

and their multiple intersections, for anti-patriarchal political organizing.

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WHY AUTOCRATS ADOPT WOMEN'S RIGHTS: THE CASE OF MOROCCO

By Aili Mari Tripp

Why have the three Maghreb countries, Morocco, Tunisia and Algeria, passed more extensive constitutional and legislative reforms regarding women's rights than other Middle Eastern countries, especially since 2000?¹¹⁶ The Moroccan case offers some explanations for why non-democratic governments adopt women's rights. The Islamist Party for Justice and Development (Parti de la justice et du développement, PJD), which has been in power since 2011 at the helm of a coalition government, has made major legislative and constitutional reforms in women's rights. This represented a sea change in its orientation towards women's rights. Morocco, nevertheless, remains a non-democratic country ranked as partly free by Freedom House.¹¹⁷ This essay (which is also based on research in Tunisia and Algeria), draws on over 130 interviews conducted in Morocco between 2015 and 2016 with leaders and members of a variety of Islamist, feminist, and Amazigh women's rights organizations, members of parliament, women's ministry representatives; academics; journalists; and representatives of donor and UN agencies.

Maghreb countries have made advances especially with constitutional provisions regarding women and work, political

representation, gender equality, discrimination against women, and gender-based violence when compared with most Middle East countries. They passed legislation regarding quotas both at the national and municipal/regional levels, sexual harassment, the prohibition of the marriage of victims to their rapist, nationality issues, violence against women, abortion, contraception, polygyny, and family law more generally. Some explanations focus almost entirely on the role of the women's movement and women in the judiciary (2009, 2017). Others have argued that women gained broader civil rights in countries with unitary legal systems.¹¹⁸

The adoption of unified legal systems and unified laws in the Maghreb at the time of independence helps account, in part, for the greater ease with which women's rights policies have been adopted in these countries compared to the Middle East. If one looks beyond the Maghreb, one finds that Iraq and Kuwait also have unified laws and a unified court system, and Libya, Yemen, Oman and Egypt have unified courts (but not unified laws). Yet none of these countries has made the same types of gains found in the Maghreb with respect to women's rights. Thus, the adoption of unified courts and laws may be a necessary but not sufficient condition for advancing women's rights.

I argue that Morocco (and the other Maghreb countries) made gains in women's rights as a result of four key factors: pressure from women's movements, close cooperation between women's movements in the three countries (Algeria, Tunisia and Morocco), support from King Mohammed VI, and the domestic interests of the ruling Islamist parties.

Existing Explanations

Much of the literature focuses on the obstacles to women's rights reforms. For Ronald Inglehart and Pippa Norris, it is the prohibitive mix of Islam and autocracy that stands in the way of women's rights.¹¹⁹ Jocelyne Cesari suggests that the deficit of women's rights in Muslim countries is tied to religiously based legislation, particularly in countries that have a hegemonic religion where the state elevates a certain religious group with exclusive legal, economic or political rights and denies these rights to other religions.¹²⁰ Usually this is a dominant religion. Dawood I. Ahmed and Moamen Gouda (2015) similarly argue that the more constitutions in Muslim-majority countries are Islamicized, the less they adhere to women's rights, and the less democratic and politically stable they are.¹²¹

While agreeing that most Islamic countries are governed by authoritarian regimes and women's status is worse in Islamic countries than in others, Daniela Donno and Bruce Russett find these patterns to be more likely in Arab countries, not Islamic countries.¹²² They also argue that these types of relationships are fluid and point out that Catholic countries at one time used to be even more likely to be authoritarian than Islamic ones, yet this had changed by 1980. Another cross-national study conducted by Mala Htun and Laurel Weldon argue that the adoption of family law that upholds women's rights depends on whether religion is institutionalized in the state as doctrine.¹²³ Mounira Charrad's rich and detailed study of women's rights reforms in the Maghreb focuses on the importance of state autonomy from kinship groups in explaining Tunisia's early women's rights reforms.¹²⁴

With a few exceptions, many of these studies do not explain why there is so much variance

among Muslim majority and authoritarian countries over time when it comes to women's rights.

I argue that Morocco (and the other Maghreb countries) made gains in women's rights as a result of four key factors. The first was pressure from women's movements, which intervened at critical junctures after a change of leadership and major social upheaval. In the case of Morocco, a key critical juncture was the coming to power of King Mohammed VI, which initially saw the passage of the 2004 *Moudawana* or family law reforms. Later the *Vingt février* movement in 2011, Morocco's version of the Arab Uprising, was followed by the adoption of a new constitution, which increased women's rights provisions particularly regarding women's political participation.

The second factor for women's rights adoption is diffusion and close cooperation between women's movements in the three countries (Algeria, Tunisia and Morocco), which explains the coincidence of the passage of many laws at the same time. The Collectif maghreb-égalité 95 was formed in 1991 by activists and researchers from Algeria, Morocco, and Tunisia to coordinate activities leading up to the United Nations Fourth Conference on Women held in Beijing in 1995. They plotted a strategy for bringing about gender equality in the region, drawing on their commonalities of history, language, and civilization to forge unity. They outlined an agenda which they have followed ever since.

A third factor was pressure from the King Mohammed VI, who has capitalized on his religious authority, yet at the same time has positioned himself as a modernizer and placed women's rights at the center of his agenda for Morocco. He used women's rights to keep extremist elements at bay. And

finally, the ruling Islamist parties in Morocco, adopted women's rights reforms for domestic purposes of political expediency and survival in order to stay in power and stay in the good graces of the king. As a result, there has been an almost 180-degree change in the stated policies of the PJD with respect to women's rights since they became head of the governmental coalition.

The PJD and Women's Rights

I would like to focus on one of these four factors in more depth. The PJD is an Islamist party that is often compared to Recep Tayyip Erdogan's Justice and Development (AKP) party in Turkey. It also has an affinity to the Muslim Brotherhood in Egypt. It is the only Islamist party in the Arab world that has survived a full term in office and been re-elected with a larger majority.¹²⁵ In a country where the King holds enormous power, the party has been able to navigate a pragmatic course that has afforded it some independence, while making sufficient concessions to the win the trust of the palace.

After the bombings by jihadists in Casablanca in 2003, the PJD became more conciliatory, publicly denouncing terrorism and religious extremism and highlighting its support for the king and democracy. The PJD separated from its religious movement (Harakat al-Tawhid wal-Islah, the MUR) and called for a separation of politics from religion, resulting in the secularization of the party.¹²⁶ The MUR's leadership was increasingly pressuring the party not to work with the left and was beginning to question the authority of the king. The PJD has also learned by watching the fate of Islamist parties that veered too far from the sentiments of the population, the military, or those in power in Algeria, Tunisia, and Egypt.

By 2011, after the elections, the PJD became head of a governmental coalition. The party, which had at one time issued fatwas against women's rights organizations supporting the PSC, dramatically changed its orientation toward women's rights, albeit reluctantly, in response to pressure from the king, but also from the women's movement, donors, and from a sense that this was necessary in order to stay in power. This is evident in the quantity of legislation passed after 2011 and in changes in rhetoric.

Since 2011, PJD has supported the adoption of an electoral quota in 2011, which allowed for an increase in women's representation in parliament, from women holding 10.5% of the seats in 2007 to 17% in 2011. As a result of heavy pressure from women's organizations, Article 475 of the Penal Code, which protected a rapist from prosecution if he married his victim, was repealed in 2012, making Morocco one of the first countries in the MENA region to repeal this law. Other legislation around migration, domestic workers, a Finance Act, trafficking, has also addressed women's rights concerns.

The government passed a series of amendments to the country's Penal Code, which in the past only allowed abortion if the mother's health was threatened (Art. 453). The new amendment allowed for abortion in cases of rape, incest and fetal impairment. After strong pressure from women's organizations, a major law 103-13 on the Elimination of Violence Against Women was passed in 2018. Efforts to get this law passed under a coalition led by a secular party, Istiqlal, in 2004 had failed.

Various institutional measures were also adopted, including the creation of an independent Authority for Parity and the Fight Against All Forms of Discrimination to oversee the implementation of constitutional

provisions regarding discrimination of women. Two long-term policies were adopted by the Ministry of Family, Solidarity, Equality, and Social Development, in collaboration with various ministries to promote women's rights and parity known as the Government Plan for Equality: ICRAM I (2012–2016) and then ICRAM II (2017–2021).

The PJD changed its position on women's rights, but the process was far from linear. When the PJD came into power in 2011, the symbolic politics of women's clothes was one of the first ways in which the new Prime Minister, Abdelilah Benkirane, sought to reassure the country as well as foreign investors about the nature of his administration. He said that he would not force women to dress modestly.¹²⁷

However, other statements he made regarding women drew criticism. In 2014, Benkirane in a parliamentary speech said that homes were now dark because women, who had once been like chandeliers lighting up their homes and raising their children, were now working outside the home. Benkirane's comments immediately triggered fiery protests on the part of women's rights activists and other parties, many of whom protested in front of the parliament. The incident revealed deep divisions within the party itself. Benkirane's successor, Saad Eddine El Othmani, who took over as prime minister in 2017, adopted a tone that was different from his predecessor. In his speeches was keen to underscore that the question of women was at the heart of the government's concerns. He highlighted the constitutional provisions for the establishment of the principle of parity between men and women, the king's focus on the importance of the role of women in society, as well as the kingdom's international commitments, in particular

international gender equality treaty, the Convention on the Elimination of Discrimination Against Women (CEDAW).

Conclusions

This article has argued, drawing on the case of Morocco, that leaders in the Maghreb used women's rights internally to drive a wedge between themselves and Islamist extremists and externally to paint an image of their countries as modernizing. Ruling political parties used these tactics, especially at times when their rule was threatened and they needed political support to remain in power. It should be noted that at the same time, women's movements — often in the face of a perceived threat of losing gains — heightened their activities, especially during critical junctures, such as changes in power or moments of societal unrest, to expand their influence and advocate for change. They networked within the region and beyond and used these ties to build their strategies at home. The strategic interaction between the king, women's movements, the PJD and other political parties, and religious movements in Morocco conspired to produce the outcomes we see today in the adoption of women's rights reforms.

To the feminists in Morocco, the changes described here are a far cry from what is required, but as this piece has shown, they reflect a significant change from the past. It should be pointed out that in spite of these advances in legislative and policy reform; there are still important limitations on the actual realization of these rights. These formal changes are only a first step. Without adequate measures to see that they are realized, many of these reforms can only benefit women with means.¹²⁸

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⁹⁷ Rita Stephan and Mounira M. Charrad. 2020. *Women Rising. In and Beyond the Arab Spring*. New York University Press.

⁹⁸ Nermin Allam. 2018. *Women and the Egyptian Revolution. Engagement and Activism during the 2011 Arab Uprisings*. Cambridge University Press.

⁹⁹ Paola Rivetti. 2020. *Political Participation in Iran from Khatami to the Green Movement*. Palgrave MacMillan; Erika Biagini. 2017. "The Egyptian Muslim Sisterhood between Violence, Activism and Leadership", *Mediterranean Politics*, 21(1), 35-53; and 2020. "Islamist Women's Feminist Subjectivities in (R)Evolution: the Egyptian Muslim Sisterhood in the aftermath of the Arab Uprisings", *International Feminist Journal of Politics*, 22(3), 382-402.

¹⁰⁰ John Chalcraft. 2016. *Popular politics in the making of the modern Middle East*. Cambridge University Press; Joel Beinin and Frederic Vairel (eds). 2012. *Social movements, Mobilization, and Contestation in the Middle East and North Africa*. Stanford University Press.

¹⁰¹ Mona El-Ghobashy. 2005. "The Metamorphosis of the Egyptian Muslim Brothers", *International Journal of Middle East Studies*, 37(3), 373-395; Gamze Cavdar. 2012, "Islamist Rationality: An Assessment of the Rational Choice Approach", *Politics & Religion* 5(3), 584-608.

¹⁰² Carrie R. Wickham. 2013. *The Muslim Brotherhood. Evolution of an Islamist Movement*. Princeton and Oxford: Princeton University Press.

¹⁰³ Interview by author, Cairo, September 2014.

¹⁰⁴ Marc Lynch. 2007. "Young Brothers in Cyberspace" *Middle East Research and Information Project*, 245 <https://merip.org/2007/12/young-brothers-in-cyberspace/>

¹⁰⁵ Lucia Ardovini and Erika Biagini, forthcoming special issue, "Assessing the Egyptian Muslim Brotherhood after the 2013 coup: Tracing Trajectories of Continuity and Change", *Middle East Law and Governance*.

¹⁰⁶ Erika Biagini, 2020. "Islamist Women's Activism under Morsi's Government (2012-2013): Political Inclusion, Gender and Discourse" *Égypte/Monde Arabe* 21, 37-55.

¹⁰⁷ See also Sarah El-Masry and Neil Ketchley. 2020. "After the Massacre: Women's Islamist Activism in post-Coup Egypt", *Middle East Law and Governance* 12, 86-108.

¹⁰⁸ Pro-regime para-military force.

¹⁰⁹ Interview by author, July 2016, Tehran.

¹¹⁰ See Paola Rivetti. 2020. "What happens in-between mobilizations? Building and organizing contentious politics at the University of Tehran (2007-2017)" *Partecipazione e Conflitto* 13 (1).

¹¹¹ Interview by author, April 2018, Tehran.

¹¹² Soraya K. Batmanghelichi and Leila Mouri. 2017. "Cyberfeminism, Iranian Style: Online Feminism in Post-2009 Iran" *Feminist Media Histories* 3(1), 50-80.

¹¹³ Paul D. Almeida. 2008. *Waves of Protest. Popular Struggle in El Salvador, 1925-2005*. University of Minnesota Press.

¹¹⁴ Paola Rivetti. 2016. "Informal Activism and New Subjectivity in Authoritarian Settings: Iran's New Activists",

Middle East-Asia Project (MAP) Series <http://www.mei.edu/content/map/informal-activism-and-new-subjectivity-authoritarian-settings-iran-s-new-activists>

¹¹⁵ Merlyna Lim. 2012. "Clicks, Cabs, and Coffee Houses: Social Media and Oppositional Movements in Egypt, 2004–2011" *Journal of Communication*, 62(2), 231-248; Zeynep Tufekci and Christopher Wilson. 2012. "Social media and the decision to participate in political protest: Observations from Tahrir Square", *Journal of communication* 62(2), 363-379.

Aili Mari Tripp Notes

¹¹⁶ This article is based on my book, Tripp, Aili Mari. *Seeking Legitimacy: Why Arab Autocracies Adopt Women's Rights*. Cambridge, United Kingdom: Cambridge University Press, 2019.

¹¹⁷ <https://freedomhouse.org/country/morocco/freedom-world/2020>

¹¹⁸ Engelcke, Dörthe. "Processes of Family Law Reform: Legal and Societal Change and Continuity in Morocco and Jordan." DPhil, St Antony's College, Oxford University, 2014; Maktabi, Rania. "The Politicization of the Demos in the Middle East: Citizenship between Membership and Participation in the State." University of Oslo, 2012.

¹¹⁹ Inglehart, Ronald, and Pippa Norris. "The True Clash of Civilizations." *Foreign Policy* 135 (2003): 62-70.

¹²⁰ Cesari, Jocelyne. "Introduction." In *Islam, Gender and Democracy in Comparative Perspective*, edited by Jocelyne Cesari and José Casanova. Oxford: Oxford University Press, 2017.

¹²¹ Ahmed, Dawood I., and Moamen Gouda. "Measuring Constitutional Islamization: The Islamic Constitutions Index," *Hastings Int'l & Comp. L. Rev.* 38, no. 1 (2015): 1-74.

¹²² Donno, Daniela, and Bruce Russett. "Islam, Authoritarianism, and Female Empowerment: What Are the Linkages?" *World Politics* 56, no. 4 (2004): 582-607.

¹²³ Htun, Mala, and S. Laurel Weldon. *The Logics of Gender Justice: State Action on Women's Rights around the World*. New York: Cambridge University Press, 2018.

¹²⁴ Charrad, M. *States and Women's Rights: The Making of Postcolonial Tunisia, Algeria, and Morocco*. Berkeley: University of California Press, 2001.

¹²⁵ Masbah, Mohammed. "Moderate Islamists and Electoral Politics in the 'Moroccan Spring'." In *Islamists and the Politics of the Arab Uprisings: Governance, Pluralisation and Contention*, edited by Paola Rivetti and Hendrik Kraetzschmar, 127-48. Edinburgh: Edinburgh University Press, 2018.

¹²⁶ Masbah, Ibid.

¹²⁷ Abdennebi, Zakia. "Morocco Struggles to Curb Rise in Number of Girls Married Underage." *Reuters*, 2018. <https://www.reuters.com/article/us-morocco-women/morocco-struggles-to-curb-rise-in-number-of-girls-married-underage-idUSKBN1HX22T>.

¹²⁸ Hanafi, Leila, and Danielle Hites. *Women's Rights in Morocco: Balancing Domestic and International Law*.

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<http://www.atlanticcouncil.org/blogs/menasource/women-s-rights-in-morocco-balancing-domestic-and-international-law>.

Gamze Cavdar Notes

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¹²⁹ Lisa Blaydes. "How Does Islamist Local Governance Affect the Lives of Women?" *Governance: An International Journal of Policy, Administration, and Institutions* Vol. 27, Issue 3 (2013), pp.489-509.

¹³⁰ Lisa Blaydes and Drew A. Linzer. "The Political Economy of Women's Support for Fundamentalist Islam," *World Politics*, Vol.60, No.4 (2008), pp.576.

¹³¹ Erik Meyersson. "Islamic Rule and the Empowerment of the Poor and Pious". *Econometrica*, Vol: 82, No:1 (2014), pp.267.

¹³² Lindsay Benstead. "A Local Islamist Advantage? Toward a Theory of National and Local Service Provision in Algeria," *Local Politics and Islamist Movements* (POMEPS Studies #27). (2017), pp. 41-46.

¹³³ Janine A. Clark & and Jillian Schwedler. "Who Opened the Window? Women's Activism in Islamist Parties," *Comparative Politics*, Vol.35, No.3 (2003), pp.293-312.

¹³⁴ As a recent exception, Morocco's Justice and Development Party (*Hizb Al-Adala wa At-tanmia*) has formed coalitions with two other parties since 2011.

¹³⁵ Gamze Çavdar & Yavuz Yaşar. *Women in Turkey: Silent Consensus Between Neoliberalism and Islamic Conservatism*. New York: Routledge Studies in Middle Eastern Politics (2019).

¹³⁶ Not all conservatives share these ideas. The conservative Islamic ideology expressed by the top leadership are at times criticized, especially by some female columnists, who are connected to the same conservative circles. No such criticism has been expressed by the MPs of the AKP nor by the party's own women's branches.

¹³⁷ For a comprehensive analysis of women's economic participation in the MENA, see Valentine Moghadam. "Women's Economic Participation in the Middle East," *Journal of Middle East Women's Studies*, Vol. 1, No. 1 (2005): 110-146.

¹³⁸ Marwa Shalaby. "The Paradox of Female Economic Participation in the Middle East and North Africa," *Rice University's Baker Institute Issue Brief* (2014): 1-4.

¹³⁹ Five-year development plans and the party programs are good examples of these plans.

¹⁴⁰ The female labor force participation rate for 2005–2015 increased from about 23 percent to 35 percent while the same rate increased from about 71 percent to 77 percent for males.

¹⁴¹ An example of this would be working for a family-owned business without pay.

¹⁴² These two categories are typically excluded in typical unemployment calculations; I have included them in the calculation to demonstrate the gendered aspects of the official unemployment numbers.

¹⁴³ Time-use surveys typically measure the time males and females spend on unpaid labor on housework and it is well-established that females spend more time on these activities than males across the globe.

¹⁴⁴ As an economic philosophy, neoliberalism refers to the belief that free-market capitalism is the answer to almost all economic and political problems. With respect to employment, neoliberalism advocates such policies as economic liberalization, privatization of public enterprises, entrepreneurship, bigger role for the private sector, and reduction in government expenditures. See David Harvey. *A Brief History of Neoliberalism*. Oxford University Press (2005).

¹⁴⁵ In the book, we have argued that neoliberalism and Islamic conservatism agree on gender roles not only at the policy-level but also by assuming that 1) men and women are fundamentally different 2) that women's primary domain of activity should be home; and 3) there exist a natural order between men and women, and attempts to change it might be detrimental. The discussion also examined the theoretical origin of neoliberalism, which includes the writings by Francis Y. Edgeworth (1845-1926), Alfred Marshall (1842-1924), and W. Stanley Jevons (1835-1882) and the discourses by the top AKP leadership for Islamic conservatism. These assumptions are shared by many other socially conservative religious groups and by no means unique to Islamic conservatism.

¹⁴⁶ Recommended number varies from "at least three" to "four and beyond".

¹⁴⁷ Women's organizations long demanded that the General Directorate of Woman's Status, founded in 1990, turn into a ministry. The AKP rejected the demand and instead founded the Ministry of Family and Social Policy in 2011.

¹⁴⁸ Quoted in "Aile Üniversitesi Açıldı" *Aile Bülteni* (Publication of the Ministry of Family and Social Policy) Vol.1, No.7 (2013), p.3.

¹⁴⁹ Ibid.

¹⁵⁰ "Cumhurbaşkanı Erdoğan: 'Çalışmak Kadının Aile İçindeki Önemi Ortadan Kaldırmaz'", *Haberler* (Turkish Daily), December 11, 2019, available at <https://www.haberler.com/cumhurbaskani-erdogan-calismak-kadinin-aile-12708359-haberi/> (accessed on 9/24/2020)

¹⁵¹ For the poorest of the population, defined as those whose personal income consisted of more than 50 percent welfare transfers, the percentages of males and females who received public transfers were close to each other in 2003 while the percentage of females grew twice as much compared to that of males by 2016.

Marwa Shalaby Notes