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# Pro-Women Legal Reform in Morocco: Is Religion an Obstacle?

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## Abstract:

The question of the role of modern law in triggering social change is of particular importance in societies where customs and norms support the marginalization of some social groups. The conventional view is that the success of the formal law is constrained by the system of informal rules and values which support the prevailing customs, and the law therefore appears as a ‘dead letter’. Aldashev et al (2011) mitigate this pessimistic scenario by formally showing that the law has, under certain conditions, the effect of making the custom evolve in the direction of the law. One of the conditions to achieve this effect is the identification of agents with the new law. In this paper, we focus on the adherence of agents to a pro-women legal reform in Morocco, the reform of the Family Code which is religious-inspired legislation. We use a unique database created from a survey we conducted in Morocco in 2008 to provide some evidence about the factors which drive conservative positions with respect to a progressive legal reform. We observe that women who are benefiting from the reform are not unanimously in favour of it. Conversely, a non-negligible part of the male population strongly supports the new legislation. In order to explain these behaviours, we mainly focus on three specific factors: education, location and religion. Contrary to what naïve beliefs would suggest – rural men with a low level of education and intense religious practice express a lower support to the new Family Code –, we find that there is no straightforward relation between the three aforementioned factors (education, location and religion) and the support of the new legislation. Another precondition to the effect stressed by Aldashev et al. (2011) is that agents have sufficient information about the law. The data analysis leads to an unexpected finding: living in rural areas is, in some cases, positively and significantly associated with a higher probability of being properly informed than living in Casablanca city, the economic centre of the country.

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## 1. Introduction

The persistence of inequitable practices that are supported by social norms is an issue to tackle when dealing with matters of social justice. In most developing countries, the social organization is such that some sections of the population are marginalized (women, strangers, low caste members...) while others are benefiting from some privileges within their family, their community or in the society as a whole (men, natives, high caste members...). These different groups have antagonistic preferences and the status quo may correspond to a zero-sum game where the marginalized suffer and the dominant party is the beneficiary. The members of the marginalized group are not necessarily able to coordinate their action and act as a social force in order to trigger a change in the treatment they receive. Moreover, even if the marginalized succeed in coordinating their actions, the dominant party will not be inclined to accept any change. Therefore, an external intervention is needed. The state has a role to play and public action is justified.

A natural way of acting for a state concerned by equity criteria is the enactment of new laws that protect the marginalized groups and grant them new rights. However, in the case of legal reforms, the process that leads to changes in agents' behavior is poorly understood until now. It is not clear why a new legislation will be able to remove deep-rooted customs if the socio-political context in which it is implemented has not changed. The dominant view is that the success of the formal law is constrained by the system of informal rules and values which support the prevailing customs. The resistance of informal or customary systems is especially likely in the case of civil law matters (marriage, divorce, succession, etc). In fact, statutory provisions contained in new Family Codes that aim at ensuring women's right to inherit from their parents and at protecting them against the practice of early marriage, abrupt and uncompensated repudiation, male tutorship, or levirate fail to be effectively applied (Cooper, 1997: 17-18; Elozegi, 1999; Coulibaly, 2005; Ellis and ter Haar, 2004; Boshab, 2007; Field and Ambrus, 2008).

Aldashev et al (2010) present a new approach to the question as to whether and how the enactment of a law can make agents deviate from customary practices. They mitigate the pessimistic scenario which states that law seems to be a 'dead letter'. The authors focus on situations in which the law aims at creating more equity in societies where the custom supports the marginalization of some social groups (women, lower casts, strangers, etc). Their models highlight the conditions under which the law is able to make the custom evolve in a context dominated by traditions which become internalised norms. They show that under these conditions, the law plays the role of a 'magnet' that pushes the custom in the direction of the law. They argue that even if agents do not appeal to the law, the latter can have an indirect effect on the custom. The underlying mechanism is that the law provides an exit option to the marginalized people which confers them a stronger bargaining power with respect to the defender of the custom. However, for the 'magnet' effect to operate, three conditions (among others) must be satisfied: (1) disadvantaged people have sufficient information about the law; (2) disadvantaged people identify with the law and recognize its legitimacy, i.e. they consider that it represents their interests. This implies that the preferences are not shaped by the values of the dominant group; (3) informal sanctions are not so severe that invoking the modern law and appealing to the formal court are unconceivable actions.

In this paper, we focus on the first two conditions. On the one hand, we highlight the determinants of the adherence to a new law and on the other hand, we look at the characteristics of people who are

better informed. Our purpose is to identify the key determinants of support for the law. The support does not necessarily imply the appeal to the law but it represents the implicit condition to the appeal. The adherence to the law is, in a way, measuring the upper band level of appeal. Moreover, as the law might have, under certain conditions, an indirect effect, the adherence to the law is the necessary condition to induce this indirect effect.

We mainly examine to what extent differences in support to the law can be explained by three key factors: education, location and religion, and their possible interactions. To achieve that purpose, we conducted a survey in Morocco about the reform of the Family Code. The rules that govern marriage, divorce, inheritance and children custody changed in February 2004. The new legislation aims at improving women's status by assigning them a new role in the family (they are now on an equal footing with her husband in matters of family responsibility) and granting them new rights (such as the right to initiate a divorce without being required to adduce evidence of ill-treatment or to produce witnesses). In the case of the Moroccan Family Code, the target group is, a priori, represented by women. We therefore make a distinction between men and women in our analysis.

We observe that even if the new law improves women's status in the family as well as in society, and grants them new rights, they are not unanimously in favor of the law. At the contrary, a non negligible part of men (20%) strongly support the Code. The fact that some of the women are not in favor of progressive changes in the Family law is quite surprising and raises several questions. In fact, as the Code relaxes their constraints and increases their possibilities, we expect them to support the new legislation. However, as pointed out by Kabeer (1999: 460), access to new resources (in our case, to new rights), may open up new possibilities for women, but they are unlikely to realize these possibilities in uniform ways. An empirical analysis is therefore needed in order to put forward the characteristics of those women who expressed an opposition to the reform.

Naïve beliefs would suggest that rural men with a low level of education and intense religious practice express a lower support to the new Family Code. We find that, either for men or women, there is no straightforward relationship between education and religious practice, on the one hand, and support for the law, on the other hand. Complex relations exist between the three aforementioned factors (education, location and religion) and the support of the new legislation. We find that education per se is positively correlated with the likelihood of supporting the Code but essentially for men. The intensification of the religious practice is negatively correlated with the likelihood of supporting the Code but only for educated people. Location per se is not significantly correlated with the support to the law. However, the negative relationship between the intensification of religious practice for educated women and their support to the Code is more significant for women from rural areas. Finally, we find that the rural population is, in some cases, better informed about the law than the population of Casablanca city, the economic centre of the country.

The next section of the paper briefly examines the historical process which led to the emergence of the new Family Code as well as its content. Section 3 describes the strategy adopted to conduct the survey. Section 4 discusses our main assumptions. Section 5 presents the key variables and some descriptive statistics, while Section 6 describes the methodology used for the analysis of the data. Section 7 discusses the results and Section 8 concludes.

## 2. Emergence of the new Family Code

### 2.1 The historical background

After the independence of 1956, the first Family Code was enacted. This Code was founded on a combination of religious values and other rules with their origins in customary norms. It therefore legitimises practices based on patriarchal values and is inspired by ‘*Maliki* rite’, which is one of the four legal schools of thought in Sunni Islam<sup>2</sup>. The code was created in a context where the nationalists had a scripturalist approach in matters of religion and were fighting against Western values which endangered national identity (Geertz, 1968). This situation allowed conservative nationalists to defend the dominance of patriarchal values in the name of cultural integrity (Dalmaso, 2008).

Despite some debates in the 1970s and the 1980s, the Family Code has remained virtually identical to that which was enacted after independence. In the early 1990s, the debate concerning the Code began to grow in importance. In 1993, a campaign led by the associative sector managed to collect one million signatures to support the claims of those working towards a change in the law. The Women’s Action Union (UAF) founded in 1987 presented an open letter to the House of Representatives including claims based on a triple standard: the objectives of Sharia (under Islamic law), social reality, and universal human rights. This letter was addressed to politicians, not to the king who is the ‘Commander of the Faithful’. King Hassan II reacted stating that the issue is based on religious values and declares that its treatment comes under the ‘Commander of the Faithful’, and not the political world. The king then received a delegation of women. He quoted *ijtihad*<sup>3</sup>, stressing that it cannot prohibit what God has not prohibited, and it cannot allow what has not been permitted by God. He promised amendments proposed by a committee composed of *ulama* (theologians and jurists). However, the changes are limited. The steps taken toward establishing a polygamous marriage and obtaining a divorce are more complicated than before. In addition, the woman must provide her consent to marriage and if she loses her father, she is no longer subject to matrimonial guardianship. Despite minor changes, the reform has helped remove the sacred character from the Code’s text (Benradi, 2004: 40).

In 1998, the new government presented a reform which sparked a bigger debate. The progressive associative sector protested against the lack of change. The more conservative politicians such as members of the PJD (Justice and Development Party) criticised the resolutions which they considered inconsistent with Moroccan identity, culture and religion. In 2000, two major demonstrations were organised: a demonstration in favour of the reform (in Rabat), and another in opposition to it (in Casablanca).

In 2003, King Mohamed VI took the matter into his own hands and used a method similar to that used by his father: “I cannot in my capacity as ‘Commander of the Faithful’ allow what God has prohibited or forbid what the highest body has authorised”. The king set up a committee who would develop the new provisions of the Code. This time, the Committee was composed mainly of academics (including three women) and religious representatives, the *ulama* (Muslim legal scholars). The associative sector

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<sup>2</sup> The three others are: the *Hanbali* school, the *Hanafi* school and the *Shafi’i* school.

<sup>3</sup> In Browning et al (2006), *Ijtihad* is defined as follows : « *Ijtihad* is used to refer generally to the jurisprudential activity in which scholars engage either to interpret the *Quran* and *Sunnab*, where an interpretation is required, or to reach a ruling involving no clear Quranic pronouncement or prophetic precedent » (153-154). The *Sunnab* is the example given by the Prophet through his life. Considered as the ideal Muslim, he offered the best guidance (Al Hibri et al, 2006: 153).

had also been invited to participate by submitting proposals to the commission. The work of the commission led to the development of a new Code whose main provisions were presented at a royal speech on 10<sup>th</sup> October 2003. The king used religious references and referred to *ijtihad* practice in order to grant legitimacy to the new provisions and prevent thus changes from being perceived as an attack on religion. The efforts of *ijtihad* suggest that the unequal rights among Muslims are more humane than divine (Benradi, 2004: 86). It shows that the opposition to a move towards more equality between the sexes is, in some cases, motivated by a commitment to a society based on patriarchal logic and male privileges rather than on an authentic loyalty to a religion (Benradi, 2004: 86).

The voting on the text of the new Family Code in the parliament happened in a particular context, a few months after the Casablanca bombings (May 16, 2003). These attacks resulted in a witch-hunt to find the radical groups and it was a sign for movements with religious connotations to keep a low profile. Not only was it necessary to avoid being associated with a radical group but it was necessary to participate in a national union to show a modern and progressive Morocco. The Justice and Development Party (PJD) which presents itself as a party with moderate views approved the text of the Family Code with the other parties represented in parliament. Yet, it was opposed to the first government initiative of 1999. The Justice and Charity Association (Jamiat-Adl wal Ihsan), the other main religious-inspired political movement presents itself as an association promoting the idea of political change - they are asking for a change of the constitution – rather than an association with radical religious views. It presents itself as a non-violent association despite some fiery speeches of its founder, Abdesslam Yassin. INSAF, the feminist organization linked to the Jamiat-Adl wal Ihsan, accepts the rejection of polygamy in certain cases, and favours the model of the nuclear family including the belief that woman can have an activity outside the house. The members of this association militate for a feminist interpretation of the religious texts. On the contrary, ORCOFE, the women association linked to the PJD party, considers that the privileged family structure is the one defended by the old Family Code: they are favourable to polygamy, the guardianship of the father and marriage for women from the age of 15 [Ramírez (2006), Dalmaso (2008)]. According to Clifford Geertz, mass fundamentalism was held in check in Morocco since there is no « mass party, public organisation or famous personalities that openly defend a hard line » [Geertz (1968): 7; the introduction was written in 1991]. Even if the religious-inspired movements express some disagreements with the content of the new legislation, their reactions were brought under control.

## 2.2 The content of the new Family Code

The Code regulates family relations. A legal framework is established for all matters relating to marriage, dissolution of marriage, parentage, children's rights and inheritance. The most revolutionary changes concern the status and rights of women. The creation of family courts is organized by the Code and any dispute regarding the Code should be treated by appealing to these courts. Moreover, the powers of the judges specialized in family matters have been reinforced. Foblets and Carlier (2005) believe that the new Code has somehow deepened the roots of family life in the judicial system. They believe that this "legalisation" of family law is at the expense of the prerogatives of the *adouls*<sup>4</sup> and the

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<sup>4</sup> The new Code sustains *adouls* (Muslim notaries) intervention in terms of marriage and divorce, but their involvement is however subject to prior approval of the court.

*cadi*<sup>5</sup>, which are considerably reduced since the new Code came into force (Foblets and Carlier, 2005: 9-10). A final feature of the Code which we wish to stress is that, unlike the Tunisian Code of Personal Status, the Moudawana allows people to make choices (the law is not completely rigid) with respect to (i) matrimonial guardianship, (ii) the monogamous or polygamous nature of the marriage contract, (iii) the drafting (or not) of a contract to regulate all dealings involving the goods and properties of the couple.

The new Code can be summed up into eleven main points:

1. The family is placed under the joint responsibility of both spouses. The Code indicates that the "wife is responsible, jointly with her husband, for managing home affairs and the protection of children" (Article 51, 3). The husband and wife must work together when a decision is being made concerning the family. Women no longer have to obey the husband in terms of home duties. Yet, the provision does not extend to relieving the husband's duty of supporting his wife (Foblets and Carlier, 2005: 44-45).
2. The new Code gives women the right to express their own interests, options and choices regarding the matrimonial guardianship: 'A woman can have her own marriage contract or delegate, to that effect, her father or one of her kin' (Article 25, Foblets and Carlier, 2005: 27).
3. The Code establishes equality between men and women when it comes to the age of getting married: 18 years old. The judge has the right to reduce this age in justified cases (it should be exceptional): if the marriage of a minor does not represent a danger to health or a disturbance in their life (article 20). The text does not include a minimum age for marriage. « Nevertheless, the conditions required for an authorisation are that the beneficiary must have the maturity and physical ability for marriage and discretion of consent to get married » (Foblets and Carlier, 2005: 25). For this to happen, the judge must consult the minor, and he must also consult the parents for their approval<sup>6</sup>. In addition, the judge may need to carry out a medical and social survey.
4. Polygamy is subject to severe restrictions: it is no longer a right and permission must be granted subject to the authorization of the judge. First, a clause in the marriage contract gives the wife the right to require that the marriage is monogamous. In this case, the remarriage of the spouse is prohibited. Second, if this clause does not exist, polygamy is still subject to conditions: in addition to financial requirements, the judge must ensure fair treatment of the two wives and their children and the spouse must provide an "objective and exceptional" reason to justify his desire to become a polygamist. Third, the woman may seek divorce on the grounds of a prejudice following the remarriage of her husband (her compensation is then provided by the spouse and the amount is fixed by the court) (Foblets and Carlier, 2005: 32-36).

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<sup>5</sup> Foblets M-C., J-Y Carlier (2005): 136: « The term *cadi* refers to the family judge in charge of marriage who gives permission for its conclusion. It also applies to the judge who certifies the notary acts of marriage or acts relating to all forms of repudiation, prepared by the *adouls* (Muslim notaries). Finally, it refers to the judge who enforces the rights of minors or disabled people and the management of their inheritance. The same judge may sometimes combine all these functions. »

<sup>6</sup> The mother is also consulted. This effort will be consistent with the joint responsibility attached to the family introduced by the new Code.

5. The Code allows Moroccans living abroad to marry according to the procedure prevailing in the host country provided that two Muslim witnesses are present and the marriage is registered with the consular services.
6. Divorce is a right exercised by the husband and wife, according to legal conditions which are specific to each of the parties and under judicial supervision. Divorce requires the prior approval of the court, thereby preventing, among other things, any abusive use of divorcing by the man (repudiation). The Code provides strengthened mechanisms for reconciliation and mediation. Before granting the divorce, the judge must ensure that the divorced wife benefits from all the rights granted to her (the same applies for the rights of the children).
7. The Code strengthens the rights of women to seek judicial divorce if the husband breaches one of the conditions stipulated in the marriage contract, for example, he inflicts injury on his wife (poor maintenance, neglect of marital home, violence or other abuse). Furthermore, the Code introduces divorce by mutual consent under judicial supervision: the judge checks that divorce is not imposed by one party, paying special attention to the interests of the children.
8. The Code aims to better protect the rights of the children. Concerning custody of the children, the interests of the child must be taken into account. From the age of 15, children can choose which parent they want to live with. Ensuring adequate accommodation of the child becomes an obligation which is separate from general maintenance.
9. The Code protects the right of the child to be recognized by his father whether marriage has been formalised by an act, or not.
10. Children have the right of inheritance from their maternal grandfather (the only change in terms of inheritance)
11. The two spouses can agree on how to manage their property in a separate document added to their marriage contract. In case of a disagreement, the judge will base his decision on evidence provided by both spouses.

### **3. Methodology of data collection**

Data were collected in 2008 in three of the 16 administrative regions of Morocco: Tangier-Tetouan, Casablanca and Souss-Massa-Draa, and 542 people were interviewed. The regions were not randomly selected but were chosen on the basis of characteristics relevant for our study. The Tetouan region was chosen for its conservatism which was repeatedly stressed in studies about the new Code. The conservatism of the region is commonly reflected in the behaviour of the judges who have to enforce the legislation (Elharras and Serhane, 2006) and of the population. It was also pointed out in various discussions we held with Moroccan jurists. Casablanca was chosen because of the importance of immigration in the region. Its population is heterogeneous, composed of individuals with diverse backgrounds who have learnt to live together. Inhabitants are therefore confronted by traditions and values of other social groups. Finally, the Ouarzazate region was chosen because the majority of its



population is rural and a significant part is Berber. The Berber population is known for being attached to tradition and the ancestral customary law<sup>7</sup>. This choice should allow us to test for differences between populations which have been subject to different influences in the course of their history. Furthermore, within each region, we conducted a survey in both rural and urban areas.

We worked with the Office of National Statistics based in Rabat in order to construct a sample of 180 individuals in each region. Apart from the size of the samples, several criteria have been established: the choice of provinces, cities, rural municipalities and districts (in the city Casablanca), the allocation of the samples throughout the provinces and between urban and rural areas, and the selection criteria used at an individual level. Our framework is the sample of the National Survey on employment, which is conducted quarterly. Annually, 60,000 households are surveyed (40,000 urban and 20,000 rural). In each province, the samples of this survey are representative of the population of the province.

The choice of provinces, towns and rural municipalities was made with a view to reducing geographical distances to cover during the survey. The allocation between the provinces in the same region was made according to the demographic weight of each entity within the region<sup>8</sup>, while the allocation between urban and rural areas was based on the demographic weight of each group within the province. In the rural communities, villages were randomly chosen. In villages and towns, individuals were selected randomly using the marital status as a stratification criterion. In each family, one person was interviewed on the condition that he (she) is over 18 years old. Other criteria included the sex, level of education, age and living environment (only for Casablanca). However, these criteria have been used only to ensure that sufficient variance exists for each of them. Concerning marital status, we imposed a strict rule using the information provided by the Office of National Statistics about the proportions of each marital status in each province of interest and in each environment. Since the proportion of divorced people in the population is very low and we are very much interested in capturing a sufficient number of them, we did not reproduce the proportions that obtain in the population in the samples: we have multiplied the percentage of divorced people by 5. The proportions of the other marital status categories (single, married and widow) were correspondingly reduced. We allocated the sample on the basis of these new proportions. By doing so, we artificially increased the number of divorced people. Finally, within each marital category, we chose people randomly, checking that we have sufficient variance for the other criteria. The details concerning the sample creation in each region are presented in Appendix 1.

In each family visited, the questionnaire was administered to a randomly chosen individual. The first part of the questionnaire concerns the whole nuclear family to which the person interviewed belongs as well as people who are not part of the nuclear family but live under the same roof (possibly members of the extended family). The second part focuses specifically on the interviewed individual. The questionnaire is relatively long and contains parts that need lengthy explanations, especially the part concerning the Family Code. This part is central to our investigation and we have taken many precautions to make sure that the questionnaire was well understood. The author herself oversaw the

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<sup>7</sup> The Berbers continue to apply rules derived from the customary law. For example, the principle of "cad wa siava" consecrated by the custom in the region of Souss, recognises that the wife shares the property acquired during marriage in addition to what she could receive as heir upon the death of her husband .

<sup>8</sup> Except for the region of Casablanca where the weight of the rural area is artificially inflated since the region is largely urban.

entire investigation process. She accompanied the teams carrying out the surveys in every village and participated in a large number of the interviews, either partially or for the whole interview. She was thus involved in all the rural and urban surveys. The interviews were conducted either in Moroccan Arabic or in Berber (for the villages of the Ouarzazate province).

To sum up, our sample is distributed across three different regions: the *grand Casablanca* for which we use the name CASA, the region of *Tangier-Tetouan* whose denomination in the paper is TETOUAN and the region of *Souss-Massa-Drââ* which we name OUARZAZATE, and across two residential environments: urban vs. rural. The distribution across regions and residential environments is given in Table 1. It appears that the sample is quasi equally distributed across urban (274 individuals) and rural (268 individuals) areas.

*Table 1: Distribution of the sample across regions and residential environments*

	<b>URBAN</b>	<b>RURAL</b>	<b>TOTAL</b>
<b>CASA</b>	123 (69,10%)	55 (30,90%)	178
<b>TETOUAN</b>	91 (49,19%)	94 (50,81%)	185
<b>OUARZAZATE</b>	60 (33,52%)	119 (66,48%)	179
<b>TOTAL</b>	274 (50,55%)	268 (49,45%)	542

Table 2 presents the distribution of the sample according to sex and marital status (our stratification criteria). Married people composed more than half of the sample, singles quasi a third and divorced 9%. There are more women than men in the sample; this is also reflected in the official national statistics.

*Table 2: Distribution across sexes and marital status*

	<b>Single</b>	<b>Married</b>	<b>Divorced</b>	<b>Separated</b>	<b>Widow</b>	<b>TOTAL</b>
<b>Men</b>	97 (38,49%)	145 (57,54%)	6 (2,38%)	1 (0,40%)	3 (1,19%)	252 (46,58%)
<b>Women</b>	72 (24,91%)	148 (51,21%)	43 (14,88%)	6 (2,08%)	20 (6,92%)	289 (53,42%)
<b>TOTAL</b>	169 (31,24%)	293 (54,16%)	49 (9,06%)	7 (1,29%)	23 (4,25%)	541

#### 4. Main assumptions

From a theoretical point of view, at least three obstacles to the identification of women with the law can be thought of. First, some women have already internalized the values of the dominant party, the men, and follow the right way to behave as defined by a patriarchal society. In this case, they might even defend patriarchal values with more enthusiasm than men. Kabeer (1999) indicates that the internalization by women of their social status as persons of lesser value has been largely emphasized in the literature on gender and well-being. Kabeer (1999: 440) points out the fact that such behavior can have adverse implications for their own well-being as well as for the well-being of other female family

members (see, for instance, Shaffer, 1998, in the case of Republic of Guinea). According to Axelrod (1986), the internalization of norms and values means that violating an established norm is psychologically painful even if the direct material benefits are positive. Second, the fear of conflicts in the sphere of informal relations, i.e. relations within the family, will make some women refuse to appeal to the new law. Third, some women have a different understanding of what is good for them. In fact, some women consider that they are better protected by the tradition. Thus, some women we met on the field explained that they prefer to marry with the consent of their father (their official guardian as long as they are single<sup>9</sup>). They think that, thanks to his consent, they will be respected in their husband's family and will enjoy a stronger bargaining power within their nuclear family. Notice that the first and the third obstacles are closely linked to each other but the logic behind each of them is not the same. When there is an internalization of patriarchal values, no alternative to the tradition is conceivable. The new legislation opens a window of possibilities for women. However, as pointed out by Kabeer (1999: 442), "we have to ask ourselves whether other choices were not only materially possible but whether they were conceived to be within the realms of possibility". Posner (1997) adds that when a norm is fully internalized, there is no personal choice; the choice is made by relatives, peers, etc. In the case of the third obstacle, women are, in a sense, choosing their second best option.

On the other hand, in a patriarchal society, men attached to their privileges are likely to oppose a reform that induces more equality in rights between men and women. They might perceive the new rights given to women as a threat to their privileged position in the family. This threat is serious since the new Family Code calls into question the identity of the family.

The three aforementioned obstacles to the identification of women with the law can be caused by several factors. We will essentially focus on three of them: education, location (urban vs. rural) and religion. These same factors could also influence the position adopted by men with respect to the law.

First, education calls dominant values and traditional ways of doing things into question. Moreover, insofar as educated people are open-minded and progressive, they are likely to support the effort of the lawmaker in adapting the law to the evolution of society, especially if the new law improves the rights of citizens. Also, because educated women have better outside options, they are more able to assert their rights if a family conflict arises.

Second, the place where people live may affect their perceptions and, as a consequence, their position with respect to the law. In urban areas, people are exposed to new values and experiences that might impact on their behavior, whereas, in rural areas, people are deemed to be more respectful of traditional values. Bourqia (2005) thus explains that social changes since the independence in 1956 have caused the emergence of new, more individualistic values<sup>10</sup>. The evolution of values should be more rapid in urban areas given that they are more connected to the external world. As a rule, urban people are expected to be more 'progressive'.

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<sup>9</sup> Following Al-Hibri et al, to protect inexperienced, previously unmarried women from entering into unsuitable (hence potentially unsuccessful) marriages, Islamic jurists have either required or recommended that a woman seeks the approval of her *wali* – her guardian – in marriage (*in* Witte and Ellison, 2005: 204).

<sup>10</sup> However, Bourqia stresses the fact that traditional values also persist. She highlights the existence of a hybrid basket of values where the agents choose the more appropriate ones depending on their personal interests.

Third, it is not clear that Islam supports unequal rights between men and women as a widespread view in the Western world tends to proclaim. This is a question of interpretation of the *Quran*, the *Hadith* (statements of the Prophet) and all other religious sources. Actually, there exist four major sources of Islamic jurisprudence (*Quran*, *Sunnah* including *Hadith*, *Ijtihad* and *Ijma* (consensus)), the primary one being the *Quran* (Al-Hibri et al., 2006: 152). There is no unique interpretation of religious prescriptions and four schools of thought coexist (*Hanafi*, *Maliki*, *Shafi'i*, and *Hanbali* schools) in Sunnite Islam<sup>11</sup>. The reform of the Code has largely been justified by a reinterpretation of the Quran (*Ijtihad*), in reference not only to the *Maliki* School - the dominant school in Morocco – but also to the other schools of Sunnite Islam. Moreover, religious practices are the result of the interaction between religious prescriptions on one hand, and dominant local customs and traditions preexisting to the introduction of Islam, on the other hand. This explains why there are custom-based legal differences among Muslim countries (Al-Hibri et al., 2006: 156; see also Platteau, 2008). In addition, some conservative movements such as Wahhabism or Salafism which defend a puritanical interpretation of Islam are trying to extend their influence in regions characterized by more progressive schools of thought. The multiplicity of movements creates antagonisms in an important part of Muslim societies. On one side, some interpretations are more favorable to women than traditions<sup>12</sup>. This approach considers that the interpretation must be adapted to the evolution of society. Al-Hibri et al. refer to the juristic principle that ‘laws change with the change of time and place’. This principle does not encompass basic Islamic principles that are unchangeable, but derivative ones that are capable of adaptation (Al-Hibri et al., 2006: 156). Some Muslim jurists have also embarked on a gender-sensitive reading of the *Quran* (Al-Hibri et al., 2006: 156). On the other side, an interpretation exists based on patriarchal values. Al-Hibri et al. point out the fact that « patriarchal thinking found expression within Islamic jurisprudence at various levels, including interpretation of the *Quran*, validation and interpretation of *Hadith*, and selective adoption of cultural customs » (Al-Hibri et al., 2006: 155). Consequently, religion can precisely determine the obstacles to the identification of women with the law, thus undermining the law, if its current interpretation favors the dominant party, i.e. the men. If puritanical religious traditions predominate, they might thus inhibit the success of reforms.

The interpretation of religious prescriptions is also a central issue for individual perception-building about the duties of a ‘good Muslim’. Traditionally, the Islamic law is divided into two general categories: *ibadat* or matters of worship (between a person and God), and *mu'amalat*, or transactions (among people). These two categories represent the duties by which Muslims have to abide. The first category includes matters of faith, such as prayer, fasting, and tithing. The second category includes matters such as contract law, property law, and constitutional law. Both categories are proper subjects of Islamic jurisprudence and are governed by the *Quran* and *Sunnah* (Al-Hibri, In Witte & Ellison, 2005: 188). At present, in Morocco, the *mu'amalat* are governed by positive law. The rules are not based on religious principles and they apply to everybody<sup>13</sup>. The *ibadat*, that encompass religious personal practices, are for the believers a way to signal their degree of religiosity. One may expect that more conservative believers practice more. At the same time, a believer who practices intensely is not

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<sup>11</sup> Two other schools dominate the shi'as: the *Imami* or *Ithna 'Ashari* in Iran, Irak and Lebanon, and the *Zaydi* in the Yemen (Mir-Hosseini, 2000: 6).

<sup>12</sup> The approach adopted in this case is inspired by the revolution sparked by the prophet Muhammed when, among other things, he limited polygamy and allowed women to inherit.

<sup>13</sup> The Family Code which is the only religious inspired legislation is part of the *ibadat*. There are, actually, several family legislations which apply to people depending on their religion (the *Mudanana* for the Muslims, the Hebraic Code for the Jews).

necessarily a conservative person. Since there is no consensus concerning religious prescriptions about women's rights, we might therefore observe a variety of attitudes towards the Code. One may suspect the existence of an ambiguous relationship between the intensity of religious practice and the support for the law, and this justifies an empirical analysis.

Several anthropologists and political scientists argued that, in the case of Morocco, religious puritanical movements are essentially present in urban areas and attract educated people (see, for instance, Geertz 1968, Lapidus 2002 and Tozy 1999). We therefore suspect the existence of complex interactions between education and agents' religiosity. Consequently, we want to test for the following assumption: the intensity of the religious practice has an ambiguous effect on the support of the law, depending on the agent's level of education.

## 5. Key variables and descriptive statistics

In this section, we define the key variables used in our analysis: support to the law, intensity of religious practice, education and information; and we present the relevant descriptive statistics. The questionnaire is very long and complex. For the purpose of our analysis, we constructed several variables using the raw data. The construction of each of these variables is explained in the following sub-sections.

### 5.1 Support to the law

The main part of the questionnaire is dedicated to the new Family Code. In this section, we identify how much information is held by the respondents concerning the new legislation, their position with respect to eight particular clauses of the new Code, and their opinion *vis-à-vis* hypothetical situations that may occur in family life (For instance: If your daughter marries without involving her guardian, i.e. without notifying his consent in the marriage contract, will you accept her choice?).

The questions about the clauses of the Code allow us to measure the degree of the respondents' adherence to the new legislation. The clauses that were chosen are the most sensitive in the sense that they have triggered a lot of debates and controversies. They are generally the ones that have changed significantly. These clauses have been explained in Section 1.2 as they are part of the eleven aforementioned main points of the new Code. They concern (1) the joint responsibility of the family, i.e. the family is under the responsibility of both spouses, (2) the husband's duty of supporting his wife, (3) the removal of one of the wife's duties: the obedience to her husband, (4) the marriage of women without the consent of their guardian, (5) the marriage of minors in age, (6) polygamy, (7) divorce, and (8) the contract which states how to manage property in the case of divorce. For each of these clauses, we ask the respondent to notify the information she/he has concerning the clause, whether she/he is supporting the change, and whether she/he considers that the new clause is in accordance with religious principles of Islam, and in accordance with local customs.

For each clause, we know if the respondent is favourable or not, and hence we know how many clauses out of eight she/he is supporting. We can, therefore, construct a variable indicating whether the respondent is strongly supporting the Code or not. Toward that purpose, we have to fix a threshold above which we will consider that the support is effectively strong. By looking at the data, we observe

that for three clauses, the support is very high (above 87% of the respondents)<sup>14</sup>. Consequently, we argue that supporting less than four clauses indicates that the respondent is not really a fervent defender of the new law. For three others clauses, the support is quite high (75%, 79% and 81% of the respondents)<sup>15</sup>. Lastly, two clauses exist which are supported by less than one third of the respondents: the one concerning the removal of the wife's duty to obey her husband and the one concerning the marriage of women without the official consent of their guardian. We therefore define as a strong support to the new legislation a respondent's attitude that is favourable to seven or eight clauses of the Code. Indeed, this means that they support at least one of the most debatable clauses and at the same time, are favourable to a large number of clauses. The variable called STRONG\_SUPPORT is equal to one if the respondent supports more than six clauses, and to zero otherwise. This variable is the dependent variable used in our analysis<sup>16</sup>.

From the data, we observe that 96% of those supporting the two debated clauses appears as strongly supporting the Code (STRONG\_SUPPORT=1). 83% support all the dispositions and 13% support seven dispositions out of eight. 80% of those supporting the disposition concerning the end of the wife's obedience to her husband strongly support the Code while 67% of those supporting the disposition concerning the marriage of women without the official consent of their guardian strongly support the Code.

An alternative approach would be the use of a continuous dependent variable corresponding to the number of clauses supported by each individual. However, there are at least two reasons for not opting for this approach. First, by using a continuous variable, we might consider individuals as being identical while they are deeply different in the sense that they took a different position on the Code. In fact, two individuals supporting the same number of clauses might actually support different clauses. For instance, in the case where two individuals support each one four clauses, the first may support clauses 1 to 4 and the second, clauses 5 to 8. If it is the case, one cannot consider that these two individuals support the law in the same way. By choosing a high threshold for the construction of our variable STRONG\_SUPPORT, we considerably limit this problem. Second, the use of a continuous dependent variable is not adequate given our purpose: the identification of people who strongly support the Code. The research question will be different and will not correspond to the study of the adherence to the law as a whole. We will look at the correlation between some key factors and the number of clauses supported rather than the relationship between some key factors and the probability of strongly supporting the Code.

The proportions of individuals strongly supporting the law in the above-defined sense, for the whole sample and for all the categories comprising our key variables are presented in Table 3. Only one result is according to expectation: women are much more likely to support the Code. The other results are rather surprising.

First, the proportion of individuals strongly supporting the Code is not significantly different between urban and rural areas. Second, educated people (*baccalauréat*<sup>17</sup> or university degree) are slightly more in

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<sup>14</sup> These clauses are the ones concerning the joint responsibility of the family (89% are favourable), the husband's duty of supporting his wife (91% are favourable), and the marriage of the minors in age (87% are favourable).

<sup>15</sup> These clauses are respectively concerning polygamy, the contract of property management after divorce and divorce.

<sup>16</sup> In order to produce some robustness checks, we also construct the variable SOFT\_SUPPORT whose value is one if the respondent supports more than five clauses out of eight. These robustness check results are presented in Appendix 4.

<sup>17</sup> In the French education system, the *baccalauréat* is the degree obtained by students who achieved successfully the secondary school.

favour of the new legislation but the difference is not significant. Third, people with a moderate religious practice are proportionally more favourable to the new law<sup>18</sup>. However, the difference with respect with the two other groups (people with a low practice and a high practice) is not significant.

Table 3: Proportion of respondents strongly supporting the Code

CATEGORIES	Nr. Obs.	STRONG_SUPPORT	P-value
Full sample	541	33.83%	
Women	289	46.71%	0.000
Men	251	19.05%	
Rural	267	32.96%	0.674
Urban	274	34.67%	
Without education	235	33.62%	0.928
Primary	110	32.73%	0.785
Secondary	115	33.04%	0.842
Bac or university degree	81	37.04%	0.508
Low religiosity	178	32.02%	0.535
Moderate religiosity	179	37.99%	0.150
High religiosity	184	31.52%	0.416

## 5.2 The intensity of religious practice

One of the sections of the questionnaire is dedicated to religious practices. Each respondent was asked whether she/he obeys a series of practices. In the affirmative, she/he was asked about the frequency of her/his practice. The combination of the responses to these two kinds of questions allowed us to construct several discrete variables: for each practice, the higher the value of the variable, the higher the intensity of the practice. We then used these variables to construct an aggregate index measuring the intensity of the religious practice by applying the Multiple Correspondence Analysis methodology<sup>19</sup>. The questions that were used to construct this index concern the obligatory prayers (five per day), the prayer at dawn (*fjar*), the prayer during the night (*qyam layl*), the non-obligatory prayers (*nawafil*), the supplementary prayers of the Ramadan (*tarawih*), the fasting beyond the Ramadan, the tithing duty called *zakat*, whether the respondent owns the *Quran*, whether the respondent owns the *Hadith*, whether the respondent owns books about the Islamic thought, whether the respondent looks at religious programs on TV, and whether the respondent shares her/his knowledge of religious principles with her/his circle of kin, friends and neighbours. We decided not to keep questions about readings as they will bias the ‘score’ of the respondents who cannot read. We also decided to remove the question

<sup>18</sup> The sample has been divided in three groups using the 33<sup>th</sup> and the 66<sup>th</sup> percentiles of the distribution of the variable RELIGION.

<sup>19</sup> The multiple correspondence analysis is a factorial technique which can be seen as a generalization of the principal component analysis when the variables to be analyzed are categorical variables.

concerning visits to the mosque since this question will bias the ‘scores’ in favour of men. We believe it is essential to have a multidimensional measure of the religious practice because the importance that a respondent attaches to each practice is subjective. Consequently, by arbitrarily choosing one specific practice as a proxy for the respondent’s religiosity, we are likely to obtain different rankings across individuals depending on the choice of the practice. Moreover, the use of a multidimensional index takes into account the accumulation of various practices. As for the Multiple Correspondence Analysis, it allows for the existence of proximities between individuals and ‘correlations’ between variables. We constructed the variable RELIGION, as we define it, is the first dimension in the Multiple Correspondence Analysis. It is therefore continuous: the higher the value of the variable, the more intense the religious practice. Table 4 presents the main descriptive statistics for the variable RELIGION when considering the full sample and several subsamples.

Table 4: Index measuring the intensity of religious practice

RELIGION						
CATEGORIES	Nr. Obs.	Mean	Std. Dev.	Median	Min	Max
Full sample	541	-0,0017	1,0016	0,1625	-2,2762	1,9162
Rural	267	-0,0315	0,9348	0,1239	-2,2762	1,7869
Urban	274	0,0274	1,0635	0,2129	-2,2044	1,9162
P-value = 0.494						
Women	289	0,2036	0,8112	0,2895	-2,2762	1,9162
Men	252	-0,2371	1,1397	-0,0736	-2,2762	1,8195
P-value = 0.000						

We observe from Table 4 that individuals living in urban areas are practicing more but the difference with individuals from rural areas is not significant. Moreover, the variance of the practice is slightly higher in cities. Women are practicing significantly more than men, but among men, the variance of the practice is higher.

### 5.3 Education

Concerning education, we asked the respondent whether she/he has ever been to school. In the affirmative, we asked her/him which is the highest level of education she/he completed. In the case she/he is still at school, we asked for her/his actual level. We used the responses to these questions to construct categories composed of individuals with different levels of education. We constructed several binaries, each of them representing one specific level: NO\_EDUC for people who have never been at school or people who just followed lectures in a mosque; PRIMARY for people who achieved primary school; SECONDARY for people who achieved the *collège* (the first four years of the secondary school) and for people who went to the *lycée* (the three last years of the secondary school) without obtaining the *baccalauréat*; HIGH\_EDUC for individuals who got the *baccalauréat* or a university degree (or an equivalent one). We also constructed a dummy variable EDUC whose value is one for the respondents who achieved the *collège*, the respondents characterized by a *lycée* level (with or without the *baccalauréat*) and those who obtained a university degree (or an equivalent degree). This variable is thus a



combination of the variables SECONDARY and HIGH\_EDUC. Table 5 presents the distribution of the respondents across the different levels of education.

Table 5: Distribution of the respondents by level of education

	No education	Koranic school	Primary	Collège	Lycée (without Bac)	Lycée (with Bac)	University	TOTAL
<b>Men</b>	51 (20,24%)	27 (10,71%)	50 (19,84%)	41 (16,27%)	26 (10,32%)	35 (13,89%)	22 (8,72%)	252
<b>Women</b>	151 (52,25%)	6 (2,08%)	60 (20,76%)	36 (12,46%)	12 (4,15%)	10 (3,46%)	14 (4,84%)	289
<b>TOTAL</b>	202 (37,34%)	33 (6,10%)	110 (20,33%)	77 (14,23%)	38 (7,02%)	45 (8,32%)	36 (6,66%)	541

A large part of the sample is composed of people who have not taken part in the education system (43,44%). This is very much in line with the reality of Morocco. In fact, Morocco is characterized by a high illiteracy rate (55,6% of the adult population<sup>20</sup>).

#### 5.4 Information

The survey was designed in order to be able to measure the degree of knowledge of the new law for each respondent. We know for each person interviewed whether (i) she/he was able to mention some clauses of the new law, (ii) How many clauses she/he mentioned, (iii) How many clauses among the mentioned clauses were correctly explained.

These observations allow the construction of several variables. In a first step, we construct two variables labelled CORRECT and CORRECT\_STRICT. The first one gives the number of clauses that the respondent correctly explained when we allow for some imprecision and/or incompleteness in the explanation. The second one also indicates how many clauses were correctly explained by the respondent, but this time only precise and complete explanations are considered as correct.

By looking at the data, we observe that, rather paradoxically, it is in the Ouarzazate region that people are better informed about the Code. The variable CORRECT indicates that, in the region of Ouarzazate, 38% of the respondents were able to explain at least one clause of the new Family Code against 27,5% in the region of Casablanca and 24,9% in the region of Tetouan. In the region of Ouarzazate, people living in villages represent two third of our sample. The fact that this population is better informed might be due to the fact that they feel more concerned by the changes in the legislation than the urban population. In this region, when the change is considered necessary by the respondents, the first reason they put forward to justify it is the prospect of creating more equity between men and women. In the other two regions, the first reason given by the respondents is the need to bring the legislation into line with the evolution of society. The presence of active associations in villages might also be a source of information.

By looking at objective measures about the general information held by the respondents (i.e., the name of a minister well known to the media), the region of Casablanca appears as the best informed. This last observation is in accordance with what we expect.

<sup>20</sup> This figure is given by the *Haut Commissariat au Plan* of Morocco for the adult population who is more than 25 years old.

Table 6: Measure of knowledge about the new Family Code (variable CORRECT)

	NUMBER OF CLAUSES CORRECTLY EXPLAINED					TOTAL
	0	1	2	3	4	
<b>CASABLANCA</b>	22	31	12	6	0	71
<b>TETOUAN</b>	16	17	17	10	2	62
<b>OUARZAZATE</b>	9	27	23	15	3	77
<b>TOTAL</b>	47	75	52	31	5	210

The variable CORRECT\_STRICT indicates that, in the region of Ouarzazate, 33% of the respondents were able to explain at least one clause of the new Family Code against 25,8% in the region of Casablanca and 21,1% in the region of Tetouan.

Table 7: Measure of knowledge about the new Family Code (variable CORRECT\_STRICT)

	NUMBER OF CLAUSES CORRECTLY EXPLAINED					TOTAL
	0	1	2	3	4	
<b>CASABLANCA</b>	25	34	8	4	0	71
<b>TETOUAN</b>	23	17	12	9	1	62
<b>OUARZAZATE</b>	22	27	20	6	2	77
<b>TOTAL</b>	70	78	40	19	3	210

In a second step, we construct two additional variables based on the values of the variables CORRECT and CORRECT\_STRICT. The first one, INFORM, is a dummy variable whose value is one if the respondent was able to explain at least one of the clauses ( $CORRECT > 0$ ). The second one, INFORM\_STRICT, is a dummy whose value is one if the respondent was able to explain at least one of the clauses with a high level of precision ( $CORRECT\_STRICT > 0$ ). A zero value for these two dummies represent either a case where the respondent was not able to mention any clause or a case where she/he explained one or several clauses but none of them were correctly stated.

The variable INFORM indicates that 163 individuals (30,13% of the sample) correctly explained at least one clause out of the 210 respondents who pretend to be able to explain part of the new legislation. The variable INFORM\_STRICT indicates that only 140 respondents (25,88% of the sample) correctly explained at least one clause of the new Code.

Since we have observations measuring the level of knowledge of the Code for each respondent and since in the course of the interview we have undertaken to explain the Code to uninformed persons, we can check whether an individual informed ex-ante - in the sense that he had information before the interview - has a different opinion with respect to the new law than a person who was a priori uninformed. However, in order to respond to this question, we have to cope with an endogeneity problem. In fact, if we observe that a better informed individual is more favourable to the new legislation, this might be due to the fact that more progressive people made more effort to get information about the new legislation. We have to make sure that the causal relation between the knowledge of the Code and the support to the law is such that it sustains the following mechanism:

*ceteris paribus*, when people have the right information about the law, they no longer base their judgment on negative preconceived ideas, and consequently they are more likely to support the formal legislation.

## 6 Methodology

Our purpose is to identify the key determinants of support for the law. In our analysis, we use as a dependent variable a dummy whose value is 1 when the respondent strongly supports the law. The support for the law is conditional, among other things, on the perceived legitimacy of the law which is, in turn, influenced by a series of factors. In this study, we look at the impact of essentially three variables of interest: education, religion and location, allowing for interaction between education and the intensity of religious practice. Whether the effect of the intensity of religious practice on the support for the law varies with the level of education is the effect that we want to test through the interaction term.

Our dependent variable is a dummy. In this case two kinds of models can be estimated: a linear probability model and a non-linear model (Probit or Logit). The linear probability model considers that the probability of success or failure is a linear function of the independent variables. Consequently, in this model, the marginal effect of each independent variable is constant. Whatever the initial value of the explanatory variable, a unit variation of this variable will always imply the same variation of the probability of success. This is one of the drawbacks of this method. Two more problems can arise. First, the expected probability of success or failure may lie out of the interval [0,1]. Second, one should expect a problem of heteroskedasticity. If it is the case, the estimated coefficients are unbiased but the standard errors are no longer valid for constructing confidence intervals and *t* statistics (Wooldridge, 2002: 248). In the Probit and Logit models, the expected probability is an increasing non-linear function of the explanatory variables. Consequently, the marginal effect induced by a one unit variation of the explanatory variables is not constant. Moreover, the probability of success is strictly between 0 and 1. However, the use of an interaction term in non-linear models is slightly more complex than in linear models. In fact, we have to test for the sign and the significance of the interaction term by using the methodology proposed by Norton, Wang and Ai (2004). The results concerning the interaction term are not straightforward. We need to base the test about the statistical significance on the estimated cross-partial derivative of the expected value of the dependent variable. For a simple interaction, the test is quite easy. However, in the first step of our analysis, we use the all sample and estimate a model with a double interaction term. In this case, the test proposed by Norton and al. cannot be directly implemented. Consequently, by using a non-linear model we cannot interpret the coefficient of the interaction terms. A doubt will persist concerning their sign and their significance.

In a first step, we will therefore use a linear probability model. Following Wooldridge (2002: 455), “if the main purpose is to estimate the partial effect of  $x_j$  on the response probability, averaged across the distribution of  $x$ , then the fact that some predicted values are outside the unit interval may not be very important. The linear probability model need not provide very good estimates of partial effects at extreme values of  $x$ ”<sup>21</sup>. Moreover, in practice, OLS estimation provides a good guide to which variables are statistically significant (Cameron and Trivedi, 2005: 495). Finally, a big part of our explanatory variables are discrete variables (most of them are dummies). In this case, the linear probability model is

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<sup>21</sup>  $x_j$  represents the explanatory variable and  $x$  the vector of all explanatory variables of the model.

completely general in the sense that we need not worry about fitted probabilities less than zero or greater than one (Wooldridge, 2002: 456-457). Our results are corrected for heteroskedasticity. We provide the heteroskedasticity-robust standard errors.

The first model we estimate is characterized by the following specification:

$$y_i = \alpha + \beta_1 Rel_i + \beta_2 Educ_i + \beta_3 Fem_i + \beta_4 Rel * Educ_i + \beta_5 Rel_i * Fem_i + \beta_6 Educ_i * Fem_i + \beta_7 Rel_i * Educ_i * Fem_i + \varphi Z_i + \varepsilon_i$$

Where  $y_i$  corresponds to the dummy variable STRONG\_SUPPORT whose value is 1 if the individual  $i$  expressed a strong support to the Code ;  $Rel_i$  represents the intensity of the religious practice ;  $Educ_i$  corresponds, in the two first estimations, to the variable HIGH\_EDUC and in the estimations (3) and (4), to the variable EDUC ;  $Fem_i$  corresponds to the dummy variable FEMALE whose value is one when the respondent  $i$  is a woman ;  $Z_i$  is a vector of individual  $i$ 's characteristics and characteristics of his household ; and  $\varepsilon_i$  is the error term<sup>22</sup>.

In a second step, we split our sample in to subsamples according to the sex of the respondent. We use a Probit model with a simple interaction. The conditional expected value of the dependent variable is given by the following expression:

$$E[y|Rel, Educ, Z] = \Phi(\beta_R Rel + \beta_E Educ + \beta_{RE} Rel * Educ + Z\varphi) = \Phi(u)$$

Where  $\Phi$  corresponds to a standardized normal cumulative distribution function;  $Rel$  represents the variable RELIGION which measures the intensity of religious practice;  $Educ$  corresponds either to the dummy variable HIGH\_EDUC, or to the variable EDUC;  $Z$  is a vector of the characteristics of the individual and the household to which she/he belongs.

A final approach that we present in Appendix 5, use the information concerning the support to the law at a disaggregated level. Instead of using as a dependent variable a dummy indicating if the support for the law is strong or not, we use the information we received about the support for each of the eight clauses on which we focused our survey. We estimate a system of equation composed of eight equations, one equation per clause. Each dependent variable is a dummy whose value is one if the respondent supports the clause. The independent variables are the same in all the equations. We estimate both a SURE model and a multivariate probit. The results of this approach are presented in Appendix 5.

## 7 Results

### 7.1 Main results

Table 8 presents the results obtained by using the full sample and estimating the coefficients in the case of the linear probability model. The dependent variable is the dummy STRONG\_SUPPORT whose value is one for the respondents strongly supporting the Code. The variables RELIGION, HIGH\_EDUC and FEMALE, in the estimations (1) and (2), and the variables RELIGION, EDUC and FEMALE, in the estimations (3) and (4), are the variables which have been interacted. The

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<sup>22</sup> Location has also been interacted with religion and education for some specific regressions on the subsample composed of women.

variables PRIMARY and SECONDARY represent the other levels of education. NO\_EDUC has not been introduced in the regression in order to avoid a problem of multicollinearity; it acts as the reference category. The variable RURAL is a dummy variable whose value is one when the respondent is living in a village. The variable AGE is a continuous variable indicating the age of the respondent. The variable NR\_ROOMS gives the number of rooms per person living under the same roof as the respondent<sup>23</sup>. This variable is a proxy for the level of wealth of the respondent's family. The variable ACT\_REV is a dummy variable whose value is 1 when the respondent earns money by exercising a professional activity (formal or informal).

The first regression focuses on the interaction between the variable HIGH\_EDUC (whose value is 1 when the respondent has achieved the *baccalauréat* or a university degree) and the variable RELIGION measuring the intensity of the religious practice. Apart from the variables used in the interaction term, only the different levels of education are introduced as control variables (NO\_EDUC is the reference category). The second regression is similar to the first one except that we introduce some additional control variables. The third and the fourth regressions follow the same approach as the first two regressions except that, this time, the variable RELIGION is interacted with the variable EDUC (whose value is 1 when the respondent achieved at least the *collège*).

Table 8: Results of the linear probability model

DEPENDENT VARIABLE : STRONG_SUPPORT				
	(1)	(2)	(3)	(4)
RELIGION	-.0109 (.0203)	-.0053 (.0218)	.0231 (.0197)	.0256 (.0219)
HIGH_EDUC	.1974*** (.0684)	.2045*** (.0797)		
EDUC			.1677*** (.0521)	.1821*** (.0669)
FEMALE	.3209*** (.0410)	.3399*** (.0526)	.3591*** (.0449)	.3755*** (.0556)
REL_HIGH_EDUC	-.1029** (.0536)	-.1139** (.0536)		
REL_EDUC			-.1086*** (.0402)	-.1111*** (.0407)
REL_FEMALE	.0424 (.0427)	.0477 (.0422)	.0345 (.0460)	.0440 (.0457)
FEMALE_HIGH_EDUC	-.1248 (.1372)	-.1480 (.1387)		
FEMALE_EDUC			-.1435* (.0863)	-.1411 (.0867)
REL_HIGH_EDUC_FEM	.0479 (.1521)	.0439 (.1505)		
REL_EDUC_FEM			.0003 (.0912)	-.0073 (.0891)
PRIMARY	.0356 (.0506)	.0375 (.0536)	.0462 (.0506)	.0522 (.0539)
SECONDARY	.0751 (.0526)	.0889 (.0635)		
RURAL		.0358 (.0471)		.0468 (.0475)
AGE		-.0012 (.0015)		-.0010 (.0015)
NR_ROOMS		.0662*** (.0247)		.0636*** (.0245)
ACT_REV		.0545 (.0476)		.0489 (.0462)
CONSTANT	.1156*** (.0344)	.0386 (.1054)	.0871*** (.0343)	.0004 (.1068)
Nr. Obs	541	540	541	540
R <sup>2</sup> ajusted	0.1095	0.1233	0.1181	0.1314

\* significant at 10% level, \*\* significant at 5% level, \*\*\* significant at 1% level  
Robust standard errors are in parentheses.

<sup>23</sup> We exclude the toilets, the kitchen and the bathroom.

We observe that the variables HIGH\_EDUC and EDUC appear with a positive and statistically significant coefficient: educated men are more likely to strongly support the new legislation<sup>24</sup>. The results concerning education are not statistically different for women except in regression (3) where it appears that the correlation between education and the support for the law is lower for women. The intensification of the religious practice is not significantly correlated with the probability of strongly supporting the Code for individuals whose level of education is under a certain threshold. For all the regressions, the coefficient of the interaction term between the variable RELIGION and the variable indicating a minimum level of education (HIGH\_EDUC or EDUC), REL\_HIGH\_EDUC and REL\_EDUC, is negative and statistically significant. These coefficients indicate that, for men, the fact of being educated coupled with an intensification of the religious practice has a negative effect on the probability of strongly supporting the Code. As the coefficient of the variables REL\_HIGH\_EDUC\_FEM and REL\_EDUC\_FEM are not statistically significant, the results concerning the interaction term are not statistically different for women. We thus observe that the correlation between the intensification of the religious practice and the support for the law is different for more educated people and less educated people. For the persons whose level of education is above a certain threshold, the intensification of the religious practice is significantly associated with a lower likelihood of supporting the Code. Another reading of these results is that the positive effect of education is lower when the religious practice is more intense.

These results establish the existence of complex interaction effects between religion and education. Moreover, in order to get education beyond the primary level, rural residents have to move to urbanized areas. Rural people who have received post-primary education have thus been exposed to a new universe and set of experiences. Our results suggest that people who have participated in the urban educational system and are characterized by a high level of religiosity are less likely to support a progressive legal reform. To understand this result, it is essential to focus on the recent evolution of the Moroccan society with a special attention to the education system.

In Morocco, we observe that puritanical movements are essentially present in urban areas where they mainly attract educated people. They have been present in universities since the 80's. These groups exert an important influence on university life: « with regard to cultural activities, the content of the courses, students' diary life, they impose permanently an Islamic view of society, encouraged by the permissiveness of the professors who are demotivated given their low salaries and the absence of a hierarchy » (Dalle, 2004: 706). They also control associations and student unionism (Dalle, 2004: 708; Tozy, 1999: 181). In the same vein, Clifford Geertz indicates that, in Morocco, fundamentalism is above all present in universities and some outlying regions (Geertz (1968): 7; introduction rewritten in 1991). The influence of radical movements is also detected at lower levels of education. The decline in the quality of public education leads to the creation of private schools linked to religious movements, on the one hand, and to the supply of extracurricular activities by 'Islamic' teachers, on the other hand. They offer, for instance, free extra classes for students who need to catch up and have collective revision sessions. They also work as teachers or members of the administrative staff in public schools<sup>25</sup>. Moreover, they are active in centers which train future teachers (Tozy, 1999: 180-84).

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<sup>24</sup> This result characterizes men for whom the variable RELIGION is equal to zero. As the mean of the variable RELIGION is -0.0017, we can say that the result characterizes men with an average level of religiosity.

<sup>25</sup> Tozy highlights the fact that in a high school of Casablanca, the 'Islamic' teachers and administrative members were able to create classrooms composed by students abiding their ideas and receiving favourable treatment. Thus, they create an elite whose school success is linked to their religious investment (Tozy, 1999: 183).

The existence of radical positions among the intellectuals is not new. During the protectorate and at the time of the independence, the return to a scripturalist tradition was initiated by intellectuals in Arabized cities (Geertz, 1968)<sup>26</sup>. Intellectual nationalists of the most important towns of the country joined the scripturalist Allal el-Fassi in order to launch the National Movement, the first mass movement for independence (Geertz, 1968: 95). By referring to the Berber Dahir of 1930, which allowed the Berber mountain tribes to use the customary law in civil disputes while placing them under the French criminal code, Clifford Geertz points out the following fact: « Coinciding with the rise of the intense Islamic puritanism of the Egyptian and Afghan-Parisian reformers Abduh and Al-Afghani among the notables of the Arabized towns, and particularly those around the ancient Qarawiyyin University at Fez, the Berber Policy and its implied threat to Islam stimulated the growth of nationalism under the banner of defending the faith against European-sponsored secularization and Christianization » (Geertz, 1975: 299). Furthermore, Lapidus stresses the fact that « Moroccan reformers, inspired by Muhammed Abduh, began an educational movement in Fez, Rabat, Salé, and other towns, founding schools to teach Arabic grammar, ethics, logic, Islamic history, and arithmetic, but not modern sciences. The Salafiya stressed the purification of Islam, opposing to saint worship, and defense against Western cultural encroachment » (Lapidus, 2002: 609).

On the one hand, the movement for independence opposed to the occupying forces was based on religion: this is the Islam of the Opposition as referred by Clifford Geertz. On the other hand, the scripturalist doctrine was not exclusively oriented against the western values but also against traditional practices such as Maraboutism (Geertz, 1968: 81, Lapidus, 2002: 609). As for the Monarchy, it refused to bring its position into line with the salafi nationalism defended by the Istiqlal movement and allows religious pluralism (Tozy, 1999: 168). In rural communities, the practice of saint worship and the existence of brotherhood persist. In cities, the indigenous population is eager to distinguish itself from the customary version of Islam (inspired by Sufism) as adopted by rural populations. Rural-urban migrants, in order to be accepted into the urban society adopt puritanical attitudes inspired by the scripturalist strand of Islam. The socialization of those coming from rural areas went thus through the adoption of a puritanical behavior (Tozy, 1999: 168).

To sum up our argument, it seems that two different mechanisms are likely to explain our results. First, educated people are living in cities or have been in contact with urban population for a long period, and cities are dominated by a scripturalist religious tradition. Second, the education system is the object of cultural activism of radical movements. In universities, they are controlling student organizations. Even if real activists represent a small minority of the students, their ideas may spread to other students sensitive to their positions (Tozy, 1999: 170-74).

The results in Table 8 also show that women are more likely to support the new Family Code: the coefficient of the variable FEMALE is positive and significant. The place of residence – rural or urban – and the age of the respondent are not significantly correlated with the probability of supporting the Code. The socio-economic status that we approximate by using the number of rooms per person is positively and significantly correlated with the probability of supporting the law. On the other hand, the fact of earning money by exercising a professional activity is not significantly associated with the support of the law.

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<sup>26</sup> Geertz considers, however, that the battle between scripturalism and maraboutism was initiated around 1900. Since 1870, a Berber student coming from a rural area and having studied in Egypt defended (at the Qarawiyyine University of Fez) a literal interpretation of religious texts. The *Salafi* ideas began their influence (Geertz, 1968: 87).

In Appendix 2, we present graphs showing the relationship between the fitted value of the probability to support the law (linear probability model with controls and double interaction) and the index measuring the intensity of religious practice by level of education. From these graphs, we observe that for non-educated people or poorly-educated people, the relationship between the probability to support the law and the intensity of religious practice is positive. However, we distinguish two masses of points suggesting that two groups behave in two different ways. It appears that the positive relationship is essentially due to the subsample of non-educated or poorly-educated women. This observation, among other things, justifies the study of two subsamples: the men subsample and the subsample composed of women.

Table 9 presents the output of the estimated Probit model<sup>27</sup>. The regression (5) covers the entire sample while the three following regressions only use the data concerning male respondents and regression (9) uses the same specification as regression (8) but by applying it to women. For the interaction term, we verify the sign and significance of the coefficient by following the approach proposed by Norton et al (2004). The results of this test are found in the last two rows of Table 9.

For regressions (6) and (7), the intensity of religious practice is interacted with the variable HIGH\_EDUC. Regarding the variables measuring education, we initially took those who have no education as the reference group (NO\_EDUC = 1). This is done in regression (6). We then change the reference group in regression (7): those who have completed the *collège* degree or who have reached the *lycée* without having obtained the *baccalauréat* (SECONDARY = 1). For regression (6), the coefficient of HIGH\_EDUC appears with a positive sign and it is significant at 1% level. SECONDARY coefficient is positive and significant at 5% level. PRIMARY coefficient is not significant. Education is positively and significantly correlated with the support of the Code only above a certain level (at least the *collège* level). In regression (7), the effect of HIGH\_EDUC is not significant (the reference group is now the one for which SECONDARY = 1). On the other hand, PRIMARY coefficient is significant at 5% level and appears with a negative sign. We therefore decided for regression (8), to use the variable EDUC (which is equal to 1 for individuals who achieved at least the *collège*) for the construction of the interaction term with the variable RELIGION.

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<sup>27</sup> We do not report marginal effects.



Table 9: Results of the Probit model

DEPENDENT VARIABLE : STRONG_SUPPORT					
	(5) FULL SAMPLE	(6) MEN	(7) MEN	(8) MEN	(9) WOMEN
RELIGION	.0532 (.0704)	-.0314 (.1009)	-.0314 (.1009)	.1137 (.1345)	.2365** (.1192)
HIGH_EDUC	.4490** (.2111)	.8334*** (.3333)	.1219 (.2497)		
EDUC				.6703** (.3132)	.1255 (.2241)
REL_HIGH_EDUC	-.3682*** (.1519)	-.3227* (.1751)	-.3227* (.1751)		
REL_EDUC				-.3979** (.1685)	-.3506* (.2061)
FEMALE	.8802*** (.1327)				
NO_EDUC			-.7114** (.3202)		
PRIMARY	.0717 (.1629)	.0295 (.3222)	-.6819** (.3099)	.0419 (.3228)	.1867 (.2126)
SECONDARY	.2557 (.1867)	.7114** (.3202)			
RURAL	.0728 (.1395)	.0303 (.2253)	.0303 (.2253)	.0220 (.2295)	.2129 (.1850)
AGE	-.0041 (.0043)	.0061 (.0074)	.0061 (.0074)	.0056 (.0076)	-.0069 (.0055)
NR_ROOMS	.1974*** (.0742)	.1588 (.1118)	.1588 (.1118)	.1529 (.1113)	.2184** (.1001)
ACT_REV					.4058** (.1736)
CONSTANT	-1.1431*** (.2896)	-1.7431*** (.5005)	-1.0316*** (.3338)	-1.7075*** (.5085)	-.3592 (.3197)
Nr. Obs.	540	251	251	251	289
Pseudo-R <sup>2</sup>	0.0974	0.0876	0.0876	0.0913	0.0410
Sign of the IT <sup>a</sup>	Neg.	Neg.	Neg.	Neg.	Neg.
Significance of the IT <sup>a</sup>	***	**	*	***	*

\* significant at 10% level, \*\* significant at 5% level, \*\*\* significant at 1% level

Robust standard errors are in parentheses.

a: IT = interaction term

The coefficient of our variable of interest, the interaction between the intensity of religious practice and the fact of having reached a certain level of education always appears with a negative sign. The correlation with the likelihood of supporting the Code is significant at 1% level for the regression that covers the entire sample (regression (5)) and for the model estimated from the sample of men when RELIGION is interacted with the variable EDUC (regression (8)); at 5% level for regression (6), and at 10% for the model estimated from the sample of women, and for regression (7). We thus again find a

distinct effect of the intensification of religious practice: a more intense religious practice when the individual has reached a certain level of education is negatively correlated with the probability of supporting the law. The correlation between the intensification of religious practice and the support of the law among people with little or no education is not significant except for the sample of women. By comparing educated women (those who at least achieved the *collège*) and non educated or poorly educated women (primary education), we thus have an opposite relationship between the intensity of the religious practice and the likelihood of supporting the Code (see the graphs in Appendix 2). To understand this result, we have to highlight two facts. First, the majority of educated women are urban while the majority of non-educated or poorly educated women live in rural areas. The understanding of Islam is different across the residential environments: Sufi and 'Maraboutic' Islam in rural areas and puritan scripturalist Islam in cities. Given this difference, an intensification of the religious practice is likely to have distinct meanings depending on where you are living. Second, during the interviews, we realized that less educated people tend to mistake tradition for religion. When poorly educated people do not practice religion intensely, they are likely to be badly informed about religious prescriptions. They therefore oppose the law because they think that it is not in accordance with religious prescription even when it is. If they practice more intensely, they are more likely to be informed about religious prescriptions and they can therefore understand that the law is essentially deviating with respect to traditions.

The sign and significance of coefficients on RURAL and AGE variables confirm the results of the linear probability model: the living environment and age of respondent are not significantly correlated with the probability of supporting the new legislation. However, for the sample of women, we find some interesting results concerning the living environment when we interact the variable RURAL with the variables RELIGION and EDUCATION. In fact, we observe that education has a distinct effect for rural women: the correlation between education and the support of the law is positive and significant at 5% level, and the correlation between the intensification of the religious practice and the support of the law in the case of educated women is negative and significant at 1% level (this correlation in the case of non-educated or poorly-educated women is positive and significant at 5% level)<sup>28</sup>.

The respondent's socio-economic status, approximated by the number of rooms per person, is significantly and positively correlated with the probability of supporting the law when we estimate the model on the entire sample and on the sample of women. The correlation is not statistically significant for the sample of men. For women, it therefore appears that the socio-economic status is a more decisive influence than the level of education. The fact that women are engaged in generating income is also associated positively and significantly with women's likelihood of supporting the law. The latter result is rather intuitive since a woman who acquires a minimum of financial independence will be encouraged to claim rights that protect her status within the family.

Thereafter, we constructed two more variables: MARRIAGE\_MINOR whose value is one if the respondent's mother or one of his/her sisters married before 18 years old, and POLYGAMY whose value is one if the respondent has at least one polygamist in his/her family. These variables measure the degree of conservatism of the family. By adding these variables as controls in our regressions, the results concerning the interaction term is robust. Moreover, it appears that, women who have one of

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<sup>28</sup> These last results are not directly reported in Table 9.

their sisters or a mother who married very young are more likely to strongly support the Code (significant at 5% level). These results are presented in Appendix 3. In this appendix, we also present the results concerning the family structure: the variable `SISTER_PROP` gives the proportion of sisters among all respondent's brothers and sisters. Two contradictory expectations could be formulated concerning the family structure. The first one is based on the idea that the more women you have within your family the more you will be open to an improvement in women's rights because you become more sensitive to their status in the family and in society. On the contrary, if boys represent the minority, they may benefit from a privileged position in the family and play the role of traditional guardians who monitor their sisters. Consequently, the effect is not clear. From Table 12, we observe that family structure does not actually play a significant role. Moreover, the interaction term still appears with a negative sign and it is significant at 1% level for the men sample and at 10% level for the sample composed of women.

### **7.2 Additional results: what about the relationship between possession of information and support to the law?**

We conducted a  $\chi^2$  test to determine whether the strong support of the law is independent of the information held by the agents. The null hypothesis of this test is the independence between the variable `STRONG_SUPPORT` and `INFORM_STRICT`. On the basis of the result of this test, we reject the null hypothesis (p-value = 0.073). There is no independence between the strong support of the law and the fact of holding correct information on at least one provision of the new Code. However, if we increase the degree of requirement of the test to the 5% level, we can no more reject the null that both variables are independent. We then conducted the test on our two subsamples. For the male sample, the test indicates that the strong support of the law is independent of holding accurate information on at least one provision of the new Code (p-value = 0.169). By contrast, we reject the independence hypothesis when we test it on the women's sample (p-value = 0.044).

The next step consists of estimating the non-linear model by including the variable `INFORM_STRICT` as a regressor. The results of these estimates are presented in Table 10.

Table 10: The effect of knowledge

<b>DEPENDENT VARIABLE : STRONG_SUPPORT</b>			
	<b>(10)</b>	<b>(11)</b>	<b>(12)</b>
	<b>MEN</b>	<b>WOMEN</b>	<b>WOMEN</b>
RELIGION	.1182 (.1350)	.2298* (.1207)	.2188* (.1202)
EDUC	.5579* (.3154)	.0953 (.2236)	.0969 (.2213)
REL_EDUC	-.4363*** (.1720)	-.3687* (.2072)	-.3577* (.2096)
PRIMARY	.0007 (.3265)	.1702 (.2159)	.1676 (.2145)
RURAL	-.0064 (.2243)	.2322 (.1866)	.2069 (.1846)
AGE	.0054 (.0076)	-.0064 (.0054)	-.0066 (.0054)
NR_ROOMS	.1572 (.1118)	.2242** (.0994)	.2273** (.0989)
ACT_REV		.3609** (.1752)	
INFORM_STRICT	.2326 (.2100)	.3262* (.1866)	.3810** (.1848)
CONSTANT	-1.7037*** (.5094)	-.4432 (.3194)	-.3436 (.3125)
Nr. Obs.	251	289	289
Pseudo-R <sup>2</sup>	0.0957	0.0489	0.0383
Sign of the IT <sup>a</sup>	Neg.	Neg.	Neg.
Significance of the IT <sup>a</sup>	***	*	*

\* significant at 10%, \*\* significant at 5%, \*\*\* significant at 1%

Robust standard errors are in parentheses. a: IT = interaction term

The results show a positive coefficient for the variable INFORM\_STRICT and significant at 10% level for the regression on the subsample of women. Moreover, if we remove the ACT\_REV variable from the specification for women, the correlation between the variable INFORM\_STRICT and the likelihood of supporting the law becomes significant at 5% level due to multicollinearity (more well-to-do women are better informed about the law). However, an endogeneity problem might exist. Therefore, we cannot be assured of the direction of causality between strong support of the law and possession of accurate information on its content. We might suspect that those favorable to the Code have simply applied more effort to learn about the specific content of the new legislation. We have collected some testimonies from women to examine whether those who were initially against the new law have changed their minds after learning about the rights granted by the Code to women. This evidence strengthens the idea that information increases the likelihood of supporting the law. However, these qualitative data does not allow us to rigorously conclude about the causality.

We have also queried our respondents about the efforts they have voluntarily undertaken to learn about the contents of the Code. The questions were: Have you read the Code? Did you attend a debate on the Code (including televised debates)? Have you read newspaper articles about the Code? Have you

read any studies on the implementation of the Code? Have you visited an association to obtain information about the Code? We have constructed binary variables based on answers to these questions. These variables indicate whether an attempt has been made by the respondent to inquire about the content of the law. Using  $\chi^2$  tests, we have verified if these variables are independent with respect to the variable `STRONG_SUPPORT` (for the sample of women). The results indicate that the act of expressing strong support to the Code is independent of efforts to learn about its contents. The test leads to the rejection of independence in a single instance, that is, when information gathering takes the form of following debates. This is evidence against the assumption that people who are strongly supporting the Code are also those who made efforts to get information about its content.

The results presented in Table 11 shed light on the factors which increase the likelihood of possessing correct information about the contents of the Code. New variables appear in the models we estimate. The `EDUC_MAX_HOME` variable represents the highest level of education in the household. In order to construct this variable, we used the level of education of all people living under the same roof as the respondent (the nuclear family members and possibly members of the extended family). We excluded individuals less than 16 years old. The `EDUC_MAX_HOME` variable is a discrete variable whose value is between 1 (no schooling) and 9 (postgraduate). In models (15) and (18), we also included binary variables indicating the employment status of the respondent: `JOB_G1` is 1 for precarious workers; `JOB_G2` is 1 for farmers and ranchers; `JOB_G3` is 1 for those who exercise a freelance activity (trade, crafts ...); `JOB_G4` is 1 for workers, people working in hotels and restaurants; `JOB_G5` is 1 for first-class employees and persons exercising a liberal profession; `JOB_G6` is 1 for the second category of employees, and `JOB_G7` is 1 for those who has no income generating activity. This last category is used as reference category. All estimated models include a binary variable for each place of residence in order to control for the unobservable characteristics that might affect the holding of information. We distinguish between the three regions of our sample and within each region we make a distinction between rural and urban areas. The variables are the following: `CASA` whose value is one for the city of Casablanca, `CASA_RURAL` whose value is one for the villages in the Casablanca region, `NORTH` whose value is one for the cities in the Tangier-Tetouan region (Tetouan and Chefchaouen), `NORTH_RURAL` whose value is one for the villages of this later region, `OUARZ` whose value is one for the city of Ouarzazate, and `OUARZ_RURAL` whose value is one for the villages of the Souss-Massa-Draa region. The city of Casablanca is used as the reference place of residence. Ex-ante, knowledge about the Code is expected to be better diffused in the city of Casablanca as it is a modern city (the economic centre of the country) which is likely to be characterized by an easier access to information.

As expected, education is positively and significantly correlated with the likelihood of having correct information about the contents of the Code. However, among women, the achievement of primary school is never significantly correlated with the probability of being properly informed, and the effect of other levels of education is less important both in intensity and in significance. Moreover, for the sub-sample of women, once we control for the maximum level of education in the household (variable `EDUC_MAX_HOME`), the respondent's level of education, whatever it is, is not significantly correlated with the likelihood of having correct information. Notice that the maximum level of education in the household is positively and significantly correlated with the probability of being properly informed about the contents of the Code. A much less expected finding is that, among women, living in rural areas is positively and significantly correlated with the probability of being

properly informed (except in the north of the country) taking as a reference place of residence the city of Casablanca. For men, this is only true for those living in villages in the region of Casablanca. These observations could be due to the increased presence of active associations in villages, such as associations for sustainable development. In rural communities, the transmission of information is quicker and less compartmentalized between levels of education: more educated persons transmit the information to others. They may also feel more concerned by the issues dealt with in the Code. People living in smaller cities are generally also better informed: it appears to be the case for men and women living in the city of Ouarzazate and for women living in the northern cities. The city of Ouarzazate is also characterized by an important presence of associations and cooperatives that may convey information.

The respondent's age and his (her) socio-economic level as approximated by the variable NR\_ROOMS are not significantly correlated with the probability of being properly informed. For men, exercising a freelance activity, a liberal profession, or being a first-class employee is positively and significantly associated with the likelihood of having correct information about the contents of the Code. For women, exercising self-employment or being a worker present similar correlation. These are women who are likely to belong to the lower middle class and are probably most affected by the issues addressed by the Code. Moreover, the exercise of their employment may be seen as a source of social capital that promotes the access to information.

Table 11: Determinants of knowledge (Probit models)

DEPENDENT VARIABLE : INFORM_STRICT						
	(13)	(14)	(15)	(16)#	(17)#	(18)#
PRIMARY	.4833*	.4035	.4333	.3366	.2362	.2546
	(.2858)	(.2933)	(.3099)	(.2832)	(.2938)	(.2977)
SECONDARY	.7591***	.7230**	.7129**	.6123*	.4210	.4227
	(.3026)	(.3177)	(.3615)	(.3559)	(.3668)	(.3758)
HIGH_EDUC	1.8957***	1.7052***	1.6885***	.8686**	.4377	.4214
	(.3184)	(.3562)	(.4342)	(.3886)	(.4257)	(.5093)
AGE	.0048	.0038	-.0003	-.0032	-.0063	-.0064
	(.0066)	(.0071)	(.0076)	(.0071)	(.0083)	(.0086)
NR_ROOMS	-.1409	-.1891	-.2555	-.1290	-.0749	-.0458
	(.1471)	(.1680)	(.1868)	(.1252)	(.1575)	(.1585)
ACT_REV	.3047	.3357		.3104	.4049*	
	(.2018)	(.2126)		(.2062)	(.2186)	
JOB_G1			.2734			.1059
			(.3695)			(.3484)
JOB_G2			.5110			-.3299
			(.3711)			(.5536)
JOB_G3			.8627***			1.4611**
			(.3393)			(.6114)
JOB_G4			-.0771			.9974**
			(.3184)			(.4669)
JOB_G5			.8544*			.3323
			(.5200)			(.6507)
JOB_G6			.1725			.5296
			(.3207)			(.5968)
EDUC_MAX_HOME		.1048*	.1053*		.1213*	.1315**
		(.0608)	(.0653)		(.0677)	(.0686)
OUARZ	.9189***	.8365***	.8893***	1.8222***	1.7766***	1.7876***
	(.3103)	(.3085)	(.3238)	(.3375)	(.3482)	(.3599)
NORTH	.2698	.2672	.1731	.6951**	.6362**	.5552*
	(.2802)	(.2859)	(.2946)	(.3178)	(.3275)	(.3426)
CASA_RURAL	.7943***	.9128***	.9219***	1.5891***	1.5721***	1.4573***
	(.3388)	(.3477)	(.3513)	(.3808)	(.3915)	(.4093)
OUARZ_RURAL	.1415	.2811	.2858	.7724**	.8052**	.9006**
	(.3065)	(.3092)	(.3053)	(.3601)	(.3749)	(.3796)
NORTH_RURAL	.3711	.5286	.4198	/	/	/
	(.3152)	(.3374)	(.3782)			
CONSTANT	-1.9929***	-2.3741***	-2.1536***	-1.6121***	-1.9569***	-2.0286***
	(.4863)	(.5495)	(.6378)	(.4927)	(.5752)	(.5871)
<b>Nr. Obs.</b>	251	246	246	243	229	229
<b>Pseudo-R<sup>2</sup></b>	0.1948	0.2027	0.2318	0.2052	0.2069	0.2289

\* significant at 10%, \*\* significant at 5%, \*\*\* significant at 1%

Robust standard errors are in parentheses.

JOB\_G1= precarious worker; JOB\_G2 = farmer and/or rancher; JOB\_G3 = freelance activity; JOB\_G4 = worker, people working in hotels and restaurants; JOB\_G5 = first class employee, liberal profession; JOB\_G6 = second class employee.

# In regressions (16) to (18), 46 observations were dropped because NORTH\_RURAL predicts perfectly the fact of not being informed.

## 8 Conclusion

The question of the role of modern law in triggering social change is particularly important in developing countries. One of the conditions that may allow social change is the identification of the agents, particularly those who are favored by new legislation, with the law. When a law which favors some sections of the population is implemented, it is expected that the population targeted by the law will abide the new legislation. Conversely, the groups whose privileges are reduced or lost are likely to oppose the reform. In reality, we observe that it is not necessarily the case. We therefore think that this surprising fact deserves an empirical analysis in order to produce some evidence about the underlying determinants of the lack of support for the law.

In this paper, we focus our analysis on the reform of the Family Code in Morocco. The new Family Code aims at improving women's status by assigning her a new role in the family and granting her new rights. The legislation is religious-inspired and the reform of the Code has largely been justified by a reinterpretation of the *Quran*, in reference not only to the *Maliki* School - the dominant school in Morocco – but also to the other schools of Sunnite Islam.

Intuitively, we should expect that rural men with a low level of education and intense religious practice express a lower support to the new Family Code. We use a unique database created from a survey we conducted in three regions of Morocco in 2008 to provide some evidence about the factors which drive conservative positions with respect to a progressive legal reform. Our results sustain the existence of complex interaction between religion and education. The relationship between these factors and the support of the law is much more subtle than what naïve beliefs would state.

We show that the intensification of the religious practice is negatively correlated with the likelihood of supporting the Code only for educated people. Two potential explanations can be thought of. First, educated people are living in cities or have been in touch with urban populations for a long period, and cities are dominated by a scripturalist religious tradition. The socialization of those coming from rural areas went through the adoption of a puritanical behavior (Tozy, 1999). Second, the education system is the object of cultural activism of radical movements. In universities, they are controlling student organizations. Even if real activists represent a small minority of the students, their ideas may be taken into consideration by other students sensitive to their positions.

Moreover, we show that education per se is positively correlated with the likelihood of supporting the Code but essentially for men. For women, it appears that the socio-economic status is a more decisive factor than the level of education. The fact that women are engaged in generating income also significantly increases women's likelihood of supporting the law.

Location per se is not significantly correlated with the support of the law. However, the negative relationship between the intensification of religious practice for educated women and their support to the Code is more significant for women from rural areas. Rural population in the Casablanca region and rural women in villages around Ouarzazate are better informed about the content of the Code than the citizens of Casablanca city. Finally, information is positively and significantly correlated with the likelihood of supporting the Code only for women.



## **Appendix 1:** Sample creation for each of the regions where the survey took place.

In the region of Casablanca, one third of the sample of 180 people is comprised of rural people and the remaining two thirds of urban people from Casablanca city. Two provinces were chosen: the city of Casablanca for the urban survey and the province of Nouacer for the rural one (Nouacer is the second province of the region in terms of population). There are 16 districts in the city of Casablanca but in order to avoid geographic dispersion, we have decided to keep only 8 of them<sup>29</sup>. For the socio-economic background, the type of housing was used as a proxy. In order to establish the list of districts from where to select our sample units, we have produced a table showing the number of primary units (geographical areas that include about 300 households) for each type of housing in each of the districts of Casablanca. The different categories of housing are: deluxe (stratum 1), modern (stratum 2), old medina (stratum 3), economic and social (stratum 4), and slums (stratum 5). The medina is found in only two districts (El Maarif and Sidi Belyout), and we chose to keep both of them to include the residents of this urban environment in the sample. These are typically people who settled in Casablanca for several generations and whose socio-economic level is relatively low. Some districts, Hay Mohammadi and Sidi Moumen, have been selected for the preponderance of middle class people, lower middle and lower. Other districts have been chosen for their diverse population: Mers Sultan, Hay Hassani and Ain Chock. A striking feature of the latter districts is the proximity of villas and slums, which are sometimes adjacent to each other. Finally, the districts of Anfa and El Maarif have been selected because of the concentration of their populations in the first two categories of housing.

For the region of Tanger-Tétouan, two provinces have been chosen: the Tetouan province and Chefchaouen. The sample of 180 people was split between the two provinces based on the demographic weight of the target group of people aged more than 18 years. Within each province, the division between urban and rural areas was made according to the importance of each type of residential environment within the province. In each province, three communes with primary rural units<sup>30</sup> have been selected following discussions with people from the region in order to take account of the accessibility of the villages and to avoid geographical dispersion. In the province of Chefchaouen, the communes which were selected are: Bab Taza, Dardara and Talambote, and in the Tetouan province: Azla, Ain Lahsen and Zaytoune.

For the region of Souss-Massa-Draa, we have opted for a single province: the province of Ouarzazate. The 180 people were divided between urban and rural areas according to the importance of each type of residence within the province. For the urban area, Ouarzazate was the only city considered. For the rural areas, we drew a circle of 80km around the city of Ouarzazate, and decided to restrict our attention to the communes that lie entirely within this circle. The criteria of accessibility and geographical spread again motivated our choice of municipalities. A member of the High Commission for the region was consulted in order to help us. The municipalities selected are: Ait Zineb, Ighrem N'Ougdal, Ouisselsate, Skoura and Toundoute.

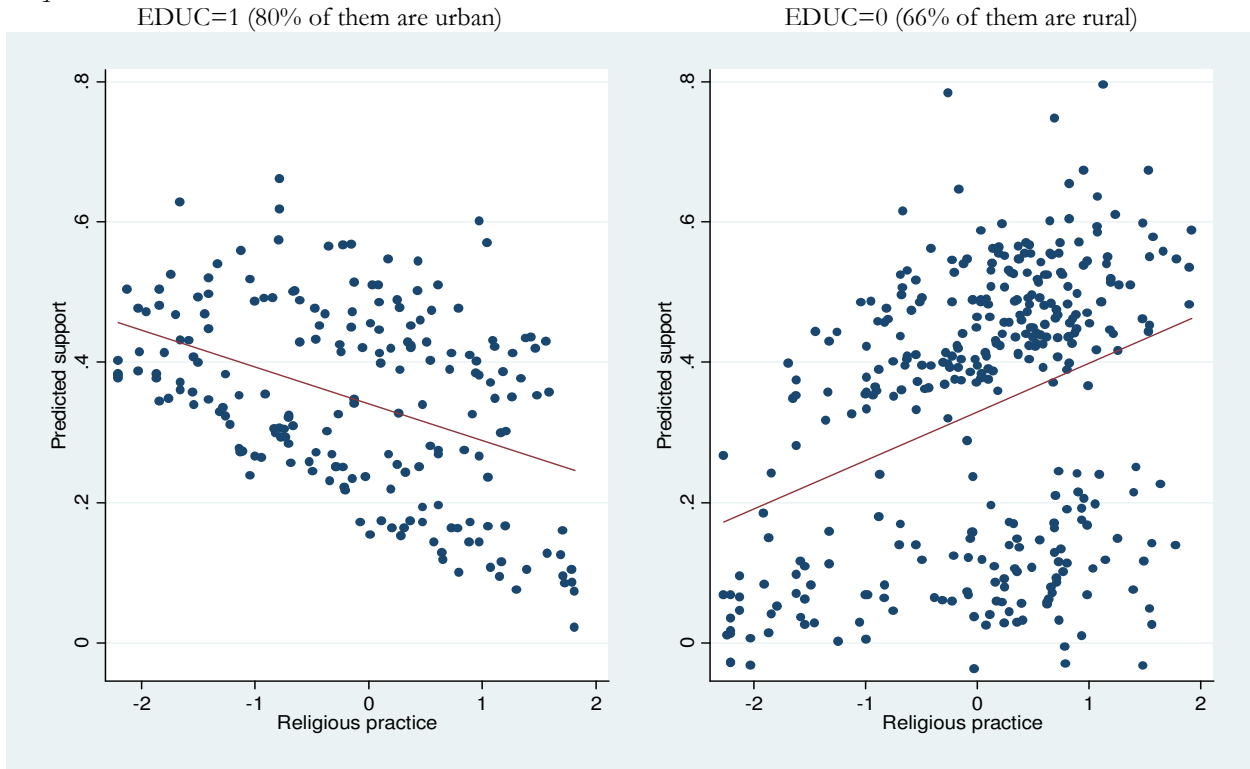
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<sup>29</sup> We do not think it was necessary to survey 180 people in 16 districts since the important thing was that our choice provided sufficient variation in terms of socio-economic status.

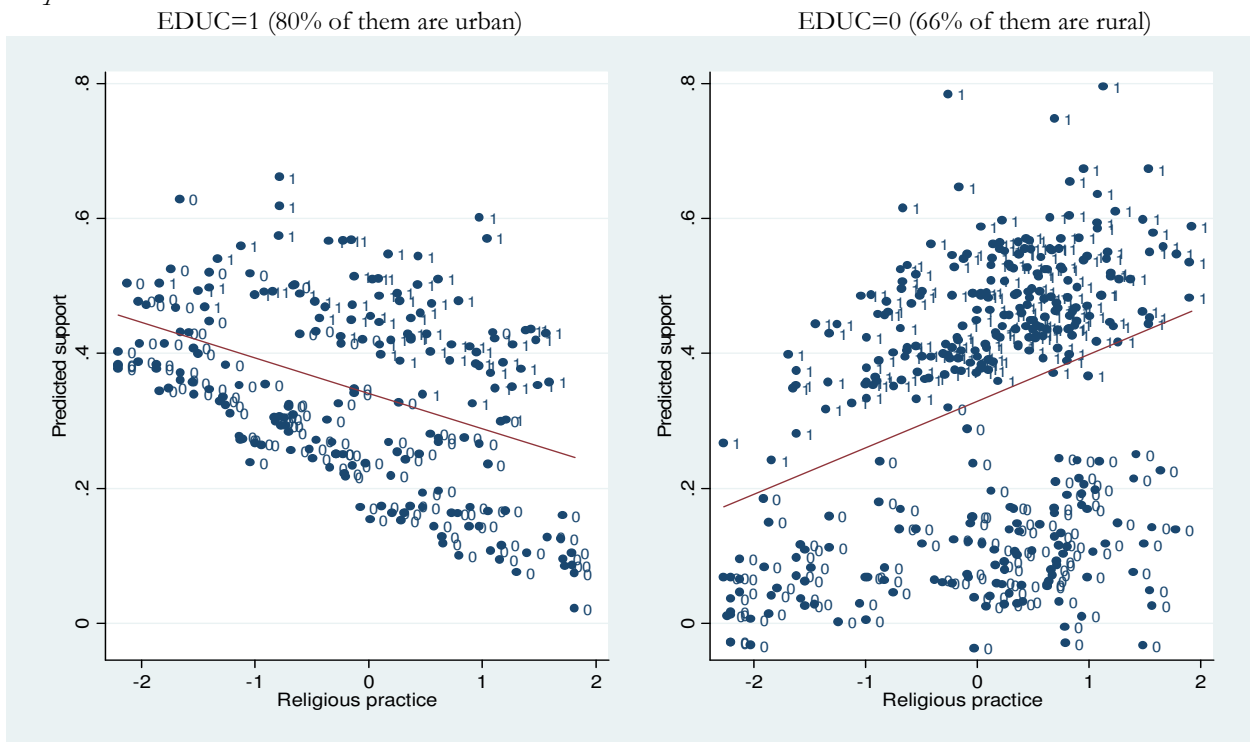
<sup>30</sup> A primary unit is a geographical area which is composed of 300 households.

**Appendix 2:** Relationship between the fitted value of the probability to support the law (linear probability model with controls and double interaction) and the index measuring the intensity of religious practice by level of education (EDUC=1: secondary or university degree; EDUC=0: no education or primary)

Graph 1:



Graph2:



0: men  
1: women

**Appendix 3:** Probit estimations: The role of family conservatism and family structure

Table 12: The role of family conservatism and family structure

	DEPENDENT VARIABLE : STRONG_SUPPORT			
	MEN	WOMEN	MEN	WOMEN
RELIGION	.1242 (.1356)	.2341** (.1203)	.0969 (.1455)	.2406** (.1208)
EDUC	.6393** (.3176)	.2025 (.2259)	.6469** (.3227)	.1707 (.2357)
REL_EDUC	-4186** (.1714)	-3655* (.2100)	-4162** (.1804)	-3652* (.2133)
PRIMARY	.0083 (.3315)	.2403 (.2148)	.0912 (.3379)	.2394 (.2170)
RURAL	.0540 (.2355)	.2065 (.1857)	-.0188 (.2329)	.2436 (.1899)
AGE	.0065 (.0073)	-.0063 (.0054)	.0068 (.0078)	-.0018 (.0059)
NR_ROOMS	.1508 (.1137)	.2113** (.1019)	.2054* (.1154)	.2302** (.1055)
ACT_REV	-.3297 (.2074)	.4352** (.1782)	-.3445* (.2073)	.4004** (.1771)
MARRIAGE_MINOR	-.0082 (.1336)	.1691** (.0791)		
POLYGAMY	.2603 (.2647)	.1166 (.1891)		
SISTER_PROP			-.4152 (.3443)	.2338 (.2956)
CONSTANT	-1.5325*** (.5283)	-.5468* (.3285)	-1.3299 (.5835)	-.6722 (.3804)
Nr. Obs.	251	289	243	277
Pseudo-R <sup>2</sup>	0.1031	0.0539	0.1157	0.0405
Sign of the IT <sup>a</sup>	Neg.	Neg.	Neg.	Neg
Significance of the IT <sup>a</sup>	***	*	***	*

\* significant at 10%, \*\* significant at 5%, \*\*\* significant at 1%

Robust standard errors are in parentheses.

a: IT = interaction term

**Appendix 4:** Robustness checks: Estimations with SOFT\_SUPPORT as a dependent variable

In order to produce some robustness checks, we also construct the variable SOFT\_SUPPORT whose value is one if the respondent supports at least six clauses out of eight.

Table 13: SOFT\_SUPPORT as dependent variable

DEPENDENT VARIABLE : SOFT_SUPPORT				
	ALL SAMPLE	ALL SAMPLE	ALL SAMPLE	ALL SAMPLE
RELIGION	.2124*** (.0814)	.2207*** (.0810)	.2052*** (.0831)	.2094*** (.0803)
EDUC	.1009 (.1872)	.1221 (.1879)	.2273 (.1935)	.0004 (.1923)
REL_EDUC	-.3723*** (.1199)	-.3899*** (.1186)	-.4051*** (.1239)	-.4130*** (.1227)
PRIMARY	.1403 (.1767)	.1529 (.1763)	.2420 (.1794)	.1083 (.1785)
RURAL	.0567 (.1463)	.0534 (.1452)	.0738 (.1499)	.0701 (.1479)
AGE	-.0120*** (.0047)	-.0118*** (.0047)	-.0100** (.0049)	-.0116*** (.0047)
NR_ROOMS	.1535* (.0891)	.1516* (.0887)	.1720* (.0960)	.1584* (.0904)
ACT_REV	.0879 (.1359)	.0826 (.1366)	.1326 (.1399)	.0527 (.1376)
FEMALE	1.1684*** (.1521)	1.1524*** (.1523)	1.287*** (.1585)	1.1867*** (.1529)
MARIAGE_MINOR		.0535 (.0688)		
POLYGAMY		.1759 (.1661)		
SISTER_PROP			.0528 (.2383)	
INFORM_STRICT				.4238*** (.1519)
CONSTANT	.0278 (.3352)	-.0359 (.3373)	-.2203 (.3666)	-.0496 (.3371)
Nr. Obs.	540	540	520	540
Pseudo-R <sup>2</sup>	0.1647	0.1675	0.1817	0.1764
Sign of the IT <sup>a</sup>	Neg.	Neg.	Neg.	Neg.
Significance of the IT <sup>a</sup>	***	***	***	***

\* significant at 10%, \*\* significant at 5%, \*\*\* significant at 1%

Robust standard errors are in parentheses.

a: IT = interaction term

## **Appendix 5:** System of equations

In this approach, we use the information we got about the support for each of the eight clauses on which we focused our survey. We estimate a system of equation composed of eight equations, one equation per clause. Table 14 summarizes the information concerning the support to each clause.

*Table 14:* The respondents proportion supporting the clauses of the new Code

<b>Clauses</b>	<b>Favorable (%)</b>
1. The joint responsibility of the family	88.93
2. The husband's duty of supporting his wife	91.14
<b>3. The end of the wife's duty to obey her husband</b>	<b>32.59</b>
<b>4. The marriage of women without the consent of their guardian</b>	<b>31.61</b>
5. The marriage of minors in age	87.22
<b>6. Polygamy</b>	<b>75.56</b>
<b>7. Divorce</b>	<b>81.37</b>
8. The contract which states how to manage property in the case of divorce	79.63

Each dependent variable (SUPPORT) is a dummy whose value is one if the respondent supports the clause. The independent variables are the same in all the equations. We estimate both a SURE model and a multivariate probit on the entire sample by controlling, among other things, the sex of the respondent. For the interaction term, we use the education variable HIGH\_EDUC (HIGH\_EDUC=1: *baccalauréat* or university degree). In the SURE model, the coefficient of the interaction term appears with a negative sign and it is significant at 10% level for the third, the fourth and the sixth clauses and at 5% level for the 7<sup>th</sup> clause. By looking at Table 14, one can observe that the effect is significant for the most debatable clauses (these for which the adherence is lower). These clauses are also considered by a high proportion of respondents as not being in accordance with religious principles of Islam (61% for clause 3, 56% for clause 4, 22% for clause 6, 11% for cause 7 against less than 10% for the other clauses). In the multivariate probit, the coefficient of the interaction term appears with a negative sign and it is significant at 10% level for the third, the fourth and the 7<sup>th</sup> clauses<sup>31</sup>. Table 15 presents the results for the SURE model and Table 16 for the multivariate probit model.

<sup>31</sup> We tested for the sign and the significance of the interaction term by using the methodology proposed by Norton, Wang and Ai (2004).

Table 15: SURE model

	DEPENDENT VARIABLE: SUPPORT							
	CLAUSE 1	CLAUSE 2	CLAUSE 3	CLAUSE 4	CLAUSE 5	CLAUSE 6	CLAUSE 7	CLAUSE 8
RELIGION	.0026 (.0151)	.0278** (.0144)	-.0035 (.0231)	.0068 (.0241)	-.0162 (.0167)	-.0074 (.0206)	.0231 (.0186)	.0176 (.0201)
HIGH_EDUC	.1506*** (.0446)	-.0092 (.0426)	.2584*** (.0685)	.0116 (.0714)	.0829* (.0493)	.0866 (.0611)	.1989*** (.0550)	.1188** (.0594)
REL_HIGH_EDUC	-.0401 (.0316)	.0039 (.0302)	-.0848* (.0485)	-.0899* (.0505)	-.0434 (.0349)	-.0721* (.0432)	-.0776** (.0389)	-.0441 (.0421)
RURAL	-.0515* (.0296)	-.0368 (.0283)	-.0156 (.0455)	.0373 (.0474)	-.0641** (.0328)	.0103 (.0406)	-.0039 (.0365)	.0983** (.0394)
Controls	yes	yes	yes	yes	yes	yes	yes	yes
Nr. Obs.	540	540	540	540	540	540	540	540
R <sup>2</sup>	0.1611	0.0622	0.1229	0.0341	0.1128	0.1741	0.1766	0.1058

\* significant at 10%, \*\* significant at 5%, \*\*\* significant at 1%

Standard errors are in parentheses.

Controls: PRIMARY, SECONDARY, NR\_ROOMS, AGE, ACT\_REV, FEMALE.

Table 16: Multivariate probit

	DEPENDENT VARIABLE: SUPPORT							
	CLAUSE 1	CLAUSE 2	CLAUSE 3	CLAUSE 4	CLAUSE 5	CLAUSE 6	CLAUSE 7	CLAUSE 8
RELIGION	-.0721 (.0865)	.0764 (.0912)	.0730 (.0647)	.0335 (.0664)	-.1365 (.0861)	-.0423 (.0723)	.0671 (.0768)	.0628 (.0751)
HIGH_EDUC	1.3586*** (.3243)	.4538* (.2479)	.1432 (.1783)	-.0612 (.1803)	.9359*** (.2545)	.3401* (.1902)	.9582*** (.2521)	.3166 (.2061)
REL_HIGH_EDUC	-.2497 (.2872)	-.0128 (.1906)	-.2404* (.1432)	-.2522* (.1484)	-.3178 (.2116)	-.1915 (.1592)	-.3395* (.1931)	-.1411 (.1541)
RURAL	-.0693 (.1773)	.1478 (.1611)	-.4410*** (.1228)	.0518 (.1170)	-.0656 (.1475)	.0873 (.1271)	.0766 (.1463)	.3305** (.1402)
Controls	yes	yes	yes	yes	yes	yes	yes	yes
Nr. Obs.	540	540	540	540	540	540	540	540
Sign of the IT <sup>a</sup>	Neg.	Neg.	Neg.	Neg.	Neg.	Neg.	Neg.	Neg.
Significance of the IT <sup>a</sup>	/	/	*	*	/	/	*	/

\* significant at 10%, \*\* significant at 5%, \*\*\* significant at 1%

Robust standard errors are in parentheses.

a: IT = interaction term

Controls: PRIMARY, SECONDARY, NR\_ROOMS, AGE, ACT\_REV, FEMALE.

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