

# Voices of the Public in the Reform of Family Law in Morocco

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# Introduction



- ◎ Reform of Moroccan Family Law in 2004.
- ◎ Since Morocco's independence from France in the 1950s, family law was considered under *fiqh*, Islamic jurisprudence.

# What did the reform change?

## Legislation before the Reform

Definition of marriage: "Marriage is a legal contract through which a man and a woman are united for a life together. Marriage is founded on fidelity, purity, and the desire for procreation, and, **under the direction of the husband**, allows for the couple to face their respective obligations in security, peace, and mutual affection and respect."

Marriage age for men = 18 years  
Marriage age for women = 15 years

Divorce could only be initiated by men

Men preferenced for custody of child.

## Reformed Mudawana

Definition of marriage: "Marriage is a legal contract by which a man and a woman consent to be united for a life together. Marriage is founded on fidelity, purity, and stability **under the direction of the two spouses**, conforming to the principle of this code."

Marriage age for men = 18 years  
Marriage age for women = 18 years

Divorce can be initiated by the husband or the wife.

Child custody determined by an evaluation of the best interests for the child.

# Introduction

- ◉ The change produced by the reform marks a landmark in Moroccan women's struggle for equality.
- ◉ Nevertheless, the changes represent a radical departure from the normalized practices of the past several decades.

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My research will attempt to trace how ideologies of various political groups have responded to such reforms in an effort to learn about the relationship between the new legislation and Moroccan culture.

Purpose

How has the public  
responded the new  
reforms?

# Review of Literature

- ◎ Consistent narrative of the reform process
- ◎ Literature does not problematize underlying differences in ideologies leading up to the reform, or how the public might respond to the reform in different ways after its implementation.
- ◎ Examinations of Mudawana implementation have failed to address differing ideologies, but have instead focused on cultural and socio-economically related factors.

# Argument

- ◎ The Family Law reform was successful in engaging with the discourses of various political groups, and, as such, has won the full support of the former opposition.
- ◎ Opinions regarding successful routes for implementation have not come to a consensus—an issue which could have a negative impact on future support.

# Methodology

- ◎ Manual content analysis of newspapers (public-opinion leading)
  1. Search for articles relating directly to Mudawana reform. Search term: *'Mudawana'*
  2. Coding of random samples of articles. Search term: *'woman'*.

# Methodology

## ***Liberation***

- **Socialist union of popular forces (Liberal)**
- Hypothesis: support for reformed Family Law

## ***La Vie Eco***

- **Independent**
- Hypothesis: moderate viewpoint

## ***Attajdid***

- **Party of Justice and development (Islamist)**
- Hypothesis: against the reformed Family Law

# Results and Discussion

# Stance on Moudawana

“We need to look at the problem from a global level.”

The logo for the French newspaper Libération, featuring the word in a bold, sans-serif font. The letter 't' is colored red, while the rest of the letters are black.

- ◎ Sees the reform as a success. Discusses in great detail the measures to be taken to improve implementation.
- ◎ Positive view of CEDAW, but identifies the legislative process as an obstacle to furthering women's rights.
- ◎ Calls for education of the public and efforts to reshape tradition.

# Stance on Moudawana



- ◉ Discourse is less normative.
- ◉ Reports on how the process of reform took place.
- ◉ Informing the public of their new rights
- ◉ Suggests that the Islamist and modernist viewpoints are not so different.
- ◉ Support for the reform is implicit.

# Stance on Moudawana



- ◉ Engages in an Islamic discourse
- ◉ Demonstrates support for the reform as it effectively took the opinions of both sides into account.
- ◉ Explicit about areas of the reform which need improvement (Ex. The divorce case involving domestic violence—couldn't be proved in court)
- ◉ Negative view of the work of CEDAW.

# Representations in the Media

- ◉ Contains articles which report on discrimination or disadvantages faced by women.
- ◉ Sympathetic tone.
- ◉ Positive light on international groups and NGOs.

**Libération**

# Representations in the Media

- ◉ Findings strengthen notion that this independent publication is very much in favor of political reform to increase gender equality.
- ◉ Article topics implicitly (if not explicitly) call for empowerment of women.

The logo for 'LA VIE éco' is displayed on a white rectangular background. The words 'LA VIE' are written in a black, serif, all-caps font. The word 'éco' is written in a white, serif, lowercase font with a red accent over the 'e', and is contained within a red rectangular box.

# Representations in the Media

- ◉ Opposition to international influence becomes clear.
- ◉ Concerns itself with the domain of the private life. (Some contradicting implications regarding obedience of wives.)
- ◉ At the same time, shows examples of empowered women.



# Summary

- ◎ The liberals, independents, and Islamist all show support for the reform of Mudawana, as well as efforts to further empower women in society.
- ◎ A distinction arises with regard to processes for change.
- ◎ Role of the international community is contested.

# Conclusions

- ◎ Reform was successful in engaging with the discourse of both modernists and Islamists.
- ◎ However, the debate has now changed.
- ◎ Disagreement surrounding processes of reform. **Discourse surrounding the reform of Mudawana has shifted.**
  - > How involved can or should the international community, and norms set by CEDAW, dictate the transformation of domestic legislation?

# Limitations

- ◎ Language
  - > Socialist and Independent publications were published in French.
  - > Dependence on Google Translate to read Islamist articles.
- ◎ Coding of articles did not utilize software, it was thus, instead, more qualitative.

THANK YOU