

IMPACT OF GENDER STEREOTYPES ON LEGISLATIVE TEXTS AND PRACTICES IN MOROCCO

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ABBREVIATIONS

CEDAW: Convention on the Elimination of All Forms of Discrimination against Women

CS: Civil Society

GBV: Gender-Based Violence

HCP: High Commission for Planning

MIP: Medical Interruption of Pregnancy

WVV: Women Victims of Violence

FOREWORD

Gender stereotypes point at the weakness, stupidity, thoughtlessness, viciousness, smartness etc. of people of one gender, often, although not always, women. They constitute part of everyday language and practices, in media, education, sports etc. Wherever they are found, they sustain gender hierarchies, and as the detailed analysis of this report confirms, their impact often reaches the structural level, thus legislation.

This report on the impact of gender stereotypes on legislative approaches in Morocco forms part of a project within the Danish-Arab Partnership Programme, funded by the Danish Ministry of Foreign Affairs. The project was initiated in late 2023 and is entitled “Including Youth in Gender-Just Law Reform in Morocco”, running from November 2023 to November 2025. The project was a collaboration between four organisations: KVINFO, Center for gender and equality as the lead organisation, in addition EuroMed Rights, Association Munathara, and Youth Policy Center, all active in Morocco, and all contributing with their expertise to the objective of the project. The purpose of the project, soon coming to an end, was to push for the inclusion of Moroccan youth and their priorities in the on-going reform processes of legislation, with a particular view to Morocco’s family code, called the Mudawana, the penal code, and the more recent law intended to reduce violence against women (law 103-13, effective from 2018). Undoubtedly, the unique process of reform of the family code, officially initiated when a commission meant to bring that process forward was established in late 2023 receives relatively more attention, due to its far-reaching consequences in terms of rights in the family. These particular processes of reform continuing during the project period carried a more intense relevance to the project – and to the study at hand.

The study gave essential input to project activities, in which 45 Moroccan youths, selected to ensure diversity in gender, age, geography of Morocco, etc., participated throughout whereas other youth participated in only some activities. The study served this purpose by giving concrete evidence of the workings of gender stereotypes at the structural level, while demonstrating how this level has a direct influence on the everyday lives of people in Morocco. Unsurprisingly, most youths – probably similar to other population groups – do not know the text of the law, nor the practices based on it in much detail, so the insight that the law in many cases does not pursue gender equality but a gender hierarchy, came as a surprise to some of the youth participants.

Another study, also initiated by KVINFO as part of the collaborative project already mentioned, is closely related to the study at hand, since it covers youth perspectives on gender stereotypes in Morocco. This study was elaborated as a collaboration between two local consultants, KVINFO and Youth Policy Center. In contrast, this study was elaborated by gender expert and sociologist, Dr. Fatima Khaoulani Idrissi, to whom KVINFO remains obliged for her deep insight, research skills, and smooth collaboration.

It is essential to note that the views and information presented in this publication do not necessarily align with the official stance of KVINFO or any other partners. The responsibility for the contents and views articulated herein rests solely with the author.

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CONTEXT AND JUSTIFICATION

Numerous scientific studies point to the impact of gender stereotypes on sexist inequalities in the various spheres of society. However, the legislative sphere, which is often influenced by socio-cultural dynamics and social gender norms, remains largely unexplored.

The law can also be responsible for embedding gender stereotypes in legal rules. Prejudice can therefore have a normative character, as it is carried by the rule of law. Studies have shown that gendered statements in the Labor Code, the Family Code and other legal provisions incorporate different conceptions of the masculine and feminine. The legislator associates certain attributes or roles with each gender, thus-reinforcing social representations of masculinity and femininity.¹

The impact of gender stereotypes is even greater when it concerns actors whose mission is to protect and promote women's rights, such as legislators, judges, lawyers and law enforcement officers. However, these are precisely the bodies that are characterized by a low level of feminization, and which often tend to privilege morality and patriarchal values over the fair and socially grounded application of existing laws.²

In a complex socio-political context such as Morocco's, where socio-cultural traditions blend with modernity, the issue of gender equality has long faced resistance, sometimes under the yoke of traditional precepts, and at other times under the weight of rigid socio-economic structures. The legislative apparatus, as a vector for the promotion of justice, which is responsible for developing and legislating, and enacting general rules, yet is explicitly or implicitly involved in producing and reproducing stereotypes that confine men and women to essentialized roles. Positioning biological differences as principles of valorization/devalorization, these stereotypes reinforce gender-based discrimination and violence, and consequently perpetuate inequalities in the legal corpus and in social reality.³

In view of the above, it is imperative to investigate gender stereotypes in Moroccan and analyse their impact on both the legislative process and subsequent reforms.

This study, initiated by Denmark's Knowledge Center for Gender and Equality (KVINFO) is the first stage of a project entitled "Youth inclusion in gender law reform in Morocco", which is a collaboration between KVINFO, Munathara Association, EuroMed Droits and Youth Policy Center (YPC). The project was launched in November 2023 and is part of the Danish-Arab Partnership Programme (DAPP), 2022-2027. It aims to accelerate youth inclusion by empowering and amplifying youth perspectives in Morocco through knowledge production and dialogue around gender-just legal reform.

¹ Langevin, L. (2014). Stéphanie Hennette-Vauchez, Mathias Möschel et Diane Roman (dir.), *Ce que le genre fait au droit*. <https://doi.org/10.7202/1026750ar>.

² CNDH. (2015, October 20). *Gender Equality and Parity in Morocco: Preserving and implementing the aims and objectives of the constitution*. <https://cndh.ma/en/gender-equality-and-parity-morocco-preserving-and-implementing-aims-and-objectives-constitution>.

³ Fondimare, E. (2014), "Le genre, un concept utile pour repenser le droit de la non-discrimination", *La Revue des droits de l'homme*, N 6. <https://doi.org/10.4000/revdh.755>.

The results of the study will serve as a basis to support the planned project activities and to promote the inclusion of Moroccan youth in the processes and recommendations leading to gender-just legal reform.

AIMS OF THE STUDY

The aim of this study is to identify gender stereotypes as they appear in legislative texts and judicial practices, through a critical assessment of three legal texts: the Family Code, the Penal Code, and Law 103-13 on combating violence against women. In other words, the aim is to study the limits of these legal texts in terms of gender, in the light of the direct and indirect impact of gender stereotypes and social norms on the institutional actor.

This analytical undertaking also makes it possible to understand, on the one hand, whether and to what extent gender stereotypes, which may be anchored in the mentalities of the actors involved in the legislative process, will then have a prescriptive character - in the sense that they guide these actors in their decisions and consequently generate discrimination and inequalities between the sexes in the legislation. On the other hand, it examines how social norms and gender stereotypes, widely accepted in society, are used by certain interest groups to better control society through the law and to maintain the status quo, since the institutional/legislative actor is often caught in the interplay of social and political influence.

The interest of a study addressing this type of question is twofold: on the one hand, it will enable us, in the wake of feminist studies and those on gender in relation to legislation, to produce a better understanding of legal processes and legislative productions that are gender-blind, and to assess their impact on the realization of gender equality. On the other hand, this study aims to evaluate the nature of feedback from the political-institutional field regarding legal responses concerned with the egalitarian ideal.

This study is divided into two parts:

- Identification of existing gender stereotypes in legal texts and their impact on the promotion of gender equality.
- Exploration of the attitudes of legal professionals regarding the role of gender stereotypes and sexist norms in legislative production and law reform.

As for the notion of gender stereotypes, it is understood in the context of the present study as representations and beliefs about the differences between women and men, both in terms of aspirations, behaviors and skills.⁴ They are both descriptive (about what women and men are supposed to be) and prescriptive (about what women and men should be).⁵ They are internalized

⁴ Lefkofridi, Z., Giger, N., & Holli, A. M. (2019). When All Parties Nominate Women: The Role of Political Gender Stereotypes in Voters' Choices. *Politics & Gender*, 15(4), 746–772. doi:10.1017/S1743923X1800045

⁵ Heilman, M. E. (2012). Gender stereotypes and workplace bias. *Research in Organizational Behavior*, 32, 113–135. <https://doi.org/10.1016/j.riob.2012.11.003>

very early by individuals, from childhood, among other things through socialization.⁶ Gender stereotypes consolidate the vicious circle of gender-based inequalities and act as mechanisms for legitimizing gender discrimination. It is in this sense that the effectiveness of the legal reforms undertaken is possible only if they are accompanied by a genuine commitment to address mentalities and perceptions of social gender roles.

KVINFO's ambition is for this research to serve as a basis to support the mobilization and active advocacy of youth groups and civil society on possible legislative reforms and public policies aimed at addressing the root causes that perpetuate gender-based cleavages and inequalities in the rights of women and men, as well as their enjoyment of both de jure and de facto equality.

METHODOLOGICAL ORIENTATIONS

The methodological perspectives adopted in this study are primarily based on a qualitative approach to data collection and analysis. This involves complementary methodological approaches. The methods of investigation vary depending on the components targeted, as follows:

- **A literature review** was conducted to examine the gender stereotypes, social norms, representations and socio-cultural beliefs that perpetuate discrimination within the legal text, in order to identify the core sources of gender inequalities and the men-women divide in Morocco. The documentary analysis focused on existing literature, including works, reports and articles analyzing Moroccan legislation from a gender perspective and apprehending the role of religion and culture in the Moroccan legal system. This material helped generate reflection on issues related to the gender sensitivity of laws and their contribution to either consolidating or challenging inequalities, as well as to shaping the gendered distribution of social roles between men and women.
- **A critical analysis of the form and content of the law** was conducted to identify existing sexist stereotypes and shortcomings with regard to the principle of gender equality, as well as the extent of compliance with international legal instruments on women's rights. The aim is not to measure the gaps between women and men, but rather to examine whether the legal rule contains the seeds of gender stereotypes. In other words, what kind of gender stereotype justifies a law that positions women as homemakers? The objective of this **evaluative documentary analysis** of legal texts is to gain a thorough understanding of the notion of indirect discrimination and to uncover persistent gender stereotypes embedded in the law. To provide a dialogical scope for the insights emerging from the documentary analysis, and to give deeper meaning to the findings of the thematic-hermeneutic analysis of the stereotypes that inhabit legal texts and national shortcomings in terms of gender equality, we adopted the Expert Survey approach.

⁶ Duru-Bellat, M., Kieffer, A., & Reimer, D. (2008). Patterns of social inequalities in access to higher education in France and Germany. *International Journal of Comparative Sociology*, 49(4–5), 347–368.
<https://doi.org/10.1177/0020715208093081>

○ **A survey of experts**⁷, such as legal professionals, parliamentarians, and legal academics, was conducted to deepen the analysis of contextual elements and those derived from the critical evaluation of legal texts. The ultimate goal is to understand the impact of gender stereotypes on the legislative process (drafting, implementation of legislation, and law reform) and judicial practices. In addition, this line of research targets judges and lawyers, whose viewpoints are particularly important for analyzing the **legal pragmatism** of certain practices (such as the underage marriage) from a gender perspective, in order to identify the degree to which they comply with the spirit of social norms and sexist stereotypes. In line with the qualitative approach, which is part of a comprehensive paradigm that recognizes subjectivity as central to social life and conceives its object in terms of the action-signification of actors⁸, we opted for a targeted but **restricted sample for the Survey**. A sample that takes variability into account, partly because the initial definition of the whole is more specific, and partly because social processes have a logic and coherence that random sampling would not perceive.⁹ The number of people to be interviewed for Survey is therefore limited to eight. **The comprehensive, semi-structured interview technique** was used to collect data from this sample. Key individuals were targeted for interview rather than simply increasing the sample size. Additionally, diversification of the interviewed profiles according to parameters such as gender, function, age, and academic discipline, was deemed essential.

This research is also in line with feminist approaches that challenge the myth that scientific knowledge is the result of complete and detached processes. On the contrary, feminist epistemologies value relationships, interactions and the construction of intersubjective knowledge in the study of the social world. They emphasize lived experience and subjectivity in order to produce situated knowledge, which integrates partiality, personal experience and intersectionality into the process of knowledge production.¹⁰

According to feminist approaches, research is a political project aimed at challenging patriarchal inequalities by focusing on intersectionally marginalized and often silenced individuals. The results of research are therefore intended to be transformational by directly addressing inequalities, rather than merely understanding the issues.¹¹ Thus, feminist research involves participants and stakeholders as collaborative partners, often employing approaches such as participatory action research.¹² Its aim is to deconstruct sexist prejudice and produce knowledge that benefits women and people of diverse gender identities, as well as other frequently underrepresented voices.

⁷ An "Expert Survey" is a research method that involves consulting experts to gather their opinions and perspectives on a specific topic. Objectives include gathering specialized knowledge and assessing emerging trends. This approach provides insights based on the participants' expertise, while identifying potential problems in the field under study.

⁸ Mukamurera, J., Lacourse, F., & Couturier, Y. (2006). Des avancées en analyse qualitative: pour une transparence et une systématisation des pratiques. *Recherches Qualitatives*, 26(1), p.110. <https://doi.org/10.7202/1085400ar>

⁹ Huberman, M-A., & Miles, M-B. (1994), « *Data management and analysis methods* », In Denzin N-K & Lincoln Y-S (dir.), *Handbook of Qualitative Research*. London/New Delhi, SAGE Publications, pp. 428-444.

¹⁰ Vujadinovic, D., Fröhlich, M., & Giegerich, T. (2023). *Gender-Competent Legal Education*. Springer Charm. <https://doi.org/10.1007/978-3-031-14360-1>

¹¹ Lather, P. 1991. *Getting Smart – Feminist Research and Pedagogy within/in the Postmodern*. New York: Routledge. <https://doi.org/10.4324/9780203451311>

¹² Maguire, P. (1987). *Doing Participatory Research: A Feminist Approach*. Center for International Education, School of Education, University of Massachusetts.

With this in mind, the method of comprehensive and semi-structured interviews was favored, as mentioned above. Feminist interviewing is based on precise values and objectives, as defined by Oakley¹³, who argues that subjectivity is crucial in feminist research, criticizing the idea of absolute objectivity and advocating methods that integrate the voices of participants. This enables a better understanding of women's lived realities, offering an alternative to strictly objective research by valuing the diversity of experience. These values, enriched by other researchers, including Marjorie DeVault¹⁴, involve bringing to light often-marginalized experiences and perspectives, reducing power hierarchies between researcher and participant, encouraging participant direction of the research, sharing opinions and ideas fairly to minimize exploitation, and discussing the subjective and complex nature of the research openly and transparently when writing it.

To ensure a feminist approach in the interviews, the researcher applied the fundamental principles of this method. Particular attention was paid to power dynamics, participant safety and comfort, reflexivity and empowerment. In this respect, it is worth noting that the risk of unequal power relations between the researcher and the interviewees was minimized throughout the research. Indeed, the process of knowledge production was characterized by mutual sharing, reduced power hierarchies and a genuine sense of trust, thanks to the established relationship.¹⁵ The interviewees' sense of security was largely based on their expert status and their role as collaborators, which enriches the study with their knowledge. Clearly addressing research concerns and objectives establishes a framework that fostered a collaborative dynamic, reducing power inequalities between researcher and interviewee. This transparency transformed the interview into a genuine space for the co-creation of knowledge.

On the other hand, the survey process followed a circular and iterative logic, in which we constantly alternated between field visits and analysis of the material collected, with the aim of using the knowledge gained to formulate recommendations to strengthen the national gender equality legislative framework and align it with the international normative framework.

THEORETICAL FRAMEWORK

Our research draws on feminist legal theories that explain the ways in which the law produces and/or reproduces women's subordination, oppression, and discrimination.¹⁶ These theories were mainly developed in the United States by women jurists, and have more recently been expanded by women legal researchers from other jurisdictions. In this context, discrimination feminists have shown how legal systems resist the notion of gender equality, while inclusion feminists have advocated the use of law to change habits and patterns of thought. Feminists of domination, for their part, have argued that feminism must, among its other tasks, explain how the law contributes to the perpetuation of patriarchy. On the other hand, postmodern feminists invite us to refocus theoretical work on texts, posited as our reality, and to emphasize the occultation of women and/or the feminine in legal texts, the consequences of this absence for women, and the indeterminate

¹³ Oakley, A. (1981). Interviewing women: A contradiction in terms. In H. Roberts (Ed.), *Doing feminist research* (pp. 30-61). London: Routledge.

¹⁴ DeVault, M. (1990). Talking and Listening from Women's Standpoint: Feminist Strategies for Interviewing and Analysis, *Social Problems*, 37(1), pp. 96-116, <https://doi.org/10.2307/800797>

¹⁵ Oakley, A. (1981). Interviewing women: A contradiction in terms. In H. Roberts (Ed.), *Doing feminist research* (pp. 30-61). London: Routledge.

¹⁶ Alviar H., & Jaramillo I, C. (2012), *Feminismo y Crítica Jurídica*. Bogotá, Siglo del Hombre y Universidad de los Andes.

and undecidable character of gender.¹⁷ The adoption of feminist legal theories is a crucial step in understanding how the law can engender and/or perpetuate the subordination, oppression and discrimination of women. These theories allow us to examine in depth how legal structures and norms contribute to maintaining gender inequalities. They reveal how laws and legal practices can reinforce patriarchal power relations, reproduce gender stereotypes and limit women's rights.

It also draws on central theories of gender stereotype adherence: the “interest-based” theory, which posits that individuals adhere or not to stereotypes according to their own interests, and the “exposure-based” theory, which posits that individuals adhere or not to stereotypes according to their degree of exposure to egalitarian configurations.¹⁸ The use of these two theories in this research aims to explore how personal interests and exposure contexts influence adherence to gender stereotypes. We seek to understand how these factors interact to shape individual and institutional attitudes towards gender roles, and how these attitudes can be modified by targeted interventions or changes in the social and political-institutional environment.

Additionally, social norms theory helps to broaden our understanding of the factors that contribute to the perpetuation of gender inequalities and cleavages in law. Social norms are rules shared by the members of a group and generally accepted as binding in specific situations.¹⁹

Three theoretical postulates related to the theory of social norms are important to consider in the context of this study:

- ✱ Social gender norms are quasi-mandatory (people are strongly influenced, almost compelled, to conform to them), appropriate (people think it's in their interest to conform, even if social pressure is reduced) and acceptable (there is pressure to conform, but no sanction for noncompliance).²⁰
- ✱ Norms are likely to be internalized, and therefore function as subjective mechanisms structuring behavior. Internalization is the process by which people integrate the relevance of a given norm and legitimize it in the course of their life.²¹

¹⁷ Isabel C. Jaramillo. (2015), « *La théorie juridique féministe. Un outil d'intervention pour les études de développement* » In Verschuur, C., Guérin, I., & Guétat-Bernard, H. (Dir.) *Sous le développement, le genre*, IRD Éditions Institut De Recherche Pour Le Développement Collection Objectifs Suds Marseille, pp.183-212.

¹⁸ According to this theory, increased exposure to egalitarian relationship models - in social interactions, media or work environments - increases the likelihood that individuals will reject traditional stereotypes related to gender, race or other identities.

Davis, S. & Greenstein, T. (2009). Gender Ideology : Components, Predictors, and Consequences. *Annual Review of Sociology*, 35, pp. 87-105. <https://doi.org/10.1146/annurev-soc-070308-115920>

¹⁹ Legros, S., & Cislighi, B. (2019). Mapping the Social-Norms Literature: An Overview of Reviews. *Perspectives on Psychological Science*, 15(1), 62-80. <https://doi.org/10.1177/1745691619866455>

Cislighi, B., & Heise, L. (2018). Four avenues of normative influence: A research agenda for health promotion in low and mid-income countries. *Health Psychology*, 37(6), 562–573. <https://doi.org/10.1037/hea0000618>

Rimal, R. N., & Lapinski, M. K. (2015), "A re-explication of social norms, ten years later", *Communication Theory*, 25(4),pp 393-409.

Cislighi, B & Heise, L. (2020), Gender Norms and Social Norms: Differences, Similarities and Why They Matter in Prevention Science. *Sociol. Health Illness*, 42 (2), pp.407-422.

²⁰ Legros, S., & Cislighi, B. (2019). Mapping the Social-Norms Literature: An Overview of Reviews. *Perspectives on Psychological Science*, 15(1), 62-80. <https://doi.org/10.1177/1745691619866455>

²¹ Cislighi, B., & Heise, L. (2018). Four avenues of normative influence: A research agenda for health promotion in low and mid-income countries. *Health Psychology*, 37(6), 562–573. <https://doi.org/10.1037/hea0000618>

- ✿ Norms intersect with the effects of structural inequalities and power cleavages in laws, access to resources, institutions and policies to consolidate the gender order.²²

While feminist scholars have advanced thinking about gender norms independently of social norms theory, Cislighi and Heise²³ have proposed a definition that links social norms theory with gender theory:

“Gender norms are social norms defining acceptable and appropriate actions for women and men in a given group or society. They are embedded in formal and informal institutions, nested in the mind, and produced and reproduced through social interaction. They play a role in shaping women and men's (often unequal) access to resources and freedoms, thus affecting their voice, power and sense of self.”

The theory of social gender norms therefore sheds light on the factors that perpetuate gender stereotypes and cleavages in law, contributing to the maintenance of the established gender order and the reinforcement of traditional roles and power hierarchies between the sexes. By integrating “interest-based” and “exposure-based” theories, we can better understand how these norms are maintained while also recognizing their potential to evolve.

The analyses of Galès et al.²⁴ regarding public action networks, which focus on the role of configurations of state and non-state actors in the development of public action, have influenced the theoretical register on which this research is based. It is from this theoretical perspective that we examine the role of legal actors in agenda-setting during the legislative process.

The theories adopted in this research provide an analytical framework for examining legislation through the prism of gender. They assess how gender stereotypes influence both legislative production and the judicial application of laws, while also considering other factors that shape legislative work. By integrating parameters such as political dynamics, economic interests, and socio-cultural pressures, the research aims to reveal the complex interactions between gender norms, legal structures and judicial practices, and to understand how these interactions contribute to the reinforcement of gender stereotypes and inequalities within the legal system.

STUDY LIMITATIONS

For the sake of methodological rigor, it is important to point out that the analysis encountered limitations inherent to the qualitative approach, notably those concerning lack of precision,

²² Bicchieri, C. (2005). *The grammar of society: The Nature and Dynamics of Social Norms*. Cambridge University Press. <https://doi.org/10.1017/cbo9780511616037>

²³ Cislighi, B & Heise, L. (2020), Gender Norms and Social Norms: Differences, Similarities and Why They Matter in Prevention Science. *Sociol. Health Illness*, 42 (2), pp.407-422.

²⁴ See also: Jenkins-Smith, H.C., Weible, C.M. (2025). The Advocacy Coalition Framework: Origins, Theories, and the Textbook Version. In: Jenkins-Smith, H.C., Weible, C.M. (eds) *The Advocacy Coalition Framework*. Palgrave Macmillan, Cham. https://doi.org/10.1007/978-3-031-85554-2_1

subjectivity, extended timeframes, small reasoned samples, and difficulty of generalization.²⁵ However, these limitations do not undermine the value of feminist approaches, which aim to bring subjective experiences and marginalized voices to the fore, thereby enriching our understanding of social realities.

In the face of these methodological shortcomings, and in order to reinforce the richness and validity of the results obtained, we carefully interpreted the data collected, relying on a triangulation that was simultaneously theoretical, involving the use of more than one theoretical perspective, of data collection tools - employing multiple instruments (documentary analysis and Expert Survey)-, and of sources, drawing on different benchmarks to gather the data.

On the other hand, perceptions, attitudes and opinions are influenced by social desirability bias²⁶, as interviewees unconsciously tend to respond in accordance with the dominant norms in their socio-cultural and political context. As a result, their responses may not fully reflect their personal beliefs and perceptions, which can reduce the validity of conclusions drawn from their answers. These limitations are somewhat mitigated by the use of a range of data collection tools, whose results complement each other and enrich our analysis. To some extent, this has allowed us to maintain an objective distance.

Organizational constraints relating to the interviewees' schedules should be noted. The unavailability of some lawyers and judges due to their commitments, along with the successive postponements of appointments by others, as well as the nature of the semi-structured interview instrument used in the Expert Survey method, which requires sequential planning over a relatively extended period of time, affected the organization of the survey. Added to this was the cautious and reserved stance often adopted by interviewees involved in the legislative process or in the implementation of law. This posture is reflected in their hesitancy and in the provision of ambiguous or even equivocal answers, sometimes perceived as improvised or "cobbled-together".²⁷ Such behavior was observed in the testimonies of the lawyers and the judge, which explains why we conducted the interviews with them in two rounds, in order to elicit richer answers within the framework of more in-depth reflection.

The shortage of documentation related to the impact of gender stereotypes on legislation is another limitation encountered in our attempt to identify theoretical perspectives addressing this thematic framework, given that the legislative field, often influenced by socio-cultural dynamics and social gender norms, remains little explored in the MENA region and beyond.

For this reason, it is important to emphasize the non-exhaustive and non-generalizable nature of the present analysis. The conclusions and recommendations that emerge from this multifaceted methodology serve as indicative markers of the extent to which stereotypes are embedded in the

²⁵ Pithon, G. (2018). Complémentarité entre les approches qualitatives et quantitatives en sciences humaines : le cas de la transmission intergénérationnelle de valeurs. *Études théologiques et religieuses*, Tome 93(4), 559-576. <https://doi.org/10.3917/etr.934.0559>.

²⁶ Social desirability bias, according to Rodolphe Ghiglione and Benjamin Matalon, is one of the most well-known effects among methodologists. It indicates that the interviewee will spontaneously seek to give a "positive" image of himself to the interviewer.

²⁷ Bongrand, P. et Laborier, P. (2005). L'entretien dans l'analyse des politiques publiques : un impensé méthodologique? *Revue française de science politique*, 55(1), 73-111. <https://doi.org/10.3917/rfsp.551.0073>.

mentality of legislators and their impact on legislative production. The results cannot be considered in absolute terms; rather, the conclusions point to trends and perspectives that can enrich reflection on this subject.

GENDER STEREOTYPES IN LEGAL TEXTS

The aim of this section is to identify existing stereotypes in certain laws, which often manifest as discrimination and inequality against women, particularly in matters relating to women's rights and gender justice in Morocco. These include, in particular, Law n°103-13 on combating violence against women, the Penal Code, and the Family Code. The section also highlights the limits and shortcomings of these laws in terms of gender equality.

LAW N°103-13 ON COMBATING VIOLENCE AGAINST WOMEN

Following years of advocacy by feminist movements, Law n°103-13 on combating violence against women was adopted by Parliament in February 22, 2018. However, upon its publication, the law was highly criticized and controversial. Like other legislative texts, it reflects a struggle in the political-institutional space, while also embodying a process of institutionalization of moral conventions and cultural norms pre-existing in society.²⁸ The gendered statements of this law incorporate several conceptions of the feminine and the masculine, and consequently of the attributions and roles of each sex, by reflecting social representations widely shared in society and embodied in the collective imagination. In this sense, several rules of the law carry gender stereotypes that perpetuate judgments, discrimination and negative sexist attitudes.

The legislator has certainly made some progress by increasing the penalties for certain offences when the violence is committed against a pregnant or married woman, in the presence of her children or parents. However, the law still conveys the socially most valued image of women - that of married women and mothers -, while marginalizing women living alone, divorced women, single mothers, and infertile women. The latter are heavily penalized by dominant stereotypes that define women only in their traditional reproductive role.

The legislator has also introduced new preventive measures for the protection of WV when forms of violence are committed within the family. The law further criminalizes the husband's refusal to allow an expelled wife to return to the marital home, forced marriage involving "violence or threats", (constituting the material elements of this offence), sexual harassment in public spaces, cyber-violence, and sexist insults.

It is not certain, however, that by criminalizing certain acts of violence against women in the private sphere, the legislator has contributed to ensuring the effective protection of women against all forms of discrimination and violence. The penal logic, influenced by a patriarchal and conservative mindset that does not recognize women as individuals in their own right, which guided the legislator in introducing this law, remains focused on protecting the moral order rather than women as citizens. Indeed, its content modifies and supplements that of existing texts, namely the Penal Code and the Code of Criminal Procedure. The use of expressions such as "public indecency" or

²⁸ Heise, L; & Cislighi, B (2016) *Measuring social norms: A learning report*. Project Report. LSHTM, London. <https://researchonline.lshtm.ac.uk/id/eprint/4646486>.

“morality” clearly reflects this tendency to maintain the established social order, placing this law within the same philosophy as the Penal Code.

The use of these expressions embodies and transmits gender stereotypes, which act as mechanisms for legitimizing gender discrimination and inequality. Legislators associate certain attributes or roles with each sex, thereby conveying social representations of men and women that entrench male supremacy. The legislator thus perpetuates gender stereotypes that reinforce the idea that women must be modest and chaste, responsible for preserving moral values, and exercise control over their sexuality - which is often repressed- while men sexuality is valorized. Moreover, women are positioned as guardians of morality, leading to negative judgments in cases of non-conformity, whereas men enjoy greater freedom without facing the same repercussions. In addition, the text does not meet the standards of “due diligence”²⁹ which require the prevention and investigation of human rights violations, the protection of victims, the punishment of perpetrators, and the compensation of victims of violations of their fundamental human rights.

The text does not include specific provision for single women, migrant women, or women with special needs. As a result, the law lacks specificity despite encompassing both criminal and civil provisions, and contains several gaps that ultimately limit the effectiveness of protection for women victims of violence. Here again, Law 103.13 remains less consistent with the international conventions ratified by Morocco and deviates from the constitutional principles enshrining equality between men and women. In addition, the legislator adheres to a discriminatory patriarchal frame of thought, which places certain groups of women at a disadvantage in enjoying their rights.

On the other hand, it is important to note that the absence of a preamble and definitions in line with international standards on gender justice and the protection of WVV limits the scope of this law in terms of protecting women from all types of GBV.

On another note, Law 103.13 abolished certain provisions of the Penal Code, contained in articles 494, 495, and 496, prohibiting “the abduction, misappropriation, and displacement of a married woman”, and considered contrary to the dignity of women. Although this repeal put an end to the risk of prosecuting refugee women for domestic violence, the law still does not provide civil protection for women, nor funding for shelters for WVV.

In addition, certain provisions of this law, which are discriminatory on the basis of gender, remain problematic. In particular, Law 103-13 does not explicitly recognize marital rape as a crime and therefore does not define clear responsibilities for police, prosecutors, magistrates, and other law enforcement officers in cases of domestic violence. This normalization of marital rape is rooted in the concept of “marital duty”, which implies that a wife must always be available to her husband, regardless of her own will or desire. This duty is considered consensual and permanent within marriage, particularly in a context such as Morocco, where tradition and socio-religious interpretations strongly influence matrimonial practices. The notion of conjugal duty that justifies rape reflects the idea that women are considered as property, reinforcing unequal power dynamics that portray them as submissive. This normalizes the expectation that they must comply with their

²⁹ Due diligence ensures that victims of crime receive adequate information, support and protection and can participate in criminal proceedings. A principle of international law that mandates States to exercise due diligence to prevent the violation of rights or to investigate, punish and redress acts of violence.

partners' desires, making rape difficult to acknowledge. Furthermore, this concept perpetuates the stereotype that women and their bodies are the property of men, allowing them to satisfy their desires at the expense of those of their partners.

A reading of the legal text suggests that the legislator has granted WVV the possibility of compelling, through judicial means, her abusive husband to leave the marital home. However, an examination of the relevant provisions reveals that the legislator places the burden of proving such violence on the woman herself, while linking this possibility of initiating legal proceedings to the lodging of a prior complaint on her part.³⁰ Under these conditions, compliance with these legal requirements appears to be an almost impossible task, thereby depriving women of their right to defend themselves. By placing the onus on women to prove that they have been subjected to violence, the legislator reinforces the stereotype that women are responsible for their own situation. This forces them to justify their suffering and prove their credibility, while downplaying men's responsibility as aggressors. Such a stereotype diminishes the seriousness of male violence and makes women more vulnerable in situations of domestic violence.

Rape victims, for their part, are required to prove that they suffered physical injury in order to demonstrate lack of consent; otherwise, they risk prosecution for sexual relations outside marriage, which is criminalized under Article 490 of the Penal Code. In this context, a complaint is admissible only if the victim submits a medical certificate attesting that the injuries sustained resulted in more than 20 days of incapacity. Such a legal system implies that it is the WVV who bear primary responsibility for her assault, and it is up to her to prove the contrary. In doing so, the law perpetuates gender stereotypes linked to the hyper sexualisation of women, represented as submissive and available, while men are valorized for their dominant and impulsive character. This rape culture is deeply rooted in the collective imagination, sustained by the belief that men have 'irrepressible' needs and that victims themselves have provoked or invited the assault.

Although Law 103-13 also provides for the creation of support units for WVV within the departments responsible for justice, health, youth, women and the security forces, as well as the establishment of local, regional, and national committees responsible for issues concerning women and children, and determines the composition of the national committee responsible for WVV, the modalities of their operation raise certain problems. For instance, cases of psychological violence cannot be taken into consideration by these units, and social workers continue to face persistent difficulties in carrying out field investigations.

It remains to be seen whether the composition of these units and their management system truly integrate gender issues, and to what extent the staff responsible for managing them can embody the values of equality while challenging the negative aspects of traditional norms of masculinity and sexist stereotypes. These stereotypes manifest themselves in the perception of women as being responsible for domestic tasks, pushing them to conform to societal expectations of femininity, that often value obedience, modesty, and self-sacrifice. Men, on the other hand, are perceived as the head of the family, holding authority over their wives and family dynamics.

³⁰ According to the HCP, in 2019, only 13% of victims of physical violence took legal action or filed a complaint with the competent authorities (police, gendarmerie, judiciary or local authorities), and only 3% in the case of sexual violence.

PENAL CODE

Despite the revisions³¹ made to strengthen the protection of women against discrimination and violence, the Penal Code remains marked by a patriarchal vision that infringes on individual freedoms and is discriminatory in its philosophy, structure, and provisions. This persists despite SC's dynamic advocacy for a comprehensive overhaul to bring the Code into line with the country's social evolution, the provisions of the 2011 Constitution, Morocco's international commitments on equality and non-discrimination, and the State's declarations of commitment in the area of freedoms.

The work of the Penal Code reform committee, established in 2023 by the Minister of Justice³², has been marked by tensions between reformers, who are aiming for a new Criminal Code aligned with social realities and the Morocco of today, and conservatives, who base their position on the country's socio-religious identity and national constants. These divergent positions on several controversial issues have made consensus difficult. Moreover, the new draft Penal Code reform has not yet seen the light of day.

Furthermore, the amendments introduced to the Penal Code in its last revision in 2016 still fall short of the aspirations of the CS and the driving forces of Moroccan society, and have failed to meet the requirements of combating discrimination and protecting women against violence and violations on their rights and freedoms. The underlying philosophy of the reform, along with its principles and guidelines, reveals that the Penal Code is the product of power dynamics, with ruling forces able to impose or safeguard their interests. As a result, the law risks being perceived as a form of legal domination that embodies patriarchy, prejudice and gender stereotypes. This is particularly evident in the criminalization of sexual relations outside marriage between consenting adults, as well as in the provisions governing voluntary termination of pregnancy, rape and adultery.

The law *criminalizes* extramarital relations. Article 490 of the Penal Code punishes with 'imprisonment of one month to one year, all persons of different sexes who, not being bound by marriage, have sexual relations with each other'. By placing single mothers in an illegal situation, this article encourages, facilitates and exacerbates violence against women, constituting both a form of discrimination and a violation of the right to privacy, as protected by constitutional and international standards. Article 24 of the 2011 Constitution affirms that 'Everyone has the right to the protection of his private life', while Article 17 of the International Covenant on Civil and Political Rights provides that 'no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation, and guarantees everyone the right to the protection of the law against such interference or attacks'.

The criminalization of sexual relations between consenting adults outside marriage, as a punishable offence carrying prison sentences, demonstrates that the law remains an instrument in the hands of political power to control women's bodies and maintain their subordination. It thereby

³¹ The 2014 amendment to paragraph 2 of Article 475 repealed the provision allowing a rapist to marry his underage victim and escape prosecution. In addition to the draft Penal Code (no. 10-16), adopted by the Government Council in June 2016, which made a few amendments to the current Penal Code rather than revising it as a whole.

³² Before the departure of the El Othmani government, former minister Mohamed Benabdelkader took the first step by introducing the bill revising the Penal Code into parliament. However, his successor Abdellatif Ouahbi withdrew it for re-examination with a view to a more comprehensive and complete overhaul.

serves as a mechanisms that reinforces women's social dependence, relying on sexist stereotypes that socially legitimize their inferiority and perpetuate social representations of masculinity and femininity.

The ban has been extended to homosexual partnerships by punishing, under article 489 of the Penal Code, anyone who commits an 'indecent or unnatural act with a person of the same sex' with imprisonment and a fine. Under Moroccan criminal policy, relationships between consenting adults of the same sex are treated as a correctional offence against morality, placed in the same category as public indecency, rape, adultery, or relationships outside marriage.³³

Islamic normativity is thus mobilized within the legal sphere. Article 491 of the Penal Code stipulates that '*any married person convicted of adultery shall be punished by imprisonment for one to two years*'. Prosecutions for adultery are only initiated on the basis of a complaint by the offended spouse, who may subsequently withdraw the complaint. However, the withdrawal of the complaint does not extend to the accomplice of the adulterous spouse. Even if the legal penalty for adultery applies in practice indifferently to men and women, the social penalty remains different and discriminates against women, and the social stigma falls more heavily on the adulterous woman than on the unfaithful man. In many cases, when the mother is prosecuted for adultery, the husband questions the affiliation of his children. Single mothers, for their part, are sometimes forced to flee and abandon their children in hospitals.

The attitude of some *Adouls* (a notary for Islamic marriages), who, without any legal basis, require virginity tests as a condition of contracting marriage, remains degrading and humiliating. Many young women, under pressure from their families, are forced to undergo this shameful practice and to comply with the rule that the bridal sheets must be stained with blood on the first night of the wedding, as supposed proof of the breaking of their hymen and the preservation of virginity.

Religious interpretations and socio-cultural practices remain significant vector of stereotyped images and social representations of the female body, whose dignity is often equated with honor, modesty, and purity.

The State's control of the female body is reflected in the Penal Code, which severely punishes the practice of Medical Interruption of Pregnancy (MIP) with imprisonment and fines when it is not therapeutic. The law requires that therapeutic abortion obtain prior authorization from the spouse, unless the practitioner determines that there is a danger to the mother and that a heavy administrative procedure poses a real threat to her in an emergency. As a result, abortion remains illegal except in a few exceptions, despite the amendment of article 453-1 of the Penal Code. As announced by the Royal Palace, following a lively debate on the scourge of clandestine abortions in Morocco, the right to abortion will be extended to cases of rape, incest, fetal malformation, or mental disorder of the mother, provided that a legal procedure is initiated.³⁴

³³ Baida., T., (2021), La dimension morale dans la politique et la pratique pénale des affaires liées à l'homosexualité au Maroc. [La dimension morale dans la politique et la pratique pénale des affaires liées à l'homosexualité au Maroc](#)

³⁴ A statement was issued in May 2015 following a royal audience during which the ministers of Justice and Islamic Affairs, as well as the president of the National Human Rights Council, presented their opinions. The king gave instructions to

Despite abortion remaining a criminal offence, the practice continues clandestinely, often under hazardous sanitary conditions, which can have serious consequences for women's lives and health.

The legislator's use of a moralising discourse, aimed at preserving the country's 'Islamic' constants, is rooted in the entrenchment of sexist stereotypes that serve to socially control women and their bodies. It is in the name of Islamic law, which governs the social, individual and religious life of Moroccans, that opponents of decriminalizing abortion defend its repression.

The perpetuation of negative gender stereotypes is also reflected in the provisions of the Penal Code relating to rape. Although the law criminalizes rape, the burden of proof falls on the victim, who is required to provide witnesses. If the rape is not proven, the woman risks being prosecuted for sexual relations outside marriage or adultery, and may face a prison sentence.

The analysis of the legal provisions punishing rape reveals the persistence of gender stereotypes that fuel various forms of discrimination and violence against women. Rape victims still do not benefit from the protective measures provided under Law 103-13. Moreover, if the aggressor denies having known the woman, he may be acquitted.

Furthermore, the Code does not criminalize marital rape, which remains a taboo in Moroccan society, where religious mores and interpretations influence marital practices. The question of consent within marriage is often complex, and under this perception, a woman is expected to be available to her husband at the expense of her own desire. This impunity, however, did not prevent the Criminal Division of the Tangiers Court of Appeal from recognizing marital rape for the first time in a ruling handed down on 8 March 2019.

The Code also discriminates between women who are virgins and those who are not. It imposes harsher conditions to the former while undermining women's dignity and physical integrity.

In the end, it appears that women are the victims of an odious law that renders other legislative advances meaningless. They suffer as a result of the various penalties imposed in cases of adultery, rape, and abortion. Beyond feelings of depression, isolation, and anxiety, these women often face social rejection and stigmatized. Men, on the other hand, enjoy impunity, taking advantage of legal loopholes and their status within a patriarchal society. The study conducted by MRA³⁵ revealed a virtual absence of consequences for men involved in cases under articles 490 - 491 of the Penal Code. According to article 492, the withdrawal of the complaint by the offended spouse - which occurs in the majority of cases when the wife is the complainant - terminates the prosecution of the man.

"translate the conclusions of these consultations into a draft legal provision, with the aim of including them in the penal code." However, the draft law amending the criminal code is still stalled in the halls of parliament.

³⁵ This is an action research study conducted by the NGO Mobilising For Rights Associates on the obstacles to Law 113-13. The study is part of a larger initiative called "Protection Not Prison."

FAMILY CODE

By placing family law within religious law, the State in Morocco, like other Arab countries, has considered the family as the basic social unit. Pateman³⁶ points out that the Arab paternal patriarchy³⁷ was constituted through the means of the unquestioned family sphere. The impact of Arab patriarchy on gender discrimination in citizenship has been particularly profound, given that the family permeates all domains: private/public, state/civil, society/family, governmental/non-governmental. As Pateman writes: “*Contract is the means by which modern patriarchy is constituted*”.³⁸

This patriarchal model governing the domestic sphere is also perpetuated within both governmental and non-governmental spheres.³⁹ It explains the integration of family processes into state dynamics and, consequently, the production of laws. According to Sara Ruddick, this reinforces the creation of gendered hierarchies and facilitates the institutionalization of discriminatory citizenship in state-building projects.⁴⁰

Rejected by the Islamists, scarcely supported by the democratic movement, and subtly exploited by the Maghzen, the 2004 reform was the result of the groundwork laid by the feminist movement, which, since the mid-1980s, has managed to emancipate itself from left-wing partisan structures and develop an autonomous strategy of action.⁴¹ The procedure for adopting the Code, which combines a religious approach with parliamentary deliberation, represented a democratic achievement and a further step towards the desacralization of the legal text, which has traditionally obeyed restrictive interpretations of the Koran and Hadiths, disregarding the social and economic changes experienced by Moroccan society.⁴²

Despite the progress achieved through the 2004 reform, the social changes and the experiences of women and girls in Morocco have encountered resistance from the rigidity of the law, which is often shaped by viewpoints influenced by the thinking patterns and agendas of political actors. Indeed, gender has been taken into account by the legislator, through the social construction of gendered identities and hierarchical gender roles, thereby disadvantaging women compared to men in the enjoyment of rights.

³⁶ Pateman, C. (1988). *The sexual contract*. Polity Press. <https://content.e-bookshelf.de/media/reading/L-2345384-6ea76054f2.pdf>

³⁷ In Arab societies, patriarchy uses family structures, morality and language to justify the privileges of males and elders. Patriarchy has been and remains largely family-based, which distinguishes it from the common notion of patriarchy used by Western feminist scholars who often separate patriarchy from the notion of kinship. This difference is crucial to understanding the specificities of gender discrimination in the Arab region. Arab men become citizens by being the heads of patriarchal families, while women are envisaged as subordinates: mothers, wives, children or sisters (Giacaman, Jad, and Johnson 1996; Al-Mughni 1996).

³⁸ Ibid., p.14.

³⁹ Sharabi, H. (1988), *Neopatriarchy: A Theory of Distorted Change in Arab Society*, New York, Oxford University Press, p.7.

⁴⁰ Ruddick, S. (1997), *The Idea of Fatherhood*. In *Feminism and Families*, Lindemann. H- N. (dir.), New York, Routledge, pp. 205-220.

⁴¹ M'Chichi, H. A. (2002). *Genre et politique au Maroc: les enjeux de l'égalité hommes-femmes entre islamisme et modernisme*. Editions L'Harmattan. https://api.pageplace.de/preview/DT0400.9782296299153_A24216228/preview-9782296299153_A24216228.pdf

⁴² Khaoulani Idrissi, F. (2020), *Les mobilisations féministes en quête d'égalité au Maroc. Analyse politico-processuelle de la publicisation et de l'institutionnalisation de la parité*, Thèse de doctorat en Sciences Politiques de l'université Mohamed V - Agdal. Faculté des sciences juridiques, économiques et sociales - Rabat Maroc. p.57.

The Family Code, which remains in contradiction with the principle of equality enshrined in the Constitution, has amply demonstrated its limitations. The prevalence of gender stereotypes in this law - functioning as mechanisms that legitimize gender discrimination⁴³ -, has contributed to the perpetuation of inequalities between the sexes. Several provisions of the Family Code, in fact, embody gender stereotypes that are prejudicial to women in various ways.

○ The wife's obedience to her husband

The 2004 Family Code indeed abolished the principle of “*Quiwamah*”⁴⁴ of the wife to her husband, by removing provisions that considered the man as the head of the household and instead placing the family under the mutual direction of both spouses. However, articles 194 and 198 still define the husband as solely financially responsible for the household, which contrasts sharply with the reality that, in some families, the only source of income is the wages of working women, while in other situations, women contribute equally to family expenses alongside men. This reality was clearly reflected in the HCP's 2019 survey, which indicated that “The share of households headed by women in Morocco reached 17% in 2022, with 19.4% in urban areas and 11.4% in rural areas”. This does not even account for the informal sector, which employs women in precarious socio-economic situations, who take on unrecognized responsibilities and care for multiple family members.⁴⁵

This reflects the mind-set of the legal actor, rooted in a sexist view that women's place is in the home. The re-emergence of traditionalist discourses with politico-religious amalgams, reinforced by the negative effects of the economic crisis on families' socio-economic conditions, has contributed to the consolidation of a discriminatory culture based on the stereotype that women are responsible for men's unemployment. In other words, if the woman stays at home, it is supposedly for the man to find a job, particularly since the woman does not need to work and her income is regarded merely as pocket money. The dominance of these stereotypes has fostered to complacency among some women, who perceive the man's role as the sole provider and believe it is his responsibility to bear full responsibility for the family.

With the above-mentioned provisions, the legislator has maintained the principle of the husband's economic *Qiwamah*, which makes him responsible for the upkeep of the wife and children. As a result, the *nafaqa* legally remains the husband's responsibility. However, the “wealthy” mother is legally obliged to provide for her children's alimony in the case of the father's partial or total material incapacity, in accordance with article 199 of the same Code. It is important to note that this mandatory financial burden, which by law falls on the wealthy woman, does not confer any rights over her family, particularly regarding legal guardianship. This financial contribution is considered as form of charity (*Sadaqa*), which cannot be compensated in any way, nor claimed in terms of property division or inheritance.⁴⁶

⁴³ Bouhsini, L. E. (2016). Une lutte pour l'égalité racontée par les féministes marocaines. *Rives Méditerranéennes/Rives Méditerranéennes*, 52, 121–133. <https://doi.org/10.4000/rives.5034>

⁴⁴ This is a principle that recognizes a woman's duty of obedience to her husband.

⁴⁵ Haut-Commissariat au Plan (HCP). La femme marocaine en chiffres. Edition 2023. <https://www.hcp.ma/downloads/?tag=Femme+marocaine+en+chiffres>

⁴⁶ Economia. Entretien avec Nouzha Guessous, Code de la famille dix ans après : les limites d'une promesse. <https://www.economia.ma/content/entretien-avec-nouzha-guessous-code-de-la-famille-dix-ans-apr%C3%A8s-les-limites-d%E2%80%99une-promesse>

These provisions preserve and perpetuate gender stereotypes that confine men and women to essentialized roles and statuses. The maintenance of the structural and foundational principle of Qiwwamah, both economic and moral, within the family reinforces the vicious circle of gender-based discrimination and inequality. This principle embodies a deeply rooted gender stereotype, according to which men are perceived as the primary providers of material and moral resources. This stereotype reflects a vision of masculinity based on power, domination and control, valorizing behaviors that assert virility through economic status. Moreover, it grants men decision-making authority within the family, which can limit women's autonomy and prevent them from fully participating in family decisions.

Due to this underlying philosophy in the Family Code, which is grounded in a moralizing logic based on family mores and order, the legal actor establishes biological differences as principles of valorization/devalorization, thereby conveying representations of differentiated and hierarchical social roles between men and women in the legal rule, to the detriment of human rights principles and the values of gender equality.

○ Legal guardianship and child custody

The legislator has maintained other provisions that are a source of inequality between men and women. Article 4 of the Code places the family under the shared responsibility of both parents but does not grant them equal rights and obligations concerning their children. In fact, according to article 230 of the Code, legal representation or guardianship is primarily granted to the father of full age, while the exercise of this function by the mother of full age is only incidental, in the absence of the father or following his loss of capacity. This legal distinction between father and mother as legal representatives responsible for their children and their property until they reach adulthood is fuelled by stereotypes and prejudices that stigmatize and disqualify women on the basis of their gender.

This blatant discrimination against women is further exacerbated by the father's right to designate a testamentary guardian other than the mother. As a result, legal guardianship remains primarily the father's prerogative, which he can bequeath by will, allowing a woman to serve as guardian of the children without granting her legal authority over them.⁴⁷ Thus, in the event of the father's death, the mother, as manager of her minor child's assets, remains under the control of the testamentary guardian, who holds the power to refer matters to the guardianship judge.

The legislator has thus favored the father, even in the event of divorce, by granting him the status of legal guardian of the children, whereas in the majority of cases, custody is often entrusted to the mother. The discrimination between spouses in terms of legal representation during marriage and upon divorce is based on stereotypes that portray men as *agentive* beings and women as *communal* beings.⁴⁸ The man is depicted as rational and responsible, expected to provide the household's income, while the woman is considered as fragile and tasked with child-rearing, yet

⁴⁷ Oukhiti, S. E. M. (2021, September 25). *Les voies d'une modernisation enfin efficiente du Code de la famille marocain*. <https://theses.hal.science/tel-03685195v1>

⁴⁸ Gaborit, P. (2009). *Les stéréotypes de genre*. Harmattan. https://api.pageplace.de/preview/DT0400.9782296233348_A24212630/preview-9782296233348_A24212630.pdf

deemed incapable of ensuring their protection because she supposedly lacks the control and self-mastery to make important decisions regarding the management of their property.

The inequality of guardianship rights between mother and father creates difficulties that are sometimes impossible for the mother to overcome, as she cannot take even the simplest administrative step concerning her minor child without her ex-husband's approval (in particular when traveling outside Morocco with her child, changing schools, admitting the child to hospital, obtaining official documents, or securing a passport, etc.).

Child custody constitutes another aspect of discrimination against women. The Family Code tends to reserve this right for the father, specifying in Article 175 the conditions under which the mother retains custody of her child if she remarries

The choice of custodial parent is harmonized at 15 years of age for both boys and girls, and the mother does not lose custody of her children in the event of remarriage if they are under seven years old. As a result, a healthy child would be deprived of their mother, unlike the sick child, and this outdated provision does not apply when the father remarries, as he retains custody of the children.

Ultimately, apart from the cases provided by the Code that allow the mother to retain custody of her children, it goes without saying that her marriage systematically entails the forfeiture of her custody rights.

Moreover, as this article does not prioritize the child's best interest, it illustrates the extent to which the legislator remains influenced by patriarchal patterns of thought, confining women to the domestic sphere and valorizing their socially constructed role as guarantors of reproduction and maintenance of the family structure.

The legal actor relies on normative principles that underlie gender relations and tends to conform to the "men's box" and the "women's box", adhering to systems of domination in thought, power, and imaginary that deviate from the "human box"⁴⁹ and consequently, from the recognition of "positive parenting" as a dimensions of gender equality.

○ Underage marriage

Gender inequalities persist in the Family Code. While Article 19 sets the legal age at 18 years old for both girls and boys, Article 20 provides an exception, allowing the judge to authorize underage marriage through a reasoned decision specifying the interest and reasons justifying the marriage. In this way, the legislator has granted judges "a broad discretionary power in interpreting and applying the law".

⁴⁹ Report of Program P - Early childhood development; Engaging men in full equality in early childhood development, violence prevention and gender equality in Morocco led by Quartiers du Monde with UN Women office with support from Promundo. 2020-2023.

Although the Code sets several conditions for this exception, in practice there has been a high approval rate of marriage requests involving minor girls.⁵⁰

This situation can be explained by the fact that the underage marriage is not only a derogatory legal provision, but also a customary practice deeply rooted in socio-economic and cultural realities. For some families living in precarious conditions, particularly in remote areas of Morocco, this practice is seen as an ultimate financial lifeline for both the girl and her family.⁵¹ Moreover, marriage, as perceived in the collective imagination, constitutes a legitimate outlet for pleasure and procreation; it is simultaneously regarded as a religious duty, a moral safeguard, and a social necessity based on a legal contract binding the two spouses.⁵²

The analysis reveals the existence of socially constructed rules that directly sustain recourse to this slavery-like practice, whose disastrous consequences on girls' lives contribute to its reproduction and perpetuation. These social norms are rooted in stereotypes portraying women as vulnerable and fragile, with their virtue becoming a stake in lineage conflicts between social segments. Underage marriage is also linked to stereotypes perceiving it as an achievement for girls, who are then confined to the roles of wives and mothers. Young girls are often perceived as "property" to be transferred between families, reinforcing dynamics of control aimed at regulating their sexuality and perpetuating long-standing practices. Moreover, this form of marriage is frequently regarded as a source of economic security, despite its detrimental impact on girls' education and autonomy. Another stereotype sustaining this phenomenon is the belief that it preserves family honor.

The provisions of the Family Code relating to underage marriage are thus underpinned by stereotypes that conform to conventional social roles dictated by society. This highlights the difficulty for the legislator- who is expected to act as the guarantor of the child's best interest and to apply the exception of authorization great caution- to free himself from parental models and patriarchal thought patterns confine women to the domestic sphere and valorize their socially constructed role as reproductive pillars, responsible for preserving the family structure.

○ Polygamy

Despite the draconian measures introduced by the Family Code to curb polygamy, the practice continues, according to figures presented by the Supreme Council of the Judiciary in its latest report on family justice. More than 20,000 requests for consent to enter into a second marriage were registered between 2017 and 2021, with the highest number, 4,854, recorded in 2021.

⁵⁰ According to a study published in 2021 by the Public Prosecutor's Office and conducted over the period 2015-2019, 1,099 minors aged 17 and 744 minors aged over 17 and a half were victims of this practice during the period. Similarly, 262 minors between the ages of 16 and a half and 17, as well as 181 minors between the ages of 16 and 16 and a half, 13 minors between the ages of 15 and 16 and one minor under the age of 15 were married during the reference period.

⁵¹ CICADE. (2015). *Le mariage en droit marocain*. In *Droit De La Famille Des Femmes Françaises & Maghrébines*. <https://www.cicade.org/wp-content/uploads/2015/07/Le-mariage-en-droit-marocain.pdf>

⁵² Abd Al Ati, H. (n.d.). *The family structure in Islam* (By Imam Muhammad bin Saud University, The American Trust Publications, Princeton University, & Rockefeller Foundation; M. Berger, E. Nassar, A. L. Jamison, K. Siddique, E. Gurmen, & E. P. Nassar, Eds.). https://d1.islamhouse.com/data/en/ih_books/single/en_Family_Structure_in_Islam.pdf

However, the rate of approved requests did not exceed 38.87%, due to stricter court procedures, according to the report.⁵³

Despite feminist mobilizations denouncing polygamy as an oppressive institution for women and calling for its abolition. In 2004, the legislator did not dare to prohibit it, but merely made it subject to authorization by a judge. Furthermore, according to Article 42 of the Code, if the wife has not explicitly stated on the marriage certificate that her husband renounces polygamy, he retains the right to take a co-wife, simply by submitting a request for authorization to the court.⁵⁴ In addition to obtaining the first wife's authorization, the Family Code sets other conditions that the man must satisfy, including his financial ability to support both wives and his willingness to provide a separate home for each of them.

In the same vein, the reasons commonly invoked to justify polygamy are particularly related to the first wife's inability to procreate, her illness, the existence of an extramarital pregnancy, the refusal of a wife residing abroad to return to the marital home, and the husband's financial willingness to enter into a second marriage. These justifications undermine women's dignity and constitute a flagrant injustice against the first wife, whose rights can be easily trampled.

The legislator's failure to prohibit polygamy reflects a reluctance to renounce this privilege granted to men. In doing so, the legislator remains a guarantor of traditions that resist any restriction of the practice on cultural or religious grounds⁵⁵, adhering to a patriarchal thought pattern as a form of social and legal organization rooted in female subordination and the explicit exclusion of women.

The legislator's stance embodies gender stereotypes. Firstly, the idea that woman's fertility determines her value leads to the first wife's inability to procreate being considered a valid reason for marrying a second wife. Similarly, the first wife's illness is perceived as a weakness in her traditional role, prompting the husband to seek a new partner. An extramarital relationship resulting in pregnancy reflects the stereotype that men can freely explore their sexuality while women bear the consequences. The refusal of a wife living abroad to return home reinforces the idea that women must be submissive, whereas men retain decision-making authority. Finally, the husband's financial ability to take on a second wife underscores how wealth enables the perpetuation of unequal power dynamics.

○ Divorce by Compensation (Khol')

Despite the advances introduced by the 2004 Family Code, which recognizes divorce on the grounds of discord, or "chiquaq", available to both spouses and no longer requires the wife to prove the prejudice she has suffered or to present witnesses, shortcomings and discrimination in the legal system relating to divorce still persist.

⁵³ Amrani, Y. (11. June 2023). Polygamie : près de 4 demandes sur 10 validées par la justice. Le Matin. Polygamie : près de 4 demandes sur 10 validées par la justice - Le Matin.ma.

⁵⁴ Collectif pour une législation égalitaire (2022), Analyse genre des lois avec l'appui d'ONU Femmes.

⁵⁵ Ibid.

Indeed, the legislator has maintained divorce in exchange for compensation by the wife as a means of dissolving the marital relationship. Initiated solely by the wife, this type of divorce involves financial compensation paid to the husband in return for the dissolution of the marriage.

The power conferred by the Code on a woman to terminate her marital relationship by effectively “buying her freedom” constitutes a serious attack on her dignity, as well as on that of the man, who is obliged to separate from his wife at her unilateral will. By maintaining this form of divorce, the legislator contravenes Morocco’s international commitments to gender equality, notably under CEDAW, and compels women to relinquish their marital rights through this anachronistic mechanism.

○ Inheritance rules

With a modern framework but traditional content, disconnected from the societal evolution Morocco has undergone and primarily rooted in the juridico-religious tradition of the Maliki School, the Moudawana continues to carry discrimination against women and girls in inheritance laws.

Inheritance legislation, which is predominantly agnatic, reflects a patrilineal system in which male relatives enjoy privileges and men exercise authority over women⁵⁶. Inheritance law favors male relatives through the male line (aseb), who possess universal hereditary rights and may inherit the entirety of the estate left by the deceased (de cujus).

The first discriminatory rule against women and girls in inheritance law lies in the mindset of the legislator, who denies a daughter without a brother access to the entire estate, granting her only half, while the remainder goes to the closest male relative of the deceased, or if s none exists, to the Public Treasury.

The second discriminatory rule in inheritance law is the “double rule”, whereby female heirs are entitled to only half the share of male heirs. This rule, based on the guiding principle of Quiwanma and the husband's obligation to pay a dowry and provide for his wife’s upkeep, fails to consider that, according to the Constitutional, the State's burdens are shared equally between women and men, who are subject to the same tax rates and obligations. Moreover, particularly in certain parts of Morocco, women are often pressured by family members to relinquish their rightful share of inheritance.

The third rule establishes the principle of prohibiting inheritance between Muslims and non-Muslims. According to the relevant article, the non-Muslim wife of a Muslim Moroccan does cannot inherit from him, nor does he inherit from her. Consequently, the children of this couple also do not inherit from their non-Muslim mother. This restriction highlights the rigid nature of family law, which remains subject to the variable interpretations of religious scholars (oulémas)⁵⁷, whereas inheritance in Morocco, as historian Abdallah Laroui argues⁵⁸, is fundamentally socio-economic

⁵⁶ Charrad, M. M. (2000), “Becoming a citizen: lineage versus individual in Morocco and Tunisia”, in Joseph, Suad (ed.), *Gender and citizenship in the Middle East*, Syracuse, New York: Syracuse University Press, pp. 70–87.

⁵⁷ Al-Hibri, A. (1992). Marriage laws in muslims countries, a comparative study of certain Egyptian, Syrian, Moroccan and Tunisian marriage laws, in *International Review of comparative Public Policy*, n° 8, pp. 34-60.

⁵⁸ Hatim, H. (2018). Héritage: Abdallah Laroui rendre les testaments obligatoires. Telquel. Héritage: Abdallah Laroui veut rendre les testaments obligatoires – Telquel.ma

issue that could be approached “from the point of view of utility and interest” rather than a strictly religious perspective.

However, these rules, which infringe upon women's rights, do not reflect current reality, given that women often contribute significantly to the family income and, according to Article 203 of the Code, share equally with men the duty of caring for their parents, regardless of their inheritance share.

These discriminations are driven by gender stereotypes, mainly based on *Qiwamah* as the organizing principle of male-female relations within the family and society, encompassing a hierarchical presupposition (men are superior to women) and an economic presupposition (men support women). Furthermore, the legislator perpetuates gender stereotypes that reflect the traditional role of women, who are often seen as responsible for domestic tasks, thereby justifying a reduced share of inheritance. Male domination is also reinforced, with men perceived as providers deserving a larger portion. Additionally, the idea that women should be protected by men implies that they do not require an equal share of inheritance, while wealth is generally associated with male lineages. Finally, privileging male primacy in family decisions perpetuates this inequality, risking generational impoverishment for women and limiting their access to and control over resources.

○ Sharing property acquired during marriage

With a view to improving the status of women and ensuring equality between spouses in their matrimonial relationship, the legislator aligns with the principles of Islamic law and the spirit of religion.

Article 49 of the Family Code stipulates that both spouses have their own separate property. However, it allows spouses to agree on the terms of fructification and distribution of assets acquired during the marriage. According to the same article, this agreement must be documented separately from the marriage certificate, and the *adouls* are required to inform the spouses of this possibility at the time of marriage.

The Code specifies that, in the absence of an agreement, the spouses must apply the general rules of evidence, taking into account each spouse's work, and the burdens they have assumed in contributing to the growth of the family's assets.

For primarily socio-cultural reasons, recourse to concluding a contract for the division of property acquired during marriage remains low. In 2019, the percentage of such agreements concluded did not exceed 0.25% of all marriages.⁵⁹

On the theoretical level, this provision certainly present advantages for the wife, but in practice, she is often unable to prove what she has contributed, particularly regarding day-to-day household expenses, and it is nearly impossible for her to assign a monetary value to her unpaid labor. In

⁵⁹ In 2015, out of more than 301,000 marriage certificates, only 611 included prenuptial agreements. In 2016, only 123 couples used this provision. This figure dropped to 538 in 2017 and 143 in 2018. In 2019, out of 275,477 marriage certificates, only 699 were accompanied by a property division agreement, representing a rate of just 0.25%.

such cases, how can the judge fairly assess each spouse's contribution to the growth of family assets?

It appears that this injustice towards divorced or widowed women, resulting from legal provisions, is driven by stereotypes shaping the legislator's mindset, which fails to legally recognize women's participation in the family economy and considers domestic work as labor without market value. Unfortunately, the legislator has not taken into account certain jurisprudential rules that attempted to establish some equity for women, such as Ibn Ardoun's fatwa on *al-kad wa al-saa'iya* (translated as "labor and quest" or "effort and perseverance"), which is applied in several rural Amazigh regions of Morocco. This fatwa recognized the wife's right to a share of her husband's property after divorce or death, in addition to her inheritance share, as compensation for her contribution to building and increasing family assets through her work outside the home.

○ Filiation

Article 152 of the Family Code is a source of many abuses and injustices towards women and children. The pervasive influence of Islamic Sharia rules has prevented certain provisions from achieving their full effect.

Islamic Sharia, although it varies by country and tradition, engenders strong gender stereotypes. Women are often seen as submissive, with roles centered on the family and the home, while men are regarded as protectors and providers. Expectations of women typically emphasize modesty and devotion, whereas men are valued for their authority and financial responsibility.

According to Article 152 of the Family Code, paternal filiation derives from marital relations, the father's admission, or sexual relations by mistake, and can be established by all means, including medical expertise (DNA), but only in cases where marriage or engagement is proven. Adultery and rape, on the other hand, do not establish a family link, as the two are considered mutually exclusive.⁶⁰ Article 150 et seq. of the Code provide means of proof for filiation that are outdated.

The failure to generalize the use of DNA testing in all cases of contested paternity, which judicial practice continues to reject, and to exclude children born outside of marriage from paternal filiation if the mother is neither married nor engaged to the father, or cannot prove it, as well as the refusal to recognize the validity of DNA testing as proof of filiation and the labeling of such child as "illegitimate", underscores how strongly the legislator embodies patriarchal values. This approach marginalizes and perpetuates stereotypes and sexist biases widely disseminated in society.

The dichotomy created by the legislator, who only accepts DNA proof in the aforementioned cases (marriage or engagement)⁶¹, contravenes the principles of combating discrimination, protecting women from violence and infringements of their rights and freedoms, and deprives the child of fundamental rights derived from filiation.

⁶⁰ L'ÉTABLISSEMENT DE LA FILIATION PATERNELLE AU MAROC. <https://www.village-justice.com/articles/etablissement-filiation-paternelle,5252.html>

⁶¹ Collectif pour une législation égalitaire. (2022), Analyse genre des lois avec l'appui d'ONU Femmes.

In light of the above, the Moroccan Code is among the most rigorist of all codes or laws in other Arab countries.⁶² Furthermore, the reference to the Malékite Rite for all matters not expressly provided for in the Code (Article 400) anchors it in a traditionalist conception of the family and matrimonial relations. The legislator's stance does not seem to give any recognition to the societal transformations that Morocco has undergone, nor to the international standards regarding women's rights.

Although many Moroccan laws do not belong to a purely religious tradition following the rules of the Malikite School, revision/reform of the Family Code have always been carried out within the religious sphere, despite its codification, which may appear modern and ambitious in terms of gender equality.

The instrumentalization of religion to legitimize established or claimed power is a strategy often employed by Morocco's ruling authorities. Religion is seen by political-legal actors as a political ideology and a matter of community, rather than a strictly religious and private process.⁶³ This instrumentalization, which has long influenced the minds of decision-makers and still persists, reinforces the intertwining of family and state, hampering any attempt to separate the public and private spheres, as well as civil society and state.⁶⁴ It even appears that all initiatives aimed at revising the Family Code serve merely tactics to absorb social tensions, legitimize the maintenance of established power, and ensure its viability by projecting a positive image of the kingdom to the international community.

CONCLUSION

In conclusion, the analysis reveals that gender stereotypes are embedded in the three legal texts examined and in related judicial practices, functioning as mechanisms that socially legitimize a gender hierarchy in which norms of masculinity and femininity are constructed to sustain an unequal structure.

The analysis argues that gender stereotypes represent a major obstacle to achieving genuine equality between women and men, both in the enjoyment of their fundamental rights and in the full exercise of their citizenship, while also fostering gender-based discrimination. These prejudices arbitrarily impose specific and restrictive roles on women and men based solely on their sex.

One of the most widespread gender stereotypes in these laws is the assignment of women to a primary role within the household, confining them to the private sphere and valuing their socially constructed function as guardians of reproduction and family stability. This stereotype defines them as solely responsible for domestic chores, child-rearing, and household upkeep, reinforcing the notion that a woman's worth depends essentially on her ability to fulfil these traditional roles, often at the expense of her personal aspirations. Moreover, these laws not only reflect societal

⁶² Naciri, R. (2002). La mudawana et sa réforme : le rôle de l'État, in *Prologues*, Hors-Série, n° 3, p. 42.

⁶³ Gadant, M. (1995), *Le Nationalisme algérien et les femmes*, Paris, L'Harmattan, p.15.

⁶⁴ Khaoulani Idrissi, F., Houguia, B. (2022), *Drivers normatifs de la violence sexiste ; Analyse qualitative ancrée des normes sociales de genre. Le cas de l'écologie sociale du fleuve de Moulouya*, Revue marocaine de droit parlementaire, N°4-5, pp. 42-63.

prejudices but also perpetuate them by validating traditional representations that assign men dominant roles, thereby consolidating women's social dependence and inferiority.

Another type of gender stereotype identified in the analysis of the three laws is the attribution of an intuitive style to women and a rational model to men. The data also reveal the persistence of stereotypical judgments that associate women with emotionality, fragility, and an alleged inability to effectively protect the family, while portraying men as rational and more responsible. In other words, these stereotypes convey deeply ingrained and often harmful perceptions that reinforce women's inferiority and men's superiority, establishing a hierarchy both in gender identities and in social relations (a man's word is often considered more credible and reliable than a woman's, with women viewed as intrinsically weak and men as inherently strong).

In this perspective, the gender roles defined in the analyzed legal texts are extremely restrictive and traditional. Man is often portrayed as the rational and responsible pillar of the family, tasked with providing financially and making important decisions. He is depicted as capable of managing the critical aspects of family and professional life with competence and authority. By contrast, woman is frequently portrayed as fragile and confined to managing the private sphere, perceived as lacking the competence or autonomy to make important decisions regarding the management of family assets. This perspective devalues women's skills and contributions within both the family and society, often depriving them of equal opportunities to assume decision-making or leadership roles.

The three laws studied illustrate another type of gender stereotype, attributing to women the identity of the "profane", perceived as less legitimate, while men are granted access to the more legitimate status of the "sacred". Female sexuality is often interpreted as impurity or danger. This division between the sacred and the profane, which Durkheim considered a fundamental mechanism of religion fact⁶⁵, serves as a factor legitimizing the social division of roles and contributing to the reproduction of normative classifications and sexist inequalities.

These stereotypes embedded in the laws studied, not only limit women's opportunities to develop their potential according to their personal skills and interests, but also perpetuate structural inequalities by establishing rules that privilege one sex over the other.

These laws, shaped by gender stereotypes, generate discrimination and injustice. By reinforcing traditional gender roles, they disadvantage individuals who do not conform to these roles or who do not identify with conventional gender categories.

The negative effects of gender stereotypes on laws are not limited to these aspects; they also extend to psychological and social dimensions. Individuals who do not conform to prescribed gender roles may experience stigmatization, exclusion, and feelings of devaluation, which can adversely affect their mental well-being and social participation.

⁶⁵ Durkheim, É. & Jean-Marie Tremblay. (1968). *Les formes élémentaires de la vie religieuse*. In Les Classiques des sciences sociales; B. Gibier, Ed.). <https://fpcombonirca.wordpress.com/wp-content/uploads/2018/03/durkheim-e-les-formes-c3a9lc3a9mentaires-de-la-vie-religieuse-1.pdf>

Understanding the link between gender stereotypes and the discrimination they generate is crucial for developing more inclusive and just policies and laws that recognize and respect the diversity of gender identities and roles.

By revising laws to make them more inclusive and equitable, it is possible to promote a society where every individual can thrive, regardless of gender expectations.

ROLE AND IMPACT OF GENDER STEREOTYPES IN LEGISLATION

After conducting the survey, we carried out a qualitative contextual analysis based on the interpretation of the meaning of the discourses, identifying the core meanings (extracted from the analyzed corpus) and classifying them into categorical axes. Six key axes particularly emerged from the data collected:

LEGAL REFORMISM FOCUSED ON GENDER EQUALITY BUT BASED ON CONCILIATION AND INCREMENTALISM

Law is partly the product of society. In other words, it reflects the general will in the legal sense. This will is not always rational; it takes into account the evolution of society and certain trends of modernization.

As the reflection of an economic (in the Marxist sense), political, and social balance of power, the law is intrinsically linked to, and influenced by the conflict of symbolic capitals. The law is shaped by different rationalities, including social norms and gender stereotypes. As a result, it is often drafted through a process involving a plurality of actors, although it is ultimately the politician who assumes responsibility for the decision-making. In other words, the drafting or reform of a law is largely controversial, caught between two opposing visions: one conservative, the other modernist. The former embodies male domination and tends to maintain the status quo, while the latter embraces the egalitarian ideal and may, depending on circumstances, defend it either implicitly or explicitly.

Laws are largely influenced by social norms and gender stereotypes for a variety of reasons. On the one hand, parliament is not an institution that functions independently of society; it does not act autonomously, but its decisions depend on the social context in which it operates. Indeed, as one of society's institutions, parliament has the function of legislating, yet it is strongly shaped by society in its social, economic, cultural, and political dimensions.

Parliamentarians, who can initiate legislation, are themselves products of society, which imposes both coercions and explicit constraints through the social norms and rules⁶⁶ that establish and shape individual and collective behavior. As a result, they respond according to the same dominant logics and modes of thought, acting in full conformity with societal expectations. In this context, a former parliamentarian interviewed asserted that:

⁶⁶ Durkheim, É. & Jean-Marie Tremblay. (1968). *Les formes élémentaires de la vie religieuse*. In Les Classiques des sciences sociales; B. Gibier, Ed.). <https://fpcombonirca.wordpress.com/wp-content/uploads/2018/03/durkheim-e-les-formes-c3a9lc3a9mentaires-de-la-vie-religieuse-1.pdf>

“Most parliamentarians involved in legislative initiatives come from the middle class, and even from the working class, whereas the minority from wealthier backgrounds are less engaged [...] their presence being often merely formal. In other words, legislative initiative align closely with the trends and values of society, values that are also shared by those who promote them”.

On the other hand, legislative initiatives, whether presented by members of parliament or by the head of government, largely depends on political stakes and partisan interests. The proponent of such an initiative often takes into account its social receptiveness and ensures its conformity with the constitution and the national legal framework. As the same interviewee further explained:

“Some parliamentary groups, known for their commitment to modernity, particularly regard to gender equality, often find themselves unable to propose legislative initiatives on this issue or to defend bills or public policies aimed at promoting the ideal of equality [...] Political stakes and the fear of a punitive vote, which voters might use to express dissatisfaction with their positions, are among the factors that compel them to yield to conservatism and align fully with the posture of the overwhelming majority”.

In the same vein, it is important to note that the production or reform of a law in Morocco is often the result of a process of mutual compromise between actors, advocating a “step-by-step” approach in which the decision-maker avoids rushing, but instead gradually and continuously modifies the system on which intervention is sought. Laws on women's rights in Morocco are the product of a compromise arising from the balance of power among actors and decision-makers, with the sovereign holding the final say. As the supreme arbiter between institutions, the sovereign has the last word, in line with the adage that “deliberation is the work of many, but action is the act of one”.⁶⁷ As one interviewee stated:

« I believe that all legal texts are influenced by social norms, whether in civil, criminal, administrative or constitutional matters. Moreover, the drafting or reform of a law that addresses sensitive issues, particularly those concerning relations between women and men, carries a particular complexity and inevitably sparks controversial debates [...] When it comes to issues that may affect the social fabric or threaten the country's core identity values, the legislator adopts an incremental approach so as not to disrupt the established order [...] He remains reluctant to venture too far into “protected” areas and cannot, under any circumstances, engage in a logic of rupture ».

INTERACTION, RECEPTIVITY, AND RATIONALITIES OF THE LEGAL ACTOR TOWARDS GENDER STEREOTYPES

Analysis of the data from the Expert Survey confirms that the legislator's intellectual frame of reference and patterns of thought inevitably influence both legislative production and the

⁶⁷ Ouardighi, S. (1. February 2024). Réforme de la Moudawana, la lecture d'une constitutionnaliste engagée (Nadia Bernoussi). Medias24. <https://medias24.com/2024/02/01/reforme-de-la-moudawana-la-lecture-dune-constitutionnaliste-engagee-nadia-bernoussi/>

implementation of laws. Indeed, no matter how well drafted the legal texts or how deeply the legal actor is committed to the values of equality, it is ultimately the actor's inherited unconscious that prevails. In other words, as Gustave Le Bon observed, ideas can only take effect after slowly descending from the conscious to the unconscious. This gradual process of transformation explains why the guiding ideas of a civilization are so few in number and evolve only over long periods of time.⁶⁸

If we assume that the legal actor invokes the values of equality at the level of his consciousness, it becomes clear that the opposite occurs in practice. The legislator fears that equality might extend beyond the conventional norms dictated by society and risk clashing with the values of the masses and those of influential interest groups. For electoral and political reasons, legislators/parliamentarians prefer to retreat rather than confront dominant cultural trends, in order to avoid having their legitimacy questioned. As one interviewee remarked:

« The legal actor does not proceed according to a Cartesian logic, he does not move directly toward objectives, but rather operates through perceptions, beliefs, values, principles, and orientations. This normative system dictates his decisions and conducts [...] A judge who is strongly inclined toward pro-masculine views will always have the possibility of narrowing the scope of women's judicial freedom in his rulings [...] Conversely, an open-minded and "cosmopolitan" judge who upholds the principles of equality and justice will be more receptive to women's rights and gender equality [...] Yet, in the end, both operate within a framework of rules that shape how they measure the interests at stake and the issues conditioning the judicial process ».

On the other hand, a judge's jurisprudence can often go beyond the strict application of the law by interpreting or supplementing it⁶⁹, since, as Guy Canivet points out, the application of the law necessarily involves an interpretative dimension. It is therefore in this transition from the general rule to the specific case that the referential and intellectual ideals shaping the production of judgment are embodied. As Paul Ricœur wrote, and as Bertrand Mazabraud reminds us, "The articulation between a 'logical framework' and an 'inventive framework' is the crux of the act of judging".⁷⁰

According to most of our interviewees, the judicial institution is also rooted in its social and cultural context. The actors involved in the process of applying the law are, of course, mediators who derive their authority from the law in order to apply it faithfully. Yet, they remain human beings who are, consciously or unconsciously, influenced by the individual or collective values to which they refer when preparing their judgments. These values shape their conception of social justice, their vision of fairness and equality, and ultimately their worldview. As Guy Canivet points out, "Jurisprudence reflects the philosophical, ethical, social, economic and cultural orientations of the judiciary. Dominant social representations influence judgments".⁷¹

⁶⁸ Le Bon, G. (1978), *Lois Psychologiques de l'évolution des peuples*. Les Amis de Gustave Le Bon (Paris), p. 109.

⁶⁹ (2020). Qu'est-ce qu'appliquer la loi ? *Les Cahiers de la Justice*, 4(4), 573-574. <https://doi.org/10.3917/cdlj.2004.0573>

⁷⁰ Ibid., pp. 573-574.

⁷¹ Canivet, G. (2010). Au nom de qui, au nom de quoi jugent les juges? De la gouvernance démocratique de la Justice. *Après-demain*, N° 15, NF(3), 3-7. <https://doi.org/10.3917/apdem.015.0003>.

Regarding the application of the law, judges, both here and elsewhere, may, in the absence of clear texts, exercise interpretative power by relying on flexible principles of legal reasoning that allow them to take into account the evolving economic, social, and cultural context in which the law finds its meaning. In doing so, they clarify ambiguities, resolve contradictions, and fill gaps, all while striving to ensure the coherence of judicial decision with the general principles of law. In this way, they build jurisprudence, endowing with both normative norms and meaning.⁷²

LEGAL RULE: VECTOR OF CHANGE OR SOURCE OF REPRODUCTION OF GENDER STEREOTYPES?

The legal rule interacts with social reality and evolves progressively. It is an expression of this reality, encompassing it without surpassing or replacing it. Legal norms and rules can thus be seen as corrective regulation of the spontaneous social dynamics that emerge from the interactions of rationally self-interested individuals, aiming to limit their scope of action in order to exclude the most unjust dimensions.⁷³

This brings us back to the causal dimension of law, as explained by Durkheim, who viewed the evolution of legislative trajectories as nothing more than the expression of major "underground" social trends, with the legislator and other actors in the legislative process serving merely as interpreters. This causal dimension of law is further reflected in the way each piece of legislative is embedded within the broader body of law, thereby producing effects that the legislator can never fully anticipate.⁷⁴

From another perspective, building on Durkheim's insights, Weber's sociology begins with the existence of a legal system to explore the different levels of law's social causality. His analysis focuses on law and its methods of production (particularly legislation), its "authorized" interpretation by the legal profession, the judiciary, and the various forms of appropriation by individuals.⁷⁵ Weber's approach therefore moves beyond the evolutionary framework adopted by the Durkheimians, emphasizing instead the processes that explain how transformations in law reflect broader transformations in social dynamics.⁷⁶

It is within this framework that the experts interviewed explain the progressive evolution of legal rules in Morocco toward gender equality and their interaction with social reality. Indeed, many Moroccan laws have been drafted in accordance with the degree of societal change deemed achievable, notably with regard to women's political participation, the Family Code, the Penal Code and the Labor Code. This approach reflects lawmakers' growing awareness of the need for a "step-by-step" aimed strategy aimed at progressively adapting to social reality. The legislative decision-making process is thus conceived as a form of negotiation, concession, adjustment, and mutual arrangement based on

⁷² Ibid. pp. 3- 7.

⁷³ Didry, C. (2006). Durkheim et le droit, ouvertures et limites d'une découverte sociologique.

⁷⁴ Parsons, T. (1967). Durkheim's Contribution to the Theory of Integration of Social System. *Sociological Theory and Modern Society*, New York, The Free Press, London, Mac Millan, pp. 3-35,

⁷⁵ Weber, M. (1986) *Sociologie du droit*, Paris, PUF.

⁷⁶ Weber, M. (1986), *Sociologie du droit*, Paris, PUF.

available resources and contextual factors.⁷⁷ Legal rules are intrinsically linked to social norms, with both mutually influencing and interacting with one another.

« *I contend that legal rules are the product of social reality, shaped by both power relations and structures of meaning. It is a relationship of meaning that is inseparable from a relationship of power [...] By 'relationship of meaning', I refer to the principles of vision and division, which directly relate to the structures and cleavages of social dominance, including positional inequalities, disparities in social roles and gender stereotypes. [...] Today, the social context remains internally unfavorable to de facto equality, and the balance of power is not on women's side. However, the activism of international organizations and the influence of donors may well shape the country's legislative decisions regarding gender equality* ».

CULTURO-RELIGIOUS DETERMINANTS: WHAT ROLE IN THE LEGAL SYSTEM?

The analysis reveals that religious and cultural determinants play a decisive role in legislative production and legal reform. Culture often carries greater scope and weight than religion, as many perceptions, beliefs, norms, and stereotypes commonly regarded as religious actually belong more to the cultural register. The sacralization of culture elevates it to an object of respect and appreciation, which reinforces its role in the legal system. Moreover, the analysis concludes that both religion and culture are subjective parameters, as they are subject to interpretation. Cultural and religious representations undeniably shape the legal system to varying degrees, though it would be inaccurate to claim that the legal system is entirely reducible to these representations.

In view of the above, most Moroccans believe that, in matters of women's rights, the legal system is a positional system that tends to consider religious and cultural dimensions as exclusionary, irrational and antagonistic to secularism.

In the same vein, it must be noted that legislation, particularly laws relating to women's rights, is heavily influenced by culturo-religious factors (moral lexicon, legal rules of an essentially religious nature) because the religious texts, namely the Koran and the hadith, has been subject to interpretation. However, this interpretation, which constitutes a production of knowledge serving established powers, has generally been conducted according to a logic derived from the original purity of the religious text. Consequently, the legal rule derived from this interpretive framework is often contested and controversial, on the pretext that it contradicts Sharia and risk disrupting the established cultural order. In this context, public opinion demands a legal rule that does not, under any circumstances, undermine the cultural and religious system. This requirement exerts significant pressure on legislators, who are compelled to consider societal trends, power dynamics, and the political interests of the actors involved in the legislative process. As one interviewee put it:

« *Cultural and religious determinants are omnipresent in the law-making process, however the interpretative dimension of religion carries more weight than the religious texts themselves [...Sacred texts, regarded as absolute, remain untouchable. By contrast, legislative initiatives and proposed laws that seek to regulate relations between men and women in society are*

⁷⁷ Jönsson, A. (2010), *Incrémentalisme*, In Boussaguet, L. (dir.), Dictionnaire des politiques publiques. 3e édition actualisée et augmentée. Paris, Presses de Sciences Po, pp. 317-325 <https://doi.org/10.3917/SCPO.BOUSS.2019.01>

continually subject to interpretation and controversy, particularly in relation to the protection of religious identity [...]. This partly explains the persistence of gender stereotypes in legal texts ».

The idea that politics should be separated from religion in the context of legal reforms emerges strongly in the discourse of certain interviewees. In their view, only a secular state can ensure the institutionalization of gender equality and the incorporation of international standards in this regard. While the constitution enshrines constants such as the “moderate Muslim religion” and “democratic choice”, the qualifier “moderate” invites *Ijtihad*, whereas democratic choice implies recourse to equality, which is both a constitutional principle and a *sine qua non* for democracy.

In this context, these interviewees assert that the law is founded on the general will of the nation rather than on Sharia law, which is often shaped by various clichés and sexist stereotypes. Political currents of Islam, however, argue, primarily for political reasons, that Sharia constitutes the source of law. It is important, nevertheless, to note that the Constitution explicitly or implicitly references Islam 19 times, compared with 60 references to law, and therefore to the logic of harmonizing internal legislation with the international conventions ratified by Morocco. In fact, the reference to the “Muslim State” pertains as much to a social reality to a few normative provisions, rather than to the entire body of legislation.⁷⁸ One interviewee points out in this regard that:

«Religion embodies predominantly male interests and privileges, and is therefore often misogynistic and restrictive towards women, who are frequently the primary victims of religious fundamentalism [...] The reference to religion in the constitutional text has undermined the status of women and their universally recognized rights [...] A positional law that makes no reference to the sacred constitutes the cornerstone for genuine de jure and de facto equality».

On the other hand, other interviewees adopt a stance that emphasizes revising analytical frameworks and rethinking repertoires of action in terms of gender equality by exploring the possibilities of producing an alternative modernity, distinct from that promoted by international NGOs. Without necessarily imitating the West, they argue other cultural and religious models can accommodate gender equality. Accordingly, they call for uprooting the stereotypes that influence the minds of actors and consequently inhabit legal texts, by adopting decolonized analytical frameworks that take into account the historical and political specificity of the society itself, rather than viewing it solely from external perspectives. Decolonizing knowledge is thus essential to produce legal texts that integrate the symbolic and cultural dimensions of gender relations with their economic and political aspects, from local to national level.

Within the opposition camp, there are those who adopt a culturalist approach, distant from normative considerations. This conservative perspective advocates the preservation of a “Muslim” identity, while essentializing women in their role as mothers and valuing the complementarity of

⁷⁸ Pr N. Bernoussi: Constitution et égalité des droits entre les sexes – Débats démocratiques. (June 1 2020). Débats démocratiques. <https://debat.cerss.org/2020/06/01/pr-n-bernoussi-constitution-et-egalite-des-droits-entre-les-sexes/>

roles. Proponents of this approach argue that societal trends must be taken into account by legislator, who legislates for society as a whole rather than a minority, and therefore cannot impose measures that would be incompatible with its identity. Indeed, to avoid confrontation with society, legislators may adopt pedagogical approaches without neglecting the imperatives of seeking societal consensus, preserving national identity, and honoring the country's international commitments on women's rights, which are not in contradiction with the country's constants. One interviewee claims that:

« Reforms of the family code or the penal code have consistently provoked controversy and reluctance, stemming from citizen's understanding of and attachment to religion [...] We must not diverge from the meaning and spirit of religion to satisfy certain international demands and aspirations, nor should we depersonalize it [...] This identity however, can be promoted through a struggle for gender equality within the religious framework, using various tools and methods inspired by the liberating spirit of Islam ».

It follows from this analysis that the legislators cannot fully withstand and manage the social pressure that may arise during debates on projects aimed at gender equality or those pursuing a transformative gender agenda. Various factors can influence public response to such initiatives and their social acceptability⁷⁹, prompting legislators to adhere to rational legislative logic in order to avoid controversy and social tension. However, allowing modernist convictions to be expressed and promoted in institutions responsible for lawmaking, while simultaneously preserving and consolidating Moroccan identity, is not straightforward. The tug-of-war within fundamental law between universalism and culturalism opens the door to multiple interpretative pathways. To illustrate this analysis and clarify the impact of this dual referential framework on social reality, it is important to cite the verbatim statement of an interviewee who asserts that:

« Unfortunately, we live in a deeply schizophrenic society. Our real-life behaviors often diverge from our professed values and laws. We may encounter a pious individual who consumes alcohol despite its prohibition, yet, for religious reasons, refuses its formal authorization [...] Thus, he develops mechanisms of self-censorship, not by abstaining, but by concealing his consumption while praying for God's forgiveness. [...] Under no circumstances, however, can he accept a law permitting the public circulation and visible consumption of alcohol [...] Similarly, we may observe such individuals harassing women in public spaces, yet refusing or contesting any debate on women's rights and equality, viewing it as contrary to the values of Islam [...] This pattern is evident across multiple social categories, whose hostility to gender equality is shaped by deeply ingrained sexist stereotypes ».

⁷⁹ Batellier, P. & Les Publications du Centr'ERE. (2015). Acceptabilité sociale. In *Cahier de recherche*. UQAM : Les publications du Centr'ERE. <https://www.espace-ressources.org/wp-content/uploads/2015/07/Batellier-2015-Acceptabilite-sociale.pdf>

THE STAKE OF GENDER EQUALITY; ALIGNMENT OR CONTROVERSY OF THE ACTOR?

Regarding the role of the legal actor in defending, engaging with, developing, debating, and promulgating non-stereotypical legislative reforms aimed at strengthening gender equality, interviewee responses are divergent. Some contend that the objective of certain judges merely to adhere strictly to the general rule, which remains unsupportive of gender equality.

Others, however, attempt to incorporate into the legal basis of their decisions a creative approach attentive to equality, but their efforts are constrained by social resistance and the influence of prevailing sexist mores and values.

However, the work of justice is collective. A hearing is not governed by a single actor. Judgments are often shaped by interactions among multiple actors, each playing a role and influencing the process through their normative values.

On the other hand, it is important to note that judges do not apply or interpret the law uniformly. Practices differ from one judge to another and across different levels of the judiciary. The impact of legal rulings on the promotion - or, conversely, the challenge - of gender inequalities, and consequently on the reproduction or dismantling of gendered norms, varies from one instance to another. This impact depends not only on the judge's stance and convictions regarding the values of equality but also, and above all, on other factors that condition the law's effectiveness,

It goes without saying that, in the absence of a consolidation process that combines judicial decisions and rulings in favor of gender equality and disseminating them through various channels for sharing and learning, it is difficult to assess judges' contributions to challenging gender stereotypes and inequalities or to evaluate their impartiality.

« The actor can contribute to non-stereotypical legislative reforms, but only if he/she believes in, and trusts, what I refer to as the set of ideas related to gender [...] when a judge seeks to promote the law, this is done within a professional framework rather than a framework of activism. However, in the presence of a belief and confidence in this gender discourse and its effectiveness, the judge can go beyond these constraints [...] I believe that the accumulation of promising judicial practices in the field of gender equality is crucial for the recognition of inspiring practices in this area and the transmission of know-how ».

Another perspective holds that the stance of legal actors within the various institutions involved in the production or application of laws can be characterized as conservative. Indeed, despite their personal convictions and values, legal actors' practices remain marked by resistance - invoked in the name of religion and customs - against the promotion of gender equality. Although gender equality may guide their mindset, they generally do not seek to exploit loopholes in the legal text to defend it or negotiate non-stereotypical legislative reforms. In this context, it is unsurprising that few judges prioritize international convention over national law. The majority disregard provisions of a convention that, according to their interpretation, conflict with the provisions of the law in force.

In this regard, it is important to ask whether, and to what extent, international conventions take precedence over national legislation. This question, widely debated, is justified by the ongoing

efforts of Moroccan authorities to preserve the country's national identity in every reform affecting women's issues. Indeed, international conventions that are signed, ratified, and published, and that do not challenge the immutable aspects of national identity, are considered superior to domestic legislation. However, this identity remains dual, reflecting the dual framework explicitly upheld in the current constitution.⁸⁰ To illustrate this duality, one interviewee explains that:

« Judgments and judicial decisions, as well as pleadings, clearly reflect the cognitive biases of legal actors and their intellectual and normative frames of reference [...]. Some lawyers explicitly invoke Quranic verses and hadits to support their argument, while others draw on the human rights framework that underpins their discourse during hearing ».

In this regard, it is important to note that, according to the interviewees, the legal rule must be clear and precise, since when the text is unambiguous, the judge's scope for interpretation remains limited, if not entirely prohibited. However, jurisprudential confusion over the interpretation of vague provisions tends to intensify and can sometimes harm the interests of the litigants, particularly women.

Indeed, the openness of the law refers, for a given rule, to the interpretative creativity of the actors, particularly in the context of its application before the courts. It also encompasses their ability to shed new light on a rule by linking it to other texts that shape its meaning or to the judicial avenues it makes possible.⁸¹ In this way, the legal actor can contribute to the advancement of gender equality through a judgment (judge), a pleading memorandum (lawyer) or legislative initiative (parliamentarian). The diversity of judgments across different levels of jurisdiction, as well as the varying processes of lawmaking, bear witness to this dynamic

LEGISLATIVE PRACTICE AND THE CHALLENGES OF QUESTIONING GENDER STEREOTYPES

The impact of gender stereotypes on legislation, particularly on judicial practice, deserves in-depth study and calls for an evaluative documentary analysis of judicial rulings and decisions. According to the interviewees, judicial practice generally remains influenced by gender stereotypes that perpetuate sexist inequalities.

The positioning of actors in relation to gender equality and their interests are endogenous factors that cannot be separated from the exogenous factors shaping legislative work. Their positioning within decision-making dynamics and processes provides insight into their degree of influence and helps to identify the relative risks associated with each actor, as well as the potential support or opposition coalitions that may emerge.⁸² The legislative framework should therefore be analyzed in light of both the positioning of actors and the stakes of interest groups, particularly since the issue of gender equality remains a subject of controversy and social contention.

⁸⁰ Ksaani, S. (n.d.). *Interview avec Nadia Amal Bernoussi* : « Les Constitutions ne sont pas des normes figées ». L'Opinion Maroc - Actualité Et Infos Au Maroc Et Dans Le Monde. https://www.lopinion.ma/Interview-avec-Nadia-Amal-Bernoussi-Les-Constitutions-ne-sont-pas-des-normes-figees_a70592.html

⁸¹ Didry, C. (2006). *Durkheim et le droit, ouvertures et limites d'une découverte sociologique*. <https://shs.hal.science/halshs-00178043>

⁸² Mayers, J. (2005). *Stakeholder power analysis*. London International Institute for Environment and Development (IIED). Scientific Research Publishing. <https://www.scirp.org/reference/referencespapers?referenceid=596405>

The interactions between policy-making actors, their strategies, and the drivers of their behavior have been the subject of several studies attempting to map these actors by analyzing their power and influence in the formulation of laws and public policies.⁸³ Nevertheless, the weight of legislation is ultimately determined by the balance of power between conflicting and opposing movements within the socio-political, partisan, and economic scene.

On another note, according to some interviewees, the effect of judicial rulings in challenging gender stereotypes remains insignificant. This suggests the need for an intensified quantitative accumulation of judicial decisions in order to gradually achieve qualitative outcomes in consolidating the egalitarian ideal. Such accumulation provide valuable insights into how gender stereotypes may effectively be set aside through a legal process that fosters the development of both the meaning and application of transformative gender equality.⁸⁴ In this regard, another interviewee emphasizes that:

«The application of a legal rule remains influenced by the positioning of actors and their strategic interests [...] Moreover, the same rule may be applied in different ways; it can gradually evolve towards challenging gendered norms and stereotypes, or conversely, contribute to reproducing the internalized cleavages and stereotypes that reinforce the construction of gendered identities ».

From another perspective, and to illustrate the effects of gender stereotypes on judicial practice, we interviewed the lawyers and the judge who participated in the survey regarding the issue of underage marriage, which remains a discriminatory practice rooted in gender stereotypes.

The analysis reveals that the underage marriage is not merely a derogatory legal provision but rather a customary practice rooted in sociocultural heritage, shaped by traditions and ancestral mores, and reinforced by religious beliefs, social norms, and sexist stereotypes. Additionally, factors such as illiteracy, girls' school dropout, limited educational and socio-economic opportunities, and families' desire to fulfill their perceived moral responsibility for their daughters - particularly in rural areas by placing them under the authority of their husbands - also contribute to the persistence of this practice

On the other hand, the interviewees consider that the judge's discretion and margin of interpretation are parameters that can either facilitate or hinder the authorization of a minor's marriage. The judge is expected to act as the guarantor of the child's interests, ensuring that the exceptionality of underage marriage is applied with the utmost care and vigilance. However, they argue that a number of factors prevent the judge from strictly adhering to the requirements set out in the relevant provisions of the Family Code, notably those concerning the investigations necessary to clarify the process for granting exceptions. In this context, the lawyer asserts that:

⁸³ Villard, P. (2009). Les politiques publiques, de Pierre Muller, Paris, Presses universitaires de France, [8e éd.], p. 128 p. *Politique Et Sociétés*, 28(3). <https://doi.org/10.7202/039012ar>

⁸⁴ Kinoti, K. (2012, January 13). *Dismantling Gender Stereotypes: The role of laws*. AWID. <https://www.awid.org/news-and-analysis/dismantling-gender-stereotypes-role-laws>

« The medical expertise or social investigation required by law is not systematically or thoroughly conducted [...] The minor is often compelled to submit to the decision of her legal guardian, whose approval constitutes the sole requirement for marriage authorization [...] Furthermore, the discretionary power of the family judge, which cannot be contested, contributes to the increase in cases of authorization underage marriage ».

CONCLUSION

From the above, it follows that the sociocultural and political stakes prevent the legal rule from serving as a vector for change, instead turning it into a mechanism for reproducing social norms and gender stereotypes deeply rooted in society. Legislative action cannot be dissociated from the context in which it takes place. It is a complex process that requires more rationality, maturity, and a thorough understanding of contextual elements, as well as of the challenges related to the acceptability or controversy of a bill or legislative reform. It also calls for strategies supported by educational, media, and pedagogical efforts.

On the other hand, it remains true that gender justice cannot be guaranteed independently of socio-economic indicators. The positive determinant is the empowerment of women through the realization of their labor rights, access to quality education, and the assurance of equality in accessing and controlling resources. These factors enable women to assume responsibility for and actively defend the cause of equality.

Relying on the law to initiate change and achieve gender equality is not always sufficient, as change also requires - beyond political will - an essential transformation of the cognitive capacities of women and men, along with their values, perceptions, and beliefs. Such transformation can only be achieved through mass, high-quality education that enables individuals to critique, revise, and rethink the status quo, reconsider power dynamics, and reassess the meanings embedded in society.

Conducting a self-assessment or audit on the integration of gender equality by parliament would highly valuable in determining whether gender perspectives are effectively taken into account in the law-making process, and to what extent entrenched gender stereotypes are being addressed. In this context, legal actors, particularly parliamentarians, can leverage their position to stimulate a transformative change in social norms and gender stereotypes. Through their deliberative channels and collaborative work with various stakeholders, they can tackle gender-based inequalities and discrimination, with the aim of identifying and dismantling traditional sociocultural stereotypes and beliefs that sustain sexist divides.

It is also important to monitor the implementation of laws in order to address any deficiencies. Each bill should now be accompanied by an impact assessment to ensure that its provisions do not infringe upon women's rights and to determine whether additional measures are needed to reduce existing inequalities.

On the other hand, Morocco's legislative evolution does not run counter to sacred texts but is instead aligned with the evolution of society, as several cultural and religious dimensions have been rethought and revised in light of social transformations and the impact of exogenous factors.

As Engelhard⁸⁵ points out, material capital changes over time, influencing many aspects of symbolic capital that hold particular recognition within society.

However, the removal of repressive and discriminatory provisions from the legislative framework cannot contradict the moderate vision of Islam enshrined in the constitution - an open and tolerant vision grounded in the values of sharing, solidarity, justice, and social cohesion.

To ensure the viability of this evolution, it is essential to revise and reform the legal corpus without rolling back the democratic gains already achieved. It is also crucial to purify this corpus of gendered stereotypes and eliminate discriminatory or sexist provisions, particularly those that undermine women's dignity.

It also appears that openness to international benchmarking is one of the most important ways to advance legislative development in Morocco in terms of gender. It is necessary to compare with countries that are pioneers in this field, without necessarily importing their experiences.

What matters is producing an alternative modernity in which equality is ensured, independent of external models and analytical frameworks.

In the same vein, another promising avenue for non-stereotypical legislation is to target aspects related to the sacred; deconstructing its structure and relaxing the rules that penalize its infringement. At this level, it is pertinent to question the value system and normative apparatus governing gender relations in society, while adopting proactive approaches to break the circle in which the dominant and the dominated are locked. In general, critique, continuous revision, questioning, and the effectiveness of socialization institutions, as well as empowerment and adequate funding, are essential levers for promoting long-term, and sustainable change in favor of gender equality. However, a major threat lies in the fact that socialization structures are now in decline. Schools are no longer leading agents of change; on the contrary, they have become arenas for reproducing the same social norms and power dynamics. While education⁸⁶ remains the backbone of any shift in values, achieving gender justice also requires transforming social norms, beliefs, and interests.

Mandatory access for women to basic services (primary services) is another avenue for fostering change. According to John Rawls, improvements in economic conditions lead to shifts in values, as supported by empirical research in this field. Issues related to gender equality are closely linked, as highlighted by Marxist hypotheses, to the socio-economic conditions of women, particularly regarding access to education, healthcare, and employment.

On the other hand, CEDAW constitutes an essential entry point. This instrument emphasizes the need to deconstruct gender stereotypes, clichés, and cognitive biases that exclude women. In other words, it calls for the promotion of a new worldview and gender-sensitive perspective to achieve non-stereotyped legislation that ensures gender equality.

⁸⁵ Inglehart, R., & Welzel, C. (n.d.). *The WVS Cultural Map of the World*.
<http://piketty.pse.ens.fr/files/InglehartWelzel2011.pdf>

⁸⁶ Bourdieu, P. (1998), *La Domination masculine*, Paris, Seuil.

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