

Facing Challenges and Pioneering Feminist and Gender Studies: Women in Post-colonial and Today's Maghrib*

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Abstract

Starting from the premise that the nature and impact of women's agency can be understood only within specific historical and socio-cultural environments (Sadiqi, 2003), the major aim of this paper is to highlight the multi-faceted agency of women in post-colonial and today's Maghrib. The Maghrib is a North African region that includes Morocco, Algeria, Tunisia, Libya and Mauritania, but I chose to focus on the first three countries given their common historical and socio-cultural background. Not only have women in this region faced challenges, but they have also pioneered feminist and gender studies and raised new issues for these disciplines in the global South as well as the North. Four major interrelated domains where these achievements are significant are considered: women's reproductive rights, women's movements, women's legal rights, and women's knowledge production. Issues related to these domains are analyzed from a broad comparative perspective which involves an overall political and economic contextualization. The paper reveals the positive role that Maghribi women have been playing in the overall development of their countries and the main outcomes show that the future of the Maghrib is significantly linked to the fate of these gains.

Keywords

women, Maghrib, feminist and Gender Studies, Morocco, Algeria, Tunisia, women's rights, women's movements.

Introduction and Preliminaries

Since the 1970s, scholarship in the Maghrib (Morocco, Algeria and Tunisia) has slowly begun to render women visible, highlighting their role in the

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overall development of their countries and calling for their education (Mernissi, 1984; Djebbar, 1970; and Bessis, 2007). While deepening our understanding of women's experiences and generating further interest in a new field, it is only recently that this scholarship has begun to delineate the wider scope of women's issues in the region, reclaiming their pre-and post-independence experiences and illuminating the richness of their voices at the eve of the twenty-first century (Sadiqi, 2003; Ennaji, 2005; Sadiqi et al, (forthcoming); Lazreg, 2000; Arfaoui, 2007).

A significant outcome of this scholarship is the recent spectacular development of feminist and gender studies geared towards rooting these studies in the socio-cultural environment of the Maghrib and at the same time contributing to global thoughts in the field. This shift in women's agency can be understood only within the structures of power in the region, namely, the social, political, economic, and legal dynamics; hence the significance of exploring the role of women in these from a comparative perspective.

The Region's Common Heritage

The major similarities between the countries of the Maghrib reside in their history and geo-political characteristics (Sadiqi, 2003; Ennaji, 2005; Sadiqi et al. (forthcoming); Lazreg, 2000; Arfaoui, 2007). Before the advent of Islam in the 8th century, Berber kingdoms thrived in the region. Berbers are the first inhabitants of North Africa. Their civilization is considered among the oldest in the world. According to Brett and Fentress (1996), the Berber civilization in the Maghrib is 5,000 years old. This civilization is still alive and vibrant in today's Magrib in spite of the fact the Berber language is not backed by a holy book and has never been the language of a centralized government. The survival of the Berber language and civilization is mainly attributable to women (Sadiqi, 2003). The Berbers have been invaded by various occupiers who were attracted to the strategic position of the region: the Greeks, the Romans, the Vandals and the Arabs. Today, the most important markers of the Berber ethnicity are the Berber language and its culture, which constitute the major sub-stratum characteristic of the Maghrib. Islam was adopted relatively easily by the Berbers and has survived because it offered a holistic view that monitored the life and death cycles of the Berber populations and offered a vision of social order that Berber tribes found convenient.

A common history and a shared geography resulted in a common socio-cultural, colonial and linguistic heritage in the Maghrib. Today, the three countries are Muslim, developing and multi-lingual (Ennaji, 1991a; 1991b). Being the westernmost part of the Middle East and North African region, the

Maghrib, especially Morocco, is at the crossroad between Europe and Africa. Morocco is only 7 miles from Europe and its southern region is a natural continuation of sub-Saharan Africa. The social organization in the three countries is based on patrilineal family and gender hierarchy. Patrilineal family is a structure where the father is the absolute head of the family whose authority over his wife (ves) and children is culturally sanctioned. As a result, a gender hierarchy whereby males have authority over females is established at the onset of the basic cell of society: the family.

Further, having been colonized by France, the three countries have had more or less the same experiences with “modernity” (Daoud, 1996; Salhi, 2004; Shaaban, 1988), where two competing sets of paradigms co-exist. These two ways of thinking and praxis, namely the so-called “traditionality” and the “modernity,” are not only reflected in scholarship and intellectual debates, but also in most aspects of Maghribi life, such as language use, indoor decoration, clothing and cuisine. This paradox is at the center of the still ongoing debates, sometimes opposing and sometimes conciliatory, towards the liberals (who defend the individual’s rights) and conservatives (who place the family at the center stage of society). For example, while marriage is an economic partnership which should be based on equality between partners among liberals, for the conservatives, the “normal” family is the patriarchal one.

The Region’s Differences

While the overall similarities of the Maghribi countries make them distinct within the larger Middle Eastern and North Africa region, the Maghrib is far from being a homogeneous region. Politically, whereas colonization destroyed the institutional infrastructure of Tunisia and Algeria, it was not able to destroy the monarchy in Morocco (Geertz, 1985; Hammoudi, 1997), and while it managed to almost destroy the tribal system in Tunisia and considerably weaken it in Algeria, it was preserved in Morocco. Further, while colonization lasted from 1830 to 1962 in Algeria and from 1881 to 1956 in Tunisia, it lasted only from 1912 to 1956 in Morocco. As a result, the post-independence political systems have been significantly different in the countries of the Maghrib: While Tunisia built its authority on the marginalisation of the tribal system and the promotion of modern cities and modern views, Algeria and Morocco built theirs on both the tribal and modern systems, albeit in different ways: while monarchy was supported by the tribes, the central government in Algeria had to negotiate with only certain tribes.¹ These differences were

¹ The French colonizers applied the divide-to-rule strategy in their dealings with Algerian

reflected in the messages of the laws and the societies these embodied, as well as the policy-making strategies to implement them so far as health, education and other family-tied social needs were concerned. The strength of Berber tribes and Pan-Arabism political strategies made reforms unlikely in Morocco, rather uncertain and hesitant in Algeria, and possible in Tunisia (Charrad, 2001). Pan-Arabism is both similar and different from Pan-Africanism. Both movements offer a global socio-political worldview that seeks to unify Arabs and Africans, respectively, but whereas Pan-Africanism seeks to unify Africans on the continent and Africans in Diaspora, Pan-Arabism seeks to unify the Arab people and nations of the Middle East (excluding non-Arab countries). Further, although both movements were originally meant to counter colonialism and neo-colonialism, Pan-Africanism is more of a product of the trans-Atlantic Slave Trade whereas Pan-Arabism is more of a product of a combination of socialism and nationalism.

Differences in policymaking and implementation in post-colonial Maghrib also depended on the overall demographic and economic context in each country. In terms of population size, Morocco and Algeria have similar population sizes. According to recent censuses, Morocco has an estimated total population of 33.2 million, Algeria 29.1 million, but Tunisia is much smaller, with a population of 9.1 million (Wikipedia, The Free Encyclopedia, 2008). The distribution of these populations is not even: whereas some 58% of the population in Morocco live in cities and are concentrated in the north-western part of the country, west of the Atlas Mountains, in Algeria, 45% of the population is urban, with almost 91% concentrated along the Mediterranean coast, and in Tunisia, about three-quarters of the population live in the coastal and urban regions. Urbanization continues in the three countries despite governments' efforts to discourage migration to the cities. In terms of the economy, while Morocco has a liberal economy governed by the law of supply and demand, Algeria's economy is based on significant exports of petroleum and natural gas, and Tunisia is in the process of economic reform and liberalization after decades of heavy state direction and participation in the economy. The economies of the countries of the Maghrib are characterized by a large opening to the outside world, France being the primary trading partner, creditor and foreign investor in the region. The countries have also followed a policy of privatization of state enterprises. The discovery of the Algerian petroleum and gas led to the establishment of heavy industry in Algeria; in Morocco and Tunisia, rather light industries, such as textiles, developed as these latter

tribes. They co-opted some tribes, thus fueling the resistance of others, which they then severely curbed.

countries do not possess Algeria's petroleum and gas wealth. Given the gaps between the urban and rural areas and the fact that working women are generally concentrated in the lower strata of industry in the three countries, women work more in light industry in Morocco and Tunisia and more in the administration in Algeria.

Women's Status in the Maghrib

From the early 1960s onward, the overall status of women in the Maghrib has unquestionably improved: the health standards for the entire population have increased, access to school has been democratized, paid work has been generalized, an increasing number of women are participating in the political arena, and the domain of religion has become more accessible to women. These improvements have been enforced by the requirements of economic development that the governments in the three states of the Maghrib were determined to carry out, as well as by the feminist movements in the three countries.

Although these improvements broadened women's horizons beyond the domestic sphere, they have not really changed their social status which remains largely defined by gender hierarchies (Naamane Guessous, 2000; Bessis, 2007; Naciri, 2001; Ait-Hammou, 2004; Shaaban, 1998). The social order in the Maghrib is still controlled by a space-based patriarchy where the public sphere of power is still dominated by men (Mernissi, 1993; Belarbi, 1993; Sadiqi and Ennaji, 2006). As a result of this, changes women have experienced have been more beneficial for their societies than for themselves, and their rights have remained largely fragile and liable to constant questioning in periods of crisis. For example, as elsewhere on the continent, women were the first victims of economic recession that hit the region in the mid-1980s, as well as the structural adjustment programs put in place to counter this recession (Naciri, 2001). In Algeria, women are the first victims of Islamic extremism (Salhi, forthcoming).

The relationship between the Maghribi feminist movements and the state have not always been smooth and even. Country specificities prevail here. However, on the whole, from the mid-1980s onward, women in the Maghrib, especially in Morocco, started to play a "modernizing" role in the overall politics of their countries. Theirs has become a "society" project. In Morocco, this society project was supported by the state as the rise of political Islam was perceived to be a real threat to both women and the state (Sadiqi, 2006). Political Islam is the result of the combination of three events that took place at the international level at the end of the 1970s and the beginning of the 1980s and that greatly impacted the region: the success of the Iranian

Revolution, the downfall of the Soviet Union, and the emergence of the US as the sole superpower. The major characteristics of political Islam are a return to the veil and the traditional roles of women.²

In an attempt to clarify the complex roles that women have played within this overall historical, political and social context, the rest of this paper underlines aspects of women's agency at various levels: social, political, and economic, namely, women's reproductive rights, women's movements, women's legal rights, and women's knowledge production. While women's reproductive rights gave them more control over their bodies and the size of their families, their movements enhanced their visibility in the public space, their legal rights gave them more protection in front of the law and their access to academe allowed them to pioneer feminist and gender graduate centers and units.

Looking at women's gains from a comparative perspective allows a better appreciation of their achievements and negotiation of rights within specific contexts. Until recently, comparative studies on Maghrebi women have largely been limited to single aspects of women's achievements at a time. A wider comparative analysis gives more insight into the role of the larger superstructures of power such as the regional socio-economic and political contexts, and highlights the richness and variety of women's experiences and their potential contributions to African and global feminist thought.

Having Control over One's Body: Women and Reproductive Rights

One of the most important conditions of human life is health. According to the World Health Organisation (WHO), "the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being" (WHO, 2008). Health is also a source of economic productivity, and the absence of health is associated with poverty, especially for the people near the margins of subsistence. Health outcomes depend on a series of factors such as income distribution, government expenditure, and individual behaviors and life styles. When we consider the social and economic contexts of each of the countries of Maghrib and the ideological foundations that influenced policymaking and implementation, we note that some progress has been made in improving the health status of Maghribi people, even in the rural regions where major challenges remain.³

² In its inception, the return of the veil and the traditional roles for women was perceived as "regression" for women and an easy way for the Islamist to invest the social terrain that liberal feminists have been preparing for decades. However, strategizing and reconciliation with the state allowed liberal feminists to rally the younger veiled feminists to their main causes: legal rights and dignity.

³ Despite the government poverty-reduction programs, growth and increased cooperation

The medical infrastructure improved after the independence of the countries of the Maghrib and free public health care allowed the majority of women to give birth in hospitals. These facilities are more common in Tunisia than in Morocco or Algeria. For example, in Tunisia, life expectancy is on the increase: around 68 years for men and 71 for women, there is a sharp drop in reproduction-related mortality, and the health of the mother and infant has been one of the priorities of the Tunisian government (Collectif Maghreb Egalité, 1995). The relatively smaller size of Tunisia's population, the relative concentration of the population in cities, and the introduction of state feminism have all contributed to improving women's health.

In Morocco, a national program of Family Planning was set up as early as 1966. The implementation of this program, however, only begun in the early 1980s, mainly as a measure to counter the then-perceived too rapid population growth. The success of this implementation was greatly enhanced by women's positive attitudes to contraceptives. Further, through its efficient household service delivery, the Moroccan government was able to provide modern contraceptives to low-income and rural women who did not have access to private-sector services. In 2004, more than 50 percent of married women in rural areas had access to modern family planning methods, this is important as one-half of women between 15 and 49 are illiterate, 65% of them in rural areas (Chattou, 1998; Hamdouch and Khachani, 2005)

Progress in family planning is accompanied by an improvement in other reproductive health indicators. For example, the provision of care at birth and professional antenatal care has improved considerably. Between 1992 and 2004, for instance, the percentage of pregnant women receiving antenatal care increased from 32 percent to 68 percent of all births. Assistance at delivery is another important variable that has influenced delivery outcomes and reduced the health risks for mothers and children. In 1992, only 31 percent of Morocco's births were delivered by trained medical providers, but by 2004, that proportion increased to 63 percent. The disparity in access to deliveries by trained medical personnel between the poorest and richest women has also declined. A direct result of this is that in the last three years, Morocco has witnessed a considerable decline in its fertility rate. According to the 2003-2004 Demographic and Health Survey, Moroccan women have 2.5 children on average, three fewer births than the average registered in 1980. It is in rural areas that the change has been dramatic: 6.6. births on average in 1980 and 3.0 births in 2004.

The two main causes of the fertility decline in Morocco are the increase in women's average ages at marriage and the increase in married women's use of

with the European Union, social inequality is to a large degree structured along gender and urban-rural lines. For example, precarious employment and poverty are more encountered in rural than in urban areas.

contraceptive methods. According to the most recent statistics of the Moroccan Ministry of Health, there is a drop in the proportion of all young Moroccan women who are married by ages 15-19 from 20% in 1980 to 11% in 2004. Similarly, the proportion of women married by ages 20-24 dropped from 64% in 1980 to 36% in 2004 (Maghreb-Egalité, 1995). According to the same sources, the use of contraceptive methods among married women of reproductive age increased from 19% to 63%. Further, the number of girls who enter school and stay in school has increased considerably: between 1992 and 2004, the proportion of girls aged between 15 and 24 who did not have any formal education in Morocco decreased from 50% to 34% (Maghreb-Egalité, 1995). These facts indicate that the proportion of girls with secondary and higher educational achievements increased from 29% to 42%. Further, in spite of the fact that unemployment among young Moroccan women continues to be much higher than among young men, an increasing number of girls aged between 15 and 24 take up jobs, especially in the textile and export processing industries, particularly agriculture, as well as clothing manufacturing, microfinance, and tourism.

Unlike in Morocco and Tunisia, the post-independence policy in Algeria was pro-birth as a strategy to remedy the huge human loss that this country suffered during the long period of French colonization. The state did nothing to encourage contraceptives or any kind of family planning in postcolonial Algeria. This of course put additional burdens, such as care for growing families, on women, especially the poorer ones. In spite of this, Algerian women continued the struggle for more rights, including reproductive rights. They fought conservatism and pushed for paid work and financial independence. Indeed, the demographic explosion of the 1970s was followed by deep crises that pushed the Algerian government to discourage marriages in an attempt to reduce natality.⁴ Women realized that their government opted for reducing demographic growth belatedly and did not mince their anger at the government; they blamed the government that high birth rates were leading to economic recession, soaring unemployment, the housing problem, and violence. In this way, Algerian women resisted both the state and patriarchy and connected with the influential roles they played during and after independence in effecting change in their society. During the struggle for independence, Algerian women assumed new roles that resulted in the change and evolution of their societies, and from the 1970s onwards, they resisted Islamic fundamentalism and the terrorist violence. Women's roles were vital not only

⁴ See Maghreb-Egalité, 1995.

for maintaining their own demands but also those of their society (Daoud, 1996; Charrad, 2001; Salhi, 2004).

In Tunisia, great progress has been noticed in women's reproductive health services. Only three months after independence in 1956, the Tunisian government adopted a very progressive and liberal Family Law and expressed a strong will to control the demographic growth in the country. Although not instigated by genuine feminist motives, this Family Law greatly contributed to the improvement of women's condition in Tunisia. An ambitious program of family planning was integrated in the health policy and laws were promulgated to facilitate its implementation. This was strengthened by logistical support and human resources such as the mobile teams, which delivered contraceptives in remote rural villages. The Family Planning program has been implemented across Tunisia although there are differences between urban and rural areas. However, the slogan of "Family Planning" is dissociated from that of women's freedom because of the conservative moral values which resist any discussion of sexuality, especially for women.

The current estimates place fertility rates at 2.5 children per woman in Morocco, 2.3 in Algeria, and 2.0 in Tunisia, down from rates well above 6 children per women in the 1970s.⁵ This reduction is impressive: the Maghrib "accomplished in 25 years what took almost 200 years in France." The specific factors that led to this reduction are a combination of mass education, consciousness-raising and the role of the media. Women in the Maghrib are growing increasingly aware of the importance of their physical health for their general well being, a perspective enhanced by the introduction of the family-planning program. The use of the pill as a means of controlling family size was very successful among women in urban and later on in rural areas. The absence of "*fatwas*" (religious decrees) dictating family size made this possible.⁶

In spite of these spectacular improvements in the three countries of the Maghrib, women still face serious challenges with respect to their reproductive health. A number of factors explain this: First, across the region, the family planning method most used is still the pill, and, thus, women lack the ability to choose their method of contraception. It seems that no diversity in contraception is sought at a time when many women cannot afford the pill. More efforts are needed to secure a broad, balanced mix of methods, including the so-called male methods. Second, there is a gap between the rich and the poor with respect to access to professional antenatal care and home deliveries.

⁵ The statistics in this part of the paper are taken from Collectif 95 Maghreb-Egalité, 1995.

⁶ The Maghrib is different from the Mashreq (Middle East) in that the *fatwas* (religious decrees) do not have political authority, i.e. they are not enforced, and, hence, they do not carry the same social meaning.

Fourth, single mothers receive very poor services; they face high-risk deliveries because they are more likely to give birth outside the health system because these mothers are usually poor, marginalized and are rejected by their families and society. Further, hospitals and clinics do not register children whose fathers are not known. The taboo linked to single mothers is still very real in spite of the efforts of some NGOs like “*Bayti*” (My House) in Morocco. Fifth, the legal implementation of family planning is still meeting some resistance, as people’s attitudes do not necessarily follow in tandem with legal reform. In the face of these problems, regional collaboration is badly needed; unilateral and multilateral efforts need to be undertaken to join forces to help in narrowing the gap between reality and the legal texts.

This section on women’s reproductive rights has shown that while the three countries of the Maghrib have taken different paths in developing family planning programs, the end results are sometimes unexpected. For example, the bolder initiative of the Tunisian and to a lesser extent the Moroccan, government, as opposed to the rather timid initiative of the Algerian government, paradoxically weakened women’s initiatives in the former and strengthened them in the latter. In Tunisia, as women had more substantive legal rights at the eve of independence, the government chose to promote contraceptive methods that took the initiative away from women – specifically, IUDs and sterilization (which was sometimes coerced). On the other hand, in Algeria and Morocco, as women’s rights were less advanced, the governments chose to promote the contraceptive pill, which gave women more control over their fertility. In the three countries, however, the subject of family planning has never stirred hot public debates. There is a general social consensus that abortion is “bad” although many clinics practice it.

Rights Are not Given, they are Snatched: Women’s Movements in the Maghrib

Although largely ignored in the official recorded histories of the Maghrib, women have greatly contributed to the political and social construction of today’s countries of the Maghrib (Al-Fassi, 1966; Sadiqi et al., forthcoming). They fought for independence alongside men, militated in political parties, initiated civil society activism, infiltrated academia, and boldly combated religious fanaticism. Throughout the period that extends from pre-colonization, through colonization, independence and state-building, to the era of democratization, women have always been active in so-called private and public spaces. Their movements started as political ones, focusing on education and

legal rights, and moved to include civil society and academe. The strategies used by women to counter the inequities they protest have been shaped by specific historical, social, political, economic, and linguistic environments where reformism, colonization, leftist political parties, civil society, multilingualism, academe, and Islamism played a significant role (Sadiqi, 2004).

The history of women's movements in the Maghrib goes back to the pre-colonization and the colonization periods during which male leaders of the Islam (Reform) movement such as Allal Al-Fassi (Morocco), Ibn Badis (Algeria), and Tahar Haddad (Tunisia) argued for women's emancipation within the cultural/religious value systems of Maghribi societies. These leaders linked social development and modernization with women's education. These views instigated many women of the 1930s and 1940s to start claiming their rights through pioneer women's organizations such as Akhawwat Al-Safa (Sisters of Purity) in Morocco, *Association Féminine Musulmane Algérienne* (Algerian Muslim Women's Association) in Algeria, and *L'Union des Femmes Tunisiennes* (Tunisian Women's Union). These associations were created and led by educated, urban elite women who had connections with the larger national liberation movements through male family members. Names such as Malika El-Fassi (Morocco), Djamila Debèche (Algeria), and Bchira Ben M'rad (Tunisia) were strong role models. The first women's organizations did not problematize women's status because women believed that independence would bring about their emancipation; their aim was rather to make women aware of their social importance and train them in the public organization of their demands. These pioneer women used strategies such as press articles, public speeches, and private/public gatherings where they explained the importance of women's education and participation in the struggle for independence to other women and men. As a result of these actions, women participated in revolutionary movements by combating the French colonizers, hiding male members of their families and smuggling weapons.

Following the independence of Morocco (1956), Tunisia (1956), and Algeria (1962), the new ruling elite sought to re-establish Islam in their socio-legal institutions through family laws based on the Shari'a (Muslim law). However, it was only in Tunisia that the Family Law was progressive. In spite of unfair legal treatment, women's life-styles at the eve of independence were different from those of their mothers. They took advantage of improved health standards, massive access to schooling in urban areas, generalized paid work, and an increasing participation in the labor force which were all needed for the economic development of the newly independent countries to broaden their horizons beyond the domestic sphere (Sadiqi et al. forthcoming).

These benefits allowed women academics to become aware of the fact that the shift from the ideology of liberation to that of state-building marginalized women. Fatima Mernissi and Leila Abouzeid (Morocco), Assia Djebar and Fadma Amrouche (Algeria), and Souad Guellouz and Emna Belhaj Yahya (Tunisia) are examples of women who were aware that women's issues were not on the political agendas of post-colonial Maghribi states. In Morocco and Algeria, these voices were particularly fueled by the bitter realization that the post-independence Family Laws turned out to be a betrayal, relegating women to home and hearth and distancing them from public spheres. From then on, women's struggles were concentrated on the revision of the Family Laws in these two countries. Only in Tunisia did the Family Law give women basic rights such as the right to divorce and the abolition of polygamy.

In addition to academics, many women activists started organizing themselves politically by creating "women's sections" within leftist parties. Representative names of prominent women in this respect are Nouzha Skalli, Latifa Jbabdi (Morocco), Louisa Hanoun, Khalida Messaoudi (Algeria), and Bouchra Belhaj Hamida, Sihem Ben Sidrine (Tunisia). They used this space to challenge the 'reactionary' establishment and called for more social equity and human rights. In the mid-1980s, women's roles in development surfaced in the countries of the Maghrib with more acuity, because of four major factors: literacy, employment, democratic political values, and international pressure. These factors were heavily "exploited" by the leftist socialist movements which were very popular then. Women's voices within these movements became louder and two trends emerged: women who pushed for social equity through party lines and women who, although partisans of social movements, stressed gender issues and the singularity of women's demands. It is women in the latter category that largely contributed to the emergence of a strong civil society in the Maghrib.

Pioneer activist associations like "*Association Démocratique des Femmes Marocaines Démocrates*" (Democratic Association of Moroccan Women), "*Association pour le Triomphe des Droits des Femmes Algériennes*" (Association for the Triumph of Algerian Women's Rights), and "*Association Tunisienne des Femmes Démocrates*" (Tunisian Association of Democratic Women) were a prominent part of an overall social movement which, backed by calls for more human rights, launched the era of civil society which is still thriving. In capitalizing on civil society, women were a prominent part of the overall progressive and human rights promotion movements of the mid-1980s onwards. Revisions in family law remained at the core of women's demands either in political parties or among civil society, in contexts where Islamism resisted any amendments to the Family Law. The Tunisian Family Law was amended in

1965, 1966, and 1981. The Moroccan one was amended in 1993 and 2004, and the Algerian Family Law was amended in 1984. Voices to introduce more amendments are growing increasingly louder. In Morocco and Algeria, demands for women's rights are being accompanied by demands for cultural and linguistic rights such as the revival of the Berber language and culture (Halimi, 1992).

An important aspect of women's movements in the Maghrib is their great impact on the democratization processes in their countries, the lifting of the sacredness that surrounded religious texts, and on people's attitudes. More and more female voices such as those of activists like Farida Bennani, Zainab Maadi, and Latifa Jbabdi, all from Morocco, are advocating for a reinterpretation of the sacred texts (the Qur'an and the Prophet's Sayings) from a feminist perspective. It is such endeavors that partly led to the recent revision of the Moroccan Family Law. From the mid-1990s onwards, women's movements in the Maghrib have been greatly enhanced by the creation of centers and groups for academic research on gender/women studies which are discussed in the next section.

The great headway obtained by women in the Maghrib highlights the fact that women's experiences, interpretations, and understandings of issues and events were unique and often differed from men's. These endeavors brought about changes in women's access to health care and employment. Women's voices began to be taken seriously by the decision-makers. All in all, women in the Maghrib have become pillars of general development and democratization. Through their movements, women in this region have succeeded in creating and maintaining opportunities for women by providing education, health care, legal assistance, and economic opportunities. Their achievements are remarkable in a social order based on heavy and pervasive patriarchy.

Women's movements in the three countries of the Maghrib share some aspects and differ in others. On the one hand, these movements crystallize around continuous demands for the revision of the Family Laws, they denounce the sexist practices of their heavily patriarchal socio-cultural environments, want more political and legal rights, and capitalize on education as a means to women's empowerment. On the other hand, women's movements in the Maghrib are deeply affected by the political leadership of each country: while the status of the king in Morocco as the highest political and religious authority is in favor of women's promotion, no such support is found in Algeria or Tunisia. In Algeria, women rely more on political parties, and in Tunisia, their secured rights may be jeopardized by increasing restrictions on human rights (Ait-Hammou, 2004).

The Private is also the Public: Women and Legal Rights in the Maghrib

In their laws, Morocco, Algeria and Tunisia have two things in common: the French heritage and the Maliki School of Fiqh⁷ heritage. After independence, the countries of the Maghrib could initially choose, among other possibilities, either to follow the French model of codified and state-promulgated law or to return to the decentralized Fiqh system. They all chose the French model, which allowed the state to maximize its centralized power over the state. In the domain of the post-independence Personal Status Code, everything was, thus, placed under the control of the state.

However, although the Maghribi judicial systems were modified under the influence of the Western, especially, French systems, the content of their laws is not neutral and secular. It is important to keep in mind the evolution model of the Personal Status Code law in the West when we evaluate the currently adopted laws in the Maghrib. If it is true that the principles of the Personal Status Code law currently adopted in Western countries evolved in correlation with their economic development, it is possible that all the countries which try to imitate the Western models of economic progress may be destined to advance toward the adoption of similar laws in the Personal Status Code, even though their governments prefer to resist to feminists' pressures.

When Morocco obtained its independence, the state needed legislation in the domain of law. It needed the Family Law (called then the Code of Personal Status) to assert its own authority and not leave it in the hands of the Ulemas (religious scholars). Citizenship was defined by belonging to the state, and not by belonging to a religion. On the eve of independence, unification, and not particularism, was the key concept on which the Moroccan state was built. Women and the languages most of them spoke (Berber and Moroccan Arabic) did not constitute a priority in the state's post-independence political agenda.

In contrast to a solid centralized elite, Algeria suffered from a heterogeneous elite that was torn by internal cleavages, inherited from a long anti colonial war. Politics held hostage any organized feminism in Algeria in the 1960s and 1970s. As for Tunisia, a cohesive urban-centered post-colonial elite made reforms of the Family Law possible. In sum, the fate of women in Maghrib is closely linked to the Family Laws of their countries. The Family Law has remained at the core of other demands, be they social or political (Charrad, 2001).

⁷ *Fiqh* (Islamic jurisprudence) derives from the Arabic verb *faqaha* which means "understand". The aim of *fiqh* is to understand the message of Islam at the legal level. There are many schools (madahibs: paths) of *fiqh* which cut across both Sunni and Shi'i Islam. These schools hold the names of their founders.

Significant breakthroughs have been achieved in Morocco. The new Family Law opened the door to other new laws: the 2006 Nationality Law that has been recently ratified has put an end to the situation where children of Moroccan women married to foreign nationals (or living overseas) needed to renew their residency permit every year although they feel Moroccan. These children and their fathers could not vote as Moroccans. The new amendment to Article 6 of the Moroccan Nationality Law was the cornerstone of a change which essentially sought to expand the definition that was initially based on origin to include the paternity line – in other words, it sought to achieve complete equality regardless of whether it is the mother or the father who is the Moroccan parent. The wording of the new article is clear: “Nationality is granted on the basis of origin or paternity line.” This allows any Moroccan woman to automatically pass her nationality to her children at birth, whether they are born in Morocco or elsewhere, as the wording of the new article is specific: “The child of a Moroccan father or mother is considered a Moroccan national.” Similarly, “A child born to a mixed marriage is Moroccan at birth due to his maternal line and needs to choose, on reaching the age of 18 to 20, which nationality to maintain. Should the mother have intervened to make that choice prior to the age of consent, then the offspring has the right on reaching the age of maturity to amend the change and demand the resumption of his Moroccan nationality.” (Article 6 of the Moroccan Nationality Law) Morocco has also been a signatory to international treaties such as the International Convention on Civil and Political Rights as well as the Convention on the Elimination of all forms of Discrimination against Women, and the Organization of Children’s Rights. The new 2004 Family Law endorses the other changes made in Moroccan family law by underscoring the equality in rights and duties between men and women.

One provision of the 2004 Family Law says a judge can order a man to undergo DNA Paternity tests if a pregnant woman claiming paternity can prove she was engaged to him. DNA paternity tests are a potentially potent aid for single mothers because once a father is identified he faces legal obligations to recognize the child and provide financial support. And when a man recognizes a child after DNA paternity tests, a woman also stands a better chance of being accepted back into her family, even if she doesn’t get married. But various problems in establishing a formal engagement, such as poverty mean that judges have applied the law only rarely. Despite these obstacles, Morocco is the only country in the Arab-Islamic world to address single mothers and allow DNA paternity tests to protect them.

Likewise, some Moroccan ministries have started to incorporate gender in their administrative policies. For example, in 2004 the Ministry of

Communication, in partnership with the Canadian Agency of International Development (*Agence Canadienne de Développement International* – ACDI) and the “*Fonds d’Appui à l’Égalité Entre les Sexes*” – FAESII) began gender mainstreaming its activities. This mainstreaming project has drafted a “middle-term” program to be implemented between 2006 and 2010. It concerns many departments of the Ministry, such as, for example, the *Syndicat National de la presse Marocaine* (SNPM), and the second national channel 2M.

The Power of Knowledge: Women as Pioneers of Feminist and Gender Studies

The main issues addressed by scholars on women in the Maghrib may be conceptualized in the following way: education is a determining factor for the emancipation of women, and, hence, for a more egalitarian and a more democratic society.⁸ Women’s education is also more and more seen as a means of empowerment. These views are truer at higher education level than at the primary and secondary education levels. But before turning to address issues of higher education, an overview of primary and secondary education is appropriate.

For the governments of today’s Maghrib countries, the schooling of both boys and girls is a tool for development and visibility on the international scene. Since independence, these countries have witnessed real progress in the domain of access to education. The Maghribi governments needed mass education to realize a take-off in development. Financial and legal provisions have allowed compulsory and free access to school. However the three countries of the Maghrib did not use the same educational strategies.

In Morocco, education was made compulsory in 1963. However, the marginalization of the rural areas in the various educational policies widened the gap between cities and villages and resulted in pockets of mass illiteracy among rural people from which Morocco is still suffering. In fact, it is in Morocco that we find the highest illiteracy rate in the Maghrib. The great majority of illiterates in Morocco are women (40% of them being in urban areas and around 60% in rural areas). Between 1990-1991, whereas 68% of boys between the ages of 7 and 12 attended school, only 48% of girls within the same age group did so, and whereas 69% of males between the ages of 13 and

⁸ *Collectif 95 Maghreb Égalité 95*. The document was published in 2003. The organization that published this document was formed in 1991 by women’s organizations and researchers from the three Maghreb countries (Algeria, Morocco, and Tunisia) which met in 1991 in Rabat at the invitation of the Moroccan Women’s Democratic Association.

15 attended secondary school, only 4.5% of girls within the same age group did so (Maghreb-Egalité, 1995).

In Algeria, 52% of girls aged 6 to 13 attended school in 1990-1991, whereas the enrollment of boys was 94.16%. Within twenty-five years of independence, the female illiteracy rate decreased significantly in Algeria, yet still reaching only 56.6% by 1987 (Maghreb-Egalité, 1995).

Compared to Morocco and Algeria, Tunisia fares best in encouraging female education. More than a quarter of the Tunisian State budget (6% of the Gross Domestic Product (*Maghreb Egalité*, 1995) is allocated to education. According to the same source, 82% of females between the ages of 6 and 13 attended school in the mid 1990s against 87.8% of the males in the same age category. The increase in female schooling is observed at all levels of education.

However, as in Morocco and Algeria, the disparities between the urban and rural areas are wide. Gender equality in education is still far from being achieved. 66.1% of Tunisian rural females were illiterate in 1989, against 36.6% of urban ones. These disparities are less visible because of the small size and population of Tunisia compared to that of Algeria and Morocco. To narrow the gap between sexes in matters of schooling, a new law was promulgated in 1991. Tunisian law was mobilized to enforce compulsory education. Sanctions were devised to be enforced in cases where the compulsory education law was violated. For example, parents who failed to send their children to school had to pay a sum of money to the state and if they persisted, they would face charges and even imprisonment.

In spite of the wide disparities between the urban and rural areas in matters of schooling, it is education that gave Maghribi women new economic and social identities: it allowed them to participate in the public sphere and improve their life experiences, it considerably delayed age at marriage and decreased the fertility rate in all three countries.

The entrance of women into universities created real change in the Maghrib. Indeed, one of the significant outcomes of women's struggles in the Maghrib is visible at the level of academe. This is embodied in the emergence and maintenance of gender and women studies postgraduate units. The process of orchestrating these studies in Maghribi universities and the long process of reflection that led to their establishment show that it is not possible to address the needs of women students and teachers (who constitute the core of the educated and militant elite) without rethinking the fundamental assumptions behind Maghribi scholarship and teaching, and even behind the way Maghribi universities are structured. Questions were raised by some female university teachers about the ways in which the women professors have or have not transformed higher education in the past fifty years or so (Sadiqi, 2003).

A compelling reason for asking certain questions is the steady increase in women in education with women teachers comprising more than 1/3 of the teaching staff of some universities and women students forming a significant segment of the university student population, 45% at the Faculty of Letters in Fes, for example (University of Fes Bulletin, 2003).

Female university teachers had to question their role as academics and to reflect self-critically on the consequences of the “successful” integration of at least some of them in the education hierarchy. Have they managed to transform curricula, scholarship and practice or have they succeeded only in transforming and isolating themselves?

Conscious of the importance of the role of university women teachers in matters of education and training, persuaded that all women’s skills and abilities must be mobilized, and convinced of the absolute necessity of scholarly research, many women professors decided to create women’s Centres such as the “Centre for Studies and Research on Women” which was created in Fes on April 23, 1998 in the Faculty of Letters Dhar El Mehraz, Fes and the Center of Women’s Studies which was created in the Faculty of Letters, Rabat. Both centers were coordinated by women from the departments of English⁹ and both of them served as a springboard to create the first postgraduate units of gender and women’s studies. These are considered the first of their kind in the region. The Centers were open to all researchers, both men and women, interested in gender and women’s studies. They aimed to fill the gap in the domain of gender/women’s studies, to contribute to the development of scholarly research and to change social perceptions, attitudes, and structures that obstruct gender equality. The women’s studies teachers who initiated and pioneered these centers were fully aware that some of these perceptions, attitudes and structures are deeply-rooted in the past of the region, but some were new ideas and movements that were perceived by women scholars to set the clock of development back. Typical illustrations of such new ideas is the escalation of Islamic extremism that aimed at protecting “human rights” at the cost of gender equity and women’s emancipation. The preaching of slogans like “women need education to raise good families but don’t need jobs because of soaring unemployment” is an example in this regard. In the same vein, extremism scapegoated women for any infringement or “decline of traditional society,” to use its terminology, even if these transformations were often inherent in the very process of change. For example, women’s will to pursue education

⁹ The Rabat Center and postgraduate unit was set up and coordinated by Fouzia Ghisasi and the Fes ones by Fatima Sadiqi.

abroad was sometimes perceived as “too much emancipation” that would lead to “spinsterhood”.

The major objective of women and gender centers in the Maghrib was to invigorate the liberal arts curricula by redesigning courses that would reflect the scholarship on women. The impulse toward wholeness reflects not only the interdisciplinary nature of gender and women studies, but also the salience of Maghribi academics in insisting that knowledge is never objective.

These centers were dedicated to gender and women's studies; they were also the first multilingual and interdisciplinary structures within the Maghrebi universities. New attention was turned to the theoretical and institutional structures of the university such as emphasis on interdisciplinary work. The conferences, round tables and study days organized by these centers and the graduate units that followed show that gender and women's studies cannot fall within the established disciplinary boundaries.

The formalization of disciplinary boundaries in the human sciences – that is, the division of teaching and research into history, geography, sociology, psychology, philosophy, Islamic studies, literature, and linguistics prevents collaborative projects between researchers from different fields. The fragmentation of the social sciences within disciplinary boundaries was not without its problems. The most important constraints are epistemological and institutional obstacles that impede the crossing of disciplines and the creation of new modes of research. Thus, the expansion of Maghribi educational systems was bound up with the growth of specialization within every branch of knowledge. By the late 1980's, critical voices began to question the idea of micro-level studies. In this attempt to restore the social sciences to their role of examining the social process as a complex mosaic in which many processes are interconnected, gender and women's studies played a major role. The training and research units that have been submitted within the framework of the University Reforms in the many universities of the Maghrib are excellent examples of interdisciplinarity.

An understanding of the development of gender and women's studies needs to take into account the survey of women-related research topics conducted by the centers and graduate units. In any case, the success of gender and women's studies postgraduate programs (the first one being created in Fes in 2000) can be measured in a number of ways: by its approval by “*La Commission Nationale d'Accréditation*” (The National Commission of Accreditation), by its institutionalisation since institutionalisation guarantees that a topic will not be haphazardly brought up on the spur of the moment and suppressed shortly after. Further, a scholarly concern to establish links between gender and women's studies in the Maghrib and international universities' gender and women's

studies centres proved to be understandable and necessary. These links served as a touchstone in designing the program and curricular offerings for students. They have helped to ask new questions: Do the programs meet the needs of women as well as men? Do they meet the need of "majority" as well as "minority" students? Have they considered the needs of students of different learning styles and personality types? Have they considered variable needs by the age and economic status of students? Have they respected the different ideas and orientations of students? And so on.

Pioneer center creators came up with diverse ideas about environments shaped by women from gender and women's studies courses/gender centres. They have also come to recognize the rich legacy already available to them. Knowing this rich heritage allowed them not to reinvent the wheel, but to build up on the experiences coming from the successes of programs created elsewhere. These centers and the postgraduate units they helped create produced the first cohorts of MA and later PhD students in feminist gender studies starting from 2003.

Feminist and gender programs have, in many cases, already broken out of the moulds that constrain so much of higher education in today's Maghrib. The courses engage students with new and passionate questions. They introduce voices that push the limits of understanding of some students and deeply validate the unnamed experiences of others. In addition, they return to the context of that which has dominated and ruled for so long as if it were all there is, thereby correcting old errors. For example, students are more aware of the fact that books on or by women are worthy of scholarly studies. In addition, the programs brought to the university traditional and international "experts" whose knowledge comes from lives of activism as well as research. Another characteristic of Maghribi gender and women's studies is that unlike their counterparts in Western settings, they attract males as well as females.

As gender and women's studies training and research units in developing countries, the postgraduate courses contribute to knowledge-building about Maghribi societies. They highlight the Maghribi communities' problems, underline the progress of human rights, and broaden the horizons of research. They also participate in programs seeking the full development of human resources, according to a plan for the creation of a just regime capable of eliminating the causes of ignorance and poverty.

This new mission involves reflection on the future creation of social or service programs as one of the main academic missions to be carried out by the Maghribi universities. Before 1998 such activities were viewed as simply programs through which knowledge was extended to various sectors of society. Today the concept of community service programs is a condition sine qua non

for postgraduate programs' accreditation and is meant to include activities that could influence or provide solutions to particular problems in Maghrebi societies. Nowadays, the Ministry of Higher Education in Morocco, for example, considers the socio-economic outcomes of any postgraduate course a requirement for accreditation. Accordingly, the programs focus on research and social action projects addressing the needs of grassroots people. Increased contact is established with various NGOs and similar non-governmental organizations by preparing seminars as well as new definitions of research, teaching and social action priorities.

No doubt, universities in the Maghrib are in the enviable position of being able to re-conceptualize the way women professors think and teach and immediately reflect this knowledge and these new perspectives in their teaching, research, and other contacts such as supervising students and serving as consultants. These women are in the position, especially in some fields, to introduce students to perspectives which help them name their own realities and experiences. Those who are involved in service to the university call for a discussion of the needs of women students. They also contribute to the ongoing understanding of the teaching/learning process through constant attention to improving their own knowledge and practice by doing primary or applied research in all the areas of gender. Moreover, they support each other in the process of learning and discovery in new areas of thought and exploration. They often collaborate with men colleagues to accomplish the transformation of the university curriculum.

Gender and women's studies professors are also in a position to begin planning an educational process within their units at the university level and beyond. Thanks to their efforts, the Ministries of Higher education consider implications for gender when examining research proposals. A number of questions address the issues of class, gender, difference, positionality, the implications of subjectivity or identity for teachers and students, as well as for ways of teaching and learning. In their attempt to deal with these issues, teachers of gender hope to prove that the university is once again an important site for intervention and change. Also, running through much of their commitment to, and enthusiasm for, such research is the need to discover and develop research methodologies consistent with feminist values that could be advocated for general use in the humanities and social sciences. Finally, in their attempt to come to grips with the issues of teaching gender and women's studies, providing community services in the form of consultancies, etc. they are designing a vision of a liberating pedagogy. University centers and graduate units have significantly contributed to bridging the gap between the university and civil society as students often conduct fieldwork with women's NGOs.

They have also been very instrumental in democratizing higher education. More national and international colloquia are devoted to women's issues and more books by and on women are introduced in the university curricula. The current direction in Maghribi women's movements is from a predominantly political discourse to more academic discussions, building-up of scholarship and fieldwork, bridging gaps between academe and activist civil society, and, most importantly, preparing students who will ensure continuity. Gender is more and more used as an analytical tool for understanding men, women, and society in the Maghrib.

Today, Maghribi women academics are more responsible than ever for the future changes at the university level. By bridging the gap between theory and reality, they are the initiators, the makers and the forces of change; the result is that they are coming to grips with regional realities, rapid social changes, and the global predictions of the new millennium. The positioning of women in higher education demonstrates emergent ways in which women are expressing agency through the growth of women's and gender studies programs. Centers and postgraduate units of feminist and gender studies have appeared in Tunisia and Algeria. The next step is to establish more coordination between these centers and units and it is hoped that the new cohorts will carry on the flag.

Conclusion: New Issues for the Feminist and Gender Studies Discipline

A reflection on the major conclusions of this paper shows that the women of the Maghrib have met various social, economic and political challenges. Their successes and failures accompanied the successes and failures of their countries. Today, conscious of their indispensable role in the development of their countries, the women of the Maghrib want more rights and more room in the public spheres of power. Their story is the one of a continuous struggle at various fronts. The strategies employed by the women of the Maghrib do not always converge, hence the differences in the outcomes of their struggles: while Tunisia is ahead of Morocco and Algeria in terms of women's reproductive rights and legal rights, Morocco is ahead of the other two countries in terms of negotiating power with the state and scoring gains at the political level. With respect to knowledge production, Morocco is again ahead of Tunisia and Algeria in seeking equality through the creation of feminist gender centers and postgraduate units: it is setting a good example for Algeria and Tunisia, which have started to create units of graduate studies and research. The reflections and implementations that will result from these centers will undoubtedly enrich the fields of feminist and gender studies with fresh out-

looks on how to root the studies in the local cultures while keeping an eye on global issues that increasingly affect women's daily lives.

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