

FRANCESCO CAVATORTA



CIVIL SOCIETY ACTIVISM IN MOROCCO: 'MUCH ADO ABOUT NOTHING'?

Colophon

First published in November 2009 by the Knowledge Programme Civil Society in West Asia, a joint initiative by

Humanist Institute for Co-operation with Developing Countries
P.O. Box 85565 | 2508 CG The Hague | The Netherlands
www.hivos.net



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UNIVERSITY OF AMSTERDAM

Design: Tangerine – Design & communicatie advies, Rotterdam, The Netherlands

Cover photo: picture of a demonstration held by families of salafist prisoners outside the Council for Human Rights.
Photographer: Emanuela Dalmasso.

ISSN 2210-3473

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Table of Contents

Introduction	1
Civil Society and Democratisation	2
Civil Society, Democracy and Democratisation	4
Civil Society Activism in the Arab World	9
Civil Society Activism in Morocco	17
Human Rights Activism	25
The National Initiative for Human Development	32
Conclusion	34
Bibliography	37
About the Author	41

Introduction

For over two decades both scholars and policy-makers have grappled with the question of the relationship between civic activism and democratisation. Traditionally, civil society, understood as 'the zone of voluntary associative life beyond family and clan affiliations but separate from the state and the market' (Hawthorne, 2004), has always played a prominent role in explaining processes of democratisation. In fact, 'building a robust civil society is [...] postulated as a precondition for democratization and democratic consolidation' (Sardamov, 2005). Until recently, this assumption has been very rarely questioned. The liberal consensus around the emancipatory nature of civil society largely determined the bounds of the debate and held very strongly that, as society begins to self-organise, democracy and democratisation are strengthened. It follows that an increase in civil society activism in authoritarian regimes significantly contributes to their demise and that the same civic activism in established democracy sustains democratic institutions (Putnam, 2000). Empirical evidence from the transitions to democracy of countries in Central and Eastern Europe and Latin America during the 1990s seemed to confirm such a view. The first criticism regarding the validity of both the theoretical assumptions and the empirical evidence began in the late 1990s and the criticism against the traditional assumption regarding the strong linkage between civic activism and democratisation has snowballed since then.

This study begins with an outline of the current theoretical debate about civil society and democratisation and examines how such general debates have informed studies of civil society in the Arab world. It analyses in depth the case of Morocco, where civil society activism has greatly increased in the course of the last decade, coinciding mainly with the arrival to power of King Mohammed VI. More specifically, this study examines three areas of civil activism in the Kingdom: women's rights and the 2004 reform of the family Code; human rights and specifically the rights of political prisoners in the aftermath of the Casablanca bombings; the developmental issues related to the National Initiative for Human Development.

Civil Society and Democratisation

In an article for the *Journal of Democracy* in 2000, Laith Kubba proclaimed that the 'awakening of civil society' in the Arab world would be the decisive factor in challenging the authoritarian regimes in the region and eventually lead the Arabs to the "promised land" of democratisation. This belief in the positive role of civil society activism stemmed from three factors. First and foremost was the quasi-natural acceptance of the theoretical assumption that civil society activism is *per se* conducive to democratisation where authoritarian exists, as 'without a well developed civil society, it is difficult, if not impossible, to have an atmosphere supportive of democracy' (Entelis, 1996: 45). Second, the historical experience of the 1980s and early 1990s processes of democratisation seemed to prove the assumption correct. The cases of Eastern Europe and Latin America are very in fact rarely analysed without mentioning the importance that civil society had in restoring democracy in both regions: 'Eastern Europe and Latin America ...can in a sense claim "ownership" of the revival of the civil society idea in the 1980s.' (Glasius et al., 2004:3). Finally, the majority of the countries in the Arab world had seen the emergence of a significant number of civil society organisations engaged in the promotion of very diverse issues ranging from human rights to governmental accountability and from business transparency to environmental protection. This was obviously more the case in some countries such as Morocco, Algeria or Jordan than others such as Syria, but the growth of civil society was numerically impressive across the entire region. This had led the genuine belief that 'the explosion' of civil society activism was the precursor and the necessary factor for democratic political change in the region. Thus, assumptions about the crucial role of the link between civil society and democratic governance within democratic theory, the example of Eastern Europe and Latin America and the 'arrival' of civil society activism in the Arab world combined to strengthen the belief that the way to Arab democracy passed through the strengthening and support for civil society organisations.

This has proven to be one of the most important policy approaches of the international donor community, as the necessity of Arab democratization preoccupies the international community. In order to transform the authoritarian regimes of the region into acceptable democracies (i.e. not ruled by Islamist parties) the international community has focused its attention on building democracy from below through the building-up of civil society, understood as a sphere of liberal and democratic learning.

The linkage between civil society and democratization has not gone however uncontested and it has invested both the theoretical conceptualisations of it and its practical achievements. Within democratic theory the assumption that civil society is *per se* a positive development leading to democratic governance or to the strengthening of democratic rule where it already exists has come under severe criticism (Encarnacion, 2006). In addition, the experiences of Eastern Europe and Latin America have been empirically re-evaluated and a degree of scepticism has emerged regarding the actual importance of civil society activism in the transitions to democracy in both regions (Tempest, 1997). Finally, the explosion of civil society activism in the Arab world itself has met with considerable scepticism from regional experts, as civil society activism is believed to be one of the following: a creation of the regimes in place in order to display some liberal traits that would satisfy the international community (Wiktorowicz, 2000); a de-politicisation of important issues (Langohr, 2004);

a safe haven for liberal activists who are marginalised by Islamist activism in the wider society and are in need of new channels of communication with the regime (Cook, 2005). From this, it naturally follows that the absence of meaningful democratic changes in the Middle East and North Africa despite almost two decades of engagement with and support for civil society activism is a testament to the practical failure of such a policy approach.

Thus, the role of civil society in the potential democratization of the Arab world is highly controversial from a scholarly and a policy-making point of view. Such controversy has generated a number of important studies that are largely anchored to the wider literature on democratization and theories of transition. This study, while reliant on many of the insights that the literature on democratization provides, attempts to go beyond its rather narrow confines and, building on the idea of post-democratization, presents a picture of civil activism and its dynamics in Morocco as they are and not of how they should be. When examining the Middle East and North Africa there is often the tendency to look at all phenomena through the prism of democratization, while neglecting the possibility that they might not be linked to it in any meaningful way. It is therefore more productive to analyse the dynamics and phenomena that exist and see how they might inform our understanding of the region without necessarily linking it to what, from a normative perspective, one might wish to see. When specifically referring to civil society activism, it is particularly important to critically examine the very normative meaning that is attached to the concept because it represents an obstacle to a more genuine and hopefully more neutral manner through which we can understand the dynamics of civil society in the Arab world and beyond. All this does not amount to passing over the very significant debates that have occurred around the definition and conceptualisation of civil society, its 'exportability' to non-Western context and its linkage to questions of democracy and democratization. These debates are indeed crucial in setting out the terms and framework of our empirical inquiry, particularly because different understandings and 'translations' of civil society shape the very dynamics of the activism we examine. However, the study is mostly concerned with presenting empirical findings regarding the activism of civil society without specifically linking to its normative value and its perceived inevitable linkage with democratic governance. This is because civil society activism under authoritarian constraints presents different theoretical challenges (Jamal, 2007) and offers a potentially different picture of how civil society activism occurs and plays out.

Civil Society, Democracy and Democratization

There is very little doubt that the concept of civil society has had a problematic life since it was first coined. Despite its presumed origin within Western political thinking, a clear and consensual definition of what civil society is does not exist. We therefore find in a number of definitions that vary from the liberal to the more radical one adopted in Gramscian discourse. The liberal definition Hawthorne (2004) coined has however always played a more prominent role and is still very much the prevalent one because it emphasises the role of the individual in participating to associational life autonomously and with a view to hold the state and ruling authorities accountable and “penetrable” to the concerns of society. The basic assumption is that the sphere of civil society represents a buffer to the power of the state and its arbitrary behaviour. Thus, civil society is by definition liberal and democratic, leading to the belief that its expansion coincides with the expansion of liberal and democratic values. The liberal definition of civil society has become even more dominant over the course of the last two decades and ‘since the late 1980s multilateral development agencies, international financial institutions and nongovernmental organizations, environmentalists, feminists, neoliberals, social democrats and radical grassroots activists have all, in their own and diverse ways, appropriated the language of civil society’ (Howell and Pearce, 2001: 1). This has occurred for two interconnected events. First of all, in Western developed and industrialised countries, the ‘state’ has been on the retreat from both social and economic life, leaving society to regulate itself. This self-regulation of society has increased the number and scope of civil society organizations, which became, in many ways, the substitute for the delivery of services and needs following the withdrawal of the state. This has led to the expansion of activities of civil society groups, particularly in the field of development and provision of services, which could be better carried out because of the proximity of these groups to the beneficiaries of such services. The increasing ‘isolation’ of the state triggered the reaction of society, which began to organize around a number of concerns and issues in order to either deal with them autonomously or pressure the state into action. This social function of civil society should not however hide the more political function that the concept also has. The victory of liberal-democracy and the market in the struggle against all other forms of political, social and economic organization (Fukuyama, 1992) permitted the forceful re-entry on the political scene of the concept of civil society. Groups and organizations became increasingly involved in intensely political issues such human rights, governmental accountability and political pluralism. In this new ideological environment, civil society represented the triumph of society over the Leviathan state and therefore ‘symbolized freedom, anti-statism and democracy’ (Howell and Pearce, 2001: 2). The link between civil society and democracy has been a crucial feature in the success of the concept and it became increasingly perceived as the necessary ingredient for democracy and democratization in countries where the overbearing state was finally relinquishing its power. The very positive normative trait that the concept already had was greatly reinforced throughout the 1990s. There is no doubt that the success of the concept and the reinforcement of its normative nature have been greatly enhanced by the interpretation given to events in Eastern and Central Europe and Latin America during the 1990s. Thus, the changes in these parts of the world constitute the second important event contributing to the dominance of the liberal definition of civil society. Civil society, understood as ‘the realm of organised social life that is voluntary, self-generating, (largely) self-supporting, autonomous from the state and bound by a legal order or set of shared rules’ (Diamond, 1994: 5) becomes both a support

for democracy where it exists and a catalyst for democratic change where democracy does not exist. From this, it emerges that civil society in liberal thinking has always had positive normative connotations because it is intimately associated with the most positive of political values: democracy. In democratic societies, the existence of an autonomous space between the state, the market and the family is believed to sustain the democratic political system due to its ability to bring together citizens without coercion. The voluntary nature of movements which mobilise around very different and, at times, conflicting issues and interests allows society to develop ties that transcend kinship and that do not see the state as the ultimate provider of material goods and services. The existence of such an active civil society is interpreted as a positive development for democracy because it promotes the interaction of people in a voluntary setting where differences of opinion have to be taken into account because such groups have diverse interests. The state does not interfere with this autonomous space where demands can develop, issues can be discussed and activities organised. Linked to this liberal interpretation of civil society as being 'good for democracy' is the notion of social capital, which is the way in which civil society activism enhances the internal capacity of communities to generate social well being (Putnam, 2000). In liberal thinking therefore, all this contributes to sustain democracy and the vitality and responsiveness of democratic institutions. The validity of this causal mechanism between a strong civil society and democracy has been taken for granted in both academic and policy-making circles for quite some time.

It is no surprise that the positive connotations that an active civil society has in democratic countries have been transferred to authoritarian states or democratising countries. Following the experiences of Latin America and Eastern Europe, the transition paradigm underscored the important role of an active civil society in bringing about democratisation and it becomes a condition *sine qua non* for the establishment of democratic governance. Studies on processes of democratisation often highlight the strong link between the growth in civil society activism and democratic transformations, pointing to the role of independent civil society organisations in demanding, through their ability to mobilise citizens, increased governmental accountability and significant institutional reforms on the basis of the rights of the individual (O'Donnell and Schmitter, 1986). In these different contexts, the ability of independent social actors to prise away an autonomous sphere of action from the state is perceived to be vital in undermining the authoritarianism that characterises political and social relationships. This is because a sphere with no state officials' intervention develops and becomes an embryonic space to make political demands on the authoritarian political system. In addition, the 'participants' learn skills that can eventually be utilised in a democratising or democratised polity as they are introduced to positive aspects of compromising and alliance-building (McLaverly, 2002).

It is widely assumed that the most prominent actors and 'human agents' in the struggle against authoritarian rule in Eastern Europe and Latin America were civil society groups and activists. Their engagement in the creation of networks and groups where issues of political reform and human rights were discussed and publicised produced a mobilisation from below that eventually could no longer be suppressed, leading the authoritarian ruling elites to first compromise and then give in. In civil society mythology, it is the personal engagement of many prominent intellectuals to mobilise ordinary people around a project of peaceful radical transformation based on liberal democratic values that effectively drove the authoritarian ruling elites to introduce reforms that modified not only

the structure but the nature of the state (O'Donnell and Schmitter, 1986: 49). As the story goes, civil society activism had triumphed over authoritarian rule and re-affirmed the pre-eminence of the democratic values emanating from society over the powers of the state.

There are three important implications that derive from accepting the existence of a strong link between civil society activism and the processes of democratisation of the 1980s and 1990s. From a theoretical point of view, the notion that civil society carries a positive normative value has become even more widely accepted, as to become almost unquestionable consensus. It follows that the growth of civil society activism in any context has been perceived as an inherently positive development. The second important implication of the triumph of civil society is that it occurred in contexts where political parties, bar the dominating and authoritarian one, were largely absent from the public sphere. In both communist countries in Eastern Europe and military dictatorships in Latin America, political parties' life had been emptied of its real substance. While political parties did indeed exist and were allowed to operate, they were hollow shells under severe constraints and did not carry out the functions that political parties have in working democracies in terms of openly opposing the regime (Albrecht, 2005). Political parties in authoritarian settings are usually the vehicles for personal advancement; have little or no social bases and are tolerated only because they do not represent a threat to the ruling regime. It is precisely because of the combined presence of discredited parties and the absence of truly popular parties that civil society was able to emerge as the *locus* for political opposition, where voices of dissent could be heard and where a counter-culture of democratic and liberal organisations could find strength. This second implication is very significant because it seems to indicate that the presence of functioning opposition political parties is not necessary for processes of democratisation to begin and that society is capable of finding alternative ways to have its voice heard. A third implication of the success of civil society has to do with the notion of alliance-building and the role it plays in the paradigm of transition to democracy. For the opening of a process of democratisation to be temporarily successful, the opposition has to be somewhat united, overcoming the differences between radicals and moderates and making common demands on the regime. Under any authoritarian regime, many different opposition currents exist, whose political actions and stances are derived from a range of different ideologies and belief systems. The game is indeed played by more than one opposition actor and unity of the opposition only occurs at a time when all the different groups, or at least the vast majority of them representing a large sector of society, pool their resources together to pressurise the regime into making the necessary concessions that will make it possible for them to legitimately compete for power. Once the open competition is guaranteed, the different opposition groups will go their separate ways and compete against each other. The starting assumption is that all genuine opposition groups in an authoritarian regime suffer from the same constraints on their activities. It follows that actors finding themselves in such a situation would attempt to pool their resources in order to achieve their common minimal goal: the removal of the current regime. In this respect, the ideology they subscribe to, the policy preferences they have and the vision of society they hold should theoretically be put on the backburner in order to achieve the goal of legitimately expressing such preferences. Coalition building, no matter how loose the coalition might be, would seem to be the top priority. The evidence from a number of case studies confirms the validity of such a strategic choice by opposition actors thereby reinforcing the view that civil society has a positive normative value attached to it. Writing on

the Czechoslovakian transition, Olson (1997) points out that all the opposition groups and formations 'were submerged [...] in the formation of the Civic Forum of Prague, and the Public against Violence in Bratislava. Both were amorphous reform groupings, united for the single purpose of removing communists from power. Having quickly achieved their goal, they as quickly lost the source of their cohesion.' The same trend towards unity is evident in Poland where the so called opposition 'lay left' were joined by Catholic activists within the group established prior to the arrival of *Solidarnosc* on the scene. *Solidarnosc* itself was a collection of different groups with different agendas, but with the common intent of removing the communists from power (Stokes, 1993). The subsequent divisions within the movement testify to the heterogeneity of the trade union and its leaders. Latin America is not different and the Chilean opposition was also able to achieve a degree of unity to remove Pinochet and it brought together a number of different social movements and political actors with very little in common but their preference for a plural political system (Oxhorn, 1995). Thus, the implications from these events for the concept of civil society and for its application is that a tendency towards unity despite ideological and policy preferences differences develops. It means that where openings of some sort exist and where opposition actors formally subscribe to a political platform and course of action aimed at regime change, civil society activism once again performs its normative role.

The Current Rising Tide against Civil Society

The paradigm of transition to democracy and how the move from authoritarian to democratic governance occurs had always had an in-built teleology, whereby the process just needed to get started to almost inevitably end with the instauration of democracy even if there were bumps and setbacks on the road. More recently however some scholarship on democratisation has begun to reconsider many of the assumptions of the transition paradigm. First and foremost critics of the transition paradigm concentrated their attention on the reality of world politics arguing that aside from possibly a dozen country that have made a truly complete transition and now enjoy a consolidated democracy, 'by far the majority of the third wave countries have not achieved a relatively well functioning democracy or do not seem to be deepening or advancing whatever democratic progress they have made' (Carothers, 2002:7). Accordingly, on an imagined continuum the vast majority of countries are stuck between rigid authoritarianism on the one hand and democracy on the other. The novelty of a number of recent analyses (Volpi, 2005; Hinnebusch, 2006) is that these political systems, rather than being transient, are examined as if they were permanent arrangements. It follows that they should be studied in their own right without the expectation that they will fully move to the democratic stage. The re-evaluation of the transition paradigm in terms of the sequence that supposedly characterises transitions has an impact not only on the stages and outcome of processes of democratisation, but has profound implications for political actors central to such processes.

It is therefore unsurprising that the whole concept and practical application of civil society in the context of democratisation has also undergone a profound re-examination. The enthusiasm with which civil society has been adopted as the explanatory variable for a host of democratic processes has been more recently dampened in view of both new theoretical and empirical insights. From a theoretical point of view, the most significant contribution has come from those scholars (Berman, 2003, Encarnacion, 2006) questioning the positive normative traits of civil society activism and by

implication the positive mechanism whereby a stronger civil society leads inevitably to demands for more democratic participation in authoritarian settings. The enthusiasm for civil society relies greatly on the normative connotation of the concept and policy-makers. Once the positive normative liberal connotation of the concept is shed, its usefulness in examining the reality of civic life in any given context re-emerges because it is no longer linked to what is a partisan interpretation of the concept. Their contribution is important because the notion that civil society should shed its normative character facilitates the analysis of it in the context of authoritarianism and processes of democratisation, as the focus of investigation is the nature and objectives of the associations and groups constituting civil society and not on civil society as a normative whole. The premise of these new studies is that it is methodologically unsound to attach normative value to concepts and notions that are utilised as causal mechanisms to explain political phenomena. Thus, when dealing with the concept of civil society, no positive normative traits should be attached to it because they would inevitably bias it as an explanatory variable. Their argument is that civil society is neither 'good nor bad' and it should be treated as a neutral variable. Neutrality of values ensures that therefore one should analyse the component parts of civil society (groups and organisations) by highlighting their ethos, their activities and their commitment, or lack of, to democratic practices. In addition, it allows to examine it in the context within which it is operating, leading to a better analysis of civil society relationship to the regime. Finally, this approach permits to avoid the hotly debated topic of 'exporting' the concept to non-Western contexts because it becomes then important to look at the many facets of how the concept is translated, integrated and subsumed into non-Western political theories (Browers, 2006).

The acceptance of the neutrality of the concept of civil society has one very significant implication: its liberal conception becomes contested. If the liberal interpretation of civil society is theoretically contested this has profound repercussion on its practical political application.

In addition to the theoretical criticism, a re-evaluation of the empirical evidence linking civil society activism to democratisation in both Eastern Europe and Latin America has provided the confirmation that previous enthusiasm had been partially misplaced. According to Tempest (1997) and Grugel (2000) for example the role assigned to civil society in undermining the regimes of Eastern Europe has been greatly exaggerated. The existence of such empirical evidence does not automatically disqualifies those who provide an alternative view or different empirical findings from the cases they studied, but it certainly undermines the previous consensus about civil society's role in the processes of transition of the 1980s and 1990s.

All this has repercussions on how one approaches today the issue of democratisation and civil society. The end of the liberal consensus has opened the door to the possibility of new analyses based on different theoretical assumptions and this is particularly relevant to the Arab world.

Civil Society Activism in the Arab World

Broadly speaking there are three views regarding the state and importance of civil society in the Arab World. These three approaches employ the concept of civil society as an explanatory variable to analyse the absence of democracy in the region. The first view treats it as being exclusively liberal and 'thus CSOs must be secular in ideology, civil in their behavior, legally recognized, and supportive of democratic reform' (Yom, 2005). With this definition in mind, analyses of activism in the region conclude that such civil society is very weak and therefore unable to pressure the regime into making democratic reforms; Arab civil society is weak precisely because it is not heavily informed by liberal values. This school of thought argues that it is very difficult for civil society to strongly emerge in a cultural setting that operates according to different and mostly illiberal values. It is therefore very difficult for example for Arab citizens to form ties that are not structured around traditional social relations that have very little to do with the conception and development of civil society in the Western world, which is linked to individual citizenship and protection from the encroachment of the state and other forms of social collective organisation. The experience of colonialism obviously modified the social structure of Arab societies, which came into contact with a host of different values and modes of production of both political and social knowledge, but did not fundamentally alter the indigenous values of reference, which tend to be illiberal. In her work Pratt examines the evolution of civil society activism in a number of Arab republics since independence and her analysis is concerned with explaining how authoritarian rule has been able to survive, using civil society as an explanatory variable. She claims that 'the Arab world has failed to experience a transition to democracy not because civil-society actors do not support democracy, but because there does not exist a consensus that challenges the post independence hegemony underpinning authoritarianism' (Pratt, 2007: 189). The colonial experience was a shock to the Arab system and, paradoxically, it contributed to revitalise it and civil activism in the form of unions, women associations and cultural groups defending Islam began to operate against the colonial power. It followed that due to colonialism, civil society activism was intimately linked to the struggle for independence and to nationalism. Thus, the specific social or class interests of certain groups such as women, workers or minorities were subsumed within the nationalist ideology. To a large extent this was a voluntary submission because they all shared the desire to be independent and 'to construct a national identity and culture that was modern but not Western' (Pratt, 2007: 33). Civil society actors shared the objectives of modernisation, namely economic progress and anti-imperialism, and were therefore willing to sacrifice their particular struggles to achieve such objectives. Ultimately, this favoured the solidification of authoritarian rule because national identity and national unity became the primary referents for legitimate political action. In the name of national unity, dissent was labelled as anti-patriotic and therefore repressed, with civil society activism fading and being replaced by the organisation of society according to the diktats of the state and taking place through the state-sanctioned groups in which participation and allegiance was obligatory. Once the project of post independence modernisation failed to deliver economic success, international equality and domestic social progress, civil society began to raise its head again and to turn against the ruling elites. The problem is that such dissent did and still does not coalesce around liberal and democratic notions because different values prevail and are generally embodied in what is perceived to be regressive and illiberal religious fundamentalism. This does not mean that liberal civil society activism is absent

in the Arab world, but the activism, both social and political, of the Islamist movements overshadows it. The pre-eminence of Islamism is due to its ability of re-energising the modernisation impetus through religious precepts and symbolism (Woltering, 2002). It follows that while the new liberal civil society actors sharply criticise the authoritarianism of the political system in the name of what are considered to be Western values, the dominant Islamist alternative largely proposes the same corporatist arrangements of the past, although underpinned by a different ideological referent, which is much easier to understand and appreciate for Arab citizens. In the past, civil society organisations had subordinated 'the welfare and rights of ordinary citizens to those of the national collective' (Pratt, 2007: 59). This is today unacceptable not because of the intrinsic deficiencies of such arrangements, but because they are not sufficiently strong. Thus they need to be strengthened and re-infused with new vigour. This generates the current opposition to the ruling elites within civil society, but Pratt claims that this is not truly a challenge because a democratic counter-discourse has not been fully developed given the marginal role of secular and liberal organisations. In fact, civil society activism remains very much linked to the necessity of rediscovering a unitary *élan* of modernisation that seems to have been lost throughout the years and such a unitary effort is intrinsic to the Islamist discourse. When one analyses civil society organisations in the Arab world through a narrow liberal definition of civil society, it can only be concluded that it is very weak and unable to withstand state repression. In turn, this weakness of is assumed to be a great obstacle to democratisation and political change (Abootalebi, 1998). In addition, it should be noted that the use of a restrictive definition of the liberal conceptualisation of civil society has considerable political implications because often the 'concept of civil society has been explicitly used...as a weapon to exclude Islamists' (Browsers, 2006: 131). This is particularly significant because it points to serious academic and political disagreements about what constitutes the sphere of civil society, leading to new avenues of understanding of the concept.

The second view, following the revisionist approach outlined by Encarnacion (2006), conceptualises civil society in neutral terms and refuses to assume that the concept has positive connotations rooted in liberal democratic theory. The argument is that civil society as a whole does not have *per se* any normative liberal-democratic nature and does not necessarily promote liberal values. This means that what matters are the groups that make up civil society and, more importantly, what are the values they subscribe to. The assumption here is that civil society can be strong and 'uncivil' (Kopecky and Mudde, 2003) at the same time. If one examines the degree of civic activism in a state without questioning the nature of the groups involved in this activism makes a serious analytical mistake because activism is not necessarily coincident with liberal and democratic values. When we make civil society neutral and simply take it to mean the space between the state and the individual where voluntary groups are formed with the intention of pursuing a specific social goal, the 'positive nature' of it should not be assumed. Thus, according to this approach, Arab civil society emerges as being rather strong and active, displaying a significant number of groups and associations that operate autonomously from the state and attempt to influence the social and political system. When it comes specifically to the Arab world, Berman (2003) argues that civil society activism is strong, particularly in a context where states are quite weak, lack popular legitimacy and are on the 'retreat' from the public sphere. While the state, following de-colonisation, was strong and capable of mobilising both resources and population to the needs of social and economic development, today's picture is quite

different. Very few doubt that 'the modern state in the Arab world continues to thrive with little transparency, financial accountability, legislative or judicial autonomy, or rule of law' (Singerman: 2004: 145), but the scope and depth of intervention in society has been greatly reduced due to the constraints of economic reforms, external political pressures and globalisation. Thus, while the state still retains a strong hold on Arab citizens, an increasing number of activities, including the provision of social services, have fallen to private and autonomous organisations of civil society. Thus, 'the region is replete with domestic political activism' (Singerman, 2004: 149) which is not based on political parties, but on civil society organisations. The picture that emerges is therefore one of a strong civil society, which is, however, wholly unsuited to promote democracy and human rights because the main groups and associations within civil society are Islamist. The assumption that Berman also makes about civil society in the Arab world is that it is an 'uncivil' one because Islamist associations dominate it and the *ethos* of Islamist organisations is by nature un-democratic and illiberal. According to Singerman (2004) Islamists 'want to re-articulate the boundary between the public and private itself to propose a less secular and autonomous vision of the good life and governance.' This re-articulation is contrary to liberalism, where the imperative of secularism must be obeyed if a state is to construct a democratic political system where the rights of the individual are at its core. Any ideology that proposes to blur the boundary between private and public in the name of religious teachings that could not be questioned because coming directly from god is inherently anti-democratic. Thus, the conclusion of those who subscribe to the second approach is in some ways similar to the one that scholars who subscribe to the first approach. While they recognise that civil society activism is well-established and strong, they argue that it is far too 'Islamicised' to be a contributor to democratization, as society is profoundly divided between the few liberal democrats and the many authoritarian Islamists. The outcome is that opposition groups in the Arab world are considerably more divided than their counterparts in other transitional countries on the type of post-authoritarian society that they would like to construct because their belief systems are often very different, sometimes simply irreconcilable. The strength of Islamist ideological discourse and its potential, practical translation into legislation about, for example, women, minorities or religious schooling, is very much perceived to be inimical to the construction of some form of western-style liberal-democracy, which is the ultimate objective of the liberal sectors of the opposition and of the international community. This rather crude categorisation is criticised on the basis that there are a number of competing 'Islamisms' to be accounted for just as there are significant differences within the secular/liberal camp. The counterargument is that divisions within political Islam are tactical rather than ideological, particularly when it comes to the objective of creating the Islamic state, whatever that may mean to different Islamist groups. In conclusion, the second approach introduces the very sensible assumption that civil society should not be *a priori* have a positive normative character and this is an important and useful innovation. At the same time however it is unable to accept that Islamism cannot be anything else but an *obscurantiste* political and social project. Thus, as long as it is the dominant force within civil society, democratization is not only impossible, but highly undesirable.

The third view suggests that civil society in the region has indeed been strengthening over the last decade, with a significant surge in the numbers of organisations being created. However, this is not considered a sign that the ruling elites are losing control of their own society. The main claim of those

working within the third approach is that many civil society organisations are largely creations of the regime itself, while others are either beholden to the state or fully co-opted. This generates an artificial civil society where, at best, autonomy of action is really limited and, at worst, it is an instrument for ruling regimes to keep a very close eye on social developments and issues in order to better pre-empt opposition (Wiktorowicz, 2000). In this context, the concept of civil society entirely loses its normative value. What distinguishes this approach to civil society from the previous one is that it treats both liberal and Islamist movements as part of the problem for the absence of a meaningfully democratic civil activism. Rather than considering liberal civil society as the beacon of enlightenment in the region and, by implication, conceiving of Islamist organisations as the 'forces of darkness', it attempts to explain civil activism through an analysis of the authoritarian constraints in place, which force all civil society organisations to make a significant amount of compromises with the authorities, leading therefore the majority of them to work within and, indirectly, accept the current system of rule. When it comes to secular and liberal groups, their weakness necessarily leads them to co-operate with the regime in order to obtain some benefits. The absence of significant funding, the limited appeal among the masses, the urban background of its militants and the controversial ideals they subscribe to are all factors that contribute to their marginal role. It follows that if they have a specific issue they want to push, they need to cooperate with the regime leading them to be easily co-opted. The regime will give in on an issue that is marginal for its own survival, but it is important for liberal civil society and the outcome is to tie liberal civil society to the magnanimity of the ruling regime, to which they become beholden (Cook, 2005). What seems to transpire is that liberal organisations prefer to accept the 'devil they know' rather than taking the chance of seeing Islamists in power (Brumberg, 2002). The authoritarian nature of the regime however does not only structure the way liberal organisations play the game, but it has a considerable influence on Islamist groups as well, particularly if they are involved in charitable work. In her seminal work, Janine Clark (2004) examines Islamic social institutions and how they operate in the provision of social welfare. She argues that 'Islamic social institutions represent a moderate response not only to the secular state's inability to provide social welfare services but against the secular state as well' (Clark, 2004:12). This ideological and teleological goal however has to contend with the structural realities and constraints of the environment surrounding Islamic organisations. Clark convincingly argues that these constraints make Islamist associations not so different to their secular counterparts. Contrary to expectations, many Islamist groups operating as service-providers are dependent on the state because they need the regime's cooperation on a number of issues such as licensing or building permissions. In this respect they privilege efficiency of action over futile confrontations that might hinder their capacity to act and therefore act rationally in order to advance the associations' concrete goals. This has significant repercussions for the more political organisations of political Islam within civil society because of the organisational linkages that exists between the politicised groups and the ones delivering social services. In conclusion, it seems that civil society activism in the Arab world, while strong and widespread within both the liberal and Islamist sectors of society, is not conducive to democratisation because it occurs within the constraints of the authoritarian regime. It follows that the lack of substantive autonomy and independence of the vast majority of civil society organisations is not conducive to democratisation and therefore civil society plays a completely different role in authoritarian systems than it does in established democratic ones.

The first approach does not provide very useful analytical tools with which one can understand civil society activism in the Arab world because it is so intimately linked to the normative notion of civil society and framed within the democratisation literature. In light of the theoretical and empirical evidence regarding the concept and application of civil society, it becomes very difficult to keep analysing civil society under authoritarian constraints with the assumption that if such activism is present it is inevitably pro-democratic and that if it is not present then it should be externally stimulated. The second approach, despite providing the positive innovation that civil society as an analytical category should be a neutral concept, makes the erroneous assumption of neatly separating a secular and 'good' civil society from an Islamic and 'bad' one. When one looks even superficially at civil society and political activism in the Arab world, it becomes impossible to identify with great *a priori* precision the essence or nature of political and civil society groups when examined in a vacuum. Thus, the assumption that that Middle Eastern and North African civil societies are inherently authoritarian because of the role that Islamic movements and associations play should be criticised. It can be for instance argued that Islamist movements can be a potential force for democratic change in light of four variables. First of all, their political discourse is often couched in the language of democratic procedures and emphasises the necessity to structure society on accountable political institutions in opposition to the incumbents' authoritarianism. Secondly, the internal structure of the majority of these movements is surprisingly reliant on democratic procedures with a considerable role played by ordinary members (Mishal and Sela, 2000) although the leadership charisma is also a relevant component. Thirdly, these movements have an indirect beneficial effect on generalising activism in society because they have a polarising ideology, which generates opposition from social groups that feel threatened by it (Cavatorta, 2006). Finally, such associations have a rather precise understanding of social pluralism and are increasingly tolerant of groups and associations that do not necessarily share their societal outlook. What is true for Islamist movements is also true for secular organisations, which should not be either held up as the beacons of liberal-democracy nor, conversely, as sell-outs to the regimes in power. The second approach deserves credit for having opened up the analytical field by shedding the normative implications of the definition of civil society, which permits scholars and policy-makers to concentrate the attention of the activities and beliefs on individual groups, their dynamics and their relationship with the regimes in place. The third approach reflects the widespread preoccupation of including Islamists within the real of civil society and it analyses Islamist movements as social movements, arguing that they are not exceptional when looked at in comparative perspective (Wiktorowicz, 2004). The third approach is based on the assumption that authoritarian systems in the Arab world have purposefully generated an active civil society in order to appease foreign donors and to better know their own societies in order to tame them and pre-empt genuine pro-democratisation movements. While there is a degree of truth in the assumption, it would however be misleading to consider that all civil society groups lack autonomy and independence from the regime. It might be argued on the contrary that the increased number of civil society organisations throughout the Arab world truly constitutes an attempt from sectors of society to reclaim the public sphere and to introduce changes in the ways in which governance is implemented. While the outcome of their work and activism might not have been translated into significant political change at the institutional macro level, the picture of a society which is held hostage by the regime might be misleading. This is for three reasons. First of all, the existence of a strong and widespread repression apparatus indicates that genuine opposition does

indeed exist in the Arab world (Bellin, 2004). If it did not, the state would have little need to maintain such an extensive and expensive tool at its disposal. It follows that some of the groups and organisations that have emerged enjoy a degree of autonomy that is worrying for the ruling elites because it has enabled such groups to question the legitimacy and validity of some of the state's policy choices. The second reason is that in the age of globalisation it is very difficult for regimes that are trying to take advantage of some of the benefits of globalisation to have total control of society. There are for instance so many fast paced technological developments that make it impossible for the state to have absolute control on the informal networks that can be created or on the information that circulates. Thus, 'thousands of private organizations have survived government attempts to thwart their activities and reduce their influence' (Kubba, 2000:87) suggesting strength and endurance rather than weakness and autonomy rather than compliance. Finally, it could be argued that much of state-sponsored civil society activism has been reactive rather than pro-active. The ruling elites felt it necessary to intervene in the realm of civil society only when challenged on it by the mushrooming of independent and autonomous organisations defying the state and some of its policies. Thus, it is only when Islamist movements began to have a strong hold on society through their charitable work that states deemed it necessary to launch charitable organisations with similar development goals presided over by members of the ruling elites, as the case of Jordan demonstrates. This does not mean returning to the old normative notion of civil society, but it simply questions the validity of an approach which assumes that all groups lack autonomy because they linked in one way or another to the regime and its authoritarian practices. What remains true however is that the dynamics of civil society under authoritarian constraints are quite different from the ones in established democracies and the starting point for our empirical analysis builds on the insight by Jamal (2007) who explored this topic in her work.

Authoritarian Constraints and Civil Society Activism

In her book *Barriers to Democracy*, Jamal analyses how civil society dynamics in authoritarian contexts lead to reinforce authoritarian rule and how an increase in trust and social capital has reverse effects on attitudes towards democracy. As we know, the traditional literature on civil society postulates that democratic change stems from the close correlation that exists between a vibrant associational life, the generation of social capital and the growth of democratic values and attitudes. However, Jamal challenges this assumption and argues that associational life in authoritarian contexts is distinctively different from the one in established democracies. The dynamics that are produced in the relationships between authoritarian regimes and civil society organizations are fundamentally different despite the fact that similar trends, such as the increase in interpersonal trust among association members, exist in both authoritarian and democratic contexts. The argument is that the authoritarian constraints the regime put in place make it necessary for associations to decide how best operate to fulfil their mandate and achieve their objectives within the constraints given. If the association wants to achieve some of its objectives and therefore succeed in seeing the most preferred policy implemented, it will have to play by the rules of the authoritarian regime. Thus, it is only through corrupt networks of patronage that the association will be able to satisfy the basic needs of its members and achieve its goals because only the regime can deliver the 'goods.' For example, if the social goal of an association is to deliver health care services in a specific neighbourhood, it will

have to obtain permits and licenses and it will have to rely on suppliers of medicines and so on. In whatever bureaucratic procedure the organisation is involved in, mechanisms of patronage will enter into play. The decision to use patronage and corrupt networks is made with the knowledge that this will 'speed things up' and is therefore beneficial to the members of the group and the people it will serve. This might take place even if the individuals involved in the organisation resent and oppose the regime in place because what matters most is the organisation's overarching objective. A similar pattern occurs where organisations with a more distinctively political agenda are concerned. In this case, corrupt networks and personalistic links might be used to secure permission to benefit from foreign funds or to hold meetings. The contention is that the use of these networks of patronage reinforces the central role of the authoritarian regime because they strengthen non-democratic access to decision-makers. Paradoxically, social capital increases within these associations because their members, by playing within the constraints provided, can be reasonably certain of positive outcomes for the group, which then has no interest in dismantling such networks in favour of fairer and more democratic ways of access to decision-makers because this would diminish their benefits. This is despite their potential formal rejection of authoritarianism and their 'democratic' ethos. It follows that the opposite is also true and that the organisations that do not utilise or do not have patronage networks available to them have lower levels of social capital because of their more 'democratic' values. Organisations that refuse to play within the constraints given or cannot do it because of their own structural weaknesses have a much harder time to obtain the objectives they have, face harassment from the authorities and therefore display low levels of social capital. Thus civil society activism takes a very specific authoritarian form and the supposed ethos of the organisations is irrelevant because ideological differences (liberal vs. Islamist) do not determine the ways in which a given group will behave. This theoretical framework problematizes the labels of 'pro-regime' or 'anti-regime' that are usually adopted when examining civil society in the Middle East and North Africa. It emerges that while the ethos and beliefs of any given groups is important, how the association or group operates is even more so. This renders the analysis of activism much more complex and marginalises issues related to democratisation because it permits to examine in detail what the real dynamics of activism in authoritarian contexts are. For Jamal, it clearly emerges that civil society in the end does not produce democratisation because authoritarian dynamics provide a very rigid structure of incentives for associational life and do not permit the emergence of democratic attitudes. Such a theoretical framework is much better suited to the study of civil society activism in the Arab world because it permits to look at the reality of the situation on the ground where authoritarianism has proven to be very string and adaptable. Rather than analysing civil society activism through the prism of democratisation, wishing to see a reality that is simply not there, Jamal's contribution moves the discussion towards post-democratization as invoked by scholars such as Hinnebusch (2006).

What becomes crucial to have a complete picture of activism is therefore the type of constraints that are in place and the dynamics they generate. In some ways this was the argument that Brumberg (2002a) made when encouraging scholars to focus on the nature of the political game rather than on the ethos of the players to determine whether Arab political systems were moving towards greater democracy. What Brumberg suggested for the political systems can be applied to the real of civil society, particularly because it is here that interesting political dynamics occur. The case of Morocco

is a paradigmatic example of the development, contradictions and achievements of civil society activism.

Civil Society Activism in Morocco

Morocco epitomises the way in which civil society activism has developed in the region and embodies the contradictions and trends outlined above. Morocco is generally considered to be the least autocratic country in the Arab world and is usually labelled as a semi-democracy or liberalised autocracy (Brumberg, 2002). In 1997, Rémy Leveau (1997) defined the country as having a 'political system based on authoritarian pluralism,' indicating that the executive unaccountable authoritarian leader coexisted with a certain degree of pluralism as long as this did not jeopardise his rule. Since independence the Royal family almost always permitted a degree of political pluralism in the form of competing political parties and civil society organisations. This pluralism was designed to give the impression that Morocco was always moving towards some sort of democratization and it was maintained mostly for external consumption. In reality, genuine democratization never materialised, although King Hassan II began a more convincing move towards significant political change (known as *l'alternance*) in the early 1990s when he offered the Socialist Party, usually marginalised in perpetual opposition, the opportunity to head the government. This offer was eventually accepted in 1997. This change seemed to signal the genuine intention to move the country away from authoritarianism and to prepare the terrain for his son, Mohammed VI, who would succeed him with the objective of further modernising Morocco. The early days of Mohammed's VI reign were euphoric ones for both ordinary Moroccans and for political actors who had for a considerable amount of time called for the increasing liberalisation that the new King was promoting. Despite maintaining a solid grip on policy-making power through his constitutional prerogatives, Mohammed VI set about liberalising society. The Moroccan political system, based on both co-optation and intimidation of dissidents and opponents since the days of independence, still functions quite effectively, but its stability is much more uncertain because of the social changes within the country and the challenging international situation (Cohen and Jaidi, 2006). In particular, Morocco witnessed the unexpected growth of Islamism as a political force over the last fifteen years. In the past, the religious legitimacy of the Royal family insulated it from the criticism coming from Islamist movements, which were traditionally small and 'politically inefficient' (Munson Jr., 1991). Much of the criticism for the policies of Hassan II came from the Marxist and socialist left, while attempts to overthrow him were carried out by small groups within the military in 1971 and 1972. The religious legitimacy of the King to rule has however diminished considerably and is no longer as solid as a rampart against the criticism coming from vast sectors of political Islam. The immunity from criticism of the Commander of the Faithful has disappeared, as other political actors appropriated the language and symbolism of religion to question the very legitimacy of the king to rule (Mohsen-Finan and Zeghal, 2006).

One aspect of Moroccan society has been the presence and growth since the late 1980s of civil society, both the liberal and the Islamist one. Marvine Howe (2005) goes so far as stating that Morocco had witnessed a real explosion of civil society activism, which was both the outcome and the propeller of the process of political change under Mohammed VI. Some (El Ghisassi, 2006) argue strongly that such an explosion contributes to the democratisation of the country and cite all the 'liberal' changes that have taken place since Mohammed VI arrival in power. Others suggest that far from provoking meaningful political change, civil society activism modifies only the public sphere

(Sater, 2007). The following analysis of three areas of activism will hopefully shed some light on the dynamics that civil society has on the political institutions of the country.

The Reform of the Family Code

When in October 2003 King Mohammed VI presented for approval to the Moroccan parliament his project of substantial reform of the *Code de statut personnel* or *Moudawana* with the aim of introducing a much higher degree of legal equality between men and women, this was heralded as one of the most fundamental victories for the modernising and liberal forces in the country. Women's rights associations in particular celebrated the introduction of the new legislation for which they had struggled for over two decades. Suddenly, years of petitioning, marching, organising and confronting the more conservative elements of society, including vast sectors of political Islam, paid off and the King delivered even more than the women's rights movement had openly demanded in terms of provisions enshrined in the new legislation such as the provision giving joint responsibility for the family to the husband and the wife.

The enthusiasm with which this watershed reform was received in liberal circles both inside and outside Morocco led scholars and activists to argue that the reform of the *Moudawana* 'was a prelude to the democratisation of the country' (Benradi et al., 2007).. One of the main lessons that were learned during this time was that the victory of the women's rights movement demonstrated the validity of the assumption that democratisation could be achieved through civil society activism, as the women's rights movements had struggled for twenty years to achieve a comprehensive reform the family code. Thus, the reform of *Moudawana* in Morocco has been mostly interpreted as a stunning victory for civil society in the name of democracy and human rights (El Ghissassi, 2006). This has led both scholars and policy-makers to praise the democratising efforts of the country and Morocco's international reputation changed quite dramatically after the promulgation of the new *Code*, with the international community giving the country a 'certificate of good democrat.' This allows the regime to enjoy significant economic benefits and political legitimacy. More importantly, the reform seemed to confirm the central role of civil society activism in leading to institutional and legal democratization. Christiansen (2004) argues that 'aside from the new family law, there has only been limited progress towards democracy', indicating a degree of scepticism about the pace of reforms, but equating the reform of the code with democratic progress. It is believed that the activism of women's rights organizations not only contributed to increase social capital (Sadiqi, 2008) but had a significant impact on the perceived democratization of the polity because of the degree of pluralism expressed in the public sphere during the debate about the reform and because of the individualization of rights that the new code subscribed to, thereby meeting the requirements of a liberal legislation underpinning a new political order. In this context, it is worth remembering that the old family code had been used by the monarchy immediately after independence to cement its alliance with the tribes in the rural areas. In exchange for political support against the nationalist party, the King guaranteed the primacy of collective rights over individual rights when it came to family law (Charrad, 2001).

The 2004 *Moudawana* fundamentally undermined the primacy of collective rights and therefore of the traditional social cohesion when it came to the creation of marriage ties by introducing more liberal and individualistic provisions regulating such matters. The changes reflected the most important concerns of the liberal sectors of society and the reform itself, from a liberal-democratic perspective, is a massive improvement on the past and a 'good' reform. There are a number of crucial provisions that have been introduced such as removing guardianship for a woman in order to get married once she has come of age; moving the minimum age required for marriage from 15 to 18 for women; restricting polygamy; significantly expanding the possibility for women to initiate divorce procedures; and mandating that repudiation be a matter of judicial supervision.¹ Thus, the conventional wisdom is that the new family code was approved through a combination of effective advocacy and lobbying on the part of women's associations at both the national and international level. Both Saida Drissi of the *Association Démocratique des Femmes du Maroc* (ADFM) and Bouchra Abdou, member of the *Bureau National* of the LDDF confirmed that the bulk of the work of their associations is to relentlessly lobby the government on expanding and protecting women's rights (Interviews with author). In turn the approval of the new legislation was read as a significant step towards the establishment of genuine democratic changes and rule of law. Maghraoui (2008: 194), despite his sceptic take on the democratisation of the country, argues that 'the participation of civil society in royal committees has been relatively effective in giving them more legitimacy.'

The radical reform of the *Moudawana* cannot be fully understood if one does not take into account the environment within which associations have to operate. Far from questioning the legitimate claims of the women's rights movements, the degree of their sincere and genuine engagement and the positive liberal nature of the new legislation, the argument here is that this does not reflect an intrinsic democratisation of the Moroccan polity and the reform is not a step towards genuine political change. Quite the contrary; when one looks at the historical process and manner with which the new family code was brought into existence, it can be claimed that it simply reinforces the central role of the monarchy as the ultimate, and unelected, arbiter of major policy decisions concerning the country and bypassing therefore the supposedly democratic institutions such as the Parliament and the government that have been central to the democratic self-image of Morocco at home and abroad. As Khalil Jemmah points out in the Moroccan context 'government is perceived as a group of employees...who execute policies...which have been decided elsewhere' (Interview with author) and Tuquoï (2006: 205) states that 'the government... is nothing but a rubber-stamp institution and a transmission belt between the throne and public administration.' This is true for the policy process that led to the promulgation of the new *Moudawana* as well. Thus, while the procedural dimension of democracy formally exists, the substantial aspect is entirely neglected in favour of decision-making within the Royal court. This leads to the de-politicisation (Maghraoui, 2002) of the institutional political sphere, as the extremely low turnout at elections demonstrates (Storm, 2008) and makes political change dependent on the coincidence of interests between the King and the concerned social group whereby the most important condition is the unquestioned power of the King to shape the policy environment. This does not mean that the King can do whatever he pleases at all times, but it means that his role in shaping policy-making is crucial. The opposition between tradition and modernity in

¹ For an unofficial translation of the text in English see: <http://www.wluml.org/english/news/moudawana-english.pdf> . For the official text in French see: <http://www.justice.gov.ma/MOUDAWANA/Codefamille.pdf> , accessed on March 8, 2009.

Morocco has been used to create a fictitious watershed between the repressive reign of Hassan II and the one of his son Mohamed VI. Development, democratisation, respect for human rights and implementation of the rule of law have become the creed of the *Makhzen* under Mohammed VI, as if an entirely new era had started with the new modern King. Inevitably the reform of the family code has been an integral part and a powerful symbol of this new era of supposedly radical change for Morocco. At a closer analysis however, it emerges that the process of democratisation of Morocco is much more complex than the linear development than one traditionally expects and that the reform of the family code, like many of the other reforms implemented over the last decade, is in fact part of a redefinition of the authoritarian system and its transformation into pluralist authoritarianism (Leca in Liverani, 2008: xiii). First of all, it is important to highlight that liberalising reforms had started already under Hassan II and the economic liberalization of the early 1990s went along with cautious political openings. By the end of the Cold War, the strong authoritarianism of the system had become gradually more expensive especially in the international “democratisation market” where traditional allies, as France, were hardening their positions towards authoritarian rulers and pressing for some change (Cavatorta, 2005). The limited political openings were soon exploited by the women’s movement and the UAF (*Union de l’Action Féminine*), in defiance of the King expectations that the beginning of reforms would be met with social peace to allow him to work on constitutional changes, launched the “one million signatures campaign” with the aim of putting pressure on the political system to deal with the reform of the *Moudawana*. This was the most spectacular action of the Moroccan women’s movement, which found itself alone at the forefront of the struggle for democratisation. The other social actors and potential allies remained on the sidelines and waited for the Hassan to deliver the changes he had promised, while the Islamists began a very nasty campaign against the women’s movement and their demands (Brand, 1998). The most interesting aspect about this campaign by the women’s movement was the fact that it did not directly address its demands for reform to the King but to the Parliament and the Prime Minister, professing a democratic attitude and the intention to link their particularistic interests to a much wider agenda for change. Given the extremely negative reactions to the demands for reform from the most conservative sectors of society, including official *ulemas* and representatives of Islamist organisations, the King intervened to confiscate the debate in order to avoid a political confrontation at a time where he required social peace to implement some liberal reforms. Being the Commander of the Faithful, he claimed that the issue of Personal Status Law was his prerogative and so the Moroccan women had to address their complaints to him and not to mix them up with political issues. Royal intervention ensured that the issue of the reform of the family code remained apolitical and, at the same time, marginalised the women’s movement emanating from civil society. The King in fact chose different official interlocutors and met with women from the political parties who had done next to nothing for the campaign, rewarding them for their silence during the intense debate between the women’s movement and the Islamists. Thus, the 1993 reform only introduced minor changes and the bulk of women’s movement was effectively punished by the King for daring to attempt to bypass him and make the family code a political issue in the context of democratisation. There is therefore very little doubt ‘the relatively limited reform of *Moudawana* in 1993 was closely linked to the beginnings of a process of cautious democratisation’ (Buskens, 2003: 71). This is an important point to make because the manner in which the reform of 2004 was obtained was radically different, as all actors involved, particularly the women’s movement, had learnt the lesson of 1993. The government of

alternance, established in 1998, led by parties from the longstanding opposition gave the women's movement another opportunity to open the debate about a further reform (Buskens 2003). The Trojan horse was the PANIFD (*Plan d'Action National pour l'Intégration de la Femme au Développement*): this plan was the outcome of a series of international conferences and it included several measures destined to include Moroccan women in development. The World Bank financed the plan and three leading Moroccan women's associations, the ADFM, the UAF and the AMDF (*Association Marocaine pour les Droits des Femmes*) wrote it, finding in the process a new forum to discuss women's rights (Roussillon and Zryouil 2006). This link with the international dimension has a crucial importance for the success of the 2004 reform. First of all it allowed the women's movement have the ear of powerful figures in government because it was linked to the developmental discourse, which made government officials well predisposed towards them. Secondly and more significantly, having learned from the 1993 experience, the women's movement involved King Mohammed VI when opposition to its demands coming from the Islamists grew strong. Thus, as the reform got 'stuck' within the democratic instances, the women's movement chose to directly address the King. The Royal commission set up by the King to deal with the matter was sending quite negative signals to the women's movement about the extent of the reform and therefore the women's movement did not have any other alternative but to involve the King directly, hoping that the monarch would side with them as Islamists were perceived abroad as an *obscurantiste* political force. Thus, while in 1993 the petition was sent to the Prime Minister and the Parliament, in March 2001 the network of feminist associations Spring for Equality sent the King a memorandum on its aspirations concerning the reform.

The issue of development had become the chimera to pursue in the Moroccan political arena and development coincided with economic liberalisation, which required as well legislation that would privilege individual rights rather than collective ones. In this respect, the central role that international financial institutions had designed for women as protagonists of economic development meant that Morocco had to incorporate such philosophy into legislation (Ennaji, 2008). The question of a thorough reform of the family code in a much more liberal direction was therefore once again on the table.

The debate about the reform that characterised the Moroccan social and political scene saw the emergence of two opposing trends within civil society. One was the women's movement of leftist and liberal orientation pushing very strongly for a thorough reform that would meet the international criteria on individual rights and equality, although careful to couch changes in religious language. The other was the traditional and conservative elements within Moroccan society, including vast sectors of Islamism, who desired either no change to the family code in the name of the defence of collective rights over individual ones or favoured modifications to the law only if steeped into Islamic references and not the product of what they perceived to be Western cultural imperialism. While these two trends had characterised the debate on the reform in the early 1990s as well, their respective strengths and mobilisational resources had dramatically changed. While the women's rights movement faced a virulent Islamist opposition with little formal organisation capacities and kept under control by Hassan II, Islamism had considerably grown in strength and it was now a formidable opponent (Zeghal, 2005). In addition, in the 'new' Morocco of Mohammed VI, the king could not

simply close down the debate as soon as strong social conflicts emerged as his father had previously done. Thus, the debate about the reform was taken to the streets. The 'battle of the marches' of March 12 2000 saw the Islamists emerge as clear winners, as they were able to organise a huge demonstration against the reform which considerably more participants than the march in favour of the reform organised by the women's movement on the same day. While it is true that the largest Moroccan Islamist movement, *Al Adl*, participated to the march mostly to send a message to the regime about its existence and strength (Interview with Nadia Yassine of *al Adl*) and not so much in opposition to the demands for reform of the family code, the turnout at the Islamist demonstration changed the calculations of the other players. The show of force of the Islamists convinced the leading associations within the women's movement that in order to obtain the reform, they had to bypass the democratically elected institutions and address directly the King, who was the only one able to deliver the new reform. The women's movement realised that the majority of Moroccans and, more importantly, the political parties, which are accountable to voters, would be opposed to a change in the family code and it could therefore no longer link its demands to wider demands of democratisation as they had done in 1993.

For his part the King initially backtracked on his enthusiasm for the reform and immediately acted to stop all demonstrations in order to have the time to re-think his strategy and wait for a more opportune moment before reviving the issue. Mohammed VI created a royal commission to discuss the reform in more detail as a device to buy time and wait for the opportunity to act. As Clark and Young (2008) correctly point out the opportune moment came after the Casablanca bombings of 2003 when the Islamist opposition was silenced in what the King termed the 'end of the era of leniency'. At this stage the King saw the opportunity to force the new legislation through Parliament and to satisfy the demands of the women's rights movement. The women's movement obviously celebrated their victory and the Islamists, with different degrees of reluctance, came around and supported the reform because the legislative text contained nominal subscription to specific Islamic values.

The manner in which the reform has been passed has therefore simply reinforced the central role of supreme arbiter that the monarchy enjoys. The King and his entourage needed a showcase reform for international purposes and to justify the domestic discourse of development which was fully linked with the neo-liberal economic project. Thus, at the opportune moment, the King utilised both his role as Commander of the Faithful and as leading executive power in the country to force through a reform that had been taken away from the daily political debate, bypassing the political parties, civil society organisations and elected institutions. At the same time, he has been able to co-opt a significant and powerful sector of civil society, the women's right movement, and tie it to his project of change for Morocco. Despite some occasional cooperation (Cavatorta, 2006), the fear of Islamism that liberal sectors of civil society have is still a prominent feature of Moroccan social dynamics and it has been duly exploited in this case, allowing the Monarchy to divide and conquer the opposition because of its ability to dish out selective rewards in exchange for allegiance (Cavatorta, 2007). Women's rights organisation see part of their work as fighting 'extremist Islamist ideas' and perceive Islamism as a problem (Interview with Bouchra Abdou of the LDDF). It is not therefore a surprise that more politically sensitive issues that the liberal sector of civil society used to tackle, such as the

necessity to have a serious debate about constitutional reforms that would finally address the problem of the excessive executive powers of the King, have been put on the backburner. For its part, political Islam and in particular the legal Party of Justice and Development has had to accept a reform it opposed in order to remain within the game and it is paradoxically also forced to invoke the role of arbiter of the King if it wishes to see some of its most preferred policies on other matters implemented, further highlighting the centrality of the Monarchy (interview with Bassima Hakkaoui, member of parliament of the PJD and president of the Islamist women's association ORCF). Amar (2009) argues that it arrived in Parliament to be discussed as if it were a divine decree.

As mentioned earlier, the manner in which the reform was passed does not diminish the positive aspects of the legislation in terms of equality, but it poses significant problems on a number of levels. First of all, it is quite clear that such a liberal outcome has been achieved through mechanisms that have reinforced the authoritarianism of the system. One person, unelected and unaccountable, has been single-handedly responsible for the success of the reform after having emasculated elected institutions and bypassed the social and political debate necessary to gauge what ordinary Moroccans thought about the reform. While some (Zakaria, 2004) would argue that top down liberal changes is precisely the way in which democracy will eventually emerge in the Arab world, evidence from other countries and from Morocco itself so far indicates that quite the opposite is occurring (Christiansen, 2004). Secondly, the undemocratic manner in which the changes have been introduced has negative repercussions on the implementation of the legislation on the ground. The women's rights organisations were aware that the passing of the new law would pose new challenges in terms of its implementation and despite campaigns being carried out both by some governmental departments and civil society associations, the new provisions of the *Moudawana* are in fact largely ignored within the judicial system and the old traditions are still dominant. For instance the marriage by Fatiha (oral declaration of marriage in the presence of two witnesses and God) is still more prevalent than the one sanctioned by a civil judge. Recent reports by women organisations confirm that the new provisions are not widely implemented.² While there are certainly different reasons for the non-application of the legislation such as the poor training of judges, the isolation of large areas of the country, the traditionalism of specific social milieus and the illiteracy of many Moroccan women, one powerful explanation is that the Monarchy could find it difficult to enforce the implementation of the law because it might cause a significant amount of opposition from ordinary citizens and would once again disrupt the political quietism the King needs. The influential *Journal Hebdomadaire* wrote in 2006 that 'the Moroccan authorities are not doing enough to explain the *Moudawana* to the citizens and to take its application seriously.'³ The reason might partly be that the legislative framework is there not to be seriously implemented across the board, but it is there to showcase Morocco abroad as a liberalising country and to satisfy the needs of that part of society which is fully integrated into and benefits from the insertion of Morocco into the global liberal economy. This particular constituency is quite distant from the vast majority of Moroccans who have been left behind during the last decade of economic changes and constitutes an important pillar of support for

² See for instance the commentary of the ADFM on the implementation of the law five years after it came into effect. Available at <http://www.adfm.ma/spip.php?article741&lang=en> Accessed on March 27, 2009.

³ The passage is cited in 'New Family Code faces many hurdles' available at http://www.qantara.de/webcom/show_article.php/c-478/nr-545/i.html accessed on March 28, 2009.

the King, particularly when he delivers social reforms that encounter its approval. Finally, the third problem is potential reversibility. If the political conditions change and such legislation becomes an impediment for the King to the preservation of his central role and power, he can quite easily reverse it. In short, legislation of this type rather than being imbedded in the social *corpus* of the country through a process of information and debate about it is simply a bargaining chip. Today, the women's movement has come out as the beneficiary, but what if tomorrow the King decides that he needs to please a different constituency and utilises the family code as a his bargaining chip by changing it back?

All this points to the fact that the activism surrounding the reform of the family code does not necessarily undermine the authoritarianism of the system. This obviously does not take anything away from the fact that the reform, by liberal standards, is a very good one. This first example highlights how Jamal's theoretical approach works in practice.

Human Rights Activism

Human rights activism has always been a prominent feature of Moroccan society. Given the relative permissiveness of the state in terms of pluralism, a number of very courageous activists and organisations operated in Morocco since the late 1970s. Such activism has become much more extensive over time and since the arrival on the throne of Mohammed VI, the situation has further improved with such associations being permitted to operate freely and, increasingly, in conjunction with the government. The leading groups are the Association Marocaines de Droits de l'Homme (AMDH) and the Organisation Marocaine de Droits de l'Homme (OMDH). The Forum Verité et Justice was another group set up with the objective of shedding light on the human rights abuses of the Hassan II era. There is very little doubt that one of the hallmarks of Mohammed VI's reign has been the emphasis on human rights and the necessity to close the chapter on past abuses by redeeming in some ways the reign of his father, which was marred by severe abuses of human rights. Under the dual mantra of democratisation and development, Mohammed VI could no longer tolerate the bad press of the past. Some even believe that the new King did not only think instrumentally about human rights, but that he is a genuine reformer (El Ghissassi, 2006). Irrespectively, the creation of the Instance de Instance Equité et Réconciliation to allow victims of abuse under his father speak out and tell their story indicated quite strongly that the situation would change under him, although it was far from being a perfect process of reconciliation.

In the first few years of Mohammed VI's reign Morocco witnessed a phenomenon that had characterised civil society activism elsewhere and that seemed to indicate that similar dynamics would lead to similar outcomes. Specifically, Morocco experienced a surge in cross-ideological cooperation within civil society whereby secular/liberal organisations and Islamist ones worked together within the discourse of 'human rights' in order to put pressure on the regime to reveal past abuses, to lift restrictions on the press and, more significantly, to release political prisoners and end the abuses in the Moroccan jails. The Forum Verité et Justice saw the participation of both leftist and Islamist activists and former prisoners. In addition, they called for more transparency in the criminal system. This quest for more openness and increased respect for basic human rights was an important struggle that Islamists and liberals fought together, leading some to argue that from such type of cooperation a much broader one would emerge with the capacity to influence political change more widely. This stemmed from the belief that true opposition movements within civil society sector operate under the same constraints because the ruling elites deal with them in the same manner: repression, selective co-optation or bare tolerance. Thus all these groups, irrespective of their objectives and ideological beliefs, have some interests in common, leading them to conduct the same battles for certain objectives together. By learning how to work together they would then expand the scope of their cooperation. In Morocco, such a convergence began within the human rights discourse and specifically on freedom of expression and the rights of prisoners. On the issue of freedom of speech, many secular groups have defended for example the right of Nadia Yassine to question the validity of the monarchical system, which has been a taboo in Morocco. When Yassine declared that a republican system should be favoured over a monarchy, she was immediately accused in royal circles of treason, although it should be noted that the monarch himself did not speak about the matter. In any case Yassine was the subject of a criminal investigation and brought

to court. The secular human rights association, which have very little sympathy for Islamists, were quick to jump at her defence arguing that however unpalatable her preference for republicanism might be, expressing a political opinion should not be treated as a crime, not even when the monarchy is the target. There were however activists who condemned her speech as too inflammatory and agreed with the legal actions taken against her, but they did so in their personal capacity and not as members of any particular group. On the issue of free expression there is therefore a rather widespread coincidence of interests and views between these two sectors of civil society. On the issue of torture and the wider rights for prisoners there was also a degree of convergence. Groups as diverse as Amnesty International, *Synergie Civique* and the *Jamiat* have come together to condemn the use of torture in Moroccan prisons, holding demonstration and writing petitions for the practice to stop. This has led the director of a large secular NGO to state that 'I have to say that on many topics, we find that Islam can actually be of help because most people are in fact able to make the connection between human rights as we 'teach' them and the religion. The Islamist organizations as well, we have no problems at all with them, there is no confrontation and we do not get harassed. On some things like torture we even lead a common struggle, probably because recently it is something that concerns them directly' (Interview). Both the *Jamiat al-Adl wal-Ihsan* and secular organisations such as the OMDH or the Moroccan antenna of Amnesty International are in agreement when it comes to defend the rights of dissidents against unfair imprisonment or exile. The OMDH for instance hailed the King's decision to let Yassine out of house arrest despite the organisation's very different beliefs and political objectives. For its part, the *Jamiat al-Adl wal-Ihsan* heavily criticised the regime for the harsh treatment that members of the leftist opposition received during Hassan II's reign and argues that the same should not happen today to the popular Islamic opposition. Foreign policy is another area of coincidence of interests and cooperation, as the Palestinian-Israeli conflict and the invasion of Iraq are used to highlight the massive violations of human rights that the international community is directly or indirectly responsible for. Such convergence is at times explicit and takes the form of mass demonstrations as the pro-Palestinian march that took place in July 2006 in Rabat.

The problem is that such cooperation does not develop into a more significant attempt to harmonise some political positions in order to present a united front *vis à vis* the regime. In fact, the overall level of co-operation between the two sectors of civil society is quite limited. The potential for convergence on more explicitly domestic, political issues is there, but it is never fully exploited and divisions tend to emerge quickly and strongly, reinforcing the separation already in existence. All alliances are temporary and focused on specific issues without spill-over effects into more comprehensive coalition-building. There is for instance very little cooperation between Islamist and secular NGOs when it comes to delivery of social services. In the context of service-provision, the cooperative trend disappears in favour of the competitive one. Both sides in fact understand the provision of services as an arena where very political inroads can be made in order to garner support for a much broader political programme. Despite the absence of evidence regarding the connection between the services that Islamist organisations provide and the actual support for Islamism among the ones who benefit from those services, such a linkage is believed to exist. It follows that secular groups have been attempting to do just the same, whereby the provision of social services becomes an instrument for political and ideological recruitment. The monarchy also believes in the connection between services

and political attitudes because it has set up a number of foundations to deal with the social ills of Morocco in order to strengthen the image of the King. Finally, as we have seen in the section on women's rights, the common discourse of human rights has not stopped the two sectors from being sharply divided on the issue of the reform of the family code. While it is true that both justified their position in terms of 'real' women's rights, their attitudes towards the reform were both conflicting and largely irreconcilable.

The explanation for the inability and unwillingness of these groups to co-operate more fully with each other and establish a common platform of minimal demands for change is largely due to the radically different visions that they have for Morocco. Such different and, crucially, competing visions are the product of three interconnected factors. First of all, the respective ideological programmes, positions and values have their roots in two systems of beliefs that seem to contradict one another to the point of conflict. Secondly, such ideological conflicts are reinforced by the activities and beliefs of external actors, specifically the European Union, attempting to promote a particular version of democracy. Finally, there are tactical considerations related to perceived strength of all actors involved. As in other post-colonial societies, two different ideological poles of reference uneasily co-exist in Morocco: an imported European liberal secularism and an Islamism based on indigenous traditions and interpretations. While this might be a crude differentiation in light of the surge of post-Islamism (Bayat, 2007), it is important to emphasize that the worldviews and sources of legitimacy of these two poles make it extremely complicated to have a workable synthesis along Turkish lines, which, some contend, is in a state of crisis of itself. On matters related to democracy, democratization and human rights, these two poles of reference differ quite substantially. Both ideological referents claim that a 'new', more democratic and more just Morocco can be built if the prescriptions of their respective ideologies are correctly followed.⁴ Both desire radical change and wish to construct a more equitable society, where the leadership is accountable to the people. On closer inspection, the language of both is indeed similar, but the 'content' which is to constitute this 'new' country radically differs. The debate mainly centres on the role of religion in the public sphere, on which all other issues, ranging from individual freedoms to economic policy, depend for a resolution. The focus on Sheikh Yassine's group is valid because of the dominance of the group within the Islamist camp in Morocco, particularly after the snubbing that the PJD, the main Islamist ideological rival, received from voters in the September 2007 elections (Storm, 2008). The Justice and Charity Group refuses to engage in what it perceives to be a rigged political system, which does not take into account the will of Moroccans. It prefers instead to act as a charitable organisation running different activities intended to improve the socio-economic life of ordinary Moroccans. In terms of ethos though, there seems to be very little in common between what secular groups would like Morocco to become and what *al Adl* has as a vision for the future of the country. If one examines the rhetoric of Sheikh Yassine, it emerges that he has nothing but contempt for the modernity the West espouses (Yassine, 2000), which is precisely the type of modernity that many among the secular and liberal Moroccans (such as Nourredine Saoudi, a leading civil society activist, who argues that the rise of Islamism is a danger for Morocco) aspire to. In fact, according to Maddy-Weitzman (2003: 46), 'Yassine [views] modernity and its globalised culture as superficial and even bestial'. In particular, he rejects the notion that any political, economic and social system can be based on absolute rationality because 'a modern notion

⁴ Both Islamism and liberalism are treated as political ideologies, although their proponents would probably claim that they are not ideologies, but only reflect the nature of society.

of progress founded on reason and committed entirely to efficiency' (Yassine, 2000: 7) is bound to lead to disastrous results such as Nazism and the breakdown of the fabric of society. According to Lauzière (2005: 252), 'Yassine undertakes what can be called an epistemological and spiritual *dawa*, in which he attempts to debunk the rational assumptions that have characterised philosophical modernity since the Enlightenment'. Thus, instead of aping Western modernity, Yassine wishes for Muslims to revert back to Islam and the notions it provides in order to construct a society that is certainly rational, but where the spiritual and the divine also have a place because it is only through spiritual connections that society can truly be just and well-balanced. Such criticism of current Western modernity does not represent an exception within the world of Islamism and is the starting point of the critique that Yassine and other Islamist thinkers put forward when analysing the state of their respective societies. According to them, Muslim polities have been bastardised by 'occidentalising elites' and reduced to spiritual rubble. The solution to the material and spiritual ills of Morocco that Yassine identifies, such as very poor social indicators, a weak position in the international system and widespread corruption, is obviously a return to Islam and, more specifically, the creation of an Islamic state. In his Memorandum to King Mohammed VI, Yassine writes: 'we reject all that risks to make us part way with our very own *raison d'être*: Islam' (Yassine, 2000). It is, therefore, the 'applied' spirituality of Islam that will rescue Morocco with its principles of social justice and moral behaviour. The problem with such language and ideological drive is that they do little to reassure secular opposition groups because they are vague in terms of the crucial aspects of who is to govern society and on what legitimacy one is to govern. Yassine offers dogmatic certainty at a time when 'it is easy to see liberal-democracy not as the crowning achievement of civilisation but as manifestation of a *laissez-faire*, morally bankrupt modernity' (Baggini, 2007). For this he might be appealing to some, but appears dangerous to others. The appeal of his rhetoric should not be underestimated as he is the leader of an Islamist movement with a large and dedicated following. Despite his Sufi-imbued discourse, Yassine's political Islam is quite representative of mainstream Islamist movements elsewhere, particularly when it comes to condemn what are perceived the most deleterious aspects of Western modernity and offers 'Islam as the solution' (Akef, 2005). Yassine's religious discourse does not necessarily make *al Adl* an enemy of democracy per se (Cavatorta, 2006). In fact, Yassine argues that the only concrete way out of the current crisis is for Morocco to hold genuinely free and fair elections, which would produce accountable, political representatives. Yassine states 'democracy, understood as the freedom and the right of the people to choose their own government, is for us the only way out of the authoritarian darkness' (Yassine, 2000). However, and this is where secular liberal groups again criticize and fear *al Adl*, he goes on to argue that there is a distinction between the procedures of democracy and the corollaries to these procedures, such as secularization and indifference to spiritual values, which he strongly rejects. The endpoint of any transition is for Yassine 'a democratic process in which Islam is established [in power],' (Maddy-Weitzmann, 2003: 48) but it is not specified how this would take into account the positions of those who claim that Islam should be relegated to the private sphere. Furthermore, Yassine seems to leave the door wide open to the possibility that the future leaders of Morocco might also have to invoke religious legitimacy in order to govern, which would, according to his secular critics, defeat the very purpose of democratization. After all, the King already rules because of his religious legitimacy and Zaghal (2005) points out how Yassine challenges the monarchy precisely on religious grounds, making political contestation religion-dependent rather than excluding it and focusing on individual

rights and full, popular sovereignty. On this point, the divergence between opposition groups with different ideological references is very significant. *Al-Adl* does not yet participate in institutional politics and calls instead for radical reforms that would be initiated with the election of a 'Council of the People of Morocco', a popularly elected constitutional assembly that would discuss the future of the country and the institutional choices to be made (interview with Arsalane). This might in theory be acceptable to other groups, but would not solve the issue of religious legitimacy to rule. In some respects, the positions and activities of *al Adl* should not be seen as inherently incompatible with what secular and liberal associations believe and do, such as delivering essential social services, promoting accountability of officials, defending the rights of political prisoners or advocating genuine democratic change. Yassine's critique of the ills of Moroccan society is shared in liberal and leftwing circles, particularly when it comes to discussing the very poor, social indicators of the country. The same United Nations statistics that Yassine uses to make his case for Islamism are also used by secular and liberal associations to highlight the problems of Morocco. In addition, just like *al Adl*, a number of different organisations are involved in charitable work and are politically active in their attempt to combat corruption and have human rights protected. However, the ideological references and, hence, the endpoint of a Moroccan, political transformation are so different that any formal coalition-building is prevented. Leftist liberal secular groups are much smaller in numbers than the Islamist associations connected to Yassine or to the PJD and are generally founded and run by members of the French-educated elite. The secularists' fear of political Islam is summed up in the words of a former, leftist, political prisoner now engaged in human rights issues, who stated that 'the vast majority of Islamists do not subscribe to the universal values of democracy and simply want to use the procedures of democracy to come to power and impose a theocratic regime on the rest of society' (Interview with anonymous former political prisoner). If there are such points of divergence with an association like *al Adl*, which is many ways not very radical and rather acquired to the discourse of democracy, even more conflictual are the relations with fringe Islamist groups like Salafiya Jihadia. The case of the association *Ennasir* and its relationship to the wider human rights movement in Morocco is quite paradigmatic in terms of the contradictions that exist within Moroccan associational life and the effects such contradictions have on the political system. *Ennasir* was created in November 2004 as a support association for Islamist prisoners. Following the attacks in Casablanca in May 2003, the Moroccan authorities launched a severe crackdown on Islamists, targeting in particular Salafiya Jihadia. Its members, leading theologians and sheiks were incarcerated irrespective of their actual involvement in organising acts of violence and terrorism against the regime. Scores of suspected Islamists were arrested and for some time Morocco plunged again in the dark years of Hassan II when torture and show trials were the order of the day. The association *Ennasir's* founder, Abderrahim Mouhtad, is a former Islamist political prisoner and founded the association with the intention of defending the human rights of the 1,000 current prisoners of Salafiya Jihadia. The members of the association are former prisoners and family members of those who are in prison at the moment. Such an association is very controversial because Salafiya Jihadia has an extremely radical ideology and represents the more militant wing of political Islam in Morocco. In many ways Salafiya Jihadia is an extremist movement which calls for the overthrow of all 'un-Islamic governments' and does not shy away from employing violence to achieve its ends. It is effectively considered a terrorist movement both in Morocco and abroad. Salafiya Jihadia's spiritual leader, Muhammad Fizazi, is now serving a sentence of 30 years in

prison. Fizazi championed the Wahhabi school of Islam in Morocco. Thus, there is no doubt that the organisation is an unpalatable one and that its members are likely to be rather unsavoury characters. From this it obviously follows that the relationship between the state authorities and *Ennasir* are fraught with difficulties. For the regime it is extremely difficult to tolerate an association defending, from its point of view, 'terrorists' who want to bring the monarch down. It is not surprising that *Ennasir* did not receive the licence to operate and does so illegally. It is also not surprising that its activities are not only monitored by the security services, but also disrupted. When the members of the association, including the families of the prisoners, hold sit-ins outside jails, they are routinely beaten and arrested. Finally, the association cannot receive funding. While all this is both unsurprising and to some extent legitimate, when one digs deeper other issues begin to emerge. To begin with, *Ennasir* is not synonym with Salafiya Jihadia and, although it nominally defends the prisoners who are members of the organisation, membership is the first sticky point. Some of the prisoners might in fact not be members, but are accused of it and therefore in jail for it. The second problem is that most of the prisoners have suffered from torture. In the new Morocco of Mohammed VI, this was supposed to no longer take place, but it has become common-place for prisoners accused of belonging to Salafiya Jihadia. Finally, there is the problem of show trials where prisoners who have been obviously tortured admit to their wrong-doings, invalidating the premise of the trial itself. The association *Ennasir*, among other activities such as trying to get better access for families to the prisoners, works to highlight these problems. As mentioned above, it is quite obvious that the regime attempts to disrupt the work of *Ennasir*. What is more interesting is how *Ennasir* interacts with the other human rights associations that have been operating in Morocco for a long time and that have a secular ethos. The relationship is in fact quite complex. Soon after the wave of arrests of Islamists, Mouhtad contacted the major human rights organisations in Morocco to see whether would take on the cause of the Islamist prisoners. Thus, contrary to the spirit of what they were created for, the major human rights associations did not intervene. There are two explanations for this, although they cannot be neatly divided. On the one hand, there was a legitimate fear that by accepting to defend the cause of the Islamists, the human rights associations would be themselves targeted for repression by the regime. This was a legitimate fear because the Islamist prisoners had been condemned within the framework of the anti-terrorist legislation and because Salafiya Jihadia constituted an existential threat to the regime. Mouhtad partly validates this explanation when suggesting that in effect the issue was really very 'hot' at the time. On the other hand, the second explanation is that for the secular and liberal human rights NGOs, the fight against Islamism requires measures that suspend normalcy. In some ways there is a parallel with the justifications that were used in western countries, particularly in the United States, to suspend or interfere with the absolute primacy of liberalism. In any case, the refusal on the part of the AMDH and the OMDH to take on the cause of Islamist prisoners paved the way for the creation of *Ennasir*. Once the association was created in November 2004 it operated in isolation from all the other human rights groups in Morocco until 2006 when a change occurred. At that stage, informal contacts and some joint activities with the OMDH and the Fédération Internationale de Droits de l'Homme began. While cooperation is still very much low level and informal, these contacts have permitted *Ennasir* to exit its isolation and present its cause as a legitimate human rights one. This change in attitudes is due to a number of factors. First all, the existential threat to the regime has decreased and it is therefore not as 'hot' to deal with Islamists. For instance, more recently the authorities have begun, in the case of some prisoners, to

explore the possibility to make them go through a programme of rehabilitation. Secondly, the scale of the human rights abuses against Islamist prisoners and their families was too large to ignore and even if there is ideological rivalry, human rights groups cannot make exceptions. Finally, there has been a degree of attention paid to the matter by a couple of international associations like Reprieve and this helps *Ennasir* to establish some credibility for their work, which, in the end, focuses on improving the conditions of the prisoners inside and their families outside. This change in attitudes however does not go as far as openly cooperating with *Ennasir* or providing legal assistance to the prisoners. Mouhatd argues that all the lawyers that the associations contacts to explore the possibility of free legal counsel turn him down because they would defend the prisoners only on the condition they would get paid. While this is not particularly surprising, it is somewhat significant that no lawyer, traditionally a category providing such services in previous instance of non-Islamist political prisoners, offered his services for free. The divisions within the human rights 'family' are not solely the product of ideological differences between Islamists and secular leftists. The Moroccan regime has been traditionally very able to co-opt prominent anti-regime figures and the human rights family has not been immune from the successful strategies of divide and rule implemented over the years. The most recent examples are the ones of former political prisoners and human rights activists Driss Benzekri and Ahmed Herzenni who lent their personal stories and legitimacy to the new King. Benzekri headed the Instance Équité et Réconciliation and Herzenni the department of human rights. Both institutions are extremely controversial within the human rights community in Morocco because they are widely perceived as attempts to give the regime human rights legitimacy when in fact of keeps abusing them and the regime has no intention of punishing nor revealing the names of those who have committed abuses (Amar, 2009).

From this picture of the human rights community within wider civil society, it emerges that there are a number of contradictory trends occurring at the same time. There is certainly a cooperative trend between Islamists and secular leftists engaged in common battles to defend basic human rights such as freedom of expression and legal equality. This is a positive development because it indicates that there might be potential for further cooperation and better coordination to achieve the goal of presenting united front of demands to the monarchy with the expectations that such demands would be met. There is however also a very conflictual trend within the human rights community with two aspects. The first one is the ideological divisions between Islamists and secular leftists whereby the rights of Islamists are for instance not perceived to be a priority by the secular groups. This is due to the belief that Islamism is an existential danger and therefore its proponents should be given a 'special treatment'. There are thus cases of human rights activists justifying what they would normally condemn in terms of the rights of a person. The second aspect is that there are significant splits within both the Islamist camp and the secular one when it comes to accepting the offers of co-optation coming from the regime.

The National Initiative for Human Development

In August 2005, King Mohammed VI launched the National Initiative for Human Development with the explicit objective of addressing the socio-economic deprivation of large sectors of the Moroccan population. The Initiative is a developmental plan with substantial funds coming from both the state budget and international partners. It addresses the socio-economic needs of the most disenfranchised places in Morocco, both in the cities and in the countryside. In total, 264 neighbourhoods have been identified requiring specific action due to the following: absence of social infrastructure, high rate of early school leavers, high unemployment, unsafe housing, poverty and low income of the population, high rate of social exclusion for women and youth and absence of opportunities for job training.⁵ Following the Casablanca bombings of 2003, it emerged that those who had carried out the attacks had come from one of the many shantytowns surrounding Casablanca where life opportunities are far and between and where the presence of the state is not felt. The absence of education opportunities and jobs coupled with cramped and unsafe living conditions were highlighted as the main reasons why young people turned to radical violent Islamism. Mohammed VI had already been labelled as the King of the Poor because of the concerns he had expressed about the socio-economic indicators of Morocco and his setting up of foundations with the objective of relieving ordinary Moroccans from poverty, but in the aftermath of the Casablanca bombings it seemed imperative to launch a nation-wide programme of human development. In the context of this programme, which includes the building of new schools, the delivery of medical services and the regeneration of housing, a number of service-providing associations have been made partners. The initiative however is very controversial and in some ways it confirms some of the trends that emerged in other contexts. The first problem seems to be the absence of credibility that the initiative enjoys in some sectors of civil society. Abdelhamid Amine, the vice-president of the AMDH, was very sceptical of it and argued that 'it is propaganda, it is presented on the ground as if it were something historical, but it did not have any impact on Moroccan society and there is no improvement.' He also pointed out that there were very few new projects within the INDH because most of them had already been decided on and then they were simply brought together under the INDH. This is quite interesting because it seems to highlight that the launch of the INDH is an eminently political decision, which has very few effective consequences in practice. In addition, as Amar (2009) also points out, many of the projects of the INDH are in quite stark contrast with the macroeconomic policies of the regime, which are geared towards neo-liberalism (Zemin and Bogaert, 2009). A second significant problem regarding the INDH has to do with the criteria through which the associations are vetted in order to be able to get some of the funds. Thus, the management of the initiative by the Ministry of Interior through the local administrations led to what activists label the 'domestication of associational life' (Interview with Khalil Jemmah and Azzedine Akesbi). This simply means that the distribution of grants to different groups for carrying out social and economic programmes occurs not on the basis of merit, but on the basis of what can be termed political quietism. For associations that the authorities perceive as bothersome the stick of harassment and denial of money is employed, while for the ones aligned to the regime, the so called *associations oui-oui*, there is the carrot of grants for their projects. Always referring to the INDH, Said Tbel of *Espace Associatif* claims that all 'those who have very little to do with development, but might simply have electoral or personal interests create

⁵ See <http://www.indh.gov.ma/fr/index.asp>

associations just to get money from the INDH' (Interview with author), indicating that the associational life within the realm of development has become an instrument for the regime to distribute money through which it can then directly and indirectly control associations and stifle criticism and genuine opposition. This is because the topic of economic development is a very controversial one given that there is no consensus over what development actually means and how it can be achieved. Islamist associations linked to the justice and Charity Group abstain from participating to the debate surrounding the INDH and prefer to do charity work independently from the government, but it should be pointed out that they have the necessary funds allowing them to pursue this strategy. For the other associations, which might need funding, the decision is much harder because they have to balance co-optation and ability to deliver. Some of these groups might have a very different idea as to what the local community might need from the ideas that the ministries might have and therefore a conflict might ensue, which is then solved by the officials selecting pliant associations as partners and marginalising more radical ones. While slightly outside the scope of the INDH, it is quite indicative that one of the most repressed organisations in Morocco is *Diplomés Chomeurs* (Unemployed Graduates), given that it attempts to highlight how the human capital of Morocco is sacrificed to the absolute absence of meritocracy when it comes to employment. The accusation to the authorities is that there is a facade liberalism in what is effectively a rigged market that allows the monarch and his cronies (as the most important economic actor in the country) to reap the benefits of liberalisation while silencing dissent over economic policy.

Conclusion

The evidence from the Moroccan case seems to largely confirm the sceptical view about the effective linkage between civil society activism and democratisation. While it would be unsound to claim that civil society activism has no influence on the liberalising tendencies that the regime has demonstrated since the mid-1990s, it should be highlighted that most of these liberalising initiatives have not come from below, but from the top. This seems to indicate that the process of liberalisation in Morocco has the long-term aim to secure the stability and the executive primacy of the monarchy, which would therefore leave an unaccountable and unelected leader with the ability to determine the course of the country, marginalising the will of the ordinary citizens.

In this context, a much more careful, less optimistic and more neutral examination of civil society is required because as Jamal convincingly argues the authoritarian constraints under which it operates render it very different from the civil society of established democracies. The empirical evidence from Morocco points to the existence of the following trends:

1. Like in the other authoritarian contexts of the Arab world, civil society groups and associations, irrespective of their ethos, largely contribute to reinforce authoritarian practices. The political system, centred on the absolute executive primacy of the monarchy, requires that the issue civil society defends or promotes be sanctioned by the regime. Thus, what we have in Morocco is a number of active civil society players that compete for attention and sanctioning from the Monarchy in order to see their preferences met. This might result in liberalising legislation or liberal outcomes, as the case of the revision of the family code demonstrates, but the process through which these changes are achieved reinforce the authoritarianism of the system itself. This finding is not unique to Morocco and recent work on Algeria (Liverani 2008), Jordan (Cavatorta and Elanza, 2008) and Palestine (Challand, 2008) highlights this.
2. Another feature of Moroccan civil society is the divisions between Islamists and secular liberals and divisions within both camps. This does not mean that temporary alliances between Islamists and secular liberals/leftists are not struck and that there is no cross-ideological cooperation, but it is quite obvious that long-term alliances with the explicit objective of transforming the legal and political systems are out of the question. The divisions within the human rights family regarding Islamist prisoners are in this respect quiet telling because if there is no accord on how to defend basic human rights then it is very difficult to see how more complex issues would be dealt with in a spirit of cooperation and coordination of activities. In addition, there are also differences and divisions within the two camps because of the necessity that all groups have of being listened to by the monarchy on the matters they care for. Thus, within the Islamist camp we see sharp divisions between the associations linked to the PJD (integrated within the political system), the ones linked to the Justice and Charity Group (semi-legal organisation tolerated by the authorities), the ones close to the Salafya Jihadia and the ones linked to the Boutchitchia (a brotherhood with close ties to the monarchy). Within the secular liberal camp the divisions concern the degree to which groups should cooperate with the regime. On the one hand some groups and

3. A third important feature of Moroccan civil society activism is its competitive character when it comes to issues related to socio-economic development. This is probably the area where Morocco has witnessed the most activism because of the poor socio-economic indicators of the country. The emergence of forms of expression of social discontent is particularly problematic for the regime because development has been one of the mantras of the new King. Civil society activism has concentrated in this area because it is easier to receive official permission to operate and because the needs are vast. There is however a very political aspect to this. There is a widespread belief that providing social services to ordinary citizens influences the way in which they will think politics. Thus, secular activists believe that the surge in support for political Islam is strictly linked to the provision of services that Islamic charities linked to Islamist political groupings put in place, particularly in the neglected shantytowns around the big cities. In many ways, the Islamists also believe that their socio-economic activities demonstrate the superiority of their proposed political model. It is for this reason that secular groups have begun competing on the provision of social services with the Islamists. In addition to all of this, the monarchy and the regime in general have been very active in promoting socio-economic developments through a number of foundations and other initiatives destined to diminish social exclusion. There is obviously a political aspect to this as well with an attempt to increase the perception of the monarch as the 'King of the Poor.' These beliefs about the connection between social services and political views does not need to be actually true, as Clark (2004) demonstrated in her work on Egypt, Yemen and Jordan, but it is a widely held assumption among the actors involved. In any case, the problem with this competition among service-providing associations is that they repeat the pattern of the more political ones, namely that they become dependent on the regime for their ability to work, get funds and see their projects implemented. Once again the outcome is to reinforce authoritarian practices because in order to obtain the license to operate or to speed up the delivery of funds, associations rely on informal channels that often strengthen the role of unelected officials. If one has for instance close connection to someone in the King's inner circle this is highly beneficial.
4. In this context, the tried and tested method of dividing and ruling is quite successful. The Moroccan monarchy had a tradition of being able to divide and conquer the opposition and after many decades of successful interference with the political parties, it has reduced them to discredited actors with very little popular support enabling the monarch to present himself as the *super partes* arbiter of political squabbles. The same dynamics seem to be at work when it comes to civil society where the divide and rule strategies have a much greater chance to succeed quickly because associations are often interested in one single issue and have no overarching political programme of transformation. Obviously there are organisations and groups that refuse to cooperate with the regime for fear of being co-opted. They are usually allowed to continue to operate but do so in a much more restricted environment and suffer the consequences in terms of their ability to deliver.

What emerges from this is that the idea of civil society as engine of democratisation should be abandoned. Much greater political transformations have to occur at the broader institutional level, namely significant constitutional changes that would limit the executive powers of the King. The powers of elected officials should be strengthened to the detriment of the policy-making power of unelected and unaccountable advisers to the monarchy. This would permit the liberation of civil society activism, which could then become a catalyst for further democratic change given its vitality, even under the current authoritarian structures.

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List of Interviews

Interview with Mme. Saida Drissi, president of the *Association Démocratique de Femmes du Maroc*, November 5, 2008, Rabat, Morocco.

Interview with Mme. Bouchra Abdou, member of the national bureau of the *Ligue Démocratique pour les Droits des Femmes*, December 3, 2008, Casablanca, Morocco.

Interview with Mr. Abderrahim Mouhtad, president of the association *Ennasir*, November 24, 2008, Rabat, Morocco.

Interview with Mme. Bassima Hakkaoui, president of the association ORCF and PJD member of Parliament, November 11, 2008, Rabat, Morocco.

Interview with Mme. Nadia Yassine, chairperson of the women's section of the *Justice and Spirituality Group*, December 12, 2008, Salé, Morocco.

Interview with Mr. Khalil Jemmah, vice-president of the *Association Amis et familles des Victimes de l'Immigration Clandestine*, December 16, 2008, Casablanca, Morocco.

Interview with Mr. Said Tbel, member of the administrative bureau of *Espace Associatif*, November 7, 2008, Rabat, Morocco.

Interview with Mr. Azzedine Akesbi, vice-secretary general of *Transparency Maroc*, November 25, 2008, Rabat, Morocco.

Interview with Mr. Fatlallah Aرسالane, spokesperson of the *Justice and Spirituality Group*, August 10, 2005, Rabat, Morocco.

Interview with former political prisoner and current activist (NGO against torture), August 12, 2005, Casablanca, Morocco.

Interview with Abdelhamid Amine. Vice-president of AMDH, November 10, 2008, Casablanca.

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