195.0 x 265.0 mm

Public Space and Women's Political Participation in Morocco after the 2011 Constitution

Larbi Touaf

In the midst of all the upheavals North Africa and the Middle East has been undergoing since the so-called Arab Spring, it remains essential to stress the importance of the rise of public space as a site where issues pertaining to the public good are raised. No matter how restricted or how contentious, the public sphere is still at the heart of democratic functioning. As Jürgen Habermas defines it, it is the intermediary sphere which was historically constituted between civil society and the state at the time of the Enlightenment. The public sphere should be accessible to all citizens, a place where they can assemble, engage in debates on issues of general interest, and put forth a public opinion. This "publicizing" is a means of pressure whereby citizens can counterbalance the power of the state. Thus, the idea of a public sphere is predicated on two essential elements, one a physical space (coffee-house, salon, market place, street, etc.) and a more abstract notion of a politically constituted public (a people educated and interested enough to be able to form and voice an opinion in public).[1]

From ancient Greece until today the concept of the public sphere has changed dramatically. The public has become large and diffuse, and the issues more numerous and contradictory than the ancients could imagine. Yet the concept of the public sphere somehow retains that symbolic aura it inherited from the Greek city-states where the agora was enough to contain and shape all public matters and public figures. Therefore, as a crucial principle of participatory democracy, public space is where gender equality can best be measured in a given society. In our present case, it can serve as an indication of how far into modernity Arab and Islamic societies (or any society for that matter) have gone. As the world is more and more interested in the dynamics that shape the political and social conditions of this region, civil society and the elites of Morocco struggle for the empowerment of women. And as we are ushered into the new millennium with terror and violence, Islamic societies are under watch for the presumed signs of women's oppression, and all kinds of archaisms and extremisms. For the past few years, a process of democratization, free press, and freedom of speech has been initiated, and some courageous steps towards that end have been taken. However, as Soumia Boutkhil argued in one of her essays, as long as gender-awareness does not shape public policies, equality between the sexes will remain an empty slogan for decades to come.[2]

Indeed, since the Arab Spring and the reforms it triggered in Morocco, no public policy, administrative procedure, political decision, or even the simplest public statement can escape close scrutiny by social media or human rights activists. Under intense pressure from civil society and activist campaigns, laws have changed, projects have been rewritten or dropped, and statements by public figures have been withdrawn. Such unprecedented change signals a shift in public perception of the role of citizens. Increasingly, the "sacred" aura with which the highest circles of power have been surrounding themselves seems to have evaporated and their decisions are becoming more "secular,"[3] subject to debate and contention. This initiated the practice of publicizing issues of public interest in ways that were not seen before. Indeed, with the extraordinary use of information technology, social media has replaced the traditional public space. Today there are dedicated sites and discussion groups, as well as electronic petitions where debate is free and open. In this context, the topic of women's citizenship occupies a prominent place. Based on the new Moroccan Constitution's declaration of equality in all respects between men and women, and its insistence on achieving parity at every level of the state's institutions and the public sector, civil society is closely monitoring every move of the government and the public administration in order to pinpoint shortcomings and abuses regarding women's right.

Yet the issue is how to pierce through the thick layer of traditionalism that continues to isolate a very large section of the population from the changes that are supposed to trickle down. My objective is to trace and identify a thread in Moroccan cultural and political debates that tries to shape public opinion and transform attitudes toward the crucial issue of women's meaningful presence in public spaces.

In order to have a clearer view of the complexity and challenges that women's organizations and civil society face, we need to consider the historical development of the modern conception of the public sphere in Morocco. Like many countries in the developing world, Morocco is a post-colonial state where a political system akin to liberal democracy was implemented during the early years of statehood. This political system was accompanied by particular structures introducing relations between the public and private spheres, and between the state and family, that was totally foreign to the local political culture characterized by what anthropologist Abdallah Hammoudi termed the "master-disciple relationship" (1977, pp. 6-7). In fact, the progressive development of the modern state (in the form of a rationalized bureaucracy) has existed alongside the traditional political practices and rituals since colonial times, where power relations were referred to as *al-makhzan* (the traditional center of power).

After independence, modern conceptions of citizenship slowly made their way into social and political praxes. In fact, the last decade or so has seen the rise of a human rights-based approach to women's rights in the midst of political reform. Moreover, with the advent of the Arab Spring in 2011, the issue took a new turn, as it was part and parcel of the general demand for change. However, in a country where one third of the population is illiterate, gender equality continues to be hampered by the persistent and outdated perceptions and practices of state-citizen relationships that conserve a traditional system wherein the relationship between citizens and the political elites in the center are based solely on allegiance and subservience. This article discusses how

this interaction, which has historically been used to exclude women from citizenship in practice and in law, continues to account for the lack of implementing constitutional reform in favor of women in Morocco. It further seeks to highlight those aspects in which both the state and society fail to achieve gender equality despite obvious policies and efforts to promote women's empowerment.

An Ambivalent Public Sphere

For my inquiry into the political participation of Moroccan women, I thought it necessary to examine the existence of a deep split in the public sphere whereby there occasionally exists, side by side two versions of public space: one traditional and the other quasi-modern.

Introducing the idea of the public spere, as we understand it today, is significant in that it triggers a reflection on the reality of a practice that has no known precedent at the national level in the country's history.[4] Today, despite the existence of a certain degree of individual freedom and a relatively free press, the idea that the public sphere should be the basis of good governance remains incomprehensible to the average citizen accustomed to seeing policies flowing down from the top of the pyramidal system of the Moroccan regime.

It is also important to note that in pre-colonial times a state system, known as *al-makhzen*, existed for centuries. This traditional system guaranteed the relative unity of the country and state continuation over time. Already in the 19th century, fearing for its territorial integrity and its sovereignty, Morocco adopted a strategy of total insularity from the rest of the world; the country was virtually sealed off from any foreign influence. While this strategy temporarily kept the country safe, it also weakened it economically and, more importantly, delayed the modernization of state and society. This actually was one of the justifications for the French protectorate's modernizing mission. However, instead of uprooting the old and traditional state system, the latter found itself even more legitimated as Moroccans saw in it the mark of a national identity in the midst of the resistance movement. Thus, since 1912, the Moroccan state has been evolving based on the antinomies of modernity and tradition resembling a Janus-faced creature, showing either or both faces as needed or as seen fit. A national narrative developed that sought to naturalize this duality in terms of an improbable and bewildering compromise between tradition and modernity.[5] Thus, what started as a consensus *de circonstance* in colonial times sought to perpetuate itself as a historically and culturally legitimate national identity.

The conflicting ideologies and political orientations of the first decades of independence gave way to two opposing nationalist projects: one in favor of a western, "modern" state, the other claiming a more conservative and traditional approach. Now, the arbitrary duality of tradition and modernity still posits itself as the main character trait of our political system and of our culture and society and this duality or ambiguity continues to fuel debates around the issue of citizenship, especially in relation to women. In fact, the political culture inherited from the traditional state-system accounts for the social and political restrictions on public liberties and particularly on the meaningful presence of women in the public sphere. By contrast, the modern side of the state with state institutions, civil society, political parties, and

political pluralism defends a more liberal view of the public space and, therefore, a significant presence of women as full-fledged citizens. Thus, the notion of public space as politically and culturally construed and constructed in this country is ambiguous and can be used one way or the other (i.e., in favor of or against women). As a result, women find themselves constantly navigating between these two strands of our socio-political space. During the past decade, the winds have been blowing towards the modern path with some strong intermittent gusts toward the opposite direction, which has made the pace towards equality slow and even painful at times.

However, women have never really been out of the political scene. Women's movements grew spontaneously and became progressively visible during the colonial period and the armed resistance, and left clear marks on the path to independence. In fact, awareness of the necessity to work alongside political parties and civil society organizations (CSO) was determinant in the development of women's movements. The first notable women's organization (*Akhawat al-Safae*) was an offshoot of the Istiqlal (Independence) Party (previously the party of "The National Movement") and was largely reformist and religiously inspired and called for, among other things, education for women and the prohibition of polygamy; however, it also called for the separation of genders in the public sphere. The other notable organization was "The Union of Moroccan Women" created by the Communist Party during the protectorate and founded on the idea that the emancipation of women cannot be separated from that of the whole of society. It therefore encouraged political activism among women through social work, literacy, and professional training.

Thus, what started as a civil society movement made its way into political parties through their "women's section" from the 1970s to the mid-1980s, where women's activism was of a partisan and occasional nature. Additionally, most of the issues with which these sections were concerned were not of any particular political interest to women and did not differ from those of civil society associations, such as education, literacy, and girls' education in urban and rural areas.

The apathy of political parties to women's demands made women once again direct their effort towards civil society for the elaboration of a feminist political agenda independent from the political parties. The arguments for this move are summarized as follows: first, women faced specific problems that required specific political action that the parties were not capable of taking or even endorsing. Second, political parties did not prioritize women's issues in their political and social agendas. Third, failure to coordinate the actions of the women sections resulted because of ideological and partisan interference with women's demands. In other words, because political parties were exclusively male-centered, their vision of women's political participation conformed to the traditional view of women's ineffectual presence in the public sphere.

The Gender Approach in Morocco

The first significant attempt to deal seriously with the issue of women's economic and political empowerment was in the late 1990s with a project called "The National Action Plan for the Integration of Women in Development" (PANIFD, 1998/1999), which emphasized the need to adopt and institutionalize a gender perspective in all public policies and national development programs. Once again, the traditional and

conservative parts of Moroccan society, including political parties, stood up against it, collecting more than a million protestors to the streets of Casablanca in 2000. Left wing parties, including those who led the government at the time, turned a cold shoulder on the initiator of the Action Plan, proving just how deep traditionalism ran, even in liberal parties. The Plan was later adopted in installments (including the New Family Law, the National Initiative for Human Development, the citizenship law reform, and ratification of the Convention on the Elimination of All Form of Discrimination against Women (CEDAW, 1979)) through the direct intervention of the King. The objective of such a strategy was, on the one hand, to highlight the position of the monarchy in the face of strong Islamic political opposition as the center of leadership and change and, on the other hand, to display the image of Morocco as a modern state, stressing the progress the country has made. Yet when it came to the social and political reality, women's effective presence was far from having any significance. While for decades women have voted more often than men, their participation as candidates and especially as elected representatives never reached 1 percent. It was not until the 2002 legislative elections that the adoption of a quota system gave 35 women the opportunity to sit in the House of Representatives.

Evidently, the obstacles and challenges to women's political participation are social and cultural. Socially, politics is conceived of as men's business and this is related to a cultural conception of public space as the market place where men conduct business. According to this view, politics is the exclusive domain (socially, culturally, and historically) of men. This also accounts for women voters' low registration rate (49 percent of eligible women voters) while women make up 51 percent of the Moroccan population. Hence, the significance of a quota system that gave women a chance to hold public office was meant to educate people so that they get used to seeing women in politics. In the absence of a holistic approach to the matter, the quota system was initiated as a temporary measure. However, until now it remains the only way women are elected to the parliament or the local assemblies. Therefore, the progress recorded in legislative elections since 2002 was largely a matter of compromise and consensus between the state and the parties, and hardly the result of ballots.

In fact, access to decision-making positions remains very low for women in almost all sectors of activity, including public administration, social services, health, education and even the army and police force, despite the efforts made by the government and other stakeholders. Neglecting the traditionalism that runs deep in society, civil society and feminist organizations have, until quite recently, focused on legal and constitutional reform as the key to the effective empowerment of women. The recent history of the Moroccan Constitution shows that there is a significant evolution towards the full recognition of a new legal and political status for women. The first constitutional experiences of independent Morocco (1962 and 1972) recognized the equality of all citizens before the law in matters of political rights, education, and work. However, they were formal texts as the question of equality between men and women in matters of civil rights were undermined by the existence of what is known as the *moudawana*, or the personal status code, that considers women as eternal minors in need of guardianship. Those first constitutions provided for the equality of all citizens before the law but without further detail. They were based on previous decrees such as the Code of Civil Rights (1958), the Election Code (1959) and the Communal

Charter (1960), all of which tightly regulated civil liberties, civil society organizations, the creation of political parties, and the political participation of citizens.

In fact, it was not until the 1990s that some minor changes to the *moudawana* and a minor constitutional reform initiated a significant opening concerning ideas of citizenship and freedom with the inclusion of universal standards of human rights. A decade later, the result was that the proportion of women elected to the various representative bodies never reached 1 percent, and, even then, the first few women to hold government positions were appointed by the King. It was not until the legislative elections of September 2002 and thanks to large-scale campaigns led by women's movements and the direct intervention of the monarch that political parties agreed to adopt a form of "positive discrimination" and create a national list for women, which allowed for the accession of 35 women to the parliament. This was the only reason Morocco counts as having a significant representation of women in parliament (10%) among Arab countries.

Women's representation in politics did not necessarily mean that Moroccan society was ready to accept women into the public sphere. Having signed a number of international treaties on women's rights, the Government was pressured to take action as international organizations ranked Morocco lowest among countries regarding human rights and human development. This meant that political and economic stakeholders needed to see some progress before they continued to provide support and funds. The Janus-faced society and state had no trouble turning their modern face to the world. Everyone found the move quite normal and everyone conceded that women could do their job just like men, perhaps even better.

However, the slow and hesitant pace of reform was shaken by the unprecedented nature of the Arab Spring. A significant trait of these demonstrations was that they were not staged by political parties but by groups of young people who relied on social media to mobilize millions of people around the country. What was even more striking was that young women led the movement on equal standing with young men. It was a moment where the modern side of our society seemed to emerge and lead, resulting in a new constitution adopted by popular referendum in July 2011. This time, it explicitly stated that women and men were equal in all aspects.

The new political discourse that has emerged since 2011 seems to have concluded a decade-long transition. The new constitution now has all the marks of an advanced supreme law; its preamble stipulates that all citizens are to enjoy equal opportunities and respect for human dignity, it criminalizes violence against women, and affirms the preeminence of international conventions ratified by the state over national law. Article 19 explicitly decrees equality between men and women and the obligation for the state to put in place mechanisms to achieve parity. It also affirms the Kingdom's resolve to "ban and combat all forms of discrimination against anyone because of gender, creed, culture, social or regional origin, language, disability or any personal circumstances whatsoever."

Indeed, the new Constitution contains 18 provisions to achieve women's rights. Equality between men and women in the enjoyment of civil, political, cultural,

195.0 x 265.0 mm

economic, social and environmental rights as guaranteed by ratified international conventions is now protected by the Constitution. However, some ambiguity remains regarding the direct applicability and judicial aspects of treaty rights, to the extent that the enjoyment of these rights is ambiguously protected in the Constitution as "respect for the provisions of the constants of the Kingdom, its constants and laws." The term "constants" is an example of that ambiguity decried by women's rights activists as it can be interpreted in a way that is detrimental to women's empowerment. Sure enough, years after the adoption of the new Constitution, the implementation of the provisions regarding women is far from undertaken.

The Leading Role of Civil Society

In March 2015, a coalition of 38 non-governmental organizations (NGOs) and feminist organizations produced a report on the occasion of the 20th anniversary of the Beijing Platform for Action. In it, the authors evaluated the progress made in terms of legislation to facilitate women's empowerment, but they also underscored the many and often frustrating shortcomings of four years of governance by a democratically elected government (Charrad, 2015). The report is a great example of women's leadership and agency in the context of patriarchy and increasing religious extremism. The novelty of their approach is that for these civil society organizations both the state and society are politically and morally required to act together for the better implementation of women's rights.

The report points out that despite the reforms, discrimination and violation of women's rights still exist both in legislation, and in practice. Moreover, harmonization of the country's laws with the new constitutional provisions and the commitments made by Morocco are slow to emerge. The coalition concedes that Morocco has ratified most of the general and international instruments that help create and promote the principle of equality between men and women, including: the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966); the International Covenant on Civil and Political Rights (ICCPR, 1966) (both ratified by Morocco in 1979); the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), ratified in June 1993 with reservations that were lifted in 2011; and the recent ratification of the CEDAW Optional Protocol (2015). Yet there is still so much to be desired. The report was actually intended as a call to action for all parties concerned. It was also a wake-up call for everyone, especially in the education sector where even official statistics are alarming. Indeed, women remain the most affected by illiteracy with a rate of 45.7% against 24.4% for men, especially in the rural areas where the rate is 62.8% for women (Le Haut Commissariat au Plan, 2014). Furthermore, NGOs underscore that the state's commitment to the standardization of preschool and basic education, just like its commitment to reducing illiteracy, has not been honored. The parity index in these areas has not improved significantly except for primary education in urban areas. The net enrollment rate for rural girls in the first tier of secondary education is 30.7% while it is limited at the alarming rate of 8.5% in the second tier of secondary education for the 2013-2015 school year (Le Haut Commissariat au Plan, 2014). Furthermore, textbook contents continue to promote gender stereotypes, especially in certain disciplines such as Arabic language and Islamic education, in total disregard for the efforts made by the state to promote women's rights and empowerment. A closer look at the contents of school textbooks shows that women are confined to traditional tasks,

such as family life (for example, the mother performs household chores), and doing very little work, if any, outside of that context. Thus, positive role models are lacking for girls and pre-determined roles for both sexes grant different places for men and women.

In terms of women's representation in the legislative, executive, and judicial bodies, the report cites the employment survey conducted by the Haut Commissariat aux Plan in 2012. Women remain underrepresented (24.2%) in positions with decision-making power, such as legislators, line managers in public service, and directors and managers of companies; they represent only 41.9% of senior managers (Haut Commissariat aux Plan, 2014). Moreover, a survey on the presence of women in leadership positions, conducted in 2012 by the Ministère de la Fonction Publique et de la Modernisation de l'Administration, highlighted the low level of participation of women in decision-making positions. According to this survey, women make up only 6% of the secretaries general of ministries, 9% of inspectors general, 11% of managers, 11% of heads of division, 19% of department heads, and 16% of ambassadors. Additionally, women barely represent 20% of all judicial positions: women represent 21% of judges and only 11.8% of prosecutors.

Concerning the political participation of women, out of 395 members of parliament only 67 are women (17%) (Ministère de la Fonction Publique et de la Modernisation de l'Administration, 2012). At present, only one parliamentary group out of the eight that make up the first chamber of Parliament (House of Representatives) is led by a woman. Of the 14 members of the Bureau of Parliament, only four are women, while women chair only two out of eight parliamentary committees.[6] Therefore, only seven women occupy positions allowing them to influence the function of parliament.[7] Following a similar trend, the appointed Cabinet of Ministers in 2012 consisted of 30 ministers where only one was a woman predictably appointed as the Minister of Solidarity, Women, Family and Social Development. For civil society activists, this was a significant setback concerning the representation of women in government. It was only after an intense advocacy campaign that six government positions were later allocated to six women. In 2012, the presence of women in government fell from 21.2% in 2007 to 3.1%, and then went up to 12.8% in 2014.

Moreover, whereas Organic Law No. 02.12 (2012) relative to high office appointments defined the principles and criteria for such appointments – including equal opportunity, merit and competency, transparency and non-discrimination in the hiring process – only 16 women were appointed as high officials out of a total of 140 similar appointments. More significantly, only one woman out of 16 *walis* (regional governors) was appointed, as well as two women governors and one woman as the head of the Compensation Fund.[4] Consequently, the representation of women in high-level positions in the civil service was particularly low. While they represent more than a third of the total number of staff, only 12% of them in are managerial positions (Ministère de la Fonction Publique et de la Modernisation de l'Administration, 2012).

As a conclusion, despite the adoption of the 2011 constitution, which included a series of legislative breakthroughs for women at the dawn of the 21st century, inequalities between women and men persist because of a value system that is deeply rooted in individual as

well as collective attitudes. Fields such as education and the media contribute to, directly or indirectly, stereotypes that confine men and women to rigid gendered roles. This consolidates the cycle of discrimination and gender-based violence in all its forms. This is where civil society comes in; its role is to make sure that the laws in favor of women's empowerment are respected. More and more we notice that civil society and activists are aware of the impact of social media and how it can be used as an effective public space. They use these venues to convince citizens that legislation is not enough and that what is needed is action and involvement in public matters.

Larbi Touaf, Assistant professor and former chair of the English Department at Mohammed I University, Oujda, Morocco.
Email: ltouaf@gmail.com

ENDNOTES

1. I refer to the concept of "public sphere" as articulated by Habermas in his book ***The structural transformation of the public sphere: An inquiry into a category of bourgeois society***. Trans Thomas Burger with Frederick Lawrence. Cambridge, MA, MIT Press, 1991.
2. The author argues that despite the major changes in the status of women in Morocco, women still suffer from illiteracy, unemployment, and poor access to health care.
3. Even though the King of Morocco has always supported the women's empowerment, the fact that the previous constitution considered the person of the monarch "sacred" and the fact that he appointed the ministers of the government made it hard for ordinary people to contest. This was a source of continuing tension between the monarchy and the leftist opposition. After the Arab Spring, the monarch yielded to people's demand and the "sacred" character of his person was removed from the new constitution. This had the effect of loosening people's tongues.
4. Earlier forms of public space are believed to have existed among the Amazigh (Berber) tribes where even women were active participants.
5. On a deeper level, this may reflect a sense of alienation felt by the population towards the "worldly state" as being the opposite of the "Caliphate" or "godly state." For more on this see Laroui (2001, pp. 31-36)
6. In 2007 the bureau of the house has been reduced to 9 members including the president, but with only one woman as member, and only one committee is chaired by a woman.
7. See the Assembly of Representatives' website: www.parlement.ma
8. Administratively, Morocco was divided into 16 regions until October 2015 when a new territorial remapping reduced that number to 12. Each region is dually governed by a ***wali*** directly appointed by the King and a president of the regional assembly directly elected by the people. There is still only one female ***wali***, and after the October regional elections, no woman was elected as president of any of the 12 regions.

REFERENCES

Boutkhil, S. (2008). Moroccan public space: A male-dominated arena. In L. Touaf & S. Boutkhil (Eds)., *The world as a global agora: Critical perspectives on public space*. Cambridge: Cambridge Scholars Publishing.
Charrad, W. (2015, February 27). Violences, analphabétisme, chômage: Un rapport alarmant sur les Marocaines. *Telquel*. Retrieved from http://telquel.ma/2015/02/27/violences-analphabetisme-chomage-rapport-alarmant-marocaines_1436186
Hammoudi, A. (1977). *Master and disciple: The cultural foundations of Moroccan authoritarianism.* Chicago & London: The University of Chicago Press.
Le Haut Commissariat au Plan. (2014). *La femme marocaine en chiffres: tendances d'evolution des characteristiques demographiques et socio-professionnelles*.
The Kingdom of Morocco, Representative Chambers. Retrieved from www.parlement.ma
Laroui, A. (2001). *Islame et modernite*, 2nd Ed. Beirut and Casablanca: Centre Culturel Arabe.
Ministère de la Fonction Publique et de la Modernisation de l'Administration. (2012). *Etude sur la présence des femmes dans les postes de responsabilité.*