

### The King, Religion, the State, and Civil Society in Morocco: Can Think Tanks Help?

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Hind Arroub

## The King, Religion, the State, and Civil society in Morocco: Can Think Tanks Help?

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## Inhalt

1. Introduction.....	4
2. Moroccan political system: fundamental links between politics and religion.....	5
2.1. Nature and infrastructure of the regime.....	5
2.2. The 2011 constitution: fostering the supremacy of the Commander of the Faithful .....	7
2.2.1. The family law code.....	10
2.2.2. Abortion Law.....	11
3. Moroccan religious policy: restructuring, not rethinking religion.....	14
3.1. The Monarchy as supreme religious policy maker .....	14
3.2. Supporting institutions of the royal policy .....	17
3.2.1. The Ministry of Habous and Islamic Affairs: .....	17
3.2.2. The High Council of Ulamas: The State's religion guardian .....	18
3.2.3. The council of Fatwa: Commander of the Faithful as supreme Mufti.....	19
3.2.4. The support of Sufism .....	20
3.2.5. Mosques: From houses of God to houses of the State.....	21
3.2.6. Qur'anic Madrassas.....	22
4. Religious Policy as a Security and Diplomatic Strategy.....	23
5. Religious policy: Not a matter for the Commander of the Faithful's subjects.....	25
6. Conclusion.....	28

## 1. Introduction

The relationship between politics and religion in Morocco is framed by the monopoly and religious dominance of the monarchy. According to the constitution (Art. 41), the King is the Commander of the Faithful, the head of the religious council and the supreme authority who retains the exclusive right of "Fatwa" (a legal opinion or ruling, normally, issued by an Islamic scholar). He is the guardian of the Moroccans' faith. In his speech given on the occasion of his 15<sup>th</sup> year of enthronement on July 30<sup>th</sup>, 2019, King Mohammed VI mentioned that "Our action to improve citizens' living conditions is harmonized only to our desire to ensure their spiritual security and consolidate the Moroccan model of management of religious affairs". Moroccan religious policy does not recognize on its territory other doctrines of Islam like Shi'ism. The only religious sources accepted are the Sunni Islam according to the Maliki School, the Asha'ri faith, and Sufism according to the way of Imam Junayd of Baghdad.

This paper will argue that the Commander of the Faithful is the main source of Moroccan religious policy and not public opinion, if that exists. Mohammed VI' religious policy was relaunched after the 2003 Casablanca bombings. The new strategy is mainly concerned with security, control, the status and role of the Commander of the Faithful in Morocco and abroad, and the promotion of one Islamic model. Ideas of rethinking Islam, debating the sacred texts, mingling religion with politics, and improving the freedom of faith are totally excluded from the agenda of religious reform. Official Islam does not believe in rethinking religion and religiosity in the Sharifian and Makhzanian kingdom. In this, the King is supported by many official actors such as religious scholars, as well as non-governmental actors like the Sufi brotherhood.

This policy raises significant questions, e.g.:

- How did the Arab uprising and the "new constitution" foster the supremacy of the Commander of the Faithful?
- What is the content of the religious agenda of the King in Morocco and abroad?
- What is the role played by other players of State Islam like religious scholars, Muftis, and the minister of Islamic affairs?
- Why does the regime request Sufi support in the management of religious affairs?
- What is the role of the religious diplomacy to fight extremism and terrorism in West Africa?
- Why is the Moroccan religious model sold internationally as "original"?
- Is there any space, albeit a narrow one, for Moroccan civil society to participate in shaping religious policy?

Is religious policy perhaps not the responsibility of the Commander of the Faithful?

## **2. Moroccan political system: fundamental links between politics and religion**

### **2.1. Nature and infrastructure of the regime**

Despite the modern origins of its power, the Alaouite regime of Morocco frames its authority today through a unique combination of sacred appeals and routines<sup>1</sup>. On the former, the King enjoys legal standing as Commander of the Faithful, a religious title that confers to the holder leadership over the Muslim community. These religious claims are the priority in the political pyramid of the Monarchy. Whereas the Gulf ruling families are often considered the first amongst the other elite families, merchant clans, and religious leaders that have dominated the smaller tribal societies dotting the Eastern Arabian littoral, the King of Morocco assumes a sacred legal status as the supreme arbitrator, legislator, and judge within society. He has no equal on earth, is the shadow of God. The Monarchy is a leviathan whose sovereign rulership cannot be contested or impeached. History is on the side of the Monarchy: royal defenders note that when the Alaouite dynasty began its reign in the late 17th century, Morocco had already enjoyed nine centuries of dynastic governance, suggesting that divine royalism here is the only paradigm of governance that Morocco could ever have. The fact that the ruling family's genealogical descent is from the Prophet Mohammad reinforces this heritage, which cloaks its legitimacy with yet another layer of symbolic meaning squarely aimed at the pious.

Meanwhile, the Moroccan regime also claims temporal authenticity through the concept of its Bay'ah contract (allegiance pact) with domestic society. Within the context of Islamic history, the Bay'ah carries a classical meaning of an oath of allegiance given by a Muslim community in essence, as an implicit social contract. In theory, the provision of Bay'ah provides the ruler with legitimate power and authority, as well as the loyalty of all subjects and citizens, with the promise of protecting the community's rights and prosperity. Here, however, it has been assumed dictatorial ends to achieve the monarchy's political goals.

While the divine foundations of Moroccan autocracy are regularly propagated in classrooms, rituals, and other public forums, it is often forgotten that the Alouite royal family has rarely actually exercised ironclad control over indigenous society since its inception more than 300 years ago. The French severely limited their already brittle authority in the colonial era during the early 20th century CE, and towards the end of the occupation even exiled the royal incumbent (the grandfather of the current king) to Madagascar. It was only after independence

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<sup>1</sup> Arroub, Hind (2004): Approach to the Foundations of Legitimacy of the Moroccan Political System. Rabat: Dar Alamane; Arroub, Hind (2004): The 'Makhzan' in Moroccan Political Culture. Rabat: Wjjhat Nadar; Yom, Sean/Arroub, Hind (2010): Autocracy: Ten Years On: How Change supports Continuity in Morocco and Jordan. A Comparative Seminar. Stanford University-CDRRL: 7 May.

in 1956, with the construction of modern institutions and legal structures, that the monarchy could expand and centralize its sovereign claims to authoritarian supremacy. The 1962 Moroccan constitution signifies this historical transformation.

The keystone of the Moroccan political sphere is the Makhzan; the informal name given to the networks of elites and loyalists that surround and serve the palace. While the Makhzenian system has precolonial origins, in the contemporary era it has become synonymous with the Moroccan state itself by describing how a coterie of retainers, wealthy businessmen, military officers, religious officials, political elites, and other notables regularly play a game of musical chairs vis-à-vis the palace in order to gain royal appointments to official positions of influence. Essentially a vast system of clientelism, the ideal supplicant (*Khadim*) should be both loyal and discreet. Those elites who bow to the system, and gain the King's favour acquire significant influence and wealth. Moreover, there is always a virtually unlimited source of elite actors fed into the system; the pool of political and technocratic talent continually circulates.

Unsurprisingly, the Makhzenian system tends to establish a high level of corruption across the government bureaucracy and its economic surrogates. Widespread fraud and embezzlement have been uncovered in both the private and public sectors, enriching government agents at the cost of public goods provision and other state functions. In virtually all cases, however, there is too little evidence to prosecute and punish those officials. The other dimension of the Makhzenian system is the regularly used cooptation to bribe and cajole moderate opposition. Few parties are truly free from such pressures, with parliamentarians and other elite activists frequently lured by the regime with the promise of material rewards. The 2008 establishment of the *Party of Authenticity and Modernization*, a conservative Monarchist faction funded by royal allies and which has been rapidly growing in prominence, further disillusioned Moroccan citizens who are increasingly hard-pressed to find uncorrupted candidates. For this reason, many Moroccans receive the outcome of general elections with suspicion, though they are no longer as blatantly manipulated as during the 'Years of Lead'. Legislative contests seldom produce clean victories for parties and candidates who are independent from the regime.

In terms of class structures, outside the Makhzenian elite, the regime has long relied upon the compliance of the poor. High levels of illiteracy (which, by some statistics, pertains to more than half of the country) and poverty (which includes at least one fifth of the population, in abject terms) are especially problematic in rural areas, but it is in this context that the Monarchy found much of its earliest support. With the scale of urbanization, expansion and prosperity rising in recent decades, the regime has also attempted to engage increasingly mobile middle-class groups. While civil servants and other workers on public sector payrolls have long

supported state policy, urban professionals and other highly skilled labor have emerged as an engine of growth in the new sleeker Moroccan economy. From the 1990s onwards, the regime accelerated the pace of neoliberal reforms and developmental projects. This was achieved by the palace's technocratic vanguard through broadening free trade ties with the United States and the European Union (EU) and soliciting unprecedented volumes of foreign investment from both the EU and wealthy Gulf states. Privatization has been a fairly corrupt process with the decentralization and spinning off of parastatal firms as a tool to reward allied businesses and investors. More troubling, the past decade of reform has also enriched Mohammed VI. The King has been personally involved in a wide range of business deals since his ascension, especially in the phosphate mining and export sector, leaving his family with unprecedented private wealth. By one estimate, the King's net wealth hovers around \$2.5 billion, making him one of the world's wealthiest rulers, and this is without accounting for his twelve palaces allegedly costing upwards of \$1 million a day to operate, an unfathomable sum to Moroccan wage-earners<sup>2</sup>.

## **2.2. The 2011 constitution: fostering the supremacy of the Commander of the Faithful**

Morocco's civil society protest movement was launched by a youth coalition on February 20<sup>th</sup>, 2011 and soon spread to several major cities. In the context of the popular uprisings that spread across North Africa starting in Tunisia in December 2010, Morocco's prompt reply was to draft and adopt a "new" constitution in July 2011. King Mohammed VI acted by announcing a popular referendum in July for constitutional reforms.

The 2011 constitution fostered the institution of the Commander of the Faithful as the core of the political regime in Morocco. The King remains at the center of political and constitutional life under the new constitution. He alone can revise the constitution, and the powers of the head of government and the parliament are in this regard only formal. He is the real chief executive, head of state, supreme judge, Alim (religious scholar), Mufti (delivering religious rules), and commander-in-chief of the Army.

In a critical analysis of the 2011 constitution<sup>3</sup>, Mohamed Madani, his co-authors and others confirm that the first form of power that is defined by the constitution is that of the 'Commander

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<sup>2</sup> Forbes Magazine: <http://www.forbes.com/2009/06/17/king-morocco-phosphate-business-billionaires-royal-conflict.html>.

<sup>3</sup> Madani, Mohamed/Maghraoui, Driss/Zerhouni, Saloua (2012): The 2011 Moroccan Constitution: A Critical Analysis. Strömsborg: International Institute for Democracy and Electoral Assistance. P.24; Arroub, Hind (2015): The 2011 constitution: 4 years after. A Conference Speech. Rabat: 11 July. See:



of the Faithful'. Article 41 is the first article that defines royalty (title 3 of the constitution). The king is first the 'Commander of the Faithful' before being 'head of state'. Sections 41 and 42 define the multiple functions of the king as 'Commander of the Faithful' and 'head of state'. He ensures respect for Islam, the constitution, the good functioning of the institutions and respect for Morocco's international commitments. The king is the protector of democratic choices as well as the rights and freedoms of citizens and communities. Finally, he guarantees the independence of the nation and its territorial integrity. Each of these functions is echoed and manifested in other provisions of the constitution. The king has a civil list. Article 46 states that 'the person of the king is inviolable, and respect is due to him'. The acts of the king enjoy also full immunity. Constitutionally, the king is not accountable to any other institution; he remains above the law. While under the new constitution the king is no longer 'sacred', article 46 states that 'the integrity of the person of the king shall not be violated'. The king has the power to appoint the head of government (article 47) and government ministers while symbolically he is supposed to do so after a proposition from the head of government. After 'consultation' with the head of government, the king can dismiss government ministers (article 47). Article 48 stipulates that the king presides over cabinet meetings, and using the Dahir system, he has the power to dissolve the parliament (article 51). The king is the 'commander-in-chief of the armed forces' (article 53), he appoints ambassadors (article 55) and through article 41 is *Amir al Mu'minin* (Commander of the Faithful), the most powerful religious authority of the country. In general, the King has not relinquished any of his prerogatives, and will continue to have veto power over all major decisions.

The King also maintains significant power over the government's decision-making process. The constitution draws an important distinction between the Council of Ministers and the Council of Government. When the government meets under the chairmanship of the head of the government, it is referred to as the Council of Government, but it is the King who chairs the Council of Ministers. The Council of Ministers has veto power over all decisions made by the Council of Government, leading to a relationship of control by the first and submission of the second. No vote is taken in the Council of Ministers because the Monarch is the head of the council and no votes can be imposed upon him. The fact that the Moroccan Constitution does not impose any meeting requirements of the Council of Ministers, in contrast to the councils of ministers in France and Spain which are required to have weekly meetings, accentuates the subordination of the Moroccan government to the King.

The King's unlimited and supreme powers are also manifested by decrees (*Dahir*) and speeches. The royal discretionary power of *Dahir* therefore constitutes one of the most important sources of legislation. It is important to note that important royal decisions are automatically formulated as *Dahirs*, a legal reality that puts them above the law and the constitutional text. *Dahirs* are signed by the Commander of the Faithful and are subsequently enforced as laws. The invocation of the religious nature of *Dahirs* makes them sacrosanct and thus not subject to invalidation. *Dahirs* are regularly invoked in most royal appointments, and they continue to remain immune to any judicial control. In the current constitution, the King continues to exercise his powers by *Dahir*. There are two types of *Dahirs*: those that allow the King to exercise his religious prerogatives (article 41) and those related to his status as head of state. This distinction does not symbolize a significant distinction in nature.

The King's speeches have become, over the years, the prime reference for the political parties. They are very often used as guidelines for the government and political parties. The speeches are the dynamic of every change, the blueprint for various actions and the center around which the politics of consensus is constructed. Most political leaders refer to them, and no one can disagree with their substantive content. The constitutional basis for this was formulated in article 28 of the 1996 constitution, which stated that: "The King shall have the right to deliver addresses to the nation and to the parliament. The messages shall be read out before both houses and shall not be subject to any debate". The same constitutional basis that forbade debating the King's speeches is now part of article 52 of the 2011 constitution.

The King may also legitimately launch initiatives with the country's religious establishment to promote the moderate strand of the Maliki Islamic thought, e.g. reforming the family code in 2003 and by his call to review the abortion law in 2015. These initiatives were launched by the King as political and religious arbitrator and are based on Sharia law where Islam is the religion of state and society. The King said "I cannot make licit what God makes illicit, and I cannot make illicit what God makes licit" (Royal speech on family code, October 10<sup>th</sup>, 2003). He referred by this significant sentence in reference to debates over issues such as equality in inheritance between men and women in addition to the prohibition of polygamy. By this statement, the King satisfied the conservative clan while, at the same time, sent a clear message to the liberal clan emphasizing that Islam remains the religion of state.

### 2.2.1. The family law code

As supreme arbitrator, the King was involved in resolving the issue of “*Moudawana*”<sup>4</sup>. The first intervention followed the two marches of Rabat (liberal) and of Casablanca (conservative) in 2000. The King issued a royal decree (*Dahir*) promulgating the Convention on the Elimination of all forms of Discrimination against women (CEDAW), including all of the original reservations. This international agreement had never been published in the official law gazette despite being ratified in 1993. Therefore, this *Dahir* and the unresolved issue of the CEDAW were, to a certain degree, indicators of the direction and scope of the final reform of the *Moudawana* in 2004.

A further sign for the trajectory of the debate after the King got involved was the substitution of Said Saadi (leader of Rabat March) as a Minister and the dismantling of his Ministry in Charge of Social Protection, Family and Children. Nouzha Chekrouni, a member of the *Socialist Union of Popular Forces (USFP)* became the Minister of the new Ministry in Charge of the Condition of Women, Protection of the Family, Childhood and the Disabled. The primary aim of the newly established Ministry, along the tasks contained in its name, was to introduce and advance more gender equality programs within the ministries. However, despite the pronounced women-oriented, or at least more women-friendly agenda of Mohammed VI, the new Ministry and its programs to this day remain heavily underfunded, due mostly to the fact that women’s issues, regardless of the publicity they obtained during the decade of the *Moudawana* reform, do not figure as important concerns on the official government programmes.

The change in the focal point of the Ministry was quite apparent; some commentators argued that Saadi’s substitution by a more moderate *USFP* politician was due to his communist past and strong favoring of the secular agenda of the reformists. Chekrouni, in contrast, advocated the reform of the *Moudawana* on the basis of and within the scope of the Sharia law. In his capacity as Commander of the Faithful and as “the Protector of the rights and liberties of the citizens, social groups and organizations”, the King, not the government, had the authority to change the *Moudawana*. Thus, as a consequence of insistent appeals of women activists and on the basis of Article 19 (related to the Commander of the Faithful) of the Moroccan 1996 constitution, the Prime Minister Youssefi, at the beginning of 2001, transferred the authority, regarding the reform of the Personal Status Code, to the King.

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<sup>4</sup> Arroub, Hind (2007): *The Royal Advisory Committee for the Reform of the Family Code: What Credibility?* Rabat: Wjhat Nadar, Issue 31; Žvan, Katja (2007): *The Politics of the Reform of the New Family Law (the Moudawana)*. Oxford: St. Antony’s College, P.81.

On March 5<sup>th</sup>, 2001, Mohammed VI, like his father in 1992, received a number of women activists and representatives of women organizations. This reception and the King's involvement ended the politicization of the contested issue. All factions involved, including the *Parti Justice et Développement (PJD)*, but excluding the *Justice and Charity Organization (JCO, or Al-Adl wa al-Ihssane)*, welcomed the King's intervention and his promises to oversee the reform process. This issue gave the new King his first opportunity to reaffirm the political and religious role of the King in the Moroccan society. On April 27<sup>th</sup>, 2001, the King announced in a speech the establishment of a Consultative Commission (*Lajna al-Istishariyya*) "endowing it to look at the mechanisms and guidelines, which would ensure a sound application of the Personal Status Code, and thus to devote itself to the project of revising the Code". The commission consisted of three women and thirteen men, representing both conservative elements as well as liberal ones. Driss Dahak, first president of the Supreme Court as well as the president of the official body for human rights, was appointed chair of the Commission.

The most decisive event in the reform process after the King's intervention in 2001 was the Casablanca terrorist attack on May 16<sup>th</sup>, 2003. This event slowed down liberal demands. On October 10<sup>th</sup>, 2003, Mohammed VI delivered an address presenting the new Family Code as being in complete harmony with both the Islamic principles and the modern age by stating that "it is necessary to be mindful of the tolerant aims of Islam, which advocate human dignity, equality and harmonious relations, and also to rely on the cohesiveness of the Maliki rite and on Ijtihad, thanks to which Islam is a suitable religion for all times and places. The aim is to draw up a modern Family Law which is consistent with the spirit of our glorious religion." The crisis over the family status and the role of women has been aggravated by an amalgamation of laws derived from both Islamic and international norms and values, which leaves Morocco in an ambiguous situation between civic and religious laws.<sup>5</sup>

### **2.2.2. Abortion Law**

On 16<sup>th</sup> March, 2015, King Mohammed VI summoned the Ministers for Justice, Religious Affairs and Human Rights to his palace and instructed them to draft of a new law on abortion within one month. Consultations were to involve academics as well as representatives of civil society and the media.

The draft framework for the legislative reform was ready for consideration on May 15<sup>th</sup>, 2015. The royal advisers recommended not just to permit an abortion when the life of the mother is

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<sup>5</sup> Gray, Doris H. (2015): *Beyond Feminism & Islamism: Gender & Equality in North Africa*. I. B. Tauris; Reprint edition.

in danger, but also when her health is at risk, in case of a serious birth defect or untreatable illnesses affecting the fetus, and in cases of rape or incest.<sup>6</sup>

Moroccan women's organizations were critical of the first draft. On 25<sup>th</sup> May, 2015, a broad-based coalition of Moroccan women's groups calling itself "Le printemps de la dignité" (the spring of dignity) made a public announcement welcoming the new openness on the issue of abortion. However, it pointed out that the draft reform evaded the real issue: "The indications referred to only concern a small minority of women in need. In addition, abortion is treated as a religious, moral question. But actually, it is about public health". Calls to decriminalize abortion remain a demand. Secular Moroccan women's rights activists are demanding a general decriminalization of abortion on the basis of universal human rights and female self-determination. But for many very devout Moroccans, the central issue is not the human rights of women, but the protection of the unborn child; the Qur'an containing a prohibition on killing, and the protection of life being a central concept in Islam. Knowing that the Qur'an does not comment explicitly on the issue of pregnancy termination, only the Sunnah and Islamic medical literature contain many statements on the early stages of human life in the womb: some authors believe that the embryo gains its soul within 40 days; others believe that the soul enters the embryo after 120 days. However, policymakers are not obliged to embrace the views of Islamic theologians. Tunisia, for example, has been allowing abortions in public hospitals since the 1970s, at almost no cost. The abortion reform sends out a socio-political message. The controversial issue of abortion is used to conduct power politics. King Mohammed VI was not only concerned with the emancipation of women, but also with sending a political signal to modernist elites at home and abroad. In addition, the change was aimed at putting the Islamist opposition in its place. The abortion issue was opportune for the King to stake his own claim to sensitive political issues.

As of December 2019, the abortion law is still a project to be discussed four years later. It has not been amended yet by parliament, and abortion is still treated as a crime under Chapter 8 of the penal code (Crimes and offenses against family order & public morality: Articles 449 to 504). The link between the penal code and the abortion law was legitimized and approved by the supreme council of Oulemas (religious theologians), chaired by the King, as published through a press release on 2<sup>nd</sup> December, 2019.

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<sup>6</sup> Sabra, Martina (2015): Morocco's abortion ban. Acknowledging reality, in: <https://en.qantara.de/content/moroccos-abortion-ban-acknowledging-reality>; 14 December 2019.

## **The Hajar Raissouni case**

In late August 2019, Moroccan journalist Hajar Raissouni was sentenced to a year in prison for engaging in premarital sex and having an abortion. She was arrested with her fiancé as they left a gynaecologist's clinic in Rabat. Raissouni denied the charges, saying she had sought treatment for internal bleeding. She denounced the case against her as a political trial, saying she had been questioned by police about her writing and her family who belong to the Islamist political party *Justice & Development*. The prosecutor replied that the circumstances of the arrest had nothing to do with her work as a journalist, and that the clinic she had visited was under police surveillance on suspicion of carrying out illegal abortions. The court sentenced Raissouni and her fiancé to a year in prison and her doctor to two years. The doctor's assistant and a nurse at the clinic were also found guilty but were given suspended sentences.

Following Raissouni's arrest and sentence, a series of demonstrations were organized by civil society organisations in support of decriminalizing abortion. The demonstrators stated that some 800 abortions take place every day in Morocco even though the procedure is illegal except when a woman's life is threatened due to pregnancy and with her husband's permission. In 2018, Moroccan police arrested 14,503 individuals for engaging in sex outside marriage. Police also arrested 3,048 people for committing adultery, but made only 73 arrests for people receiving or performing abortions. After 47 days in the jail, Raissouni was pardoned by King Mohammed VI in the latest twist of a case which has come to symbolize repression of women's rights and freedom of speech. The King declared: "This royal pardon comes within a framework of royal compassion and clemency, amid concern by His Majesty the King to preserve the future of the couple who intended to start a family in line with religious precepts and the law, despite the error they committed which led to the legal proceedings". In fact, royal pardon was a cosmetic solution after the case became international and international media were discussing it as a symbol of a women's rights and freedom of expression crackdown. The King hurriedly pardoned her to save his image built on propaganda that he is a supporter of women's rights.

In November 2019, Saad Eddine El Othmani, the appointed head of government, emphasized that King Mohammed VI's sentiments on Islamic principles remained as he expressed them in his 2003 speech. Affirming the role of Islamic principles in Morocco, the King made it clear that he could not prohibit what God had authorized or sanction what God had forbidden. Based on that, El Othmani said that increasing women participation in politics did not necessarily mean "moving away from religious principles by banning '*halal*' and authorizing '*haram*'." This

statement underlines the Moroccan regime's refusal to listen to civil society demands; emphasizing the religion as a major red line and as a field influenced only by royalty.

The case has reopened many questions and requests. It has questioned the increased use of personal issues in public to damage the reputation of activists, journalists, and dissidents and to silence them. Also, it has brought back civil society demands for personal liberty such as decriminalizing abortion and consensual sexual relationship between adults. The case highlights major concerns in Morocco:

- Society is under the authorities' close surveillance,
- making up political trials with moral accusations,
- cracking down on freedom of expression
- continued attacks on individual freedom,
- the weakness of civil society in effecting change when it comes to religious matters,
- societal gaps between conservatives and liberals in religious matters,
- the regime's monopoly of religious policy,
- the use of religion as a tool to control society and an international security issue.

### **3. Moroccan religious policy: restructuring, not rethinking religion**

#### **3.1. The Monarchy as supreme religious policy maker**

The Moroccan regime promotes its religious policy internationally as emanating from the Commander of the Faithful's institutions. On September 30<sup>th</sup>, 2014, the Boutchichi Minister of Religious Endowments and Islamic Affairs, Ahmed Toufiq, presented "The Kingdom of Morocco's Experience to Counter Terrorism" in The United Nations Security Council. He began by pointing out that "the policy of the Kingdom of Morocco in the field of religious affairs management emanates from the nature of the Moroccan system of government which has, for more than ten centuries, been built on the principle that the ruler; that is, His Majesty the King, derives his legitimacy from his being the Commander of the Faithful. (...), the allegiance contract (...), the Sharifian lineage from the Prophet, as well as a rich history in preserving territorial integrity, and vigilance against colonization".

After the Casablanca bombing in May 2003, King Mohammed introduced a new religious policy to rehabilitate the religious field and to fight extremism by way of a religious security strategy. In December 2003, he signed a decree to reorganize the Ministry of Islamic Affairs. In 2004, through a speech given on April 30<sup>th</sup>, the King announced, the launch of a first plan to reform the religious institutions. It focused on upgrading the Ministry of Islamic Affairs, the revision of

legislation for places of worship and the modernization of the teaching of Islam in Morocco. The Mohammed VI Radio and TV channels for Qur'an recitation were launched respectively in 2004 and 2005.

On September 27<sup>th</sup>, 2008, Mohammed VI delivered an address on a second plan for religious reform in front of religious scholars and proposed a pact of scholars. It specifically targeted "the Higher Council of Ulamas" (Council of theologians), the Imams (local preachers), mosques, and the religious affairs of the Moroccan community abroad. The King stated "We will renovate the institutions that are responsible for our religious affairs and provide care and help for the people working in this field". According to this plan, the King announced the creation of regional charters of the council "so that the clerics (...) may provide assistance in strengthening the spiritual security of the nation by ensuring the preservation of its religious doctrine which is tolerant Sunni Islam".

According to the King, the council of theologians (*Ulamas*) must ensure that the Imams (local preachers) are up to date. They have a duty to guide people and combat the hoaxes peddled by proponents of extremism. As for the Moroccan community living abroad, the Higher Council of Ulamas will create a department to take into account, in its outreach, the cultural and religious specificities of this community.

King Mohammed VI said the aim of his religious reforms is to "guard the faith (...) and the Moroccan identity against the fundamentalists and extremists". Since his address given in April 30<sup>th</sup>, 2004, the official discourse of the Monarchy began to refer heavily to the specificity of traditional Moroccan Islam with its particular "trinity": Maliki doctrine, Ash'ari dogma, and Junaid Sufism.<sup>7</sup>

This trinity comes after the institution of the Commander of the Faithful. According to the speech of Ahmed Toufiq given on September 30<sup>th</sup>, 2014, they are:

- Ash'ari doctrine does not excommunicate people, nor does it accept death sentences for transgressing the Divine decrees, notwithstanding those subject to the judicial system.
- The Maliki School of jurisprudence (*Madhhab*) involves three distinctive features: its rich variety of methods to derive rulings from their sources, its flexibility in integrating local cultural practices within the sphere of Islamic Law, and the importance given to public interest, which in our age confers legitimacy upon the laws that serve interests without contradicting the Islamic Law.

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<sup>7</sup> Bouasria, Abdelilah (2015): *Sufism and Politics in Morocco: Activism and Dissent*. Abingdon: Routledge, P.40.



- Sufism relies on the principle of calling the soul as a means to reach ethical perfection that is required in every transaction or coexistence among people. Sufism is also a method to raise awareness of the sanctity of the other; it curbs unhealthy enthusiasm for racial and tribal belonging, and sets up institutions that provide assistance, protection, education and development.

The major work carried out in the religious field by the authorities is centered around the following measures:

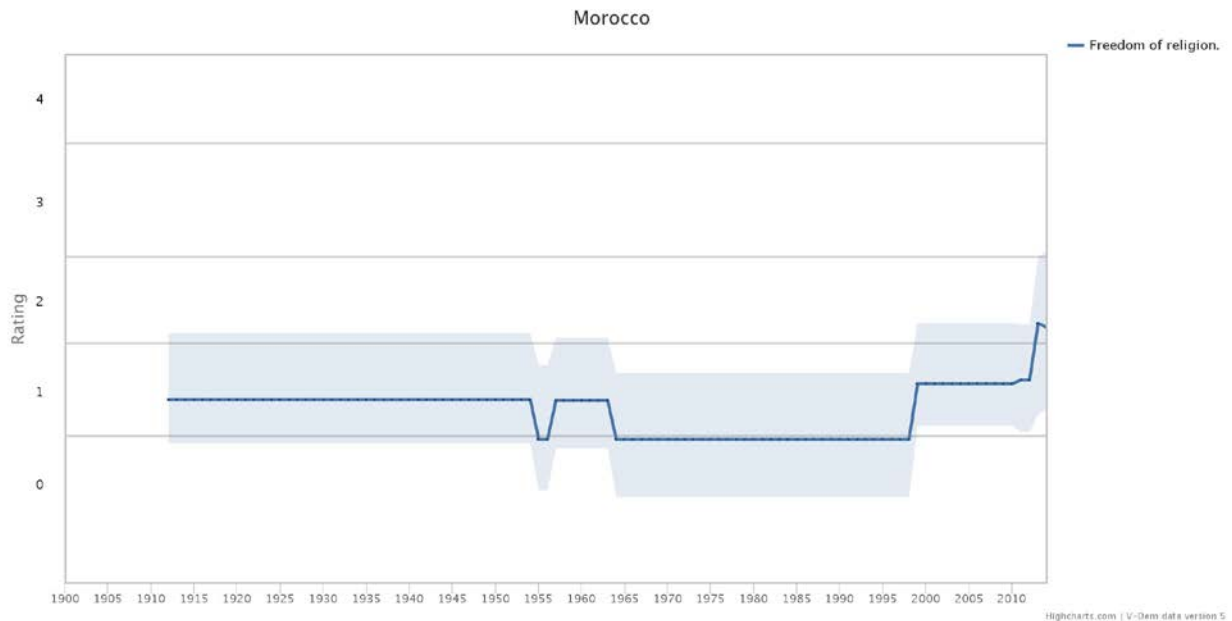
- a) construction, renovation and equipment of mosques,
- b) providing Imams with material and social care,
- c) training Imams under the supervision of religious scholars,
- d) training young Imams from among university graduates,
- e) training spiritual guides from among female university graduates who would provide guidance to women and men in mosques and in other institutions, such as schools hospitals and prisons,
- f) enacting laws that regulate relations with the caretakers of religion and between the state and individuals who wish to contribute to the building of mosques and their maintenance without interfering with the fundamentals of religion, disseminating extremist ideology or political exploitation of religion of any nature,
- g) providing administrative supervision that closely follow the local management of religious affairs, and structuralizing religious education which, until the advent of the modern school, was the prevailing trend.

The policy of Mohammed VI in the religious field during the last 10 years can be defined as a policy that is largely concerned with security and control, the status and the role of the Commander of the Faithful, and the promotion of one Islamic model. The idea of rethinking Islam, debating the sacred texts, combining religion with politics, and improving the freedom of faith is not on the agenda of the religious reform. It is unthinkable to rethink religion and religiosity in the Makhzanian state knowing that “reform of the religious field has to be conceived within a broader movement of culture with clear, rational, and coherent institutional ramifications. Its main components would have to be the quest for individual liberties, democracy, respect for the law and the capacity of individuals to achieve their religious as well as their social and political rights”<sup>8</sup>.

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<sup>8</sup> Maghraoui, Driss (2009): The Strengths and Limits of Religious Reforms in Morocco. In: Mediterranean Politics, Volume 14, Issue 2.

The following figure (country indicator) produced by the Varieties of Democracy Programme V-Dem<sup>9</sup> indicates that Morocco, in 2019, had a very low rating of freedom of religion (0.78).



V-Dem rates the level of freedom of religion as follows:

- 0- not respected by the public authorities.
- 1- weakly respected by public authorities.
- 2- somewhat respected by public authorities.
- 3- mostly respected by public authorities.
- 4- fully respected by public authorities.

Unfortunately, the facts indicate that the situation of the freedom of religion fall under the choice (0). This means that Moroccans' freedom of religion is not respected by authorities; it is even sanctioned by the law. Moroccans cannot express publically another faith apart from the official faith of the state - the Sunni Islam.

### 3.2. Supporting institutions of the royal policy

#### 3.2.1. The Ministry of Habous and Islamic Affairs:

The Ministry of Endowments (*Habous*) and Islamic Affairs (MEIA) is the principal organ and catalyst in the process of religious education of the public. As agent of official Islam it cultivates the religious dimension of politics in Morocco. This is achieved by different means such as Friday prayer sermons in mosques, religious ceremonies, literature and special programmes

<sup>9</sup> Varieties of Democracy provides a multidimensional and disaggregated dataset that reflects the complexity of the concept of democracy. See more at: <https://www.v-dem.net/en/>.

on the state television channels and radio stations.<sup>10</sup> It belongs to the institution of the “Commander of the Faithful” and is headed by Ahmed Toufiq, appointed in 2002. He is not involved in any governmental change or election results. He is affiliated to the Boutchichi Sufi brotherhood.

The minister provides guidance and monitors Friday mosque sermons and the Qur’anic schools to prevent what the ministry considers inflammatory or extremist rhetoric and to ensure that the teaching is followed and approved by doctrine. The government requires the closure of mosques to the public shortly after prayer times to prevent the use of the premises for unauthorized political activity. The government also monitors university campuses and religious activities, primarily those conducted by Islamists. At certain times, the authorities suppress the activities of politically active religious groups, such as the banned yet tolerated Al-Adl wa al-Ihssane. Generally however, they tolerate activities limited to the propagation of Sunni Islam, education, and charity. The construction of new mosques requires government permission, even if funded by private resources. There are no known Shia mosques in the country.<sup>11</sup> MEIA also tries to control the sale of what it considers extremist books, videotapes, and DVDs.

### **3.2.2. The High Council of Ulama: The State’s religion guardian**

After having long been under the umbrella of MEIA, Morocco’s new religious policy aimed to bring religious scholars more directly under the King’s control. In his throne speech, on 30<sup>th</sup> July, 2015, the King described the Moroccan religious model as an original one, emphasizing that “the Moroccan religious model is based on the institution of the Commander of the Faithful and on Malikite doctrine. It is the outcome of fundamental reforms that we have conducted over the last fifteen years, to ensure the upgrade and supervision of religious matters. (...) That is the objective of the Ulama Charter of 2008, as reinforced by the support plan for local religious guidance, which we have launched recently and which is insured by over 1,300 Imams-Morchides officiating in all regions of the Kingdom”.

The Moroccan Monarchy adopted a policy that brought Islam closer to the local population in the framework of its more general policy of bringing the country’s administrative apparatus closer to the citizen. Hence, Morocco increased the number of local religious councils from 30 to 70, and had them offer literary courses in mosques that were no longer closed between

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<sup>10</sup> Mohamed, Daadaoui (2008): Rituals of power and the islamist challenge maintaining the Makhazan in Morocco. Norman: University of Oklahoma, P.216.

<sup>11</sup> United States Department of State (2014): 2013 Report on International Religious Freedom - Morocco. In: <https://www.refworld.org/docid/53d9073f32.html>; 14 December, 2019.

prayers. Furthermore, it created a charter of scholars (*Mithaq al-Ulama*) with the goal of raising the educational level of Morocco's religious scholars, as well as avoiding a clash between tradition and modernity in the Islamic education curriculum in public schools.<sup>12</sup> The state religious officials are the guardian of religious city councils, grand muftis, and religious establishment of the Ulemas under the guidance of the High Council of the Ulemas and the MEIA. The official religious elite is thus highly structured and is characterized by its submission to the interests of the state as its *raison d'être*. State religious officials promote the various symbolic representations of the Monarchy as Commander of the Faithful, Sharif, and sole Sovereign over religious authority in Morocco.<sup>13</sup>

### **3.2.3. The council of Fatwa: Commander of the Faithful as supreme Mufti**

The proliferation of Fatwas has increased during Mohammed VI's reign, and as a response, the King has sought to appropriate the realm of the Fatwa for himself, and thus reinforce his hold over the religious scholars of Rabat. In April 2001, the head of the Moroccan council of religious scholars of Rabat "condemned Pokemon, a popular cartoon character cherished by Moroccan children, because it reflected western values that they deemed at odds with Islam. The state's willingness, all times, to tolerate such Fatwas appears to be a tactic to scare the Moroccan public, and to remind them that the Monarchy's arbitrage and mediation is necessary to protect the country from such ignorant voices. The subliminal message there seems to be: "you want Pokemon, so you need the King".<sup>14</sup>

In his inaugural speech to the newly established Supreme Religious Council in Fez on July 8<sup>th</sup>, 2005, Mohammed VI announced the creation of a Fatwa commission designed to restrain the proliferation of problematic Fatwas. He pointed out that "we have entrusted the Supreme Religious Council with the task of proposing Fatwa rules to our Majesty, as Commander of the Faithful and President of this council, concerning religious novelties, to cut the road in front of the promoters of sedition". The fact that the King stressed his ownership of the Fatwa council was a clear message especially to those who questioned his privilege when Mohammed VI asked the Supreme Religious Council on October 8<sup>th</sup>, 2007 to issue a Fatwa on the concept of Maslaha (public interest) and the areas where he could apply it to the Moroccans' life as Commander of the Faithful. Consequently, and not surprisingly, the King could issue religious

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<sup>12</sup> Bouasria, Abdelilah (2015): *Sufism and Politics in Morocco: Activism and Dissent*. Abingdon: Routledge, P.43-44.

<sup>13</sup> Mohamed, Daadaoui (2008): *Rituals of power and the islamist challenge maintaining the Makhazan in Morocco*. Norman: University of Oklahoma, P.217.

<sup>14</sup> Bouasria, Abdelilah (2015): *Sufism and Politics in Morocco: Activism and Dissent*. Abingdon: Routledge, P.43-44.

ruling in areas where the Qur'an did not offer a clear judgment making the King the supreme Mufti.

#### **3.2.4. The support of Sufism**

The Moroccan monarchy, by its alliances with Sufism, tends to present itself as a “mystic regime”. One of the major aspects of Mohammed VI's religious policy after the 2003 Casablanca bombing has been to promote Sufism as a brand of Moroccan Islam that would ‘effectively’ counter radical Wahhabi and Jihadi currents. Mohammed VI knows how to use his status of Commander of the Faithful to reinforce religious discourse as a fortification against the extremism of radical Islam. The Sufi mystics, and Marabouts, which have historically negotiated a religious alliance with the Monarch, use a particular form of Islam, which has particular relevance to the Moroccan experience, and consists of ritualized daily practices of Sufi Islam. Folkloric Islam has been bureaucratized within the state; its spiritual symbols still feature in today's Monarchical rituals of power.<sup>15</sup> The appointment of the Boutchichi minister of Islamic affairs is part of an effort to designate and strengthen the Boutchichiya by explicitly involving it in royal Islam. Despite its claims to distance from politics, the Boutchichiya has become the “*de facto* official brotherhood of the Moroccan Monarchy”. In the run-up to the vote over a new constitution in 2011, for example, Boutchichiya followers manifested their agreement and satisfaction in an organized march in the capital. They justified this by declaring “that this is not politics, it is just supporting the King”.<sup>16</sup>

The political support of the Sufi brotherhood is indeed rooted in Moroccan political and social history, but it was not always a harmonious relationship. Political tensions between the Sultans and the Saints were also part of the history, this being the reason why Moroccan authorities have for several years been active in promoting the supportive historical side of Sufism. Some perceive the strategy of building alliances in the Sufi brotherhood to be just another form of clientelism. The Boutchichi brotherhood has been condemned in opposition media as the ‘Sufis of the palace’ and the ‘free masons of Morocco’. The fostering of Sufism has also been aimed at competing with the appeal of ultra-conservative Wahabism, which many in Morocco blame the Gulf States for, propagating a proposition to exert power across the region. By supporting the role of the Zawiya and the Sufi lodges, the Moroccan authorities are filling a vacuum to prevent foreign influence. The two other motives of this policy are diplomatic and economic, with an aim to generate goodwill, to facilitate Morocco's relations with West Africa, and to

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<sup>15</sup> Mohamed, Daadaoui (2008): Rituals of power and the islamist challenge maintaining the Makhazan in Morocco. Norman: University of Oklahoma, P.217.

<sup>16</sup> Spiegel, Avi Max (2015): Young Islam: The new politics of religion in Morocco and the Arab world, Princeton: Princeton University Press, P.135.

encourage tourism. This is the way it is being sold<sup>17</sup> to fit into the overall discourse of patrimony and a modern revival of history.

The rise of Jihadist trends and Salafi political parties as well as the growing concerns about Islamism have driven the Moroccan government to support the Sufi movement in the country. By virtue of its focus on religious practices, Sufism, a type of Islamic mysticism, is a trend that does not aim at intervening in politics or public affairs unlike other emerging Islamic parties in Morocco. The absence of political ambition among Sufi groups has made them a best choice, for the government, to fight extremism. Financial support is among the government's strategies to encourage the spread of Sufism in Morocco. This is basically done through making royal donations in the name of the King Mohammed VI to "*Zawyas*," shrines where the Sufis perform their rituals. Furthermore, the promotion of Sufism in the media is a way for the government to boost the trend. TV shows are dedicated to broadcasting Sufi "*Dhikr*," (remembrance), in which the Sufis engage in devotional dancing, recitation, and meditation ceremonies with the purpose of remembering the blessing of God.

Series of lectures and seminars have also been launched recently in order to familiarize Moroccans with the principles of Sufism and the philosophy behind its practices. On June 27<sup>th</sup>, 2007, Mohammed VI sent a letter to the general assembly of the Tijani order. Another letter was sent by the King, on September 19<sup>th</sup>, 2008, to the participants of the Sufi Conference Sidi Chiker. On February 27<sup>th</sup>, 2009, Mohammed VI presented the leaders of the Kattani & Tijani orders with their decrees of appointment.

### **3.2.5. Mosques: From houses of God to houses of the State**

Mosques are the most important channels through which the state spreads religious authority and consecrates the legitimacy of the monarchy. Mosques are an integral part of the state's policy to bureaucratize religion.<sup>18</sup> The religious sermons delivered during the weekly Friday prayer are written by the state and usually cover a whole range of political, social and economic issues.

The King ordered a complete renovation of the Islamic Affairs Ministry, making room for a directorate in charge of mosques. The palace sought to regulate how mosques would be

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<sup>17</sup> Ryan, Yasmine/Rahimi, Shadi (2015): Exploring Sufism in Fez. Morocco has been promoting Sufism as a way to counter strands of political Islam, in: <https://www.middleeasteye.net/news/exploring-sufism-fez>; 14 December 2019.

<sup>18</sup> Mohamed, Daadaoui (2008): Rituals of power and the islamist challenge maintaining the Makhazan in Morocco. Norman: University of Oklahoma, P.217.

designed, how they would be financed, and how prayer would proceed inside their walls. All Qur'anic schools would also be carefully renovated and monitored. The aim was not to enhance education, but to control it "to preserve it from misuse or deviation which might influence the Moroccan identity"<sup>19</sup>. The mosques are open half an hour before the time set for each canonical ritual prayer, except on Fridays, when they open two hours before the time of the collective office. They close a quarter of an hour after the completion of each ritual prayer, except that of the "*Fajr*" (prayer at day-break), where they stay open until sunrise, and the "*Maghrib*" (sunset prayer), when they remain open until "*Isha*" (evening prayer).

### 3.2.6. Qur'anic Madrassas

In Muslim majority countries, Madrassas have played an important cultural and institutional role. Historically, Madrassas in Morocco have produced religious leaders capable of performing major roles in sustaining and constraining authority.<sup>20</sup> After 9/11 and the 2003 suicide bombings in Casablanca, the Moroccan government tightened its control over religious educational institutions. A law was passed in 2002 to regulate on Islamic education. Since 2006, MEIA has sought to push through a national agenda. An executive board of traditional education was installed; it aims at ensuring the reorganization of the traditional education system to better fulfill its role in the dissemination and sustainability of the Arabic language, as well as the consolidation of the Maliki doctrine and the Ash'ari dogma in Morocco.

The board's main mission consists in:

- ensuring the management of the various traditional educational institutions across the country,
- developing a new educational methodology of traditional education level studies and reviews,
- guaranteeing the application of laws and regulations of traditional education,
- issuing permits for opening traditional education institutions,
- controlling the management of traditional education institutions to enable them to open up to the social and economic evolution of the country while preserving the specificities of such education,
- establishing a literacy program in mosques,
- organizing training sessions for traditional education frameworks.<sup>21</sup>

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<sup>19</sup> Spiegel, Avi Max (2015): *Young Islam: The new politics of religion in Morocco and the Arab world*, Princeton: Princeton University Press, P.135.

<sup>20</sup> Eickelman, Dale F. (2006): *Madrassas in Morocco: Their vanishing role*. In: Hefner, Robert W./ Zaman, Muhammad Qasim (ed.): *Schooling Islam: Modern Muslim Education*. Princeton: Princeton University Press, P.131–148.

<sup>21</sup> Ministry of Endowment and Islamic Affairs, <http://www.habous.gov.ma/>; 14 December 2019.

#### **4. Religious Policy as a Security and Diplomatic Strategy**

The religious policy in Morocco is employed as a security mechanism to counter extremism and terrorism inside Morocco and abroad, especially in the Sahel countries with which Morocco has a historical and spiritual relationship. This involvement in West African religious affairs, as in the case of Mali, is approved and encouraged by western powers, especially France and the USA, to promote tolerance. Morocco's involvements in West African religious affairs are "better interpreted as a new foreign policy strategy in West Africa. Morocco is, in fact, increasing its religious collaborations as a means towards taking a stronger leadership role in regional security matters."<sup>22</sup>

King Mohammed VI is confident that "the Moroccan model for managing religious affairs is valued and is the subject of sustained interest at continental and international levels. We want to ensure that the Moroccan experience can be put at the disposal of neighboring countries that share with Morocco the attachment to the same spiritual principles and values, and have expressed a wish for the Moroccan model, as is the case when cooperating in the training of Imams", (Throne Address, July 30<sup>th</sup>, 2015). The King's minister Ahmed Toufiq points out the shared Islamic references between Morocco and West Africa when selling the Moroccan model to international audiences: "Needless to say, these fundamentals in the Ash'ari doctrine, in the Maliki denomination and in the spiritual behavior are shared by Morocco and West African countries, preserved and studied by religious scholars, and used as guiding principles by the Imams; similarly, magistrates draw insights from them when forming judgements in Morocco and in these countries", ( New York, September 30<sup>th</sup>, 2014).

Faced with the rise of Wahhabi and Salafi Islam on the one hand, and the Iranian Shiite Islam on the other, the King is trying to create a sort of holy alliance around moderate Maliki Islam with Morocco at its center. The status of Mohammed VI as a traditional Muslim leader in West Africa is a sign of the country's influence in the region. In the middle ages, the Moroccan empire used to spread to Timbuktu and Senegal, and the Tijaniyyah brotherhood still recognizes the King of Morocco as its spiritual leader.<sup>23</sup> This has allowed the King to become a mediator in the Malian crisis between Bamako's central government and Tuareg, and radical Islamist movements in control of much of Northern Mali – a task by which he trumped Morocco's arch-rival in the region, Algeria.

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<sup>22</sup> Wainscott, Ann (2014): Morocco Steps Up Leadership in Religious and Security Affairs in West Africa. ISLAMiCommentary.In: [https://www.researchgate.net/publication/320986894\\_Religious\\_Regulation\\_as\\_Foreign\\_Policy\\_Morocco's\\_Islamic\\_Diplomacy\\_in\\_West\\_Africa](https://www.researchgate.net/publication/320986894_Religious_Regulation_as_Foreign_Policy_Morocco's_Islamic_Diplomacy_in_West_Africa); 14 December 2019.

<sup>23</sup> Régragui, Ismaïl (2013): La diplomatie publique Marocaine: une stratégie de marque religieuse? Paris: L'Harmattan.



Morocco's policy of religious leadership comes at a time when interest in cooperation on regional security matters is increasing. Just days after the signing of the religious cooperation agreement between Mali and Morocco in November 2013, ministers representing nineteen countries from the Sahel and West Africa signed a different agreement, focused on cross-border security, called the Rabat Declaration. In addition to Morocco that hosted the event, the security summit included representatives from Libya, Algeria, Tunisia, Egypt, Sudan, Chad, Niger, Mali and Mauritania. The summit followed up on a similar event in March, 2013. The Rabat Agreement calls for the creation of a joint border security training center, possibly to be based in Rabat. The event was attended by leading regional and international organizations such as the Maghreb Union, the Arab League, NATO, ECOWAS as well as US officials. Their participation demonstrates that both regional and international actors are interested in increased cooperation on security matters. The international community should be wary of the motivations behind Morocco's pursuit of tighter ties with West Africa. Despite public demonstrations of cooperation, Morocco's security interests diverge from those focused on in the general security circumstances of the Sahel. Morocco is hoping to win support for one of its biggest security concerns — its territorial claim of the "Moroccan Sahara", a claim that is disputed by the Algeria-backed Polisario Front.<sup>24</sup>

Morocco began to plan this policy of religious regulation externally by first taking advantage of the opportunity created by the 2012 coup that plunged Mali into conflict and instability. Although Morocco's role during Mali's 2012-2013 civil war was limited, it publicly expressed support for the French intervention against Jihadist groups in early 2013, and increased its involvement in Mali following the restoration of the country's territorial integrity. In late September 2013, this increased cooperation was formalized with an agreement signed by the Moroccan Minister of Islamic Affairs Ahmed Toufik and the Malian Minister of Territorial Administration, Moussa Sinko Coulibaly. In the agreement, reportedly a response to Malian requests for assistance, the Moroccan government agreed to train 500 Malian Imams at Moroccan institutions of higher education. Mali's warm reception of Morocco's policy that supports religious leadership can be largely explained by the widespread perception that religious practice in Morocco and in West Africa is similar. Muslims from Morocco, West Africa and the Sahel follow the Maliki School of Islamic law, which accommodates a range of religious interpretations including Sufism or Islamic mysticism.<sup>25</sup>

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<sup>24</sup> Wainscott, Ann (2014): Morocco Steps Up Leadership in Religious and Security Affairs in West Africa. ISLAMiCommentary.In: [https://www.researchgate.net/publication/320986894\\_Religious\\_Regulation\\_as\\_Foreign\\_Policy\\_Morocco's\\_Islamic\\_Diplomacy\\_in\\_West\\_Africa](https://www.researchgate.net/publication/320986894_Religious_Regulation_as_Foreign_Policy_Morocco's_Islamic_Diplomacy_in_West_Africa); 14 December 2019.

<sup>25</sup> Ibid.

During his African tour, King Mohammed VI donated hundreds of Qur'ans and signed several agreements to train African Imams in Morocco. He also organized dinners for African religious scholars and the Sufi brotherhood such as the one organized on May 22<sup>nd</sup>, 2015 in Dakar, for notables and leaders of the Sufi brotherhood in Senegal.

On July 29<sup>th</sup>, 2015, Mohammed VI was awarded the "Sheikh Ibrahim Niass for Peace" Award in Dakar, in recognition of his initiatives and efforts devoted to promote Islamic values which advocate peace, tolerance and coexistence. On July 13<sup>th</sup>, 2015, the King announced the launch of the Mohammed VI Foundation for African Ulama, a body intended to unify and coordinate the efforts of Muslim Scholars from Morocco and other African countries to spread and consolidate the values of tolerant Islam.

Morocco's African vision is helping the Kingdom to make a stronger contribution to dealing with transnational security challenges, improving its domestic economy, repositioning itself geopolitically, and raising its profile in relations to key Western allies on which Morocco's economy and security still largely depends. Morocco's religious diplomacy, including the King's legitimacy as a religious leader in West Africa, has been a critical element for the success of this regional strategy. However, two major challenges remain: resolving the Western Sahara question, and avoiding increased tensions with neighboring rival Algeria.<sup>26</sup>

## **5. Religious policy: Not a matter for the Commander of the Faithful's subjects**

Religious policy, being a royal business, is a very controversial issue in Morocco and civil society is not welcome to express views on a number of sensitive issues including religion. It is illegal to poll public opinion on three issues: monarchy, religion, and the territorial unification (the Sahara conflict). By the constitution, religion and the monarchy cannot be subjected to any kind of revision (Art. 175), and according to the press and the publication law (Art. 41 and Art. 76 in the new press law), any criticism of the "sacred trilogy" of Islam, the monarchy and Morocco's territorial integrity is considered a blasphemy. In addition, the courts and the executive power were given the power to suspend or close newspapers. The penal law states that any disturbance or damage affecting the "sacred trilogy" is a criminal offence; punishment may range from imprisonment to death penalty (Chapter 1/ Part 3).

By the end of 2014, Morocco had developed a new bill to regulate opinion polls and to apply the rules of the trilogy (Monarchy, religion, and territorial integrity). Violators face jail from 1

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<sup>26</sup> Tadlaoui, Ghita (2015): Morocco's religious diplomacy in Africa, FRIDE Policy Brief No 196, February.

month to 1 year and fines from 50,000 DH to 100,000DH. In 2009, to mark the tenth anniversary of Mohammed VI's reign, TEL QUEL, a Moroccan independent weekly magazine, made a nationwide survey assessing Moroccans' opinion about their King. The weekly magazine was banned, although the result of the survey was extraordinarily favorable to Mohammed VI. "The Monarchy cannot be equated, even by way of a survey", as stated by the spokesman of the government and minister of communication, Khalid Naciri, a member of a former communist party currently called the party of progress and socialism.

Articles 14 and 15 of the 2011 constitution guarantee to citizens "under the conditions and terms established by an organic law", the right to submit "proposals in legislative matters" (law N° 64-14) and present "petitions to public authorities"(law N° 44-14). Thus, in order to have the right to present a bill (which can then be sponsored by a member or a parliamentary group in the House of Representatives), one must "enjoy civil and political rights, be registered in the electoral rolls, and have a regular tax situation". For a proposal to be accepted, it must be approved by 25,000 citizens, and petitions must collect 7,200 signatures.

In addition, a proposal or petition must be designed to serve the public interest, and demonstrate a clear understanding of the legitimate demands and claims that should be accompanied by a text explaining the motivations behind the request. In addition, regulations published on the government website of the General Secretariat include other conditions which restrict access to these new rights for Moroccans. Importantly, it is forbidden for citizens to discuss the sacred trilogy, as it is to be members of trade unions or political parties.

Especially, the fear and stress of citizens is problematic: every signature in favour to a bill or petition "must be legalized by the local authorities" to ensure the identity of the participant, and also confirm his/her right to sign the document. To be eligible, one must "enjoy civil and political rights, be registered in the electoral rolls and have regular tax position". A process that costs two dirhams each citizen, and could therefore settle at 50,000 dirhams for the collective cost of any proposed law. These rules serve to obstruct rather than to facilitate the practice of these rights.

Based on the above analysis that decisions on religious policy are made at the top of the political authority (the monarchy), and given the importance of religion in determining overall public policy, it is fair to say that ordinary citizens who are subjects of the Commander of the Faithful<sup>27</sup>, are excluded from participating in shaping public policy in many areas. I enumerate some:

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<sup>27</sup> Arroub, Hind (2006): Culture of Citizenship in a Country of Subjects? Case: Moroccan Society, in: Sovereignty and Power in the Arab world. Beirut: Center for Arab Unity Studies.

- (1) Moroccan citizenship describes individual citizens as “subjects of the Commander of the Faithful”, not as participant citizens. Moroccans themselves accept the religious role of the King as “the grandson of the prophet and the Commander of the Faithful”. According to the Arab Barometer and Transitional Governance surveys, 35,5 % of the population disagreed with the idea of separating religion from the social and political life while 34,34% agreed. On the other hand, 83% of Moroccans support Sharia as the official law of the country.<sup>28</sup>
- (2) Religion is not a matter of public opinion; it is one of the sacred fields of the “Charifien Kingdom”.
- (3) The nature of the political regime is characterized by the non-separation of the state and religion, the absence of democracy, and the lack of freedom of faith and religious expression.
- (4) The source of all public policy is the royal discourse since the King is the head of the decision makers, and the content of his discourse is called “the Supreme Royal Directives”.

Various interconnected problems prevent His Majesty’s subjects from participating in shaping religious policy or other policies. Those systemic obstacles can be summarized in

- the nature of the political regime,
- the lack of good governance,
- the gap between the public opinion and decision making,
- the lack of access to information,
- the lack of transparency and accountability,
- the enactment of new repressive laws (e.g. penal and press codes, the survey bill),
- the absence of democracy, freedom of faith, opinion and speech,
- the regime’s monopoly of all fields,
- the high rate of illiteracy, ignorance and poverty.

According to the United Nations Educational, Scientific and Cultural Organization report published in 2015, illiteracy in Morocco represents 62% of the population while poverty represents 60%. The 2016 United Nations Development Program Report stated that 60% of Moroccans are poor, 44.3% are denied access to fundamental rights (education, health, housing...), 12.6% live close to the poverty threshold and 4.9% live under the poverty threshold.

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<sup>28</sup> Pew Research Center (2013): The World’s Muslims: Religion, Politics and Society. In: <https://www.pewforum.org/2013/04/30/the-worlds-muslims-religion-politics-society-overview/>; 14 December 2019.

## 6. Conclusion

Religious policy remains a royal prerogative in the “Sacred Kingdom of Morocco”, the King as “Commander of the Faithful” being the only one to constitutionally represent and defend faith and religion (article 41 & 42, constitution text of 2011). He is considered God's shadow on earth which means that he alone represents religion in executive terms, and there is no space for society to participate in shaping religious policy. Islam being a state religion in Morocco means that religion is the regime's ideology, and a tool for governing and legitimizing the spiritual functions and decisions of the King. Nobody can lawfully make or change decisions on religion or officially launch a discussion on the issues framing the Kingdom's ideology and the King's domestic's life. Voices opposing the King's religious decisions and religious critics are considered blasphemy. King Mohammed VI defined the limits of religious change in 2003, when he decided to review and update the family code. He made it clear that he could not make lawful what God made illicit and illicit what God made lawful. This statement became a policy in itself since the King's speeches are considered supreme decrees beyond all organic law regulating the “sacred kingdom”. Also, the royal statement became the reference point and framed the limit of public discussion on religious matters between different groups of Moroccan society, especially the liberals and the conservatives. Any societal discussion exceeding the royal frame is not welcomed officially, and the majority of society considers itself deeply conservative despite some flashes of modernity.

Given these obstacles, social participation in shaping religious policy remains repressed and is socially and culturally discouraged and restrained in Morocco, as in other Arab countries. John Locke in the 17<sup>th</sup> century, in his “Essay Concerning Human Understanding” spoke about a public voice in politics, a concept has since been further developed through the process of urbanization and other political and social forces. Arab societies are still far removed from this European concept. To build, foster and render public opinion influential in the sensitive field of religion in a country like Morocco, it seems vital that free academics encourage the development of an efficient civil society and install truly independent media. Stakeholders should break the culture of fear, and dare to speak up and mobilize public interaction and influence bottom-up in order to obtain a change of the law. However, activists cannot establish a vision of participation without reinforcement by research and the emergence of independent research institutions. Researchers and think tanks are key actors in the process of knowledge generation and policy shaping. Think tanks are flexible institutions and agora that provide missing links between policymakers and civil society. They can be agents of change and catalysts of thoughts, ideas and actions. They facilitate interaction between academics, policy makers, civil society and citizens. They are essential for transition, post-transition, post-conflict and post war countries; they attempt to shape, to influence or to inform policy through

intellectual argument and analysis. In a country where freedom of thought and expression are repressed by a regime that is afraid of freedom and holds society hostage through red lines and taboos, this role for think tanks and academia remains wishful thinking.

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