 129-42.
[276] Bazzaz, *Forgotten Saints: History, Power and Politics in the Making of Modern Morocco,* 14.
[277] Davis, *Memories of State - Politics, History, and Collective Identity in Modern Iraq,* 1-3.
[278] Abdelhad Sebti, "Colonial Experience and Territorial Practices " in *Revisiting the Colonial Past in Morocco*, ed. Driss Maghraoui, History and Society in the Islamic World (London and New York: Routledge, 2013), 40.
[279] Miller, *A History of Modern Morocco,* 73.
[280] Sebti, "Colonial Experience and Territorial Practices," 42.
[281] Miller, *A History of Modern Morocco,* 77-78.
[282] Burke, *Prelude to Protectorate in Morocco: Pre-Colonial Protest and Resistance, 1860-1912*, 75-89.

This turn of events led to the signing of the Treaty of Fez (1912), under which the entire territory of Morocco became a French Protectorate, with the exception of a Spanish Protectorate that was set up in the Sahara and the North of the country.[283] The 1907-1908 *Hafiziyya* (Fraternal struggle for the Sultanate) 'might better be seen as a bridge between the old makhzan and a new one that arose later during the nationalist period, driven by the need to recompose fundamental structures of power while preserving the symbolic assets of the state.'[284] This was a period of national soul-searching with the ever more pressing question of the role of religion in politics and, specifically, how Islam (and its political application) could pave the way for viable change in Morocco.[285] This dilemma would become even more important at the critical juncture of Morocco's pursuit of independence later in the 20th century.

### 2.1.2. Colonial Morocco (1912-1956)

When the French came to occupy Morocco in 1912, '[*they*] seized upon (…) [*geographic-administrative*] dualities and used them for political purposes.'[286] At the onset of the Protectorate period, French Resident General Louis Hubert Gonzalve Lyautey quickly implemented measures to secure colonial control over Morocco.[287] Lyautey cosmetically revived and reaffirmed the importance of the Sultanate as 'the reliquary of Moroccan sovereignty.'[288] Lyautey's plan was to build a renewed Morocco without disrupting what were defined as its core values—conservative social mores, established hierarchies, elitism, and religious piety.[289] Lyautey's strategy to achieve this was through 'indirect rule,' a technique whereby 'any colonial administration should work with, not

[283] Wyrtzen, "Colonial State-Building and the Negotiation of Arab and Berber Identity in Protectorate Morocco," 227; Baker, *Voices of Resistance: Oral Histories of Moroccan Women,* 14.
[284] Miller, *A History of Modern Morocco,* 80.
[285] Sahar Bazzaz, "Heresy and Politics in Nineteenth-Century Morocco," *The Arab Studies Journal 10/11*, no. 2/1 (2002): 81.
[286] Baker, *Voices of Resistance: Oral Histories of Moroccan Women,* 15.
[287] Daniel Rivet, *Le Maghreb à l'Epreuve de la Colonisation* (Hachette, 2002), 215-20.
[288] Miller, *A History of Modern Morocco,* 91-92.
[289] Baker, *Voices of Resistance: Oral Histories of Moroccan Women,* 14.

against native socio-political elites and respect pre-colonial customs and traditions.'[290] Whilst Lyautey left the Sultan's formal powers intact (i.e. issuing royal decrees and preserving his religious status), the French were, in fact, in charge of governing the country, staffing Morocco's State bureaucracy with their technocrats.[291]

During the colonial period, Moroccan cities were modernised to host the growing European immigration. Meanwhile, rural areas were divided into military regions so that, eventually, the whole of Morocco could be brought under colonial rule.[292] In 1913, as the French moved into the mountainous Middle Atlas, they met with unexpected and fierce resistance by Amazigh chiefs and tribespeople. It was not until 1924, that France was able to conquer Morocco's entire Middle Atlas region.[293] In attempting to gain complete territorial control, Lyautey changed and adapted tactics depending on the power and ethnic set up of a certain area. In the South, for instance, Lyautey understood that it would be more convenient and efficient to co-opt the local Amazigh warlords in power - in the policy of the 'Grands qa'ids' (great judges), rather than to fight them.[294] It was a strategy the French also applied to *Zawiyas* (Sufi brotherhoods), as 'Sufi became the leaders of rural coalitions'[295] and thus constituted potentially dangerous political contenders. A laissez-faire approach towards local leaders in the handling of their internal group affairs was just one practice adopted by France to maintain the status quo and power structures. This approach to governance would, however, prove to be fatal to France's control as many of these proxy

[290] Moshe Gershovich, *French Military Rule in Morocco: Colonialism and Its Consequences* (Oxon, United Kingdom: Frank Cass Publishers, 1999), 64.
[291] Alan Scham, *Lyautey in Morocco: Protectorate Administration, 1912-1925* (Berkeley: University of California Press, 1970), 55-75.
[292] Miller, *A History of Modern Morocco,* 94.
[293] William A. Hoisington, *Lyautey and the French Conquest of Morocco* (New York: St. Martin's Press, 1995), Ch. 4.
[294] Richard Lawless and Allan Findlay, *North Africa: Contemporary Politics and Economic Development*, Routledge Library Editions: The Economy of the Middle East (London and New York: Routledge, 1984), 64.
[295] Ira M. Lapidus, "Tribes and State Formation in Islamic History," in *Tribes and State Formation in the Middle East*, ed. Philip Shukry Khoury and Joseph Kostiner (Berkeley and Los Angeles: University of California Press, 1990), 41.

leaders employed a particularly brutal and draconian rule over the local population. [296] Lyautey's specific policy of 'indirect rule' through independent warlords did, eventually, backfire against France for the local leaders' ruthless 'behaviour [*which*] gave Moroccans yet another reason to abhor their French masters.'[297]

In an effort to maintain divisions between the political and economic elite and the 'other' components of Moroccan society, France established a segregated education system. [298] The system was built on class, religious and ethnic criteria whereby only those that belonged to the elites would be able to pursue academic studies as opposed to vocational studies reserved for the lower classes.[299] The French-imposed education system signified,

> […] [t]he desire of the French to make sure that the social hierarchy of the Moroccans was maintained and strengthened. However, it did not stop there; ethnic divisions were also to be enforced and so a European schooling structure for the French and European settlers was created and a Jewish system for the Jewish community. Also, several Franco-Berber schools for the Berber community were established.[300]

Most Jewish children received secular and private education sponsored by the French 'Alliance Israélite Universelle' (Universal Israelite Alliance). [301] Whilst few, privileged Moroccans were taught in this education system, a cadre of colonial administrators with an expertise on Morocco was created through the 'Institut des Hautes Études Marocaines' (Institute of High Moroccan Studies).[302] In the view of many

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[296] Jilali El Adnani, "Le Caïd El Glaoui et la Tijaniyya sous l'ordre Colonial Français," in *Pouvoir Central et Caïdalité au Sud du Maroc*, ed. Abderrahmane El Moudden, Ahmed Ammalek, and Abdelaziz Belfaida (Rabat: Université Mohammed V, 2010), 7-20.
[297] Miller, *A History of Modern Morocco,* 98.
[298] Aicha A. Bahij, "The Socio-Economic Legacy of French Colonialism in Morocco" (DPhil Thesis, University of Bradford, 2012), 125.
[299] Bahij, "The Socio-Economic Legacy of French Colonialism in Morocco," 116.
[300] Bahij, "The Socio-Economic Legacy of French Colonialism in Morocco," 125.
[301] Bahij, "The Socio-Economic Legacy of French Colonialism in Morocco," 128.
[302] Miller, *A History of Modern Morocco*, 101.

Moroccans, 'Franco-Berber schools, in which Arabic was ignored completely, was the most blatant sign of France's intentions to "divide and conquer."'[303] The segregated education system was yet another tactic used by the French to ensure that local elites would have a strong allegiance towards France.

World War I presented a unique and rather strange situation, which would see Moroccan soldiers fighting alongside Frenchmen in Europe, even as other Moroccans were battling the French colonisers back at home.[304] In examining European historical accounts of the two World Wars,

> [t]here is yet a persistent neglect of the fact of the participation of non-French colonial troops in the 'French army' especially in its major European wars. Colonial soldiers were very extensively used in the defense of France itself during the First and Second World Wars, but they remain absent from its historical memory.[305]

This area of investigation has become important to shed light on the 'condition of subalternity in Moroccan society.'[306] Among other techniques,

> The French military was one of the most fundamental forms of colonial control in Morocco. It depended primarily on indigenous soldiers who were at the same time coerced and instrumental in the implementation of French colonial policies.[307]

Interestingly, both Arab and Berber troops were recruited in the 'French army' during the two World Wars. Moroccan colonial soldiers, also called *Goumiers*, (*Qum* signifies an order to stand up in Arabic) were especially

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[303] Bahij, "The Socio-Economic Legacy of French Colonialism in Morocco," 130.
[304] Richard Fogarty, *Race and War in France: Colonial Subjects in the French Army, 1914-1918* (Baltimore: Johns Hopkins University Press, 2008), 78-80.
[305] Maghraoui, "Moroccan Colonial Soldiers: Between Selective Memory and Collective Memory," 24.
[306] Maghraoui, "Moroccan Colonial Soldiers: Between Selective Memory and Collective Memory," 22.
[307] Maghraoui, "Moroccan Colonial Soldiers: Between Selective Memory and Collective Memory," 22.

useful in providing a sort of bridge, or socio-political buffer, between the French colonisers and different tribes across Morocco.[308] The Goumiers assumed an increasingly important role as,

> [t]heir number increased from fourteen Goums [*units made up of 200 men coming from different tribes*] to twenty-five by the end of World War I. Originally, they were recruited primarily from different Moroccan tribes of Arab origin. Gradually, however, the Berber element became increasingly significant as the French expansion in the Moroccan hinterland was taking place. Reliance on tribes from remote areas and without local attachment or affinities proved to be a successful strategy for the French military command.[309]

Alongside the Goumiers, other Moroccan troops, including the so-called *Tirailleurs* and the *Spahis*, were deployed between 1912 and 1934 to ensure the 'pacification' of Morocco and the concomitant suppression of various insurgencies and rebellions.[310] This rather odd partnership would result in,

> the military history of the Moroccan troops (…) [*being*] largely appropriated by French army officers who found in the success of these colonial institutions a symbol of 'attachment and mutual respect' between colonizer and colonized. The colonial discourse on this group of people revealed a clearer aspect of race and power relationships.[311]

During the early decades of the 1900s, European occupiers were engaged in a number of power struggles across Morocco. It was not until 1934, however, that France was able to control the whole of Moroccan territory after the subjugation of the remaining Amazigh resistance. In Northern

[308] Maghraoui, "Moroccan Colonial Soldiers: Between Selective Memory and Collective Memory," 26.
[309] Maghraoui, "Moroccan Colonial Soldiers: Between Selective Memory and Collective Memory," 26
[310] Maghraoui, "Moroccan Colonial Soldiers: Between Selective Memory and Collective Memory," 26-29.
[311] Maghraoui, "Moroccan Colonial Soldiers: Between Selective Memory and Collective Memory," 29.

Morocco – to be administered by Spain with the exception of the international town of Tangiers - Muhammad 'Abd al-Karim headed a resistance movement that would lead to the 'Rif War' (1920-1926) against an embattled Spain.[312] When French territorial interests became at risk, Lyautey intervened alongside Spain against the native Riffians and secured their defeat. At the same time, al-Karim 'became a rallying point for the Moroccan nationalist cause and an inspiration to a younger generation of Maghribis seeking models of anti-colonial resistance.'[313] Less known is that from the onset of the protectorate, '[w]omen participated in active, even armed, resistance against the colonizers (…), especially Berber women, in the Rif mountains, the Middle Atlas, and the Anti-Atlas and Sahara in the south.'[314]

Alongside France's divide-and-rule and co-option strategies as well as its military interventions in some regions, there was also a heavy influx of European settlers 'imbued with a sense of their own cultural superiority.'[315] Colonisation would also result in an agricultural policy highly favouring foreign farmers over indigenous ones; exploitation of mineral resources to the benefit of France; a ban on *Muslim* trade unions; an increased urbanisation with the concomitant creation of a disgruntled Moroccan proletariat; and the placement of the monarchy in a position 'to reach for absolute power when the dust of colonization had finally settled.'[316] This legacy suggests that colonial policies ultimately turned Moroccans against the Protectorate and sowed the seeds of Morocco's future independence movement. To cite the most infamous example of these policies,

> [w]hen Sultan Sid Mohammed ben Youssef sealed a dahir [*the so-called Berber Dahir*] in May 1930 on the system of Berber justice, officially recognizing Berber common law and transferring criminal

[312] Gershovich, *French Military Rule in Morocco: Colonialism and Its Consequences,* 122-23.
[313] Miller, *A History of Modern Morocco,* 110
[314] Baker, *Voices of Resistance: Oral Histories of Moroccan Women*, 18-19.
[315] Miller, *A History of Modern Morocco,* 111.
[316] Miller, *A History of Modern Morocco,* 118.

> cases to French courts, the cities exploded in anti-French fury. The French were accused of forcing the sultan to give up his rights in the Berber lands – thereby threatening the religious and political unit of the empire – attempting to divide Berber from Arab, and stepping up evangelism among the Berbers by Christian missionaries.[317]

Through the afore-cited Berber Dahir, the French objective was 'to keep Morocco's autochthonous Berber-speaking population, then an estimated two-thirds of an equally estimated total of about five million, administratively separate from the remaining Arabic-speaking third, which was regarded by them as intrusive.'[318] The French endeavoured to politicise differences between Arabs and Berbers by 'making the dahir part and parcel of a de facto policy which they had already learned in Algeria, that of divide and rule, while still profiting from earlier errors made in the native administration of the latter country.'[319] Following a colonial self-serving distinction,

> [t]he French view of Moroccan social relations, however, allowed for little or no overlap between Arabs and Berbers in the patterns of daily life: a particular rural group was either 'Arabised' and therefore Muslim, nomadic, patriarchal and fanatic, or they were phenologically 'Berber', with the supposed corollary traits of republicanism, secularism, and a fierce love of freedom.[320]

In the area of family law, as well, France heightened divisions among regions and groups and facilitated the existence of several customary codes co-existing alongside the State's Islamic family code. Framed in accordance to a colonial discourse aimed to essentialise and set against each other different constituents of the Moroccan polities,

> [t]he French legal reform program was, from its inception, founded upon vague, contested

[317] William A. Hoisington, *The Casablanca Connection: French Colonial Policy, 1936-1943* (Chapel Hill and London: The University of North Carolina Press, 1984), 29.
[318] David M. Hart, "The Berber Dahir of 1930 in Colonial Morocco: Then and Now (1930–1996)," *The Journal of North African Studies* 2, no. 2 (1997): 11.
[319] Hart, "The Berber Dahir of 1930 in Colonial Morocco: Then and Now (1930–1996)," 12.
[320] Adam Guerin, "Racial Myth, Colonial Reform, and the Invention of Customary Law in Morocco, 1912–1930," 364.

> understandings of Berber social and political organisation that colonial administrators mobilised for very specific political ends. The so-called reform of Berber customary law was rather an invention of a system that French administrators used to remove the Berber population from the influence of the Arab makhzan, to marginalise religious law in favour of secular European values, and ultimately to fracture the network of social, cultural, and political relationships between the sultan and his people.[321]

The dominant narrative amongst Moroccanists is that the 1930 Berber Dahir precipitated the path to Moroccan independence.[322] Following this decree, customary tribunals would apply local customary law rather than Islamic family law, hence further fragmenting an already patchy Moroccan polity in different areas of governance and law. For the French, the Berber Dahir had disastrous consequences, as it proved a catalyst for promoting unity against the imposed fragmentation by the colonisers.[323] The French 'had underestimated the attachment of Berbers to Islam, to Arabic as the language giving access to God, and to the Moroccan sultan who combined both sacred and temporal authority.'[324] France's major underestimation of those ties as well as 'the vague and fluid boundaries of indirect rule and the philosophy of France's civilising mission contained the seeds of future catastrophe – that is, how a type of indirect compulsion was built into the colonial project from the beginning.'[325]

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[321] Guerin, "Racial Myth, Colonial Reform, and the Invention of Customary Law in Morocco, 1912–1930," abstract.

[322] See, *inter alia*: El Aissati, "Ethnic Identity, Language Shift, and the Amazigh Voice in Morocco and Algeria"; Guerin, "Racial Myth, Colonial Reform, and the Invention of Customary Law in Morocco, 1912–1930"; Hart, "The Berber Dahir of 1930 in Colonial Morocco: Then and Now (1930–1996)"; William A. Hoisington, "Cities in Revolt: The Berber Dahir (1930) and France's Urban Strategy in Morocco," *Journal of Contemporary History* 13, no. 3 (1978): 433-448; Maddy-Weitzman, "Ethno-Politics and Globalisation in North Africa: The Berber Culture Movement"; Wyrtzen, "Colonial State-Building and the Negotiation of Arab and Berber Identity in Protectorate Morocco".

[323] Hart, "The Berber Dahir of 1930 in Colonial Morocco: Then and Now (1930–1996)"; Hoisington, "Cities in Revolt: The Berber Dahir (1930) and France's Urban Strategy in Morocco."

[324] Baker, *Voices of Resistance: Oral Histories of Moroccan Women,* 14.

[325] Guerin, "Racial Myth, Colonial Reform, and the Invention of Customary Law in Morocco, 1912–1930," 363.

Despite the fact that the Berber Dahir became 'a cause célèbre energizing anti-French protests across the Muslim world, from Egypt to Indonesia',[326] it was not until the unified family code (1957) that the Berber Dahir was rescinded.[327]

### 2.1.3. The quest for Morocco's independence (1930-1961)

During the quest for independence, spearheaded by the urban, elite-based, *Istiqlal* (Independence) party, the latter saw the monarchy as an element of unity and continuity and underestimated it for its capacity to manipulate the political chessboard to its sole advantage.[328] At the same time, it is precisely isolating and encouraging divisions within the Istiqlal political party that would lead Morocco to its independence, as the King strategically acquired the role of mediator and preserver of the new national unity and identity.[329] Similarly, the Sultan, Mohammed V (1927-1957), who then became independent Morocco's first *King* (1957-1961), spared no effort to tighten his symbolic links with local tribes. These considered him as their natural leader and protector of customary interests versus the urban elite reformist thrust.[330] Thus, 'the Moroccan monarchy in effect capitalized on the strength of kin-based solidarities'[331] to secure its future power in an independent Morocco.

There were a number of factors that led to the end of colonial rule in Morocco. The marginalisation of substantive parts of Moroccan society, endemic corruption and heavy taxation were, *inter alia*, primary reasons. As well, the 1930 Berber Dahir had unified and consolidated Morocco's

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[326] Wyrtzen, "Colonial State-Building and the Negotiation of Arab and Berber Identity in Protectorate Morocco," 232.
[327] Charrad, *States and Women's Rights: The Making of Postcolonial Tunisia, Algeria, and Morocco,* 141-142.
[328] George Joffé, "Morocco: Monarchy, Legitimacy and Succession," *Third World Quarterly* 10, no. 1 (1988): 214.
[329] Charrad, *States and Women's Rights: The Making of Postcolonial Tunisia, Algeria, and Morocco,* 132.
[330] Charrad, *States and Women's Rights: The Making of Postcolonial Tunisia, Algeria, and Morocco,* 152-54.
[331] Charrad, *States and Women's Rights: The Making of Postcolonial Tunisia, Algeria, and Morocco,* 154.

nationalist movement, which portrayed independence as inextricably bound to the Arab-Islamic character of the country,

> The dahir of 16 May 1930, signed by the sultan of Morocco at the request of France's resident-general, was the spark which ignited an explosion of anti-French feeling throughout Morocco's cities and, skilfully exploited, became one issue on which the nationalists built an organization dedicated first to reform, later to independence.[332]

From a nationalist perspective, 'the signs and practices associated with traditional Moroccan cultural life were appropriated to reinforce the image of a politicized collectivity.'[333] A combination of cultural rituals and attire, performance of the Friday prayer and a symbiotic conceptualisation of Sultan and nation strengthened this collective imagery.[334] In this vein, Morocco's nationalists rejected, altogether, the French bifurcation of Morocco's constituent groups, which would, later, fuel the Amazigh movement to assert its rightful place within Moroccan society.

In the 1934 Plan of Reforms,[335] nationalists did not demand the creation of an independent Moroccan State but, rather, a higher Moroccan participation in government as well as an end to discriminatory and racist attitudes and practices against Moroccans. Although the nationalists demanded reforms within the Protectorate rather than independence at this stage, these demands were refused, and the colonial administration entered a phase of direct confrontation with the Moroccan polity.[336] In the years leading up to independence, the French still believed that it was possible to maintain control by force while overlooking the growing impact that the nationalist movement was

[332] Hoisington, "Cities in Revolt: The Berber Dahir (1930) and France's Urban Strategy in Morocco," 433.
[333] Miller, *A History of Modern Morocco,* 131
[334] Joffé, "Morocco: Monarchy, Legitimacy and Succession," 214.
[335] A few activists in Fez drafted this nationalist manifesto, which aimed to redefine the set-up of the French Protectorate in Morocco. It also listed the nationalists' main issues of contention with the colonisers as well as proposing remedies thereto.
[336] Miller, *A History of Modern Morocco,* 134-135.

having on the Moroccan population at large. This policy of coercive control remained in place until independence.[337]

In 1936, the new Resident General of the Moroccan Protectorate, Charles Noguès, assumed his duties and became a close mentor of the Sultan. Under Noguès's leadership,

> [t]he protectorate had weathered drought and famine, survived riots in the cities and sedition among the tribes, skirted the shoals of the Spanish conflict and foreign intervention in the north. (…) There were encouraging signs of a new inner strength brought about by an upswing in the native and colonial economy, a commitment to urban and rural improvement, affirmation of the authority of the native elite in the souks and medinas, and a renewed reliance on the sultan.[338]

In Morocco's historiography, World War II appears as a somewhat under researched footnote. This may well be purposeful as so many actors—the French, Moroccan nationalists and the monarchy - have a vested interest in keeping this period out of the spotlight.[339] In analysing different historical accounts of that period, Vichy France's main priority – *almost its raison d'être* - appears to be maintaining its colonial empire intact.[340] Against this backdrop, in signing the armistice with Germany on 22 June 1940, 'Moroccans in general were "dumbfounded and overwhelmed" by the news of France's misfortunes on the battlefield, particularly the notables, who were terrified that France's defeat would spell the end of the protectorate and thus *their* end as well [*emphasis added*].'[341] When the armistice confirmed the status quo in North Africa, Charles Noguès, Resident General of Morocco since 1936 and subsequently Commander in Chief of France's operations in North Africa,

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[337] Miller, *A History of Modern Morocco,* 142-151.
[338] Hoisington, *The Casablanca Connection: French Colonial Policy, 1936-1943*, 159.
[339] Susan G. Miller, "Filling a Historical Parenthesis: An Introduction to 'Morocco from World War Ii to Independence'," *The Journal of North African Studies* 19, no. 4 (2014): 461-465.
[340] Miller, "Filling a Historical Parenthesis: An Introduction to 'Morocco from World War Ii to Independence'," 463.
[341] Hoisington, *The Casablanca Connection: French Colonial Policy, 1936-1943*, 176.

was able to rein in any resistance emerging against French rule in Morocco.[342] In fact, Noguès considered the emergence of a new nationalist movement as a positive development for France as this movement was of a reformist, rather than revolutionary streak, and presented no immediate danger to France's control of Morocco.[343] Nonetheless, the war years helped Morocco's fledgling independence movement to strengthen and consolidate its legitimacy. By 1944, the Istiqlal party issued a 'Manifesto of Independence' under the leadership of Sultan Muhammad V. Relinquishing the empire and allowing for decolonisation were not, however, in General Charles De Gaulle's plans.[344]

Under the charismatic leadership of Ahmed Belafrej, the Istiqlal party espoused three main principles—party discipline, loyalty to the Sultan, and determination to achieve full independence.[345] By the 1950s, there was a palpable shift in Morocco's political terrain, which, in turn, underpinned the Sultan's strategic alignment with Istiqlal and the nationalist movement and alignment with a narrative of Moroccan unity and 'Arab-Islamic' destiny.[346] In 1953, amidst increasing uprisings against the colonisers, French authorities exiled the Sultan Mohammed V (1927-1957) and his family to Madagascar where they remained until their return to Morocco on the eve of independence. The Sultan's exile precipitated urban-armed resistance across Morocco and turned the exiled Monarch into a national icon and martyr.[347] On the eve of Morocco's independence, 'many tribal chiefs of the Middle Atlas Mountains supported Moroccan monarch Mohammed V during his exile (1953-1955) (…).'[348] Those figures were then rewarded in the post-

[342] Hoisington, *The Casablanca Connection: French Colonial Policy, 1936-1943*, 176.
[343] Hoisington, *The Casablanca Connection: French Colonial Policy, 1936-1943*, 183.
[344] Miller, *A History of Modern Morocco,* 142-146.
[345] Miller, *A History of Modern Morocco,* 148.
[346] Miller, *A History of Modern Morocco,* 148
[347] Baker, *Voices of Resistance: Oral Histories of Moroccan Women,* 27-28.
[348] Lauermann, "Amazigh Nationalism in the Maghreb," 42.

independence era.[349] The collaboration between tribal – Amazigh - leaders and the monarchy helps to dispel the French-crafted, clear-cut, ethnic-based myth of pro-Protectorate Amazigh tribes and anti-Protectorate Arab nationalist leaders.

As riots spread across Morocco, France endeavoured to contain the situation by seeking the Sultan's counsel and allowing his return to Morocco to formally establish a constitutional monarchy.[350] In the ensuing power struggle between the Sultan and Istiqlal, 'the enduring alliance between the throne and the conservative *rural* [*emphasis added*] elite who had formerly served as the bedrock of the Protectorate administration in the countryside,'[351] tipped the balance in favour of the Sultan. This being the case, the Sultan quickly realigned his priorities and alliances and started shaping the State's conservative and absolutist set-up that would characterise Morocco for decades to come. Concomitantly, splinter factions were emerging from within the Istiqlal party, further weakening its base. Of significance was also the composition and political inclination of the newly formed 'Forces Armées Royales' (FAR) (the National Army) under the leadership of Crown Prince Hassan II.[352] Approximately 90% of the FAR forces were of Amazigh descent and from rural areas with strong proclivities towards the monarchy.[353] Although there was an insurgence of separatist movements all over Morocco, the monarchy held tight to power and managed to emerge as the country's key power broker.[354]

In the monarchy's quest to secure absolute power and control, the human rights landscape became increasingly fraught. Many public expectations, such as access to political, civil, economic, social and cultural rights and, generally, better living conditions for the majority of

[349] Lauermann, "Amazigh Nationalism in the Maghreb," 42.
[350] Miller, *A History of Modern Morocco,* 153.
[351] Miller, *A History of Modern Morocco,* 154.
[352] Miller, *A History of Modern Morocco,* 156.
[353] Miller, *A History of Modern Morocco,* 156.
[354] Miller, *A History of Modern Morocco*, 156.

the population, went unheeded by the monarchy. Emerging from this picture was the monarchy's mastery of *realpolitik* in marginalising Istiqlal and relegating it to an urban- and elite-based party, while defining itself as the architect of post-independence Morocco and protector of rural notables and tribal groups.[355] Following Morocco's independence in 1956, the Amazigh-oriented 'Mouvement Populaire' (MP) (Popular Movement) became one of the monarchy's political allies among other royalist conservative parties.[356] Amongst different political parties and power groups, the King became the sole 'arbitrator among the various sectors of Moroccan society.'[357]

Upon independence, the King appointed an Advisory Commission to consider abrogating customary codes previously legitimised by the 1930 Berber Dahir. After the Ministry of Justice voided the afore-cited Dahir, the King proceeded to establish a Special Commission to codify the Islamic law on issues pertaining to family and inheritance,

> The result was the moudawwana [mudawanna], codified in 1957-58, two years after Morocco attained independence. Based on the Malikite school (madhhab) of Islamic law, it treated a woman as a minor throughout her life, apart from a few specific areas such as granting her the right to manage and protect her own property.[358]

The Commission was composed of different parties working behind closed doors (including the King's ministers, 'Allal al-Fasi, leader of Istiqlal, officials of Islamic courts, the King's legal advisors and members of the consultative assembly) with the Minister of Justice responsible for the Commission's functioning. Yet, the ultimate decision-maker in charge of approving the content of the new family code was the King.[359] Upon

[355] Baker, *Voices of Resistance: Oral Histories of Moroccan Women,* 27-28.
[356] Baker, *Voices of Resistance: Oral Histories of Moroccan Women*, 42.
[357] Charrad, *States and Women's Rights: The Making of Postcolonial Tunisia, Algeria, and Morocco,* 156
[358] Bruce Maddy-Weitzman, "Women, Islam, and the Moroccan State: The Struggle over the Personal Status Law," *Middle East Journal* 59, no. 3 (2005): 399.
[359] Charrad, *States and Women's Rights: The Making of Postcolonial Tunisia, Algeria, and Morocco,* 167.

the *Moudawana*'s (Personal Status Code or PSC) adoption, the monarchy supported the patriarchal power of the agnates (male relatives in the paternal line) over women for the stability of the State and consolidation of its power.[360] Family law policy in Morocco was not the result of grassroots activism, rather a decision, by royal decree, to preserve and strengthen kin-based solidarities and thus maintain the status quo and power structures in Morocco.[361] This suggests that,

> The process of state formation (...) shaped the development of family law policy [*and highlighted*] the extent to which women serve as a resource for kin groups (...). The development of a national state in a postcolonial society is a critical moment that brings the relationship between state and kin-based solidarities to center stage in politics and this in the formulation of policies.[362]

Within this framework, the monarchy's hegemonic contestation of women's rights became yet another tool during the State formation and power struggles, a point that we will return to in depth in subsequent Chapters. Whilst female combatants are celebrated in Moroccan *oral* history, their important role in both armed resistance and nationalist struggle did not bring a change to their condition in post-independence Morocco.[363] Instead of representing an advancement of women's rights,

> [t]he codification of family law by the newly independent state in 1957 affirmed the national unity of the Arabs and Amazigh (Berber) populations after the 1930 French 'Berber Dahir', which had divided Morocco in two contrasting zones of legal authority (…). So this codification can be justifiably considered as the 'first statement of unity' in independent Morocco.[364]

[360] Charrad, *States and Women's Rights: The Making of Postcolonial Tunisia, Algeria, and Morocco,* 6-7.
[361] Joffé, "Morocco: Monarchy, Legitimacy and Succession," 207-208.
[362] Charrad, *States and Women's Rights: The Making of Postcolonial Tunisia, Algeria, and Morocco,* 238-241.
[363] Baker, *Voices of Resistance: Oral Histories of Moroccan Women,* 19.
[364] Salime, *Between Feminism and Islam: Human Rights and Sharia Law in Morocco*, 3.

### 2.1.4. King Hassan II's reign (1961-1999)

Having come to power the previous year, and being pressed by independence activists, King Hassan II issued a 'Fundamental Law' (as a *temporary* constitution) in 1962 and invited 'Allal al-Fasi and Ahmed Balafrej, respectively, the leader and the founder of Istiqlal, to form a new government.[365] The temporary 1962 constitution,

> […] [v]ested regulatory powers in a National Assembly composed of a directly elected House of Representatives and an indirectly elected House of Councilors. But these powers were effectively delegated at the king's pleasure. The king appointed and dismissed the prime minister and cabinet, and could dissolve parliament and assume residual powers under emergency laws.'[366]

Whilst this constitution provided for a multi-party system and universal suffrage, in the end, these would become mere tools to be used by the monarchy to consolidate power. This was evident, as Maghraoui argues, as 'the most significant liberal advances were made only after 1975, when the monarchy's prerogatives were no longer overtly contested.'[367] In line with this thinking, 'one could even argue that the foreclosure of any serious debate on the king's prerogatives was a necessary condition for political liberalization.' [368] Internationally, Hassan II courted the United States and France in an attempt to conclude international alliances. Regionally, however, Hassan II's hostile approach to relations with Algeria led to the 'war of the sands' between Morocco and Algeria.[369] Whilst this war ended in 1963, a new conflict would arise again at the time of Morocco's Western Sahara campaign of 1975. In that year, King Hassan commanded a massive, peaceful 'Green March' to,

> […] [d]ramatically assert his country's claim to the formerly Moroccan provinces of the Western Sahara, annexed by Spain in the late nineteenth

[365] Miller, *A History of Modern Morocco,* 164.
[366] Abdeslam Maghraoui, "Depoliticization in Morocco," *Journal of Democracy* 13, no. 4 (2002): 28.
[367] Maghraoui, "Depoliticization in Morocco," 27.
[368] Maghraoui, "Depoliticization in Morocco," 27.
[369] Miller, *A History of Modern Morocco,* 165-170.

> and early twentieth centuries. The Western Sahara issue greatly increased the king's legitimacy as defender of the country's territorial integrity and symbol of its national sovereignty, and tilted the balance of power in his favor until he died at the age of 70 in 1999.[370]

The Western Sahara war pitted Algeria-backed Sahrawi combatants (the Polisario Front, Popular Front for the Liberation of the Saguia el Hamra and Rio de Oro) against the Moroccan Royal Armed Forces and lasted until 1991. In this year, a ceasefire was signed under the supervision of the UN Mission for the Referendum in Western Sahara (MINURSO). The ceasefire was supposed to pave the way for a referendum on self-determination to be held in 1992 under the 1988 UN Settlement Plan on which the two parties had agreed.[371] As of 2018, the referendum has yet to take place and the question of WS has not been resolved.[372]

Internally, after breaking up with Istiqlal in 1959, Mehdi Ben Barka[373] formed a new party, the leftist 'Union Nationale des Forces Populaires' (UNFP) (National Union of Popular Forces), which increasingly confronted the King. In response, UNFP members were targeted and arrested, which led to the exile and 'disappearance' of Ben Barka in 1965 while he was in Paris.[374] The King's fight against intellectuals and leftists had started. Riots spread throughout Morocco, which led to the suspension of the constitution and a declaration of a state of emergency

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[370] Maghraoui, "Depoliticization in Morocco," 28-29.
[371] Hakim Darbouche and Yahia H. Zoubir, "Conflicting International Policies and the Western Sahara Stalemate," *The International Spectator* 43, no. 1 (2008): 92.
[372] The history and (ir) resolution of the Western Sahara issue is beyond the scope of the doctoral thesis, thus the topic is not further discussed within this work.
[373] Mehdi Ben Barka was the progressist Secretary General of the Istiqlal Party upon independence.
[374] As Victoria Brittain (2006) describes: 'Ben Barka, born in 1920 in Rabat, was the central figure in the organising of the first Tricontinental conference in Havana, which brought together liberation movements and political leaders from Africa, Asia and Latin America in January 1966 – three months after his seizure on the Boulevard St Germain by two French police officers. He was driven to a safe house where the Moroccan minister of the interior and other officials met him. American and Israeli collusion in the affair was later charged by his lawyers. Ben Barka's body was never found. His case remains open.' In Victoria Brittain, "They Had to Die: Assassination against Liberation," *Race & Class* 48, no. 1 (2006): 61.

that would remain in place until 1970. While universities became more and more politicised, a new far-left intellectual movement was born under the name of 'Ila al-Amam' (To the forefront). This organisation was quickly repressed, and its members arrested, including one of its co-founders, Abraham Serfaty.[375] The latter's imprisonment and torture marked the beginning of what has been referred to as 'Les années de plomb' (Years of lead) that would last from 1975 to 1990. During this period, the King nominated General Mohamed Oufkir as Minister of Interior. Oufkir was an especially autocratic and repressive figure whose appointment would seal the special bond between the monarchy and the Army.[376]

During Hassan II's early reign, the legacy of past colonial rule was evident. Under his rule, the co-operation with feudal elites in the countryside – the monarchy's strongest support base - remained firm, whilst communities living in mountainous areas continued to be marginalised and excluded from political power.[377] The lack of progress on reforms, especially in the agricultural sector, deepened the socio-economic disparities between rural elites and urban masses. While the King introduced a new constitution in 1970, widespread social and economic injustice continued to rise, ultimately fuelling the 1971 and 1972 failed coups against the monarchy.[378] Those involved in the

[375] A member of the Communist Party since his late teens, Serfaty had grown increasingly dissatisfied with the former and had founded the new Marxist-Leninist organisation 'Ila Al-Alam'. Subsequently arrested and tortured, he was then released and spent a biennium in hiding until he was charged with other 138 leftists in the 1977 Casablanca trial with 'plotting to overthrow the monarchy, inciting civil war, and illegal association,' for which he was sentenced to life in prison. 'By the time of his 1991 release, he was the oldest political detainee in Africa.' Among Serfaty's many 'flaws', was 'his political trajectory (…) not only as a Moroccan opposed to the monarchy but as a Moroccan supporting the Polisario Front in the Western Sahara and as a Moroccan Jew committed to the Palestinian cause.' In Abraham Serfaty, Christine Daure-Serfaty, and Miriam Rosen, "For Another Kind of Morocco: An Interview with Abraham Serfaty," *Middle East Report*, no. 179 (1992): 24.

[376] Miller, *A History of Modern Morocco*, 170-171.

[377] Bergh and Rossi-Doria, "Plus Ça Change? Observing the Dynamics of Morocco's 'Arab Spring' in the High Atlas," 201-202.

[378] Lounasmaa, "Women and Modernity: The Global and the Local in Moroccan Women's Ngos's Advocacy and Public Awareness Work", 88-89.

attempted coups, including the King's former ally, General Oufkir, were harshly punished, with the ring leaders being tortured and murdered. These failed attempts not only exposed the monarchy's fragility but the widespread perception of its illegitimacy amongst Moroccans. For the Monarch, it was a clear signal that forging of new alliances, including with the conservative Islamic establishment, would be necessary to hold on to power.[379]

The first years of Hassan II's reign were significant as he grew to understand the necessity of allowing for some degree of tolerance towards a burgeoning civil society, including special interest groups (e.g. women's groups, Amazigh activists, Islamists etc.). As an illustration of this overture, '[i]n 1969, King Hassan II created the Union Nationale des Femmes Marocaines (UNFM) with the goal of improving the social and economic status of women in Morocco.'[380] Another special relationship the King aspired to capitalise on was with the Islamists due to Monarch's claim to spiritual-temporal prominence. Tightly related to the growth of Islamist movements was the issue of Arabisation in educational and religious matters. To counteract the parallel ascent of leftist ideologies, the King favoured the trend of Islamisation and Arabisation of Moroccan society.[381] Nevertheless, Islamism presented its own threat to the King's power, most poignantly represented by the rise in the 1980s of Abdessalam Yassine and his Islamist group 'Al Adl Wal Ihsan' (Justice and Spirituality). After Yassine was institutionalised for criticising the monarchy and challenging its religious legitimacy, the King proceeded to outlaw Yassine's organisation in 1990.[382] Faced with the growing prominence of Islamists in Morocco's political spectrum, the King aptly

[379] Miller, *A History of Modern Morocco*, 177-179.
[380] Benson, "The Moroccan Personal Status Law and the Invention of Identity: A Case Study on the Relationship between Islam, Women and the State," 5.
[381] Miller, *A History of Modern Morocco*, 178-79.
[382] Patricia J. Campbell, "Morocco in Transition: Overcoming the Democratic and Human Rights Legacy of King Hassan II," *African Studies Quarterly* 7, no. 1 (2003): 42; Bruce Maddy-Weitzman, "Islamism, Moroccan-Style: The Ideas of Sheikh Yassine," *Middle East Quarterly* 10, no. 1 (2003): 43.

changed tactics by substituting coercion with co-option of political parties, as long as they did not challenge the monarchy's legitimacy. The main Islamist entity to benefit from this new strategy was the 'Parti de la Justice et du Développement' (PJD) (Party for Justice and Development).[383] The PJD thus became a permanent actor in Moroccan politics and won the majority of votes in both the 2011 and 2016 general elections.

Morocco's increasingly vocal civil society also brought the secular women's movement, closely associated to Morocco's leftist parties since the 1950s, in from the political cold.[384] Women had, increasingly, become an important 'asset' for Morocco's power centres (especially, the monarchy, political parties and minority or indigenous group leaders)—from playing an important role in the sacred union with Western Sahara to engaging in the electoral pursuit of female voters. That said, whereas urban elite and middle-class women were slowly benefiting from some advances in the enjoyment of their rights and position in society; rural and working-class women were left far behind. Added to this, the severe repression of leftist parties by the King critically undermined the fledgling liberal women's movement.[385] Subsequently, women started to draw from a variety of sources including international human rights, Western and Third World feminism, Islam (from the 1970s onwards) and reform based on *Ijtihad* (the independent or original interpretation of problems not precisely covered by the Qur'an), Hadith (traditions concerning the Prophet's life and utterances), or ijma' (scholarly consensus) to advance their cause.[386]

One of the earliest (and most pressing) demands to be put forth by Moroccan women's groups was the reform of Moudawana that had reinforced women's subjugation and male dominance in the immediate

[383] Miller, *A History of Modern Morocco*, 188-191.
[384] Sadiqi, *Women, Gender and Language in Morocco*, 22.
[385] Miller, *A History of Modern Morocco*, 193.
[386] Sadiqi, *Women, Gender and Language in Morocco*, 31.

aftermath of independence. As per the PSC, '[w]omen were required to have complete obedience to these male figures in the family. In other words, it gave men exclusive rights in governing the lives of women, even in their adulthood.'[387] King Hassan II grasped the importance of making some concessions to special interest groups like women's rights activists, in particular to counteract the rise of political competitors like Islamist parties.[388] With this in mind,

> Hassan II answered the calls of women's associations and established a commission, which included a well-known Moroccan author Leila Abouzeid, to review the Personal Status Code. Their opinion was then given to a second committee comprised of all-male religious scholars and jurists, which a year later submitted its final recommendations for reform of the old Moudawana to the king.[389]

On the whole, these minor changes to the Moudawana failed to address the demands for change advanced by Moroccan women's groups. Yet even those minor changes had an unexpected result: the reform broke the taboo and the sacred nature of the Moudawana – the latter could now be revised or replaced by a different law. This limited success of the women's movement laid the foundations for the second attempt to reform the law.'[390] Thus, by the time Mohammed VI became King in 1999, the reform of the out-dated Moudawana had become an ever-pressing demand by, and necessity for, women's groups. These groups were able to galvanise enough support for their cause that the King established a Consultative Commission in 2001 to revise the code. The new family code was unanimously approved by Morocco's Parliament in 2004.[391]

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[387] Katja Žvan Elliott, "Reforming the Moroccan Personal Status Code: A Revolution for Whom?", *Mediterranean Politics* 14, no. 2 (2009): 214.
[388] Campbell, "Morocco in Transition: Overcoming the Democratic and Human Rights Legacy of King Hassan II," 47.
[389] Žvan Elliott, "Reforming the Moroccan Personal Status Code: A Revolution for Whom?", 216.
[390] Žvan Elliott, "Reforming the Moroccan Personal Status Code: A Revolution for Whom?", 216.
[391] Žvan Elliott, "Reforming the Moroccan Personal Status Code: A Revolution for Whom?", 217.

It was also from within this space, first opened up by the women's movement and other special interest groups, that Morocco's Amazigh Cultural Movement would emerge.[392] In their outreach to the wider Moroccan society, 'Berber appeals (…) to accept cultural diversity resonated with other marginalized groups seeking recognition, such as the tiny (...) but firmly entrenched Jewish community.'[393] Relevant literature covers the special bond and solidarity between the Amazigh and other minority and indigenous groups, including Moroccan Jews, in their common pursuit of minority rights and pluralism.[394] In an effort to counteract Arab nationalism,

> [s]ome Amazigh militants have actively sought to reconcile Jewish and Berber populations, and have publicly advocated a normalization of relations with Israel. They generally see in the Israelis a direct parallel for the Amazigh struggle: a minority people who succeeded in codifying and saving a threatened language, gained territorial autonomy and is currently threatened by a surrounding Arab majority.[395]

Notwithstanding their increasing self-awareness, in the aftermath of independence, the Amazigh were mainstreamed in the Moroccan polity and their cultural diversity diluted, if not *de facto* nullified.[396] Despite this, in the 1980s, Amazigh intellectuals started to demand recognition of their specific cultural diversity and heritage. In 1991, a number of Amazigh cultural associations issued the 'Charter of Agadir' to denounce the ghettoisation of the Berber culture (revived under the appellation 'Amazigh' or 'free person') and to demand the Amazigh language to be recognised, alongside Arabic, as an official language of the State.[397] Being a great sectarian entrepreneur, the King championed the Amazigh cause

[392] Lauermann, "Amazigh Nationalism in the Maghreb," 40. On the international scale, the affiliated, Maghreb-encompassing, movement is known as the 'Berber Cultural Movement.' See Lauermann, "Amazigh Nationalism in the Maghreb," 40.
[393] Miller, *A History of Modern Morocco*, 194.
[394] Paul A. Silverstein, "A New Morocco? Amazigh Activism, Political Pluralism and Anti-Anti-Semitism," *The Brown Journal of World Affairs* 18, no. 11 (2011): 129-140.
[395] Silverstein and Crawford, "Amazigh Activism and the Moroccan State," 47.
[396] Miller, *A History of Modern Morocco*, 195.
[397] Sater, "Civil Society and Political Change in Morocco," 102.

and included the notion of cultural diversity and rights under the national agenda. Once again, the monarchy was able to co-opt a movement to its own benefit and maintenance of power,

> Even though many Berber activists resented the self-serving logic behind the king's tactics and protested against what they called 'cooptation' by the makhzan, *leaders* [*emphasis added*] argued that fully achieving their goals meant reaching a cultural and political understanding with the state.[398]

In parallel with the emergence of other special interest groups, a national human rights discourse started to assume more centrality in Moroccan society. Morocco's historical human rights NGOs - such as the Moroccan Human Rights Organisation (OMDH) and the Moroccan Human Rights Association (AMDH) – were founded between the late 1980s and 1990s. From its part, the government established the Consultative Council for Human Rights - now 'Conseil National des Droits de l'Homme' (National Human Rights Council) (CNDH) - and created a Ministry of Human Rights. These entities all played into the monarchy's changing strategy of creating 'a national consensus on the basis of pre-defined monarchical prerogatives.'[399] By the late 1990s, the King had become aware that 'the state's acceptance of this limited expression of dissent strengthened the state's position'[400] as well as its political legitimacy both within and outside Morocco.[401]

In 1996, a bilateral legislature was formed, and Morocco entered a new period of transition. With the new parliamentary system in place, the period of 'Alternance' between political parties had commenced in earnest: 'An agreement was struck between the king and the opposition parties [*such as the Socialist Party*], whereby the former retained a number of significant executive prerogatives, but the latter would be

[398] Miller, *A History of Modern Morocco*, 196.
[399] Sater, "Civil Society and Political Change in Morocco," 129.
[400] Sater, "Civil Society and Political Change in Morocco," 129.
[401] Sater, "Civil Society and Political Change in Morocco," 128-129.

allowed access to some executive power.'[402]

These changes initiated from the top as executive decisions furnished Morocco with a more positive image abroad and guaranteed financial and political support from European partners and the US as well as Arab conservative monarchies (e.g. Jordan and the Gulf States).[403] Yet, 'the basic *modus operandi* of the regime did not change; it continued to govern by the old methods of "divide and rule," with occasional episodes of harsh treatment, much to the disappointment of its subjects/citizens.'[404]

### 2.1.5. King Mohammed VI's reign (1999-present)

From its very beginning, the Kingdom of Mohammed VI had a clear agenda; to break from the past and to present himself as an innovator ready to pursue democratic reforms and guarantee human rights. The first step undertaken by the new King was the establishment of a Royal Commission (1999) to examine paying indemnities to former political prisoners.[405] King Mohammed VI began 'a new era of which its most notable creation was the *Instance équité et réconciliation* (…) which paid financial compensation to over 11,000 victims of wrongful imprisonment and other harsh measures.' [406] Founded in 2004, the 'Instance Équité et Réconciliation' (Equity and Reconciliation Commission) (IER) was designed as a sort of truth commission 'to examine past state abuses of human rights, compensate victims, and '(in King Mohammed's VI's words) conclude the process of shelving a thorny issue once and for all.'[407] Despite this, '[a]long with continued abuses, the

[402] Francesco Cavatorta and Emanuela Dalmasso, "Liberal Outcomes through Undemocratic Means: The Reform of the Code De Statut Personnel in Morocco," *Journal of Modern African Studies* 47, no. 04 (2009), 497.
[403] Miller, *A History of Modern Morocco*, 204.
[404] Miller, *A History of Modern Morocco*, 204.
[405] Miller, *A History of Modern Morocco*, 221.
[406] Roger Owen, *The Rise and Fall of Arab Presidents for Life* (Cambridge and London: Harvard University Press, 2012), 133.
[407] Luke Wilcox, "Secularists and Islamists in Morocco: Prospects for Building Trust and Civil Society through Human Rights Reform," *Journal for the Study of Religions and Ideologies* 7, no. 20 (2008), 5.

restriction on victims' testimony that perpetrators of abuses could not be named, much less criminally prosecuted (though the route of civil courts was left open), has been heavily criticized by human rights organizations and others in Morocco.' [408] In spite of these major drawbacks and the fact that King Hassan II's name was not even mentioned in the proceedings, the IER experience was considered a watershed for transitional justice in the Arab world and praised internationally.[409]

In the political arena, the King removed unpopular cabinet members such as Minister of Interior, Driss Basri, while he incorporated various Islamist parties into the political system and 'went to considerable lengths to nurture a moderate Islamic party, the PJD […] The same balancing act can be seen in Muhammad VI's promotion of the political rights of women.'[410] Exploiting secular feminist fears of Islamist groups (including religious feminists) and their impact on Moroccan society, 'Mohammed VI has been able to co-opt a significant and powerful sector of civil society, the women's rights movement, and tie it to his project of change for Morocco.' [411] That said, the successes of the feminist movement in Morocco have, concomitantly, embedded it within the political power structure. For one, the highly acclaimed Moudawana,

> […] [o]wes a great deal to the King's prerogatives as Commander of the Faithful and mediator. These entitlements provide feminist groups with leverage to counter the power of the Islamists who could authoritatively speak in name of God against painfully gained rights. This is why questioning the King's authority is very risky for feminist groups, especially for the most urgent items on their agenda: full parity and the reform of the penal code.[412]

[408] Wilcox, "Secularists and Islamists in Morocco: Prospects for Building Trust and Civil Society through Human Rights Reform," 12.
[409] Miller, *A History of Modern Morocco*, 223.
[410] Owen, *The Rise and Fall of Arab Presidents for Life,* 133.
[411] Cavatorta and Dalmasso, "Liberal Outcomes through Undemocratic Means: The Reform of the Code De Statut Personnel in Morocco," 501.
[412] Salime, "A New Feminism? Gender Dynamics in Morocco's February 20th Movement", 107-108.

The 2003 'Casablanca bombings'[413] afforded the King an opportunity to demonstrate his full temporal and spiritual authority by silencing political Islam while being able 'to force the new legislation [*the new family code*] through Parliament and to satisfy the demands of the women's rights movement.'[414] Women's groups obtained what they had so strongly advocated for while possibly overlooking the way in which this reform had come to pass.

In tune with the changing times, King Mohammed VI appreciated the importance of making concessions to the burgeoning 'Amazigh Cultural Movement' and its growing support base. Against this backdrop, '[t]he Moroccan Royal Institute for Amazigh Culture (IRCAM) was not created to maintain the multicultural heritage of Morocco, but to appease Berber activists and to maintain power reputation and global recognition.'[415] Different opinions on the role of IRCAM have further fragmented the 'Berber rights movement,' as some activists saw it as an extension of the Makhzen rather than 'a unifying element' for the movement itself.[416] At the same time, '[t]he 2003 Berber language initiative marks the first time Berber, the mother tongue for over 40% of the Moroccan population, is permitted to be used in Moroccan schools.'[417] While the King belatedly recognised the multicultural nature and identity of Morocco – as the 2011 constitution also does,

> […] [t]he king's involvement in the implementation of the Berber language was perceived as a top-down process. This policy primarily benefits the king and safeguards his ultimate control. The monarchy's recognition of Berber is seen as a political tool to garner support

[413] The 'Casablanca bombings' refer to a series of five suicide attacks that took place in Casablanca in 2003. A violent Islamic group, 'Al Salafyia al-Jihadia', hailing from the bidonville of 'Sidi Moumen', perpetrated them. They caused the death of 41 people along with around 100 injured.
[414] Cavatorta and Dalmasso, "Liberal Outcomes through Undemocratic Means: The Reform of the Code De Statut Personnel in Morocco," 500.
[415] Zouhir, "Language Policy and State in Morocco: The Status of Berber," 45.
[416] Zouhir, "Language Policy and State in Morocco: The Status of Berber," 45.
[417] Jeremy A. Todd, "The Politics of Language Policy in Morocco: The 2003 Berber Language Initiative" (DPhil Thesis, University of Wisconsin Madison, 2011), 5.

> from all Moroccans and international organizations, and to quiet most Berber activists.[418]

In 2011, during the Arab Spring, a number of socio-economic and political grievances (including the monarchy's monopoly on power) brought protesters to the street under the thrust and leadership of the young and diverse 20 February Movement (20FM or F20M). This movement, largely consisting of urban-based activists,

> […] [l]ed a wave of protests against the widely perceived social ills (such as considerable levels of poverty, inequality, unemployment and widespread corruption) and raised the political consciousness of the average Moroccan citizen. However the F20M did not lead to a revolution and to the overthrow of the regime as happened in Tunisia, Egypt and Libya.[419]

For the most part, the 20FM failed to connect to Morocco's rural population, as it was primarily urban-based and elite-driven. The movement was comprised of both conservative and liberal forces, and whilst this did include a large Amazigh component, again it was mainly drawn from its urban elites.[420] Because the 20FM comprised 'a mishmash of different ideological political positions that are united only by their opposition to authoritarian rule in all its manifestations,'[421] the 20FM never became a unified political movement but remained an ensemble of diverse actors ready to exploit the momentum to their own advantage.[422]

The Monarch understood that there were consequences to either harshly repressing the 20FM or leaving it unbridled. Hence, Mohammed VI responded by creating in 2011 the 'Commission Consultative pour la

[418] Zouhir, "Language Policy and State in Morocco: The Status of Berber," 51.
[419] Sylvia I. Bergh and Daniele Rossi-Doria, 'Plus Ça Change? Observing the Dynamics of Morocco's "Arab Spring" in the High Atlas', *Mediterranean Politics* 20, no. 2, 198
[420] See, *inter alia*, Bergh and Rossi-Doria, 'Plus Ça Change? Observing the Dynamics of Morocco's "Arab Spring" in the High Atlas,' 198-216.
[421] IDEA, 'The 2011 Moroccan Constitution: A Critical Analysis', 10.
[422] See also Bergh and Rossi-Doria, 'Plus Ça Change? Observing the Dynamics of Morocco's "Arab Spring" in the High Atlas,' 205.

Révision Constitutionnelle' (Consultative Commission for the Constitutional Revision or CCRC). The CCRC operated under the direct tutelage of the King and was tasked with drafting a new, more liberal and progressive constitution. The new constitution was then to be submitted to a popular vote though public referendum.[423] Aside from the 20FM and the 'Al Adl Wal Ihsan' (Justice and Spirituality) Group calling for a boycott of the referendum, Morocco's main political parties and women's groups widely supported it and encouraged their members to vote in favour of the new constitution.[424] Whilst the latter heeded the call for reform on key issues for the Moroccan polity (e.g. legal recognition of equality between men and women, advanced regionalisation policy, official recognition of the Amazigh language etc.), there were other aspects—Morocco's territorial integrity; the inviolability and supremacy of the King; and Islam as the State religion—that remained intact and untouchable. An overwhelming majority of Moroccans voted in favour of the new constitution, which renewed the bond between the Monarch and his people.[425] In the 2011 constitutional process, the King effectively outmanoeuvred those who questioned his legitimacy – primarily the 20FM - by channelling their discontent into an official institutional process while relying on a diverse array of allies.[426]

What emerges from this brief historical overview is that power in Morocco was maintained by interweaving the monarchy, the State, and society. Competing powers struck political compromises over pragmatic and material necessities. This recurring practice also enlightens the

[423] Zouhir, "Language Policy and State in Morocco: The Status of Berber," 51.
[424] See Zakia Salime, 'A New Feminism? Gender Dynamics in Morocco's February 20th Movement', 106.
[425] Bergh and Rossi-Doria, "Plus Ça Change? Observing the Dynamics of Morocco's 'Arab Spring' in the High Atlas," 207.
[426] See, *inter alia*: Francesco Alicino, 'The Moroccan Constitutional Transition: The Method of Contextualisation and Mutual Interaction'; IDEA, 'The 2011 Moroccan Constitution: A Critical Analysis'; Driss Maghraoui, 'Constitutional Reforms in Morocco: Between Consensus and Subaltern Politics'; Paul Silverstein, 'Weighing Morocco's New Constitution'; Bergh and Rossi-Doria, "Plus Ça Change? Observing the Dynamics of Morocco's 'Arab Spring' in the High Atlas"; Zakia Salime, 'A New Feminism? Gender Dynamics in Morocco's February 20th Movement'.

reasons behind, and modalities for, the way the Moroccan State (often conflated with the monarchy) has construed its role historically and territorially.[427] Through an adaptation of different techniques, such as divide-and-rule, coercive control, 'dual response', 'co-optation', 'pre-emption' and 'no-response,'[428] Morocco's monarchy has successfully harnessed potential detractors and dissidents, including Amazigh and women's groups as well as political Islam, and shaped the trajectory of the country's political, societal and cultural development. The reasons why and modalities through which the Amazigh community has become part of Morocco's power structures are subjects that will be covered in the next Chapter.

[427] Miller, *A History of Modern Morocco*, 215.
[428] Melissa Haussman and Birgit Sauer, *Gendering the State in the Age of Globalization: Women's Movements and State Feminism in Postindustrial Democracies* (Plymouth, UK: Rowman and Littlefield Publishers, Inc., 2007), 9-10.

# Chapter III: Shaping narratives in Moroccan society

## 3. Performing roles and rights

The results of ethnographic research conducted across Morocco confirm that various Moroccan actors carry out their duties and undertake actions in a *performative* manner. The latter transcends all aspects and layers of Moroccan society and helps explain how narratives and counter-narratives are formed, and the way in which actors in Moroccan society display their functions and fulfil their roles. Specifically, State actors exercise power in both the conventional sense of coercion (soft or hard), and through instrumental action, i.e., taking action x in order to achieve y. In reference to the State's narrative on gender, for instance, Žvan Elliott saliently remarks,

> […] the regime's discourse on women's rights and gender equality offer the impression of the country's progress; however, underneath this liberal veneer, the regime reaffirms and sanctions patriarchal gender relations entrenched in many communities across Morocco.[429]

Key components of the Moroccan polity perform their duties or their roles according to what is expected of, or convenient for, them, rather than independently defining or defying their roles, thus contributing to their reproduction and reification. The concept of performance does not merely inform our understanding of the human subject at hand (Amazigh women); it is also a useful lens to understand the Moroccan context at large. Yet, in order to distinguish performance from performativity in the Butlerian sense, certain foundational premises have to be laid. While performativity derives from language studies, Butler uses it in the context of gender to challenge heteronormativity and examine sexuality in subversive ways. In her interpretation, gender is,

[429] Žvan Elliott, "Morocco and Its Women's Rights Struggle: A Failure to Live up to Its Progressive Image."

> A stylized repetition of acts (…) which are internally discontinuous (…) [*so that*] the appearance of substance is precisely that, a constructed identity, a performative accomplishment which the mundane social audience, including the actors themselves, come to believe and to perform in the mode of belief.[430]

Hence, to say that gender is performative is to argue that 'gender reality is real only to the extent that it is performed.'[431] While this meaning of (gender) *performativity* helps us explain how Amazigh women specifically become both Amazigh and women by performing certain rituals and practices, we ought to depart from this interpretation to use *performance* in a governance context. In the realm of governance, the contention here is clearly not that the State and other actors ultimately fulfil their duties by performing certain rituals and practices. Conversely, the State solemnly announces imminent reforms even though they might not (ever) take place.[432] In affirming, for instance, the principle of gender equality in the new constitution, the State performs an act (affirming gender equality) regardless of whether this will be achieved, or whether the State even intends to achieve it. Another illustration of the State performing an act is related to Morocco's human rights progress, as stated by the King. Because the King states that human rights are respected in Morocco, participants, such as L.K., assume that human rights are indeed respected in Morocco.[433]

Research participants were asked to consider whether and how the State performed its functions and duties, often solidifying the status quo and cementing roles and divisions. Tellingly, the notion of State conjured images of various concepts and entities namely, the government, the monarchy, the parliament, and even the constitution. Responses varied

[430] Butler, *Gender Trouble: Feminism and the Subversion of Identity*, 191-92.
[431] Butler, "Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory," *Theatre Journal* 40, no. 4 (1988): 527.
[432] John L. Austin, *How to Do Things with Words* (Cambridge, Massachussets: Harvard University Press, 1962).
[433] Interview with L.K., non-literate, homeworking, young mother living in an urban area, Marrakech area, 15 May 2017.

widely as to how and if the government performed in theory and actuality its human rights duties.

Some participants, for instance, criticised the government for intentionally failing to fulfil its human rights obligations, or only rhetorically performing them without any de facto implementation. Blaming the 'Islamic' affiliation of the government, F.A., a high school English teacher, described,

> The current government is not on the right track since they are a bit Islamic, an Islamic party. So, they *go on that track of women being constructed* [*emphasis added*] in one way: 'Women are good. It's good to have a lot of women working outside, having women in the parliament, having women in parties,' but not really giving them power.[434]

Along the same lines, H.B., a primary school French teacher, explained, '[w]hen the new government [*the PJD*] was elected, it had an Islamic turn and the Moudawana [*family code*][435] was amended, but not actually practiced. For example, they [*the government*] let judges give consent for underage marriages.'[436]

The government's stance on gender issues arose in a number of interviews. S.B. (a project manager and a PhD graduate), M.A. (a non-literate and homeworking widow), H.B. (a primary school French teacher) and F.A. (a non-literate woman who barely supports herself and her children with housework) all live in an urban area but are from a diverse range of socio-economic backgrounds. Despite their differences, they were all critical of the government's (in)action on gender issues. As S.B. noted, '[i]f I did that [*participate in protests*] in 2011, it is because the government of Morocco does not respect human rights enough. There

[434] Interview with F.A., high school English teacher in rural area, Agadir area, 13 October 2016.
[435] *Dahir Pertaining to the Promulgation of the Law Related to the Family Code of Morocco*.
[436] Interview with H.B., primary school French teacher in an urban area, Rabat area, 22 September 2016.

are always disparities, a lack of balance and gender equality but above all [*a lack of*] respect for women in Morocco.'[437] M.A. observed, 'The government always *talks* [*emphasis added*] about women's rights but there are no women's rights and there are no jobs for women, there is nothing for women.'[438] Drawing a causal relationship between access to financial resources and rights, F.A. argued that, '[n]o one cares for the weak, not even the government *cares for* [*emphasis added*] the weak. They only care about people who have money and power, and everywhere, not only in Morocco.'[439]

Other participants were reluctant to criticise the government for the status quo, shifting the responsibility onto other stakeholders, including Moroccans themselves. Those participants all had university education and were aged less than 30 years. For instance, N.A. explained,

> They [the *government*] say that they will offer things for women to be treated like men, but they don't do anything. (…) I think it is all about us, more than the government, because, if we change our behaviours, of course the government will change their behaviour. (…) If we stick to the rules, the government will give more rules that can help us. But, I think that something is wrong with us, not the government.[440]

As illustrated by other ethnographic research, 'women stressed that "mentalities" must change more, through educational reforms, training programmes for women leaders, and increased access to decision-making roles rather than simple quotas.'[441] That particular study points at the 'importance of social change mechanisms (…) and increasing

[437] Interview with S.B., project manager and PhD graduate, Agadir area, 07 October 2016.
[438] Interview with M.A., non-literate and homeworking widow living in an urban area but originally from the countryside, Khemisset area, 19 September 2016.
[439] Interview with F.A., non-literate woman barely supporting herself and her children with housework, living in an urban area but of rural origins, Khemisset area, 19 September 2016.
[440] Interview with N.A., university student in her late teens originally from the countryside, Agadir area, 06 October 2016.
[441] Hallward and Stewart, "Challenges and Opportunities Facing Successful Women in Morocco,"18.

educational access, particularly in rural areas, in changing societal views of women.'[442] As M.Z. remarked, 'even if the government is working hard for these laws or for the rights, the woman has also to be part of this because if women don't know their rights, there is never going to be progress in this field.'[443] F.A. shifted the responsibility for change onto the "educated people," 'I do believe that it's up to the people who are really educated who are really aware of what is change, what should be changed. Those people are the ones who should take matters into their hands, *not the government* [*emphasis added*].'[444] C.E. expressed doubt (and implicitly justified it in its failure to do so) that 'the government can afford to provide for the population of Morocco to eat, to sleep and to have a home.'[445]

Few interviewees, especially from disadvantaged socio-economic backgrounds, expressed confidence in, or support for, the government. F.A., revealed, 'I voted [*in 2011*] and I vote for anything that the government proposes.'[446] In a similar vein, F.B. noted '[*The government*] has started building schools near villages, and things are not the same as they used to be. The road is good.'[447] As well, few young women with a university education expressed similar thoughts. For instance, H.B. noted,

> Yes, I believe (…) the government [has *to*] fulfil and keep their promises and those we elect and vote for keep their promises and take our causes to discuss them and defend what we want to defend. They are the stakeholders and the ones who can actually make a change.[448]

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[442] Hallward and Stewart, "Challenges and Opportunities Facing Successful Women in Morocco," 18.
[443] Interview with M.Z., child minder working in a hotel with few years of university education, Middle Atlas area, 29 September 2016.
[444] Interview with F.A. (afore cited), Agadir area, 13 October 2016.
[445] Interview with C.E., university student in her late teens originally from the countryside, Agadir area, 18 October 2016.
[446] Interview with F.A. (afore cited), Khemisset area, 19 September 2016.
[447] Interview with F.B., non-literate, homeworking, widowed mother living in a rural area, Agadir area, 13 October 2016.
[448] Interview with H.B., university student in her late teens originally from the countryside, Agadir area, 06 October 2016.

In recognition of the role played by women's rights organisations, H.O. observed, 'I believe that, (…) because of these local organisations and associations [*and because women*] go out in the street and call for women's rights, the government would do more *[to improve*] the situation of women.'[449]

Turning to the Moroccan monarchy, this institution ostensibly embraces liberalism and fundamental freedoms and often compares itself favourably to the rest of the Arab world. At the same time, the monarchy portrays itself as a neutral mediator among divergent ideological pulses. As Wyrtzen highlights,

> […] [t]o a remarkable degree, the monarchy continues to cultivate the dualist legitimization framework Lyautey forged at the inception of the protectorate, one that fuses traditionalization and modernization in variety [*sic*] of preservationist and developmental policies.[450]

Underlining the paradoxes in the role of the monarchy, only few interviewees, all of whom self-identified as politico-social activists with tertiary education, openly criticised the institution. S.B., for example, made the following remark,

> I know that, at the time [*2011*], the Moroccan government [*sic*] did everything to calm the spirits. It was the time of Arab Spring in the region. They have done everything to adapt their offers to our demands. Their constitution (…) personally, I was not satisfied; that's why I didn't vote for the constitution in 2011. (…). It is true that the Royal Palace has answered to our media statements. (…). For us, it was already a success that we managed to convey a message to the Royal Palace, but I would say that the government or the Royal Palace are much more powerful. They are diplomats; they find an understanding to calm the situation.[451]

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[449] Interview with H.O., high school graduate working for an association, Rabat area, 22 September 2016.
[450] Jonathan Wyrtzen, *Making Morocco: Colonial Intervention and the Politics of Identity* (Ithaca, N.Y.: Cornell University Press, 2015), 304.
[451] Interview with S.B. (afore-cited), Agadir area, 07 October 2016.

I.B. is a socially very active, university student of rural origins who lives with her family in an urban area. She explained that it was not possible to trespass Morocco's (and its constitution's)[452] infamous red lines—the monarchy, Islam and its territorial integrity.[453]

> (…) Speaking of political issues, you cannot talk about the King, you cannot criticise what's being done in the upper buildings. (…) [a]nd when it comes to social issues, you cannot talk to people about religion or defend the freedom of belief. (…); if you say that yes [*Western*] Sahara is ours, you are a beautiful person, and no one is going to hurt you, but if you do the opposite, they will ask you what your name is. You will become a *known person [emphasis added]*.[454]

Those interviewed that were from a lower socio-economic background made specific remarks on the rights situation in the country. Disillusioned by the broken promises made in 2011, S.H. explained, 'I remember, I heard him [*the King*] speak on TV, he promised to change things and things were changing, but now they're not changing anymore.'[455]

As Salime and others contend, in contrast to the monarchy's self-portrayal of a neutral arbiter, the former is, in fact, preoccupied with maintaining power.[456] Whilst this was a dominant theme supported by a majority of those interviewed, there were some participants who believed the monarchy was genuine in its attempts to improve living conditions for all Moroccans. These respondents, often with tertiary education, expressed their preference for a monarchical rather than democratic form of government and were wary of the disastrous

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[452] *Dahir Pertaining to the Promulgation of the Constitution of Morocco*. Code number: 01-11-91, 2011.
[453] Interview with I.B., socially very active university student of rural origins living in an urban area, Agadir area, 07 October 2016.
[454] Interview with I.B. (afore-cited), Agadir area, 07 October 2016.
[455] Interview with S.H., single, non-literate, bread maker living in a rural area, Middle Atlas area, 26 September 2016.
[456] See, *inter alia:* Zakia Salime, "The War on Terrorism: Appropriation and Subversion by Moroccan Women"; IDEA, "The 2011 Moroccan Constitution: A Critical Analysis".

consequences that democracy might bring to Morocco and their (somewhat privileged) position within it. In the context of the Arab Spring, A.A., a university graduate, argued,

> A lot of people would have to be educated for democracy to take place here. I think the King was very, very clever in implementing new laws and proposing a new constitution. But what I didn't like, from my own critical point of view, is that he surrendered to the Islamic turn, which I really don't agree with.[457]

A young university student, S.I., also preferred a monarchical form of government to a republican one, and openly expressed her loyalty to the King,

> I think that the monarchy is not like the republic. The King listens to the people and takes care of them, unlike the President who would just seek benefits for himself. (…) I think that the King is very spiritual. He is a Muslim. He always does good things to other countries when they are damaged. The King is always the first one to help them with money, to donate money and that's our King. Long live the King.[458]

Providing examples of a blind allegiance to the monarchy and the King in particular, a few interviewees unquestioningly accepted as facts any monarchical utterances and praised the institution and its leader. These interviewees gave similar explanations on the reasons why the vast majority of eligible voters casted their ballot in favour of the 2011 constitutional referendum. B.L. is a university student from a rural area who is actively engaged in women's rights activism. She explained her own mother's and community's vote in 2011, 'Yes, because the King said vote for me. People like what the King says no matter what he says.'[459] R.S. is a homeworking youth with few years of high school education. R.S.

[457] Interview with A.A., university graduate and job seeker in an urban area but originally from the mountains, Middle Atlas area, 26 September 2016.
[458] Interview with S.I., university student in her early 20s living in an urban area, Agadir area, 17 October 2016.
[459] Interview with B.L., university student coming from a rural area and engaged in women's rights activism, Rabat area, 23 September 2016.

voted in favour of the new constitution as well and, quite defensively, elaborated that was, 'because the King asked us, and we trust him.'[460]

## 3.1. Co-optation

While the monarchy fulfils its duties in a performative manner, it has also been entrepreneurial in its endeavour to co-opt – in various forms and in a pendulum swing - different political movements and special groups. Through the model developed by the 'Research Network on Gender, Politics and the State' (RNGS), one can examine the Moroccan State's policy choices through its responses to political movements and special groups' involvement in policy debates.[461] A significant sector of these special groups is represented by women's groups that tend 'not to challenge authoritarian practices openly, but to work through them. If an association wants to achieve some of its objectives, and therefore see its preferred policy implemented, it has to play by the rules of the authoritarian regime.'[462]

### 3.1.1. National institutions

The strategy of co-option is a recurring and prevalent feature of Morocco's politics, allowing the monarchy to successfully pre-empt, absorb and control any challenge to its rule. The monarchy has understood the power of national institutions to interpret key societal issues and shape discourses in Moroccan society. Hence, similarly to the way in which the monarchy has co-opted special interest groups in an attempt to retain power, the former has demonstrated its aptitude for

[460] Interview with R.S., homeworking youth with few years of high school education, Marrakech area, 15 May 2017.
[461] In the RNGS model, the State responses can be: Dual Response (special group is involved in the policy process and policy coincides with the movement goals); pre-emption (special group is not involved in the policy process while policy coincides with the movement goals); co-optation (special group is involved in the policy process whilst policy does not coincide with the movement goals); and, no response (special group is not involved in the policy process and policy does not coincide with the movement goals). In Haussman and Sauer, *Gendering the State in the Age of Globalization: Women's Movements and State Feminism in Postindustrial Democracies*, 6-12.
[462] Cavatorta and Dalmasso, "Liberal Outcomes through Undemocratic Means: The Reform of the Code De Statut Personnel in Morocco," 492.

co-opting national institutions as well, which might be seen as operating in a performative manner.

With the 2001 'Amazigh Dahir'[463] that established mandatory Amazigh language classes in Morocco's Amazigh-speaking regions (the Rif, the Middle and High Atlas and the Souss Valley) and the 'Institut Royal de la Culture Amazighe' (IRCAM), King Mohammed VI introduced a 'shift in, or at least an amendment to, the official national imaginary. Instead of posing Berber culture as a challenge to national unity, the King embraced it as a necessary step in his project for a "democratic and modernist society."'[464] Such a strategic shift in the State's policy was interpreted by some Amazigh activists as an 'attempt to coopt the Amazigh opposition and turn living Berber culture into static folklore.'[465]

As Zouhir posits, IRCAM 'was not created to maintain the multicultural heritage of Morocco, but to appease Berber activists and to maintain power reputation and global recognition.'[466] Arguably, the creation of IRCAM has further weakened the Amazigh Cultural Movement (ACM),[467] which had already split into three different factions: those loyal to the monarchy (the 'Mouvement National Populaire' supported by the Middle Atlas' Amazigh); the moderate, urban and elite-led 'Association Marocaine de la Recherche et de l'Échange Culturel' (Moroccan Association for Research and Cultural Exchange or AMREC); and, the Sous-supported leftist 'Tamaynunt/Université d'Eté d'Agadir.'[468] While major Amazigh activists were asked to join IRCAM, 'its formation split the Amazigh movement with some seeing it as an opportunity to further their agenda whilst others viewed it as a classical

[463] Maddy-Weitzman, "Arabization and Its Discontents: The Rise of the Amazigh Movement in North Africa," 124.
[464] Silverstein and Crawford, "Amazigh Activism and the Moroccan State," 44.
[465] Silverstein and Crawford, "Amazigh Activism and the Moroccan State," 44.
[466] Zouhir, "Language Policy and State in Morocco: The Status of Berber," 45.
[467] This is the Amazigh cultural group operating at the national level in Morocco alongside the Berber Cultural Movement (BCM) operating transnationally across North Africa.
[468] Silverstein and Crawford, "Amazigh Activism and the Moroccan State," 43.

Moroccan regime strategy to co-opt and defang the movement.'[469] As well, some Amazigh activists considered IRCAM's privileged access to State funds and public media as a strategy of the monarchy to weaken grassroots Amazigh associations and opposition, and make IRCAM the only legitimate voice in the ACM.[470]

Amongst the main issues of contention was the 2003 official adoption of the specific Tifinagh alphabet as recommended by IRCAM.[471] On one hand, the recognition of the Amazigh into an official language of the Moroccan constitution was an undeniable victory for the ACM.[472] On the other hand, the Tifinagh script choice was controversial 'as some Amazigh activists viewed the decision less as a compromise between Latin and Arabic, and more as a typical expression of state power and interference in the movement's progress.' [473] Hence, the choice of Tifinagh as the official Amazigh script is viewed by some as another policy imposed by the Amazigh elites on the majority of Amazigh peoples.[474] For others, conversely, '[t]he popularity of Tifinagh can be considered an index of the desire for an autonomous identity symbol: Tifinagh is an indigenous writing system and as such is void of the negative connotations that the other two scripts have: Latin and Arabic were once the language of the conqueror.'[475] As this thesis highlights, another point of controversy is to what extent the standardisation and

[469] Willis, "Berbers in an Arab Spring: The Politics of Amazigh Identity and the North African Uprisings," 87.
[470] Silverstein and Crawford, "Amazigh Activism and the Moroccan State," 46.
[471] This was an alphabet used in antiquity by Berbers across North Africa and on the Canary Islands. Tifinagh mostly fell to disuse until its revival by IRCAM. The latter decided to opt for it both as a compromise alphabet between Arabic and Latin and the script of choice for the Amazigh language. As El Aissati notes, Tifinagh is the traditional Tamazight script that originates from 'an indigenous North African script that was used in numerous inscriptions, found in different parts of North Africa. Tifinagh is mostly used for its symbolic value.' In El Aissati, 68.
[472] See also Lauermann, "Amazigh Nationalism in the Maghreb," 38.
[473] Cornwell and Atia, "Imaginative Geographies of Amazigh Activism in Morocco," 262.
[474] Mohammed Errihani, "Language Policy in Morocco: Problems and Prospects of Teaching Tamazight," *The Journal of North African Studies* 11, no. 2 (2006): 151.
[475] El Aissati, "A Socio-Historical Perspective on the Amazigh (Berber) Cultural Movement in North Africa," 67.

the adoption of the Tifinagh script[476] will impact the identity, role and condition of Amazigh women in their own communities. Non-literate rural women - the daily users of the Amazigh language and repositories of its oral tradition – were not taken into account when IRCAM recommended the standardisation of this language and the choice of the Tifinagh script. The impact of this alphabet choice in the long term might be to further isolate monolingual Amazigh women.[477] Indeed,

> If an integral component of valorizing Tamazight continues to be the standardization of regional varieties into a single national form, women's participation in language maintenance may be even further marginalized and the language further dismissed as not useful in everyday life.[478]

In this context, language has been used as a site of contestation among elites to the detriment of those who use it daily as their mother tongue, especially rural women.[479] As a result, this language standardisation might be positive for the maintenance of language but negative for women's rights as,

> […] the gendered practices allow men to delimit the spatial boundaries of women. (…) On the national level in Morocco, it is urban male intellectuals who are designing Amazigh language policy and setting activist agendas. These policies and agendas have periodic idealizing reference to women's purity or centrality in Amazigh culture and society, but are not made in consultation with rural women.[480]

A second pivotal institution influencing Morocco's contemporary human rights discourse and defining its boundaries is the National Human

[476] See for a larger discussion on this: Errihani, "Language Policy in Morocco: Problems and Prospects of Teaching Tamazight".
[477] See on the connection between illiteracy and being Amazigh: Hoffman, "Berber Language Ideologies, Maintenance, and Contraction: Gendered Variation in the Indigenous Margins of Morocco," 155.
[478] Hoffman, "Berber Language Ideologies, Maintenance, and Contraction: Gendered Variation in the Indigenous Margins of Morocco," 147.
[479] See Hoffman, "Berber Language Ideologies, Maintenance, and Contraction: Gendered Variation in the Indigenous Margins of Morocco," 147.
[480] Hoffman, "Berber Language Ideologies, Maintenance, and Contraction: Gendered Variation in the Indigenous Margins of Morocco," 154.

Rights Council (CNDH).[481] This institution was established in 2011 to promote and protect human rights in Morocco through preparation and dissemination of its reports as well as its outreach and advocacy activities through its thirteen regional commissions.[482] As of 2007, the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) accredited the CNDH as an independent national human rights institution in full compliance with the Paris Principles.[483] The CNDH is generally considered Morocco's trailblazer for raising questions and opening public debates on 'controversial' human rights issues such as polygamy, child marriage, inheritance[484] and migration.[485] While the CNDH is generally praised for its institutional and operational independence, this institution is well aware of where the red lines lie in terms of topics to broach publicly: namely, 'the integrity of the monarchy, Islam or the "national territory," a reference to Morocco's claim upon Western Sahara.'[486] By refraining from taking a controversial stance on sensitive issues, the CNDH avoids undermining its co-operative relationship with the King.

In a 2015 thematic report, the CNDH argued that the current family code provisions on polygamy, child marriage and inheritance contradict both article 19 of the Moroccan constitution as well as article 16 of CEDAW,

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[481] For more information on this body, see: http://www.cndh.org.ma/fr (accessed 31 May 2018).
[482] For more information on this body, see: Dahir No. 1.11.19 dated 1 March 2011 establishing the National Human Rights Council at http://www.cndh.org.ma/an/reference-texts/dahir-no-11119-establishing-national-human-rights-council (accessed 07 March 2017).
[483] See: http://www.ohchr.org/Documents/Countries/NHRI/Chart_Status_NIs.pdf (accessed 31 May 2018).
[484] Conseil National des Droits de l'Homme du Maroc (CNDH), « État de l'Égalité et de la Parité au Maroc: Préserver et Rendre Effectifs les Finalités et Objectifs Constitutionnels, » ed. Rabéa Naciri (CNDH, 2015), 12-15.
[485] CNDH, « Conclusions et Recommandations du Rapport: Etrangers et droits de l'Homme au Maroc: Pour une Politique d'Asile et d'Immigration Radicalement Nouvelle, » (CNDH, 2013).
[486] Paul Silverstein, "Weighing Morocco's New Constitution," *Middle East Research and Information Project (MERIP)* (2011), http://www.merip.org/mero/mero070511 (accessed 31 May 2018).

which Morocco has ratified.[487] The report states that Morocco's family code provisions on these issues are harmful against women and impede the country's progress towards its constitutional commitment to gender equality.[488] The CNDH's stance on these issues attracted criticism from different Moroccan actors – most notably the ruling party PJD - for contradicting the Qur'an, misinterpreting the country's constitution and overstepping the boundaries of its mandate.[489] This latest attack against the CNDH by the country's conservatives is but one illustration of CNDH's influence and impact on Moroccan society. At the same time, the CNDH's position on controversial issues also reflects its strategic alignment with the monarchy.

A third important national institution that has a strong bearing on societal views and discourses in Morocco is its statistical agency, the 'Haut-Commissariat au Plan' (High Planning Commission or HCP). Even though the King established it as a ministerial structure in 2003, the HCP enjoys – both internationally and nationally – a reputation for a high degree of institutional and intellectual independence in the implementation of its mandate.[490] As illustrated by the HCP's 2011 survey on violence against women in Morocco[491] and its 2013 enquiry on the demographic and socio-professional evolution tendencies of the Moroccan woman,[492] the HCP does not shy away from tackling topics and publishing findings that might prove controversial or sensitive for the

[487] CNDH, « État de l'Égalité et de la Parité au Maroc: Préserver et Rendre Effectifs les Finalités et Objectifs Constitutionnels, » 12-15.
[488] CNDH, « État de l'Égalité et de la Parité au Maroc: Préserver et Rendre Effectifs les Finalités et Objectifs Constitutionnels, » 12-15.
[489] See an illustration of the type of criticism leveled at the CNDH as recorded in one of Morocco's most prominent newspapers: http://telquel.ma/2015/10/22/cndh-attaque-les-conservateurs-opposes-reforme-lheritage_1467258 (accessed 31 May 2018).
[490] This consideration is also based on the author's own observations and work with international and Moroccan national institutions, including the HCP. For more information, see: http://www.hcp.ma/Haut-Commissariat-au-Plan_a709.html (accessed 31 May 2018).
[491] Haut-Commissariat au Plan du Maroc, "Principaux Résultats de l'Enquête Nationale de la Prévalence de la Violence à l'Égard des Femmes," (2011).
[492] Haut-Commissariat au Plan, "La Femme Marocaine en Chiffres: Tendances d'Évolution des Caractéristiques Démographiques et Socioprofessionnelles," (2013).

monarchy. That said, the HCP is (like other Moroccan national institutions) well aware of the Kingdom's boundaries that it is not allowed to cross. This is illustrated in HCP's decision not to publish the data of a recent survey dealing with the implementation of the reformed family code as the results were deemed 'too sensitive politically.'[493]

The HCP also followed the monarchy's position to exclude the ethnicity criterion in the 2014 census. The 2014 census questionnaire did not feature a question on the ethnicity of respondents but merely a few sex-disaggregated questions related to the languages spoken by respondents, corresponding places of residence as well as their literacy in a number of languages (including Amazigh dialects). Several Amazigh media outlets and community representatives criticised this decision as the census failed to depict the accurate figure and composition of the Amazigh community in Morocco.[494] In an interview published on the official HCP site, the High Commissioner for Planning, Ahmed Lahlimi Alami, noted that,

> It would be (…) inadmissible that one can infer from the language spoken, written or read by a citizen, any indicator of his/her ethnic origin or his/her religious, ideological or other beliefs [*translation by the author*].[495]

This suggests that HCP's stance on this issue is in line with the monarchy's position, reflected in Morocco's 2011 constitution, that the country's linguistic diversity is embraced for as long as this does not conflate with issues of (separate) ethnic identity that might lead to more robust separatist tendencies.

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[493] In Žvan Elliott, *Modernizing Patriarchy: The Politics of Women's Rights in Morocco*, 10.

[494] See, for instance: http://www.amazighworld.org/human_rights/index_show.php?id=641704 (accessed 31 May 2018).

[495] See the full interview at: http://www.hcp.ma/Recensement-general-de-la-population-et-de-l-habitat-2014-ce-qui-va-changer_a1381.html (accessed 31 May 2018).

### 3.1.2. The Arab Spring

In the context of the 2011 Arab Spring, the so-called 'Moroccan exceptionalism'[496] is often attributed to Morocco-specific factors; its political culture, value and party system,[497] as well as the monarchy's ability to both control and allow gradual reforms in a seemingly pluralist system and,

> […] a political and societal center within a distinct geographical core stretching back more than 1,200 years; a ruling dynasty more than 350 years old whose legitimacy is based on claimed descent from the Prophet Muhammad; religious homogeneity of 98 percent Sunni Islam; and a particular material and popular culture, modes of religious practice, and linguistic configuration, much of which stems from Morocco's large Berber population (…) and heritage.[498]

The Moroccan regime-led co-optation of various special interest groups (such as Amazigh and women's groups), civil society and political movements ensured its historical survival, not least during the Arab Spring.[499] This co-optation by Morocco's monarchy can be defined as a process in which (especially, rural) politicians are co-opted into loyal political parties.[500] Co-optation is by no means a 'unidirectional relationship'[501] whence only one side (the regime) benefits; the 'co-optee'[502] also benefits in terms of electoral, political or economic gains.[503] In Morocco, loyalist political parties include the Party for Authenticity and Modernity (PAM), the National Gathering of

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[496] Bruce Maddy-Weitzman, "Is Morocco Immune to Upheaval?," *Middle East Quarterly* (2012): 87.
[497] Mohamed El Hachimi, "Democratisation as a Learning Process: The Case of Morocco," *The Journal of North African Studies* 20, no. 5 (2015): 755.
[498] Maddy-Weitzman, "Is Morocco Immune to Upheaval?," 87-88.
[499] Buehler, "Continuity through Co-Optation: Rural Politics and Regime Resilience in Morocco and Mauritania," 364.
[500] Buehler, "Continuity through Co-Optation: Rural Politics and Regime Resilience in Morocco and Mauritania," 365.
[501] Buehler, "Continuity through Co-Optation: Rural Politics and Regime Resilience in Morocco and Mauritania," 368.
[502] Buehler, "Continuity through Co-Optation: Rural Politics and Regime Resilience in Morocco and Mauritania," 368.
[503] Buehler, "Continuity through Co-Optation: Rural Politics and Regime Resilience in Morocco and Mauritania," 368.

Independents (RNI), the Popular Movement (MP), the Constitutional Union (UC) and the Democratic and Social Movement (MDS).[504] As advanced by Buehler, '[b]y absorbing rural politicians into loyalist parties, (…) [*Morocco*] enhanced rural social coalitions that have undergirded [*the regime*] since decolonization.'[505] When the Arab Spring spread to parts of North Africa, loyalist politicians in Morocco were mobilised to undermine and divide the reform movements, especially targeting Islamist and youth groups;[506] '[t]hrough co-optation, regimes used loyalist parties to enlist the support of the rural periphery to counter the unrest of the urban centre.'[507]

In relation to Morocco's 20FM-led protests, the Islamist PJD cleverly positioned itself at the margins of the movement so as not to compromise itself and its relationship with the monarchy while waiting to reap the benefits of the popular demands for reform.[508] During the King-initiated constitutional reform phase,

> [a]ll political parties (…) [*including the PJD*] signed on to the reforms and encouraged their constituents to do the same, with the exception of four minor far left parties who collectively hold only 22 of the 325 seats in the Chamber of Representatives. (…).[509]

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[504] In the post-independence period, the Moroccan monarchy promoted the creation of new parties, such as the Front for the Defence of Constitutional Institutions (FDIC), the RNI and the UC, to counteract the rising power of independence parties like Istiqlal and the Socialist Union of Popular Forces (USFP). At the same time, to undermine the popular rise of Islamist parties - specifically the PJD - in Moroccan politics, the King gave instructions for founding an anti-Islamist social movement (the previously cited 'Movement for all Democrats') that would then become a new loyalist party i.e. the PAM. See Buehler, "Continuity through Co-Optation: Rural Politics and Regime Resilience in Morocco and Mauritania," 369-370.

[505] Buehler, "Continuity through Co-Optation: Rural Politics and Regime Resilience in Morocco and Mauritania," 365.

[506] Buehler, "Continuity through Co-Optation: Rural Politics and Regime Resilience in Morocco and Mauritania," 366.

[507] Buehler, "Continuity through Co-Optation: Rural Politics and Regime Resilience in Morocco and Mauritania," 366.

[508] Ashraf N. El Sherif, "Institutional and Ideological Re-Construction of the Justice and Development Party (PJD): The Question of Democratic Islamism," *Middle East Journal* 66 (2012): 679.

[509] Silverstein, "Weighing Morocco's New Constitution".

The PJD's strategy guaranteed the party's 2011 electoral victory with 107 out of the 395 seats recording a double increase from the 2007 elections.[510] The PJD's 2011 electoral success in Morocco illustrates 'how far non-violent Islamist movements have been integrated into Morocco's democratic transition process and how much they have transformed their ideological and organizational positions in the adaptation.'[511] In 2012, the PJD formed a coalition government with the Istiqlal party (the second placed party with 60 seats), the Popular Movement (MP), and the Party of Progress and Socialism (PPS).[512] Significantly, PM Benkirane appointed only one woman in his 2011 government, Bassima Hakkaoui, as the Minister for Solidarity, Woman, Family and Social Development.[513] This underrepresentation of Islamist women in government was largely owed,

> […] to the resistance of male Islamist political leaders (…) [*which*] limits the women activists' influence over governance and policy making and perpetuates the long-standing institutionalized gender-based inequalities. Additionally, Islamist women activists who hope to shape new roles for women in Morocco must also contend with the hegemonic discourses of liberal political groups.[514]

Similar to what occurred in Morocco's post-independence institutionalisation phase, women seemed to be 'excluded from traditionally patriarchal spaces'[515] as well as from hegemonic feminist narratives in the aftermath of Morocco's Arab Spring. Whilst the PJD has currently the second highest female representation in Parliament (24 out

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[510] See: https://www.moroccoworldnews.com/2011/11/16642/final-results-of-elections-in-morocco-pjd-won-107-seats/ (accessed 31 May 2018).
[511] El Sherif, "Institutional and Ideological Re-Construction of the Justice and Development Party (PJD): The Question of Democratic Islamism," 660.
[512] This coalition government was subject to two reshuffles in 2013 and 2015. See: http://themoroccantimes.com/2015/05/15855/moroccos-benkirane-reshuffles-cabinet-second-time (accessed 31 May 2018).
[513] See: https://www.yabiladi.com/articles/details/8198/bassima-hakkaoui-seule-femme-gouvernement.html (accessed 31 May 2018).
[514] El Haitami, "Islamist Feminism in Morocco," 75.
[515] McKanders, 169.

of 125 or 19.2%),[516]

> […] female Islamists seem to be undergoing a double marginalization. The politics of inclusion and exclusion hinders constructive collaboration to generate grassroots feminist consciousness beyond the secular-liberal vs. Islamist divide.[517]

As a result, El Haitami argues, female Islamists have thus far failed to 'represent an important complement to the efforts of both liberal women's organizations and state-sponsored women's religious programs to advance women's causes.'[518] Despite this claim, whatever the aims of the monarchy and the PJD were, the successful integration of Islamists in Morocco's political scene is a unique experience within the Arab world.[519]

Meanwhile, secular women's groups were reluctant to join the 20FM protests because, in varying degrees and periods of time, the movement has included a wide range of groups, including human rights activists, trade unions, 'diplomés chômeurs' [*unemployed graduates*], Amazigh activists and, most significantly, Islamist groups.[520] Their decision to remain outside of the movement was a lost 'opportunity for liberal feminism to "renew its base" (…) and take roots in the lower classes targeted by the movement (…). Unfortunately, among 20FM activists, there is a real feeling of betrayal by the leadership of feminist organizations.' [521] Similarly, Amazigh activists who had initially participated in the 20FM protests, then preferred to stay on the margins not to lose the monarchy's support for Amazigh issues of priority, like the

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[516] For more results, see: http://www.chambredesrepresentants.ma/fr/annuaire-parlementaire?page=32 (accessed 31 May 2018). In comparison, other parties assigned the following seats to female MPs: 'Parti Authenticité et Modernité' (PAM) - 26 out of 102 seats (25,4%); 'Parti Istiqlal' – seven out of 46; 'Rassemblement National des Indépendants' (RNI) – seven out of 37; 'Mouvement Populaire' – four out of 27; 'Union Socialiste des Forces Populaires' (USFP) – five out of 20; 'Union Constitutionnelle' (UC) – three out of 19; 'Parti du Progrès et Socialisme' (PPS) – four out of 12;

[517] El Haitami, "Islamist Feminism in Morocco," 88.

[518] El Haitami, "Islamist Feminism in Morocco," 88

[519] El Hachimi, "Democratisation as a Learning Process: The Case of Morocco," 760.

[520] Silverstein, "Weighing Morocco's New Constitution".

[521] Salime, "A New Feminism? Gender Dynamics in Morocco's February 20th Movement," 104.

officialising of their language.[522]

Subsequently, the main secular feminist organisations[523] fully embraced and participated in the King-led constitutional reform after his televised address on the 9th of March 2011.[524] According to 20FM activists, the King's speech was,

> […] a turning point in the feminist movement's decision to totally withdraw its initial, and very shy, support. (…) Activists from February 20th see an obvious sign of elitism and co-optation by the state in the feminist position. To several of them, one cannot speak of women's rights in the context of a constitution that puts religion and the King's authority above international law.'[525]

As the primary concern of secular women's groups was maintaining the fragile gains obtained with the reformed 2004 family code, they were reluctant to confront the monarchy's authority.[526]

Unlike secular women's groups, 20FM youth activists demanded major socio-political reforms that essentially questioned the monarchy's legitimacy. [527] In this context, the monarchy acted swiftly enacting reforms and introducing a more progressive constitution. At the same time, the monarchy looked to exploit divisions that were forming between rights-based organisations. Those divisions pitted 'the newer, politically independent NGOs (…) [*against]* leftist political women's NGOs [*accused*] of co-optation to the goals of the party and to

[522] Willis, "Berbers in an Arab Spring: The Politics of Amazigh Identity and the North African Uprisings," 89.
[523] These associations include, *inter alia:* the Association Marocaine des Femmes du Maroc (AFDM), the Ligue Démocratique des Droits des Femmes (LDDF), the Union de l'Action Féminine (UAF), the Association Marocaine pour la Défense des Droits des Femmes.
[524] Salime, "A New Feminism? Gender Dynamics in Morocco's February 20th Movement," 106.
[525] Salime, "A New Feminism? Gender Dynamics in Morocco's February 20th Movement," 106.
[526] Salime, "A New Feminism? Gender Dynamics in Morocco's February 20th Movement," 107.
[527] CARE International Policy Report, "Arab Spring or Arab Autumn? Women's Political Participation in the Uprisings and Beyond: Implications for International Donor Policy," (2013), 9.

government as members of the politically affiliated NGOs are recruited to important posts.'[528]

As argued by Ventura, some scholars interpreted the Arab Spring as an emancipatory moment for Arabs from the oppressors in their society.[529] This reading leads to the 'Orientalisation' of the Arab Spring, which builds on poststructuralist and postcolonial tenets. Interpreting the Arab Spring in terms that do more to assert or represent ourselves (as Western scholars) [530] can be seen as an exercise in 'othering' the postcolonial subject and perpetuating Orientalist scholarship. As Ventura observes,

> The Arab revolts were depicted as an occasion for Arab women to acquire western-like rights, but the fact that the western media made a gender issue out of the revolts and even a large win for women's rights shows their Orientalist approach. (…) The fact that from the very beginning the aim of the protests in which the women took part did not involve gender issues, including political participation and visibility, corresponds to the actual situation of Arab countries, where the claim for rights based on western women's rights is not very widespread among women.[531]

On the one hand, Ventura's argument fails to consider how widespread the claim for rights and equality has been among women in Arab countries. On the other hand, at least 12 research participants, including those attending university or with some degree of higher education, reported to not know what the Arab Spring was. They also stated that they did not know what the uprisings meant for Morocco or the wider region. For those who were familiar with the term Arab Spring, the latter

[528] Lounasmaa, "Women and Modernity: The Global and the Local in Moroccan Women's Ngos's Advocacy and Public Awareness Work," 218.
[529] Lorella Ventura, "The "Arab Spring" and Orientalist Stereotypes: The Role of Orientalism in the Narration of the Revolts in the Arab World," *Interventions* 19, no. 2 (2016): 283.
[530] Moore-Gilbert, *Postcolonial Theory: Contexts, Practices, Politics,* 91-97.
[531] Ventura, "The "Arab Spring" and Orientalist Stereotypes: The Role of Orientalism in the Narration of the Revolts in the Arab World," 282, 91-92.

clearly represented different claims and diverse vindications depending on one's sex, gender, ethnic group, community of belonging etc. The multiplicity of narratives highlights the variety and diversity of thoughts that the term Arab Spring elicited.

One common thread among research participants was the belief that, for a set of different reasons, Morocco found a way out of the Arab Spring turmoil. As I.M. observed, '[*The protests are*] non-sense. It is their [*men's*] responsibility. They are lazy; do not want to work, so they just go out and protest.'[532] L.B. asked, 'Do you mean the war and so? Yes, I remember that. But, in Morocco, the street protests led to the King calling for a referendum on the new constitution.'[533] Other interviewees articulated mixed, at times contradictory, feelings about the Arab Spring's impact on their society. N.R. is a university student and part-time worker in her family's business. She remarked,

> All I know is that before the Arab Spring and after the Arab Spring things have changed. For example, women could get some of their rights. For example, they are in Parliament and they can talk and defend their rights better than before. But not really; [*yet*] they have started to feel to belong to society.[534]

In reference to Morocco's experience of the Arab Spring, few interviewees criticised the 2011 protests in the country, especially when compared to those in the rest of the Arab region. As the following respondents noted in unison, 'I don't think they [*Moroccans*] cared about the constitution, they just wanted to copy the Arab Spring to be like "we Moroccans have a voice as well."'[535] I.B. went even further in explaining the meaning she attributed to the Arab Spring both in her country and in the wider region.[536]

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[532] Interview with I.M. (afore cited), Ait Baha area, 04 October 2016.
[533] Interview with L.B., university graduate and intern at a youth NGO in an urban area, Agadir area, 13 October 2016.
[534] Interview with N.R., university student and part-time worker in her family's business, Agadir area, 14 October 2016.
[535] Interview with A.A. (afore cited), Middle Atlas area, 26 September 2016.
[536] Interview with I.B. (afore cited), Agadir area, 07 October 2016.

> I have heard from social media, on TV, in the newspapers what happened in these countries. The people were oppressed. (…) Dictatorship was the most dominant in their countries. So, it happened one day in Tunisia when a man set himself on fire (…) That was the beginning of the Arab Spring. And then other countries took Tunisia as an example and did the same. But, I don't really think that they were smart enough. (…) they didn't know the inconvenience of all of this, for they didn't know what exactly they wanted to change, they didn't know what they should do to make a change. (…) The proof is that people in Syria and Yemen are still struggling (…) I think that in Morocco nothing has happened yet, but something is about to happen, to be frank.[537]

In the context of the Arab Spring, several interviewees revealed the King's political savoir-faire without possibly considering the full reach of its co-optation of civil society, special groups and political parties alike. This finding is corroborated by other Morocco-based ethnographic research. As Hallward and Stewart illustrate,

> For some women (…) having the king as the guardian of the Constitution helps protect Morocco from the influence of the Salafists and preserves the constitutional nature of the state. One [*woman interviewed*] even stated that she was grateful that the February 20th movement failed, because it helped prevent 'the extreme Islamists from tak[ing] over'.[538]

In a similar vein, H.B. noted, 'No, for me, the King was not the winner. He was intelligent to keep himself involved but he was not a big winner. He just got himself out of a problem.'[539]

To fully understand the scope of co-option of Morocco's special interest groups, the next section will zoom in on the Amazigh community and, specifically, the construction of its identity.

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[537] Interview with I.B. (afore cited), Agadir area, 07 October 2016.
[538] Hallward and Stewart, "Challenges and Opportunities Facing Successful Women in Morocco," 12.
[539] Interview with H.B. (afore cited), Rabat area, 22 September 2016.

## 3.2. Identity construction

### 3.2.1. The history of the Amazigh community and movement(s)

The 'Amazigh question' has been considered at various critical junctures in Morocco's history, namely: at the time of the Arab-Islamic conquest of North Africa in the late 7th century;[540] in pre-colonial times; under the Protectorate; at the time of the 1930 Berber Dahir;[541] during the struggle for and after independence;[542] at the time of the 1980 Algeria-based Berber Spring;[543] and, ultimately, in the aftermath of the 2011 Arab Spring.[544] The difficulty in defining the Amazigh people and its core characteristics is complicated by its heterogeneousness, extension across national borders, variation in dialects spoken, diverse tribal affiliations, non-aligned demands and priorities between urban and rural communities. Significantly, 'it has been non-Berbers who have written the Berbers into the historical record as a collective. (…) It is only in recent decades that a self-conscious, pan-Berber identity has been asserted from within.'[545]

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[540] 'It is commonly accepted in the literature on North African history that the indigenous people of this area are the Berbers, or the Imazighen, as they refer to themselves. (…) [*However*] The current number of Imazighen, or rather speakers of one of the Amazigh varieties, has remained a matter of estimates.' In El Aissati, "A Socio-Historical Perspective on the Amazigh (Berber) Cultural Movement in North Africa", 60.

[541] See, *inter alia*: Hart, "The Berber Dahir of 1930 in Colonial Morocco: Then and Now (1930–1996)"; Hoisington, "Cities in Revolt: The Berber Dahir (1930) and France's Urban Strategy in Morocco"; Wyrtzen, "Colonial State-Building and the Negotiation of Arab and Berber Identity in Protectorate Morocco".

[542] 'But by framing the Tamazight-Arabic question in terms of a common Moroccan identity which needed bolstering against Western intrusion, Hasan had wrapped himself in the cloak of Moroccan nationalism in a way which he hoped would help manage the increasingly public divisions and tension over the issue. In doing so, he provided crucial legitimacy and encouragement for the Berber culture movement, even though the authorities remained ambivalent toward it.' In Allen Fromherz, "Between Springs: The Berber Dilemma," *Muslim World* 104, no. 3 (2014): 243.

[543] The history and significance of the 'Berber Spring' are dealt with later in the Chapter. See also Maddy-Weitzman, "Contested Identities: Berbers, 'Berberism' and the State in North Africa," 32.

[544] Jane Goodman, "Reinterpreting the Berber Spring: From Rite of Reversal to Site of Convergence," 61.

[545] Maddy-Weitzman, "Contested Identities: Berbers, 'Berberism' and the State in North Africa," 25.

Following the Arab-Islamic conquest of Morocco, the indigenous Berber tribes were gradually assimilated in the Arab-Islamic *Umma* (nation). Nevertheless, Arabisation in North Africa proceeded at a slow and patchy pace, which allowed for the revival and success of the Amazigh language.[546] That the process of Morocco's Arabisation was gradual (or incomplete) did not, as some French colonialist scholars claim, imply that the Islamisation of the whole population was also unaccomplished.[547] In fact, the Arab-Islamic conquest of Morocco was definitely more comprehensive from a religious than from a linguistic point of view, as religion was seen as the main identity codifier rather than language or ethnicity.[548]

Under French colonial rule, Berbers and Arabs were considered as two separate and disconnected entities, and later attempts to emphasise a Berber distinctiveness were condemned and silenced by Morocco's independence movement. [549] Whilst French colonial endeavours to divide and rule the Moroccan population in two distinct ethnic blocs have largely failed, there is still division as to the role played by Berbers in Moroccan history and the role they should play in Morocco's future.[550] The negotiation of Arab and Amazigh collective identities was highly impacted by the 'colonial state-building during the early decades of the Protectorate [*which*] transformed the context in which collective identity could be conceived.' [551] Nonetheless, '[n]one of these identities were completely fixed, and contextual factors continue to influence how

[546] Ben-Layashi, "Secularism in the Moroccan Amazigh Discourse," 158-159.
[547] Ben-Layashi, "Secularism in the Moroccan Amazigh Discourse," 161.
[548] Maddy-Weitzman, "Ethno-Politics and Globalisation in North Africa: The Berber Culture Movement," 73.
[549] Maddy-Weitzman, "A Turning Point? The Arab Spring and the Amazigh Movement," 2499.
[550] Maddy-Weitzman, "Contested Identities: Berbers, 'Berberism' and the State in North Africa," 25.
[551] Wyrtzen, "Colonial State-Building and the Negotiation of Arab and Berber Identity in Protectorate Morocco," 227.

collective identity is imagined, including how Arab and Berber identities are negotiated, in the contemporary Maghrib.'[552]

During Morocco's pre-independence period, Moroccan nationalists argued that the French had *artificially* categorised Moroccans into different ethnic categories, including those of Arabs and Berbers, and officialised this divide-and-rule campaign through the infamous 1930 Berber Dahir. As far as France was concerned, their Berber constituents were '"almost European" and far superior to Arab counterparts. French colonists argued that Berbers tolerated but did not embrace Islam (...).'[553] Conversely, the identification of Islam with the Arabic language as well as the notion of Amazigh secularism as a legacy of French colonialism (and specifically of the 'Loi de 1905 sur la laïcité') are contested.[554] Furthermore, the 1930 Berber Dahir,

> [...] has been used rather systematically by the opponents of the Amazigh movement, as a reminder that French colonization was ready to recognize an entity called 'Amazigh' as an ideological weapon to rule Morocco more efficiently. (...) [A]ny one advocating any sort of separate or different identity is working in the same direction, that is, supporting a colonial ideology.[555]

These French policies were designed to weaken the religious and national bond between Arabs and the Amazigh. Yet, inadvertently, these policies pushed the two groups towards a common struggle for Moroccan independence on the basis of a shared religion and nationalist aspirations.[556] Amazigh activists were politically active during Morocco's colonial regime and its independence struggle. They participated in resisting the French occupation through separatist

[552] Wyrtzen, "Colonial State-Building and the Negotiation of Arab and Berber Identity in Protectorate Morocco," 245.
[553] Lauermann, "Amazigh Nationalism in the Maghreb," 44.
[554] Ben-Layashi, "Secularism in the Moroccan Amazigh Discourse," 154.
[555] El Aissati, "A Socio-Historical Perspective on the Amazigh (Berber) Cultural Movement in North Africa," 61.
[556] Lauermann, "Amazigh Nationalism in the Maghreb," 43.

movements and by supporting the monarchy during its 1953-1955 exile and in the run-up to independence.[557] In the end, French colonial authorities inevitably influenced the trajectory undertaken by the Amazigh community in defining their public identity.[558] Once independence was achieved across North Africa, 'the postcolonial states that they established, and their accompanying nation-building projects, marginalized their countries' "Berberness", and their Berber-speaking populations, in favour of an Arab nationalist and Islamic identity.'[559]

After independence, the Moroccan State antagonised many Amazigh people by pushing for Arabisation policies in the educational, cultural, linguistic and political domains.[560] Although Amazigh activists and Islamists had a common enemy in Arab nationalism,[561] commonalities and objectives between the two movements have been quite limited. Amazigh nationalist movements have been at odds not only with Arab Nationalism but also with socialist movements and political parties within Morocco as well: 'Pro-Americanism and philo-Semitism have brought many Amazigh militants into direct conflict with the very leftist groups in which the majority of them cut their political teeth in the university student unions during the 1970s and 1980s.'[562]

Since 1967, Amazigh intellectuals actively defended Amazigh culture through the creation of the first Berber association: the 'Association

[557] Lauermann, "Amazigh Nationalism in the Maghreb," 42.
[558] See Jonathan Wyrtzen, "Colonial Legacies, National Identity, and Challenges for Multiculturalism in the Contemporary Maghreb," in *Multiculturalism and Democracy in North Africa: Aftermath of the Arab Spring*, ed. Moha Ennaji, Routledge Studies in Middle Eastern Politics (London and New York: Routledge, 2014).
[559] Maddy-Weitzman, "A Turning Point? The Arab Spring and the Amazigh Movement," 2499.
[560] El Aissati, "A Socio-Historical Perspective on the Amazigh (Berber) Cultural Movement in North Africa,"61.
[561] Jillali El Adnani, "Regionalism, Islamism, and Amazigh Identity: Translocality in the Sûs Region of Morocco According to Muhammed Mukhtar Soussi," *Comparative Studies of South Asia, Africa, and the Middle East* 27, no. 1 (2007), quoted in Lauermann, "Amazigh Nationalism in the Maghreb," 43.
[562] Silverstein and Crawford, "Amazigh Activism and the Moroccan State," 48.

Marocaine de la Recherche et des Échanges Culturels' (AMREC).[563] Nevertheless,

> […] as the wave of Arab nationalism reached North Africa's shores in the 1960s, regimes started emphasising, both in constitutions and classrooms, the region's 'Arabist' identity, thus suppressing the ethnic, cultural and linguistic peculiarities of Berber communities, a process which culminated in the late 1970s in the Arabisation of the education systems.[564]

North Africa's Arabisation process had the unwanted result of galvanising momentum for a 'Berber Spring' (thereafter: Berber Spring), which would take full swing by 1980. In the spring of that year, the Algerian government decided to cancel an academic lecture by Mouloud Mammeri, a Kabyle intellectual and important member of Algeria's Berber community. The government's decision caused mass protests to erupt in Tizi Ouzou and others parts of Algeria, which came to a head between student protesters and riot police on the 20 April 1980.[565] This series of protests, known as the Berber Spring, 'did not bring immediate results, but it did mark the effective birth of a socio-political movement striving to defend Berber rights.'[566] While ethnic identity was for a long time tied to French colonialist policies, 'and attempts by imperial powers to divide Arab and Berber, the Berber Spring proved that language and ethnicity were still relevant in a post-colonial context.'[567] Significantly, '[a]s a trans-local event, 20 April also provides a tangible point of reference around which Berber communities in North Africa and the diaspora can imagine a common Amazigh community.'[568] Following the Berber Spring and the more recent Arab Spring in 2011, scholars have increasingly begun to narrow down their focus on the political aspects of

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[563] Moha Ennaji, ed. *Multiculturalism and Democracy in North Africa: Aftermath of the Arab Spring* (Abingdon and New York: Routledge, 2014), 98.
[564] Raphaël Lefèvre, "North Africa's 'Berber Question'," *The Journal of North African Studies* 21, no. 4 (2016): 546.
[565] Lefèvre, "North Africa's 'Berber Question,'" 546.
[566] Lefèvre, "North Africa's 'Berber Question'," 546.
[567] Fromherz, "Between Springs: The Berber Dilemma," 241.
[568] Goodman, "Reinterpreting the Berber Spring: From Rite of Reversal to Site of Convergence," 78.

a distinguished Amazigh group identity.[569] From within these protest movements, Amazigh activists have become more aware and active in articulating their demands in political terms by engaging in 'transformative minority politics'[570] and the international human rights project.

In 1991, slightly more than a decade after the beginning of the Berber Spring in Algeria, a group of six associations - later joined by others - met in Agadir (Morocco) and signed the 'Charter of Agadir', which formulated for the first time Amazigh demands.[571] The Charter condemned 'the systematic marginalisation of the Amazigh culture and language' while supporting the recognition of Amazigh as an official language of Morocco on a par with Arabic.[572] Even though the most prominent Berber associations existed before this Charter was signed, 'the major event of the "Charter of Agadir" transformed their formerly cultural status into an explicitly political one.'[573] Concomitantly, in 1995, the World Amazigh Congress (WAC) was founded in France, home to the largest Amazighophone diaspora outside North Africa. The WAC is an international NGO and 'a transnational gathering of national associations all striving to promote Berber cultural, political and linguistic rights.'[574] Following the signing of the Charter of Agadir, King Hassan II gave a speech where he recognised 'the importance of including Berber in the

[569] See, for instance: David Crawford, "Morocco's Invisible Imazighen," *Journal of North African Studies* 7, no. 1 (2002), 54; El Adnani, "Regionalism, Islamism, and Amazigh Identity: Translocality in the Sûs Region of Morocco According to Muhammed Mukhtar Soussi"; Willis, "Berbers in an Arab Spring: The Politics of Amazigh Identity and the North African Uprisings"; Bruce Maddy-Weitzman, *The Berber Identity Movement and the Challenge to North African States*; Wyrtzen, 'Colonial State-Building and the Negotiation of Arab and Berber Identity in Protectorate Morocco'.

[570] Those are defined as: 'Prospects for attaining a genuine recognition of Amazigh ethnocultural demands as part of a broader democratic transformation of society and state, and the Amazigh movement's likely contribution to that broader transformation.' In Maddy-Weitzman, "A Turning Point? The Arab Spring and the Amazigh Movement," 2500.

[571] Sater, "Civil Society and Political Change in Morocco," 102.

[572] Sater, "Civil Society and Political Change in Morocco," 102.

[573] Sater, "Civil Society and Political Change in Morocco," 100.

[574] Lefèvre, "North Africa's 'Berber Question'," 547.

Moroccan education system.'[575] Yet, the achievement of the demands made within the Charter would have to wait until 2003 to be realised – if only marginally – during King Mohammed VI's reign.

During his tenure, King Mohammed VI opted to take stronger action to address issues affecting Morocco's Amazigh community, the largest – albeit dialectically divided in three geographical regions of Morocco– Berber community in North Africa.[576] The King established the 'Royal Institute for the Amazigh Culture', the 'first higher institute for research on Berber [*sic*]',[577] by Dahir number 01-01-299 in 2001. With this decree, the King also recognised the Berber component of Moroccan identity; later, in 2003, he introduced the teaching of Tamazight into schools. Despite this, 'it was during the "Arab Spring" that North Africa's "Berber Awakening" really gathered pace.' [578] Tellingly, while significant numbers of Amazigh activists initially took part in the 2011 protests and the associated 20FM, the officialising of the Amazigh language weakened the support of the former for the latter.[579] In fact, many suspected that 'the concession on official status had been a deliberate move by the Royal Palace to secure the defection of the Amazigh associations and activists from the protest movement.'[580] Yet, this is not to deny the existence or the agency of the increasingly relevant 'Berberist' group in post-Arab Spring Morocco that features alongside the Makhzen and the Islamists. [581]

[575] El Aissati, "A Socio-Historical Perspective on the Amazigh (Berber) Cultural Movement in North Africa", 67.
[576] Silverstein and Crawford, "Amazigh Activism and the Moroccan State," 45.
[577] See El Aissati, "A Socio-Historical Perspective on the Amazigh (Berber) Cultural Movement in North Africa".
[578] Lefèvre, "North Africa's 'Berber Question'," 547.
[579] Willis, "Berbers in an Arab Spring: The Politics of Amazigh Identity and the North African Uprisings," 89.
[580] Willis, "Berbers in an Arab Spring: The Politics of Amazigh Identity and the North African Uprisings," 89.
[581] Maddy-Weitzman, "Ethno-Politics and Globalisation in North Africa: The Berber Culture Movement," 73.

The recurring divide-and-rule technique was used again by the monarchy to pit the Amazigh and Islamists against each other. This task was made easier as the Islamists had '[l]ong [been] seen as the chief ideological foes of the Amazigh movement, even its nemesis (…).'[582] In this context, it is important to note that both the PJD and the Istiqlal Party had traditionally opposed the officialising of Amazigh in Morocco's 2011 constitution and its introduction in the education system. This gave Amazigh activists,

> […] pause for thought about pushing for further political liberalization and democratization, since this process would inevitably result in power being transferred away from their great advocate and protector in the shape of the Monarchy and into the hands of their ideological enemies.[583]

### 3.2.2. Definition of a collective identity

Historically, different power-yielding actors in Morocco have categorised the Amazigh as a distinct group (be it a minority, an indigenous people, a linguistic community etc.) for their own political goals. The 2011 constitutional recognition of both Amazigh as 'an' official language (rather than 'the' official language as Arabic is defined therein), [584] and of Morocco's cultural diversity, offer an example of the afore-cited 'co-optation' by the State.[585] In fact, these 'concessions' to the Amazigh community have had a very limited impact on the everyday lives of this community in the absence of organic laws and policies addressing their grievances in terms of socio-economic inequality, discrimination and under-representation.[586]

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[582] Willis, "Berbers in an Arab Spring: The Politics of Amazigh Identity and the North African Uprisings," 93.
[583] Willis, "Berbers in an Arab Spring: The Politics of Amazigh Identity and the North African Uprisings," 91.
[584] *Dahir Pertaining to the Promulgation of the Constitution of Morocco*, art. 5.
[585] Haussman and Sauer, *Gendering the State in the Age of Globalization: Women's Movements and State Feminism in Postindustrial Democracies*, 10.
[586] While referring to another context (the regulation of religious education in Morocco) that highlights the monarchy's tactics to retain power, Feuer developed the concept of 'identity bargaining'. This refers to a practice 'whereby a regime confronts identity-related demands by trading concessions to certain aspects of their constituents' identities in exchange for lessened pressure to fulfil others.' In: Feuer, *Regulating Islam:*

Although the Amazigh community constitutes one of the largest ethno-linguistic groups, comprising 40% to 60% of the Moroccan population, they are best categorised as a 'majoritarian minority.'[587] As Castellino and Cavanaugh explain,

> That political and cultural factors play visible roles in determining minority status is perhaps most clearly illustrated in cases where the relative size of a particular community is not determinant of its status. (…) Minority status is best understood by examining how socio-political groups engage (or are excluded from) various sites of power.[588]

In examining the scholarship on the Amazigh peoples, their identities, their communities, their histories, their movements struggling for group rights, it is often difficult to unpack and dissect the conflicting narratives that relate to these topics. Although there is a common baseline for the Amazigh identity kit, various interest groups have tried to exert hegemonic control over what this set of attributes consists of. Narratives surrounding the Amazigh peoples have often served the interests of various power centres—the Sultanate, the French colonial apparatus, Morocco's armed resistance and nationalists, Amazigh activists, the monarchy and the academic establishment. Despite attempts by these disparate interest groups to control how Amazigh identity is defined, national group awareness has seemingly materialised within this community. Yet, even at the grassroots level, it is possible to find *multiple* Amazigh identities based on shared tribal, dialectal, geographical, gender and class affiliations rather than one *single* group identity. This diversity and the history of divisions and confrontations within the different Amazigh communities pose questions relating to the nature of Amazigh identity in Morocco 'with some writers arguing that it is a constructed identity, while others contend that all identity is constructed, and still

*Religion and the State in Contemporary Morocco and Tunisia* (Cambridge, UK: Cambridge University Press, 2017), 63.

[587] Castellino and Cavanaugh, *Minority Rights in the Middle East,* 5.

[588] Castellino and Cavanaugh, *Minority Rights in the Middle East,* 6-7.

others argue the presence of a historical legacy of Amazigh consciousness.'[589]

Early studies of Morocco's Amazigh communities failed to recognise, or downplayed, the existence of an ethno-linguistic consciousness and identity; '[t]he Berber sees himself [sic] as a member of this or that tribe, within an Islamically-conceived and permeated world - and *not* as a member of a linguistically defined ethnic group.'[590] According to this reasoning and contrary to colonialist assumptions, 'Islam served as the primary category of identity for these Berber groups and motivated resistance against the colonial state.'[591] For some scholars, ethnicity and minority might be artificial constructs attributed to the Amazigh people to serve a specific narrative and a political purpose;[592] for others, the Amazigh people can be categorised as a 'pre-modern ethnie' with its defining characteristics.[593] Although there is a general consensus that the Amazigh are North Africa's indigenous peoples, scholars differ on other aspects of their identity kit.[594] In this respect, prominent Moroccan scholars argued that the Amazigh share both an ethnic consciousness and, to some extent, a sense of Amazigh nationalism.[595] Even though only a few Amazigh groups in North Africa make claims to territorial autonomy, '[*they*] do, however, exhibit many of the other elements often seen as vital for the existence of a nation. They share a common history,

[589] Castellino and Cavanaugh, *Minority Rights in the Middle East,* 172.
[590] Ernest Gellner and Charles Micaud, *Arabs and Berbers. From Tribe to Nation in North Africa* (London: Duckworth, 1973), 13.
[591] Wyrtzen, "Colonial State-Building and the Negotiation of Arab and Berber Identity in Protectorate Morocco," 238.
[592] See also: Ennaji, "The Berber (Amazigh) Movement in Morocco: Local Activism, the State, and Transnationalism," 95; Hoffman and Miller, *Berbers and Others: Beyond Tribe and Nation in the Maghrib*, 63.
[593] Maddy-Weitzman, "Contested Identities: Berbers, 'Berberism' and the State in North Africa," 25.
[594] 'The criteria of indigenous peoples set up by the (…) (ILO) apply to the case of Berber, namely self-definition, isolation, discrimination, marginalization, and notably, the conquest and occupation of particular lands before the institutionalization of current frontiers.' In Ennaji, "The Berber (Amazigh) Movement in Morocco: Local Activism, the State, and Transnationalism," 100.
[595] Crawford and Hoffman, "Essentially Amazigh: Urban Berbers and the Global Village," 125-127.

language, religion, territory, and culture.'[596]

Castellino and Cavanaugh observe that, '[w]hen challenged, minorities can find creative ways to respond to shifting power alliances, sometimes through institutions and practices' and in the case of the Berbers, 'through revisionist historiography and mythmaking.'[597] During pre-colonial times, this mythmaking related to the notion that the Amazigh have successfully resisted different waves of colonisers including the Phoenicians, the Romans, the Arabs and the French. Despite this, the Amazigh resistance was not uniform but alternated between fighting, co-opting and being co-opted by the invader in question.[598] Although often limited in duration, 'alliances between the sultan and local leaders were nevertheless mutually beneficial.'[599]

In Morocco, cultural 'hybridity'[600] is an inherent characteristic that predates colonialism (1912-1956), though it has been exacerbated by its direct colonial legacy. Even today, Morocco seems to struggle with the need to 'articulate the constituents of its national culture and identity.'[601] At the same time, global patterns and influences seem to continuously interact with local trends without replacing them.[602] In the era of globalisation,

> […] local voices which have long been marginalized or silenced, such as those of ethnic and religious minorities as well as women, are finding ways of asserting themselves or

[596] Michael M. Gunter, "The Kurdish Minority Identity in Iraq," in *Nationalism and Minority Identities in Islamic Societies*, ed. Maya Shatzmiller (Montreal: McGill-Queen's University Press, 2005), 263.
[597] Castellino and Cavanaugh, *Minority Rights in the Middle East,* 381.
[598] Castellino and Cavanaugh, *Minority Rights in the Middle East,* 170.
[599] Charrad, *States and Women's Rights: The Making of Postcolonial Tunisia, Algeria, and Morocco,* 106.
[600] Loubna H. Skalli, *Through a Local Prism: Gender, Globalization, and Identity in Moroccan Women's Magazines* (Plymouth, UK: Lexington Books, 2006), 2.
[601] Skalli, *Through a Local Prism: Gender, Globalization, and Identity in Moroccan Women's Magazines*, 2. See also: Jacqueline Kaye and Abdelhamid Zoubir, *The Ambiguous Compromise: Language, Literature and National Identity in Algeria and Morocco* (London and New York: Routledge, 1990).
[602] Skalli, *Through a Local Prism: Gender, Globalization, and Identity in Moroccan Women's Magazines*, 1-5.

> reclaiming spaces in the production of knowledge and the rewriting of local realities.'[603]

In the postcolonial Moroccan context, multiple realities co-exist alongside each other and,

> […] in no place is the tension and conflicts between the local and the global more evident than it is in the ambivalent and contradictory paths pursued with regard to women's role, emancipation, and spheres of intervention. (…) Post-coloniality is not only lived differently across social classes and diverse locations within a single nation, but that it is also experienced differently by men and women.[604]

### 3.2.3. Group consciousness

Different components have been identified that suggest the existence and growing importance of an Amazigh group consciousness. As Lauermann contends, a first key element proving the existence of Amazigh nationalism – if mostly elite-driven – is the presence of Amazigh-oriented political parties and Amazigh cultural groups (e.g. Morocco's AMREC, Morocco's Amazigh Cultural Movement, the transnational Berber Cultural Movement, the World Amazigh Congress), both at the local and international level.[605] The creation of these groups and institutions is also a key strategy enacted by Amazigh activists to achieve national and international recognition and put forward their group objectives.

Secondly, although Moroccan law does not allow for ethnically- and linguistically-based parties, some political parties, such as the royalist Mouvement Populaire (MP) in Morocco, have garnered most support from the predominantly Amazigh-speaking rural population.[606]

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[603] Skalli, *Through a Local Prism: Gender, Globalization, and Identity in Moroccan Women's Magazines*, 5.
[604] Skalli, *Through a Local Prism: Gender, Globalization, and Identity in Moroccan Women's Magazines*, 7-8.
[605] Lauermann, "Amazigh Nationalism in the Maghreb," 40.
[606] Lauermann, "Amazigh Nationalism in the Maghreb," 41.

Notwithstanding the low voter turnout (37%) in the 2007 electoral results, there is a positive correlation between language proficiency and voting patterns.[607] This pattern was visible, in particular, in the high level of support that the MP – Morocco's most Amazigh-oriented party - received from Moroccans who are not fluent in either Arabic or French (hence, most likely, Amazigh monolingual speakers) compared to the one received by other major parties.[608] Such voting choices seem to be another indicator of the burgeoning Amazigh political consciousness as they mostly voted for the MP and for the Istiqlal party, perceived to be close to MP policies.[609]

Thirdly, one of the key tenets of Morocco's ACM[610] has been the professed connection between the Amazigh language and secularism, as two undeniable markers of Amazigh identity.[611] The colonialist narrative that posited Amazigh moderation and secularism over Arabs' religiousness and backwards attitude reinforced the colonial justification for favouring the former over the latter during the French Protectorate. Some Moroccanist scholars reject 'the French colonial depiction of the Berber mountaineers as less "Muslim" than Arab townsmen.'[612] In fact, '(…) the thesis promoted by the Berber radical activists, that the Berber society was/is a secular society, appears to be only weakly based at best.'[613] This suggests that this secular framing may have been a strategy by the Amazigh to advance their claims for a group identity, and recognition on an equal footing with their Arab counterparts. Whatever the underpinning for the focus on secularism, this emphasis seems to be the Amazigh movement's main strategy to

[607] Lauermann, "Amazigh Nationalism in the Maghreb," 47.
[608] Lauermann, "Amazigh Nationalism in the Maghreb," 49.
[609] Lauermann, "Amazigh Nationalism in the Maghreb," 50.
[610] See Lauermann, "Amazigh Nationalism in the Maghreb"; Silverstein and Crawford, "Amazigh Activism and the Moroccan State".
[611] Ben-Layashi, "Secularism in the Moroccan Amazigh Discourse".
[612] David Hart, *The Aith Waryaghar of the Moroccan Rif* (Tucson, Arizona: University of Arizona Press, 1976) quoted in Ben-Layashi, "Secularism in the Moroccan Amazigh Discourse," 162.
[613] Ben-Layashi, "Secularism in the Moroccan Amazigh Discourse," 162.

lobby for the recognition of a separate identity. Religion does not seem to feature particularly high on the agenda of either the radical or moderate currents of the Amazigh movement. Within each, the aspirations are either of a political or cultural character, or both.[614] In this context, '[w]hile the [*Amazigh movement's*] moderate current tries to find a way to secularism through a new interpretation and re-reading of the Qur'anic and other Islamic texts, the radical current plays the card of izerf [*tribal customary law*].'[615]

In analysing the narrative of the ACM, it is pivotal to differentiate between the leaders' agendas and demands to the State, on one hand, and the needs and concerns of the overall Amazigh population on the other. Different strategies and priorities seem at play in the Amazigh movement's demands for group rights. In their forward-looking strategy, 'Amazigh militants have promulgated a redefinition of Morocco on the basis of its pre-colonial and pre-Islamic Berber heritage, and have sought political change to preserve Berber culture and language as a "human right."'[616] While this strategy might pay its political dividends to the elite-driven ACM, it appears unlikely that it will produce a tangible difference in the daily lives of Amazigh peoples. Against this backdrop,

> [w]hilst a push for recognition of language was one common Berberophone goal, another yet unfulfilled demand is for improved socio-economic conditions. This is not to graft on to the mythology of an urban (Arab)–rural (Berber) divide; it is a demographic fact that many of the 'rural poor are Tamazight speakers'. Whether these factors engender a unified and more powerful Berberophone political consciousness and movement remains to be seen.[617]

It is vital to remember that '[r]ural Berber-speaking areas are characterized by poverty and illiteracy. It is insufficient to speak about

[614] Ben-Layashi, "Secularism in the Moroccan Amazigh Discourse".
[615] Ben-Layashi, "Secularism in the Moroccan Amazigh Discourse," 159.
[616] Silverstein and Crawford, "Amazigh Activism and the Moroccan State", 45.
[617] Castellino and Cavanaugh, *Minority Rights in the Middle East*, 173.

Berber cultural identity without referring to the socio-economic conditions in which the Berber rural population lives.'[618] Alongside a growing self-consciousness of the Amazigh as a constituent group of Moroccan society, there is an increasing discontent within the Amazigh community with the unmatched socio-economic needs of the rural population, largely Berberophone.[619]

Traditionally, the ACM leaders have been college-educated urbanites, despite the fact that the larger Amazigh community remains rural, non-literate and divided in multiple Amazigh-dialect speaking communities. Amazigh leaders' 'vision of the significance of being Berber [*does not necessarily equate*] to that of the masses of mostly rural and often illiterate Berber speakers (...).'[620] Student-led Amazigh organisations are few. Most of the Amazigh organisations are led by politically and/or intellectually active male lawyers.[621] As well, leadership positions are male dominated as 'the structure of the grassroots local organizations and their activities has ensured minimal female participation, as these organizations tend to hold meetings in the evenings, and sometimes in bars, both of which discourage female attendance.'[622]

During the course of this research, it became clear that Amazigh women do not generally associate their lived experience, which is characterised by poor socio-economic conditions, with a pan-national and transnational Amazigh identity. Against this backdrop, it was unsurprising to find that rural Amazigh did not identify with the advocacy terminology often used by urban Amazigh activists, such as 'violations of basic human rights' and 'linguistic and cultural

[618] Ennaji, "The Berber (Amazigh) Movement in Morocco: Local Activism, the State, and Transnationalism," 97.
[619] Maddy-Weitzman, "Contested Identities: Berbers, 'Berberism' and the State in North Africa", 28.
[620] Crawford, "Morocco's Invisible Imazighen," 54.
[621] See, *inter alia*, Crawford and Hoffman, "Essentially Amazigh: Urban Berbers and the Global Village", 123.
[622] Hoffman, "Berber Language Ideologies, Maintenance, and Contraction: Gendered Variation in the Indigenous Margins of Morocco," 146.

discrimination.' [623] Revealingly, 'to fight for these "human" rights, Amazigh activists have had to carve themselves as a unique group, a defined subsection of humanity making themselves look like a group with a "shared identity."' [624] As regards the development of a human rights discourse within the Amazigh movement,

> [m]uch of this discussion is very sophisticated, and conceptions of the unique and specific nature of Berbers - Imazighen as group are infused with the rhetoric and sentiments of nationalism, indigenousness, human rights, resistance movements, subaltern and post-colonial studies, and other cultural self-determination movements.[625]

In this light, 'what Berberness we might attribute to villagers is mostly a lived and unconscious experience rather than a notable basis of political identity. This does not seem to be the case among the city-based activists.'[626] From the concepts and language used by Amazigh elites to advance their cause, one can argue that the urban intelligentsia understood the full potential of 'international cultural activism.'[627]

Whilst urban Amazigh activists stress the importance of language and culture to the recognition of the Amazigh identity, [628] this characterisation,

> [h]as little to do with life in rural villages because villagers are not deprived of their language and culture in the way urban Imazighen might be. (…) The interesting issue (...) is how different people experience their Amazigh-ness, the different ways 'a' culture is expressed through different media and in different context.[629]

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[623] Crawford, "Morocco's Invisible Imazighen," 60-67.
[624] Crawford, "Morocco's Invisible Imazighen," 67.
[625] Crawford and Hoffman, "Essentially Amazigh: Urban Berbers and the Global Village," 119.
[626] Crawford, "Morocco's Invisible Imazighen," 59.
[627] Crawford and Hoffman, "Essentially Amazigh: Urban Berbers and the Global Village," 119.
[628] See Salem Chaker, *Berbères Aujourd'hui* (Paris: L'Harmattan, 1989), 7.
[629] Crawford, "Morocco's Invisible Imazighen," 63.

Of pivotal importance is the notion that individuals acknowledge their culture only once they are outside of it. On one hand, multi-lingual urban Amazigh experience a 'prise de conscience' due to their exposure to other languages, cultures and groups. On the other hand, rural Amazigh seem to hardly take notice of their overall condition within the Moroccan polity due to their cultural, linguistic and geographic isolation.[630] The task of achieving linguistic rights for the Amazigh is made harder by the challenge of envisioning (at least linguistically) a united Amazigh community.[631] Amazigh dialects are quite different from each other and often not understood outside of a specific Amazigh community. The dialect spoken by a given community is an indicator of a local identity rather than a connection to a 'general Berberness.'[632] Furthermore, it was not until 2003 that the Tifinagh script became codified,[633] and it remains understood by only a minority of Amazigh speakers, even today.

Within the post-Arab Spring framework, one could argue that the Amazigh elites have, to some extent, been co-opted by the State following the officialising of the language. Bergh and Rossi-Doria offer a more temperate view on this,

> As for the recognition of Amazigh as an official language (article 5), it is mostly appreciated symbolically as an important first step for the recognition of Amazigh culture, although some respondents were sceptical about whether and how it could be made part of the national education system. The Amazigh groups recognized its importance, but they consider it mostly a populist move that will not end the marginalization of their culture, and this explained their boycott of the drafting process (with the exception of AZETTA that negotiated with the makhzen).[634]

[630] Crawford, "Morocco's Invisible Imazighen," 62.
[631] Crawford, "Morocco's Invisible Imazighen," 65.
[632] Crawford and Hoffman, "Essentially Amazigh: Urban Berbers and the Global Village," 121.
[633] Boukous, "The Planning of Standardizing Amazigh Language: The Moroccan Experience," 11.
[634] Bergh and Rossi-Doria, "Plus Ça Change? Observing the Dynamics of Morocco's 'Arab Spring' in the High Atlas," 209.

The significance of the 'Réseau National Amazigh pour la Citoyenneté (AZETTA)''s collaboration with the Makhzen is particularly indicative of the afore-cited co-option in light of AZETTA's prominent position among Amazigh associations.

### 3.2.4. When Amazigh women speak

As the ethnographic research reveals, the grassroots definition of an Amazigh group identity is fraught with many conceptual difficulties, which highlight the discontinuity between the Amazigh elite-driven discourse and Amazigh women's lived experiences.

In deconstructing the identity of individuals, and especially women, belonging in different ways to the Amazigh community, what emerges is that Amazigh women's allegiance, first and foremost, is to the country of Morocco and not to a specific ethnic community. This suggests that the Amazigh group identity can be partly regarded as an 'imagined community of postcolonial oppositional struggles' [635] that fails to represent the lived experience of non-elite Amazigh women. As W.B. explained,

> [*I feel*] Moroccan. I cannot say that I am Arab or Amazigh. I am Moroccan. I will be more comfortable if I say that I am a woman, and I get along with French women, Spanish women, to say a human being. But I would say Moroccan, because I am part of the Moroccan culture.[636]

Also, those who expressed attachment or sense of belonging to the Amazigh community, often did so due to linguistic ties, albeit at a local or tribal level, rather than at a national or supranational one. Significantly, some of the interviewees that most strongly refused the idea of a

[635] Shital V. Gunjate and Udgir Shivaji Mahavidyalaya, "Postcolonial Feminist Theory: An Overview," in *Proceedings of National Seminar on Postmodern Literary Theory and Literature*, (Nanded: 2012), 286.
[636] Interview with W.B., academic and activist, Marrakech area, 15 May 2017.

separate Amazigh ethnic identity stemmed from a higher social class and were also fluent in Arabic. A.A., argued that,

> Everybody is well integrated. So, in the North, you're either from the mountains (jbeli) or the Rifi [*sic*]. It means the same thing, but the only difference is linguistic. So, I have lot of friends and family from both sides, so that is why I don't like differentiating between everybody, but when it comes to rights, I think the *minority* here are women [*emphasis added*], and the minority here are people who don't live near cities. It is *not* about being Amazigh or not Amazigh [*emphasis added*].[637]

S.B. argued comparably,

> Participant (P): Yes, it [*Amazigh*] is only a different linguistic group.
> Investigator (I): But is it not an ethnicity of its own?
> P: Absolutely not.
> I: Is it not a minority?
> P: No, we share the same characteristics, but we pronounce words differently.[638]

F.A. was also sceptical about a separate Amazigh identity,

> Personally speaking, I would say that it's an abstract idea. Everyone is on their [*sic*] own; people are mainly not gathered. And, that depends on which community of Amazigh you belong to. In Morocco, there are people who are Amazigh and help each other, just because you are from the same town or from the same place as they are. As well there are other people who wouldn't look at you, speak with you, and would advise other people not to work with you just because you are not from the same place as you are. So, there is a 50/50 [*sic*] status.[639]

Other interviewees imagined the whole of Morocco as an Amazigh country. Z.W., a high school student, grew up in a neighbouring Arab country before returning home to Morocco in the aftermath of the Arab Spring. In terms of identity, she nullified differences in identity between

[637] Interview with A.A. (afore cited), Middle Atlas area, 26 September 2017.
[638] Interview with S.B. (afore cited), Agadir area, 21 September 2016.
[639] Interview with F.A. (afore cited), Agadir area, 13 October 2016.

Amazigh and Moroccan peoples as '[*their identity*] is either Amazigh-Moroccan or Moroccan-Amazigh, because before there were only Amazigh living in Morocco.'[640] As H.B. observed, '[f]irst, we consider that *all* [*emphasis added*] Moroccans are Amazigh but some were Arabised and some of them kept their Amazigh identity.'[641] When the author asked her who she meant by 'we', H.B. explained, 'Yes, "we the Amazigh people" from the Amazigh movement.'[642] N.A. is a high school graduate and intern at a women's local development centre. She expressed her grief over the conditions of Amazigh people in the country signifying the existence of a group identity as far as she was concerned,

> I am Amazigh, because I live in an Amazigh country, and my family is Amazigh. (…) Especially here in this city, there are no human rights, especially for Amazigh people. (…) I have a lot of Amazigh family and I see how they suffer, they don't have access to health and they don't have access to school. As for the girls, they can't complete their education, because there are no schools where they are, and they cannot go to cities, so they just stay at home.[643]

Others expressed the view that Morocco was more than just Amazigh while still claiming their own Amazigh identity. 'I feel Moroccan because Morocco is diverse but, in my veins, I am Amazigh.'[644] 'I am a Moroccan Amazigh (…) because my hope here is to live in my country with my rights. (…) Arab people who ignore us want to get rid of our identity.'[645] 'Arab people are educated, and they know what to do, but it is not the case for the Amazigh.'[646]

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[640] Interview with Z.W., high school student who grew up in a neighbouring country before returning home to Morocco in the aftermath of the Arab Spring, Rabat area, 22 September 2016.
[641] Interview with H.B. (afore cited), Rabat area, 22 September 2016.
[642] Interview with H.B. (afore cited), Rabat area, 22 September 2016.
[643] Interview with N.A., high school graduate and intern at a women's local development centre, Middle Atlas area, 27 September 2016.
[644] Interview with M.Z. (afore cited), Middle atlas area, 29 September 2016.
[645] Interview with S.B., Amazigh activist and university graduate working for an NGO, Rabat area, 21 September 2016.
[646] Interview with Z.B., non-literate, homeworking mother living in a rural setting, Ait Baha area,10 October 2016.

Elites in the Amazigh community have championed cultural rights, including the usage of Amazigh first names in the registration of their children. The elite-driven prioritisation of cultural rights and the marginalisation of other issues of key importance for Amazigh women, namely access to health, work and education, is evidenced by many interviews in this research. There also is a marked difference between how the value of the Amazigh language is conceptualised at the grassroots level and the way the language importance is promoted by the Amazigh cultural and elite groups.

When discussing the Amazigh political representation, H.B. concluded that leaders 'have power [*but*] no leader would talk about the Amazigh women's situation.' [647] Interviewees hailing from a low, rural socio-economic background provided similar explanations with regard to the state of their community and the role played by local leaders. So, shifting the blame from the monarchy onto other stakeholders (namely, local leaders) for the state of affairs of the Amazigh community, Z.A. explained, 'The King has everything, and he helps. The problem is the people who take this help and keep it for themselves. Lmqadem, Cheikh [*community leaders*] do not give the people what is theirs.'[648] Similarly, I.M. concurred with the former analysis as she argued,

> I know the Lmqadem [*community leader*]. They [*sic*] never come to talk to us. But, now, they are willing to build a cultural centre [*a women's club*]. I gave them the nearby piece of land to build it on it, so that women can work and have an income, but they have never started working on that.[649]

Criticising the elite agenda pursued by the Amazigh (male) leadership, H.B. explained the different objectives to be attained by Amazigh cultural activists on one hand and Amazigh women's rights activists on the other,

[647] Interview with H.B. (afore cited), Rabat area, 22 September 2016.
[648] Interview with Z.A., non-literate, homeworking, elder living in a remote rural village, Ait Baha area, 04 October 2016.
[649] Interview with I.M., non-literate, homeworking, elder living in a remote rural area, Ait Baha area, 04 October 2016.

> [*Amazigh*] male leaders were speaking only about the linguistic rights of the language [*sic*], but they forgot about women's rights. And our association is the first to speak the minds of Amazigh women; before 2009, this wasn't the case (…) They [*the Amazigh leaders*] respect us and help us, but they view our cause as something *not primary* [*emphasis added*]. But [*they are*] better than others, than the Moroccan left, and the Arabic-speaking people.[650]

Interviewees hailing from a low, rural socio-economic background provided similar explanations with regard to the state of their community and the role played by local leaders.

Presenting critical views about the Amazigh movement and especially their vindication of a group identity, S.B. affirmed that,

> The cause of activists in the Amazigh field is to recognise their language and culture, to take advantage of the State holidays and to recognise that they were the inhabitants of Morocco before the Arab invasion. But, according to me, if these things are recognised or not, that there is teaching for the Amazigh or not, for me it doesn't change anything because the evolution of the country doesn't depend on this community and culture. (…) So, the Amazigh language remains optional even if I am Amazigh, but I don't think it will have an impact on the country's different levers (…) Amazigh will only remain as folklore maybe, but it doesn't touch the development of the country. [651]

Yet, in contrast, some interviewees with no formal education or formal employment, but who enjoyed a comfortable status quo, rejected this ethnic classification. As Z.Y. noted, 'We are all Moroccans, the only difference is the language, which is Amazigh.'[652]

[650] Interview with H.B. (afore cited), Rabat area, 22 September 2016.
[651] Interview with S.B. (afore cited), Agadir area, 07 October 2016.
[652] Interview with Z.Y., non-literate, homeworking rural mother, Middle Atlas area, 27 September 2016.

Other interviewees felt a belonging to the Amazigh community because their parents or ancestors were Amazigh; yet, often those who expressed this position did not, themselves, speak the language or understand the Tifinagh alphabet. L.K. did not speak the language but self-identified as Amazigh, 'because my mother's family is Amazigh.'[653] Conversely, other interviewees' narrations instantiate the pressure they felt in identifying themselves as part of a certain group or speaking a given language,

> Of course, I feel Amazigh, but I don't like saying it. So, if I meet people I'm like: 'I'm from Tetouan.' I don't want to go into details because that is very personal to me. When I meet Amazigh people, I may mention it, because I may understand what they're saying, and I don't want them to think that I am spying on them or something, because I understand what they're saying, but I am just Moroccan.[654]

S.I. felt compelled to speak the Amazigh language as a proof of her group identity. 'I am more comfortable with Arabic, but I always tend to speak Amazigh because it's my native language and I *should* [*emphasis added*] feel comfortable speaking Amazigh as well.'[655]

### 3.3. Gender and women's issues

In the framework of this ethnographic research, the question of what it means to be a woman in today's Morocco was asked in conjunction with other characteristics of identity including, *inter alia*, one's ethno-linguistic affiliation, marital status, employment, education, personal reflections on human rights and gender equality. The responses given by the participants help provide some context to the breadth of meanings attributed to being a woman, and perhaps most poignantly, the inter-connection among all of these aspects. These responses also clearly illustrate the intersectionality of gender (and ethnicity) in contexts

[653] Interview with L.K. (afore cited), Marrakech area, 15 May 2017.
[654] Interview with A.A. (afore cited), Middle Atlas area, 26 September 2016.
[655] Interview with S.I. (afore cited), Agadir area, 17 October 2016.

where connotations inherent to this category carry a heavy load of inescapable attributes.

> What is called 'Gender identity' is a performative accomplishment compelled by social sanction and taboo. In its very character as performative resides the possibility of contesting its reified status. (…) Gender [*can be considered*] as a corporeal style, an act, intentional and performative, where 'performative' itself carries the double-meaning of 'dramatic' and 'non-referential. (…) As a strategy of survival, gender is a performance with clearly punitive consequences. (…) Gender is, thus, a construction that regularly conceals its genesis.[656]

Shedding light on the structural inequalities present in Morocco, at least 26 of the respondents (over 44%) explicitly noted that, while there might be progress in law, there is no de facto gender equality in Morocco. The majority of respondents claimed equality as an important value while 11 respondents (or well over 18% of the interviewees) believed men and women are 'similar' as opposed to 'equal.' In fact, only three respondents explicitly supported the notion that men and women have and should have different roles in society while complementing each other. In assessing gender equality in her society, a university student, S.I., argued using the rural versus urban binary,

> I think that they [*the government*] are on the way to achieve equality. For example, now women can go outside and work just like men. But, in rural areas, women cannot do so. But, still in urban areas or in the cities, women are now in the Parliament and they can express and defend their rights as well.[657]

When asked about women's rights and gender equality, many respondents listed the same traits that they either describe as inherent to femininity or they believe they ought to perform as such. This interpretation lends support to the theory and concept of gender as

[656] Butler, "Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory," 522.
[657] Interview with S.I. (afore cited), Agadir area, 17 October 2016.

socially constructed. These traits included: patience; obedience; deference; sense of inferiority; sense of shame;[658] sense of guilt over rights acquisition or self-improvement; complementarity of gender roles; hopelessness; unworthiness; voicelessness; and fear. These findings are especially salient as the meanings attributed to femaleness by research participants clearly deviate from the narrative promoted by the Amazigh elites. The following interviewees all hailed from a rural background, had no or limited education, and worked from home. In terms of patience as an attribute of a 'proper' woman, one respondent explained,

> [i]n Ouarzazate there are no cases of violence against women, not at all, for the Amazigh women are patient and do not want the other people to know that they argue with their husbands. But, here in Agadir, Arab women argue with their husbands before the eyes of everyone without caring about what people might say about them.[659]

Similarly, Z.T. observed, 'People who are ashamed don't talk about it [*violence against women*] to anyone. What happens in their houses stays in their houses. But, for those who are not patient enough to take it, to take the problems, they go out and talk about it.'[660] Also referring to inherent attributes to both gender and ethno-linguistic belonging, F.A. explained, '[t]he Amazigh people, and especially the Amazigh women, suffer a lot because they are modest, they are patient and they wouldn't speak for themselves.'[661] In terms of blame and shame, H.O., who fled a situation of domestic violence, described her position,

> I am always blamed nowadays for coming back home and bringing my daughter. They told me – even my mother - that I should have been more

[658] See on this concept: Martha C. Nussbaum, *Hiding from Humanity: Disgust, Shame and the Law* (Princeton, USA and Oxford, UK: Princeton University Press, 2004).
[659] Interview with N.K., homeworking, and non-literate mother from a rural area now living in an urban setting, Agadir area, 05 October 2016. Excerpts from the following interviews were also cited in a previously published article by the author. See: Gagliardi, "Violence against Women: The Stark Reality Behind Morocco's Human Rights Progress," 1-22.
[660] Interview with Z.T., rural, non-literate, homeworking elderly, widow, Ait Baha area, 10 October 2016.
[661] Interview with F.A. (afore cited), Agadir area, 14 October 2016.

> patient. (…) That's it, because my mum keeps blaming me in the house. She would say: 'If you were a woman, you would have stayed with your husband, because we are all patient women.'[662]

In terms of voicelessness, especially in cases of violence, N.R., a university student and part-time worker, elaborated on the condition of Amazigh women, 'There is nobody to defend them. They are isolated in the places where they live. They don't have the ability to open up to the world.'[663] S.B. explained,

> (…) Even an Arabic (-speaking) woman has the ability to speak in Arabic so she has the chance to explain what she wants without any problem, without any boundaries, without anything. But an Amazigh woman cannot even explain her opinion, she is voiceless, that is why we create this association in order to be the voice of some girls or women who don't have voices or are voiceless.[664]

Again, stressing the supposed inability of Amazigh women to express themselves and the failure of a range of actors to help them (and, for instance, leave situations of domestic violence), F.A. noted,

> Amazigh women still get abused nowadays. They don't have the right to express their feelings. (…) [t]hey keep silent for the sake of their children because when they leave their husbands' house, nobody will take care of them, not even their fathers, mothers, or brothers. (…) You'll be the only one defending the right not to be abused because all the women keep silent.[665]

The so-called 'Soulaliyate Movement' might represent one notable exception where rural women are articulating collective rights independently and often in opposition to the rest of their (male) community members.[666] Despite their originally inalienable status,

[662] Interview with H.O. (afore cited), Ait Baha area, 10 October 2016.
[663] Interview with N.R. (afore cited), Agadir area, 14 October 2016.
[664] Interview with S.B., (afore cited), Rabat area, 21 September 2016.
[665] Interview with F.A. (afore cited), Agadir area, 14 October 2016.
[666] 'As a legal status, collective land dates back to the time of the French protectorate (1912–56), which issued a royal decree in 1919 to give status to land that belonged neither to individuals nor to the state but was used by communities (Bouderbala 1996).

collective lands have been increasingly expropriated to allow for their commercialisation, transfer and sale.[667] In this context, 'the Soulaliyate movement began in 2007 in reaction to the quasi-systematic exclusion of women from the distribution of (…) compensation.' [668] As Salime explains,

> (…) the term *al-aradi al-sulaliyya*, points to a dominant mode of land tenure in which members of an 'ethnic' collectivity hold communal rights on the land they inhabit and/or exploit. Although communal land could in the past neither be seized nor sold, it could be transferred from fathers to sons over the age of sixteen. According to hegemonic understanding of *'urf* (customary law), women can only benefit through male relatives. Unmarried women, widows, divorcees — and those with no sons — often face expropriation and become destitute. Many end up living in slums surrounding their communal land.[669]

Unlike for other women's issues where a rights-based grassroots contestation seems harder to emerge and crucial gaps remain between urban elite-led movements and rural populations, in the case of land rights,

> [t]he language of rights, poverty reduction, and gender equality is instrumental in the Sulaliyyates movement. Trained by the ADFM [*Democratic*

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Since then this decree has regulated the property rights of the vaguely defined category of "tribes, fractions, villages or other ethnic groups" (decree of 1919, Article 1) over agricultural or pastoral land that they use as a collective.' See: Negib Bouderbala, "Les Terres Collectives du Maroc dans la Première Période du Protectorat (1912-1930)," *Revue du Monde Musulman et de la Méditerranée* 79, no. 80 (1996) quoted in Berriane, "Bridging Social Divides: Leadership and the Making of an Alliance for Women's Land-Use Rights in Morocco," 351.

[667] Berriane, "Bridging Social Divides: Leadership and the Making of an Alliance for Women's Land-Use Rights in Morocco," 351.

[668] Berriane, "Bridging Social Divides: Leadership and the Making of an Alliance for Women's Land-Use Rights in Morocco," 351.

[669] Interestingly, Morocco's growing Soulaliyate Movement demands equal land rights for both Arab and Amazigh tribal women. As Salime points out, 'No women's movement has marked the political debate in Morocco, after the North African uprisings as much as the Sulaliyyates. The term Sulaliyyates derives from the Arabic root, sulala (ethnic genealogy). It refers to "tribal" women, from both Arabic and Tamazight speaking collectivities that are demanding an equal share compared to men, when their land is privatized or divided.' In Zakia Salime, "Women and the Right to Land in Morocco: The Sulaliyyates Movement," Project on Middle East Political Science, March 11, 2016, accessed 31 May 2018, https://pomeps.org/2016/04/15/women-and-the-right-to-land-in-morocco-the-sulaliyyates-movement/

> *Association of Moroccan Women*] members, providing with basic legal literacy, the Sulaliyyates specifically use state language to refer to equality and poverty alleviation. This is a rejection of any reference to the Islamic inheritance laws, and instead a use of the secular language of gender justice and equality already sanctioned by Morocco.[670]

Tellingly, in the case of the Soulaliyate movement, rural women 'fail' to perform the roles and duties assigned to them by their (male) leaders and groups of belonging and have found potentially emancipatory ways to use human rights language, advocacy and training to their advantage. However, as Salime maintains, this emancipation may require bringing together elite and 'rural, dispossessed and mainly illiterate women.'[671] As she clarifies, this movement,

> (…) sheds light on the inequalities and fluid power hierarchies that are constitutive of it. It therefore goes beyond interpretations that read women's grassroots activism as the sole result of international and elite-led gender empowerment projects and norms, highlighting processes of cross-fertilisation and hybridisation instead.[672]

In terms of the lack of self-worth felt by many Amazigh women, A.M. summarises, 'You should fear and respect your husband, because without a man you are nothing. For me.'[673] In this context, it is useful to relate different reflections on the meaning of singlehood for Amazigh women.

> The *community* [*emphasis added*] does not give the woman her complete rights as a human. They do not treat her as if she has an important role in society. We consider her just as a mother and house wife. We do not see her, at any specific point, as *a woman [emphasis added]*.[674]

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[670] Salime, "Women and the Right to Land in Morocco: The Sulaliyyates Movement".
[671] Berriane, "Bridging Social Divides: Leadership and the Making of an Alliance for Women's Land-Use Rights in Morocco," 351.
[672] Berriane, "Bridging Social Divides: Leadership and the Making of an Alliance for Women's Land-Use Rights in Morocco," 352.
[673] Interview with A.M., a rural, married, homeworking, childless woman with a few years of primary education, Middle Atlas area, 27 September 2016.
[674] Interview with N.A. (afore cited), Rabat area, 06 October 2016.

Here, significantly, the respondent's use of the word 'woman' in a synecdoche to refer to the whole of humanity reversing the parameters of the human paradigm where men usually represent humankind. In narrating her experience, women are stripped of their humanity and confined to the inescapable roles of wives and mothers. Again, this sits in stark contrast to the narrative promoted by Amazigh group leaders of their movement being liberalising, emancipatory and free.

As a single head of household, F.A. recounted her own marital experience that left her 'married but not married' since her husband left her making her an 'abandoned' woman.[675] The sense of inferiority and unworthiness that she attributed to herself due to her husband's abandonment emerged clearly from her narration. Symptomatically, findings from other Morocco-based ethnographic research, which targeted 'successful women', revealed a more nuanced picture in meanings attributed to singlehood. In the latter research, where three of the female research participants were unmarried and three divorced, some women observed not only challenges but also opportunities afforded by their single or divorcee status, namely freedom of movement, fewer home commitments and less housework.[676]

Going back to the negative value given to singlehood by the participants in this research, the latter also revealed that the concept of polygyny generally provoked favourable reactions, or at least pragmatic justifications (especially in the absence or insufficiency of State-provision of social services), among research participants. Some interviewees, for instance, accounted for the phenomenon of polygyny, and to some extent justified it, as childbearing and motherhood are considered essential elements of Amazigh womanhood. Thus, infertile women carry the onus, and the guilt, of non-compliance with their

[675] Interview with F.A. (afore cited), Khemisset area, 19 September 2016.
[676] Hallward and Stewart, "Challenges and Opportunities Facing Successful Women in Morocco," 16.

performative functions in society. As observed by a university student, L.B., 'In Moroccan society it's shameful for a woman to be divorced. So, as she [*a woman*] cannot give birth to children, he [*a man*] keeps her [*sic*] for her own sake because she is the one who can't give birth to children, not him.'[677] A similar explanation for polygyny is given in cases where a married man re-marries to a widow. As F.A., a high school English teacher, argued, 'What do I mean? If a man is able to provide for his family, wife and children, (…) and there is a case of a widow with children who cannot provide for herself, he could, for instance, marry her (…).'[678] S.H. is a single, non-literate, bread maker in her 40s. She interestingly exclaimed, 'You cannot have children if you are not married!'[679] The interviewee then conceded that, in today's Morocco, there were indeed many cases of children born out of wedlock, but that people preferred not to discuss about them as if they did not exist.

One of very few respondents that argued *against* the expectations associated to her sex and gender, I.B. voiced her frustration and desire to change how people perceive women in her society. I.B. is a university student and social activist originally from the countryside but living in an urban area.

> […] I am going to talk about families. The girl is never treated the same way as the boy. The boy has the freedom to do whatever he wants, to go out with his friends, to sleep over at his friends' houses, to drink, to smoke, and do everything he like. But, for the girl, if you just want to get out and get something that you need, they are going to tell you: 'Stay home. You are a girl. Your brother is going to go there and grab it for you.'[680]

I.B.'s testimony represented a tiny minority of participants who rejected and wanted to change societal constraints and views. Albeit hailing from a supportive family who enabled her to pursue university studies, I.B.

[677] Interview with L.B. (afore cited), Agadir area, 13 October 2016.
[678] Interview with F.A. (afore cited), Agadir area, 13 October 2016.
[679] Interview with S.H. (afore cited), Middle Atlas area, 28 September 2016.
[680] Interview with I.B. (afore cited), Agadir area, 07 October 2016.

still felt discriminated against by her parents in terms of upbringing and freedom when compared to her brother.

### 3.4. Ideological divides

In France's former North African colonies, the underpinning for the sharp polarisation between secular and religious groups may well rest on the colonial divide-and-rule policies of the French.[681] There are various arguments proffered to account for the secular/religious divide that is so heavily prevalent in North Africa. A first argument weighs the colonial divide-and-rule policies of the French, as a tool to appease and control 'their' former colonies. A second argument criticises political Islam for creating the 'secular/religious binary but also East/West, public/private and male/female oppositions,' by merging the religious with the 'indigenous, native and authentic.'[682] What these two arguments underestimate is how secular feminists' attitude towards religious feminists contributes to the deepening of the divide and the fossilisation of this binary. Engaging terms such as 'secular' and 'religious' suggests that these concepts are static, rather than a more accurate read in which they are understood to be dynamic and fluid.[683]

What bipolar, contrasting, narratives conceal is that many Arab feminists draw inspiration from religion to justify and advocate for women's rights and gender equality. There are, for example, early attempts by feminist scholars' to read the Qur'an in a gender-sensitive manner in compliance with women's rights,[684] which suggest that '[s]ecular and Islamic feminisms have been mutually re-enforcing.'[685] The new *'holistic* Muslim feminism' draws upon multiple discourses, including Islamic discourse, and is communally based (of, for, and by Muslims) and globally

[681] For an in-depth discussion on this topic, see Margot Badran, "From Islamic Feminism to a Muslim Holistic Feminism," *IDS Bulletin* 42, no. 1 (2011): 80.
[682] Badran, "From Islamic Feminism to a Muslim Holistic Feminism," 80.
[683] Žvan Elliott, *Modernizing Patriarchy: The Politics of Women's Rights in Morocco*, 8.
[684] Badran, "From Islamic Feminism to a Muslim Holistic Feminism," 80-81.
[685] Badran, "From Islamic Feminism to a Muslim Holistic Feminism," 82.

anchored.[686] There is criticism of such feminism, as it seems to impose transnational, exogenous concepts in a top-down approach in local contexts without these concepts being appropriated or vernacularised by local feminists.[687] Unlike the type of 'holistic feminism' initially embraced by secular feminists, 'Muslim holistic feminism is being jump-started by income-earning professional women, public intellectuals, and NGO-ers who are savvy, well-connected, cosmopolitan and income-earning.'[688] It follows that this new type of elite-driven feminism risks being less inclusive and more hegemonic by giving authoritative voice to a few, disconnected actors who purport to speak on behalf of all Islamic feminists across borders.[689]

### 3.4.1. Women's groups

In an analogous manner to other Arab countries in transition, feminist and Islamist groups in Morocco tap into transnational networks to forge alliances with supporters of their respective causes.[690] These two groups 'are monitored by the local state policy, whose legitimacy is, in turn, defined by the articulation of local and global forces.'[691] Against this backdrop, '[t]he production of knowledge, academic research included, takes place within a system of power differentials, which favours the promotion of specific views and the exclusion of others.'[692] Importantly,

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[686] Badran, "From Islamic Feminism to a Muslim Holistic Feminism," 78.
[687] Badran, "From Islamic Feminism to a Muslim Holistic Feminism," 80.
[688] Lila Abu-Lughod, "Anthropology in the Territory of Rights – Human or Otherwise" paper presented in *Radcliffe-Brown Lecture in Social Anthropology, Proceedings of the British Academy,* 2009 quoted in Badran, 'From Islamic Feminism to a Muslim Holistic Feminism', 84.
[689] On Islamic feminism, see also Fatima Mernissi, *Beyond the Veil: Male-Female Dynamics in a Modern Muslim Society*, rev. ed. (Bloomington and Indianapolis: Indiana University Press, 1987).
[690] See how the Moroccan women's rights movement frames its arguments and brokers its alliances, specifically on the issues of violence against women and women's nationality rights in: Jesilyn Faust, "Beyond Global vs. Local: Islam, Feminism, and Women's Rights in Morocco" in *Contracting Human Rights: Crisis, Accountability, and Opportunity*, ed. Alison Brysk and Michael Stohl (Cheltenham, UK and Northampton, USA: Edward Elgar Publishing Ltd, 2018), 250-263.
[691] Skalli, *Through a Local Prism: Gender, Globalization, and Identity in Moroccan Women's Magazines*, 20.
[692] Skalli, *Through a Local Prism: Gender, Globalization, and Identity in Moroccan Women's Magazines*, 24.

not all globalisation trends should be seen as oppressive, just as it is short sighted to 'construct the "local" as an essentially liberating or unifying space for either cultural experience or political action.'[693] In fact, the local can be as oppressive a force as the global as it affects gender, class and ethnic lines.

In Morocco's case, Žvan Elliott identifies two different approaches to attain the common goal of women's empowerment: [694] first, a secular feminist NGO-led legalistic approach that considers legal and constitutional reform as the *conditio sine qua non* to achieve gender equality; and, second, the religious women's movement-led bottom-up approach to progress that aims to gradually improve women's living conditions in Moroccan society through a contemporary re-reading of religious texts.[695] Yet, Young Evrard argues that the *shared* goal for women's groups in Morocco has been legal reform to achieve women's rights and gender equality 'since at least the late 1930s as women's groups began spinning off of their political parties.' [696] Originally operating as a section of the leftist 'Parti du Progrès et du Socialism' (PPS), the 'Association Démocratique des Femmes du Maroc' (ADFM) was the first association that articulated women's rights and demands outside Morocco's political party framework. [697] Following Young Evrard's argument, '[t]he fact that issues of laws and rights are at the center of the work of women's associations is no surprise given the centrality of law to the texts and practices of Islam.'[698]

[693] Skalli, *Through a Local Prism: Gender, Globalization, and Identity in Moroccan Women's Magazines*, 24.
[694] Bordat, Schaefer and Kouzzi characterise women's empowerment as an 'ability to make choices' in Willman Bordat, Schaefer Davis, and Kouzzi, "Women as Agents of Grassroots Change Illustrating Micro-Empowerment in Morocco". See also Abu-Lughod, "Anthropology in the Territory of Rights – Human or Otherwise."
[695] Žvan Elliott, *Modernizing Patriarchy: The Politics of Women's Rights in Morocco*, 7.
[696] Young Evrard, *The Moroccan Women's Rights Movement*, 24.
[697] Sater, "Civil Society and Political Change in Morocco," 127.
[698] Young Evrard, *The Moroccan Women's Rights Movement*, 25.

Even though Morocco's women's rights movement as such is divided and might fail to represent the diversity of women's lived experiences, legal reform has been at least one issue of common concern across women's group leaders and elites.[699] Also, although women's groups usually sustain their parties' policy choices, they demonstrate solidarity with other women's groups on certain women's issues. An illustration of common ground among women from different political parties is the promotion of mother tongues - namely the Amazigh language - that is often the only language spoken by Amazigh women.[700]

Whilst the concepts of feminism and Islamism carry the legacy of their colonial genealogy, neither of them can be interpreted as a monolithic and unchangeable reality, but have often been a moment for mutual intersection and influence.[701] Through an Islamic feminist discourse and symbolism, Moroccan feminists have traditionally managed to gather supporters for their cause among diverse sectors of society.[702] Traditionally, liberal feminists have grasped the key role of women in the Islamisation discourse and attempted to influence it.[703] At the same time, Islamic feminists have retained an open-minded approach in that '[t]heir relationship to liberal feminists has never been confrontational, as the

[699] The author conducted research in Morocco (Tangiers, Rabat, Skhirat) during various missions to the country between December 2012 and August 2014 whilst working for the UN OHCHR Regional Offices for the Middle East and North Africa. Primarily motivated by human rights monitoring, reporting and project needs, the author held regular semi-structured interviews and meetings in French with a number of representatives from: Morocco's civil society organisations (*inter alia*, Forum des Femmes Amazighes de Tamazgha, Fédération de la Ligue Démocratique des Droits des Femmes [FLDDF], Association Démocratique des Femmes du Maroc, Association Marocaine des Droits Humains, Organisation Marocaine des Droits Humains, Forum Maghrébin pour l'Environnement et le Développement, Collectif pour le *Droit à la Santé*); the National Human Rights Institution (Conseil National des Droits de l'Homme); the National Statistical Agency (Haut-Commissariat au Plan); the Inter-Ministerial Delegation for Human Rights (Délégation Interministérielle aux Droits de l'Homme); and various UN agencies.

[700] Sadiqi, "The Impact of Islamization on Moroccan Feminisms," 37.

[701] Salime, *Between Feminism and Islam: Human Rights and Sharia Law in Morocco*, 134-148. See also: Skalli, *Through a Local Prism: Gender, Globalization, and Identity in Moroccan Women's Magazines*, 24; and Sadiqi, *Women, Gender and Language in Morocco*.

[702] See on this: Sadiqi, "The Impact of Islamization on Moroccan Feminisms".

[703] Sadiqi, "The Impact of Islamization on Moroccan Feminisms," 33.

latter have not attacked Islam and have been consistently fighting patriarchy, not Islam.'[704] Conversely, in the wake of the Arab Spring in 2011, and with the ascension of the PJD to power, the ability of liberal feminists in Morocco to engage with an Islamist political narrative seems to have considerably diminished.

Historically, Moroccan women's groups have contributed to various 'movement moments' or 'mobilization conjunctures,' which have resulted in the 'feminization of Islamist women and the Islamization of the feminist movement.' [705] As these so-called 'mobilization conjunctures' demonstrate, different movements constantly inform one another and highlight the importance of 'vernacularisation' of their arguments.[706] In this vein, '[e]mancipatory possibilities of human rights-oriented transnational feminisms reside in dialogic, solidarity-building feminist praxis tied to transnational processes of counter-hegemonic (re)interpretation and (re)claiming of human rights from previously excluded positions.'[707]

Nevertheless, in the struggle to independently define the meaning of women's rights and gender equality, women's groups in Moroccan society have been excluding dissenting and marginalised voices both within and outside their circles. [708] Within the discourse of binary categories between secular and religious feminisms, [709] fieldwork conducted among women's groups in Morocco – similarly to the work of other scholars - demonstrates a high level of intolerance among secular

[704] Sadiqi, "The Impact of Islamization on Moroccan Feminisms," 36.
[705] Salime, *Between Feminism and Islam: Human Rights and Sharia Law in Morocco*, 36, XV.
[706] Salime, *Between Feminism and Islam: Human Rights and Sharia Law in Morocco*, XVII.
[707] Niamh Reilly, "Doing Transnational Feminism, Transforming Human Rights: The Emancipatory Possibilities Revisited," *Irish Journal of Sociology* 19, no. 2 (2011): 60.
[708] See: Salime, *Between Feminism and Islam: Human Rights and Sharia Law in Morocco*, 36, 145-147. An example of this practice was displayed at international conferences in Morocco in which the author participated during the 2012-2014 biennium, wherein some secular feminists would not agree to discuss women's issues sitting at the same table with veiled women.
[709] Abu-Lughod, "Do Muslim Women Really Need Saving? Anthropological Reflections on Cultural Relativism and Its Others."

feminists towards religious feminists. As observed in a recent ethnographic study in Morocco, the very secular feminists who demonise Islamists for their intolerance and disrespect for individual choices or differences,

> […] seemed to experience no dissonance when they spoke derisively about the hijab or expressed relief at its absence. Not only did they seem to have no trouble reconciling their aversion towards the hijab with their discourse about tolerance and acceptance of difference, they did not seem to think that these discourses needed reconciling.[710]

Proponents of this secular versus religious binary fail to consider the inter-linkages and mutual influences occurring between different women's groups. They also seem unable or unwilling to identify common obstacles and localised strategies. Research participants who self-described as secular tended to blame political Islam and religious feminists for supporting gender complementarity as opposed to equality. In this interpretation, gender complementarity was perceived by these respondents as a means to further oppress women under the banner of religion. W.B., an academic and activist, offered her interpretation of complementarity, which she described as political Islam's cop out to avoid recognising gender equality,

> Let's take for instance, the development programme for equality, the development agenda is for equality and that parity was nothing but a means to an end. They have reversed these claims and said that equality should be the way to parity. And they do not see equality the same way we see it as a necessity for human beings. But they see it as complementarity between men and women and this sends us back to the traditional views on women that they belong to the home. In fact, Benkirane [*former PM*] has made this claim and said that women are chandeliers. So, they really want that women go back to being at home to take care of the kids and be in the kitchen, just like in the past.[711]

[710] Guessous, "Genealogies of Feminism: Leftist Feminist Subjectivity in the Wake of the Islamic Revival in Contemporary Morocco," 12.
[711] Interview with W.B. (afore cited), Marrakech area, 15 May 2017.

Conversely, F.A., a high school teacher, identified complementarity with gender equality,

> Complementarity in my opinion would be, we are both working outside, both providing for the family, so as we are working outside, we would be working inside as well. If I care for the child today, you would care for him/her tomorrow. If I were sick today, you would be sick tomorrow. Things like that [*sic*].[712]

In this context, Guessous underlines, 'Morocco is unique in the sense that one cannot really speak of Islamic and secular feminisms as discrete categories. All Moroccan feminists, whether liberal or religious, confront patriarchy yet do not put Islam as a religion into question.'[713] As some scholars posit, Islam and women's rights can be compatible as for both liberal and Islamic feminists, the ultimate goal is to fight patriarchy and, to a large extent, the political manipulation of Islam.[714] In explaining the origin of 'religious feminism' in Morocco, Sadiqi notes that religious feminists are a mixture of 'Islamist' and 'Islamic' feminists.[715] Unlike *Islamist* feminists (of which the two main mouthpieces are the Justice and Spirituality Group and the Party for Justice and Development), *Islamic* feminists are not politically oriented nor do they use Islam as a tool to gain power. Islamic feminists are more religious than their liberal counterparts and address women in lower classes, but they cannot be defined as Islamists.[716] In Morocco, women's movements are often driven by urban elites who, by strictly adhering to their ideological differences and reference frameworks, fail to foster progress on women's rights and represent the majority of Moroccan women as well as the diversity of their views.[717] Without overcoming an exclusive, elitist

[712] Interview with F.A. (afore cited), Agadir area, 13 October 2016.
[713] Guessous, "Genealogies of Feminism: Leftist Feminist Subjectivity in the Wake of the Islamic Revival in Contemporary Morocco," 12.
[714] See Mernissi, *Beyond the Veil: Male-Female Dynamics in a Modern Muslim Society*; Sadiqi, "The Impact of Islamization on Moroccan Feminisms," 38.
[715] Sadiqi, *Women, Gender and Language in Morocco*, 30-32.
[716] Sadiqi, *Women, Gender and Language in Morocco*, 32.
[717] See also Salime, *Between Feminism and Islam: Human Rights and Sharia Law in Morocco*.

reading of women's rights and gender equality, it is unlikely that any 'solidarity-building feminist praxis'[718] will take root across different women's groups in Moroccan society.[719] Except through both vernacularisation and local articulation of women's human rights and gender equality in Morocco, changes will continue to be perceived as undemocratic and externally imposed.

In a comparative study of democratic transitions stemming from the Arab Spring, Moghadam characterises Morocco's commitment to democratic reforms as genuine when compared to other Arab countries in transition.[720] Also, in a rather optimistic view, she maintains, '[w]omen's rights movements are *not* identity movements, but rather democratic and democratizing movements,' which tend to *include* rather than *exclude* diversity within them.[721]

Yet, it can be contended, the absence of dialogue and co-operation among different women's groups has allowed the monarchy to politicise gender issues to its advantage and to the preservation of the status quo.[722] As originally remarked in the context of Morocco's 'war on terrorism' and applied to the women's rights debate in the country today,

> [t]he state manipulation of the liberal rhetoric of gender equality has decreased the spaces for independent organizing by feminist and Islamist women's groups alike. In addition to co-opting both movements, the state is now able to monitor the discourse and activism of these groups while acting as a neutral mediator.[723]

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[718] Reilly, "Doing Transnational Feminism, Transforming Human Rights: The Emancipatory Possibilities Revisited," 60.
[719] See also Lounasmaa, "Women and Modernity: The Global and the Local in Moroccan Women's Ngos's Advocacy and Public Awareness Work".
[720] Valentine M. Moghadam, "What Is Democracy? Promises and Perils of the Arab Spring," *Current Sociology* 61, no. 4 (2013): 393-408.
[721] Moghadam, "What Is Democracy? Promises and Perils of the Arab Spring," 396.
[722] See also Guessous, "Genealogies of Feminism: Leftist Feminist Subjectivity in the Wake of the Islamic Revival in Contemporary Morocco".
[723] Salime, "The War on Terrorism: Appropriation and Subversion by Moroccan Women," 21.

### 3.4.2. Civil society and political parties

In the context of Morocco's supposedly liberal political reforms, common ground between Islamists and secularists has yet to be found on the best approach to protect human rights. Among Morocco's civil society and political parties, secularist-Islamist co-operation is rendered difficult by the,

> [c]hallenge (…) to promote trust between two (…) groups that in general do not recognize their own selves or 'selfhood' in the other group, but see an 'other' with a dangerous agency operating with an external, unknown set of moral values.[724]

While there is generally agreement on the sacredness, inviolability and inherent dignity of all human beings, '[w]hat it means to be sacred in a practical world and what ought to be done to protect that sacredness are controversial, culturally relative questions.' [725] Although this is not commonly acknowledged, 'the increased emphasis on duty—as part of the idea of human rights—that may result from the Islamist interpretation and relationship to God could strengthen the possibility of building a stronger civil society and furthering political reform in Morocco.'[726]

While ideological qualms remain as to the possibility of finding common values and principles between secularists and Islamists, the King has successfully appropriated and embedded the human rights language into the public discourse. In this light, one can interpret,

> [t]he opposition between tradition and modernity in Morocco has been used to create a fictitious watershed between the reign of Hassan II and that of his son Mohammed VI. Development, democratisation, respect for human rights and

[724] Wilcox, "Secularists and Islamists in Morocco: Prospects for Building Trust and Civil Society through Human Rights Reform," 7.
[725] Wilcox, "Secularists and Islamists in Morocco: Prospects for Building Trust and Civil Society through Human Rights Reform," 13.
[726] Wilcox, "Secularists and Islamists in Morocco: Prospects for Building Trust and Civil Society through Human Rights Reform," 15.

> implementation of the rule of law have become the creed of the Makhzen under Mohammed VI, as if an entirely new era started with the new modern king.[727]

In Morocco, civil society organisations (CSOs) carry 'a connotation that is related to political contestation and to the legitimate expression of the Moroccan people in the absence of real democratic representation.'[728] Morocco's Islamist group, 'Al Adl Wal Ihsan' (Justice and Spirituality Group)[729] (hereafter: the Group) operates as an NGO since it is both unable and unwilling to become a political party and formulates its demands through institutional channels due to its outright rejection of the monarchical institution. [730] The Group considers political participation both morally and strategically wrong as opposition groups 'simply get co-opted without obtaining either power-sharing or the radical change that is needed to turn the country around.' [731] Significantly, the Group operates rather democratically, with open debate even on sensitive issues. For example, the Group initially was against the reform of the Family Law championed by the King, [732] but once the text included Islamic references and values, it changed its position and went as far as arguing that the new Family Law did not do enough ensure women's equal legal rights.[733] This change in attitude, 'was the product of a number of factors, but an important one was the position taken by women members, with Nadia Yassine (the Group's

[727] Cavatorta and Dalmasso, "Liberal Outcomes through Undemocratic Means: The Reform of the Code De Statut Personnel in Morocco," 495.
[728] James N. Sater, "The Dynamics of State and Civil Society in Morocco," *Journal of North African Studies* 7, no. 3 (2002), 103 quoted in Francesco Cavatorta, "Civil Society, Islamism and Democratisation: The Case of Morocco," 205.
[729] In 1981, Sheikh Abdessalam Yassine founded the leading – tolerated but outlawed - Islamist group in Morocco, the 'Jamiat al-Adl wal-Ihsan' (Justice and Spirituality Group). Since the outset, this movement has had a fraught relationship with the monarchy. This can be explained for its public contestation of the monarchy's political and religious legitimacy and for its demand for a just form of government to achieve equity in all realms of life according to Sufi principles and disciplines. For more see: Loubna Flah, "The Discourse of Jama'at Al Adl Wal Ihsan (Justice and Spirituality Group) on the Concept of Democracy," *International Journal of Linguistics Dubai UAE* (2016).
[730] Cavatorta, "Civil Society, Islamism and Democratisation: The Case of Morocco," 208.
[731] Cavatorta, "Civil Society, Islamism and Democratisation: The Case of Morocco," 213.
[732] Cavatorta and Dalmasso, "Liberal Outcomes through Undemocratic Means: The Reform of the Code De Statut Personnel in Morocco," 500.
[733] Cavatorta, "Civil Society, Islamism and Democratisation: The Case of Morocco," 215.

spokesperson and daughter of the late founder of the Group, Sheikh Abdesalam Yassine) herself leading the way.'[734]

Alongside Islamist associations, there exists a multitude of other CSOs that interact with Islamic organisations and, '[t]he interactions among such groups can generate a dynamic whereby the ethos and the actions of the Islamist movements may be challenged and re-shaped by rival organisations.'[735] In post-2011 Morocco, '[i]t is possible to hypothesise that Islamist and secular associations may cooperate on certain matters *[for instance, the call for a constitutional reform]*, in order to extract benefits from the regime and resist some of the pressure coming from above.'[736] This was the case for various actors at the margins of the diversified and heterogeneous 20FM. Examples include the collaboration, 'between Islamist associations and human rights groups on issues ranging from freedom of speech to the end of torture and the legal protection for political prisoners.'[737] Another instance of secular-Islamist co-operation was the response to Morocco's 'Equity and Reconciliation Commission'[738] (IER) as both groups participated in the official IER trials and parallel trials for the public.[739] Not only did IER's televised sessions raise human rights issues in the public domain, thereby making them more understandable and tangible to a wider public, but they also created 'collective memories of suffering'[740] contributing to the formation of a group identity and politics. However rare they may be, such instances can play a key role in counteracting the

[734] Cavatorta, "Civil Society, Islamism and Democratisation: The Case of Morocco," 215.
[735] Cavatorta, "Civil Society, Islamism and Democratisation: The Case of Morocco," 210.
[736] Cavatorta, "Civil Society, Islamism and Democratisation: The Case of Morocco," 211.
[737] Cavatorta, "Civil Society, Islamism and Democratisation: The Case of Morocco," 218.
[738] Founded in 2004, the 'Instance Équité et Réconciliation' (IER) was designed as a Truth and Reconciliation Commission to examine human rights abuses committed in the past by the State and to compensate victims. Even if victims of abuses could not mention the names of perpetrators in their testimonies - including that of the former King Hassan II - the IER experience was considered one of a kind in the MENA region and highly praised worldwide.
[739] Wilcox, "Secularists and Islamists in Morocco: Prospects for Building Trust and Civil Society through Human Rights Reform," 12.
[740] Elizabeth A. Cole, "Transitional Justice and the Reform of History Education," *International Journal of Transitional Justice* 1 (2007): 118.

monarchy's co-optation of movements and groups to its advantage and the preservation of the status quo. Nevertheless,

> [o]rganisations that refuse to play within the given constraints, or that cannot do so because of their own structural weaknesses or because they are too controversial politically, have a much harder task to obtain the objectives they have set, face harassment from the authorities, and are ignored and/or deprived of funds.[741]

On the basis of 'political quietism,'[742] which implies a tacit or open alignment to the regime, the latter distributes 'money through which it can then directly and indirectly control associations and stifle criticism and genuine opposition.'[743] Symptomatically, leftist groups have now realised the necessity of battling with Islamists for the provision of social services 'in order to show that a social-democratic project can not only deliver human rights (a rather abstract concept in Moroccan shantytowns), but also practical results.'[744] Yet, the delivery of services by leftist political parties is hindered by the lack of funds and poor footing in the rural areas where Islamists have a stronger hold. Against this backdrop, leftist and secular parties mostly work to bring in changes from the top, which leads to accusations of elitism and misrepresentation of the non-elite Moroccan's needs.[745]

In Morocco's post-2011 political landscape, the leading Islamist organisation to emerge was the ruling Party for Justice and Development (PJD). In the late 1990s, the PJD branched off from the original 'Movement of Unity and Reform' (MUR) to signify a separation between its political component (PJD) and the religious proselytising element of

[741] Cavatorta and Dalmasso, "Liberal Outcomes through Undemocratic Means: The Reform of the Code De Statut Personnel in Morocco," 492.
[742] Cavatorta and Dalmasso, "Liberal Outcomes through Undemocratic Means: The Reform of the Code De Statut Personnel in Morocco," 494.
[743] Cavatorta and Dalmasso, "Liberal Outcomes through Undemocratic Means: The Reform of the Code De Statut Personnel in Morocco," 494.
[744] Cavatorta, "Civil Society, Islamism and Democratisation: The Case of Morocco," 217.
[745] Cavatorta, "Civil Society, Islamism and Democratisation: The Case of Morocco," 217.

the movement (MUR).[746] During the 2008 national convention, which took place at a pivotal moment in the party's history, a better representation of women and youth was recorded amongst the delegates. A moderate and pro-monarchy leader, Abdelilah Benkirane, was elected and adopted a new platform for the party, which embraced a 'democratic hypothesis' and promised gradual reforms.[747] By 2008, the PJD,

> [h]eaded by a 'royalist more than the king' (…) [had] few fantasies about challenging the sacred institution (…). Opposing the workings and performance of the government instead of challenging the legitimacy of the monarchical institution itself is a critical mutation in the oppositional discourse in the country.[748]

Instead of focusing on identity politics, 'historically explained as an unwarranted product of the downfall of the Ottoman caliphate and the hegemony of European colonialism,'[749] the Benkirane-led PJD decided to focus on good governance and public administration. Benkirane proved to be 'a monarchist who believes in the value-added gains that the "commander of the faithful" system elicits for the Islamist cause [and] rejects any contention with the Makhzan.'[750] The PJD also understood the importance of a need for a democratisation process in Morocco as a prerequisite to attain political power and defuse opponents such as the pro-monarchy 'Movement for All Democrats,' which became the 'Party for Authenticity and Modernity' (PAM) in 2008.[751] For the monarchy's stability and maintenance of the status quo, it was not only safer, but also politically savvy to co-opt this moderate Islamist party when confronted with the rise of the 'Jihadist Salafism.'[752]

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[746] El Sherif, "Institutional and Ideological Re-Construction of the Justice and Development Party (PJD): The Question of Democratic Islamism," 661.
[747] El Sherif, "Institutional and Ideological Re-Construction of the Justice and Development Party (PJD): The Question of Democratic Islamism," 664.
[748] El Sherif, "Civil Society, Islamism and Democratisation: The Case of Morocco," 674.
[749] El Sherif, "Civil Society, Islamism and Democratisation: The Case of Morocco," 664.
[750] El Sherif, "Civil Society, Islamism and Democratisation: The Case of Morocco," 665.
[751] El Sherif, "Civil Society, Islamism and Democratisation: The Case of Morocco," 669.
[752] El Sherif, "Civil Society, Islamism and Democratisation: The Case of Morocco," 674. On the relationship between the PJD and the monarchy, see also: Sarah J. Feuer,

## 3.5. Conclusions

This Chapter served to demonstrate, *inter alia*, the performative manner in which powerful actors play their roles in Moroccan society, as well as to analyse different techniques, leverages and tools through which the State's co-optation of Morocco's special interest groups, civil society and political movements has been successfully carried out.

Firstly, a majority of those interviewed reinforced the notion of performance in how the governance structures fulfilled their role in society; nonetheless, when the idea of governance was unpacked and related to the monarchy, the narrative was much more positive. The monarchy was often described as a genuine protector of peace and stability in Morocco against the threats of Islamism, secularism, terrorism and even war. This loyalty to Morocco is an illustration of the power and influence exercised by the monarchy and its ability to co-opt different special interest groups, movements and institutions. Both historically and politically, Moroccan society has been, and remains, highly divided in different ideological, linguistic and special interest groups. A performative status quo has been created whereby these groups fight and compete for whatever bargaining power has been intentionally left for them by the monarchy. This has placed groups that could theoretically align with each other in the pursuit of their objectives, in a polarised, fragmented and vulnerable society in which the monarchy remains the only real decision-maker.

Secondly, any mention of the Arab Spring elicited a variety of comments and responses, including total ignorance of the 2011 events. In general, regardless of their socio-economic background, interviewees seemingly prioritised peace and stability over change and insecurity. Thus, while critical of Moroccans' approach to protests, a majority of respondents

*Regulating Islam: Religion and the State in Contemporary Morocco and Tunisia* (Cambridge, UK: Cambridge University Press, 2017), 28-46.

reported to be satisfied with the monarchy's response to the 2011 crisis, which guaranteed a way out of the violence and turmoil that erupted in other countries. In terms of an Orientalisation of the Arab Spring, it can be argued that both the West and the East perform their functions and identities internationally in a neo-orientalist and self-orientalist mode respectively. In other words, on the one hand, the Arab Spring is fashionably portrayed as the defining moment for the liberation and self-liberation of Arab peoples from oppression. On the other hand, voices of the subaltern Other demonstrate that, at least in Morocco, the uprisings and the ensuing reforms have generally left things untouched in their lived experiences.

Thirdly, throughout Morocco's history, different power brokers have constructed an Amazigh 'imagined community' and 'collective identity' to their own benefit and, tangentially, to the (dis-) advantage of groups and individuals. Despite this, it is apparent that an elite-driven Amazigh ethno-linguistic consciousness exists across Morocco today, and that a sense of collectivity within the transnational Amazigh-speaking community in North Africa is growing. Having said that, the Amazigh rights movement is largely a top-down, urban, intelligentsia-driven effort that does not reflect either the full composition or the needs of the overall Amazigh community. Whether Morocco's urban-led Amazigh rights movement will be able to reach out and represent in its advocacy and institutions even remote components of this community, including non-elite women, is harder to predict.

Fourthly, the ethnographic research reveals that Amazigh women, including those with higher education and engaged in activism for the 'Amazigh cause', feel disenfranchised and unrepresented by their group leadership, as they remain 'voiceless.' The hopelessness of survivors of abuses seems to remain muted as no one is either incentivised or able to speak out. This dynamic also shows the lack of confidence that Amazigh women feel in relation to their communities, government, the State and

society at large, which largely fill performative functions and roles. This proposition also helps to dismantle both the 'Berber Myth'[753] and the elite-driven minority and indigenous narratives that Amazigh women are more emancipated or freer than their Arab counterparts. In fact, being an Amazigh woman (or, rather, a female monolingual Amazigh speaker) often equates with being in a situation of isolation, marginalisation, illiteracy and remoteness. In sum, subaltern lived experience differs starkly from the manifestoes and slogans proposed at the national and supranational level by power centres and group leaders.

Fifthly, scholars have been, to various degrees, cautiously optimistic as to the impact of the 2004 Moudawana reform and final outcome of the constitutional transition in Morocco. Citing 'a third way of democratization' and 'Moroccan exceptionalism', Morocco is reportedly on the trajectory to achieve democracy and human rights in the long run.[754] However, the majority of research participants saw no benefit in legal reforms without being accompanied by all-encompassing measures to produce tangible changes into women's lived experiences. If, on the one hand, the Amazigh language and heritage are recognised as intrinsic components of the Moroccan identity (art. 5 of the 2011 constitution), this does not seem to result in any increased access to education for most Amazigh women, especially those living in rural areas. While the Amazigh community rejoices at the constitutional officialising of their language (in its standard version and in an obscure alphabet inaccessible to the group majority) as a key political victory, this recognition brings no relief to Amazigh women, save for some pride.

Finally, playing on the growing ideological divides, the State has proffered a particular understanding of each group vis-à-vis others,

[753] Driss Maghraoui, *Revisiting the Colonial Past in Morocco*, ed. Driss Maghraoui in History and Society in the Islamic World (London and New York: Routledge, 2013), 222; Wyrtzen, *Making Morocco*.

[754] See: El Hachimi, "Democratisation as a Learning Process: The Case of Morocco," 755; Alicino, 65.

which has been absorbed within these groups' different approaches. By having this narrative of what the other group is, believes and wants, the State is controlling that discourse for its own interest, which is to maintain the autocratic-patriarchal status quo and power structures in Moroccan society.[755] In line with the RNGS model, the monarchy has used its control on women's rights and gender equality debates to co-opt movements demanding change and reform, and thus to maintain power.[756] Moroccan women's groups – similarly to other actors who might present a destabilising factor in Moroccan society – seem to have fallen prey to the State's co-option and manipulation of their agendas and narratives. Accordingly, using a locally articulated, mixed faith-based and human rights-based 'référentiel' might be the only, inclusive, counter-hegemonic, way to advance women's rights and gender equality in the Moroccan context.[757] In this context, it is also worth recalling Cherif's findings that,

> (…) question the effectiveness of eliciting reform to family and nationality laws directly through international norms building and instead suggest that greater levels of equality in these areas may best be achieved in countries that have *cultivated stronger core rights for women* [*emphasis added*]. It seems possible, however, that other forms of culture and the introduction of democracy may also influence women's citizenship rights. [758]

[755] Guessous, "Genealogies of Feminism: Leftist Feminist Subjectivity in the Wake of the Islamic Revival in Contemporary Morocco".
[756] Žvan Elliott, *Modernizing Patriarchy: The Politics of Women's Rights in Morocco*.
[757] This possibility is instantiated by the language and discourses employed by the Soulaliyate women as seen above. See also: Guessous, "Genealogies of Feminism: Leftist Feminist Subjectivity in the Wake of the Islamic Revival in Contemporary Morocco"; Lounasmaa, "Breaking Down Dichotomies in the Narratives of Women's Activism in Morocco"; Sadiqi, "The Impact of Islamization on Moroccan Feminisms"; Salime, *Between Feminism and Islam: Human Rights and Sharia Law in Morocco*.
[758] Feryal M. Cherif, "Culture, Rights, and Norms: Women's Rights Reform in Muslim Countries," *Journal of Politics* 72 (2010): 1154.

# Chapter IV: Mapping over the Amazigh body

In Butler's definition, the performativity of gender,

> […] revolves around this metalepsis, the way in which the anticipation of a gendered essence produces that which it posits as outside itself. (…) performativity is not a singular act, but a repetition and a ritual, which achieves its effects through its naturalization in the context of a body, understood, in part, as a culturally sustained temporal duration.[759]

Even a cursory reading of interviews collected during fieldwork revealed the performativity of the postcolonial subject; 'not only the appropriation of the colonial "voice" by the colonized, but the split condition of identification (…) crucial to a notion of performativity that emphasizes the way minority identities are produced and riven at the same time under conditions of domination.'[760] It is crucial to note the difficulty, or impossibility, to 'restore the subaltern's voice in isolation from both the colonizing formation and other sectors of local society, such as the native elite, to which it is necessarily, if differentially, linked.'[761]

It is in the context of the community in which they exist that the marginalised voices of the Moroccan female Others were read. In relating the views of Amazigh women on human rights and gender equality, it is useful to recall Spivak's approach vis-à-vis the representation of the Other, which suggests that, 'It is in fact better to preserve subaltern experience as the "inaccessible blankness" which serves instead to reveal the horizon and limits of Western knowledge.' [762] Whilst Spivak's warning should be given due consideration, it is nonetheless worth noting that '[t]he high degree of consensus around norms suggests that

[759] Butler, *Gender Trouble: Feminism and the Subversion of Identity*, xiv-xv.
[760] Butler, *Gender Trouble: Feminism and the Subversion of Identity*, 192, note 11.
[761] Moore-Gilbert, *Postcolonial Theory: Contexts, Practices, Politics,* 87.
[762] Moore-Gilbert, *Postcolonial Theory: Contexts, Practices, Politics,* 91.

our hopes for an appropriately toned dialogue leading to a consensus of norms is not out of the question in the human rights system.'[763]

## 4. Intersectionality

The notion of intersectionality was originally developed by Kimberlé Crenshaw to highlight the 'multidimensionality' of marginalized subjects' lived experiences.[764] Yuval-Davis notes, '(…) we cannot look at women as a homogenous category. Gender divisions interrelate and are intermeshed in concrete social situations with other social divisions such as ethnic, racial, class, age, sexuality, etc.' [765] Jennifer Nash defines intersectionality as 'the notion that subjectivity is constituted by mutually reinforcing vectors of race, gender, class, and sexuality, [*it*] has emerged as the primary theoretical tool designed to combat feminist hierarchy, hegemony, and exclusivity.'[766] In re-thinking intersectionality, Nash questions how intersectionality fitted with the 'lived experience of identity [*which*] requires intersectionality to craft a theory of agency and to grapple with the amount of leeway variously situated subjects have to deploy particular components of their identities in certain contexts.'[767] In the framework of intra-relations and identity formation within minority and indigenous groups, Crenshaw provides a clear insight to this question,

> [t]he most one could expect is that we will dare to speak against internal exclusions and marginalizations, that we might call attention to how the identity of 'the group' has been centered on the intersectional identities of a few. ... Through an awareness of intersectionality, we can better acknowledge and ground the differences among us and negotiate the means by which these

[763] Gunning, "Arrogant Perception, World-Travelling and Multicultural Feminism: The Case of Female Genital Surgeries," 241.
[764] Kimberlé W. Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics* (Chicago: University of Chicago Legal Forum, 1989), 139.
[765] Nira Yuval-Davis, "Gender and Nation," *Ethnic and Racial Studies* 16, no. 4 (1993): 630.
[766] Jennifer C. Nash, "Re-Thinking Intersectionality," *Feminist Review*, no. 89 (2008): 2.
[767] Nash, "Re-Thinking Intersectionality," 11.

> differences will find expression in constructing group politics.[768]

In mediating the meaning that Amazigh women attribute to human rights and gender equality, the lessons from Spivak on 'strategic essentialism' are relevant. As Spivak reveals,

> I would read [*the Subaltern Studies Group text*], then, as a strategic use of positivist essentialism in a scrupulously visible political interest .... This would allow them to use the critical force of anti-humanism . . . even as they share its constitutive paradox: that the essentializing moment, the object of their criticism, is irreducible.[769]

As it has been posited, no two people experience marginalisation and oppression in the same way due to the complexity and multi-dimensionality of identity.[770] Notwithstanding this consideration, some activists and scholars may find it useful, for time-specific political purposes, to use strategic essentialism to find a common goal or agenda and hence advance the interests of a given group. As Bart-Moore Gilbert notes, strategic essentialism has been proposed as 'an "intermediate" model of postcolonial identity which Spivak has conceptualised (…). This has many advantages compared with some versions of both cultural nationalism and hybridity.'[771] As Lounasmaa suggests, '[i]ntersectional thinking, alongside the recognition of the hierarchies that operate in the creation of otherness could make the adoption of strategic essentialism possible.'[772] Having said this, playing group or identity politics does not necessarily help promote the rights of marginalised women within these

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[768] Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color," 1299.
[769] Spivak, *In Other Worlds: Essays in Cultural Politics*, 205, quoted in: Volpp, "(Mis)Identifying Culture: Asian Women and the Cultural Defense," 95, note 162.
[770] Amos and Parmar, "Challenging Imperial Feminism"; Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color"; Nash, "Re-Thinking Intersectionality"; Vrushali Patil, "From Patriarchy to Intersectionality: A Transnational Feminist Assessment of How Far We've Really Come," *Signs: Journal of Women in Culture & Society* 38, no. 4 (2013); Cho Sumi, Kimberlé W. Crenshaw, and Leslie McCall, "Toward a Field of Intersectionality Studies: Theory, Applications, and Praxis".
[771] Moore-Gilbert, *Postcolonial Theory: Contexts, Practices, Politics*, 198.
[772] Lounasmaa, "Breaking Down Dichotomies in the Narratives of Women's Activism in Morocco," 273.

groups. In particular, and of relevance for the research case study, 'the stress on interchangeability of different marginal constituencies [*such as minorities and indigenous groups*] and cultural formations has often, in fact, led to the subordination of one of these "allied" terms by another.'[773] Illustrating the full impact of intersectionality onto a lived experience, M.C. affirmed,

> If you were well dressed, and you put make-up on, audacious and stuff, and you went there and spoke Amazigh like an activist, they would respect you. However, if you go there wearing a wriggled Djellaba [*the typical Moroccan dress*], and modestly ask them for something, they are not even going to say hello back to you. It happened to me several times in the public hospital when I, out of respect, say hello to the nurses but they never say hello back to me because I am an Amazigh woman.[774]

As this research reveals, Amazigh women suffer from multiple forms of discrimination based primarily on their sex and gender, Amazigh affiliation with its various implications, and socio-economic status. Those elements are all inter-connected and bear an especially severe impact on their enjoyment and narration of rights. Their 'Amazighité' (defined as 'Berber identity, based on language and culture') [775] also results in discrimination on other accounts, which include being generally non-literate and living in rural areas. The sex- and gender-based discrimination can be compared to that suffered by other Moroccan women both in law and in practice. Yet, the Amazigh-based discrimination is subtler and harder to untangle as it has to do with linguistic abilities, geographic location, and, as this research unveils, the (patriarchal) interpretation of culture and religion to the detriment of Amazigh women in their own communities. Regarding the discrimination against Amazigh women, two points emerge. First, while 23 (or 39%) of the interviewees were non-literate and never attended

[773] Moore-Gilbert, *Postcolonial Theory: Contexts, Practices, Politics,* 199.
[774] Interview with M.C. (afore cited), Agadir area, 05 October 2016.
[775] Ben-Layashi, "Secularism in the Moroccan Amazigh Discourse," 158.

formal education, the clear majority (67%) were able to communicate in both Amazigh and Arabic due to their location close to, or in, an urban setting (where Moroccan Arabic is the lingua franca). When it comes to rural areas, interviewees reported that Amazigh men generally spoke at least some Arabic due to their higher education or work outside the house. In contrast, the opinions of, predominantly monolingual, Amazigh-speaking, women are often only heard through the narration of men or elite women,

> [t]he Amazigh women are deprived of their civil rights such as the right to political participation, due to their *illiteracy* [*emphasis added*]. However, the main reason is that they speak Amazigh that is not being taught at schools like Arabic and French. When Amazigh women speak and call for their rights, nobody understands them. This is why they prefer to lock themselves at home and not go out to a society that does not understand them.[776]

Second, the marginalisation, isolation and violence described by those interviewed were, in large part, embedded in patterns within their own communities whereby women have to remain at home, rear children and do housework, but are not allowed or encouraged to venture out, study or work. As H.O. articulated,

> [*Human rights*] mean a lot of things but, *for Amazigh women, they mean nothing* [*emphasis added*]. (…) For example, my mum and my other family relatives are not educated so they don't have human rights when they go somewhere. When they go to the market, they are discriminated against. Arabs treat them very badly. (…) Yes, Arab women have more rights than Amazigh women because Amazigh women live in the countryside and they are treated badly because of the conditions and poverty.[777]

[776] Interview with K.A. (afore cited), Ait Baha area, 06 October 2016.
[777] Interview with H.0. (afore cited), Rabat area, 22 September 2016.

## 4.1. Being an Amazigh

Amazigh women can be considered as a double minority category[778] as they are multiply marginalised. Similarly to the 'trapped minorities' in Castellino's and Cavanaugh's taxonomy, these women are 'subject to hegemonic control by others within (…) [*Morocco*] and, as such, excluded from access to sociopolitical and economic decision-making institutions.'[779]

F.A. is a homeworking mother living in an urban setting but originally from a rural area. As she poignantly expressed, 'There are no human rights for the Amazigh in Morocco.'[780] Along the same lines, in F.N.'s words, 'Amazigh women don't have rights.'[781] F.N. is an indigent and childless widow in her late 60s working in a bread co-operative day and night. The only connotation that she seemed comfortable having was that of an Amazigh, an identity that she 'acquired' upon marriage. As F.N. stated, 'I *became* [*emphasis added*] Amazigh when I got married.'[782] This was the only interviewee that referred to her own Amazigh identity using the phrase 'becoming Amazigh'. The issue of 'becoming' part of a group or acquiring a certain status brings us back to the concept of identity

[778] Illustrative of this state of 'double minority' is the situation in which Soulaliyate (tribal) women, fighting for equal land rights, find themselves. As Berriane explained with regard to compensation for expropriated land, 'Community delegates (generally male elders and notables) are in charge of deciding who should benefit from such compensation by establishing lists of beneficiaries. In most communities the delegates quasi-systematically excluded women from these lists, justifying their decision with regard to the custom that limits the right of use to men. Until recently, the Ministry of the Interior did not oppose this exclusion, referring to the 1919 decree which specifies that collective land should be used and managed according to local customs. Consequently, not only was the community giving away all or parts of its right to use the land, but in exchange for this only men were receiving compensation.' In Berriane, "Bridging Social Divides: Leadership and the Making of an Alliance for Women's Land-Use Rights in Morocco," 353-354.

[779] Castellino and Cavanaugh, *Minority Rights in the Middle East,* 6.

[780] Interview with F.A., young, homeworking mother, with few years of primary education, originally from the countryside and living in an urban setting, Agadir area, 14 October 2016.

[781] Interview with F.N. (afore cited), Middle Atlas area, 28 September 2016.

[782] Interview with F.N. (afore cited), Middle Atlas area, 28 September 2016.

construction, [783] as discussed in the previous Chapter. F.N.'s way of describing her own identity through acquisition upon marriage gives further weight to the argument that (in this case, ethno-linguistic and cultural) identity is both a subjective concept and a social construct, composed of elements that one acquires, rather than inherent qualities one is born with.

Developing the concept of 'imagined community' to examine nationalism, Anderson's view that identities are (socially) constructed reframes our understanding of how communities are formed.[784] In her extensive ethnographic work around Amazigh women in Morocco, Becker borrows Anderson's words to argue that 'the way in which a community subjectively imagines itself should be the basis for our understanding of that community.'[785] Through this lens, some additional questions emerge: Does and can a community imagine itself as one entity or, rather, should we not understand a community as the intricate inter-meshing of its different components? Notably, how do women within a certain group or community define themselves and imagine their own community as a whole? The diversity of responses engendered by this research on identity demonstrates the complexity of providing a definitive answer to these dilemmas. Becker's argument that '[the] complex relationship of art, gender, and ethnic identity in Amazigh culture defies many stereotypes and generalizations about women's lives in the Muslim world (…),' [786] perpetuates yet another representation of the Amazigh contributing to the colonial Berber Myth. This, it can be argued, is a result of forcing a 'role (…) on the "native female" in the constitution of these enabling new identities for the

[783] See: Castellino and Cavanaugh, *Minority Rights in the Middle East,* 6. Crawford and Lipschutz, "The Myth of "Ethnic Conflict": Politics, Economics, and "Cultural" Violence"; Hoffman, "Berber Language Ideologies, Maintenance, and Contraction: Gendered Variation in the Indigenous Margins of Morocco".
[784] Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, 6-7.
[785] Becker, *Amazigh Arts in Morocco: Women Shaping Berber Identity*, 4.
[786] Becker, *Amazigh Arts in Morocco: Women Shaping Berber Identity,* 5.

metropolitan women'.[787] Importantly, Amazigh women contribute, to varying degrees, to the Amazighité through oral tradition, art and even land donations. As underscored by Davis,

> [i]n authoritarian societies in which political decision making in shrouded in secrecy, studying the state's efforts to restructure historical memory provides a window through which to gain insights into its internal political struggles. A careful examination of the state's attempts to suppress those aspects of the past that challenge its political agenda and privilege those that support it helps us grasp the contours of the struggle over defining political community and the central issues of who is considered a *worthy citizen* [*emphasis added*], whose cultural norms are seen as contributing to society's ends, and who should be politically and socially privileged as a result.[788]

When engaging with the 'worthy citizen' concept, S.B. highlighted the critical – albeit unrecognised due to its orality - role of Amazigh women in the history of Morocco. [789] Her explanation, inadvertently, also contributes to the abovementioned Berber Myth. As S.B. observed,

> [i]f I go back to the Amazigh history, there were some Amazigh female combatants that took the weapons and fought for their region, their land, their country. We can say that women were much valorised and had the same value as men because they could fight for their land. After the Arab invasion, the Arab culture says that women, for instance, shouldn't do things without consent of their husbands. I think this is what undermined the value of women in the MENA region. It is not the Muslim culture; it's the *Arab culture* [*emphasis added*] that undermined the value of women.[790]

S.B.'s consideration about how culture, rather than religion, impacts on women's rights in Arab countries relates to an extant debate in the literature that '[t]here are claims that it is not Islamic, but Arab, culture

[787] Moore-Gilbert, *Postcolonial Theory: Contexts, Practices, Politics,* 94.
[788] Davis, *Memories of State - Politics, History, and Collective Identity in Modern Iraq*, 11.
[789] Baker, *Voices of Resistance: Oral Histories of Moroccan Women*.
[790] Interview with S.B. (afore cited), Agadir area, 07 October 2016.

that impedes Muslim women's equality'.[791] In contrast with this proposition, research participants tended to describe Arab culture as more liberalising and progressive than the Amazigh culture in terms of women's rights. When reflecting on the status of Amazigh women, N.A., a university student, underlined the poor treatment her contemporary peers receive as opposed to that of the 'original people' [*meaning Amazigh ancestors*].'[792]

> I can say that the Amazigh girl or woman in Morocco suffers from the same problems she suffered years ago. They are still discriminated everywhere they go, which causes them some psychological problems and make them feel that they do not belong in the community where they live, for they are not treated the same way as the *original* [*sic*] people. I think that this problem will never change if people didn't change their mind on Amazigh women.[793]

This reflection is remarkable in that it implicitly brings us back to the Berber Myth with its narrative of honour and grandeur, which have been lost through the generations. In Morocco's binary ethnic categories created by the colonial authorities, and more specifically as a key element of the French Berber Myth, Amazigh were regarded as more secular, autonomous, emancipated – albeit with severe restrictions under tribal customary law (*izerf*) - thus superior to their Arab counterparts and 'more amenable to "progress"' than the latter.[794]

The severe struggles faced by Amazigh women cut across socio-economic lines. As another ethnographic study in Morocco also reveals, 'Berber heritage' was considered a cause of marginalisation and low social status.[795] Z.B. is a young, primary school-educated, shopkeeper who moved from a rural to an urban area upon marriage. She noted,

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[791] Cherif, "Culture, Rights, and Norms: Women's Rights Reform in Muslim Countries," 1152, note 19.
[792] Interview with N.A. (afore cited), Rabat area, 06 October 2016.
[793] Interview with N.A. (afore cited), Rabat area, 06 October 2016.
[794] Wyrtzen, *Making Morocco*, 222.
[795] Hallward and Stewart, "Challenges and Opportunities Facing Successful Women in Morocco," 17.

> Human rights to me mean women to be known. I want them to have their rights. Amazigh girls do not finish their schools or have jobs. Their lives are wasted. Amazigh women are working hard but they don't have jobs to support themselves.[796]

F.A. is a non-literate house-cleaner, 'abandoned' by her husband and exclusively supporting her children. She observed, 'You can never forget about your country, it's your origins, you can never forget about it, but at the end you're considered as an Amazigh woman.'[797] F.B. is a young, non-literate, homeworking, widow and mother. She maintained, 'Yes, [*life is harder*] because the Amazigh woman cannot dress the way she wants or go out when she wants. She must obey certain rules.' [798] H.B. is a university student in her late teens. She remarked,

> Yes, [*life is harder*] because a lot of Amazigh women are living in isolated areas (…) where there are no hospitals. For example, when one of them is having a baby she won't be able to go to the hospital because there is no ambulance that can take her there. A lot of women die in their houses. They are actually suffering.[799]

I.B. is a university student and social activist, originally from the countryside. She pointed out,

> The Amazigh women are still struggling with the basic needs. They are living in very remote areas, and there is no connection between them and the central cities. There are women living in the mountains, in the Atlas Mountains that nobody has ever spoken about and nobody cares about. So, their main problem, I guess, is to live, to get health care, and be educated. If they are educated, at least, they will at least earn the confidence to speak about their issues and defend their natural rights.[800]

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[796] Interview with Z.B., young, primary school-educated, shopkeeper who moved from a rural to an urban area upon marriage, Rabat area, 21 September 2016.
[797] Interview with F.A. (afore cited), Khemisset area, 19 September 2016.
[798] Interview with F.B., non-literate, homeworking, widowed mother in an urban area, Agadir area, 13 October 2016.
[799] Interview with H.B. (afore cited), Agadir area, 06 October 2016.
[800] Interview with I.B. (afore cited), Agadir area, 07 October 2016.

Whilst a majority of participants highlighted the disparate enjoyment of human rights between Amazigh and Arab women, and between Moroccan men and women, there were minority voices that challenged those contentions. S.B. has a tertiary-level education and hails from an Arab-Amazigh family background. She reasoned,

> I don't think that there is a disparity between an Amazigh and an Arab woman in Morocco. If there is activism for the Amazigh cause, it is for the whole community, but I don't think there is a gender misbalance between Amazigh men and women and between Moroccan women and Amazigh women in Morocco.[801]

It is relevant to reiterate here that 'precolonial collective identities in Morocco' [802] did exist, but that 'colonial intervention catalysed new identity-related processes through which historical, religious, ethnic, gendered, regional and national identities came to be used by actors in historically unprecedented ways as politically relevant categories of practice.' [803] To understand the construction of identities in today's Morocco, we also ought to remember that '[o]ver the past three decades, the Amazigh (Berber), women's rights, and Islamist movements have been three other society-based sources of pressure to renegotiate the ethnic, gendered, and religious dimensions of Moroccan identity.'[804]

## 4.2. Speaking the language

As Zouhir states, 'Language policy in Morocco offers a number of ways of understanding power relations embedded in language ideologies.'[805] In his explanation, Morocco's 'invisible language politics' and 'covert language policies' are yet another top-down method to ensure power preservation. Zouhir also notes that 'elite linguists are tactfully chosen so that the outcomes of a process help keep the sociopolitical structures

[801] Interview with S.B. (afore cited), Agadir area, 07 October 2016
[802] Wyrtzen, *Making Morocco*, 298.
[803] Wyrtzen, *Making Morocco*, 298.
[804] Wyrtzen, *Making Morocco*, 303.
[805] Zouhir, "Language Policy and State in Morocco: The Status of Berber," 38.

intact.'[806] To bring clarity to the issue of the Amazigh language status in Morocco's power relations, it is useful to recall briefly Gramsci's concept of 'hegemony' [807] and Foucault's theory of 'discourse.' [808] In this framework, one can identify a specific (in this case, a gendered language) policy or practice as,

> [a] mode of intervention into particular hegemonic discourses (…), and as a political praxis which counters and resists the totalizing imperative of age-old 'legitimate' and 'scientific' bodies of knowledge. Thus, feminist scholarly practices exist within relations of power - relations which they counter, redefine, or even implicitly support. There can, of course, be no apolitical scholarship.[809]

In the Moroccan context, '[t]here are three major Berber-speaking groupings (…): Tarifit in the Rif, Tamazight in the Middle Atlas and central and eastern High Atlas, and Tashelhit in the western High Atlas, the Souss Valley, and the Anti-Atlas.'[810] While Tamazight in Morocco 'refers to a specific linguistic group in the Middle and High Atlas [,] [i]t is also used to refer collectively to all three groups (…) as a more politically correct term than "Berber" (barbarian).'[811] Historically, '[l]anguage was the corollary marker of ethnic legibility colonial administrators in the field used to mark Moroccan Arabs and Berbers.' [812] Throughout

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[806] Zouhir, "Language Policy and State in Morocco: The Status of Berber," 38.
[807] 'For Gramsci, hegemony was a concept used to analyse the relation of forces in a given society. A hegemonic order was one where consent, rather than coercion, primarily characterised the relations between classes, and between the state and civil society.' See Stephen Gill, *Gramsci, Historical Materialism and International Relations* (Cambridge: Cambridge University Press, 1993), 93.
[808] As Foucault writes, 'We shall call discourse a group of statements in so far as they belong to the same discursive formation […Discourse] is made up of a limited number of statements for which a group of conditions of existence can be defined. Discourse in this sense is not an ideal, timeless form [...] it is from beginning to end, historical – a fragment of history […] posing its own limits, its divisions, its transformations, the specific modes of its temporality (Foucault, Michel. "The Discourse on Language," in *The Archaeology of Knowledge*. New York: Pantheon Books, 1972), quoted in: Marianne W. Jørgensen and Louise J. Phillips, *Discourse Analysis as Theory and Method* (London, Thousand Oaks, New Delhi: SAGE, 2002), 12.
[809] Chandra Talpade Mohanty, "Under Western Eyes: Feminist Scholarship and Colonial Discourses," *Feminist Review*, no. 30 (1988): 62.
[810] Wyrtzen, *Making Morocco*, 94.
[811] Wyrtzen, *Making Morocco*, 94.
[812] Wyrtzen, *Making Morocco*, 75.

Morocco's colonial and postcolonial history, the question of the Amazigh language has been heavily politicised. Yet, since the birth of a national (and supra-national) Amazigh movement, this politicisation reached a whole new level.

As noted earlier, language divisions have been used by the Makhzen to divide, and to exert further control on the polity. Interestingly, while the King promotes himself as a defender of women's rights, his speeches are not intelligible to non-elite Amazigh women as they are in classical or standard Arabic, a language that that they generally cannot understand. Sadiqi notably posits that languages in Morocco are highly gendered,[813] as Classical Arabic and French are languages prevalently used by elites (thus predominantly by men) while non-literate people (most of them being women) use Amazigh or Moroccan Arabic (*Darija*) in their daily lives. In light of this, Sadiqi maintains, '[t]he standardization of Amazigh and its teaching go hand in hand today with the promotion of women – here once again we find the correlation between language and women.'[814] At the same time, remarks Sadiqi, there is a need to 'establish linguistic equity in language use and gradually uproot the pervasive androcentricity in Moroccan languages.'[815] Against this backdrop, the tie between language and women's agency (and rights) should be further explored.

While proud of their Amazigh heritage, only three participants (or 5% of the interviewees) reported to be able to read the Tifinagh alphabet while another three noted that they could understand just a little, or even just a few letters. Whereas the subject of the Tifinagh alphabet was discussed in at least 17 interviews (or 29% of the conversations), these interviews revealed that the Tifinagh alphabet was: firstly, not considered useful;

[813] See on this topic: Sadiqi, "Language and Gender in Moroccan Urban Areas"; *Women, Gender and Language in Morocco*.
[814] Sadiqi, "The Role of Moroccan Women in Preserving Amazigh Language and Culture," 28.
[815] Sadiqi, *Women, Gender and Language in Morocco, 161.*

secondly, understood by a very tiny elite minority; thirdly, clearly 'used to [*politically*] unify Amazigh people.'[816] As 67% of interviewees were bilingual (in Arabic and Amazigh), they tended to *prioritise* the learning of Arabic or even major European languages as more viable avenues out of their socio-economic marginalisation. That said, Amazigh monolingual speakers tended to demand that public offices serviced the public in Amazigh as well. Still, they conceded that this might be unrealistic, as there is no human capacity, especially in schools and courts, to offer classes or services in the Amazigh language. Tellingly, *all* of the Amazigh monolingual speakers resided in the countryside far from any public service.[817] As Zouhir expounds,

> As long as Moroccans are presented with linguistic choices, Berber will simply not be on a par with Arabic. The cocoon of widespread competency in Arabic in Morocco transfers the burden of communication from Berber to Moroccan Arabic.[818]

The following interviews further illustrate the genderisation of language in Amazigh women's daily lives. Z.S. is an non-literate bread maker solely responsible for supporting her family and living in a rural area. She noted, 'Sometimes I watch the King's speeches, sometimes I understand, sometimes I don't. I never went to school. I don't understand [*Modern Standard*] Arabic.'[819] As Young Evrard points out,

> [t]he teaching of Arabic is in Modern Standard Arabic, not the Moroccan dialect; and Tamazight (Berber language) is generally not included. This speaks volumes about language politics in Morocco and how the first language of most people in the country is not considered a component of literacy; it also explains why literacy can take so long to achieve, as women must both

[816] Interview with H.O. (afore cited), Rabat area, 22 September 2016.
[817] Out of 58 research participants: 39 or 67% were bilingual in Amazigh and Arabic; six or 10% could speak both but reported not being fluent in Amazigh; eight or 13% were Amazigh monolingual speakers; five or 8% were Arabic monolingual speakers. In terms of the language of the interview, 28 or 48% of interviews were conducted in Amazigh; 18 or 31% in Arabic; seven or 12% in English; three or 5% in a mix of languages (including Arabic, Amazigh, French and English); two or 3% in French.
[818] Zouhir, "Language Policy and State in Morocco: The Status of Berber," 41.
[819] Interview with Z.S. (afore cited), Middle Atlas area, 28 September 2016.

> learn to read and write and use a language that is not their mother tongue (…).[820]

F.S. explained in reference to her husband and in contrast to her own illiteracy,

> He's not educated but he knows how to speak Arabic. (…) Because in our community men are used to working outside and women only take care of the housework as they are not educated and cannot work outside. They can't do anything.[821]

H.B. explained, '(…) the government doesn't speak to them [*Amazigh women*] in their own language [*Amazigh*] and so they don't understand.'[822] Two non-literate bread makers working in a rural area expressed similar thoughts. F.N. expounded, 'Even if we watch him [*the King*] on TV, we don't understand what he says because his speeches are in Classical Arabic. It's not like he's talking Darija [*Moroccan Arabic*] to us.'[823] Along the same lines, Z.S. expressed her disenfranchisement and frustration, 'Sometimes I watch the King's speech, sometimes I understand, sometimes I don't. I never went to school. I don't understand [*Classical*] Arabic (*Fusha*).'[824] As these two cases demonstrate, even Amazigh women who are interested in the recent and on-going human rights reforms often do not possess the tools to understand those changes. They are hence marginalised in multiple ways, as they are aware that change is occurring and yet they are not privy to those changes, and their meanings for wider society.

M.C. is a homeworking mother of rural origins; she has middle school education and lives with her family in an urban area. In her testimony, she shed light on a key contradiction, '[*Amazigh*] is not useful even if they

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[820] Young Evrard, *The Moroccan Women's Rights Movement*, 135, note 7.
[821] Interview with F.S., rural, homeworking mother taking literacy classes, Ait Baha area, 10 October 2016.
[822] Interview with H.B. (afore cited), Rabat area, 22 September 2016.
[823] Interview with F.N., elderly, non-literate, childless, widowed woman working as a bread maker in a rural area, Middle Atlas area, 28 September 2016.
[824] Interview with Z.S., non-literate mother working as a bread maker in a rural area, Middle Atlas area, 28 September 2016.

learn it. If you speak Amazigh in the hospital, the administrations, and the public spaces, you get rejected. Nobody understands you.'[825] Some of the interviewees were self-critical for their use of Amazigh, believing that they were at fault for not speaking Arabic: 'When you go somewhere, even Amazigh natives won't speak to you using Amazigh language. They always prefer to talk in Arabic. (…) I should be speaking Arabic too.'[826] Hailing from a mixed Arab-Amazigh family, S.B. dismissively remarked that,

> […] most of the parents that I know that have children and their children are learning Amazigh are not okay with this. Because they believe that this language, I mean reading it or writing it, is not going to be good for them. It's just a heavy exercise for their children. (…) It is useless (…). Even themselves they don't know how to read or write it, so it's difficult to do the follow-up with the children.[827]

Some interviewees positioned the issue of language within the wider rights discourse, as linguistic ignorance often results in unequal access to rights and in discrimination. Nevertheless, even when they did so, they shifted the focus from the Amazigh community at large to Amazigh *women* in particular as the prime monolingual users of Amazigh. Drawing attention to the importance of knowing the 'language of law' in one's access to rights, two interviewees who are involved in Amazigh women's activism, raised especially salient points. S.B. explained why Amazigh women should be exceptionalised vis-à-vis other Moroccan women. As she explained: '(…) when we speak about Amazigh women, we can say that they ignore one important thing. What is it? It is the language of law.'[828] As highlighted by H.B., 'We can find this type of problems [*human rights violations*] everywhere, for Amazigh-speaking people and non-Amazigh speaking people. But when it comes to

[825] Interview with M.C., homeworking mother of rural origins living in an urban area with middle school education, Agadir area, 05 October 2016.
[826] Interview with F.A. (afore cited), Agadir area, 14 October 2016.
[827] Interview with S.B. (afore cited), Agadir area, 07 October 2016.
[828] Interview with S.B. (afore cited), Rabat area, 21 September 2016.

Amazigh-speaking people, it is even worse. (…) Because the government doesn't speak to them in their own language and so they don't understand.'[829]

Examining the issue of language from the capacities of school staff, K.B. explained, '[*Amazigh*] It was meant to be taught, but teachers are not trained enough to know how to write and teach the Tifinagh alphabet.'[830] As Zouhir illustrates,

> The choice of the Tifinagh for teaching Berber is not educational or pedagogical. Rather, it is purely an ideological and highly politicized affair that many parties are trying to use to their advantage. It reflects the ideological tendencies of IRCAM, and is a policy that is imposed from above on a majority of Berbers, even though it is conceived as a compromise [*between Arabic and Latin scripts, respectively supported by Islamists and Amazigh activists, and pushed for as a middle solution by the King*].[831]

As the Tifinagh alphabet is an obscure, unintelligible script to many Amazigh people, including those with university education and a strong interest in Amazigh affairs, the likely reason for this choice seems to be that it was the result of a political, top-down manoeuvre, rather than the result of an inclusive consultation with members of the Amazigh community.[832]

Other interviewees complained about the non-implementation of the constitutional provision on the officialising of the Amazigh language.[833] Those research participants stemmed from a rural and low socio-economic background. H.O. highlighted the lack of positive change in the

[829] Interview with H.B. (afore cited), Rabat area, 22 September 2016.
[830] Interview with K.B. (afore cited), Ait Baha area, 10 October 2016.
[831] Zouhir, "Language Policy and State in Morocco: The Status of Berber," 50.
[832] See also Zouhir, "Language Policy and State in Morocco: The Status of Berber," 47-51.
[833] *Dahir Pertaining to the Promulgation of the Constitution of Morocco*, art. 5.

lives of Amazigh women upon the officialising of the Amazigh language in the 2011 constitution,[834]

> I think the situation for Amazigh women remained the same, (…) the 2011 constitutional reform didn't bring any changes. (…) I don't think that the law that made Amazigh an official language is working very well. (…) Even in schools they used to teach Amazigh, but now they have taken it off. When you go to some places or hospitals, you find board writings in Tifinagh but, when you read them, they are all mistakes. In Moroccan hospitals now, they say that if an Amazigh woman goes there and she cannot speak Arabic, they will find a translator for her. But these people are not there. I think the same goes for the court: when an Amazigh woman goes to court and cannot speak Arabic, there is no translator for her to [*help her*] communicate.[835]

As explained by Z.A., 'We would love them to officialise [*sic*] the Amazigh language for, when we go to the public administration, they just yell at us in Arabic and we don't understand, and we just leave.'[836] Significantly, respondents with a higher educational background were also sceptical of the impact of the officialisation of the Amazigh language on the lived experiences of Amazigh women. N.A, for instance, pointed out,

> [*Amazigh women's situation*] is worse because, once you go somewhere and speak Amazigh, [*although*] they say that Amazigh is an official language, they won't talk back to me as an Amazigh girl [*emphasis added*]. When I go somewhere and speak Amazigh, I need to translate what I say into Arabic so that they can understand what I want. I can translate, but another woman won't and that will be a problem for her. (…) I consider it as *discrimination* [*emphasis added*].[837]

N.A. elaborated further on the lack of impact of the officialising of the Amazigh language on the ground, explaining that even if 'the political

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[834] *Dahir Pertaining to the Promulgation of the Constitution of Morocco*, art. 5.
[835] Interview with H.O. (afore cited), Rabat area 22 September 2016.
[836] Interview with Z.A., non-literate, homeworking, mother living in a rural area, Ait Baha area, 04 October 2016.
[837] Interview with N.A. (afore cited), Rabat area, 06 October 2016.

decision is to speak Amazigh, (…) they [*meaning public officials*] just do not speak it, and that is a problem.'[838] Voicing a different opinion on the issue of language, another interviewee uniquely pointed out that the lack of human rights *used to be* a linguistic issue for Amazigh women. H.A. is a university student in her early 20s who lives in an urban area. She believes that the lack of human rights in Morocco has become a gender issue as she equated the status of all Moroccan women, regardless of their ethnic-linguistic affiliation. As H.A. articulated,

> Yes, Amazigh women suffered a lot, years ago, unlike Arab or Sahrawi women, because their language is Amazigh and Amazigh is not understood by other people compared with Arabic and other languages. So, when an Amazigh woman wants to communicate with others, no one understands her. Therefore, she only wants to stay at home, and not go out. But, lately, we have [*Amazigh*] women that learned Arabic. (…) Yes, the only solution is to learn Arabic in order to have their rights. (…) I find that [*now*] the condition of Arab, Sahrawi, and Amazigh women are equal, and they are all the same *because all of them know Arabic.* However, we still have the problem of their suffering and not having their rights.[839]

Although this statement about the universal knowledge of Arabic among Moroccan women is inaccurate, what is of relevance here is the observation that the difficulty in being an Amazigh woman shifts from language to gender, a position supported by a number of the other women interviewed. Another university student in her late teens, H.B. observed,

> [*Moroccan women*] share the same problems, because when we talk about *isolated* [*emphasis added*] areas in Amazigh regions of Agadir, we talk about the same situation in other areas like Sahara or Arab areas elsewhere. I think they [*Moroccan women*] are the same and that they are suffering from the same problems.'[840]

[838] Interview with N.A. (afore cited), Rabat area, 06 October 2016.
[839] Interview with H.A. university student in her early 20s, Agadir area, 06 October 2016.
[840] Interview with H.B. (afore cited), Agadir area, 06 October 2016.

This explanation counters the articulations of the Amazigh elites that would maintain that discrimination against the Amazigh is predominantly a political and ethno-linguistic issue.

The implementation of the constitutional provision officialising the Amazigh language poses a number of challenges. From a minority and indigenous peoples' rights perspective, (minority and indigenous) language rights are the quintessential component in the advancement of group rights. However, the data collected suggest that the primary concern for women is to ensure girls' education and women's adult learning and literacy (which is extremely low) *in situ* and in the *lingua franca*. Secondly, participants also underscored the importance of training public servants and officials in the Amazigh language so it can be progressively mainstreamed and increasingly used in public services etc.[841] As Yuval-Davis argues,

> [a] basic problem in the construction of multiculturalism is the assumption that all members of a specific cultural collectivity are equally committed to that culture. It tends to construct the members of minority collectivities as basically homogenous, speaking with a unified cultural voice.[842]

This argument is largely corroborated by fieldwork, which suggests that Amazigh women have been constructed in a certain way to add thrust to the overall Amazigh cultural movement's leitmotiv. In light of Yuval-Davis's argument on multiculturalism, the role of art and language in defining the identity of Amazigh women should be further investigated. These might in fact limit them to a folkloristic, reified image of art

[841] This difference in the order of priorities and perception of urgency by the elites as opposed to non-elite women is also illustrated by the Soulaliyate case as 'the women constituting [*this*] movement have more pressing concerns that need to be dealt with in the short term. They insist therefore on the urgency of the matter, seeking rapid solutions and territorial interventions, rather than the long-term and slow perspective favoured by ADFM.' In Berriane, "Bridging Social Divides: Leadership and the Making of an Alliance for Women's Land-Use Rights in Morocco," 361.
[842] Yuval-Davis, "Gender and Nation," 627.

producers and oral narrators who do not participate in the socio-political definition and evolution of their overall community. As Becker concludes, '[i]ronically, the factors that create the differences between rural Amazigh and political activists are also those that have contributed to the survival of Amazigh cultural and linguistic heritage in Morocco: illiteracy and the association of the Amazigh language and culture with women.'[843] From a (minority and indigenous) rights perspective, the isolation and illiteracy of Amazigh women have been instrumental to preserve the group's oral history, tradition, language and arts. Yet, when Amazigh women's condition is examined in terms of their individual rights, the conditions that made these women instrumental to the preservation of their culture are also those that confined them to positions of subordination, isolation and underrepresentation.

### 4.3. Living in a rural area

Geography is another site of oppression for Amazigh women as most still live in rural areas, which generally benefit least from developments and investments taking place in Morocco. Although there is often a conflation between Amazigh women's and rural women's identities, there were few attempts by interviewees to distinguish between them.

Some participants noted, for instance, that, while Amazigh women in rural areas struggle to enjoy their rights, Amazigh women in urban areas enjoy the same progress as Arab women. The following respondents, from a low socio-economic background, made analogous remarks. K.B. is a non-literate, homeworking, divorcee who lives in a rural area. She explained,

> Amazigh women don't have the same rights as women living in cities. (…) Women in the cities enjoy their rights, their freedoms; men are equal to women over there. There are also Amazigh women in the cities who enjoy their lives fully with

[843] Becker, *Amazigh Arts in Morocco: Women Shaping Berber Identity*, 4.

> their children. But women living in rural areas don't enjoy their rights.[844]

S.T. is a single bread-maker in her late 20s with some years of middle school education. She insisted that,

> Amazigh women who live in villages are still suffering. I am not talking about Amazigh women who live in cities or belong to a higher class. I am talking about Amazigh women who live in villages, who live away from big cities. (…) Arabic-speaking women and Amazigh-women suffer the same way if they live in the countryside.[845]

Z.Y. is a non-literate, homeworking, and rural woman. She said,

> Amazigh women suffer more, because living in villages is not the same as living in big cities. (…) It is not about the way they live (…) It is about access to facilities. Moroccans are like birds; everybody lives on a mountain; they cannot provide hospitals or schools for one person on a far mountain, so what they do is when they find people in one place, they provide them with the facilities like hospitals and schools. But for someone who lives alone in a faraway mountain, he/she cannot have access to these facilities.[846]

Other interviewees – from similarly disadvantaged backgrounds – did not make an explicit distinction between rurality and Amazighité. R.A. is a non-literate, divorced, house-cleaner, who comes originally from a rural area. She spoke about how geography particularly affects Amazigh women as they concentrate in rural areas,

> I think that Amazigh women have more problems than any other women because they are especially in the countryside and they are not educated. They only stay at home until they get married and they might get divorced and then stay (at home) again.[847]

[844] Interview with K.B. (afore cited), Ait Baha area, 10 October 2016.
[845] Interview with S.T. (afore cited), Middle Atlas area, 26 September 2016.
[846] Interview with Z.Y. (afore cited), Middle Atlas area, 27 September 2016.
[847] Interview with R.A., non-literate, divorced mother and house-cleaner originally from a rural area, living in an urban setting, Khemisset area, 19 September 2016.

R.S. is a single, homeworking woman with a few years of high school education. She seemed to fuse rurality with Amazighité, '[w]omen who live in villages [*meaning Amazigh*] don't have access to lot of things like hospitals, schools.'[848] Z.B. is a primary school-educated seamstress and president of a local association. She pointed out that, in contrast to women in urban areas, the Amazigh '(…) are suffering in terms of education and health. They don't have anything. They don't even have the chance to get their voices heard.'[849]

Many interviewees stemming from low socio-economic backgrounds and with limited, or no, education used the rural-versus-urban binary to explain the persistence of problems and rights violations in their lives. 'There are no human rights, especially in the rural areas. But, in the cities, there are. If you go there and defend yourself, you are going to get your rights.'[850] 'People talk about rights but, when you really see how rights are granted to people, if you only go a little bit outside the cities, you find that there are not any rights.'[851] On human rights in rural areas, K.B. explained, 'They also exist here but we don't have associations to defend them.'[852] On the relationship between women's rights associations and rural women, W.B., an academic and activist, elaborated her position on the former vis-à-vis the latter,

> It depends on the associations and the goals that they want to reach, I think *we cannot do everything* [*emphasis added*]; there have to be some associations that work in the field and so they should work with rural women. Because if they work only with women living in cities, the problems they face are a bit different. Women who live in cities certainly suffer a lot, but in a different way. And rural women suffer from other problems such as illiteracy. It is true that there aren't many associations who work with rural women. Now there are other associations who work in

[848] Interview with R.S. (afore cited), Marrakech area,15 May 2017.
[849] Interview with Z.B. (afore cited), Ait Baha area, 12 October 2016.
[850] Interview with H.O. (afore cited), Ait Baha area, 10 October 2016.
[851] Interview with S.H. (afore cited), Middle Atlas area, 28 September 2016.
[852] Interview with K.B. (afore cited), Ait Baha area, 10 October 2016.

> advocacy. These associations don't work with neither, they only work upon laws (…), but it is not enough.[853]

This testimony reflects some of the reluctance and difficulty with which urban women's rights activists conceive of their role in reaching out to and representing rural women in their work. Whereas W.B. conceded that rural women have indeed different needs and priorities from those advocated for by urban associations, the work of the latter (at least for the time being) will continue to focus on legal reforms.

### 4.4. Being religious

As regards the role of religion in Amazigh women's lives, this study is in line with findings of other ethnographic research in Morocco unveiling that, 'although women were not asked explicitly about religion, it often emerged in discussions.'[854] Several research participants, for instance, revealed that adherence to concepts of 'Islamic normativity' [855] and heteronormativity [856] permeates many of their lived experiences of family law and related matters. While the definition of 'Islamic normativity' as a concept is contested, 'the drawing of connections among gender, social stratum, and religious normativity forms an integral part of the dialogue in which authoritative forms of Islam are constructed.' [857] The concept of heteronormativity 'encompasses the "normative status" of heterosexuality as the sexuality "which renders any alternative sexualities 'other' and 'marginal'; and also hetero-

[853] Interview with W.B. (afore cited), Marrakech area, 15 May 2017.
[854] Hallward and Stewart, "Challenges and Opportunities Facing Successful Women in Morocco," 11.
[855] Leon Buskens and Baudouin Dupret, "The Invention of Islamic Law: A History of Western Studies of Islamic Normativity and Their Spread in the Orient," in *After Orientalism*, ed. François Pouillon and Jean-Claude Vatin, Leiden Studies in Islam and Society (BRILL, 2014), 32.
[856] Aimee Sinclair, ""It's a Real Negotiation within Yourself": Women's Stories of Challenging Heteronormativity within the Habitus," *Women's Studies International Forum* 64, no. Supplement C (2017): 1.
[857] Marion Holmes Katz, "Women's Mawlid Performances in Sanaa and the Construction of 'Popular Islam'," *Int. J. Middle East Stud.* 40, no. 3 (2008): 481.

patriarchy, through which (hetero)sexuality is "systematically male dominated."'[858]

On this basis, many of the interviewees accepted their living conditions and the state of women's rights in the country because they believed they were complying with religious precepts in their (partial, discriminatory, limited) enjoyment of rights under the Moudawana. H.B., for instance, highlighted the role of religion, among other factors, in the implementation of family law,

> I was 17 in 2003 so I was really happy that changes were coming in Morocco. It was a really big change; it was a radical change. But when it comes to practice, there isn't much difference. (…) First, the society or the Moroccan community is patriarchal, and it follows religion [*Islam*] more than it follows the law. The new Moudawana came up with new stuff that didn't exist in religion, so the imams/scholars did not like this change. On the other hand, this Moudawana did not bring big changes when we compare it to cases in Tunisia for example. (…) When the new government was elected, the PJD, it had an Islamic turn and the Moudawana was (…) not actually practiced; for example, they let judges give consent for underage marriages.[859]

A young, homeworking mother, H.O. also attributed a more significant role to religion, rather than law, in defining gender relations and women's rights in Moroccan society.

> There is a very big difference between men and women. As religion says, women must be submissive to men, even if people are talking about women's rights in the Moudawana and everything, but the reality is another thing.[860]

These testimonies lend support to the arguments of Cherif, among

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[858] Stevi Jackson, *Heterosexuality in Question* (London: SAGE, 1999), 163; Sinclair, ""It's a Real Negotiation within Yourself": Women's Stories of Challenging Heteronormativity within the Habitus," 1.

[859] Interview with H.B. (afore cited), Rabat area, 22 September 2016.

[860] Interview with H.O., young mother who completed primary school and living in a remote rural area at her family home while seeking divorce from her abusive husband, Ait Baha area, 10 October 2016.

others, on the persistence of gender inequality and discrimination against women in Muslim-majority countries. As Cherif observes,

> While important, these cultural explanations provide an incomplete account of why religious values hold greater currency than do other values, why political elites in Muslim countries have been more successful at preserving patriarchal practices, and why certain actors have been given a disproportionate voice in state policymaking, especially concerning women. (…) Advancing women's rights under an Islamic framework affords a veneer of legitimacy to endeavors, which are often seen as internationally driven and contrary to Islam, and may offer a propitious way to facilitate reform. [861]

In this context, it is important to recall the maintenance-obedience model in marriage as enlightened by Mir-Hosseini,

> [i]n its legal structure, marriage (*nikah*) is contract of exchange, with fixed terms and uniform legal effects. With the contract, a wife comes under her husband's dominion and protection, entailing a set of defined rights and obligations for each party; some supported by legal force, others by moral sanction. Those with legal force revolve around the twin themes of sexual access and compensation, embodied in the concepts of *tamkin* (women's obedience or submission) and *nafaqa* (maintenance). *Tamkin* – defined as unhampered sexual access – is the husband's right and thus the wife's duty; whereas *nafaqa* – defined as shelter, food and clothing – is the wife's right and the husband's duty (…).[862]

In addition to the constitution giving Islam 'pre-eminence in its national reference framework ('référentiel national')[863] and characterising it as one of the 'permanent characteristic*[s]* of the Kingdom,' [864] religion

[861] Cherif, "Culture, Rights, and Norms: Women's Rights Reform in Muslim Countries," 1146, 1157-1158.
[862] Ziba Mir-Hosseini, "Islamic Family Law and Social Practice: Anthropological Reflections on the Terms of the Debate," in *Family, Law and Religion: Debates in the Muslim World and Europe and Their Implications for Co-Operation and Dialogue*, ed. Siegfried Hass (Vienna: Austrian Association for the Middle East Hammer-Purgstall, 2009), 24-25.
[863] *Dahir Pertaining to the Promulgation of the Constitution of Morocco*, preamble.
[864] IDEA, "The 2011 Moroccan Constitution: A Critical Analysis".

played an unquestionable role in the formation of the personal identity and lived experience of several research participants, despite their widely different socio-economic backgrounds. Having widely acknowledged its impact on the lived experiences of Moroccans in general, religion can be considered another site of oppression for Amazigh women for specific reasons. Often averse to challenge mainstream religious interpretations, Amazigh women, to varying degrees, construe cultural and patriarchal customs that restrict or violate their rights as mandatory religious precepts. Symptomatically, though, the role of religion in the public sphere was reserved for questions related to inequality and discrimination.

Even if she condemned, in general, gender inequality, F.A, a high school English teacher, justified the unequal access to inheritance for men and women by affirming '[i]t is in our religion. I won't disagree with that. I have no problem with it.'[865] On exceptions granted by judges to allow for underage marriages, H.B., a primary school French teacher, used a similar argument, noting that most judges granted exceptions due to religious reasons, '[b]ecause it exists in Islam.'[866] N.A., a high school graduate, noted, 'If we follow our religion, men have privileges.'[867] S.B., a university graduate, explained in depth the reasons for inequality in Moroccan society,

> [*I see the difference*] [i]n everything, especially for the Amazigh people, there is always a difference between men and women [*because of*] [f]irst of all, religion; then people's culture. (…) They understand Islam in a bad way; that there is always a difference between men and women and women should stay at home. (…) If they knew the real meaning of the Qur'an, they wouldn't have understood it that way. (…) I am a Muslim (…) and I believe in my religion. (…) But for few years I believed that I was Arabic [*meant Arab*] not Amazigh. Why? Because I ignored my history. I

[865] Interview with F.A. (afore cited), Agadir area,13 October 2016.
[866] Interview with H.B. (afore cited), Rabat area, 22 September 2016.
[867] Interview with N.A. (afore cited), intern with few years of education after completing her high school diploma, Middle Atlas area, 27 September 2016.

> didn't know about it. Because television programmes, everything that related to it, tried to show us that we were Arabic [*meant Arabs*] not Amazigh. (…) When I come and do my research, I found out that, I am not Arabic [*meant Arab*]. I am a Muslim (…) because there are Turks who speak in their native language and they are still Muslims, and Indonesia as well as Iran.[868]

As this research suggests, Amazigh women seemed, to a large extent, compelled to refer to (the Muslim) religion as a core element of their identity. In this context, H.B., a primary school French teacher, stressed the difficult position of non-Muslims in the Amazigh community,

> There are people who are not Muslim, but they can't say it; for example, people who are from the Amazigh movement are not Muslim, but they can never reveal it. When we look at the practices of some Amazigh people in some Amazigh villages, it doesn't go together with the Islamic rules. For example, the women still apply tattoos on their skins and some women don't even wear the veil.[869]

Several interviewees advocated that, when drawing on Islamic reasoning in relation to women's right issues, *Ijtihad* should be applied, [870] 'understood as a contextual and deconstructing analysis and a critique of the religious texts rather than as a search for an existing truth that risks being patriarchal in its essence.'[871]

This research revealed that, while respondents tended to interpret religion as a dynamic force and, often, as a driver of positive change, they tended to blame culture, patriarchy and tradition for the existing gender inequality in Morocco. L.B. is a university student in her late teens. She offered her explanation on why Amazigh women might suffer more discrimination and inequality than their Arab counterpart. As she stated,

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[868] Interview with S.B. (afore cited), Rabat area, 21 September 2016.
[869] Interview with H.B. (afore cited), Rabat area, 22 September 2016.
[870] While Ijtihad was seldom the term used by interviewees, the content of their comments clearly pointed to this interpretation of the concept.
[871] Lounasmaa, "Breaking Down Dichotomies in the Narratives of Women's Activism in Morocco," 265.

'Maybe Amazigh people are more attached to religion than the Arab people and the problem is that the Amazigh people understand it differently from the Arabs.'[872] On the reinterpretation of religion, W.B., an activist and academic, explained,

> There are actually some men of religion that are open-minded, and they are for the change, but we also have women now who research (…). So, they try to read the texts of the Qur'an, keeping in mind that most of the verses were written as punctual responses relative to a particular context, and that other verses contain values, and these are the verses that are immutable. The other verses should be adapted to our context. (…). And do you know that they [*the religious figures*] were threatened? It is a long way, but the major obstacle is that tradition is applied arbitrarily from religion.[873]

The idea that Islam must be read in light of present day circumstances was evident in S.B.'s reflection on the growing phenomenon of single female heads of households,

> (…) Our Muslim religion stipulates that a man has to inherit more than a woman for the same reason, and because we say that he can manage better the inheritance than a woman. Now, today, sometimes we can sense that the woman is sometimes more competent than a man. She can benefit from the same rights as a man.[874]

Distinguishing religion from culture, S.T. conclusively affirmed, 'Religion is good [*as*] it gives rights to women; [*gender inequality*] is all about culture.'[875] Along similar lines, S.I. argued,

> I think it's because of habits that they believe that women should stay at home, take care of the children, and cook for the husband. But I wouldn't dare to judge religion because it doesn't say what habits and traditions say. (…) religion didn't say that women should be locked up at home. They

[872] Interview with L.B. (afore cited), Agadir area, 13 October 2016.
[873] Interview with W.B. (afore cited), Marrakech area, 15 May 2017.
[874] Interview with S.B. (afore cited), Agadir area, 07 October 2016.
[875] Interview with S.T. (afore cited), Middle Atlas area, 26 September 2016.

> can go out and work, but they should always keep their distance from men.[876]

As argued elsewhere, a number of research participants generally 'differentiated between Islam as a religion and the political use of religion by scholars and politicians.' [877] In this context, it is worth highlighting an apparent paradox unveiled by other scholars who carried out ethnographic research, namely that several women,

> […] supported the continuance of the king's role as 'Commander of the Faithful' precisely because they felt this twinning of 'religion' and 'state' helped preserve the *secular* [*emphasis added*] nature of the public sphere and buttressed women's equality by reducing the influence of the Islamist PJD.[878]

This paradox can also be explained in the following terms. On the one hand, the separation of State and religion is often embraced by women's groups as an important condition for the advancement of women's rights. On the other hand, in the Moroccan case, the religious character and legitimacy of the monarchy (and State) ensures that secularism and women's equality are (or perceived to be) defended *de facto* in the public sphere by the country's highest authority.

## 4.5. Living in a patriarchal culture

> The traditional feminist concept of patriarchy, as a term for naming gender inequality or gendered power relationships between women and men, has been critiqued from a number of fronts. For instance, the concept has been charged with tautology, ahistoricism, and the construction of a homogenizing, totalizing gender oppression (Kandiyoti 1988; Pilcher and Whelehan 2004).[879]

[876] Interview with S.I. (afore cited), Agadir area, 17 October 2016.
[877] Hallward and Stewart, "Challenges and Opportunities Facing Successful Women in Morocco," 13.
[878] Hallward and Stewart, "Challenges and Opportunities Facing Successful Women in Morocco," 13.
[879] Patil, "From Patriarchy to Intersectionality: A Transnational Feminist Assessment of How Far We've Really Come," 847.

Shedding light on both the disguised and subsumed intra-group divides and fractures, it is worthwhile to highlight the experiences of participants who felt that their families violated their rights due to the 'Amazigh culture'. As M.C. explained, it is,

> [b]ecause their parents encourage them to be independent but not the Amazigh ones. (…) The Arabs encourage their women but the Amazigh do not. (…) Amazigh people are a bit late compared to the Arab people who were civilised before them. Arab people educated their sons and daughters from an early age, but the Amazigh did not. That's the difference.[880]

This proposition undermines a central argument by the Amazigh elites that Amazigh (literally meaning 'free person') are 'free', interpreted in the "modern", "secular", "liberal" meaning of the term.[881] Accordingly, there was a large consensus among university students currently living in urban areas, but hailing from the rural countryside, about the negative impact of culture on the lived experiences of Amazigh women. Often interviewees referred to a binary Arab/Amazigh divide that shifted the onus to respect and protect someone's rights away from the duty-bearers onto the rights-holders. Drawing attention to the struggles in Amazigh women's lives after marriage, N.A., for instance, explained,

> It depends on the husband. For example, if an Arab man marries an Amazigh woman his family will not treat her in the same way they would treat an Arab, because she does not belong to their traditions and culture, which causes problems that may lead to divorce. However, in other places, there are men who do not discriminate against Arabs or Amazigh. They think they are equal. It all depends on a man's education.[882]

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[880] Interview with M.C. (afore cited), homeworking mother who completed primary school education originally from a rural area living in an urban setting, Agadir area, 05 October 2016.

[881] See: Becker, *Amazigh Arts in Morocco: Women Shaping Berber Identity*; Silverstein, "In the Name of Culture: Berber Activism and the Material Politics of 'Popular Islam' in Southeastern Morocco"; Silverstein, "Masquerade Politics: Race, Islam and the Scale of Amazigh Activism in Southeastern Morocco"; Ben-Layashi, "Secularism in the Moroccan Amazigh Discourse".

[882] Interview with N.A. (afore cited), Rabat area, 06 October 2016.

K.A. stated,

> Women are always submissive to men. There are human rights-related issues within the Amazigh families themselves (…) It might be tradition. It is the *Amazigh culture* [*emphasis added*]. This problem is very common in Amazigh families, locking women in their houses, but not elsewhere in the Sahrawi or the Arab culture.[883]

H.A. formulated an analogous explanation for the state of Amazigh women's rights in Morocco, 'It is about tradition and culture. (…) especially [*for*] Amazigh people.'[884] Similar thoughts are expressed on the matter by L.B. who then uses the rural-versus-urban binary to explain the different lived experiences of Amazigh women in the countryside as opposed to those in the cities.

> It is a little bit of religion, culture and even traditions. When I am saying this, I think of the rural areas. In the cities, I do see powerful Amazigh women. It makes me so proud being part of this. (…) I do see difference even among the Amazigh themselves, because there are tribes that really have so much respect for women, and others that don't. I think it is a geographical matter, but I also think that Arabs are a bit more advanced when it comes to human, or maybe, women's rights.[885]

At least 14 (or 24% of) respondents criticised the role of fathers (and, in fewer instances, mothers), in particular within Amazigh families, in denying or severely restricting their rights. A number highlighted the unequal access to education enjoyed by female children as opposed to male children within the same family.[886] Conversely, five interviewees (or 8%) highlighted the indispensable role that fathers play in enabling women's access to education, employment and a decent standard of living.

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[883] Interview with K.A., university student in her late teens originally from a rural area, Agadir area, 06 October 2016.
[884] Interview with H.A. (afore cited), Agadir area, 06 October 2016.
[885] Interview with L.B. (afore cited), Agadir area, 07 October 2016.
[886] Interviews with: H.B. (afore cited), Agadir area, 06 October 2016; M.A. (afore cited), Khemisset area, 19 September 2016; M.C. (afore cited), Agadir area, 05 October 2016.

When the roles played by husbands were introduced into the conversation, respondents tended to characterise their impact on access to health, education and work in an overwhelmingly negative way. At least 33 participants (or 56% of the sample) portrayed husbands as negative or abusive figures in women's lives. Interestingly, even when (three) participants described them as positive figures, they depicted husbands as essential care providers (without whose financial help, women could not survive). In terms of access to education, in referring to her sister's dropout from school before her final exams, K.B. explained 'Because her husband refused her to continue her studies.'[887] To this answer, the author then enquired about her sister's reasons for getting married. K.B. then explained, 'Because my father obliged her. He could not turn the husband down, for he is a family member.'[888] Along those lines of placing blame onto male figures within the family for the state of Amazigh women's rights, H.O. remarked, 'My stepfather is a bit strict and he wouldn't let me go out and work. The woman must stay in her house until she gets married, and when she gets married she must stay in her husband's house. That's all.'[889] F.A. remarked, 'The Amazigh woman has no value at all. She should always take care of the children and the house, but the husband can go out and have fun.' [890] I.M. summarised the problems affecting Amazigh women's lives,

> There are no job opportunities, their [*Amazigh women's*] husbands are always sleeping in the house and doing nothing; they are sick and there is no cure. For us, Amazigh, these are the problems. There are no job opportunities, there is no job, there are no medicines, there is nothing. Here women are patient, which is why people do not get divorced. [891]

[887] Interview with K.B. (afore cited), Ait Baha area, 06 October 2016.
[888] Interview with K.B. (afore cited), Ait Baha area, 06 October 2016.
[889] Interview with H.O. (afore cited), Ait Baha area, 10 October 2016.
[890] Interview with F.A. (afore cited), Agadir area, 14 October 2016.
[891] Interview with I.M. (afore cited), Ait Baha area, 04 October 2016.

Discussing the overall role played by families in Amazigh women's lives, R.A. noted, 'I think that it's the family to blame because they always prevent women from wearing certain clothes, from going out, and doing many things.'[892] R.A. is a homeworking, non-literate woman originally from the countryside. Living in a rural area, F.O. had a more complex explanation for the marginalised lived experience of Amazigh women,

Our rights are violated. Women just stay at home. (…) First, *[by]* our husbands. They don't respect women's rights. (…) Because only the man is in charge of the house expenses and he works. But women just stay at home and they are not supposed to go to school. (…) That's how things are supposed to be in Morocco. Women should stay at home and men should go out and work. (…) That's the way I live whether I like it, or I don't like it, that's what it is.[893]

Domestic violence is a part of a larger problem in Moroccan society and the Amazigh community. In this context, it is useful to recall the incidence of violence against women in Morocco,

> Statistics provided by the High Planning Commission (HCP) indicate that between 2009 and 2010, approximately 6 million (62.8%) Moroccan women between the ages of 18 and 64 survived different types of violence, including domestic violence in 55% of cases (i.e. 3.7 million individuals). The most common form of violence in any setting was psychological, affecting 48% of women (4.6 million) (HCP 2011, 4).[894]

Against this backdrop, H.O., a young rural mother and survivor of domestic violence, articulated her understanding of rights and the power that males have to bequeath women with those rights. '[*Rights*] all exist in theory but not in reality. How can you make your husband understand that you have all these rights, and that he cannot trespass them? *The*

[892] Interview with R.A. (afore cited), Khemisset area, 19 September 2016.
[893] Interview with F.O. (afore cited), Ait Baha area, 10 October 2016.
[894] Gagliardi, "Violence against Women: The Stark Reality Behind Morocco's Human Rights Progress," 11.

*society is not merciful* [*emphasis added*].'[895] In concluding her interview, H.O., who was de facto separated from her husband, despairingly admitted, 'I still wish that my husband would change his behaviour, and take me back, not abuse me, not rape me so that we can live happily again. There are no other options.'[896]

While we recall Mahmood's 'dilemma for feminist analysis,' which challenges the proposition that agency should result in resistance and emancipation,[897] only a handful of research participants either accepted or defended gender inequality, patriarchy and limitation of women's rights in their society. A.M. is a homeworking mother living in a rural area. She, for instance, affirmed, 'They [*men and women*] should be treated equally, but it would be better if men had more rights than women. (…) You should fear and respect your husband, because without a man you are nothing.'[898] While being the family's sole breadwinner, Z.S. significantly claimed,

> There are people who have similar rights and people who don't have rights. If a woman has a lot of rights, it could lead to her having more authority that the man. (…) If the woman has power, that's too much. It would be *better according to our tradition* [*emphasis added*] if the man had more authority over the woman.[899]

Z.Y. is another, homeworking, rural woman. In the same vein as the interviewees above, she argued, 'Men are not similar to women. If you give power to women, they're going to abandon men. (…) In some issues, men and women should be equal. But, in others, the woman should give *importance* [*emphasis added*] to her man.'[900] Those quotes speak to the

[895] Interview with H.O. (afore cited), Ait Baha area, 10 October 2016.
[896] Interview with H.O. (afore cited), Ait Baha area, 10 October 2016. Sadly, although H.O. was offered a consultation with a domestic violence shelter that she had pressed hard to obtain, she then refused to go to the meeting, perhaps pressured by her own mother for fear of aggravating further her situation.
[897] Mahmood, *Politics of Piety: The Islamic Revival and the Feminist Subject*, 5.
[898] Interview with A.M. (afore cited), homeworking mother with few years of primary education living in a rural area, Middle Atlas area, 27 September 2016.
[899] Interview with Z.S. (afore cited), Middle Atlas area, 28 September 2016.
[900] Interview with Z.Y. (afore cited), Middle Atlas area, 27 September 2016.

research finding unveiling that participants often preferred maintaining the status quo and potentially inhabiting social norms differently, rather than dismantling existing power structures or 'facing the unknown'.

## 4.6. Conclusions

Five main conclusions can be drawn from this Chapter. Firstly, Amazigh women largely define being Amazigh as speaking a given Amazigh dialect and originating from a specific rural (Amazigh) area, rather than necessarily feeling part of a larger, pan-national Amazigh community. Furthermore, when discussing their contributions to the Amazigh community (in terms of oral history, art and land donations), research participants often felt that their efforts and contributions were sidelined, ignored and not reciprocated by their communities and group leaders.

Secondly, the notion of being an Amazigh woman conjured a wide range of images and attributes that seem to largely confine Amazigh women to a position of subordination and marginalisation in stark contrast to the picture Amazigh elites promote at the national and international level. This suggests the performativity of gender in Moroccan society, whereby women perform roles and inhabit norms according to what is expected of them within their families, communities and wider society. Even in cases where women disagreed with the assigned role that they were expected to fulfil, they rarely saw opportunities to escape this constraining and reified social structure.[901]

Thirdly, identity codifiers and markers, such as ethnicity, gender, religion, language, and culture, are used to rationalise and reify a certain status quo and power distribution. Notwithstanding this, Amazigh women's narrations (as the female Other) reveal their own sense of how people in power use culture and religion for their own purposes.

[901] As seen previously, the Soulaliyate women's movement might be considered as one notable exception.

Fourthly, it is the inter-connectedness of multiple categories of belonging, and sites of oppression that define these women's identities, rather than just the sum of their sex, gender, ethnicity, language, geography, religion, culture (to name but a few).

Finally, what is suggested from these interviews is that the preservation of the status quo is perceived to be safer than changing things and risking a further deterioration in their lived experiences. The hegemonic narrative of stability and preservation of the status quo serve as a type of guard against the chaos and further deprivation that pervades all aspects and layers of Moroccan society. Reproducing this belief, in turn, is instrumental to maintaining the power structures untouched. As Gunning maintains,

> Culturally challenging patriarchal practices (…) require a complex vision of independence and connectedness. The distance that arrogance involves must be bridged, but the interconnectedness built must be both complex and preserve independence.[902]

[902] Gunning, "Arrogant Perception, World-Travelling and Multicultural Feminism: The Case of Female Genital Surgeries," 198.

## Conclusions

In the Moroccan context, the concepts of minority, indigenous and women's rights have been largely appropriated by Western-leaning urban elites and centres of power. However, as the thesis has detailed, elite driven discourses do not capture the lived realities and concerns of Amazigh people. As emerging Amazigh feminist NGOs [903] are increasingly recognising, this has left Amazigh women, in particular, marginalised in multiple ways and underrepresented.

The meanings attributed to human rights and gender equality by Amazigh women demonstrate the incoherencies and contradictions stemming from the hegemonic nature of 'emancipation' within the human rights project. While the latter is meant to entitle, emancipate and empower rights-holders, the human rights project has instead been used to colonise, subjugate and dominate individuals and the 'vulnerable' groups that they supposedly belong to.[904]

The Moroccan case study poignantly illustrates that minority, indigenous and women's rights frameworks have been utilised in a hegemonic and essentialising fashion by the elites driving these movements to achieve societal change. As scholars demonstrate through the intersectionality lens, one ought not to separate different sites of oppression when analysing someone's marginalisation. [905] As Crenshaw poignantly articulates, 'The fact that minority women suffer from the effects of multiple subordination, coupled with institutional expectations based on inappropriate nonintersectional [*sic*] contexts, shapes and ultimately

[903] Fatima Sadiqi, "Emerging Amazigh Feminist Nongovernmental Organizations," *Journal of Middle East Women's Studies* 12, no. 1 (2016): 123.
[904] See for a larger discussion, *inter alia*: Nicola Perugini and Neve Gordon, *The Human Right to Dominate* (Oxford: Oxford University Press, 2015); Costas Douzinas, "Human Rights and Empire: The Political Philosophy of Cosmopolitanism," *King's Law Journal* 20, no. 3 (2009): 535-540; Žižek, "Against Human Rights".
[905] See, *inter alia*: Amos and Parmar, "Challenging Imperial Feminism"; Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color"; Volpp, "Feminism Versus Multiculturalism".

limits the opportunities for meaningful intervention on their behalf.'[906] In conferring a minority status onto specific groups (e.g. the Amazigh), the minority rights discourse subsumes all and potentially more useful tools to address issues of discrimination and inequality. Minority groups and indigenous peoples, and women in particular, might possibly be better served by other discourses and toolkits, rather than by being categorised under a label that is often constructed by sites of power.

In this context, the challenge and opportunity for feminism is to identify the potential for a counter-hegemonic rights contestation from the ground up, using strategic essentialism in a non 'restrictive' or 'exclusionary' fashion.[907] As Maya Lloyd aptly notes in synthesising Judith Butler's most recent work on feminism,

> […] while feminists can mobilize the term 'women' in political and legislative action, provisionally constituting an identity as they go, in order to reduce the tendency towards exclusion inherent in identity politics and to maintain feminism as a *democratic* movement, they need to accept that 'women' 'designates an undesignatable field of differences' ('CF': 15).[908]

For Butler, the critical task for (democratic, inclusive, non-normative) feminism would then be,

> […] to locate strategies of subversive [*gender*] repetition enabled by those [*identity*] constructions, to affirm the *local* [*emphasis added*] possibilities of intervention through participating in precisely those practices of repetition that constitute identity and, therefore, present the immanent possibility of contesting them.[909]

It is through the development of Foucault's idea that 'power relations not only limit but also enable possibilities of (political) action (GT: 158)',[910]

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[906] Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color", 1251.
[907] Moya Lloyd, *Judith Butler*, Key Contemporary Thinkers (Cambridge, UK: Polity Press, 2007), 45.
[908] Lloyd, *Judith Butler*, 46.
[909] Butler, *Gender Trouble: Feminism and the Subversion of Identity*, 201.
[910] Lloyd, *Judith Butler*, 60.

that Butler develops her concept of agency: 'It is in this compulsion to repeat these gestures and styles that agency resides. Agency is not, therefore, a property of the subject (an innate quality it has); it is, rather, an element of signification and repetition.'[911] It is, then, 'subversive politics' through the '(re-)signification, denaturalization and the critical labour required'[912] that challenges these norms. As Lloyd comments on the 'dual dimensions of subjectivation', '[a]t the very moment at which the individual is dominated by power, (…), he or she becomes a subject capable of action.'[913]

Emancipatory and liberatory discourses are, often times, used in a coercive and hegemonic manner by groups and entities that appropriate them to maintain or expand their power. Within the Moroccan context, a process of what can be termed a 'double co-option phenomenon' can be observed. On one hand, elites and group leaders adopt, or 'co-opt', a certain toolkit and vernacular (e.g. minority rights, indigenous peoples' rights, women's rights) to advance their claims and press for a seat at the decision-making table. On the other hand, these special interest groups are then co-opted by more pervasive forces (the monarchy and the Makhzen), which use them to fulfil their own hegemonic goals. The secular versus religious divisions within Morocco's feminist movement are a case in point. Rather than identifying possibilities for achieving common goals, secular and religious groups are mostly eager to keep their relationship with the monarchy intact, and to protect gains made in their respective struggles at whatever cost. In Morocco's political landscape, the Justice and Spirituality Group has proven to be a notable and rare exception due to their openly anti-monarchy stance and, hence, their ability not to be co-opted.[914]

The Moroccan State is adept at utilising various techniques to preserve,

[911] Lloyd, *Judith Butler*, 61.
[912] Lloyd, *Judith Butler,* 57.
[913] Lloyd, *Judith Butler*, 64.
[914] Gray, *Beyond Feminism and Islamism: Gender and Equality in North Africa*, 89-102.

augment and expand its power while espousing causes and discourses convenient to its goals. Several special interest groups, both consciously and subconsciously, have been party to the State's sectarian entrepreneurship [915] and political manoeuvring. As the regime's response to, and dealings with, the on-going Rif crisis show, [916] the techniques used to manage internal strife are evolving and shifting while all options – repressive or otherwise – remain on the table.

Amazigh and Berber Cultural Movements and State institutions, like IRCAM, are another illustration of the unique relationship with the monarchy that special interest groups need to maintain in order to preserve their leverage. Similarly to Morocco's feminist movements, they also operate in a top-down fashion, rather than representing the diverse voices and needs of the various Amazigh communities. While these movements and institutions have fully embraced the group rights frameworks to advance their claims at a national and transnational level, they seem less aware of the importance of the vernacularisation and articulation of these discourses at the local level. Despite being a numerically large group, Amazigh (women especially) are excluded and multi-marginalised from decision-making positions. Against this backdrop, rights discourses and frameworks in Morocco are still utilised by a mostly male, urban, educated elite to craft a certain narrative, a

[915] See note 259 on the explanation and usage of this concept by Crawford and Lipschutz.

[916] Since October 2016, following the death of Mohcine Fikri, a fishmonger who was trying to retrieve his supposedly illegally acquired merchandise from local authorities in Al-Hoceima, the 'Hirak chaabi' ('Popular movement') has led popular mass protests demanding dignity, social justice and socio-economic development in the Amazigh-inhabited Rif region in the North of Morocco. As of 2018, more than 50 activists of the movement were arrested and given hefty prison sentences of up to 20 years. For more, particularly on the regime's and authorities' response to these demonstrations and its leaders, see: https://www.mediapart.fr/journal/international/140318/maroc-chape-de-plomb-sur-le-rif?utm_source=twitter&utm_medium=social&utm_campaign=Sharing&xtor=CS3-67 (accessed 31 May 2018) and https://africanmanager.com/maroc-des-condamnations-trop-lourdes-qui-inquietent-les-militants-des-droits-de-lhomme/ (accessed 29 June 2018).

'collective history'[917] and an 'imagined community',[918] which serve to cement their privileged position in society.[919]

In turning to Morocco's human rights structures and related historical developments, rights and gender toolkits and vernaculars have been utilised for the maintenance and furtherance of power by various actors, namely the monarchy. Historically, power in Morocco has been preserved through what, it could be termed, a 'convenient conflation' of the monarchy, the State, and society. Political actors strike compromises, time and again, over pragmatic and material considerations. This principle sheds light on the reasoning and modalities through which the Moroccan State has construed its role as, variously: a neutral mediator; a savvy arbiter; a preserver of peace and stability; or an initiator of reforms, depending on the circumstances, at different junctures in Moroccan history. This 'convenient conflation' illustrates the performative fashion in which powerful actors fulfil their functions in Moroccan society. It also serves to showcase various techniques and tools through which the State's co-option of groups, NGOs and political parties takes place. A performative status quo has been established in which different groups vie for any (if at all real) bargaining power that is intentionally and carefully reserved for them by the monarchy. This has further divided society into bipolar blocks and binary ideological narratives; a situation which benefits the monarchy and strengthens its hold on power.

Language policy and family law reforms are illustrations of how the Moroccan state uses key popular concerns and sites of contestation to affirm its dominant role and hijack societal demands and debates to its

[917] Davis, *Memories of State - Politics, History, and Collective Identity in Modern Iraq*.
[918] Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*.
[919] In this context, see also: Perugini and Gordon, *The Human Right to Dominate*. These authors argue how human rights, which have traditionally been conceived as counter-hegemonic tools to redress historical injustices, have, at times, been appropriated and used to further subdue and oppress those not in power.

advantage. Through a variety of techniques (including divide-and-rule, coercive control, 'dual response', 'co-optation', 'pre-emption' and 'no-response'), [920] Morocco's monarchy has been able to control and neutralise potential enemies and dissidents. The latter include Amazigh and women's groups, the 20th February Movement as well as Islamist groups. In this way, the monarchy has managed to manoeuvre and redirect the country's political, societal and cultural developments to its advantage.

When it comes to notions of the Arab Spring, it is clear that the very concept also has performative connotations, as meanings are attributed to a series of events that for Amazigh women took place in distant lands with little connection to their worlds. The narrative of monumental societal changes sweeping across the Arab world rings hollow in the lived experiences and testimonies of Moroccans interviewed for this research. If the Arab Spring is generally narrated by observers and commentators as *the* moment when dormant communities all over the Arab world rose up in fury against despotism and injustice, research on the ground demonstrates three important points: first, the lack of awareness among participants of the notions and meanings attributed to the Arab Spring worldwide; second, the limited impact the uprisings have had on the lived experiences of non-elite Amazigh women; third, the impression that localised, grassroots, contestation and mobilisation across the Middle East and North Africa have failed to be duly acknowledged by scholars and media alike.

The superficiality, and limited usefulness, of legal reforms without the accompaniment of much-needed investments, policies and measures to address root socio-economic inequalities are at the core of Amazigh women's lived experiences. The recently passed Law no. 103-13 on

[920] Haussman and Sauer, *Gendering the State in the Age of Globalization: Women's Movements and State Feminism in Postindustrial Democracies*.

combating violence against women[921] supports this assertion. Criticised both domestically and internationally for being devoid of accompanying practical measures that would allow survivors to break the cycle of violence, [922] the law appears to be another example of a box-ticking exercise that will not change the reality of violence on the ground. A second example is offered by the persistence of underage marriages, the rate of which remains high (and even registered an increase according to Ministry of Justice's data from 2012) despite the fact that the family code (Moudawana) establishes the marriage age at 18 for both females and males. [923] As the law maintains the discretion for judges to grant exceptions under special circumstances, and they receive no public training or incentives to comply, the legislation remains very much on paper, with very little implementation in practice.[924] Most importantly, the law fails to address the underlying socio-economic drivers that bring families to marry off their underage daughters. As a third illustration of the limited impact of legal reforms, while the constitution officialised the Amazigh language in its article 5, [925] no 'organic' law or state-wide measures followed to ensure that this language is taught systematically in schools across Morocco. Whilst scarcely populated and rural areas frequently do not have access to *any* education, and rural women's illiteracy remains stagnant at around 70%, [926] the officialising of the Amazigh language seems to bring no relief or change to impoverished communities.[927] These are just a few examples that reveal the larger

[921] See: https://www.hrw.org/news/2018/02/26/morocco-new-violence-against-women-law (accessed 31 May 2018).
[922] See, *inter alia*: https://www.moroccoworldnews.com/2018/02/239835/draft-law-violence-women-adopted-outlook-remains-bleak/ (accessed 31 May 2018).
[923] For more information, see, *inter alia*: https://www.ofpra.gouv.fr/sites/default/files/atoms/files/1701_mar_mariages_forces.pdf and https://www.hcp.ma/Note-d-information-du-Haut-Commissariat-au-Plan-a-l-occasion-de-la-journee-internationale-de-la-fille-du-11-octobre-2017_a2028.html (accessed 31 May 2018).
[924] See: https://www.girlsnotbrides.org/child-marriage/morocco/ (accessed 31 May 2018).
[925] *Dahir Pertaining to the Promulgation of the Constitution of Morocco*, art. 5.
[926] See: https://www.hcp.ma/Communique-de-presse-a-l-occasion-de-la-journee-internationale-de-la-femme-2013_a1142.html (accessed 31 May 2018).
[927] See: http://www.middleeasteye.net/in-depth/features/amazigh-women-fight-their-language-morocco-423726736 (accessed 31 May 2018).

failures of legislation, and implementation thereof, to affect changes in the lives of minority and indigenous women, among other vulnerable groups.

The 'emancipatory power' vested in a (gendered) language (i.e. Amazigh) also comes under scrutiny, as women are (mis)construed as empowered and elevated to a special status within their communities due to their role in the preservation of Amazigh linguistic and cultural heritage. In contrast to a recurring claim in minority and indigenous rights discourses, the liberatory nature of 'language rights' is challenged as the former can also be a vehicle of marginalisation and oppression of non-elite individuals. Non-elite women might be, by and large, aware of the importance that the Amazigh language plays in their group identity and cohesiveness. However, cognisant of the top-down fashion in which policies are decided upon in Morocco and their lack of implementation, Amazigh women strongly demand and, at times, prioritise, access to Arabic-language instruction. This was explained by their need to be able to access the whole range of rights they are entitled to, and particularly their right to education, health, employment and access to public services, which is presently impossible in Amazigh, despite the relevant constitutional provision. Bellier and Préaud poignantly advocate that,

> Indigenous education cannot be considered separately from what makes indigenous lives possible, that is a holistic societal perspective integrated through networks of relationships – to land, kin, ancestors and spiritual beings – that have to be maintained.[928]

This means ensuring that education for indigenous peoples is not limited by focusing on education in a given language (Amazigh). Rather, this approach requires engaging in 'a particular work in didactic and

[928] Irène Bellier and Martin Préaud, "Emerging Issues in Indigenous Rights: Transformative Effects of the Recognition of Indigenous Peoples," *The International Journal of Human Rights* 16, no. 3 (2012): 478.

pedagogy, done in association with trained people.'[929] In combination with other important elements, this holistic approach would ensure the ability of indigenous children to fully integrate into society.

This last point can be extrapolated from the Moroccan context and applied to other situations where community leaders and elites prioritise specific (group) rights to fulfil certain political goals rather than being representative of the genuine needs and demands of group members themselves. Whilst group rights have traditionally served to guarantee the preservation of communities and peoples at risk of, *inter alia*, extinction, assimilation, exclusion, they cannot be seen as a panacea to serve the interests and needs of all individuals within a group. Relations and structures of power traverse minority and indigenous groups themselves; hence group rights should not be considered as a shortcut or an easy fix in promoting subaltern agency. Specific attention needs to be paid to the processes whereby agency can be diluted, co-opted or subverted. In light of this, one is pressed to ask: Can the human rights project deliver on its promises once we accept that they might not be as counter-hegemonic and democratic as initially proposed? As one interviewee matter-of-factly affirmed, human rights 'mean a lot of things but, for Amazigh women, they mean nothing.'[930] For so long as the subaltern voices from the ground are excluded from articulating their own demands and needs, it is doubtful that the human rights project will succeed where it is needed most.

[929] Bellier and Préaud, "Emerging Issues in Indigenous Rights: Transformative Effects of the Recognition of Indigenous Peoples," 478.
[930] Interview with H.O. (afore-cited), Rabat area, 22 September 2016.

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# Appendices

## Appendix I: Confidentiality Form for Translators

It has been requested of you to translate on behalf of participants and the principal investigator in this study. Discussions may be sensitive and all information discussed during an interview must remain confidential. By signing this, you agree to the following:

• To interpret simultaneously without withholding or adding any information or commentaries and to translate everything that is being said in *bona fide* and to the best of your abilities;

• To keep all information that is communicated in any form strictly confidential. To agree to take all precautions necessary to prevent knowledge of this information from reaching any unauthorised third parties. It is clearly understood that the only authorised person for this information is the principle investigator, Ms Silvia Gagliardi;

• Not to use any information provided for any other purpose than the translation required by the client;

• Not to keep any copies, summaries or transcripts of the confidential documents provided, in any form, and to return all such documents to the principle investigator, Ms Silvia Gagliardi, at the end of each interview.

Name of Translator:
Date:
Signature:

## Appendix II: Participant Information Sheet[931]

Dear Participant,

You are being invited to take part in a research study. Before you decide, it is important for you to understand why the research is being done and what it will involve. This Participant Information Sheet will tell you about the purpose, risks and benefits of this research study. If you agree to take part, I will ask to ask you to sign a Consent Form or provide your oral consent. If there is anything that you are not clear about, I will be happy to explain it to you. Please take as much time as you need to read it or have it read to you in a language of your choosing. You should only consent to participate in this research study when you feel that you understand what is being asked of you, and you have had enough time to think about your decision.

The study aims to shed light on the life and conditions of Moroccan women of Amazigh descent. This study is part of a doctoral project in Human Rights at the National University of Ireland in Galway. The study is carried out through semi-structured interviews with about 50 Moroccan women aged 18 and older living in both rural and urban areas.[932] The purpose of this study is to assess whether Moroccan women of Amazigh descent are able to better access their rights in the aftermath of the 2011 constitutional referendum and other reforms. The study also aims to examine the relationship by women interviewed for this research with both the leaders of their groups and with national authorities; and whether they perceive to be discriminated both within their group of belonging and outside of it.

[931] This information sheet was presented in written form to all interview participants, read out loud and explained in a language of their preference.
[932] The research ended up including 58 interviewees in total.

You are not obliged to participate in this research study. If at any time you wish to discontinue the interview, you will be able to do so and it will not affect your rights in any way. If a question leads to a discussion of an event you are not comfortable to discuss, you may stop the interview at any time. To secure your ease, privacy and safety and to avoid any interferences or hindrances by third parties, you may choose the language and location of the interview. Rest assured that your personal details will be kept secure and confidential at all times. All material collected during interviews will be stored electronically in a secure manner and no records will be kept linking participants with identifying features. Unless you request officially that your name be used, results from this study will be recorded as group data and will not identify you in any way.

Although there are no financial benefits for participants in the study, the results of this research and the analysis thereof will contribute to informing the general public and national institutions in Morocco of the state and living conditions of Moroccan women from Amazigh groups. I hope that the research data and analysis will trigger a nation-wide discussion on how to address some of the remaining challenges and grievances that were brought to my attention during my field research in Morocco.

If you have any concerns about this study and wish to contact someone independent and in confidence, you may contact the Chairperson of the NUI Galway Research Ethics Committee, c/o Office of the Vice President for Research, NUI Galway, ethics@nuigalway.ie.

If you have questions at any time, please contact the principal investigator, Ms Silvia Gagliardi, at s.gagliardi1@nuigalway.ie or at: 0039-333-2665302 or 00353-85-867-7276. Thank you again for considering taking part in this study!

## Appendix III: Participant Consent Form[933]

**Title of Project: 'Post-2011 Morocco: Human rights and gender equality narrated by minority and indigenous women'.[934]**

**Name of Researcher: Silvia Gagliardi, Irish Centre for Human Rights, NUI Galway.**

Please tick box.

1. I confirm that I have read the information sheet for the above study and have had the opportunity to ask questions. ☐

2. I am satisfied that I understand the information provided and have had enough time to consider the information. ☐

3. I understand that my participation is voluntary and that I am free to withdraw at any time, without giving any reason, without my legal rights being affected. ☐

4. I agree to take part in the above study. ☐

Name of Researcher:

Date:

Signature:

Number of Participant:

Date:

Signature (initials only):

1 for participant; 1 for researcher.

[933] This form was read to/explained to participants in their preferred language of communication.

[934] This was the provisional thesis title at the time of the ethnographic research.