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## Islam and the Spread of Individual Freedoms

### The Case of Morocco

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#### EXECUTIVE SUMMARY

Morocco is a “partly free” country according to Freedom House’s Freedom Index—it is a constitutional monarchy with a freely elected government. However, the North African country’s constitution makes clear that, whatever the outcome of free elections, the real and undisputed center of power is the royal palace. The legitimacy of the 12-century-old monarchy stems from divine right, as the king holds the title “Commander of the Faithful.” Not only is Islam the official religion of the State, but freedom of conscience is unknown, as virtually all Moroccan citizens are deemed Muslims by birth. All legislation pertaining to family matters and social interactions derive, directly or indirectly, from Islamic laws.

Yet despite this adverse environment, a strong secular and pro-individual freedom movement exists and has been able to score important tactical victories in recent years. The Moroccan movement for individual freedoms is rooted in the emergence of a local civil society during the

1990s—itself a consequence of the political liberalization process initiated by former King Hassan II. Less government control generated a wider space for social activism and freedom of expression. The emergence of an independent press has subsequently acted as an amplifier for liberal voices.

Though it has become a vast movement including hundreds of nongovernmental organizations and influential lobbying groups, the Moroccan movement for individual freedoms still suffers from dispersion and relative disorganization. To score more successes—including changes at the legal and constitutional levels—the movement needs to unify, engage in marketing and communication efforts, and most importantly adopt a unified agenda and strategy. Drawing on precedents of successful activism (mainly by feminist groups, who obtained spectacular reforms in the early 2000s), the best course of action, it seems, consists in negotiating with the monarchy rather than confronting it, and progressively leading it to open up to individual freedoms through more liberal reinterpretations of Islam.

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## INTRODUCTION

In an Arab World plagued by religious terrorism and riddled with sectarian armed strife, causes like freedom of conscience or rights for sexual minorities may seem like low priorities. Indeed, whatever their ideological background, mainstream political actors from all over the Middle East and North Africa agree on dismissing such concepts as anti-Islamic and thus unfit for Arab societies. In these conditions, it is hard to imagine, much less believe, that this region would open up to the values of individual freedoms anytime soon.

Morocco, however, offers a counterexample to such assumptions. Though its reputation in Washington, D.C., as a “democratic exception in the Arab world” is largely overrated,<sup>1</sup> the North African kingdom enjoys a stability that was hardly challenged, even during the Arab Spring.<sup>2</sup> Perhaps that stability, combined with a religious homogeneity that is lacking in many Middle Eastern countries (Morocco’s official creed—Sunni Islam, as applied in the Malekite rite—is not significantly rivaled by any other religious doctrine), is what provided the pacified environment, undivided by sectarianism, needed for the emergence of a secular, pro-individual freedoms movement.

Indeed, despite Morocco’s strong Islamic history and heritage, the battle for individual freedoms in the country has been making great (if quiet) strides in the past decade. Thanks to the relentless efforts of dedicated civil society activists, themes such as freedom of conscience and even gay rights are now part of the kingdom’s mainstream political conversation. Freedom of conscience is regularly demanded in a country where the constitution deems Islam the religion of the State and religious offenses (from out-of-wedlock sexuality to merely questioning the existence of God) can earn prison sentences. In such a context, claims of individual freedoms generate large controversies that regularly engulf the media and the Internet, and sometimes overflow into street demonstrations or even short bursts of rioting.

In this fight, the monarchy seems caught between a rock and a hard place. Because it

perceives Islamist groups as political challengers, and also because the king himself is said to have liberal inclinations, the royal palace is prone to lean toward the liberals. However, it is also concerned that showing openness on such issues might undermine the throne’s religious design (the king of Morocco also holds the title “Commander of the Faithful”), thus alienating its conservative power base.

Therefore, the struggle for individual freedoms in Morocco is set between two ideologically opposed sides, the liberals versus the Islamo-conservatives, with the royal palace as an arbiter. Not only is the palace torn between the two camps, but the king has the last word in all matters pertaining to personal status legislation (Moroccan terminology for all laws pertaining to family matters—including marriage, divorce, inheritance, and adoption—and sexuality) and court rulings. The king is the highest religious authority in the kingdom, and is therefore expected to issue or amend these laws—either through issuing royal decrees or submitting bills for the Moroccan Parliament’s approval. Personal status laws are formally issued by him while court rulings are rendered in his name, and, when the tried cases are politically sensitive, under the presumed influence of his aides. The king also holds the right to pardon, which he uses liberally. Legislative reform and favorable jurisprudence are the ultimate goals of the pro-freedom activists, and the ultimate reason for the pushback against them by the Islamo-conservatives.

On the public opinion front, the debate around individual freedoms has been raging in recent years, both in traditional and “new” social media. This is especially so when incidents fuel the debate (for example, arrest or conviction of an offender, controversial religious edicts, or threats issued by extremists against proponents of individual freedoms). But oftentimes the debate is also generated by advocacy initiatives (campaigns, conferences, communiqués, etc.) taken by pro-freedom civil society groups.

The rise of these groups did not happen overnight. It is the result of a quarter-century-long sociopolitical maturation. The long road started with a political liberalization process initiated in

the early 1990s by King Hassan II under pressure from Morocco's Western allies—themselves goaded by the damning reports of human rights watchdogs. It continued under Hassan's successor, King Mohammed VI, with liberal voices amplified first by the liberation of the written press, then by the explosion of social media. Several sociopolitical factors, both domestic and international, also came into play. The latest one, which significantly changed the game, was the advent of the Arab Spring—a cathartic event that offered bold opportunities to Moroccan liberals and empowered them more than ever before.

It is worth noting that the 1990s also saw economic liberalization that increased the extent of voluntary exchange, personal choice in the marketplace, and competition.<sup>3</sup> That increase in economic freedom, which is an important part of individual freedom, may well have helped the rise of the pro-freedom movement. Empirical evidence shows that greater economic freedom is associated with more political rights and civil liberties,<sup>4</sup> so although Morocco is still far from having a free economy, liberalization has likely helped Moroccans gain a greater degree of personal autonomy and independence from the state. The increase in per-capita income subsequent to economic reforms has surely also had a favorable effect on the freedom movement.

For the cause of individual freedoms to move forward in Morocco, the pro-freedom movement must build more structured organizations and coalitions. It also needs more funds to develop wide-reaching communication platforms in order to recruit supporters and expand its grassroots. Finally, it needs to work on a unified agenda and political strategy with an ultimate aim: inducing significant reform at the legislative and constitutional level.

## INDIVIDUAL FREEDOMS: A MOROCCAN DEFINITION

Before exploring the sociopolitical circumstances that brought the movement for individual freedoms to life, let's examine first what the notion of "individual freedoms" means in the Moroccan context.

### The Birth of a Notion

The expression was used in the media to identify a specific cause—that is, a cause distinct from the broader struggle for human rights—for the first time in January 2008. A few weeks earlier, riots had broken out in the northern city of Ksar El Kebir<sup>5</sup> after rumors had spread that a "gay wedding" had been celebrated there. No evidence of the scandalous ceremony was available, other than a Youtube video of a man dressed up as a woman dancing in what was apparently a drunken private party.

Nevertheless, with populist papers adding fuel to the flame, the rumor provided extremist Imams with a theme for inflammatory sermons and local Islamist groups with an opportunity to call for a protest march against the "moral corruption" plaguing their city. Held after a Friday prayer (which traditionally brings large masses together in mosques), a demonstration spiraled to a full-fledged riot, during which public properties were destroyed, shops were looted, and a lynch mob attacked the house where the party reportedly took place. To assuage the pressure, the authorities eventually arrested and convicted four men for engaging in "unnatural acts between individuals of the same sex," a crime worthy of six months to three years in prison.

The Ksar El Kebir incident spurred a national outcry,<sup>6</sup> which inspired the liberal weekly magazines *TelQuel* and *Nishan* and the recently created human rights organization Bayt al-Hikma (Arabic for "House of Wisdom") to launch a petition titled "Call for the Defense of Individual Freedoms."<sup>7</sup> Denouncing a "climate of hatred, inquisition, and intellectual terrorism," the text urged the state to "defend and protect individual freedoms (by) taking legal action against religion-inspired violence and incitement to hatred on the grounds of personal beliefs or lifestyle." In a shared editorial titled "Why the Call," the magazines<sup>8</sup> wrote,

This initiative comes from a lucid observation: the Islamists and their supporters have a clear framework: religious morality—or rather their fantasized version of it. But on the other side, the liberals

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have a problem: their discourse does not fall under any identified doctrine. They say: “it is wrong to judge people based on their personal life choices,” but they don’t indicate what is right, and according to what universally accepted doctrine. This doctrine, which must now be claimed high and loud, has a name: it is called individual freedoms.<sup>9</sup>

### Political Validation and Ideological Utility

The petition gathered more than 1,000 signatures of top politicians, intellectuals, businessmen, artists, and other opinion leaders. In reaction, the Islamist group known as the Party for Justice and Development (PJD) raised questions in the Parliament about whether Moroccans should put the “alien concept of individual freedoms” ahead of “God and the Kingdom’s law.” The heat eventually lowered, the four men of Ksar El Kebir were released after serving a short sentence, and the concept of individual freedoms, politically acknowledged by its own adversaries, had officially entered Morocco’s political lexicon.

Moroccan activists had had several opportunities in previous decades to defend citizens prosecuted for their beliefs or lifestyles (e.g., members of the Baha’i sect in the 1960s, Christian converts throughout the 1980s and 90s, and heavy metal musicians accused of “Satanism” in 2004). But for the lack of a more accurate terminology, those cases fell under the broader category of human rights abuses. However, the 2008 petition marked a turning point. From then on, the Moroccan media and public opinion, eventually followed by the human rights activists themselves, agreed to distinguish individual freedoms as a somehow specific category within human rights—one that encompasses the rights included in or stemming from Article 18 of the United Nations’ Universal Declaration of Human Rights:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone

or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.<sup>10</sup> (“Religiously unimpeded sexuality” falls under “practice.”)

Setting up individual freedoms as a distinct category also served an ideological purpose. Indeed, the notion of human rights is barely disputed in Morocco today; only a small minority of zealots reject it as un-Islamic. However, claims of religious and sexual freedoms still make many politicians (and even some human rights activists) uncomfortable on the grounds that the general public is too conservative to accept those ideas. Therefore, isolating those freedoms in a distinct terminological package (“individual freedoms”) makes it easier to dismiss them as “alien to our Islamic culture,” while continuing to defend (other) human rights.

On the other hand, acknowledging the new category *and defending it* sets you up as a courageous politician or activist—one who dares speak truth not only to power, but also to the masses. In other words, the emergence of the notion of individual freedoms in Morocco made it easier for the more conservative to cherry pick human rights causes while projecting cultural consistency, but at the same time it offered a new perk to the more progressive: that of being perceived as a brave vanguard, spearheading the battle for a freer tomorrow—a positioning that could attract younger, new types of constituents. Finally, the notion of individual freedoms proved useful to both its proponents and adversaries, hence its quick adoption in the mainstream political conversation.

### A HOSTILE CONTEXT

The conversation not only revolves around culture and ideology. It is also, if not mainly, about law and law enforcement. In Morocco, individual freedoms are intrinsically denied by several pieces of legislation—ones that basically subject the spiritual, social, and sexual life of Moroccans to Islam.

## Anti-freedom Laws

In straight religious matters, the country's law is interpreted in a way that prohibits anyone from even affirming (let alone preaching or acting according to) any religious beliefs other than Islam, including agnosticism and atheism. Article 220 of the Moroccan penal code<sup>11</sup> punishes with a prison sentence ranging between six months and three years "anyone using seduction means in order to shake a Muslim's faith or convert him to another religion." (The expression "seduction means" in Moroccan terminology refers to all advocacy methods used to convince an individual to adopt religious beliefs different from the officially sanctioned Islamic ones.<sup>12</sup>)

Article 222 of the penal code prohibits "anyone notoriously known for his membership in the Islamic religion" from "ostentatiously breaking the fast in a public place during Ramadan," in a reference to the holy month during which Islam commands the believers to fast from dawn to dusk. Any violation is subjected to imprisonment from one to six months.

Laws regulating sexuality also derive directly from religious ethics—as the used terminology shows. Article 489 of the penal code subjects "lewd or unnatural acts with an individual of the same sex" to a six-month to three-year prison sentence. Even heterosexual sex is prohibited when performed by non-religiously married individuals, under penalty of one to six months in prison (Article 490).

Another piece of legislation, this time an edict issued by the royal cabinet's general director, forbids bar owners to sell alcoholic beverages to "Moroccan Muslims." So no one forgets it, this legal provision is displayed right on the government-issued licenses to sell alcohol—presumably to foreign residents and visitors, who are supposed to make up Morocco's "non-Muslim" population.

## Hazardous Social Compromise

It is worth noting, however, that the above-mentioned laws are routinely violated by vast numbers of Moroccans. On any given day, there are many times more alcoholic drinks consumed

than there are foreigners in the country.<sup>13</sup> Nonmarital sex is as much practiced in Morocco<sup>14</sup> (or at least among Morocco's urban population, which represents 60 percent of the country's total inhabitants) as in any Western country. If it provides any indication, 800 to 1,000 abortions are performed *every day* in the country,<sup>15</sup> even though the medical act is illegal—for religious reasons—and severely punished by the penal code. In fact, Morocco's anti-individual-freedom laws are so widely disobeyed that the very behaviors they are meant to deter (drinking, out-of-wedlock sexuality, free thinking, etc.) have become parts of a modern urban culture.<sup>16</sup>

All of this happens, of course, with the knowledge of the authorities—and most of the time, with their brazen indifference. One might argue that such a model of social hypocrisy<sup>17</sup> is functional after all, as it provides some breathing room to secular lifestyles while preserving the façade of religion and tradition, two important components of Morocco's identity. However, this model relies on the premise that individual freedoms are tolerated as long as they are exercised *discreetly*. This is the philosophy behind banning *ostentatious and public* fast-breaking during Ramadan, instead of banning it outright regardless of the circumstances. Likewise, Moroccan atheists or homosexuals can live a relatively free life, as long as it's not in the open. In other words, the social compromise to tolerate some individual freedoms comes at the detriment of others: freedom of expression and opinion.

Moreover, this compromise doesn't always run smoothly. In at least two types of situations, Moroccan authorities do feel compelled to enforce anti-individual-freedom laws: First, when political considerations dictate so, for instance when Islamo-conservative politicians decide to express public outrage over some incident (as was the case during the Ksar El Kebir "gay wedding" episode). Second, which is of more concern to the broader citizenry, when a citizen reports the private illegal activities of another citizen to the police (as often happens in marital disputes or as a way of settling accounts in neighborhood conflicts). In hindsight, the "discretion" bargain doesn't prevent Moroc-

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cans from living under a perpetual sword of Damocles. The activism for individual freedoms is built on the argument that this situation, a risky one after all, should not be accepted anymore.

### Ambiguous Religious Status

While Morocco’s penal code is clearly opposed to personal behaviors that contradict Islamic prescriptions, the country’s constitution<sup>18</sup> offers a more nuanced image. Article 3 of the fundamental law states: “Islam is the religion of the State, which guarantees the free exercise of the religions to all.” The wording is ambiguous and leaves room for different interpretations. It can be understood as a license, given to each and everyone, to believe in whatever religion and live accordingly. But what it really means is that the state recognizes the existence of non-Muslims in Morocco, and authorizes them to exercise their religions and perform their rites as well. The question is, who gets to decide whether a Moroccan citizen is a Muslim or a non-Muslim? The citizen himself, thus exercising his freedom of conscience? Or the government, by dint of law?

There is no clear-cut answer to this crucial question, as no legislative text of any nature, including the Moroccan constitution, clearly states whether Moroccan citizens are legally considered Muslims—or not. However, the Family Code,<sup>19</sup> also known as the Personal Status Code, provides a useful indication: after a lengthy introduction solemnly declaring that the Code’s first and foremost source of inspiration is Islam (albeit a moderate version of it) comes Article 2, which states, “The provisions of this Code apply to all Moroccans,” and then “Moroccan Jews are subject to the rules of the Hebrew Moroccan Personal Status Code.”<sup>20</sup> This double provision clearly indicates that, aside from the tiny Moroccan Jewish community (2,500 to 5,000 souls, depending on the estimation) all 32 million Moroccans are subject to Islamic rules when it comes to family matters like marriage, divorce, or inheritance. This means that non-Jewish Moroccan citizens are not deemed Muslim *de jure*, but rather *de facto*. This legal situation is bizarre, yet nevertheless the source of all challenges posed to the exercise of individual freedoms in Morocco.

## THE ORIGINS OF A MOVEMENT

Though it wasn’t crystallized before a new terminology was adopted in the late 2000s, the Moroccan debate on individual freedoms dates back almost half a century. It started under King Mohammed V and continued under his successor, Hassan II, with a high-profile court case involving a dissident Islamic sect. The dynamics then stalled for about 25 years (a period known in Morocco as the “Years of Lead”) because of the climate of terror caused by King Hassan’s brutal suppression of dissent. It resumed in the 1990s when the king finally decided to loosen his grip on public freedoms and launch a gradual process of political liberalization.

### Historical Precedents

The first time a ruling involving religious freedom was pronounced in independent Morocco was in 1960. On the grounds that it endorsed atheism, a creed deemed “contrary to the religious precepts of which His Majesty the King Mohammed V is the spiritual guardian,” a tribunal banned the Moroccan communist party.<sup>21</sup> The religious justification was certainly a pretext, camouflaging a power struggle between the monarchy and a threatening political adversary. However, even before the country had a constitution and an indigenous penal code, an important precedent had been set, dismissing freedom of belief as incompatible with the very nature of Morocco’s political regime.

Two years later, another trial generated an intense controversy. Accused of “heresy” for embracing the Baha’i faith,<sup>22</sup> three Moroccans were condemned to death, and five others to life in prison. Here again, there was more at stake than the religious beliefs of a few young citizens. The political context of the time was that of an intense competition between Hassan II, the 33-year-old newly crowned monarch, and the Istiqlal (“Independence”) Party, still basking in the glory of its successful struggle to snatch independence from the French. Both parties were anxious to score legitimacy points; posing as “defenders of Islam against external threats” was a way to achieve that objective.

However, the severity of the verdicts shocked national and international public opinion, generating a heated debate on freedom of conscience—and, more specifically, on how to interpret Article 6 of the brand-new constitution. (It had been adopted, coincidentally, days before the verdict.) That article is the ancestor of the current Article 3, which still uses the same unchanged wording: “Islam is the religion of the State, which guarantees the free exercise of the religions to all.” “Who is all?” dramatically asked a noted leftist oppositionist, condemning the “barbaric methods of the medieval inquisition.”<sup>23</sup> The young king answered the question in a press conference, affirming that freedom of belief was guaranteed to the followers of the “religions of the Book”—meaning Muslims, Jews, and Christians—but not to members of “any heretic sect.”<sup>24</sup>

A higher court eventually canceled the Baha’is’ verdicts in 1963 and they were freed—only to go underground immediately, as a testament to how challenging it had suddenly become to claim freedom of conscience in Morocco.

### The Years of Freeze

During the so-called Years of Lead, which started with the establishment of the state of emergency in 1965 and lasted about 25 years, the debate on individual freedoms stalled (as did all debate) because of a context of fierce and general oppression. Both the political and religious fields were controlled by the monarchy, with thousands of dissidents jailed and tortured. It’s only after the fall of the Berlin Wall that a series of public relations debacles (e.g., publication of several books detailing the horrors endured in Morocco’s secret prisons, damning reports of Amnesty International and other watchdogs) prompted Hassan II to make some concessions, including freeing political prisoners, closing infamous detention centers, and opening a dialogue with opposition parties.

### The Emergence of a Civil Society

As a reaction to the so-called democratic saga, a decade-long political process during which Hassan II forced opposition parties to accept debilitating conditions<sup>25</sup> before allow-

ing them political power, scores of disappointed activists deserted the political realm and found solace in the country’s nascent civil society. The process continued throughout the 1990s. While some political activists joined the human rights movement (still constricted, though, by its proximity to opposition parties), many others, yearning for independence from political constraints, founded nongovernmental organizations (NGOs) with such missions as to fight poverty and illiteracy, distribute micro-credits, and educate marginalized populations on everything from self-entrepreneurship to reproductive health. After less than a decade, this would become a dense network made up of thousands of NGOs, one that would play a pivotal role in the upcoming battle for individual freedoms.

The second part of the 1990s also witnessed the birth of a new independent press. Emerging from a long night of fear and self-censorship, a new generation of 20-something journalists broke free from party-journalism (which dominated Morocco’s magazines for many decades) and took advantage of the climate of a weakened monarchy (the king was reportedly dying) to develop critical, investigative journalism. Within a few years, this generation would transform the Moroccan press, breaking several taboos—including those pertaining to individual freedoms.

### THE FREEDOM MOVEMENT: ACTORS AND STRATEGIES

While Morocco’s movement for individual rights was gestated under King Hassan II, it didn’t really take form and develop until his son, Mohammed VI, ascended to the throne in 1999. In the following decade, the liberalization process dramatically accelerated. Benefitting from an unprecedented level of freedom, the press crystallized the new ideological divide between secularists and Islamists.

The 2000s decade also witnessed a surge in civil society organizations, many of which unequivocally took the liberal side. Paradoxically, human rights organizations had some difficulties in embracing an individual freedom agenda, before eventually coming to terms with it. Pres-

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sure against the government mounted progressively, with some of that pressure coming from the European Union and the United States. Finally, the end of the decade saw the emergence of a new player: young cyber-activists, who ended up spearheading street revolts when the Arab Spring hit the kingdom in 2011. All of these actors helped in developing the cause of individual freedom, each one in a different way.

### The Media: Setting the Stage

During the 2000s decade, Morocco’s so-called new press tackled controversial topics head-on, taking freedom of expression to unprecedented heights. Led by a handful of pioneering magazines and cheered by ever-growing readerships, its daring coverage included the king’s and royal family’s untold stories, government corruption, torture, and secret police abuses; but also Islam, sexuality, and the multiple challenges posed by a society run through with “institutional hypocrisy” (described above).

Interestingly, the cover stories exposing actual social trends (diverse religious practices and beliefs, statistics on alcohol consumption, studies on closeted sexual behaviors, etc.) didn’t perform well commercially in the beginning. It was as if blowing up the conventional tradeoff between social tolerance and freedom of speech made the public uncomfortable—or anxious about losing its existing (if narrow) degree of freedom.

One segment of the public, however, reacted energetically: the Islamists. Led by the mouthpiece newspaper of the PJD, a violent charge against “the secularists” transformed what started as journalistic reporting into ideological confrontation. As would be the case a couple years down the road after the coining of the “individual freedoms” concept, a societal debate was crystallized by a terminological breakthrough—but this time at the initiative of the conservative camp. Up until the Islamists started using it to attack the disruptive magazines (and the growing number of liberal commentators they published), the term “secularism” was barely part of Morocco’s political lexicon. But its addition was

quickly welcomed, as it allowed both sides to draw a line in the sand, thus clearly identifying the two parties of a henceforth brash societal debate: seculars versus Islamists (or the broadened-up version: modernists vs. conservatives). The debate, mainly revolving around religious and sexual mores, would captivate large audiences, as evidenced by the booming circulation numbers of both the “pro-” and “anti-” newspapers<sup>26</sup> and the multiplication of public forums tackling these issues.

### The Civil Society: A Liberal Positioning

Meanwhile, NGOs and civil society groups were continuing to mushroom and develop vibrant activism and advocacy on multiple fronts. In 2003 the creation of the Collective for Democracy and Modernity (CDM) marked a milestone. For the first time, more than 80 NGOs and 300 civil society members from different walks of life (e.g., businessmen, university professors, lawyers) were coming together in an orderly manner to populate the liberal side of the ideological divide. Their presentation text stated: “The CDM was founded by members of the civil society who come from different backgrounds but share the same values of progress . . . to promote democracy, modernity, human rights, and tolerance . . . and fight anti-democratic behaviors, incitement to hatred, racism, violence, and all forms of exploitation of religion.”<sup>27</sup>

Even though the word “secularism” was not directly mentioned, the ideological positioning was strong and transparent. A typical advocacy group pushing its agenda through communiqués, conferences, and workshops, the CDM was helmed by civil society personalities with direct access to the king and high-ranking state officials. This proximity would be used oftentimes to make cases for victims of individual rights violations. For example, when in 2003, 13 heavy metal musicians were accused of “worshipping Satan” and thus condemned to months in prison<sup>28</sup> for “shaking the Muslims’ faith,” high-profile CDM members conducted intense backdoor lobbying until the artists were freed and the verdicts canceled in appeal—a victory loudly applauded by the liberal media.



## Human Rights Groups: Contrasting Approaches

When it comes to individual freedoms, one would expect human rights organizations to spearhead the struggle. But this is not how it played out in Morocco. There are about 10 human rights NGOs in the country, yet only two have significant outreach:<sup>29</sup> the Moroccan Association for Human Rights (AMDH) and the Moroccan Organization for Human Rights (OMDH). The two groups were founded in 1979 and 1988, respectively, but were not able to operate relatively unrestricted until the 1990s, after the “Years of Lead” ended and Hassan II lifted many restrictions on the opposition. Both NGOs share top membership with left-wing political parties, yet manage to maintain a certain autonomy vis-à-vis those parties.

They have, however, diverging politics. While AMDH, a mass organization with 100 local branches and 10,000 members nationwide, has always been an intransigent watchdog of the royal regime (a positioning that mirrors that of the radical party it has ties with<sup>30</sup>), OMDH is perceived as an organization eager to strike compromises with the government in order to push the cause of human rights from within the system (an attitude consistent with that of the party it has ties with, which participated in three coalition cabinets since 1998).<sup>31</sup> This is to say that the two organizations approach individual freedoms from quite different standpoints. Both, however, are interesting to analyze.

**AMDH: THE CHALLENGES OF A MASS ORGANIZATION.** Throughout the 2000s and even before, AMDH provided support communiqués and legal assistance when a citizen was sued or harassed for his beliefs (such as Christian converts or alleged “Satanists,” for example). It did so on the grounds that freedom of belief is a universal human right.

However, the association has been more cautious when it has come to supporting gay rights, because its own members are torn on that issue. Some of them are “open minded” enough to consider homosexuality as a human right, but caution against that notion on the grounds that “the Moroccan people are not

culturally ready for that.” Many AMDH activists have raised that same argument to resist attempts at introducing the notion of “secularism” in the organization’s 2004 and 2007 national conventions—specifically, in each of their “concluding statements,” the key documents that set the line to be toed by AMDH’s members. Both times, the motions were denied after generating heated controversies.

It is noteworthy that when the Ksar El Kebir incident occurred in 2007, the local branch of AMDH was among the signatories of a call for the authorities to “put an end to the moral corruption of the city” (in other words: to arrest and judge the individuals who had thrown the alleged “gay wedding”). That position, however, was quickly disavowed by AMDH’s headquarters, with the NGO’s national leaders admitting a “mistake” and issuing a counter-communicé to back the victims of the anti-gay hysteria.

Perhaps to compensate for that faux-pas, AMDH went ahead and signed a joint communiqué two months later with Human Rights Watch (HRW), calling on the Moroccan authorities to repeal Article 489 of the penal code.<sup>32</sup> Internally, the HRW initiative didn’t go unopposed and the argument on the Moroccans’ “readiness” to stomach gay rights resumed, louder than ever. Eventually, AMDH leaders came out with a long-game strategy to quell internal discord: they organized a series of workshops specifically targeted at the organization’s most conservative members in order to explain the “relation between secularism and human rights.” Once that was done, they organized another series of get-togethers where their adherents could, this time, review “the controversial issues within AMDH” and explore ways to sort them out.<sup>33</sup>

The plan worked like a charm: in 2010, the national convention’s concluding statement mentioned not only “secularism” (defined as “a framework for the rule of law”), but also “all individual freedoms enshrined in international human rights accords” (which AMDH henceforth demanded that the state “respect,” in addition to “repeal(ing) all the legal and prac-

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tical limitations to their full exercise”).<sup>34</sup> The AMDH experience with individual freedom is very telling and shows how cultural resistance and prejudices can be dealt with in a manner that is both democratic and result-oriented.

**OMDH: INFILTRATING THE SYSTEM.** No comparable soul-searching happened in OMDH. All throughout the 2000s decade, the NGO’s individual freedom policy simply consisted in issuing a communiqué every time a media controversy on freedom of conscience or sexual discrimination would become too loud to ignore. The communiqués would systematically defend the victims of the violations, citing universal human rights as a reference.

However, the communiqués would also often be worded in a way that signals some measure of sympathy with the authorities—and their plight to accommodate a certain level of tolerance with the necessity to “preserve public order” (by taking into account the “conservative nature” of Moroccan society). The halfhearted tone of OMDH could be seen as an indication of the organization’s reluctance to defend individual freedoms. In fact, it is more of a testament to the organization’s long-game strategy, which consists in always keeping the door open to negotiation.

This attitude would later be rewarded when the royal palace invited OMDH’s secretary-general to join a commission tasked to draft a new constitution for the country. From that privileged position, the OMDH envoy would play a pivotal role in a bold attempt to constitutionalize freedom of conscience. It showed that taking the moral high ground (as AMDH systematically does) is not the only viable option, even when it comes to defending staunch principles such as human rights.

### Europe and the United States: Pressure from Abroad

The pressure to uphold human rights also came from outside the country. During the 2000s decade, Morocco was negotiating a special partnership status with the European Union—a status the EU conditioned on increased respect of human rights, including individual freedoms. The Moroccan authorities

were particularly anxious to read the human rights memorandums issued every year by the European Parliament, and systematically took pains to issue “counter-memorandums” to debunk (or sometimes justify) the shortcomings identified by the European rapporteurs. The government’s anxiety didn’t go unnoticed domestically, as AMDH and other civil society groups made sure to issue “counter-counter memorandums” to back the annual conclusions of the European Parliament and even provide additional details on the most recent human rights violations.

The U.S. State Department also took part in the mounting pressure. Each year, the State Department issues a “country report” on Morocco (as on every country in the world) denouncing cases of human right abuses—with a specific section dedicated to religious freedoms. The U.S. administration was particularly attentive to cases of foreign Christian missionaries (some of whom were Americans) expelled from Morocco every other year on the grounds that they “use[d] seduction means<sup>35</sup> to convert Muslims” (Art. 220).

As it happened, some of these Christians had opened shelters for abandoned children, providing them with food, clothing, education, and quasi-parental care for a decade. By brutally deporting the educators and closing the shelters, the government was yielding to the pressure of Islamo-conservative groups (including the PJD) who regularly wage campaigns to demand that the state “protect Islam against external threats” and “safeguard the spiritual safety of little Muslims.” But because the deportation jeopardized the lives (and broke the hearts) of innocent children, outraged headlines ensued, both inside and outside Morocco, thus increasing the pressure against the government.

### The Youth: Cyber-activism, Street Protests, and Media Buzz

While the government was dealing with the multi-faceted pressure (e.g., media, civil society, human rights groups, foreign partners) to uphold human rights and individual freedoms, a whole different dynamic was brewing under the surface, on the Internet.

Before Facebook became the universal agora, young Moroccans used to hone their conscience of individual freedoms on Arab discussion forums such as *il7ad.org* (“*il7ad*”<sup>36</sup> or “*ilhad*” means “atheism” in Arabic), *Chabakat al-Ladiniyin al-Arab* (“Network of Arab Agnostics”), or *al-7iwar al-Mutamaddin* (“The Civilized Dialogue”). At the end of the 2000s decade, Moroccan bloggers and forum users followed a global pattern and massively migrated to social media platforms, predominantly Facebook, where they created several groups to host discussions on individual freedoms. One of these groups, called the Alternative Movement for Individual Freedoms (also known by its French acronym, MALI), would play a crucial role.

In September 2009 the group’s two female administrators (a journalist and a psychology intern, both in their early 20s) called for a day-light picnic during Ramadan—in other words, a deliberate violation of Article 222 of the Penal Code prohibiting “ostentatious and public” eating—in order to “open a debate on freedom of conscience.” When the event arrived, the call for civil disobedience was only heeded by six individuals, all in their early 20s, who showed up at the scheduled time and meeting point with sandwiches in their backpacks, only to find themselves surrounded by policemen determined to “preserve public order.” The young activists were arrested and brutally interrogated in police stations, and the failed picnic was front-page news for days, resulting in national controversy. The conservative uproar against MALI’s initiative was extremely vociferous—so much so that the royal cabinet, followed by almost all of Morocco’s political parties, felt compelled to issue condemnation communiqués.

On the Internet, the MALI incident struck the cyber-activist sphere like lightning. It was a major turning point in three respects: first, for the first time in Morocco, an advocacy action (and spectacularly publicized at that) was specifically focused on individual freedoms; second, it was the first time such an action was taken from the virtual world to the street, thus adding a “real life” layer of legitimacy to the cause; third, the action was not initiated

by any old-timer activist, but rather by young members of the Facebook community, henceforth sanctified as urban heroes of a “cool” cause that made headlines worldwide. The sense of pride and entitlement was enormous.

From then on, “real life” meetings would multiply. Groups of from five to 30 youths would convene regularly in several cities (generally in cafés or private apartments) to share experiences.<sup>37</sup> A recurring theme was how to deal with one’s parents and immediate environment when one has chosen to abide by different beliefs or adopt a different lifestyle. Action items were also discussed, but little happened. As enthusiastic as they were, the young activists were cognizant of their small numbers. As went the argument, “When we are legion, we will come out and do something.”

As it happened, the “legion” would come about just a year and a half later. On February 20, 2011, while the Arab Spring revolts were raging all throughout the Middle East and North Africa, more than 100,000 Moroccans took simultaneously to the streets of 53 cities, demanding freedom, democracy, social justice, and many other things. Though the claims raised in these immense protests—the largest since Morocco’s independence—went way beyond the advocacy for individual freedoms, the Facebook activists who initiated them were the same ones who, back in 2009, were active during the MALI episode.<sup>38</sup> The publicity around it had attracted many more young cyber-activists, who went on to create abundant Facebook groups to tackle broader topics: from individual freedoms, the debate broadened up to human rights, then liberal ideas, then democracy at large. By early 2011, the MALI incident had snowballed to generate a wide virtual network that just needed another catalyst event to burst into “real life” and morph into a street movement. The catalyst would be the Tunisian and Egyptian revolutions, and the movement would take the name “Feb20,” after the glorious first day of protests.

Much has been written about how the young activists who called the initial shots of the Arab Spring quickly faded into irrelevance.<sup>39</sup> The main reason was the same throughout the Arab world: their unwillingness (or inability) to

“The second part of the 1990s also witnessed the birth of a new independent press.”

“While the Arab Spring revolts were raging all throughout the Middle East and North Africa, more than 100,000 Moroccans took simultaneously to the streets of 53 cities.”

organize, strategize, and plan ahead beyond romantic calls for the advent of democracy. That made them easy prey for old-guard elites and Islamist groups, both of which have deep pockets, wide support networks, and massive media artillery (not to mention actual artillery). In Morocco as well, inexperienced Feb20 youths failed to produce key leaders, central structures, and a unified agenda. With nothing but a single unstable asset—mass enthusiasm, which didn’t last more than a couple months—the protest movement lost momentum and petered out even as the monarchy was maneuvering effectively to counter it. Less than a year after its inception, Feb20 was in tatters. Down from thousands of enthusiastic and committed members in early 2011, only a handful of die-hard oppositionists remained at the end of the year, aimlessly strolling Morocco’s streets.

After that intense sequence, most of the early initiators of Feb20 fell back to their original mission of advocating for individual freedoms. But it was not a return to square one. Despite its inability to deliver the promised democratic change, the Arab Spring had inspired scores of new recruits to join the freedom battle. After 2011, young liberal activists proliferated on and offline, and launched creative awareness campaigns. Veteran MALI members remained at the forefront, multiplying provocative actions and generating continued media “buzz.”<sup>40</sup> As a way to advocate the legalization of abortion, for example, MALI organized for an “abortion boat” to berth in a Moroccan port—only to generate a maritime police chase and a media frenzy. They also staged a public “kiss-in” after two teenagers were briefly arrested for posting a picture of themselves kissing on Facebook. A group called Aswat (Voices), born of a scission with MALI, also proved very active in the defense of LGBT (lesbian, gay, bisexual, and transgender) rights, organizing photo exhibitions and filming coming-out videos and circulating them on Youtube.<sup>41</sup>

Those initiatives are limited, however, and there is an evident lack of common direction and strategy. But as a more senior free-

dom activist puts it: “These young people use provocation, which generates media buzz and proves that they exist. That is good enough.”<sup>42</sup>

## CHALLENGING THE MONARCHY

When the Arab Spring wave hit Morocco in February 2011, the king quickly found himself under intense pressure. Yet unlike his Arab peers whose first reaction was to open fire on the protesters, Mohammed VI decided to make a clever preemptive move by proposing constitutional amendments meant to implement democratic change. For the freedom movement, that was a golden opportunity to challenge the monarchy and push for change at the highest level.

### Reforming the Constitution

In order to reform the constitution, the king appointed two commissions: one in charge of receiving proposed constitutional amendments from about 100 political actors (including parties and civil society groups), and another tasked with synthesizing those proposals and using them to draft a new version of the basic law. Even if the king’s men retained the final word, with no mechanism set to guarantee that the final draft reflects the proposals in a fair and proportionate way (which prompted Feb20 and AMDH to decline the royal invitation to submit their own proposals), this was an opportunity worth seizing.

Many pro-democracy activists, including those concerned with individual freedoms, decided to take a leap of faith and give it a try. While OMDH proposed to define Morocco as a “civil State” in which religion would have no bearing on the management of public affairs,<sup>43</sup> the Collective for Democracy and Modernity (CDM) recommended that the new constitution “fully endorse the [United Nations’] Universal Declaration of Human Rights.” The CDM also proposed that all international accords ratified by Morocco be granted constitutional “primacy over the internal law of the country”<sup>44</sup>—a bold proposition given that the kingdom ratified, in 1979, the International Covenant on Civil and

Political Rights (ICCPR), which grants freedom of thought, conscience, religious opinion, and religious practice. Giving the ICCPR primacy over such laws as Articles 220, 22, 489, and 490 of the penal code would solve the problem of individual freedoms in Morocco once and for all.

The secretary general of OMDH was one of the royally appointed members of the constitutional-drafting commission—a pivotal position to push for reform in favor of human rights. Along with other liberal-leaning members of the committee, the OMDH envoy managed to insert the CDM’s daring “primacy” proposition on top of another, even more daring amendment: changing the age-old Article 3, which since 1962 has stated that “Islam is the religion of the State, which guarantees the free exercise of the cults to all,” to “Islam is the religion of the State which respects all beliefs, guarantees freedom of conscience and the free exercise of the religions to all.”<sup>45</sup>

When the last draft was presented to the king and the country’s major political parties for an ultimate round of review in the first week of June 2011, these spectacular amendments were in it. And when it came back as a final draft approved by the parties and blessed by the royal cabinet, they were still in it. With only a few days left to prepare the logistics of the constitutional referendum, Mohammed VI would deliver a speech urging the Moroccans to approve the amended text. The movement for individual freedoms was on the brink of scoring a historic victory.

What happened next is shrouded in mystery. PJD and Istiqlal, the country’s two largest political parties (respectively the first and second most-represented parties in the incumbent parliament), suddenly launched a series of meetings to warn against “attempts to uproot Islam from Morocco.”<sup>46</sup> The Islamist and the conservative formations had reviewed the final draft and approved it as it was, so why the dramatic change of heart? Unconfirmed reports say the royal cabinet secretly summoned the parties’ leaderships and urged them to campaign in order to counter a last-minute “infiltration of a foreign agenda” within the drafting committee.<sup>47</sup>

The liberals reacted immediately. They organized a joint press conference bringing together OMDH, CDM, and other civil society networks. The communiqué distributed to the press to protest the “anti-freedom coup” was signed by more than 1,000 NGOs, arguably the largest grouping of civil society organizations in Morocco’s history. But the mobilization was to no avail. When the king took to the airwaves and introduced the new constitution, Article 3 had reverted back to its original wording.

As for the international human rights accords, they still had “primacy over the internal law of the country.” But, in a new wrinkle, the primacy would be accorded only “within the framework of the dispositions of the Constitution and laws of the Kingdom, in respect of its immutable national identity” (including Islam).

Of course, having “primacy” over a thing (Moroccan law) only “within the framework” set by this same thing is absurd. Apparently, the mysterious editor who aborted the reform at the 11th hour didn’t care too much about making sense. All that mattered was to favor the Islamo-conservative camp on that one, for reasons that are yet to be disclosed.<sup>48</sup>

### Pressure Yields Results

Despite this missed opportunity (the unfolding of which vindicated AMDH and Feb20’s wariness of royal stratagems), the individual freedom activists were ultimately emboldened and energized. After all, unlike their religious-conservative foes whose ideology has been around since the dawn of time, most member organizations of the movement for individual freedoms were less than a decade old—and in a way, so were the values they defended. In these conditions, the mere fact that they had come so close to achieving their Article 3 goal says something about the pertinence of their cause and the effectiveness of their lobbying.

In the years that followed, the movement continued to organize and expand its base. As a response to an attempt by the PJD government<sup>49</sup> to control civil society organizations by cutting their foreign funding,<sup>50</sup> about 500

“The movement for individual freedoms was on the brink of scoring a historic victory.”

“The royal palace has recently provided a series of hopeful signs.”

NGOs came together and canvassed the country's territory with 22 meetings, culminating in what was called the National Conference of the Democratic Associative Movement. More than 3,500 NGOs and 5,000 activists participated, which set a new record in terms of civil society mobilization.

The final communiqué of this giant coalition insisted on claiming freedom of conscience and individual rights. Either individually or collectively, these groups later organized several high-profile conferences on freedom of conscience between 2012 and 2014, with important media coverage and the participation of foreign academics. In other words, since the failed constitutional reform, the movement for individual freedoms has developed a spectacular mobilizing capacity.

This newfound power might explain why the authorities have, in several recent instances, offered remarkable openings to the liberals. For instance, after a PJD member of the Moroccan Parliament aggressively remarked that “claims such as tolerance of homosexuals or gender equality in matters of inheritance<sup>51</sup> undermine Moroccan moral virtues,”<sup>52</sup> the minister of Islamic affairs (who reports directly to the king) came to Parliament in May 2014 and slammed the MP with a passage of the Koran urging the believers to “demonstrate wisdom and spread a good word, specifically when dealing with controversial matters.”<sup>53</sup>

In another example, after he was condemned to 30 months in prison for his conversion to Christianity, a Moroccan citizen was strongly backed by an ad hoc coalition of pro-freedom NGOs, which mobilized the media and recruited a dozen pro-bono lawyers. Finally, the appeals court cleared the man and freed him in February 2014, thus setting a precedent in favor of freedom of conscience.<sup>54</sup> Knowing that the judiciary is at the beck and call of the monarchy by institutional design, it is hard to believe that a judge would issue such a controversial ruling without being backed by a higher (i.e., royal) authority.

What is true for the judiciary is even truer for diplomacy, and Moroccan diplomacy made an

even more significant decision. In March 2014, it backed the “resolution on Freedom of Religion or Belief” issued by the UN Human Rights Council (of which Morocco is a member). The resolution states that “everyone has the right to freedom of thought, conscience and religion or belief, which includes the freedom to have or not to have, or to adopt, a religion or belief of one's choice and the freedom . . . to manifest [it] in teaching, practice, worship and observance.” The resolution also “urges States to . . . ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, and religion or belief to all, without distinction”<sup>55</sup>—all provisions that blatantly contradict Moroccan laws pertaining to individual freedoms. To what extent that resolution is binding for the government is of course a matter of discussion. However, the mere fact of its adoption sends a clear message. Maybe that was the point.

## THE WAY FORWARD

As we just saw, the royal palace has recently provided a series of hopeful signs. More of that can come, but, for now, signs are the maximum the freedom movement can hope for. Indeed, the monarchy can't afford to be seen as transparently siding with one ideological camp against the other—especially if the slighted camp is assumed to speak for the majority of the people. That is why the freedom movement's prime task today is to lobby Islamo-conservative parties into endorsing the individual freedoms agenda.

The endeavor might be less impossible than it sounds, precisely because the palace has provided those hopeful signs. Let us keep in mind that in Morocco, the king is the “Commander of the Faithful,” and the institution he represents is the first guarantor of Islam. If the monarchy is perceived as leaning toward a more liberal interpretation of religion, then the conservatives do not want to be seen as disputing the king—that should and must be the first argument used by civil-society campaigners to drive major Islamo-conservative parties, like

PJD and the Istiqlal Party, to adopt a public rhetoric less hostile to individual freedoms.<sup>56</sup> That would, in turn, encourage the palace to move on from mere signs to tangible reform offers. In billiards, that would be the strategic equivalent of a three-cushion bank shot.

### A Winning Strategy to Emulate?

There is a historical precedent for such a strategy. In 2004, women's rights groups, one of the most organized segments of Morocco's civil society, managed to get the king to pass a radical reform of the Family Code (known in Morocco as the Moudawana, or "the Code"). Until then, women were legal minors with lesser rights than men in all family matters, including marriage, divorce, and inheritance. Several women's rights groups created in the late 1980s—first as accessories of political parties before they gradually became more autonomous—have been calling for a reform of the Moudawana for two decades.

Mohammed VI finally granted them reforms that significantly upgraded women's rights in matters of legal responsibility (women are now considered "co-responsible" for the household, a bump up from their previous minor status), and marriage (a woman no longer needs her father's authorization to wed) and divorce (it can now be initiated by the wife, whereas before only the husband had that right). As progressive as it was, the amended Moudawana was met with very little opposition among the Islamo-conservative forces. That is because the "Commander of the Faithful" took great pains to explain that the new code was not circumventing God's law, but merely reinterpreting it in a slightly more moderate way.

That distinction borrowed the language that had been carefully developed by women's rights groups. Though most of their leaders had a leftist background and a Western education, they were careful to not claim gender equality from a universal rights standpoint, but rather through a liberal reinterpretation of Islam. Moreover, they were ready to make concessions. Because some Islamic laws are more precise and leave less room for reinterpretation than others, the

king left the rules of inheritance and polygamy unchanged, claiming "I can neither authorize what God has forbidden, nor forbid what God has authorized."<sup>57</sup> Women's rights groups gave him that. As liberal as it is, the code reformed in 2004 still provides that a Moroccan woman inherits half the share of her brother. A decade later, however, lobbying has resumed for amending that article, citing new leads for reinterpreting religious laws in a way that would not contradict the spirit of Islam. Some political parties are starting to support the claim, and the monarchy is listening.

### High-mindedness vs. Efficiency

Some might contend that negotiating reform with the royal palace is a self-defeating strategy. After all, individual freedoms—and more generally human rights—are part of the wider cause of democracy. In Morocco, the fight for democracy is a longer game, aimed at incrementally bending the rules of the system rather than taking advantage of them.

Some observers might respond that, instead of trying to lobby or even pressure an absolute monarchy into liberal reform, wouldn't it be better to fight absolutism directly? Negotiating with such a system can lead to bitter disappointment, as the failed Article 3 reform episode demonstrated. The moral-high-ground activism does not consist in making concessions to despotism, but rather in fighting it, even if it takes longer, in order to bring liberal democracy, accountability, and civil rights to Morocco—all at once.

That argument is valid. However, democratic strategies are not mutually exclusive of one another. Negotiation is a vain enterprise if you don't build a strong negotiating position for yourself. That includes organizing, working on ideological clarification, and engaging in grassroots expansion efforts. The story of the Moroccan freedom movement is nothing but that. No higher-minded activism will come to fruition otherwise, anyway. In other words, negotiating with the monarchy has to be done in unison with efforts at winning the hearts and minds of the masses in order to change society.

“Women were legal minors with lesser rights than men in all family matters, including marriage, divorce, and inheritance.”

“The cause of individual freedoms in Morocco has more opportunity for progress today than at any other time in its history.”

## RECOMMENDATIONS

The cause of individual freedoms in Morocco has more opportunity for progress today than at any other time in its history. However, in order to achieve it, the movement has to work more on its organization, agenda, and strategy. It also needs to continue expanding its base to improve its bargaining position. For that, the movement must improve its communication, increase its media visibility, and fundraise in order to support all these activities.

For Morocco's freedom movement to reach these goals, it must do the following:

1. *Establish a permanent Freedom Coalition.* Morocco's liberal NGOs have proven their ability to form large coalitions. But so far, they have only done so on an ad hoc basis: each time the government or the judiciary moved against individual freedom, a coalition would form and sign a document to protest the move. What the movement needs to establish today is a large associative coalition of a permanent nature, with an organizational structure of its own and an elected leadership. The coalition's leaders must have a strong and clear mandate to develop a long-term vision, agenda, and strategy for the advancement of individual freedoms in the country—and act upon them the way they see fit, including through negotiations and tactical concessions if necessary.
2. *Adopt a unified agenda.* Once established, this Freedom Coalition should adopt a list of clear, focused, and concrete goals. The item topping the list should be a claim for constitutional reform, one that would acknowledge and guarantee full individual rights and freedoms to Moroccan citizens and remove all obstacles to those rights and freedoms in the country's legislation. The Freedom Coalition's agenda should then go on and list all the specific pieces of legislation that need to be reformed in order to enforce individual rights and freedoms: the Penal Code Articles 220, 222, 489, 490, and so on. All the reform propositions included in the agenda should be fleshed out in the form of alternative constitutional and legal articles; that way, the discussion would revolve not around philosophical concepts, but rather around a concrete platform for reform. Finally, the Freedom Coalition's agenda should include a proposition to insert the notions of freedom of conscience and individual freedoms in the government-approved school manuals and teachers' curricula.
3. *Adopt a unified strategy.* If the Freedom Coalition's agenda is set on reforming constitutional and legal texts and school programs, then the strategy to achieve those goals must be political. Understanding that Morocco's institutional design designates the monarch as the supreme decisionmaker for all things pertaining to religion (and thus, to individual rights), the Freedom Coalition's unified strategy must be oriented toward negotiating with the royal palace and its institutional extensions. The successful strategy of the feminist movement, described above, is a good one to emulate. Proposing alternative (and more moderate) readings of Islam—in the concrete form of addenda to the agenda's items—would offer the monarchy some welcome room to maneuver politically. Indeed, that would allow the monarch to move toward more secularization without antagonizing the Islamo-conservative parties too much. At the same time, the Freedom Coalition should engage said parties and lobby them into endorsing more liberal interpretations of Islamic scriptures—which, if achieved, would offer some relief to the royal palace, thus helping the pro-individual freedom negotiations.
4. *Expand the grassroots network.* No negotiation can yield positive results without a strong negotiating position. This is why the Freedom Coalition must engage in wide-ranging grassroots efforts in order to consolidate and expand its NGO sup-



port base even as it pushes its political agenda. The larger the base, the more efficient the pressure on the monarchy and the illiberal parties.

Whenever it felt the urge to build an ad hoc coalition, Morocco's pro-freedom movement proved remarkably adept at canvassing the territory with advocacy meetings. This should be replicated on a wider scale and in a more systematic fashion, to popularize the agenda of the unified Freedom Coalition and recruit more NGOs, activists, and sympathizers throughout the country.

Also, more bridges should be built between junior and senior pro-freedom activists. Until now, there haven't been a lot of contacts between Facebook-born groups like MALI and civil society powerhouses like the CDM, save for a couple of conferences where the former spoke at the invitation of the latter. True, their respective strategies are fundamentally different: while the elders are generally open to tactical compromises, the youths generally prefer to showcase their uncompromising spirit by staging provocative actions (which, one has to admit, are more likely to generate Internet buzz and media coverage than tedious NGO gatherings). It might be useless, or even senseless, to search for a middle ground between these two opposing attitudes. However, in the broader scheme of things, there is a complementarity: the young agitators could use media stunts to widen public awareness, while the senior activists could leverage the pressure thus created to achieve actual breakthroughs.<sup>58</sup> A good understanding of this division of labor (relying, for example, on a subtle interaction policy; inviting the youth to speak; supporting their spirit but not necessarily endorsing all of their actions) will help the freedom movement to move forward in a more coherent manner.

5. *Improve communication.* Though strong and very active, Morocco's movement for individual freedoms is fragmented and

therefore suffers from a relative lack of intelligibility. This paper mentioned two alliances of these sorts of groups: the Collective for Democracy and Modernity (80 NGOs and 300 leading civil society figures), and the National Conference of the Democratic Associative Movement (3,500 NGOs—also known as the “Dynamics of the Rabat call” because its final document was issued in that city).

There are other potent groups. The Forum of the Alternatives and *Action Jeunesse* (Youth Action), for instance, also proved able to bring together 120 to 200 NGOs, all focusing on youth activism, for workshops on “freedom of conscience and the civil state.” The multiplicity of names is confusing to the outside observer—even more so, considering that the same NGOs and associative leaders are often found in different coalitions. Regrouping all of this under one and only one permanent umbrella-coalition with a simple and media-friendly name (something like “The Freedom Coalition”, for instance) would immensely help clarify the cause (and come as a relief for many journalists). The rebranding and marketing strategy should include the development of a cutting-edge website in multiple languages, utilizing new technologies intended to make the best of social media and other wonders of the virtual world. To pay for these things (and also for the grassroots efforts evoked in the previous point) establishing international partnerships with European and American organizations dedicated to promoting freedom would be helpful—not only for raising grant money, but also for seeking training opportunities and whatever useful programs exist for capacity development.<sup>59</sup>

## CONCLUSION

Despite some recent setbacks,<sup>60</sup> Morocco's current environment offers encourage-

“The Freedom Coalition should adopt a list of clear, focused, and concrete goals.”

“The country is opening up under the pressure of more educated and interconnected younger generations.”

ment for the cause of individual freedom. The country is opening up under the pressure of more educated and interconnected younger generations. The formidable development of the Internet (Morocco has a 56 percent penetration rate, the highest in Africa) is favoring the free flow of ideas and making censorship increasingly difficult. The notion of freedom of conscience has come a long way and is now less and less contested within elite circles. Says Lahbib Kamal, a key organizer of the pro-freedom civil society coalitions, “When asked privately, no Moroccan opinion leader, even if he’s labeled a conservative, says today that he’s against freedom of conscience. Resistance is still found at the institutional level, but we’re progressing.”<sup>61</sup> Fouad Abdelmoumni, a senior AMDH member and Feb20 mentor, points to Islamists having been associated with government and having gained real management experience that “has led them to gradually abandon their messianic posture, and start to open up to the principle of tolerance.”<sup>62</sup>

In 2013 the CDM organized an international seminar on freedom of conscience. The minister of communication and spokesman for the PJD government accepted an invitation to attend. After listening to appeals by a MALI activist, a Moroccan Shiite, and a Moroccan Christian convert (the latter two being in violation of Moroccan law), the Islamist politician spoke in turn and admitted that in today’s world, “anyone can believe in anything.” Whether that was a fatalist admission of reality or the premise of a paradigm switch remains unclear. Whichever the case, it is a hopeful sign for the future.

## NOTES

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sion of the code also uses the literal transcription “*moyens de seduction*.”) The purposely vague wording, meant to offer wide room for interpretation to magistrates, encompasses all advocacy methods (books, articles, audio-video material, and even oral preaching) that may be used to convince someone to adopt certain beliefs, behaviors, or practices—typically ones deemed inappropriate or offensive in reference to Islamic mores.

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18. Moroccan constitution, English version: [http://www.ancl-radc.org.za/sites/default/files/morocco\\_eng.pdf](http://www.ancl-radc.org.za/sites/default/files/morocco_eng.pdf).
19. Moroccan Family Code (in French): *Code de la Famille—la Moudawana*, <http://www.cie.ugent.be/documenten/Codefamille.pdf>.
20. Since the 1920s, members of the Moroccan Jewish community are, in family matters, referred exclusively to their own courts of law, which are governed by a special code based on Hebraic scriptures.
21. Mohammed Tozy, “Monarchie et Islam Politique au Maroc,” *Presses de Sciences Po* (1999): 96–143.
22. Founded in 19th-century Persia, Baha’ism is a religion aiming at “achieving peace in the world” through a “synthesis of the three Abrahamic religions’ teachings” (*Wikipedia*).
23. Sami Lakhmari, “Un Parfum d’Inquisition,” *Zamane*, January 16, 2013, <http://zamane.ma/un-parfum-dinquisition>.
24. *Ibid.*
25. These included forming a ruling coalition with parties they had long dismissed as “minions of the monarchy,” and renewing the appointment of interior minister Driss Basri, after years of denouncing him as the supreme organizer of electoral fraud in the country.
26. It is worth noting that when the debate peaked, during the second half of the 2000s decade—*TelQuel* and *Nishan*—two assertively liberal magazines, were the bestselling weeklies in Morocco by wide margins. At the same time, *Al Massae*, a brazenly conservative newspaper, was by far the country’s best-selling daily. This says something about how polarized Morocco’s public opinion was on the topic of individual freedoms. More on this in Dominique Lagarde and Myriem Khrouz, “Maroc: La Fracture Morale,” *L’Express*, June 18, 2008, [http://www.lexpress.fr/actualite/monde/afrique/la-fracture-morale\\_512897.html](http://www.lexpress.fr/actualite/monde/afrique/la-fracture-morale_512897.html).
27. Excerpts from the CDM’s presentation text, found on the organization’s website: <http://www.democratiemodernite.org.ma/index2.htm>.
28. Giles Tremlett, “Moroccan Judge Jails Metalheads,” *The Guardian*, March 11, 2003, <http://www.theguardian.com/world/2003/mar/11/arts.artsnews>.
29. Souleiman Bencheikh, “Maroc: La Galaxie des Droits de l’Homme,” *TelQuel*, May 3–9, 2008, 22–23, [http://m.telquel-online.com/archives/322/maroc3\\_322.shtml](http://m.telquel-online.com/archives/322/maroc3_322.shtml).

30. That party is Annahj Addimocrati (Arabic for “The Democratic Path”) a Marxist-Leninist formation that ultimately aims at toppling the Moroccan monarchy and replacing it with a republic.
31. The USFP (French acronym for *Union Socialiste des Forces Populaires*, or Socialist Union of Popular Forces) has been increasingly co-opted by the monarchy since it officially decided to abandon armed struggle in 1975. A symbolic co-option climax point was probably reached in October 2014 when USFP’s secretary general, Driss Lachgar, claimed that even the opposition that he represents is “the opposition of his Majesty” (rather than *to* his Majesty.) For more on this: <http://www.h24info.ma/h24-tv/le-buzz-du-jour/benadbellah-et-lachgar-se-disputent-sa-majeste/27305>.
32. Human Rights Watch, “Ksar el-Kebir Case Prompts Moroccan Association for Human Rights, Human Rights Watch to Launch Petition for Fair Trials and Privacy,” [hrw.org, http://www.hrw.org/news/2008/02/15/ksar-el-kbir-case-prompts-moroccan-association-human-rights](http://www.hrw.org/news/2008/02/15/ksar-el-kbir-case-prompts-moroccan-association-human-rights).
33. Interview of Khadija Ryadi, former-secretary general of AMDH, August 2014.
34. General statement of the Ninth National Convention of the Moroccan Association for Human Rights (in Arabic), <http://www.maghress.com/essanad/3438>.
35. See note 12.
36. The number 7 is used here to symbolize the Arabic letter ح, or emphasized “h”.
37. Interview of Individual Freedom activist Imad-Iddine Habib, founder of Morocco’s Council of Ex-Muslims, August 2014.
38. Zahir Rahman, “Online Political Activism in Morocco: Facebook and the Birth of the February 20th Movement,” [Academia.edu, http://www.academia.edu/1417051/Online\\_political\\_activism\\_in\\_Morocco\\_Facebook\\_and\\_the\\_birth\\_of\\_the\\_February\\_20th\\_movement](http://www.academia.edu/1417051/Online_political_activism_in_Morocco_Facebook_and_the_birth_of_the_February_20th_movement).
39. See notably Irene Fernández Molina, “The Monarchy vs. the 20 February Movement: Who Holds the Reins of Political Change in Morocco?” *Mediterranean Politics* 16, no. 3 (2011); Rebecca S. Robison and Mary Jane C. Parmentier, “The Arab Spring in North Africa, Still Winter in Morocco?” in N. Agarwal et al. (eds) *Online Collective Action: Dynamics of The Crowd in Social Media* (Berlin: Springer, 2014); Driss Maghraoui and Selwa Zerhouni, “Morocco: From Depoliticization to February 20 Movement,” in Ellen Lust (ed.) *The Middle East* (Sage Publications, 2014); Ahmed Benchemsi, “Morocco’s Makhzen and the Haphazard Activists,” in Lina Khatib and Ellen Lust (eds.), *Taking to the Streets: The Transformation of Arab Activism* (Baltimore: Johns Hopkins University Press, 2014).
40. Interview with Individual Freedom activist and MALI member Soufiane Fares, by the author, Rabat, August 2014.
41. Ibid.
42. Interview with liberal writer and activist Ahmed Assid, August 2014.
43. Interview of Amina Bouayach, former-secretary general of OMDH, August 2014.
44. Interview of Lahbib Kamal, former secretary general of the CDM, August 2014.
45. Interview of Amina Bouayach.
46. One of them was filmed and posted on YouTube: <https://www.youtube.com/watch?v=Zm3yMWJbmh8>.
47. Interviews of Lahbib Kamal and Amina Bouayach, 2014.
48. Ibid.
49. In late 2011, the Islamist Party won the legislative elections and its leader, Abdelilah Benkirane,

was appointed chief of government by the king.

50. In Morocco, NGOs are financially independent of the government. A small minority—those recognized with state-granted “public utility status”—receive government subsidies, but many more receive international funding through various channels. In April 2012, Habib Choubani, “minister in charge of the relationships with the civil society” (a post created under the Islamist government, in what many considered an attempt to oversee the country’s—perceivably secular—associative network), disclosed a short list of Moroccan NGOs receiving international financial support. The disclosure was accompanied by threats to issue new regulations against foreign funding for NGOs on the grounds that the beneficiaries serve “foreign agendas” deemed harmful to “national interests.” The immediate uproar was led by Lahbib Kamal, a key civil society activist and organizer in Morocco. See his interview here: <http://www.yabiladi.com/articles/details/9864/financement-associations-marocaines-kamal-lahbib.html>.

51. Morocco’s inheritance laws are strictly aligned with the Koranic rule granting females half the inheritance share of their male brothers.

52. Fatima Moho, “Sexualité, Héritage . . . Ahmed Taoufiq Appelle À La Sagesse,” *le360.ma*, <http://www.le360.ma/fr/politique/sexualite-heritage-ahmed-taoufiq-appelle-a-la-sagesse-14931>.

53. *Ibid.*

54. Mouhcine Aslaf, “Mohamed El Baladi Finalement Innocenté,” *h24info.ma*, <http://www.h24info.ma/maroc/mohamed-el-baladi-finalement-innocente/19973>.

55. See the full text of the resolution on the UN’s website: <http://daccess-dds-ny.un.org/doc/UNDOC/LTD/G14/I22/62/PDF/G14I2262.pdf?OpenElement>.

56. One might ask, but aren’t Islamo-conservative parties truly committed to illiberal values, i.e., to hostility toward individual freedoms? They are

indeed, but only insofar as defending illiberalism doesn’t put them at odds with the monarchy. In a nepotistic system where the king hires and fires public officials at will regardless of electoral outcomes, the key to successful political careers is not sticking to values, but forelock-tugging the monarchy. (For more on this, read Ahmed Benchemsi, “Morocco: Outfoxing the Opposition,” *Journal of Democracy* 23 [2012] 57–69.) That doesn’t mean the monarchy can bend Islamic rules at will without any reaction from Islamo-conservative political forces. Yet with the appropriate religious coating, monarchy-generated secular reform can happen with little Islamo-conservative pushback. (For a concrete example, see the next section.) It’s all a matter of fine-tuning.

57. Excerpt of a speech delivered by King Mohammed VI to introduce the Moudawana reform bill to the Moroccan parliament, October 10, 2003. French version: [http://www.parlement.ma/fe/\\_file2.php?filename=200804141359220](http://www.parlement.ma/fe/_file2.php?filename=200804141359220).

58. This has worked well in a number of instances, the most memorable of which is the successful campaign to free the 13 young heavy-metal musicians imprisoned in 2003 for “worshipping Satan.” While black-clad young activists were staging street demonstrations with provocative art stunts and slogans in favor of the musicians, senior civil society activists were pursuing an intense lobbying campaign backdoors, targeting palace officials and political leaders. The campaign lasted 45 days and ended with the liberation of the musicians. For more, read “Moroccan Court Grants Bail for Metalheads,” *MetalUnderground.com*, <http://www.metalunderground.com/news/details.cfm?newsi=4609>.

59. There are multiple examples of such fruitful collaborations. One of them is the Association de Lutte Contre le Sida (ALCS), an NGO dedicated to fighting AIDS. Because it established early and solid ties with international institutions (including grant-making ones, but also others that provide training, including on how to organize telethons), the ALCS has grown to be the Middle East and North Africa’s biggest and most reputed AIDS-

fighting NGO, now exporting its expertise to other Arab and African countries. More on ALCS and its international partners can be found here: <http://www.colitionplus.org/membres/alcs-2/>.

60. In May 2015, a series of incidents in Rabat (a bare-chested stunt performed by French FEMEN female activists in support of gay rights; a concert of American performer Jennifer Lopez, including provocative attire and dance moves; another concert of British pop group Placebo, featuring a guitarist proudly bearing the crossed number 489—to signal his rejection of Morocco’s anti-gay penal code arti-

cle—on his bare chest . . . ) provoked an angry backlash of the PJD and heated debates in the press and social media about “foreign attacks against Islam.” As a reaction to the tumult, the ministry of Interior felt compelled to arrest two local LGBT activists, and also produce solemn statements reaffirming the state’s eagerness to “defend public morals.”

61. Interview with the Author, Casablanca, August 2014.

62. Interview with the Author, Rabat, August 2014.

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