

## Morocco's Path to a Moral Democracy

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### Abstract

*The past five years have seen many countries in dramatic upheaval, moving toward democracy. But, more than just structure has to change for democratic governance to be moral.*

*There two approaches to change, evolutionary and revolutionary, that can have dramatic effects on how long the changes last or not and can even affect the constructive or destructive nature of the transition. This paper argues that Morocco has been in evolutionary change toward structural democratic governance since its independence in 1957, but the rise of the Arab Spring in 2011 gave it significant jolt for implementing the values of a moral democracy. However, the transition is incomplete. For example, it remains the task of the various political parties to pass the laws necessary to implement the changes articulated in the new 2011 constitution. And, it remains the challenge of the King, to not overreach the powers he has retained. The Arab people have spoken the cries for justice, liberty, freedom and dignity. They have not and will not be silenced. Morocco has demonstrated that, while it may be slow, the evolutionary way of implementing democratic change is a more peaceful transition.*

Key words:

Morocco; Moral Democracy; Governance; Evolutionary Change; Revolutionary Change

### **Introduction**

This paper argues that Morocco has been in *evolutionary* change toward structural democratic governance since its independence in 1957, but the rise of the Arab Spring in 2011 gave it significant jolt for implementing the values of a *moral* democracy. This is important because Morocco is often seen as a bellwether for other Arab countries in the Middle East.

As countries attempt the difficult transition into democracy and open markets, numerous reforms in governance are necessary. Public institutions must be reconfigured, systems that are responsive and accountable to citizens must be built, and effective economic investment for support and growth created. Such reform efforts tend to concentrate on formal institutions, rules and procedures. These are important because well-constructed institutions channel people toward equitable and above-board (i.e. non-corrupt) behavior—which is why legal and regulatory reforms often meet hostile responses in societies where they are undertaken. Nonetheless, “formal rules about how political (and administrative) institutions are supposed to work are often poor guides to what actually happens” (O’Donnell, 1996:40). Democratic change is often difficult to implement and even more difficult to sustain (Zakaria, 2007).

Schein (1992) gives us a starting point to view change through the understanding of culture. Through understanding these dynamics comes a “deeper understanding not only of why various groups of people or organizations can be so different but also why it is so hard to change them.” (Schein, 1992: 5) Change is difficult to manage and will almost certainly be met by political, social and religious opposition in some form or fashion.

There is no clear cut consensus in the literature for a “definition” of how change occurs within a society. However, we can find a practical understanding of the process of change through theory. Although originally applied to organizations, this theory is also appropriate for large sections of societies, precisely because they are made up of multiple and diverse organizations. According to W. Burke, *revolutionary* change is “a major overhaul resulting in a modified or entirely new direction, mission, a change in strategy, leadership, and culture.” (Burke, 2008: 1) This theoretical concept of change is the most dramatic change that an entity, organization or culture can encounter during its life cycle. It happens quickly and, almost in an instant, completely turns the organization or culture upside down and seeks to change it dramatically if not wholly. This type of change can be viewed as a *total* transformation, and as a result “nothing will ever be the same again” (Burke, 2008: 68). In most cases this type of change is met with heavy resistance often including violence (Burke, 2008). If revolutionary change is not precisely planned for, then it will most likely be doomed to fail from the outset because of its radical nature and

transformation that it imposes on individuals, organizations and societies.

*Evolutionary* change on the other hand, is not radical in nature. “Most... change consists of improvements, incremental steps to fix a problem or change a part of larger system,” and this is what defines both small and large evolutionary change as a theoretical concept (Burke, 2008: 69). It is a more methodical and slow process. The concept of evolutionary change may lead to an eventual transformation, but due to the length of time that this process takes and lack of a major jolt it is not likely that a major fundamental change will occur. While this idea is still in debate amongst scholars, Burke states:

“Overcoming inertia and equilibrium, as Pascale, Milleman, and Gioja emphasized, is difficult, if not impossible, without a discontinuous jolt to the system. ... Change does occur with continuous attention and effort, but it is unlikely that fundamental change in the deep structure of the system would happen.” (2008: 70)

The first section after this Introduction, reviews Morocco’s struggle for independence. The second section, chronicles the slow but deliberate movement towards a constitutional monarchy during the 38 year rule of King Hassan II. The third section discusses the ascendancy of the young King Mohammed VI. Only in his thirties when he took the throne, he was received by the people as the country’s hope for a bright future and ushered small, incremental structural

changes in governance. But, all these evolutionary changes were instrumental for setting up the latest significant evolutionary reform of the 2011 Constitution. The fourth section, presents the new 2011 Moroccan Constitution, and highlights the key changes that addressed the specific demands of the February 20<sup>th</sup> Movement. The fifth and final section offers some observations for future implementation and some concluding remarks on the Moroccan process of change.

### **Democracy**

Since the beginning of civilized communities approximately 3,500 BCE (Harl, 2005), leaders have struggled with the dilemma of who should hold power and how that power should be exercised. Indeed, these questions persist today. At one end of the spectrum is a system of governance in which a single person holds complete power over all the people. On the other end of the spectrum is democracy, a system based on the principle that supreme power is vested in “the people.” Of course, the concept of democratic governance has changed since the ancient Greeks introduced it as a form of governance in 500 BCE. In its simplest form, democracy can be defined using the two Greek words *demos* (people) and *kratos* (rule), which combine to make the word democracy, meaning “rule by the people” (Rabb and Suleiman, 2003). Today more than 20 percent of the world’s political parties contain some variation of the word democracy in their names (Schmitter and Karl, 1991).

According to several world institutions, including the United Nations, the World Bank and the Organization for Economic Cooperation and Development (OECD), civil and human rights and free markets are most likely to flourish, whereas corruption and violence are most likely to diminish in areas where there is a democratic form of governance (Axelrod, 2005). According to the UN, representative democracy addresses three of the most important challenges for this century, securing human rights, preventing international and civil wars and fighting terrorism (Axelrod, 2005). As former UN Secretary General Kofi Annan pointed out, “democracy is a universal right that does not belong to any country or region, and participatory governance, based on the will of the people, is the best path to freedom, growth and development (Democracy, 2008). According to the Freedom House *2011 Freedom in the World* report, of the 197 countries in the world, 115 are considered structural democracies.

Though democracy exists in numerous countries around the world and there are a number of structural elements that are common to all, there is no single style of implementation of democratic governance (USAID, 2001). For example, some countries govern by consensus and others by competition. Confucian philosophy influences many East Asian and they are more community oriented. This approach places less importance on individual rights and more on group rights. This is a view that is quite contrary to the American tradition of democracy, which gives primacy to individual rights. The variations of democratic governments are the result of differences in both procedural approaches of how

decisions are made, and substantive approaches of what the government chooses to do (Schmitter and Karl 1991).

While democracies have procedural and substantive differences, they also require certain structural elements to define them as democracies. For example, according to the UN, the World Bank and the OECD, in order to be considered a democracy, a country must have a system of rule by laws and not by individuals. Therefore, a democratic system requires a rule of law which applies equally to all citizens and a judiciary that is independent. Citizens of a democracy must be able to actively participate in politics and civic life in order to maintain their rights and protect the rights of others. Through the process of free, fair and frequent elections, the people have the opportunity to participate in the development and direction of their government (Center for Democracy and Governance, 1998).

Most modern democratic governments have a representative democracy in which citizens elect public officials to make government decisions on their behalf. A representative democracy requires multiple strong political parties with the capacity to represent citizens and provide policy position choices that demonstrate their ability to govern for the public good. Political parties are necessary to “build and aggregate support among broad coalitions of citizens’ organizations and interest groups; to integrate multiple conflicting demands into coherent policy programs; to select and train legislative candidates and political leaders; to provide voters with choices among governing teams and policies” (Norris, 2005: 3). In addition

to citizen participation, elections, and political parties, democratic systems of governance must provide the basic freedoms associated with human rights, including a free press/media, free speech, and the rights to association and demonstration.

However, while all democracies must have these structural elements, not all democracies implement them equally and not all the rights and freedoms, usually associated with the popular concept of democratic governance, are guaranteed. For example, of the 115 structural democracies identified by Freedom House (2011), only 46 provide their citizens both political rights and civil liberties in full measure. Twenty-seven countries score high on the abuse scale that Freedom House only considers them to be “partially free” democracies (Freedom House, 2011).

### **Democratic Values**

*Democracy is more than the right to vote; it is a habit of the heart, a deeply rooted set of beliefs that encourage both individual initiative and an active public sphere populated by numerous voluntary organizations that seek to better society.*  
(Alexis de Tocqueville, 1830 in Froner, 2005)

Democratic structural elements are necessary but insufficient to guarantee *moral* democratic governance. As de Tocqueville suggests, the core values associated with human rights such as freedom and liberty, must be painstakingly introduced into the hearts of the

citizenry for democracy to be fully implemented in a society. The following represent some core democratic values:

Life: Each person has the right to feel safe.

Liberty: Liberty includes:

- Freedom to choose your friends and associations,
- Freedom to have and share your own opinions and ideas,
- Freedom to express your ideas in public,
- Freedom to meet in groups,
- Freedom to have any lawful job or business.

The Pursuit of Happiness: Each person can find happiness in their own way so long as it does not infringe on anyone else's right to happiness.

Justice: All people should be treated fairly in the eyes of the law. No group or person should be treated differently or be above the law.

Common: People should work together for the good (or benefit) of ALL.

Good: Government laws should benefit all not just some (class, race, gender, ethnicity, income group).

Equality: Everyone should get the same treatment regardless of class, race, gender, ethnicity, income group,

religion. All people have political, social, and economic equality.

**Diversity:** Differences in language, culture, race, ethnicity, religion, economic status contribute to the richness of a society and should be embraced and celebrated.

**Popular Sovereignty:** The power that is vested in government comes directly from the people.

**Rule of Law:** Both the rulers and the ruled must obey the law.

**Truth:** Citizens must be told the truth by their rulers. Omissions of critical information are as big a lie as telling one.

**Equity:** Government policies may have to disadvantaging one group to right a previous wrong for another group.

In addition there are some other fundamental values. These include (1) a commitment from the nation to continue economic and social progress, (2) the need for civic virtue, (3) the role of the state to curb the excesses and inadequacies of the market system, and (4) the importance of public trust in the leaders of the nation (Blind, 2006; Inter-Parliamentary Union, 1998)). Possibly, these values are even more important today, especially considering globalization of economics, political influence of the corporate empires, crime, environmental pollution, and terrorism.

Matters of morality reflect values that operate in the context of the whole structure of governance and public administration processes. Public officials and administrators must view themselves, in turn, as operating always synergistically within general structures and processes of politics and society. Thus, morality is a matter of public organizations “having to do with complicated organizational conduct under public responsibility” (Appleby, 1952: vii). In this way, government actions reflect the basic *moral character* of the nation. Such reflections can exist outside “the ideals or interests of single or factional citizens” (Appleby, 1965:343). Appleby noted that basic moral character of government action manifests itself when:

- the action conforms to the processes and symbols developed for the general protection of political freedoms and is the agent of more general freedoms;
- it leaves open the way for modification or reversal by public determination;
- it is taken within a hierarchy of controls in which responsibility for the action may be readily identified by the public;
- it embodies as contributions of leadership the concrete structuring of response to popularly felt needs; and
- it is not merely responsive to the private or personal needs of leaders.

These five points define the need for a moral democracy. Government’s actions should

always be performed within the large context of democracy. Democratic processes such as elections and the rule of law can and should serve as a means to override public official's personal preferences. For example, a state judge might feel that his basic moral character requires him to place a religious symbol in a key public building. However, if a higher federal court rules otherwise, then the state judge or his associates must alter their decision and comply with the higher ruling.

Another issue is the question of special political influence of private groups. A moral democracy is a refinement of that influence, including a reduction of special privilege and "the opening of opportunity for the largest realization of the potentiality of citizens generally" (Appleby, 1965:344). The elimination of prices paid for special influences, which inspire wasteful, or discriminatory government action makes the exercise of power both more responsive and more responsible (Appleby, 1965).

"Moral performance begins in individual self-discipline on the part of officials, involving all that is meant by the word 'character'" (Appleby, 1965:344). However, character is not enough for a *moral* democracy. The administrative process must also support individual and group judgments that reflect a whole public or oneness responsibility. Individual public official's honesty is not sufficient as there must also be "a devoted guardianship of the continuing reality of democracy" (Appleby, 1965:344).

A moral democracy creates expectations for the public official but it also creates expectations of the citizen who must show action based on character. For example, any citizen might wish for the public attention of being a candidate for public office. However, such a job requires many skills and talents. Not everyone who wishes to run for office is competent or capable of performing well in the position. Therefore, they should use their best judgment and defer to others, who are better equipped or situated to provide such leadership (Lynch and Lynch, 2004).

Citizen character means that every citizen can constantly and consistently strive to relate their personal concerns to public concerns and “to help perfect arrangements supporting these citizen responsibilities” (Appleby, 1965:344). In this way citizen action is for the larger community’s needs rather than individual preferences. In one of her last public appearances before she died, former US Congresswoman Barbara Jordon reminded us of the responsibility of governing but also of citizenship. She said (p. 105), “Citizen is a noble world. It’s an honorable position to be a citizen. It carries rights with it, and it carries responsibilities with it. Citizen! The general welfare, the pleasure, and the happiness of the citizen are at the bottom of the creation of the government. That is the *raison d’être* of government.”

In a moral democracy there is also the responsibility of a public servant to pursue the public interest. The *public interest* is the ongoing search for the larger community’s needs rather than any one or more individuals or group

private interests. This vision is not the sophisticated hedonistic utilitarianism, with its motto of “the greatest good for the greatest number.” It is not the end but rather the perpetual means of the present moment. The search itself is what makes a democracy moral. Citizens and leaders must always want to seek higher standards for government. However, this desire must be in the context of the ultimate and absolute democratic values that permit disagreement over public policy. Certainly, loyalty to a nation is significant but more significant is the fact that moral democracy always includes the dissenting voices. However, the advocates of differing opinions must voice their thoughts in a manner that does not seek violent overthrow of the democratic government or use speech that is likely to cause personal harm to others (Lynch and Lynch, 2004).

### **A Brief History of Morocco’s Journey Toward a *Moral Democracy***

The strategic and geographical location of Morocco shaped much of its history. For example, during the 17<sup>th</sup> and early 18<sup>th</sup> centuries it was one of the Barbary States and the home of many pirate groups that harried Mediterranean traders. Its location and resources led to early competition among European colonial powers in Africa. Beginning in the 1840s, there were frequent territorial clashes between France and Spain, which culminated in 1904 with a secret agreement to divide Morocco into two zones of French and Spanish influence. France controlled most of the territory with Spain controlling only a small southwest portion which became known as the Spanish Sahara. Morocco became an even

greater object of rivalry in 1905 when Germany tried to gain a foothold in the mineral-rich country. Under the terms of the Algeciras Conference in 1906, the Sultan of Morocco maintained control of his lands and France's privileges were limited. This conference was an omen of things to come in World War I with Germany and Austria-Hungary jockeying for position on one side of this territorial dispute and France, Britain and the United States on the other.

In 1912, the Sultan of Morocco, Moulay Abd al-Hafid, permitted the establishment of a French protectorate status over Morocco. In 1953 the then ruling Sultan Muhammad V was deposed by the French and replaced with his uncle Mohammed Ben Aarafa. But, Moroccan nationalism had grown strong during World War II and nationalist agitation forced Muhammad V's return in 1955. Finally on April 7, 1956, France and Spain formally recognized the independence and sovereignty of Morocco when it won its independence after more than four decades of French rule.

In August 1957, the Sultan Mohamed V assumed the title of King and continued to rule as the first monarch of the independent nation until his death in 1961. In spite of the obvious lack of democracy, Mohammad V none-the-less proceeded to build a modern governmental structure in which the King exercised an active political role. Under his rule, Morocco made great strides toward economic and political liberalization.

Early in his reign, King Mohamed V proclaimed his intention of turning the country

into a “*constitutional* monarchy.” This was a huge undertaking. The new Moroccan government also undertook a number of economic, social, and political reforms to modernize the country. Independence, economic and social reform and announcing movement toward a *constitutional* monarchy were indeed monumental changes. However, they were only implemented gradually over decades allowing the country to digest them in small quantities.

### **One Step forward, Two Steps Back**

Upon the death of Mohammad V, his son, Hassan II assumed the throne on March 3, 1961. He was not the cautious, forward thinker that his father was. His rule of 38 years was marked by political unrest and ruthless government crack downs. The new Moroccan government launched a number of economic, social, and political reforms. At the time, Morocco faced the problems typical of all developing countries – the need to restrain government spending, reduce constraints on private financial activity and foreign trade, and achieve sustainable economic growth.

Hassan II did however; continue the steady evolutionary change of his father’s constitutional work. The constitution of 1962 was modeled after the French constitution of 1958 but granted even greater powers to the King.

Morocco’s independence from France and Spain in 1956 started off in a tug-of-war between a strong monarch and a diverse group of nationalists (Leveau, 2000). From 1956 onward, the once-united nationalists began to voice divergent views regarding the expected nature of

the independent Moroccan polity. The returning King Muhammad V worked hard to consolidate the monarchy, which reduced the hopes for parliamentary democracy. However, in 1960 Mohammed V appointed a constituent council to draft the first Moroccan constitution. However, upon his death a year later, his son, King Hassan II bypassed the council and simply copied France's constitution. In 1962 a national referendum adopted the first real Moroccan constitution with a majority of 97.86 percent.

The enigmatic and unilateral origins of this document still represent a difficult issue in Moroccan politics. The core of the 1962 constitution remained unchanged for decades. The constitutions of 1970, 1972, 1992, and 1996 all carried over provisions concerning the monarchical nature of the regime and the basic prerogatives of the King. Not surprisingly, legal analysts refer to these dates interchangeably as either the promulgation of new constitutions or mere constitutional revisions (Maghraoui, 2001; White, 1996).

As previously stated, the constitution of 1962 was modeled after the French constitution of 1958 with greater powers given to the King. This document instituted hereditary monarchy (Article 20) and specified that the nature of the state could not be subject to constitutional revision (Article 108). The king was acknowledged as "commander of the faithful" and his person considered as sacred and unchallengeable (Article 23). In addition, the monarch's powers were expanded to include the power to appoint and dismiss the prime minister and other ministers. The king also had the right to

declare a state of emergency through the famous Article 35, which he used in 1965 to dismiss representative institutions, after the riots in Casablanca and profound political instability (White, 1996). The suspension of the parliament led the King to assume all governmental powers.

The King enforced a state of emergency for five years. With mounting unrest in the streets and repeated student strikes and protests Hassan II attempted to solve the crisis by reviving the constitutional legitimacy of the kingdom (Brehier, 1996). In 1970 a second constitution was promulgated. The resulting constitution was a rigid compromise. The bicameral system was abandoned and replaced with a single chamber of representatives with an unstipulated composition (Article 43). In reality, only one-third of this new chamber was directly elected by universal suffrage. Because the new constitution no longer specified a time for when the chamber would be constituted, the elections could be postponed indefinitely. This situation resulted in a very weak parliament. Hassan II no longer needed to obtain the consent of the chamber before issuing royal legislative decrees (White, 1996). Through Article 97 of this constitution, the King was the sole person and authority to initiate constitutional revisions - a privilege previously shared with the prime minister and the parliament.

An attempted coup in 1971 prompted the King to revise the constitution. The survival of his regime seemed to depend on a change in direction toward greater democracy (Maghraoui, 2001). The inconsistency and seeming hypocrisy of the regime basing its legitimacy on constitutional monarchism while significantly

stymieing the role of the government and the legislature was too much for the people to endure (Maghraoui, 2001). However, the few concessions that the King offered were not enough to appease the people and continued unrest and agitation of the people prompted the submission of yet a third constitution in 1972.

This constitution was less authoritarian than the second one, though less generous than the first one. It granted more legislative powers to the legislature and the prime minister in the economic, social, and cultural realms. Also, the council of ministers was to be consulted on key issues such as a declaration of war, a declaration of the state of emergency or constitutional revision (Article 65). In principle, the new constitution was an incremental step towards a more participatory democracy. Two-thirds of the legislative chamber was elected by universal suffrage (Article 43), as it was in 1962. However, the expected elections for 1972 were delayed until 1976!

With the exception of two amendments in 1980 concerning the regency council and the postponement of the elections, there were no other major constitutional changes until the early 1990s. In the 1990s, King Hassan II's health began to decline. There is some debate in the literature as to whether his health issues sped up political reforms or if they would have evolved at his moment anyway. From 1992 until his death, Hassan II embarked on a series of political reforms that gave opposition parties, including the Islamists, more participation in the government. After the legislative elections of 1997, the King invited the leader of the Socialist

Union of Popular Forces (USFP), Abderrahmane Youssefi, to become prime minister. Although, multiple parties, one of the structural requirements for democratic governance, existed, the King still controlled the appointment of the political leadership for the country.

The fourth constitution adopted by referendum in 1996 (Middle East Encyclopedia, 2004) introduced compromises that were intended to convince opposition parties (mainly the USFP and the Istiqlal) to participate in government. Thus, the 1996 constitution reinstated the bicameral system of 1962 but changed the system of representation. All of the members of the chamber of representatives were now be elected by direct universal suffrage (Kosteiner et al., 2000). The constitution's revived Chamber of Councilors was modeled after the German system of *länders*; its members, who were still indirectly elected, were supposed to represent the various regions of Morocco and the most important socioeconomic groups. Even though the King did not give up his key prerogatives for example, he could still dissolve both chambers separately, some new constitutional clauses were meant to reinvigorate parliamentary democracy. For example, a key provision stated, for the first time sovereignty belongs to the nation (Article 2).

The autocratic Hassan II ruled the country with an iron fist until 1999. Thousands of his political opponents were arrested, tortured and killed, while many simply disappeared. This repression was particularly acute in the years following two failed military coups. Through the force of his strong personality, the legacy of the monarchy, and the application of political

repression, the King succeeded in asserting his authority and was able to control all the forces that threatened the existing social order. However, globalization, improving world economies and media connectivity pressured gradual, evolutionary changes to advance the democratic process. The political reforms in the 1990s resulted in a major constitutional reform in 1996 that moved Morocco significantly toward democratic governance. This reform created a new bicameral legislature with an expanded, though still limited, list of powers. Elections were held in 1997.

Despite the glaring absence of many democratic principles under the rule of Hassan II, Morocco was nevertheless perceived as one of the most liberal and progressive of the Middle East and North Africa region (MENA). Thus, it remained a promising target for democracy. Politically, Morocco has always been a constitutional monarchy in democratic transition, all-be-it a slow and evolutionary one. The reforms implemented in the four constitutional revisions over the last three decades (1966 – 1996) included the introduction of a directly elected lower house, the prohibition of torture, the emerging participation of opposition in government, the institution of a commission to investigate previous repression, and the revamping of the personal status code to strengthen the position of women. Together they offered the brightest beacon of light for the hope of democracy in Morocco (Goldsmith et al., 2002)

When King Mohammed VI succeeded his father, Hassan II, in July 1999, he instantly

became a symbol of hope for an even more *democratic* Morocco. Unlike his father, whose 38-year rule was tarnished by human rights violations, corruption and a discredited political system, Mohammed VI, lauded in the Moroccan and foreign media as the "King of the poor", personified modesty, social justice and moderation (Campbell, 2012). The accession of Muhammad VI occurred peacefully with his promise to "turn the page" on the worst abuses of the past.

Unfortunately, he continued to enforce the centrality and the inviolability of his royal power, and declined to expand political freedom much further in the first years of his reign, which was apparently intended to check the increased influence of Islamist political parties. He did, however, remove several of his father's leaders from office, including the longtime interior minister, Driss Basri, who led much of the repression under King Hassan II. In addition, exiled dissidents were permitted to return home and many political prisoners were freed. He was seen as the parent for global investment, welcoming to the wealthy Diaspora and securing the country for international tourism. But, there were few signs of him ceding power to elected officials or seeking to preserve civil liberties and rule of law. Until recently, the young King owed his popularity largely to his distance from the spoils and arbitrariness of Hassan II's rule, not to any coherent program of reforms (Maghraoui, 2011). Despite multiple gestures indicating departure from his father's autocratic style, King Mohammed VI remained a prisoner of an authoritarian system that he seemed unable to change, as was evidenced in December's (2011)

abrupt rollbacks of the greater press and civil society freedoms that characterized the new King's early rule.

Average Moroccans wondered if rampant injustice and corruption could ever be eliminated as long as the "steel masks"-the old guard of advisors, dignitaries and generals who became so powerful under Hassan II still sat at the young King's side. Long before the September 11th terrorist attacks in the United States, experts focused their attention on the Moroccan reform process because of its possible implications for democratization elsewhere in the MENA region. Over the past decade, Morocco has embarked upon a limited political liberalization process that included a moderate, non-revolutionary Islamist Party, the *Parti de Justice et Développement* (Islamist Justice and Development Party or PJD), gaining seats in successive parliamentary elections in 1997 and 2002. With a history of stable monarchical rule in which the King, as "Commander of the Faithful," derives his religious authority from his dynasty's claimed descent from the prophet Muhammad.

The public sector was systematically sold off to private interests, with more and more of the nation's wealth in the hands of the royal family and other elites. The King's personal holdings are estimated at \$2.5 billion. Indeed, Moroccans regularly accuse parliamentary deputies and senior civil servants of being *makhzenisés*, men and women who act in the interest of the state, or themselves, rather than the people they are supposed to represent and serve. It came as scant surprise that the 2007 legislative elections garnered the participation of only 37 percent of

eligible voters. In the most recent Democracy Index released by the Economist Intelligence Unit (2010), Morocco placed 116<sup>th</sup> out of 167 countries judged for the fairness of the electoral process, civil liberties, government functioning, political participation and political culture.

Everything changed after the 2010 Arab Spring and the collapse of different authoritarian regimes such as Tunisia and Egypt. In 2011, in an immediate response to the February 20<sup>th</sup> Movement (Morocco's version of Arab Spring), the young King Muhammad VI called for the constitution to be revised again. The actions and demonstrations of The Movement was the needed “jolt” to prompt a shift away from “inertia and equilibrium” and toward a more democratic system.

Despite the decline in the enthusiasm and trust in King Mohammed VI's early rule and the arguments raised by democracy advocates about few prospects for serious political reform without radical systemic changes, the King moved quickly to call for yet another constitutional reform to move the country even closer toward embracing democratic principles and values. The 1996 constitution, highlighted in the previous section, is an important model to map changes contained in the *new* constitution, which was accepted by popular vote of the people in July 2011.

The King in one of his speeches conveyed his philosophy and commitment toward constitutional monarchy, multiparty system, economic liberalism, regionalization, and decentralization, all of which are part of a

democratic system. Furthermore, the King highlighted his commitment to building the rule of law, and promoting and preserving human rights in their universal dimension.

Morocco is perceived as a model for Arab monarchies. The results of the research conducted in reforming the constitution this time provide insights into the functioning of a key political component of the Arab world. This process permits the study of different potential methods of interaction with the political and economic entities within Morocco by the US or other foreign entities and assesses their likely effects on the Moroccan march toward more democratic governance.

Today, throughout the Arab political scene (Opinion, 2011), the Moroccan experience remains characterized by a particularism, given the series of evolutionary reforms already launched over the past ten years. As mentioned in the Introduction, *evolutionary* change can be so slow at times that it is imperceptible, but it lays the necessary strong foundation on which to build in the future. Compared to the violent unrest in Tunisia, Egypt, Libya, Syria and Yemen, Morocco's *evolutionary* changes quietly, but steadily moved the country towards sustainable democratic governance. Ennaji (2011) argues that the Moroccan experience is ultimately different from other Arab countries where a *revolutionary* change of the entire political regime is an irrevocable requirement. This slow reform process and democratic environment meant that popular demands never exceed the ability of the government to deliver. The national consensus of the constitutional referendum of

July 1, 2011 *is tangible proof* of the people's belief in the King's intention to promote democratic reform (*Opinion, 2011*).

The new Constitution of the Kingdom consolidated decades of democratic achievements. It contains a real charter of fundamental rights which builds on the achievements of the past and provides a democratic future. This constitutional reform is also a direct result of social pressures that inspired the democratic transition in Morocco.

This constitutional reform is the result of a continuous process that opened the door to more sophisticated democratic reform. They were essential steps, common to most democratic countries. Democracy is rarely built in a day (Naji, 2011). The question is, whether the Moroccan experience can be a model for other countries to use as a path forward for carrying out constitutional reforms (Silverstein, 2011). Without a country's leadership showing a real commitment to relinquishing some power and implementing slow and steady change and development, it is difficult to expect the same peaceful results. Finally, constitutional evolution is a catalyst for support, and implementation that depends on the regime in power, various other political actors and the civil society.

Strictly speaking, even before the adoption of the new Constitution, the Kingdom was already in the eyes of the international community, a regional model for democratization. Expanding democratic participation and building a democratic culture where one did not exist is a long-term process.

Despite many encouraging trends, most citizens still consider their political systems to be distant and unresponsive to their daily needs. This is to be expected, even in regions such as Latin America where democratization has progressed more rapidly. In emerging democracies, many citizens feel disenchanting and isolated by their governments because they lack meaningful access to justice systems or to governmental decision-making processes. Additionally, endemic corruption in emerging democracies has a corrosive effect on people's confidence in both their public and private institutions.

### **A New Dance**

With the adoption of the Family Code and the establishment of the Equity and Reconciliation Commission (1999), a process was set in motion that resulted in a participatory approach to governance that was unprecedented in the history of Morocco. The social and political reforms reflected in the new 2011 Constitution represent an important large step toward democracy that builds on those reforms. The changes in the structure of government are largely responsive to the aspirations and expectations of the Moroccan people. The new constitution calls for changes in both the legislative and executive branches as well as an emphasis on the separation of the judiciary from the other branches. The new Constitution establishes the foundations of the Moroccan identity that is pluralistic and open. It states that the Kingdom is a sovereign Muslim state, but guarantees to *everyone* the right to freely exercise their own religion. Minority rights are protected by formalizing the status of the *Amazigh* (the indigenous people of the region)

including their language, culture and history, while also consolidating the status of Arabic, by providing for the creation of a National Language and Moroccan Culture.

The preamble of the new Constitution presents Morocco as “modern” state, of “democratic rights” founded on the principle of participation, pluralism, and good governance. It specifies a “convergence” of Arabo-Islamic, Amazigh and Saharan “components” that is “nourished and enriched by its African, Andalusian, Hebrew and Mediterranean influences.” The first two lines of the previous constitutions’ preambles drew from the language of decolonization and Third World solidarity to specify Morocco’s place in a “great Arab Maghreb” and “African unity.” The new Constitution’s introductory stanza invokes a broader globalism that juxtaposes a future North African union alongside an Arabo-Islamic umma, African solidarity and Euro-Mediterranean partnership.

Much of the enthusiasm for this constitutional reform centers on the progressive and inclusive language of the document. For example, it includes a new article (Article 22) on “Liberties and Fundamentals Rights” in which freedom of information (Article 27) and of the press (Article 28) are added. It also addresses the right to housing, health care, welfare, water, a clean environment and durable development (Article 31), as well as the rights of women, children and the disabled (Articles 32, 34). By way of reinforcement, these protections appear alongside prohibitions of sexism (Article 21), torture (Article 22), racism (Article 23) and

corruption (Article 36). These “Liberties and Fundamental Rights” remain sacrosanct even if the King declares a state of emergency (Article 59) and *cannot* be retracted by future constitutional revisions (Article 175). All of these constitutional changes bode well for the successful transmission of several core democratic values, including; Life, Liberty, Equality, Equity and Diversity.

While the fully independent judiciary which was demanded by demonstrators, is not precisely articulated as a guarantee (the King continues to control the appointment of judges), the new constitution adds 17 new articles to the relevant section that safeguard the presumption of innocence, *habeas corpus* and the rights to fair, public and speedy trial, due process, and state-provided counsel and appeal. These clauses similarly put explicit checks on judges’ partiality, excess or the outside influence on the judicial process. This area of constitutional reform has made significant inroads in communicating the core democratic value of Justice, but a good deal of work remains to be done for a fully independent judiciary.

Finally, a new, 18-article section on “good governance” offers further guarantees against the corruption or non-compliance of civil servants; establishes a National Council on Human Rights; and provides for a National Ombudsman to represent the complaints of citizens regarding mistreatment or abuses by public administrators. This constitutional provision directly addresses the democratic core value of the “common good”. While some of these provisions require laws yet to be written, they are undeniably substantial and

perfectly consonant with the February 20<sup>th</sup> Movement's, and its various allies,' call for an accessible, democratic regime of dignity, respect and social justice. The provisions targeting Moroccan youth are particularly striking. Of Morocco's 33 million citizens, 65 percent are estimated to be less than 30 years of age.

The new constitution importantly redefines Morocco as a culturally and linguistically plural state. Moreover, it does not limit Morocco's diversity to an Arab-Berber divide, but rather it portrays the country as a veritable cultural and geographic crossroad. Just as Amazigh culture is declared to be the patrimony of all citizens, so too is its broader ethno-cultural diversity declared to constitute its "national identity, one and indivisible." Sheila Jackson Lee (2011) argues that the current reforms are "to make Morocco into the community of democracies in the world." Morocco's reform efforts "deserve the support of the United States so that this transition may have place in a constructive alliance further solidifies the importance between Rabat and Washington and bring greater stability to the region" (Ennaji, 2011).

### **Conclusion**

Morocco has been in a peaceful *evolutionary* change toward structural democratic governance for decades, but to many it was hardly noticeable. The rise of the Arab Spring in 2011 jolted the monarchy awake. The move from inertia and equilibrium was swift and the change toward the values of a *moral* democracy quite apparent. Morocco now meets the established

criteria of a structural democracy; it has 1) free, fair and regular elections, 2) multiple political parties to choose from, 3) popular representation of the people, 4) separations of powers (an independent judiciary), and 5) individual rights, liberties and freedoms (World Movement for Democracy, 2008; Janda et al., 2008). This is truly an example of *evolutionary* change working to transform a country peacefully. Nevertheless, the transition is incomplete. For example, it remains the task of the various political parties to pass the laws necessary to implement the changes articulated in the new constitution. And, it remains the challenge of the King, to not overreach the powers he has retained.

The core democratic values of the Pursuit of Happiness, Truth, and Popular Sovereignty still have a long way to go before we can safely say they have been concretized in the constitution and inculcated in the hearts and minds of both the political leaders and the general citizenry. But, the Arab people, collectively, have demanded justice, liberty, freedom and dignity. They will not be silenced. The alternative style of *revolutionary* democratic change as demonstrated in many other countries in the region, may seem to be the shorter route in the short-term, but may ultimately take just as long to really implement and is likely to be much more brutal. Still, *revolutionary* democratic change always remains a possibility if the will of the people is ignored. Morocco's path toward democracy is clearly the "road less traveled," in the region and we believe it is a good one.

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