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To the memory of:

Habiba Sbihi (1935-1994)
Mohammed Larbi Benslimane (1912-1985)

who conceived me in their hearts,
who fed me their nostalgia of the past,
who taught me respect for learning and affection,
who immersed me in enduring and rigorous values,
and brought me up as 'the chosen,' obstinate and fiercely proud.
ABSTRACT

Between Proscription and Prescription: Adoption, Kafala, and Abandoned Children in Morocco

by

Jamila Bargach

Conventional interpretations agree that Islamic jurisprudence officially prohibits adoption. Anthropologists have thus tended to presume that adoption does not exist in the Muslim world. This dissertation explores a conflicted and complex array of practices—extra-legal, illegal, customary, and religiously valorized—that fill the lacuna which official proscription leaves open. It focuses particularly upon two such practices: secret adoptions, which are considered a criminal activity and therefore create a fragile legal fiction of family continuity; and kafala (tutelage-fostering) which is religiously encouraged but creates an equally fragile family unit in which there is no continuity. The dissertation further addresses the failure of the one legal practice (kafala) to absorb the rapidly increasing number of “illegitimate” and unwanted children, and the consequent emergence of what has recently been identified as a national crisis: that of abandoned children. The dissertation explores legal, historic, literary, sociological, and administrative literature, and is based on field research combining interviews and participant volunteering. I examine adoption as a practice and juxtapose legal apparatus, state and bureaucratic edifice, the world of development and philanthropy, individual and family stories, and elements of the cultural repertoire to depict the highly fluid world of
secret adoptions and kafala within Moroccan society. Through adoptions, kafala, and abandoned children, this dissertation analyzes core symbols and institutions in Moroccan society--family, state, social politics, affect--and performs a cultural critique of their internal mechanisms.
One late evening in September 1996, I sat transcribing and typing up notes in my newly rented apartment in Rue Zanjibar of the Quartier l'Ocean, lost in thought about how and where to continue this research. It was hot and humid as Rabat can be (but not as much as Houston); I had my only living-room window (to which I had put a netting-screen as I have grown accustomed to in America) wide open as I listened to the untimely silences in the street. There was a football match on TV. All of a sudden this peaceful atmosphere was disrupted by the loud screaming of a woman. I panicked, I did not know what to do but run to the screened window to see what was happening before going downstairs. My initial thought was that the woman was being beaten, but to my relief on the other side of the street opposite my apartment building was a man, probably in his early forties (I could tell since I lived on the first floor) was hitting his head against the wall, an older woman, perhaps his mother, screaming for him to stop. He was shouting at the top of his voice with an unparalleled despair "so why do you treat me so differently, am I a *uld l-hram* ‘bastard’ that you only got out of the hospital, right, right? I am not your son, not your son of your blood and flesh..." Heads peeped out of balconies and windows... I was trapped, it was a sad family scene but I could not help but ponder over the meaning and actions of this man and think 'despair, loss, and bastardy.'

In the heavy pangs of the night-heat, the desperation in this man’s voice lingered in my ears even while I was trying to remind myself of the next day’s appointments with a number of families; I had gone to Morocco primarily to research customary adoptions. The next morning as I was coming down to the *rez-de-chaussé* I met the super and I
decided, that despite my apprehension of him, to converse with him. The super, the
guardian of dubious bourgeois morality and ethics, scrutinized my visitors, and my
outings-and-comings. I was a woman married to an American living by herself in a rather
low-income neighborhood. This remains a largely rare phenomenon, to reckon by the
views of this super who knows everything there is to know about Rabat, and mostly about
the intimate details of everyone’s life in this neighborhood. I had to play his game, so I
candidly asked him what to do when an event like yesternight would occur again. He
answered not to worry about it, these were family quarrels (sic). On a surreptitious note,
one I figured he would like, I asked whether this man is really from the hospital? He
assured me that he is not, but that he is someone who loves drinking and has, thus, ruined
his life. His mother, from time to time, decides to put an end to his bottomless appetite,
and so, from time to time, the home scene would spill out into the street.

Throughout the following week, the voice of this man was to stay with me.
Official clearances were slow to turn out. Repeatedly, I would fall between the cracks and
repeatedly I would arouse doubts. In Ministries, I would be assured that I did not need to
have a clearance since I am, after all Moroccan, but once my American affiliation (both
institutional and marital) became known, the same reaction and answer would surface:
“we need to check.” While these problems were (or not) working themselves out, I
decided to listen, once more, to the voice of that man, truly situate his sentence in the
larger social and culture context and its sinews. I ended up deciding to focus on legal
kafala, secret adoptions, and abandoned children which are, by far, more complex than
the exchange or gift of a child within the normalized and contained realms of socially and legally sanctioned families; which is what I have called earlier customary adoptions.

Working on the issue of abandoned children required even more official clearances than my original plan. I decided that in this case ends justify means, and thus I played the card of my own family connections. This dissertation is, after all, about processes of fluidity, negotiations, and families. Following an initial door-opening, my project acquired legitimacy and I became the niece, the daughter, the sister of 'so-and-so,' rather than the dubious Moroccan working for the American, or at least such a description was no longer thrown to my face. I soon found myself partaking in excessive dinners at the most extravagant hotels in Casablanca and Marrakech for fund-raisers; walking up and down anesthetized corridors of hospitals; passing through the impersonal and bare bureaus and offices in different Ministries; uneasily straddling holes in the dirt roads of the make-shift houses of the shanty-towns; in the welcoming arms of some and the resistance of others; working in the abandoned-children's shelters learning the minutiae of changing diapers and cleaning bottoms from urine and feces; sharing concerns of how to fill the dilapidated pantries; sleeping in monasteries and dreaming of lives which unfolded within their walls; sharing many a tear with mothers, fathers, and children; lending a hand in exploiting legal loopholes; learning how to deny (at least momentarily) that maternal attachment I started developing for certain children; sharing in the psychological screenings of adoptive parents and surrenders of single mothers; in police-headquarters reading reports and trotting behind lawyers and judges up and down the dusty stairs in the courts; in meeting and passionately debating my views with
conservative learned older men in Qarawiyin in Fes or with those young, avant-garde artists and activists. *In a sentence,* I was realizing the magnitude of the iceberg, the tip of which was a desperate plea a man employed one late-evening in early September...

But the tale does not end here. It continues through other sinews. I am painfully aware that my tale can be viewed as the ultimate sign of betrayal by many of these Moroccan compatriots as I reveal many uncanny and repulsive aspects of Moroccan life to a foreign audience. Being a Moroccan, however, I am following the very dictates of my own culture's most widespread proverb, addressed incidentally to children, "hear what will make you cry, not what will make you laugh." Translating the gist of this proverb here, is that it is no longer a good idea to continue on depicting a 'clean and smooth' surface to the world, while hiding the painful realities. In trying to trace the contours of this plight and articulating the different connections between what are held usually as separate spheres in adoption, my hope is that these proposed ideas contribute to the now thriving debates in Morocco and be possibly translated into a pragmatic action. I am equally, and just as painfully aware, that my tale could be appropriated by some Western establishment and discourse to be perverted into the ultimate and revealing story from a "native" point of view about the Orient's proverbial lack of respect of 'basic human rights,' of obsolete Islamic laws and misogyny. I refuse to let myself, however, be intimidated by this kind of rhetoric or succumb to this form of imperial, paternalizing criticism. The stakes are too high for anyone to simply look for fodder for their pre-existing stereotypes about the 'Muslim' other.
My tale, therefore, addresses and calls on many audiences as it attempts to draw the contours of a problem which touches upon legal, religious, cultural, historic, political and economic discourses. It is profoundly unproductive to isolate 'adoption' (a term that I will be later contesting as a single signifier) as a practice, to analyze it only as an activity which moves within what has what has been traditionally described as the “adoption triangle.” This frame of relinquishing mothers, receiving parents, and social worker obscures the various intricately and delicately woven relationships which define and create adoption. This dissertation attempts to read all these intertwined relationships just as much as it tries to research and analyze adoption itself.

In the process of doing this research, I have accumulated a long list of people to thank. Even if awkward, my first heartfelt gratitude goes to the babies and children and to the comfort of kisses and tears. Tashakurati to all those who have welcomed me in their lives and agreed to share some of the deepest secrets and pains of all; they must remain nameless here. It has been for me, and I believe for them as well, a wonderful experience of growth and understanding.

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In Morocco even when working in an institutional setting, it has been the individuals who marked and directed my experiences. In the Ministry of Interior, my tashakurati to Ghali Lahbabi for allowing me in, to Said Warit for the many hours explaining laws and histories in detail. In the Ministry of Health my tashakurati especially to Madame Aabir and her unconventional ways of encouraging me and ‘sending me to so many places,’ and to Mr. Benimane. This work could not have been carried without the substantial support of Madame Fatima Hassar-Benslimane who made it possible for me to visit, stay and conduct research in the centers run by the League of the Protection of Children. My tashakurati equally to all the staff members of the League in Rabat who went beyond the call of duty in giving me publications, books, lunches, and mostly speaking their minds. To the social workers who welcomed me in Tangiers, Fes, Meknes, Taroudant, Kénitra, Salé, Mohammedia, Settat and Rabat. This research was only possible because of the staff’s willingness to put up with my sometimes awkward
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TABLE OF CONTENTS

Abstract

Preface and Acknowledgments v

Table of Contents xxxiii

Note on Transliteration and Transcription xxxiv

Introduction:
Object/Subject: Discipline and Argument 1

Chapter 1:
Legal Throes: Genealogies and Debates on Kafala, Adoption and Abandoned Children 12

Chapter 2:
From Intellectual, Social and Political Scenes: Social Work, and Social Views on Kafala, Adoption and Abandoned Children 75

Chapter 3:
The Culture's Hidden Mirror: Secret Adoptions and Other Cultural Dialectics 164

Conclusion:
Object/Subject: Native Anthropologist and a View into a Garden 248

Bibliography:
Latin Texts 259

Arabic Texts 278
My transliterations and transcriptions are based on the system of the *Oxford Encyclopedia of Islam*. I have, however, opted for some simple changes when transliterating Moroccan Arabic. While I have kept all the definite articles *al*, as in *al-bintu* the girl, in its full Classical form, I use a contracted form when transcribing from Moroccan Arabic, *l-bent* the girl. I equally drop the ‘d’ in the ‘dj’ sound since Moroccans do not employ this sound. In addition, I add one more vowel the ‘e,’ widely used in Moroccan, than what is listed in the *Oxford Encyclopedia of Islam* to transcribe the schwa sound (usually transcribed in phonetic alphabet as ə).

The names of cities, towns and proper names are written as they are officially written in Morocco, i.e. following a French format.

Most of the translations and transliterations from Arabic and French are my own, unless noted otherwise. When I use an Arabic word for the first time I italicize it, but following uses of this word appear in normal typeface.
INTRODUCTION

OJET/SUBJECT: DISCIPLINE AND ARGUMENT

Adoption is strategically located at the intersection of a varying range of institutions, thoughts, practices and beliefs. In part, it finds its definition in the legal-religious realm, happens to remedy and answer to a number of ‘socially’ defined ills and personally lived ‘problems,’ is only crystallized following an official mediation in the form of state-devised administrative procedures, and incites one to consciously evaluate key cultural beliefs concerning self, family, and attachment. Adoption, in other words, is akin to a lens that telescopes into the very minute social mechanisms as they concur with or react to normative and prescriptive legal and religious discourses, state ideology, and cultural articulation of idealized personal and family relations. Adoption is, however, not only an ‘object’ that permits one to analyze these realms, it is equally a ‘subject’ fashioned and generated into diverse molds by those realms it allows us to question.

The purpose of this study is to minutely examine adoption in its dialectical capacity as a subject-object in the Moroccan context. While a legally-oriented Euro-centric definition of adoption (Goody 1990; Boswell 1988) denies, in general, the Muslim world its share and contribution to this phenomenon, this thesis reveals a large and complex set of practices by tracking different forms of adoption (tutelary-custody or kafala, secret-adoptions, and customary adoptions), their understandings, realities, convergence, and mutations. These Moroccan forms of adoption align themselves with the increasingly contested definition of adoption as a legal fiction in ‘Western’ adoption-
discourse (O’Shaughnessy 1994; Wegar 1997). In its diversity, the Moroccan practice of adoption is closely associated—and in certain cases contingent on—the existence of abandoned children. Intertwined with the proposed study of adoption is the tracing and analysis of the birth, rise, and escalation of the phenomenon of abandoned children. The mobilization of civil-society actors, in contradistinction to state and religious actors, are the means employed here to assess how a social problem is construed and lived. The potential solutions proposed for it cut across central contemporary Moroccan concerns as international aid-packets for development, humanitarianism, religious philanthropy, and politically motivated projects. The social, historic and moral complexity of the phenomenon of abandoned children is intricately woven within the practice of adoption—both as an object-subject. The political, social and economic realities, in addition, constitute a multi-layered nexus which is in constant movement, responding and shaping itself and other social processes.

This dissertation is a set of ethnographic snapshots of Moroccan life. My aim is neither to come up with universal or enduring structures, nor determinative laws or common-sense abstractions. It is about the intersections of those constitutive elements of adoption-kafala, their osmosis, their exclusions, their contradictions, conspiracies, their complicity, their antagonisms ... as cultural symbols defined and, in their turn, defining other cultural-social processes in how they, rightfully, elude an essentialist reading. Adoption in its multiplicity is a window into a cultural edifice through which we can glimpse the only irreducible truth that this dissertation seeks to evoke, and that is the
constant flux and motion of (Moroccan) culture as it reproduces itself and changes itself in doing so.

I am using the metaphorical universe of the arabesque to invite the reader into a voyage through the complex and anguish-filled labyrinth of adoption. The first chapter explores adoption and kafala from a legal and religious angle. The spotlight here falls mainly on the state as it is the principal instrument through which abandoned children acquire legal visibility, albeit as a problem. It analyses the legal apparatus in effect and traces its genealogy through past legal texts, the formation of the independent nation-state, the colonial experience, and through the sacred religious text, Qur’an, and Muslim religious exegesis compounded over the centuries. In certain sections I offer a very close reading of the circumstances and the contexts in which these laws came to life, their ramifications, and their flaws. The ambiguity regarding the role of the state as a mediator between itself (in its capacity of custodian of abandoned children) and private citizens becomes more manifest in different sections of the second chapter where I track various conceptions and applications of social work, which is a state-devised and run social action. The additional section in the third chapter where bureaucratic policies regarding names and naming is discussed only further confirms the state’s indeterminacy in identifying its role beyond political propaganda. The state whose profile I draw throughout this dissertation is not, however, a monolithic or single-faced entity. It is one that, akin to adoption itself, is multi-faceted and has actors who create room for themselves to maneuver for subtle negotiations in order to cautiously circumvent laws that the system, and they themselves, generate in their capacity as bureaucrats.
In addition to this formal aspect, I track the general system and reality of abandoned children and adoption through other avenues. In the second chapter I visit and draw a general symbolic topography of shelters, orphanages, and hospitals. Through them, I introduce staff, clients, workers, children, social actors who contribute to the making of these highly fluid cultural-institutional settings. They are recipients of, and actors within, a vibrant civil society, non-governmental associations (NGOs) and other associations, through whom meaning and awareness of social responsibility is discussed. They are part of a larger machine of development ideology set up, in part, by international funding agencies and a capitalist map dividing the world into periphery and core. In addition to this topography, I also discuss some cultural artifacts (films, radio programs, novels, and some NGOs’ programs) as they attempt to allude or to portray the contested terrain of *marginalia*—abandoned children, orphanages, shelters—which are shut to formal representation. The works I discuss, namely the novels and films, call attention precisely to the erasures so commonplace in different bureaucratic and cultural circles: erasing the children when choosing to highlight the looseness and immorality of the women and men; erasing the fathers when underscoring the lewdness and temptations of the women; erasing the mothers when referring to the unnaturalness of the women; or erasing the genitors when discussing the ‘fate of the poor’ children. A reified and reifying victimization logic predicated on exclusion which masks social apathy, sanctions the failure of the system, and veils the lack of a political will to change matters, however incrementally.
These social and legal domains, laden with controversy, tension and internal variance, are an integral part of the pool of cultural beliefs and customs which regulate and inform the edifice of the normative family and its model relationships within the cultural imaginary. Thus, the third chapter explores this cultural edifice via an ensemble of beliefs, practices, traditions, prejudices, stereotypes and customs which set up the sense of the normative, and thus define the deviant. Through multiple readings of this cultural repertoire, the obloquy of being a natural child, read bastard, forcefully emerges.

By reading the internal movement of these key-cultural beliefs and portraiture, I entertain the thought-hypothesis that this state of flux, indefiniteness and possibilities paint the large strokes of a cultural arabesque; in other words that the culture is an arabesque and that adoption is that pattern that allows me to enter and move freely between all its constitutive elements.

Threaded through the many sinews and layers of this dissertation are experiential voices which came back to remind me the writer, and me in turn to remind the reader, that it is indeed these voices which suffuse the many layers of this arabesque. These voices which yearn to articulate their experiences, to be heard and to report the other side of the cultural mirror; these voices where the normative is operational even while it is bitterly opposed; or where it is consciously dismissed as a hypocritical and contrived intrusion so as to claim a unique and an unfettered life where the price paid is not ever to be mentioned. These stories also bespeak and portray experiences which capitulate only to transgress, and transgress only to emulate. Some of these narratives and stories defy containment, defy structures and normative descriptions. While I do indulge in the
analysis of some, some are there just as ‘pure discourse’ to evoke, to invoke, to be self-referential. They are the stories of disruptions, clearly offsetting conventional ideas of family, family relations, the bosom of togetherness, ties of love, or even the existential quest of being.

This dissertation calls into question many theoretical single readings. Its themes vary in nature and thus require a variety of analytical tools. Akin to these theoretical questions, meandering through the many-leveled matters of Moroccan culture (legal, cultural, economic, social, religious) it has been, thus, a hard task to decide what to include and what to exclude. So while some of these multiple themes are thoroughly discussed, others are simply mentioned, and yet others I have decided not to include. The choice in this case, unlike many instances in the body of the dissertation, is arbitrary. This is in keeping with my argument that the idea of a cultural holism is an anthropological construct.

The material I have gathered is and is not timely. Not timely in the sense that family is an enduring social entity even while its hierarchy in a social ordering may have shifted and its symbolic role may be negotiated and contested. And very timely, as the plight of abandoned children, which is itself no more novel a phenomenon in Morocco than in any other parts of the world, has become suddenly a matter of public visibility. This occurred by default through the index of poverty with global-economic shifts and World-Bank driven models of development, which redirected the spotlight on these segments once it changed its structural adjustment programs to the new and trendy social development program. Thus, and in part, this dissertation itself tracks the birth (pun-
intended) of a problem, the articulation of this awareness as it takes shape, and how such awareness is the by-product of local and global flows exposing, and undermining, the long-running creed in Morocco that abandoned children are a contained and ghettoized phenomenon. This ethnography is largely urban-based, although its rural dosage is subsumed in the origin of a good numbers of the relinquishing mothers who originally came (or were forced to come) to the cities for work, to support of their own kin, and perhaps for a dream which sometimes turned into a bad dream. Their stories are polyvocal and portray dissimilar experiences.

Formally this dissertation is about adoption, kafala, and abandoned children, but substantially it is about those core symbols and institutions in Moroccan society—family, continuity, relationship—as they are living categories reacting to and shaped by broader political, legal, religious, economic, and historical processes. Thus in the broadest sense this dissertation is about Morocco, social politics, laws, normative family and a social critique of all of these elements. In this introduction I try to bring them together but not to construct a grand puzzle-hypothesis, for this dissertation does not have a ‘puzzle’ in the classic anthropological sense. Such a ‘hypothesis,’ to be proven or dismissed, sends us to that brand of highly problematic positivist-empirical anthropology. My aim is to discuss a phenomenon as it is imagined, lived, created, or erased altogether; it is about adoption—i.e. studying the window and make-up of the window—and the view this window opens on. It is about social change, and about mingling cultural, symbolic and legal interpretations. My research and writing strategies try to circumvent such
speciallyz-and-expertise oriented analysis which forms the larger bulk of adoption literature, be it in social work, psychology, family-studies or ethnographic literature.

Thus this dissertation problematizes a set of issues: between practice and discourse; between political ploys-propaganda and the structures-services for abandoned children, given that as a social segment bastardy hovers around them as a tattooed obloquy; and between the ethical predicament of social activists denouncing social hypocrisy partly predicated on moral high-ground while being, perhaps in different degrees, complicit with a system that marginalizes and victimizes its weakest members. But this dissertation is also about a normative life, about the deviance from it, and yet the yearnings for its comforting and comfortable bosom. It is about loss and about feeling bereft of what is held to be the most essential in one’s adult life, that is, family, care, togetherness, and a network of enduring support. But it is equally about inventing this family, creating such togetherness which, even while it uses the prescriptive and the normative still defies them to devise a niche of difference within similarity. This dissertation is equally about the pain of knowing that one does not belong, about forsaking those one loves, or getting rid of those whose being would spell doom and anathema for a single mother. It is, thus, about how dignity is constructed within adversity, and finding dignity despite adversity.

Repeatedly certain questions and issues come back to haunt this work, just like the memory of a forsaken child. I do not pretend to having resolved them, they are here issues that I have, struggled and still am struggling, to comprehend, but which only support--or maybe have created and shaped--my argument regarding a complex and
viscous whole. Of these are questions of translatability; relationship between state and religion, state and society, and culture and state; how to draw the line between mere trafficking in children and secret adoptions; between experiential rationalizations for an adoption and a bureaucratically devised sets of criteria defining the normal; or between a strongly dominant ideology and those acts of insurgency whose prices are simply too costly. Other concerns, connections, themes and nodes intermittently surface here and there; they bespeak of that elusive and perpetual state of flux. The coalescing of the symbolic, the cultural, and the legal which create and invent an identity, but the currency of which is closely connected to the tormenting question of origin and the web-network of relationships. The antagonizing attitude towards those who fail in meeting the exemplar of behavior, yet the jubilation of some families as they erase the natal identity. The adoption of an ‘impartial, objective and scientific’ model in the bureaucratic state machine wholeheartedly believing (or (un)consciously ignoring) that imposing such models of linear and empirical change are bound to fail. The indeterminacy of how to define and refer to non-natal based relationship outside the religious frame of an act of charity, while the specter of incest looms large but remains callously unspoken or obstinately euphemised. The conflicting tensions between judiciary, executive and legislative state apparatuses as they themselves react to and shape the twin stigmata of infertility and illegitimacy. Inchoate state structures, erosions of policies, social apathy, rise of civil society actors, mechanisms of integration, social visibility, debunking social hypocrisy, single mothers, rampant opportunism, nepotism and elitism ... are here the
object-subject of a culture as it considers its ever growing fissure even while it is creating means to accommodate it and interpret it within its own cultural hermeneutic.

Coming to anthropology from a humanist education-background, and learning a specific branch of anthropology’s “other” (Tobin 1998) that is Rice’s, acquiescing to the impact of numbers has been a process of learning. What are strong and convincing arguments are easily dismissed as rhetorical flourishes once in the realm of policies, policing, and policy-making. Numbers are the only means via which a problem acquires visibility and hence may be have a solution devised for it. I stubbornly persist in mistrusting numbers, but I am using them here as they are a ‘tangible’ evidence and an index to the rising awareness of the existence of a problem. All the statistics and numbers are in the footnotes. In this context, therefore, numbers need to be read strategically and be acknowledged for the power they have to fill in a void and elide that contrived social blindness.

This dissertation is based on a life-time of growing up “Moroccan” and a life-time of learning. Actively, however, this research is based on a 30 months home-field work. The narratives and stories were collected with the knowledge and approval of the people in question. I have altered names and places when the cases reveal some ‘secret’ situation, but for the interviews with the ‘intellectual and cultural brokers’ I have changed neither names nor places.

Throughout this research and this dissertation I have repeatedly faced the “Moroccan” in myself as I try to bring out those unspoken-learned cultural maxims which become one’s nature. It has, therefore, been a process of learning and unlearning;
learning how to put to use critical tools for constructive social and cultural critique, and unlearning those maxims by understanding their constructedness. The conclusion tries to address precisely some of these issues as they further illustrate the complexity which suffuses the many layers that form adoption as that leaf which spins itself endlessly and repeatedly to create an intricate, multi-leveled and swerving arabesque.

Footnote:

1 I am thankful to Marta Savigliano for suggesting this sentence.
CHAPTER ONE

LEGAL THROES: GENEALOGIES AND DEBATES ON KAFALA, ADOPTION, AND ABANDONED CHILDREN

From an interview with Dr. Ahmed Khamlichi, Law Professor at Mohammed V University, Rabat. June 1997

Question: My research is about “adoption,” atabani,1 in Morocco, what comments might you have...

Answer: This research interest is more social than it is legal, simply because legally adoption does not exist, although culturally it does. Morocco’s serious impediment today is that its people have shut themselves to all the social problems around. We are now in an era of physical promiscuity, of easy and available sexual encounters and thus we can no longer ignore the consequences of these changes. Abandoned and street children become the victims here. I think there should be some way of solving these issues by having recourse to genetic and blood tests, for instance, whereby the fathers can no longer deny their paternity and therefore their responsibility. Husbands walk off on women who are left with the burden of these children, how can these women cope? It is almost an inevitable and very sad reality that these children will end up in the streets sniffing glue, being a danger to themselves and to others. Legally, if this woman goes to court, she needs to bring witnesses that she was indeed married ... this is ridiculous... in an era of scientific miracles, we still need witnesses... We are making the children pay dearly for the errors of their parents, or more so the fathers in this case. So legally, we start speaking about these children as belonging only to the mother, not the father. This is the legacy of a past and a set of judicial traditions that are anachronic, if not obsolete. The sad reality is that nothing can change unless we change it politically, and even sadder yet, is that politically no one cares. It is this simple ... and so it is easier to make the victim bear the blame ... One walks into the hospital for abandoned children, and even the one-year old babies have a look of guilt, their eyes have already absorbed all the hate around them, they are guilty for everything...
Dr. Khamlich went off on a tangent; his comments did not respond to my own cues. Yet, what he spoke of is a common concern among a wide range of social strata, from the liberal-progressive Moroccans working in the field of law (whether they be lawyers, jurists, law professors, or highly placed administrators), to those who suffer at the hand of a system they feel is unjust to them. For all these individuals, there is an urgent need to address the serious gaps within Moroccan legislation which is unaligned with reality, unable to comprehend, much less address increasingly complex social problems. One of these pressing problems is abandoned children; one proposed solution, adoption.

DEFINING ADOPTION

It is neither possible nor desirable to reduce adoption to one definition. Such an approach would erase a diverse body of beliefs and practices through various cultures and epochs. The history of the practice of adoption is a long and well documented one from Rome, Greece, ancient India, China, Korea, Japan and Africa. Its current form in Euro-America has a distinct genealogy whose transformations go hand in hand with changes in conception of self, family, relationships and kinship. Adoption in this context has been well documented.

Jack Goody writes that the contemporary Anglophone understanding of adoption “is most clearly made by a comparison with Roman society where the English term originated, the root implying choice, option” (1969: 58). But even within Roman society, adoption had different forms and functions. As O’Shaughnessy points out, while “adrogation [had as its effect] to incorporate the adoptee and existing or future wife or
children, and grandchildren into the adopter's lineage, [...] adoptio [...] involved the adoption of the adoptee alone, not his descendants" (O'Shaughnessy: 36). In the Roman, as well as the Greek models, adoption fulfilled the function of securing an heir in case none was reproduced biologically. In ancient Greece, adoption was mainly that of close kin; it "involved a continuation of the worship of the family shrines and this could not be properly carried out by a foreigner [...] Perhaps even more than in Rome, the practice was connected with continuity, both of property and worship, in the direct line of descent." (Goody 1968: 64).

Questions of adoption were an equally significant concern in ancient Hindu law as studied by the British jurist Mayne. The twelve kinds² of fictitious 'sons' were the available options in order to tend to continuity of worship, property and descent. Other societies where adoption was practiced included China, Japan and Korea. In "traditional China the need [for an heir] was nigh-absolute. To be without an heir meant that the ancestral sacrifices would be discontinued and that the family property would fall into the hands of strangers" (Waltner: 13). This made of adoption a most common practice, for which "preferably but not necessarily a brother's son [would be established] as an heir" (Waltner: 24). The main paradox concerning Chinese adoption was that it was disallowed legally across different surnames, but despite this prohibition, adoption across surnames did take place, as Ann Waltner's study shows. This research on adoption in late imperial China, akin to a number of studies on Oceanic societies, brings into relief the fact that of Anglophone term 'adoption' covers a number of different practices, beliefs, and even institutions. This critique also holds true in the case of Morocco as I will
presently argue. Mark Peterson found that from the seventeenth century forward, Korean adoption was a practice closely tied with concerns of property inheritance, and with Confucian ancestor worship and continuity. In his analysis of the historical case-studies, Peterson utilizes these to locate the slow transformations in Korean social order and the understanding of kinship.

Anthropological studies regarding Oceanic societies and their intricate kinship systems are of particular interest here since these various structures question the “given” of kinship as solely rooted in the biological (Schneider 1984). In the introduction to the now classic monograph of Adoption in Eastern Oceania, Vern Carroll writes that adoption in Oceania is

...generally a transaction between close relatives, [...] the traditional Oceanic variety [of adoptions] is not characterized by formal legal procedures, [...] Oceanic children are often adopted by a single individual, [...] adopters in Oceania frequently have children of their own, [...] the adopters are less choosy about the physical characteristics of the child they get, [...]and the natural parents who give up their children in adoption normally are not stigmatized; on the contrary, they are usually considered generous (5).

The noteworthy difference between Oceanic adoption, as Carroll further examines, and the American institution and practice of adoption is its secondary, sometimes inconsequential, legal aspect. The functions that adoption fulfills are much more complex than the usual Euro-American understanding of giving parents to a parentless child and a child to childless parents.

In the case of Kapingamarang, “the southernmost atoll in the Eastern Caroline Islands,” (159) Michael Lieber writes that adoption is

...a multipurpose social mechanism with which people may implement their needs and designs through relationships with their kinsmen. Adoption
may be used to acquire children and to relieve parents of the burden of their children’s support. [It] can be used to provide children with parents and siblings [...] to acquire land or taro plots and to withhold them from another, to acquire heirs and to disinherit heirs. It can be utilized to establish, maintain, or sever social relationships with one’s kinsmen [...] it can be used to facilitate adjustment to changing social relationships with kinsmen and to promote change. It may be a means of acquiring prestige, political support, financial credit, labor or emotional succor (203).

In this context, Lieber concludes, adoption becomes a tool by which and through which social relationships are mediated and manipulated for one’s own interest.

The complexity and richness of adoption and fosterage in Oceania is further explored in a subsequent collection entitled *Transactions in Kinship*. This set of essays brings vigorously to light the multiple ends to which adoption it put to use. In it, Ivan Brady concludes that “adoption is an adaptive mechanism for equitably distributing people relative to the variable requirements for personnel that domestic and descent groups are likely to develop in exploiting their physical and cultural environments over time” (1976: 271). Brady’s emphasis on the resource management aspect of adoption coincides with the oft-repeated arguments throughout the prolific oeuvre of Jack and Hester Goody about the inextricable relationship between polity, economy and family.

Now I will discuss some of the concerns and questions raised within the Euro-American (Strathern 1995) context as they relate to the practice of adoption. Strathern refers to the Euro-American as “the system found across North America and Northern Europe [...] it also contributed to a larger world-view that saw social relationships as built up after the facts of nature” (1995: 350). In this context, adoption has generally been conceived as a sanitizing process, although such dogmas have been seriously challenged by activists in the controversy over sealed birth records (Wegar 1997) or the lobbying of
diverse groups, such as Concerned United Birthparents, CUB (Modell, 1994). American
laws of adoption\textsuperscript{5} are relatively recent; the first state to pass an adoption statute was
Massachusetts in 1851, and the subsequent development within this law occurred
differently from that of England, for instance. With the Massachusetts statute, the
concern over family continuity was replaced by a rhetoric concerning the interest and
welfare of the child. By “the 1940s, laws obliterating the adopted person’s natal identity
had become the rule rather than the exception [...] several factors contributed to this
development, but most of them were in one way or another related to the new legal notion
of the best interests of the child” (Wegar 1997: 25).

Under the pressure of various lobbying groups, “open adoption” has become more
of an established practice. Its innovation is its insistence on the “right to know,” to allow
the biological relationship to continue between the adopted person and her biological kin
(Ryburn 1994; McRoy, Grotevant & White 1988) even if she is legally adopted. Other
overriding concerns in the current landscape of Euro-American adoption are interracial
and international adoptions. Views concerning the latter are divergent. Some criticize
the rise of an imperialist “human market” in poorer countries for white middle-class
parents in North America and Europe; others see international adoption as a different face
of humanitarian aid, where affection and love are the ultimate winners\textsuperscript{6} and not some
political concern over power imbalance. As for the critique of interracial adoptions, some
African-American social workers have called it “the genocide of culture” (Alstein and
Simon 1992), meaning that the children grow up alien to the very culture they are
socially identified with because of their skin color. Questions concerning the nature of
what constitutes a relationship, both in terms of its internal dynamics and its social legitimization, form the main bulk of the discourse of Euro-American adoption today.

The early Christian Church condemned adoption (Goody 1983) because childbirth was a matter of destiny; to adopt would be to go against God’s design. The British common law did not allow adoption, though other forms of fosterage (especially wet-nursing) were widely widespread until the advent of bottle feeding and baby formulas (Goody 1983). In France, for instance, there was a “progressive erosion of adoption laws since late antiquity [which ended up in a] rejection of adoption” (Gager: 69). But these legal codes did not altogether eradicate adoption in France, as Kristin Gager shows through her historical case studies. The legal documents that she treats reveal motives and functions for adoption similar to what could be grossly described as common reasons, transcending epochs or cultural particularities— that is, continuity and inheritance.

O’Shaughnessy (1994) argues that the rise of adoption as a homogenous practice in Europe, despite some local variations, occurred in the aftermath of World War II when there was a high number of war-orphans and disrupted families. Adoption was portrayed as an ideal solution for devastated war-torn Europe, so much so that it is during this period that the “universalization and homogenization of the Western nuclear family” (O’Shaughnessy 1994: 45) began taking hold, and the paradigm of a legal fiction became accepted as the norm, superseding other concepts and practices of adoption. O’Shaughnessy’s research is, in part, a contestation of the Eurocentric image of a couple making a child legally their own as the paradigm to strive to attain. While a large number of researchers (Modell 1994; Goody 1969, 1983; O’Shaughnessy 1994; Waltner 1990;
Gager 1996; Brady 1976; Carroll 1970 to name only a few) highlight the importance of not glossing a diverse body of practices, beliefs and institutions into a homogenous overarching concept of adoption (where legality fulfills the role of biology), it is rather intriguing that in such a heavily studied area as Morocco, neither Moroccan researchers nor foreign researchers have investigated the widespread different forms of fosterage and ‘adoption-s’ in diverse family structures and formations. Other than the pioneering essay of Amira al-Azhary Sonbol, “Adoption in Islamic Society: A Historical Survey,” there is, as a matter of fact, no ethnographic literature exclusively exploring this theme in the Muslim world.

A Vernacular of Moroccan Adoptions

Formally, the practice of what is understood as adoption in the Euro-American context is strongly prohibited in Morocco. Due to this legal interdiction, Goody affirms that “Arabs forbid adoption” (1990: 380). Such a reading holds largely true when containing one’s inquiry within the realm of orthodox legality and jurisprudence. Removed from these structured and textually based sources, however, Moroccan culture and Moroccan social history offer ample evidence to the contrary. As a matter of fact, various styles of fosterage, exchange, guardianships, even adoptions were, and still are, practiced, as the current research aims at demonstrating.

In Goody’s earlier research, The Development of the Family and Marriage in Europe, brief reference is made to how, despite church prohibitions for instance, the practice of adoption persisted in its customary forms in a tacit form not directly in conflict with the religious-legal establishment. The somewhat uncompromising cultural
continuation of adoption was also the case in late Imperial China (Waltner 1990) and in Early Modern France (Gager 1996). So too, while legally adoption is strictly forbidden in Morocco, various culturally sanctioned forms of adoption do exist.

The following is an initial typology of Moroccan practices of fosterage, guardianship and ‘adoptions’. There is a family or customary adoption by which I mean the gift of a child from one family to another. The scenarios may vary widely, but generally in this kind of adoption, a family with no child or one with only boys or only girls may solicit a brother or a cousin who may be willing to give a child. This exchange between close kin (agnate or collateral), or not, is an informal transaction that does not require a ‘legal’ procedure. The ties between adopted child and biological family are usually sustained; so for example, the last name would remain that of the biological family were the names of the families different. This might seem a simple relocation or a transfer of the guardianship of the child to a host family--uncle, aunt, grandmother, sister, or other relatives. If, outwardly, this seems like a visit, it is from within an “interminable” visit which entails the inevitable development and entanglement of feelings of attachments, anger, love and jealousy between children, siblings and parents, just as if the ties were truly those between natural children and parents.

The second form of adoption is an informal, extra-legal, word of mouth, or a secret adoption: when a child is given by its mother, or someone close to her, to a family, or an intermediary who then hands the baby to a family or another individual. This family then goes through the process--‘fictive,’ that is--of having given natural birth to this child. This ‘fictive biological reproduction’ takes place through an administrative
process of giving the infant the identity\textsuperscript{13} of its new parents. In other words, this sort of 'extra-legal-secret' adoption is the enactment of the Euro-American understanding of adoption. But while in the Euro-American context, such a procedure takes place within the accepted and legitimizing frame of legality, in Morocco it is falsely legitimized and justified through and by an administrative procedure, but within a larger legal corpus that denies it existence, or even further, considers it a criminal activity. Given, then, that this sort of adoption is illegal, once it takes place, i.e. it is normalized and is subsumed into a context of natural reproduction, its very existence is automatically canceled out. The authenticity (the naturalness of the bond, that is) can be called in question by the adopted persons or extended family members in bitter cases over inheritance, but even in the midst of such questioning or family rivalry, once extra-legal adoption goes into effect, it discursively negates itself by falling into the course of normality. It becomes, hence, an elusive practice caught between the status of being (practiced) and non-being (prohibited).

The third form of 'adoption' is legal guardianship of a minor. This is called taking tutelage or kafala and within kafala there are two genres. One is called kafala \textit{itifāqiya}, a kafala of agreement, whereby parents or a mother gives her legal\textsuperscript{14} or natural child to a family or an individual after drafting a binding legal contract; in other words, this kafala takes place between two private parties mediated by a legal contract. The second kafala is effected when an abandoned child, technically considered a ward of the state, is taken into kafala by a family after, once again, drafting a legally binding document. In this case, the contract is between the State and a private party.
In this dissertation I will mainly focus on two forms of relationships: kafala as mediated by the state and plain secret adoption, their overlapping, intersections, convergence, contradictions, and confrontations. Given that each of them is defined by an existing set of laws and values, this dissertation is, thus, also about these laws and values and how each contributes to the shaping of contemporary sociocultural domains within Morocco. Adoption in this case is that leaf of the arabesque as it spins and in this movement I explore the conspiracies and antagonisms between these realms and ultimately evoke processes through which the culture recreates and perpetuates itself. Threaded through this dissertation are a set of composite narratives as the experiential voices which may embody, reject, defy, or cooperate with norms and values. They fill the silences and the blank spots that legal discourse has firmly established as the norm.

LEGAL VISIBILITY OR THE MOVE TOWARDS ACKNOWLEDGING THE EXISTENCE OF A PROBLEM

On September 10, 1993 the Moroccan parliament finally passed a pending bill concerning abandoned children and systematizing the process of kafala for abandoned children. This bill, which once voted becomes a law, is one of many that were long awaiting approval in the parliament. Promulgating a law can be in itself no singular achievement: every issue of the Moroccan Official Bulletin does not fail to have a section with new or revised laws. The law concerning abandoned children is, however, considered nothing short of an extraordinary event: an open recognition of the existence of a category labeled “Abandoned Children” in the fold of Moroccan society; a society where the stigma of “illegitimacy and bastardy” is extremely potent, to put it mildly. For such a topic to become a matter of public debate, even momentarily, draws attention to
itself given that questions regarding this social segment have been usually been buried under silence.

Abandoned children were never, however, entirely absent from the consciousness of the state; their visibility was a necessity within selected pockets of those administrative apparatus which address some of their concerns. Indeed prior to the birth of the 1993 decree and then law, administrative circulars indeed regulated the procedure concerning the kafala of abandoned children. These functioned within the three ministries which took part, directly or indirectly, in the regularization and officialization of the kafala contract. By virtue of its very function and definition, an administrative circular is a ‘how-to-do’ normative document that has a limited audience; in this case, these were employees in the Ministry of Justice, the Ministry of Public Health, and the bureau of civil registry within the Ministry of the Interior. The employees who receive, respond, and act on this correspondence may be familiar with the minutiae of the administrative procedures, but only vaguely aware of the social, humanitarian, and ethical implication of abandoned children and the problems that taking their kafala generally pose, provided they have not been bitten by “bureaucratic indifference,” (1992) as Michael Herzfeld calls it.

A law, unlike a circular, is published in the Moroccan Official Bulletin and, therefore, is widely offered to public view. By passing this 1993 bill, the parliament not only made the public statement that there are indeed abandoned children in Morocco, but also acknowledged the existence of a crisis which has engendered them in the first place. They are evidence of clearly shifting patterns of attachment and family dynamics
which are almost the antithesis of those family values of love, selflessness, and sacrifice (considered to be timeless and brandished as inviolable). As timid as this step might be, it formally recognized the reality of a social fissure to which academics and responsible educators have been adamantly calling attention since the 1960s (Belarbi 1979; Radi 1977; Zkik 1994; Etienne 1979; Chekroun and Boudoudou 1986 to name only a very limited few).

Even if a social ill acquires legal and political visibility, this does not automatically imply a political engagement to solve it. The diverse succession of Moroccan governments since independence, and especially after the economic crisis of the mid-eighties, have all, to a lesser or greater degree, avoided implicating the state financially in the support of the institutions that receive and cater to abandoned infants and children. As Habib El Malki generally points out, “various social sectors such as education, health, youth, sports and culture, being the least protected sectors, have had the dubious distinctions of being the first to face the consequences of budgetary austerity” (1990: 164). This is especially the case in the structural readjustment program supervised by the International Monetary Fund following the early 80s negotiations triggered, in part, by Morocco’s increasing international debt. Given the eloquent silence of the state regarding abandoned children, the voting of this 1993 bill and its subsequent publication as a law was received with a sense of relief and expectant hope for the unfolding of future resolutions by the administrators of shelters and organizations. They interpreted it as a first official step toward making them an integral part of the yearly budget. Their reading proved to be a rather optimistic one. Five years after the
publication of the 1993 law, the state’s budget leaves very little (only in the form of occasional medical assistance) for these institutions.

The advent of the 1993 law can be seen as remarkable when considering that it not only acquiesced to the existence of a social category where there formally was a blank spot, but also gave it legal existence where it was invisible. Yet placed in a larger legal, administrative, and social contexts, the law remains a rather shy step. In addition to being quite limited as a legal idea, it is a legislative text that is replete with flaws; the aims it specifies are impossible to attain. Moreover, within the rigid and hierarchized set of rules, a law needs to be supplemented by a decree of application (décret d’application) that explains it and turns it into an applicable ‘reality.’ Five years after its publication in Moroccan Official Bulletin, the law concerning abandoned children still lacks a decree. Without a decree of application, a law remains a closed box without a key.

The flaws of this law are many and can be located at different levels--that of organization, unity, applicability or even its formulation. Given the social, cultural, religious, judicial implications of openly and straightforwardly recognizing the existence of abandoned children, as this dissertation will proceed to show, the legislators diluted this poignant reality by blurring the linguistic boundary between an abandoned and an orphaned child. Playing with and on this possibility of meaning cast more legitimacy on a reality that runs against an idealized version of society. So in the law’s first section (Dispositions Générales), an abandoned child can be any under 18-year-old who falls into one of the following categories:

- be an orphan and not have any legal means of subsistence;
- having parents incapable of insuring protection and education due to major
forces outside of their control;
-having parents who are not assuming their moral responsibility to guide their
children towards the right path.

The definition of 'abandoned' is clearly broad, thus purposefully ambiguous, if not
elusive. The definition itself is not contained or limited as much as it is open for further
interpretations. The criteria for judging are lacking: what is this 'right path,' for
instance? What are the reasons for setting the limit of age to 18 years-old while the
minimum legal age for marriage is 15 for girls? In other words, there are serious
discrepancies between this law and the existing family law. In addition to many
subsidiary, more or less rhetorical concerns, there is the most important question that this
text invites: Are all the children enumerated in these four clusters to be taken up for
kafala? Of course, the law does not address this question. In effect, it cannot answer this
question because it is a law, and not a decree, while details of this order are usually
addressed in decrees.

These and other questions have remained for the past five years unanswered as the
decree is still lacking. The situation of having a ratified law without its decree, however
familiar, has placed all individuals who work for and with abandoned children in a
precarious situation: neither are they totally free to utilize the pre-existing procedures of
kafala, nor can they totally ignore the new 1993 law. It is for the social worker a
continual dilemma, and a process of negotiation, sometimes challenge, between families
wishing to take kafala and the administration which mediates this process.

An additional problem inherent in this law is situated in its second procedural
chapter. The text stipulates that within each province and prefectural district there be
created an administrative commission to evaluate the files requesting kafala. Although the text briefly describes who is to sit on this commission, it remains too vague, nor does it set the parameters of the methodology for the evaluation, selection or refusal of the requests the commission receives. An additional issue, for instance, is that the attorney-general be present in his capacity of representing the interests of the people and the families; the role of the notaries is not, however, defined and may have the potential of creating conflict since the notaries ('adul) work under the aegis of a different branch of the judicial system.

*Translated notes from a memo drafted by the social worker in the Center Lalla Meriem for abandoned children, Rabat (n.d. but circa the end of 1994)*

Since the coming of the law Number 1-93-141 (10 September) we are faced with certain problems, especially at the level of abandonment.

**BEFORE THE LAW:** Single, divorced, or widowed mothers could abandon their infants after a detailed interview conducted by the social worker in order to determine the reasons for the abandonment (poverty, fear of shame...); we would then proceed to the signing of an act-of-abandonment and then the baby would be placed in the center to be adopted immediately afterwards.

**NOW WITH THE NEW LAW:** A number of maternity directors have given instructions that abandonments are no longer accepted within their maternity wards. In Salé, the police are called, and in Souissi hospital in Rabat they refuse to keep the baby, so often the mother

- runs away and leaves the baby in the crib;
- will abandon the newborn in a public space (public gardens, train stations, apartment buildings);
- will give the newborn for an illegal adoption and here begins a traffic in babies.

The law poses problems, since we ignore: How to do the court-judgment? Who will do it? And who is going to keep the baby? The mother cannot go home with the baby, or
leave it at the center while awaiting the judgment. If so, we will not be able to find the mother again, and how long is this court-order going to take?

...

The section of the statute describing the content of the file is, perhaps, its most controversial aspect. The legislature has made it imperative that, for the so-called family commission to consider the requests it receives, the files include a court order clearly testifying that the infant or child has been legally abandoned. Prior to this edict, a generic certificate signed (or thumbed) by the mother was sufficient. If a woman comes to deliver in the hospital and declares her intention to relinquish her infant, the hospital authorities are forced to notify the police. The police then write a report and a court case is launched against the mother. The mother must go to the court as an offender, where she could be judged on two counts: adultery, and intention to abandon an infant. Going through the Moroccan judicial system is a long and tedious process; and the words of Judge Bennis here (although not addressing specifically the issue at hand) speak of the general condition of Morocco’s judicial system as one where “...a court case is never closed; it may die with the death of the person provided his or her inheritors decide not to continue it. The solutions of today are tomorrow’s problems” (personal communication, Rabat, June 1997). This court order, as social workers and some lawyers explained, is aimed at giving a sense of security to the family assuming the kafala—biological mother, parents, or a related relative will not appear one day claiming their child back. Such a presupposition is at best problematic, if not genuinely suspicious: can a court order erase the natural-biological ties when they are known? Can it inhibit extended family members from holding this truth as a time-bomb over these new parents and the adopted
person when the latter does not know? Socially, such legal security is preceded by the natural bond between natural parents and their children. This is reinforced by a general distrust of the judicial system. In the words of this one judge "... the institution of law is detached-divorced from reality" (Judge Abdouni, personal communication, Rabat, July 1997).

There are a number of endemic problems in the last edict of the 1993 law. The most important of which being that section 459 of the Moroccan Penal code stipulates that it is a punishable crime to abandon a child. The system, therefore, is making these single mothers look for other solutions than handing the baby to a shelter or a hospital. The consequences of this law will be fully evident only in the long run, but very recently, two cases of traffic in babies, one in Casablanca and one in Ceuta, have come to light. In addition, a rise in infanticide and hazardous abortions may be only a few of several further consequences.

Social workers in this field and administrators responsible within the organizations and institutions through which the children transit do not tire of calling attention to the necessity of changing the legislation. Their argument is that they need to harness all the efforts in order to answer, for instance, to health issues, securing a home for abandoned children, rather than trying to unravel or decipher this legislative and administrative knot. After a close reading of this law, it becomes essential, if not inevitable, to wonder, but not excuse, what possible reasons and conditions might have led to the emergence of these drastic changes?
LEGAL VISIBILITY: A QUICK-FIX OR A PROCESS OF MATURATION?

Up to 1993 Morocco’s large, state-funded urban hospitals were accommodating to the mothers who expressed their intention of abandoning their newborn. The social worker would have the typically young mother sign or thumb a piece of official paper where she abdicates all her rights on the infant. Using this official piece of paper, a file is then created for the infant. In other words, the bureaucratic procedure was rather ‘easy and simple’ when compared to the current situation.

Compiling the results of different independent studies, and the internal statistics of a number of home-shelters for abandoned children, it is clear that for two decades (1977-1995) there has been an increase in abandonment. As stated earlier, the issue of abandoned children is one that has been shrouded in utter silence until very recently, when some timid steps emerged here and there (the 1993 law, media visibility, and the involvement of NGOs, which will be discussed in Chapter 2), so it is not this increase in abandonment alone that has brought about the legislative changes as some might argue. It came, indeed, along with other sweeping changes, due in part to a general social atmosphere full of uncertainty, restlessness and insecurity, one abundant with questions concerning the abuse of authority, nepotism and clientelism (Bennani-Chraibi 1994).

Nor can we dismiss the effects of the Gulf war, when the Moroccan government sent troops to fight at the side of the Americans, despite overwhelming popular support for Iraq. The tensions in Morocco were clearly palpable as state unpopularity was on the rise for allying itself against a fellow Muslim-Arab country, in addition to its proverbial inability to meet its citizens’ demands.
The 1993 law concerning abandoned children was part of a package of bills that were voted in the parliament at the same time. In 1993, Morocco was still questioning the moral implications of the aftermath of the Tabit case, a high police official who exploited his position to rape women, when an alleged case of baby-trade in the city of Meknes hit the newsstands. While the court has unequivocally demonstrated the innocence of the defendant, this affair, along with the alarmist arguments of 'loss of values, moral decadence, abrogation of traditions ... etc.' slogan of liberals and conservatives, religious and secular alike, led to a series of legislative changes. At this point, it was the credibility of the state that was at stake, and not necessarily the issues it was proposing to change. By making it a tedious administrative process to abandon a newborn, the intention was to restore a 'purer moral order.' However, by focusing on the end results (abandoned children and infants), rather than the causes or the processes, this law did not address, or legislate for, any actual change.

If the intended intention of the law was to curb abandonment, then it has indeed succeeded, at least on paper, but it was successful not because there are fewer pregnancies and births, but because they were driven into clandestinity. The number of legal kafalas has also seen a decrease as young mothers needing to abandon their infants are pressured into informally relinquishing them to a family or individual willing to take them in and make them their own 'natural' children. This engenders the practice of what I have called earlier plain adoption, which is considered legally a crime and religiously an aberrance. Through an ironic twist, the new law has further contributed to the breaking of another set of more significant laws whose legitimacy is primarily religious.
As fewer women left their newborn in hospitals and centers, the sanitation process of the law seemingly worked. The function of a law is to set normative parameters of behavior supposedly for the benefit of the social whole; such prerogative would imply an exhaustive analysis of the law’s effects, short and long term alike. This ideal was, however, not the intention here. What seems to be of more weight is the wholeness of the argument it presents, the rhetoric it utilizes, and the procedures it calls for regardless of how effective or significant these are to the actual issue at hand. Once again, this is not an unfamiliar situation where efforts are geared towards making an argument whole, its wording perfect, in other words working on smoothing and esthetizing the surface rather than developing effective means to deal with the problems. This is a common criticism directed to law makers who need no longer simply produce for the sake of producing, but need to effectively do the painstaking and thorough evaluation of the condition of a given situation in its infinite detail and complication before a law can be truly justified. Many consider, as a matter of fact, this law to be a step backwards given the history of the legislation in effect regarding kafala in general up to the 1993 law. Up to its advent, single women could take the kafala of a child. With this new law, a new breadth of conservatism has been further institutionalized by allowing only married couples married for a minimum of three years to request the kafala. The ‘moral order’ thus has the patriarchal nuclear-family as its embodied ideal.

*The Creation and Normalization of a Process*

The 1993 law has its own genealogy and what is to follow is tracking backward these precedent laws and an analysis of some of their tenets. On May 8th, 1962 the
General Secretary of the government signed and sent a circular to all the local governors regarding what had become an issue needing effective and immediate regulation on a national level. The document opens by stating that “henceforth, all requests to receive or shelter an abandoned child must first pass through the local authorities.” Starting May 8th, 1962, the state’s presence was deemed indispensable for a number of reasons: to check on the aptitude of the requesting parties, especially their financial ability to support a newborn, and to monitor the actual handing of the infant or child over to its new family. The circular enforces the idea that an act of kafala is “official business” and not an informal or casual commitment. On the one hand, the stipulation of such formalization can be seen as an attempt of the state to actually enact its role of guardian, wali, to whoever does not have a biologically related guardian, as is stipulated in article 148 of the Moroccan Family Law. As Kevin Reinhart explains, the term wali itself has roots “found in Islamic religious thought: walis are ‘protégés’ of God, or Saint; the wali is the guardian of a minor or the member of a family deputed to act on his or her behalf” (*OEMIW*). It is within this last semantic field that the state is the wali of abandoned children. On the other hand, such a stipulation was an attempt to regulate what was, in the words of a retired official who was in part responsible for the drafting of this circular, “chaotic secret adoptions and abuse of children” (personal communication, March 1997, Rabat).

The subsequent section of the 1962 circular explains that since a kafala is a purely a charitable and humanitarian act, the last name of the family taking the kafala is not to be given to the child taken into kafala. A kafala does not entitle the family or individual to give his or her last name to the infant, though this would be the practice in an instance of
plain adoption. Such an act is proscribed by religion and prohibited by Moroccan law since a last name is a marker of lineal descent.²⁷ The latter is exclusively based on the dual criteria of blood and marriage. The proscription against giving one’s last name to the infant points to what the concept of kafala stands for in opposition to plain adoption. The circular clearly draws the distinction between the two and stipulates that while the one is encouraged, the other is strictly prohibited.

Twenty-two years later, the same concern over a set of definitions, namely kafala, last name and plain adoption surface again in a new 1983 circular issued this time by the Ministry of Interior Affairs and sent to all the local administrative authorities, and to select ministries. The repeated definition of what kafala really means is not only a simple matter of redundancy or semantic variability, but one that has short and long term effects on a variety of social, cultural, and religious issues, as this present work argues.

As in most governmental correspondence, the 18 February 1983 circular makes reference to the one previously in effect. It opens with the statement that it is indeed written in response to the impediments that have arisen in the application of the old edicts (the 1962 circular) suggesting thus that the proscribed practice of plain adoption was indeed taking place.²⁸ If this circular is rescinding the previous one, it is in effect only confirming and supporting the same definitions and processes. As far as the texts are concerned, the demarcation between the practices of plain adoption and kafala “were clear, simple and straightforward,” to employ the very words of one social worker commenting on the new law of 1993. Technically this clarity, if not redundancy, is so that no ambiguity arises regarding the issue of the surname. Since the circular is written
in response to practices that play on a supposed ambiguity (either real or not), one might wonder how effective the previous one (1962) was in making plain adoption an illegal act, and in systematically formalizing the act of kafala. Such a question would be the answer to the obvious question of why there has been such an obsessive stress on a definition? Once again, the answer is too obvious. Plain adoption is a phenomenon that has been and is occurring, both because of and despite all the religious, legal and administrative prohibitions and proscriptions. It would be, however, impossible to know how frequently these secret adoptions occurred with any sort of accuracy. It is empirically difficult to track the informal, or what is considered illegal, unless it is proven to be so. However, ongoing views and statements on which this research is based all support the fact that plain adoption is a phenomenon that is fairly widespread among all classes and regions in Morocco. All have devised a variety of strategies to circumvent the legal proscription, yet at the same time shield themselves from the legal and personal constraints of kafala.29

As mentioned earlier, the 1962 circular opened by describing in a general manner documents and official procedures required in order to take the kafala of an infant or a child; yet it left a number of details to the discretion of the local authorities. The 1983 circular, however, came up with a very detailed description of the process, thus moving towards the homogenization and the unification of the procedure. The first necessary document (in 1962 as well 1983) is a request in which the party wishing to take kafala clearly states the ‘material and moral obligations’ it is engaging itself to assume towards the infant or child. After the presentation of this request to the local governor, an inquiry
is launched by the social worker and the police to draw the financial and moral profile of the family and check it against their stated engagement. Based on the results of this inquiry, then the governor allows (or disallows) the social worker to proceed with the remaining steps of the administrative procedure in order to hand the child over to its new family. Giving the infant surname is done in the civil-register bureau; the name chosen for it (either by the adoptive parent or the civil-register servant) has to be different from that of the adoptive parents. The actual handing of the infant to its new family has to take place with the presence of two notaries\textsuperscript{30} who will write the legal binding contract. The legal document, itself called an act of iltizâm, linguistically meaning ‘engagement-of-the self,’ is drafted by the notaries. The clauses should clearly enumerate the kinds of engagement, both moral and financial, that the requesting party is taking up towards the child: food, clothing, schooling, nursing, and possibly one-fourth of inheritance. The attorney-general needs to be legally notified in his capacity as the legal guardian of abandoned children.

Like its predecessor, the 1983 circular points to the necessity of not giving the last name of the family or individual to the child. In its turn, it defines and sets the criteria for acquiring and registering a last name for the child. In this circular, the intention is to normalize, unify and homogenize the process of kafala of abandoned children throughout the nation. The definitions are, once more, clearly worded and the procedures redundantly described. Like the law of 1993, the circular is technical and sanitizing, as none of the deeply intricate, emotional and cultural dynamics at play are mentioned. This intransigence (at least on paper) points to the staunch belief of the law makers in their
infallible hold on the one truth. This uncompromising stand indeed finds its
legitimization in the folds of a benchmark episode in the history of Islam’s jurisprudence.

THE DISTANT ROOTS OF A DISTINCTION

Prior to tracing the roots of this legal edict which will take us back on a voyage to
pre-Muslim Arabia, it is worthwhile to comment on a crucial cultural question within
contemporary Morocco. With the rise of the Berber cultural movement the critique that
Arabic cultural hegemony has downplayed, even erased, the Berber contribution to the
making of today’s Morocco is an argument to be reckoned with. The journey to pre-
Muslim Arabia may be interpreted precisely as one where the Berber tradition is taken
lightly. I would only strongly concur with Kapchan’s use of “hybridity” as a concept to
evoke the cultural, linguistic, and ethnic mix of contemporary Morocco. In her own
words, the “nation of Morocco is composed of plurality of ethnicities, histories, and
languages that together form conceptions of what is to be Moroccan” (1996: 7). The
voyage that I am therefore taking is neither a minimizing nor an erasure of Berber family
customs, but one that searches for the roots of a legal edict. In addition, this legal edict is
part of a legal apparatus—let’s call it a supra-legality—applied to a hybrid Morocco, but
without acknowledging distinctions along the lines of ethnicity or language.31 To trace
now the genealogy of the proscription of adoption I call on the work of William
Robertson Smith.

In the nineteenth century intellectual tradition, Robertson Smith’s Marriage and
Kinship in Early Arabia (1885) surveys kinship and marriagelaws as means of studying
systems of tribal organization. Despite the fact that his theses have been subject to
various critical evaluations (Stern 1939, Powers 1986, Crone 1987), many Arab as well as orientalist scholars consider his work generally reliable. This is due in part to the amount of information he has harnessed through poetry, religious literature and other genealogical accounts, even if his conclusions remain questionable. In effect, the general criticism directed against his work coalesces around what Goody has labeled as Robertson Smith’s “speculative propositions and imagined reconstruction” (1990: 363). These imagined reconstructions are a continuing subject of debate among other scholars, namely Patricia Crone (1987) who has entirely dismissed the idea that fictive ties (adoption, patronage, and the inclusion of emancipated slaves) were equal in value to those bonds created by blood in pre-Muslim Arabia. The adoption practice that Robertson Smith describes, concomitant with these other laws of protection, are not here presented as a historical and unequivocal reality, but as a starting proposition for later historical debates. Utilizing early Arab genealogists, Robertson Smith writes that as regards freedmen, indeed, the only point that concerns us here is that they were often adopted by their patrons [...]. The right of adoption, however, was not limited to the legitimization of the offspring of a fee tribesman by a slave girl. Mohammed, for example, adopted his freedman Zaid, a lad of pure Arab blood who had become a slave through the fortune of war. Here, then, a man is incorporated by adoption into a group of alien blood, but we learn that to preserve the doctrine of tribal homogeneity it was often feigned that the adopted son was veritably and for all effects of the blood of his new father. [...] As there was no difference between an adopted and real son before Islam, emancipated slaves appear in the genealogical lists without any note of explanation, just as if they had been pure Arabs.

(pp. 52-53)

Beyond Robertson Smith, one should note that the being of a tribe depended on its size, which in its turn depended on socio-economic and demographic conditions. As the number of individuals in each clan increased, the clan automatically acquired more power
and prestige. Adoption was seen therefore as an effective means of acquiring the human
capital not only ready to fight and defend the clan, but also to add to its general prestige
by adding to its sheer number. As mentioned by Robertson Smith, the act of adoption
entailed bonds very much similar to those of biological descent: lineage, inheritance,
payment of ransom, and marriage prohibition. In other words, the distinction between the
'biological and the adopted' was utterly void, or so it was constructed later. A good
number of Muslim historians and juriconsults have highlighted the custom of a total
assimilation as a part of the unnaturalness and barbarous traditions of pre-Muslim
Arabia. Plain adoption countered the natural flow of things first by creating, then
encouraging, perpetuating and believing in fiction and lies: that a non-blood relation truly
equals the sanctity of a blood bond; this simply cannot hold. This view encapsulates a
Muslim ethos whose conception of a civilizing act is, per force, antithetical to what
Mayne, the British jurist, views as the role of adoption in Ancient India. If for Mayne, as
Goody discusses, adoption is "one of the means whereby society took 'its first steps
towards civilization', because it permitted the incorporation of strangers as kin and thus
progressed from an emphasis on the bond of kinship to the ties of contiguity as a basis for
common political action" (Goody, 1968: 67), for Muslim jurists the civilizing impetus is
to restore a natural and controlled sanctity that cannot be emulated through the enactment
of the cultural. Civilization is not necessarily that which creates political units based on
another means than blood for identification. It is the commonality of religion that creates
the political impetus and thus civilization.
The episode of Zaid ibnu Harita, formally known as Zaid ibnu Mohammed, invoked by leading Muslim scholars and jurisconsults for centuries, constitutes the very backbone in the construction of what a Muslim family is not. Fatima Mernissi writes that the most significant example of women’s irresistible power over the Prophet is probably his sudden (and scandalous, by his own people’s standards) passion for Zainab bint Jahsh, the wife of his adopted son Zaid. In Muhammad’s Arabia, the link created by adoption was considered identical to blood-ties. Moreover, Zainab was the Prophet’s own cousin, and the Prophet himself had arranged her marriage with his adopted son” (my own emphasis 1987: 56).

On one of the Prophet’s visits, Zainab hurriedly opened the door while not totally covered, not wanting to let the prophet wait. Upon seeing her beauty, the Prophet hastily left, declining her invitation to enter and wait for Zaid. When Zainab reported the incident of the Prophet’s hasty leaving to her husband, the latter went to his adopted father saying that he was ready to divorce Zainab if the prophet wanted to marry her. The prophet declined Zaid’s offer. A revelation came, however, in which a divine sanction was given to his marriage with Zainab bint Jahsh.

4. *Allah has not assigned unto any man two hearts within his body, nor hath he made your wives whom ye declare (to be your mothers) your mothers, nor hath he made those whom ye claim (to be your sons) your sons. This is but a saying of your mouths. But Allah saith the truth and He showeth the way.*

5. *Proclaim their real parentage. That will be more equitable in the sight of Allah. And if ye know not their fathers, then (they are) your brethren in the faith, and your clients. And there is no sin for you in the mistakes that ye make unintentionally, but what your hearts purpose (that will be a sin for you). Allah is Forgiving, Merciful.*

Surat Al-Ahzab, verse 4 & 5.

In Quranic commentary (*‘ilm a-tafsir* as in Tabari 9th century; Al-Zamakhchari 12th century; Baydawi 13th century; Ibn-Kathir 14th century to name only the most canonized), the consensus is that this verse draws attention to the very unnaturalness of
certain 'givens': a woman cannot be a mother and a wife to a man; a man cannot have two hearts; and a man cannot be a father if he is not so naturally. Sonhood is only the product of a biological tie and not a set of binding words. God only utters words of truth and God does not punish mistakes committed unintentionally, but rather one's sinful intentions, the fuqaha argue. In the aftermath of this divine revelation, creating bonds of sonhood and parenthood through the fiction of adoption were no longer allowed.

The prophet was then to marry Zeinab, the newly divorced wife of Zaid, a fellow Muslim, no longer an adopted son. Thus such a marriage, previously considered incestuous, was meant as the final disrupting break with the pre-Islamic tradition of open adoption. According to Gertitude Stern, following this verse

the circulation of the Tradition shows that the people had accepted the ordinance in the Qur'an as a religious sanction of Muhammad's marriage. It must be remembered that a wider issue than the marriage of Muhammad to his adopted son's wife was possibly also in question. The ordinance was probably part of Muhammad's policy to abolish the practice of regarding adopted relatives in the same light as blood relatives (105).

What Stern introduces as a possible probability, has become indeed, as later jurisdiction clearly shows, an accepted reality. An adopted relationship cannot be or assume the function of a natural relationship. The prophet indeed did not marry his ex-daughter-in-law, but a divorcee of a fellow-Muslim and his own parental cousin. These verses, in conjunction with the historical context in which they were revealed, shaped the ideal of what a Muslim Family was: a unit based on the dual criteria of marriage and blood, where these became the only sanctioned means through which to acquire a nasab, lineage. Given the centrality of this episode it is necessary to pause here and question the reasons for the importance of lineage, nasab, in Islam, to question the theological
implications of nasab. Given this importance, what have Muslim juriconsults demonstrated, devised as lawful means to acquire, grant, bestow or deny nasab?

It is neither my intention nor within my expertise to try to answer these questions with any sort of exhaustive argumentation. That has been and is being done by erudite scholars who specialize in Islamic studies. The purpose of this section is to draw the contours of the rather intricately and carefully woven fabric around nasab and the proscription of adoption. My aim is to demonstrate how plain adoption does not stand by itself as an arbitrary prohibition, but is closely tied to conception, construction of family and the sanctioned relationships that inform and shape this family in the legal, as well as religious, realms. A good number of Moroccans today often employ the prophet’s saying that “marriage is half the religion.” Thus, in this section I will explore the Sunni Muslim legislation, in its different hermeneutical traditions, but mostly how it pertains to Morocco. It is only in the third chapter that I will explore anthropological research concerning lineage and descent. Through the juxtaposition of these two understandings and constructions of nasab, along with the narratives, my aim is to go beyond the purely judicial concern of the law-maker, and the descriptive-analytical concern of the functional or structuralist anthropologist.

**ONE POINT IN COMMON: NASAB**

The following verse is often cited whenever nasab is under consideration in shari’a, “the ‘Way’ or the ‘Commend’ of God” (Rahman: 100), in ‘ilm, “[t]he principle of learning” (Ibid: 101), or in fiqh, “the principle of ‘understanding’ or ‘comprehension’” (Ibid: 101) within the vast scholastic literature of Islam:
And He it is Who hath created man from water, and hath appointed for him kindred by blood and kindred by marriage; for the Lord is ever Powerful. (Surat Al-Furqan, verse 54).

The consensus among commentators of the Qur'an (Al-Zamakhchari; Baydawi; Tabari) is that this verse encapsulates the very essence of humanity's make-up. The organizing principle of the social whole is established via lineage and kinship, nasab, which is established and passed through the males via blood and females via marriage. Nasab is therefore the backbone and most fundamental organizing principle in and of Muslim society. The unit fostered by nasab, the family, "might be seen metaphorically as [Islamic society's] body" (Fernea OEMIW).

But nasab can only be established through a legal union. Adultery is considered one of the greatest sins in Islam for "besides the detailed pronouncement on the law of inheritance and laying down punishments for crimes such as theft and adultery" (Rahman: 69) there is no other direct legislation in the Qur'an. Even in the distinction of sins, there are two types of sins, "major and minor [...] murder and illicit sex are also regarded as major sins" (Mir OEMIW, my own emphasis). Thus legal marriage is part and parcel of Islamic morality, ethics, piety and theology; in other words, its total ethos. Moreover, to determine the importance of an edict, it is necessary to locate its foundation in the hierarchy within the Shari'a sources. On the tip of this hierarchy comes the divine revelation of the Qur'an, followed by the Traditions and deeds of the prophet, hadith and sunna, whose "decisions or pronouncements [...] were authoritative during his lifetime became infallible after his death" (Rahman: 69). Legal theorization began with the Imam Shafi'i in the second half of the 8th century "who insisted, consistently and systematically, that the Qur'an and the Sunna of the Prophet are the sole material sources
of the law” (Hallaq: 18). This theorization occurred in the midst of the heated arguments between the two opposing schools (the rationalists and the traditionalists) on the methodology for deriving legal norms for the Muslim Umma. The Shafi‘i’s doctrine represents the culmination of “free reasoning based on [authoritative text] and motivated by practical considerations” (Hallaq: 19). By the end of the eighth century the term *qiyas* meaning “analogical reasoning” (Rahman: 71) was an established legal doctrine as was *idjtihād*, meaning “legal reasoning and interpretation” (Hallaq: 117).

Muslim fiqh is, thus, a study of commands, prohibitions and man’s obligations to God. Islamic law is a system of ‘ought and ought nots,’ for a law is essentially moral. By the end of the 8th century, there was such an accumulation in legal thought that legal opinion grew up in different centers in Iraq, the Hijaz, Syria and Egypt [...which] attached themselves to an eminent legal personality. The difference in these bodies of legal thought were largely due to the various ways in which the Quran was interpreted, in the light of local customary law, i.e. in the ways in which *qiyas* [...was] applied to the sunna [...but] these schools themselves came closer to one another, thanks to the wide measure of agreement not only on principles but even on major details (Rahman: 81-2).

Thus, within the Sunni tradition four hermeneutical schools have survived: Al-Hanafia, Al-Malikia, Al-Shafia, and Al-Hanbalia.

It is *idjmā‘*, consensus, among all these interpretative schools that nasab is granted through lawful marriage (with some exceptions as I will discuss presently), for it is through nasab that all rights and duties are then established: namely name, inheritance and marriage prohibitions. The offspring of adulterous relationships and other non-legal unions become, thus, an imminent disruption, if not danger, to social coherence and identity. Nasab is a blessing and grace (*ni‘ma*) and it is the realm of God and humans are
forbidden from tempering, altering, or bargaining with it. The most conservative of these
traditions (Imam Malik and Ibn Hanbal) argue that the very undoing of humanity and the
chaos that could lead to its final and ultimate fall, is none but adultery. The “mixing up
of nasab,” meaning incest, ref. refusal of assuming one’s responsibility towards one’s own
offspring are only two examples of how adultery could spell doom for humanity. Nasab
is therefore a gift from God in order to precisely prevent human beings from falling into
this amoral, unnatural, and horrific condition. Purity of nasab and sanctity of the family
are elemental in making the individual a pious Muslim, organizing and ordering the one
family, and by extension, the entire umma. Fiqh goes as far to say that it is nasab that
endows us with our humanity; that our humanity resides in the faculty to acknowledge
fathers, mothers, siblings, cousins ...etc. a kinship system, a sense of identity tied and in
relationship to the other. This humanity is also the product of recognizing and assuming
responsibility which are formative of all sanctioned relationships as opposed to the
irresponsibility associated with the ephemeral pleasures of the flesh. Nasab and family
become the platform from which and on which all other regulations, and prohibitions are
derived or etched. It is every Muslim’s duty, therefore, to keep his nasab ‘clean and
pure,’ and by tending to nasab, one is tending to one’s descent. Human reproduction and
continuation depends on the good functioning of the social whole which itself depends
primarily on the correct way of reproducing itself, by keeping its nasab clean within
religious parameters. Crucial concerns relating to community ritual and various aspects
of social life are regulated through the absolutely elemental basis of nasab.
How to acquire, grant, bestow or deny nasab has, therefore, been a topic of substantial debate among the four Sunni rites. The following are the constant absolute means via which to acquire nasab.

_Marriage:_ Marriage is a legal and sacred contract between a man and a woman to beget offspring, and fulfill one’s religious duty by increasing the Muslim umma. All four schools agree that marriage is formalized by a contract (nikāḥ) between the legal guardian, 35 _al-walī_, usually the father of the bride (especially if this happens to be her first marriage) and the groom or a representative of the groom. Even in faulty marriages, where for instance one or some conditions were not met (such as if there was a marriage proscription unknown to the contractors at the time of the marriage), nasab is still guaranteed to the offspring of these dissolved unions. The third type of physical union where nasab is given to the offspring is what fuqaha call “union by mistake”36 since there was no intention of committing adultery. But for nasab to be given to all these unions, they still need to meet an additional set of criteria.

_Actual date of the union:_ A second question of concern to the fuqaha is when the marriage actually starts: at the time of the contract (given that either the groom or bride, or both, could be absent at the time of the agreement on the contract), or at the time when there is a physical encounter between the husband and wife? And is it really possible or even feasible to check on whether the marriage has been consummated or not? This debate usually calls on a famous hadith (saying) of the prophet “the offspring is to/belongs to the bed; and to the prostitute rocks, _al-walad lil firâch wa lil ‘âhir al-hadjar_” (quoted in Ibn Ma‘jouz 1994: 10, from _Sahih al-Bukhari_). The contention coalesces
around the meaning of ‘bed’: Is it a literal or metaphoric bed? While some fuqaha, especially al Imam Hanafi and his follower, argue that bed connotes the wife, the others argue that it stands for the actual place where the physical union between the wife and husband occurs. The subsequent question, then, is from what date/time is the pregnancy counted? Once again, other than the Hanafi school, all the other rites maintain that it is effective on the possibility of physical union between the husband and wife, which remains largely difficult to clearly determine unless there is an obvious case of impossible union (such as the confirmed absence of the groom during the marriage or for an extended period of time).

The length of pregnancy: All four traditions agree that the shortest period for pregnancy is six months; but they all disagree on how long a pregnancy could last. If the Maleki argue it could extend for up to five years, the Shafi' and Hanbali say it could last 4 years, while the Hanafi maintain it could only extend up to 2 years. The question regarding the length of pregnancy is of paramount importance in cases of divorce, death, or both, especially when there is inheritance at stake.

Proper marriage is then the guaranteed path of gaining a nasab which entitles one to inheritance, and which establishes marriage prohibitions. Fuqaha, however, made provisions for granting or bestowing nasab in case a conflict arises concerning the parentage of the offspring or even of an adult. These provisions are the following:

Iqrâr (acknowledgment): all four schools agree that this is a second means of granting nasab to a child or an adult and it usually occurs far after the fact. Sometimes it takes years for a father to acknowledge his offspring, or an adult child to request such an
act. While the Hanafi school argues that a woman can acknowledge her nasab to a person, the other schools maintain that only the acknowledgment of a man is valid. All fours schools generally agree that iqâr can only take place if it fulfills the following four conditions: that the child or adult be of unknown nasab; that there be a sensible difference in age that would make it plausible for the ‘father’ to actually be able to have begotten the child; if the one acknowledged is an adult he has to agree to this process; and more significantly that the ‘father’ not say “this is my child from adultery.”

Al-bayîna: linguistically means evidence, and there are two types of proofs: one is that of the legal notaries; and the second of a number of fellow-Muslims. What counts as proof, and who can witness, differ with each school.

Al-qyâfa: the comparing of physical characteristics, and especially the feet, has been accepted as a means of granting nasab when a conflict arises. The use of qyâfa is recommended only in dire cases.

If an infant is born out of an illegal union or adultery, then he cannot have the nasab of his genitor, but adultery needs to be proven first. All four schools agree that if a husband accuses his wife of adultery, he needs to bring forth four male witnesses who have indeed visually seen the sexual act taking place. Some of these fuqaha go as far as saying that only when a thread passed between the bodies of the man and the woman is hindered in its passage at the level below the navel, then there is indeed an act of adultery taking place. Undeniably, the question then becomes whether adultery can really be proven? If it is not impossible to prove, it remains nearly impossible to prove. This rather curious approach is considered a preventive step stemming from the concern of
falsely accusing a woman and a man for being adulterous; and in the case of the birth of an infant, of it being denied its right of nasab. Bastardy in Islamic legal thought is much less common than say in pre-modern Europe (Flandrin 1997; Adair 1996) since the goal is to make illegitimacy difficult, if not impossible, to establish. There is, however, a process through which the jurists have made it possible for a husband to deny giving his nasab to the offspring of his wife in case he suspects her of adultery but cannot prove it; it is called anathema sermons, al-liʿān. If the concern of Islam is man’s actions and Islamic law is a closely knit system of moral obligations, for a man to accuse his wife of adultery (one of the major sins), to lie, to refuse what is truly his (his own offspring), and to deny this infant its God-given right (a nasab) is not only belligerence but a denigration of God’s commands and one of the most sacred Muslim institutions. Pronouncement of anathema sermons, al-liʿān, is not encouraged as a solution, but this is not to say that it does not happen. Its procedure, described by all four schools, is in essence the same. The consensus is that the power of the words, the confrontation, the presence of the fuqaha and being in a mosque would only make the exchange more momentous. Both husband and wife are to repeat the formulaic sermons five times. If none of them deters, the marriage is then automatically dissolved, both go free from the charge of adultery, and the newborn gets the nasab of its mother. In addition to this jurisdiction which focuses on the parents, there is also the additional edict that a grown-up person cannot refuse the nasab that his or her father is offering if there were previously a contention or some skepticism. It is an accepted norm in fiqh that what is proven by skepticism can only be revoked by substantial evidence.
In addition, the concept and notion of nasab is closely intertwined with other sociological and historical processes. The famous epithet of *hasab wa nasab* meaning here nobility of descent\(^4\) is one of them. The nobility in descent is an enduring presence in Islamic society especially as a notion tied to descent from the prophet, of being a *sharif* that is. The *sharif*-concept, with its derived sense of holiness and association with power, has indeed influenced, if not shaped, a number of historical developments in the wider Islamic world.

Nasab being thus the most fundamental organizing principle of Muslim society, the fate of a foundling is a question upon which the jurists commented at length. Foundling, *laqīt* in Arabic, describes any object including 'human infant' found in a public place. The four schools agree as to the responsibility of a *laqīt*’s upkeep, education and livelihood as incumbent on whoever has found him or her. There are, however, charges of the child’s upbringing that are to be covered by the public treasury especially if the person who found the foundling is poor. The different schools equally agree that if two individuals found this infant simultaneously, and both claim his guardianship, then the priority will be given to the one who is more affluent. But most importantly and relevant to the point here, once this foundling is picked up, his benefactor has to swear to the assembly of Muslims in the mosque that he did indeed find him. This is viewed by the fuqaha as a preventive step so that this man may not claim later that the foundling is his own child or his own slave. The child is given a name, but not that of his benefactor.

Taking charge of a foundling is considered a “*fard kifāya*” which is a “legal doctrine [...] that] defines a communal responsibility. According to this doctrine if some
religious obligation belonging to the category of fard kifāya is not fulfilled, the whole
have collectively sinned” (Reinhart OEMTW). On a different ethical level, the child is
not to bear the burden of the sins of his physical genitors; he is to be treated as a fellow-
Muslim above all other considerations. Interestingly, all four rites discuss to a great
length and with some degree of complication (Daghestani 1992) the iqār,
acknowledgment of nasab, in conjunction with the foundling. Such discussions
demonstrate a certain degree of malleability of inclusion into the social whole as it is the
nasab that forms the very backbone of the social formation.

From this historical legal survey the Islamic construction of lineage and its
conditions emerges clearly. The prohibition against claiming a person as one’s own
biologically is very potent. Such an act would not only cause a disruption in the
functioning of the system, but also be an act of impiety against God’s orders; for religious
and legal ideas are the two sides of the same coin. That most Muslim nation-states
prohibit adoption in their current family laws is understandable in light of the
omnipotence of legal nasab in structuring all the other social domains. As a matter of
fact, it would not be too much of a stretch to argue that nasab is an identifying
characteristic for claiming and embracing a Muslim identity. The prohibition of adoption
in Sunni Islamic Shari’a is, therefore, not an isolated edict, but one that is firmly
ensconced in the whole of the fabric of the ideal Muslim family. These are God’s laws
and, as the fuqaha argue, it is not possible for human beings to understand the reasons for
God’s laws. We are simply to follow them, and embrace them for God only speaks the
truth.
...God says in the Qur'an that adoption is not allowed; this is so for two reasons: inheritance and the fear of mixing nasab (euphemism for incest). Kafala remains intrinsically an act of philanthropy. The Moroccan state needs to work with Islamic jurisprudence and we have so many social problems today because we have discarded the real essence of who we are. People start acting and following rules which are only habits and old traditions and they take them to be part of religion. You have to talk about the reasons why there are so many babies now for instance: decline in marriage, the disintegration of the family; adulterous relationships... and why? Because of the influence of the Western media ... we need to go back and revive the roots ... all the way from the beginning

THE DAWN OF THE FAR-EAST, BILAD AL MAGHRIB AL AQSAA

Maintaining the same inquiry concerning legal structures, the thrust of this section is to generally introduce current Moroccan family law, called Moudawana, the process and genesis of its codification; and to engage in a reading of some of its aspects as they connect with the topic at hand. Such an exercise proves a necessity in light of the fact that it is the Moudawana that legislates, structures, creates, and defines family and family ties and is, thus, the core of what is and what is not legally permissible. As I have previously argued, adoption does not simply stand as an arbitrary prohibition, but rather is tied closely to the very conception of what is held to be normal and normative both socially and religiously—the two sides of the same coin. With the codification of the Moudawana, the creation of a centralized nation-state, a normative conservatism became firmly institutionalized. The paternalism of the state renders the family an icon representing ‘traditional values, national integrity and religious identity’ and, hence, an institution that needs constant legal protection. Although such an argument is far from
novel, the angle and reading I am adopting here are. Keeping the political implications of
the legal apparatus as a necessary backdrop, I aim to write from the perspective of the
invisible,\textsuperscript{43} from the void, since it is as much this non-said (adoption is not allowed
legally and religiously, and reluctantly accommodated socially) that gives rise to the
normal and the accepted, as there are a wide range of possible relationships between
minors and adults which are not entirely the result of the biological bond. But what do
these possibilities imply about the impossibility? Prior to discussing these provisions, I
need to review the birth of the current Moudawana as it is the outcome of specific
historical process which has shaped both its form and content, "way from the beginning"
in the words of Mr. Bekari.

With the escape of the Idriss ben Abd Allah, a descendant of the prophet, from the
feuds in Damascus during the Ummayad rule, the Idrisid dynasty is founded in 789, 8th
century, in the Maghrib, an area that was only conquered some seven decades earlier
under the legendary leadership of Musa ibn Nusayr. The converted Berber tribes
embraced the message of Idris al Akbar, who thus founded the Idrisid dynasty. It is this
Idrisid dynasty which introduced Islam in a definitive way to Morocco. In addition to this
major transformation, it also introduced the shariifs and the sharif concept, which has
played and is still playing a major role in Moroccan history and Moroccan's identity
politics, as will be discussed in third chapter.

During this period, the legal debates among different schools in the Arab West
were still taking form. At this time, the four different hermeneutical traditions I discussed
earlier, were still in the making:
two schools, of Abu Hanifa and of Malik, had their representatives in Kairouan. At first Hanafism was predominant [...] but in the end, for a number of reasons that have not yet been fully studied Malikism won out. A striving for cultural autonomy, the desire to found a tradition, must have played a part, but the triumph of Malikism is perhaps best explained by the fact that Hanafism had originated in the more complex society of Baghdad and was ill-suited to the more rudimentary conditions in Ifriqiya (Laroui: 120).

One of these ‘rudimentary’ conditions was the possible accommodation of the pre-Islamic practice of saint-veneration that still characterizes Moroccan Islam and has shaped the fate of Morocco at many historical junctures.

As a matter of fact, the most accepted paradigm of Morocco’s history is its vacillation between the scripuralist tradition of the settled urban bourgeoisie, and that of ritually and folk-oriented Islam. This thesis was proposed, among many others, by Gellner and Geertz in the Anglophone school to study the Maghrib. Although such vacillation here is circumscribed to the ‘high’ realms of religious practices and the genesis of ruling dynasties, it does have a correspondent in the realm of the cultural-symbolic, as individuals call on different registers of saint or scripture to legitimize, explain or refuse an act of adoption, as the two subsequent chapters will illustrate. This vacillation theory is, therefore, not totally foreign to the questions at hand. Precolonial Moroccan family laws, or rather the general religious ethos, made such accommodations possible more so than currently under the constraints of the administrative requirements.

In pre-colonial Morocco, family-laws were derived from the Al-Mukhtasar, the compendium by Khalil ibn Ishaq which has centuries worth of commentaries and explanations of the Maliki fiqh. The Qur’an, the Traditions of the prophet, the Mukhtasar and Imam Malik’s own al-Mouwatta’ were the sources from which the judges derived
their legal decisions. Legal opinions were collected and formed what is generally called *nawâzîl* or *a'mâl*; this body of judicial decisions was used as a handbook to help reach a solution or a compromise. It is through the “discovery of the phenomenon of a’mâl [that the French ...] gradually introduced] the judicial decisions, ‘jurisprudence,’ as a source of positive law, in compliance with the French system” (Buskens: 83). Generally, the judge’s “competence traditionally covered many aspects of family (marriage, divorce, inheritance, testamentary bequest), the administration of charitable endowments (*waqf*) and the property of orphans, declaratory judgments on the significance and validity of contracts, and civil disputes” (Calder *OEMI*). Islamic law was the prime focus of intellectual effort and is now, for instance, a significant source for the writing of historically grounded social histories.45

**Colonial Morocco**

Although foreign direct interference in Morocco predates the Treaty of Fez (the 24th of March 1912 when Sultan Moulay Abd Al Hafiz signed the treaty establishing the French[46] Protectorate in Morocco), this date does mark the effective introduction of an entirely different legal tradition and apparatus to Morocco. Employing here some of the revisionist arguments used by Léon Buskens and Abdessalam Baita in their respective essays, my aim is to briefly trace the birth of the Moudawana within the independent nation-state, and how this birth and its implications have been influenced by French legal paradigms. The argument that the French ‘respected the indigenous traditions’ has been repeated to excess. This policy of *indirect rule* was mainly deployed in areas that did not affect French interest. Baita calls for a re-evaluation of the grand corpus of literature that
has grown up around the first resident general of Morocco, Maréchal Lyautey, Lyautey’s work, or Lyautey the *myth*; he writes that “[this policy] expressed a new approach to societies colonized by the imperial powers [...] its essence was the establishment of a low-cost system of domination. A conservative policy, its success necessarily implied the involvement of local elites in the administration of the subdued country” (29). For instance, issues relating to the “public order” (as administrative law or penal law) were directly under the French jurisdiction. Even in those areas, usually brandished as the symbols of the *indigenous* integrity, namely family law, the concept of *contrôle* was an important one. Procedures needed to be systematized, unified and controlled. Even if the family became the symbol encapsulating ‘traditional, pristine and sacred’ values and whose legal apparatus is not to be interfered with, influencing it was thus inevitable, and perhaps indirectly sought by the French colonial establishment. Buskens’ article concerning the specific codification continues the debunking of those received assumptions, as Baita’s did. Buskens writes that the dominance of French culture, founded on a ‘Cartesian’ conception of rationality, was closely connected with Western feeling of superiority. This reference culture, a label Buskens utilizes to describe the Cartesian-model of typologizing law, permeated all spheres: the scholarly, the legal and the administrative. Texts should be easy to consult and unambiguous in their formulation of legal rules. It is with such an understanding of ‘organizing and clustering’ that the French pronounced the Berber Dahir in 1930, which promulgated that the Berber tribes be ruled by their own traditions, ‘*urf* or *izarf*, and not Muslim jurisprudence. Such a decree triggered the birth of mass Moroccan nationalism as the nationalist protests called to
attention the long-run consequences of French policy of divide and rule, and of the dangers of cultural assimilation.

In the aftermath of these protests, Islam and religious jurisprudence were further confirmed in their sacred nature within Morocco. The dual system of administering to the affairs of the protectorate was to continue. Although the entire body of law regulating family matters, inheritance... etc. came from sanctioned Maliki sources, it was a body of knowledge that was translated and written down following the terms of the reference culture, in the words of Buskens. He further writes that “in writing down Islamic family law according to French conventions, not just the structures and content of that law changed, but also its accessibility and applicability in favor of the colonial government and the independent Moroccan state” (66). Interestingly enough, the birth of the Moudawana was one of the first goals of the new independent Morocco.

*MOROCCO'S INDEPENDENCE OR THE INSTITUTION OF THE PATERNALIST STATE*

In his address to the late king Mohammed V and the committee charged with the codification of the Muslim law of the newly independent Morocco in 1956, the Minister of Justice Abdelkrim Benjelloun did not fail to stress the magnitude of this step in marking a break from the French judicial machine in Morocco, but also in re-creating a ‘modern and pure’ Islamic legislation from the Maliki fiqh that had been corrupted by centuries of non-religious practices. He goes on to herald this move as an extraordinary one that crystallizes the perfect union between the old, fiqh, and the new, codification. The legal system (although the judicial system in its entirety had to wait another decade for a complete moroccan-ization) is the first concrete step to mark a break with the past
and open a door to the future. Such codification becomes all the more pressing, as Mr. Benjelloun alarmingly explains that:

the existence of the family is threatened. Children are left to roam streets and social problems are on the rise and threaten the life of the nation and subject it to various numbers of disruptions. It is high time for us to walk on the road of reform, and that is in correctly understanding the rules of our religion.47

It is only too appropriate that Mr. Benjelloun would choose to highlight the dangers lurking the family establishment as his theme, and hence the immediate necessity of creating a law to monitor it. The family remains above all the site where old and new meet: where traditions are upheld and where transformation for the future are to happen. Presiding over this commission was none but Allal El Fassi, one of the champions of the Moroccan purist movement, Salafya, and among the most outstanding figures in the nationalist movement. Allal El Fassi’s *Independence Movement in North Africa*, and his later *Autocriticism*, form the backbone of his Salafya movement, which he defines as a movement “not restricted to a negative fight against superstition; it preache[s] the cause of the general enlightenment, thoroughgoing reforms, and the abandonment of static and anachronistic modes of living” (1970: 113). The codification of the Moudawana was, in effect, an attempt to reclaim these pure, uncorrupted sources of Islamic teachings, to shed their un-Islamic interpretations, all of this in a more accessible, more ‘modern’ format. As a number of critics have repeatedly argued, especially now that the Moudawana has become an ossified legislation unable to keep up with social permutations, the process of codification is a violation of the very principles of Islamic fiqh. So this codification, as earnest as it might have been, was none but a Western notion embraced under the guise of recovering a purer Islam.
On October 19th, 1957 the commission started its work and had completed the Moudawana with all of its 6 sections on 20 February 1958. What some considered as effectiveness in finishing its task, others perceived as a precipitation in simply rephrasing the austere Maleki rite with very few concrete changes accommodating what had become scientific evidence, social and economic changes--such as women's education and salaried labor--or simply general shifts due to fifty years of insidious colonial rule. Such criticism has persisted since then. The polemic concerning the Moudawana has grown into a self-feeding myth. The same hollow debates continue to rage to the extent that they are more numbing than catalytic. This polemic seems to always fall into the dichotomy of whether this Moudawana is really Muslim or whether it is just an imitation of French positive law. While some claim it is austere, even backward (in the sense that there are scientific proofs which should supersede it), others see it as insufficiently religious since laws were abrogated in order to be “poured” into a pre-existing Western mold, evacuating them precisely of their religious impetus. Those embracing either this or that opinion chose to highlight edict, structure, or genesis depending on their own moral or political agenda, or both. Underlying these arguments is, however, the essential question of what is the role of an institutionalized body of laws: for the one group the law has the capacity of structuring reality, while for the others, the law has to accommodate reality.

Sporadic escalation of these polemics has brought attention to the significant discrepancy between legal provisions and social reality. In 1993 a group of women lawyers and several feminist organizations (some affiliated with political parties) gathered a million signatures in order to request a change in the legislation regarding marriage,
divorce and children’s custody. As these associations did indeed succeed in gathering one million signatures, some die-hard conservatives and ultra-orthodox ulamas gathered, in their turn, a million signatures pronouncing all these women to be apostates. The issue had taken a sharp political turn and only the king could arbitrate what had become clearly an issue splitting society, or at least a certain section of society, into two opposing sections where the sacral was questioned. Changes were introduced to the Moudawana and promulgated on the 10th of September 1993, the same day that the bill on abandoned children and kafala was passed. A day that some cynics have called ‘cleaning day’ as the parliament went through the process of passing all the bills it had waiting.

Despite the 1993 changes, the 1958 Moudawana-codification has remained largely faithful to Maliki jurisprudence compiled some ten centuries earlier. Protection and perpetuation of “family” is then, as it is now, a matter of “public order.” Family is first of all a biological-legal unit, it is not a civil entity. The family is sanctified as it is the essential unit which forms the backbone of the larger society, and all efforts are geared to making it remain an inviolable institution, at least discursively. Legal marriage remains at the center of this sacral tradition and the established means of giving legal nasab--acknowledgment (iqrâr), proof (al-bayîna)--are also retained as means of granting nasab to one’s descendants; the rite of anathema sermons (al-li‘ān) is equally kept as a means of denying nasab. Despite the secular and religious polemic concerning Moudawana, it remains by far the document that most reveals the profile of the idealized family and the nature of relationships supposed to exist between its members. There is, for instance, an extensive enumeration, as I will proceed to discuss, of all the possible
legal engagements and ties towards children, whether or not one's own. Inheritance (either partial or as a 'son'), foster-care, wet-nursing, guidance (physical, financial or moral), custody (again physical, financial, or moral)... are examples of the intricate fabric woven to create and sustain family ties and are exhaustively described in the Moudawana. Such legal possibilities may be read, naively I think, as a simple overcompensation for the proscription of adoption, but more critically, their malleability enlarges the meaning of family although it is clear that there is no confusion between these voluntary (sometimes philanthropic acts) and what is compulsory (the consequence of biological-legal reproduction). In the words of one lawyer I interviewed, the two frames of parenting and philanthropy are separate and cannot be discussed or treated in the same manner.

The official law, Moudawana, is composed in classical Arabic, and its organization follows a linear pattern, from marriage (Book 1), marriage dissolution and its effect (Book 2), descent (Book 3), legal representation (Book 4), and inheritance (Book 5). In this sequential ordering, there are a number of legal engagements and relationships between minors and adults. Some are the direct outcome of being a parent, while others are more voluntary.

A fetus has rights, and as such abortion is legally not allowed in Moroccan jurisprudence. After birth of the newborn, the following are the legal categories incumbent on the parents. Rada': suckling or wet-nursing. This is the primary and most unalienable right of a newborn. But the mother or father may hire a wet-nurse for the newborn in the case that the mother cannot herself nurse. Suckling also produces a kinship in which marriage-prohibitions are installed. The suckling mother and her
husband become parents to the child, and their children become siblings. This is one of
the possible legal ties between an infant and a family, and this practice (as will be
discussed in the third chapter) has been remodeled, reshaped and reinvented in different
guises in Morocco’s popular culture. If it has been marginalized and dismissed with the
anesthetization and commodification of bottle feeding, it has also been strategically
reclaimed to invent non-existing bonds.

Secondly, the Moudawana discusses the notion of *al-hadâna*. The stem of this
word is *hadn* meaning bosom; and its verb form meaning to embrace and hug. *Hadana* is
a combination of nurturing and embracing. Naturally such is incumbent on the mother
due to what is perceived as the natural bond between her and the newborn. But one can
be the nurturer of an infant which is not her or even his own; an aunt, a grandmother, an
uncle ...etc. As a matter of fact, the text gives a list of all those individuals who may
fulfill the role of the nurturer of an infant.55 The further down we get in this kinship list,
the more removed is the sentiment of nurture and responsibility towards the infant or
child.

The next concept presented in the Moudawana is *al-wilâya*. The concept of
wilâya is a multi-faceted one, but may be read loosely as custody and guardianship. It
seems to be the natural duty of the father, although he may appoint someone of his choice
as the guardian of his child. A wilaya may be dative, testamentary or legal. The mother
or a judge can equally fulfill the role of the custodian. But this concept of guardianship
branches into two different directions: there is a custody of money and there is a custody
of *nafs*, meaning generally human person or person, implying, therefore, the moral
guidance of the child. This distinction (and its practice) raises a number of questions relating to how to clearly separate the two. Any man or any woman (provided they meet the required criteria) may be the custodian of a child with whom they have no biological relationship.

_A-tanzil_ finds its stem from _nazala_, meaning to put down or write down. Islam’s laws of inheritance are compulsory rules of succession and the individual has a limited power in determining the devolution of his/her property; Tanzil is the legal act of ‘writing’ someone down as one’s legal heir: that is akin to having a blood relationship. But such inheritance cannot exceed one third of the assets of the deceased. _Wasī_: is the civil representation of a minor or one mentally handicapped. A father is a _wasī_ for his children, or he may appoint someone. The judge may be the _wasī_ for instance of orphans. The possibilities are quite numerous in this case as well.

As in most all legal edicts, all these relationships are subjected to an age specification. The question concerning age is, in itself, an entire topic to research given the very ambiguity surrounding what is defined as civil maturity, legal maturity, or physical maturity, in addition to the added layer of gender distinctions regarding maturity itself. _Age_ is so contested is because, once more, each source that legitimizes this or that age finds its root either in Maliki jurisprudence or in French positive laws. The Moudawana defines maturity both as _bulāgh_ and _rushd_. While the first is more associated with biological changes, the second has to do with acquiring reason. It is possible, for instance, to take the legal kafala of a person until their ‘_rushd_’ years, that is,
eighteen years old. This is the reason the legislator of the 1993 law set the limit age for a child to be taken into kafala at eighteen.

Through this matrix of rules and symbols, Moroccan Moudawana creates its ideal family. The legislative text stipulates that "adoption does not have any judicial value and does not engender any of the lineal consequences. However, testamentary adoption (through which the adopted person can be written down as an inheritor) does not produce lineage and this follows the rules of inheritance" (Moudawana, stipulation 83). Kafala, on the other hand, does not appear at all in this text, which is the organizational core of the family, and the rights of succession and inheritance. The legal concept of kafala finds its root in Morocco's Law of Contracts and Obligations.

The etymology of the word kafala has two distinct meanings in classical Arabic: to guarantee (damân) and to take-care of. Given its first meaning, the word kafala has been mainly employed in the realm of commerce and business transactions. Legal kafala stands close to the Western establishment of surety-bond; kafala in this context is analyzed in great detail by fuqaha in order to determine and set its correct parameters given that Islam strongly forbids usury (Al Amrani 1994). The Moroccan legislator has equally chosen the concept of kafala in its commerce/business quality to be part of The Law of Contracts and Obligations. But the meaning of kafala as implying a 'partial' adoption, bestowing a gift and taking charge-of, is derived from the Quranic verse "And her lord accepted her with full acceptance and vouchsafed to her a goodly growth; and made Zachariah her guardian” (kafalaha Zachariah, Surat Al Imran, verse 37). The semantic field of this word being so rich, it is then used to suggest the combination of all
these attitudes and behaviors towards a minor. Unlike the Euro-American understanding of adoption, kafala does not automatically imply the living of the person taken into kafala with those who offer the kafala. As discussed with the other legal provisions, such protection may be financial, may be moral or physical, or a combination. Such details are usually drafted in the contract, iltizām, which binds the adopting party. These distinctions remain in essence legal and, in any particular social context, might only be evoked for strategic reasons as I will be discussing in the next chapter.

The fact that the legal concept of kafala finds its root and general currency in The Law of Contracts and Obligations necessarily invites a number of questions, namely, what is its nature? In its capacity as a gift and as ‘taking-care-of,’ it fulfills (perhaps creates) the terms of the relationship between donor and minor. The fuqaha clearly see kafala as a commercial transaction even while it is inscribed in a rather humane domain. One is indeed buying a place in paradise by engaging herself to the physical upkeep of an orphan or a foundling. It is therefore similar to a business transaction. The Moroccan legislature, like those of many other Arab-Muslim countries (except Tunisia), has chosen this concept for the act of ‘adoption’ since it is a contract and an obligation towards the self. The question then is: If there are so many possible legal relations, what is the kind of relation and what kind of moral authority (that is, theoretically and legally) is there between the kafeel and the minor? Such behavior is supposed to be directed by the Islamic code of behavior. As will be discussed in the third chapter, this frame of charity is one that sometimes does not satisfy the adopting parents who express their wish to exercise a full parental presence and agency. By stressing the kafala in its transaction-
business aspect, the Moudawana delimits the space of the engagement to physical needs (food, clothing, etc.), moral needs (education), but not the name.
FOOTNOTES:

1 In classical Arabic the word *atabi* literally means to 'take as one's son.' In Moroccan colloquial Arabic, the word employed to mean adopt is *trabi*. This concept will be fully discussed in the third chapter.

2 The following are the twelve 'sons' Mayne, a jurist in colonial India, describes in his *A Treatise on Hindu Law and Usage*, (1st edition 1878: London) as quoted in Goody (1980):
   The legitimate son
   The son of an appointed daughter
   The son begotten on the wife
   The son born secretly
   The damsel's son
   The son taken with the bride (i.e. a pregnant bride)
   The son of a twice married woman
   The son by a Sudra woman or a concubine
   The adopted son
   The son made
   The son bought
   The son cast off
   The son self-given
   (quoted in Jack Goody, 1969)


4 In her *Adoption, Identity, and Kinship: The Debate over Sealed Birth Records*, Katarina Wegar succinctly discusses the birth and the debate over sealed birth records. The latter being the right to access information leading and identifying one's birthparents or one's birthchild. Her analysis is especially poignant as she rallies to her sociological reading, an analysis that seeks to locate the social and political ramifications for one's position and the appropriation of this titillating topic in popular culture, especially in talk shows. For instance she writes that "in their attempts to present coherent and forceful arguments, both the search activists and those who oppose open records have failed to understand experiences of adoption as rooted in conflicting cultural conceptions of the natural and the social aspects of kinship"(16), a conclusion which further dismisses the packaging of adoption as a sanitizing solution.

5 There is a rather large corpus of literature concerning the history of adoption in America and its genealogy in Europe. These studies are distributed across a number of disciplinary boundaries such as legal studies, sociology of the family, history, and social work literature. For the purpose of this initial mapping, I am focusing mainly on the
‘repatriated anthropology’ monograph of Judith Modell Kinship with Strangers: Adoption and Interpretations of Kinship in American Culture. I am also supplementing this introduction with other sources through which public debates, concerning the ramifications of adoption, are at stake.

6 There are serious ethical implications of such statement and, generally, the whole issue of international adoptions. I am consciously not including any discussion on international adoptions in the Moroccan context because I feel it is a topic that needs an independent study in itself given its delicate and highly controversial nature.

7 Other than a selected set of sociological works focusing primarily on the question of the shift from ‘tradition to modernity’, namely here Radi (1977), Bruno (1979), and Belarbi (1989), there is no specific research dealing directly and exclusively with either guardianship, fosterage or adoption. Some aspects of these practices are discussed in specialized legal literature, but specifically as legal, not sociological or cultural, questions.

8 This legislation applies to the rest of the Muslim world, with the exception of Tunisia where Personal Status Law, The Magalla, has divorced itself from the Muslim Shari‘a in many respects.

9 Unless the adopting party wants to secure a part of the inheritance to the adopted person. Then they “write” this person down as an inheritor. This is al-wasi‘ya and there is another form called atanzill; both categories will be discussed in the closing part of this chapter.

10 Such customary adoption would be close to what some activists in America are calling for today, namely open adoption, where knowing one’s biological ties are sustained even if one grows up adopted.

11 I am utilizing this expression of ‘extra-legal’ in order not to employ the notion of illegal or criminal which is how this sort of adoption is described in the Moroccan body of law. I am, however, conscious that the connotation of being above the law is a highly problematic one. There are cases of such adoptions where serious abuse of the children takes place and describing them, thus, as being above the law, makes it a rather controversial label to employ. Having said this, my choice of this notion is not to condone or excuse these abuses. As a matter of fact, the conception and intention of this work, in part, arises from a genuine belief in the children’s rights. Through this dissertation I hope to bring further attention to the intricate and delicate problem of abandoned children and address critically the roots and genesis of the aberration against bastardy. Maybe such dissection will bring about a cultural shock, akin to a defamilizing technique, through which a re-evaluation of beliefs may take place. This re-evaluation may in its turn, bring about a change in legislation and, perhaps, in some of these beliefs.

12 A close person in this context is quite problematic for it may be a person located at two contrary ends of the spectrum. Close may be a person who pressures the young mother to relinquish the baby like a brother, a mother, a boss (who could be the father) because of the social stigma and fear. In this case, close means exercising a ‘negative’ power. Close also may be a person who really loves the new mother and is genuinely concerned about
her welfare, the attention is mostly directed to the mother and not the fear/stigma component. A certain complicity and understanding between the new mother, her mother, a sister, a cousin or even a friend who may have gone through similar conditions, will be to assure that giving this baby is carried in as "nice" of an environment as possible. But most of these can only be judged on individual cases.

13 There are equally ritual celebrations, namely the 'aqiqah, or naming ceremony which enters into a different religious-cultural context of endowing the child with a name and appropriating him or her as one natural's child. These questions will be explored in the third chapter.

14 I am italicizing legal here because the distinction between a legal, natural, a foundling, an orphan, and an abandoned child are extremely important legally as the rest of this chapter will clarify.

15 It is rather ironic to say that even if such a law is published in the Moroccan Official Bulletin, it does not necessarily receive a wide public audience. The Moroccan buying power is really limited, in addition to the high illiteracy rate.

16 Such as 'taboo' practices of illicit sexuality, "un-naturalness," abandoning a weak and fragile newborn all of which are considered in the Moroccan penal code crimes punishable for up to a year imprisonment.

17 As will be discussed in the next chapter, these institutions’ funding is largely from private sources (national and international), and charities.

18 Salé is a historical town separated from the capital only by the river Sabou, but in the contemporary administrative grid, Salé is an independent prefecture from Rabat and so when infants are born in the hospital of Salé, a number of administrative papers (sometimes quite difficult to obtain) are needed to make the transfer to the center for abandoned children in the region, the one located in Rabat.

19 Is the name of a district in Rabat. Although the main state hospital's name is Avicenne, it is called Souissi Hospital following the neighborhood in which it is located.

20 The American controversy over the changing of the names of the birth parents in the birth certificate to that of the adopting parents has not stopped some adopted persons to search for their natural parents. The controversy over the sealed records is inscribed largely within this rhetoric.

21 There has been so far two cases that made the national news regarding 'baby trade.' The first one came to light in the end of 1993 where a Spanish couple who owns a restaurant in Ceuta would 'buy' babies through some of its employees and 're-sell' them to Andalusian couples looking to adopt. Although this case was not tried in Morocco, given that Ceuta is a Spanish enclave, it has brought attention to this most abject traffic. (Source: Opinion, date 3 January 1994). The second case occurred in Casablanca where it came under investigation in the beginning of 1995. One woman, Rkia Nidir, through the intermediary of other midwives would get infants of single mothers and 'prostitutes,' and would then sell them to women and couples looking to adopt. She would introduce
herself as the mother of the infant in question to the adopting party. She has been sentenced to 5 years in prison, and her collaborators have been, likewise, sentenced to different prison terms (Source: A first page article in *Opinion*, date 24 July 1995).

22 The mother does have, however, thirty six hours to change her mind. After these three days the abdication becomes legally irrevocable.

23 The following are some of the numbers I was able to gather:

*Rabat*. Source: the unpublished dissertation of Mme Choujaa who carried her research in the Souissi hospital.

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</thead>
<tbody>
<tr>
<td>&quot;Illegitimate&quot; birth</td>
<td>110</td>
<td>273</td>
<td>208</td>
<td>318</td>
<td>296</td>
</tr>
<tr>
<td>Abandonment</td>
<td>38</td>
<td>130</td>
<td>153</td>
<td>172</td>
<td>200</td>
</tr>
</tbody>
</table>

Mme Choujaa’s study is primarily a medical one. She argues that because of the status of illegitimacy, the women experience more difficulties while giving birth. I believe there is empirical ground for such a conclusion sociologically and psychologically, although I am in no way able to support or deny this hypothesis medically. My contention here is mainly with her category of ‘illegitimate’ which is a somewhat loose one, since she does not set or define its parameters clearly. Having said this, the abandonment numbers speak for themselves.

*Casablanca*. Source: Center Lalla Hasna for abandoned children’s packet of information:

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Infants Received</th>
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<tbody>
<tr>
<td>1989</td>
<td>40</td>
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<td>1990</td>
<td>106</td>
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<td>1991</td>
<td>132</td>
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<td>1993</td>
<td>132</td>
</tr>
<tr>
<td>1994</td>
<td>112</td>
</tr>
<tr>
<td>1995</td>
<td>140</td>
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*Taroudant*. Source: Social worker ledgers

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Infants Received</th>
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<tbody>
<tr>
<td>1986</td>
<td>49</td>
</tr>
<tr>
<td>Year</td>
<td>Number</td>
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<td>------</td>
<td>--------</td>
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<tr>
<td>1989</td>
<td>64</td>
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<td>62</td>
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<td>57</td>
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<td>1992</td>
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<td>1993</td>
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<tr>
<td>1994</td>
<td>99</td>
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<tr>
<td>1995</td>
<td>56</td>
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*Meknes*. I was not able to get the exact numbers or yearly statistics. But after my discussion with the Head nurse in the *Nid* (which I will discuss at some length in the second chapter), I was told they had 9 abandoned children when they first opened (circa 1990), and during the time of my visit (1997) they had 57 infants and children.

Tabit was a high ranking official in the police force who raped hundred of women and taped himself while engaging in these sado-masochist activities. Because of his high position, he engaged in these activities with impunity for years with the conspiracy of other individuals, doctors, and other police officers. The fear and intimidation of these rape-victims, mostly married and mothers, prevented them from pressing charges. Two younger women did and that is how the case became to be publicly known. This case solicited a lot of attention in the national media and became a national outcry.

This decrease can also be explained in terms of the difficulty of meeting all the administrative criteria required for a kafala.

This process of screening the requesting families bears some similarities to the American context that Modell has researched in her *Kinship with Strangers*. The complaint of adoptive parents is to question the excess a bureaucratic and personal inquiry while “just about everyone else is having babies” (1994: 91).

I will be discussing at length the issue of last-names, identity in the section concerned with onomastics not only in their bureaucratic dimension, but historic, social and ritual dimensions as well.

Although not stated, but underlying this suggestion roam questions of complicity of the officials doing this notarization.

In this chapter I will limit my analysis to the administrative procedures. The third chapter will explore the symbolic ramifications and the “whys” for wanting to have a child be ‘naturally’ one’s own.

In the case the mother is Jewish and has requested that the infant be brought up in the Jewish faith, then a Jewish notary needs to make the necessary administrative steps and draft the binding contract according to Jewish laws.

This of course can be criticized here by saying that the law is indeed in Arabic and that it follows certain Arabic family patterns. My point in this case is that the focus falls on
religion as an identifying characteristic and not ethnicity. Since the Berber Dahir of 1930, of which later, the question of ethnicity is a very sensitive one especially in light of the Kabil concerns in neighboring Algeria. The Moroccan Berber movement is above all a cultural revivalist movement which does not have political overtones or undertones.

32 In Islamic scholastic tradition, there is a discipline called asbāb al-nuzūl, occasions for revelation, which situates the historical circumstances for each revelation. These reconstructions have been equally a subject to debate and evaluation.

33 The term “Tradition,” as employed by Stern here, stands for comments and views that were gathered and appended as books contextualizing events that occurred in the life of the prophet. There is a very elaborate scholastic tradition in the study of Islam. One of these, for instance, is isnād which Fazlur Rahman describes this as the “Apostolic tradition [which] subsequently compiled in a series of works six of which came to be accepted as the authoritative second source of the content of Islam besides the Quran” (43).

34 It is important to note here that in the Arabic language there is no word for incest. Incest is always suggested, euphemized, through evoking the forbidden, the taboo or the transgression of norms.

35 The only two schools which require a wali for marriage are those of Imam Malik and Ibn Hanbal, the most conservative of the four sunni rites.

36 In Arabic, these sort of unions are called al-wat‘u bi-shubha that there was a physical union by mistake. As long as this was a mistake and not intentionally committed--i.e the intention was committing adultery--then the provisions are made for the mistake. As Mir argues that “the sin for which one will be held accountable is, as a rule, the one intentionally committed” (OEMIW).

37 Although children begotten from slaves and concubines could also acquire the nasab of their genitor if he acknowledges them as his own offspring. These children are, akin to the legitimate children, subjected to marriage prohibitions and they do also inherit.

38 Iqar has been adopted by many Moroccans as a means of giving a pre-existing natural relationship (i.e. from an adulterous relationship) the legal legitimization it needs, or have used it to create that bond.

39 It is important to note here that within these religious-legal texts, qyāfa is a rather a low-key provision. It has, however, been revived and given some prominence as some Muslim scientists are trying to locate religious precedence sanctioning their own use of the new birth technologies, from surrogate motherhood to in-vitro insemination. Such topic needs an independent research by itself, and is currently soliciting a wide attention from a wide spectrum of views and opinions. Moroccan Academy hosted its 10th session (1986) on the Ethical Problems Raised by the New Techniques in Human Procreation. Most of the addresses in this seminar stress the importance of the ethical repercussions of such technologies. They also debated at some length whether they are or not against the religious impetus. Artificial insemination is a procedure that is not allowed in many
Muslim countries since it is tantamount to adultery, in the sense that the father is 'unknown'. (source: Publication of the Proceedings of the Moroccan Academy).

40 Only if the adulterous parties do acknowledge, bring an igar upon themselves.

41 The case of Aicha, one of the prophet’s wives, is a famous one in the annals of Islamic scholastic history. On a return from an expedition, Aicha strayed and she was escorted by a young man to the Medina. This incident gave rise to a gossip which was magnified to such an extent that she was accused of adultery. At length it became clear that there was no evidence against Aicha, and then the prophet received a revelation implying her innocence and rebuking those who had gossiped “and those who accuse honourable women but bring not four witnesses, scourge them (with) eighty stripes and never (afterward) accept their testimony-They indeed are evil-doers” (XXIV: 4)

42 This would equate the notion of ‘blue blood’ in English.

43 Other than some specialized legal articles discussing the procedures of giving last names to abandoned children, there is not much in the current sociological literature by Moroccans or foreign researchers alike on this social segment.

44 Such totalizing schema has been largely criticized, and in the words of Henry Munson “Gellner overlooks the fact that no such movement [the puritanical reformist movement] managed to seize and retain control of the Moroccan state since the Almohads did so in the middle of the 12th century” (OEMI), in other words that what Gellner describes as the triumph of the urban traditions is not overwhelmingly supported by the annals of Moroccan history.

45 I am especially referring here to the pioneering work of Mohammed Ennaji who has employed the substantive legal documentation for his first book on slavery and for his second Braudel-modeled-book on the economic history of Morocco from the thirteenth to the nineteenth century.

46 The French then themselves signed an agreement with the Spanish on the 27th of the same year, 1912, establishing the Spanish protectorate over the northern zone. Laroui, in his classical essay about the history of Morocco, argues that European intervention in Morocco dates about a century earlier when the Moroccan king borrowed the first foreign loan and gave the jewels of the crown as a collateral.

47 This is my own translation of the following text: “l’existence de la famille est menacée, les enfants livrés au vagabondages. Les fléaux sociaux risquent de se multiplier et de menacer la vie de la nation et de l’exposer à toutes sortes de relachements: il est temps pour nous de nous engager dans la voie de la réforme, en comprenant intèligemment les règles de notre religion.” (Source: 1958 Confluent 18: 4-6.)

46 Many have argued that these provisions have only given lip service to change. I would agree with such a view. My point here, however, is the message that such a change implies. Some do hold the Moudawana to be somewhat sacred and, thus, introducing change clearly signifies that even the sacral may be subject to negotiation and change.
Abdakrim Chaboun writes in his *Sharh mudawant al-ahwal ashkhsiya al-maghribiya* that “the high committee stipulates in its edict number 147 of January 24th, 1967 that nasab concerns public order” (1987: 342).

Continuing along the same line of argument, the fact that Morocco has signed and ratified many international charts where the family organization and institution is entirely different, if not antithetical, to the Moroccan one—this is seen by some as a threat to the sacral tradition of the family.

In the words of many of the skeptics and cynics who work in the field of law and see the staggering numbers of divorce, of family disruptions, the supposed ‘sanctity’ of the family is regarded as a simple hoax.

It is interesting to note here that all of the Maliki tradition that were in use in pre-colonial Morocco were translated to French to help the civil servants in their various administrative tasks. As Borrmans in his extensive *Le Statut Personnel et Famille au Mahgreb de 1940 jusqu’à nos Jours* (1977) and Buskens’ article show how these translated works have been themselves, then, used to create the Moudawana. The most important of these translations are the 16 volume series of Doctor Octave Pesle who was a professor at the *Institut des Hautes Etudes Marocaine*, what became Rabat Mohammed V university later. These volumes cover some of the following topics: Adoption; Gift; Marriage; Divorce; Selling; Custody and many others. All of these translated books focused on the North African Maliki rite.

Given that Qur’an places high value on life and its preservation, fuqaha have argued that abortion is a reprehensible activity. The question they needed to consider is what kind of punishment can be carried out when and if abortion happens? The conclusion to such a question could be only reached out in Ilm after determining the ‘quality of personhood’ of the fetus. Although many Muslim scholars widely differ in defining the state of the fetus, whether it is a full person after 40 days, a month or two, there is a consensus that abortion is a homicide.

Suckling does not entitle any inheritance or succession rights, but only marriage prohibitions.

These individuals become in the case of the premature death of the mother, for instance, those responsible for the nurturing of the infant.

I am thankful to Dr. Goux for this comment.
CHAPTER TWO

FROM INTELLECTUAL, SOCIAL AND POLITICAL SCENES:
SOCIAL WORK AND SOCIAL VIEWS ON KAFALA, ADOPTION AND ABANDONED CHILDREN

Ellipsis

Reading one (Films)

The first Moroccan feature film to be produced and which received some renown is Washma (circa 1970) by Hamid Bennani. Notes from an interview with Mr. Bennani, Film-director and producer. 28th March, 1997. Rabat.

Question: Why the plot of an adopted orphan and his trajectory through life in Washma?

Answer: I started from the very point that concerns you, that is, identity (sic)... the identity-problem... behind Washma is a hypothesis that adoption is an impossible act because of the question of legitimacy. An adopted child will always question his identity, hence his legitimacy. An adopted child always thinks of himself as illegitimate ... given that our society is structured from above, it is structured and traversed by a law that is dead serious, which goes so far as courting incest1 when nasab is not legal [...] at the time I made this film I thought of this theme as the best way of describing our patriarchal society; hoping, maybe naively, to shake some of these patriarchal structures a little bit....


The events of this film unfold in a remote and small fishing village in the north of Morocco. The daughter of a fisherman has a relationship with a man who denies it all when she informs him of her pregnancy. In a fit of rage and despair she kills him. When her childless stepmother finds out about her pregnancy, and tells her husband, the latter confines his daughter to a summer-house which he watches for an urban-based family.
The stepmother pretends to be pregnant by gradually stuffing material (wool) under her clothes, while the father announces to everyone that his daughter is away in the city for work. After nine months, the 'stepmother' delivers with the help of her mother-in-law. As the daughter 'returns' to the fold of the family, she has to pretend to have a sibling and erase her motherhood. The last scene of the film closes with her stealing the newborn and running towards the sea as she is followed by all the members of the community. As is his usual way, Ferhati closes the film open-endedly. It is up to the spectator to choose her own reading.

Question: What convictions, ideas and views have played in the shaping of this film?

Answer: The role of the artist is to criticize society. I think it was Rousseau who said that there are three sources of education: parents, teachers, and that of the world. The role of the world is to invert the first two. When citizens are faced with themselves, especially in societies where the taboo is predominant, they have to engage into a process of auto-education. In these societies it is possible to say, 'I have not learned what I was given to learn, but I learned what I learned.' [...] So who is the artist? His means of fighting is his art, and his role is to criticize society not in an insidious manner but in a sane and constructive way. I think that education and art, education and humanitarianism cannot be disassociated. [...] I think that males became men the day all the laws were created to protect them. For me a man remains more vulnerable than anyone else (sic). [...] In this film I wanted to show exactly a tender father, a father who cries, a father who does not beat up his daughter because she has just committed one of the most heinous crimes in an Arabo-Muslim society. The acceptance of the father is to show that even the man can cry, and he can cry in public. [...] Silence can be a weapon, but it is a fragile weapon, [...] and for me the silence of the audience would have been a normal and passive acceptance of what I have shown, but they laugh and this laughter is a revelation. In the alignment of the grandmother as the midwife, the daughter giving birth, and the stepmother who
echoes and extends the birth-scream, there is solidarity. This is a common scream, one of support and forgiveness, women in suffering are supportive and cohesive. [...] The father is here, but he does not show himself because he is afraid of living his femininity. [...] I think that by showing this father crying, my aim is to tell society and the West, there is another image from the stereotype of the uncaring macho...

Reading two (Radio Programs)

One very popular radio program formerly broadcast from Rabat, but realized and produced in Tangier, is entitled One Hundred and Eighty (since its broadcast lasted three hours). This program was extremely popular especially as it tackled issues raised by the listeners who either called or sent letters to the couple who hosted the program, Amina Soussi and Khalid Mchbal. It was broadcast for almost a decade (circa 1982-1990).

Notes from an interview with Soussi and Mchbal. 23rd March, 1997. Tangiers.

Question: What was the main concern of the people who called or wrote?

Answer: as you know our program really had a social work bent to it, and its theme was in response to the concerns of the listeners. The two main issues to constantly come back are those of sterility and adoption. It is normal that people want to procreate, to have children, to continue and perpetuate the self. There is nothing above family. But as you know, we don’t have adoption in its open sense, and we can’t have it since it is against our religion and our traditions. So people, while knowing this full well, would keep calling and writing and asking whether their specific case with such and such contingencies could somehow make an exception. So our program was like a thermostat which measures people’s awareness. My office [Soussi’s] at the radio station became almost a consulting center, and a lot of people wanted to do good deeds and they did indeed participate in solving a number of thorny issues. We have helped other people come to terms with taking the kafala of a child, you know that is not an easy thing given
that nasab is so important. We have equally helped a lot of people locate their own biological kin ...

Another popular radio program, still currently airing over the Moroccan state-run radio, is *bil hanin ya watân* (with nostalgia, oh my country). This program airs from the station of Oujda and was hosted by Haj Yahya, until his sudden death in April 1997. My appointment with him was set up for the first week of May. This program, like *180*, responds to people’s requests, and most of these requests were searches for long-lost blood relatives. A high percentage of these cases involved a secret adoption. Individuals would send almost anecdotal information about their memories, some first names, an approximate date, the name of a town... and slowly through other letters and phone calls, all the pieces of the puzzle would fall in place and ‘blood’ would be united. This program’s overwhelming popularity was largely due to its success in uniting families. The eulogies read on the air after the death of Haj Yahya, repeatedly, singled out the fact of being a ‘unifier of blood’ as one of his most virtuous achievements.

Secret adoption is a device often employed in drama, in radio and television programs, in jokes² ... not because it is a topic that solicits considerable attention on its own, but because it is one that has the capacity of evoking a wide range of topics from the most normal and accepted to the most taboo and proscribed. Within an accepted sense of decorum, it may allude to ‘non-conformist and deviant’ sexuality, and assert the primacy of those enduring references in Moroccan social and cultural discourses, namely family, belonging and roots which will be discussed in the third chapter. Adoption in its capacity of being and non-being, between social tolerance and legal proscription, becomes an accepted motif for discussing the ‘normal,’ the family institution, and hinting to those
sublimated reasons which made kafala become an institutional-social necessity. In the words of Modell (1994), because adoption is regularly discussed in terms of the *as-if-begotten-axiom* (the biological relationship being its blueprint), it is a fertile locus where ideal, idealized, and normative beliefs about what it is to be emulated or eschewed do strongly converge. In the Moroccan context, these prescriptive and idealized values are especially associated with past traditions and an erstwhile solidarity. They are often, therefore, recollected with much nostalgia. An adoptive act—whichever form it may take—in the midst of such representation is the crossroads where the disjunction between past and present, and between normative-ideal discourse and reality, collide full force.

In the first part of this chapter, I intend to offer a bird's eye view of the historical constitution of the family and changing conceptions of the value of a child. The family being above all the absolute norm, a subsequent part of this chapter will map different orientations of the structures which cater to those who happen to be at the margins of this norm. My discussion of social work and social action is a further elucidation of the general social whole where abandonment, kafala and secret adoption occurs. In other words, isolating the mechanisms which mediate these processes, samples of where the support of the children takes place, and further investigation of their genesis and foundation (religion, state or civil society) provides a necessary window into the generative and sustaining mechanisms of Moroccan culture. It is the whole in motion.

**AN ALL-IN-ONE: LOOKING BACK AT FAMILY**

Whether it is procreation, economic reproduction or a process of socialization, in other words all the functions which maintain the permanence of its economic, social and ideological reproduction, the family fulfilled its role against all odds
[...:] being part of a family, either biological or adoptive, a person could live normally without needing to develop any relation with other institutions, but the inverse was unthinkable. By its multi-functional character, the family could influence its own destiny... (my own emphasis, 1-2)

In this excerpt Abdelwahad Radi, a Moroccan sociologist, describes historically the sustaining and generative mechanism of the Moroccan family up to the institution of the centralized post-colonial nation state and its diverse ideological and repressive apparatuses. This inclusive system of reproduction—biological, economic and symbolic—is the instrument through which to reconstruct the profile of Moroccan family in a historiography that paid it little attention. Moroccan historiography is replete with ‘grand narratives’ of feuds, wars, changes in ruling dynasties, but includes little on those areas constitutive of everyday life. While in the previous chapter, I have defined the constitution of the family from prescriptive religious-legal texts, this section will focus on giving a historical bird’s eye view of the family and highlight those specific niches of continuity and change within the discourse on family, especially as they pertain to conceptions of the role of children.

The word for family in Moroccan Arabic is ‘aila, which Mohamed Chekroun, another Moroccan sociologist, defines as “the household without identifying its nature, whether extended or nuclear. The etymology of this word comes from the verb a`ala, that is, to take-charge-of (take kafala in its largest sense) of all those who constitute one’s household” (1987: 60). He further elaborates that a family is “the one household which constitutes at the same time a productive unit, a unit for owning, and a unit of reproduction (biological, economic and symbolic). Such a unit is under the custody of the leader-patriarch of the family [who] oversees all productions and transfers within the
family” (1987: 63). The family is the omnipresent and many-faceted institution through which all processes have to flow: it is the one institution where all interests converge. Neither symbolic nor economic reproduction or continuity of the family-household is possible, however, without elemental biological procreation. Without the children to sustain and perpetuate this sum of reproductions, they will simply come to a halt. The primacy of procreation is indubitable: the children become therefore the first capital where all the other capital—economic, emotional and cultural—is funneled and invested. Having offspring was nigh-absolute for the being and the functioning of the family, especially considering that no other alternative of continuity was legally possible other than the levirate, for instance. Le Tourneau, in his history of the city of Fes, writes that “Islam, like Christianity, encourages procreation. Large families were therefore the norm in all the milieus of Fes” (1949: 534).

The family is thus the pillar and the constant on and through which all ties, institutions, functions and relationships were constructed, maintained, reproduced, severed or destroyed. Historically, the family was an economic unit formed by the wife or wives, young children, older married sons with their own wives and children, and a number of lateral and collateral relatives, in addition to domestics and slaves for the higher strata of society. The family being patrilocal, daughters would return into the folds of the family only if widowed or divorced, at least temporarily until they were married again. These individuals lived in the same household and formed, in addition to family ties, an active economic unit. The institutions of artisan production, small-scale marketing, and even settled agriculture, were the foundation of the Moroccan economy
and the means by which the family sustained itself (Ennaji 1996). The family was under the tight control of the father-patriarch-custodian whose function was to optimize production and minimize consumption. Respect for authority and the family hierarchy was a vital aspect of the socializing process. The cohesiveness and perpetuation of the family depended largely on this socialization, which reproduced values, norms, and ideals of the social whole.

Ennaji\(^3\) writes that the sense of empowerment "in yesterday's Morocco, [could only be derived from] one's entourage: from the family, slaves, rural followers, clients and allies" (1994: 25). It is a power intimately woven in the fabric of the household if not dependent on it. The family had the many-faceted capacity of being "all-in-one" and thus the very idea of a family without children could not stand; it is rather a non-family, or better yet, an anti-family. Once again in the words of Le Tourneau, "sterile households were thought to be affected by some disease or supernatural malediction" (1949: 534). It is, then, fitting to wonder about the status, and even destiny, of those men\(^4\) and women\(^5\) who were not able to found a family. Logic would suggest that plain adoption could have been a practice, and it most certainly was. I do recognize that answering these questions positively, as I have, may be easily dismissed as pure historical speculation in light of a lack of 'empirical' evidence,\(^6\) but my argument here is that we cannot simply erase the wealth of a cultural memory and traditions just because there is no 'hard' evidence. As a matter of fact, Moroccan oral popular culture, with its proverbs, stories, poetry ... etc. is the evidence. As an instance here, in one of his famous quartets Cheikh Abderahman Majdoub\(^7\) says:
don't erect a wall of sand, for it goes high and then falls to its source;
And don't bring up the son of others, for he grows up and goes back to his own
people (23).

This is part of that cultural memory which will be discussed at some length in the next
chapter. What affluent individual would not devise tricks to have an offspring of his
own, or claimed to be his own, to inherit from him, especially in light of internal family
jealousies? What other less affluent individual, acting in light of the same cultural
values, would not want to secure his posterity, fulfill his religious duty, and hope for a
better future through a son or even a daughter? What distraught wife would not go to
extremes to secure an offspring so as to remain a wife? Such would be some of those
considerations which were, are and will be evoked to legitimate one's decision.

Entering Dis-junctions -- one

Noufissa Sbaï. L'Enfant Endormi-Ragued.

The novel-testimony is constructed as a flashback. The middle-aged and married
Yezza, the main protagonist of the novel, is addressing her long-gone friend, confidant,
savior from a life of loss and deprivation, Hayat, remembering the high peaks of pain in
her past as she faces the new ones. Yezza recollects especially her own claim of having a
ragued, 'the sleeping child.' Yezza relives how ...

"eight years after this story of 'the sleeping child,' it still bothered you, Hayat. And yet,
you had already heard about these kinds of pregnancies before, but you did not really pay
that much attention. Something drove you to look for more information. Every time you
asked about it, people answered you with conviction:

-of course it exists. My aunt had my cousin 'sleeping' four years after the death of my
uncle. After his birth all the inheritance and succession rights went to him. He was the
only legal inheritor.

Other times it was..."
-do you know Zineb B..., she was a ‘sleeper,’ she was born 15 months after the repudiation of her mother. The father did not remarry the mother for that, he was already married to another infertile woman...

[...]

This one student brought you something to read, since it is a problem that still bothered you and especially in light of all those ‘sleepers’ you have known earlier in your life.

**CLASSICAL MUSLIM FIQH AND THE THEORY OF THE SLEEPING CHILD**

*periods of gestation were considered in the doctrine of Classical Islamic Fiqh to be longer; and given this length, the theory of the sleeping child arises. It was possible to give the nasab of the husband even years after the dissolution of marriage.*

Of course these delays do not correspond to the universally acknowledged delays of scientific observation. But the liberalism of the Muslim Fiqh could be explained thus: it wanted to restrain as much as possible the number of illegitimate births. Fiqh law has always ignored notions of the natural child because such a state means that this child has absolutely no rights. This law was revoked in 1957 in all the Arab world (sic), and was not replaced by any other law....” (60-61)

*Ragued* is Moroccan Colloquial Arabic for asleep, although it is a word that has a strong rural intonation. Ragued stands for a sleeping fetus in the womb of its mother; after the waking up of the fetus in the womb, the pregnancy would take its normal course.

There are various culinary-herbal recipes for women experiencing difficulties or delays in conceiving so as to make sure they do not have a ragued inside them. The ragued, as Sbai demonstrates in this excerpt, does have some legal foundation and legitimacy.

Given that the Maliki rite sets the maximum length of pregnancy at five years, fetuses are believed to be ‘asleep’ in the womb and then wake up after years in a marriage, or its dissolution, or the death of a husband. Colonial ethnographic literature has seen in the ragued, ultimately labeled as the ragued-myth, a curious trivia and a further proof of the
unscientific and gullible mind of the natives. In independent Morocco, ‘modern’
Moroccans equally condemn and renounce it as it became one of the many signs of the
continuing hold of superstition and the ultimate symbol of backwardness. This resulted
from the compounded thrust of Salafism, i.e. a purer and textually based religion, and the
unconditional veneration of empirical scientism, its sanitizing culture and its rationalized
and rationalizing proof. “Modern” Morccans believe that science is, after all, the true and
only index of progress.

Sbai’s novel was, thus, a pioneering testimony by employing the myth of ragued
as its central theme. Sbai does in the end dismiss the truth-value of ragued by having
Yezza recount her own sexual encounter, but Sbai’s innovative move amounts to the fact
that she has not written ragued as a part of the annals of backwardness, but one that has
created an interstice for women to gain a certain legitimacy and control, no matter how
limited and problematic, in the face of adversity. The importance of ragued lies in its
being a tactic that creates a possibility of legitimization. In this cultural context, one
cannot pretend to its being empowering or even cunning, kaid as some have argued, but
a basic instinct for survival so that the mother not be cast as a social pariah and the
offspring not become obloquy and anathema. Despite the scientific demystification of
pregnancy and birth, some women still claim to have a ragued. This is a gesture for self-
defense in a society that victimizes its women, and only recognizes them once they
become mothers within a sanctioned legality (Filal 1991; Bourquia 1996).
SOCIAL MUTATIONS: CHANGES IN THE VALUE OF A CHILD

The conscious reasons articulated for deciding to adopt a child find their explanation in the cultural understanding of the role and function of a child within the one family. But the definitions of these roles and functions, akin to other cultural beliefs, have gone through notable mutations. How is a child is viewed? What is expected from a child? How are these views influenced by class affiliation? These are questions largely discussed in the sociology of the family, a vigorous discipline within the Moroccan academy.

Over two decades (roughly extending from early 70s to mid-90s), it is possible to discern two modes of analysis in Moroccan sociology. The first phase is a ‘crisis-model-analysis’—crisis of old norms in the face of development (read Westernization). The second phase is characterized by an active move away from the crisis-model to search for a syncretic one. From the late 60s through early 90s, the general tendency (namely Navez-Bouchachine 1989; Belarbi 1979, 1989; Radi 1977; Fekkak 1988; Dernouny 1984; Bruno 1979; Zniher 1979; Chekroun 1987; Moulay Rchid 1987; Chekroun & Boudoudou 1986; Phillipe Fargues and Ahmed ben Cheikh 1989; un groupe de Marocain et de Français 1962) is a focus on the dissolution of the family as the sole space for the socialization of the children as was predominantly the case in pre-colonial Morocco. The crisis of identification of the children is epitomized in the clash of values between past—that is, the family space—and present—represented by school, street, and media—as different and alien stimuli of socialization. Stimuli often regarded as threatening to the loyalty and sanctity of the family. Such a view is best summed up by Radi, who writes:
the Moroccan family has stopped being the inviolable space for the conservation of customs and traditions and the unequaled instrument for reinforcing other institutions. The rupture of this process will only increase in the future and it is the sign of the deep changes that affect all the domains of family life, and through it, the entire make-up of society with its economic, social, political and cultural institutions (5).

The more recent direction in this branch of sociology is one which precisely looks at the family in the context of change and not only in constant reference to a sometimes idealized past. The best examples are the later work of Chekroun (1991, 1996), Kabaj (1997) and that of Belarbi (1991). Here the axiom is what innovative readings are to be disengaged from the existing patterns regarding family and family dynamics? These trace the new configurations of family, such as families headed by single mothers due to high rates of emigration and divorce, and identify the complex patterns of socialization of children and the continuity of family primacy but in its new guises. The question that concerns me here from this body of literature is how the discourse around the value of a child has shifted. If historically, a child, or more correctly a male child, was the vector of the continuation of the family, and one in whom the sum total of capital (economic, emotional and symbolic) was invested, what has shifted in the value of a child in the new configuration of the family? And more importantly here, how does this shift affect (or not) arguments and decisions of those families taking the kafala of a child or doing a plain adoption?

With the crisis-model, where the family was no longer the site par excellence of socialization, where the child could be, as a matter of fact, a point of the rupture of this summative reproduction and continuation, the rhetoric concerning a child’s value had equally to shift its importance. Belarbi writes for instance that “the social machine
revolves around the child, passing through its conception, its birth, his-her learning, his-her education, etc. Every one participates in it: theologians, politicians, doctors, parents, teachers ...” (1991: 91). The well-being of the child becomes of paramount importance. Most discussions currently verge on stressing the well-being of the child, thus making the sentimental investment take precedence over the financial one. I do not mean here that the economic investment in a child is no longer a belief or reality, but it is one that has lost its previous decisive prominence. An important number of Moroccan parents do not automatically see in their children a social and economic security for the future as their own parents might have once seen them, but explain that they want to see their children autonomous and self-sufficient. This shift from an economic-symbolic-emotionally motivated relationship towards children, to an overtly sentimental one, is a solid middle-class trend.

In the words of Abdallah Saaf, a law professor, “the truth is that the values of these middle classes dominate the entire society from top to bottom. They represent the aspiration of society as a whole” (1990: 142). The diffusion of middle-class values is a phenomenon that other Moroccan and foreign scholars alike have commented upon (Belarbi 1991; Kapchan 1996; Ossman 1994; Al Khamlich 1988). With this homogenization—the sentimental value taking precedence over other values—the institution of the family as a bounded biological unit becomes more valuable. Even though the meaning of family, ‘aila, encompasses non-biologically related individuals in a living unit, the stress on blood shifts the family’s criteria of ‘true’ inclusion to the precise opposite—biological kin. This results in a conservatism mostly manifest in the
creed that enforces how one’s emotions should only and had better be invested in one’s own flesh and blood. Further evidence of this restriction is suggested by the fertility rate\textsuperscript{10} which has sharply decreased in the last decade. The parents’ argument now stresses the quality of the children and not their quantity. The better quality of education and care one invests in one’s children one is likely to prepare autonomous and responsible individuals. This view is flagrantly contra older wisdom where a large number of children forming one ‘aila was construed and interpreted as an act of strength, power, richness and unfailing security for the future.

If historically there were possibilities and structures to absorb abandoned children in the large ‘aila, especially in their capacity as a work-force (and possibly to be claimed as one’s own in light of the high rate of infant mortality), today’s abandoned and street are the flesh and blood crisis of contemporary Moroccan society. They are the embodiment of a crisis that neither philosophical, historical, sociological, or economic models of change and modernity can truly accommodate. Or even when an explanation is given, it cannot address the humane and ethical quandary the children pose. Although a topic unto itself and one that I will only touch in passing here, street children are the embodiment of this crisis. With the continuing escalation of this social phenomenon, heated polemics concerning whose responsibility it is also continue to rage, mainly through written Moroccan media. Such an issue is generally characterized as being a dreadful topic and the sign of the abrogation of the times. Although recently an institution\textsuperscript{11} has been created in order to attempt to somehow reintegrate these children in the social mainstream, a single institution only treats the tip of the iceberg.
Older street children or abandoned babies awaiting in shelters for a family are the surplus bodies in a society whose beliefs and structures have undergone massive mutation in less than a century. The often-recalled values of charity and support are not believed to be able to address the magnitude of social problems, given that these acts are believed to benefit only a small number of individuals and not address the ill at its root. These children are the surplus in an emerging system where the ties are becoming more and more sentimental and where other values are receding.

*Further look inside Dis-junction – two*

Media review. In the 70s and early 80s only a select number of magazines and journals broached the topic of street and abandoned children. These were mainly of leftist sensibilities. Thus their tone is primarily that of denunciation ....

*Kalima Magazine*, Number 6. July-August, 1986. (Kalima was censored out of existence.)

Hinde Taarji in an article about SOS Villages (orphanages run by an association based in Austria) writes in an extremely ironic tone that “a ‘good thinker’ made a comment of deep human compassion concerning the SOS village ‘this is too beautiful for *ulad l-hram*’ (bastards). Sorry to contradict, but 5,000,000 people all over the world contribute to allow them to have this material well-being that so many ‘good’ people refuse to let them have”


Once again Hinde Taarji in an article entitled “Street Children.” She writes “They are 8, 12 or 14 years old. Sometimes they are only 5 or 6 years old. Their homes have become so inhospitable that they have preferred the street to it. Here at least there is room to breathe. Here at least they find themselves amongst their peers. Adults? they only received abuse from them. Protection? Love? ... Misery destroys it all. Run-away children, vagabond-children, children from everywhere and nowhere, they are the first
victims of the city when it expands to become only walls of steel. They form a large family from São-Paulo to Calcutta, from Cairo to Casablanca and all, at thousand kilometers apart, reproduce the same attitudes, learn the same gestures and engender the same fears”

A decade later street children, more so than abandoned infants, are constantly in the headlines of all newspapers, magazines and journals. Describing the elephant so long ignored is part of the new era of transparency within the ‘new’ Morocco. Now the tone is more towards advocacy and the immediate need to address these issues given their alarming escalation.

Maroc-Hebdo, Number 291. 4-10 October 1997.

Hassan Benadad’s article “Street Children: The Shame” writes that “according to different studies between 2500 and 3000 children live on the streets of Casablanca. A number that seems below reality and that we should revise only going upwards. A real time-bomb. These children are often the victim of the dissolution of the families. […] They find in the street a space of peaceful coexistence that they could not find inside their families. Families atomized by drunkard fathers, often without a job and with a tendency towards brutality. They can also be the product of the misery of a woman who cannot feed too many mouths.”

The second Moroccan channel, 2M, aired an episode devoted to Street Children (17th October 1997) in the controversial program bigaraha (in all truth) hosted by the equally controversial figure of Nassima al-Horr. Some notes from media reviews the following week: Norredine Jouahri writes in Marco-Hebdo (number 294, 25-31 October, 1997) that “we have to say it, that with Nassima al-Horr, the most serious and dramatic of topics takes a light tone […] Despite all this, the debate was not devoid of high moments. Moments that proved to be a shock […] those present each in his specialty came with a result, to talk about the impediments and to single out the problems.”
SNAPSHOTS OF HEADLINES

*Afrique Magazine.* (Number 130, December 1996-January 1997). “Morocco: Street Children. Their number is on the rise. We recognize them by their torn clothes and the small plastic sacs that they sniff in hiding”

*L’Opinion Newspaper.* (The Weekly file of Sunday January 23rd, 1994). The Headline “Abandoned children: Stop the massacre” and further “In Casablanca alone 365 newborn are found dead every year in public places” and yet further “the houses of philanthropy: the human wound is always open”

*Al Mithaq al Watani.* (18th of September 1993). Headline reads “innocents facing an unknown future. They have not contributed to the roots of its evil. Childhood in a sea of loss”

*Râya* (Newspaper, Islamic tendency, Number 201. 18th June 1996). The Headline reads: “Street Children: a time bomb that threatens the security of society”

*Al Itihad al Ichitiraki,* (socialist party Number 4780, September 11, 1996). Headline reads “the publication of governmental report presented to the United Nations committee for the rights of children;” a very ironic article written around the unsaid, or rather the undone. Where and how can these beautifully formulated clauses be found and applied in the Moroccan reality?

From the King’s address on the occasion of ‘Aid Chabab (Holiday of Youth, which is the celebration of the King’s birthday on the 9th of July). In this year’s address, 1997, the king said:

... we have to first fight illiteracy, an issue that can’t be simply imputed to public schools. [...] Then we have to tackle the next level in the social ladder, namely that of the houses of charity which have disappeared nowadays and which I knew when I was a child. These houses did not limit themselves to giving a shelter and clothing to the orphans and those deprived of families, but gave them also the necessary education. I have personally known many tenants of these houses and they had a high level of achievement. Let’s start first by fighting against illiteracy, and then let’s build, especially in the large rural areas—since in the smaller ones there are no wandering children—and in the cities with medium and high density, children beggars or those used for begging—which has become
a business--be placed, forced if need be, in these charity houses which will give them shelter, food, clothing, and a technical and professional education. Street and abandoned children can no longer be ignored or explained in terms of the failure of the system. The consensus is that they are here, but what needs to be done, or what could be done is the question I will try to answer through the debates and organizations' programs on the social scene. But first of all, who are these children?

**ETYMOLOGIES & GENEALOGIES OF ABANDONED CHILDREN**

Generally described as street children, associating them with the space where they live, these children are equally abandoned given the limited structures in place to cater towards them. Street children are the tangible, visible, and fleshy embodiment of a society paying the price of an unforgiving modernity, but the price is paid by those most vulnerable. Although the primary focus of this dissertation is on younger abandoned infants awaiting adoption, either in different centers or informally 'entrusted-given-abandoned-dumped' to families or individuals to grow up as their own, odds are that they many grow up to face the same harsh reality of street children if the structures in place fail or stop functioning. They are all abandoned by social responsibility. It is only through the category of street children that abandoned children as a label has acquired some public visibility; thus to inquire into the emergence of abandoned children as a category, this contextualization of street children becomes a must. In this section my aim is to track the different formulae within different written and speech-situations for describing an abandoned (supposedly natural) child and the implications of these choices. The genealogy and etymology of 'abandoned child' and the ramification of each choice is
an additional window into the cultural construction of a category that stands in stark opposition to the normative and prescriptive discourse of family.

Moroccan colloquial Arabic (MCA) and standard Arabic (SA) offer an array of referents and each one of these referents, undeniably, defines and comments on the status of these minors in a distinct way. Looking at legal and religious documents, media reports in CA or French, or simple discussions in MCA comments on how each group constructs the problem and the responsibility of abandonment so much so that intrinsic to each choice is a judgment. A controversy may ensue merely on the basis of what choice, whose choice, and why this choice. They all, directly or indirectly, allude to the ‘stigma’ of being a natural child (read bastard), but each one of them chooses to highlight a different actor or process.

Within the administrative realm all the official memos and governmental publications employ usually one of three different descriptions in CA: children without identity (biduni hawiya); neglected (muhmulîn) children; and abandoned (daiʿîn) children. All three descriptions to stress the fact that the expected network of support is missing. It is the family that bestows identity, guidance and care. This representation conveys a sense of neutrality regarding the children for the blame is concentrated on the absent, those who actually did the abandoning, who did the neglecting and who denied the identity. Coming from the state, the obvious question is what the role of the administration as a, wali, custodian of these children, might be? The social policy of the state sees the solution of abandoned, neglected children not within their jurisdiction, but one that is incumbent on the family, the private sphere and not the public one.
Most religious texts speak of CA ‘laqit’ which stands for foundling. It is a word that describes a condition and is, therefore, supposed to be neutral and not to be a vessel of guilt or blame on the part of any of the actors. It describes, first of all, a condition of being. In the eyes of God, all Muslims are equal and only ‘taqwa’ is a criterion for establishing and measuring the worth of a person, not prowess, wealth, or ancestry. “Taqwa” in the words of Ahmed Shboul is “a crucial Islamic concept [...which] occurs more than 250 times in the Qur’an; it has been rendered variably as: fear, godfearing, godliness, piety, right conduct, righteousness, virtue, warding-off evil, wariness” (OEMIW). Semantically, the very concept of foundling stresses the act of finding and not abandoning or forsaking as was the case with administrative jargon. In religious parlance, therefore, it is mostly thought about and formulated as an act of inclusion rather than exclusion. In MCA ‘laqit’ has, however, acquired a rather pejorative sense; while in Islamic thought the idea is that the condition does not prevent the person from being a full Muslim, MCA has turned this condition itself into an insult. MCA melaqat means to be formed by bits and pieces; thus popular imagination has it to say that a laqit is someone who is the product of mixed sperm. This is the pinnacle of insults (further discussion in the next Chapter).

Most of the media are either in SA or in French; and one is bound to find the following descriptions: ‘abandoned, deprived, lost children’ highlighting here the state of being without a family, the set of referents almost similar to the ones employed in the administrative realm. However, the most frequent description is that of ‘street-children’; these children are ‘deprived of, abandoned and lost to’ families. These labels clearly lay
the blame on the status of being without that contained space of the home and being in
the savage environment of the street, where survival is a matter of continuous aggression.
The difference between the semantic implication of media’s and state’s stress of being
famililess lies in the very medium of the press itself. Most newspaper articles written on
this topic are steeped in advocacy and constitute a plea for a change. Their appeals are
directed to the power structures, namely, the state.

Perhaps the most revealing of all these descriptions are those likely to be
employed and heard in MCA while walking the streets. Two main descriptions rule:
children of adultery, and children of sin (l-hrām). The children themselves are the
product of what social norms and values consider to be a great disgrace and a crime.
Being called a ‘child of l-hrām’ is an insult which carries a strong stigma. It is a stigma
that is inscribed in the very fact of being. Although theoretically and ideally, these
children are supposed to be free from the ‘sins’ of their genitors, it is not the case, for they
are made to bear this burden. By employing these referents one is, therefore, stressing the
exclusion from the norm rather than the inclusion if choosing the equivalent of foundling
in classical Arabic.

The choice of the legislator, that of the journalist or a person telling a story is not
totally arbitrary; each one of them is operating with his or her own set of values. The
matter of word choice is more than a semantic contestation: it is one that opens the
window on a number of extremely important questions relating to representation,
legislation, values and change. Where do the potential solutions for this thorny social
problem lie? Where do the responsibilities lie? The legitimization of each of these
descriptions acquires therefore a polemical aspect, for it is a contested signifier exactly because of where it lays the blame, and where it offers a potential solution. The conscious choice of a referent implies a position.

Bastardy, as in *uld lhram*, is a concept that is heavily infused by all that is held to be the ultimate taboo; it is the other spectrum of the normal and the normative. The potency of bastardy lies precisely in its being the recipient of a *sum total* of dishonoring practices. Illegitimacy is constructed as the result of a chain of events which go against the grain of social norms, starting with sexual non-conformism and ending up in a social anathema and obloquy. While bastardy and the linked theory of illegitimacy within European academia are largely exploited in the discipline of Sociology, History of Population and has been utilized as a means of tracking continuity and shift in conception and construction of family (Adair 1996; Laslett 1989; Flandrin 1979), my inquiry here specifically focuses on how ‘illegitimacy and bastardy,’ more as social than a moral quandary, are interpreted and treated in the frame of social work within Morocco.

Following this etymology of abandoned children, I use the construction of ‘bastard’ as a threshold to enter those institutions and structures (i.e. social work) where it is downplayed, hidden, or erased.

*More Dis-Junction -- three*


This novel, an autobiographical testimony, tells the story of an abandoned (orphan? bastard?) child who grew up during late 40s and 50s in the French Jesuit monastery-orphanage in the southern small Berber town of Taroudant. This novel is
laden with incidents of excruciating physical, emotional and psychological abuse and suffering. Its depictions are further complicated by colonialism, racism and proselytizing. The scenes Hmimou describes bring into high relief all notions of normality, the ethical foundation of philanthropy, and more importantly the practice of a dubious ‘religious’ philanthropy. Boswell (1994) writes that oblation was a common practice in Europe starting in the early medieval ages where children were frequently given by their families to be at the service of the Church. Sheltering orphans and forsaken children in the church missions within the colonized areas was a normal extension of a long established tradition in Europe. But as Le Tourneau’s brief discussion of missionary work in Morocco during the closing decades of the 19th century and beginning of the 20th suggests, these missionary churches did not receive children from the Muslim population but mainly addressed, or seemingly addressed, issues of hygiene and rudimentary education. It was only after the onset of the official protectorate that some of these monasteries became a refuge for orphans and abandoned children. Like Sbai’s testimony, Hmimou’s novel throws light on a set of essential issues sublimated in the annals of Moroccan reality and history. It is a plea to fill a blank spot pushed to the margins; it is an articulation that sheds much light on the extremely complex social scene of Morocco today.

“...the best moments during these breaks is that we could ask sister Anna certain personal questions on the places where we had been picked up. Her deriding answers could only fall in one of the three categories: send us to bed for insolence, hit us with her stick, or humiliate us with her innuendo.

The first kid asked her on a naive tone, “Please sister tell me where was I found?”

“You!” She would answer like in a tale, “during a late winter night, the sister in charge of closing the outside doors heard the moaning of a baby, and she said to herself
‘oh another abandoned baby!’ Despite the biting cold and the total darkness, she bravely opened those doors and took you in her arms. Without her love for God, you would not be today the haggard and bed-wetter that you are... there you have it’”
-Me sister you never want to tell? Asked Chocolate

-Oh you! Would she say laughingly. The greatest thief and liar, you still have guts to talk. Well, your mother is black and she lives behind the hospital with a soldier (white French). This is why you are ‘café-au-lait’. They are both going to go to hell. So don’t go believing you have rich parents. You are nothing but a failure. Not even Satan would want you in his hell. There you have it” (32-33).

[...]
“I don’t know how to define this morality which taught us that everything that is beautiful belonged to France while all the lacunae and faults were intrinsically part of Morocco, and also us, the orphans.

From what we were told, my mother was far from the other mothers of tales and moral stories. My mother was sinful, ugly, fat, covered with a big black veil, the color of evil. She was poor, smelled of the rotten, and went out with people without fear of God or hell. For my imagination this was a true catastrophe. My heart and soul were revolted against life. If I hated this woman more than Satan himself, I hated Mother Duroc and Father Malaud twenty times more who never ceased reproaching us being natural children of no use either on earth or in the aftermath” (59).

[...]
“...sometimes I would ask myself if, in reality, I did not resemble a little bit the Blue Rose of Marrakech? [A single blue rose amidst other roses that the child saw during a trip to Marrakech and which has deeply marked him] Who was I in reality? Was I Berber, Arab, or French; Catholic or Muslim? Like the Blue Rose, I was isolated, not loved, always in a bad mood. I lived very badly in my own skin among the natural and normal roses. This is what happened to me when I was around the real Berber, the real Arabs, or the real French” (181-182).
The monastery where Hmimou grew up, or at least a section of it, is now called the *Maison d’Enfants Lalla Amina of Taroudant*, one of the many centers belonging to the first Non-Governmental Organization (NGO) created in Morocco, *The League for the Protection of Children* (founded in 1957, one year after independence). This center, along with other centers, and associations form the core of civic social action in Morocco. This orientation contrasts with what has been historically viewed as religious benevolence and acts of philanthropy, and more recently with the role of the state as an engineer of social policy and an actor in social welfare. The genesis and development of all these institutions further reveal views on adoption, abandoned children and the social setting where they circulate.

*Social Work at Work: Framing the Framing*

The history of social work is a well documented topic within the American context (Reamer: 1994, 1995). Discussions of social work usually fall into two distinct branches: the intellectual foundation of social work and the practice of social work. The former addresses the theoretical and ethical questions concerning social problems, their definition in light of what is considered to be the norm, and whose responsibility it is to find solutions to them. Discussions of the practice of social work are mainly concerned with methodologies of giving or furnishing aid or support to an interested party. Surveying this literature, social work strongly emerges as a normative profession. It has, indeed, generated a wide array of conceptualized models for helping. Social work finds its historical legitimacy in ideas and concepts of justice and fairness and is anchored by what is believed to be right for all. Within the American context, the history of social
work is viewed as a process culminating in becoming a profession and one that operates within a given set of professional requirements and clauses. Although the American scene still abounds with different welfare institutions and charities, of *professional social work* is the norm rather than the exception.

Not that American model is *the one* to emulate as it has its own shortcomings, but professional social work is not the norm in current social work in Morocco. There is, as a matter of fact, a multiplicity of institutions and structures all operating to address or alleviate an array of social problems. Social action, philanthropy, charity, benevolence, aid, development, relief co-exist and sometimes collapse into one concept. At other times, they may be interchangeable, or in yet others, may be dispensed with altogether when the argument of duty (and especially religious duty) is evoked. To define ‘social work,’ then, one must locate it in the context that lends it its definition and legitimacy. In this section, therefore, I intend to assess the concept of *social work* in its many guises. Limiting my discussion to the issue of abandoned children and the way these structures mediate or prevent the process of kafala or secret adoption, I want to address the essential question: What is the historical background of each modality of social work? I suggest that the genesis of each determines, on the one hand, the current understanding of a *given* social action of the actor(s) in question; and on the other, where the system fails or is the weakest--given that no system is perfect. Discussing the application of social work is discussing a society in motion, seeing where and how a problem is lived, perceived, constructed, and a solution foreseen for it; it is, indeed, the social whole in movement.
Each modality of social work finds its generative mechanism in a distinct set of values and norms, which it is likely to reproduce in pursuing its aims. Social action is a charge of the state; it is also religiously motivated. There is civic-oriented social work, in addition to the social work implemented by international actors. Usually adoption is one of the many social ills social work tends to, but I would argue that to think social work and adoption in the Moroccan context (and I would venture to say in all the Muslim world) is flawed. They are already the same. For to carry out a legal kafala is to carry out an act of charity by definition. Even if such a gesture is explained in highly personal terms, once it is mediated through the legal apparatus, it is essentially only an act of charity and philanthropy for it cannot be an act of continuity. All the religious and legal texts are crystal-clear about these distinctions. The intricacy between social action and adoption is undeniable for it is from within this relationship that an entire social dynamic is revealed. Through this close-up on the enactment (or lack thereof) of social work, we see society’s looking-glass. Its view of itself emerges: How does it treat its needy, its weak, its sick and its marginal beyond rhetorical propaganda or slogans? In other words, it is through this practice that we may grasp how responsibility is construed and with whom it is believed to lie. By isolating that advocacy which is the basis of all earnest social action, we come to see how power and social relationships are played out and mediated.

Construing them as spheres, or more so as ripples, each of the following orientations has its own specific core, historical roots, its meanings, definitions, and its possible fields of action. Like the ripple effect, the borders of these orientations may
touch each other, even sometimes interpenetrate each other, but each one remains a distinct orientation with its distinct vision and goal. The issue is not automatically one of complementarity or cooperation for a greater good (although sometimes it is discursively and rhetorically), but of being. Through examples I will bring the discussion to bear on how responsibility is delegated and how tension may arise between one orientation and another. These many orientations reveal how different social actors interpret a given social problem and how each one of them interacts with state regulations as these may be, sometimes, the object of tension.

_One Ripple: Religious Expression between Duty and Charity_

Within the Moroccan understanding and application of Islam,\(^{17}\) charity is an essential feature. But even the referent of charity is one that designs a broad range of practices, from ordinary gifts (_hiba_), ordinary alms (_sadaqa_), alms for a benefit (_hiba bitawab_), and one that is determined in time or condition (_umra_ (EI)). Discussion of charity is often evoked through a famous saying of the prophet: “religion is doing,” (_The Book of Iman_, Sahih al-Bukhari). The nurturing of an orphan is valorized by reference to the prophet’s saying: “the kafeel of an orphan and I are like this (gesture of two fingers) in paradise” (_The Book of Zakat_, Sahih al-Boukhari). The essence of the first saying is that religious beliefs and feelings need to be translated and embodied in a set of actions, or even further that action itself becomes the only vector and articulation of this faith; without tangible action how can faith be manifest? Such are the views regarding voluntary alms; but among the five pillars of Islam is _zakat_, which is the equivalent of a
yearly tax on one’s fortune and is intended, among other functions, to be a means of redistribution of capital to the needy.

Alms and zakat are part of the cohesiveness of Islam as a community and a socially oriented religion. Zakat is ‘wajib’ (obligation); almsgiving is highly recommended. But presented in such a way, alms and zakat remain essentially means for the temporary relief of poverty. My concern here, more specifically, is not with the immediate effect of this practice of charity even as a set of prescriptive rules, but how in the historical context of Morocco, the religious call to charity or duty has been expressed. Historically, zawiyas, sanctuaries, have fulfilled many roles, among which a welfare structure which were recipient of these charities. A space where the poor, the needy, the destitute, and in the specific context of Morocco, political rebels and leaders could find refuge. Zawiyas have been the object of prolific literature (to name the most noteworthy among French historians: Marçais 1946; Terrasse 1952; Le Tourneau 1949; Levi Provencal 1922; and Luccioni n.d.). The zawiyas are generally supported by donations and sometimes by the existence of a philanthropic waqf. Luccioni, a French official who worked in the waqf-bureau for 5 decades, defines waqf within the Moroccan context as that property which, while retaining substance, yields a usufruct, and which has been endowed for a religious or public goal. Specifically, the owner surrenders his power of disposal with the stipulation that the yield is used for permitted good purpose, such as a zawiya, a school, or a hospital. The waqf, itself, is the legal process by which the actual endowment is created.
In the section devoted to zawiyas, Luccioni writes that they "... are mostly frequented by women who come to solicit fortune in order to cure them, fix their domestic problems and mostly redress their sterility" (56). Originally, a zawiya was "synonymous with rabita, i.e. hermitage, to which a holy man retired and where he lived surrounded by his pupils and devotees" (Levi-Provençal IE). Zawiyas were, and still are, construed as a space for all possible trafficking. Zawiyas have also been an ideal place for abandoning children, supposedly with impunity, for it is the sanctioned and reserved space for the weak and needy. But the zawiya is not a 'modern' bureaucratic institution; it is one that is organized and revolves around a religious figure and his descendent. In contemporary Morocco it is an institution relegated to the margin and viewed both by the orthodox religious establishment and secular groups as an expression of 'popular Islam' and anachronistic beliefs. Be that as it may, a zawiya remains a place, a friendly welfare institution, which does not require any red tape, and where a good number of the accounts I have collected either transpired, culminated or came undone. Zawiyas are an important element in the construction of the chain of social solidarity.

Luccioni views the attitude towards orphans and abandoned children as the apotheosis of Muslim social solidarity:

to take in an abandoned child from the street, on the doorstep of a rich notable, or in a sanctuary (but never a mosque), to take responsibility for this upkeep was an obligation that none could refuse. The child was of a free condition and became the adopted child of the Muslim community and not of the person who has sheltered him [...] it is noted that in Rabat and Sale, many affluent families brought abandoned children up until they could become self-sufficient [...] a Moroccan man said that the example was that in Morocco no child could die because of lack of milk or care (154).
Although an overly romanticizing statement given historical events and realities (Ennaji: 1994) when famines, epidemics, slavery and simple poverty made parents relinquish and abandon their offspring with some degree of callousness, it does delimit the sanctioned spaces where the act of abandoning was done. The mosque is emphatically a proscribed space, unlike Europe where the church was seen as the appropriate space for abandoning an infant (Boswell: 1994). The doorsteps of the house belonging to a notable, or the zawiya, were more welcoming. I would further mention the *hammams*,\(^\text{18}\) women’s public baths, which, like the zawiyas, are a circumscribed ‘public’ space where women congregate and where information on pregnancies, births, and marriages freely circulates.

Although support of zawiyas still exists, it is less strong than was historically the case; now, religious social action finds its expression differently. For instance, individuals might now give monetary gifts to the institutionalized hospices for abandoned children while their ancestors may have brought these children in their own houses. Unlike other civic and secular NGOs, these institutions describe their duty as a religious one. A case in point is the hospice in Fes. The hospital Kourtoubi of Fes, previously Cocard,\(^\text{19}\) has long been brandished as the showcase of French achievement in modern Morocco in the colonial propaganda (Dr. Charbonneau: 1952) as it became the premier establishment of modern scientific success. Kourtoubi is today one of the large state-run and funded public hospitals. The hospital comprises a maternity-ward which contains a section for abandoned children. Although referred to as a center, this pavilion cannot pretend to being a ‘center’ proper for lack of space. Unlike the rest of the hospital which is funded by government subsidies, the patients’ own resources and private benefactors,
the center is exclusively funded and run by an NGO called *The Association of Social and Cultural Work*. Their religious discourse on duty and the need for a more religiously balanced society stands in stark opposition to the almost ostentatious secularism of the administration of the center of Casablanca, for instance.

Mediating the kafala process follows the state legislative guidelines, akin to all the other centers, but the NGO volunteers and workers (not the social worker officially affiliated with the hospital staff) tell their visitors that a potential kafala is a wonderful manifestation of religious compassion and a good deed. Such rhetoric brings into sharp relief the ongoing debate in the American world of adoption concerning the shift in adoption discourse: is it for the interest of the child, for the family, for the young relinquishing mother, or other ulterior motives? In the case of kafala, the celestial reward is the overriding aspect. Furthermore, framing one’s commitment within religious terms not only debunks the conservatism, even bigotry, brandished in the name of a normative religion which blames the phenomenon of abandoned children on immoral acts, but covers in silence the children’s fate. In addition, it is an orientation that makes one question the discourse of some secular NGOs who only choose to blame religious conservatism and rigidity as the main impediment against assimilation, or even tolerance, towards abandoned children, itself covering in silence other religious commitments which do not have such vision. As a matter of fact, this latter criticism addresses the fossilized view of religion of the previous group.

The administration and the funding group of the center in Fes strategically decry and debunk both representations. This religious commitment is one that finds its root in a
tactile religious humanism, given the legal, legislative, and judicial impasse, the new conservatism in understanding family, the general social obloquy of natural children, and even the shrinking of physical spaces in which an infant can be 'securely' abandoned. "Securely" meaning a physical place in which the infant will not be endangered, and where the abandoning party will not be caught. Members of this association consistently cast their mission and role as one which caters to the children, whose state is merely a condition and not a stigma. They are nonetheless against the 'immorality'—but also the poverty—which has led to the escalation of this phenomenon.

Ellipsis

Reading One -- Strategies of Place, Strategies of Survival

Hanu, 62 years old. Recollection

Jamila: Tell me mother Hanu, how did Bouchra become part of your family?

Hanu: We went that day to the zawiya of Sidi Benacher (the sanctuary of the saint in Salé), I went there with my sister-in-law, you know her, Zhor. We went to see a friend of her neighbor who was extremely sick and was residing in Sidi Benacher (there are rooms that can be rented). So while we sat there, and we took tea, mint and sugar with us and some sweets for us, and we bought some yogurt for the

Khadouj, 19 years old. Recollection

I met Khadouj at the house of a very dear friend, Batoul, in Kenitra, now deceased. This friend, a fierce matriarch, was a very loving and strong woman who had 'adopted' three children besides her own, and had offered her own house as a refuge for several women until they delivered. Khadouj was a friend of the many young women who came to visit Batoul in Kenitra. This friend had invited her as I insisted on meeting as many young 'relinquishing' mothers as I could; meeting them was the hardest part of my research, since this entire business is shrouded in utter silence. What is to follow is
woman, I went to get water in the kettle from the source. And there I found this young woman, Touria, washing a baby-feeding bottle while other women stood there around her. She was crying and was in a lamentable shape; her jellaba was shabby and full of stains, her greasy hair getting out of different corners from under her head-scarf, but mostly, misery was pouring out of her eyes. I asked what was going on, and she said that she is ready to give her daughter to anyone who will give her 10,000 ryals (a ryal is the lowest measuring unit in Moroccan money. One dirham is composed of 20 ryals, and a dollar is roughly equivalent to a 10 dirham note; thus a 10,000 would be equivalent to $50.00) so that she could hire a lawyer. She was crying and saying that her husband was going to take her to court on grounds of prostitution...

Jamila: Is it her mother-in-law who accused her or what?

Hanu: No, it was not actually. It was a neighbor of hers who was already sleeping with her husband, and wanted almost a stream-of-consciousness recollection that Khadouj let me record after we met a number of times and had developed a friendship of sorts. Despite the unfair system, Khadouj's intelligence and understanding are amazing especially considering her age. I only hope that what is to follow will do justice to what her view through our repeated discussions came to be, that there is no space but the margin...

"I've never known the importance of 'place' l-blaga until that day, that day. It is so much engraved in my mind that I cannot forget any of the details of the place, the memory is here to stay, to be my companion for ever and ever.

"...and I kept thinking there are so many possibilities, oh my God what am I to do? I hurt. I was bleeding, I felt 'open,' my bones hurt, I could hardly walk, but I had to walk I could not afford to stop and I kept taking the little steps, ...the little steps bound in two. I felt that my lower stomach was about to fall, but I had to keep walking, walking. my baby was securely sleeping in my arms, I was protecting him, but he had to go, and yet I could not... my head hurt too much...

My head and my heart were being squeezed (kayt 'asru). What do I do, my baby, my
to marry him and so Touria said that this neighbor of hers made up this whole affair to get them separated. So I told Touria, look, my daughter, if someone does give you the money and take your daughter like collateral (the notion used in MCA is damn, that is a gage) and each of you goes their way, how will you be able to find your daughter again? If you really want to keep your daughter then come to my house and if you are accepting towards me and towards my family that will be good. My son works in the police force also, we are good people. Now, if you want to give up your daughter now, by the evening you will not know where she is. So that was it. We came here and I told my husband (she refers to him as l-marhum, that is may-he-rest in peace since ba-brahim had died few years earlier) and he went and spoke to a lawyer, someone he used to know. Well, as the lawyer kept talking with Touria and asking her questions, we found out that her husband works in the army and that she has two other children with him, but Bouchra was the youngest. So the lawyer got to work on the case and he kept looking flesh, my liver. what do I do? where do I go?? why is it that everyone is looking at me. I was bent, I thought that is why, I must be too bent for my age. Where would I go from here, I kept thinking. I had to force myself and look up, but I only kept looking down at the ard, (floor-earth-side-road-ground), at the sidewalk, letting my feet taking me while my eyes wondered at the ‘things’ that litter the ground ... gobs of spit, cigarette buts, litter, paper, all kinds of things. What people would throw, I could not leave him here. It was almost dark and I could feel my heart beating at my fingertips, in my feet, in my toes, all over my body. Oh, and then the pain would seize me, and I would feel like fainting. But I could not let it happen. I kept walking, almost like in a different world. For the first time I thought about this. My heart was bleeding, my eyes had a will of their own, my jelaba was shabby and full of milk stains coming out of my breast, my feet were swollen, I was hungry, I was in pain and I hurt all over, but the pain that was tearing me most were the thoughts about a place.

Did I do this for love? If I did not do it for love well here I am letting my love, my body and flesh go. Fear, I was so scared, what I
and looking until he located the husband stationed in Laayoun and in his files he said he was not married. You know how it is, he was only married *bl-fatha (married following the religious customs, but not bureaucratically documented, as it generally is now with written contracts and the like)*. After working so hard on the case, the lawyer did bring him to Rabat and when they all met ... *l-marhum* kept saying you know ‘god is all-forgiving’ take your wife and be happy with your family and children.

At that time, and this has been going on for months, Bouchra was with us all the time. So *al-marhum*, as I kept nudging him on the side, said if you want we can even keep Bouchra here with us if she is too much of a burden. So that is what happened. The other kids went back with their parents and Bouchra stayed with us. Now, *tabarkallah (expression to ward off evil eye)* she is a beautiful grown up young woman. She is my daughter, just like Mina, Nadia or Jamila...

Bouchra: This is my family, this is my mother... my father, I mean real father was going to do? Where was I going to go?? Where was it going to go, I had to find a place that would let him survive and yet be seen, be heard and be cared for. Where do I go, I could not even unglue-detach (*nqala*) my eyes from the ground, how then could I, where to put him? I would then remember my family, or rather is it my past-family, my baby now is my family, then it is going to be a funeral for I am losing all of them... all of my families...

Where? Where? I’ve never thought about place so much. So place is important after all. Well if place were not that important, then I would not be there trying to do that ... to do this thing... maybe had I lived in another place I could have kept him; maybe in another place I could have not had this miserable destiny... maybe in another place I could have and could have.... and then the tearing pain inside me would remind me that I was there and looking for a place, where to secure my destiny, my fatality....

I felt open (*mahluza*) and all the space in front of me was also open because of all the possible corners. where, where, and I could not... I don’t know. please God a sign. the rag, the baby, the black plastic. My heart beating so hard against my ribs I had the
(the expression she uses is ‘dyal besah’ that is the father in the real truth, an interesting expression as it plays on the expression of the fictive, the imagined, and the real. The real is not the real but the fictive is the real). I don’t need him at all any way. He is so mean. Also Touria (she calls her biological mother by her first name) is nice but she is so victimized, the poor thing. What could she have done. But, l-hemadulah (expression meaning “thank god”) I am now going to school and everything. Neither my brother nor my sister stayed in school.

Nadia: (Hanu’s daughter, Bouchra’s sister, or more exactly, her surrogate mother, for it was Nadia who took care of Bouchra given that Hanu was rather old) When I started taking care of Bouchra I was nine years old. I think she was like my own baby doll toy. I loved her so much and you remember how cute and gorgeous she was (this family was a neighbor family of my grandmother’s in Rabat for years and we have grown up together. I do have vague memories of the coming of Bouchra to their house impression everyone could hear it meters and meters away. Where to go from here, where to go and what to do oh, God show me the way...?

Black plastic, the little rag and in this corner, that corner maybe. Almost dark and getting darker. and I felt the ultimate moment coming up. Dark, silent but for my heartbeat. And then this street momentarily empty and silent; later they will find him, they have to because I can’t and won’t let it die. I have to pinch him before I leave so he cries. How was I going to do this? My heart was in my mouth, my stomach was squeezed and squeezing, but my head hurt and it hurt a lot, I was dizzy and it seemed to me the whole world was going around almost like in a whirlwind.

I turn to the other street, and decided that I need to be nonchalant about it. But then always how? Do I sit down? Do I stand up and drop him? Do I put in the street and walk away, do I run? Do I just turn the corner?

I don’t know and God helped me. The choice was tough and there are so many so many possibilities...

And the thing is that I don’t even remember
when I was about 13 years old) and everyone used to tell me, ‘pick up your daughter, your daughter is crying...’ she was 2 years and I was 9. One day, I was really sick, and Bouchra stood by my bedside and cried and cried until I got better. Now even with the difficult situation, we can never give her up, she is one of us. You can’t imagine her place in our hearts.

how I did it, I just did it, did it, did it. What came afterwards was hazy, I don’t recall if I ran or if I walked or if I shouted or cried. It was all so hard so difficult. yes, a question about place. So bad, so horrible.

And I fell into a hole of nothingness, of emptiness.... loss as I felt drowned by so many emotions.

I was alone afterward, he was gone. But I was also free ...

Hanu is an example of generosity and support that goes to confirm Mernissi’s argument that

the psychic and emotional value of women’s experience in sanctuaries is uncontested and evident. Sanctuaries, which are the locus of anti-establishment, anti-patriarchal mythical figures (sic), provide women with a space where complaint and verbal vituperation against the system’s injustices are allowed and encouraged. They give women the opportunity to develop critical views of their conditions, to identify problems and try to find their solutions (1996: 31).

Such a solidarity needed a sanctioned space where it could unfold. This space is the zawiya, where an individual agency, in the form of a tangible solution, was offered. It embodied a social, or rather female, solidarity (Chirkhaoui: 1990). Other forms of tangible agency and social solidarity can be found in the support of affluent individuals of orphans.

The sense of religious obligation (as will become clear when comparing it with other social action ideologies), as in commitment to alleviating poverty and making it possible for an infant to survive until s/he is adopted, for instance, does not consider the
issue of sustainability and continuity. With the sudden death of a benefactor, for instance, and the possible absence of endowment-waqf, the fate of those whose charge was taken by this person is left hanging. It has thus become necessary to have a foundation, an institution to deal with the increasing number of abandoned children for instance, which gives that necessary, albeit rudimentary, frame for the infant until its fate is somehow sealed. Philanthropy, benevolence predicated on a religious understanding, is an important aspect of the general scene of ‘generic’ social action, but it is a commitment, as earnest as it may be, which could be ephemeral, and which can only deal with the outcome (the symptoms) and not with the causes. In this case, there is perpetually a giving end and a receiving end, thus simply reifying the existing pattern of need and dependence.

ANOTHER RIPPLE: LOCATING SOCIAL ACTION IN STATE STRUCTURES

In the concluding remark to his The History of the Maghrib, Laroui comments that independent North Africa can only achieve a revolution when its people can “define [themselves] in terms of [themselves] and not someone else” (1977: 383). For such an aim to be attained, they must engage a process of reflexive and historical appraisals. Of these Laroui emphatically singles out:

Administration! That seems to be the watch word today of every regime in the Maghrib, but it was also the watchword of colonialism with its offices for native affairs. Is the essential not rather to politicize the people, to make them into members of single community? We hear constantly about a policy of development! But the colonialists also tried to develop the country, and everyone agrees that their failure was due to the non-cooperation of the population. We would do better speak of social participation, for without it no form of industrialization can survive. (387)
Three decades and a half after Laroui wrote such comments, Moroccan administrative engineering is still reproducing the same development policy and no social participation is yet on the horizon, assuming that policy makers have ever had it as a goal. Even a quick look at the history of the administration of social affairs clearly illustrates this point.

Kafala is an act of philanthropy legally mediated through the state. Thus the question I pose here is two pronged: What does this legal mediation reveal about the state rhetoric of social action? And second, abandoned children being the ward and responsibility of the state (Moudawana), what does “social work” directed towards abandoned children further reveal of the state’s view of its role? The Ministry of Employment and Social Affairs and the Ministry of Public Health are the main engineers and vectors of this social work. The interventions of each of these two ministries occur at different junctures of a legal kafala and the likelihood of their intersecting is not a common one, and even when they do, this has no ramifications as each one of them is an island in itself. In the functions of these ministries, the role of the state in dealing with social issues becomes partly manifest. They are the state’s instrument, or rather they are the state themselves as they mediate in rectifying, dealing with, or preventing social problems. Generally, through the programs and projects of relevance to my research, they define social welfare as that action which seeks to prevent, alleviate or contribute to solving recognized social ills and to improving the life of individuals, groups or communities strongly in need.
The history of the work of these ministries and an in-depth critique of the programs, especially in light of the current social and political landscape in Morocco, is one that still needs to be properly investigated and written. My present synopsis is based mainly on the ministries’ own memos, and on extensive interviews with a number of civil officials at both ends of the spectrum, from key positions to secretaries. From such discussions it is clear that the enduring embryonic state of the structures erected during the colonial period originally devised as a "ruse of reason" (Laroui: 382)--i.e. the programs to evidence the 'civilizing' mission of the French and brandished as the achievement in fighting social ills while downplaying the resource exploitation taking place--can no longer adequately address the scope or depth of the social problems. Moreover, and as an extension of Laroui's argument, is the question of how to go beyond political propaganda and rhetoric in order to find an effective means of implementing social policy. Answers and solutions have differed with actors, interests and circumstances, some of the latter due to international pressures and others because of internal politics.

The Ministry of Employment and Social Affairs\textsuperscript{20} has a special branch called \textit{la Direction des Affaires Sociales}, DAS for short. DAS is the \textit{official social action instrument}\textsuperscript{21}. DAS devises and legislates policies that deal with social problems, and these are defined as illiteracy, labor rights/protection, and human resources (Ministerial flyer). The development and function of the DAS is in itself emblematic of defining the role and responsibility of the state in conjunction with social ills in general. In the latest produced diagram\textsuperscript{22} of the Ministry, article 13 defines DAS as
contributing to the elaboration of politics for prevention, protection and social promotion. And, in other parts, to be an instrument for the execution and follow-up of those missions incumbent on the Ministry of Employment and Social Affairs. (Dahir number 1-95-40)

Following this generic introduction is a detailed description of the specific domains where these laws and their follow-up would be enacted. The Direction sees and defines its role as a many-sided one: it is responsible for developing partnership with other socially oriented organisms (whether or not governmental); for creating legislation; devising prevention programs through the promotion of "family, women, children--mainly abandoned children--and improvement of the condition of the elderly," and the launching of awareness programs targeting special social segments; creating and founding the necessary institutional structures to achieve these ends; working in conjunction with existing NGOs, associations, and local communities for a more effective social partnership; collaborating with other ministries; continually training the staff; and lastly, actively undertaking studies and research relating to a wide range of social ills.

The phrasing and the rhetoric of this important document finds its root in a mix of secular views, French-inherited administrative norms, and overriding Moroccan values of the primacy and sanctity of the family. The official creed promotes the strengthening of these family ties. It is equally replete with a standardized-international-sociological jargon one is likely to find in international reports, and especially in internationally ratified decrees such as the ones presented by the United Nations. But the important question to ask is that beyond this beautifully imagined role of the DAS, how are these ideas implemented? How are they translated into a 'reality'? How effective are they, and
more importantly where does the function of this ministry directly come in to shape the discourse and practice of adoption?

Since its founding, DAS has always been ‘appended’ to another ministry; it is not a ministry in its own right. Initially part of the Ministry of Artisanal Work (Dahir number 2-75-465) in 1975, it used to fulfill the same function although it had a wider range of responsibilities and duties than it does currently. For instance, it used to have a bureau for the affairs of handicapped people, but this became an independent unit called *Le Haut Commissariat des Personnes Handicapées*. More recently, the illiteracy program has equally assumed an independent direction of its own. There is an increasing move towards specialization. But within and despite these administrative moves and shifts, DAS remains primarily and essentially an organ for designing policy and an instrument of national propaganda.23 As for execution, it has employed a different establishment called *l'Entraide Nationale*.

*L'Entraide Nationale* is the executive body of the Direction of Social Affairs. It is a state organization that was founded in the early 1950s as a relief organization. Since its inception, it was mainly devised as an instrument of relief; delegate bureaus of *l'entraide nationale* were built in all small, medium and large towns, and in different magnet remote rural areas, and their services were known to the population, or at least to those who qualified for aid. In other words, the infrastructure was already in place and Social Affairs employed them as the executive body of their programs although the *l'entraide nationale* continued its function as a relief organization that assisted families with certain food staples and carried out certain social-hygiene programs. *L’ entraide nationale* has
been rather notorious for having been part of so many frauds, embezzlement and
corruption in the past, such as selling oil and flour initially intended for aid. Currently
under a new and very dynamic leadership, l'Entraide Nationale is addressing many of
these deeply embedded obstacles, especially since the era of 'structural adjustment' and
budget cuts imposed by the International Monetary Fund and the World Bank is over, and
since there is an active attempt at implementing a 'social development' policy (El Malki
1990)

"The understanding and finality of all social action," as one high DAS official
explains, is "social integration" (personal communication, May 1997). Underlying this
assertion is the vision of an ideal and normative social order that all individuals aspire to
achieve: to be an active part of and within society, to actively engage a process of
'integration' by creating a family, contemplating one's 'life' through the meeting of those
social standards. This comment on integration was purposefully intended as a
generalizing, and hence ambiguous, comment that glosses all difference between social
policy, social theory, social work, and the actual problems which are lived daily by those
in need of the services of DAS.

Focusing all inquiry on the role of la DAS in dealing with the issue of abandoned
children, cooperation of DAS with other organisms, the history of the creation of these
organisms and how decisions and policies are translated into practice and realities, all
answers to my enquiries during my repeated visits remained elusive because the
provisions and policies intended for this social segment (abandoned children) are simply
missing. As stated earlier, despite the very timid, yet controversial, step of the law of
1993, the Moroccan state as exemplified through its social work instrument has generally shunned this issue, although these children are the ward of the state, and their welfare specifically falls under the jurisdiction of the DAS.

In actuality, the Direction of Social Affairs does not have any direct intervention in issues concerning abandoned infants, in the process of kafala, in any other sort of practice of adoption-s (as I have enumerated them in this dissertation), or in the follow-up on the children. But, paradoxically, it is implicated in the very heart of this process. Part of its function, or perhaps its only function, is devising legislation, and it was the Direction that drafted the 1993 project decree concerning the status of abandoned children (while the previous circulars were written by the Civil Register within the Ministry of Interior). As discussed in a previous section, this text is at best too encompassing, if not ambiguous and seriously flawed. It could only be as such given the fact that those responsible for writing it do not have a first-hand or long committed experience dealing with abandoned children and the process of kafala; or if they do have such first-hand experience it was gained only through a limited stage of professional training or research, which does not give the breadth or depth necessary to understanding the phenomenon in all its complexity. Once more, this seems to be quite paradoxical given that the Direction of Social Affairs has under its tutelage the one institute which teaches social work in Morocco.

The National Institute of Social Action (INES) located in Tangiers opened its doors for the academic year of 1981-82 and it specifically prepares trained personnel for social action, that is qualified and certified social workers. Like many other social-work
programs, INES’ academic program is itself positivistic in its orientation; the general
framing of the curriculum is one that stresses both theoretical (legislation) and case-work
(application) education. Its trainees are not, however, those whom one is likely to find
working in hospices or hospitals and mediating between individuals, families and other
governmental institutions to undertake a kafala. The prospect of employment of these
social workers has mainly lain in the ministry of Employment and Social Affairs itself,
and now increasingly large private firms that have a social program. But then who are
these other social workers who mediate between private and public? What is their
professional training?

Ministry of Public Health. It is within this ministry that social workers who deal
with abandoned children and the process of kafala are educated; they are properly called
medico-social workers (assistante médicalo-sociale, although such a distinction is usually
collapsed in Arabic and the social worker is called l-mufatisha, inspector). The very
French label is telling. As would their French counterparts, they work within hospitals or
centers where infants can be abandoned (or are brought after being found in a public
space), and it is they who process applications for kafala, register children in civil
register, get the court orders, and so on. A broad outline of this school’s program and the
Ministry’s involvement in the specific aspect of social work here will only further
illustrate the state’s ambiguity in designing and deployment of social action in general.

It was in the 1940s that the function of assistantes médico-sociales was integrated
within what was called then La Direction de la Santé Publique et de la Famille as it was
initially designed by the French protectorate. They were mainly three types of social
workers: ones who serviced the French community (military and civilian) in Morocco, those who worked with the Moroccan Jewish population, and lastly those who worked for the Moroccan Muslim population. The criteria for working among the Moroccan community (Jewish and Muslim alike) were not as strict as those set for the French community. This first generation of social workers was mainly formed by native French. But given the scope of action of medico-social work, it became soon evident to the French that if this social work were to attain its goal, despite or probably because of the "ruse of reason" (Laroui: 382), there needed to be social workers fluent in the language and aware of the culture. Thus, the school of the Assistantes Sociales was created in 1941, which basically followed a French blueprint in designing curricula. But cultural specifics were to become more of a concern as the old French social workers left Morocco and a younger generation of Moroccan social workers slowly took the lead (Bey-Rozet 1954; Charbonneau 1952).

Following independence, and with various shifts in ministerial structures and the creation of new ones, the school was absorbed in 1956 into the Direction of Formation, itself under the aegis of the Direction of Human Resources, Ministry of Public Health. In the brief history of the school as an institution, it is important to underscore the rather tumultuous nature of these five decades. Based on interviews with a retired director of the school26 and a number of eminent social workers, some of whom now teach at the school, I argue that this tumultuous history—repeated closing and opening, of the program the most recent closing of which extended from 1987 to 1994—has to do with the difficulty, even impossibility, of defining social work, the role of the social worker and
the mission of social work as is devised within the bureaucratic framework of a ministry, thus the mouthpiece of the state. In other words, the school sporadically goes through an 'identity-crisis.' Such a crisis is quickly imputed to the lack of means, the budget allocated to social affairs being extremely limited, but it is my belief that it transcends money-matters and clearly points to the inability of defining the function and long-term aim of social action. Is it mainly preventive? Is it for temporary relief? Does it only treat the symptoms or can it encompass the causes? What successful means of implementing these policies exist once a consensus is reached? How to sustain these processes? Such questions might be addressed rhetorically, but remain extremely resistant to programmatic translations.

The Director and several committed instructors in the Ministry of Public Health School of Social Work located in Rabat, are only too painfully aware of the implications of the problem that the school has repeatedly faced. As the director explained, this is the reason why they are rather 'careful' and their policy has been to train only a small number of social workers (given that possibilities of employment are rather limited). But the employment of social workers is not the only impediment that has faced the school; designing a curriculum has been equally difficult. After its second re-opening the school had no blueprint curriculum for teaching; the strategy then adopted was to go to active social workers in the field, question them and observe them at work. Based on these 'field-data,' a curriculum was then elaborated. Although one of the social-work teachers spoke about this strategy as doing things 'in the wrong order;' it is a positive strategy in the sense that it actually utilizes the mass of social problems and ills to
develop a curriculum which itself would later translate into a plan of action. It is, by
default, a constructive strategy. Other impediments are, however, still outstanding.

There is, for instance, no legal definition or protection for the social worker in the general
administration. She is considered someone who works in the 'public domain'; she does
not have any special rights when she does house-visits, during which she could be treated
with some hostility.

After this training process, the young social workers are employed mainly in the
Ministry of Health itself, while others might find employment with other ministries. But
despite these possibilities, the essence of the question remains standing: What is the role
and mission of a social worker; how is it translated into social reality? How is state
ideology implemented in terms of family or family relations? How far are social workers
working out of a normative agenda since they collapse, or at least are supposed to
collapse, the boundary between the private (family) and public (state)? If as individuals
they do not live in a social vacuum, for they are as much cultural beings as the ones they
work with, do they nevertheless have a sense of 'professional detachment' so much
praised in American social work theory? How far are social workers—when dealing
with relinquishing mothers (in the rare cases they meet them), abandoned children,
desperate parents wanting to adopt, grown-up children wanting information concerning
their birth-parents, or birth parents desperately looking for their child—the instruments of
state policy, which has an established vision of family and family structures (as we can’t
really speak of relations here)? These are questions that need to be asked, but I do not
pretend to be able to answer them since they greatly depend on the individual social
worker herself. I have worked very closely with a number of social workers, and I can ascertain that even while following the guidelines, they can exercise more agency and freedom in their decisions than would an American social worker working under the aegis of a given center. In the Moroccan context there is more laxity in applying and interpreting laws, or sometimes dismissing them altogether, depending, once more, on the personal and ethical beliefs of the person in question.

During a discussion that I had with her, an old timer social worker educated under the French, currently a teacher at the school of social work and a co-founder and very active member of the newly created Moroccan NGO of social workers, summarized many of the widespread beliefs concerning role and mission of the social worker in Morocco. In her rather cynical diatribe, she said that the mission is not defined and cannot be defined given the ambivalence surrounding it: vogues of social work come in and out of fashion precisely like styles of clothing; individuals and groups take to social work for social prestige and drop it once it no longer pays off; the successive Moroccan governments have all been very creative in ways of reducing funding for social programs; certain social ills make the headline from time to time to comply with international pressures, as though denouncing them means resolving them; in contemporary Morocco, everyone is ready to brandish the banner of social action, while in actuality only few truly believe in alleviating the problems and in creating social equity for all. In other words, there are a very select few who really embrace social work as a cause and not a function, a role to fulfill, or a game to play. Honesty and disinterestedness are extremely rare attributes to find especially and as long as social work is deployed within the accepted
frame of a giving ‘elite’ and a receiving ‘populace.’ No social work can really be defined as long as social discrepancies are continually sustained sub rosa (Bennani-Chraibi: 1994)

Based on this sketch, the construction of ‘social work’ within the state appears to be almost an incidental one. Its generative mechanism seems to collapse into self-serving and self-feeding bureaucratic reproduction and political over-determination. An all-encompassing and goal-oriented vision of social work is clearly missing. Having said this, however, it is my belief that state programs, whether in legislation or execution, are often easy targets of criticism—obviously, not for a lack of reason. But the justice of this criticism does not imply that the state equals error; certain laws are justified and rightly implemented. Moreover, bitter criticism is often a solicitation for a fuller and more direct implementation and responsibility on the part of the state, and for doing away with its current atomized and fragmented role. In any case, the current situation, given both fragmentation and complexity, it is premature to speak about social work towards abandoned infants for it is simply non-existent; the state structures in place are incapable, and it seems at this point unwilling, to alter them to deal with the magnitude and the many layers of the issue.

**AND YET ANOTHER RIPPLE: SOCIAL ACTION AS ENACTMENT OF CIVIL SOCIETY**

Public debate has dramatically shifted in the last few years in Morocco; the readily advanced concept of modernity and progress in the 1970s and 1980s has been replaced in the 1990s by the vogue of civil society so much so that the latter concept now constitutes the core of Moroccan public discourse. Thus defining civil society in this
context is a necessity given that it is incessantly employed to describe an extremely wide-ranging set of actions, and an extraordinarily diverse body of concepts and practices. Focusing mostly on current Western debates, and not the philosophical exegesis of civil society, the following is an overture to set the boundaries of my discussion. Interestingly, the concept of civil society, as a topic of debate in American academia, occurs between two divergent directions: between political science and political anthropology. The first camp, represented by Ernest Gellner among others, views its rise as the most positive alternative development after the failure of the centralized power of Soviet Russia. Strongly endorsing civil society, Gellner analyses it in his monograph as a *sui generis* political category. In the second camp represented by several political anthropologists, caution abounds about approaching civil society in other cultures with a definition delimited in the West. In other words, the latter position insists upon the need to take into consideration important ethnographic details, to attend carefully to the experience and the expression of the local. A study or analysis of civil society and its actors have to account for the larger social context in which they are implemented and deployed.

In *Conditions of Liberty*, Gellner defines civil society as "[...] that set of diverse non-governmental institutions which is strong enough to counterbalance the state and, while not preventing the state from fulfilling its role of keeper of the peace and arbitrator between major interests, can nevertheless prevent it from dominating and atomizing the rest of society" (1994: 5). Though Gellner argues that civil society thus construed does not necessarily create a more effective social order, it does open the ground upon which a democracy of responsible individualism and intellectual pluralism can emerge. Like
other political sientists (Ibrahimi 1995; Moussalli 1995; Saaf 1992), Gellner questions the compatibility of civil society with the Muslim world. He writes that:

the Muslim world by contrast [to the Soviet Union] is marked by the astonishing resilience of its formal faith, and a merely weak, at best, striving for civil society. Its absence is not widely felt to be scandalous, and stirs up relatively little local interest. On the contrary, ruthlessly clientelist, winner-takes-all polities are largely taken for granted and accepted as inherent in the nature of things (14).

Gellner’s argument is that, being ruled by its faith—a faith that transcends both power and political authority— the Muslim world cannot achieve civil society. Such a reading is, at best reductive, if not ethnographically unfounded. Following Jenny White’s discussion in her study of informal association in Turkey, models of association and an enactment of a civil responsibility need to take into consideration other actors than what Gellner’s definition has delimited.

In his introduction to Civil Society: Challenging Western Models, Chris Hann effectively draws attention to fostering “an awareness of the shifts in European intellectual debate, and of the common rootedness of the dominant modern strands in a specifically western theory of autonomous individuals, [which] should alert us to the errors and dangers of exporting models of civil society to non-Western societies” (1996: 7). In other words, one has to be aware of the normative quality of discourse on civil society and its application and unfolding within any given social order. With such caution as a constant backdrop, Hann ventures to draw the grand lines of a definition of civil society which amount to the enactment of a greater freedom of association among individuals, especially as individuals identify their agency outside and against the state. “Civic Culture and Islam in Urban Turkey,” Jenny White further explains that “the civil
society debate in the Middle East generally remains focused on the relative presence of feminist groups, trade unions, and other groups that fit the Western model of free association of individuals and a contractual if not adversarial relationship with the state. Many of these are middle-class elite associations” (1996: 144). Her study explores other paradigms than these elite associations, focusing mainly on associations among urban working class, where the aim is not automatically an adversarial stand towards the state, but one for which community solidarity is the immediate concern. Her study brings into sharp relief Gellner’s grim conclusion that Muslim “social order [...] seems to lack much capacity to provide countervailing institutions’ [...] is atomized without much individualism, and operates effectively without intellectual pluralism” (1994: 29).

Social action in the form of associations nevertheless fill a need where the state is simply deficient. Various social programs do in fact embody a pluralism of conviction, as each tradition stems from a distinct set of norms and values. Civil society as currently defined in the Moroccan context is a ‘space’ that allows for varying political actors (political parties, syndicates), which was not the case in the 70s for instance; and where constructive dialogues can occur despite political differences. Civil society encourages the rise of associations and non-governmental agencies whose goal is to deal with pressing issues without a political pay-off; where there is a feeling of earnest discussion, and a striving to make social ills visible. Civil society is created through the media and the press, freedom of thought and expression. Civil society is equally viewed as an effective instrument for the application of tangible and pragmatic programs beyond discourse or propaganda. However, as will be further discussed, detractors and skeptics
question the recent explosion of NGOs in Morocco within the last 3 years (the number that USAID has counted is about 3000) especially as this surge coincides with the new development policy launched by the World Bank.

Associations are not a new phenomenon to Morocco (Ghazali 1992, 1996), although the current mushrooming of associations committed to an extremely wide range of interests is novel, a part of a new civic awareness and sense of social responsibility. Associations dealing with enduring social problems and those relating to handicap have been in existence for a long time; namely the association Hanane for the mentally handicapped, Organization Alaouite de la Protection des Aveugles for the blind, or the Chershire Foyer for the physically handicapped (no longer exists). The most important and visible NGO devoted to children in Morocco was first inaugurated in 1957, almost three decades before the rising star of civil society. But once this Western-centric fashion hit Morocco, pre-existing associations were recycled and discussion of them took a new format. The League (which manages the shelters and centers) is not concerned with erstwhile social solidarity or community solidarity, as is the case with the associations that Ahmed Ghazali largely discusses in his introduction to the directory of current NGOs (1996). It is rather concerned with furnishing the means of survival for the surplus of a social crisis.

The centers are additional referents and constituents of the semiotic world of kafala and abandoned children. The state's support of abandoned children being at best nominal, hospices and shelters which provide foster care for them are all associations of recognized public-interest status. Even those institutions housed within the state-run
hospitals are NGOs which are, in a large measure, privately funded and run. The understanding and enactment of ‘social action’ within these associations is, once more, dependent on whether they are steeped into a secular, or religious understanding, or some compromise between the two. In this section, in addition to depicting the faces faces and histories of the centers, I also aim to read the space and its symbolism. For it is all these sediments and layers which constitute what is now readily labeled civil society, both as an ideology and a practice.

The League for the Protection of Children is the first established NGO in Morocco (1957), and has credibility with national and international associations, and with the government. The headquarters are located in Rabat, and it has under its jurisdiction an important number of centers located throughout Morocco. These include four shelters for abandoned or social-case children (children of prisoners or mentally ill parent or parents); an important number of nurseries and kindergartens; several clubs and activity centers; and one school for nursery education. The three shelters, or houses as they are called, for abandoned children are located in Rabat, Marrakech, and the small southern town of Taroudant. There is generally a resistance to these places being called ‘orphanages’ for orphanages are institutions where a child is sent only if s/he is not adopted. The League owns its own ‘orphanage’ but most of the other orphanages are run by l’Entraide Nationale and some others are run by individual benefactors. The nationally run orphanages are believed to be a severe and hostile environment.

Within the world of NGOs, calling the shelters houses or ‘structures for receiving’ (structures d’accueil) lends them at the same time a sense of legitimacy and of transience.
In other words, these names are not random but are meant to circumvent the social stigma associated with being a natural or abandoned child. My discussion focuses mainly on the centers of Rabat and Taroudant as they clearly encapsulate the historical relocation and recycling of social action in its inception within the French missionary establishment, then moving to the Moroccan state, and finally into the hands of politically-neutral associations. Rabat, Marrakech and Taroudant receive infants and babies whose age does not exceed three. If by age three they have not been taken into kafala, they are then sent to the ‘home’ located in the small agricultural town of Benslimane or to the SOS villages. The League is a closed and self-sustaining circle; it actually prides itself on being able to keep its children from the throes of state-run orphanages. Its cleanliness, support within the centers, and formal education in Benslimane, meet high standards, standards that are continually sustained. The usual course of the Moroccan institution is one of gradual fall of the norms of maintenance and then total collapse into a state of apathy, unless there is an official visit, at which time facades are scraped clean. Such is, once again, a recognized national ethos.

Scenes -- *Maison d'Enfants Lalla Amina in Taroudant*

*SOUNDBYTE 1*

... during my visit to Taroudant, the director had been appointed about a year before. It was a position he was extremely familiar with given that he had occupied it some twenty years earlier. This twenty-year hole, he explained, only confirmed that his own vocation was with the children and their well-being. Now, in his mid-fifties, he explains that it is most suitable to him to return to what he does best and where he is most needed. It is not simply a job or a position, "for us working in these sorts of environment, it should be a cause. We cannot let that extra-hard skin which numbs grow around our hearts or blind
our vision.” The director and his wife, a social worker, have three children, two girls and one boy. They had the second daughter when their own daughter was four months old. She was one of the center’s children and the newly married couple decided to take her kafala when, upon returning her to her insane mother, she became seriously disturbed. Care and compassion are essential features which the director and some older administrative staff tirelessly try to inculcate in the hired staff of the center. The process of making these mostly young poor women unlearn cultural prejudices against illegitimacy is proving to be one of the most difficult obstacles encountered by the administration. He argues that they simply cannot seem to comprehend that these children are truly and utterly victimized, maqhurin. The provincial and contained nature of Taroudant does not help. Despite their committed efforts, during one of my visits, one young staff member said to me (given that my research, considered curious by many, solicited reaction): “... honestly, they treat these kids better than us... you know what I think, they should simply close this thing down...” She is the fourth child in a family, her father is dead, her brother in prison. She is the sole supporter of her family, two younger sisters and an elderly ailing mother...

**SOUNDBYTE 2**

A couple came in with their pre-approved clearance to adopt. Under the previous administration, they were not allowed to see the children. The current director took them around the building. They stopped at the room for the toddlers, two and up. They were mute; they had never seen such a scene, as the woman confided to me later. She kneeled and her tears flowed. A little boy rushed to her and started wiping her tears, he was so touched she was crying, he had adopted his mother.

**SOUNDBYTE 3**

From a social worker, a remarkable story: “when she came to deliver she said she wanted to abandon the child, but within a day she said she had decided to keep it, now that her husband is back. These girls are so terrified they will say anything. So things seemed to return to ‘normal’ and she left the hospital with a number of other women. Two days later, we find the child in the doorsteps of the hospital. After the necessary inquiries, we
were able to trace everyone. A woman had decided to contract a secret adoption, and she had prepared everything after she had found the baby of this young woman. But the husband then refused, refused categorically, threatening to repudiate her. There she was with an infant, his own birth mother had disappeared, and she with no means and choices .... other than the steps of the hospital. The destiny of this child was sealed the moment of its conception”

This institution, the setting of Hnimou’s novel, is located in the south of the high Atlas mountains in the Souss Valley. Originally, this center (then called an ‘orphanage’) was only a small section of a large missionary complex founded and run by the French Jesuits. It included a hospital, a day-care, a nursery, a church, and living quarters for the nuns and the monks. Initially and during the French period, it had few tenants. Like the Rabat center, the Taroudant center became part of the League in 1975 and now houses an important number of abandoned children, and many handicapped children. As with all the centers under the tutelage of the League, the infants are either given for kafala when families are interested, or they remain in the center until they reach age three at which time they are then sent to the home of Benslimane. The social worker who handles the cases of kafala attends to all the administrative business concerning the children (last names, court orders), works in the general hospital of Taroudant, and like the other social workers has been educated in the Ministry of Public Health’s school of social work. The center has a director whose important task is to coordinate the League and the needs of the center, lobby with the different administration to solve administrative problems, maintain the functioning of the center, inspect the work of the workers in the center, undertake the upkeep of the center, and most importantly watch for the welfare for the children. Unlike centers in cosmopolitan areas (such as Rabat or Casablanca), volunteer
work is not a common occurrence. In other words, the stigma of naturalness is well hidden. Incidentally, and perhaps symbolically, the shelter itself happens to be located deep in the heart of a large garden. Community members of Taroudant, especially the older generations, are very much aware of the legacy of the French orphanages. Certain individuals still roam today in the streets of Taroudant; they are often designated as 'the eccentrics,' the ones brought up speaking “a kind of exotic patois in which French was seasoned by Berber, Moroccan Arabic and gesticulations” (Hmimou: 23). They are unable and or unwilling to be really “Moroccan,” different Roudanis opine.

In broad historical terms the notable difference between the Taroudant center and that of Rabat is that the former had an orphanage where the children were actively brought up as Christians. This difference is itself revelatory of the internal mechanism of the colonial machine; and one might speculate that the French felt Taroudant to be isolated enough from Muslim influence, given its large Berber population and the French’s belief that the Berbers are closer to pagan practices than the Arabs (as evidenced through the Berber Dahir). Intrinsic to the colonizing French mission was the conversion of the natives. While most Moroccans would acknowledge this as a historical reality and readily point to Algeria, especially their Kabyle-Berber population, they would consider it a plain falsehood to say that the French were successful in their conversion mission in Morocco. True that they have not been able to convert families, or tribes en masse, but they have, just like other American, British and Spanish missionaries in Morocco, brought up orphans in their custody as Christians. These were bastards, unwanted children by their own kin, after all, runs the latent creed. Whether these now adult
Moroccans have continued being Christian or not in an overwhelming Muslim population is not the question I ask here. My concern is more specifically how such a seldom recognized fact factors in the already intricate cultural imagination of the relation between roots and environment (asl and wasat, which will be discussed at some length in the next chapter). In other words, what additional layer of complexity can the ‘given’ of being a Moroccan Christian, having been thus brought up, add to the ‘given’ of roots (asl) as by far the most important cultural determinant? These questions will be discussed in the next chapter.

Scenes -- *Maison D'Enfants Lalla Meriem in Rabat*

**SOUNDBYTE 1**

Profile, Sister Ontonia, Fransiscan nun. 35 years service. Comments, views...

"I believe that God is Love, and my devotion to him is manifest and concretized through actions [...] We have an open door policy here in the center because of incidents that happened; we have to let the people choose their baby or their baby choose them. This one very well-off family came to take the kafala of a child. When they saw this one baby they fell in love with him. They wanted him, but the issue is that it was a twin and they did not know they were twins. So like with a real pregnancy, they took the twins. Another incident, this one little girl of about one year old was also adopted by this rich couple. They took her in the afternoon and came back the next morning explaining to me that she simply cried all night long and refused to eat or drink. So I took her in my arms and put her back in the cradle, and a smile illuminated her face and she took the bottle that the woman was trying to feed her. There are things that flow between parents and children that cannot be put in words. This last example was this family came to take this little girl and then there was a boy playing in the playground, and he simply clung to the pants of the man. He was so overwhelmed that they adopted him as well. As this father liked to say about the ‘apple of his eye,’ as he started calling this little boy, it was the
child who adopted them [...] Adoption has always existed in Rabat, at least for fifty years. Just by looking at the circular, and despite all the problems with the new law of 1993, at least it is recognizing the existence; of these children. Before and even now still no one wanted or wants to acknowledge their existence, this refusal is so fundamental, so extreme, so hard to comprehend. Even with so many years in service, I still cannot comprehend or accept the potency of this anathema.”

SOUNDBYTE 2


A Moroccan couple took their baby. They were overwhelmed; the father had not seen the little girl yet. He went in the large room lined up with cribs and picked the baby by whose crib the mother proudly stood. There were tears in his eyes. Outside in the lobby of the center lay scattered a number of ‘things’ all brand new (bib, bottles, pacifier, some clothes). The equally overwhelmed maid hurriedly shoved things in a bag, as she handed a specific item to the mother, now in the lobby. They quickly put the little girl, Ghizlane, inside a pink velvety bag, ornate with a very intricate lace. They had signed all the papers about an hour earlier, and wanted to leave, to believe she was really theirs. They hurriedly gathered everything and walked out. The mother asked me to please come to the naming-ceremony, sбу’, that they would organize the next day. A nosy anthropologist following them all the way to the street, overwhelmed by their emotions... had I met them in the street another day, they would have been a normal couple walking down the street with a maid pushing an expensive, new stroller and the parents proudly holding their child ... but such was not the case. They had become overnight parents ... within four months, I have followed all the steps of the procedure since the woman’s first visit to ‘just ask’ about having a child....

SOUNDBYTE 3

Marking conversations I had.

A woman in her early thirties, after trying so much to have her own offspring, gives up and decides to adopt. One of her first comments was: “if I found these mothers who
abandon these children I would kill them.”

Jamila, furiously: “Do you think it is easy for them to abandon, do you think they don’t want to die when they abandon their children? Men, women, and society are to blame and not only the mothers”

Lady: awkward silence and then, “…well, the misery of some makes others happy.”

A young man, mid-thirties, came and sat for two hours waiting for the social worker, who was herself late as she had gone to the court. He had a newborn well covered in his arms. He was obviously nervous and felt uncomfortable in such a female space, women doctors, nurses, the hired ‘mothers,’ and the cries and laughter of the children. He kept moving from one edge of the long chair to the other every time I passed when handing bottles, looking for things as all of us volunteers were doing. Once again the nosy anthropologist could not help asking the question of why he was there and what he wanted.

Man: I came to give this baby to *al mufatisha* (social worker). You know, destiny had its course and now what can we do? We just wanted to know that he would be in good hands.

Jamila: Who is he to you? and where is the mother?

Man: Well, we are kind of together. And I am not denying anything and I really love him and all, but I simply can’t take care of him and the responsibility. What can I do, if I had a job or something maybe things would be different, but now…. I can’t. The mother, you know, she just could hardly bear the parting. It was really hard for her, but what can we do?

Located in the heart of the capital, Rabat, this center has become part of the League in 1975. Originally founded in 1914 by Marechal Lyautey (although inaugurated by his wife) it was, like many health units in the protectorate, composed of a maternity, a day-center, a nursery, a crèche, a church and the living quarters of the Jesuits. In the twenty years preceding its opening, this complex offered its services mainly to French families, but slowly, and especially around the 1930s, Moroccan families started using the
center as it was a ‘gouttes de lait,’ milk-drops (a center which gave milk to new mothers for their babies, but to which they had to return frequently to get supplies, hence the name). The center became a part of the Ministry of Health, but by 1954 it was recognized as an organ of public utility. Officially, it only became a shelter for abandoned children in 1974 and in the following year, it was transferred to the League. This center houses an important number of abandoned infants and toddlers (up to the age of three). The center has a large staff of workers (each woman has to change, feed, and clean a number of babies; they are the ‘mothers’), the managerial staff is still largely formed by the now quite elderly sisters of mixed nationalities (French, Italian, Spanish); there is a full-time nurse, a full-time physician, and a social worker.\(^39\) in addition to the administration proper of the center.\(^40\)

The compound where the center is located has, in addition to the shelter, a physically separate kindergarten and a crèche for ‘normal-with-parents’ children, as the centers’ staff tend to call them. When referring to the center Lalla Meriem, most people would evoke, know, or feign to know only this legitimate part of the ‘normal-with-parents’ children. It is important to note here that the infants and babies of the center Lalla Meriem are extremely well taken care of, in some cases perhaps better than the ‘normal-with-parents’ children, as far as answering to their health care, food and clothing. But this extreme ‘physical’ care and attention is, unfortunately, not matched by an emotional or socializing attention. The center has adopted an ‘open-door’ policy, encouraging volunteer-work to fill in this lacunae. As one of the sisters said, this is the only way the children can get to see different faces and get ‘some’ affection from other
individuals; were the doors to remain locked, the center would only be producing little 'savages.'\textsuperscript{41} Once they are out of the ‘baby’ quarters and are taken upstairs to the ‘big-small,’ they have more room to roam around and more possibilities of development. But in this specific range of age (and this is the same in Meknes and Casablanca centers), they are almost all boys.\textsuperscript{42} Moreover, these boys know only women and the realm of women since within this center (also true for Casablanca and Meknes) almost all the staff members are women, from the volunteers to the doctors. The sight of an adult man can be experienced in itself an aggression.

The physical location of the center Lalla Meriem in Rabat is emblematic of the extremely precarious status of abandoned children. It is surrounded by the very symbol of power: behind the parliament (legislation), in front of the national security office (police and internal intelligence), a block away from the Moroccan national deposit bank (economic core), and the national post and telecommunication offices (information and information-flow/restriction). If this strategic spot might suggest a constant protection and security for the “ward of the state,” it might just as much suggest a further overshadowing of its very existence. One might even venture to say that being surrounded by emblems of power annihilates its existence since it does not have an active part in the production of this power, denying it existence and making it into an invisible entity. Such a conclusion is compelling given how this center has moved from being the very core of an establishment, sustaining life and the reproduction of the ‘nation’—\textit{gouttes de lait}—when one of the most pressing programs of independent Morocco was the fight against infant mortality,\textsuperscript{43} to being almost invisible because of its function—being a
shelter for ‘bastards’. The center’s affairs run more smoothly than less. More because the welfare of infants and children is the paramount concern; less because of the mixed staff’s approach to doing such work. If some nuns and hired ‘mothers’ see this as their vocation and their only reason, at least claimed reason, for being, other nuns (who have nowhere to go) and hired staff members, regard it above all as a means of livelihood. The resulting dedication differs widely. Out of this embedded ethos emerge different forces of social action and offer a multiplicity and not a normative or prescriptive mold.

Scenes -- Maison d'Enfants Lalla Hasna in Casablanca

SOUNDBYTE 1

The spacious garden of the villa where the center lalla Hasna is located has been totally transformed for the occasion of the fund-raiser. It is now wearing its best colors, and is filled up with different tents, some selling jewelry and different Knick-knacks... etc. In the middle of the garden is a music stand, where a number of groups are streaming to play. They are here for a good cause. Families are also streaming-in, different families from all walks of society: upper, middle and poorer classes. One can easily tell through a combination of factors: attire, language, and accent, as Casablanca happens to be a melting pot. In the middle of the garden they have put a playground and all the children are there playing. But these are not the center’s current tenants. Those are still upstairs since the administration is reluctant to let them go out. The past year’s fund-raiser proved to be a difficult event for the older children who had never seen a clown before and shouted in fright at the sight of one. Now those in charge are taking things easy. But the children who are playing in the swings, and going around on the small donkey, are children with parents. A good number of them were previously tenants of the center. They are the ‘returnees,’ and their parents are here to support the cause of the center lalla Hasna. I am a spectator, looking on, noting all movements, and listening to tepid social conversations. Suddenly, a number of ‘hired mothers’ congregated around a child who proudly poked each one of them as they all rolled with laughter. One of them called to
another of the hired mothers, “Look, this is now Fatou, remember, number 89 in room 3, look how she has changed. I could not have recognized her if her father hadn’t told me. Can you imagine.... you know all these children just need to go out of here to become beautiful and normal.”

**Soundbyte 2**
I was allowed to observe a number of psychological screenings for the requesting party. An example that obsessed, and still obsesses me, is the case of one woman. The couple came from a remote town. Their, or rather her, idea was simply to be handed a child.
The image of a woman so thirsty for love, but at the same time so bullying and extremely insensitive.
The wife: just about everyone else is having children, and my lot is now that we can’t have any. You are just going to give us a child, right?
Psychologist: well, it is not just like this. There are processes and lots of paperwork we need to do first. Also this is a decision that is taken by both; let me also talk to your husband, OK?
The husband: ... well, whatever she decides.
The wife: well if I wanted a child from where we are, I know I could do it in the hospital there, but I don’t want anyone to know, I want a girl now ...

**Soundbyte 3**
The portrait of a Lalla Hasna volunteer
Mid-sixties. The ideal image of a grandmother. Among the first generation of women to get a formal education in colonial Morocco. She received this education in France and was the first Moroccan (naturalized; originally she is Algerian) social worker. After years of service in the ministry of health, teaching in the school of social work, of working with the League, she is now retired. She spends about ten hours a day in the center, running between different administrations to make sure all the files are ready for the children so that their kafala is an easy step. She participates in the psychological screenings, goes up to see to the children, calls doctors for emergencies or simple colds and fevers, drives her
car all over town to pick up medication. Calls up donors and benefactors, does home visits... She offers her services to the center for free.

Originally part of the League, the center Lalla Hasna acquired public-interest status in June of 1982. It is currently called The Association for Helping Abandoned Children. Located in a largely residential area in Casablanca, it keeps a very low profile. Given the intensity and frequency of social problems in the megalopolis that is Casablanca, the number of abandoned children is rather high, and not even this number includes informal trafficking. Currently, the commission is under the presidency of an established businessman and it has recently undergone some administrative shuffling. In comparison with the Kourtoubi center of Fes or Lalla Amina of Taroudant for instance, the organization of the Casablanca center deflects a class hierarchy. The managerial staff is mostly formed by older women from the upper-social strata, the secretarial staff by younger middle-class with fresh diplomas out of the university, while the ‘nurses-mother’ mostly illiterate or rarely with only a primary education and from a working-class background.

While the unadopted toddlers (up to age three) of the League are sent to their home of Benslimane, those of Casablanca have to be sent to the state-run orphanages at age seven, the official age for starting formal schooling. The minimum age to be admitted to an orphanage is set at seven. The age also coincides with the nationally designated age for national public education (to start primary education). The age limit reflects the presumption that the state’s role is that of the father; it only begins at the level of formal education given by the state. The patriarchal structure can be located at all levels: laws, families, and state. Thus, if NGOs and associations are the nurturers,
fulfilling the role of the mother, then the state is the custodian and the enforcer of law and order through its process of formal education.

Scenes – *Le Nid of Meknes*

**SOUNDBYTE 1**

In the anesthetic hall corridor of the hospital I stood waiting for the social worker who knew about my visit. I stood in this corridor along another number of women, some waiting for visiting hours, some for consultation. Immersed in my own world of thought and contemplation, almost oblivious of my environment, a loud woman, standing in a group, asked me for a confirmation of what they were talking about; she thought that my glazed look participated in their exchange. I had not paid attention to their conversation so I asked for an elucidation before I could agree, I explained jokingly. The loud woman in question explained that “since these *nsara* (Christians) come and want so badly to adopt and wait in line and go up and down the city of Meknes, well I could just *eat some crystal* (i.e. have a sexual relationship) with one of them, have a baby and they would be set? Right?” The laughter of the other women resonates through the corridor. I was spared an answer as the social worker showed up exactly at that time. But it is a difficult statement to affirm. How could I address the arrogance, the ignorance, the insensitivity of this woman? I am not sure I had an answer then or now. But this topic is one of those things which are derided and taken lightly, often the subject of a joke. A different ethnography to write in itself, but Moroccan humor can be backbiting, infused with gossip and sour criticism. Perhaps her comments were directed to me as she thought I was a woman looking to adopt, maybe a possible client for an infant she had, questions that will remain unanswered.

**SOUNDBYTE 2**

Portrait of a child. We sat in the office of the social worker, and a little boy of about seven came and kissed us hello. He was very well behaved, he was very gentle and mannerly. Rachida, the social worker, explained to me that he was one of the first babies that *The Nest* had in their custody. He was never taken up for kafala. He goes to school
and comes to his home, the hospital, everyday. He often asks Rachida why he can’t also have parents like the other children at school, so whenever a visitor comes and he is there, he comes politely to talk to Rachida in their presence...

**SOUNDBYTE 3**

Discussion with an MD and administrator working in the hospital of Mohammed V, Meknes

Doctor: given that you have done much research on the issue of abandoned children, where do you think we should look for a solution?

Jamila: Like most academics, I will answer that we have to tackle all the social problems through a slow, sustained and effective process of education. We need to think about policies of prevention and ways of educating people, but those are long-term goals for the future which do not address the infants in the centers right now. Given that there is an increasing number of abandoned children not matched by the number of families wishing to take their kafala, here I cannot pretend to have a one miracle solution other than finding ways of encouraging people to take their kafala and that the structures in place, or at least some of them, become more of a humane environment.

Doctor: I agree with you on the last point especially. Look, I am a doctor and an administrator and I have to sometimes think ‘square’ when I need space for my patients, and these infants are not patients and yet they are here in the hospital. Once they stay here, of course they are going to become sick over and over again. This is really a no-exit situation. Where else are they going to go or to be placed? But then again, what am I to do with my other patients? ...

*Le Nid of Meknes* is located in the large public hospital Mohammed V of Meknes, which used to be called “the room of the abandoned,” where the subsistence of the infants was dependent purely on benevolent acts of different individuals; in other words, there was no consistency in getting the necessities for these infants despite the fact that their number was on the rise. By 1988, however, a well-to-do benefactress founded the *Le Nid*
(The Nest) for abandoned infants and children from birth to age seven. Other than this fifth floor space owned by the Ministry of Health, and some doctors’ assistance, all of the financial support of The Nest is covered by the benefactress. After the scandal that hit Le Nid in 1993 and the tabloid reporting, the benefactress was demonized either as a capitalist of the worst kind, selling babies to foreign couples as she was concerned solely with profit, or a megalomaniac since she had called the association by her name. After a long and bitter legal battle, the benefactress came out a winner, and her victory only confirmed her own disinterested social work which has had no other end other than the interests of the recipients themselves, that is, the children. This is an example of social work not as a function, a role, or a game, but as a cause. It is a sense of social action steeped in compassion, in moral responsibility, and in simply loving and caring for the children.

A nest, as Bachelard writes in his *Poetic of Space* (1983), is a poetic image meant to reflect a sense of security, warmth and containment. The Meknes Nest is located on the fifth floor, in the last floor of the hospital, akin to a nest perched in the highest branches of a tree. A nest, continues Bachelard, is constantly watched by humans and can be an easy target for attacks from humans and other animals alike. *The Nest* poses problems for the administration mainly because of lack of space within the hospital.

**Scenes--The Tangiers Center**

**SOUĐBYTE I**
Profile of a social worker. Has a very large family, three children of her own and two adopted children. Through years of experience, she has built an intricate and large network of volunteers, workers, donors and benefactors. The method of working in this center is “offensive,” getting out and soliciting the help and contributions of individuals.
"It is not that people do not want to help; on the contrary" she explained, "people are looking for legitimate causes to work for now that there is a 'professionalization' of begging and poverty, but they just do not know. As long as all this business of abandoned children is carried in such secret, it will continue being a problem."

**SOUDBYTE 2**

Profile of a benefactress. Has a very large family of her own. One of the most affluent and established families of Tangiers. During her many visits she noticed a little black girl who stayed as other white children passed through. She decided to adopt her despite the many deriding comments and insinuations she heard. Color, as I will be exploring in the next chapter, is an important factor in deciding whom to adopt.

Although lacking the financial resources of the Meknes benefactor, the social worker in the hospital of Tangiers is equally a woman whose tireless and committed efforts have made it possible to create a more humane environment for the children. The center for abandoned children is a physically separate house from the hospital (hence, it does not have the atmosphere of pending sickness as is the case of Meknes or Fes). The center has a steady stream of volunteer doctors and a regular pool of benefactors and donors. The number of abandoned children in Tangiers is not as high as larger towns more prone to severe social problems due to lack of employment, or rural exodus. This center also benefits from the international status of Tangiers where there are a number of religious denominations (Roman Catholics, the Syrian Church and so on) from which it sometimes receives interested volunteers, a number of students from INES, and some financial assistance.

As this small example from Tangiers illustrates, there are different committed individuals actively engaged in addressing and redressing the social and humanitarian
phenomenon of abandoned children. Despite the potency of the stigma of 'bastardy,' there are movements and trends toward “consciousness-raising.” But it is important not only to preach to the converted, but to disseminate the message, taking advantage of local means and exercising ingenuity in exploiting them so that the sense of cultural fatalism and lack of state involvement are countervailed by a sense of civic involvement and responsibility.

This mapping of several nationally managed centers for abandoned children illustrates, almost in visual arrangement, how social work and social action relating to abandoned children function and sustain themselves. Other than being a legislative body and offering a physical locale within a hospital, the role of the state is marginal, if not at times positively awkward. Despite the truly committed and tireless charitable involvement of many individuals within and outside these institutions, they are still largely dependent on the gifts of other benefactors to sustain their work. These individuals' understanding and compassion might not be wholly generous or forgiving. In other words, there is an altogether different profile of social action which happens outside of the sad realities of ‘orphanages, alias centers, alias homes’ where even some of the most cultured, secular, cosmopolitan, and pious have resort to received notions of ‘blame, and proscription, and the branding of the victim.’ Unequivocal issues of class, of roots (asl), of money, of awareness and consciousness are all closely entangled in a knot. The other face of this social could be...
'Tout le monde veut faire du social, mais tout le monde, franchement...!'

Question: *tu es dans quoi toi...*

Réponse: *mais dans le social, bien sûr!.*

So said a number of upper and upper middle-class women parading diamond rings thanks to their upper class life-styles as they sat at a dinner-fundraiser benefiting a 'social' cause. As I sat at a table with these women, trying to 'make conversation' during a dinner organized by The National League for the Protection of Children, I found myself thinking about how far they were truly aware of the magnitude of the problems in the name of which they were donating their Dirhams. How far was this money donated meant to 'cleanse' a social or personal guilt? And above all, how far were they themselves at the root of the very problem? How to read their snobbism? Is it possible to isolate those who are genuinely concerned about the problems of the children from those who use 'le social' simply to acquire the symbolic weight of social work and its aura? And then again, why blame their efforts? Or is it my cynicism I need to tend to because I might be seeing a condescending attitude where there is only well-intentioned commitment? What message lies behind the idea of making these dinners a 'fun' event with dancing, eating, and gifts? How to debunk hypocrisy and how to detect honesty within given cultural parameters?

...no answers
Social action has another face besides the ostentatious parading of wealth, the buying of good time, or of that of social prestige. In an interview with Ahmed, a former tenant of the orphanage of Salé, recalled the nights when they, the orphans, were dressed up and paraded in front of their benefactors with the presence of the press and media, and made headline news the next day. But Ahmed especially recalled the ‘anonymous’ donors affiliated mainly with the Jam‘iyya al Khiriya al-Islamiyya, a well-established association in Salé. Some of these individuals wrote large checks to the orphanage, took everyone for excursions, and paid for the rental of the bus, its insurance, the food, and so on. those who paid for the school supplies, paid for clothing, for winter blankets ... or the doctors who visited and offered treatment for free, without pompousness ... or the artists who performed and brought relief and laughter. They acted in the shadows, out of their convictions and not for want of social prestige or a good time. He explained that the social work of the ‘big-egos,’ as he called them, and the anonymous or low-profile benefactors was the same in its final outcome, the only difference being that as a beneficiary, the latter sort was accepted more naturally and really made him feel whole and deserving while in the first example, he felt used.

More of Civil Society: Other NGO Paradigms and Alternatives to Abandonment

Other NGOs intervene in, or come into the discussion of adoption, as they offer alternatives to adoption by making it possible for single mothers to keep their children. Through grass-root prevention programs, the NGOs I am about to discuss have been able to sustain an inconspicuous but steady involvement in the lives of a high-risk social
segment. Thus, they contribute to the shaping of a prescriptive discourse on family, namely the need to invent different families. Their work has clearly shown that abandoning is generally a coerced act and an act of violence which society commits against the mothers, and later transfers to the offspring. The erasure of women’s bodies and denial of their motherhood, or conversely the erasure of the children’s bodies when only discussing the immoral acts of the mothers, or the total absence of the males and fathers from these scenarios, needs to be stopped.

The most renowned and established NGOs which actively offer alternatives to abandonment are the Swiss-based Terre des Hommes and the Moroccan Solidarité Féminine. Both organizations are predicated and built on previous work with young mothers who only reluctantly gave up their newborn. Terre des Hommes started initially as a set of kindergartens for infants and children while their mothers went to work, but slowly the administration realized that they needed to assist the mothers who had gone through many cycles of abuse in order to prevent imminent abandonment. Both organization are based in Casablanca, although Terre des Hommes does have a presence, in the form of kindergarderns, in the southern town of Agadir and the Eastern mining town of Jerada. Solidarite Feminine was co-founded by Terre des Hommes and also works toward preventing abandonment. It is headed by Aicha Chenna, a very outspoken and activist social worker, considered by many a controversial and difficult person. In the summer of 1997, both organizations launched an aggressive campaign in the written media for the prevention of abandonment, bringing into the spotlight not only the serious flaws of the legal texts and seeking to depict the phenomenon as a humanitarian problem
in order to debunk the dubious and double cultural standards of judging both women who abandon their children and the children themselves.

The number of their clients is on a steady rise. They have created an interstice where the women are able to claim and to live out their motherhood, however much it might be denigrated and truncated within the larger social context. It is undeniable, Chenna herself writes in her controversial book *Miseria*, that such ‘defying’ acts be fraught with tension both from within and without. Within, as these women have internalized much of guilt and loathing; and without, in the form of insidious social and administrative hurdles, which are set up to counter the view that welfare institutions are encouraging immoral lifestyles, are allowing slippage from the norm and letting crimes go unpunished. But such criticism, steeped in a sense of moral superiority, not only ignores the social responsibility of all but also, and perhaps more importantly, erases the daily pain, suffering and abuse (both internalized and lived out) that these choices indubitably entail.

The Swiss Terre des Hommes was founded in 1960 and it began its program in Morocco in 1980. It offers a support system for single mothers who wish to keep their babies instead of giving them up for adoption or abandoning them. Their program aims at helping preserve the unity between mother and child once the mother has decided to keep her infant. The center shelters the mothers during the last months of their pregnancy. The infant is then placed in the association’s kindergarten up to four years while the mother works and symbolically contributes to her upkeep. Solidarité Féminine, on the other hand, does not have the financial means of Terre des hommes. The women
intent on keeping their children are trained as cooks, or work within the kiosk belonging to the association. The children of these mothers are also sent to the day-care centers of Terre des Hommes.

An additional alternative to ‘family-kafala-adoptions’ is the institution of SOS village. The Austrian-based program was founded by Hermann Gmeiner--now widely revered as a visionary--following the devastation of World War II and now has about one hundred and fifty villages throughout the world. The concept around which SOS villages is built is in essence simple. An enclosed unit is based in a particular locale with a number of houses, administrative offices, and an internal subsidiary of support. Women are hired as ‘mothers’; there are also aunts and fathers. Each ‘mother’ is responsible for a number of children (in Morocco they set the limit at seven children per household), and the socialization process takes its ‘normal’ course, through attending public schools, or excursions. Morocco now hosts two SOS villages, one in Ait Ourir (the region Marrakech), and one in Imzouren (the region Al Hoceima). A third one is currently being built. SOS villages are also operated under the aegis of the League of Protection of Children. The philosophical foundation of these villages revolves around the idea of a community created and fostered through the mother, siblings, the house and the village itself. The questions that one may consider in the context of SOS villages lead us to question the fact of being a hired mother to whom a salary is given to fulfill a role that is culturally defined as instinctual and which no money in the world can buy.

In addition to these institutions, the Moroccan civil society scene abounds with associations and organization concerned with the welfare and safety of the children.
From the large number of NGOs, there are about two hundred for assisting children, of which twelve for blind children, forty five for physically handicapped children, thirteen for deaf-mutes, seventeen for mentally handicapped, and twenty eight for multiply handicapped, all of which are nationally based and run. Some of the most renowned international actors are the British Save the Children’s Fund, the International Catholic Relief Association, the Italian Caritas, and Unicef. These associations work alone or in partnership with other Moroccan-based NGOs or the Moroccan government. They function mainly as financial brokers. Given the explosion and surge in the interest of children, the end of April 1997 saw the founding of yet another NGO, as an umbrella NGO, called L’Observatoire National des Affaires de L’Enfance. The aim of its founders was to bring together all these associations in order to serve the same general goal, rather than vie for resources. Whether or not such can be achieved remains to be seen.

But it is important to stop here and question this truly gigantic explosion of NGOs in the larger political and social context, and economic capitalist monetary flows. It is interesting to note that this surge coincides with a new package of reform designed by the World Bank. In its previous programs of structural adjustment, when education, social work or culture were the first sectors to suffer budgetary cuts, NGOs not did have their present magnitude or weight. In the World Bank Forum organized in Marrakech (12-17 May 1997), further discussion of a new development policy called ‘social development’ came into the spotlight once more. The previous model of economic development had obviously not yielded its expected result; the new direction of development, namely social development, became the catchword.
It was agreed that education, health, and sane economic systems, mostly in the form of micro-credit, needed to be implemented in order to allow for the democratic development of all social strata. By fighting poverty from its root, creating opportunities, one is creating a stable economic environment for sustained international investment.

Civil society actors, namely NGOs, thus acquire a decisive weight overnight for, unlike the state, they are not bureaucratically top-heavy, do not have an immediate agenda, and are supposedly goal-oriented. Although they do not to receive funding directly from such funding agencies as the World Bank, they work in conjunction with other international financial brokers such as Caritas, Eireene and others, where the overriding concern is financial transparency and visibility. This slogan—visibility-transparence-democracy-social-dialogue—is the new slogan in Moroccan political discourse; in other words, that the interest of civil society actors could only be galvanized when and after it was encouraged by the big financing capitalist machine, and that they only started receiving national attention once they received the machine’s benediction. The achievements of individuals and associations fighting poverty, social injustices, of those working in the margins for years prior to this ‘social development,’ had no visibility and no weight. They were recycled as actors in civil society when their actions coincided with the decisions of the ‘big fathers.’

To this effect, important NGOs such as La Foundation Bouabid organized a notable conference on the theme “The Social Question in Morocco;” the NGO Afak organized different consciousness-raising—almost like to grass-roots activism—campaigns (to incite people to exercise their legal rights as voters); the NGO Alternative organized a
think-tank to reflect on social issues in Morocco; and the micro-credit NGO Zakoura which is now extending its programs for education in rural areas. The skeptical say that NGOs are only allowed to flourish because they fill necessary needs that the state cannot itself answer, and in this sense they are not countervailing to the state but accommodating if not reinforcing of its ideology. On the other hand, others view the NGO explosion as due only to 'easy money' and to such motives as greed--an important element to consider. Which of these readings is most accurate remains to be seen, but my point here is to demonstrate that there is an abiding variety of views, exchanges, polemics, concerns, and debates which fill the public space of the media as the passive acceptance of fate or that of hiding behind norms of humility and decorum, hashuma, is revoked. Byond media and intellectual discourse and into tangible practice is another question; one that I hope my ethnographic sketches address.

To conclude this section I want to stress once more that what some might construe as the marginal and self-contained phenomenon of abandoned children is not so. It is one whose sinews are intricately woven into a social, economic and political edifice precisely because they revolve within the sector where society's mirror happens to be located. Social action is not simply the whimsical act of an individual who throws a Dirham to a poor beggar or to a needy mother; it is a process that evokes important social mechanisms and beliefs. In the words of one judge, the core of all social work should be a combination of credibility, transparency, and an ethical commitment that stands against the temptation of easy monetary gain. For the same judge, as long as the political will to thoroughly change things is absent, and economic gap between have and have-nots is
widening, even the earnest work of many NGOs and the devotion of their individuals are only a drop in the sea. However, another argument, as voiced by secretary of the NGO Zakoura, is that it is by collecting drops that we fill a cup.
FOOTNOTES

1 Dr. Chahboun in his study "Sharh Mudawanat al Ahwal Chakhsiya (An Explanation of Moudawana)," and Dr. Ben Ma'ajouz in his "Sharh Mudawanat al Ahwal Chakhsiya" argue that while biologically speaking, a sexual relationship between a father and his natural biological daughter may be considered incest, in terms of the laws it is not, since there is absolutely no legal relationship between the two of them.

2 Another film that employs the theme of children, abuse and adoption is Nouri's "L'Enfance Volée" (1995). Another example is the stories of the comedian Bouchaib al Bidawi who in the 1950s used the theme of having children as one of his central themes in his radio comedies. Or this current joke of a man finding a child and taking it to his wife, saying that, although they have their own children, maybe they should adopt him. The wife gets into a rage and accuses the husband of betraying her because this was his child he had with another woman and so she insists on doing blood tests, upon which it was discovered that the man could not procreate!

3 Slavery, akin to family, is not a topic that solicited historical attention as the 'grand narratives.' In light of an absence of direct documentation, Ennaji utilizes legal edicts and personal correspondences in order to study slavery in Morocco.

4 I am purposefully starting with men here because when and if a woman could not procreate, polygamy was commonly practiced and among the richer strata of society (urban as well as rural) the children of slaves and concubines were also considered as one's own legal children, although they were subjected to enormous psychological pressure (the autobiographical novel of Abdelkrim Ghallab, "Dafana al-Madi" depicts the miserable life of Radi for example).

5 Today the social and psychological pressures on women to have children are still extraordinary. The norm is to generally conform to this socio-biological role placed on the pedestal as the ideal. An extremely enlightening psychological study by the Moroccan psychologist Souad Filal "L'incontrollable Desir" shows the intricate and insidious ways in which this system has perpetuated itself.

6 Following the example of Ennaji in his study of Slavery, the only hard evidence can be located in the "Nawazil and Amal," legal books where unfamiliar legal cases were recorded. Through legal pronouncements on inheritance especially, cases of 'fraudulent' adoptions could be found.

7 A sufi mystic whose lyrical poetry has survived through the centuries. He is a well-known figure for invoking a common wisdom.

Some Moroccans today speak about the ragued as a part of the notion of kaid, a notion that Mernissi defines as one where there "the component of premeditation, cold planning and calculated evil" (1996: 56).

The following statistic is part of a long-term study carried within the Ministry of Health (1979/80; 1987; 1992 and 1995). I am only giving their total numbers, although they have them organized by rural and urban areas.

1- number of births by woman:

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<tr>
<th></th>
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<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>5.9</td>
<td>4.8</td>
<td>4.2</td>
<td>3.6</td>
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2- preferences in terms of timing for procreation,

<table>
<thead>
<tr>
<th>Year</th>
<th>1992</th>
<th>1995</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wants to Limit the number of births</td>
<td>49</td>
<td>49</td>
</tr>
<tr>
<td>Wants to put more time between births</td>
<td>24</td>
<td>26</td>
</tr>
<tr>
<td>Wants to have children immediately</td>
<td>18</td>
<td>17</td>
</tr>
</tbody>
</table>

Dr. Najat Mjid, an M.D., has founded in April 1997 with the help of a number of associations, individuals and the city of Casablanca (l'Heure Joyeuse, Terre des Hommes and the prefecture of Ben Msik) a house called "Bayti, house in Classical Arabic. This house is open for street children but it is not a coercive structure or one that, akin to correction-houses, tries to immediately put the children in classroom environment or force them to become 'main-stream'. Dr. Mjid put enormous efforts in creating this unit, it is of course only a first step and so it only offers about 40 beds while there are between 2000 to 3000 street children in Casablanca alone, according to different sources. The problem relating to Bayti is that is has been publicized to such a degree that rather than being just an example to follow, it became the only example cited every time street children are mentioned, Bayti was co-opted by the media and instead of being just an example, it became the institution. Another center located in Tangier, but one that has not been publicized at all, is called Darna opened in March 1994, our house in Moroccan. This one is mostly an after school center for children from poor families who cannot go to their homes because their parents are still in the work-place.

Incidently to mean homeless and street people, a 19th century book by a certain Geo Needham utilizes the word of 'street Arabs' to stand for this social category.

In the next chapter I will be exploiting the cultural component and implication of being a 'bastard' both literally and figuratively in Moroccan speech and how these semantic differences contribute to the understanding of norm and margin within Moroccan culture.

The translation of this excerpt might not read smoothly. I have tried, as a matter of fact, to stick as much as possible to the original French text which is 'rough' and poorly written in certain parts.
15 Fathers who lost their wives in childbirth and poor families left their children in these centers until they were able to work at which time they were claimed back by their families. Unwed mothers likewise abandoned their offspring, and these generally were not claimed back.

16 Such as the double-edge of professional distance.

17 Given the different cultural and historical contexts in which Islam as a religion has spread, these cultural markers have given rise to different practices. The notorious example in anthropology is the classical comparative interpretative essay by Geertz about Islam in Indonesia and in Morocco.

18 The expression *lqinah f-stel dyal l-hamam*—that a baby was found in the bucket of a hammam—is a teasing expression directed to children.

19 After independence an act of reclaiming a ‘national’ identity was the renaming of a number of public institutions named after French officials or cities to being named after Arab or Moroccan figures.

20 These were the structures in place during my field research in Morocco. There has been a change in the structure of the government in September of 1997. This change is not included here.

21 There are parallel structures in other organisms, mainly the military, each section of the military or para-military have their own social services which cater to the needs of their service men, very few women and their families. Unlike la DAS, these services are reputed to be extremely competent, the army needs to be always 'pacified'.

22 I was given three different documents which describe the history and development of la DAS. The first one has a date of 16 June 1982 when the DAS used to be part of the Ministry of Artisan Work; the second on 30th of January 1990 with a very clearly defined set of goals and specific areas that need to be addressed; and the third one 23rd of April 1993 when it became part of the Ministry of Employment and where other bureaus (handicapped issues mainly) became an independent bureau.

23 As one of the high civil servants in the DAS said, our job is ‘talking politics.’ This bureau composed, for instance, this beautifully written booklet entitled *Charte Nationale de la Famille*, on the occasion of 1994 celebrated by the United Nations as the international year for the family.

24 L’entraide Nationale has currently adopted extremely different policies under the very committed management of Ms. Zoulikha Nasri who is trying to introduce changes to the very structures of this state office. I am not sure what kind of modifications these changes will bring to it being the executive body of DAS, but they can certainly only be for the better!

25 The director of the school has described the education program of INES as one that is still in the stage of formation and that they are hoping to actually grow to offer higher education in social work. The school’s flyer describes the courses as falling broadly into
the following disciplines: law, psychology, social service, sociology, social movements, statistics, economy, research methods, Islamic laws, constitutional law and home visits and how to conduct interviews and follow-up on social cases.

26 Mr. Benimane has been the only director of this school, for almost 30 years.

27 Why would one ask, especially coming from an American perspective, be difficult to create a curriculum? Because the process of creating a curriculum is a rather slow, long, and difficult process as it needs to go through long series of evaluation and approvals.

28 I believe that there are two opposing extremes among social workers in the specific realm of abandoned children in Morocco. Those who carry it as a profession, with professional distance and as a means of livelihood. And others who collapse this distinction, and who see it as a reason for their lives. A case in point is this one social worker in the company of whom I witnessed a very interesting social case. She was following the case of this young boy whose adopting parents died, and he was thrown out of the house because some other people simply coveted the house. She tried very hard to find a 'solution' for this boy, but simply could not. She ended up by having him come and become a part of her family. He now lives with her and her children, and this kind of action is what I would call a 'customary' adoption.

29 As is the case with the follow-up on some overseas adoptions where the children were abused and were, thus, removed from these families. There are also a number of cases in Morocco where the state legislation when successfully applied, has made it possible for the children to escape from the throes of adoptive tyrants. A number of documented cases exist in the files of The League of the Protection of Children.

30 As I said earlier I am focusing my inquiry on infants and toddlers. There are a number of state-run orphanages in which the kind of social work orientation that I have defined is practiced. However, and being outside the scope of this study, I decided not to follow it further.

31 With the fall of the soviet union and the rise of the discourse in international media of civil society, Morocco likewise has adopted this concept especially as it coincides with the 'new era' of democracy and transparency, buzzwords now in Moroccan political discourse.

32 I am talking here about Gellner in his capacity as a social science philosopher and not an anthropologist. The monograph I am reading here is one that he wrote while no longer a faculty at Cambridge university. Moreover, and as I will proceed to discuss, his readings and comments are not embedded in ethnographic material.

33 As previously discussed, the state has a legislative power but not the executive in terms of setting up centers or means for the up-keep of the infants and children. The lack of these institutions is severely felt. But when this involvement goes beyond this legislative sphere, it takes the form of a "a tokenism or a folkloric display," in the words of this one social worker. By folkloric display, she is referring to those holiday occasions when a government representative might be reported as giving gifts, or inaugurating a
park or a center. The poignant reality of abandoned children and the obvious flux that society is undergoing are strongly resisted. Often these children are paraded as the vessels of some national achievement.

34 I am speaking here of “credibility” given that with the rise of so many associations and NGOs within the last two years the question of credibility and commitment surfaces especially in light of the financial assistance that these are entitled to. Given these possibilities, albeit quite limited, some people see in this multiplicity of NGOs nothing but self-serving interests and ends.

35 The two famous examples of orphanages run by affluent benefactors are the orphanage of Fes funded by Mister Tajmouti, and the one in Casablanca run and funded by Mister Sequat.

36 They also happen to be the places where I have conducted most of my research.

37 This can be explained in a number of reasons, the most important of which is that the League is under the honorary presidency of the prince Sidi Mohamed and his sister Lalla Meriem, and the effective presidency of the Princess Lalla Amina (the King’s sister) and thus their services (unlike the state-run orphanages) conform to a high quality service. This profile is kept up also because they do function, as a show piece for the solicitation of funding from international donors.

38 According to the ledgers I was able to consult in situ children brought by their fathers as their mothers had died in childbirth (a rather frequent occurrence at the time), or rarely by an ‘unwed’ mother or a relative of hers. As the center’s ledgers indicate, within 30 years, they only had about 2 ‘abandoned’ children (i.e. found in the street and whose families were not at all known).

39 All of these ‘professionals’ are paid by the Ministry of Public Health, while the ‘mothers’ themselves are paid by the League. The center as a property also belongs to the Ministry of Health itself.

40 President, secretaries, economat, and the personnel.

41 It is a very sad reality that despite some earnest efforts, the babies are not socialized and if they develop normally in terms of body growth, other learning processes are greatly jeopardized. Some children can’t speak, and some others find it hard to walk given that they are confined to their cribs because of lack of space for movement.

42 As I will be discussing at some length in the next chapter, girls are taken into kafala much readily than boys. The girls who are not, are ones who either have some serious administrative problem in terms of their files, or a serious physical impediment. They would be a ‘special need adoption,’ institutionalized now in the States, is not an accepted paradigm in Morocco. The extremely few cases I have been able to record were the exception which confirmed the rule.

43 Without going into earlier statistics of infant mortality, the 1979-1995 period speaks about the decrease in infant mortality as one of the most important goals of Moroccan socio-medical programs. The following is a sample of the numbers listed: natal death in
1979 were 46 and in 1995 were 37 (for 60,000) and the juvenile (between 1 and 4) have gone down from 52 in 1979 to 20 in 1995 (CERED 1996)

44 And here I want to draw attention to the idea that equates quality of work and good outcome to having enough money. Innovation in doing work is not solely predicated on having abundant funds. It is, however, an easy excuse and a widely accepted one.

45 Giving only the locale is interpreted by many as an ultimate act of damage-control.

46 Through the interviews and meetings I had with 'relinquishing' mothers, a good number of them are maids who worked within these sorts of upper and upper-middle class families (Mernissi 1996; Jalal 1989; and Belarbi 1990), in addition to the studies carried by the NGO Terre des Hommes and Solidarité Féminine also confirm this fact.

47 The only study of its kind is one that was carried by the NGO AMSED and CRS funded by USAID is Les Filles-Mères dans la Réalité Marocaine by Alami-M'Chichi, Benradi and Houfaidi. In this study, the authors have put quite an emphasis in tracking and commenting on the numbers of the women seeking help and refuge in these associations.
CHAPTER THREE

CULTURE'S HIDDEN MIRROR: SECRET ADOPTIONS AND OTHER CULTURAL DIALECTICS

One of anthropology's traditional tasks has been the reproduction of the ideal version of cultural norms and relationships as directly voiced by the members of the cultural group in question. This ideal version is the constant backdrop to classic ethnographic inquiries. It is in effect both the normative social-cultural matrix, and the generative grammar of the cultural edifice. The significance of this 'package,' for any cultural critic, lies in opening that interstice through which it is possible to locate and highlight the overlapping, contradictions, supports, fissures or caveats as they indeed occur in social practice—the 'real' that is—when compared to the ideal. This nicely wrapped and seamless package presents additional benefits, such as the possibility of determining some of the reproductive and sustaining mechanisms of the culture in its complexity and uniqueness, and to examine self-perception and self-presentation to an other. Its value as a heuristic tool is, therefore, immense. However, and as with any critical tool, this package has its limitations. First, by virtue of what it is, namely an articulation of a cultural ideal, its discourse focuses mainly on specific institutions (family, law, religion), and relationships (between individuals within each group, and groups among themselves), thus winding up by neatly compartmentalizing itself. This process of parceling is not without its epistemological problems: it is not possible to speak of cultural insularity, that is to entirely disengage one cultural aspect from the
remaining processes that contribute to its making. Secondly, the typically structuralist or
functionalist nature of the package give the impression of an ahistorical cultural ‘whole.’
But culture is not, of course. Culture is a messy layering of horizontal and vertical
interpenetrations which slip back and forth between future, past and present. It is a fully
embodied arabesque.

Even if in this section I propose precisely to wrap the ‘package,’ the-ideal-and-
normative-Moroccan-conscious-articulation-of-itself, for it is undeniably this larger
context that endows ‘adoption’ (in its multi-facetednesss) with its viscous and volatile
definitions, it is only to illustrate my embodied arabesque in its multiplicity, viscosity and
elusiveness. I will proceed to dismantle this package by looking in its hidden corners,
and along its crevasses and fissures, for these are as much, if not more, revelatory of
culture than its easily wrapped façade. This chapter explores the messy nature--the
historicity, layering, interpenetrations and viscosity--of various family relationships and
cultural concepts as they reveal and ground concept and practice of adoption.

More precisely, the focus of this chapter is how adoption is invented, articulated,
and legitimized within the cultural cosmology and the symbolic repertoire in which it
orbits. It is thus about this cosmology as well. The latter is formed by various
components from the administrative-modern concerns of the nation state, but more
importantly by those beliefs and traditions which tap into and constitute the cultural
memory. A symbolic repertoire which is in constant flux, as it reinvents itself from
within to meet the without, and tames this without to answer to its within. It is within this
space of continual flux where understanding adoption happens. A first axis, of
anthropology—nature, nurture and kinship—analyzes several basic anthropological questions in light of the no less basic Moroccan concepts of ‘education and procreation,’ especially when these are juxtaposed with a secret adoption where ‘a lie’ is at the very heart of a belief of continuity. Threaded through this section is an amalgam of opinions, explanations, and stories where questions of being, gender and color are posited. A second axis, of ritual—naming, affiliation, and identity—tries to explore the nexus of naming and identity in adoptions. The spotlight here is exclusively on the cases of secret adoptions where the paradoxical question of continuity is posed through questioning the ‘name.’ The bureaucratic institutionalization of the regulation of naming encapsulates Morocco’s modern history, from the French colonial blue-prints to the independent nation-state, where ‘state-naming’ became an index of progress and ‘democracy.’ A last axis, of culture—loci, concepts and stereotypes—is the messy and anguished intersection where ‘blood,’ love, stereotypes are presented and analyzed in light of a rather scant ethnographic literature but abundant stories, views, lullabies, songs, and proverbs which punctuate the movement of this arabesque.

The order in which I am presenting these pivots is neither incidental nor arbitrary, but reflects my own construction and understanding of being. One comes-into-being in an existing system of beliefs and values; to be given a name is essentially an act of inclusion and social existence and visibility; and lastly the manner in which one is *fashioned*¹ is a mixture of many different ‘things,’ and these encompass, but are not limited to, beliefs, stereotypes and stories. Growing up in a legal kafala or as a secret adoptee means, indeed, having to reckon with all these essential elements. The stories,
songs, words of endearment, and incidents, as much as they are also constructed, are essentially narratives of meaning which explore and introduce a wide range of questions and problematics. In other words, it is a dialectical process, a dialogue within the culture itself, taking place through these profiles, answers, anecdotes, lullabies, and narratives.

**OF ANTHROPOLOGY: NATURE, NURTURE, AND Kinship**

All individuals and couples who “adopt” are obsessed with an absolutely essential question which comes back incessantly to haunt them: *are we going to tell her she is not really ours?*

**One Answer:** Center Lalla Hasna, Casablanca. May 2nd, 1997.

A middle-class couple. The man, forty-three years old, is a clerk in the post-office, and the woman, thirty-nine, works as an instructor in a primary school. Both proclaim to be religious, and the man decided to take the kafala of a child after due religious advice from the Imam of his neighborhood mosque, although legally he is allowed to remarry since it is his wife who medically cannot procreate. They were the ones to ask me about my opinion on whether or not they should tell the boy. I said, then, that I thought it was a better option to grow up knowing, than being faced with it one day as a grown-up. But, she argued, then if he knows he will want to go to his real parents; “the call of blood is strong, I know it is stronger.” And the man added that “I want to tell him when he is mature, when he is over eighteen years old. By the time he reaches that age, he would have been immersed all his life in religious values and would have received a strong religious education and because of this religious terbya, he will be more accepting of his condition and will not run away.”

This couple, like so many others, is torn. It is torn because of an entangled knot: the belief that nature is stronger than nurture, and simultaneously that if one gives an adequate nurture, then the latter could possibly curtail, or even through some hidden
miracle annihilate, the call of blood. For this man, an active process of religious conditioning, implying the inculcation of acceptance of fatalism, would temper the instinctual. They are acknowledging the primacy of blood, the instinct, but at the same time recognizing the possibility that reason might control these instincts. In essence, they are pragmatic rationalists. Similar and dissimilar arguments form the bulk of the debate concerning the dichotomy of 'nature-nurture,' an essential theme in classical anthropological research. The dichotomy of nature-nurture is not only an analytical tool in anthropological queries, but is also a concern which is widely shared by many Moroccans. It is a subject of even further debate and complication when it unfolds with reference to the implications of adoption, and more specifically secret adoptions, where all clearly delineated categories of nature and nurture are blurred and put to the test. Moreover, discussions regarding the dichotomy of nature-nurture in the Moroccan vernacular are constantly embedded in issues regarding time, temporality and the changing of times. Such is not the case when employing them as anthropological analytical tools, for they reflect a world-view through family and family alliances that is supposed to be atemporal. The understanding of kinship in Morocco, and especially in the case of secret-adoption, is generally open to strategic negotiation and not one that reflects a clearly delineated 'Moroccan world-view' which is immune or resistant to change.

The word employed in colloquial Moroccan to mean adoption—which encompasses the meaning of kafala and secret adoptions—is *trabi*. The semantic field of its noun-form, *terbya*, is vast and has within it extremely interesting seeds of ambiguity.
In Moroccan, then, this word (as the stresses fall on different syllables, and with the vowel change) may mean the following: an infant, to adopt, to take care, to cater, to chastise, to nurture, to inculcate manners-decorum (norms of behavior and propriety); and in its more standard Arabic version it means the process of formal education or school education. Education, in its formal sense and in the colloquial sense of propriety, is of paramount concern to many Moroccans today.

Terbya is the same referent used to describe 'what parents do' with their own biological children, that is their nurture-rearing-education; in other words some possible difference between one's behavior towards one's own biological child and one who is not is not conveyed through this vocabulary. Adoption, regardless of its judicial aspect—whether legal or criminal—is comfortably ensconced in the realm of 'growing up, manners, learning, behavior, the domestic world, and family,' which are socially and culturally defined. Giving a good terbya is precisely turning a child into a responsible individual who meets social and cultural standards of success and excellence. The legal connotation, as directly implied through the use of the word “adoption” in English and its Latin root of adoptare, is not the case in Moroccan Arabic. Thus the concept of nurturing, despite its heterogeneous meanings, takes the lead in the dichotomy of nature-nurture; but it is a precedence that I would qualify as being conditional. It is conditional because further cultural concepts need to be introduced and discussed to evoke the complexity and multiple layers of the cultural dynamics of nurturing. These need to take into account the essential concept of nasab as culturally² deployed and understood, and
the elemental dialectic between roots, *asl*, milieu, *wasat* and additional key-cultural concepts.

Of these key-cultural concepts the negation of *terbya* looms large. *Mam-rebish* means to be arrogant, unmannered, uncultured and even uncivilized. It is a common insult in Morocco addressed to spoiled children, but it is also aimed at the parents. *Mam-rebish* is a commentary on their failure to be good parents; and in this context to be demanding and harsh parents. The idealized education-nurturing ethos is one that incites parents to be severe and unyielding³ (Chotbi 1987). *Mam-rebish*, however, needs to be clearly distinguished from the notion of being spoiled. To be spoilt in Moroccan is to be *mfeshesh*, suggesting not only a constant need for physical and emotional attention on the part of the children, but equally their persistent demands for ‘things’ such as toys, or things to eat. The line between *Mam-rebish* and *mfeshesh* is a fine one, but it is a distinction of capital importance as *mfeshesh* underscores the children’s ‘material’ yearnings, while *mfeshesh* highlights parental failure, and hence an intrinsic character flaw of parents and children alike. There is an additional repertoire of concepts employed with the notion of *terbya* in the form of compounded words. Of these, for instance, is *rabi l-kebda*, which glosses as “to grow found of,” or “to grow to love.” *Kebda*, as will be further discussed, glosses as “liver” in English, and epitomizes the seat of love and affection. Many an adopted child had their adoptive parents or members living in the same household say figuratively “rebi l-kebda” for or towards this child even though he or she was not part of their literal kebda. Adoption is thus intrinsically an act of
nurturing, catering, educating, caring and loving. Its legal status is of no concern or consequence at this level.

These concatenated domestic meanings of terbya spill out to the public sphere as well. In this space, however, the concept of terbya acquires a pointedly controversial aspect. “Lack of terbya” becomes a leitmotif to explain social crisis, lack of public morality and responsibility, and lack of progress (sic). The meanings of terbya here are mixed and almost acquire contradictory overtones. On the one hand, lack of terbya is blamed for deficiency in critical and innovative thinking; and on the other, lack of terbya is blamed for disrespect of the social hierarchy, even if it is the lack of critical thinking that is at the root of an ossified social hierarchy. Within the public deployment of this notion, there are other variants, namely adab and akhlaq, manners and etiquette. To have terbya is to have these as well. Terbya is intricately woven from within and without--within the family to create the functional family; and without as partaking in erecting the social edifice and underpinning its continuity and sustainability. The order within both institutions, family or society, could be and often are threatened by dsera and qalat l-adab, few manners or lack of manners. These are the antithesis of social functionality and harmony; they signify behavior which may dissolve the social order. When lamenting the situation of contemporary Morocco, most elderly describe the decadence of the times precisely as one where dsera has become the norm rather than the exception. Many concerned parents refuse to let the children ‘go play outside’ explaining they don’t want their children to learn the dsera of the streets. Or if they learn its functioning, it had better be confined to public space and not be brought inside the home. As a matter of
fact, walking in the streets of the major Moroccan cities, one cannot fail but come face to face with the power of dsersa where terbaya dissolves as antagonism is latent, or sometimes explicit, between children running and playing and between passers-by trying to make way.

Sister Ontonia, whom we met in the previous chapter. Jesuit nun, Rabat.

Prior to the scandal associated with Le Nid of Meknes, foreign Muslim couples (or on-the-spot-converted couples) could take the kafala of an abandoned child. It was a procedure that had its share of administrative difficulty, but some of the centers' directors have been rather reluctant to make this option widely available. The argument employed is that the children will be ‘un-rooted.’ Sister Ontonia asks “déraciné de quoi? How can these children be unrooted if to start with they have no social roots...? When they grow up and become delinquents and a danger to themselves and others, then it will be easy to blame it on the fact that their biological roots were bad. We need to let them grow into responsible individuals first and most of all. But you see, the entire issue of roots is really just a way of saying that they will possibly not grow “Muslim.” So is it better that they grow up unloved and have to suffer from all sorts of denigration to make a claim to some ‘roots’ than growing up loved and cared for? People love to hide behind grand ideas, but if you push them and ask ‘déraciné de quoi?’ they will be incapable of answering you ....”

It is understandable that sister Ontonia’s criticism would underscore the ‘Muslim’ aspect of the equation; she is, after all, a Christian nun who initially came to a French colony with her own personal agenda. Her comments, nonetheless, do speak to a truth: that there is resistance to letting foreign couples take the kafala of Moroccan babies because of religious concerns, but also because of the directors’ fears and refusal to become an “export” market, a market of human-flesh for foreign rich childless couples.

As an extension of the polemic regarding international and minority-tribal (native
American) adoptions and the outcry surrounding them in North America (Austin 1993; Simon & Alstein 1991; Bagley 1991) in an economic world-order of clearly defined flows with a background of colonial and imperial histories, these are questions to consider. Only one director of the many centers I visited clearly situated these international adoptions within this larger economic frame where the power-disparity is a given, and labeled it the ‘winning business of exporting shame.’ Most other directors, activists, lawyers, families, or individuals spoke of their resistance to such international kafala in terms of denying the children their roots.

It is thus not surprising that roots, asl and nasab, and the study of kinship and lineage, constitute a sizable amount of the ethnography of Morocco. It is an internal concern as much as it is an anthropological topos, from the Berber and Arab plains and mountains, through the high Atlas to the deep South, passing through different large and small urban centers. I will, however, limit this discussion to the few examples in which these concepts form the essential theme, namely those of Lawrence Rosen, Clifford Geertz, Dale Eickleman, and Ernest Gellner. My selection is not fortuitous but one that reflects different ethnographic orientations from the segmentary debate to the interpretative school in order to locate how these sometimes conflictual interpretative models explain asl and nasab. If for Gellner, kinship is an intrinsic constituent of the tree-like segment which shapes and defines all social relations and being, for Geertz and the interpretative school kinship, along with proximity and friendship, are only part of those shifting constellations of ties which make Moroccan’s conception of life in general. Other anthropologists have argued (Ben Salem 1992; Hammoudi 1974) that these
debates have so much concentrated on their own theories that instead of clarifying these concepts-practices, they have reified them into set models in which their actual multiplicity has been effectively downplayed or erased.

In Rosen’s discussion of social identity, *asl* is “a crucial aspect of an individual’s social identity […] *Asl* means ‘origin,’ ‘root,’ and ‘source.’ It also carries the meaning of ‘rules,’ ‘principles,’ and ‘fundamentals.’ Ramifications of the same root also mean ‘authentic,’ ‘traditional,’ ‘strength of character,’ and ‘nobility of descent’” (92). But even in its multiplicity of meanings, asl is usually compounded with the equally strong and enduring concept of nasab, of which it is sometimes a variant. This latter, according to Geertz, reflects:

this collective habit, not to say obsession, of classifying man into a large number of essentialist categories--categories resting on the general premise that a person’s provenance pervades his identity--is practically effected by the extensive use of a morphological process of the Arabic language known as *nisba*. Deriving from the root (*n-s-h*) for ‘ascription,’ ‘attribution,’ ‘imputation,’ ‘relationship,’ ‘affinity,’ ‘correlation,’ ‘connection,’ ‘kinship’ … (my own emphasis; 1979: 142)

Sister Ontonia’s question of ‘déraciné de quoi?’ becomes even more pointedly ironic given this larger, context of ‘points of attachments,’ as Rosen labeled them, or obsessions, as Geertz epitomizes them, which in the case of abandoned children are simply lacking. Abandoned children would be unrooted from what part of asl and nasab? None, because all of the understandings and deployments of these concepts are predicated on togetherness and continuity between genitors and offspring. It is as much a physical as it is a social parenting.
Social parenting is what, in part, constitutes the concept of wasat, often evoked along with the concepts of asl and nasab. In the alignment of asl and nasab, wasat creates the dialectics through which to evoke the messy cultural meaning of personhood, identity, and relations. Through this dialectic, the boundaries of defining or thinking of the self are pushed to an extreme: what is it that makes us human? Or perhaps more adequately, where does the essence of our humanity reside?

\textit{Another Answer:} The ‘train’ woman, March 1996

In her early 40s, has the equivalent of a M.A. in biology from a Parisian university, was quite interested in commenting on the underlying thematic of my research when I asked her whether they had an adoption in her immediate or extended family. Her choice not to answer my question during our long first class train ride (about six hours from Tangiers to Rabat) was not incidental. Her own asl holds part of the explanation. She is from an old urban established family from Fes; and the other part her own terbya, being a scientist. For her plain-adoption\textsuperscript{5} is essentially a dangerous practice precisely because one does know not the asl of the adoptee; no matter how much education and love one might have for or give to an adopted child, he or she will only grow up to be and recreate the actions and deeds of his or her parents. Her talk about asl was couched in terms of biology. She maintained that for one to adopt a baby, one has to know the asl of this child, one has to know who the genitors are. For her, the genetic coding and chromosomes are \textit{the} way that behavior is largely transmitted and then manifests itself in the children. In other words, behavior is the product of genes and not education.

Calling on her scientific background, her tirade against adoption was presented in such a way that unless the asl of the adoptee were known, adoption itself would be only a waste of time, effort, love and money. The genetic coding of the parents would manifest itself one day, and mostly this genetic coding was viewed as being a "bad" one. How could it be otherwise if this child was conceived in a state of 'abnormality and illegality'? She then proceeded to tell the story of a woman beggar who used to live in Fez and who
had a baby out of wedlock. The little girl was adopted into an opulent Fassi family and, keeping with the norms of the times; she was kept inside the house all the time, she was a girl ‘of the house.’ One day the master of the house comes and finds her standing at the doorstep with her hand extended. She was begging. The woman then asked, how could such a girl, who has never seen a beggar before, be begging unless it was in her asl, in her genetic coding? The asl is viewed as an undeniable determinant.

**AND YET ANOTHER ANSWER:** A variation with a religious component

The following story was told to me by an older man (in his eighties), who was visiting a family as I was also visiting them in Casablanca. This story occurred in Essaouira in the early 1950s (formally called Mogador, a city with a high Jewish population), an era of abrupt historical shifts and independence guerrilla movements, and the Jewish question on the rise, and the nationalism of some Jews put to severe doubt. A love story was brewing for some time between a Muslim boy and a Jewish girl; culturally such a union is simply impossible. During this time, the mass exodus of the Jews was organized by the community leaders. The girl’s community as well as the boy’s knew of their love affair and with her pending departure, they decided to consummate their love. She consequently became pregnant. His family refused to let him marry her because she was Jewish and had sexual relationship out of wedlock; her family would not let him marry him because he was Muslim and they wanted to leave in order to cleanse their honor, sullied by their daughter. Under no circumstance would they accept having the offspring be with them. So after she delivered, they left the next day and the girl she delivered was adopted by a certain religious and prosperous Muslim family. So was this girl Muslim or Jewish? asked the man. As a Jew, her religion comes to her through her mother and as a Muslim her religion comes to her through the father. Her asl was so mixed that she grew up to be crazy and died very young, in her mid-twenties... He knew the story so intimately, I never dared ask him if he was the young man.

Although Geertz’s discussion of the concept of asl (1979: 142) is a comprehensive one, it is essentially an index of meanings and possibilities; what is to
follow is a discussion from the space of the proscribed, from the space of negation that gives it its definition. To be a ‘bastard’ is to have neither a social, legal, or biologically male-sanctioned asl. One is likely to be asked in Morocco ‘mmin asle,k’ for “where do you come from,” and the answer would usually refer to a point of origin. But having an asl is not simply a point of origin; it also involves a cultural capital, and a complex arabesque of intricate relations. Currently, normative kinship relations between individual nuclear families is one of strategically negotiated support, for it is one that must not infringe on or jeopardize the interests of either families in question. Fluidity and ease are the overriding features of the relationship between extended families in contemporary Morocco. But the extended family as a net of support on the one hand, and as a source of self-definition, on the other, is still a highly potent image; and even while changing its function, the extended family’s role as a reference point for the individual persists. The historically projected image of the closely-knit cohesive and unbreakable unit of the extend family is slowly being reformulated to be cast in light of each individual’s strategic interests.

The triangle of asl, nasab and wasat generates the essential cultural question of whether human beings are the products of their environment or doomed by their biological determinism. Those who argue that asl should not be considered as the determining factor in the actions of the individual would also tend to argue that the environment is the most important ingredient in the formation of any individual. If the environment is effective in achieving its role of the educator, falling on claims of asl, and hence possibly a class privilege, would not be even evoked. Moroccan culture continually recreates the dialectic between asl and wasat in different guises and formats.
For instance, scientific knowledge of genes, or gene-pools is appropriated and revoiced to endow one or the other argument with more legitimacy. The stress on one’s asl to the detriment of other components, at least for now, is akin to what Klein and Lindee have labeled “genetic essentialism” (1995: 2) in their study of the symbolism of genes in American popular culture. Like asl, “genetic metaphors are used to buttress class differences, [...] and reinforce social stereotypes” (16). Unlike a kafala, which is legally mediated and defined as an act of charity, a secret adoption has to seriously contend with these potent cultural determinants, which have further gained in their credibility due to their private scientific legitimacy. My train woman was an eloquent example of this reformulation of concepts within a new rhetorical and empirical frame.

Claims of asl may be criticized when they are exploited as a means to gain privilege for one’s own advancement, especially in the urban setting of salient class difference, of uneven competitiveness, and often grim corruption. When parading, claiming or inventing an asl as a means of gaining access to or maintaining certain class privileges, its weight and controversy emerge full force. When asl means a certain surname, and therefore an supposed and implied identity and history, some individuals do not have qualms about it as an assets. Their tactics are, however, often criticized by others, who argue strongly that the merit of an individual is not in the asl, roots, or kinship as much as it is in the individual herself and the potential she will make of herself, just as other individuals assiduously continue to utilize or appropriate a last name, and hence claim an asl, as a means of gaining access and maintaining a certain
social order (Bennani-Chraibi 1994), one that promotes social inequity, injustice and furthers the “moral” crisis.

The social construction of asl—both real and metaphorical—suffuses a wide range of contexts and situations. For instance, in a discussion with Dr. Khatib, (a famous political activist, a doctor, an ex-minister, and unionist) he spoke about the dismal social situation, the dislocation, and dissolving of important cultural frames as a result of a lack of terbya. One has only her or his terbya (etiquette, mannerism, and propriety) on which to depend, and terbya is commendable only when there is laudable asl which has initially structured and defined it. Behavior, or rather good behavior, is innate because of one’s asl. In another of my many discussions of the same issue, my own aunt answered that undoubtedly asl is extremely important and that one ijar 'la aslu, that is, one draws-pullswalks-on-in one's asl. It is as if asl were almost like a trail or a path that is already traced and from which one cannot veer; in other words, there is no escape from biological determinism. Then I imagined the hypothetical scenario of a young man of a good asl having a sexual relationship with a domestic worker, and then of the woman having to find a way of disposing of her pregnancy or giving up the infant. Does this infant still have asl, does the father still have an asl? She answered, there are those of asl who can be 'bastards'—bastards in its metaphorical sense of mean, unprincipled and with no manners—and moreover, there is always a bad person in each family no matter how grandiose its asl is. And conversely, there are intrinsically good people in other families, of doubtful asl, that is. Even in her acknowledging that there are 'good' people of doubtful asl, my aunt only confirms the rule that asl is intrinsically good. Adopting individuals and
parents, whatever their own asl might be, have to reckon with such beliefs. Not only as they are themselves cultural beings, but their views, actions, and reactions are constantly fueled by the cultural arabesque where they are located. They are able to undermine some of this emphasis on asl through a strategic reversal of love discourse (as I will be further discussing) on the one hand, and on the preeminence of wasat on the other. But it is a reality that they have to learn to manage privately and publicly alike.

There is a correlative relationship between asl and terbya. But once more which of the two, in establishing the fictive ties between adopted child and parents and a larger kinship network, would play a more decisive role for the adopting parents and their extended families? Most views would veer towards a biological overdeterminism, or more properly asl. But asl is not a *sui generis* category, and as I have tried to show, it is complicated and dependent on additional concepts. All these intersect to create a cultural sense of ‘being’. To my view, such a discussion of tarbya, asl, nasab, and wasat can only be adequately problematized when seen within what is held to be the ideal. In other words, the family norm, the blueprint, from which all other forms derive. The family whose portrait I am about to draw is one that moves within the cultural imagination and not in the legal edicts discussed in the first chapter. It is important to note here, nonetheless, that there are subtle influences between the two realms.

All the children who grow up to reach maturity should be married\(^\text{10}\) (CERED 1996; Abourmalek 1994; Hamdani 1993a and 1993b). All the socializing processes are geared to making the individual follow this ‘normal’ path, to conform to social expectations. Life prior to this rite of passage is precisely a trajectory leading to it
emotionally, experientially and concretely: by preparing both males and females to assume their socially accepted gender roles. A Moroccan metaphor describes marriage, like death, as an inevitable fatality, bliss or misery notwithstanding. Marriage is the sanctioned space to deploy and enact a function—procreative sexuality (Hildred Geertz 1979; Bourquie 1996; Ait Sabbah 1986; Filal 1991; Davis 1983). Procreation and reproduction are held as the next culmination in any individual’s life. All socially sanctioned unions should generate an offspring: in their absence a sense of pointlessness, futility and unrealized potential seems to hover around the union. The efforts or the commitment of a childless union are viewed as an aimless waste for it is considered to be work that cannot reap any fruits precisely due to its lack of posterity. Children are also called in Moroccan khlifa, i.e. those who replace afterwards, so what is the aim of one’s life if there is no khlifa? One of these women with whom I spoke clearly wondered what to do in life if not have and work for your children? For this woman, the very embodiment of the cultural ideal, the first step to the culmination of one’s life, is having children. However, to bring life to its ultimate fulfillment, other requirements need to be met along the way.

Even if the sense of the ‘extended family’ living in one household and under the leadership of the patriarch is still a valid image, increasingly the prevailing norm when evoking one’s family in the urban middle-class context is that of the nuclear family (Dialmi 1995; Chekroun 1996). Here, it is primarily with this ‘nuclear and naturally balanced family’ (for it is composed of both boys and girls) that I am concerned; it is the immediate family created through and sealed by blood. The lineage created through
consanguinity and affinity cannot be undone, and even when conflict arises within one family, cohesiveness remains the ideal against which families define themselves. A family is also expected to have a natural balance, formed of both girls and boys. Boys, heirs and future fathers themselves, guarantee the continuity of the family’s lineage and name. A family without male offspring seems to be an incomplete unit, one where the very idea of balance and completeness is destroyed. There is, however, a noted ambivalence towards gender difference in Morocco that is rarely reported in ethnographic writing with the exception of Westermarck and Hammoudi. The virtually exclusive attention paid by Moroccan sociologists and foreign anthropologists to patriarchy, and the widely voiced preference for boys not only reifies a cultural ideal and turns it into an unequivocal reality, but obscures the intricate fine-tunings of gender and gender preferences in Morocco. As analytical tools, structuralist and functionalist kinship diagrams, tend to exclude or obscure women’s activity, since women are mainly presented as vessels for reproduction. Not to have a daughter, in current urban Moroccan settings, is to experience a lack, but a lack that is qualitatively distinct from that of not having male offspring, it is a lack of emotional capital. The proverbial aversion towards girls no longer—or perhaps has never truly—held sway, as they are a highly prized asset within the family. Girls are seen to be less aggressive, more pacifist, and more easily ‘domesticated’ than boys. Especially by their mothers, girls are considered unfailing allies and supporters, sometimes even confidantes (Belarbi: 1991). A family without a daughter is considered bereft of care and warmth. For instance, while abandoned boys have to wait for a family, families have to wait on waiting-lists for an abandoned girl to
be given to the center. The explanation of this stark gender preference has precisely to do with the belief that girls are more easily domesticated, more docile and less inquisitive, that they have less of a ‘blood urge’ to go look for their real genitors, as one man commented, than do boys.

The preference for girls reveals layers of meaning for, in addition to this somewhat ‘symbolic’ explanation, there is a pragmatic ‘sociological’ one and one which has more advocates than the symbolic one, I offer here. Of the many social ills identified in contemporary Morocco is the phenomenon of little maids. This question has come increasingly under the spotlight with the contribution of civil society actors: The NGO The League for the Protection of Children organized a symposium on this question in 1996; a film by Hamid Nourri L’Enfance Volée (1994) was widely commented upon; in addition to newspapers, magazine and academic articles (Hadraoui 1998; Sbai 1990; Belarbi 1989 and 1993, 1991; Salahdine 1987) have all brought attention to this burning question. Given the difficulty of finding domestic workers, or rather trustworthy ones who would remain with the nuclear family for a long time, a number of people have resorted to ‘adopting’ girls from centers and orphanages in order to employ them as maids; or girls originally adopted as a couple’s own end up being relegated to the status of maids once the couple have had their own biological offspring, or simply once they have decided to take advantage of the potential servant in their midst. Generally, older maids are “portrayed as evil women or pitied as disenfranchised souls with questionable pasts. They are the bnat l-hram, the daughters of sin, presenting an explicit sexual threat to the woman of the house” (Kapchan 1996: 232). Unlike the dubious metaphorical
daughters of sin, girls adopted from orphanages and centers are in reality children of the proscribed; hence, there is a real justification for treating them as such and confining them within the domestic world. Moreover, the immediate sexual threat with adult maids is diluted and tempered in the case of little girls, or at least, it is believed to be so. Cases of ‘incest’ (of which later), and rapes, are equally painful realities. These are among the deviant distortions of the idealized image that I continue painting here.

The allegiance engendered by ‘being one’—as the Moroccan metaphor describes the family, *hna wahida*—is imagined to be an everlasting and omnipotent bond. The exemplary family is a space of unconditional support and sustainability, both financial and emotional. Similar to other cohesive living organisms, each ‘cell’ has its designed function: family roles and relationships are thus distributed in an essential and complementary manner.

The ideal child is the complaisant, obedient, even self-effacing child who knows, respects and moves comfortably within the family’s hierarchy. ‘Listening’ is considered the most acclaimed quality of a child; s/he follows orders without any defiant argumentation for s/he has been taught that because of the hierarchy of age, and so of experience and wisdom, decisions taken on her behalf are for her best (Dermouny 1987; Rabi’ 1991; Belarbi 1991). Thus, the child’s prescribed role is to excel in what s/he is assigned to learn, whatever its nature. It is through this spirited commitment to one’s duties, and subsequent success, that the child fulfills parental social expectations; this is how the child manifests that he has acquired his “social sense” (Davis and Davis 1989). As evoked earlier, having children is only an initial step towards a greater, or perhaps the
greatest fulfillment of life, which is to have children not only grow up to meet the social
criteria of success, but more importantly enable the parents to partake in this success.
The accomplishments of one's children are thus the ultimate criterion for judging one's
success as a parent. The 'quality' of one's children is itself measured by 'the quality' of
their terbya. Many an adopted child has had her or his 'dubious asl' strategically
downplayed or totally erased when parents and other individuals partook and benefited
from her or his achievements.

Unlike that of children, a father's ideal role is that of the authority figure, he who
pronounces commands. In addition to this moral authority, he is also the economic agent,
' the breadwinner' of the family. The stereotype of the father is that of a man who though
highly concerned about work and the moral rectitude of his children, has to keep a certain
aloofness from them as they grow lest his role and respect be put to the test. The
closeness that should characterize the relationship between father and children during
their early years is slowly replaced by emotional distance. The father directly intervenes
only when the children veer away from what is prescribed for them. His authoritative
intervention should reset them on the projected trajectory.

Drawing the ideal-normative image of the role and persona of the mother is
perhaps the most daunting task here and one that I will comment on further in the last
axis of this chapter. But suffice it to say here that the complexity of this representation
finds its root in the embeddedness of 'mother' in religious edicts and cultural imagination,
and the appropriation of 'mother' as a social category and metaphor in nationalizing
propaganda, political ideology, and intellectual discourse (liberatory or pseudo-liberatory
feminist movements; Moulay Rchid 1987). All these discourses intersect, often clashing as each one highlights one or another aspect of motherhood, while another insists on incorporating the mother's role for a prescribed end, or yet another asks to undo totally the 'stereotype' of the mother. Drawing the profile of the mother is thus drawing a very important aspect of the culture itself.

Ties between various family members are sustained and reproduced by respecting a number of rules and protocol. The father, economic and moral agent, is to be respected; the mother, the pacifist and source of support, is equally to be revered; parents are to respect and actively encourage the children for the children are their investment and posterity (Zniber 1979). These roles generate a defined relationship which is based on a hierarchical model. And this hierarchy is further enforced by having each individual within the family know the boundaries of his/her sphere by not trespassing on that of the next person. It is effectively sustained through economic and psychological roles attributed to each of them. Obedience and reinforcement of gender roles further support this hierarchization. Fear, intimidation, just as much as love and persuasion, are all equally valid means of keeping the balance in place.

Given these broad strokes depicting family, the key constructs of asl, wasat and the opinions regarding procreation and how an ideal family functions, an adoption acquires the profile of the deviant and the abnormal. A childless adoptive family cannot pretend to a 'real' continuity, for asl is physically defined and it is intricately woven in the fabric of nasab. In a secret adoption, physical continuity is a 'lie;' socially it cannot pretend to being a 'pretense' because it is morally judged as being wrong, religiously
considered a sin, and legally defined as a crime. But adoptive parties, on a more personal level, prefer to describe their activity as creating ‘fictive,’ *khayaliya*, relations, not a lie. The difficulty of how to describe and conceptualize one’s relationship towards one’s adopted children, outside the frame of religious philanthropy and that of moral judgment (lie), reveals the precariousness and vulnerability of these relationships. Whether claiming an imaginary or fictive bond, an adopting family may contest the definition of ‘untrue’ because truth and truth values are themselves subject to social and cultural criteria and different strategic negotiations and evaluations, but they are constantly reminded of the ‘lie’ that is at the very heart of their belief.

As Deborah Kapchan observes, lies in Morocco are a “salient theme in marketplace interactions” (Kapchan, 1996: 47) while outside of the marketplace, they actually mask the “desire not to confront someone higher on the social scale, but to circumvent truth in order to avoid conflict” (Ibid: 46). This is extremely informative and revelatory of social interactions, but the nature of the lies Kapchan analyzes—within the marketplace as means of persuasion, or without as non antagonizing strategies—are models that cannot accommodate the current context of a secret adoption. The latter is not about ‘bargaining’ (Rosen 1984) to invent ties, or about fostering a ‘social sense’ (Davis and Davis 1989), but about fashioning a bond that is usually held to be inalienable. The economy of the lie in this context is mainly directed to him or her growing up adopted. Whether we chose to call it a lie, a fiction, a scenario, or a pretense, it is one that is largely known to the extended family, to neighbors, and friends; the pretense-scenario is mainly deployed in front of the child herself. It is therefore a
pretense predicated on a contract of communal conspiracy and silence. But it is a very fragile contract because it could come undone any time. It is threatened from outside and inside alike. Some of these families live in a perpetual state of fear lest the 'truth' be revealed, lest the 'pretense' comes undone, lest the 'scenario' be dissolved, or lest the 'imaginary' be faced with the uncouth and stark reality. Then this "real" assumes that there is a natural order, that of a sanctioned procreation.

Scenarios of secret adoptions are many, the strategies are various. Each one constructs complicated webs of incidents, causes, and results; each one has its set of faces, actors and circumstances; each of them defines its reasons differently, chooses to reminisce or forget its pain. Such stories were told to me by individuals I know from my own nasab network, others I knew because, like the rest of the extended family members and neighbors I also took part in the contract of silence. Still others I came to know through my own asl and my conscious exploitation of my terbya, both in manners and education. These are stories about a secret, a secret known publicly but a secret nonetheless to him or her growing up. I am not going to dwell on the strategies, stratagems, deceptions, ruses, grotesque events, corruption, exploitation, conspiracies, unimaginable acts of generosity, painful sacrifices, ecstatic moments of joy, or complicity which led to the practice of the proscribed. My focus is rather on those conscious reasons articulated for choosing to engage in the proscribed. In a exploratory study done by an NGO-study group (CREARGIE 1991) on public attitudes towards adoption, the sample group selected comes up with four reasons for couples who wish to adopt. These are "to fill the emotional emptiness the couple experiences; to create equilibrium in the couple as
relationship tends to be tense in the absence of children; for continuity; and to do a good deed” (1991: 23). The reasons identified here are tangible, have almost an empirical quality to them, for they are clearly articulated and clustered under different themes. It is unclear from this study whether or not the sample-population includes actually adopting individuals and families who have actually adopted, but in any case, it is easy enough to find socially accepted reason. Likewise, the rhetoric in each of the stories I was able to collect has a commonality in stating a reason, although events vary greatly. And even while each raconteur chooses to highlight one reason rather than another because of personal histories and contingencies, it is equally essential to leave a space for the unspoken and possibly the occult. In other words, to remember the embodied arabesque in its multiplicity, presence, and polyvocal experience but also in its evocation of the fleeting and the vague.

The following are profiles of individuals and families who confided in me and permitted me to reproduce their secret, to debunk their lie, to speak of their deviant-abnormal or even pathological stories. So the social judgment would run, but are they really lies, and deviant secrets? For my part, I believe they are not, but are rather elements of the very complex and complicated social and cultural arabesque in which norms are constantly challenged, the sacred recast and reformulated, fissures and schisms found together, at times in harmony and others in apposition with the ‘normal.’ These profiles are my own belated *modus operandi* here, but they also speak for themselves; they are self-referential.
Strategies for believing

Zhor. Lives in Settat; she is from the lower-middle class, and a school teacher. Her husband owns a small shop. She married rather late (about forty) by social standards. To her dismay, after three years into the marriage she still was not pregnant. She felt she had sacrificed too much and too long taking care of her mother and brother (he was also adopted), and so once she was able to find a woman willing to part with her newborn, she secretly adopted the girl. Zhor explained that she only married because she wanted children, and wanted to live her motherhood. Two years after her ‘having’ Mouna, she became pregnant. She has now a girl and a boy. She explains that it is very difficult for her to talk about Mouna as an adopted child; she simply forgets because Mouna and Khalid are the same.

Rachida: Lives in one of the richest neighborhoods of Rabat, Souissi. She has never been married and has a very important position in one of the ministries. Rachida traces her asl to one of the oldest and richest Berber families of the south; she has broken all her ties with her own family because of her choice in life not to marry. She was able to secretly adopt two girls because of her key position in the social ladder. At forty three, Rachida explains to me that now she has a reason for which to wake up every morning.

The Judge: as a matter of fact a retired judge and very pious man. He lives in Fes and has a large family of his own, four sons and two daughters. He remembers how one day as he was going to open the mosque for the dawn prayer, he found a little bundle in front of his house. He hurriedly gave it to his wife and said that they would deal with it later by turning it over to the proper authorities. And as is his usual custom, after leading the morning prayer, he came back and took a little nap before going to the court. Finding an infant was not about to change his habits. During his sleep he had a dream, a dream in which his own father asked him whether he had indeed received the present he had sent him. After he woke up, then he looked at the baby, a little girl, and when he came back at midday from the court, he had her written as his own daughter; this representative of law and order, and the religious-pious man. She is now in her twenties, a beautiful, accomplished, smart and witty young woman. Her father explained to me, that he only
told me about the entire story because he had great respect for my own father (my father and he were colleagues in the court), but that for him there was no way of even comparing her with his other children. He sees that she loves him for who he is, not for anything he will leave as inheritance, unlike his own greedy children ... (note: the judge has considerable property and he has fictively ‘sold’ her a large part of it so that her siblings cannot disinherit her)

The Bennani family: One of the Casablanca-based families which plays an important role in the Moroccan economy. This specific couple, the son of the rich patriarch and his wife, could not have any children despite repeated treatments in America, in Europe ... A worker in one of their firms, married has seven children when his wife again became pregnant. How Mr. Bennani and he came to meet and discuss these details, is a part of the story that Madame Bennani chose not to tell me. Instead, she proudly and carefully told me that the parents were very poor but of a known asf and that they had decided to keep the baby despite their poverty. When they had twins, however, they simply could not keep both; they had to choose one to give away. Now, and after what must have been an excruciating choice for the natural parents, especially the mother, the Bennanis can claim to have an heir; an heir that will not let their fortune go to other ungrateful and greedy relatives.

Some of these stories have an almost fairy-tale quality. But even in the most exquisite of cases, there are unspoken criteria for choice and decisions. In the case of the Bennanis, they wanted to adopt a child whose parents were legally married, whose mother did not try to abort and who ate well, given that a good number of abandoned children suffer from poor health because their mothers try to abort. The color of the child, being white with green eyes, was an additional incentive. What must have been the beautiful baby's face of the judge's daughter was, undoubtedly, a further reason for loving her a bit more. Nature/nurture as an analytical tool helps contextualize and elucidate certain relations, but it cannot exhaust the underpinnings or symbolic weight of a secret adoption.
Nasab and asl remain above all ideals, which possess a strong currency, but at the same time are strategically denied, displaced, or changed to answer to given circumstances, thus depicting a social and cultural system that can only be defined by and through its perpetual movement.

The question of aesthetics is one that should not be taken lightly. The ideals of beauty are actively sought in adopted children. ‘Ugly and dark’ girls and boys are not as readily taken into kafala as whiter and more ‘appealing’ babies would be. The case of the benefactress of Tangiers and another Rabat-based couple who, respectively, took the kafala of two little black girls were constantly reminded of the color difference through verbal and silent comments alike. Malign and derogatory remarks concerning the color disparity between these parents and their back child would surface mostly in the form of a covert rhetorical question: “Since they wanted to adopt anyway, they should at least have chosen a bibda u rziwla--white and appealing in the diminutive form,--instead of a ‘eziya hrtaniya--black and descendant of slaves.” Other slighting comments would often evoke slave-status and its associations, i.e. that these parents adopted a black child, or more specifically a black girl, only in hopes to employ them as slaves. As far as the case of these two families is concerned, such was never their intention. Moreover, exploiting the children, in general, is not contingent on their skin color, but on their status in general. Many a little white and appealing white girl is employed as a maid, the pseudo-slaves of our age.

Given the scarcity of girls, provided they are neither sick nor black and even when they are not ‘totally white and appealing,’ additional aesthetic criteria are then utilized. In
this case, it is the two notions of *ser u l-mlha*, roughly translated as charm, charisma and appeal. *l-mlha* literally means salt and it is believed that even 'ugly' individuals are beautiful when they have *l-mlha*, that is they possess that internal irresistible, innate but illusive attraction. For many an adopting family, such notions becomes a magnet around which an additional layer of identification is erected. Conversely, for 'ugly' families to adopt a baby who is 'bibd u rziewl' (masculine diminutive form) creates a perplexing profile of aesthetics, one that cannot be read out of its historical-political frame. Zhor of Settat is of a very dark complexion while her daughter Mouna is much fairer. Another woman in Settat, Khdija, is very fair, but the girl for whom she waited almost two years to take into Kafala, is of a very dark complexion. Zhor saw *l-mlha* in Amina and not her skin. In a meeting between the three of us, and other individuals, most of the jokes suggested the swapping of the two little girls, Mouna and Amina; they were awkward jokes and comments as they not only evoked a 'natural' order of things and beauties, but most importantly made both mothers ill at ease. I read this embarrassment as being subtly distinct, for Zhor felt ill at ease because having white Mouna was almost described as a transgressive act, while Khdija felt ill at ease because having dark Amina was presented as a degrading deviance.

During a visit to one of the SOS villages, some four 'hired' mothers and myself sat around a table, idly sipping a sweet-mint tea. A large number of toddlers were playing around us, they were 'their' children. One little girl clearly stood out, by Moroccan criteria; she was a truly lovely baby. The mothers were trying to explain to me their 'call' to be 'hired' mothers pointed to this little girl without exception, even those who were not
her “mother.” Her color, beauty, charisma, eyes, and liveliness were presented to me as the epitome of a sacrifice (these hired women are not married and if they get married they are forced to retire), and all of them vigorously and approvingly nodded in assent when one said, “wouldn’t you do this for this fen,” extreme beauty and an exquisite piece of art. This speaks eloquently to the potency of aesthetics.

The aesthetic ramifications and their symbolic weight seem to be mostly of concern to the women I interviewed; it was rather rare to have a father, or a male, comment on the color or beauty of a child. This can be partly explained in terms of how beauty-talk is gender specific, and partly in their possible uneasiness to talk with a woman about these issues. A prospective father (in Casablanca) disguised his aesthetic comment by pointing to the possible ‘ethnic’ asl of many of the babies: there were indeed blond, dark, black, and Asian-looking babies among. His sarcastic note that even “our orphanages follow the laws of international sexual-tourism” may not be totally void of truth. But then again, Morocco’s population is one formed by various ethnicities and colors, an arabesque in its multiplicity.

**OF RITUALS: NAMES, AFFILIATION, AND IDENTITIES**

In ethnographic studies of adoption (Goody 1969, 1976, 190; O’Shaughnessy 1994), family continuity, inheritance, ancestor worship— in certain cultures—and perpetuation of the name are the commonly articulated reasons for adopting. In ancient Greece (O’Shaughnessy 1994), the individual adopted in the family was to become fully incorporated in his new family and carry on the name; the name becomes his own by right and duty, annihilating all pre-existing ties with his biological family. A son was to carry
the name and perpetuate it. As O'Shaugnessy argues, the status and being of the name had more consequential weight than the individual father or son; the perpetuation of the line through the name was the aim. As discussed in the first chapter, current Moroccan legislation regarding kafala strictly forbids giving the father's last name to the child taken into kafala. It is believed that bestowing this last name would mean a plain adoption. Hence a fictive affiliation, which is religiously and legally prohibited. Not only could such fictive affiliation end up in incest, but would deny inheritance to those who are entitled to it by the right of blood. Because the issue of the 'name,' or perhaps more correctly the patrilineal name, is an elemental condition in Moroccan kafala, the 'criminal' aspect in plain adoption is, precisely, giving one's patrilineal name to the adopted child. The nucleus of the crime is the name. Comparing Moroccan legislation with that of other Muslim countries where the kafala does not necessarily imply not giving one's last name, the corollary is then why does the Moroccan legislator enact this understanding and not another? Trying to answer this question prompts us to assess more than a legislative concern over naming, but equally those concept which tap in the cultural arabesque.

Kevin Reinhart writes that in Islam there are “relatively few birth rites [...] this may be accounted for by the Muslim belief that Islam is the natural religion” (OEMIW) although, he continues, the “most notable birth rite is the ‘aqiqa’ [also called sbou’ in Morocco referring to the [...] seventh day when animal is scarified” and a name is given. The naming ceremony’s genesis dating back to pre-Islamic period when an infant becomes “a social being” (1955: 137) only after he has been named, writes Chelhod. As
Waugh further discusses that naming was an important concern during the life of the prophet as he had himself changed names of some new converts as their pagan names evoked violence and destruction (Fire, War, Spear... OEmiW). Islamic Sunni jurisprudence also has regulation regarding what first names are recommended and those which are not. It is generally advised that parents choose ‘nice-sounding’ names because in the last day of judgment we are called upon by our names.

These Muslim edicts and traditions frame, in a loose relationship, the current situation in Morocco regarding celebration for naming. But the names, and there is a multiplicity of these, occur and revolve in varying levels: from those sealed through the naming ceremony in a familial celebration, to those formal-bureaucratic names of the civil register. These are part of the edifice of the modern nation state and a creation for bureaucratic purposes and for controlling and policing individuals. The nature of the name itself changes with the context; a first name (smiya), the name of the father (smiyat l-bu), the sobriquet (laqab), the surname (kunya), nasab, and then through these, a combination of these, and their alignment we end up with the lineage (silsila), genealogy-tree (shajara) which all contribute to the making of the ‘identity’ through the name. And as Hildred Geertz writes, “addressing someone, where there is a broad choice of names, as here, is an act of singling out a context in which to place the person and requires a knowledge of the nature of that context. [...] in Morocco there are more alternatives [for names]” (1979: 344).

This multiplicity of names is the general rule and its onset starts with the initial naming-ceremony. Descriptions of these festive celebrations have solicited interest
(Westermarck 1926; Jouin 1933; Mas 1959; Dernouny 1987; and more recently Zirari
1993) because of their intrinsic ritual aspect. Mas specifically writes that “to give a name
to a child is a serious and important matter: it is really to make him born a second time
[...] imposing a name is a rite of passage and it is normal that it be celebrated” (1959: 45).
In this historical context, as is still largely practiced today, the newborn is generally
protected from too many eyes and hands, and even if a name has been chosen for it, it
only becomes its name after it is certified ceremonially following the seventh day when
an animal is sacrificially slaughtered. Such is the norm, for even poor families would find
means to buy an animal for ritual slaughter given that, generally, a ‘normal’ birth is a
joyous occasion.

At the moment of the slaughter the name is pronounced, while the call to prayer is
recited in the ear of the newborn. At this time, the infant acquires an identity. Tradition
has it that at the moment of the slaughter, the person executing this ritual would say, I
name thee so-and-so son or daughter followed by the mother’s first name. The primary
act of foundation is the name of the mother. Following this initial ritual, however, the
newborn is normally called by its first name, and legally by the last name (whatever its
nature) and then its first name. Before the institutionalization and normalization of the
patronymic name, the identifying name could take a number of forms. It could be simply
the first name of the father, followed by that of the grandfather; by a sobriquet (laqab)
which is a physical indicator such as one referring to a profession, to a concept, or a
physical characteristic; by a surname, kunya, which could be a tribe, a point of origin, a
place, or the name of an old or famous forefather. Famous families are those families
which trace their origin to the prophet’s daughter and his son in law (or have somehow negotiated this descent). They are the shorfa families, those whose names are special names because of the sanctity of their association.

SOUNDBYTE

It was the seventh morning since Fatima had come from the hospital after ‘giving birth.’ The big villa was full of extended family members, neighbors, and friends, even at the very short notice of this ‘sudden birth.’ Everything was scraped clean overnight, an armada of workers was hired in addition to all the help from cousins and poorer relatives. The smell of the myrrh lingered on in the air and in the covers of the mattresses. Ha--this is how he was known to everyone since he did his pilgrimage to Mecca--wore the smile of a proud new father, a father who had waited almost two decades, and, through seven divorced wives, for the consecration of his life. He cared for Fatima, had decided not to divorce her especially after the doctors convinced him that he simply could not procreate. Fatima had come from the hospital two days ago; their patience had paid off, after all. The sideway glances, the ones which spoke rivers without uttering a word. The questions went around unuttered, but the answers all known. Everyone coming this morning, loaded with presents, with wishes for the mother and the newborn, to eat of the meat of the aqiqah, the naming ceremony, to be part of the extravagant slaughtering of so many sheep of the first newborn son of Haj. Nfisa (the name for the woman who has just given birth) looked excited and wore a mask of tiredness, of crafted fatigue. The baby boy lay protected, while the mother complained to all that she did not have any milk and that the doctors persisted she gives him baby formula... Haj, with other older men of the family, and other family members, stood in the patio while the preparations were hastened. The sheep ready, and firmly held by two young men, while the shining edge of the ritual knife also awaited nervously in the trembling hands of Haj. Bismillah, I call thee Yassin ibn Fatima, a slit throat, blood to seal it. Youyous resonate and echo down in all the corners of the large villa, to be one day the property of Yassin, unless someone from these poorer family members breaks the contract of silence, or ‘debunks the masquerade,’ as they could quite possibly say, because he would prohibit them from
getting inheritance they would see as their right. (note: Halima, the biological mother, had given birth to now Yassin seven days ago. She had a broken heart and broken dreams, and wanted to get rid of the infant to return to her family. Fatima, married to a rich man, was generous and had an intricate web of relations. A nurse told her about Halima, and within one day of Yassin's birth she convinced Haj. She went to the hospital in lush clothes, with a handbag full of bank notes, some jewelry, perfume, cream and make-up. Once at the hospital, she and Halima exchanged clothes and Halima was handed the handbag, while Khadouj was handed Yassin. Khadouj slid in the warm bed and let the warmth invade her as she contemplated her son and her new motherhood. The nurse took care of having the birth certificate re-signed by the doctor. It would then be used to register the child in the civil register. The nurse, too, had received a generous present).

I was invited to the ceremony for Yassin and, like all the other guests, partook in the contract of believing. I was specially invited because both Haj and Fatima wanted to show me, the person doing research on terbya, that there is no difference between one's flesh and who one believes and fictively pretends to be one's own. The name, Yassin, was selected with much care and love. In this case, as in a some other cases of non-biological parents, the naming-ceremony is elaborately staged as it is the public means of establishing, confirming, and claiming descent since what is frequently celebrated within the confines of the household grows into a boisterous ceremony which declares and enacts a socially sanctioned parenthood. The identity of the newborn had been performed on a large scale. The naming ritual performed here is no different from those in which the parents' tie is not fictive. Yassin, son of Haj and Fatima, will grow up as their son, call them parents, and know all the extended family members as his own. This is Yassin, and his identity as the son of Haj is sealed, at least for the moment. The paperwork of
normalizing the procedure began immediately after Fatima was given the birth certificate with her name and that of Haj.

In Muslim jurisprudence, establishing this fictive paternity is sinful, the fact that this natural child was endowed with a name and given a shelter would be seen as a worthy good deed. Legally, it is a crime to engage in such activity, but official eyes are closed, and silently cooperate, as there is one less abandoned child to be put in a shelter. Culturally, such a practice is reluctantly accommodated or at best indifferently ignored, though the ritual itself endows it with some degree of legitimacy, since it is assumed that a name does imply continuity of the lineage. The name becomes here the fetish between two camps, one claiming that a name is what constitutes a fictive bond which Islam and Moroccan law both prohibit; and the second camp describing a name only as an artifact which does not transfer lineage or family blood. Such controversy about the ‘correct’ explanation only became more accented with the creation of the civil register, the legalizing of names, and their subjection to state control.

INTERVIEW
Mr. Adrane, an official in the Ministry of Interior Affairs, division of Civil Register.

Mr. Adnane:... one day a man and two women came to see me; one was his wife and the other was his mother-in-law. They came to ask about the procedure to register their newborn, whom they did not register within the legal time limit, so they needed to have some special permission.

Jamila: I thought that they could do that at the court?

Mr. Adnane: Yes, technically and usually, but they needed to have a special clearance because they did not even have a piece of paper signed by a nurse, a doctor, or even a
midwife testifying to the birth since, they explained, she gave birth at home and only her mother assisted. There was no official proof. So there was no way for them to prove the birth date, or even the birthing... other than what they said. At any rate, the entire meeting happened in a really ‘heavy’ environment (jawu tqil) and there was the sensation that something was wrong. So I asked the necessary questions, filled the forms... etc. while the wife and her mother spoke little. I asked them to come back after I processed the papers.

Jamila: Did they need to be approved by the director?

Mr. Adnane: no, but I needed to process them and there were other people waiting outside. So the next day, he came back and he was alone. And I said to him, look, I know that this child you are trying to register is not yours and I will go ahead and register it for you, but you need to know for yourself whether this is something you are really ready to do. It is not simply a piece of paper you take from me here, but it is a responsibility that is binding to you. It is not just a name you are giving him but a commitment, most likely a life-long commitment....

A number of issues could be commented upon in this conversation, such as the male bonding between Adnane and the visitor, or the women as the culprit and instigator of a ‘crime,’ but my own emphasis here is mostly on the ‘modern’ ritual of giving names. Foundlings are given an arbitrary first name as matter of routine. Their visibility is primarily an administrative one, for only after they have a last name (once again an arbitrary choice of the civil register servant) can they be taken into kafala. Culturally they are not complete, because they had not had the benefit of sealing-blood and ritual knife. The other ritual procedure to which Mr. Adnane is referring, is the modern ritual through which the nation-state gives names to its subjects and have them apply for identity cards, passports, voting cards and so on. Following Herzfeld, I argue along that “nation-state bureaucracy [as an institution is] is directly analogous to the ritual system of a religion.
Both are founded on the principle of identity” (Herzfeld 1992: 10). Civil register and official naming procedures are indeed a ritual which entails a long process of waiting, preparation, undergoing a test before the final initiation and reaggregation in the social-official body by acquiring a fixed name, printed on an identity card.

In her article about family relations, Hildred Geertz discusses the variegated naming of Moroccan culture and society, and singles out how outside these bureaucratic criteria:

the patronymic association and the name cluster are products of Moroccan procedures for identifying and sorting persons according to their most important affiliation. The patronymic association is a complex Moroccan cultural concept that, like an unspecialized, all-purpose tool, can be adapted to many special situations (351).

This complexity has to do with the identification with and by the patronymic name, the common norm of identifying individuals in the American context for instance, but intermittently employing other ways of identification; the context largely shapes the choice. But many choices are predicated on being firmly embedded in a network that allows such associations. When an adopted person (especially when the person, when an adult, knows about his or her situation) is given a last name, this is more an identification than a means of establishing or claiming an identity through lineage, genealogical tree, or the web of relations established through these. It is a name and will only remain a name, an empty shell, which cannot establish the other intricate means of identification and belonging.

Although Morocco’s ‘progress and modernization’ are usually and overtly indexed through the proverbial economic, health, and educational realms, the
normalization and homogenization of naming is an additional, if not widely proclaimed, index. Prior to this normalization, the concept of a single last surname was far from the norm. When the French colonized Morocco, they brought their own system of civil registry in order, first, to keep count of their soldiers, the early settlers, and later their own offspring. The civil register was officially recognized as a part of the colonial administrative machine as early as 1915. This system, as an extension of the system in France, was used to register births, marriages, and deaths so that the state might know at any given time the number of its colonizing nationals. In France itself, enlisting men in the army, for instance, was done through the civil registry (Decroux: 1950). The 1950s witnessed the birth of the *natives*’ registration, but those who registered were mostly the urban elite. By 1959 the skeleton of the system was in place, but as it was a system still in its initial stages, it lacked trained officials and necessary expertise; decisions were made on the spot without any legal idea informing them. Despite the drives that the state organized, and still organizes, to have all individuals--from urban to rural, mountains and plains--register, it is a procedure that people have only reluctantly accepted because of the skepticism surrounding the question of *why* it is being done, since it is a procedure that was strongly identified with the French’s aim at ‘knowing it all and controlling it all.’

Even today in certain rural areas, or among newly urbanized individuals, these names are referred to as ‘names of the radio,’ since it is through the radios that naming drives were broadcast. In the Moroccan nation-state as for the French protect, names have been for pacification and control. These names are maintained mainly in their official status. During the protectorate, and as an act of resistance to this naming process, a number of
individuals claimed derogatory names, such as “ass, does-not-know-anything, nothing, shit.” There was an additional complication as most of the civil-servants were predominantly Arab speakers and registered Berber names that were meant to be a joke or a hoax. But these patronymic names have remained and currently only a tedious and costly court case may have them changed.

In its early stages, the civil register bureau suffered generally from lack of proper services, lack of interest, and lack of funds. It was seen as an institution of second order. But such status gave way to the understanding that registering a name is of capital importance, that it has to do with the security of the state. By 1975 the civil register division was incorporated within the ministry of interior. This date coincides with a noteworthy event in Morocco’s recent history. In 1975, the King called for the Green March to annex the Southern Sahara, still under the colonial rule of Spain. It followed two failed coups, after which decision was made to be careful as to whom to recruit in the Moroccan army, that is, to inquire into the asl of the soldiers (in the sense of where they came from), since one conspiracy theory, at the time, had it that one of these coups was ethnically motivated (Waterbury 1972; Marais 1972). The Ministry of Interior is considered the spine and essential instrument of state control, security and internal intelligence (Rousset 1970). The status of the citizens—the registering of births, the regulation of names, the systematization of naming, the inscription of deaths—suddenly became a matter of national security for the state.

The civil register law distinguishes between three categories of infants to be registered: ‘normal,’ foundling, and natural children. They all need to be registered
within one month of birth. All are entitled to a civil birth certificate, but the difference lies in what is actually written on the certificate. An infant brought to a center is given a name as a matter of routine by either police, a social worker, or an individual working in the center;¹⁴ no ritual knife, no founding seal. A last name is chosen for the child by the civil registry officer directly out of a compendium of last names written and compiled by the official historian of the kingdom, Abdelwahab Belmansour, in the early 1970s. As for the natural infant brought in by its own mother, it is possible to give the newborn the mother’s last name provided her own family members (or rather male family members) do not object to it. While for a ‘normal’ child, the first name of the father figures preeminently in the birth certificate, in the case of a foundling or a natural child, none is written. Refusing to write a fictive first name on the birth certificate constitutes the knot of conflict between the civil register legislators and the children’s defenders (some individuals and NGOs). The civil register officials consider that giving a fictive patronymic name to a foundling or a natural child a significant step beyond what used to take place prior. Not only such children formerly threatened with total anonymity, as they would have two subsequent first names as their total name; on their certificate was also clearly written ‘child of adultery.’ An everlasting brand; at least now there is a sense of hovering ambiguity, some officials explain such an edict.

As Herzfeld argues, even if it is not consciously recognized, the notion of blood suffuses modern bureaucratic nation-state formations. The Moroccan civil register and its rigid restrictions is an eloquent example. The latest laws which call for a systematization¹⁵ of names and the order in which names are to appear has met with
resistance and has been subject to heated polemics in the written media. Concern over the naming of abandoned and natural children was not, as usual in keeping with the unspoken laws of silence concerning them as a marginal social segment, ever mentioned in the public media. The claimed sense of ‘hovering ambiguity’ disappears every time a natural or illegitimate child, or her custodians, hands a birth certificate over for hospital shots, for school registration, for a request of an identity card, for passing an entryexam to a school, for requesting the necessary documents to get married, for getting a job, for carrying out all those necessary rituals of survival in a modern theocracy. And as Chekroun puts it, “... this is translated for each one of us as an obligation to ‘register’ [...] there is the first registration of civil register, but afterwards we need to register in many guises, otherwise we face exclusion [...] these many registrations define partial identities: school, health, insurance, salary, water and electricity” (1994: 63). Although a legal institution is ideally ‘neutral, objective, and impersonal,’ in fact it recreates reinforces and shapes the cultural parameters of what is acceptable and what is not. While some concerned parents who took the kafala, committed social workers, and a variety of associations are advocating a right for a fictive first name for the father on the birth certificate, the civil registry advocates its right to report with truth and accuracy. Civil register regulations and laws constitute and reinforce the edifice of the normative family as a unit built on the dual criteria of marriage and blood. A name can establish social citizenship and the barest cultural visibility, but it cannot pretend to establish anything more.
Zhor, Rachida, Judge of Fes, Haj, Bennani, Soeur Ontonia, and Batoul (from previous chapter).

Mr. Bennani has ‘secretly’ adopted, sister Ontonia works in the Rabat center, Rachida feels she has a reason to live. Batoul has acted out of charity for unwed mothers until they delivered, and Haj is still enjoying his new fatherhood. All of these individuals had to be involved at some point in the working of the civil register machine, a ritual of the modern world. Although reasons, choices, and explanations differ regarding the means for adopting, all invariably articulate the same concern. The name of the kafeel needs to be given in the kafala to the child. Haj and Mr. Bennani (both undertook secret adoptions) explain that it is the system that has pushed them to ‘negotiate’; for them this is an act of harmony for their families and not a criminal act since underlying it is an inherent good; Sister Ontonia and Batoul both think that there is, in essence, a misunderstanding of the Quranic edict which says, “Proclaim their real parentage, that will be more equitable in the sight of Allah. And if ye know not their fathers, then (they are your brethren in the faith, and your clients” (Verse 5, Surat Ahzab). Both explain that parentage is not a name, and a name is not continuity; and Rachida’s position that policies, laws, and decisions are taken lightly without making room for the psychological ramifications that they might have on child and parents alike is echoed by all.

Questions concerning abandoned children’s last names are mainly found in legal literature (Amal 1977; Chafi 1991; Bennis 1996; Ministry of Interior publication 1994). They are mostly discussed as ‘problems’ which upset the ‘natural’ order of things, and which require having a handy, perhaps quick-fix solution devised for them. Even in such supposedly impartial literature, a decrying of the state of immorality never fails to surface, and perhaps a passing comment on the actual or possible psychological ramifications of this or that law on the children themselves. Jalal, a law instructor, writes that historically ilhaq (see chapter one) was an established and socially recognized means
of giving the father’s last name to children conceived with domestic workers, namely maids (1977: 18), and that this ilhaq was one of the few “tricks” (1977: 18) that the law allowed to be played on itself. A second trick largely in use now is the writing of a pre-dated marriage certificate (iqrâr bi-zawjiya) which also allows the possibility of giving one’s name to one’s child conceived or born prior to the actual marriage-date. But these examples still focus on giving one’s name and legally recognizing a natural and legal affiliation. For an abandoned child, even more so than a natural child who is still with its mother, is a problem of an altogether different magnitude. Jalal writes:

...true that partial adoption or kafala does not solve the psychological problem of the child, but at least it grants him some portion of the money of his parents [...] as to the question of naming, we cannot allow society to get any lower than what it is now but society needs to work to improve itself and redress its ethics, which will forbid illegal sexual relationships with all its results. Thus we cannot fix a wrong with another wrong, that, is fixing a harmful social situation with a solution that will make it possible for children to have ilhaq not of their biological parents. Moroccan Moudawana finds its genesis in the Quran and Morocco is a Muslim country and it cannot and should not change any of these provisions. (20-21, his own emphasis)

The solution Jalal proposes is that the child taken into kafala be given a different name than his kafeel parents, but that the copy of the birth certificate have a fictive first name for a father and a mother. This would be the make-believe while in the official ledgers it should be clearly written that this child is actually natural or illegal. In other words, the state would be colluding with a different style of communal silence. Why would such silence be more justified and accepted than other silences? There are a number of questions that Jalal does not address, such as for instance having a fictive parent’s name and growing up in an orphanage. Jalala, like the two authors to which I will next turn, continually speak from inside the essential, elemental and normative family institution.
Chafi’s (1989, 1991, and unpublished doctoral thesis 1992) is the first committed work on the issue of names, last names, and the history of civil register in Morocco. In a summary of his work to date, Chafi repeatedly emphasizes that there is no difference in the need to register all children in the civil register, regardless of the circumstances of its birth, as though there is or there should be a difference. As a matter of fact, such an emphasis masks and downplays the serious difference between registering a natural, a bastard, and a normal child. Chafi chooses to single out the circular of 1992 which officially forbade entering into the civil register booklet ‘son-or-daughter of adultery’ as a notable turning point. Given the long bureaucratic invisibility of abandoned children, Chafi’s choice to highlight this law is an important one, but his provisions are in essence no different from Jalal’s. He writes that once a last name is chosen from the roster of names for the child, it should also have a fictive first name for the name of the father. Interestingly, Chafi chooses here the example of a natural child and specifically contends that even though the mother knows who the father is in reality, she may, in consultation with the civil register officer, may choose a fictive first name for the designated spot for the father. It will remain a secret, a secret to which the state holds the key. Once again, the choice here is one where the mother is known, even if by social standards it is a truncated family structure.

Civil registry procedures may be complicated because of all the possible variations in cases. In order to reduce the likelihood of administrative revisions, the director of the civil register has issued a handbook for its officials and which is regularly updated as regulations may be altered or new ones introduced (Ministry of Interior 1994).
This handbook clearly specifies that the first name of the father remain empty\textsuperscript{17} (34), and later, that "it is possible to give the last name of the mother to a natural child if she has the written permission of her male family relatives and in the case that she does not, then a name is chosen from the roster of names as in the law for choosing a last name [...] provided this name not be a sharif name" (45). The familiar ideology of blood sanctity cannot be more clearly put than this.

Names associated with descent from the prophet are sacred. They confer and convey a sense of the sacred which cannot be profaned. Here again one might return to Herzfeld's view that metaphors of blood, sanctity and the profane, despite a seemingly impersonal bureaucratic objectivity and sanitation, pervade the formation of the nation-state. Herzfeld writes that "the metaphor of blood-kinship clearly suffuses the rhetoric of the state even as it denies its relevance" (11-12). In the case of Morocco this relevance is not denied in the case of the Sorfa. The Moroccan state recognizes the fact that it is predicated on religious edicts as an intrinsic part of its Muslim identity, but it does not recognize openly the preferential treatment for some (as sacred), indifferent treatment for others (as abject). To try to get a Sarif family name within the formal civil registry is a long, tedious and complex process as each known sharif family has a mzwar, an older patriarch who is referent-arbitrator-broker, very well acquainted with all the different branches of the large family, who may or may not approve acknowledging a new sharif addition to the family. The mzwar himself is selected and appointed through a process which comes directly by royal decree. During my research in Fes, I met an older Fassi man, who explained that his family is an offshoot of a Sarif family, and thus needs to
receive the official recognition-seal. He has been in bitter legal battles for over twenty
years, and was outraged that "now even bastards are getting Sarif names." What this
simple-minded and blunt man dared put in such an uncouth manner is what the Civil
Registry Handbook leaves unsaid and what a number of people think, but won't voice
openly.

INTERVIEW

Judge in Fes.
Judge: ... you see even if they lie and give this child their last name by giving false
information, it does not mean that this child is theirs...

Jamila: exactly, it does not mean it is theirs so why not give it the name? If anything, that
will make the lie at least have a semblance of the real?

Judge: yes and no. Yes, because a name is not an identity (hawiya), and no, because in
the long run and especially now with all these structures and policies in place on the one
hand, and the constant moving of people and the demographic explosion on the other, it
will no longer be possible to tell who is who; the civil register identity will become the
real identity. But then again, one should never forget the power of greed. If the family
that has made an illegal secret adoption has even a little money, someone from their
blood relatives related to the father or mother will find a way of stopping the inheritance
procedures. The inheritance procedures as we deal with them on a daily basis in the
traditional court, mahkama shar'iya, do not accept the identity established by the civil
registry, we need a laff (12 witnesses) to establish the rightful identity...

SOUNDBYTE 2

Ali brandished an off-yellow and faded picture of his sbu' (naming-ceremony); it
was taken approximately 37 years ago when he was 'born' to this one family. He came to
know he was adopted, secretly adopted, when after the death of his father, the age-mates
whom he believed to be cousins, whose fathers he called uncles, went to court and
debarred him from inheriting. He had his civil registry book. It was to no avail; once the paternity is put to doubt and after bringing witnesses, the entire inheritance process comes to a stop. The civil register, the artifact of the name, meant nothing. There only remained a faded picture showing a proud mother and father and another equally faded picture in which an overfed sheep awaited the ancestral knife sharpened for the long-awaited event.

The opinion of the Fes judge is corroborated by Judge Bennis in his *Court Cases of Civil the Register*, in which he writes that in the court it is “difficult to get to the truth sometimes when an individual takes the kafala of a foundling, and then this changes into a situation of plain adoption because of the ignorance of the law or because it is done on purpose” (1996: 95). The sense of ambiguity hovers forever over the identity of the secretly adopted person. The fate and destiny of a natural and illegal child are precarious and remain vulnerable to many whims and possibly abrupt changes. In a context in which origin, ethnicity, and social hierarchy may be, and often are, implicit in a name and its associations, what name a natural child, a child taken into kafala or growing up in an orphanage, has may not be important after all as it is only a referent since it is lacking the connectedness (Geertz 1979) and points of attachments (Rosen 1979). As Ali and the judge illustrate, foundling, illegal, and natural children’s names are the mimicking of an identity, a form with no content because there is no nasab, no asl, no lineage to tie the intricate knot. In the case of a secret adoption, these are established, but they remain essentially a fiction, and it is a fragile fiction threatened both from the inside and the outside, legally, emotionally and socially. It is predicated on the collusion of all, so that the adopted may not be told about his ‘real’ identity, that is ‘no-identity.’ An adopted person is one who has to contend with a state of anonymity, and live in a perpetual state
of fear, one in which the entire edifice of the belief in relatedness could be annihilated, could collapse into anonymity and nothingness, with no ritual to absolve it.

ELLIPSIS: A VARIATION WITH A NAME

Batoul had taken the kafala of three children in addition to her own children. As I have described her in the previous chapter, Batoul was a fierce matriarch and a very independent woman. She had four children and each one of them was with a different husband and thus all of them had different last names. Batoul had succeeded in keeping all of her children with her despite her many divorces and remarriages. The last girl she took into kafala was one to whom she was particularly attached, and unlike the other two, she decided to not tell her about her ‘real’ status. When Nada turned six and was sent to school, one of the first questions she asked was why she had a different last name; the answer was ready. Batoul explained to her that they all had different names, that it is the rule for each person to have a different last name, it is what distinguishes them from each other. Nada believed her, but in essence, Batoul spoke with her usual and pointed wisdom, that only a last name distinguishes one adopted child from another who might not be. She treated all of her children with equal love and dedication.

OF CULTURE: LOCI, LORE, AND STEREOTYPES.

The following is an amalgam of concepts, ideas, and beliefs which revolve around structure and family relations. Their currency is mainly in the domestic world, but they depict an intricate cosmology of affect and feelings. There is no need to search here for wholeness or seamlessness; the beauty is in the overlapping, the nuanced oppositions, the circular rhetoric the cultural arabesque in its internal dialogue.

SOUNDBYTE 3

"Look here my daughter, I do give you my blessing and benediction (rda), you go your way and you will always be a winner since you have my rda and my rda is a well
whose water never dries." So spoke the mother to her daughter, saying this is sahkt and this is rda (while motioning with the palms of each hand as though she indeed has something in the palm of each hand) “you give this 'karsh' (literally “stomach,” standing here for pregnancy) to your sister if it is a girl. You already have four girls and your sister has only boys and you know how much she suffered after the loss of her only daughter." Thus spoke the mother to her two beloved daughters sitting in the large room in an old house whose walls have witnessed so many weddings, funerals, births, and many acts of sacrifice over the centuries. It stood in very heart of the old city of Fez. A light of hope and happiness glimmered in the eyes of the one sister, while the other, though happy for the happiness of her sister, could not help but feel a failing in her heart, a pang inside her and, acquiescing, rocked and held very close her bulging tummy; then she reasoned, this is mine now and my sister and I came from one womb. As both sisters sat across the mother, 'we are like one' she reckoned ...

A common currency within families is the concept of rda in Moroccan, or benediction, which opens, thanks to its symbolic weight, a large window on the complex belief system about the family and family ties. Rda finds its root in Classical Arabic 'al Rida' which means agreeing and contentment. Parental benediction, and especially the mother's benediction, is a culturally--because religiously--charged concept. Rda is believed to 'open up closed doors,' as the saying goes, to facilitate and ease the life of the offspring in general (especially in their adult lives). Many say in Morocco that when one is about to start a new project or engage in a difficult journey or endeavor always to start by evoking God and the benediction of your parents (bismilah u yaridat l-walidin). Rda is supposed to accomplish miracles, to bring happiness, and make the children's path and trajectory the smoothest possible.
But then what criteria are there to warrant rda? what do children need to do in order to receive this priceless gift? what do parents need to see in their children to find it within themselves to bestow rda? what do the children need to shun so that parents will be forthcoming with their rda? can parents still 'rdi' (the verb form) even when they don't find what they want in their children? Can rda accommodate forgiveness? Is it a different face for love? or is it simply a way of breaking the will of children unwilling to cooperate or obey, a way to dictate parental authority? In other words, is it a 'cultural' weapon that targets different interests, especially as they give rise to generational conflicts? where does it find its power and legitimization?

Rda, as this ethnographic portrait illustrates, may be used as a means to dictate parental authority on one’s children, in other words it can be employed as a very effective, even while highly symbolic, weapon. Why not call on rda when all other means of persuasion fail? With the economic shifts and changes in the authority flow within the family, especially as the children grow up to be the sole economic providers, benediction becomes for the parents one of their few assets to negotiate situations. To define rda is to delimit a space and a flow of desired parental influence, but also to question how credible and effective it is at the receiving end. The abstract and illusive nature of rda is important as far as it reproduces itself and recreates the means via which it also legitimizes its own rhetoric and potency. Its perpetuation stands out more when we consider that there is indeed a state that goes beyond the simple antonym of rda, sakht or damnation. As Paul Pascon argues, “sakht (malediction) and ‘ar (transfer of wound or hurt) are another means/way of redistributing misery” (1986: 55).
Sakht is a state of disgrace, of apathy, of moral fall; it is to be utterly damned. sakhx is a state that conjures up all the possible negative marks for it is a bad spell, it is an insult, and the lowest point possible in the ordering of moral states. If one fails to please and accommodate one’s parents and is, therefore, meskhut, one is only likely to commit greater sins precisely because one does not have that symbolic power to facilitate his or her life. sakht is only the first step in a road of greater misbehaviors. Although the adjective form (meskhut) itself has been co-opted in common language to mean ‘funny,’ it is a sense of humor that verges on the vulgar, if not profane. There is an additional concept that would usually accompany sakht in extreme cases of parental discontent and that is Moroccan 'tberya' from the root word of 'bari' (Classical Arabic meaning being innocent from). In Moroccan tberya is acknowledging in public, loud and clear, that a parent is excluding his/her own child from the family, almost like an act of excommunication. Sometimes people do 'actualize' this act of 'tberya' by getting their civil register booklet and tearing to pieces the page on which the name of this child is inscribed. It is interesting that in this case that the civil register booklet, a state-artifact, becomes the epitome of an identity. It is the paper that is torn, but the blood is not diluted or denied; the tearing of a piece of paper could thus be, akin, to a farce.

The significance of these concepts lies in the way they structure and shape family relations in a given cultural mold. There are, for instance, two versions of one proverb for which there the concept of rda is the focal point: Follow the orders/be obedient to your children so that you (parents) don’t grow up/turn out to be damned. The other version is: be obedient to your children so that you don’t die mad. The interesting aspect
of this proverb is its reversal of logic. The accepted order of things is that parents are the
source of rda onto their children and not the other way around. The reversal precisely
calls attention to its unnaturalness. If usually parents are the purveyors of rda, they are
now the ones seeking it in order not to die of anger/frustration or to 'grow up' damned. If
taken at face value, these two proverbs stress the vulnerability of the parents to the whims
of the children whose wishes they have to accommodate; in other words, they are buying
their own well-being. But the how can parents 'grow' or 'turn out' to be damned? They
are already grown up and have already (or at least partially) fulfilled their destinies. Past
this surface value, these two proverbs prescribe the role of the parents: not letting the
unit of the family fall into moral disorder, that is into having the offspring hold the moral
and symbolic authority. By stating that a parent may die of frustration because of lack of
his/her child's benediction, the proverb is stressing the importance of maintaining the
'natural' order by having parents precisely know how and when to exercise their symbolic
authority from the first inception of the family.

It is, however, necessary not to essentialize rda and sakht, for they are concepts
that are historically influenced. For instance, uses of these concepts among young
professional middle and upper-middle class parents, living in suburbia in the main urban
centers, may not be as heartfelt or sincere as that of their own parents or grandparents.
Their use of such concepts can sometimes take the semblance of a farce, thus
undermining their own moral authority. This subversion, perhaps unconscious, reflects
the still emerging pattern of the family being purely a unit of consumption rather than
production, even production of meaning and symbolicity. The concept of rda is
intricately woven with that of love, and love is believed to be biologically founded, parents who adopt call on the Rda as a spiritual entity and one that is utilized by choice and not by compulsion.

A profile: when the father dies, you lay down on the knee when the mother dies, you lay on the floor (ila mat lbcu wusd rka, ila matet lum wusd l-‘atba)

Oh God, forgive us our parents’ misuse (ya rabi tsamlina min lwalidin)
The mother is everything (lum hiya kulshi)

A mother (biological, the one who breast feeds, or the one who nurtures—l-walida, l-murdia, and l-hadina)—is sacred, and this sanctity is partly derived from Islam: a number of Quranic verses commends deference and respect to the mother given that she has gone through the painful physical process of pregnancy, labor, birth, and possibly the nursing, nurturing and care-taking of the infant. One of the prophet’s often invoked sayings is that paradise lies under the feet of the mother. The image of this life-giver who is to receive unconditional love and gratitude looms large in religious discourse. The cultural ideal, likewise, prescribes respect, but also appends more weight to the role of the mother within the family than to the role of the father. She is indeed the magnet and the pole around whom all else revolves; in her absence the household is believed to collapse into total chaos. She is the center of domesticity and the cement that holds the family together. The consummate mother is the loving, caring, affectionate, forgiving, supportive, ally, the emblem of selflessness and sacrifice, especially towards her offspring. She is the pacifist, pacifier, peace-keeper and peace-maker and the go-between
for the children and the father, as she is supposed to be the balance between possible
conflicts and interests, especially when parental authority is challenged.

In national political propaganda, a mother's role in terbya, education-propriety, is of boundless import: it is important to prepare mothers in order to prepare a ‘better’ nation, as an often repeated poem to children is schools says. These nationalizing policies and ideals are bitterly criticized in feminist discourse (Moulay Rchid 1987; Mernissi 1996), as they serve a patriarchal jingoist agenda, and mothers happen to be simply a vessel for a purportedly higher goal and not individuals in their own rights. Hence, it is the mother’s dedication that is put on the pedestal, here for she is the agent who works for the creation of state and society. A mother’s love is unlimited, her devotion unquestionable, and her dedication total. Through this normative portrayal it is the image of a selfless person that forcefully emerges. Other than insults, a mother is never referred to as a sexual being, for example; evoking her sexualized self is somehow throwing doubt on the sanctity of those attributes she embodies. Along with the sublimation of sexuality, there is an equal sublimation of the person as such. The mother becomes the engulfing identity of the woman herself; the role of the mother submerges that of the person or individual, for it is a role that is elevated to the highest social sanctity. The mother becomes the space of the familiar and her bosom that of nostalgia; for instance, most of the adopted persons expressed their desire to find their mothers more so than the fathers.
My first visit to the maternity ward of *Les Orangers* to meet a 'young relinquishing' mother. She gave birth to a very beautiful little boy. I went in to talk to Amina, aged nineteen, from the small northern town of Wazzane. Typical scenario: working in the city to support her younger siblings after the alleged death of the parents, got emotionally involved with a co-worker, promise of marriage/normality, sexual encounter, confrontation with her pregnancy, and he disappears. I walked into the a large communal room with ten young mothers; I sat on the edge of the bed talking with her when a nurse came and stood by us. Amina understood. She held the baby, once more touched the diapers she had just changed when I first walked in minutes earlier and looked at the nurse. A look of abdication. The nurse took the baby and left; the room had now eleven women (including a nosy anthropologist) and nine children. All around eyes were rolling, heads shaking, and from all corners in the room came a muffled *meskina* (Moroccan for poor one). Amina's eyes could probably not see as the tears rolled down her cheeks, but if she could have she would have seen all the other babies being nursed, sleeping, or being changed. "I don't want to throw away my *kabda*, but what else can I do, what can I do ...??" a despairing phrase she was repeating more so to herself than to me. Earlier, during the meeting she had with the social worker, she answered, when asked about what happened, it was *mktab liya* (written in my fate). An inescapable sense of fatality.

The idealized and prescriptive image of a mother remains largely one of a

'sanctioned' and legal mother. It is hardly possible to pretend to such sanctified and sacred status when motherhood happens to be an illegal or a natural one. If a mother's sexuality is sublimated, that of the natural mother is thought of and described as an untamed and unregulated one. It is believed that the exercise of such devastating sexuality leads to these presumably unwanted pregnancies. In such cases, women are always depicted as the temptresses, for popular imagination rarely, if ever, makes room for emotional abuse and physical rapes (Benzakour 1993). In other words, the social
voice endows these women with a destructive sexual desire-agency, and because of its potency and the difficulty of masking it, as is in normalized marital relationships, these women are utterly denied their motherhood. Addressing the question of repeated teen pregnancies, Martha Ward argues, contrary to prevailing opinion, that these pregnancies are the result of compounded ignorance and indifference, that having babies is a willful act. These repeated pregnancies are explicit teenage statement that they seek and vie to control their own bodies. In the low-income Louisiana high school she studies, repeated pregnancies were an assertion of the right to live and to possess one’s body, especially in light of the federal state-run programs to curb and fight teen pregnancy. In her conclusion, Ward writes that “teenage childbearing is not a social problem for its youthful participants; they have no rhetoric of victimization and no movements to get themselves out of the mess adults perceive them to be in” (1995: 156).

I am, of course, not offering a comparison between this American context and the Moroccan one, for the variables are simply too disparate. My aim here is rather to underscore the relativity of the understanding and deployment of personal freedom and agency of single mothers. To choose to be an unwed mother in the Moroccan context, legally and culturally, is to opt for a life of marginality. Underlying the concept that Ward and others attribute to single-motherhood is the idea of an unfettered freedom, an assertion of personal choice, and the enactment of desire. In the American context, such choices are criticized and resisted in the larger system, but in Morocco they are denigrated and make of her who, consciously or unconsciously, chooses this path simply a dangerous pariah. It seems to me in this context that one cannot speak about a 'female-agency and
freedom of motherhood and its assertion’ as a sui-generis category, or analyze it according to Western (mostly white) feminist standards where indignation and outcry become the norm. Freedom and agency have to be defined and understood in accordance with the historical and social contexts in which they are deployed; other definitions would be simply truncated or would be underwritten by hidden agenda rather than a supposedly ‘sisterly’ act (Savigliano 1995).

Interestingly, in this body of literature, ‘agency’ is mostly ascribed to desire, pregnancy and birth, while the act of abandoning is mostly described as a surrender. In contemporary adoption literature, especially that which calls for the practice of open-adoption, the emphasis repeatedly falls on the double standards of the American system in general. Teenage white girls are made to feel guilty for not abandoning their newborn, while African-American and other ethnic groups are dissuaded from abandoning (Alstein and Simon 1991, 1992; Gaber and Alridge 1994; Modell 1994; Wegar 1997). Abandoning is largely constructed as a defeat, and a denial to exercise one’s freedom—a freedom which often assumes the stereotype of the sentimental mother keeping the child. I would argue instead that even in the act of abandoning there is an ingredient of freedom and agency. Abandoning mothers in Morocco—teenagers, widowed or divorced—also enact a choice in deciding to give up their newborn (similar profiles are drawn in the work on prostitutes in Casablanca [Zryouil 1987]). As one woman clearly said, in giving the baby up she was hoping that it could have a ‘normal and better’ life in a family where it would receive care and social acceptance; she had only her love, but that was not enough to face the social taboos. Another widow explained that even if it is denigrated,
she holds her motherhood in her heart and she has to survive for the sake of her other children. She cannot keep one child, the fruit of a devastating love affair she had, and defame her other children and herself. By deciding to give up baby to a shelter, she opted for another freedom, that of her own survival, of her family’s, and ultimately of the child as well.

The profiles of single mothers in Morocco are varied. In one NGO study, they are maids, poor mothers, widowed, or divorced, and they span a large middle-class sector. Their stories are different; those who were not sexually or emotionally raped often understood themselves to exercise and enact freedom and agency; desire, pleasure, and perhaps love were strong incentives for them. With the exception of one woman, no one, even those who had decided to keep their children, were willing to pay the extremely high price of a disastrous marginality, invisibility, anathema, obloquy by getting pregnant outside the accepted norms. To read their pregnancies within the frame of a ‘universal’ feminist agency is seriously flawed; social and historical contexts are the primers here. Following Ginsburg and Rapp’s introduction to *Conceiving the New World Order*, I would argue that a totalizing reading of agency and reproduction cannot hold sway; neither can such a reading hold in this context. An expression of freedom, a choice, is exercised in expressing one’s desire, in deciding to abandon one’s child or in deciding to brave all the difficulties and keep one’s infant.

The denigration of illegal motherhood and the sanctifying of legal motherhood further illustrate the social and cultural double standards employed for judging. Motherhood is polarized, between the pole of the profane and that of the sacred. Once
again, a *sui generis* motherhood cannot stand as a self-contained category. Its value and
denigration is intricately woven into the context that shapes them and endows or denies
them their social legitimacy.

**ELLIPSIS 2**


*(note: I met Mustapha in the center of Rabat, where he came to see the social worker
since he was looking for a clue to find his mother. He was delivered to the center some
forty years before, but no archives had survived. He is now living in Marrakech. I asked
him to stop in Settat, where I would go to spend weekends at my aunt’s house. He
allowed me to tape our conversation, and although in the beginning it was a
conversation, it ended up with him just talking in the microphone, and with I mesmerized
by what he said and how he said what he said ... this is a verbatim translation of what
transpired ....)*

**WISDOM OF GARBAGE**

...I am not blaming her for having given me up. I really forgive her everything, what else
could she do in a society that only blames its weakest? Fear must have been gripping her,
how could she have done otherwise in the face of this adversity? It is the society that is to
blame, not my mother. I am sure she must have suffered a lot to give me up, she must
have lived every day with my memory and wondered whether I was alive or dead,
whether I could be one of those children running, playing every time she passed in the
front of the playground of schools, one of the children screaming in the hamman as their
mother was scrubbing their little bodies, or maybe or maybe... growing up where I did
was not fun, it was horrible being in the orphanage, but it had its climate of interest; the
community of the children/the orphans were on good terms and supportive of each other.
But then there was always the other side, the others who treated us like a bunch ... umm a
bunch of a truly useless something. You see, I believe that everything, even the refuse
*zel u l-*khra* (garbage and shit) have their own functionality and that even if we think of
them as being horrible insults, they are useful because they are functional. At any rate, I feel that I have a complex towards the connotation of garbage, 'someone is garbage' (*zbal*, that is, dirty, useless... etc.). Well, we human beings only go about producing garbage, we just do that all the time. In order to eat, we cut vegetables, when we eat there are bones and left-overs; when we sweep our houses we produce garbage, dust and things; when we need to wash our clothes, we wash the dirt. So all our lives is a process of fighting the process of sullying and dirt and thus producing more garbage. So in this battle, it is the garbage that always wins, we are its product. So when someone, especially the guys on the 'other side' at the orphanage, pulled up the old-mean-and very hurtful story of where I was found—"you are garbage man, you are garbage, even your mother thought you were garbage and left you on top of a garbage pile in a rotten toilet in the bottom stairs of this apartment building." Well, with time I started thinking about them, about us human beings, as being the problem because it is the garbage that is a winner. My mother in her wisdom, since I am sure she must have been a maid working inside a middle class apartment buildings whose apartment facades were scraped clean but whose lower garbage deposit smelled of the rotten, she knew the power of garbage and the importance of it, she was hired to fight it. That is why, in her infinite wisdom as a maid, she put me there. She wanted to make sure that I was found alive and safe. What are we as human beings but vegetative beings, we can’t help but produce garbage. I don’t blame her, I don’t blame her choice of place, I only blame a society that refuses to look at its rotten toilets and hides behind a thick layer of whitewash to hide its reality. She could have put me on the side of the street, I may have been trampled by feet or a car; she may have put me on the doorstep of a house and then I may have been given from hand to hand or even better yet have had that family been suspected; she could have put me in a deserted area and I may have been devoured by a famished dog... no, my mother chose the best place, where absolute necessity sends one, and where she could be protected by putting me there. I am not garbage because I was found on a heap of garbage, it is society that thinks garbage is bad because it is its nature and it can’t help producing it. By calling garbage bad, society is only laughing and fooling itself and its own condition....
Almost reminiscent of some of Georges Bataille’s writing on feces; but unlike Bataille, Mustapha’s bonding, to pardoning of, and yearning for his mother is predicated on three essential notions, that of blood, milk, and love; ties that cannot dissolve even when they are severely criticized. The normative-prescriptive discourse on and of blood connection between mother and child is believed to be a commonality that can never be denied; to instill a call that can never be dismissed; to create a duty that can never be taken lightly; to form ties which can never be severed; to engender a potency which can never be weakened since the primacy of blood can never be questioned. And the allegiance due to blood is a permanent one, in Moroccan blood means sacred. A mother is the icon of blood, as a symbol and as ‘the real’ liquid (Camporesi 1995). The sense of betrayal felt by abandoned children, because of the potency of blood, becomes a treason of deep resonance. Unlike Carol Delaney’s conclusion regarding the Turkish village where she conducted her field, research in which “the ties that bind are not in blood but in culture; they are symbolically constructed within an entire system of meanings about the world” (1991: 14) in Morocco it is in both: the blood and the symbol of blood where the culture inscribes its meanings.

Like blood, milk is another symbol-liquid which sets and defines relations. Milk is usually evoked to describe bonding between mothers and children. Soraya Altorki aptly writes that “Islamic law defines three kinds of kinship: relationship by blood (nasab); affinity (muṣahara); and milk (rada’)” (233). In Moroccan personal status law, based mostly on the Maleki rite, nursing (rada’) is considered a binding tie. Discussing the case of the Najd of Saudi Arabia, Altorki notes that that “all four major schools agree on the
principle legal aspect of milk-kinship [...] however some discrepancies exist between [it and] the folk model" (238). Likewise, in Morocco, official laws define a milk kinship as based upon at least five nursing sessions repeated during the two first years of the life of the infant. Moroccan popular-folk imagination, however, has constructed the relationship differently: one suckling is considered sufficient to establish it. Moreover, an additional cultural performance-ritual employed by individuals and families in order to create, legitimize or normalize kinship-bonds between them and an infant or child they wish to adopt or have adopted is the highly symbolic gesture of a woman (mother-to-be) offering a non-lactating breast to an infant; it is called bezula nashfa, dry-breast. In Islamic family law, the milk of a nursing woman (who is not the biological mother) is the substance that creates this milk-family. Infants who suckle from the same breast are subject to the same incest taboos as are children born from the same womb, but are not entitled to inheritance for inheritance is passed solely through blood. In the case of the dry-breast, the substance-symbol (milk) is missing. Women who wish to adopt a child but who are not lactating nevertheless go through the motions of offering a breast to the infant. Of primary significance in this ritual is the act of nursing and the symbolic connotations of giving a breast as an intrinsic act of motherhood, the absence of milk notwithstanding. Its purpose is strategic and symbolic. A gesture creates an imagined motherhood, and hence fatherhood, which is then cast as ‘real’ and legitimized in the immediate family frame, and further in the social context.
REMINISCING THROUGH THE OTHER. Mr. Adnane from the Ministry of Interior.

(note: Mr. Adnane has helped me repeatedly during my visits to the administration of civil registry where I was given the permission to consult archives and discreetly interview several employees. After more than twenty months of regular visits, Mr. Adnane felt comfortable enough to tell me about a story within his own family, that of his older cousin-brother. It is interesting and important to note that the events of this story occurred seven years before his birth (he is forty-four years old), but he repeated so many details which goes to suggest that his mother has really never forgotten or forgiven, as some are eager and quick to tell a relinquishing mother...)

... my father grew up under the custody of his own older brother because their father died young; in a way he was not really an orphan thanks to his older brother. Years later, when this uncle married, his wife and he could not have a child and they just refused do a secret adoption or even a kafala because they wanted to know the asl. They got the son of one of his wife’s sisters, but he was old enough to recognize things, he got really sick and they had to return him because they were terrified he was going to die. At that time my mother was in her third pregnancy, we are five not counting my cousin-brother. My own father had a lot of respect for his brother-father, and for his wife, who was a wonderful, generous, beautiful, and pious woman. So they came to the hospital to pay a visit to my mother and, as my mother said, her sister-in-law had already worked herself up and when they came in and she picked up my brother, her jellaba started getting milk stains from her own breasts, she was letting-down (hnet or ‘atfet). My father apparently was present and the situation was so difficult but in the end and under a lot of pressure, his brother-father and his wife left with my brother in their arms, and my mother went home with no baby and her breast ‘swaddled’ to repress the milk and a broken heart. He grew up as their son, he has the common name but still he inherited from them as their son. Now things are different, he comes and sees us especially after his parents died, but he is not totally one of us ... really ...
When taking the kafala of an infant, nursing the infant is consciously employed as a means of establishing a ‘real’ family-bond between family and infant. For instance if the family already has a number of boys, by having the mother nurse the infant girl, she becomes automatically their sister and marriage prohibitions are then set in place not only for the boys of the family, but even their father. Suckling symbolically creates a space where incest is set. In cases of dry-suckling it is the act, its evocative power, that carries the symbolic power. The tie between an infant and its milkless mother is believed to be stronger than that of the birthing and the nursing mother for it finds its potency and legitimization in the power of the symbolic. Many women persistently told me that dry-suckling is ‘s‘ib bezaf,’ it is too dangerous-difficult. They would only reiterate this dangerous quality as I kept probing for some tangible answer. Such a relationship seems to be built on a bond that does not need to have a ‘substantial liquid’ to justify it; it derives its power from the absence of milk because its potency lies more with the feeling and pulsing that gave rise to it than with the sacred liquid itself. The anthropological axiom of the power of the symbolic is strongly in evidence here.

Many an adopted child is given a dry-breast. This act is performed in order to establish and transform a virtual relationship into a ‘real’ one. Marginalized, and sometimes cast as anarchic and backward in an era of scientific modernization, it is nonetheless strategically deployed, thus creating emerging cultural forms where past and present are recast. As with the concepts of benediction and damnation, nursing practices and beliefs are also subject to historical permutations. What is their impact or cultural relevance in an era of plastic bottles, plastic pacifiers, and milk formulae available in
pharmacies and stores? I do not pretend to be able to answer these questions relating to the anesthetization of mothering in general, but suffice it to say that practices of nursing-suckling are also deployed strategically when someone’s own interests are at stake. Such practices are often described as archaic and backward, cast in a temporal frame where the ideal and idealized is a projected movement towards a set of ‘scientific and objective’ norms. But upon adopting and giving it a dry-breast, the practice is removed from this temporal frame and recast in terms of an atemporal prescriptive practice aimed at fostering a normative family, inalienable in terms of time, where ties have been culturally legitimized even while milk is bought from stores and pharmacies. This is an example of how tradition is employed to subvert institutionalized conservatism in defining family, whether legally, socially, and scientifically.

LULLABY, SIMILES AND METAPHORS OF ENDEARMENT AND FONDNESS...

FOOD

kebda  liver

lhima  piece of meat

shima  piece of nice fat

lhabira  piece of meat without bone

All of these are in the diminutive form

Snapshots from a lullaby:

ulidi shdjr ‘alya u l-ma mhadiha, my son a high tree surrounded by water
ulidi futu d-lhri u dhab f-lwashiha my son is a silk towel, sides embroidered with gold
ulidi l-khas f-rkham, my son lettuce on marble
i’nik u hwadjbek zaduk teqwam your eyes and eyebrows add to your beauty
ulidi ‘ziz u ‘ali my son dear and high
l-mal yamshi u iji, ulid ibqali money comes and goes, but my son will stay
sah l-ghrab f-sama, u nadu l-wraq f-tut the raven cries in the sky, leaves grow in the berries
ila kan udjhak dunya matkun lmut if your face is that of the world, there cannot be death

rmit hdjera u jatni fi l-fedan I threw a little rock and it landed in the garden
takber benti u t’tar f-duhan my daughter will grow up and trip on gold

(From Jouin, 1950)

In their introduction to *Language and the Politics of Emotions*, Lila Abu-Lughod and Catherine Lutz write that to study emotions is to focus on “social life rather than internal states, and [is the] exploration of the close involvement of emotion talk with issues of sociability and power” (1-2). Thus this discussion of what constitutes the emotive magnet in Morocco is primarily about the social hierarchies and beliefs regarding an adopting parent’s love. Moroccan references to affect and love, though not in its sexual aspect, coalesces around the crucial concept of Arabic *kebda*, which translates as ‘liver’ in English. Liver is the seat and symbol of love and affection.22 Children are often referred to as one’s kebda, and it is common to say, “can anyone abandon one’s kebda?” The answer is supposed to be an unequivocal ‘no,’ because it is a part of one’s being.
Even if kebda is more readily associated with the mothers, fathers do lay claim to having and exercising their kebda as well; it is not entirely gender-specific.

It is also common to wonder about the nature of a person, especially a mother, who forsakes her own child. Evoked here is the normative image of the selfless and devoted mother which inform cultural norms; a mother who abandons an infant becomes in herself the very personification of unnaturalness. Young mothers forced to abandon their babies are often publicly branded as callous criminals, although privately the same individuals, holding the torch of blame might grant to the incredible pressure to which these young mothers are subjected, forcing them to give up a portion of their own selves. Sometimes, though rarely, they are seen as hapless victims of a merciless system.

Women in general, and mothers more so, do have a strong sense of 'kebda,' popular beliefs uphold. Here it connotes affection and empathy. For instance someone might be told she or he has a kebda hshisa 'soft-liver,' and is therefore someone who can't stand separation, emotional situations, is too loving, compassionate and giving. This state is not, however, seen as a positive characteristic. On the contrary, to have a kebda qasha 'tough-liver,' is to be a person who does not yield easily to emotionality, which is quite laudatory. Since kebda is attachment and love, I was often told that the kebda of an adopting parent is stronger than that of a birthing parent, and simultaneously was reminded that such a view is only an artifice for the real feelings, the true kebda, have to be shared in the flesh. In other words, the love of adopting parents is overwhelming, but cannot emulate that of the natural parents since it is not based in physical commonality, or rather, extension. Such seems to be a 'contradiction,' but it is
once more the cultural arabesque of a polyvocal and multiple reality in which ideas and beliefs are constantly contested, challenged and recreated.

It is a social necessity to have children; the finality of all unions is to beget offspring and so when a couple fails to fulfill this social, and often personal, expectation their status and role is greatly compromised. If the decision to adopt is made and carried through, their love for the child can be exceeding. It was their kebda, here meaning their intense thirst for love and affection, that tortured them and made them opt for adoption. So even in, or because of, their drama and misfortune, these parents’ sense of filial love exceeds that of biological parents. In this sense, adoptive parents’ love is a more slavish task master than that of biological parents. It is a common belief that adopted children are more spoiled (both mfished and ma-mrebish) than biological children as adoptive parents cannot find it within themselves to be too demanding and harsh; hence the axiom that their kebda is ‘more difficult.’ Their love may incite them to make decisions which could be detrimental to their children and to themselves. Biological parents’ kebda, on the contrary, is often countervailed by an enduring rationalism; they have more freedom in deciding how harsh they may be with their children precisely because their relationship is built on other ties than emotionality. In other words, even while punishing their children, their love and dedication is not to put the test; while adopting parents’ care and attachment are the first things to be questioned when an adopted child is corrected. An adopting parent’s love is the only explanation they can fall on. Blaming a possible harshness because of lack in love becomes an immediate and automatic reaction, in the case of so many adopted children and of other members of their households. Through
this dialectic, and as Abu-Lughod and Lutz aptly remark, it is not necessarily the feelings themselves that are to be evaluated but how they convey and construct a social reality and how the issue of hierarchy and power are construed. Adoptive parents have a crafted love on which alone they can stand—a dangerous entity, thus, because it is the only capital they are believed to possess—biological parents have a greater range in dealing with their children.

The words of endearment and lullabies introduced in the beginning of this section are an integral part of the cosmology of affect between parents and children. Their currency, similarly to that of milk-bonding and benediction-damnation, is also one that is subject to historical changes. While the words of endearment are still widely used, the lullabies are no longer as readily sung as they might have been at the time the French anthropologist collected them. But I employ them here as they encapsulate an imagery and are a locus through which love and affect are expressed. Similarly to what Margaret Trawik discusses in her Love Notes, “in the ordinary course of affairs, people did not often talk about love. They talked about what they cooked for dinner [...] acts of love including acts done in words, were as common, and as wrapped in cultural significance as eating” (1990: 92). Some of the culturally significant Moroccan ‘wrappings,’ as read through lullabies and words of endearments, combine eating, house-home, light, and precious objects. Love is evoked and expressed in terms of special delicate pieces of meat, the very heart of domesticity and togetherness, and what is held to be the very essence of wealth.
Parents address their babies and children in these words; it is love-emotion that they convey through them. The status of the children, whether or not they be one's own biologically, is not the question. Thus, they be may and are employed by both set of parents. It is, however, believed that the effect of such words of attachment is not and cannot be interpreted in the same way by adopted children (provided they know) as they might be by one's biological children. In other words, the children, especially when they happen to be boys, interpret such concepts only at face value since they are not conveying-speaking a 'real-vegetatively-embodied' love.

The belief is that all these efforts of loving, of caring and of feeding could be futile because of the proverbial truth that no matter what sacrifice adoptive parents might do towards the adopted, these children will grow up to be ever ungrateful, especially if they are boys. 24 Myths, real stories, or fears draw the symbolic parallel between lack of blood-bond and betrayals and thus paint stereotypes of those who cannot depend upon the most sacred of ties, blood, since they do not have it, and commit most heinous crimes, assassins of their own parents... or rather should I write, not real parents ...

ADOPTEES WHO KILL

Mi Hanu, from Sale. The time is the closing years of the 1950s, right after independence. ... you remember the house of Chma’u, they had adopted (meaning secretly here) the son of one of the people working in their ‘arsa (the name of gardens formerly located at the fringes of the city); after all the old man’s children died for the French in World War II. He was old and then his younger wife was desperate; some say that he was not totally normal after he lost his two children. Anyway, they adopted l-meskhut who grew up so spoilt because they were so afraid of upsetting him. There was a lot of jealousy around
him, though, and they told him that they just found him in the garbage. Then he started smoking hashish and doing heavy drugs. By that time, the older Chma’u had died, but the son was still under the custody of his mother since he was legally a minor. The mother knew that he was smoking heavily and one time her mother and she refused to give him money, and he just got the knife and stabbed them over and over... he is still in prison...

Haj Abdelhay. A learned and religious older man who teaches at the Qarawiyin in Fes.

... I remember I was still a boy at the time (circa the early 1930s) when we started hearing about the story of Al Yazghi who was murdered by his son. They had adopted him and everyone kept calling him udl l-hram, bastard and so on ... and he kept asking his parents and members of the household why everyone was calling him names, but they kept appeasing him all the time and saying it was a lie. One day, at the Quranic school, apparently he was beaten real hard (falaqa) and the fqiK kept calling him udl ihram, he went home and demanded answers but his father refused to tell him the truth and so he killed him. It is important to be careful of those children...

Adoption is often and generally stigmatized because it is seen as a desperate last resort, almost a debased form of parenting. A stronger stigmatization, however, hovers over abandoned children themselves, who are ‘abject’ and somehow polluting because they are polluted, profane. The stereotype of adoptees who kill is the culmination of the sum of stigmata believed in be inherent to being a ‘bastard.’ They are the profane who pollute what is held to be the most sacred: food, house-home and the sense of unity and togetherness these symbolize. Such beliefs find clear articulation in a bit of folk wisdom which has it that “shouts of bastards introduces chaos to one’s home and their urine will pollute it.” By religious and social standards, such a view is not only uncouth but
unfounded and totally erroneous. Bureaucratically and culturally, it is downplayed, if not veiled, through various other ploys and rhetoric.

State legislation regarding last names, social indifference, strong anathema and obloquy conveyed by being called bastard, *uld l-hram*, as a real insult and not metaphorical one, all reflect and reinforce the unspoken assumption that abandoned children, and they are only abandoned because they are bastards, are polluting and dangerous because they have the potential of disturbing the normal and accepted. Many support their ideas by relying on religious sources.

There is, however, bitter criticism and resistance to this sort of totalizing popular-folk opinion. Ben M’ajouz, for instance, argues that the belief that Islam somehow sanctions this callousness, abhorrence and apathy towards abandoned children is due to a misunderstanding of one of the prophet’s sayings. In a long footnote he explains how “Islam does not want to have the offspring bear the responsibility of the action of the parents [he argues that this misunderstanding finds its genesis in the semantic misinterpretation of a hadith …] which says ‘son of fornication does not enter paradise’ but this sentence structure of *son-of-fornication* is akin to the sentence *son-of-the-road, ibnu sabil*, which stands for he who travels. The sentence structure of son-of.. means to be addicted to doing such an activity” (1994: 15, note #6). In other words, the structure of ‘son-of’ means to be accustomed to something as in being ‘addicted to fornication’ and not the outcome of an illegal union. Ben M’ajouz further dismisses the truth of the belief that there is a prophet’s saying that the offspring of adultery will be burned. In terms of Tradition, religious exegesis, its truth is indeed questionable. Another form of resistance
to the stigmatization of the bastard, not a textual one, but voiced by an older woman, stems from a sense of belief in the sanctity of birth, regardless of its legal status. Haja Faqira, an older midwife in the region of Oujda, furiously answered me when I asked her reaction to the above saying with the declaration that “these children are born the true Muslim among the odious atheists and infidels, who are these people to decide they are dirty or not, who are they?” The answer to Haja Faqira’s question is to point the social-cultural ‘whole’ for creating this monster, but then even within this ‘whole’—and she is one of its voices—there are countervailing pockets where such a monolithic representation is strongly decried.

ONE ANSWER

Leila, 23 years old. Rabat April, 1996.

... I grew up knowing about it all. I don’t recall when I was told about it, but I just knew it. But what hurt more is the attitude of the people, the family relatives, the friends, the neighbors... everybody. So I remember going to school to be registered there with my father, and then the schoolteacher turning to my father and saying, “.ah! so this is the little girl” and to me “.oh you poor thing...” And then I am driving my dad’s car and the police stop me and they ask me for my driver’s license and the registration of the car. He asks whose car is this, and I say my dad’s, and then he said ... “so you not only commit a road infraction, you lie as well (Leila was taken into a kafala and she and her adoptive father have different last names, hence the policeman’s comment). But most of all, in all of this and all these painful memories what I don’t understand is that when I get into an argument, or not even that, the easiest insult to come from anyone’s mouth is alaqita, ya maskhuta bint l-hram (bastard, damned, and formed by collected mixed semen). They could insult me any way they want, they have so much choice, why this, why this? because they know it hurts and because it cannot be stopped, it is the pinnacle l-qimma.
Bastard is the pinnacle of insults; Leila is correct in her analysis. It is the profane in all its sense of the dangerous, the disruptive and the polluting. As seen through the lullabies, similes of endearment, and concepts of love, the sacred revolves around and is located in the domestic and contained world of the house. Fear of the bastard is precisely fear of what social norms consider to be unnatural and to have the potential of bringing chaos to this contained domestic world. Abject, transgressive pollution and a possible disruption of the normal, causing chaos.

Leila, like Khadija, Omar, and other adult adoptees with whom I talked, commented on how their parents in moments of anger would also call them bastards. While it is a common insult in Moroccan to say 'bastard,' it is usually quickly appended with 'in your deeds' (uld l-hram min f'aylek), stressing that the bastardy is in the act and not the being. Omar clearly remembers that his relationship with his mother changed once she used this insult, not to refer to his acts but to his being. A distancing and estrangement was introduced in his vocabulary. He no longer called her mama but l-walida when he talked about her and when he addressed her. The choice of this formality was meant to emphasize and mark that gap she had clearly voiced. In classical Arabic the word for mother is um and father ab. In Moroccan there are varieties depending on region, dialect and class. For instance, the urban upper class may employ the French words of 'maman and papa,' middle classes use the word 'mama and baba,' while newly urbanized and rural people may use 'mi and ba' (with different intonations) for parents. But even these class distinctions sometimes collapse as a newly bourgeois family would opt to have their children call them maman and papa as they are sent to French-
curriculum schools even though they themselves may not be conversant in French culture. Other social segments, who are highly conversant in French culture, argue for an ‘authentic and traditional’ education, and have their children call them ‘mi and ba.’

Thus, in choosing to call his mother the formal l-walida, Omar is introducing an emotional distance between him and her. She has called him ‘abject’; whether or not she meant consciously to do so is not the question here, but the potency of the insult has thrown doubt in his mind about her love and care as a mother. The stereotypes and beliefs surrounding the dubiousness of ‘bastards’ and the authenticity of her love can only fuel the nascent crack in their relationship. Being a male, he cannot overtly be a ‘martyr’ of love.

**Martyrs of Love**

Those I call martyrs of love are parents, children, the single mothers and their lovers. They are all to a certain extent martyrs of a love, some emerging as ‘winners’ because they are able to consume their love, filial or other, and others succumbing because consumed by the burning flame of their passion and ideals.

Adopted girls happen to be the ones mostly described as the martyrs of love. While rebellious violent boys metamorphose into assassins of those who nurtured them, girls commit suicide or often run away. Once more, the gender-specific reactions are clearly defined. Adopting parents are also martyrs of love; it is their thirst and yearning to fulfill and bestow love that has incited them, in the first place, to adopt. A combination of love-desire-passion in the biological parents has initially led to the birth of these children (provided it was not a rape situation). All of these loves are similar in
being a *mass* that binds, but equally separates and destroys; but it is a mass that is nuanced in its diversity and its understanding. Commonly people say *ikebda kat'adab*, 'liver makes one suffer, causes torment,' or *'ihub merd,*' love is a sickness and it is one without a cure.

In discussions of adoption as a legal procedure, and as a potential solution to a social ill, references to love-attachment are often denigrated or totally sublimated. Love is an essential ingredient, not only in drawing the large strokes of adoption through its swervy avenues, but also in charting its intricate and hidden motions. It is a mass-of-love that remains masked because it is ambiguous and deviant; it is inappropriate sexual-love, denigrated motherly love, unnatural adopting parents' love, and thus is left unspoken. In this case, it is an aporia that cannot be accommodated or explained and is thus simply denied existence. Ironically, it is this messy-unspeakable mass that gives rise to, fuels, and sustains adoption in its many different guises with all its internal ramifications.

**SOME OTHER UNSPEAKABLES: INCEST, ABANDONING OF HANDICAPPED CHILDREN, AND INSANE-HOMELESS WOMEN WITH CHILDREN**

Love can metamorphose itself into a monstrous and cruel reality, in which case it can be argued that it is no longer 'love,' even in its ambiguity, but power and destruction. Rapes, incest and the other 'marginalia-profanities' are primarily referred to, whenever articulated, as the abnormal that confirms the normal, the accepted, and the socially recognized. I will not review anthropological discussions concerning incest-prohibitions, or feminist analysis of rapes as the very embodiment of hate-crimes, or the other realities (handicapped children and insane women with children) as the taboos which create and reinforce the organic unity of society. My aim here is primarily to introduce these into
the picture and perhaps question them from the ‘other’ perspective, the space of another negation, that of adoption.

They are the hidden from the public eye. Even when they are flaunted publicly a myopia is purposefully developed in order not to see them; they are sublimated from awareness, euphemized and dismissed for they are the dead roaches lying under the beautiful clean rug. But adoption brings into relief even this formal-abject definition. Is it possible to speak about ‘incest’ if the relationship is not a biologically recognized one? Can a ‘father’ or a ‘brother’ become a lover, or even possibly a husband, to an adopted ‘daughter,’ not to mention the even less imaginable inverse, that of a son becoming a lover to its mother? Almost of mythical dimensions, but stories exploiting these most unnatural themes fill the compendia of folk-talk.

How is it possible to understand and explain homeless-insane women having babies after they have been raped because they are, precisely homeless-insane roaming the streets of the cities in rags and feeding their newborn out of garbage cans or with their own vomit? How to discuss the abandonment of handicapped children, especially mentally handicapped, and consciously try to break loose from the strictures of a morality and indignantly driven ideology? How, where and to what extent can or should I try to find an explanatory frame? Or should I simply formulate that which has laid dormant and articulate its existence, not as a problem but as an index, the mass of an alternative and ignored reality? These are here as that sum of a contemptible, base, and defiling abjection. They are festering cultural wounds, but are paradoxically a cultural metaphor, which are self-referential and do not need to be constantly evoked within that revered and
sanctified space of the normal. They are simply here to show that they are equally and intrinsically part of the complex arabesque.

In this chapter I have tried to evoke some of those cultural symbolic repertoires in how they influence and shape the normal and how they define the deviant. But not the normal and the deviant not in their sociological ahistoric definitions, rather as knots moved by and shaping other historical processes in all their ambiguity, for within each normal there is deviance and vice versa. They are here presented in their capacity as cultural reference points, not as totalizing representations. They might be easily seen as identifying some deep internal contradictions, but a cultural organic whole cannot, and should not, stand, for it is a mass in movement and an organic unity is but an artifice superficially grafted and doomed to wither. The interstices I have described here are indices of cultural embattlement. It is my belief that a culture cannot be reduced to a simple process or movement. Its viscosity and its ambiguity are the rule.
FOOTNOTES:

1 I am thinking here especially in the sense of the French word of “être façonné” almost akin to creating a sculpture from earthly material.

2 I specify here ‘culturally’ because I discussed to a great length the issue of nasab in its legal aspect in the first chapter.

3 The common saying is that children are like ‘cumin which need to be ground until you smell it.” Such education procedures have been and are still under attack by various groups opposed to physical-corporeal beatings. Maghrebi novels and cinema have made of this issue a pressing concern. The early work of Chraibi for instance largely speaks to this effect, Bennani’s film Washma also exploits this theme. There are equally a number of articles, essays which explore this theme.

4 In an early monograph by Douglas E. Ashford, Perspectives of a Moroccan nationalist, the questions regarding education were already on the agenda. The cracks that are discussed then have only increased after thirty years.

5 Most of our discussion was in French, so the words she uses are actually adoption as such. What she means, however, is a secret adoption.

6 She situates historically this incident around the early 50s.

7 As the following discussion concerning sites of love and affection will evidence, it is not possible (and I think undesirable) to say sharply that one ideology and ethics takes over the other. It is a continual process of negotiation and strategic argumentation.

8 Defined legally as being a charitable act, but it may not be lived or experienced as such. And there were a number of cases, which I will discuss in the second axis, where families have created intricate tales to explain to the child why his/her last name is different from that of the ‘parents.’

9 Another common word to speak about asl is the idiomatic phrase of ma’dan, which stands for a metal. Suggesting here the notion of being set in a hard, non-malleable entity.

10 In the Moroccan law there are provisions for marrying the mentally sick and even possibility of marrying underage when the authorization is granted by the judge.

11 Although this section is a description of the normative and not the ‘real,’ it is important to note here that these formalized understandings and castings of gender roles have been in state of flux and negotiation since women became economic agents in the capitalist economy.

12 Girls are believed not to be unable to bite the hand that feeds them although some activists view this preference as a new form of slavery whereby the real motivation of some families is getting cheap labor. The studies done by NGOs warn of the fact that this gender preference may hide the serious problem of exploiting little girls as maids.
13 The legislation in Algeria permits giving the patronymic name of the adopting father to the child. This is explained in terms of the 'psychological' well being of the child. The laws are, nonetheless, clear about having the parents inform the child that he or she is not biologically theirs. Whether the laws are applied or not is another question and one which I cannot address here.

14 A foundling or sometimes child may be registered through the Attorney general, who would have already received a police report if the deadline is passed, so as to authorize the agent to register this infant or child. The newborn may be equally registered by the social worker in whose institution it was born or it may have been delivered after the police brought it there.

15 Naming as a state institution, is a heated issue of debate between many different actors. Systematizing/nationalizing names within the diverse ethnic, regional, and linguistic groups have proven, and still prove to be a serious issue of contention, such as the new laws excluding a variety of names because they are believed not to be Moroccan. They are Moroccan-Berber and Moroccan-Jewish but not Arab. This sort of ambiguity has arisen because of the readings and views advanced by Belmansour, the kingdom’s official historian, who comes from strongly urban elite family and who has received an urban and Arabic education.

16 It is almost a rule to find a moralistic and moralizing judgment in all of these writings no matter how bureaucratically prescriptive they are, or are supposed to be.

17 In a series of interviews with civil registry servants I have come to the conclusion that most believe that it is already a significant act to give a last name to the child and not write on the birth certificate that this child is a natural or illegal child. When I was doing my research, there was still ongoing negotiation between NGO lobbies and the Ministry. But the refusal of the ministry at that point was categorical, while some of the NGO spokesperson’s representation, was neither thorough nor convincing.

18 A famous poem is often associated with this idea, that by preparing an accomplished mother, one is preparing a committed and responsible generation for the nation. Underlying such representation is that women are state-vessels and instruments, and that this nation is for men more so than women.

19 These NGOs are Terre des Hommes and an additional study carried under the auspices of USAID about abandoning women. The majority of these women are first generation immigrants from rural areas who came to work in the city as maids. But there are other reasons for abandoning the children and it is mainly poverty. An issue that I have consciously resisted raising throughout this dissertation is the abandoning of handicapped children, especially mentally handicapped children, as I feel that it is an entirely different topic that needs an independent study.

20 I have met a very large number of young mothers (I refuse to think about this research as one structured by empirical data, so I am not putting numbers here, that is my own
numbers). One of the women I had met in a shelter for single mothers in Tangiers was the exception that only confirmed the rule. This is what I wrote in my journal that day.

Monday 24 March, 1997. This case is great!! This woman is great, what struck me in her are her big, swollen and terribly full of scars. They exhume bleach. She is rather slow in understanding, but she is loving, honest and forthcoming. She was married twice to older men and did not have any children. She does not have anyone but her older sister, and even she died last year, she explained to me. She died in child labor and all the children (8 of them) were distributed to families, the oldest given to the orphanage and someone secretly adopted the last born. I asked her why she did not take the child of her sister and she explained she wanted to have a part of her own flesh. She was working in this very rich and old-established Tangiers family and she had an affair with their oldest son. She is obviously still in love with him. She said in Arabic how she tried so hard with the older men (her deceased husbands) but now with this man ‘jabat irasi wahd lalla lbnita,’ literally meaning “I got myself a little girl.” Her comments made everyone laugh, all the 22 other women in the shelter, and everyone commented on how hamma crazy she is. The daughter of these other young women was a nervous laugh for unlike them, she did not consider her act as a transgressive one. Her pregnancy was a source of empowerment for her and not weakness. She explained that now at least she has a reason to work for, and a reason to live.

21 This criticism may take one of the two opposing forms: a nostalgic tone of ‘before blood could not be trampled with,’ and one in which there is a wish of liberation of the binding dominion of blood. In either case, the underlying reality is that it is still a potent presence and concept to be reckoned with despite the changes in conceptions of ties, where the impersonal is on the rise.

22 Robertson Smith Religion of the Semites describes the genesis of this choice as having to do with thinking that liver was considered to be the seat of life because it is the bloodiest internal organ. In sacrificial events, the liver was the first piece to be eaten. This is also supported by Chelchad’s view, but he, unlike Westermarch and Doutté, argues that the liver’s sanctity does not lie in its alleged baraka (spiritual force) but because it send to images of suffering and patience as all classical Arabic poetry seems to support.

23 Once more reifying the idea that women are more ‘natural’ than men. Elizabeth Badinter’s L’Amour en Plus: Histoire de l’amour maternel XVII-XX Siècles book exploits historically French tradition and practice of wet-nursing and infant mortality. Her conclusions support the view that motherhood as an innate and instinctual urge cannot be supported by the research she did. This image is largely a myth.

24 Most of the stories I have been able to gather concerning non-successful adoption stories of girls, is that these run away. Violent reactions of the young men is directed towards the parents, or lying-parents, while girls, again in line with the cultural belief that they are more docile and obedient, prefer to run away. Of the many stories I was told, one has struck me the most. The family was preparing for the engagement ceremony of their secretly adopted daughter who did not know about her ‘true’ condition, and somehow her
in-laws were told about it and so at the moment the two families met, the mother-in-law asked whether this rumor she had heard was true or not. A most unexpected question which threw the parents and family in disarray and confused the daughter. The matter was somehow smoothed out and the party was over. But the daughter persisted on knowing at which time the mother broke in tears and said it was true. The next morning, they did not find the daughter, she had run away, they never found her after that. Her mother died of grief within a year or so.
CONCLUSION

OBJECT/SUBJECT: NATIVE ANTHROPOLOGIST AND VIEW INTO A GARDEN

In the weaving of this intricate and many-layered tale, I have tried to sketch an arabesque with its plenitude, open-endedness, possibilities of vision, openings and closures. To write here a definitive ‘conclusion’ would not only be counter-productive, but a tragic error. How can a conclusion, a definitive answer, that is, come of processes of accommodation, gradual permutations in beliefs and norms, incremental cultural shifts, social inventions, political and legal negotiations? It is my conviction that it cannot. Thus this conclusion is of a different sort, an excavation of sorts...

In her Writing Women's Worlds, Lila Abu-Lughod comments on the difficulty of an adequate and balanced ethnographic representation of an ‘other’ given the intertwining of anthropological knowledge with the disparity in power between those represented and those who do the representing. Abu-Lughod strategically argues for a "tactical humanism" (1993: 25) through which she ‘tells’ her own story as she ‘tells’ the world of the women. This conscious self-positioning and questioning of one’s project has become an important device, both rhetorically and ontologically, in anthropological inquiry. Women anthropologists, notably those who focus on gender issues (Trawick 1990; Delaney 1992; Behar 1995), and native anthropologists (Kondo 1990; Altorki and Solh 1988, Trinh 1989) call for and, in a variety of guises, practice such an embodied, embedded and reflexive ethnographic representation. Kondo's "eye/I," in this context, epitomizes, encapsulates, and sometimes collapses this duality.
This conclusion, like such ethnographic texts, is one in which I try to trace the meanders of this project, which happen to be equally those of my own personal genealogy. While it has become almost axiomatic to have these sorts of intellectual and personal positions as initial devices to help navigate a text, to serve as that essential filter through which all representation is funneled, I have selected to leave them to the end. Needless to say this choice is neither arbitrary nor fortuitous, but reflects my own belief about the strategizing of other arguments. The legal permutations, the social and political visibility of abandoned children, are of paramount importance in this case. It seems to me that having my own story narrated as an initial backdrop is tantamount to denying abandoned children their primacy. The inverse is my intention. My voice and my story are, when juxtaposed to these other stories, nothing but trivia. So even while this conclusion is a personal excavation, it is here one more just a voice-tendril to add to the intricate arabesque largely sketched through the previous chapters.

This text is one that combines the eye/I both of the native and the anthropologist. Thinking, writing, rewriting, reading and rereading this dissertation has been in general (although more specifically this conclusion) that critical eye turned inside the I; the analytical I writing about the cultural tools employed by the eye; and the I and eye at times colliding, being oppositional and contrary, while at others developing a harmony, being complicitous and understanding of each other. But nowhere have they been exclusive of each other. They have throughout worked hand-in-hand, and in this excavation-reflexive story is where the two I.eye converge, melt into one.
The portrayals, the scenarios, the narratives, and the incidents in this exercise of writing the self belong to my immediate and extended family. The periods in which these events took place portray social as well as personal changes, which themselves further paint those larger strokes of the historical permutations. Thus these events, by virtue of their historical nexus, belong to public knowledge and should not be construed as secrets.

My own encounter with and understanding of these nuanced and context-sensitive changes, largely resisted in the contained and extremely protective world where I grew up, acquired their potency as a reality in the process of rethinking and articulating my fieldwork. All along, they have been solid points of attachments even while I have been rethinking, evaluating and assessing them. The following events took place as I was considering the curb, soft as it were, of my own research in September 1996.

"... So Jamila," said my sometimes sister-sometimes cousin, Salima, as we sat sipping idly our sweet-mint tea this one beautiful early-Autumn 1996 afternoon in the garden of our grandmother’s old house, “we could do IT again...” My eyes... a petrified sob, hers... a frozen laughter.

This IT, this is THE IT, unequivocally the famous IT so long hidden; so long murmured in curious ears, so long hushed up in mid-sentences; so long evoked to explain and excuse eccentricities and mischief; so long left unanswered by an intimidating command... yet so long known, felt, but incapable of being apprehended. This is the IT which, when it was to be finally born into the world of the clearly spoken, was to take so many versions; was to bare so many explanations; was to be interpreted, and reinterpreted, verging on the pathetic and the cynical; was to be intimidatingly subsumed
into a course of fate which demanded no blasphemous explanations or excuses... yet misapprehension continued, perhaps even more bewildering and painful than the one produced by silence and murmurs.

"... So Jamila," continued my sometimes sister-sometimes cousin, despite the heaviness that suddenly descended on this beautiful early autumn afternoon, turning the mint-tea sweetness into a slow bitterness, "you know what I mean, we could do it again, you could rabi Rita and take her to the States with you..."

and I cross the river of language to become an orphan of words.

"... you know I am only kidding," she says belatedly, considering what must have been a vexed and perplexed look on my face.

The it that my sometimes sister-sometimes cousin is describing is my own customary adoption in my maternal aunt's family and her wish to have me adopt her daughter-my-sometimes daughter Rita. Between our mothers and ourselves lay a thirty-five year space, even if there are similarities, overlaps, there is especially a divergence of latent and conspicuous reasons and explanations. These situated differences evoke and send us to those social, political, economic and identity-politics shifts whose strokes I have tried largely to draw in the body of this dissertation.

There is no definitive story about what occurred thirty five years ago, and as I have come to believe, neither should there be. The stories I was told varied from those who told it all and those who resisted the telling. Both spoke rivers even when they remained silent. I do not have a definitive story, and the 'eye' of the anthropologist
understands the constructedness of a story, of the need for my biological mother (whom I always call aunt) to protect herself from the blame and of my mother (my biological aunt) to be able to own me in an unfettered way as her legitimate and fully fledged daughter. Of my biological father (whom I call uncle) to openly accuse the women and their conspiracies, and for my father to welcome me almost as ‘real’ as his own ‘real’ sons. For my biological siblings (especially the older ones) to reminisce about this event and to construct it as a dramatic denouement and an additional skeleton in the cupboard of the family secrets, or for my brothers to stubbornly retreat into their silence and sometimes indifference. For my extended biological father’s family of the Rabat bourgeoisie to give me sidelong glances in family gatherings with the never-ever failing comment that “even if she is was brought up as a benslimana she is still a bargacha, she looks exactly like her grandmother.” For my father’s extended family from the equally urban bourgeoisie of Fes, to almost always say “this is now a benslimana, she only has bargach as a name, she acts exactly like her father.” Or yet for my mother’s family (since both of my mothers were sister), in which the nasab was not an issue, was collapsed, denied relevance or delegated to having no importance for most of them, I was characterized as a “true sbihiya.” I have always been protected by my maternal grandmother, who liked to describe herself as a pure sbihiya, and who ushered me into the world of Moroccan history though her stories, domestic adventures, and grandiose events. I became, like her, an ‘anthropologist.’ This somewhat preferential treatment may have been because I was an unsatiable listener and a perpetually curious child, although it might have been also an atonement of some guilt, given she was the engineer of this transaction. But then again,
this might be my own over-reading of the situation, for she used to say, it is always the
mothers who count, men are instrumental and sometimes almost incidental.

My sometimes cousin sometimes-sister and I sitting in our grandmother’s house
were almost like a mirror, reflecting a faded black-and-white picture of our own mothers.
This reflection was, however, different: had some actors who did not exist in our
mothers’ time (the husbands), did not have some actors who were there in our mothers’
time (the grandmother), and the explanations, reasoning, even inception reflected a
different cosmology. The modes, values, and articulation could only differ dramatically.

**Straddling Generations**

Despite the many perspectives of what took place in Salé in the summer of 1963
through 1965, there is one point where all do converge: the decisive role that my
maternal grandmother, Hajja Zineb, played. She was a woman of weight and respect in
the extended family. She epitomized what is now largely construed as nostalgic values
and norms: selflessness, generosity and wisdom. Her words run as unyielding verdicts.
When the two sisters sat that one day after the death of my mother’s own daughter,
Umnia (incidentally this name means the consecration of a wish), my aunt, in her first
month of pregnancy, had agreed to give her sister her second daughter, Halima, as their
own mother, the rule of law, sat between them as an arbitrator. My mother was very
happy and decided to find solace in this daughter. She took Halima with her, but Halima
was almost three years old, she knew everything. After a month or so, Halima could not
get used to living with her aunt, was getting sickly because she was crying all the time,
and so my mother decided to return her as the specter of death was still too close and real
to her. Her sister and she (as both lived in different towns) decided to meet in Salé, in their own mother's house. My mother returned Halima to my aunt, and once again as they both sat with their mother, the mother made my aunt promise she would give this pregnancy to her sister if the baby happened to be a girl. A few months later, it was the summer-school vacation, and all the sisters, cousins and extended family would meet in the house of the grand-matriarch, the two sisters included. I was born to my aunt in August of one summer, and taken by my mother the next August.

Emotional capital was at stake in this pseudo-exchange; my mother wanted to have a daughter, a confidante, an ally given that she had two sons with my father. A daughter is a 'cover,' she protects intimacy and is supposed to be an unfailing source of emotional and even material support. The rhetoric employed by my grandmother must have largely spoken to this effect. My aunt already had three daughters, she could part with one. My grandmother was the one speaking, speaking from experience and authority, and must have placed the emphasis on my mother's possible and continuing fate as an only and overpowered female in her household. This concern for domestic service and emotional capital is of paramount importance and arousing the sentimentalism of advanced age-weakness and dependency is often the winning card whose potency as arguments rarely fail.

The male interpretation is missing here. I have never been able to get that side of the story; I am a woman now and I can only have access to what my gender-circumscribed rumor space would allow me. Having said this, however, it has been possible to reconstruct things from my uncle (my biological father) given his own bitter
and repeated criticisms of everything, as the true anarchist he liked to proclaim himself. Interjected comments here and there only made sense in my twenties once I realized the ambiguity of the situation, particularly during family get-togethers in the ancestral house of my grandmother, where I felt excluded from common jokes and the internal knowledge of my cousins-siblings (at that time my own father was very sick and my mother had to stay with him so I was sent by myself to my grandmother’s house). Moments of awkwardness and uneasiness were more the rule than the exception. He did not agree with the fact I was given to his sister-in-law, but neither could he offend his mother-in-law nor find fault with the exemplary wasat where I was brought up. His authority in this context could not have any weight for this was the bosom of women and their togetherness. This illustrates what a number of women expressed: ‘never be fooled by the men, the baby is your flesh, it belongs to you, it is a part of you because it is born out of you ... the men seem to be incidental ... a father may only come afterwards.’

My sometimes cousin-sometimes sister and her husband spoke at length about Rita. I do, as a matter of fact, show her preferential treatment, and their offer was not an entirely unfounded one. Despite the presence of our husbands in this context, unlike that of our mothers’, it remained largely a female transaction undertaken within a female space. The male views were secondary to the female decisions. Like this additional set of actors, the articulated reasons for offering us to take the kafala of Rita were also distinct and bespeak of contemporary reasoning. My aunt acted out of respect for her mother and her act is largely described as an act of generosity, love, and even perhaps a sacrifice for the sake of her own sister. My own sometimes cousin-sometimes sister’s act
is also sacrificial but not for the sake of my own possible lonely demise, but for the sake of her own daughter. The sealing of my own fate as belonging to two families was largely decided by the rule of my grandmother, my aunt could only abdicate; for my sometimes cousin-sometimes sister, her wish to create and write a distinct fate for her daughter is embedded in her and her husband's concern for the educational future of their daughter given the rather grim educational landscape in Morocco.

While for the older pair of the sisters, the overriding importance of the emotional capital was not even put to question, for us it was not even worth questioning. For both of us, the importance lay in the process of education—s, formal and domestic. If for our mothers concern over fate, love, and blood were central, they were superseded in our present rhetoric and ordering of priorities by the future of the little girl; it was, beyond doubt, the question. Given their own worries and troubles in trying to educate—meaning tame—Rita, since she is a very rebellious child, for them only a similar spirit might be able to direct and channel her impulses. The transaction and exchange here, once more, only confirmed the stress on the child rather than the parents, a solid middle-class emphasis.

Despite my fondness for Rita and the wonderful potential she might have and could develop, I decided not to take her kafala, not because my husband and I cannot give her the education her own parents project, but because an education, no matter how illuminating, cannot be the articulated and convincing reason to give to a six-year-old when, in tantrums or fits (sometimes justifiably so) of tears and despair, she would ask about her mother, father, grandmother, sisters and brother. For us, even such an
educational utopia, no matter how much both my husband and I care for her, could never be enough of an incentive to uproot her from the warm bosom of togetherness of her family.

Unlike one adoptee who describes growing up as being an "amputee" (quoted in Nelkin and Lindee 1995), in cases of customary adoption like my own, the truth is generally known. I have, however, chosen to construct my own truth later, especially after the catalytic volunteering in the abandoned children shelters where knowing about biological relations, fictive relations, and ones we choose to create, is always subjected to imagination and negotiation. But knowing does not cancel out painful questioning considering that this questioning is constantly fueled by social commentaries from the benign to sometimes the intentionally evil. This questioning takes the painful form of accusations once one gets to the threshold of becoming the 'cover,' that is, the threshold at which one begins to return the protection and the nurturing she received. I am not willing to subject Rita to these same questionings.

I was never able to be by the death bed of my father; that was something I could not prevent given that it was out of my control as I was notified far after the fact. And since that day I have lived with and in the shadow of the pain of not having said goodbye to him. For the death of my mother, some ten years later, another reality and understanding was slowly to seep in, that of guilt. In other words, that I betrayed the promise and expectation had of me, the reason I was adopted in the first place.

I would have had to reckon with a life punctuated by pangs of this agonizing guilt, but it has turned into a long and intricate eulogy to my prematurely deceased mother. I
have failed in my role as a dutiful daughter, the one sought and gotten despite adversity, the one cherished with love-of-the-will, ... the one to be there for the moments of demise, for the belief is that a daughter completes all the necessary rituals for the passage to the other world smoothly and in a dignified manner. The proverb that says "whoever has a daughter, people don't know how they died [i.e. the conditions of death]" still widely circulates. I could not be there for the death of my father, that was neither my choice nor was it a possibility. But I failed my mother, the one who nurtured me so that I would nurture her in return, the one whose reason was only accepted by her own sister because of the specter of a lonely death. I have failed to qbal my mother--this word is used for receiving a new birth and to usher a person to death, a different and unknown birth to we who are still caught in the vegetative state of living. I have abominably failed in fulfilling the reason I was adopted, to be the confidante to inhale those last breaths, to hold, to cry, to lament, to take her to her everlasting house. But I have ironically and retrospectively fulfilled other dreams of my mother, those--like my sometimes cousin-sometimes sister now openly acknowledges--she grew to understand and realize. In keeping with the changes wrought through thirty years, my mother had slowly shifted her views on life. She had developed a respect and admiration for women's education as she witnessed it become as important as being married and having children. She liked to tell me during my brief visits as she lay sick in bed that she would not mind the pain if she spent the seconds reading and not expecting this or that pinch inside her stomach. If I have failed to usher her to her death, I have, I hope, succeeded in making her live through these pages. This dissertation is dedicated to her memory and to that of my father.
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