Politics of Appearances: Religion, Law, and the Press in Morocco

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Abstract

Since the last several years of the life of King Hassan II, Morocco slowly moved from authoritarian rule to a managed democracy. As a result of this gradual political liberalization, religious groups as well as secular ones formed political parties. Islamists have already won seats in the parliament and they are expected to gain nearly half the number of seats in the coming elections. Equally significant is the increased presence of human rights and non-government organizations and the emergence of independent and party-affiliated newspapers and other media outlets. In this article, I focus on the prospects of seeing a free press emerging in Morocco given the pressures exerted by official and non-official authorities. I argue that government interventions stifle freedom of expression and weaken civil society. This study focuses exclusively on Moroccan Arabic and French language print media.

KEYWORDS: freedom of the press in Morocco, freedom of expression in Morocco, religion and politics in the Muslim world, human rights in Morocco, human rights in the Muslim world
Introduction

Although the first generation of Arab rulers have governed for life (unless overthrown in a coup), in most countries, the second generation of Arab presidents and kings have done very little to change that trend. Such Arab rulers have absolute monopoly on all aspects of public life. Not only that the branches of government (legislature, judiciary, and executive branch) are subordinate to these kings, emirs, and presidents, but the press and non-government organizations are co-opted for propaganda purposes or for creating a buffer between the people and the official government agencies.

In this study, I focus exclusively on the press in Morocco. However, most of the facts and findings are applicable to the majority of Arab countries if not to the Islamic world. The data compiled for this study are primarily derived from my observations, interviews, and encounters with government officials, educators, NGO leaders, and journalists. Additionally, I examined legal, official, and unpublished documents that are relevant to the topics of this study. Subsequently, in terms of methodology, I combine qualitative and quantitative analysis of the data and I weigh the findings against existing theories on social and government affairs in order to explain the kind of relationship between the governing and governed actors and the status of civil society institutions in the Islamic world. In the end, the status of press emerges as having been determined by (1) historical factors, (2) cultural specificity that collapses the boundaries between the religious and political discourses, (3) public tolerance of the single party rule for the sake of political stability, and importantly (4) Western interventions and influences that continued...
even after the end of direct occupation during the colonial era. Many of these elements were part of existing social and political dynamics but I argue that the so-called global war on terror that became official after the 9/11 attacks encouraged Arab rulers to act against non-government entities (persons and organizations) with impunity. To be sure, the press, as the conscience of society, has become the primary victim of governments that are determined to grab more power.

The Status of the Press in Morocco

As is the case in all other Arab countries, there has not been a long history of free and independent press in Morocco. Since independence, the only newspapers that informed the public were those affiliated with the governing powers. Today there are too many national and regional newspapers to enumerate. While the official press still enjoys the financial edge, newspapers affiliated with the government or the monarch no longer have a monopoly on the dissemination of information. In fact, Moroccans, like the majority of the Arab masses, readily distrust the official channels of news and information and tend to read independent newspapers or those published by political parties. Since the mid-nineties, all three types of newspapers (government-owned, party-owned, and independent) began to compete for readers in a country that does not seem to be interested in written press as it will be shown in the next paragraphs.

It is estimated that 70% of daily and weekly newspapers (about 715 periodicals) are published by individuals for purely political and economic reasons and such newspapers hardly contribute to the development of democratic principles in the Kingdom since they are run unprofessionally and in total secrecy. Six percent of these newspapers are affiliated with political parties and 14% are operated by private companies. Out of the 14% of these privately owned papers, no more than 40 newspapers are distributed nationwide. However, only few of the weekly Arabic newspapers are published regularly and have reliable readers. In contrast, newspapers that are published in French rely exclusively on advertising and have the smallest readership base. Daily newspapers release an average of 450,000 copies; only 280,000 to 300,000 copies are actually bought by readers. Weekly newspapers release 250,000 copies and only 150,000 copies are sold. The top sellers are al-Usbu’ (50,000 copies), al-Sahifah (30,000 copies), and al-Ayyam (20,000 copies). French weekly papers release 5000 to 7000 copies.

The above figures indicate that only 1% of Moroccans actually read newspapers. Although this figure is common in the Arab world which is known for its high illiteracy rate, illiteracy cannot be the only cause of the shrinking readership. For example, in neighboring Algeria which has a similar illiteracy rate, the readership is five times more than that in Morocco. Tunisia, Egypt, Jordan, Syria and Iraq (figures from before the invasion) are estimated to have higher readership (when considering the population to newspapers sold ratio). With that in mind, it
is more likely then that Moroccans have no confidence in the national press and this can be confirmed by the poor training and sub-par qualifications of journalists in addition to the spread of corruption and unprofessional practices by owners and their representatives.

The actual circulation of any given Moroccan newspaper is a mystery and in the rare case where a figure is given, it is impossible to verify it because most newspapers don’t keep records of the released and sold copies. One of the curious contradictions one observes in Morocco is the fact that the widely circulated newspapers receive less advertising placements. In fact, only newspapers written in French receive and place the revenue generating ads to the exclusion of the Arabic papers. According to the national union of the Moroccan press (Syndicat National de la Presse Marocaine; henceforth, SNPM or Union), out of two billion dirhams, the advertising budget for 2003, only 22% went to written media (newspapers) and most of that money went to French papers. Similarly, the technical and financial assistance provided by the Royal Palace (20 million dirhams) are given to political parties that are represented in the parliament. Only the assistance provided by the Ministry of Communication is distributed on an equitable basis but it is a small amount (six million dirhams) compared to the financial needs of the growing press. The third and last source of support for the press comes from the revenues generated by the government placing nearly 50,000 ads in daily and weekly papers generating as much as nine million dirhams.

Given the different background for each publication, it is difficult to assess the status of the press in Morocco by studying the history and operation of one or several newspapers. But a sampling of public, private, and party owned papers provides a picture closer to reality. In addition, the SNPM is a great source for information of the successes and failures of the press in general. As a professional association representing all individuals working in the media, the SNPM does not have an interest in promoting one publication over another. Rather, its mission is to deal primarily with labor issues. This position allows it to focus on journalists regardless of who is employing them, be it the public (official) or private sector. As a working philosophy, SNPM does not focus on distinguishing between free and independent presses either; rather, the SNPM considers journalism as a “private venture” and its strategy is to deal with it as such. In doing so, the work of the Union is focused on solving the problems of journalists regardless of the sector that employs them. According to union officials, journalism faces three major challenges: (1) professional training, (2) weakness of institutions, and (3) political interference.

Making the case for the importance of the above challenges, Younes Moujahid, General Secretary of SNPM, argues that journalism is weakened more by the mistakes journalists commit than by the legal trials. He contends that if journalists did not make mistakes, legal actions would not be initiated; a claim disputed by

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many other journalists with whom I raised the question of legal actions against newspapers and journalists. Nonetheless, Moujahid argues that the real problem that leads to errors is the fact that “journalists are not well trained and the lack of training is due to the lack of resources.” By pointing to the lack of training of journalists, Moujahid does not imply that legal actions are always justified. Rather, he thinks that by “properly training journalists and by creating special and independent courts whose sole jurisdiction is to deal with journalism,” the trials that were faced by many journalists in the past could have been either avoided or resolved in satisfactory ways.⁹

Journalism in Morocco, as is the case in many other Arab countries, is gradually moving towards better training, better vetting, and better staffing than it used to be in the past as a result of the spread of competing practices and emerging independent watchdog entities. Broadly speaking, now more than ever before, journalism in Morocco is seen as a right and a responsibility guaranteed and authorized by Article 19 of the Universal Declaration of Human Rights and ensuing treaties based therein. Nationally, the Moroccan journalists are essentially hired workers. As such, they are bound by the Moroccan labor laws (Mudawwanat al-shughl). Furthermore, journalists are also bound by the Basic Law for Professional Journalists as well as the national laws governing journalism and publications. These legal documents define the profession, determine the legal rights and responsibility of journalists, and establish the offenses and punishments that are specific to the profession.

As hired workers, Moroccan journalists are unionized which means the existence of another layer of guidelines and protections outlined in the SNPM’s by-laws. More importantly, the recent creation of an independent entity that authors and maintains ethical guidelines for journalists enhances the profession. This organization, the Independent Committee for Professional Ethics and Freedom of Expression [al-Hay’ah al-Mustaqillah li-’akhlaqiyat al-Mihnah wa-huriyyat al-ta’bir], was initiated in the last six years and formally emerged on July 19, 2002. Its mission is to compile a record of any and all violations of the ethical guidelines, assess the professional performance of journalists, and combat encroachments upon the rights of the press and freedom of expression. To enhance its credibility and independence, the committee attracted persons representing organizations from renowned civil society institutions. As of now, the Committee members come from the following groups:

1. SNPM
2. The Association of Entities Representing Moroccan Lawyers.
3. The President of the Moroccan Association for Combating Bribery
4. The Union of Moroccan Writers
5. The Moroccan Association (al-jam`iyyah) for Human Rights
6. The Moroccan Organization (al-munazzamah) for Human Rights
7. The Moroccan League (‘usbah) for Human Rights
8. The Committee (lajnah) for the Defense of Human Rights
9. Three persons known for their probity and professional qualifications

Upon its formation, the Committee established guidelines that emphasize the responsibility of journalists to maintain high standards as well as the right of journalists to access the source of information in service of the public. These guidelines consist of thirty articles emphasizing the need to defend the freedom of the press, the preservation of journalism’s critical oath, the respect to varying points of view, the respect of individuals’ privacy, the distinction between news and opinion, the presupposition of innocence until guilt is proven, the protection of victims’ dignity, the separation of news-reporting from advertising, the protection of minors, and the respect of women. In addition to these goals, the Committee is interested, above all, in restoring the credibility of the institution of the press and winning back the confidence of Moroccan citizens by teaching journalists the values and ethos of the profession and by enforcing the regulation while fighting to protect the legal rights of journalists to perform the job without political interferences.

**Limits on the Freedom of the Press in Morocco**

The Arab world maintains effective social order by consecrating certain values, persons, and ideas and making them above and beyond any criticism. In other words, political leaders limit dissent and control criticism by establishing certain elements as absolutes (red lines) that cannot be part of any political discourse. In Morocco, the triad consisting of God (Allah), the Homeland (al-Watan), and the King (al-Malik) is the symbol of unity and legitimacy at the same time. Furthermore, the King is the Commander of the Faithful (Amir al-mu’minin) which allows him to be the political as well as the religious leader of the nation: as a commander, the King lays a claim to absolute authority over the people; as a faithful, he bestows on his rule a divine mandate and a monopoly on preserving all that is Islamic. Subsequently, the laws become tools that protect these three symbols not through negotiation, but through acceptance. In such a system, all government and civil society institutions are bound to operate within a space constrained by the domains of God, the Homeland, and the King. The Moroccan press too is expected to obey such limitations. For these reasons, Moroccan rulers, like the rest of the Arab regimes, found a great opportunity in the publication of the cartoons negatively depicting the Prophet Muhammad. They either encouraged or incited public protest not necessarily to honor a religious figure; rather, to legitimize the restrictions they have been imposing on the press. To be sure, placing certain ideas in the same “box” where they preserve God and everything sacred, the ruling elite place their interests beyond any political discourse. To sup-
port this hypothesis, one need only consider the fact that it was the most secular regimes of the Muslim world that practice censorship in the name of protecting religious values.

For instance, when the French journal, Historia, a renowned publication in circulation since 1909, published a dossier about violence in the three major religions (les grandes religions face a leurs vieux demons), it was Tunisia, Egypt, and Turkey that blocked the circulation of the issue. The regime of Ben Ali released a statement saying that “it decided to prohibit the circulation of the January-February issue of Historia because it contained pictures of the Prophet Muhammad, peace and blessings be upon him, and of a number of the Companions, may God be pleased with them, and because Islam prohibits the visual depiction of the Prophet. These pictures might hurt religious feelings of Tunisians.”

In February 2006, the Tunisian government also prohibited the circulation of France Soir when it reprinted some of the cartoons first published in Denmark. In September of the same year, the Ministry of Interior also blocked the distribution of the newspaper Le Figaro because it contained an article critical of the Prophet. In all these instances, other Arab and Islamic countries, including the most conservative ones (Morocco included), did not take such actions against these foreign publications.

However, Morocco has a long history of strict control over the press. On November 19, 1996, the Public Affairs Secretariat in Rabat summoned Moustafa al-Alwi, the editor of the weekly al-Usbu` al-sahafi wa-‘l-siyasi, to tell him that the Prime Minister had issued an order banning the publication and distribution of his newspaper. He was asked to sign an affidavit without ever receiving written evidence of the government’s decision. Before this date, al-Alwi has informed the union that the Interior Minister had summoned him to his office to instruct him to cease and desist from writing about certain topics. Both ministers seem to invoke Article 77 of the code governing the press (appended to the basic law in April 1973) which states that “the Interior Minister may order the administrative confiscation of any issue of a newspaper or other written periodical publication that may cause public disorder.” The government’s order was protested by the Moroccan Organization for Human Rights (al-Munazzamah al-maghribiyah li-huquq al-insan) which considered the “jurisdiction of the executive branch over the seizure and ban of periodicals to be a violation of constitutional guarantees for freedom of expression in all its forms as well as a violation of Article 19 of the International Convention for Political and Civil Rights ratified by the Kingdom more than 17 years ago.”

The Moroccan Association for Human Rights (al-Jam`iyyah al-maghribiyah li-huquq al-insan) too issued a statement on November 27, 1996 protesting the government’s violation of the laws which stipulates that “executive orders are issued in writing along with the justification.” Despite protests by national and international organizations against governmental overreach and undue
restriction, this case was not resolved until the office of the King became involved in October 1997.

In another incident, in 1997, the government confiscated the newspaper *al-Mustaqillah* (issue number 142) without giving a reason for doing so. It was believed that the government wanted to block the circulation of an article written therein by a Moroccan writer about some Islamic movement groups and the way the government dealt with such groups.

Government control of the media was common in Morocco since independence, but it was the September 11, 2001 attacks in the USA that gave the regime a golden opportunity to increase its suffocation of the press. For a regime that rarely acts on international treaties, the government enthusiastically adopted UN resolution 1373 and drafted the anti-terrorism law 03.03 and rushed it to the parliament for ratification in early 2003. Under protest from human rights activists and civil rights groups, members of the parliament decided to shelve the draft proposal for further amendments. These amendments were supposed to address the serious concerns voiced by legal scholars and activists. However, when Casablanca was hit by a wave of attacks on May 16, 2003, the law was ratified and adopted on May 28, 2003: a record time for passing a law in the history of the Kingdom.

With the passage of the law with minor changes, legal scholars and civil rights advocates have continued to voice strong objections to the law especially to paragraph 12 of the first Article which states that “propaganda, advertising, and praise are considered acts of terrorism [al-di`ayah, al-ishhar, wa-`l-ishadah tu`tabaru `amalan irhabiyyan].” This article gives law enforcement agencies and the government too much room to interpret any piece of news, information, commentary, or interview as being an act of terrorism that is severely punished. Soon after the passage of this law, the government reopened or started the prosecution of a number of journalists and opposition figures.

On April 1, 2003, Ali al-Mrabit was questioned for five hours in Rabat because he published articles discussing the “budget of the royal palace,” others containing “critical cartoons,” and an interview with a Moroccan opposition figure who discussed the case of Western Sahara. Two weeks later, while on his way to Paris, Rabat’s municipal authorities confiscated al-Mrabit’s passport and informed him that he is not allowed to leave the country. A week later, he was indicted and charged with “dereliction of the respect due to the King and casting doubt about the territorial unity of the country.” In very short and fast trials, a lower court in Rabat issued its ruling on May 21, 2003: it sentenced al-Mrabit to four years in prison, fined him 20,000 dirhams, and banned the publication of his newspaper, *Demain*. The basis of this ruling was Chapter 41, Article 77 of the Code of the Press. The judge, however, ordered him arrested and imprisoned immediately after the trial as per Chapter 400 of the Moroccan Criminal Code.
This case attracted the attention of many organizations and human rights advocates. National and international activists came to the defense of Ali al-Mrabit who, at this point, started a hunger strike. His case went to the appeals court in Rabat but the defendant and his defense team who were protesting the court’s bias boycotted it. Nonetheless, the court issued its ruling on June 17, 2003 upholding the lower court’s ruling while reducing the prison sentence from four to three years. The defendant continued his hunger strike and ended it only after he was visited by Prince Mulay Hisham while in Ibn Sina Hospital in Rabat on June 23. Ali al-Mrabit and all other imprisoned journalists (up until this point in time) were then pardoned by the King in early 2004.13

The first case of prosecuting journalists under the new anti-terrorism law (03.03) was that involving Moustafa al-Alwi, editor of al-Usbu`. In its June 6, 2003 issue, the newspaper published a letter attributed to a group calling itself al-Sa`iqah taking credit for the May 16, 2003 Casablanca attacks. Hours after the release of the newspaper on June 5, and at about five in the afternoon, security forces arrested al-Alwi at his home and he was taken to Casablanca to be interrogated by a team of detectives investigating the Casablanca attacks. The interrogation lasted three days resulting in the deterioration of the detainee’s health to the point that he fell into a coma. On June 20, al-Alwi was charged with promoting terrorism but the appeals court in Rabat found that such a case falls outside its jurisdiction and sent the case back to the lower court. On July 2, he was charged with “hiding a document which might have facilitated the prosecution and punishment of criminals.” This new charge was based on Chapter 592 and 593 of the Criminal Code. Additionally, al-Alwi was charged with “publishing false information and inaccurate events which could cause public panic.” This charge was brought under Chapter 42 of the Code of the Press. After a series of hearings, the court sentenced al-Alwi to one year (suspended) prison term, fined him 500 dirhams, and suspended the publication of the newspaper for three months.

In June 2003, a number of Moroccan newspapers reprinted articles and interviews dealing with the May 16th attacks. For instance, a regional newspaper, al-Sharq, reprinted an article written by the Islamist Zakkaria Boughrara that appeared originally in al-Hayat al-maghribiya. In the same issue, the paper reprinted an interview with Mohammed al-Fizazi, previously appearing in the international newspaper published from London, al-Sharq al-awsat. One week after the re-publication of these stories, the King’s Deputy (Wakil al-Malik) in the lower court in the city of Wouda summoned Mohammed al-Hird (of al-Sharq) and Moustafa Qashanini (of al-Hayat al-maghribiya) to appear in court on June 30, 2003. They were charged with “inciting violence by publishing documents that would result in jeopardizing the national security as per Chapters 38 and 39 of the Code of the Press (Qanun al-sahafah wa-‘l-nashr).” But these journalists and several other people were soon arrested and charged under the anti-terrorism
law. In the end, the appeals court in Rabat sentenced Mohammed al-Hird to three years in prison, fined him 10,000 dirhams, and banned the publication of *al-Usbu’* for three months. As to Moustafa Qashanini and Abdelmajid Bintahir (of *al-Hayat al-maghribiyyah*), they were sentenced to one year in prison (suspended), fined 10,000 dirhams, and their newspaper was suspended for three months. Parallel to these court proceedings, the regional lower court in Woujda sentenced Moustafa Qashanini to two years in prison, fined him 10,000 dirhams, and suspended his newspaper for two months. During the same session, the court sentenced two other members of the editorial board, Almiloudi Boutriki and Abdelaziz Jlouli, to one and a half years in prison and fined each of them 10,000 dirhams. These charges came after the newspaper interviewed Mohammed al-Abadi, a leading member of *al-Adl wa-‘l-ihsan*, on May 20, 2003. The interviewee too, al-Abadi, was sentenced to two years in prison and fined 10,000 dirhams.¹⁴

**Prelude to Elections**

The most recent case involving restrictions on the press is the criminal charges brought against the weekly newsmagazine *Nichane*, a small publication marketed to the laymen and focusing on topics that appeal primarily to Moroccan readers. The uniqueness of this paper rests with the fact that it is written in a language derived from Moroccan dialects (*Derja* in North Africa and *al-`Amiyyah* in Middle East), which is, in itself, offensive to the elite who insist on maintaining a standard national language. Then, in its December 9-15 2006 issue, the newspaper published a dossier focusing on jokes with the title, *Jokes: How Moroccans Laugh about Religion, Sex, and Politics*. A week later, the Prime Minister ordered the newspaper shut citing Article 66 of the Moroccan Code of the Press.

Above and beyond the legal and political implications of bringing charges against a newspaper and its publishers, it is the atmosphere of the daily life of condemned journalists that was most striking to observers, including this author. Days before the final court date, I managed to arrange for a meeting with the editor, Driss Ksikes, and other journalists.¹⁵ After a short walk in the narrow alleys of downtown Casablanca, a friend who was accompanying me was certain that we have located the right building but, although all other offices were listed, there was no sign in the directory guiding visitors like us to the offices occupied by *Nichane*. We walked to the front of the building again and asked the first passerby if this was the right place. While taking a long look at me, he nodded his head, yes. We thanked him and walked upstairs, then into a dark hall and then asked the first person, “where is…” and before finishing the question, he pointed to the next door. As we uneasily walked towards the door, I thought of all the tension and apprehension visible on the faces of all these people who seem to know about this newspaper. The full range of emotions is marked by the hesitant conversations and the out-of-place pauses in dialogues. Moroccans seem to have lost their inno-
cence; it has been replaced with suspicion that was born when a handful of Moroccans killed other innocent Moroccans in Casablanca May 16, 2003. Like the US, Morocco was the scene of deadly attacks that killed scores of innocent people; most of them were Moroccans working in the targeted hotels and buildings. Those attacks changed the lives of all Moroccans and especially the lives of these journalists accused, not directly by religious authorities, but by the government, of defaming Islam. Before 2003, innocence was taken for granted; but now it is replaced with suspicion, isolation, glass walls, uniformed security guards, secret security personnel, closed doors, and gated communities. Moreover, the presence of foreigners (especially Americans) now heightens Moroccan’s anxiety: if the foreigner is trusted, it is the worry for his safety that taxes them emotionally; and if he is not trusted, it is the suspicion that pains them. In my case, the trust of my friends in Morocco was transferred to accommodate me, but the worry because and for my presence in a place that might be a target of punishing attacks was on the mind of these caring people. For the first time, I realized the impact of “terrorism” and “the war on terrorism” on the lives of people in Muslim countries. As my mind processes these thoughts, we reach the main door of the office of Nichane.

On the other side of the glass door stood a security guard. He opened the door slightly, just wide enough to hear us identify ourselves. Without saying a word, the guard locked the door and walked to the nearest office and came back with another person who invited us in: “Welcome, please come in.” We walked to the end of the hall and entered the editor’s office through another large office occupied by Sanaa El Aji and other journalists. The atmosphere was tense, but the people I met were full of smiles as if they have not seen any visitors for a long time.

The new Morocco still retains its “trademarked” sincere hospitality. When you are in the private space of a Moroccan, you are no longer a stranger. Therefore, you don’t start with “business” right away; rather, you build the trust and human connection by sharing drinks, sweets, and traditional Moroccan food (the latter in the case you meet at home); in North Africa, sharing “water and salt” amounts to initiating a binding contract of friendship, solidarity, and trust. While there, I have developed a mild addiction to Moroccan mint tea, so that is usually what I select in addition to bottled water, “Sidi Ali,” of course. After the customary chat where one asks and answers questions about one’s health and wellbeing and sincerely listen to what could be a detailed report about that, not just the Western icebreaker: “I am fine thank you,” the conversation becomes serious.

Ksikes explained to me the sequence of events leading to the banning of his newsmagazine and the filing of criminal charges against him and his journalist Sanaa El Aji. He and other journalists claim that they did not violate the law or ethical standards since all they have done “is to report to the readers about the
phomenon in Morocco.” They insist that they did not issue any judgment one way or another; rather, they simply reported on the humorous ways in which Moroccans deal with religion, sex, and the monarch.

Ksikes thinks that his publication is being targeted not because of the content, but for political gains: the regime wants to appear “as responsible for preserving and protecting religious values as Islamists.” To send that message, they targeted a small newspaper like Nichane knowing that a ruling in this case will serve as a deterring legal precedent too. There are also international and economic considerations that compelled the government to act. According to Ksikes, the pressure exerted by Kuwaiti parliamentarians and the renowned scholar Yousef al-Qardawi (based in Qatar) helped silence any opposition to the government’s intrusion on the freedom of the press that might have come from Moroccan intellectuals. Moreover, the Moroccan society as a whole is conditioned to reject non-mainstream ideas. “We are in a post-post-modern world where coexistence requires consensus and not debate,” and that attitude is shared by the Moroccan public as well as the media, observes Ksikes. He also rejects the notion of an Islamic world or Arab world moving in a linear trajectory towards modernity. Instead, he sees an oscillation between conservatism and liberalism depending on the political and economic circumstances. Such atmosphere, according to Ksikes, creates a hostile environment to any and all civil society institutions which are limited by an inherently strong monarch and a culture of corruption that prevent emerging civil society institutions from having an “internal democratic system that allow it to think outside the box” and operate above and beyond the framework created by the dominant social forces of the time.

I asked Ksikes and other journalists whether or not a government run by Islamists would have taken the same measure against Nichane. They all thought that it is unlikely because if they were in charge, they would have faced the reality which would require that they do not antagonize the West unnecessarily. Banning Nichane or trying its journalists would be such a case. To prove his point, Ksikes points out the flexibility shown by Taliban towards opium growers and sellers when they realized that their own financial wellbeing depended on it. Nichane’s legal troubles are the product of political and religious forces working from different platforms to advance their respective projects. The events leading to the trial and sentencing of Nichane’s editor and journalists show that law is invoked only when political gains are anticipated.

Members of the editorial board of Nichane did not anticipate that their collective decision on November 30 to dedicate the next issue to reporting the most popular jokes could cost them their freedom and professions (al-i’dam al-mihni). In fact, it was on December 15, while the newspaper staff was retrieving the old issue to replace them with the new one, that they were told that an Islamic website has condemned their work as “a grave offense against God and his Prophet.” They
also learned that the managers of the website were prepared to initiate legal measures against Nichane while visitors of the site declared that the journalists are “apostates and atheists.” Three days later, the student union at the University of Kenitra (controlled by Islamists) organized a demonstration and called for the “punishment of those responsible for this crime.” Fearing for their safety, on Monday December 18, the staff of Nichane issued an apology to those feeling offended. The director of the newspaper also called on members of the government, religious scholars, and leaders of the PJD (Justice and Development Party; an Islamist political party) to explain that it is not accurate for anyone to take the publication of jokes as an editorial position. This clarification seemed to be convincing even to the representatives of the Islamists party, who voiced their opposition to the publication of these jokes but insisted that “it is not in the interest of anyone to launch a spiral of terror and fanaticism that would spin out of control.” On December 19, one of the widely read columnists published an editorial in which he called on the authorities “to punish” Nichane. On the same day, a Kuwaiti religious group attacked Nichane and pointed out to a Fatwa from al-Qardawi in which he condemned the newspaper. Soon after, threatening phone calls started to arrive to the office of the publication. Fearing for their lives, the staff of Nichane called for police protection. Hours after the call, the editor of the newspaper, Ksikes, was “urgently summoned for interrogation by the judicial police.” In the afternoon of the same day, another official from Nichane contacted the government to make two statements: (1) Nichane is prepared to issue an official apology in the next release and that (2) publicly trying Nichane will complicate the matter given the huge media coverage that involved not only local but international outlets. Despite assurances by the government representative, the legal proceedings continued although the King’s Deputy in Casablanca assured him that legal actions would only “add oil to the fire.” Nonetheless, Nichane received an administrative order from the Prime Minister “prohibiting the publication and distribution of Nichane effective December 20.” Parallel to the legal troubles, Moroccan Television stations invited commentators who condemned the publication of the jokes for it was “a grave crime against the Islamic religion.” According to Ksikes, the exception was Mohammed Yatim, member of PJD, who appeared on al-Jazeera to call for restraint.

After a short trial before the criminal appeals court in Casablanca, the chief judge, Noureeddine Qasim, announced the ruling on Monday January 15 (2007) finding the editor, Driss Ksikes, and the journalist and compiler of the dossier, Sana El Aji, guilty of violating Articles 66, 67, and 68 of the law of journalism. He sentenced them to three years of suspended prison term, fined them 80,000 Dirham (about $9689.00), and banned the publication of the newspaper for two months from the day the ruling was announced. The journalists were found guilty
of “denigrating the Islamic religion, dereliction of the respect that is due the King, and the dissemination of writings detrimental to public morality.”

The sentence is lighter than the prescribed punishment articulated in Article 41 of the Moroccan law governing newspapers publishing which sanctions “the punishment of anyone who is found guilty of dereliction of the respect that is due the King… desecration of the Islamic religion, or the betrayal of the monarchical system of governance and territorial integrity of the country by prison terms ranging from 3 to 5 years, a fine between 10,000 to 100,000 dirhams.” But the significance of the ruling rests with the fact that it has set a legal precedent and became a powerful deterrent. In the end, the legal ruling empowered the state to exert more control over the press and the public seem to accept it.

**Contexts and Implications of Arbitrary Boundaries**

Red lines are common in Arab cultures, but they are made specific and explicit in Morocco by defining the category of inviolable doctrines. Even the press is bound by committing itself to (1) uphold the respect that is due to the King, (2) avoid the desecration of the Islamic religion, (3) preclude the betrayal of the monarchical system of governance, and (4) preserve territorial integrity of the country. The King represents God’s shadow on earth, he is blessed by divine grace (barakah) which can be passed to his obedient subjects in the form of preserving the unity of the country and wellbeing of the people. As such, the King becomes the “commander of the faithful and protector of the religion and the umma.” The intertwined domain of the King and that of God serves to raise the status of the monarch above criticism. With that in mind, it becomes clear why Arab regimes in general and the Moroccan rulers in particular show keen interest in institutionalizing religion as a component of national identity: by elevating the status of religion and taking the role of its protector, the ruling elite elevates its own status to a position as sacred as that of the religion and establishes a link between the ruler and God by suggesting the “need” of religion for “righteous” rulers. In this paradigm, when one attempts to criticize the monarch, one will be seen as attacking the institution that protects religion (the monarch); hence, indirectly attacking the religion.

The press is one of the fundamental institutions that are necessary for the creation of civil society. The press’ importance lies not only in its role to provide the public with critical information about the government’s practices but also in the speed in which the press can develop, mature, and carry its functions. It is true that political parties are necessary for creating pluralistic ideals and maintaining power sharing practices, but political parties emerge with specific agendas and particular platforms which could limit their contributions to the strengthening of civil society institutions. With these ideas in mind, it becomes clear that the absence of free press is the main reason why the Arab world remains lacking the political reforms that would allow for broader participation and progressive socie-
ties. Despite King Mohammed VI’s attempts to modernize Morocco, the country still suffers from a number of political and social problems and the press remains the critical piece in need of further attention.

Contrary to claims by many commentators, political reforms in Morocco did not start with the new King; rather, such reforms are, in a sense, the extension of his father’s strategy of creating a buffer zone to shield the monarchy from public criticism while allowing selected political parties to alternate control over the country’s economic and social problems. In fact, since Hassan II took over the reigns of the Kingdom from his father, the former had absolute rule in the name of God and in the name of the people. After all, he was the Commander of the Faithful and the dual role allowed him to speak in the name of God and in the name of the people at the same time. He was also able to marginalize any political group that takes religion as a platform for change.

The fact that many Moroccans wanted to annex Western Sahara gave the ruler more leeway in practicing repression under the guise of preserving national unity that is threatened by rebels aided by a hostile neighbor (Algeria). With time however, Morocco’s economic and social problems continued to challenge the King: despite significant national and human resources, Morocco’s economy continued to develop at a slower pace than its neighbors’ including the tiny and resourceless Tunisia, unemployment rate climbed steadily while colleges continued to pump more graduates in a job market dominated by the public (state) sector, and economic inequity steadily divided the Kingdom along ethnic and regional fault lines. All these issues have steadily increased the pressure on Hassan II to the point that he decided to gradually extricate himself from the day to day business without giving up any of his powers. In order to achieve this delicate balance, he created a government system that works at his pleasure, he privatized many of the countries companies, and he allowed “friendly” investors to build media outlets. These measures have created a buffer zone between the frustrated population and the Palace (makhzin; as it is known in Morocco). From behind the scenes, he dissolved one government after another as the public frustration increases and he intervened to pardon political prisoners to show a merciful side that can be contrasted with the heartless government that he appointed. In the end, he extended Moroccans’ acceptance of his rule but at the same time he raised their expectations. Today, most Moroccans take the limited political reforms for granted and are not willing to give them up. When Mohammed VI took over in 1999, he was aware that the only way forward is to continue the managed democratization of the country or even accelerate it. And accelerate the modernization of Morocco he did: in the next parliamentarian election scheduled for early fall of 2007, political participation will not be limited to the usual allies of the Palace; rather, Islamists will be allowed to participate and they are expected to win a majority. Their full participation in the political system will change not only the way Moroccans see
politicians, but also the way they see the Palace. In a sense, the King will no longer be the sole representative of God’s authority; to be sure, religiosity will be a contested value.

Similarly, the unresolved problem with Western Sahara is now being debated. There are now Moroccans who question the wisdom of continued control over people who strive for self-determination. More importantly, it is the press that is chipping away at these formerly nonnegotiable red lines. For this reason, it is the press that is now being targeted by the government as well as by powerful social groups.

As it is the case in most North African countries, Islamist movements were banned from forming political parties in Morocco. That has changed recently when PJD (Justice and Development Party = hizb al-adalah wa-’l-tanmiyah) made some concession to the Palace in order to win approval. Since then, the party positioned itself as the single political entity representing all conservatives despite the fact that al-Jamaa (Justice and Righteousness Group = jamaat al-adl wa-’l-ihsan) remains the most popular religious group. The next election will allow the liberal leftists to face emerging powerful conservatives while the Palace is positioning itself as the arbiter between the two. If this plan succeeds, it will allow the King to govern from the shadows. In the meantime, the major political parties will continue the battle of perception: who is more sensitive in a world dominated by extremists? Unfortunately, at this juncture, these political and ideological contestations are targeting the very same institution that is supposed to report on the process and content of these contests: the press.

The imposition of limits on the freedom of the press is central in the political jockeying for power and influence and that may explain the harsh measures taken by the Prime Minister against Nichane. In other words, the ruling elite wants to show that the government can protect all that is sacred without being “fundamentalist” or “extremist.” In a sense, by attempting to now marginalize Islamist groups who were barred from political participation, the monarch positions himself as a centrist force while pursuing a policy that weakens the civil society. This goal is accomplished by leaving the uncompromising religious movements (such as al-Jama’a) operating in the shadows which would allow the regime to use them as bogymen to scare the public into surrendering more of its civil rights.

As argued by the editor of Nichane, by publishing popular jokes expressive of Moroccans’ way of dealing with religion, politics, and sex, the journalists did not carry any creative or innovative work. Rather, they merely reported about a phenomenon that is widespread in the Moroccan society. If that is the case, it becomes clear that the government is deciding about what is appropriate and what is not as a public discourse and as a mode of discourse. To be sure, it is as if the elite does not share the Moroccan street its “vulgar” ways of expressing itself and the elite does not wish to collapse the boundaries between the oral discourse (the
mode used by the general public; al-‘ammah; hence, al-‘ammiyah) and the written discourse (the mode used by the elite; al-nukhbah). With that understanding, the legal action against the press is ultimately an act of preserving class interests and political privilege. It is an effective way of maintaining the status quo by stifling the only conduit of expressing frustration with a political and social system that is betraying the hopes of the people authoring these jokes. As long as such discourse of discontent is limited to the environment wherein it is created, it will be contained in the eyes of the elite. However, if such discourse is given a public voice through the public media, then it will become a threat to those who do not wish to hear it or have it heard by a large segment of society.

Conclusions

Based on many interviews with journalists and after examining a number of the daily and weekly newspapers in Arabic and French languages, I was left with the impression that journalism in Morocco operates under low standards of ethical and professional guidelines. I have noticed front-page stories that are typical of tabloid publications, front-page pictures that do not have any relations to the story, provocative headlines that hardly represent the actual stories, blurred boundaries between news and opinion, and coverage of topics that are clearly designed to increase circulation rather than inform the public. This first impression was confirmed by some journalists and by officials from the SNPM. I was told that “training and professionalism remain the biggest challenges facing the creation of free press in Morocco.” Union officials do not express this assessment in private discussions only; rather, they have shared with me public statements and official reports wherein the union expressed alarm over many practices that are unbecoming of journalists.

For instance, after the trial of Nichane and soon after a complaint against the daily al-Sahifah (for publishing a questionable story on January 30, 2007), the union released a memo expressing concern over the freedom of the press but at the same time lambasting journalists for violating ethical and professional guidelines. The memo accused “numerous newspapers of leveling unfounded charges against citizens, officials, and institutions without any credible evidence… In fact, some newspapers have become specialized in attacking specific entities or persons… for revenge, blackmail, embezzlement, or to render a service to another party.”

Having said that, it must be noted that the Moroccan press was rarely prosecuted for violating ethical and professional guidelines; rather, it was consistently prosecuted for crossing the so-called red lines outlined in Article 41 of the laws governing the press. These red lines are enshrined in every public place in Morocco: God, the Homeland, and the King. Recently, and after the attacks in New York and Casablanca, the red lines were extended to further limit the domain of the press by criminalizing any act that could be perceived (by the government) as
aiding, sympathizing, or publicizing terrorism. Human rights advocates and professional journalists have voiced strong objections to the formulation of these laws. To their credit, officials of the Moroccan union for journalists did not limit their struggle against the government’s interpretation of the law, but to the laws themselves. In other words, there are some who are questioning the validity of the so-called red lines not just the way the laws preserving these red lines are applied to restrict the work of journalists. To be sure, some argue that the makhzin (Palace) as an institution that is involved in the day-to-day running of the country should be placed under scrutiny by the press. Similarly, people should have a say about what constitutes “a threat to the territorial integrity of the Kingdom” which was used to block any healthy discussion of the status of Western Sahara. Finally, Moroccans are breaking the Palace’s monopoly on God’s representation by being more willing to dissolve the nexus between the King and the concept of commanding the faithful. For Morocco to allow for the development of civil society institutions and prevent political absolutism now and in the future, these topics must be open for debate and the press ought to be allowed to take the lead in order to stimulate such a debate.

As the sequence of events leading to the arrest and prosecution of journalists show, it is undeniably the case that the Moroccan government’s hand in punishing the press has been strengthened, in part, by the so-called global war on terror, US abuse of human rights, and Muslims’ exhibited outrage over the publication of the Prophet’s cartoons in Europe. The US declining moral authority to advocate for human rights and freedom of expression encouraged despotic regimes to violate journalists’ rights with impunity. Equally important, the public outrage in the Muslim world in the aftermath of the publication of Danish cartoons was used by the government to legitimize the restrictions imposed on the press. It managed to magnify the vanity and vainness of several ignorant Western journalists in order to portray the entire institution as a threat “to religious value and public decency.” Subsequently, the government has managed first to create a category of “sacred” items that is above and beyond any criticism (religion) and second, add to that category its own items such as “territorial integrity and national unity” to preserve its policy of occupation; and sanction the “due respect owed to the King” to institutionalize a government system that is determined by blood and affinity not merit or public mandate.

The prosecution and punishment of newspaper editors in Morocco sends another wrong signal to the public: governments can and do exert executive and legal control over the press; a concept not shared by Western societies and not practiced by democratic regimes. This disconnect between the values and practices of the West and the Islamic world might explain Muslims’ outrage over the publication of content deemed offensive to religious feelings. When their own governments prosecute and jail newspapers’ editors, people in the Muslim world, who
are unfamiliar with the values of the West, expect Western governments to act like Muslim rulers especially if such rulers are supported by the West. Subsequently, when Western countries do not stand on the side of free press as a matter of principle or look the other way when “friendly” or “moderate” countries such as Morocco violates the rights of citizens to free press and freedom of expression, the public grows more skeptical and cynical of the West. Therefore, developing and supporting free press in the Islamic world ought to be a top priority: free press is the foundation that encourages and sustains civil society and it is deserving of a principled stance of nonnegotiable and unconditional support.

Endnotes

Data for this study came from examining public records, non-published documents, and interviews. Therefore, quotes appearing in this paper without a reference to a specific document are based on the interviews and/or unpublished documents.

1 Many Moroccans dispute the designation of Morocco as an “Arab” country or even an “Islamic” country. For the purpose of this work, I will adopt the political designation of Morocco as part of the Arab world by virtue of its membership in Arab League. Similarly, Morocco is a member of the Islamic world since it is affiliated with the Organization of the Islamic Conference (OIC).

2 Most data of this study were collected by the author during visits to Morocco in 2006 and 2007. Many thanks to Mohammed Hafid (Director of Publication of al-Sahifah), Driss Ksikes (Director of Publication of Nichane), Anas Mezzour (Journalist with al-Ayyam), Younes Moujahid (General Secretary of SNP), Tayeb Bilghazi and Mohammed Madani (law professors at Mohammed V University), Mohammed Dahbi (Dean at al-Akhawayn University), Amina Tafnoun (President of the Association of Moroccan Women), Abdellah ZaaZaa (General Secretary of RESAQ), Kamal Lahbib (General Secretary of Forum des Alternatives Maroc), Fouad Abdelmoummi (Director of Association Al Amana Pour la Promotion des Microentreprises), Mohammed Sabbar (President of Muntada al-Maghrebi min ajl al-Haqiqah wa-‘l-Insaf (Moroccan Forum for Truth and Justice)), Muhtad Abdelrahim (President of al-Nasir Association (Human Rights organization with focus on political prisoners)), Amin Abdelhamid (President of al-Jam‘iyah al-maghribiyah li-huquq al-insan [Moroccan Association for Human Rights]), and Amina Bouayach (President of al-Munazzamah am-maghribiyah li-huquq al-insan [Moroccan Organization for Human Rights]) for their time, assistance, and hospitality during my visits to Morocco. Special thanks to Fekhereddine Berrada, Nazha Berrada, and Noureddine Khammali.

3 The number of newspapers and journalist has increased steadily in the past 15 years. By the end of 1997, there existed more than 1150 journalists working for more than 565 periodicals. That number is believed to have increased by at least 30% as of 2006.


5 If Casablanca is representative of the choices of the readers in the rest of the country, it is likely that independent newspapers sell more than official ones based on my observations of circulations and the assessment of venders who carry all major papers.

6 In Morocco, the elite control the media; and not for altruistic purposes, but for the pursuit of personalistic goals. See John P. Entelis, Culture and Counterculture in Morocco Politics (Boulder: Westview Press, 1989), 45.
Other figures provided by independent scholars, such as Mohammed Madani (a law professor), for comparison contend that, in 2003, there were 181 publications of general information content, 160 regional publications, 32 sports publications, 48 economics publications. It is further argued that independent press is growing on the expense of papers associated with political parties and official (governmental) press outlets. Some of these “independent” papers, that broke through include al-Ahdath al-maghribiyyah and al-Sabah each of which sell 60,000 copies compared to 20,000 and 25,000 of al-Alam and l’Opinion respectively (associated with political parties). See Mohammed Madani, Le paysage politique marocain (Rabat: Dar al-Qalam, 2006), 130-4.

Younes Moujahid voiced similar concerns during his talk in a conference that was held in Rabat in March 2002. See the published transcripts of the event in al-I’lam wa-’l-haqiqah (Rabat: Dar al-Qalam, 2004), 64-6.

Human rights activists argue that the Moroccan press could benefit from creating independent legal framework to govern journalism and media outlets as well as by creating an independent specialized court that adjudicates legal cases involving the press. Abd al-Rahman Bin’amr, a lawyer and human rights activist puts two conditions for the legal system to protect the press: (1) the creation of a law that acknowledges the right to free press and (2) the creation of a truly independent judicial system. See al-I’lam wa-’l-sultah al-qada’iyyah fi al-maghrib in al-I’lam wa-’l-haqiqah (Rabat: Dar al-Qalam, 2004), 38-45.


See the statement issued by the organization on November 22, 1996.

Royal interventions have always followed harsh sentences of indicted individuals. In a sense, the government’s strong hand sends a strong warning to opposition figures, while the royal intervention reinforces the image of the King as the protective “father.” This bad-cop-good-cop image shows the full range of wrath and mercy that are all in the hands of the ruler and the public is reminded of these tools in trials like these.

Some of the above legal actions against journalists were also documented by Moroccan human rights organizations. For instance, the Moroccan Association for Human Rights (al-Jam`iyyah al-maghribiyyah li-huquq al-insan) referred to these events in its June 2006 report (for the year 2005). It also specifically mentioned the legal actions brought against Mariam Makrim “for publishing photographs of members of the royal family without prior permission.” The report acknowledged the government’s decertification of journalist Ilham Iqbali (working for al-Jazeera) for conducting an interview with Nadia Yacine in which she discussed the political system in Morocco.

Given the tight control governments exert over all aspects of private and public life, it is difficult for Western researchers to establish contact with individuals in Muslim countries. During my visits to Morocco and Bangladesh, I was told that secret security personnel were monitoring all my activities which made many of the people I met very nervous and some cancelled pre-arranged meetings altogether. During my last visit to Morocco, it seems that my overloaded schedule of interviews made many security personnel work overtime, at one point; they were so aggressive in their attempt to tail us that we almost bumped into them on several occasions.

During my recent visit to Morocco in early 2007, I was told that the country suffered from a devastating drought and that, unless it rained soon and rained hard, the crops and animals will be severely harmed. Before I left the country, I watched the King, invoking a religious practice that he said was authorized by his “grandfather, the Prophet,” declare Friday January 12 a national day of prayers for ending the drought (salat al-istisqa’). This shows the dual role of the King as politi-
cal and religious leader. The reference to the Prophet as his “grandfather” is a reminder to the people of his status as a descendent of the prophet of Islam, Muhammad.


18 See numerous commentaries in major international newspapers including a recent piece by Craig Whitlock in the *Washington Post* (Tuesday, January 16, 2007; A12, ¶3).

19 Abdellah ZaaZaa, a former political prisoner and currently the head of a network of neighborhood associations, argues that “Moroccan society cannot move forward without destroying the so-called three sacred concepts… (1) leaving religion outside the constitution so that the constitution itself is contested when the need arises, (2) the monarchical system cannot be seen as sacred, and (3) territorial unity cannot be seen as sacred especially since this claim was initiated by people who were not elected.”

20 It must be noted that creating the environment for free press and having free press are two different things. For example, the limited freedom allowed for the press to operate in Morocco was not used to build a tradition of independent news-driven press; rather, it allowed political parties to employ their newspapers to ‘spin’ the events. This concern was addressed by a number of participants in the “international Debate of Media and the Truth.” See Idris Binzakri’s *al-Haqiqah wa-’l-sahafah wa-khuruqat huqiq al-insan in al-’lam wa-’l-haqiqah* (Rabat: Dar al-Qalam, 2004), 81-6.

21 See the statement released by the SNMP on February 1, 2007.

22 The author has addressed this problem in other works and it is the subject of an extended discussion in a work-in-progress project to be published soon.