

# LAW ACTUAL AND PERCEIVED: THE SEXUAL POLITICS OF LAW IN MOROCCO

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Theories about law have focused upon: 1) law's integrative function in society, 2) its role in maintaining dominant group ascendancy, and 3) its utilization by subordinate groups as a "jurisprudence of insurgency." It is argued here that these three functions of law intermingle in distinctive fashion from society to society, in part because of the different perceptions of law that dominant and subordinate groups hold. Vying subgroups have different beliefs about the degree to which law is: 1) manipulable, 2) manipulated, and 3) necessary. Such perceptions must be charted if intrasocietal politics is to be understood. This article traces perceptions of law in one highly inegalitarian relationship in one complex society—male-female relations in Morocco.

There are many ways of approaching law in complex societies. One is to regard it as collectively generated, mutually held, and geared toward the end of maintaining societal unity (Durkheim, 1947; Malinowski, 1926). Another is to see it as imposed from above with the aim of bolstering the dominant status of a society's political elite (Marx, 1960; Althusser, 1971; Diamond, 1974). Still another is to regard law as supportive of protest and rebellion as well as of order and stasis (Asad, 1970; Tigar and Levy, 1977). Regarding the multiple facets of law in American society, the legal philosopher Thurman Arnold once asserted: "the law at the same time contains both the contradictory philosophies of obedience and revolt" (Arnold, 1935: 34).

As Arnold's thinking implies, these three perspectives on law need not be independently pursued; nor can they be without distorting the intricacies of legal behavior and thought as they occur in complex societies. In effect, "legal ideology" or thought, like legal action, "is the expression of social struggle," as Tigar and Levy (1977: 323) recently concluded in their examination of Western legal history from the time of the Middle Ages. The struggle involves attempts to manipulate the law by rival forces who, through the very act of seeking *legal* clarification or redefinition of their statuses, give allegiance to the integrative view of law as a societal force.

In effect, three perceptions of law (which the three aforementioned theories reflect) merge in any group's political

thinking: that of law as manipulable (by the group), that of law as manipulated (against it), and that of law as essential for the continuance of society. (Manipulability here refers to an ability to affect legal decisions, whether by modifying statutes, procedure, judicial decisions, and/or law enforcement). In most societies, both dominant and subordinate groups blend these three perspectives as they work out "realistic" politico-legal strategies.

Anthropologists have not as yet pinpointed the different ways in which the three perceptions of law blend into specific societal and subgroup configurations. It seems likely, however, that in much the same way that legal and political systems differ in content and tone, so too will these configurations vary from society to society and from subgroup to subgroup. Different groups, whether societal or sub-societal, perceive the law's supportive potential differently, and these perceptions affect thinking and action in unequal power relationships.

In this paper, I take as my task the laying out of the intricacies of subgroup perceptions of the law as they occur in the Muslim society of southern Morocco. In particular, I consider beliefs about the content of law with respect to one highly inequalitarian set of social interactions: male-female relations. My goal is to show that law as necessary, law as manipulated, and law as manipulable are three prominent strains in both men's and women's thinking, but that they join to form different assessments of law, which ultimately serve male and female interests in varying ways.

Recent scholarship on law in the Middle East demonstrates the need for charting the dynamics of politico-legal behavior and thought on questions of male-female relations. Coulson and Hinchcliffe (1978: 48) note that women, because they tend to be segregated and secluded, are often unaware of the legislation that affects them. White (1978: 57) remarks upon a similar ignorance of statute and ties it to women's high illiteracy rate. Both reports pose a crucial question once the fact of limited knowledge is accepted: what do women believe regarding the law, and what strategies do they develop in the light of those perceptions? Layish (1975) explicitly interjects the notion of struggle into this configuration: he notes that Israeli Muslim men often misrepresent the content of the law to their women or withhold it entirely. By doing this they increase their control over male-female relations. Dwyer (1977; 1978b) demonstrates that Moroccan women attempt to manipulate the legal realm to their advantage as counterstrategy.

The result is a complex give-and-take between the sexes, regarding law, which must be carefully charted if the role of law as a social *and* political institution is to be reliably portrayed. I undertake this task from both the cognitive and behavioral perspectives. Particularly important will be examining the extent of and limitations upon a male jurisprudence of dominance as it opposes a female “jurisprudence of insurgency” (Tigar and Levy, 1977).

## I. LAW, KNOWLEDGE, AND THE SEXES IN A MOROCCAN SETTING: AN OVERVIEW

The data that follow were collected in one town of approximately 15,000 inhabitants located in the Souss Plain of southern Morocco, an area which shows its own particular amalgam of Arab and southern Berber (*shleuh*) language and culture. The town has a long history as a conservative bastion. Arabic and Berber are spoken almost exclusively; practically no Europeans are permanent residents; and no industrial sector has been established locally. The town also has a long tradition as a regional administrative center. Prior to French rule, it served as capital for the many groups of conquerors that swept down from the neighboring mountains or from other areas of the plain. With the establishment of French Protectorate rule in the region in 1917, the town continued as designated center of its province. It is now capital of the subprovince. Regional political authority is exercised by the *super-qaid* and *qaid*, while legal authority lies with the *qadi* or judge, who, with his scribes and law enforcement officials, runs the local court. The court handles personal status cases (divorce, child support, and inheritance disputes), property matters, and low-level criminal cases.

Principles of French law dominate certain portions of the Moroccan penal and commercial codes, but personal status law has remained largely unchanged through the Protectorate (1912-1956) and in the years that followed. Town inhabitants continue to equate that body of law with religious law, an assessment that is essentially correct, and so extend an ethical-moral connotation to it. More specifically, Moroccan personal status law is of the Malikite sort, the branch of Islamic law that predominates across North Africa, into Egypt, and south into West Africa.

Perceptions of the corpus of personal status law are not uniform among all inhabitants. Singled out here are certain crucial aspects of personal status and civil law as depicted by

residents during a two-year fieldwork period in the region (1969-1971). Fifty-four residents, 30 female and 24 male, were interviewed in a second visit in 1975. The 54 spanned two married generations and also included an adolescent group. Ideas about the meaning of the law for male-female relations differed significantly by sex, and occasionally also by age and occupation. Two factors seem to account for the variation. First, the two sexes learn divergent contents, as will be seen regarding the matter of curfew, so that legal education is properly a facet of sexual politics. Second, the two sexes infer somewhat different contents on the basis of different perceptions of what injustices predominate in the world and how the law should logically deal with those hardships. This is clear from Moroccans' notions about virginity and divorce law. The result is a disparity of legal configurations at the cognitive level.

Male-female relations in Morocco, and in the Middle East generally, provide an excellent testing ground for charting legal-perceptual differences that are politically generated. Of the broad range of institutionalized relationships that exist, the male-female one is the most pervasively inegalitarian, now that slavery has been abolished in the region. Subordination, seclusion, surveillance, and ideological denigration (see Dwyer, 1978a) join in forming a web of limitations that curtail women's life options. These concepts and practices become both mechanism and rationale for confining women to a life-space that is considerably smaller than the one inhabited by males.

Although some restrictions have been ameliorated, essential aspects of women's subordination remain. Men hold the right to keep their women secluded, to prohibit them from joining the labor force, and to restrict their social contacts. Men also have the privilege of taking additional wives (up to four) and divorcing their wives at will. At best, women can pressure their men to lessen these disabilities individually, by using their sexuality and by wielding their power over their children.

One source of men's power over women resides in the law, as it is articulated in statute, and in the practices which have developed about it. Moroccan statutes and edicts define a system of female subordination in three ways: by limiting women's physical mobility, their social interactions, and their sexual contacts. According to regional administrative fiat, there are certain hours during which women should not appear in public, and numerous places in which they should not be found without permission. According to national statute (see Colomer's

[1963] *verbatim* rendition of the Moroccan code of personal status, with its French translation, and his commentary), there are only a very few persons with whom interaction is guaranteed, and there is only one male, the husband, with whom sexual contact is permitted. Male household heads have discretionary rights to grant their women greater freedoms. They also have the right to delegate these powers, their mothers often being accorded the task of supervising wives and daughters when men are not present.

Mobility, sociality, and sexuality are fundamental components of life, and women logically show a lively interest in regulations relating to them. Men also show their concern with this aspect of supervision, for they view women as untrustworthy and threatening (Mernissi, 1975; Dwyer, 1978a). As a result, both sexes are involved in an active and dynamic exchange regarding these laws. Women typically accept them on the surface, while also seeking to evade them by finding and exploiting legal loopholes. Men seek to promote them with an ever greater stringency. The interchange and conflict generated by these strategies is the focus of the remainder of this paper. Laws and practices relating to women's curfews, to marriage and divorce, and to the rules governing female virginity are examined as illustrations of the three primary arenas of female subordination: mobility, sociality, and sexuality.

### **Mobility: Curfew and Detention**

Beliefs about local curfew regulations vary. Women and girls share one set of beliefs, which construe limitations stringently; these beliefs form a working basis for a wide range of self-restricting behaviors. Men who are not working in law enforcement tend to hold another view, which typically they do not transmit to their womenfolk. As a third group, town officials exhibit a knowledgeability about the town curfew, as an ideal and real system, that combines with a cynicism regarding the paucity of knowledge which other men, and especially women, hold.

Women's beliefs about curfew naturally focus upon the constraints that they feel it imposes on their physical mobility and social contacts. Women in one southern Moroccan town state that any woman or girl who is "caught out" in the streets after sunset is liable to detention by the police. To them, detention is a particularly frightening occurrence: it consists of remaining overnight in the local police station in the presence of police officers who, being men, are apt to take sexual

advantage. By the time a woman's family is contacted the next day, either to swear to her respectability or to pay the fine needed to release her, the detained woman's reputation, women say, is irretrievably lost.

Because of the threat that police detention poses, curfew is a serious matter. In the course of any month, women's conversation turns increasingly to the curfew as the probability of a police raid (*la raffle* [Fr.]; *laraf* [Moroccan Ar.]) increases. It is known that once a month, or perhaps twice, the police take to the streets and bring in curfew breakers of three kinds. Women are rounded up, with a particular emphasis upon prostitutes working the town's more notorious streets. Young boys, who are regarded as likely to carouse, smoke, and pilfer in what is viewed as a life of insufficient responsibility, are also apprehended. Adult male residents, whose nighttime business in the city is interpreted by women as the frequenting of prostitutes, whether the latter are professional or not (an ostensibly reputable woman who gives her sexual favors to a man who is not her husband is considered a prostitute and can be so charged by law), are also subject to detention. But the consequences for a woman apprehended in such a raid are much more serious than for either young boys or adult males.

The reality of monthly police raids encourages much complex strategy building by women. The town's womenfolk spread the news quickly when the police paddywagons appear. Women who find themselves in others' houses during a police raid consider ways to avoid arrest upon leaving. Several premises emerge from their discussions about appropriate strategies. First, the upstanding woman does not regard her good reputation as sufficient to protect her against the police: such women will sometimes chart out pathways through back alleys so that the police will not stop them on the way home, and sometimes will consider staying at acquaintances' homes for the night if their menfolk are willing. Second, women do not find protection in traveling together: women who are attending a wedding sometimes will venture home as a bloc in the early morning of a seizure night, but they consider their festive dress and joyful demeanor more of a shield than the clustering of female bodies. Third, women recognize the potential role of children as "morals guardians" in such situations; indeed, the presence of children may become the primary safeguard for preserving their reputations. The children of a hostess may be "borrowed" to accompany a woman home on a raid night, and a hostess without children may borrow those of a neighbor to

accompany female guests. Children recruited for this task may then remain overnight with the accompanied woman's family, or may sneak home in the fashion of other children. Overnighting is viewed as the safer route, for the curfew is also operative on minors. Clearly, women believe that children "in tow" provide a valid defense before the police and the courts, and men are expected to accept this tactic as evidence of women's respectability.

These strategies reveal much about women's assumptions concerning how chaos and order are generated and hence what effective laws should contain. Women, for example, know that the reputable woman who seems to be coming from the public bath, bucket in hand, or from a friend's home after the tea hour, might actually be returning from a tryst with a lover. Similarly, the presence of a sister or friend might also serve as a camouflage for an illicit affair, for women exhibit a certain degree of solidarity. Only a woman who is in the presence of a child, women say, will be unlikely to indulge her wantonness because of the instinctual maternal commitment which lasts at least through the moments of the child's physical presence. One might add that children readily tattle on their elders for a price, a reality which makes one cautious in their presence.

Men's reactions to the curfew ordinance reveal different premises. Men agree with women's description of police raids but define the three categories of potential violators differently. Young boys, particularly adolescents, are seen as the focus of police attention in such raids. Men say that adult male non-residents also are seizable, but only if they lack an identity card or a plausible explanation for being within the town's limits. Women are detained only if they have a prostitute's reputation, men say, implying thereby that women's fears are groundless. After all, men reason, how would a policeman explain the arrest of a woman of reputable family to the men of the household? Moroccan men see professional law enforcers as bound by the stringent dictates of male honor which they also should uphold.

The typical male view appears to be the more informed one. Police assert that they do not detain reputable women, although they occasionally intimidate them through a word or glance. They tend to concentrate upon the prostitutes of the town's red-light districts. These women are known by face, dress, and demeanor and are quickly escorted to the police station when they are found in the streets. Once brought to the station, these women are held separately from male curfew

violators, who are fined or, if poor, made to donate blood to the local hospital. The prostitute's lot, police say, is easier than the male curfew violator's, for prostitutes are not required to give blood and are generally excused upon first arrest: policemen say that they and the courts display greater leniency to women of any kind and cite Islamic dogma as condoning this practice.

Despite the fact that most men better predict what the police see as their mandate, those men do not typically transmit their greater knowledge to women. Instead, many reaffirm women's fears, although among themselves they deride women's excessive panic. Men, for example, sometimes accompany a female guest home on a seizure night in order to quiet women's fears; among themselves, however, those same men say that they are as likely to behave similarly during daylight hours. Men also do not accept the strategy of protection through a child as reasonable, largely because they do not regard mother love as sufficiently strong to prevent women from engaging in sexual misdeeds.

To summarize, males and females articulate conceptions of the content of the curfew law, and enforcement practices under it, which fit their day-to-day concerns. These conceptions are closely tied to their strategic responses to the law. While there are important differences in perception, there is also a common thread: both males and females view female sexuality as potentially disruptive, and therefore accept the basic principle upon which the law of curfew and detention rests.

### **Sociality: Marriage and Divorce**

The Moroccan laws that govern women's sociality grant broad discretionary powers to men by specifying the narrow range of contacts which women are guaranteed. Most particularly, these guarantees relate to the right of the wife to retain "the possibility of visiting her family and to receive them within the limit of convenience." "The wife also owes respect toward the father and mother of the husband and his close relatives within the limit of convenience." Interactions with these persons fall outside the husband's control. But the husband retains the right of "the direction of the household and its organization," which judges have traditionally interpreted to include regulating the nature of other social relations. Degree of seclusion, frequency of party giving, and intensity of kinship and friendship relations are determinations controlled, if not always made, by the husband (Colomer, 1963: 102).



A woman who disregards guidelines about sociality mapped out by her husband is subject to punishment. Moderate beating is viewed by the court as acceptable behavior if it is administered as chastisement: its legal justification is Koranic. Detention in the *dar el-'arifa* or house of the *'arifa*, the woman who is the court's formal representative to women, is a second alternative: a husband complains to the court about his wife's bad behavior, and she is housed there until she promises to reform. During her stay the husband pays for her upkeep. A third option is divorce of the offending wife.

The divorce option is the most intricate from the legal standpoint and the one that causes the most confusion when restrictions upon women's sociality are considered. Morocco's Personal and Familial Code of 1963 deals extensively with divorce. It specifies the different kinds of divorce (repudiation by the husband, divorce on the wife's behalf through a judge's action, divorce by mutual consent with forfeiture of the traditional compensation to women), acceptable grounds, and appropriate procedures (Colomer, 1963: 106-56). Careful questioning of lay persons in the region reveals that both men and women have a firm grasp of these provisions.

The problem area in Moroccan divorce law concerns the discretionary powers of husbands, powers which courts and codes do not address explicitly. Repudiation by the husband is the most common kind of divorce in Morocco, but while statutory provisions define when repudiation is illegal (e.g., if the wife is menstruating, or if the husband is intoxicated), they do not explicitly define when it is legal. Women's and men's perceptions diverge somewhat regarding this important matter. In reality, almost all divorces are legal according to both Islamic and customary (regional Berber) law and in the actual practice of the courts. The only statutory restrictions added to these traditional provisions concern proper procedure (e.g., repudiation now must be registered by the court scribes).

In a part of the world in which most men and women are nonliterate and where law codes are the property of law experts alone, the omission of an explicit phrase regarding when repudiation is valid does not in itself cause misunderstanding by lay persons. It might, however, provide a sign that codifiers have sought to deflect attention away from the unrestrained power to repudiate women that men legally hold. This indeed appears to be the case, for the Moroccan marriage and divorce code (which continues to legitimate polygyny and repudiation) has often been attacked by advocates of change as excessively

traditional. If the code downplays the true representation of male divorce power, a similar strategy appears in court rhetoric: judges and scribes solemnly pronounce the duty of the court to hold Muslim marriages together and ask husbands for assurance that a rupture is well-founded. After these inquiries, however, the court grants divorce virtually automatically.

A significant number of women take court rhetoric seriously, however, and gear their wifely behavior to avoid giving cause for repudiation. Government pronouncements concerning the sacredness of Muslim marriage and the crucial place of the Muslim wife in the household further encourage the belief that marriages are to be protected. Most men, by contrast, strongly insist that divorce is their prerogative and that the courts and government must abide by that fact.

Misconceptions about the legalities of divorce behavior lead at least some women to try to live up to the letter of what they perceive marriage law to be. Marital rights and duties, however, are themselves apt to be misconstrued. The most prominent instance concerns men's regulation of wifely sociality and the physical movement that accompanies it.

Women's conversation reveals abundant concern with making and maintaining social contacts, while simultaneously persuading husbands that such contacts are neither excessive nor scandalous. In broadening their social network, women particularly manipulate the explicit guarantee of kin visitation rights. Visits to outsiders are often disguised as visits to immediate family, and gifts obtained from other parties are often depicted as gifts from kinfolk. The umbrella of motherhood, which emerges as the predominant anti-curfew strategy, is also applied to the more general goal of validating a woman's absence from the home. In women's eyes, the accompanying child gives respectability to an exit from the house.

When a wife is repudiated despite what she considers successful dissembling of this kind, women are apt to exhibit anger that the court has neglected relevant data. In one case, a woman who was returning from a friend's house with her mother passed by some of her husband's friends in the street. They reported the incident to their friend, who then locked his wife out of the house. The woman's mother asked the local judge for her daughter's reentry, while the husband declared the lock-out an interim measure leading to repudiation. The judge denied reentry, to the outrage of the wife, numerous kinswomen, and female neighbors.

A major stimulus for such misinterpretation appears to be that divorce through male initiative is neither the parallel nor the converse of divorce initiated by a wife (which must proceed through a judge). As a wife, a woman should be faithful and obedient, should direct the household and nurse the children, and should show respect for her spouse's parents, who will frequently live with the couple. The fulfillment of these requirements, however, does not protect the marriage from dissolution through unprovoked action by the husband. Rather, the law defines duties without the expected delineation of the privileges that proceed from acceptable performance.

In actuality, the proper performance of wifely duties guarantees not marital status, but divorce payments. In southern Morocco, a marriage contract specifies the amount that the wife is to receive from her husband should he die or repudiate her. That amount, called *sdaq*, is legally claimable, however, only if the wife has acted in accordance with contractual stipulations. If she is contractually designated a virgin but has been deflowered before the wedding night, the *sdaq* need not be paid. The deception constitutes a breach of contract. If the wife commits adultery or abandons the household in an effort to force a divorce, she similarly forfeits the customary compensation through breach of her duty to live where her husband decides.

This incongruity—that proper husbandly behavior guarantees his marriage, while proper wifely behavior guarantees *sdaq*—can be psychically troubling to women. *Sdaq* is important to women chiefly at the time of its negotiation. Virgins earn a higher *sdaq* than non-virgins; beautiful, wealthy, and morally worthy women are accorded more *sdaq* than ordinary brides. Indeed, the negotiated amount is taken as an index of a bride's worth, so that onlookers closely scrutinize these financial agreements. *Sdaq* has generally outlived the primary purpose that women accord to it, however, by the time of a woman's widowhood or divorce. Indeed, most women do not request it at those times, either because it is of minimal worth or because personal modesty inhibits such a demand.

Moroccan marriage and divorce law, then, is phrased in a way that sometimes misleads women. Chief among its ambiguities are the absence of a designation of rights-duties pairings for women in marriage and the lack of an explicit legal formulation of when repudiation can occur. These omissions help hide the actual imbalance which women certainly recognize but about which numerous women are incompletely informed. This mystification, which government encourages and which

most men help maintain by filtering limited knowledge about the law to their women, results in a set of behaviors on the part of women which are only partially efficacious in the light of women's goals.

### Sexuality: Virginitv Laws

Dissatisfaction about Moroccan laws of virginitv revolves around the gap between the letter of the law and its moral force. The law sets out safeguards against false claims of virginitv at marriage, and defines procedures of redress which men know and accept. Women, however, regard certain aspects of the virginitv statute as unjust and unrealistic, although they, too, know the law in its technical aspects. They are apt to point to a broader moral law which can be marshalled in the defense of errant women. That law, which is religious in basis, classifies behavior into five categories according to the moral value of any particular act. The five are: 1) prohibited, 2) reprehensible, 3) neutral, 4) laudable, and 5) mandatory. The statute considers only a portion of the first and fifth categories. Morality (and expediency), say women, demands consideration of the intermediary gradations.

The virginitv issue concerns the making of marriage contracts and their possible negation. A marriage contract is a written document which two court-appointed scribes witness and which designates, among other things, the marital history of the bride. Her marital history, it is presumed, is reflected in her physiological state, so that a new bride should be virginal, while a divorcee or widow should be deflowered. A new bride's father, on the basis of her history and her general upbringing, thus must swear to the physiological fact of her virginitv. If her father is dead, twelve of her neighbors swear to her propriety.

The avowal of virginitv has many functions. One is that it serves as a basis for determining *sdaq*. *Sdaq* promised to a virgin is at least double the *sdaq* accorded to a sexually experienced woman. Indeed, the *sdaq* of the latter is often merely a token amount.

A husband must pay total *sdaq* if and when he terminates a proper marriage. He need not pay, however, if the woman initiates the marital break-up (e.g., by deserting the home). Nor need he pay if the woman implicitly breaks the marriage contract by being a deflowered "virgin." The groom, however, must substantiate his withholding of money in the last instance and so obviously does his best to expose his bride at the very moment of her shame, on the first day of the wedding week. This

is good legal strategy, and many men, especially young ones, advise it.

Most women, by contrast, deny that the nonvirginal bride should be exposed as fraudulent during the wedding week, and instead feel that the groom should proceed through the festivities, leaving the lack of defloration unrevealed. He then should quietly divorce his bride after a month or so. Ideally, *sdaq* should be paid at that time. While women see these expectations as beyond the law, they also regard them as laudable from a religious standpoint. Certain male devouts also agree.

These devouts and most women justify the ideal of a groom's quiet perseverance at the marriage moment either in terms of the conservation of economic resources, the protection of family honor, or the earning of personal religious rewards. Weddings cost money and are complex sociopolitical affairs, so that the salvaging of a wedding becomes a primary goal for both families. Also, neither the bride's family, who raised her, nor the groom's family, who made her their choice in marriage, wishes to open itself to the derision that honesty, in such circumstances, would require. A pragmatic course is further recommended by a rationale of magnanimity, for silence is perceived by women to be rewarded in the afterlife and sometimes in the earthly world. "He who watches over women is watched over by Allah" is a proverb that some women cite when they argue in favor of non-exposure of premature deflowering. The shielding of the bride from scandal, by contrast, is not advocated by either sex.

Women extend laudable behavior temporally backward, however, and therefore tend to hold divergent opinions from older, devout males on other aspects of the virginity issue. In particular, women defend preventative actions which hide the state of the already deflowered, but ostensibly virginal, bride. Pouches of blood inserted in the vagina, cuts with a knife at the moment of penetration, or shrinkage of the vaginal opening through the application of alum become techniques that the bride's mother or her representative willingly utilize. No men, old or young, defend these deceptions.

Women's tendency toward cover-up in virginity matters touches upon the legal realm directly through the work of the court's formally appointed female representative (Dwyer, 1977), and the medical doctors who provide certificates of virginity for the courts. Neither men nor women feel that the truth is necessarily revealed through such legal witness. Instead, they feel that both sorts of experts support their patients by providing

beneficial representations of real-life affairs. Men tend to regard such obfuscation as unavoidable given the financial rewards which these professionals accrue through their testimony; women additionally tend to view it as morally appropriate. Indeed, most women assert that deception regarding virginity does not constitute a sin, but rather a virtue. It earns benefits from Allah unless the liar has sworn to be truthful through a religious oath.

## II. DIFFERENTIAL PERCEPTIONS OF LAW AND SEXUAL POLITICS

Limitations upon physical mobility, social interaction, and sexual contact constitute three spheres of regulation that bind Moroccan women into a system of female seclusion and subordination. Each of these three spheres, in turn, is defined and regulated by a complex mix of legal restriction, religious directive, moral principle, and longstanding custom. No uniform societal beliefs about these matters exist, however, because women and men lend to each different content and weighting. Not least among these is the law, which men and women approach somewhat differently with regard to both substantive and procedural matters.

Differences in perception of the law are of various kinds. Some reflect direct misunderstanding of the law's content by one group and better understanding by the other. Curfew law in semi-urban southern Morocco generates this sort of discordance. Others involve the addition of new content to the law, an imposition which one group assumes to be valid but which the other group rejects. Differential perceptions of Moroccan marriage and divorce law are of this sort. Still other differences involve the adequate knowledge of law's content by both groups, but the rejection of it as valid by one of them. Women in southern Morocco have elaborated an alternative set of rules regarding virginity matters, portions of which they designate as belonging to a law (Islamic) that is morally higher than national statute.

These three kinds of discordances are associated with different female strategies toward men and the male-female relationship. Women's response to curfew laws is the mental elaboration of more stringent regulations upon women than the law actually entails. There is, however, minimal resistance to the law itself, although women individually try to circumvent it. Their response to Moroccan marriage and divorce laws and the legal regulation of sociality, by contrast, is the mental

elaboration of more stringent regulations upon men (at least with respect to repudiation). They then respond with outrage when these safeguards are not operative. Finally, in virginity matters, a body of rules has been elaborated by women which women view as appropriate to both women and men's perceived nature. The virginity topic elicits considerable innovative activity along with occasional outrage and covert resistance.

It is clear that these responses from the female side are at least partially based upon women's perceptions of the essential attributes of maleness and femaleness. Women view the seclusion of women during the nighttime hours as an appropriate restriction, since they believe that women are apt to be loose and irresponsible. Similarly, women regard limitations upon female sociality as cumbersome but appropriate given women's marital obligations. Their qualms concern the fact that the law does not require male responsibility in divorce cases. Finally, women accord virginity somewhat less importance than do men. They tend to see defloration as precipitating a woman's fall from grace, but also feel that women's fall is inevitable (Dwyer, 1978b).

Southern Moroccan women, then, have a complex attitude toward their subordination, an attitude which is revealed through their differential acquiescence to the laws which promote it. Their stance, however, is often strong and active on their own behalf if not on behalf of their sexual group. This potential is recognized by Moroccan men, who respond actively in the face of it and beyond the dictates of statute. Their strategy is often to perpetuate differential perceptions of the law so as to maximize their control over women. Since men have greater access to the court and to law enforcement officials in Moroccan society, they can achieve that goal easily. With respect to the curfew, many men successfully encourage misinformation about the law's content. With respect to marriage and divorce law, they encourage misperceptions about legal procedure. With respect to virginity, they represent themselves as the more religious of the two sexes, and yet strategically turn to a narrow religious interpretation of the law.

### III. CONCLUSION

Let us return to the three interpretations of law (law as a unifying mechanism, law as a force for oppression, and law as a support for insurgency) that are generated from the outsider or societal perspective and the three interpretations (law as manipulated, law as manipulable, and law as necessary) that

are generated from the insider or individuated vantage. The Moroccan case demonstrates how the two groupings flow into one another through the filter of group consciousness, a group consciousness that is partially molded by the opposite sex. Specifically, both males and females recognize that law is manipulated and manipulable; but because women give priority to a concomitant, male-butressed perception of law as a necessary counterforce to chaos, they put forward a narrowly defined version of their system of protest. Whatever strategies are employed by the subordinate female sex, societal equilibrium and order are ultimately maintained as a priority.

Of the three internal perceptions of law, then, the notion that law is necessary should particularly not be forgotten in any study of attitude and strategy building vis-à-vis the law, for while men and women in southern Morocco regard their law as politicized, they also see it as having a reason for existence that goes beyond male-female vying. Men see law as essential to social order by virtue of its control over sexual drives, especially through the containment of women. They magnify law's stipulations in order to increase restrictions upon the female sex. Women also see law as crucial in maintaining order. Indeed, the alternative regulations that women have elaborated for the virginity case are categorized as "law" in part because of an underlying social concern: women feel that law should bring about orderly social relations. Moreover, with regard to marriage and divorce law, women assume the existence of additional rules, because they believe that men's behavior must be further constrained for society's good.

To some degree, the assumption which each sex holds that law is essential and so has society-wide validity obscures the degree of difference in beliefs about the law that men and women hold. It also masks the extent to which male and female views of justice diverge. For certain matters (e.g., the curfew), women assume that the law constrains them as they suppose and so do not question whether the more stringent rules that they posit are actually operative. Similarly, men do not seek to elicit women's conceptual models on such issues as virginity legislation, since they do not expect divergent subcultural elaboration.

In effect, the premise that law is necessary at the societal level mutes recognition of the magnitude of the male-female struggle in southern Morocco. The clash of strategies and behaviors is also masked by a focus on family unity through law and Islam in the contemporary Moroccan political scene, a



complex of elements that nationalists have stressed in generating a unified stance against colonialism and that politicians have used in promoting a unified vision of the nation since independence. Ironically, male-female discordance concerning law has arisen precisely at the point that the society itself regards as its cultural stronghold. In effect, the evasion and reformulation of the law that exists on the part of both sexes cannot be tied to the actions of a westernized elite, as in the case of Turkey (Starr and Pool, 1974), or to the policies of alien, state-level administrators, as in the case of Soviet Central Asia (Massell, 1968; 1974), but rather are symptomatic of strains internal to the society. Sexual inequality emerges as a major stress point in Moroccan society, and the law takes on multiple and conflicting complexions in the light of it. That stress point is productive of at least occasional protest as well as of a cautious clash of wills, as a jurisprudence of male dominance confronts and partially contains women's jurisprudence of insurgency.

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