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Citizenship and grievability in migration: policies and practices surrounding death and burial of Sub-Saharan African migrants in Morocco

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ABSTRACT

The limited focus on management and regulation of deceased migrants starkly contrasts with the considerable attention given to living migrants in academic scholarship, policy circles, and public debates. This disparity is especially pronounced within regions of the Global South. This paper focuses on policies and practices surrounding death and burial of Sub-Saharan African migrants in Morocco. It investigates the degree to which different communities address citizenship issues and recognise the lives and losses of migrants – a concept frequently termed as ‘grievability’. Predominantly Muslim, Morocco is a Global South country which is transitioning from an emigration to a residence-centric nation. As it aims for a prominent role in African migration management, it must address the long-term residency of non-Muslim migrants, both in life and in death. Our empirical and legal analysis reveals that, for various reasons, migrants often end up staying indefinitely in Morocco. Maintaining identity in death, however, is challenging and migrants often rely on civil society actors for financial support, family notification, proper death and burial registration, and adherence to religious burial practices. Without this support, migrants’ lives may go unnoticed, and instead of belonging their historical presence is at risk of being erased.

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KEYWORDS Migration; death and burial; Morocco; regulatory and administrative framework; grievability; citizenship

Introduction

2 March 2022. Oujda, Morocco. We cannot bury everyone, Hassane Ammari, the President of an association for migrants in Morocco says. There are bodies

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that linger in the morgue because they remain unidentified. In other cases, the authorities decide to bury the body due to advanced decomposition. Our goal is to bury people with dignity (*karama*), and according to the person's belief and customs in their country of origin. Very often, it is not possible for family to pay the costs associated with repatriation, which can amount to around 6000 euros. There are many administrative hurdles [in Morocco], but the migrant still has the right to be buried in a decent way, because he came to Morocco in search of a decent life.¹

The interview fragment above underscores the importance of a dignified burial for migrants for Hassane, and other civil society actors and migrants actively participating in managing the death and burial processes of noncitizens. They engage in tasks such as identifying the deceased, acting as intermediaries between various authorities (e.g. Moroccan officials; embassies of the countries of origin), facilitating communication between the deceased and their family, and ensuring a dignified burial. For Hassane, dignity in death involves being buried under one's full name, according to one's cultural customs, and having a headstone akin to that of Moroccan citizens.² The Association for Helping Migrants in Difficult Circumstances Oujda (Association d'Aide de Migrants en Situation Vulnérable Oujda. Hereafter: AMSV), which he established in 2017 in the border town Oujda refuses to bury someone as an unknown person. In the words of Hassane:

The process of identification may take up to 4 or 5 weeks. [But] We do not let go until our task is performed, and the deceased has a death certificate ... This is when I feel that I've fulfilled my duty.³

The placement of a headstone signifies the culmination of this journey, acknowledging the person's name, family lineage, and cultural background. The attention and time paid by Hassane and other actors to bury people with dignity stands in stark contrast to academic scholarship and public debates, both within the EU and in Morocco. In these realms, the management and control of living migrants is a topic of intense debate, and there is significantly less attention for the management of dead migrants, especially in the Global South.⁴ There are a number of empirically supported grounds why this lack of attention is unfounded: South-South migration constitutes the bulk of international migration (Hossain, Adil Khan, and Short 2017, 1); intra-African migration exceeds current migration to Europe by far (e.g. Bredeloup 2021); death in border areas, such as Oujda and the Mediterranean Sea is a frequent phenomenon; and, longer stay of migrants in Morocco increases the likelihood of them dying there.

In border studies on migration and death, the concepts of ungrievability and citizenship are often used to analyse how states handle the deaths or disappearances of migrants trying to reach their territories. 'An ungrievable life', Butler says, 'is one that cannot be mourned because it has never lived, that is,

it has never counted as a life at all' (2016, 38). Building on Butler (2004, 2016), studies on ungrievability reveal the mechanisms through which migrant lives are dehumanised – rendered unworthy of mourning because they were not considered 'lives' to begin with – resulting in the absence of efforts to recover or identify their bodies.⁵ Other scholars focus on citizenship, shifting the discussion from liberal understandings of citizenship as 'a reciprocal relationship of rights and responsibilities between individuals and the state' (Yuval-Davis 2006, 205) to transgressive (Rygiel 2016) and relational (M'charek and Casartelli 2019) forms of citizenship that transcend national boundaries, highlighting the layered nature of a person's citizenship.

Grievability as the capacity to mourn and recognise loss is closely tied to citizenship; mourning reflects how communities determine whose lives and deaths are recognised, valued, and remembered, thereby exposing underlying politics of belonging. Despite their interconnections, grievability and citizenship have rarely been analysed together, let alone for the Global South. Integrating these concepts allows for a nuanced examination of citizenship, creating space to recognise differences both between and within communities regarding member participation and access to the entitlements and status associated with such membership. After all, belonging does not automatically guarantee entitlement or status (Yuval-Davis 2006, 207). This approach, in turn, fosters a more layered understanding of grievability across and within these communities.

Moreover, studying the dynamics of citizenship and grievability in the context of migration in a Global South context shifts the academic focus away from neocolonial frameworks where powerful nations dominate global narratives about belonging, humanity and worth. It redirects attention to Global South states, where the relationship between migrants and the territories they aim to reach or reside in is not shaped by coloniser–colonised dynamics. Geopolitical considerations, however, do play a role in what Yuval-Davis refers to as the politics of belonging (2006). In the coffee bar in Oujda where we first met Hassane, an image of the African continent, shaped by roses, adorned the wall. It was accompanied by a quote from a speech given by the King on the occasion of Morocco's return to the African Union in 2017. Among other things, the King declared that Africa was his continent and his home. Rather than based on a post-colonial legacy, Morocco's return to the African Union was highly associated with a discourse on the management of African migration as the bedrock for regional solidarity and prosperity. The migrant regularisation campaigns it had initiated earlier in 2014, which we will elaborate on below, attest to this.

Yet, Morocco also remains highly committed to its duties in the EU's border externalisation policies. This dual positioning suggests that migrants in Morocco are between two geopolitical realms, navigating at least two realms of citizenship: despite many Sub-Saharan Africans lacking legal



residency, the King views Africa as his home, which makes Africans, by extension, part of it. This compels the Moroccan state to move beyond liberal categories of legal/illegal, regular/irregular, citizen/noncitizen – an example of what Rygiel terms ‘transgressive citizenship’, which disrupt conventional state logic and political subjectivity (2016). Expressions of transgressive citizenship in Morocco are deeply intertwined with its history of racism – both past and present – and the King’s dual role as a political leader and the ‘Commander of the Faithful’. Moreover, in a country where 99 percent of the population formally adheres to Sunni Islam, this dynamic creates multiple layers of citizenship and grievability.

This paper centres on Sub-Saharan Africans living in Morocco, a deliberate choice considering their visibility in life not only because of the introduction of a national migration policy that included measures to grant them legal residency and a sense of belonging within the Moroccan national community, but also due to their visible presence in daily life, shaped by stereotypical perceptions of fixed physical traits, such as skin colour. We inquire whether this visibility persists after death by asking: What are the policies and practices surrounding death and burial of Sub-Saharan African migrants in Morocco and to what extent do they address issues of citizenship and grievability?

It should be noted that, given the complex history of racism in Morocco rooted in the legacy of the slave trade (El Hamel 2012), racism is not primarily associated with migrants but rather with a combination of factors. These include phenotypical traits, most notably skin colour, as well as cultural markers like clothing style. For instance, as observed by Anderson (2014, 141), many Sub-Saharan individuals in Morocco adapt their way of dressing to navigate daily life more easily, trying to be perceived as students or tourists rather than as individuals without status.

Migration to Morocco: a background

Our particular focus on Morocco is justified because it is a Global South country at the crossroads of Africa, Europe and the Middle East, which, as noted, aspires to a leadership position in African migration management. Moroccan King Muhammad VI was instrumental in proposing an African Union (AU) mechanism for effectively managing and understanding African migration (African Union 2020). The establishment in December 2020 of the African Observatory for Migration and Development, as an AU organ, with its headquarters in Rabat, testifies to the recognition of Morocco as a leader in African migration by AU member states.

Another factor justifying our focus on Morocco is its evolving status from solely being a country of emigration to becoming a destination country. With approximately 5 out of Morocco’s 35.5 million citizens living abroad (in 2017)⁶ (Khrouz 2019, 62), emigration is bigger than immigration. In comparison, the

approximately 200,000 migrants residing on Moroccan soil are relatively small in number, but because of Morocco's geopolitical position nevertheless receive a great deal of media and political attention. This applies especially to migrants living in Morocco without regular status. Estimates suggest that there are around 40,000 migrants residing irregularly in Morocco. According to country's most recent census, the number of registered migrants is approximately 148,152 (Haut Commissariat au Plan 2024), highlighting a rise from 84,000 registered migrants as suggested by the previous census (Haut Commissariat au Plan 2017). Additionally, there are 15,755 asylum seekers and refugees registered with UNHCR from more than 48 countries (UNHCR September 2021). For a large part, the group of registered migrants consists of French and Algerians as well as international migrants from, mostly, West and Central African countries (Sonneveld, Heddane, and van Uden 2023).

Nevertheless, in the scholarly literature on migration to and in Morocco, the overwhelming focus is on Sub-Saharan Africans without status and the way Moroccan-EU border agreements to halt this migration impact their lives, either at the border, but with more migrants being stuck, or gradually choosing to stay, in Morocco, there is also an increasing trend to address migrant integration in cities in the interior of Morocco (Sonneveld, Heddane, and van Uden 2023). This development reflects a trend in Moroccan migration policy from oppression of irregular migration in the early 2000s to a more welcoming approach, which started with the introduction of a new constitution in 2011, which entitles foreign residents to fundamental liberties on equal footing as Moroccan citizens (art. 30). They are also entitled to participate in local elections by virtue of the law, international conventions or practices of reciprocity (art. 30). On 10 September 2013, a National Strategy on Immigration and Asylum was announced. To incorporate the strategy into domestic legislation, the government created a sub-commission dedicated to reviewing the legal framework on migration through the introduction of three new laws on asylum, immigration, and human trafficking.

The new strategy also included an exceptional regularisation programme, which consisted of two rounds. In 2014, it allowed individuals without status to obtain a one-year residency permit upon meeting six conditions, and the second round in 2017 allowed them to obtain a three-year permit. By accepting that it had become a country of residence and transit, Morocco became the first country in the region to substantially reform its migration policy (Alioua and Ferrié 2017, 9). It should be noted, however, that the regularisation programme was explicitly presented as exceptional, and based on a circular.⁷ And while the law on human trafficking passed parliament in 2016, today, two new laws on immigration and asylum are still pending.

Given the official shift to accommodate longer stays of migrants in Morocco, it is unsurprising that the National Strategy on Immigration and Asylum deals extensively with integration of migrants in areas such as



education, the labour market and health care. To date, however, there is no official policy for handling deceased migrants and it remains unclear how this North African kingdom where approximately 99 percent of its citizens adhere to Sunni Islam, and where religion-neutral cemeteries do not exist, will deal with growing religious diversity in life (Benlabbah 2024) and in death. This diversity extends beyond an increase in migrants with Christian backgrounds to also include, albeit to a lesser extent, Muslims from non-Sunni backgrounds, and individuals who are non-believers, i.e. people who decidedly do not believe in God (atheists), who suspend their judgment about the existence of God (agnostics), or who do believe in God, but not in religion itself (non-religiosity) (Schielke 2012).

Methods

The data for this research was collected using four methods: legal analysis; informal 'participatory conversations' (Swain and King 2022); semi-structured interviewing; and observations at Muslim and Christian cemeteries.⁸

The legal analysis was difficult because of two main reasons. First, Morocco lacks a comprehensive funeral law. Instead, laws and regulations pertaining to death and burial are dispersed across multiple legal texts. Second, while we found sufficient sources on the establishment and management of Muslim cemeteries, particularly in Arabic texts, we encountered significant challenges in finding similar sources for Christian (and Jewish) cemeteries in Morocco, despite our extensive search across Arabic, English, and French sources. To supplement the limited information available in written sources, we conducted interviews with Hassane Ammari, the President of the Association for Helping Migrants in Difficult Circumstances Oujda (AMSV); one judge; three Moroccan Christians; one priest; four pastors, and two Sub-Saharan African NGO workers. Additionally, we interviewed numerous Sub-Saharan Africans about their encounters with the deaths of fellow migrants within Morocco. Based on extensive fieldwork experiences and the networks of both authors, the respondents were selected using snowball sampling, a form of nonprobability sampling. To protect the identity and privacy of our respondents, we use pseudonyms and omitted their country of origin when necessary.⁹

We visited seven cemeteries in three of Morocco's 12 regions: Fes-Meknes, Oriental, and Rabat-Salé-Kénitra and had informal participatory conversations with people working there.

Outline

This paper proceeds as follows. We first present our literature review. This is followed by outlining the different types of cemeteries found within Morocco,

with a specific emphasis on their classification as either public or private. As most Sub-Saharan in Morocco have a Muslim or Christian background, we mostly focus on Islamic and Christian cemeteries. This is followed by an overview of the maintenance and management of said cemeteries and the act of burial and its related aspects. Each section also examines how the framework is implemented in practice. In the conclusion we provide an answer to the main question: What are the policies and practices surrounding death and burial of Sub-Saharan African migrants in Morocco and to what extent do they address issues of citizenship and grievability?

Citizenship, grievability and death in migration

Broadly, the academic literature on death and migration can be divided into studies where death takes place inside the Global North and studies where death takes place at the border separating the Global South from the Global North. In the former, the focus of analysis usually is on (labour) migrants from the Global South who settled in Western Europe, reflecting a trend in social science studies to study '*la mort en migration*', i.e. death outside the country of origin, because of old age, for example (Lestage 2019, 193). Studies where death takes place at the border separating the Global South from the Global North represent a rapidly growing track that studies '*la mort par et de migration*', i.e. death caused by displacement (Lestage 2019, 193).

With Morocco being both a transit and destination country, death and migration can be studied both from the angle of '*la mort en migration*' and '*la mort par et de migration*'. In the past decade, seven studies on death and migration in Morocco were published in the Anglophone and Francophone literature, allegedly the first studies on the topic (i.e. Diallo 2018; Gazzotti 2019; Kobelinsky 2017, 2019; Maâ 2022; Perl 2016; Pian 2017). These studies share three commonalities: firstly, they highlight the significance migrants place on leaving behind a tangible mark of their existence when faced with death. Secondly, they predominantly focus on Sub-Saharan without status. Thirdly, death is always situated at the border. As far as we know, there are no studies dealing with '*la mort en migration*'.

Many studies on '*la mort en migration*' focus on Muslim migrants with formal citizenship. Employing concepts, such as integration and belonging, they frequently conclude that religious minorities, despite possessing formal citizenship, do not always 'feel at home'. Rather, their sense of belonging – feeling at home and safe – is rooted in their birthplace and shaped by their social identity and emotional attachments. However, it is also influenced by a politics of belonging, where affordable repatriation burial arrangements in the country of origin are encouraged (Balkan 2015) and access to permanent grave rest, significant for many with a Muslim background, in the



country of residence is limited, due to varying state-church legacies (Fetzer and Soper 2005). While the accommodation of minority norms is not entirely absent and occurs through measures such as exceptional legislation in the Netherlands, these norms still symbolically exclude minorities from the national community, even when they hold formal citizenship.¹⁰ This, we argue, reflects a form of formal citizenship with limited grievability.

Usually focusing on the border between Mexico and the US, and between North Africa and Europe, studies on '*la mort en migration*' ask how governments address the death and burial of individuals from the Global South who attempt to cross seas or deserts to reach the Global North.¹¹ Building on Butler, the concept of grievability is frequently used to demonstrate how their lives are deemed unworthy of mourning by the governments and institutions that control the borders they are attempting to cross – reflected in the lack of efforts to recover, identify, and bury their bodies – because they were never fully recognised as lives to begin with (e.g. Denaro and Bocccagni 2023; Mazzara 2020; Mercieca and Mercieca 2022; Sanyal 2023; Stierl 2016).

Scholars have demonstrated how ungrievability is contested through art (Mazzara 2020; Sanyal 2023), search infrastructures, spaces of public mourning, and demands for justice (Denaro and Bocccagni 2023), and grief activism (Stierl 2016). Nevertheless, compared to their religious minority counterparts with formal citizenship, these individuals still experience a greater denial of grievability. This also highlights the need to reconsider the scaled nature of grievability, where several factors (i.e. legal status, religion, financial resources, race, and ethnicity) intersect in defining whose lives are to be mourned and recognised – or not (van Wichelen 2015). Considering the scales of grievability allows us to examine varying degrees of visibility and invisibility. For example, are efforts made to recover and identify bodies and to record migrant deaths in official death registers? Is the location of their graves documented, and are the graves marked with headstones bearing their names?

Both strands of literature demonstrate that many borders exist, not only between citizens and non-citizens but also among citizens themselves. This underscores that focusing solely on citizenship as membership in the nation-state is insufficient for achieving a comprehensive understanding of grievability in the context of migration. We must broaden our scope to examine which types of memberships in various political communities are significant in the context of death and migration, and explore how different forms of intersectionality give rise to hierarchies of citizenship within these communities. This, in turn, enables us to examine the extent to which there exists an acknowledgement of migrants' lives and losses in each of these communities.

Using Faulks' (2000) three dimensions of citizenship (extent, content, depth), we investigate how various actors in the Moroccan context navigate the layered dimensions of grievability. We show that while migrants do not possess formal citizenship in the political community of the Moroccan nation state (extent), the 2013 migration policy has made it easier (at least temporarily) for migrants to access the resources of the state (content) *in life*, especially civil (e.g. legal status and the right to residency), political (e.g. the right to participate in local elections),¹² and social (e.g. education, healthcare) resources. *In death*, however, Faulks' third dimension of citizenship, depth, plays a major role. Referring to citizens' participation in the public sphere on matters of common interest, depth regulates the relations between citizens and the state and between citizens. Migrants, we show, depend on the active involvement of civil society, i.e. citizens' participation in the public sphere on matters of common interest, to be able to leave behind traces of their earthly presence as individuals and as a group. And yet, even when the intervention of civil society secures notification of the family, issuance of death certificates and the marking of graves, the leadership of Morocco by a king who holds the constitutional title of Commander of the Faithful (*amīr al-mu'minīn*) leads to varying processes of visibility and invisibility within the political community of the Moroccan nation-state, depending on one's religious background, position within the religious community, and financial resources.

The public- private status of cemeteries in Morocco

General

Cemeteries are usually categorised based on their public-private status. The classification of a cemetery as either public or private is determined by several factors, such as ownership, laws and regulations, and accessibility. It is common for cemeteries to have a combination of public and private aspects. In Morocco, the distinction between public and private cemeteries is not always straightforward, owing to two key factors: the influence of religion and the enduring legacy of colonial rule. In the country, a variety of cemeteries exist: Amazigh, Christian, Jewish, and Muslim (Hilal, Hafsa, and Abderrahmane 2023, 98). There are no faith-neutral cemeteries, and this aligns with Morocco's family law system, which dictates that significant life events, such as marriage, birth, divorce, and death, are governed by religious rules and principles.

Status of Muslim cemeteries

Given that approximately 99 percent of the Moroccan population formally follows Sunni Islam, most cemeteries are categorised as Islamic. In this

paper, we refer to them using the term 'Islamic cemetery' or 'Muslim cemetery' following usage in the legal texts and academic sources we studied. While these cemeteries can be considered public in the sense that they are maintained by government authorities and funded through public resources, they are not owned by the authorities due to their status as Islamic endowments (see below for more). Moreover, in terms of accessibility, they are designated for Muslim burials, with no specified, formal sections for non-Muslims. In practice, however, the situation may at times differ, due to inconsistencies between laws and regulations, as we will demonstrate later.

During the 'Protectorate' of Morocco (1912–1956), the legal system for Islamic cemeteries was affected by the French who subjected it to a double legal framework: Islamic law and legal text requirements (Moumen 2017, 16). This positive legal framework, however, did not change the legal nature of Islamic cemeteries, which *fuqahā'* (religious scholars of *fiqh*)¹³ had agreed upon before the 'Protectorate', and which states that they are considered a general endowment (*waqf 'ām*) and not the public property of states or attached to the ownership of the territorial communities (*al-jamā'āt al-turābiyya*), which, according to positive law, were responsible for management and maintenance of the cemeteries (Moumen 2017).

Moroccan Muslim cemeteries are regulated by the Code on Awqaf (*mudawwana al-awqāf*) of 2010. According to article 50: A general *waqf* is every *waqf*, which benefit or money has been allocated from the beginning for the purpose of righteousness, benevolence, and realisation of the public benefit (first paragraph). Considered as *waqf*, by the force of law, for the benefit of all Muslims, are: all mosques, zawiya's, shrines, Islamic cemeteries (*al-maqābir al-islāmiyya*), and their annexes and the properties endowed for them (second paragraph). General endowments, Islamic cemeteries including, fall under the authority of the King in his capacity of Commander of the Faithful, and are delegated to the Minister of Islamic Affairs and Habous (art. 2). They are managed (*tadbīr*) according to the provisions of the Code on Awqaf and the associated regulations for their implementation (art. 2 and art. 50, third paragraph).

In Morocco only Islamic-based and Jewish-based family laws are recognised, in contrast to most other Muslim-majority countries where usually all three monolithic religions are acknowledged. Hence, Christian family law does not exist and marriages of Moroccan Christians are not officially recognised (e.g. Info Chrétienne 2018).¹⁴ In the same way, there do not exist cemeteries for Moroccan Christians; for Moroccans there only exist Muslim and Jewish cemeteries, and interviews with Moroccan Christians revealed that upon death, they receive a Muslim funeral and burial.¹⁵ This does not mean that there are no Christian cemeteries.

Status of Christian cemeteries

The number of Moroccan Christians has been and remains very low. The majority of Christians residing in Morocco is foreign. In the colonial period, Christian presence in Morocco mostly concerned migrants from France, Spain, and other Western European countries. This explains why the sign at the entrance of the cemetery usually says European cemetery and why local residents commonly refer to these cemeteries as 'European cemeteries'. After Moroccan independence in 1956, many Europeans left the country and their churches, and presumably their cemeteries as well, fell into a state of disuse (Roucou 2021). In the last two decades, however, an increase in Christian populations from both Sub-Saharan Africa and France has led to the re-use of the churches and, to some extent, the cemeteries established by the French and Spanish, as we demonstrate later. Here, we will use the terms 'Christian cemetery' and 'European cemetery' interchangeably as this is the terminology employed in legal texts and academic references.

Much like the Islamic cemeteries, determining the public or private nature of Christian cemeteries in Morocco is complicated. Ownership of the land on which Christian cemeteries are built varies and is either in the hands of the local Moroccan government or private Moroccan companies.¹⁶

Due to the European cemeteries' exclusive designation for burial of non-Muslim and non-Jewish foreigners and military personnel they can also be considered private in nature, at least in theory. In actuality, both civilian and military sections contain the remains of non-Christians and non-Europeans. These observations highlight the varying scales of grievability within different communities and the underlying politics of belonging. Instead of being laid to rest in a Muslim cemetery, these individuals were interred in a cemetery designated for foreigners. Excluded from eternal rest in one community, they were included in another. This shift draws our attention to spatial rights as a crucial extension of traditional notions of citizenship entitlements. Entitlements have traditionally been studied within the framework of civil, political, and social rights. Building on Yuval-Davis (2006), we expand this framework to include spatial rights: the right to enter a community's territory and remain there. In life, this includes legal residency, among other aspects, as evidenced by the regularisation campaigns in Morocco. In death, these rights extend to burial on Moroccan soil. However, since religion-neutral cemeteries are unavailable, this also entails the right to rest within the soil of a specific religious community after death.

The maintenance and management of cemeteries

Morocco's administrative structure is decentralised and consists of four levels: central (*al-dawla*), regional (*al-jiha*); provincial/prefecture (*al-iqlim* for urban



areas and *al-'amāla* for rural areas); and municipal (*al-jamā'a*). The regions, the provinces/prefectures, and the municipalities form the territorial communities (*al-jamā'āt al-turābiyya*) (Constitution 2011, art. 135, first paragraph).

According to organic law 113.14/2015, Moroccan municipalities are entrusted with a wide range of mandates pertaining to the creation and management of key services, such as the distribution of electricity, water and sanitation, roads, collective urban transport, public lighting, solid waste hygiene; the maintenance of public spaces and parks; mobility and parking; municipal markets; and bus stations. The establishment and maintenance of cemeteries as well as transport of corpses and exhumation also fall under the responsibility of the municipality (art. 83). Art. 83 uses the general term *maqābir* (cemeteries) instead of *maqābir islāmiyya* (Islamic cemeteries), the term employed in the Code on Awqaf, and interviews with various persons confirmed that the Christian cemeteries also fall under the responsibility of the municipality.

In its section outlining the competences (*ikhtisāsāt*) of the municipalities, organic law 113.14/2015 delineates three levels: the municipality independently exercises its competences, shares certain competences with the state, and receives delegated competences from the state (art. 77). Hence, in some areas the municipality shares responsibilities with the state, but responsibilities related to cemeteries are not among them (art. 87). This would lead one to conclude that municipalities enjoy a relatively high degree of autonomy in the domain of death and burial. Nevertheless, centralised structures and modes of governance remain and the boundaries of jurisdiction on cemeteries remain unclear (Hilal, Hafsa, and Abderrahmane 2023, 99). For instance, article 50 of the Code on Awqaf still stipulates that the Ministry of Endowments and Islamic Affairs is in charge of managing the *waqf* and that it is its legal representative. Furthermore, the Minister of Interior oversees the practical implementation of competencies in the domain of death and burial and has frequently issued decrees to provide guidance for practical implementation.

For instance, in 1989, the Minister of Interior issued a circular (*dawriyya*) in which he urged *wali's* and governors (the local authorities on the regional level) to make diligent efforts to maintain the country's Islamic cemeteries (Hilal, Hafsa, and Abderrahmane 2023, 100). Referring to this circular, the Minister of Interior issued a decree (no. 83) in May 2000, again urging *wali's* and governors to make work of the management, preservation and maintenance of Islamic cemeteries, especially in rural areas (Hilal, Hafsa, and Abderrahmane 2023). In 2010, the Ministry of Interior mapped the state of affairs of the Islamic cemeteries in the country. It appeared that out of 1252 Muslim cemeteries, 415 had reached their capacity. Additionally, 99 percent lacked an organisational map of the field, 94 percent had no regulatory design, and records for burial and exhumation of bodies were unavailable

in 92 percent of the cemeteries (Hilal, Hafsa, and Abderrahmane 2023, 104). On the basis of the report, it was concluded that the cemeteries remain in poor condition.¹⁷

Maintenance and management of Christian cemeteries

In 1908, Pope Pius X (r. 1903–1914) elevated the Apostolic Prefecture of Morocco to the rank of Apostolic Vicariate based in Tangier (Marguich 2017, 33). In 1923, Pope Pius XI (r. 1922–1939) established two apostolic vicariates, one in Rabat, for the French protectorate zone, and one in Tangier, for the Spanish protectorate zone and the international zone of Tangier (Marguich 2017, 34). While the number of churches in Morocco increased, the Catholic church nevertheless failed to establish a native church, composed of indigenous Christians and priests (Marguich 2017, 51). In 1955, 200 churches or chapels were available for the approximately 500,000 Europeans living in Morocco (Roucou 2021), and this included an undetermined number of associated cemeteries. Many churches closed in the period following independence, but revived from the 1990s onward due to the arrival of Christian students from Sub-Saharan Africa (Maâ 2022; Roucou 2021). According to a Catholic priest from France, around 95 percent of the people who attend the Sunday prayer in his church are from Sub-Saharan Africa.¹⁸

The nationally recognised protestant church is the Evangelical Church of Morocco (EEAM), a Church of Protestant Reformed tradition that has legally existed in Morocco since 1907 for foreigners abroad. The church is constituted as a synod at the national level, while its parishes are managed by presbyteral councils. They have a presence in 12 Moroccan cities throughout the country (Église Évangélique au Maroc n.d.). There are many other non-recognised protestant churches, often led by African pastors.¹⁹ It is estimated that 30,000 Christians currently live in Morocco: 20,000 Catholics and 10,000 protestants (Roucou 2021).

As Christian cemeteries often allocate sections for civilians and military personnel, management of the cemeteries can be in the hands of different organisations. Generally, the municipality is responsible for maintenance and management of these cemeteries.²⁰ However, several years ago, the French Consulate General assumed responsibility for funding the maintenance of the common areas of four European cemeteries. It's more than 10,000 graves (in 2001) are located in Rabat (around 7136 civilian graves and 945 military graves), Salé (200 graves), Kénitra (around 3400 civilian graves and 300 military graves), and Souk El Arbaa (212 graves). The maintenance of private graves is not within the competence of the Consulate General.²¹ The lay-out of military plots is uniform, with graves lined out in a strict rectangular way, and similar design of headstones. Sections are



Table 1. Main Legal/Administrative Framework pertaining to death and burial of foreigners in Morocco

Legal / Administrative framework	Articles in question	English translation of the article/articles in question (by authors)	Comments (by authors)
Law No. 37-99 Relating to Civil Status (Civil Code)	Article 3	"The system of civil registration is compulsory for all Moroccans, and it is applicable to foreigners in respect of births and deaths that occur on national territory."	The Law guarantees that its provisions are also applicable to foreigners in respect of births and deaths occurring on Morocco's territory.
Dahir No. 1.09.236 relating to Mudawamat Al Awqaf (Law relating to Endowments) (2010)	Article 50 (Paragraph 2)	"Is considered an endowment, by lawn on all Muslims, all mosques, Zawiyyas, shrines, Muslim cemeteries, and all its annexes as well as other properties."	Cemeteries are endowments and, thus, are -in part- under the supervision of the Ministry of Habous and Islamic Affairs, which serves as the entity in charge of its management (Art. 50 – Paragraph 3).
Law No. 113-14 relating to Communes (Municipal Councils)	Article 100 (Paragraph 24)	"[...] The president of the communal council [...] particularly practices: - The duties of the police for funerals and cemeteries, taking urgent necessary measures for the proper burial of deceased individuals, organizing the public service for transporting the deceased, monitoring the burial process, and extracting bodies from graves, according to the procedures established in the laws and regulations currently in effect."	In Morocco, management of cemeteries are under the supervision of municipal councils (Communes). Therefore, presidents of communal councils are in charge for the management and preservation of cemeteries within the geographical bounds of their councils. However, as mentioned in the numerous Circular Notes of the Ministry of Interior, it is noted that little attention is dedicated to this matter, particularly in case of Islamic cemeteries (Christian cemeteries being managed by representatives of some European states, France mainly).
Decree No. 2-22-218 (2022) relating to the regulating burial, exhumation, and transportation of remains (As a reminder of the Circular note of 1989).	Article 10	"A permit for the transportation of the body outside the national territory is delivered by the 'Amlil of the 'Amla or Province where the body is present, or by any other person authorized for this purpose, based on the certificate of death constatation, and based on a request country to where the body will be transported."	Supposedly, the premises of the Decree are applicable to both nationals and foreigners. However, as made clear in the article, transportation can be extremely expensive, while migrant communities and NGOs (i.e. Hassan's association in Oujda) sometimes fail to raise the funds necessary to transport the body, which will eventually lead to a burial on Moroccan territory.

(Continued)

**Table 1.** Continued.

Legal / Administrative framework	Articles in question	English translation of the article/articles in question (by authors)	Comments (by authors)
Circular Note of the Minister of Interior No. 83 (2000), directed to Walis and Governors on the management, preservation and protection of Muslim cemeteries.	--	--	The Minister of Interior calls the <i>Walis</i> and <i>Amil's</i> to urge local councils to take care of Muslim cemeteries, particularly the ones in rural areas. The Circular highlights the limited attention dedicated to ensuring proper management of the cemeteries while, at the same time, emphasizing the legal ambivalence that characterizes this question.
Circular note of the Minister of Interior No. 98 (2007) relating to the registration of deceased foreigners in Morocco in the civil status registers.	--	--	The Minister of Interior reiterates the need to address cases of deceased foreigners in Morocco with necessary flexibility and urgency, particularly in issuing death certificates. The Circular recalls articles 24 of the Civil Code, which stipulates that any legal representative of the deceased can request and issue the death certificates. It also highlights that, according to article 32 of the Civil Code's Application Decree, private undertakers are also eligible to act on behalf of the foreign deceased, in terms of legal and administrative procedures, as well as to ensure transportation (when applicable).
Circular note of the Minister of Interior (1989), directed to Walis and Governors ('Amil) urging them to make sure that local collectivities within their jurisdiction take action to manage and preserve Muslim cemeteries.	--	--	This is one of the earliest notes issued by the Ministry of Interior, highlighting the condition of Muslim cemeteries (Bami, 2012).

neatly maintained and there is no difference in maintenance between the graves, indicating similar positions within the political community of the French Colonial Empire where these individuals gave their lives for the common good – the ultimate expression of civic duty. The situation is different at the sections for civilians.

In Rabat, for instance, civilians have to pay fees to secure a place at the cemetery. Technically, one rents a space for 99 years, which gives the government the right to take the space back after this timeframe has elapsed.²² In contrast to the military plots that are maintained by foreign national organisations, burial right holders (i.e. individuals who bought a site at a cemetery) are ultimately responsible for maintenance of the grave with the result that some graves are neatly maintained while others are neglected. Nevertheless, observations showed that all graves have a border and a headstone with an inscription that, at a minimum, displays the name of the deceased, date of birth and death. This is not necessarily the case with graves belonging to Sub-Saharan Africans. While some graves have a border and a headstone, others do not and, in Rabat, consisted of a heap of sand marked by a small wooden cross with usually, but not always, a tiny aluminium nameplate displaying the name of the deceased and the date of death. Nameplates were frequently rusted and it was very hard to decipher the name of the deceased. At the Christian cemeteries in Oujda and the Fes-Meknes region, graves were marked by a wooden cross but without a name. Even the wooden cross is subject to neglect: during a visit to a Christian cemetery in the Fes-Meknes region, a visitor from Sub-Saharan Africa was putting up the small wooden cross of an otherwise undecorated grave. Pointing to the cross he lamented that every time he visits the cemetery, the cross lies flat on the ground and he feels obliged to put it up again. Although resting in one cemetery, we observe different layers of grievability, both between Europeans and Sub-Saharan Africans, as well as within these two groups – particularly among the latter. Some Sub-Saharan individuals have neatly kept graves with their names, while others have only a wooden cross, which can easily be displaced, with names that are either absent or difficult to read.

Burial practices

Most Sub-Saharan respondents preferred burial in the country of origin, expressing a sense of belonging, a feeling of being at home, beside their ancestors. Due to high fees for repatriation, this is not always possible. Throughout his years working with migrant death and burial, Hassane encountered only one instance of repatriation among 51 cases of migrant mortality.²³ For Martin, this was slightly different. Originally from a country in Sub-Saharan Africa, Martin acts as a *traceur* in Morocco: based in a city in the Fes-Meknes region, he tracks down the family of deceased migrants,

facilitates the submission of the required official documents to initiate the burial process, and goes at great length to collect the necessary funds, from the family in the country of origin as well as the various Sub-Saharan African communities in the region, to provide the dead with a respectful burial. He has repatriated the corpses of 11 Sub-Saharan and buried 12 in Morocco.²⁴ Also from Sub-Saharan Africa, Pastor Daniel frequently handles cases of Sub-Saharan individuals seeking medical care in Morocco. When treatment fails and they pass away in Morocco, they are typically repatriated. Of the 15 deaths occurring within his community since 2015, including those seeking treatment, 6 were interred in Morocco while 9 were repatriated.²⁵ Moreover, it is worth noting that some Sub-Saharan or their families opt for burial in Morocco due to lower costs. After thoughtful discussions with his wife, pastor Daniel decided that when he dies, he wishes to be laid to rest in Morocco to alleviate his family from both the financial burden of repatriation and a funeral in his country of origin. What mattered most to him was resurrection and this, he argued, could occur from any location.²⁶ These fieldwork findings demonstrate that financial resources, more developed community structures, and one's level of religiosity influence where one can and wishes to be buried. Below, we outline the details of what burial in Morocco entails.

Burial practices: Christian cemeteries

On the day of burial, bodies are transported to the cemetery, either from the morgue or from the church or mosque. Consistent with the religious nature of cemeteries, respondents reported that the stay in the morgue and transportation arrangements are segregated according to religious affiliation, distinguishing between Muslims and non-Muslims. Although the law does not explicitly segregate based on religion, Moroccan ambulances transporting the deceased prominently display the Islamic profession of faith (*shahāda*) in large letters on their sides. In Oujda, Hassane found a way to end this segregation:

To us, the motto 'There is no God but Allah' applies to everyone, including migrants ... We already had a discussion with the association of ambulances owners, and we convinced them to also transport non-Muslims for free. Nowadays, they suggest transporting them for 250 dirhams instead of 500 dirhams, wishing also to help us.²⁷

For Hassane and the other volunteers of AMSV, burial according to one's religious beliefs is paramount and constitutes an essential component of dignified burial. Respondents with a Christian background too reported that when repatriation is not feasible, they would opt for burial in a Christian cemetery as their next best choice. Martin seconded that Muslims go to the



Muslim cemetery and Christians to the Christian one, if, he hastened to say, they can afford it. Christian burials, he said, are very expensive.²⁸ Those who were buried in the Christian cemetery, and there is one in every major city in Morocco, were able to pay for a spot there. This, Martin said, goes through the Compagnie Marocaine de Pompes Funebres (CMPF) who buys the place for the deceased on behalf of the family.²⁹ Informal conversations and interviews with other civil society actors as well as Sub-Saharan migrants residing in several towns in Morocco showed that, indeed, deceased migrants are only buried in the Christian cemetery if they can afford it.³⁰ Compared to internment at a Muslim cemetery, burial at a Christian cemetery is expensive, regional differences notwithstanding.

Determining the price for burial is not straightforward, as it varies depending on the different tariffs set by funeral undertakers. Furthermore, while pastor Daniel accepts the price as it is quoted, Martin occasionally tries to negotiate a lower cost with the funeral undertakers. There seem to be vast regional differences too. Where a Muslim burial in the Rabat-Salé-Kénitra region costs approx. 2000–3000 dirhams, a Christian burial costs around 27,000 dirhams. The amount for Christian burial is 11,000–16,000 dirhams in the Fes-Meknes region,³¹ and between 10,000–20,000 dirhams in Casablanca-Settat. In Oujda, AMSV pays 1200–1500 dirhams for internment of a Muslim migrant and 3000–4000 for a Christian migrant, excluding the cost of a coffin.

Through its Comité d'Entraide International (CEI), the EEAM assist migrants from different African countries, who came to Morocco for different reasons, such as study, economic and political reasons (CEVAA, n.d.). EEAM has a donor-sponsored heavy-cases-fund, where money is saved for extreme medical cases and burial.³² As a pastor of the EEAM said: 'we paid for many, many, many, many internments over the years'. According to this pastor, those with the financial means and desire to be buried in a Christian cemetery usually face no obstacles, provided their names sound vaguely Christian or do not overtly appear Muslim.³³

Respondents pointed out that the church might indeed assist in gathering the required funds for burial, but only if the deceased has demonstrated active participation and commitment as a church member in life, by attending Sunday sermons, welcoming people in the church on Sundays, and participating in cleaning activities within the church, for example. Indeed, pastor Daniel highlighted that for active members, the church initiates fundraising efforts in cases where the deceased's family is unable to cover the expenses for burial at the Christian cemetery. However, such assistance is extended exclusively to active individuals known to the church community.³⁴ According to Patrick, a church member and NGO worker from the Souss-Massa region, when they require funds for burials, they often turn to other NGOs, which then

reach out to their networks and inquire whether private individuals are willing to contribute to the burial expenses.³⁵

Extent as a dimension of citizenship, i.e. membership in the church community is guaranteed as long as one's name sounds remotely Christian. *Content*, the ability to access this community's resources, depends on financial ability. When lacking the means for burial at the European cemetery, individuals rely on civil society actors and institutions, such as the church, to meet the financial obligations. In the case of the church, this help is conditional on active participation in church activities (see also Jacobs and Sonneveld 2021). This dependency on civil society reveals a deeper dimension of citizenship, described by Faulks as *depth*. Below, we explore another aspect of depth, concerning the fate of (non-religious) Sub-Saharan who cannot afford burial expenses, as well as Sub-Saharan with a Muslim background.

Burial practices: Muslim cemeteries

When we asked Martin what happens when a Christian migrant cannot be repatriated or be buried at the Christian cemetery, he took a deep breath, leaned back and said: they are buried as Muslims. He then shared a picture of a young Christian migrant being buried in a Muslim cemetery due to financial constraints and because the family had no objections to the burial site, preferring a swift interment. The deceased was wrapped in white cloth. This cloth, Martin said, covered both the face and the entirety of the body. Inside the ambulance, the body rested on a simple stretcher and was covered with a green cloth bearing golden inscriptions of the profession of faith (*shahāda*).³⁶ Patrick, an active church member and NGO worker in the Souss-Massa region who has been working with migrants since 2015 even mentioned that occasionally, members of the migrant community intentionally bury non-Muslim members in Muslim cemeteries to bring the price down. This trick is mostly used by Sub-Saharan whose names sound Muslim or Arab.³⁷

Respondents pointed out that they conduct their own prayers in a secluded section of the cemetery. Martin said that Christian prayers are forbidden, instead the cemetery's imam will come to perform the Islamic prayers (see also Maâ 2022, electronic page 9). There are no administrative guidelines concerning the prayer, although the Qur'an states³⁸ that Muslims may not pray for a non-believer, not even when they are next of kin (Sabiq 1991, 51).

The next image Martin presented to us depicted the body of the young Christian migrant being lowered into a hole that appeared to be only waist-deep. When questioned about it, Martin responded that it was common, both for Moroccans and non-Moroccans.³⁹ Sub-Saharan African respondents often complained about the graves of their 'brothers and



sisters' being shallow, being no more than knee-deep. The practice of digging shallow graves, respondents said, causes bodily remains to surface after heavy rainfall. According to the collective decision form of decree 83/2000 adult graves should have a depth of 1.50 metres. Shallow graves of 80 and 60 cm deep are reserved for children between one and ten years of age, and children below the age of one, respectively (Moumen 2017, 92). Some respondents believed digging shallow graves was deliberately done to accommodate new burials after a few years,⁴⁰ rather than waiting for the 40 years mandated by the law to have passed (Hilal, Hafsa, and Abderrahmane 2023, 98; Moumen 2017, 98).⁴¹ This deepened their sense of not belonging, of feeling out of place – even in death – and serves as a manifestation of ungrievability, both within the national community and the broader community of Muslim believers, especially given that eternal grave rest is a key component of Islamic burial guidelines.

During a visit to a Muslim cemetery in the Fes-Meknes region, Richard, hailing from a country in Sub-Saharan Africa, pointed out several graves containing the remains of Sub-Saharan with Christian or non-religious, but certainly non-Muslim, backgrounds. The graves were located in a remote area of the cemetery, far from the entrance. While the graves near the entrance were mostly well-maintained, with each grave having a headstone with the name of the deceased, and a number, graves at the outskirts of the cemetery, often lacked a headstone and were only marked by a stone of approximately 15 by 15 centimetres with a painted number. It was clear that many stones were displaced, making it impossible to establish the exact location of the grave. The numbers, Richard said, easily wash away when it rains. The register available at the entrance of the cemetery was organised on the basis of year of burial, not on number, making it difficult to link a number to a name and with so many stones displaced the opposite was difficult too. Although the man in the registration office claimed that most entries of foreigners are written in Latin rather than Arabic letters, it was still difficult to look up a grave, not even when knowing the year of death and the name of the deceased.⁴² The narratives confirm the findings of the aforementioned research report commissioned by the Ministry of Interior, which concludes that in 92 percent of the cases, records for burial and exhumation of bodies were unavailable. While this applies to Moroccan citizens as well, migrants must make a greater effort to keep track of a grave's location, especially when there is no family to know where a member is buried or to maintain a record of that person's existence. The fact that the gravestones marking the location can easily be displaced only exacerbates the challenge.

According to Islamic jurisprudence (*fiqh*), non-believers cannot be buried in a cemetery for Muslims (Abu-Sahlieh 2012, 24; Sabiq 1991, 75),⁴³ and in Muslim-majority countries, each religious community buries its deceased persons in its own cemetery.⁴⁴ Coupled with the clear status of Moroccan

cemeteries as religious endowments in Islam (*awqāf*), one would expect a strict division of religion in death. However, Moroccan law does not specify whether non-Sunni Muslims and non-Muslims can be buried in the country's Islamic cemeteries. According to an interviewed Moroccan judge, Royal Decree (*zahīr sharīf*) no. 986.68/1969 does not make any references to religion or nationality when defining eligibility for burial in a cemetery. This, according to the judge, means that when a non-Muslim cannot be buried on a Christian cemetery or when a body remains unidentified, authorities will refer back to the general rules as outlined in the Royal Decree and bury non-Muslims and unidentified bodies on a Muslim cemetery.⁴⁵ And according to Martin, there are many Christians who are buried as Muslims⁴⁶ (see also Mabrouki 2018). We already mentioned the burial of Christian Moroccans as if they were Muslims. Given their small numbers, such occurrences are not expected to be frequent. More frequent is the burial of non-Muslim individuals from Sub-Saharan Africa on Muslim cemeteries, as this section has described.

Despite Moroccan cemeteries' status as *awqāf* (religious endowments), their exclusive nature is practically mitigated by the burial of non-Muslim migrants. Whether done willingly or not, these migrants are laid to rest there due to financial constraints preventing burial at Christian cemeteries. While this inclusive act seemingly integrates them into the *umma* (Muslim community of believers), granting them access to *content*, that is to say, to resources such as transportation in religiously designated ambulances, shrouding according to Muslim burial rituals, and prayers at the cemetery, the *extent* of their inclusion remains incomplete. Migrants remain invisible in two significant ways: their names often do not appear in the cemetery registers, and their graves lack the permanent, substantial headstones seen on Moroccan graves. Instead, their burial sites are marked by small, nameless stones with easily eroded or displaced numbers. Their lives are acknowledged but their deaths are not fully mourned or commemorated within the cemetery's infrastructure. For Hassane and the other volunteers at AMSV, this was unacceptable. According to them, the final act in the process of a dignified burial necessitates the placement of a headstone.

The headstone: the final act in the process of dignified burial

When citizenship remains incomplete – i.e. when someone is buried without leaving significant markers – it falls upon the family or migrant community to ensure the placement of a permanent marker of earthly existence in the form of a headstone. The church's responsibility typically ends with the burial itself; they do not handle the arrangement of headstones, and the same applies to mosques. According to pastor Daniel, each grave has a cross with a name-plate. It is up to the family or the migrant community to consult with the cemetery managers to place a headstone on the grave.

During an online interview with three men from Cameroon and the Central African Republic, one of them recalled a burial in the Fes-Meknes region where the people from the townhall were about to bury a Sub-Saharan without a name, date of birth, and date of death. The migrant community firmly objected and advocated for the placement of a headstone. In the end the people of the townhall said that if they really wanted a headstone, its inscriptions would need to be in Arabic. The migrant community objected and believed they had succeeded, but after making the payment, they discovered it was for a headstone engraved in Arabic. With the help of a welder, they crafted a plaque, which they then positioned beside the tombstone.⁴⁷ When asked why it was so important to visibly and permanently display the name of the deceased, they replied it is important to bury somebody with dignity, and the name forms a big part of that dignity: '... because it is the identity, it is the identity of a person after their death'. Hassane too strongly believed that *karama* (dignity) is to be buried in one's name, and to have a headstone like Moroccans.⁴⁸

Standing at the graves of two young men from Guinea Conakry, Hassane explained that they were buried recently. They had died of cold and starvation near the border, a clear example of 'la mort par migration'. Elaborating that treatment of the deceased depends on who assumes responsibility for the burial process, he outlined two burial procedures: one coordinated by local authorities, entailing burial in the evening at an unknown location without a death certificate, and without ceremony; the other organised by his association to ensure the acquisition of a death certificate, clarity on the grave's location, and burial according to the religious norms of the deceased.⁴⁹ The graves did not have headstones yet because they first needed to collect the necessary funds. During a later interview, when we inquired whether his association takes care of making headstones for migrants' graves, he said: 'Of course, we do! This is part of their dignity'.⁵⁰

Conclusion

In this paper, we asked what the policies and practices surrounding death and burial of Sub-Saharan African migrants in Morocco are and to what extent they address issues of citizenship and grievability. We wanted to focus on death and burial in a Global South context to complement the relatively numerous studies on the topic in Global North contexts (though still limited compared to research on living migrants). This approach enables us to move beyond neocolonial perspectives to explore contexts with distinct dynamics. This investigation is particularly pertinent in a nation transitioning into a destination for migrants, where life events are officially regulated by religious laws and regulations.

We found that official migration policies in Morocco differ to some extent from the EU's; rather than only aiming to halt migration, they are framed within a discourse of Morocco as a shared home for all Africans, regardless of formal citizenship. At the same time, however, Morocco's official rhetoric is imbued with ambivalence – evident in temporary and exceptional regularisation campaigns, along with the ongoing delay in enacting a new migration law.

Despite differing approaches to migration, both contexts rely on the depth dimension of citizenship – namely, the role of civil society – in ensuring the dignified burial of migrants, rendering them grievable and visible. This underscores the importance of studying citizenship and grievability together, an approach that is rarely undertaken in studies on death, burial, and migration within Global North contexts. Both citizenship and grievability are layered concepts: variations across and within political communities shape how death and burial are organised and valued, resulting in differing scales of grievability and, consequently, visibility. It explains the nuanced coexistence of both the acknowledgment and dismissal of the significance of migrant lives.

At the intersection of governmental and civil society realms, the likelihood of migrants' deaths being acknowledged, mourned, and thus becoming grievable and visible markedly increases as civil society involvement facilitates identification of bodies, family notifications, collecting funds, and the marking of graves. However, this intervention has different implications for citizenship, particularly in terms of membership within the nation-state and religious community. The act of burying non-Muslim and non-Jewish foreigners in a European cemetery reinforces the image of Morocco as a nation where non-Muslims and non-Jews are excluded from the national narrative. However, it also signifies migrants' inclusion within the religious community, as they are interred in accordance with Christian burial practices. This inclusion, though, is not equal, as the level of religiosity and financial position determine the extent of grievability – that is, how the grave and the name of the deceased are made visible – showing the layered nature of grievability within the Christian cemetery.

A different dynamic of citizenship emerges when migrants lacking the financial means for burial in a Christian cemetery are interred as Muslims by default, regardless of their actual religious beliefs. This has significant ramifications for both national and religious citizenship affiliations. While some may argue that this reinforces the existing political order of Morocco with the King as the commander of the faithful, without the intervention of civil society there are notable distinctions in the treatment of citizens versus non-citizens within Muslim cemeteries. Regardless of religious affiliation, graves of Sub-Saharan individuals are often collectively grouped and relegated to the periphery of the cemetery. These graves frequently lack proper registration and may only be marked by small stones bearing numerical erasable identifiers, rendering the precise location of the graves easily



overlooked or forgotten. Consequently, as a group, Sub-Saharan African migrants are visible, but as individuals, they largely remain invisible. Due to their status as *waqf*, however, these cemeteries are not under government ownership but, instead, belong to and serve the Muslim community. This highlights the complex relationship between religious and national citizenship. It also shows that migrants' human dignity is only restored when the deeper dimension of citizenship – the *extent* of civil society's involvement in the burial process as a form of grief activism – takes control. This phenomenon can be seen in both Global North and Global South contexts.

Notes

1. Interview, 2 March 2022, Oujda.
2. Interview, 7 February 2024, Oujda.
3. *Ibid.*
4. But see Geschiere (2005) on internal migration in Cameroon; Nunez and Wheeler (2012) on intra-African migration with a focus on Johannesburg; and the special issue on death and migration in Russia (Cleuziou 2023).
5. For an overview, see Denaro and Bocccagni (2023).
6. This number includes second and third generations living outside Morocco. If we only count first generation, Moroccan-born, migrants, the number is significantly lower. In 2014, for example, it was 2.8 million out of 4 million inhabitants (de Bel-Air 2016).
7. Circulars provide guidance to lower authorities on interpretation and implementation of administrative regulations. The Minister of Interior and the Minister in Charge of Moroccans Living Abroad and Migration Affairs co-signed on 16 December 2013 circular no. 8303 organising the 2014 exceptional regularisation campaign.
8. The content of this footnote was removed to ensure anonymity, but it pertains to the larger research project underlying this paper and the ethics committee approval received in September 2021.
9. This research forms part of the larger research project "Living on the Other Side: A Multidisciplinary Analysis of Migration and Family Law in Morocco." This work was supported by the Dutch Research Council (NWO) under Grant 016.Vidi.185.065. The research underwent ethical review and approval was obtained from the Ethics and Data Committee of Leiden Law School in September 2021.
10. However, a study on the Netherlands indicates this may be changing, as more burial spaces for eternal rest are now being allocated for Muslims (Sonneveld and Conway 2024).
11. For an overview, see Squire (2016).
12. Constitution 2011, art. 30, paragraph 4.
13. The most important sources of Islamic law are the Qur'an and the *Sunna* of the Prophet (and his companions in Shia Islam). Based on these sources, religious scholars (*fujahā*) devised rulings for proper behaviour of Muslims in the first centuries after the establishment of Islamic religion. This is called Islamic jurisprudence (*fiqh*). There rulings were later compiled in different schools of Islamic jurisprudence. Four major Sunni schools of Islamic jurisprudence remain until

this day: Hanafi; Hanbali; Maliki; and Shafi'i. The Maliki school of Islamic jurisprudence is the dominant school of law in Morocco.

14. By way of comparison, Egypt has 1 Muslim law, 6 Christian, and 2 Jewish laws for marriage and divorce. In Syria, there are 1 Muslim law, 5 Christian, 1 Druze law, and 1 Jewish law for marriage and divorce.
15. Interview, 29 June 2023, online; interview 7 November 2023, online. See also Chafik and Iharchane (2022, 8).
16. Interview with Christian cemetery groundskeeper, 4 July 2023, Rabat-Salé-Kénitra region; written communication with a pastor, 30 September 2023 and 1 October 2023; interview with NGO worker in the Souss-Massa region, 13 February 2024, online.
17. It also is a topic of heated debate on public and social media. See, for example, Bouhrara (2021).
18. Interview, 5 July 2023, Rabat-Salé-Kénitra region.
19. Voice-message conversation, pastor, 22 January 2024. See also Coyault (2015).
20. Art. 83 Organic law 113.14/2015.
21. Email correspondence with the French embassy, who directed us to this website (<https://ma.consulfrance.org/L-entretien-et-la-gestion-des-cimetieres>), 13 November 2023. See Consulate général de France à Rabat (n.d.).
22. Voice-message conversation, pastor, 22 January 2024.
23. Interview, 7 February 2024, Oujda.
24. Interview, 30 November 2023, online.
25. Interview, 12 February 2024, online.
26. Interview, 12 February 2024, online.
27. Interview, 7 February 2024, Oujda.
28. Interview, 24 May 2022, online.
29. Interview 30 November 2023, online.
30. This applies as much to Sub-Saharan as to Westerners, as interviews with two respondents who buried a beloved one from Western Europe and the US confirmed.
31. Interview with Martin, 30 November 2023, online.
32. Interview with pastor, 23 January 2024, online.
33. Voice message conversation, 30 September 2023.
34. Interview, 12 February 2024, online.
35. Interview, 13 February 2024, online.
36. Interview, 30 November 2023, online.
37. Interview, 13 February 2024, online.
38. Qur'an 9:84, 113-114 (Sabiq 1991, 51).
39. Interview, 30 November 2023, online. See also, interview with Hassane, 7 February 2024, Oujda.
40. Group interview with 2 men from the Central African Republic and 1 man from Cameroon, 25 January 2023, online.
41. According to *fiqh*, burial of a second person in a grave is allowed when the bones of the first one have worn out and have become rubbish (Moumen 2017, 100; Sabiq 1991, 77).
42. Interview, 23 October 2022, Fes-Meknes region.
43. Usually, references are made to al-Muqni (a famous book in the Hanbali school of Islamic jurisprudence). Authored by Ibn Qudama (541-620 AC), it presents the case of a non-Muslim woman who dies while carrying a child by a Muslim. She was to be buried in a cemetery that belonged to neither Muslims nor Christians,

so that the foetus would not be harmed by the punishment of the non-believers if it were buried among them, and for Muslims not be harmed by the punishment of the non-believer woman (e.g. Abu-Sahlieh 2012, 24–25; Sabiq 1991, 75). See also fatwa 335 by the Saudi Permanent Committee for Scholarly Research and Ifta' on the subject of burying non-Muslims in Muslim graveyards (Fatawa n.d.).

44. For the case of Egypt, see Sonneveld (2021).
45. Interview, 28 October 2023, online.
46. Written communication, 22 November 2023.
47. Interview, 25 January 2023, online.
48. Interview, 7 February 2024, Oujda.
49. Interview, 2 March 2022, Oujda.
50. Interview, 7 February 2024, Oujda.

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