

CHAPTER 1

REVIEW OF THE LITERATURE

The purpose of this chapter is to situate my research in its socio-historic context with particular reference to scholarly and other sources which best illuminate it. It will also highlight areas in which my dissertation attempts to cover new ground. To my knowledge there are to date no comparative studies on contemporary women that use the Mediterranean region as the locus of inquiry, though Mediterranean Studies is emerging as a new academic field. Most research based on in-depth interviews concentrates on one particular country or a conventionally defined region, for example France in the context of Western Europe or Morocco in the context of North Africa, specifically the Maghreb (i.e. Morocco, Tunisia, Algeria, sometime Mauritania is included). Within France, relevant research occasionally distinguishes people by national heritage; most often however the broader category of the Maghreb is used. Comparative studies within Europe for example explore the situation of women of Turkish origin in Germany or women of Maghrebi origins in France. There has been little research comparing women in countries of immigrant settlement in Western Europe with those in the region of the Mediterranean basin from which the main flow of Muslim immigrants emanate. However, a large body of research on the role of women in Islam in general is available, conducted by scholars of various disciplines, from religion to history, Middle Eastern Studies, sociology to political science.

Most research is rooted in one academic discipline, in the case of studies on contemporary women, most often sociology or political science. Literary scholars have worked on a rich body of texts, autobiographies and fictional accounts of personal experiences by French women of North African origin in the past two decades.

Three main themes were covered in my interviews with women in Morocco and France: Islam, recent legal changes in both countries affecting Muslim women, and personal and professional goals. The selection of these three themes necessitated an interdisciplinary approach which is reflected in the following literature review. The review draws on texts, academic and literary, which pertain to the three main themes of the interviews. All of the materials reviewed here shed light on one or other aspect of my research agenda, but none of them has the particular cross-cultural and interdisciplinary framework which characterizes my own approach.

The chapter is divided in three sections, each pertaining to one of the themes of my interview schedule: conceptions of the religion of Islam, legal changes in Morocco and France, i.e. the family law reform in Morocco and the banning of selected religious insignia including the Muslim headscarf in public schools in France, and personal and professional goals and challenges.

Conceptions of Islam

As with any major world religion, it is impossible to do a comprehensive review on a body of literature that spans more than a thousand years and reaches across the entire globe. The review presented here is limited to scholarly work that has appeared roughly within the past twenty years and addresses conceptions of Islam relevant to this particular comparative study on women of Maghrebi origin. This section includes a review of literature that focuses on interpretations of the Qu’ran with regards to the role of women and it also includes research that speaks to the role of Muslim women in Western countries, such as France.

Discourse on the role of women according to Islam is of importance not only to Islamic societies. In her “Believing Women,” Asma Barlas writes that in this day and age Islamic thought and practice affects communities beyond the Muslim world. “Although the practice of Islam is of concern only to Muslims, Muslim practices are of concern to

the community of nations in which we live” (Barlas, 2002: xii). Women of Moroccan origin in France come from families which have brought their culture, religion and traditions with them when they crossed the Mediterranean. Muslims now constitute the largest minority in France, consequently questions of the role of women in Islam are indeed of concern beyond the Muslim world.

The Qu’ran frequently refers to the role of women. Hence, a rich body of literature has accumulated throughout the centuries. In recent decades, a re-reading of sacred texts, i.e. the Qu’ran¹, the *hadith* (sayings attributed to the prophet) and the *sunnah* (part of the *hadith*, pertaining to customs of the prophet), has resulted in Islamic feminist, post-colonial and other non-traditional readings of the Qu’ran. As women have become central to the discourse on development and social change, religious and secular scholars have increasingly turned their attention to the role of women in Muslim societies and Muslim women in secular societies with a marked Judeo-Christian heritage.

Ever since the inception of the religion of Islam in present-day Saudi Arabia in the 7th century, the role of women in predominantly Islamic societies has been discussed. Religious scholars have interpreted the position of women as prescribed in the Qu’ran and the various *hadith*. Historians like Ira M. Lapidus, who have written extensively on the history of Islamic societies, have argued that with the spread of Islam throughout the Middle East and North Africa, the religion of Islam has adapted to and incorporated local traditions and customs: “An ‘Islamic’ state was also an expression of non-Islamic territorial and cultural identity” (Lapidus, 2002: 188). This view is supported by the majority of scholars who point to the fact that there is no central authority in Islam pronouncing religious dogma. To the contrary, Islamic scholars have always insisted on the importance of *fiqh*, jurisprudence based on Islam, which differs from one geographical region to another and the privilege of *ijtihad* (judgment) or “rightful interpretation.” Hence, there always has been room for interpretation of the Islamic religion. While scholars generally agree that Islam has improved the situation of women in pre-Islamic Arabic societies, regional and local customs remained a crucial factor in

¹ The Qu’ran is understood as God’s word as revealed to the prophet Mohammed. The *hadith* (lit: something new) are sayings attributed to the prophet. The *sunnah* are traditions and practices attributed to the prophet.

defining the role of women. “Islam was not necessarily the decisive element in the definition of gender in the region, but rather this religion encapsulated, reworked, and finally helped diffuse many older cultural practices of the region, including those defining of gender” (Nashat and Tucker, 1999: 2).

Applying a western concept to the status of women, Leila Ahmed argues that women in the Islamic world are what the West calls “minority.” She explains this as follows: “In establishment Islamic thought, women, like minorities, are defined as different from and, in their legal rights, lesser than Muslim men. Unlike non-Muslim men, who might join the master-class by converting, women’s differentness and inferiority within the system are immutable” (Ahmed, 1992: 7). In recent years, some scholars of Islam have advocated a new, “enlightened” reading of the Quran which not only supports equality of women but also insists on the compatibility of Western and Islamic values (Arkoun, 1994 and 2004). In his seminal work “Rethinking Islam”, Mohammed Arkoun, an Algerian-born Islamic scholar residing in France, takes issue with the way Islam is customarily studied in the West. “Islam is always considered apart from other religions and from European culture and thought. It is often excluded from departments of religion and taught instead as part of Oriental studies” (Arkoun, 1994: 8). Hence, despite the presence of millions of Muslims within its borders, Islam is not treated as a part of the European religious and cultural fabric. Arkoun challenges this Orientalist approach that insists on an inherent difference between the West and the East and is based on a vision or ideological bias ostensibly suited to the concept of Orient as critiqued by Edward Said. Arkoun rejects this image of the 'Orient', expressed as an entire system of thought and scholarship. Nevertheless, sweeping generalizations and misconceptions cloud understanding on both sides according to Arkoun (1994):

It is true that the sort of Islamic discourse common to fundamentalist movements, especially those engaged in the most decisive political battles, proposes the powerful image of a single, eternal Islam, the ideal model for historic action to liberate the world from Western, imperialist, materialist model. The field of perception is open to the confrontation of two imaginaries overheated by accumulated confusions about each other. (7)

Because this study offers a comparison between women in Morocco and women of Moroccan origin in France, Arkoun's analysis of Islam's historical influence on Western Europe is relevant. He emphasizes the fact that Islam has for centuries been part of European history. Therefore Islam has had - albeit largely unacknowledged - an influence on European culture in general and the Mediterranean region in particular of which both Morocco and France are a part (ibid.):

Another aggravating factor in the old quarrel between Islam and the West is that Islam, as a force in the historical rise of societies, took control of the Mediterranean area from the seventh to the twelfth centuries and again, with the direction of the Ottoman Turks, from the sixteenth to the eighteenth centuries. The cultures of the Mediterranean region share a single historical destiny that the scientific study of history, independent of the ideologies that divide the northern and southern or the eastern and western coasts of the Mediterranean, is far from confronting. The Mediterranean region I refer to is more cultural than geographic and strategic, it encompasses all those cultures that have been influenced historically by Iranian religions and the great cultures of the Near East, including the Mesopotamian, the Chaldean, the Syriac, the Aramaic, the Hebraic, and the Arabic - all before the intervention of Greece, Rome, Byzantium, and "Islam." (8)

Arkoun challenges the notion that the Christian West and the Islamic East are inherent opposites with few, if any, social and cultural commonalities. To him the cultures that developed along the Mediterranean coastline were shaped up until modern times by the same historical forces.

This scholar also dispels the view that Islam is a static, backward looking religion. Unlike most of Christianity which until the Protestant Reformation in the 16th century, was guided by the authority and dogma of the Catholic Church, Islam never had any comparable hierarchical structure. In his more recent "The Unthought in Contemporary Islam," Arkoun emphasizes that there is in fact no single, common tradition in Islam: "Tradition is informed and conditioned by changing backgrounds, teaching, guiding and conditioning these backgrounds in return. This interaction is translated into self-entitlement of each Muslim community to incarnate and monopolize the authentic expression of the 'orthodox' tradition" (Arkoun, 2002: 251). Therefore, it is neither uncommon nor problematic to think of new ways of interpreting the Qu'ran according to

changing social, cultural and historic circumstances. Assumptions of this kind are reflected in my interviews with young, educated and professional Muslim women in Morocco and France.

Moroccan sociologist Fatima Mernissi encourages public discourse about Islam. She in fact credits public discourse about religion as a major factor in the initial development of Islam. Mernissi explores the earliest phases of the religion as a period during which the new faith was perceived as “a religion of reasoning” (Mernissi, 1991: 35). She insists this quality of reasoning should form the basis of modern understandings of the faith particularly with regards to the role of women (ibid: 195).

Like other scholars exploring the theme of women in Islam, Mernissi traces the origins of assigning women an inferior role to some misogynist sayings in the *hadith* such as the often cited: “Those who entrust their affairs to a woman will never know prosperity” (vol. 4 p 226 Bukhari *hadith*)². She questions the veracity of these sayings because they contradict what the Qu’ran says about women.

Mernissi studied the life of revered figures in Islamic history such as Abu Bakr, close companion to the prophet, to whom the remark quoted above is ascribed. She argues that no one close to the prophet would have publicly uttered something so obviously in contradiction with the revelations received by Mohammed. Instead, Mernissi proposes that portions of the *hadith* are based more on hearsay or selective memory than on actual fact. She describes parts of Islamic history as “a tradition of misogyny” which is based on questionable pronouncements and unsubstantiated sayings by the prophet rather than by referring to the Qu’ran itself. In addition, because women remained uneducated for centuries after Islam was introduced, a certain image of women could be put in place that was quite different from the revelations received by the prophet, “the *imams* were able to take advantage of our [women’s] ignorance of the sacred texts” (ibid, 115). Mernissi insists that more attention needs to be paid to the Qu’ran rather than the *hadith* because the sacred text emphasizes equality of believers, regardless of their gender.

² According to Annemarie Schimmel, a *hadith*, a “saying tale,” is part of the oral tradition, so a good number of non-authentic tales may have infiltrated the text in the course of the first centuries (1992:52).

This equality of believers is a theme explored by various Islamic scholars and will be addressed later in greater detail. Mernissi probes the question of why official Islamic historical discourse is purged of female heroes like A'isha, Sukayna and Umm Salama. "The answer without doubt is to be found in the time-mirror wherein the Muslim looks at himself to foresee his future. The image of 'his' woman will change when he feels the pressing need to root his future in a liberating memory. Perhaps the woman should help him do this through daily pressure for equality, thereby bringing him into a fabulous present" (ibid, 195).

One of the foremost contemporary scholars of Islam in the United States, Amina Wadud, explores the role of women based on the scriptures in her "Qu'ran and Women." She too differentiates between the scriptures and the historical practice of Islam. "If the definite basis of what Islam means is determined by what Muslims do, then women and men are not equal" (Wadud, 1999: ix). Though the scripture clearly assigns a different role to women than to men, Wadud argues that these are based on functional considerations:

Femininity and masculinity are not created characteristics imprinted into the very primordial nature of female and male persons, neither are they concepts the Qu'ran discusses or alludes to. They are defined characteristics applied to female and male persons respectively on the basis of culturally determined factors of how each gender should function. (22)

According to Wadud, Qu'ranic considerations of woman center on her relationship to the group, i.e. as a member of a social system. When the Qu'ran does refer to humans as individuals, it does not differentiate between male and female: that is, whatever the Qu'ran says about the relationship between Allah and the individual is not conveyed in gender terms. "With reference to the individual, the Qu'ran most often uses the term '*nafs*' (self, soul) a non gendered-term" (ibid, 34).

Like Mernissi, Wadud points out that Qu'ranic interpretation was up until recently a male prerogative and thus influenced by a specific cultural environment. "No interpretation is definite, limitation exists when specifically addressing the social situation in Arabia at the time of the revelation. No community will ever be exactly like

another, therefore no community can be a duplicate of that original community. That most *tafsir* (exegetical works) are done by males indicates something about women and interpretation” (ibid, 95). Interpretation occurs within a specific historic, geographic and cultural context and even divinely inspired texts fall prey to these earthly limitations. Therefore, the Qu’ran has been interpreted to support a certain social system that benefited those doing the interpretation, in this case, men. “Sometimes the open-endedness of the Qu’ran, which does not give explicit social functions or attribute explicit values to those functions, has been interpreted to mean that the Qu’ran supports existing systems of evaluation - whether at the time of the Prophet or in subsequent Muslim communities” (ibid, 96).

The Qu’ran, according to Wadud, is very much concerned with social justice in the sense that its message is intended to right the wrongs of this world. By this definition, it cannot be interpreted as supporting inequality. Wadud (1999) writes:

With regard to social justice, it becomes necessary to challenge patriarchy - not for matriarchy, but for an efficient co-operative and egalitarian system which allows and encourages the maximum participation of each member of society. This system would truly respect each gender in its contributions, and all tasks that are contributed. This would allow for the growth and expansion of the individual and consequently society at large. (103)

According to Wadud, the Qu’ran, like the Bible, is not a “how to manual” that offers step-by-step guidance for daily affairs but is concerned with human being’s eternal life and the meaning of earthly existence. The scriptures are concerned with human’s responsibility toward God and their responsibility toward each other. It is this absence of specific instructions however, that allows for diverging interpretations, argues Wadud.

The absence of explicit Qu’ranic prescriptions for dividing labor allows and supports a myriad of variations... Thus the Qu’ranic guidance can be logically and equitably applied to the lives of humankind in whatever era, if the Qu’ranic interpretation continues to be rendered by each generation in a manner which reflects its whole intent. (104)

Asma Barlas, a scholar of Pakistani origin, explains that change within Muslim societies can in the long run only be successful if it will be perceived by the population as being based on the Qu’ran: “... it is safe to say that no meaningful change can occur in these societies that does not derive its legitimacy from the Qu’ran’s teachings, a lesson secular Muslims everywhere are having to learn at their own detriment (ibid, 3). Barlas does not view herself as a “feminist” in the Western sense and insists that her reading of the Qu’ran is based on conventional theological exegesis. She argues that no “feminist” reading of the Qu’ran is required to come to the conclusion that the sacred text does not favor men over women. Instead, Barlas (2002) guides the reader through the sacred text by highlighting the *suras* (chapters in the Qu’ran) which emphasize equality between men and women:

The most radical of the Qu’ran’s teachings, which establishes the ontic nature of sexual equality in Islam and which undermines the very notions of radical difference and hierarchy, has to do with the origin and nature of human creation.as both men and women originated in a single Self, have been endowed with the same natures, and make up two halves of a single pair. (133)

Scholars, who do not specifically focus on gender issues, also emphasize that the message of the Qu’ran is one of equality of all humans vis-à-vis Allah. Annemarie Schimmel, a German scholar who taught at Harvard University, wrote extensively on Islamic mysticism, and insists that the Qu’ran addresses “man” as in “human being” and not with reference to gender. Because the Qu’ran is concerned with change for the better of humans in general, early Islam improved women’s position in Arabia compared to pre-Islamic times. This, according to Schimmel was based on the fact that “the ‘man of God’ was always mentioned as the idea of the true believer, but one should beware of taking ‘man’ here as gender related” (Schimmel, 1994:197). Several of my respondents in France referred to some of Schimmel’s work³. Like other scholars cited above, Schimmel separates the text of the Qu’ran from the practice of Islam: “It would be amazing if Islam were a religion that is against women as much as later developments give that

³ In my interviews, respondents in France frequently referred to Schimmel’s book *Mon âme est une femme: la femme dans la pensée islamique*. Paris: Jean-Paul Lattès, 1998.

impression” (198). She goes on to describe various female saints in Islamic history, which come from all parts of the Muslim world and are neither limited to one geographic region nor to a particular time period. In Morocco for example, where saint worship is a widely accepted practice, Lalla Mimuna is revered. Schimmel sheds light on the little known fact of Islamic convents for women during the Middle Ages, especially in Egypt and Iraq. Women could seek refuge in these institutions after a divorce or find solace between marriages. These convents were led by a *shaykha*, a female sheikh, who also preached and led the women in prayer (199). Hence, there are historic precedents for having female religious leaders in Islam. In fact, it was in Morocco where as late as 1942 women “circle-leaders” (*muqqamadat*) were found (Trimingham, 1971: 114). Why and how this practice of female religious leadership discontinued, has not yet fully been explored.

Like their much earlier counterparts in the Middle Ages, these female religious leaders in North Africa were adherents of the mystical branch of Sufism. The attraction of Sufism among women in Morocco and elsewhere in the Islamic world can be explained by the fact, that “mysticism was the only religious sphere where women could find a place” (ibid 18). Sufism is less concerned with adherence to dogma and instead emphasizes personal experience with the divine and the importance of love between God and man and between human beings. Given the historical preponderance of Sufism in Morocco, it is understandable why women in or of that region today feel less bound by orthodox doctrine and instead feel free to develop a religious understanding that suits their particular circumstances.

Schimmel also weighs in on the issue of the *hijab*, the headscarf. She argues that there is no theological justification for the headscarf or the veil. She notes that covering a woman’s head was initially a sign of class distinction, whereby noble women covered themselves in public whereas servants and lower-class women entered the public sphere with little more than the necessary clothing: “It was a distinction, not an onerous duty” (200). However, Schimmel (1994) observes:

The insistence upon women’s deficiencies (a term very much used also in the Christian Middle Ages) reveals the ascetic fear of women’s power, and the ascetics in early Islam saw in women something horrible but - alas! - necessary. The *sunna*’s insistence on

married life left them between their wish to sever completely the bonds with this world (a world that appeared to them, as it did to their Christian contemporaries, as a ghastly old hag, always ready to seduce and then to devour her unfortunate lovers) and a normal and normative family life. Marriage, to be sure, is no sacrament but a simple contract in which the bride is represented by her *wali*, ‘representative.’ (200)

This emphasis of the contractual nature of marriage is also at the heart of Islamic Personal Status Code, an issue addressed later in this chapter.

Schimmel asserts nevertheless that a theological basis for assigning women a lower status than men can be derived from the Qu’ran: “One reason for the deteriorating image (and as a corollary, position) of women was the old ascetic equation between women and the *nafs*, the lower soul, *nafs* being a feminine term. As the *nafs* incites one to evil (Sura 12:53), woman, too tries to divert man from his lofty goals - or so it was thought” (ibid, 201). On this point Wadud (see above) disagrees with Schimmel because she insists that *nafs* refers to ‘self’ or ‘person’ and does not carry a gendered meaning.

Fellow German scholar Dorothee Sölle, a Christian theologian, shares Schimmel’s interest in mysticism. In her comparison of mystic traditions of major world religions, Sölle comes to the conclusion that mysticism in all religions transcends dogma and therefore opens the way to a universalistic understanding of the human condition. Religion in the third millennium, she argues, “will either be mystical, or it will be dead.” Sölle recounts the story of one of the most well-known female Sufi saints, Rabi’a of Basra (ca. 713 -801). Rabi’a once walked the streets of her hometown in Iraq, holding a torch in one hand and a pail of water in the other. Asked why, she replied: “I want to put fire to paradise and pour water over hell so that these two veils disappear and it becomes plain who venerates God for love and not for fear of hell or hope for paradise” (Sölle, 2001:35). In recent times, Rabi’a has become increasingly popular among young, educated Muslim women because of her image of fearlessness and her example of a woman whose faith transcended conventional dogma. During my interviews, several women both in Morocco and in France talked about Rabi’a of Basra as a historical figure they admired.

While Sufism is a venerated tradition in Morocco, several of my respondents in France said that in that country “Sufism” sometimes was used in a derogatory sense and therefore they hesitated to use that term.

In France, access to Islamic religious discourse and literature is limited. Young Muslims, who want to explore their religious heritage beyond what has been transmitted to them by their parents, have to invest substantial effort. Not only is there no societal encouragement for religious pursuits, religious instruction in the homes of second generation North Africans in France is often limited to the folkloristic and consists of little more than repeated recitation of prohibitions: no alcohol, no pork, no premarital sex (for girls, at any rate), no marriage to someone outside their community etc. As the parents of most of these young Muslims were either illiterate or had little formal schooling, their own understanding of Islam was rather narrow. This young generation, educated in the French public schools, could in principle read the scriptures for themselves and seek out information on their own. However, because of their limited knowledge of the Arabic language, their access is further reduced to French texts. Despite these restrictions, a homegrown, French-educated Muslim population emerged within the hexagon which came about largely unnoticed by the majority culture.

Because of its emphasis on *laïcité*, France does not encourage the public recognition of Islam. According to Arkoun, France is overemphasizing its secular nature at its own peril. “This combative secularism employed in the service of a specific political project - construction in France of a Republic that is ‘one and indivisible’ - neglects one of its own founding principles, that of philosophic openness to the study of all human channels for the production of meaning” (Arkoun, 2004 : 96). By discouraging open discourse about religion and relegating it to the private sphere, this creates a situation in which extremism can flourish more easily:

By ‘privatizing’ religion, through its elimination from the teaching syllabus in state schools in the name of ‘national education’, the French Republic’s ‘compulsory, secular and free’ principles for schooling equally all citizens has generated a lack of religious culture and abandoned religious affairs to the exclusive responsibility of the various ‘churches’... Instead of this emancipating knowledge, the so-called secular schooling has enhanced among the citizens what sociologists

describe as ‘the culture of disbelief’, at a time when the question of the religious phenomenon, as I am trying to define it in this book, has become one of great political urgency, all the greater in that it was thought to have been dealt with for good by the progress of positivist scientific knowledge since the nineteenth century. (96)

Widespread ignorance and disinterest concerning Islam, changes in the conceptions of Islam among second generation Muslims in France, have occurred largely unnoticed. In his early research on Muslims in France, Gilles Kepel observed that the French state failed to recognize Islam as a force of growing influence. It was not until the mid 1970s that France began to realize that Islam had become a fact of life (Kepel, 1987:139). This recognition coincided with having to come to terms with the permanent presence of North African immigrants within its borders. As suggested by the title of Gilles Kepel’s book “Les banlieues de l’Islam”, Islam up until then was perceived as a culture and religion of the *banlieues*, i.e. it existed outside of the mainstream much as in the United States the Nation of Islam is often perceived as a fringe religion, whose adherents reside primarily in the poorer inner cities, the social if not geographical equivalent of the French *banlieues*. Kepel describes the phenomenon of “re-islamization” which occurred chiefly as a result of social circumstances in the often violent suburbs, which are marked by unemployment and deprivation. He speaks of “les jeunes Maghrébins qui ont découvert l’Islam ...une mutation des valeurs dans le monde des jeunes Maghrébins de France se produit après l’essoufflement du mouvement ‘beur⁴” (386).

Unlike in Morocco, young French Muslims experience Islam not as an omnipresent reality but as the faith of a disenfranchised minority. It forms the basis of a culture that the second and third generation has to rediscover for itself. In attending meetings of young Muslims with imams all over France, Kepel (1987) observed that the questions asked show that these young people are thoroughly inculcated with French modes of thinking.

⁴ The term ‘beur’ was coined by inverting the syllables of the word ‘Arabe’ which often carries a pejorative connotation in French. ‘Marche de Beurs’ refers to a major political demonstration held in 1983 by younger members of the immigrant Maghrebi community. It’s official title was “la marche pour l’égalité et contre le racisme.”

Elles [les questions] sont conceptualisées grâce à des modes de pensées acquis en France. Les questions qu'ils posent à leur imam s'inscrivent dans cette perspective.....les jeunes Maghrébins qui se définissent comme 'musulmans' n'ont pas d'univers de référence préalable vécu ou appris autre que la France : l'Islam est, pour eux, une projections vers l'avenir, une manière d'utopie. (372)

Absent in Kepel's early writing on French Muslims is an acknowledgement of the different circumstances for men and women. However, in his most recent work "The War for Muslim Minds - Islam and the West", Kepel does approach the issue of young Muslim women: "As Islamist movements develop, the issue of gender equality becomes increasingly a field of contention in the battle for Europe" (Kepel, 2004: 282). Kepel explores the way in which modern technologies such as the Internet have allowed young people, women in particular, to seek answers to their religious questions from sources which previously were beyond their reach. Because of their inability to read Arabic, the majority of French Muslims of immigrant origins have no direct access to most of Islamic literature.

However, a new discourse on Islam is emerging among Muslims in the West. One of the most prominent proponents of this new discourse on occidental Islam is Swiss-born philosopher Tariq Ramadan, grandson of Hassan al Banna, founder of the Muslim Brotherhood in Egypt, who is advocating dialogue among the various Muslim communities and proposes a new "occidental Islam" (2004). Ramadan's propositions on a variety of issues, from the Muslim headscarf to stoning of adulterous women, have been disseminated via Islamic websites and are discussed in chat rooms. In fact, new information technologies cross linguistic boundaries as websites and chat rooms are often bi- or even trilingual. Increasingly, women use these chat rooms and Internet forums to discuss issues such as birth control and abortion, the veil and pre-marital sex. The anonymity guaranteed in cyberspace allows for near-unlimited freedom of expression. The fact that women in France turn to these sites, indicates that they do seek answers to life's questions within the context of their ancestral culture and religion. In my

interviews, respondents in France said that Internet sites were one of their main sources of information about their religion.⁵

At the time of Kepel's writing, many Internet forums that provided religious counsel were operated by fundamentalist groups and consequently, the advice given was based on strictly traditional interpretations of the Qu'ran. The increasing importance of cyberspace for young Muslims has also been addressed by Olivier Roy, who dedicates an entire chapter in his "Islam mondialisé" (2004) to the virtual, online community of Muslims worldwide.

Moving back and forth between different worlds is a daily routine for young Muslims in France. They are inculcated with Western values and for them Europe and what it represents is a reality. Such cultural flexibility is in contrast to the majority of Western Europeans, for whom Islam still represents a new, formidable challenge. Because of their ability to traverse cultural divides, Bruno Etienne refers to the second generation as "les jeunes sans frontières" (Etienne, 1989: 260). This new generation of French Muslims creates a culture and religion based on very diverse influences. According to Etienne, what people believe is more important than their actual circumstances. Etienne argues that French Muslims - rather than representing an alien element in France - are in keeping with the finest of French traditions by reaching beyond borders for inspiration. Etienne proposes that these young people are no less "typically" French than so-called *français de souche*: "la plupart des Français ne sont pas typiques: donc n'être pas typique est l'essence du Français moyen. Ce qui paraît normal dans un pays où les reines ont toujours été des étrangères...exogamie oblige" (264). This political scientist points to another common misperception, namely that "North African immigrant" is often understood as synonymous with "Muslim." Yet, the majority of today's Jews in France are also of North African descent (265).

Before it became a commonly used concept, Etienne advocated the notion of "multiple identities" which he called "citoyenneté plurielle." This certainly applies to French Muslims of immigrant descent. As the interviews for this research revealed, young, educated women appear quite at ease with their multiple identities. They are

⁵ In my interviews, the most frequently cited sites were www.oumma.com, www.sezame.info, www.islamfrance.free.fr and www.saphirnet.info.

culturally French and Muslims by religion. It is the dominant culture that adjusts with difficulty to a situation in which Muslims are an integral part of French society.

New ways of interpreting Islam are explored by French sociologist Leïla Babès. This Algerian-born scholar describes the “nouvelles manières de croire” of women of North African immigrant origin.⁶

Given the secular character of French society, some even have argued that Islam is the most widely practiced religion in France. One of the most profound changes in conceptions of Islam is identified as “privatisation et [...] intériorisation” (Babès, 1996: 7). France, and the Western world in general, places great value on individualism. Babès argues that this emphasis results in a personalization of faith with diminished adhesion to an institutionalized religion. A highly individualized interpretation of religion is particularly prevalent among women who seek to live their faith in the secular, less visible patriarchal society of France. Babès raises the fundamental question “Qui définit le religieux ?” and answers : “Ce n’est pas au sociologue ou à un quelconque chercheur de le faire, ... ce sont des acteurs soixants qui déterminent la qualité de ce qui est religieux” (15). The new religious understanding which is “en train de se faire” in France does not mean the end of religion but rather a “mutation des croyances” (177).

Islam in its new Western expressions is a nascent yet rapidly growing field of academic study. In her “L’Islam Positive,” Babès observes that by conventional accounts, young, French Muslims are caught between a rock and a hard place, “ils sont trop religieux, ou pas assez” (Babès, 1997:23). For the majority of young, French-educated, Muslims, the mosque is the place where their parents go, it is associated with the “old country.” The majority of the young generation rejects the institutional aspects of Islam. Having internalized Western individualism, they feel free to discover a personalized understanding of their religion.

Apart from the obvious influence of French society with its emphasis on *laïcité*, Babès attributes this “secularization of Islam” (94) in some measure to the presence of Christian or church-connected social service institutions in the *banlieues*. Young

⁶ A changing understanding of Islam among young, educated, urban women in Morocco has not so far been the subject of published academic research.

Muslims socialize in church-run community centers in the *banlieues* and benefit from secular outreach activities of Christian institutions. They experience Church-run public service without the express purpose of proselytizing.

In addition, young Muslim women use the official secular nature of France to pursue their own goals when these are against the wishes of their families and communities. “La laïcité est d’ailleurs souvent leur cheval de bataille,” writes Babès (95). Another significant feature of French society is its pluralism, which according to this researcher, goes hand in glove with *laïcité*. As a result, “une des conséquences les plus importantes du pluralisme religieux est le phénomène de relativisation de la religion à laquelle on appartient” (102). Most North African immigrants live in communities in which the majority of their neighbors are transplants from the Maghreb as well. Young people growing up in these environments do not experience much religious diversity within their own communities. Freedom of choice and individualism are concepts to which they are exposed in the French public schools, not at home. Writes Babès : “La liberté de choix, caractéristique de la sécularisation, montre ainsi une nette préférence pour l’expérience personnelle” (106).

Young Muslims in France use this freedom primarily to explore the religion they were born into. While there is a considerable number of *français de souche* who convert to Islam or a religion that is different from that of their parents, there are no known accounts of Muslims who have converted to Christianity.⁷ Aware of this fact, Babès quotes an Arab proverb: “Si les religions se mélangent, alors tu dois tout faire pour t’attacher à la tienne. Voilà, sans doute pourquoi en matière de religion, le choix est hérésie, c’est-à-dire opinion libre” (107).

Michèle Triablat’s findings lead her to go a step further than Babès. In her “De l’immigration à l’assimilation. Enquête sur les populations étrangère en France” (1996), Tribalat compared religious practices and adherence to Islam between immigrant parents and their children. Her research is based on extensive questionnaires that included

⁷ In Morocco, religious proselytizing is against the law. Though there are publicly known cases where Muslims have converted to a Christian denomination, such cases are kept quiet, if not secret. However, recently, there has been some controversy and publicity about conversions to Christianity in Morocco. See “Perceé protestante au Maghreb” in *Le Monde, Dossiers & Documents*, No 343, June 2005, p 6. Given the stigma associated with conversion, Muslims of North African background may be hesitant even in France to openly profess a different faith.

questions about “religious practice” which mostly referred to attendance of a mosque, following dietary restrictions (pork, alcohol) and fasting during Ramadan. From her data she concludes that the second generation is significantly less religious and closer to the secular values of French society than their North African parents. However, Tribalat finds that people of Moroccan origin in France show a comparatively higher religious inclination than those of Algerian or Tunisian backgrounds.

Whether the second generation is less religious (Tribalat) or religious in a different manner than their immigrant parents (Babès), is up for debate. Even the most obvious sign of adherence to Islam, the Muslim headscarf (*hijab*) does not reflect a uniform belief. This public display can be motivated by a form of radicalism or fundamentalism, a return to cultural and religious roots and may even be inspired by fashion but it does not equate with support for violence, certainly not terrorism, and therefore is not to be confused with the common use of the terms “radical” or “fundamentalist” (Nökel, 1999: 72).

Regardless of where women stand on the headscarf issue, most agree that this should be a matter of personal choice. Wearing the *hijab* is not something a woman should be forced to do. “Il est primordial que toutes les femmes du monde - musulmanes ou pas, voilées ou pas - sachent que *rien* ne justifie leur enferment dans une image construite sans elles ” (Bouzar/Kada, 2003 : 12). It is this very insistence on their right to self-determination that brought liberal activist Dounia Bouzar and covered Islamist Saïda Kada together to jointly author a book about the headscarf, “L’une voilée, l’autre pas” (2003). The collaboration of these two women, who approach the headscarf from very different perspectives, shows that the headscarf need not be viewed as a divisive issue within the Muslim community. The headscarf will be discussed in greater detail in a later section of this chapter.

In Morocco, a different set of circumstances impacts on young, educated women.

There, Islam is a state religion, freedom of religion as understood in the West is an absent concept. With a population of 98.7⁸ percent Muslim, exposure to religions other

⁸ According to the World Fact Book (2001) there are in Morocco: 98.7 % Muslims, Christian 1.1 %, Jewish 0.2 %. In France: 83-88 % Roman Catholic, 2 % Protestant, 1 % Jewish, 5-10 % Muslim, 4% unaffiliated.

than Islam is virtually non-existent. Most of the educated population is fluent in Arabic and therefore has access to a wide variety of literature on Islam. In a country where the King is at the same time head of state as well as Commander of the Faithful (ultimate religious authority in his country), academic studies on emerging new interpretations of Islam among young people, are not encouraged. Though there is a lively public discourse on Islam within Morocco, certain themes are off-limits, such as questioning the religious authority of the King. Those who have done so in public such as the outspoken founder of the largest non-violent fundamentalist Islamic movement in Morocco, *Al Adl wa Ihsane* (Justice and Charity), Sheikh Abdessalam Yassine, have in the past been imprisoned or put under house arrest. In my own research, I have attempted to approach the issue of new interpretations of Islam through questions about recent social and legal changes such as the reform of the Personal Status Code in Morocco and the law banning selected religious insignia in French public schools, to which I now turn.

Family Law - Personal Status Code and the Role of Women

Religion and law are closely related in most cultures but nowhere is that connection more evident today than in Islamic family law. Personal Status Code, or family law as it would be called in the West, is based on the Qu'ran. Law, like religion, reflects categories of meaning according to anthropologist and legal scholar Lawrence Rosen: "Though couched as statements of fact, legal discussions are, quite often, really creators of fact. Like religion, law is a kind of metasystem which creates order in a universe that is often experienced in a more disorderly way" (Rosen, 1989: 17). Rosen argues that cultural beliefs and understanding are revealed most vividly in Islamic family law. A change of law, therefore, marks a cultural shift as well. Over the course of a decade, Rosen observed the courtroom proceedings of a local judge in a small town in the Atlas mountains⁹ of Morocco. Based on this experience, his own legal training and an anthropologist approach, Rosen (1989) writes:

⁹ Rosen conducted much of his research in Sefrou, a small town near Fès in the foothills of the Middle Atlas and within a few kilometers from a town (Ifrane) where I conducted several interviews.

It appears more fruitful to view law as part of the larger culture, a system which, for all its distinctive institutional history and forms, partakes of concepts that extend across many domains of social life. In law, as in politics and marriage, one has the opportunity to see ordinary assumptions put to the test of scope and implication, and though the response may be peculiar to its own domain, analyzing the realm of the law as a cultural phenomenon is no more unusual than viewing aspects of a society through the behavior of its members in the public market-place, the family dwelling, or the house of worship.

(5)

The family - nuclear and extended - constitutes the cornerstone of Muslim society, therefore an entire legal code is dedicated to issues pertaining to family matters: marriage, divorce (sanctioned in Islam), custody, inheritance. The Personal Status Code, in Morocco called *moudawana*, lays out the role of women within the family and in society in general. Any change in the Personal Status Code therefore has larger implications with regards to the status of women. While women in Morocco obviously are under the rule of Moroccan family law, the *moudawana* also applies to Moroccans residing abroad. And even after adopting French citizenship, immigrant families carry with them their traditions and customs and family matters are often dealt with in accordance with the laws and traditions of their home countries rather than those of their newly adopted homes. In an effort to understand the dilemma of modern French women of Moroccan origin, it is therefore important to have some basic understanding of the Moroccan Personal Status Code and Islamic law in general.

In most of the ca. 60 predominantly Moslem states in the world today, Islamic law has been replaced with modern western law in the areas of commercial, civil and much of criminal law. Despite these changes, family law has remained largely intact as a separate, religiously based form of law from pre-colonial through colonial and the present post-colonial period. This does not mean that the Personal Status Code has not been changed over the years, it simply means that family law remains religiously based law and changes have to be first and foremost justified by referring to the Qu'ran. Because the Qu'ran, the *sunnah* (traditions and customs of the prophet) and the *hadith* (sayings attributed to the prophet) are explicit with regards to family, changes in family law cannot be made without new interpretation of sacred texts and thus connote an altered

religious understanding. However, the demarcation line between pre-colonial, traditional and Western-inspired law is not always clear. The Arab Human Development Report 2004, published by the United Nations Development Programme (2004) states:

The colonial imprint can be marked. Indeed, it is often difficult to determine which legal processes are genuinely traditional and which can be seen as a hybrid by-product of colonial manipulation and control. An added complication in separating authentic from imposed practices is that colonial and its “civilizing mission” unilaterally claimed responsibility for introducing modern values, beliefs and institutions to the colonies. (58)

The UNDP report further states that such legal pluralism has been recognized in “countries from Australia to Canada to South Africa” and that in no African country, either during or after the colonial era, has customary law been entirely disregarded or proscribed. (59)

One of the foremost scholars on Islam in the United States, John L. Esposito, argues that a change in Personal Status Code is an “indicator of social change and reform, its methodology and problems” (Esposito, 1982: x). This Middle Eastern Studies scholar writes that Personal Status Code reform goes to the heart of establishing Islamic identity which includes re-examination of the question “What does it mean to be a Muslim woman?” (xi)

The Qu’ran itself is not a legal text, but offers general moral guidelines and principles. In the centuries following Mohammed’s death (632 C.E.), four major legal schools, *madhab*, developed which have become the basis for law in various countries. The Moroccan Personal Status Code is based on the Maliki code, Egypt for example uses the Hanafi code, Tunisia the Hanbali code, others the Shafii code. These schools differ on issues such as the proper age of marriage for a girl, whether or not a young woman has the right to reject a marriage made by her guardian *wali*, usually the father or grandfather, upon reaching adulthood etc. The Hanbali code for example contains several hundred stipulations on the issue of inheritance alone.

The revelation of the Qu’ran, understood as an expression of Divine Will for man, was the basis for major reform of the status of women in Arabia. This reform pertained to three areas: marriage, divorce and inheritance. According to Islam, women are a legal partner in a marriage contract and not an object for sale as had been the case prior to the advent of the new religion. Islam curtailed unlimited polygamy and men were restricted to marrying four wives with the stipulation that all wives are to be treated equally. Because it is in reality nearly impossible to treat different individuals the same way, this stipulation is interpreted by some as meaning that the prophet was in fact discouraging the practice of polygamy. In the realm of divorce, a waiting period was instituted to allow for reconciliation. A pregnant woman could not be divorced by her husband until after the birth of the child. Inheritance customs changed through Qu’ranic reform by de-emphasizing tribal allegiances and instead advocating solidarity with the community of believers (*ummah*). As the family constituted the smallest unit of the newly formed, faith-based community, inheritance became an issue within the family and not, as previously had been the custom, a tribal matter.

Though it was often thought that Islamic law remained constant throughout the ages, “twentieth century scholarship has, in fact, demonstrated that the development of Islamic jurisprudence in general and *Sunnah* in particular was a much more dynamic and creative process than classical theory would suggest” (Esposito, 1982: 111).

Legal scholar Mohammed Ali Syed argues that the questions of women’s rights and obligations “...appear to be the most controversial and most complex of all social problems” (Syed, 2004). This practicing barrister at the British bar challenges assumptions of conservative framers of Islamic law who accorded a lesser status to women. Syed argues that the Qu’ran and the *hadith* - the two primary sources of Islamic law - place Muslim women on the same level as Muslim men. Syed provides an overview of both sources and explores their respective roles in Islamic law, emphasizing the Qu’ran’s role as the supreme authority and questioning the authenticity of some of the alleged sayings attributed to the Prophet. Rather than analyzing the practice of Islamic family law, Syed focuses on the theoretical position of Muslim women as sanctioned by the Qu’ran. Like scholars cited earlier in this chapter, Syed too emphasizes the fact that most denigrating commentaries on women appear in the *hadith* and not the Qu’ran itself.

He refers to sayings of the *hadith* which are used to support the inferiority of women: “I took a look at Paradise and noted that the majority of the people there were poor, I took a look at Hell, and noted that women were the majority” or “I have not seen anyone more deficient in intelligence and religion than you women” (Bukhari 1:301)¹⁰. Syed contrasts these sayings with specific examples how the revelation of the Qu’ran elevated the status of women from pre-Islamic Arabia.

A case in point is the tribal custom of concubinage, whereby a man was entitled to have sexual relationships with any female slave or female prisoner of war. The Qu’ran however clearly demands that a man be married to the woman or women with whom he desires to have sexual relationships (Qu’ran 24:32, 33). The same applies to child marriage. Proponents of child marriage often refer to the story of the marriage between the prophet and Aïsha when she was only nine years old. Less known is the fact that this marriage was not consummated until Aïsha reached the age of maturity. In addition, Syed points out that this marriage was contracted before the prophet received revelations concerning marriage, though there are no explicit verses in the Qu’ran proscribing child marriage. Hence, according to Syed, “pre-Islamic Arab customs that allowed child marriage played a major role in introducing child marriage to Islam” (Syed, 2004: 40). Unlike Qu’ran, the *hadith* does contain sayings pertaining to the permissibility of child marriage of both boys and girls. As minors have no right to enter into a binding contract, the concept guardian, *wali*, was introduced, vesting an adult male relative with the authority to marry their minor offspring without their consent. All schools of Islamic law have the provision of a *wali* and consequently, child marriage became part of the *sharia* (lit: the path to be followed, Islamic law). However, Syed argues that adjustments to the *sharia* have been made throughout the ages; therefore modern times should be no exception.

Because of the centrality of the *wali* (guardian) in Islamic Personal Status Code, its abolition in the *moudawana* reform in Morocco is of critical importance. This concept is also one of the most controversial aspects of Islamic family law, which is why it is discussed here in some detail. Every female is under the tutelage of a *wali*, in most cases

¹⁰ There are six collections of *hadiths*, the one gathered by Bukhari is considered the most comprehensive and authentic.

her father or grandfather. The *wali* can arrange marriage of his female child and depending on the legal school a country has adopted, the young woman may or may not reject the marriage arrangement made by her *wali*. Consent of the *wali* is required for any marriage to be considered valid. In Morocco, a *wali* needed to give his consent for such matters as obtaining a passport or opening even a small business. As the concept of *wali* stems from the Qu'ran, to abandon this type of guardianship represents a major religious re-interpretation. The - by Western standards excessively – frequently dominant role of fathers or brothers in Muslim families in France has its roots in the concept of *wali*.

Polygamy is another critical aspect of Islamic Personal Status Code and its abolition (with very limited exceptions) in the 2004 family law reform Morocco is nothing short of revolutionary. This is because the Qu'ran explicitly allows a man to marry up to four wives under certain conditions. In practice, few men today actually live simultaneously with multiple wives, however what does happen with some frequency is that a husband leaves his first wife without divorcing her and moves in with another woman, declaring her his second wife. This leaves the first wife in a legal and financial limbo because absent a divorce, she can neither remarry nor claim alimony.

The Qu'ran further stipulates that a man may marry a non-Muslim woman as long as she is Jewish or Christian, i.e. a believer in one of the religions of the book. As religion is inherited in a patri-linear fashion, a Muslim woman is not allowed to wed a non-Muslim unless the man converts. The issue of marriage with a non-Muslim is one that preoccupied several of my interview partners in France.

Legal change is only one step in a process of transformation. More profoundly are changes in attitude which take considerably more time to take root. According to Moroccan anthropologist Abdellah Hammoudi, author of “Master and Disciple - The Cultural Foundation of Moroccan Authoritarianism,” maintaining traditions is an important aspect of Moroccan society. In his analysis of the Moroccan social order, Hammoudi describes the Moroccan power structure as essentially resembling the traditional Sufi *tariqa* (brotherhood) model of a stern master with his obedient disciples. The king, according to Hammoudi, is viewed as an arbiter who transcends partisan struggles. To implement policies and to maintain stability and coherence, he relies on the

unique Moroccan system of the *makhzen*. To put it simply, the *makhzen* encompasses notables and others beholden to the Moroccan throne and also includes a wide net of informants, casting an invisible net over the entire population. As there is no real power outside of the palace in Morocco, any change emanates from the king. Likewise, loyalty to the king is akin to religious duty. Says Hammoudi: “This set of attitudes could not impose itself if it did not have as its source the historical roots of the ethos of humility, submission, service, and gift exchange” (Hammoudi, 1997:43). The now American based anthropologist describes the power structure as it exists in the Morocco of today as resembling the one put in place in the 19th century:

To put it briefly, the arrangement was as follows: first the charismatic community, then the bureaucratic machine. Those with functions in the royal bureaucracy were put in a secondary position, while priority was given to those who ensured the perpetuation of the family of the Prophet and to the *ulema* (religious scholars), the custodians of his teachings and tradition. At the *mirhab* (niche in the mosque showing the direction of Mecca), the focal point of worship were the descendants of the prophet, not the *ulema*¹¹. The *chorfa*¹² derived their primacy from the fact that their presence was a tangible manifestation of the Prophet’s “mystical body.” (70)

The Moroccan King is not only the head of state but also holds the title of “Commander of the Faithful” (*Amir al Mouminine*) which makes him the highest religious authority in his country as well. This title dates back to the 10th century when the Amir Abdul Rahman III (912-61) assumed the caliphate in Cordoba, Spain and declared himself *Amir al Mouminine* (Abun-Nasr, 1987: 72). Any legal change announced by the monarch is therefore not merely of social or political importance but is viewed as a religious ruling. The religious mandate is not only ex officio but has even deeper roots. The current ruler is heir to the Alawi (or Alaoui) dynasty which has ruled Morocco, except for the 40 year interruption of the French protectorate, since the 17th century. Furthermore, the monarch holds the title of *sharif*, i.e. claiming direct descent from the prophet which endows him with special authority and *baraka*, i.e. blessing and

¹¹ *Ulema*, singular *alim*, those who are trained in the religious sciences

¹² *chorfa*, elevated place in the mosque for the imam

grace (ibid: 228). The power and importance of the Moroccan monarch, both as spiritual and as secular leader, cannot be underestimated.

It is in this context that the King's announcement of the Moroccan Personal Status Code reform has to be viewed as a mandate to change an entire population's religious understanding. Social change has to be presented as being consistent with tenets of the religion. This unity between the religious and the secular is often misunderstood in the West, where a pragmatic approach to remedying social ills is favored.

To better understand this social shift, a brief explanation of the Moroccan legal system is helpful. When Morocco achieved independence from France in 1956, the new nation adopted French civil law but retained a code of Islamic religious laws to govern matters within families. While the colonial legal system influenced development of Morocco's civil and commercial law, traditional courts continued to apply Maliki *fiqh* to matters of family law. Following independence in 1956, a Code of Personal Status (*al-Moudawana*) was issued, based on dominant Maliki doctrine. Under Moroccan civil law, women were considered equal to men. However, under the *moudawana*, women needed permission from their *wali* (guardian) to get married. Men were free to marry multiple wives, issue unilateral divorces in accordance with the Islamic tradition of repudiation (*talaq*), and make decisions regarding their wives. Women could not normally request a divorce and had limited rights with regard to property and inheritance.

In the 1990s, the Union for Feminine Action (UAF), a women's rights group in Morocco, organized a campaign to collect one million signatures for a petition which urged a reform of the *moudawana*. The late King Hassan II referred the matter to a council of religious leaders and in 1993, limited reforms were announced. After his father's death in 1999, King Muhammed VI ascended to the throne. It was not until the fall of 2003 that the young monarch announced his first, wide ranging reform. For this, he chose the Personal Status Code, *moudanwana*. According to the King, the aim was to draw up a modern Family Law which was consistent with the spirit of "our tolerant religion" (Discours Royal, Site Officiel du Maroc).

King Mohammed VI announced the reform of the Personal Status Code in the capital city of Rabat on October 10, 2003. The major aspects of the reform pertain to enhancing

the rights and status of women. In essence, the reform changes the family from a unit presided over by a man to a unit with two equal partners before the law. As the official legal document is at the time of this writing only available in Arabic and no unauthorized translations (meaning a translation sanctioned by the palace) are considered valid, the following is based on a *dalil*, a guide, which is available in French and a *Discours Royal*,¹³ which can be obtained from the official website of Morocco.

- **Marriage age:** The legal age of marriage for girls has been raised from 15 to 18 as it has been for men.
- **Polygamy:** a practice permissible according to the Qu’ran – has been outlawed except when a judge rules that there are significant reasons for which a husband might be granted permission to wed a second or third wife. The new law allows women to have a say in their husband’s decisions to marry a second wife:
“Women have the right to impose a condition in the marriage contract preventing the husband from taking a second wife. If there were no conditions, the first wife should be summoned to secure her consent. The second wife should be informed that the husband was married to another woman and her consent should be obtained, and the first wife should be given the right to demand a divorce.”
- **Repudiation:** The Islamic practice of *talaq*, the right of a man to single-handedly repudiate his wife will be outlawed. This practice did not guarantee the livelihood for the repudiated women and her children. The new law stipulates that divorce has to be granted by a court. “A new procedure for divorce has been established, requiring the court’s prior authorization. Divorce cannot be registered until all money owed to the wife and the children has been paid in full by the husband...”
The new law further states, “Divorce is the husband’s prerogative but the wife may avail herself of this prerogative.”
- **Divorce:** The wife can ask for a divorce. Before, a judge would not accept a request for divorce by a woman unless the woman could present a case of “suffering prejudice” and witnesses.

¹³ The full text of the Royal Discourse is in the Appendix

- **Inheritance:** Whereas in the past, inheritance was strictly patrilineal, the new law gives “the granddaughter and the grandson on the mother’s side the right to inherit from their grandfather, as part of the compulsory legacy, just like the son’s children.”
- **Joint responsibility:** The family is the joint responsibility of both spouses and not only the one of the father. The rule of “a wife’s obedience to her husband” will be abolished.
- **Guardianship:** The wife will no longer require a guardian (*wali*) in order to marry, which was required by the old law.
- **Civil Marriages:** Marriages entered into outside of Morocco will be recognized by the new *moudawana*, provided two of the witnesses are Muslims.
- **Sharing of assets:** Spouses may enter into a pre-nuptial agreement before marriage in order to ensure a fair sharing of acquired assets.
- **Child custody:** In case of divorce, guardianship of children goes first to the mother, next to the father, next to the maternal grandmother. Appropriate housing and child support must be guaranteed.
- **Children outside of marriage:** The rights of children will be safeguarded in case the parents are not married. Before, children prior to marriage did not have to be recognized by the husband. (Collectif 95 – Maghreb Égalité and Discours Royal)

Because of the male-centered nature of Moroccan society, the new law is explicitly described as not being a law that favors women; instead it is explained as reflecting the “true nature of a family law,” namely the inclusion of all members of a family, father, mother and children. In the words of King Mohammed VI :

Je ne peux, en ma qualité d'Amir Al Mouminine, autoriser ce que Dieu a prohibé, ni interdire ce que Le Très-Haut a autorisé. Il est nécessaire de s'inspirer des desseins de l'Islam tolérant qui honore l'Homme et prône la justice, l'égalité et la cohabitation harmonieuse, et de s'appuyer sur l'homogénéité du Rite Malékite, ainsi que sur l'Ijtihad qui fait de l'Islam une religion adaptée à tous les lieux et toutes les époques, en vue d'élaborer un Code moderne de la Famille, en parfaite adéquation avec l'esprit de notre religion tolérante. (Discours Royal, Site Officiel du Maroc)

The position of the King as political and religious leader is particular to this country. In addition, Morocco has other traits that set it apart from the Islamic world. The reform of the Personal Status Code in Morocco has to be understood in the larger context of the geographical, historical and cultural context of this North African kingdom.

Geographically, Morocco, as its Arabic name “Al Mamlakah al Maghribiyah” (The Kingdom of the Maghreb) indicates, is located on the farthest western end of the Islamic world. The Maghreb (literally: West) has seen itself historically in opposition to the Islamic Mashrek (literally: East). Ever since the first Arab incursions into the Maghreb under the legendary Egyptian conqueror Uqba ben Nafi in the late seventh century, Morocco has developed its own Islamic identity. The country has a long history of keeping the influences of Islamic Empires to its east at bay. Unlike its immediate neighbor Algeria, Morocco was thus not part of the Ottoman Empire.

Another feature of Morocco is the sustained influence of its original Berber inhabitants. Various Berber (*Amazigh*) populations live in widely dispersed communities in the mountainous and desert regions of North Africa. Unlike most population groups, the Berbers have no common physical features. The black-skinned Tuareg nomads of the Sahara, often called the blue men of the desert, are Berbers just as the light-skinned, green-eyed, sedentary people of the Middle Atlas. For Berbers it is variations of the *Tamazight* language that provides the common bond.

The unique Islamic society that has developed in this part of the Maghreb, incorporates elements of the cultures of some of its earliest invaders. The native Berber populations have variously embraced Christianity, Judaism and Islam, all the while maintaining their own culture. It is for instance not uncommon to find Berber women in remote parts of Morocco making the sign of the Christian cross while at the same time invoking the Qu’ran¹⁴.

Successive Berber dynasties have ruled Morocco from the Almoravids and Almohads in the 12th and 13th century, to the rise of the Merinids and the Saadians from the 13th to the 17th centuries. Eventually the Alawis, the lineage from which the current monarch hails, who originate from an Arab family of Sufi holy men, took over. Power has moved from the urban centers along the Mediterranean coast into the hinterlands of

¹⁴ Personal observation during treks through remote regions of the Atlas mountains.

the Atlas mountains (Sijilmasa), with the center of power being at one time located in Marrakesh in the south (under Ibn Tashfun in the 12th century), at another in the Middle Atlas cities of Fès (under Abu Hassan in the 14th century) and Meknès (under Moulay Ismael in the 17th century), to Rabat in modern times.

While the mostly rural Berber communities have progressed according to their own rhythm, the urban centers have become increasingly arabized, sophisticated and prone to change. The particular Arab/Berber mix in Morocco is one of the distinguishing factors of this country. Today, the population is about 60 per cent Arab and 40 per cent various Berber ethnicities who speak a variety of Berber languages¹⁵. However, there has been so much inter-marriage throughout the ages that Moroccans are sometimes referred to as “arabized Berbers.”

Thus it is not surprising that Moroccan sociologist Fatima Mernissi is quoted as saying, “We are far away [from the Muslim heartland to the East.] Are we quite legitimate? We have been rebellious, we don’t fit into the proper pattern.... There is something faintly dissident about us. So what kind of Muslims are we?” (Warnock-Fernea, 1998: 64).

Tension within Morocco today stems less from the Arab/Berber divide, than from the economic and educational disparity between rural and urban areas. Life in the fast-paced, noisy, polluted economic capital of Casablanca is not much different from that in any industrialized city in the Western hemisphere. This is in sharp contrast to the quiet life in remote rural communities, where villagers still draw water from a communal well, their houses or goatskin tents are without electricity and the main means of transportation are donkeys.

Real and imagined differences between Arabs and Berbers were exploited during the four decades Morocco was a French protectorate. An important element in the development of Moroccan family law is the Berber *dahir* (Royal Decree) of 1930 which the sultan of Morocco issued on behalf of the French colonial powers. Mounira Charrad, a US based sociologist writes: “Exacerbating once again political and legal divisions between Berbers and Arabs, the decree reasserted the legitimacy of Berber customary law

¹⁵ In Morocco the three main Berber languages are Tarifit in the Rif mountains of the North, Tamazight in the Middle Atlas and Tachelhit in southern Morocco.

and tribal councils” (Charrad, 2001: 140). She describes the hidden purpose of the Berber decree as follows:

The decree of 1930 was a continuation of the colonial policy of setting one part of Morocco against another. The French saw Berbers in the *bilad-al siba*¹⁶ as potential allies. Catholic circles in Morocco believed that the distinctiveness of Berber customary law implied that Berber allegiance to Islam was shaky, even in the Islamized areas. They entertained the notion that, with some encouragement, the Berbers could be weaned away from Islamic faith. (141)

The Arab/Berber divide in Morocco comes into play again with the immigration of Moroccans to France as it was mostly Berbers from the poor, rural areas who crossed the Mediterranean to France in search of better living conditions. It is ironic that North Africans in France are often simply referred to as “Arabs” when in fact the largest contingents of North African immigrants hail from the Berber regions of the Rif mountains, the Middle or High Atlas regions in Morocco and Kabylia in Algeria. The majority of the women interviewed for this research in France, traced their roots to a Berber region in Morocco.

Charrad (2001) describes how the Moroccan monarchy after independence in 1956, established itself by drawing on regional tribal support as much as on the Arab/urban elite:

The policy of family law after independence reflected the coalition between monarchy and tribe and the continued importance of kin-based solidarities in Morocco. Once victorious, the monarchy engaged in political actions and policies that protected – or avoided disturbing – the tribal order that provided it with its base for power. The policy on family law was part of this overall strategy.The codification [of the personal status code] institutionalized the model of the family as an extended patrilineage based on agnatic ties, the kinship model that was the cornerstone of the tribal model. (147)

As stated in the beginning of this section, law is a reflection of culture and vice versa; in as much as law prescribes conduct, it becomes part of a people’s culture. Hence,

¹⁶ *Bilad* (or *bled*) -*al siba*, lit.: place (city) of youth, here meaning ‘Lands of Dissidence’ (until 1930s, Berber-dominated Rif, Atlas and Sahara).

Islamic law, *shari'a*, in general - of which Personal Status Code is one aspect - is described by Swiss-based philosopher, Tariq Ramadan, as an expression of a way of life : “La *shari'a* n’a rien à voir avec la lecture réductionniste qui nous est proposée par certains musulmans, orientalistes ou journalistes qui l’associent à l’application des peines du Code pénal pour en présenter l’exact trahison. La *shari'a*, c’est comment être musulman et demeurer musulman, c’est la voie de la fidélité aux principes de la foi vivante, de la responsabilité, de la justice, de l’équité, du respect et de la liberté” (Ramadan, 2002 : 49). Ramadan’s views reflect an Islamist perspective, namely that Islam is not merely a religious belief system, but a complete way of life that encompasses all aspects of personal and public life.

Given the historic context, the reform of the Personal Status Code in Morocco represents a major societal shift and an altered religious understanding. It has the potential of enhancing social cohesion in Morocco by eroding remnants of the Arab/Berber divide and bringing the entire population under one unified law. It offers a degree of self-determination to women previously unheard of in this North African kingdom. As this reform was implemented only recently, there has so far been very little scholarly research on its impact or attitudes of Moroccan women towards the reform. By including questions on this reform in my fieldwork, I was able to throw new light on this important development.

The Debate over the Muslim Headscarf in France

As much as the reform of the family law in Morocco is a reflection of a progressively changing culture in that country, in France legislation on selected religious insignia, chiefly the Muslim headscarf, is by contrast indicative of a move towards conservative interpretations of the law.

Since 1989¹⁷, the appearance of the *hijab* (Muslim headscarf) in French public schools has opened the most impassioned debate over the role of *laïcité* in French society

¹⁷ For a comprehensive explanation of the ‘The headscarf affair’ see Hargreaves, 1995:125 pp.

since the separation of church and state was put into effect at the beginning of the last century. Conflicts between Muslim adolescents and school authorities have extended beyond the schools to involve intellectuals, political actors, and religious authorities. In March 2004, a new law has been passed that bans the wearing of all “ostentatious” religious symbols in public schools.¹⁸

France, historically a predominantly Roman Catholic country, has wrestled to find a balance between secular and religious powers for centuries. The French Revolution in 1789 ended the Catholic Church's domination over the state. About a decade later, in 1801, Napoleon came to an agreement with the Catholic Church under the Concordat which brought the Church under state auspices and confined it to religious matters. A landmark law was passed in 1905 that instituted the separation of church and state. This law - intended to keep the influence of the Catholic Church at bay - has in the past decade been put to the test with the increasing visibility of Muslims within the hexagon, epitomized by the appearance of young Muslim women wearing head scarves. Once politicians and courts were called upon to legislate or rule on specific issues concerning the Muslim headscarf, the “veil debate” became a widespread public concern in France. The most publicized events revolve around the question whether a public school teacher or student may wear a Muslim headscarf or whether a company may fire an employee for wearing a veil to work. In 1989, when the world was stunned by the fall of the Berlin Wall, French media were preoccupied with the case of two girls from Creil who were suspended from school because they refused to abide by their school's rule and remove their headscarves. At the time, the French Conseil d'Etat, France's highest administrative court, ruled that religious signs are allowed in schools as long as they are not "ostentatoire." Based on the secular principle at the heart of the French state, it is not illegal to wear religious symbols in public schools. But the law did forbid those that “constitute an act of pressure, provocation, proselytism, or propaganda”. In 2003, once again two teenage girls, this time from Aubervilliers, an industrial suburb of Paris, aroused public awareness when they too refused to take off their headscarfs (The Economist, 2003).

¹⁸ The full text of the government document appears in the Appendix.

In 2004 the French government hoped to put an end to the veil debate and signed into law a ruling that would ban all ostentatious religious symbols from public schools.¹⁹ This includes the Muslim headscarf, large crosses (the exact size is not specified), and the turban worn by male members of the Sikh community and the Jewish yarmulke. The “Journal Officiel de la République Française,” dated March 15, 2004 (Loi no 2004-228) and signed by President Jacques Chirac states :

... Dans les écoles, les collèges et les lycées publics, le port de signes ou tenus par lesquels les élèves manifestent ostensiblement une appartenance religieuse est interdit. Le règlement intérieur rappelle que la mise en œuvre d’une procédure disciplinaire est précédée d’un dialogue avec l’élève.

The interdiction for wearing a veil in public schools is seen by its proponents as an affirmation of France’s commitment to separation of the religious from the secular sphere. This time the law is not directed at the Catholic Church but at France’s second largest religion, Islam. Though Muslims have resided in France in large numbers for decades, they have for the most part existed outside of the mainstream. With second- and third generation of North African entering public schools, universities and public life, the presence of Muslims is now felt as a force to be reckoned with. According to Joyceline Cesari, a French political scientist, the first wave of immigrants in the 1950s and 1960s introduced an “islam provisoire” into modern French society. In recent years however, France is confronted with a “religion stabilisée dont les adeptes affichent une volonté de plus en plus marquée de reconnaissance” (Cesari, 1998: 9).

Like Kepel, Cesari observes a renewed Islamization whereby young French Muslims are looking for ways to assert their cultural and religious affinity which their parents’ generation practiced in the shadows of mainstream culture. This trend can be observed - to the surprise of some observers - among upwardly socially mobile young people. Cesari (1998) based her research on in-depth interviews with young French Muslims of immigrant origins. She describes the upwardly mobile (*le grimpeur social*) as the ones who most openly embrace an Islamic identity:

Les étudiantes, mais aussi les commerçants et artisans, sont les catégories les plus présentes dans ce processus d'islamisation et c'est là une surprise de l'enquête. Ils sont en effet un personnel de choix pour l'encadrement des nouvelles associations islamiques.

(74)

These upwardly mobile young Muslims, having been forced to feel their differentness all their lives, now re-assert the role assigned to them by the majority culture and as a result, more and more young women don the *hijab*. Ironically, this self-assertion is perceived as a provocation to the French state and its notions of *laïcité*, the strict separation of church and state.

Soheib Bencheikh, the *mufti* (canon lawyer who can formulate a formal legal opinion) of the mosque in Marseille, points out that the concept of *laïcité* does not exist in the Arabic language. He insists that this is in fact a religious term which derives from the Catholic lexicon wherein “lay” people are non-ordained members of a Catholic congregation. Hence, irony of ironies, the term *laïcité* itself has a distinct religious connotation and does not necessarily imply the separation of the religious from the state (Bencheikh, 1998 :29). Even though Bencheikh questions the basic premise of *laïcité*, he nevertheless asserts that Islam in France enjoys a freedom not found anywhere in the Arab world because “political manipulation does not enter into religious reflections, the French law applies to all citizens equally” (ibid: 273). However, as stated earlier, this emphasis on *laïcité*, France does not encourage the public recognition of Islam. Arkoun argues that France is overemphasizing its secular nature at its own peril. “This combative secularism employed in the service of a specific political project - construction in France of a Republic that is ‘one and indivisible’ - neglects one of its own founding principles, that of philosophic openness to the study of all human channels for the production of meaning” (Arkoun, 2004 : 96).

Some sociologists argue that the ban on the headscarf contradicts basic human rights which guarantee freedom of religion (Guénif-Souilamas, personal interview, May 2004). Others like journalist and author Fawzia Zouari are warning that the headscarf issue is threatening to tear France apart. Those Muslim feminists who do not wear the headscarf themselves have “no particular sympathy for the headscarf,” however they strongly advocate their co-religionist’s right to express their faith (Zouari, 2004: 5).

According to sociologist, novelist and recently (June 2005) appointed Minister of Equal Opportunities in France, Azouz Begag, “la condition de la femme,” is at the heart of the conflict between secular French society and its large Muslim minority. He ascribes the banning of the headscarf to a “fear of Islam,” which will lead to a further isolation of Muslim youth and ultimately will result in greater solidarity of second generation members - believers and non-believers alike - of the Maghrebi immigrant community with the culture and religion of their ancestors (Begag, 2003: 100).

Khosrokhavar (1997) speaks of a distinct “islam féminin français” of which the headscarf is a particular expression:

Le moyen visible de cet islam féminin français est le foulard. En France, sa signification présente des différences notables avec ce qu’elle est dans les sociétés musulmanes même si, par certains côtés, elle s’en approche. En effet, le foulard français se développe chez de jeunes filles, qui ont été scolarisées à l’école publique et vivent en France depuis leur enfance. Elles sont plus imprégnées qu’on ne le dit de la mentalité française et parlent souvent un français élaboré. (97)

Thus, the headscarf in France is a much more complex and potentially divisive issue than in Morocco where it is indeed a matter of personal preference. As Morocco is not a secular but an Islamic state, there are no official pronouncements for or against the veil or the headscarf.

In “L’une voilée, l’autre pas”, two French Muslim women of immigrant origins spar with each other over the issue of the veil. Dounia Bouzar, first female member of the *Conseil français du culte Musulman* (CFCM) and Saïda Kada, self-described militant feminist of “Femmes françaises et musulmanes engagées” present their opposing viewpoints. The book is a collection of essays and includes testimonies of young French women who explain why they do or do not cover themselves in public. Bouzar opposes the *hijab* while Kada, covered herself, supports the head-scarf of her fellow-co-religionists. As divided as they are on the particular issue of the Muslim headscarf, they are united on several points of importance which they describe in their jointly authored work. One issue on which both agree is that they reject the idea that men should rule on the headscarf issue. Bouzar and Kada (2003) write:

Les Françaises de confession musulmane cherchent aujourd'hui leur place dans un univers où les normes semblent être toujours faites pas les hommes et pour les hommes. Elles ne veulent plus être définies à partir comportements de préétablis légitimées par un islam préfabriqué, modelé autour des besoins masculins. (37)

Bouzar quotes the previously cited Bencheikh to support her view. He makes the case that women are not compelled by the Qu'ran to cover their heads. The purpose of the veil or the headscarf is to offer protection to women. In this day and age, Bencheikh (1998) argues, education is the single most important shield of protection for women:

Si le Coran recommande le voile, c'est dans le seul objectif de préserver la dignité et la personnalité de la femme selon le moyen disponible de l'époque de la Révélation. Si, aujourd'hui, le même moyen ne réalise plus le même objectif, il ne faut pas s'attarder sur ce moyen, mais le chercher ailleurs. Paradoxalement, ce qui préserve aujourd'hui la personnalité et assure l'avenir de la jeune fille peut se défendre comme toute atteinte à sa féminité et sa dignité. Aujourd'hui, le voile de la musulmane en France, c'est l'école laïque, gratuite et obligatoire. (144)

On the other side, Kada draws on the writings of Tariq Ramadan (2003) who insists on the continued relevance of the headscarf, the actual piece of fabric, for Muslim women. Ramadan insists that Muslim women need to be free to uphold their own traditions in the face of secular, Western influences: "Le voile est une prescription mais fondée sur la liberté. N'obéissez qu'à votre conscience!"

In Ramadan's view, a woman's conscience should eventually direct her to wear the headscarf. To an uninitiated reader, his call to follow one's own conscience may allow for multiple interpretations but given Ramadan's standing in the Islamic community as an eminent scholar who places great value on Muslim's rights to self-expression in the West, it is clear which way a woman's conscience is to direct her. On another occasion, Ramadan wrote that one of the principal characteristics of Muslim identity is to "educate and bear witness" (Ramadan 2002:30). I will return to the aspect of bearing witness again later on.

In their essays, Bouzar and Kada (2003) place the *hijab* in a historical and cultural context. Kada stresses the notion of continuity:

Le foulard est arrivé *pour* les femmes et non pas *contre* elles. A l'époque de la Révélation, on en avait besoin, en termes de protection...Il fallait un signe pour qu'ils [les hommes de l'époque] se mettent à respecter les femmes et arrêter de les agresser.
(33)

For Kada, faith in the revelation of the prophet is demonstrated outwardly by following the customs initiated by Muhammad. Bouzar on the other side believes that the veil or the headscarf have to be understood within a specific historical context. As social circumstances change over time, the need for certain practices has to be re-examined. Bouzar suggests searching for the meaning behind practices like the wearing of a headscarf, and evaluate them based on their intended meaning, which according to Bouzar is to ensure the God-given equality between men and women:

Je fais exactement le raisonnement contraire: pour moi, mettre le foulard aujourd'hui, ici, c'est admettre qu'on ne sera jamais considérée comme égale, telle que Dieu a voulu (34).

Any dispute revolving around a religious question is complicated by the fact that 'faith' is not a quantifiable entity. External symbols like the headscarf are nothing but an indicator and one to which its wearers attribute different meanings. As stated in the section on 'Conceptions Islam,' faith cannot easily be measured or evaluated. As revealed in my interviews, the public discussion about the veil is understood as missing the point of the problematic of Muslims in France, namely social exclusion, lack of opportunity and discrimination.

Though Bouzar and Kada do not quote the Qu'ran in their book, it is worthwhile to take note of what the Holy Scripture says about the covering of women's head. Part of the reason for discord concerning the veil among Muslims themselves is because in the 114 *suras* of the Qu'ran (A Contemporary Translation by Ahmed Ali, 1988), the veil is mentioned only twice²⁰. Following is the most commonly cited *sura*:

²⁰ The other verse in which the veil is mentioned are and 24: 31

O prophet, tell your wives and daughters,
And the women of the faithful,
To draw their wraps a little over them.
They will thus be recognized and no harm will come to them.
God is forgiving and kind (sura 33, verse 59).

This *sura* states that the veil serves two purposes: one, as a means of recognizing a Muslim woman and secondly, to protect women from harm. Let us return briefly to Tariq Ramadan's reading of "they will thus be recognized." This phrase is understood as being synonymous with "bearing witness." From an Islamist perspective such as Ramadan's, this is the prime reason for wearing a headscarf. However, it should be pointed out here that there is a difference between bearing witness to one's faith by means of the headscarf and for asserting an otherness already imposed by society.

Ramadan's interpretation does however shed some light on the underlying reasons why the headscarf is perceived as such a contentious issue in France. If this piece of fabric is used to distinguish an individual in terms of her religious affiliation, it may be interpreted as a tool for proselytizing. The veil is intended to impact others, who will recognize the wearer. And herein lay some of the roots for the tension surrounding the debate in France. Implicit in the scriptural exhortation is the idea that "their wrap" is concerned with the response of others to the wearer: "They will thus be recognized and no harm will come to them." *L'une voilée, l'autre pas* illustrates this nervousness about what Muslim women think, what Muslim men think and what the French community at large thinks. Bouzar and Kada agree that there is a unique French dimension to the debate over the headscarf:

Le foulard est désormais un phénomène français. Les jeunes filles qui le portent sont françaises, elle revendiquent et mettent en avant leur francité. La différence de ce livre a résidé dans la nécessité d'analyser le sens que le port du voile a au sein de l'espace français. Il ne s'agit pas de renvoyer ces Françaises à des histoires qui ne sont pas les leurs - c'est-à-dire à celles de leur parents ou grands-parents. (16)

The second purpose as stated in the *sura*, protection, is another a frequently cited reason for wearing a headscarf by women of Maghrebi origin in France. In the testimonies included in Bouzar and Kada's book, young women speak of the need to protect themselves from male violence. They feel that the headscarf serves this purpose.

This particular French aspect - pertaining to the concept of *laïcité* - of the headscarf debate should, according to Kada, not be confused with a debate about Islam in general.

Autrement dit, même si l'actualité internationale nous a aussi permis de mieux comprendre la crainte de ceux qui percevaient le voile comme le signe de la soumission de la femme - crainte d'autant plus grande que toutes les injustices liées à la place insignifiante de la gent féminine dans nos sociétés d'origine sont articulées autour de la religion, ce n'est pas pour cela qu'on va accepter de réduire le foulard à cette interprétation et à cette utilisation, et qu'on va se l'interdire. (41)

The dialogue among these two authors illustrates the fact that there exists a vigorous internal debate on the headscarf among Muslims in France, and that it is not merely a matter of the French state versus its Muslim citizens.

My interviews showed that women in Morocco followed the headscarf debate in France with great interest and their responses revealed a nuanced approach, one that was not necessarily opposed to the position of the French government. While a substantial body of scholarly literature exists on the relationship between Islam and *laïcité* and a wide variety of popular and scholarly debate has been generated by successive waves of the headscarf affair in France, my own fieldwork is the first to compare attitudes towards the 2004 law among Moroccan women in France with those of a similar age group in Morocco.

Personal and Professional Goals and Challenges

The theme, “personal and professional goals and challenges” of young, educated, urban Muslim women in France and in Morocco, as I have explored it in my research, has not yet been a subject of extensive scholarly research. This is partly because an educated, professional class of second generation North Africans is only now emerging in France. Likewise in Morocco, a young professional class of women is a recent phenomenon. While questions about challenges refer to experiences in the present, goals pertain to aspirations for the future.

In her research, sociologist Nacira Guénif-Souilamas identifies three major areas of concern for French women of immigrant origins: integration, subjectivity and individual identity. Integration pertains mostly to their professional lives, subjectivity to their desire and insistence on being in charge of their own personal destiny, and identity to their understanding of themselves (Guénif-Souilamas, 2000: 345). Her research findings are based on a series of interviews with young second- and third generation women of immigrant families from the Maghreb, primarily Algeria. These three themes come to the fore in the narratives to which I will now turn.

Within the past decade, authors of Maghrebi origin in France and Moroccan women have written personal memoirs, most often in the form of first-person narratives or as fictional accounts. In Morocco this new genre is categorized as “littérature féminine maghrébine,” whereas in France, these texts are labeled “littérature beur.” (The term Beur was formed by inverting the syllables which make up the word ‘Arabe.’). Hargreaves (1997) has examined this literature in France and concluded that it consists mostly of first-person narratives of women and men who offer testimonies of their lives in France.

It focused on the key problematic which has preoccupied Beur writers: the articulation of a sense of personal identity, forged in the particular circumstances which are those of an ethnic minority in France. (1)

Therefore, these narratives lend themselves for an exploration of issues pertaining to personal and professional aspirations and challenges. According to Hargreaves, the experiences of women have become the subject of a growing number of narratives,

especially by second generation authors (2004: 6). Most of these authors describe the difficulties of growing up in immigrant Maghrebi communities in France, their family conflicts, their travails at school, discrimination and the problem of neither fitting in with the traditional structures of their extended families, nor French society in general. These texts indicate that women are preoccupied by the question of personal emancipation vis-à-vis their community of origin.

In one of the early works of this genre, author Malika Mokkedem (1993) lends these words to her protagonist Sultana :

Je suis plutôt dans l'entre-deux, sur une ligne de fracture, dans toutes les ruptures. Entre la modestie et dédain qui lamine mes rébellions. Entre la tension du refus et la dispersion que procurent les libertés. Entre l'aliénation de l'angoisse et l'évasion par le rêve et l'imagination. Dans un entre-deux qui cherche ses jonctions entre le Sud et le Nord, ses repères dans deux cultures. (65)

In “Ils disent que je suis une beurette” (Nini, 1993), Soraya Nini describes the conflicts of an adolescent girl in these cross-cultural settings. She also tells of the difficulties of second generation North African women in leading a life that differs significantly from that of their mostly illiterate mothers who never pursued a career outside the home.

In “Née en France. Histoire d'une jeune beur” (Benaïssa, 1990), the author recounts her ordeal of being sequestered by her parents in Algeria to curtail the young woman's ambition for personal freedom. Another writer, Djura, tells of the story of a woman of Maghrebi immigrant origin who marries a French man (Djura, 1990). Very dramatically, the book describes the attempted murder of the author/protagonist by members of her family upon learning that she was pregnant by a French man. The issue of inter-religious marriages was also part of my interview schedule. As Islam is a patri-linear religion, dogma forbids Muslim women to marry a Non-Muslim unless he converts and thereby ensures that children of such a union are born as Muslims.

Marriage, arranged, forced or to a Non Muslim, are recurring themes in the narratives of second generation North African authors. Leila - no last name given - writes

in “Mariée de force” (Leila, 2004) of the travails of a young woman, forced by her parents to marry a man she did not know prior to the marriage and did not love.

Some of these testimonials are a call to action, such as the memoir “Vivre libre” by Loubna Méliane, who describes the violence in the socially disadvantaged neighborhoods, the *banlieues* (Méliane, 2004). This activist trend was set in motion by the publication of Fadéla Amara’s “Ni putes, ni soumises”²¹ (Amara, 2003). Despite the questionable literary quality of some of these works, they are remarkable for the fact that they give women a voice.

Hargreaves observes that often a second name appears on the cover of books by second generation female authors, namely that of a “français de souche” co-author. Also, the principal author’s Arab name is frequently either a pseudonym or only a common first name is indicated, while the real name of the French co-author is displayed. He further notes: “The negative images of Islam highlighted in the publishers’ promotional materials seem at least likely to attract out-and-out racists as liberal sympathizers with immigrant minorities” (8). Therefore, the themes of these narratives are also indicative of the issues the majority French culture perceives as important concerns of young women of Maghrebi origin. Few of these memoirs for instance deal at any length with the question of employment opportunities, an issue of critical importance and one that was frequently raised during the interviews I conducted.

On the Moroccan side, first-person testimonies by women is a new literary genre, “littérature féminine maghrébine.” First-time, non-academic authors have limited access to the nascent publishing industry in that country. There are also cultural constraints concerning writing in the first-person. As with their counterparts in France, female authors in Morocco often use the literary device of a novel to recount their own personal stories. Notable exceptions are first-person narratives by two well-known Moroccan women, sociologist Fatima Mernissi and Leila Abouzeid. Both women hail from upper class, respected families. Mernissi is an internationally acclaimed scholar and feminist and Abouzeid had been appointed by the late King Hassan II to a commission

²¹ “Ni putes, ni soumises” is also the name of a highly mediatized organization fighting for the rights of minority ethnic women.

investigating the practice of family law in Morocco. Rejecting the colonial French language, Abouzeid writes in Arabic and thus far, her books have been translated only into English. In the preface to Abouzeid's (1998) autobiography "Return to Childhood. The memoir of a Modern Moroccan Woman," she writes:

Autobiography, until the last few years, was not respected as a literary form in Morocco. For Arabs, literature meant the lyric, the poetic, and the fantastic, whereas autobiography deals with the practice of daily life and tends to be written in common speech.....perhaps even more important, a Muslim's private life is considered an *ara* (an intimate part of the body), and *sitr* (concealing it) is imperative. (iii).

Abouzeid explains that the *hijab* is as much a concept as a piece of clothing, hence women's private lives are to be veiled and not brought into public view. This inhibition to write - or speak - about one's own life was also evident in my interviews, as respondents often needed to be reassured of the confidentiality of these conversations and were initially hesitant about disclosing their personal views about private matters. This is illustrated by Abouzeid (1998):

For me, writing an autobiography was therefore even more unusual, because I am a woman, and women in my culture do not speak in public, let alone speak about their private lives in public. When I published my first article in a Moroccan newspaper in 1962, I did not even sign it with my real name, but used the pseudonym of Aziza, and when I published my first novel, *Am al Fil* (Year of the Elephant), in 1983, I left the protagonist's hometown unnamed because it was my own. (iv)

Abouzeid's coming of age memoir is filled with historic references to her country's struggle for independence and her family's role in that endeavor. The great disappointment occurred when women, who bravely stood at the front line of that struggle, after independence found themselves relegated to their traditional roles in the home. Occasionally, husbands divorced their wives because they had become too independent-minded.

In "Dreams of Tresspass - Tales of a Harem Childhood" (1994) Fatima Mernissi recalls her childhood in a privileged household in the medieval, royal city of Fès, and

contrasts her veiled existence in the urban harem (the separate quarters for the women of a household) with that of her summers spent in the countryside where women rode horses and freely roamed the fields. Like Abouzeid's, Mernissi's autobiography paints a vivid picture of a specific period in Morocco's recent history and equates her country's struggle for independence from France with women's quest for emancipation.

More recently, personal narratives by less well-known authors have appeared in Morocco. Some of these texts came to North African book stores by way of France, where they were initially published. Rachida Yacoubi, author of "Ma vie, mon Cri" (1996) recounts her difficulty as a divorced woman in Morocco. In 2002, Yacoubi published another installment of her memoirs in "Je dénonce" wherein she describes how she was put in jail for having had the audacity to divorce her husband. She recalls the despicable conditions in a women's prison in Casablanca. To date, prison conditions are rather a taboo issue in Morocco.

The issues raised in some of these narratives are remarkably similar to those of French authors of Maghrebi origin. Siham Bencheikroun "Oser Vivre" (1999) tells the story of a woman who rebels against her abusive husband and oppressive traditionalism in an effort to find her own identity : "Nadia aurait aimé pouvoir expliquer à son mari qu'elle ne cherchait aucunement à dénigrer quoique ce soit, que le plus important à ses yeux était de pouvoir choisir ses propres vérités, que celles-ci appartiennent à l'orient, à l'occident où n'importe quelles civilisations" (Bencheikroun, 1999 :89). For her part, lawyer Fadéla Sebti fictionalized the story of a young French woman who marries a Moroccan man and moves to his hometown of Casablanca in "Moi, Mireille, lorsque j'étais Yasmina" (1995). The young woman becomes the victim of traditional Moroccan family law and eventually is repudiated by her husband. Because the protagonist is French and not Moroccan, the inhumane and humiliating effects of the custom of repudiation are described in detail without offending local sensibilities.

One memoir stands out because it became an international bestseller: Malika Oufkir's "Stolen Lives -Twenty years in a Desert Jail." Her palace to prison story had all the attributes of a celebrity memoir: Her intimate connection with the opulent life at the royal palace of Hassan II and her notorious father, General Mohammed Oufkir, erstwhile head of the infamous Moroccan Security Service who had masterminded the attempted

overthrow of the monarch in Morocco in 1972 and was subsequently executed. This led to Malika's own imprisonment in a widely publicized case of clan liability. The tragic fate of a member of a prominent Moroccan family made the horrendous situation of political prisoners in Morocco known to a wider international public. Apart from that, the early part of the book reveals details of a lavish court life in an otherwise impoverished country which illustrates some of underlying reasons for the social tensions that threaten this country to this day.

On the extreme other end of the social spectrum are the testimonies collected by Aïcha Ech-Channa in "Miseria-Témoignages" (2004) which chronicle the despair and poverty of unwed mothers and their children. Ech-Channa, a social activist now in her mid sixties, has been a constant and controversial voice in advocating family law reform. I interviewed Ech-Channa at her women's center in Casablanca where she spoke about the difficult lives of single mothers who exist on the periphery of Moroccan society. She welcomed the family law reform because it offers for the first time a legal status to children born out of wedlock.

In Morocco as well as in France, a central issue for women is marriage, motherhood and all aspects connected to marriage such as arranged marriages, free choice of a spouse, domestic abuse, rape, violence within the family and creating a life in accordance with their own private and professional ambitions and dreams. While imaginative and other narrative texts provide useful insights as to the personal and professional goals and challenges of women on both sides of the Mediterranean, they do so in highly personalized forms which are less susceptible to comparative analysis than the data yielded by my interviews, which used a standardized structure among the two target groups. For this reason, my research findings provide a significant addition to existing knowledge in this field.