



OFFICIAL RELIGIOUS POLICIES AND SOCIETAL PARADOXES IN MOROCCO

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Executive Summary

This paper is based on the data of the quantitative research conducted by the research team affiliated with Menassat Center for Research and Social Studies on the reality of individual freedoms in Morocco. The research revealed a set of changes and transformations that have affected Moroccan society in relation to the issue of individual freedoms. The most prominent of these changes is reflected in the emergence of a gap between Moroccans' practice of their individual freedoms on the one hand, and their justified and legitimizing awareness of those freedoms on the other. The paper focuses in particular on the contribution of religious policies to the emergence of this paradox, and also proposes possible alternatives to bridge this gap between Moroccans' practices and discourses regarding individual freedoms.

Keywords

Morocco, individual freedoms, individualism, rights-based awareness, human rights

Introduction

The conviction by the Court of First Instance in Taounate of the Moroccan Christian “Mohamed El Baladi” to 2 and a half years in prison, on Monday, September 02, 2013, on the charge of “shaking the faith of a Muslim,” was accompanied by wide controversy and criticism from many human rights figures and organizations (Haroudi, 2014). At the forefront was the National Human Rights Council, which, in its 2019 annual report on the human rights situation in Morocco, called for the deletion of the second paragraph of Article 220 of the Criminal Code, which contains the penalty related to “shaking the faith of a Muslim” (National Human Rights Council, 2020).

Despite the Kingdom’s openness to other religions, as illustrated by the Pope’s visit to Morocco on March 30, 2019, and the growing attention paid to the temples, and followers of the Jewish community, this openness is closer to being a media-oriented openness. Indeed, an important part of non-Muslim Moroccans still live, on the ground, under the weight of a religious policy oscillating between the demands of individual freedoms, which continue to take deeper root day after day in Moroccan society, on the one hand, and the constraints of internal political balances, particularly given that the institution of the Commandership of the Faithful — as an Islamic institution — stands at the head of the state on the other. This raises questions about the contribution of these policies to shaping a social, legal, and political reality marked by a number of paradoxes between practices and discourses regarding individual freedoms. In what, then, are these paradoxes manifested?

The Crisis of Religious Policies

The context of the post-independence struggle over power between the monarchy and the national movement, in both its leftist and Islamist branches, imposed on the state the monopolistic use of religion as a basis for public policies opposed to the strategy of any faction challenging the state authorities. Thus, the left was stigmatized as irreligious, which contributed to widening the gap between it and part of the religious Moroccan public.

On the other hand, work was undertaken to weaken the political and spiritual status of religious scholars and leaders, on the grounds the official holder of this status was the Commander of the Faithful, the King. In this way, a religious aura was bestowed upon the ruling system in the country. This was not done without investing in a form of consciousness that was traditional in essence and opposed to modern rights and freedoms. Thus, many women and men citizens were tried on the pretext that they were “apostates” or outside the religion of the state, as happened with the Baha’is in 1984 (Darif, 2017: 44), or were denied some of their most basic rights and freedoms, as is the case with Moroccan Christians (Baqi, 2017).

This orientation in religious policies in Morocco helped foster an extremist Islamic consciousness. The state did not take its growing danger into account until after the terrorist attacks of May 16, 2003 in Casablanca, when it became aware of the need to reconsider its religious policies, which had encouraged fundamentalist Islamic currents (El Madghari, 2011: 66). In this context, the royal speech of April 30, 2004 (Ministry of Endowments and Islamic Affairs, 2004) opened a new era in the process of religious policies in Morocco, aiming to curb the infiltration of this fundamentalist religious culture into society.

This was done through a reaction in 2 directions. The first was “security-based,” manifested in broad arrests, marathon trials, and the unanimous vote on what was then called the “anti-terrorism law.” The second direction was “cultural/rehabilitative,” embodied in the announcement of what was then termed the “rehabilitation of the religious field.” This was achieved — as former Minister of Endowments Abdelkebir Alaoui El Madghari explains — through strengthening the scientific councils, creating regional delegations for religious affairs,

further restricting fatwas and limiting them to the Supreme Scientific Council, and making His Majesty the King the only Moroccan in whose person both political and religious authority converge, as Commander of the Faithful (same source: 271). In addition, the “Mohammedan League of Scholars” and “Dar al-Hadith al-Hassania” were established, and scientific councils were generalized across all prefectures and provinces (Darif, same source: 60). On the other hand, the “Mohammed VI Foundation for the Promotion of Social Works for Religious Officials” was created to train imams, male religious guides, and female religious guides, in addition to activating the “Ulema Charter Plan,” which seeks to rehabilitate and supervise preachers and mosque imams. A Moroccan satellite channel specializing in religious affairs was also launched.

Despite the state’s adoption of all these new reforms, the foundations of religious policies in Morocco remained stable. These foundations are:

- First, the “security foundation,” embodied in anticipating any terrorist attempt to disrupt the stability of public order.
- Second, the “containment foundation,” represented by the process of containing all political orientations opposed to the monarchical system.
- Third, the “ideological foundation,” represented in what has been called “renewing religious discourse,” which aims to strengthen the components of national religious identity according to the perspective of the public policy-makers of this identity, embodied, according to them, in the Maliki school of jurisprudence, the Ash’ari creed, and Sufism according to the path of Junayd al-Salik.

This excludes or ignores any reliance on a “rights-based foundation” that recognizes, on the one hand, the legitimacy of Moroccan women and men citizens’ choices that differ from the traditions of Moroccan religious policies centered essentially on Islam. On the other hand — and this is more important — such a foundation would seek to spread a rights-based awareness that grants Moroccans’ liberating behaviors full legitimacy.

There is no clearer evidence of the marginalization of this foundation in Moroccan religious policies in recent years than the fatwa issued by the “Supreme Scientific Council” in 2012, which permitted the killing of those the council called “apostates” (Ministry of Endowments and Islamic Affairs, 2017), before the Council later retreated from its fatwa, not for rights-based reasons, but for security and political reasons imposed by a specific context marked by the rise of jihadist currents in the Middle East, which claimed many victims on the pretext that they were apostates.

a fine on anyone who seeks to shake the faith of a Muslim or convert them to another religion.

In addition to the fact that these articles clash with Moroccans' freedoms, another problem surrounds them, namely that "the way they are drafted is highly ambiguous" and open to multiple interpretations. More dangerous still is the susceptibility of these articles to being used as a cover that is legal in appearance but political in substance, in order to settle certain political scores. This is perhaps reflected in some trials in recent years of journalists and human rights defenders under these articles. This represents a problem that obstructs the consolidation of a modern and clear legal system that does not accept political interpretations.

This pushes us to raise reasonable questions, such as: To what extent do these religious policies affect the development of the human rights and freedoms situation in Morocco? To what extent have the repercussions of these policies contributed to creating a traditional popular consciousness opposed to the legitimacy and legality of individual freedoms? In reality, we will not find answers to these questions without knowing today's social reality, as portrayed by scientific studies in recent years.

Moroccan Society on a Rapidly Growing Rhythm of Individual Freedoms

Like other societies, Morocco is no exception to the rule of societies penetrated by a set of dynamics at almost all levels. Several studies indicate that the tendency toward individualism among many Moroccans has continued to strengthen and spread, especially since the 1990s. In this context, Professor Mounia Bennani-Chraïbi confirms in one of her studies that "the individual appears realistically in Moroccan society, in the sense that the person gradually separates from the group to which they belong" (2007: 12). On the other hand, a study conducted by a group of Moroccan researchers in 2005 confirmed that the place of the individual has continued to take root in Moroccan society (Bourqia, 2005: 91), and that the traditions that restrict their liberation are in continuous decline (same source: 99). However, collective awareness of this individualism and its legal and institutional requirements remains faltering, and its development faces a number of obstacles (same source: 92).

A recent regional study on youth in North African and Middle Eastern societies, conducted by a group of German researchers in partnership with the Friedrich Ebert Foundation, recorded that the highest rate of individualism among Arab youth was registered in Morocco, at 17%, compared with 8 countries in the region (Gerte, Hexel, 2018: 73).

To deepen research on this subject, “Menassat Center for Research and Social Studies” conducted a field study on the phenomenon of individual freedoms. The study gathered data using a quantitative method through 1,311 questionnaires, built on scientific demographic and sociological criteria, and covering Moroccans from all regions of the Kingdom of Morocco (Menassat, 2021).

The study also pointed to this emergence of the individual and individualism in Moroccan society. Its results showed that, for 65.8% of respondents, the choice of a spouse is made in an individual and free manner, with 42% of them explaining this by linking it to the independence of decision-making. 87.3% of respondents also stated that they are independent in choosing their clothing, and more than 70% of the studied sample stated that they are free to travel with relatives and friends without guardianship from relatives. In the same context, 41.7% of respondents stated that whoever changes their religious denomination is free and that the matter does not concern them. In addition, 15% of the studied sample expressed a lack of interest in Muslims changing their religion. Moreover, 39.7% of respondents affirmed that a Muslim’s adoption of another religion is a personal freedom linked to the person concerned by this choice.

The chart on youth attitudes in North African and Middle Eastern societies toward a set of values compares several countries, including Bahrain, Morocco, Egypt, Jordan, Lebanon, Yemen, Syrian refugees, Palestine, and Tunisia, across categories such as flexible individualism, individual aspiration for success, lack of security and weak prospects, educated and confident, and respectable but inflexible. Source: Gerte, Hexel (2018: 73).

This supposed growing tendency toward individualism should be accompanied by an expansion of the margin of rights and freedoms for these individuals. Most importantly, it should be accompanied by the development of “awareness” of the importance of the individual and the necessity of granting them basic individual rights and freedoms in order to achieve harmony with themselves and the components of their personality.

The paradox shown by the data of the research conducted by Menassat Center for Research and Social Studies lies in the fact that behaviors tend toward liberation and individuation, yet awareness remains inclined toward conservatism with regard to some new developments that affect certain values and behaviors. The logic of behavior does not move in line with the logic of discourse and thought; rather, they run along 2 parallel tracks, because mentalities remain resistant to rapid change. On this basis, we can observe that individualism develops without the development of an accompanying culture and mentality.

This is especially true at the rights-based level. It is a social, cultural, and political problem in Morocco, to whose creation public policies of the Ministry of the Interior and the Ministry of Endowments and Islamic Affairs have contributed. These policies have had negative repercussions that hinder the emergence of a modern rights-based culture in Morocco, slowing the development of the human rights situation in our country. These 2 ministries are therefore called upon today to contribute to bridging this gap and mitigating its effects by relying on alternative public policies built primarily on a rights-based foundation, alongside other foundations.

Several data from this research point to this delay in rights-based awareness among a significant segment of Moroccans. First, some Moroccans suffer from a near-total lack of knowledge and awareness of the laws that regulate their shared life, especially the laws that criminalize some of their basic freedoms, such as Articles 222 and 490 of the Criminal Code. More than 70% of respondents stated that they had no knowledge of these 2 articles.

On the other hand, a majority of respondents, at 55.5%, stated that they agree with the criminalization, under Article 222 of the Criminal Code, of publicly breaking the fast during Ramadan. In the same vein, 50.4% of the studied sample stated that they agree with the criminalization, under Article 490 of the Criminal Code, of consensual relations outside the framework of marriage. This is despite the fact that the majority of respondents — more than 70% — confirmed that young Moroccan men and women largely accept sexual relations that take place outside any framework linked to marriage, and that these practices have become widespread in Moroccan society.

This shows that religious and sexual practices are liberated and do not always submit to prevailing moral and value standards, while attitudes toward these practices remain, to some extent, conservative. This appears in the high proportions of positions accepting laws that criminalize these practices. Here precisely lies the problem for which a solution must be found.

In addition, an important share of the sample, 31.4%, affirmed that freedom is essentially limited by “religion.” Furthermore, 38.5% of respondents stated that they reject cafés opening during Ramadan to serve non-Muslims. 9.3% of the sample stated that a person who does not fast is considered an unbeliever, not to mention that 24.2% stated that they do not agree with teaching the principles of other religions out of fear that this would change young people’s religion (37.8%). More questionably, more than 42% of respondents expressed that they do not know whether religious plurality is truly positive or not, despite the fact that 20.4% of respondents stated that they know people who changed their religion toward other forms of belief, dominated by non-religiosity at 60%.

Based on all these data and facts, it appears that the relationship between the individual and awareness of the legitimacy of their freedoms is tense in Moroccan society. What emerges in this regard is the “absence of rights-based awareness” among a significant segment of Moroccans; that is, an awareness that believes in every person’s right to freely choose their way of life and the form of their religiosity, voluntarily and independently. This is a social, political, and legal problem that must be addressed culturally and legally.

Reasons for This Lag in Awareness Behind Liberating Practices

The phenomenon of awareness lagging behind individuals’ practices is a phenomenon known to most societies undergoing political, economic, or rapid social change. Its interpretation and explanation take different forms depending on the specific nature of the phenomenon in each context and society. In this regard, the French historian Alain Laurent notes that “individualism begins to appear and take root in society before it is consciously recognized or reflected upon” (1993: 12). This means that awareness needs accompaniment and guidance, either from an educated elite or from state policies.

Behaviors, by contrast, are more closely linked to reality, making them more affected by its dynamism than awareness is. Looking at this reality in the Moroccan context, we find that it is marked by a set of striking developments and changes that have deep repercussions on Moroccans' behaviors. At the forefront of these developments is the openness that has characterized Morocco since the 1990s, especially at the level of media and the internet. This openness "activated and expanded the boundaries of individuals' imaginary world, pushing them to reformulate their representations of themselves and their society, which contributed to the birth of new expectations, needs, and values" (Bennani-Chraïbi, previous reference: 19). These new needs and values are more closely linked to a growing tendency to embrace the ideals of democracy and human rights, including the intense demand for individual freedoms and for their legal and rights-based legitimacy (same source: 21).

This view aligns with the analysis of some Moroccan sociologists who consider that this openness has created new forms of socialization in Morocco, following the influence of diverse forms of non-traditional lifestyles promoted by the media (Bourqia, previous reference: 65), and more recently by the internet. However, this change has affected behaviors more than it has deeply affected mentalities, patterns of thought, and awareness, which are not reached by change with the same speed (same source: 66).

On the other hand, this disparity between awareness and practice may be explained by individuals' changing "strategies," which vary according to their interests and stakes. Some individuals tend to adopt certain liberating behaviors when these help them achieve their goals and obtain their interests, even if such behaviors contradict the values with which they are imbued. In other cases, individuals may embrace modern and liberating values only temporarily and within a strategy aimed at seizing certain interests and gains. Thus, these individual strategies, through their use of identities, values, orientations, and behaviors — whether traditional or modern — in an interest-based manner, that is, in a way not grounded in a stable principle, contribute to spreading a new breath into some forms of traditional awareness (Rachik, 2016: 21). In this way, practices become liberated because they are linked to the interests of reality, while awareness remains captive to its traditional frameworks because it remains tied to ideals that transcend reality.

The Gains of Changing the Adopted Religious Policy

In this regard, we draw attention to the fact that this dissonance between a reality tending toward liberation and an awareness — and therefore laws — tending toward conservatism and the restriction of freedoms imposes heavy economic and social costs on Morocco.

Socially, these costs are represented by the inflation of arrests and prison sentences, which sometimes seem unnecessary, yet have various consequences for society and for the state's economy. For example, people arrested on the grounds of publicly breaking the fast during Ramadan, shaking the faith of a Muslim, or practicing sex outside the framework of marriage may be married and providers for many families. Their arrest may lead these families to lose their provider, worsening their crises. If the detainee's family includes children, the absence of the provider may lead to the children dropping out of school, which will throw these young people into the embrace of unemployment, which in turn pushes a significant share of youth toward crime. All this contributes to destructive family and social disintegration, which is in no way in the interest of any public policy that seeks reform and development.

Economically, these arrests contribute to prison overcrowding, as the number of prisoners rises by an annual rate of 4% (General Delegation for Prison Administration and Reintegration, 2020). This leads to the spread of diseases, the deterioration of prison facilities, and the increase of violence among prisoners. In addition, the food budget of these institutions expands, requiring an inflated economic cost that burdens the state (same reference).

On the other hand, attempting to bridge this gap between awareness, laws, and practices in Morocco would bring benefits that Morocco badly needs. Valuing Morocco's rights-based image internally and externally, as a prominent and active model in the Middle East and North Africa region in the field of human rights, is important given its international and regional engagement in the process of signing and ratifying international treaties and conventions on human rights. Morocco has also acted as a regional diplomatic mediator in ending conflicts affecting some countries in the region, such as Libya. In addition, Morocco has launched, internally, a series of human rights reforms, represented by the establishment of the Equity and Reconciliation Commission, the adoption of the Plan for the Integration of Women in Development, and the reform of the Personal Status Code.

In reality, this international visibility of Morocco's rights-based image helps it seize several opportunities and brings it a number of economic benefits, most notably attracting investors and tourists, both of which are essential and vital sectors in the Moroccan economy. Investors and tourists generally do not visit countries where freedoms are absent. This is demonstrated by the UNCTAD index, which confirms that the largest share of investors move toward countries that provide stronger protection of civil rights and freedoms, such as the United States of America and Singapore. By contrast, the rate of investment attraction declines in authoritarian countries that suppress freedoms, such as North Korea (United Nations, 2019). This confirms that adopting policies that guarantee civil rights and freedoms encourages the attraction of tourists and investments.

Conclusion and Recommendations

Moroccan society is witnessing a set of social, political, economic, and value-based changes, at the heart of which lies the emergence of the individual and individualist orientations, intensifying the demand for individual freedoms. What is striking in the context of this social dynamic, however, is that some studies — such as the recent study by Menassat Center for Research and Social Studies — indicate a considerable deficit in a “modern awareness” that matches the rhythm of Moroccans’ daily practices, especially regarding awareness of the legitimacy of individual freedoms in general, and religious and sexual freedoms in particular. A significant segment of Moroccans tend toward these freedoms in practice, yet this tendency is not accompanied by a structural development in Moroccans’ collective awareness regarding the legitimacy of these rights and freedoms, which obstructs their recognition and official and legal institutionalization.

Aware of the importance of the contribution and participation of actors, whether civil, academic, or otherwise, in proposing solutions and exits contained in public policies, we propose the following recommendations in order to develop the status and legitimacy of individual freedoms, especially religious freedoms, in our culture. This development should target collective awareness as well as the Moroccan Criminal Code.

Based on our appreciation of the Moroccan state’s policies in the field of human rights, we propose:

- Reviewing the Moroccan Criminal Code in light of the recommendations submitted by the National Human Rights Council, human rights bodies, and treaties, particularly Articles 222, 490, and 220 of the Criminal Code. The aim is to harmonize the Moroccan Criminal Code with the requirements of the international human rights conventions ratified by Morocco, as well as with constitutional provisions in this regard. We propose achieving this harmonization through the drafting of new legal texts that respect the principle of clarity and avoid susceptibility to multiple interpretations. They should also take into account the principle of realism, keep pace with social changes, and follow the development of citizens’ orientations and behaviors, while ensuring that these laws contain the maximum possible guarantees enabling all Moroccans to enjoy basic rights and individual freedoms, especially religious and sexual freedoms.

- As a step toward achieving this goal, we propose mobilizing media and educational institutions by including, in a set of school and media materials, the importance of the value of freedom, independence, difference, respect, and non-interference in the affairs of others.
- Encouraging civil society associations and non-governmental organizations to organize meetings, seminars, workshops, and training sessions for Moroccans of different age groups and social categories on human rights, their importance, and the need for all citizens to enjoy individual freedoms of all kinds. These associations and NGOs should also be encouraged to negotiate with the government and elected representatives in order to develop a legal and rights-based system that guarantees different forms of rights and freedoms to all Moroccans equally and without discrimination.
- Encouraging mosque preachers and all enlightened religious leaders to devote some of their lessons, speeches, and research to clarifying religion's call for the liberation of human beings, as well as the compatibility of its highest ideals with human rights and freedoms.

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