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The Evolution of the Emancipation Movement of Women in the Maghreb¹

Abstract

Regaining independence by each country (Tunisia, Morocco 1956, Algeria 1962) and the publication of relevant documents (codes of family law, constitutions) created opportunities to speak more widely about social and economic rights, or about political rights for women. However, the rights granted to women were characterized by the principle of inequality, especially in Algeria and Morocco. In this difficult and complex situation, the emancipation movement of women went through various phases. In Algeria, its strength began to appear at the turn of the seventies and eighties of the twentieth century and has been constantly increased. In Morocco, in principle, the awakening took place in the early nineties of the twentieth century. Women themselves played a significant role in the activities for emancipation, engaging in various undertakings, organizations and associations, and in activating Non Profit Organizations (Organisation Non-Gouvernementale -ONG) with women participation from the end of the 80s of the twentieth century, which, in its turn, created opportunities for legal reforms, which would not exist without activities carried out by various associations, including women's associations. The Jasmine Revolution, also known as the Arabic spring, was initiated in Tunisia, and has had a significant impact on the contemporary activities of women.

Keywords: Maghreb, Tunisia, Algeria, Morocco, woman, emancipation

¹ In the article the word the Maghreb it is used in its narrow sense, ie. in relation to Algeria, Tunisia, and Morocco.

Introductory Remarks

The article presents an extremely complex and difficult road of the emancipation movement of women in the Maghreb after these countries regained their independence (Tunisia and Morocco 1956, Algeria 1962). This article draws attention to the importance of women's rights, especially for paid work and education, and also reveals the dynamic activity of women's associations in the defense and promotion of women's rights, the role of NGO and international organizations like the UNO.

The Essence of Patriarchy and Emancipation

In the Maghreb, patriarchy in its various shades is a fundamental principle. Patriarchy defines the relationships in force in the family, which accentuates the authoritarian position of a man². The ethnological dictionary explains the essence of this term, indicating, inter alia, the form of a social structure based on patrilineal origin groups and patrilocal marriage, in which inheritance and succession take place in the male line, and power is exercised by men³. The patriarchal system in the Maghreb exists in many forms. The most distinctive element is a genealogical concept of an individual person, the concept which is defining the family order. As part of the patriarchal culture, special attention is paid to obedience, manifested respect for parents, younger siblings, wife / wife to husband, and also for a person who has the authority ordered by the tradition. As Rahma Bourqia writes, obedience is the cornerstone of the patriarchal order. It means compromise and respect, and also traditional values⁴. Under the influence of the ongoing changes, it is weakening today, which should be resulting from the expanding emancipation movement that is spreading more and more.

Emancipation is understood as equality, independence, specifically, "equating women and men in social and political rights"⁵ (Dictionary of foreign words, 1980). In the Maghreb, emancipation movements have been dating back to the forties of the twentieth century.

Fields for the Emancipation of Women in the Maghreb

a) Internal Premises

After regaining independence (Tunisia, Morocco 1956; Algeria 1962) women were granted the right to education, right to paid work, suffrage, right to participate in parties and associations, these rights created fields for emancipation, but the emancipation movement

² Anna Barska, *Świat kobiet. Wokół tradycji i nowoczesności*, Uniwersytet Opolski, Opole 2012, pp. 37–43.

³ Sławoj Szynkiewicz, *Patriarchat*, in: Z. Staszczak (ed.), *Słownik etnologiczny. Terminy ogólne*, PWN, Warszawa–Poznań 1987, p. 271.

⁴ Rahma Bourqia, *Les valeurs changements et perspectives*, <http://www.rdh50.ma/fr/pdf/contributions/GT2-3.pdf> [access of date: 28 December 2010].

⁵ *Dictionary of foreign words*, J. Tokarski (ed.), PWN, Warsaw 1980, p. 188.

of women in each of the Maghreb countries has been different. In Tunisia, the Family Law Code (1956), the constitution (1959) granted Tunisian women many rights, which they did not have before – polygamy was disestablished in favour of monogamy, unilateral relegation (repudiation) and matrimonial constraint for the woman were banned, while legal divorce judgment could be obtained in court. These documents provided opportunities to speak more widely about social and economic rights, or about political rights for women.

In the seventies of the twentieth century, the issues of politics and civil society raised by women were revived with great force, including the principles of equality, freedom, elimination of discriminatory texts and practices, the introduction of a new education and information strategy. Women actively participated in various forms of opposition, including, among others, student strikes (1972), the first strikes of workers of textiles and confection (1975), union strikes and riots (January 1978). This rather difficult situation, connected with economic problems and social dissatisfaction, contributes to the emergence of an autonomous movement of Tunisian women. In 1978 they formed the Tahar Haddad Club (Club Tahar Haddad), whose members were only women (women students at the Faculty of Humanities at the University of Tunis, women teachers and women researchers from university centers – women sociologists, women lawyers, women economists). The Tahar Haddad Club was considered as a place where, as Neil Zoughlami writes, “There was a passionate discussion about women and against all adversities, which have been created against them”⁶. The discourse of these women became an instrument of the discovering of oneself and at the same time of explaining the world. The club created a specific space of established freedom and was perceived as a privileged and safe place. Women’s informal Democratic Association, which played an important role in helping women (Association des Femmes Démocrates – AFD), was established on August 6, 1979. It consisted of activists from the Tahar Haddad Club, women students, independent women. At the turn of the seventies and eighties of the twentieth century, this group changed its structures, and also its name to the Democratic Association of Tunisian Women (Association Tunisienne des Femmes Démocrates – ATFD), which obtained legal status in February 1989. The Association continued the ideas promoted by the Tahar Haddad Club. Disappointed by the lack of clear signs of change, the women from university circles decided to form the Association of Tunisian Women for University Research and Development in 1985 (Associations des Femmes Tunisiennes Universitaires de Recherche et Développement – AFTURD), which was legalized in 1989. They initiated a discussion on “permissive emancipation”, state policy towards the situation of women, and above all, the integration of women for economic and social development. The Association protested against all forms of discrimination against women both in private and public life, and also created a network of solidarity with other women from the Maghreb⁷.

⁶ *Quel féminisme dans les groupes-femmes des années 80 en Tunisie?*, http://aan.mmsh.univ-aix.fr/Pdf/AAN-1989-28_43.pdf [access date: 5 March 2016].

⁷ Boutheïha Gribaa and others, *Etat de la situation de la participation de la femme à la vie politique en Algérie, au Maroc et en Tunisie*, <http://www.womenpoliticalparticipation.org/detail-evennement.php?code=26> [access date: 10 January 2010].

In Algeria, the emancipation movement of women has developed differently in comparison with Tunisia. It went through different phases, and its strength began to appear at the turn of the seventies and eighties of the twentieth century and has been constantly growing.

In the first years of independence, a discussion was held on the shape of the family code, which revealed, broadly speaking, conservative attitudes presented from the one hand by supporters of tradition and from the other hand by the supporters of modernity⁸. Dissatisfaction with delayed works on the document was manifested by women, who, on March 8, 1965, went to the streets of Algiers demanding equality of rights. Equal rights of women and men been the subject of numerous attacks published in the press⁹.

In 1979, a repressive order against women was imposed – a ban on individual travel. This fact as well as an another announced draft of the code, mobilized professionally active women, especially women from academic circles to express their opposition to the actions of the authorities.

In February 1981, at the University of Algiers, they formed a group of independent women, who sent an open letter to President Chadli with a proposal for amendments. Although in mid-1982 the draft was withdrawn, but it happened without a public debate and taking into account the demands of women, in 1984 the Family Code was published. Women's associations, which existed in the eighties of the twentieth century were in opposition to the family code adopted in 1984. Radical opposition to government policy in 1988 forced the authorities to calm the moods. The proposed amendments to the constitution gained unambiguous public acceptance. The amended constitution was announced on February 28, 1989. The document allowed for a legal opposition. Legalized political pluralism revived various ideological options.

In this new reality, women took action in areas that were traditionally forbidden. They legally organized their own associations and publicly presented demands for changes in their social and legal situation.

The result of debates and discussions were significant changes in the electoral law.

In June 1991 women's associations united to form the so-called National Coordination. Their struggle, however, was limited by the introduction of a state of emergency (February 9, 1992).

Initially, i.e. in 1988–1990, the fight focused on the legal status, criticizing the family law code, however in the early nineties of the twentieth century it focused on terrorism, Integrity, and solidarity with victims affected by terrorism.

In the late nineties of the twentieth century and the beginning of the twenty-first century, there recorded the first associations, which been established by women in the countryside. The traditional types of rural organizations operate according to the principles they adopt and they are subject to social control, they are characterized by a high level

⁸ The first draft of the Family Code was developed already in the years 1963–1964, but the content of this document was known only to the creators because it was not made available to a wider audience.

⁹ A. Barska, op. cit.

of the hierarchy. Attention is paid to the lifestyle and strength of traditions, which are not homogeneous, even if the distance between communities is not great. In some provinces and counties, women are poorly present in public space.

A significant role in the fight for women's rights is played by the Association Le Code de la famille, 20 ans Barakat¹⁰, created from five women's groups – Tharwa Fatma N'Soumeur, AITDF, ADPDF, VIE and SOS Femmes en Détresse¹¹.

On March 8, 2003, they organized an information campaign about the family code and its discrimination against women.

In 2005, the family code was amended, some paragraphs have been corrected, especially these about divorce and care of children. In the case of a marriage conclusion, an adult woman is represented by the so-called male matrimonial curator, this representation does not apply to man's situation. If a woman applies for divorce without her husband's consent and justifies her action, she is obliged to return the money which she received from her husband at the time of her marriage conclusion as a dowry (mahr), or transfer the equivalent sum to her husband in exchange for the dissolution of this relationship. In addition, the Code does not recognize marital property¹².

In Morocco, the support for emancipation and equal rights of women and men was postulated by women workers affiliated to the Moroccan Women's Progressive Association established on 22 April 1962 in Casablanca (Union Progressiste des Femmes Marocaines -l'UPFM). The first half of the sixties of the twentieth century brought disappointment and confusion for many women. As Zakya Daoud writes, "After 1965, a long political night for women begins, which lasts twenty years and is marked by emptiness, evasions, but in the depths, it is marked by boiling and growing up"¹³. Women themselves played a significant role in the activities for emancipation, engaging in various undertakings, organizations, and associations. Fatima Mernissi, deceased writer and sociologist, is now considered a symbol of the emancipation movement in Morocco. In her numerous publications and presentations she demanded equality of men and women¹⁴. The demands and actions of women at various levels, as well as the favor of King Muhammad VI, resulted in the 2004 amendment to Mudawana. The amended document limited polygamy and introduced the principle of divorce.

¹⁰ In the campaign, the Algerian organizations also supported external associations, including: APEL (Association pour l'égalité devant la loi), ASFAD (Association de solidarité avec les femmes algériennes démocratiques) ATEF (Association des Tunisiens en France), Association 20 ans barakat, La Maison de Femme de Paris, FIL –ACB (Groupe femme de l'Association de Culture Berbère), le Mouvement du Planning Familiale Français, Le Rajfire, Plurielles Algérie. D'autres groupes soutiennent Ce collectif et la campagne 20 ans Barakat: La commission femmes de la FASTI, le collectif Rupture, CLEF, Casbah Avenir, ALFA (Nantes) ASPA (Evry).

¹¹ See: *Appel pour la campagne «le code de la famille, 20 ans barakat»*, http://www.algeriensdumonde.org/Code_famille.htm [date of access: 11 May 2006].

¹² *Rapport mondial 2017Algerie*, <https://www.hrw.org/fr/world-report/2017/country-chapters/298403> [date of access: 25 August 2017].

¹³ Zakya Daoud, *Féminisme et Politique au Maghreb*, EDDIF M.Y.F. Retnani, Casablanca 1996, p. 273.

¹⁴ Fatima Mernissi, *Sexe, idéologie et Islam*, éd. Tierce, Paris 1983; Fatima Mernissi, *Sultanes oubliées, femmes chefs d'Etats en Islam*, éd. Albin Michel, Paris 1990.

b. External Premises

Debates on the issue of women's rights, in particular, the demand to review the provisions of family codes became possible due to the decisions adopted at the first World Conference on Women organized on the occasion of the International Year of Women in Mexico in 1975¹⁵, and the announcement of the Convention on Elimination of All Forms of Discrimination against Women (Convention on the Elimination of All Forms of Discrimination against Women, CEDAW 1979)¹⁶.

An important event of the nineties of the twentieth century was the Fourth World Conference on Women, debating on September 4–15, 1995 in Beijing. It referred to the earlier findings of the Nairobi conference (1985), during which there were defined action strategies for equality, promotion, and an increase of women's participation in social, political, and economic life. On this occasion, the „95Maghreb égalité” community was established, it was formed by two Algerian¹⁷, two Tunisian and one Moroccan association¹⁸. The published guide on equality between men and women in the family emphasized the importance of the problem for the Maghreb community.

Activating Non Profit Organizations (Non-Gouvernement -ONG) with women participation from the end of the eighties of the twentieth century allowed for actions for legal reforms, which would not exist without activities carried out by various associations, including women's associations¹⁹. These organizations through various activities, different strategies attempt primarily to improve the situation of women. Change, for which they fight, concerns the transformation of consciousness, relationships, the definition of women's roles. Forcing the equality element in various projects, European funds also had a significant impact on these changes. Sarah Ben Néfissa in the study entitled *Pouvoirs et associations dans le monde arabe* defines ONG as a phenomenon of „opening trees” for social processes, leading to change, both in local and regional environments²⁰. According to Aurélie Damamme, ONG means organizations created in the country, which undertakes

¹⁵ In 1972, the General Assembly of the United Nations, pursuant to Resolution 3010 (XXVII), proclaimed the year of 1975 as the International Year of Women. At the Conference in Mexico, there has been decided to strengthened efforts to promote equality between women and men, to ensure that women are fully involved in the development and to increase their contribution to global peace. The conference adopted the World Action Plan for Implementation of the International Women's Year. The conference also led to the proclamation of the period 1976–1985 as the UN Decade for women (resolution ZO 3520 (XXX)). http://www.unic.un.org.pl/rownouprawnienie/konf_123.php [date of access: 31 March 2015].

¹⁶ CEDAW was ratified in Morocco in 1993 but with reservations.

¹⁷ L'Association pour la Promotion des Droits des Femmes – APDF, and L'Association Ildépendante pour la Trompe des Droits des Femmes – AITDF.

¹⁸ The guide is entitled *Dalil pour l'égalité dans la famille au Maghreb*, issued in May 2003.

¹⁹ Rabéa Naciri, *Organisations de la société civile: Maroc Algérie et Tunisie* http://fr.slideshare.net/jamaity_tn/organisations-de-la-socit-civile-maroc-algerie-et-tunisie [date of access: 21 February 2015].

²⁰ Sarah Ben Néfissa S., *Pouvoirs et associations dans le monde arabe*, CNRS, Paris 2002.

initiatives. This new development paradigm manifests itself by asking questions and creating a new system of discussion about development. The UN and the European Union played a significant role in providing financial and humanitarian aid²¹.

Arabian Spring and Post-Revolutionary Context

As the date of the outbreak and revolution in Tunisia, called Jasmine or the Arabic Spring, we adopt the date of 17 December 2011, because on that day in the town of Sidi Bouzzid a young unemployed man, humiliated by the municipal police, made an act of self-torching. This event sparked protests throughout the country, and the climax of these protests occurred on 14 January 2011, when President Ben Ali escaped from the country.

From the first days of the revolution, women have gone out into the streets, demanding freedom, respect, and Ben Ali's dismissal. The "Jasmine Revolution" caused not only the President's escape, the resignation of the government but also the dissolution of the parliament and the suspension of the constitution (from 1959). On 17 January 2011, the national unity government was formed under the leadership of the current prime minister Muhammad al-Ghannuszi.

A debate on the shape of the state began. Women's associations became particularly involved, they demanded not only the preservation of acquired rights but also granting new ones. Due to women's inspiration, on 23 January 2011, the petition was published, which was signed by thousands of citizens. The most important thing was to conduct institutional and political reforms, in line with the expectations of women, including the constitutional provision in the of separation of politics and religion. Anxiety about the threat of Islamization of society was expressed, as well as the anxiety of the possible loss of rights, which had been acquired by women and anxiety of the omission of the principle of equality between a man and a woman in all areas, especially in inheritance law. The new constitution should be a guarantee of rights²².

As part of the discussion on the model of a new state on 29 January 2011, in Tunis the women's organizations Democratic Association of Tunisian Women (ATFD) and the Association of Women of Tunisian University Research and Development (Associations des Femmes Tunisiennes Universitaires de Recherche et Développement – AFTURD) organized a march of equality and citizenship²³.

²¹ Aurélie Damamme, *Genre, action collective et développement. Discours et pratiques au Maroc*, Préface de Sonia Dayan-Herzbrun, Postface d'Houaria Alami Mchichi, l'Harmattan, Paris 2013, p. 66.

²² See: Hosni K. Idrissi, *Pas de Jasmin en Algérie? En Tunisie...*, <http://www.siwai.org/article3172.html> [access date: 26 February 2012].

²³ Adeline Farge, *Le combat des femmes dans les révolutions du monde arabes*, <http://femmesdemocratiques.org/2011/02/24/lexpress-24-fevrier-2011> [access date: 5 July 2011]; Jacques Benillouche, *La femme est l'avenir de la Tunisie*, <http://www.slate.fr/story/32023/femme-tunisie-avenir-islam>, 23 January 2011 [date of access: 29 July 2011].

A lot of emotions and confusion, fear and a sense of threat to women's rights caused article 28 of the draft constitution, proposed by the Ennahdha ruling party. Gender equality was replaced by the term complementarity of a woman with a man, what was considered as a discrimination. Non-approval of this provision was proved by the protests organized on 13 August 2012 in Tunis on Women's Day, in which both men and women participated²⁴.

The protest against the word "complementarity" was effective, because on 26 January 2014, the parliament adopted a new document by a majority of votes, being the result of a compromise between Islamists from the Ennahda party and other political forces centered around the Constitutional National Assembly (Assemblée Nationale Constituante – ANC). The new document is a guarantee of women's rights. The bill article 46 orders protection of the rights acquired by the woman, preserving the laws included in the Family Law Code coming from 1956. The text distinguishes the limited references to Islam and is introducing the parity of men and women in an elected assembly.

The effects of women's actions were translated into concrete successes. This is proved by the rights which have been granted in the recent period. On 10 November 2015, Parliament passed the law, which allows a woman to travel with her underage children without the written authorization of their father²⁵.

After lengthy debates and negotiations, the Tunisian parliament adopted the law, which has been very much awaited, against violence against women on 26 July 2017. The document declares that violence is not a private matter, but it also applies to the State²⁶.

However, the Ordinance of 14 August 2017 allows Tunisian woman to marry a non-Muslim (return to the law, which was canceled in 1973).

On the occasion of Women's Day 13 August 2017, President Béji Caïd Essebsi, began an extremely difficult and controversial debate, regarding equality between men and women in matters of inheritance, stressing that his country is steadfastly pursuing equality in all areas²⁷. Despite numerous privileges, inequality still exists in the area of inheritance because a man inherits twice as much as a woman.

Under the influence of events in neighboring Tunisia, on 28 December 2010, there were first demonstrations in Algeria. Growing public dissatisfaction was confirmed by demonstrations organized on 12 and 13 February in Algiers: "Women were at the forefront of movements fighting for democracy, on 12 February they went out on the street, to shout out their social poverty and demand respect for their civil rights"²⁸.

²⁴ Mélissa Rahmouni, *Egalité des sexes en Tunisie: retour sur les ambiguïtés de l'article 28*, <http://arabsthink.com/2012/08/17> [access date: 18 August 2012].

²⁵ *Rapport mondial 2017 – Tunisie*, <https://www.hrw.org/fr/world-report/2017/country-chapters/298373> [access date: 25 August 2017].

²⁶ *La Tunisie vote une loi «historique» contre les violences faites aux femmes*, http://www.lemonde.fr/afrique/article/2017/07/27/la-tunisie-vote-une-loi-historique-contre-les-violences-faites-aux-femmes_5165571_3212.html#aQ0tFrAGhewdKVAQ.99 [access date: 22 August 2017].

²⁷ As a reminder, the Tunisian women, in addition to International Women's Day (March 8), are also celebrating the day of announcement of the Family Law Code 13 August in 1956.

²⁸ A. Farge, op.cit.

Involvement in the revolution of women of different ages and with different education may be explained as a result of their knowledge, desire for freedom and the ability to decide for themselves. This struggle resulted in the Parliament adopting the law on violence against women on 5 March 2015, which caused the dissatisfaction of Islamist groups. Today, the degree of democracy is measured by indicators, in particular, the woman's participation in politics and positions they occupy²⁹.

In February 2016, the constitution was amended by introducing the article in the light of which "The state will make every effort to achieve parity between men and women in the labor market and will encourage women to take responsible positions in public institutions"³⁰.

The specific achievement of the "Arab Spring" in Morocco was the formation of 22 non-governmental associations in March 2012 of the Respect for Spring (Printemps de la dignité) coalition which acted in defense of women's rights and women's promotion. The coalition appealed for a complete revision of the penal code, requiring a guarantee of gender equality, individual freedom, fundamental rights and protection of women against violence³¹.

In 2014, the Jossour Moroccan Women Association (Jossour Forum des Femmes Marocaines)³² received the status of a consultant at the Economic and Social Council of the United Nations (ECOSOC)³³, which allowed for greater opportunities to engage in the problems of women's rights and activities for the benefit of women in the field of economics, and also social dimension, culture, law and participation in politics and in management positions.

The association participated in the 59th session of the UN Committee on the Status of a Woman, which debated from 9 to 20 March 2015 at the United Nations headquarters in New York³⁴.

In Morocco, which is a country of tolerant Islam, women were often offended and insulted, and also experienced discrimination in public space. Moroccan law prohibited harassment of women at work, but in public space harassment of women was not

²⁹ Brahim Takheroubt, *La femme s'est réappropriée l'espace public, le rôle politique et économique. Une Algérie nouvelle qui s'impatiente*, <http://www.lexpressiondz.com/actualite/212122-une-algerie-nouvelle-qui-s-impatiente.htm> [access date: 12 April 2015].

³⁰ *Rapport mondial 2017 Algérie*, <https://www.hrw.org/fr/world-report/2017/country-chapters/298403> [access date: 28 August 2017].

³¹ *Le mariage sans acte et toujours present au maroc*, <http://www.marocfemme.net/> [access date: 14 October 2012].

³² The association of women, Jossour Forum des Femmes Marocaines established in July 1995, is a non-governmental organization. Its aim was to educate women about their rights and promote the presence of women in various areas of the public sphere – economy, social sphere, culture, as well as participation in politics and holding positions of a decision-making nature.

³³ ECOSOC – *The Economic and Social Council*.

³⁴ The United Nations Committee on the Status of the United Nations (CSW) is a principled global intergovernmental body devoted exclusively to the promotion of gender equality and the independence of women. Female representatives of the United Nations Member States participated in this session within non-governmental organizations (NGOs) accredited by ECOSOC from all regions of the world.

considered a crime. The situation changed, when on 14 February 2018 the Moroccan parliament adopted an act on violence against women³⁵.

Behaviors, as well as the declarations of women, who have been active in the Arab revolution prove that they have been fighting for common values, which have been neither male nor female: honor, respect, human rights.

Conclusion

Commonplaceness of education may be considered as one of the premises for making changes. The acquired knowledge influenced lifestyle, but various types of tensions did not always allow activists, especially in Algeria and Morocco, to make their demands a matter of priority, for many years women's rights were treated as secondary in comparison to political and social rights. Associations form a key element in requests, promotion, and defense of women's rights.

A Jasmine Revolution initiated in Tunisia, also known as the Arabic Spring, with a great participation of women proved to be a significant element for the emancipation movement. The new constitutions, approved in Morocco (2011) and Tunisia (2014), distinguish preserved rights and explicit articulation of the principle of gender equality, what should be explained, among others, as the effect of postulates advocated by women.

³⁵ Marlène Panara, *Maroc – Droits des femmes: une nouvelle loi qui divise*, http://afrique.lepoint.fr/culture/maroc-droits-des-femmes-une-nouvelle-loi-qui-divise-17-02-2018-2195764_2256.php [access date: 19 March 2018].