



Virginity as Personal Capital:

Women's Virginity in Moroccan Social and Legal Discourse

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Abstract

In varying degrees throughout the world, a woman's personal capital is her virginity. In Morocco, virginity, outside of marriage, traditionally represents the absolute value of a woman's self as a member of the culture, community and state. It is, in many respects, a female's only assured capital—a concept that plays out in numerous aspects of Moroccan culture. This paper examines how Moroccan culture values virginity as capital both in the criminal justice arena and in the civil status arena (the latter under the Code of Personal Status).

With respect to criminal justice, we will explore how the notion that a girl's virginity is her primary capital influences both the enforcement of laws banning certain sexual behaviors and the way in which society treats women who are victims of or who otherwise participate in sexual acts. Our focus will be on two crimes: rape and prostitution. After examining the laws and social norms penalizing these two sex acts, we conclude that their prohibition stems not from moral condemnation of the acts per se, but rather from a state effort to protect a woman's sexual purity. The disparity between the prevalence of the outlawed behaviors and the criminal enforcement regime in Morocco leads to unfortunate social consequences for the women involved. Namely, the criminal statutes often fail to protect these women and, instead, serve as a mechanism



through which society at large can penalize women whose loss of virginity offends a cultural sense of sexual morality.

In the civil law arena, we will examine how virginity influences a woman's personal status. We explore the structure of the Code of Personal Status and explain how a woman's legal status and her social status in her community are intertwined. We then examine various revisions to the Code of Personal Status and relate these changes to an evolving view of a woman's personal capital in Moroccan legal discourse. Lastly, we speculate on how these legal changes might be indicative of or even trigger further changes in the social understanding of personal capital as it relates to women in Moroccan society.

We conclude that Morocco's legal code must evolve in order to protect the women living under it from both state and private violence and from violations of their civil rights. Additionally, advocates must work in the social sector to convince Moroccan males, and women themselves, that a woman's virginity is not her only capital. Advocates must also convince Moroccan citizens that only through a personal commitment to change private behavior will Moroccan women truly realize the ideals of freedom and equality.