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“THE MOROCCAN PATTERN OF ISLAMIC DEMOCRACY”

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Introduction

Morocco is located in North Africa. Its geographically diversified landscape is about twice the size of California. Its population of 30 million inhabitants is mainly made of Muslim Arabs and Berbers, while Moroccan Jews and foreign Christians form centuries long respected minorities. Morocco is an active member of the Arab League and a founding member of the Organization of African Unity (OAU) [1] as well as of the Organization of the Islamic Conference (OIC). Both the preamble of its Constitution and article 6 of the same document clearly refer to its deeply rooted Islamic values: “An Islamic and fully sovereign State...”, “Islam shall be the State religion...”. Secretary of State Collin Powell has recently praised “its embarking in bold political reforms” [2]. Its young king, Mohamed VI, clearly aspires to reinforcing the democratic institutions of his ancestral monarchy: “Based on this clear vision of our religious references, Islam and modernity complement each other, forming one of the major tributaries which flow into the mainstream of the universal reference. The process takes place in perfect harmony with its most important pillar, namely democracy, for which we have opted as an irreversible choice and as a keystone of the Moroccan constitutional monarchy”[3]. It thus clearly stem out that Moroccan modern Muslim rulers have resolutely opted for democratic patterns of government. The present paper intends to explore the organization and functioning of the newly emerging Moroccan democratic institutions.

I. The Historic Background:

Despite its occupation by colonial rule (French and Spanish) during the first half of the twentieth century, the kingdom of Morocco kept its traditional institutions in the form of an ancestral monarchy. Furthermore, national liberation movements made of the 'Alaouite' Throne a symbol for their struggle. The then reigning 'Sultan', Mohammed V, "Imam of the Muslims and protector of the religion" [4], openly requested independence and promised the setting of "a free Morocco...with democratic institutions in line with the fundamental principles of Islam and the expectations of modern times" [5]. Not only had he then confirmed one of his prior declarations that "time for democracy had come for all peoples" [6], but he put himself in accordance with the stipulations of the "Independence Manifesto" which clearly formulated the demand for "the institution of a consultative political regime...in which the rights of all elements of the people and all the social classes will be protected and their obligations specified" [7]. The king further stressed his will after independence to go ahead and institute a "democratic regime within the framework of a constitutional monarchy based on the separation of powers" [8]. His son, king Hassan II, was to be later invested with the responsibility of building the democratic institutions sought for by all national trends of the population. This mission started with the presentation on the 18 of November 1962, for a popular referendum, of a project due to later become the first Moroccan Constitution.



King Hassan II

II. The Constitutional Evolution:

Since its independence in 1956, Morocco has progressively carried out its constitutional building process. Immediately after the installation of the first government, a "National Consultative Council" [المجلس الوطني الإستشاري] was established as early as August 1956. Even though all of its 76 members were appointed by the king, they had the merit of representing all fringes of the national political spectrum, of controlling the executive branch and of exercising consultative missions. A Constitutional Council [المجلس الدستوري] (1960) and a Supreme Court (1957) were also established during this period. Their role was to mainly contribute to reinforcing various aspects of the due process of law. Parallel to these

institutional enactments, was also announced the Royal Charter in May 1958 which consisted mainly in a royal declaration of intentions “to endow the country with political institutions allowing the people to participate directly in conducting public affairs”. Then, in a public speech, pronounced in May 1960, the king fixed a deadline for the implementation of the sought constitutional reform: the end of 1962.

Since then 5 constitutions have been adopted by referendum (1962, 1970, 1972, 1992 and 1996). They progressively shaped the scope of Moroccan constitutional institutions.

III. The Constitutional Institutions:

The Moroccan Constitutional monarchy aspires to function in the model of a Parliamentary system. The Constitution defines Morocco as “a democratic, social and constitutional Monarchy” (article 1), in which “sovereignty shall be that of the People who shall exercise it directly, by means of referendum, or indirectly, through the constitutional institutions” (article 2), and in which “political parties, trade unions, local government bodies and professional chambers shall participate in the organization and representation of the citizens” (article 3). “The Constitution shall guarantee to all citizens the freedom of movement, the freedom of opinion, the freedom of association and the freedom to belong to any union or political group of their choice” (article 9).



**His Majesty King Mohammed VI
And Crown Prince Moulay El Hassan**

Institutionally, and under the arbitration of the Monarchy (whose powers and attributions are precisely defined by articles 19 to 35 of the Constitution), the legislative and executive powers are respectively invested in the Parliament and the Government. **The Parliament** consists of two Chambers: the House of Representatives (whose members are elected by universal suffrage for a five year term) and the House of Councilors (whose members are elected for nine years, with one third renewable every three years). Three fifths of the members of the House of Councilors shall be constituted by members elected, in the regions, by electoral colleges comprised of local representatives, while the other two fifths shall be constituted by members elected regionally by electoral colleges comprised of

representatives of professional chambers and trade unions. As of the Government, it is composed of the Prime Minister and the Ministers and is answerable to the King and to the Parliament. Within the line of classical parliamentary system political patterns, the Moroccan government may engage its political responsibility in front of the legislative body in either one of two ways: through a vote of confidence regarding a statement of general policy or through a censure motion, by which the House of Representatives may object to the pursuance of the Government's responsibilities. Both motions may lead, if approved, to the resignation of the government (articles 75 and 76 of the Constitution). An original approach to Government responsibility has also been instituted through the voting of a "cautioning motion" by the House of Councilors, which leads to a parliamentary debate on the raised issue, but does not have any voting effect. As of the Judiciary, it is "independent from the legislative and executive branches" (article 82). A Supreme Court and a Constitutional Council oversee, at the head of the Judicial pyramid, that the principles of constitutionality and of due process of law are strictly respected by all partners.

IV. The Political Arena:

The Moroccan political arena has always been open for free electoral competition, since pluralism and multiparty confrontation have characterized all phases of Moroccan political struggle. Even under the French protectorate, various political parties had represented the diverse trends of the Moroccan opinion. In 1934 was created the "Committee for Moroccan Action", soon followed by the creation in 1937 of the "National Party". These two organizations were to later form, in 1946, under the leadership of the 'Zaim' Allal El Fassi, the main historic nationalist party called "Hizb Al Istiqlal" [Independence Party] حزب الإستقلال. Along with it, 7 other parties had also been very active in combating colonialism since 1936 and demanding free and democratically articulated political institutions. Among these parties, the "Hizb Ashura Wal Istiqlal" [Party for Democracy and Independence] حزب الشورى و الإستقلال, led since 1946 by Mohammed Hassan El Ouazzani, and the Moroccan Communist Party founded in 1953 by two other Moroccan historic figures: Leon Sultan (a Jewish Moroccan) and Ali Yata.

Since, independence, no less than 43 political parties have officially existed. They range from conservative nationalism, to Berber activism, socialist reformism, liberal opportunism and Marxist extremism. 26 of them have presented candidates to the 2002 legislative elections and to the 2003 communal and regional elections. Ten major political parties stem out from the mass runners and continuously animate the political debate. These are:

- The Istiqlal Party,
- The National Gathering of Independents,
- The Socialist Union of Popular Forces,
- The Party for Justice and Development,
- The Popular Movement,
- The National Popular Movement,
- The Party for Progress and Socialism,
- The Constitutional Union,
- The National Democratic Party,
- The Organization for Democratic and Popular Action.

A center left coalition is presently forming the government who is led by a technocrat Prime Minister. But, the game is permanently open for alternation.

Beyond the partisan confrontation for influence positioning, parliamentary seat repartition and executive decision making, other forms of political struggle remain constantly underlying the functioning of the Moroccan political system. These are mainly carried out by numerous Islamist groups which have occupied the social arena and are progressively gaining political influence among large fringes of the population. These newly emerging forces, mostly organized in the form of associations, and massively deployed in poor neighborhoods as well as in most university campuses constitute the unknown token of future national and local politics. So long as they are kept out of the legal political spectrum, they may growingly constitute a refuge for potentially discontent activists. Their progressive integration into the system may as well be reasonably conceivable as various forms of Islamic values are already integrated in the system.

V. The Impact of Islamic Values:

Islam is and remains a main source of inspiration of Moroccan legislation. Whether it is the constitution or whether it is organic laws, normal laws or executive rulings, the whole system is built upon the respect of a hierarchy of legal norms that put the reference to the Coran in a privileged position. Various constitutional references to Islam comfortably seat its precepts among the highest binding sources of legal obligations.

One fundamental element of the Moroccan institutional organization lies within the notion of “Amir Al Mouminine” [أمير المؤمنين] (Commander of the Faithful) stipulated for by article 19 of the constitution. Beneath this notion is implied the importance of allegiance in the Moroccan political system. With reference to western democracy terminology, the sovereignty which is naturally invested in the people (J.J. Rousseau, “*Du Contrat Social*”), is transferred through the act of ‘Beya’ {Allegiance}, initially carried out by the National Council of Oulemas, and annually renewed by representatives from all provinces, to the king, who therefore becomes referred to as the “Sovereign”. With the only exception of referendums, through which the population may still be called upon to express its political will, nominally, and through the mechanisms of the “beya”, the king will detain all powers which he, in turn, will distribute back, in the name of the people, to the constituents of the three branches of government, within a carefully deployed scheme of separation of powers (Charles De Montesquieu’s ideal terrain of predilection). Power transmission is then based on the notion of “delegation”; all three executive, legislative and judicial branches exercise a merely delegated power by the legally invested authority of the attributes of sovereignty: “Amir Al Mouminine”, who is, at the same time, “*Defender of the Faith*” (Article 19). Multiple court cases as well as various doctrinal writings have firmly established this firm ruling. Neither the Parliament, nor the Government nor the judiciary exercise attributed power per se. They merely act as depositaries of delegated power by the sovereign. The electoral process also becomes vested by a new and original meaning: elections do not directly confer positions; they only constitute a popular designation of those whom the sovereign may confirm in their legislative functions. A

“dahir” of nomination is therefore issued to validate the issue of the ballots and invest the incumbents with their new powers.

Furthermore, pertinent other Islamic values are adopted through the legislative and regulatory processes and constantly adapted to the expectancies of modern times [9].

VI. The Functioning of the System:

It evidently stems from the exegesis of the text of the Constitution as well as from the meticulous observation of the mechanisms of power articulation and deployment in Morocco that the ‘Palace’ plays an important role within the system. Getting into Moroccan politics implies a necessary awareness that the ‘Palace’ remains a central piece, an important source of power and the sole distributor of privileges. Its strength constitutes a real and unavoidable guarantee of stability which, in turn, further fosters the deployment of more tangible democratic achievements.

Whether it is the bureaucratic apparatus of the executive branch, or the floating mechanisms of the legislative bicameral structures, or the maneuvering negotiations of the partisan formations, or the less apparent almighty power of the military, or the no less influential impact of various religious orders of “Ulemas”, all sources of decisional flux or of influential impact stem out of the good grace that the ‘Palace’ might momentarily, or more permanently, express towards any of them. And within the ‘Palace’, the authority of the king remains a key constitutional element and a sole depository of legitimate attributes of sovereignty.

Charles De Montesquieu may certainly find some of the projections of his ideas within the deployment of the Moroccan political system. Yet, genuine authenticity constantly reigns over the deployment of all power structure. Moroccan democracy thus represents a relevant case study model of a modern ‘Orleanist’ constitutional monarchy.

It is within this scope of political power distribution that the king is maneuvering to implement democratic complements through the encouragement of NGO activities, the development of efficient literacy programs, the active follow up of massive educational reform at the primary and secondary levels as well as at the university level, through the incitation to better rural schooling of young girls and, more recently, through tackling the much muddled issue of gender equity. A swift move is thus undertaken to accompany the newly evolving theoretical conceptions of democracy from their initial pluralist and participatory characteristics to the more extended approaches recently sketched out by western world policy makers [10].

Hassan RAHMOUNI
Cambridge, April 28, 2004

[1] – Morocco has momentarily suspended its membership in this organization for political and diplomatic reasons linked to the issue of Western Sahara.

[2] - Collin Powell, “The Middle East Partnership Initiative”, Presentation to the ‘Heritage Foundation’, Washington D.C., December 12, 2002.

- [3]** – Speech of the Throne, delivered in Rabat by king Mohammed VI on July 30, 2003.
- [4]** - Article 6 of the draft Moroccan Constitution of 1908.
- [5]** - Royal Speech delivered on November 18, 1950.
- [6]** - Declaration to representatives of the Moroccan Communist Party, August 1946.
- [7]** - The Manifesto of independence, presented on the 11 of January 1944 by a delegation of nationalist militants to all representatives of foreign nations in Rabat and Tangiers.
- [8]** – Press briefing by King Mohammed V, May 15, 1956.
- [9]** - Ref. Hassan RAHMOUNI, “Aspects of State and Community Organization in Islam”, “A gender Breakthrough in Contemporary Muslim Morocco” & “Aspects of Democratic Building in Modern Morocco”, in the UCLA Conference Series, in <http://rahmouni.i8.com> (Click on ‘Publications’).
- [10]**-Richard Haass, “Reinforcing Democracy in the Islamic World”, Presentation to the “Council on Foreign relations”, Washington, DC, December 4th, 2002.