



## The Female Gaze in Hind Bensari's "475 Break the Silence": A Social Activist and Feminist Account

Maabich Omar

Sidi Mohamed Ben Abdellah University, Saiss, Fez, Morocco

maabich@gmail.com

### Abstract

This study explores the concept of the "female gaze" in Hind Bensari's "475 Break the Silence (2014)". The focus of this work targets aspects of the "female gaze" like the documentarian's use of subjectivity, identification, intimacy, and other features such as close-up shots, narrative structure, and polyphonic voices to address feminist issues which include rape, violence, gender roles, discrimination, the loophole of the Article 475 from the Moroccan Penal Code, the limitations of *Mudawana* (Family Code/Reform) and its legal, social, cultural impacts on Moroccan women. The notion of the "female gaze", which is developed by Lisa French (2021), offers an impactful perspective through which female documentarians and filmmakers address feminist issues in their films. The article also highlights how these aspects of the "female gaze" offer empowerment and agency for victims of rape and violence to critique the perpetuation and the normalization of the Moroccan culture and society with such patriarchal and discriminating acts and crimes. The study concludes by revealing how the director has created an emotional bond between the documentarian, the victims of rape, and the audience that will sensitize about the legal, social, and cultural discrimination and injustice of these victims, call for action and social activism to put an end of these sufferings and traumas that the survivors and victims of rape are experiencing.

*Keywords:* Female gaze, subjectivity, identification, rape, Mudawana, Article 475, agency.

### About the author

Maabich Omar is PhD student at the university of Sidi Mohamed Ben Abdellah, Saiss, Fez, Morocco. He holds a master degree in Arts and Humanities: Colonial and Postcolonial Studies. He has published two articles: "Implicated Subjects in Leila Slimani's Lullaby: A Transnational Feminist Approach" and "The Idea of Spatiality in *Adele*: A Feminist Geography Approach". His research interests include gender, feminism, postcolonial identity, and film studies.



## Introduction

Throughout history, the development of documentary films has played a significant role in the film industry added value, diversity, depth, and aesthetics to the of world entertainment. This unique development has opened doors and given opportunities to gender perspectives to produce and explore the film industry with an inclusive “female perspective, gaze, experience, and subjectivity” (French 2021). The film industry especially documentary film has witnessed a historical development in terms of its themes, representations, aesthetics, ideological, and political perspectives. The historical engagement and commitment of female filmmakers and documentarians have left a significant female touch/ “gaze” and perspective on the documentary genre since it is one of their favourite types. Lisa French in her major contribution *The Female Gaze in Documentary Film: An International Perspective* 2021 traces the most iconic works and productions of female documentarians worldwide. This account of contributions is dated to the silent era (1912) with film documentarian Osa Johanson, the early period sound of the German filmmaker Leni Riefenstahl in 1932, Canadian’s first filmmaker Judith Crawley in 1940. The North African and Arab world which marked the early works of Ayyat Al Abnoudy from Egypt in 1974, Tunisian documentarian Selma Baccar’s Fatma in 1975. In Asia, we have the Chinese- Taiwanese documentarians Li Hong and Zhang in 1980 (French 2021). This worldwide coverage of the female documentarians implies that there is a significant rise of a distinctive perspective and aesthetics that female filmmakers will challenge its male counterpart which has dominated the world entertainment and the film industry. In this context, the rise of female documentarians has touched the North African and the Arab region with its unique history, culture, political, and social issues that offer diverse representations, themes, and perspectives that are connected locally and globally. In Morocco, many female documentarians have contributed to the film industry and entertainment, but the feminist touch on women’s matters has been at the centre of their interests and representations. Moreover, the intersection of social activism’s spirit with feminism has been the most distinctive characteristic that catalogued Moroccan female filmmakers and documentarians. For example, the early initiative was led by a group of feminist associations that formed a coalition to represent a chart of reforms to king Hassan II in the early 1992 and was documented. Unfortunately, this resulted in minor rectifications and reforms in the state of the Moroccan women (Newcomb 2020, 399). However, this feminist coalition and activism expanded and consisted of The Union National of Moroccan Women (UNFM), The Union Action of Moroccan Women (IAF), The Association Democratic of Moroccan Women (ADFM), the Moroccan Association for Human Rights (MHR), and other scholars like Asma Lmrabet who represented a list of reforms and recommendations to improve the legal and social status of the Moroccan women. Eventually, in 2004 king Mohamed VI announced the new reform of the family code, *Mudawana*, which was a distinctive momentum in the Moroccan social activism and feminist movement. This combination between feminism and social activism is captured by the female filmmakers and documentarians who delved into the status of Moroccan women and navigated the disparities that still impede equity, gender roles, discrimination, violence, rape, underage marriage, divorce, polygamy, social and economic inequality. The female documentarians have reflected on these social and legal changes that have surfaced since the applications of *Mudawana* in 2004. Cathrin Schaer in her article “Arab Women Filmmakers Challenge Western Preconceptions” 2023 traces female filmmakers’ contributions such as Asma El Moudir’s “The Mother of All Lies”, Sonia Ben Slama’s “Machtat”, and Sofia Alaoui’s “Ana Mahia” where deep, aesthetic, and distinctive “female subjectivity” that delves into

women's issues such as motherhood, gender roles, violence, discrimination, sexual harassment, and Moroccan taboos (Schaer 2023). In the same context, Hind Bensari's "475 Break the Silence" is a documentary film that blends social activism and transnational feminism which is empowered by Bensari's "female gaze" to expose the issue of underage marriage, rape, sexual harassment, the limitations of *Mudawana*, and the loophole of the article 475 from the Moroccan Penal code. The study explores how the documentarian uses the aspects of "the female gaze", which is introduced by Lisa French, such as the female subjectivity, identification, and intimacy with the interviewees, survivors, and victims of rape and violence in Morocco. Besides, the article illuminates the techniques of how the director employs close-shots, intimate settings and spaces, music, and other features to establish strong connections with the victims to provide them with means of empowerment, platform, and agency to voice their stories and experiences with rape, injustice, and discrimination. The study concludes that Bensari's documentary is a daring perspective to condemn the limitations of *Mudawana*, Article 475, and call for action to prevent such brutality and injustice in Morocco.

## Background

### Feminism

Feminism emerged as a vibrant movement that advocates women's rights and fights the structured patriarchy, discrimination, and inequality. Herbert believes that "feminism is a political, cultural, and philosophical movement" (Herbert 2022, 91) has witnessed a significant development since its first inceptions to the present time. According to Herbert, feminism as a social movement campaigned for women's rights, equality, and destiny starting with "the watershed movement of the Second Sex (1949)", and the second face of the feminism movement fights for a "sexual revolution" that "one is not born, but rather become, a woman" (quoted in Herbert 2022, 91). This feminist's standpoint will witness fundamental aspirations as the movement targeted crucial issues such as "abortion, transgender, disabilities, media bias which stress women's rights, emancipation, and empowerment" (Herbert 2022). This historical development of the feminist movement has opened a variety of interpretations and representations that captured the woman's status in different cultures and nations. Feminism in film theory started to earn space with the publication of Teresa De laetis's *Alice Does Not: Feminism, Semiotics, Cinema* (1984). The book has been a breakthrough in feminism, film theory, and many scholars such as Patricia White and Lisa French had huge inspirations and shaped their projects later. De laetis critiques the traditional representation of films that marginalise the status of women, because the cinema "produces semiotics that shape our understanding of gender" (De laetis 1984, 5). This idea of "gender construction" will be developed by Doreen Massey's *Space, Place, and Gender* in 1994. This argument of "gender as a social construct" (De laetis, 1984 and Massey 1994) is deeply explored in the artistic forms of cinema, films, and documentary works. Importantly, these notions of cinema, feminism, and gender are revisited and reexplored by Patricia White's *Women's Cinema, World Cinema, Projecting Contemporary Feminisms* (2015) and Lisa French's *The Female Gaze in Documentary Film: An International Perspective* (2021). These major contributions assess the "gender ideologies" which were dominated by male gaze and the traditional narratives that underestimated and marginalised women (White, 2015 and French, 2021). Both White and French have explored the notion of the female gaze in cinema, but French's iconic contribution is devoted to the documentary films, which makes it relevant to the present study



that delves into Hind Bensari's documentary "475 Break the Silence" 2014. French navigates the disparities that many female filmmakers approach their social and cultural norms in their films. Besides, French highlights the metrics throughout which women have reflected on their experiences and narratives vary from woman to woman, culture to culture, nation to nation, race to race, and class to class. However, race, class, and culture have always been the pivotal counterpoint of the feminist movements across the globe. These disparities among the feminist movements, representations, and perspectives would give birth to another offspring movement in the realm of feminism: transnational feminism.

### **Transnational feminism**

Cultures and societies have displayed their unique and distinctive characteristics when it comes to social practices, differences, and contents. Thus, the idea of feminism suggests its uniqueness, disparities, and discrepancies across the globe. Postcolonial feminism traces "these disparities and differences that start with race, ideology, class, sexuality, and culture" (Khader 2019). These different circumstances, experiences, and priorities need rethinking and re-exploring of how feminist issues such as gender roles, body, sexuality, patriarchal ideology, social and economic inequality, violence, rape, and discrimination are portrayed and represented in postcolonial and transnational feminism. The idea of transnational feminism offers this dialogic interconnection between Third world feminism and Western feminism. The latter often traces a different and unsymmetrical line that will not cover what non-Western feminists tackle for many reasons. This "unsymmetrical line" and different perspectives of Western feminism are further examined by non-Western feminist scholars such as Durmus (2020) and Khader (2019) who believe that Western feminism is a nucleus of imperialist ideas and agendas, since the representations of power dynamics between the North and the South can be manifested and disguised" (Durmus 2020 and Khader 2019). This version of transnational feminism works to establish a network of understandings and global exchanges in which Third World feminism and postcolonial feminism can be taken and understood in their particularities, characteristics, and narratives. Beb (2016) and Khader (2019) have taken this line of discrepancy and difference to explore "the imperialist agency to advocate for women's rights in many parts of the Third World so as to justify the invasion of Afghanistan and Iraq" (Beb 2016, 165). This "uneven comparison" between Western feminism and non-Western feminism needs further investigation, dialogue, and dispute as the idea of agency, emancipation, empowerment, and priorities differ from the "Western female gaze" and non-Western's female gaze". Thus, an impactful transnational feminism with the mission to navigate and explore women's issues, concerns, and matters and which are free of biased impositions from Western feminism will establish its voice and representation in the scholarship.

### **Social Activism**

In the Arab world and postcolonial nations, the rise of the feminist movement and discourse has always found its agency and credibility in social activism. Many social movements and feminist associations work together and join efforts to improve the social, cultural, and political status of women in the Arab and postcolonial nations. In the case of Morocco, many social movements and feminist associations have been at the core of "reforming the family code known as *Mudawana* (2004). This feminist and social activism was led by a feminist and civic

league, ally, distinguished writers, scholars, and activists such as Khadija Ryadi the former president of the Moroccan Association for Human Rights ( AMDH), Fousia Assouli the president of the Democratic League for Women's Rights (LDDF), Mouna Hachim, the president of Moroccan Association of Democratic Women ( AMD), Zineb Belmkaddem who is the founder of the Association for Defense of Women's Rights (ADFA), and other feminist voices like Amina Slaoui, a Moroccan sociologist and activist, Asma Lmrabet who is a theologian and women's rights activist, and Najat Vallaud-Belkacem who is a French-Moroccan politician and former Minister for Women's Rights in France. This solid and impressive background and profile which is a combination of social activism, feminist movements, civic organizations, human rights, theology, and sociology have given them transnational echoes to share, dispute, and coordinate with other feminist movements around the world and exchange the Moroccan unique experience regarding *Mudawana*. Besides, this coalition of feminist and social activism is nurtured by their daily contact and interaction with women on the streets and public spaces. The academic contributions of figures like Amina Slaoui, Asma Lmrabet, Najat Valloud-Belkacem, and Khadija Ryadi added credibility and depth to the reform of *Mudawana* and the social status of women in Morocco. These figures have networked and liaised with international institutions like Human Rights Watch, Amnesty, and others to establish a transnational echo and cross-border connection. This initiative could give insights to Western feminism and institutions to understand and delve into the priorities, differences, and disparities that exist in other social activism and feminism. This intersection between social activism and transnational feminism in Morocco has paved the way for a variety of works, contributions, and representations in different genres such as writings, cinema, documentary films, and other artistic forms to capture this record of social activism and feminist movements.

### **Documentary Film and Feminism in Morocco**

Lisa French's *The Female Gaze in Documentary Film: An International Perspective* (2021) traces the historical development of this genre of film industry around the world. The book delves into different representations of the female documentarians who are distinguished by their historical, cultural, gender, thematic choices, and perspectives in the film industry which once was dominated by "the male gaze". However, female documentarians with their unique "female gaze" have established a strong platform through documentary film to address female issues such as gender roles, structured patriarchy, discrimination, violence, and rape. Like other artistic and aesthetic forms of the film industry, documentary films have witnessed significant historical, cultural, socio-cultural, and political features that shaped and influenced documentarians' thematic choices and representations that women in America, Europe, the Middle East, and North Africa had faced (French 2021). These historical, cultural, and socio-political factors that had influenced the making of the female documentary. This long female activity highlighted a kind of "female subjectivity and gaze" that challenged the concept of women which "are engendered as female through historic, psychological and cultural experiences" (French 202, 16). It is important to note that women have received much appreciation and nomination at the Academy Award for Best Documentary Feature (French 2021). This distinction of the female documentary films that have dominated the cinematic arena where assessed and evaluated in terms of their "representations, aesthetic, and complexity of identification and identity (French 2021, 16). The impactful intersectionality between feminism and documentary film is obvious since all the contributions and works of

these female documentarians have been feminist issues and themes at their core like motherhood, socio-cultural and economic discrimination, gender role, female identity, and structured patriarchy. There is a slight disparity that exists between feminisms and the issue of priority, and agenda for female documentarians across the globe. French instigates that disparities and “differences within the documentary film and feminism are due to cultural and political choices and interests. For example, in “Latin America and Africa, a Third Cinema movement critical of neo-colonialism, capitalism, and Hollywood has different concerns to those in the West (French 2021, 31). This different orientation and focus of Third Cinema and feminism has influenced female writers, playwrights., novelists, critics, and documentarians to pursue a discrepant perspective, aesthetic, and ideological line that characterize their representations and works, but with one common subject: women’s matters.

French believes that 1970 was a distinguished period in Arab and North African documentary filmmaking, because they revolted against the traditional and narrowed “male gaze” and representation of women during and after nationalism which “depicted women’s minor contribution to the fight against colonialism, but after they returned to their traditional place: home and family” (French 2021, 32). Having said that, French introduces her version of the “female gaze” which based on the “female subjectivity, experience, identity, and perspective.

### **Why Lisa French and the Female Gaze?**

As a matter of fact, Teresa De lauretis, Doreen Massey, and Patricia White have addressed the issue of the female gaze when it comes to women’s representations in cinema and films. However, the exclusivity and that French has brought in her study is her focus on the genre of documentary films and its historical development in many parts of the world which offers inclusiveness and depth to the study of documentary films by female filmmakers. The idea of the “female gaze” examines how female documentarians strive to set up their “own gaze” which is different from the “male gaze, because the key marker of the “female gaze” is the communication or expression of the female subjectivity” (French 2021, 53). This “female gaze” is nurtured and empowered by the uniqueness of the female body, identity, experience, identification, aesthetic, and artistic touches differentiates itself from “the male gaze” be in filmmaking or any other art form. The inclusive perspective of the “female gaze” is about its uniqueness of the female body, identity, and subjectivity, though there are some male documentarians who tackle feminist issues and women’s matters, but still their experiences, perspectives, and aesthetic choices cannot be compared to female documentarians and directors. On the other hand, though female documentarians’ films are not about women, but still their “female gaze” and subjectivity can still be seen and felt in their film techniques such as music, setting, close-shots, Haptic perspective, and other features. The “female gaze” and experience in the documentary film can free the traditional and stereotypical representations of women in male films. Also, the “female gaze” strives to offer more visibility and aesthetic to the female experience, voice, body, and touch in the film industry and documentary.

In Morocco, the history of documentary film started after the colonial period which marked a milestone in the history of Morocco. The Moroccan documentary film is influenced by its cultural and social drives especially “probing the country’s “Years of Lead, Moroccan national cinema. The North African country witnessed dramatic periods of post-colonial violence, particularly the notorious “Years of Lead” through the 1990” (Bahmad 2019, 168). This period

of the “Years of Lead” [*les années de plomb: sanawat arassas*] was known for political and social unrest where politicians, activists, and thinkers were imprisoned, arrested, kidnapped, and silenced. Filmmakers and directors found this period alluring to explore in the Moroccan cinema, and “how the documentary addresses our memory” (Belot 2023). Moroccan documentary film has gained significance and impact when official institutions like the Moroccan Film Centre (CCM), the Minister of Culture, Amazigh Culture Royal Institute (IRCAM), and others have been generous and supportive in funding this genre and organizing sessional and annual festivals to celebrate the Moroccan documentary films. These official institutions and funds have given a momentous boost to the Moroccan cinema, especially the documentary film which flourished and “from the 70s and onwards, a female director would make occasional headlines” (Reffat 2023). Notably, these films have captured the very essence of the Moroccan political, social, and cultural life and screened relevant concerns such as the Years of Lead”, motherhood, sexual harassment, rape, underage marriage, legal and social impacts of *Mudawana*, and social and economic inequality.

Many female documentarians represented and captured bold themes and issues that matter to women and feminist perspectives like Leila Kilani’s “They are the Women”, Najat El Khamlishi’s “Les Femmes du Maroc: Vingt ans Après”, Narjis Najar’s “Les Femmes du Maroc” which is produced in many chapters from 2011 to 2023, and Hind Bensari’s “475 Break the Silence” which is the case study of the present article. Bensari’s documentary received many distinguished awards at Marrakech International Film Festival in 2019, received the Winner of Human Rights Award at Tangier Festival in 2019, and other nominations. This body of documentary films has touched the female spectators and its course of identification is a movement in itself ( Saidi 2018, 116).

## Methods

Lisa French’s *The Female Gaze in Documentary Film: An International Perspective* provides an inclusive method and approach to explore Hind Bensari’s “475 Break the Silence” for many reasons. First, the film is directed by a female documentarian. Second, the film addresses female and women’s issues such as underage marriage, rape, sexual harassment, discrimination, structured patriarchy...etc. This study seeks to trace the aspects of “the female gaze” in Bensari’s “475 Break the Silence 2014”. The aim is to explore how these elements of “the female gaze” and female subjectivity are represented in the documentary which tackles issues of underage marriage, rape, sexual violence, the limitations of *Mudawana*, and the loophole of Article 475(of the Moroccan Penal Code) which allows the rapist to marry his victim though she is an underage and a minor girl. Article 475 presents a controversial debate in feminist and social activists in Moroccan society. The study adopts French’s “female gaze” and “female subjectivity” to delve into Bensari’s aesthetic, visual, feminist, and artistic choices to highlight how Moroccan women and girls are victims of rape, sexual violence, forced underage marriage, the limitations of *Mudawana*, and the application of Article 475. Besides, the article opts for textual and visual analysis to unpack the multifaceted techniques used by the documentarian to address issues of rape, violence, gender roles, and discrimination. These issues are contextualized and discussed from a general feminist’s and social activist’s perspective to consolidate Hind’s “the female gaze” and female subjectivity because the concept is “plural and each woman director has her own female gaze. It is not homogenous to the woman as group, but it is a gendered gaze” (French 2021,10).

Furthermore, the study will illuminate how Bensari uses her artistic and aesthetic features to capture intimate scenes, and use of polyphony which suggests multiple perspectives and voices to deal with women's concerns in the documentary. The latter choice offers the documentarian a space to represent a pluralistic and inclusive version and dispute issues like rape, social injustice, sexual harassment, forced underage marriage, the limitations of *Mudawana* ...etc. In short, these various techniques and perspectives suggest that Bensari's "female gaze" is all-pervading in the documentary.

### **Engaging with Social Activism and Tracing Discrimination in "475 Break the Silence"**

Hind Bensari's activism profile is well presented in her documentary film which tries to "break the silence" of legalized and institutionalized violence that allows rapists to marry their victims to avoid imprisonment and punishment according to Article 475 of the Moroccan Penal Code. This Loophole and "alibi" in the legal system and the Penal code do not penalize and castigate the rapists for their first crime which is rape, sexual violence, abduction, and physical abuse of a girl and a woman. The film also delves into the social, legal, cultural, and psychological challenges that these victims and survivors of rape face in their day-to-day lives and experiences. The documentarian interviews different victims of sexual assaults, their family members, psychologists, sociologists, lawyers, legal experts, students, and other polyphonic voices to offer an inclusive representation of how these girls and women are victims of rape, gender roles, structured patriarchy, discrimination, and violence in Morocco. Despite the application of the new Family Code known as *Mudawana*, which surfaced after social and legal activism that Moroccan feminist movements had engaged with to improve Moroccan women's status in marriage, inheritance, and rights, many disparities and challenges hinder equality and women's empowerment in Morocco. Thus, Bensari's documentary "475 Break the Silence" is an occasion to illuminate these challenges and blockades that are not only rooted in legal and judicial limitations, but they also extend to social, cultural, and psychological aspects within society. Besides, the documentary film is an impactful instrument to bring forward social activism to trace these elements of discrimination, violence, rape, and sexual abuse that Morocco still faces even after the application of *Mudawana* which is supposed to emancipate women and improve their conditions.

The idea of social and legal discrimination, violence, and inequality has been a major issue in Moroccan social activism and feminist movements. Rachel Newcomb's study "Gender, Globalization, and the Urban-Rural Divide: Examining the Effects Legal and Social Change Through Morocco" 2020 unravels the disparities and the binary oppositions between the urban and the rural women in the light of the *Mudawana* which can not find its way to the rural marginalized women when they face rape, divorce, and the raise of marriage age (Newcomb 2020). Additionally, the article draws a horrendous picture of the raise of unspeakable violence, rape, and sexual harassment "despite the hopes of the activists, the revised *Mudawana*...the level of violence Moroccan women experience is unbearable...statistics from national survey of women ages 18-65 in 2009 show that 62,8% had experienced some types of physical, psychological, sexual, and economic violence with 35% reporting violence within marriage and 13,5% within family (Newcomb 2020, 404). These excruciating rates and statistics of violence and discrimination against women in Morocco need urgent uprisings to stand out. Moreover, these figures and rates are worrying and upsetting when visualised and vocalized in the documentary film that Bensari directed in 2014. In the light of this, Bensari's film focuses

on the physical, sexual, psychological, social, and symbolic violence and raped that are committed against these girls and women. By the way, the documentary film is dedicated and devoted to Amina Elfilali, a 15 years old girl, who committed suicide because she had to marry her rapist in Laarache, Morocco. Bensari captures survivors' testimonies and experiences of sexual violence, rape, discrimination, inequality, and social and cultural alienation from the Moroccan society. Moreover, the documentarian uses other polyphonic voices such as students, members of the family, lawyers, psychologists, sociologists, legal experts, writers, university professors, social activists, and other voices to represent diverse opinions regarding rape, violence, gender roles, underage marriage, and discrimination against women and girls. The film is vibrant with images, moments, testimonies, voices, and opinions that react and respond to the documentarian's questions and worries about rape and violence. Initially, the documentary film starts with TV reporters covering the phenomenon of rape and sexual violence across the world. The documentarian genuinely delves into the Moroccan scene which witnessed an outrageous raise of statistics and images of victims of rape who committed suicide such as Amina Elfilali 15 years old, Khadija in Casablanca, Safae, Chaimae, and other victims and names from the Moroccan newspapers, TV channels, and Social Media websites (Bensari 2014, at 01:43). From the beginning till the end, the film is filled with stories and narratives of rape, sexual violence, social and cultural injustice, and discrimination. The director interviews different voices and interviewees to capture this brutal version of discrimination and rape that Moroccan women and girls still face regardless of the application of *Mudawana* and the loophole in Article 475 of the Penal Code. These testimonies and interviewees voice their harsh critique of Article 475, which allows the rapist to get away with his crime by marrying the victim. Also, the documentary film takes the audience on a long journey that covers the stories of rape, violence, and discrimination that these victims have endured: the scars, the brutalities, and the traumas narrated by these victims and survivors of rape provide testimonies and questions about the scandalous Article 475, the impotency of Legal and judicial institutions, and the hypocrisy and bystander of the Moroccan society. There are more than 12 stories and experiences of rape and sexual violence in the film, but none of them have been criminalized and convicted, because the rapists resorted to Article 475 which allowed them to escape and avoid punishment and imprisonment without the victims' approval (Bensari 2014, at 09:32). These acts of discrimination and injustice against these girls and women highlight how legal, judicial, cultural, and social impotency to stop rape or its normalization with the phenomenon in Morocco. The documentary raises and critiques this systematic and structured discrimination and violence in the light of Article 475 which is a nightmarish loophole in Morocco.

### **Violence, Rape, and Double-Rape within Article 475**

Morocco has inherited many devastating legislations, reforms, codes from the French colonization, and Article 475 of the Moroccan Penal Code is an identical decree from the French Penal Code. The Article 475 states "*Lorsqu'une mineure nubile ainsi enlevée au détournée a épousé son ravisseur, celui-ci ne peut être poursuivi que sur la plainte des personnes ayant qualité pour demander l'annulation du mariage et ne peut être condamné qu'après que cette annulation du mariage a été prononcée* » (Zerrou 2014). [When a nubile minor who has been abducted or seduced marries her kidnapper, the latter cannot be prosecuted except on the complaint of the persons having the authority to request the cancelation of the marriage and cannot be convicted until after the cancelation of the marriage has been pronounced (my translation)]. For victims, women, girls, human right activists, and feminists,



this Article 475 is a traumatic and brutal alibi to escape prosecution and the criminalization of the first crime which is rape and sexual abuse. This legal and social loophole is a blind spot in the Moroccan legislations, *Mudawana*, and human rights. Though the *Mudawana* has raised the age of marriage to 18, but the application of Article 475 allows these rapists to marry minors. The contradiction and the loophole that exist in the Moroccan Penal Code and *Mudawana* is “the foremost pushing factor to film 475 Break the Silence” (Bensari 2014, at 30:32). Importantly, Bensari focuses on the victims and survivors’ feelings of being double-raped; first by the rapists and the abductors who committed their crimes of rape and “the second rape” is when the Penal Code, *Mudawana*, and society allow them to resort to Article 475 to get away with their crime. This form of double-rape is the core critique of the documentary film to delve into this systematic and tolerant-mode with rape and sexual violence by the Moroccan legislations, Penal Code, *Mudawana*, and society.

Malika and Houda are two survivors of rape and sexual violence in Bensari’s film. The first victim, Malika, felt abandoned, disrespected, and double-raped, because the judge was not interested in her story. Moreover, her rapist was an influential politician, and “I was just an ordinary woman seeking justice and fighting for my rights” (Bensari 2014, at 05:40). The story of Malika is relevant because she had been raped and assaulted, she was double-raped and discriminated by the court, justice, and society though she provided evidence like phone’s call log, and the DNA test which proved the rapist fatherhood of the baby by 99,999%, but the court pronounced the rapist as innocent (Bensari 2014, at 30:36-31:05). Another similar story is that of Houda, who was kidnapped, drugged, and raped by two men by the beach in Rabat. Houda was traumatized and devastated because her friends and neighbours were asking the wrong questions like: What were you wearing? What were you doing alone by the beach? What did you say to the rapists...etc. Houda stated that “*Ils commençant a chercher des choses dans ma manière d’être qu’auraient pas pour justifier cet acte*” (Bensari 2014, at 39:07) [ they were looking for something wrong with my way of being to justify this crime] (my translation). In short, Houda felt double-raped too, because the rapists get away with their crime, and the society – which is supposed to provide emotional support and empathy- was merciless and tolerant of the act of rape and violence. Both Malika and Houda were victims double-rape, discrimination, and injustice in the film. They felt Moroccan society, culture, and justice were “victim blamers” and bystanders in their experiences. These survivors of rape had a common feeling which is double rape, double discrimination, and injustice, because their society was impotent and tolerant of rape and violence and because they “were just girls and women” (Bensari 2014, at 39: 43).

The film is filled with examples of being double-raped and discriminated against by the Moroccan society and culture which is – according to them- a “victim blamer” and a bystander in this experience of rape and violence. The so-called advancement of the *Mudawana*, the family code, the legal system, and the Child Protection are merely “fake mottos” if they were compared to the victims’ and survivors’ stories and experiences in the film. The testimonies reveal that “there is uneven enforcement of laws” (Newcomb 2020, 403), discriminating, and demeaning of serious reports of victims by some officials and police stations (Bensari 2014, at 25:33). When underestimating and belittling victims’ reports of rape and violence by officials and law enforcements complicates the criminalization of the act of rape and sexual assault in the first place. Thus, the implications of the legal framework, institutions, law enforcement,



culture, family code, and society make the feeling of double-rape enduring and traumatizing for these victims and survivors of rape in Morocco.

### **The Female Gaze in 475 Break the Silence**

The title of the documentary “475 Break the Silence” is a genuine call to all women, girls, victims, and survivors of domestic violence, rape, sexual assaults, and discrimination to stand up and raise their voices through this digital representation against structured patriarchy, double rape, discrimination, and other forms of oppressions in Morocco. Bensari’s film can be seen as a form of emancipation, empowerment, and agency for these survivors of rape to share their experiences, narratives, traumas, and sufferings to critique the legal and social limitations of Article 475, human rights, and *Mudawana*. This act of agency which is used by Bensari to extend her “female gaze” and “subjectivity” has illuminated the atrocities, brutalities, and traumas that these victims had witnessed. Eventually, these victims and survivors of rape and injustice have received appreciation and encouragement for sharing their stories, experiences and filming personal details and moments. For example, Malika, a victim of rape, admitted that her interview and the film is an impactful medium and agency for the victims of rape, violence, and discrimination (Bensari 2014, at 05:09). Another example of survivors of rape is that of Houda. During the interview, Houda said “*la seule responsivité que j’ ai, c’est d’exprimer mon opinion*” “[the only responsibility I have, is to voice my opinion] (my transaction)” (Bensari 2014, at 42:06). Houda believes that the film gives her opportunity and agency to critique the social and cultural “softness”, “tolerance”, and “normalization” with rape, violence, and discrimination against girls and women who are victims of rape. Ultimately, Houda wrote an article “*C’est n’est Pas Votre Faut*” [ It is Not Your Fault” which crucifies and critiques the structured patriarchy, “the victim blamer’s mindset” of our culture and society which tries victims’ faults instead of criminalizing the act of rape and violence that these girls have experienced.

The film and interviews with survivors of rape are forms of agency which has only one clear-loud voice: “Together we can stand against rape and the application of Article 475”. Bensari’s “female gaze” is to provide a platform and agency for these victims and survivors of rape to share their narratives and experiences to critique the “normalization” of our society with rape and discrimination, and encourage other silenced victims to come out together to stand up the limitations of *Mudawana* and Article 475.

### **Subjectivity, Identification, and Intimacy as a “female gaze” in 475 Break the Silence**

The notion of the “female gaze” that Lisa French develops in her book *The Female Gaze in the Documentary Film: An International Perspective* 2021 finds its echoes in Bensari’s documentary. Previously, the use of the documentary film by the female director as a means of empowerment and agency is a pure aspect of “the female gaze”. Bensari uses her “female subjectivity”, identification, and intimacy to capture her female gaze in the film. Throughout the film, the female director’s voices, questions, comments, and critiques are resonant, because this form of subjectivity and identification is crucial for French as it is “a major influence on each woman’s creative expressions in her female subjectivity- the experience of living as female” (French 2021,1). Moreover, French adds that “this female experience and the experiences that women share because of living in a female body, a gender identity based on

identification as female. This subjectivity constructs the female gaze” (French 2021,3). Bensari’s perspective in the film can be seen from her powerful subjectivity as a woman who identifies unconditionally with these victims and survivors of rape and their experiences. Therefore, there are sequential and instant personal comments, questions, and critiques of Hind Bensari after each interview, story, and experience of the victims (Bensari 2014, at 01:30- 2:28) where the female director comments on the conditions of these victims and their sufferings. The female documentarian’s subjectivity is crystal-clear and can be seen through her direct comments and questions when she interviewed Malika. After Malika finished a fragment of her story, Bensari sympathized and identified with her “*Je suis Marocaine et je me pose toutes ses questions: est-ce que mes frères dans cette nation ne veulent pas les femmes? Qu’il est la venir de femme dans cette société que nous vont construire ?* (Bensari 2014, at 05:47-06:06) [ I am Moroccan and I ask these questions: Do my brothers (men) in this nation do not want women with them? What is the position of the woman in this society we build together?] (my translation). Bensari’s identification with Malika is undisputable and conclusive, because as a woman and a female, she may experience the same injustice, violence, and discrimination. The director’s “female gaze” is captured in the previous statement of unconditioned identification with Malika and other victims of rape through her direct comments, questions, and critiques of legal, cultural, and social discrimination of women.

Another example of Bensari’s “female gaze” in the film is her intimacy and empathy with the survivors of rape. During the interviews, the audience can see and feel this intimate bound and relation between the director, who is next to the cameraman, and the interviewees as figure 1 shows:



Figure1. Houda, a victim of rape, felt encouraged and supported to talk about her story

This intimate bound that the director created with the survivors of rape, violence, and discrimination has given the interviewees the ability and the courage to voice their experiences and stories with much comfort and intimacy, because of the presence of a female director in front of them as in the figure 1 above. The documentarian created a sense of solidarity and intimacy, because “women care for each other and show interests in women’s lives” (French 2021,30). Besides, this intimacy and empathy can be noticed through the use of close-up shots (Figure1) which symbolize how the director is close, supportive, listening, and caring about these victims, girls, and women. Also, being close to these survivors of rape conveys an

emotional support that allows them to voice their opinions and share their stories with confidence and courage.

These three techniques of subjectivity, identification, and intimacy have created the core of Bensari's version of the "female gaze" in the film. Thanks to these techniques of "the female gaze", the documentarian succeeded in capturing impactful moments, shots, and feelings of the victims while narrating their experiences with rape, violence, and injustice as Figure 2 shows:



Figure 2: Malika's close-shot while she was talking about the injustice at the court

Bensari as a female director managed to create a bond and give the courage to these victims to come out and voice their stories, because "women tend to know interesting women's lives are in a way many men don't" (French 2021, 30). The film encompasses multifaceted aspects of the "female gaze" while addressing the issue of rape, violence, injustice, and discrimination because of the application of the Article 475 in Morocco. The director structured and prioritized the female voice and experience, because the film is about female issues and matters. However, the film has given a polyphonic voice of men from different perspectives like journalists, sexologists, sociologists, therapists, psychiatrists, university professors, writers, legal experts, and the public ones to approach the theme of rape and violence from different angles and perspectives, and not to accused of being biased, sexist, and exclusionist. The director focuses on girls, women, students, mothers, writers, bloggers, victims, and survivors of rape to present a broad female standpoint and "gaze" regarding Article 475 and its ramifications such as violence, discrimination, injustice, and inequality. All the female characters have raised their voice against the brutality, oppression, discrimination, and injustice that are normalized and overlooked by Moroccan society and culture.

## **Results and Discussions**

Women have been subjugated, discriminated against, marginalized, and sexually assaulted in all societies and cultures, but they have raised and revolted against this brutality, violence, and discrimination with different means and perspectives such as protest, marching, writing, acting, painting, and other artistic forms. However, the documentary film has become the most preferred genre in the film industry for women (French 2021). In this context, Bensari's use of her "female subjectivity and identification" with the survivors of rape has created a strong



intimate connection and consolidated feeling for these victims to voice stories via this empowerment platform and window. This form of agency can allow these discriminated voices and experiences to express their critique of the legal and social injustice that they have endured in the light of the application of Article 475 and *Mudawana*. The director repeatedly stated her unconditional identification with these victims as a Moroccan, a female, and a woman who can feel such legal, cultural, and social discriminating impacts and patriarchal atrocities in Morocco. Throughout the whole film, the audience can see and feel how these victims are eager and comfortable- despite their trauma and damage- to share their experiences and narratives, because the female director created an intimate bound and personal connection with these interviewees via her empathetic comments, close-shots, and intimate settings. This intimate atmosphere and link between the survivors and the director capture one of the most impactful moments and images between the victims, the documentarian, and the audience as well. Ultimately, this emotional and intimate link will raise awareness, and agency, to stand up against the brutality of Article 475, rape, violence, and discrimination in Morocco.

Bensari's "female gaze" in this film empowers these victims and survivors of rape to voice their opinions, and stories (Figure 1), reveal their genuine feelings, and "break this unbearable silence" and trauma that suffocates and agonizes them. The process of the "female gaze" is imbedded in the director's choice of the film narrative structure which starts with shocking statistics of domestic violence, sexual harassment, and rape in Morocco. Besides, the director interviews random public women, girls, and students then moves to interview victims and survivors of rape to talk about their personal experiences. This combination of the public/personal voices and perspectives provides a strong line of storytelling to cover rape, structured patriarchy, the limitations of legal-social procedures, and the normalization with violence in Morocco. The director's "female gaze" lies also in her polyphonic voices that are presented through various female figures such as writers, psychologists, journalists, bloggers, legal experts, social activists, and workers to provide a holistic approach to the loophole of Article 475, patriarchy, discrimination, rape, and injustice against women in Morocco.

Many studies have approached the issue of rape, violence, discrimination, Moroccan Family Code, the legal and social impacts of *Mudawana*, and its limitations (Newcomb 2020, Orlando 2019 and Yachoulti 2021). However, the novelty that film 475 Break the Silence can offer is its impactful storytelling, vivid testimonies, close-up shots, intimate connections, ultimate identification and empathy with survivors of rape, a strong and visualized agency, and empowerment for these girls and women. These influential features of "the female gaze" are backed up and consolidated through technical and cinematic qualities such as close-up shots, music and sound features, camera motions and angles, and settings. These consolidated features have added emotional bounds, identification of the director and the audience, depth to explore issues of rape and violence, call for action and fuel social activism in Morocco. These distinctive features make the documentary's approach to rape, violence, and discrimination more realistic, visual, and vivid than other forms of engagement. Moreover, the close-up shots of the victims with the focus on their facial expressions such as smiles, tears, and reactions provide an account of Bensari's "female gaze" to critique Article 475, the limitations of *Mudawana*, the social and cultural normalization with rape and violence. Besides, Bensari's choices of camera angles, motions, pauses, and background music carries the genuine feelings and aspirations of these victims in their experiences with rape, injustice, and discrimination (Figure1, 2 and 3). These close-up shots symbolize how these victims were helpless,

abandoned, and unsupported by the legal authorities, society, and culture. These features and techniques have captured also Bensari's "female gaze" in the film which delves into the legal, social, and cultural impacts on these victims and survivors of rape and violence.



Figure 3, A helpless victim of rape. (Bensari 2014, at 01:45)

## Conclusion

Bensari's "female gaze" presents an impactful aspect in her film 475 Break the Silence while addressing the ramifications of Article 475, rape, the limitations of Mudawana, the legal system, rape, violence, and discrimination against Moroccan girls and women. The "female gaze" focuses on subjectivity, identification, and intimacy to delve into the genuine feelings, emotions, experiences, and stories of these victims and survivors of rape. Besides, the director employs close-up shots (Figure 1, 2 & 3), intimate settings, personal narratives, and storytelling techniques which enhance identifications among the audience, sensitize about the issue of rape, and call for action in the future. Undoubtedly, the female documentarian with her own "female gaze" and perspective succeeds to provide a platform and agency for these victims of rape, illuminate the loophole of Article 475 and the impacts of legal, social, and cultural injustice on these girls and women in Morocco.

## References

- [1] Bahmad, Jamal. 2019. "The Art of Peacebuilding: Transitional Justice and Unfinished Reconciliation in Moroccan Cinema". In the Book by Design: *Dialogic Configurations in Post-Colonial Morocco: Rhetorical Conjectures in Arts, Culture, and Politics*, edited by Najib Mokhtarri. Rabat International University Press.
- [2] Beb, Basuli. 2016. "Cutting across Imperial Feminisms towards Transnational Feminist Solidarity." *Meridians: feminism, race, transnationalism* 13 (2): 184-09. <https://doi.org/10.2979/meridians.13.2.09>.
- [3] Belot, Abdelghani. 2023. *Cinema alwafaiqia Almaghrebia: Hina touftaho al camera ala Dakira Tarikhiya [Moroccan Documentary Cinema: When Camera Captures the*

- Trauma of the Historical Memory*]. <https://www.aljazeera.net/culture/2023/12/22/> visited in 10/2/2025.
- [4] Bensari, Hind.2014. “475 Break the Silence”/ “475 Trêve de Silence”. December 22, 2015.by YouTube. 42:49. <https://www.youtube.com/watch?v=9fnSzQ1csoI>.
- [5] De lauretis, Teresa. 1984. *Alice Does Not: Feminism, Semiotics, Cinema*. London. Macmillan.
- [6] Durmus, Deniz. 2020 “Lessons from Beauvoir for Transnational Feminist Ethics”. *Simon de Beauvoir Studies* 31(1):47-67.
- [7] French, Lisa. 2021. *The Female Gaze in Documentary Film: An International Perspective*. Switzerland. Palgrave Macmillan.<https://doi.org/10.1007/978-3-030-68094-7>.
- [8] Herbert, Louis. 2022. *Introduction to Literary Analysis: A Complete Methodology*. New York. Routledge.
- [9] Massey, Doreen. 1994. *Space, Place, and Gender*. Minneapolis. University of Minnesota.
- [10] Newcomb, Rachel. 2020. “Gender, Globalization, and the Urban-Rural Divide: Examining the Effects of Legal and Social Change Through Morocco”. *Hesperis-Tamuda* LV (3): 393-10.
- [11] Orlando, K. Valerie. 2019. “Depicting and Documenting Violence against Women in the Contemporary Counter-Narratives of Moroccan Film”. *Journal od Applied Language and Culture Studies* 2, 147-73.
- [12] Reffat, Lara. 2023. “Moroccan Women Leading the Film Industry”. November 10,2024. <https://awimnews.com/moroccan-women-leading-the-film-industry/>.
- [13] Saidi, Rachida. 2018. “Défis et perspectives du film documentaire au Maroc: cas d’Amouddou”. *Langues, Cultures, Communication -L2C-* Volume 2 – N° 1 – 114-126
- [14] Shaer, Cathrin. 2023. “Arab Women Filmmakers Challenge Western Perceptions. Deutsche Welle. 12.01.2023. <https://www.dw.com/en/female-arab-filmmakers-biggest-challenge-western-preconceptions/a-67600251>.
- [15] White, Patricia. 2015. *Women’s Cinema, World Cinema: Projecting Contemporary Feminisms*. London. Duke University.
- [16] Yachoulti, Mohammed. 2020. “Moroccan Women’s Movement Effective Agency in the Aftermaths of the Arab Spring”. *Gatha Cognition. Feminist Research* 4 (1):18-27. <https://dx.doi.org/10.21523/gcj2.19010> 1021.
- [17] Zerrou, Laila. 2014. “Abrogation de l’article 475 du code pénal : Tolérance zéro pour les violeurs”. Janvier 24. <https://aujourd'hui.ma/societe/abrogation-de-l-article-475-du-code-penal-tolerance-zero-pour-les-violeurs-107428>.

### List of figures:

Figure 1: Houda, a victim of rape, felt encouraged and supported to talk about her story

Figure 2: Malika’s close-shot while she was talking about the injustice at the court

Figure 3: A helpless victim of rape. (Bensari 2014, at 01:45)