The Stakes of Secularising the Political Sphere in Morocco

Dr. Mohamed Tozy *

ABSTRACT

The Moroccan Constitution that was adopted by referendum in July 2011 reaffirmed the principal religious foundations of the regime, despite demands for a civil state and a parliamentary monarchy during the unprecedented protest movement catalysed by the Arab Spring. Since then, the constitutional monopoly over religious authority has been consolidated. The ambiguous title of 'Commander of the Faithful' —introduced during the reign of Hassan II as an expression of an established tradition— has, by virtue of the constitutional text, become the only power exercised by the king independently of the other constitutional institutions (Article 41 of the 2011 Constitution).

These constitutional reforms purported to radically limit the King's political and legislative powers while strengthening the hierarchy of legal norms by reinforcing the principle of supremacy of the constitution and subjecting royal decrees (*dahirs*) to judicial review. However, the reforms have in practice, expanded the scope of royal authority —particularly through the institutionalisation of a state Islam administered by a bureaucracy under supervision.

Keywords: *civil state; secularism; Commander of the Faithful; Islamisation.*

* Mohamed Tozy (PhD) is a Professor of Political Science at Hassan II University of Casablanca, Morocco, and Aix-Marseille University, Aix-en-Provence, France.
This paper was finalised in June 2025.

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Introduction: The Monotheistic Paradigm and the Question of Power

In most Muslim countries, the islamisation of societies was initially driven by the state. Very early on, states rushed to exploit the opportunities offered by religion to consolidate authoritarian rule. Religious public policies in countries founded upon secular ideologies that underpin the nation-state project —such as Egypt, Pakistan, Algeria, Turkey and Morocco— display profound similarities: a monopoly over the production of religious orthodoxy and, more recently, a religious orthopraxy; control over the training of religious scholars (*ulemas*); and the islamisation of political authority.

The evolution of Islamist movements in the 1980s forced these nation-states to overemphasise the theological foundations of their legitimacy and to favour the most conservative elements of their political heritage —those that sacralise authority by associating the need for order with the need for religion. This instrumentalisation of an ideological reading of Islam enabled them to govern by, and in the name of, religion. Although the ways in which this option is deployed differ from one country to another, they all rest on the premise of the theological necessity of power and exploit the principle that "disorder is worse than murder" (*Al-fitna ashad min al-qatl*).

The majority of Sunni *ulemas* associate God's presence in the city (human society) with social peace, which implies accepting all forms of power, including that of an unjust or impious ruler. Obedience thus becomes a religious imperative unless the *ulemas* waive this obligation. Muslims who are compelled to obey these *ulemas* rely on them to act as a countervailing power and to determine when dissent is justified. This theoretical authority of the *ulemas* is based on several references in the Quran, as well as on certain *haditha*. The most important verse is the one that confers upon them a kind of monopoly over the "fear of God": "And among people and moving creatures and grazing livestock are various colours likewise. Only those among His servants who have knowledge truly fear Allah."[1] (Quran 35:28). As for the *haditha*, the one most often cited by the *ulemas* describes *ulemas* as the heirs of the prophets.[2]

As a result, the *ulemas* represent a significant challenge for the existing authorities. Most studies focus on strategies to neutralise them through political means. The weaker and less theologically recognised *ulemas* tend to support the government, endorsing the logic of order and the struggle against disorder and anarchy.

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1 In his interpretation of the Quran, Berque offers a translation that highlights the privileges scholars may derive from their status as sacred figures by virtue of their position. He explains this in a footnote to his translation of verse 28. Berque writes: «« Ceux qui connaissent » plutôt que les « savants » ou que les oulémas. Il n'y a pas ici privilège de professionnalisme, ce qui serait anachronique, mais la foi raisonnée : c'est à peu près la position de Zamakhchari.» ("'Those who have knowledge' rather than 'scholars' or '*ulemas*'. There is no privilege here of professionalism, which would be anachronistic, but rather reasoned faith: this is more or less the position of Zamakhshari.")

2 "Those who follow a path in quest of knowledge, Allah will make the path to Jannah easy for them. The angels lower their wings over the seeker of knowledge, pleased with what they do. The inhabitants of the heavens and the earth, and even the fish in the depths of the oceans, seek forgiveness for them. The superiority of the learned person over the devout worshipper is like that of the full moon to the other stars in brightness. The learned are the heirs of the Prophets […]." For an analysis of this *ḥadith* and its contextualisation, see: Guillaume De Vaulx, "Man Haddatha Hadith Abi Al-Darda (T. 31/652) Fi Al-Ulama Warathat Al-Anbiya Wa Man Warrathah?" [Who narrated the hadith of Abu al-Darda (d. 31/652) about 'the scholars are the heirs of the prophets,' and who did he pass it on to?], *MIDÉO*, no. 34 (2019): 127–144.

A minority, however, manage to maintain their independence, assuming the risk of costly dissent.[3]

The possibility of dissent inherent in the logic of the monotheistic model —which we will address below—forces those in power, at best, to persuade religious leaders and, at worst, to compel them to align themselves with the government, a course that ultimately undermines their credibility. In any case, a minority of steadfast figures persists, reminding us that at the foundation of monotheism lies one God, the sole sovereign, and that humans cannot escape their status as creatures who have arrogantly accepted the role of His delegate. This principle of *istikhlaf*, which defines the nature and limits of human authority over other humans and over nature, has remained a structuring model without achieving consensus on the modalities of its implementation: the recipient of the delegation (an individual or the entire community), the manner of their appointment, the scope of their authority, and the procedures for its exercise.

The theory of the Caliphate, fossilised by al-Mawardi[4] at the very moment when the institution was in crisis, favoured an authoritarian interpretation that minimised the obligation to consult and provided a restrictive reading of the principle of the political contract, which became a contract of adhesion. This is particularly evident given that the circle of those who bind and unbind communities is small, and they are not considered representatives of the community; their voice is largely unheard and their role has been marginalised, often depicted as a source of disorder. Nevertheless, this shift in doctrinal authority has been unable to undermine the foundations of the monotheistic model. The devolution of power and its exercise are left to the arbitration of social power relations, which have frequently followed chaotic trajectories, marked by despotic cycles and punctuated by episodes of dissidence, often taking the form of Mahdism or reformist preaching.

Muslim philosophy continues to provide fertile ground for exploring the consequences of radical unitarianism (*tawhid*/monotheism), in which the seat of power is saturated with the presence of an abstract God. Two consequences arise from this foundational matrix of sovereign power. On the one hand, the one God—and, consequently, the sovereign power of which He is the sole depositary—cannot be embodied in any creature. The limits of delegation once prophecy has ended are so clearly defined that there is a temptation to assume it is always linked to a congenital blindness inherent in human weakness, which carries the risk of usurping God's status. Humans are freed from any duty of obedience to another human, albeit at the risk of falling into *shirk* (associationism); exclusive submission to God liberates humanity and renders dissent both a duty and a path to self-fulfilment. On this basis, Sunni historiography distinguishes between the caliphate, conceived according to the prophetic methodology—which forbids any theocratic tendencies and any paternalistic functions of monarchy—

[3] The most remarkable case is that of the Kingdom of Saudi Arabia, where Crown Prince Mohammed bin Salman declared war on a group of scholars associated with Wahhabi thought. Among them were the 68-year-old Salafi scholar Safar al-Hawali and Sheikh Salman al-Ouda, both leaders of an opposition movement known as the "Awakening," which emerged following the mobilisation in 1990, when the regime invited the United States, alongside other Arab and foreign forces, to defend the country against an imminent invasion by Iraqi President Saddam Hussein.

[4] Abul Hasan Ali ibn Muhammad al-Mawardi, *Al-Ahkam al-Sultaniyyah: The Laws of Islamic Governance* (Cairo: Dar Attaqafah, 2018).

and kingship, which, despite its circumstantial necessity and its justification through a juristic discourse advanced by scholars in the name of pragmatic necessity, remains, at best, nothing more than an unavoidable evil.

On the other hand, the impossibility of establishing an exclusive religious authority arises from the ease with which any Muslim may approach God directly in pursuit of salvation. Accordingly, disobedience to any authority claiming to represent God is regarded as one of the legitimate paths to salvation. Neither the caliph nor the king can assert any paternalistic function, for the benefits of salvation remain within the domain of shared prerogatives, allowing each Muslim to follow their own path. This, to say the least, reshapes our understanding of the historical development of relentless absolutist authoritarianism. Muslim nation-states are thus tempted to seek religious legitimisation of power and to exploit Islam in ways that operate outside the framework of God's absolute sovereignty.[5] The impossibility of incarnating the sovereign liberates humans, and the corollary of this theocracy is a human society whose governance is a human affair. This paradoxical observation gives full meaning to Louis Massignon's striking formulation,[6] which described Islam as a "secular and egalitarian theocracy." Morocco presents an interesting trajectory, appearing to offer a compromise with this paradox.

The monotheistic model of a sovereign God, however, allows for both trajectories. The question of sovereignty largely frames the debate over whether the state is civil or religious in nature.

- Power monopolised by a single individual (the caliph) or by a clergy claiming legislative authority directly derived from sacred texts, thereby imposing a theocracy. In this model, the state exists outside society. Power is never immune to structural dissent among believers, which it often suppresses with extreme violence.
- A sovereign community by delegation, in which religion functions as a form of natural law, permitting legislation free from the normative and non-ethical constraints of the sacred texts. Here, the state is an emanation of society.

I. The Moroccan Trajectory of the Relationship between Religion and Politics

The religious character of Moroccan royal power is now well established. Anthropologists, political scientists, historians, and sociologists have highlighted a particularism carefully maintained by the majority of political elites allied with the monarchy, whether they are left-wing nationalists, conservatives, liberal monarchists, or Islamists.

5 Mohamed Tozy, *Monarchie et islam politique au Maroc* (Paris: Presse des Sciences Po, 1999).
6 Louis Gardet, *La Cité musulmane : vie sociale et politique* (Paris: Vrin, 1954), 31; and *Les hommes de l'Islam : approche des mentalités* (Brussels: Complexe, 1999), 74–75.

This particularism, promoted as a distinctive feature, was further consolidated by the new constitution, adopted in July 2011. The association between the monarchy, Islam, and nationalism dates back to the Protectorate era and was reaffirmed after independence through the reactivation of traditional categories of legitimacy in Islam, such as allegiance and imamate, which served as reference points for a re-traditionalisation of the Moroccan political regime.

The question of power —which lay at the heart of the political tensions between nationalism and the monarchy after independence— has never been posed outside this conceptual framework.[7]

To this day, political elites perceive no incompatibility between, on the one hand, the demand for a modern political regime—whether a constitutional or even parliamentary monarchy—and, on the other, the commandership of the faithful, which remains solely within the theological domain. The argument is straightforward: the prophetic ancestry of the king and the *bay'a* constitute the two principles of legitimacy in the Islamic doctrine of power. These principles have been continuously combined in the Moroccan monarchy since the advent of the Sharifian dynasties in the sixteenth century, following the decline of the tribal dynasties that had replaced the first Idrissid Chorfa dynasty in Morocco. Unlike prophetic ancestry, which is hereditary and general for the descendants of the Prophet, the *bay'a* is exclusive to the holder of sovereign authority. The first principle pertains to the ruling family as a whole; the second, by contrast, concerns only the reigning king.[8]

A. The Reinvention of the Legislating Sultan by the French Protectorate

This doctrine, which was largely customary, began to be institutionalised under the Protectorate. From the early years of Hubert Lyautey's proconsulship, officials at the Residence advanced a striking interpretation of the Treaty of Fez: the Resident-General was regarded as the ultimate recipient of the absolute power traditionally vested in the Sultan. In a chapter of the book *The Cherifian Government and the Administration of the Protectorate*,[9] which marked the tenth anniversary of the protectorate treaty —likely written by Lyautey himself, or at least by a team under his direct supervision— we find a statement that stands in stark opposition to the classical theory of power in Islam:

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7 Even the most conventional writings can no longer ignore this situation. See, on this subject: Mohamed Kably, ed., *Histoire du Maroc : réactualisation et synthèse* (Rabat: Institut royal pour la recherche sur l'histoire du Maroc, 2011), 648–765.

8 Between March and June 2011, amid discussions within the constitutional review committee concerning the foundations of Moroccan institutional authority, and even as a certain degree of consensus emerged recognising the constitution as the source of all powers, including royal authority, the Minister of Islamic Affairs hastened to convene a meeting that received extensive media coverage, presenting the *bay'a* (oath of allegiance) as the sole act constituting the bond between the Moroccan people and their king. He subsequently made the *bay'a* the central theme of his Ramadan lecture that same year and mobilised the entire religious apparatus in this direction.

9 *La Renaissance du Maroc: 10 ans de Protectorat, 1912–1922* (Rabat: Résidence générale de la République française au Maroc; Paris: Rue des Pyramides, 1922).

"The Sultan is both a temporal and spiritual leader [...] it is the spiritual aspect that prevails, for it is he who determines temporal power[10][...] The two orders of power held by the Sultans are inseparable according to the very terms of the Quran, that little book of divine inspiration, which is at once the Bible, the Gospel, the catechism, the civil code, the penal code, and the constitutional charter of the State."[11]

The author draws the following practical conclusion:

"This doctrine is translated into the idea that the Sultan, in our view, is the local source of all Moroccan legislation. His legislative authority derives from the consolidation of all powers and functions in his person. The legislative measures issued by the Sultan were transformed into *dawahir sharifa*—noble decrees—considered equivalent to our old royal decrees; in practice, they functioned as laws and formed the legal foundation for all reforms undertaken in the country."[12]

However, measures issued under the *dawahir* were taken on the recommendation of the (French) Residence and only came into effect if the latter so decided. In other words, the Sultan did not enjoy the authority to propose laws independently.

B. The Consolidation of the Status of the Divine Monarchy by the Nation-State

It is clear that even before the adoption of the first constitution of independent Morocco, the monarchy under the Protectorate had come to be defined as a "theocratic monarchy." The king's speeches served as a reference point for this definition, and court judgments were issued in the name of this theocratic monarchy, even though the early years following independence witnessed a heated debate over the status of the king's acts within the hierarchy of norms.[13] The five constitutions that followed consistently reinforced this aspect, particularly Articles 6, 19, and 23, which remained unchanged until the sixth and final constitution, promulgated in July 2011. These articles, which established the "founding" principles of the regime, stipulated that:

- "Islam is the religion of the State, which guarantees everyone the free exercise of their religion" (Article 6).
- "(1) The king, Commander of the Faithful (*Amiral-Mouminin*), Supreme Representative of the nation, Symbol of its unity and guarantor of the permanence and continuity of the State, ensures the observance of Islam and the Constitution. He is the protector of the rights and liberties of the citizen, social groups, and collectivities. (2) He guarantees the independence of the Nation and the territorial integrity of the Kingdom within its authentic borders" (Article 19).
- "The person of the king is inviolable and sacred" (Article 23).

10 Ibid., 108.
11 Ibid., 109.
12 Ibid., 123.
13 Michel Rousset, « De l'indépendance du pouvoir judiciaire au contrôle de l'administration, » *Revue juridique, politique et économique du Maroc* (1970): 527.

II. The Turning Point of the Arab Spring

The Arab Spring sparked a new and unprecedented, albeit cautious, debate in Tunisia and Morocco concerning the issue of a civil state (*dawla madaniyya*). This is not the place to revisit the debates that took place or the compromises that were reached. It should simply be noted that, in Morocco, the period offered an opportunity to denounce Hassan II's abuse of Article 19, which had remained unchanged in the four constitutions preceding that of 2011.[14]

The protests of 20 February paved the way for a new compromise. Article 19 was reconceived to address gender equality, functioning somewhat as a symbolic gesture to gauge the sensitivities of a conservative society. The issue of parity enshrined in this article generated tension between divergent interpretations of the Quran and increased pressure on the king, prompting the mobilisation of a diverse coalition composed of elements of the King's entourage, Islamists from the Justice and Development Party (PJD), and the Ministry of Islamic Affairs. Consequently, the latest version of the text, revised by the so-called "political mechanism,"[15] introduced an extremely vague limitation, specifying the need to respect "the constants of the Kingdom," the precise content of which remains undefined.

More directly, the issue of the King's religious powers was addressed in Articles 41 and 42. These articles clearly distinguish between the statuses of Head of State and Commander of the Faithful, both of which are endowed with powers that significantly define the scope of the King's authority. This revolution in the text—including the removal of the sanctity of the King's person, introduced in the first constitution of 1961 by French experts—did not alter the substance of the problem: the pre-eminence of the King's power due to his position within the religious sphere. On the contrary, the constitutionalisation of the Supreme Council of Ulemas, of which he is president, reinforced this position, as did the conservative interpretations of the constitutional text by jurists.

The repercussions of this definition of royal power on the country's political life are now widely acknowledged. They are significant, as they derive from a theocratic logic upheld by all the conservative key actors within the ideological production system—the Ministry of Islamic Affairs, the Mohammedia League of Scholars, and the Supreme Council of Ulemas. The successive ministers of Islamic affairs, Abdelkebir Mdaghri Alaoui[16] and then Ahmed Taoufiq, consistently defended the view that the constitution cannot constitute the sole source of authority and must be reinforced by the *bay'a*, its original founding pact. All worked towards reinventing a monarchical tradition grounded in the Sunni theory of the caliphate.

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14 Mohamed Tozy, « Le Roi commandeur des croyants, » in *Édification d'un État moderne : le Maroc sous Hassan II*, ed. Driss Basri et al. (Paris: Albin Michel, 1986), 50–69.

15 A few days after the appointment of the constitutional review committee following the 9 March 2011 speech, which aimed to defuse the crisis triggered by the Arab Spring, the king established a second committee, the "Political Mechanism for Monitoring, Consultation, and Dialogue," chaired by his adviser Mohamed Moatassime and including leaders of the political parties. This committee played an important role in facilitating the drafting of the constitutional text. The conservatives, particularly the Justice and Development Party and the Istiqlal Party, sought to limit the scope of reform insofar as it affected their interests—that is, religion and the Arabic language, respectively.

16 As Minister of Islamic Affairs from 1984 to 2002, he never concealed his closeness to Wahhabism. He authored a book that paved the way for Islamists to attain power: A. M. Alaoui, *Al Houkouma al moultahiya (Le gouvernement barbu : étude prospective)* (Rabat: Dar Al Amane, 2006).

A. The Elements of a Compromise

The political situation in the country, particularly the practical functioning of its predominantly secular political system, ensures that this aspect of the King's religious power aligns with the interests of other key actors who advocate for the separation of religion and politics and who feel threatened by the rise of Islamists. The aim is a form of reformist appropriation of religion that establishes a framework for delimiting the intersection of politics and religion at a time when Islamist forces seek to abolish the boundaries between the two spheres. Some political scientists have even rethought secularism[17]—without breaking from this model—by situating the separation in a vertical perspective. In this conception, the neutrality of politics does not constrain the king, and incompatibility applies only within the bounds of monarchical authority.

The constitution, adopted by referendum in July 2011, retained the principal religious markers of the system despite the political context in which it emerged, marked by the Arab Spring and the unprecedented mobilisation of the "20 February Movement," which advocated a parliamentary monarchy. The constitution now institutionalises the King's religious monopoly. The ambiguous status of 'Commander of the Faithful'—entirely invented during the reign of Hassan II as an expression of a centuries-old tradition—has, by virtue of the text, become the only power the king possesses independently of the other constitutional institutions (Article 41 of the 2011 Constitution[18]). This reform, which purported to drastically limit the king's political and legislative powers and consolidate the hierarchy of norms by removing any ambiguity regarding the principle of constitutional supremacy and the subjection of royal edicts to legal review, in fact leaves wide scope for royal power in the religious sphere. Its impact was neutralised by the mobilisation of the coalition mentioned above and by a balance of power within society that remained highly favourable to conservatives.

This coalition, composed of the Islamist party (PJD), conservative parties (Istiqlal, Popular Movement, etc.), and *ulemas* close to the palace, was able to constrain a liberal interpretation of the constitution by adding to most articles that could have expanded the scope of religious law —particularly Article 19 on gender equality— the requirement to respect "the constants of the Kingdom." This interpretation, invoking a vaguely defined Islam enables Islamists and their allies to intervene whenever they perceive Islam to be under threat. They have thus taken the initiative to promote a particular interpretation of the constitution that invokes the caliphate.

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17 Omar Saghi, *Comprendre la monarchie marocaine* (Casablanca: La Croisée des chemins, 2016). Youssef Belal, *Le cheikh et le calife: sociologie religieuse de l'islam politique au Maroc* (Lyon: Éditions de l'ENS, 2011).

18 Article 41 reads as follows: "The King, Commander of the Faithful [*Amir al-Mouminin*], sees to the respect for Islam. He is the Guarantor of the free exercise of beliefs [*cultes*]. He presides over the Superior Council of the Ulema [*Conseil supérieur des Oulema*], charged with the study of questions that He submits to it. The Council is the sole instance enabled [*habilitée*] to comment [*prononcer*] on the religious consultations (*fatwas*) before being officially agreed to, on the questions to which it has been referred [*saisi*] and this, on the basis of the tolerant principles, precepts and designs of Islam. The attributions, the composition and the modalities of functioning of the Council are established by *dahir* [royal decree]. The King exercises by *dahirs* the religious prerogatives inherent in the institution of the Emirate of the Faithful *[Imarat al-Mouminin*] which are conferred on Him in [sic] exclusive manner by this Article.''

In practice, the king now holds sole religious authority, with the *ulemas* functioning merely as his subordinates; their referral to him and the transfer of their work to the state sphere constitute a royal prerogative. As the central actor in the political sphere, the king becomes the supreme and exclusive authority in the religious domain by virtue of the principle of commandership of the faithful. The independence of the *ulemas*—enshrined in the tradition of rebellious *ulema* narratives and maintained by the courageous actions of certain dissident *ulemas*—is now constitutionally impossible.[19] The religious sphere is firmly under the authority of the king, who embodies the political choices of the moment.

The constitutional framing of the royal monopoly served to consolidate a transformation that began in 1999 with the accession of the new king, Mohammed VI. While Mohammed VI inherited a relatively dense supervisory apparatus, the effectiveness of this system had previously been closely tied to the personal capacities of Hassan II, who was himself a religious scholar who did not hesitate to confront and challenge the *ulemas* in the realm of religious interpretation.[20]

The authoritarian context of the time allowed compensating for the temporary weaknesses of the king–*ulema* and neutralised any consequences arising from the fragility of his status due to the daily exercise of political management and the need to make compromises that were difficult to justify theologically.

Mohammed VI, by contrast, has never claimed the status of *ulema*: he possesses neither the inclination nor the means. Instead, he was impelled to establish a dedicated bureaucracy to manage this domain—not merely to govern at a distance or through intermediaries,[21] but to equip himself with the capacity to administer it directly. The imaginary and operational modes of the imperial tradition, efficient in terms of human management, were abandoned in favour of a highly costly, centralised, and bureaucratic system—precisely at a time when, in other domains representative of overtly displayed modernity, governance continued to draw upon imperial administrative techniques. [22]

This new process of administering religion through bureaucratisation differs markedly from what I previously described and characterised as the nationalisation of religion. In the 1980s,[23] the term "nationalisation" referred to a process of pyramidal institutionalisation that relied exclusively on the personal performance of the king as Commander of the Faithful.

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19 The most prominent figures after independence were Moulay Larbi Alaoui, who had supported the "No" camp during the 1961 constitutional referendum, and Abdeslam Yassine, who on two occasions challenged King Hassan II and his successor Mohammed VI.

20 Mohamed Tozy, « Monopolisation de la production symbolique et hiérarchisation du champ politico-religieux, » in *Le Maghreb musulman en 1979*, ed. Claude Souriau (Paris: CNRS Editions, 1981), 219–234.

21 Béatrice Hibou and Mohamed Tozy, « Une lecture wébérienne de la trajectoire de l'État au Maroc, » *Sociétés politiques comparées*, no. 37 (September–December 2015) : 1–22.

22 Béatrice Hibou and Mohamed Tozy, *Tisser le temps politique au Maroc : imaginaire de l'État à l'âge néolibéral* (Paris: Karthala, 2020).

23 Mohamed Tozy, « Le Roi commandeur des croyants, » in *Édification d'un État moderne : le Maroc sous Hassan II*, ed. Driss Basri, Abderrahim Belhaj, Mohamed J. Essaïd, Abdallah Laroui, Ahmed Osman, and Michel Rousset (Paris: Albin Michel, 1986), 50–69.

Previously, the civil service status of the *ulemas* and the control of mosques were fragmented and ad hoc measures — reactions to specific events that did not amount to a rationally conceived policy. The current process is markedly different. In addition to borrowing from the lexicon of "good governance,"[24] the bureaucratisation of religion is taking on the character of a proactive policy that explicitly calls for a strategy of "restructuring the religious field" through quantitative performance targets. This restructuring combines traditional control measures with innovative approaches, including public–private partnerships, the adoption of new public management techniques, the importation of engineering executives from the Ministry of Equipment, the monitoring of discourse content in the name of rationalisation, the creation of procedural manuals, the use of new information technologies, and the redefinition of the *ulemas*' tasks.[25]

B. Revisiting the Debate on Secularisation

When analysing the forms and indicators of religious practice over the long term, one is struck by the profound changes that have taken place since the country's independence. Ideologically, Islam has become a marker of identity, even though its presence in norms and practices is in decline. This observation is not specific to Muslim countries; secularisation is a general trend, and the clout of ideologies that seek to exploit religion cannot alter it. Religion is therefore increasingly confined to specific spaces. Religious practice has gained in fervour and intensity, yet it is increasingly restricted in both space and time. Social time is dissociated from religious time, just as sacred space is separated from profane space. The mosque is no longer central, either in the city or in the countryside. State interference in mosque management has deprived communities of control and prohibited their multifunctionality. Mosques are now closed between prayers and can no longer serve as the centre of civic activity for small village communities, nor as a house of God open to travellers seeking overnight shelter. When examining mosque attendance, it is evident that the crowd effect, which once caused alarm among "journalists," is now observable only on Fridays and religious holidays.[26]

This duality of experience reinforces a discreet but inevitable secularisation. Daily life is no longer punctuated by the call of the *muezzin*, except during the month of Ramadan. The transition to religious time is increasingly ritualised to emphasise the discontinuities between the religious and the secular. The adoption of appropriate dress and language allows for a heightened intensity of religious experience and delineates the sequences of daily life. The sacred now has its own specialised shops, markets, and objects; it is forbidden to exist elsewhere. These everyday realities are mirrored at the state level. A statistical analysis of the state's normative output reveals the rarity of religiously inspired texts. Article 3, which stipulates that Islam is the state religion while specifying that the state guarantees freedom of worship, follows Article 1, which defines Morocco as a constitutional, democratic, parliamentary, and social monarchy and specifies that the constitutional regime of the Kingdom is founded on the separation, balance, and collaboration of powers, as well as on citizen participation and participatory democracy.

24 Tozy, *Monarchie et islam politique au Maroc*, 1999.
25 Mohamed Tozy, « Des oulémas frondeurs à la bureaucratie du 'croire'. Les péripéties d'une structuration annoncée du champ religieux au Maroc, » in *La bureaucratisation néolibérale*, ed. Béatrice Hibou (Paris: La Découverte, 2013), 129–154.
26 Mohammed El Ayadi, Hassan Rachik, and Mohamed Tozy, *L'Islam au quotidien: enquête sur les valeurs et les pratiques religieuses au Maroc* (Casablanca: Marsam Editions, 2007).

It also follows Article 2, which stipulates that sovereignty belongs to the nation, exercised directly through referendums and indirectly through its representatives.

More than the order of enunciation, which places religion after the sovereign nation and the constitutional nature of the regime, it is the consequences of the Islamic character of the state that merit close attention. The Moroccan state mobilises religion only marginally. The designation of the king as Commander of the Faithful is the most striking manifestation of the use of religion to legitimise the king and, through him, the state. The status of Commander of the Faithful carries a symbolic and ritual function rather than an effective political one. It enjoys consensus among the political elite insofar as it represents, as previously noted, a political compromise at a historic moment marked by combined pressures from Islamists and conservatives close to the palace. It reflects the desire of all, including modernists, to distinguish between the religious and political spheres and gives meaning to their coexistence.

- An executive branch embodying the civil aspect of the state, represented by the Head of State (Article 42 of the July 2011 Constitution), an elected government, and a parliament with exclusive legislative power, responsible for regulating and administering the implementation of public religious policy.
- A religious sphere embodied by the Commander of the Faithful (Article 41 of the July 2011 Constitution), the hierarchical superior of all religious authorities (*ulemas*, *imams*, and ministers of religion) in the Kingdom, who oversees a religion that is now institutionalised and confined to specific domains, with no possibility of entering the political arena except through religion's intermediary role.

It should be noted, however, that the very limited role of religion in the workings of the state—its normative production, administrative organisation, and influence on the daily life of Moroccans—is not always reflected in thought. Intellectuals, like politicians, struggle to describe the rather unusual situation of a society experiencing advanced secularisation. The absence of public debate, even among the elite, is due as much to the weight of conservative forces (the Istiqlal Party, the PJD, the Popular Movement, and the Palace entourage composed of *ulemas*) as to a linguistic misunderstanding. Most importantly, this misunderstanding is linked to the use of the word "secularism" in Arabic, which is often misinterpreted or misunderstood.

The concept of secularism is often viewed through the lens of the French experience, which was characterised by strong opposition to the Church, and indeed to religion in general. Consequently, religious actors—whether Islamists or those close to the authorities—exploit the term to discredit their opponents. They also reject its application to the contemporary reality, in which political authority is largely separate from religion. The same observation applies to the concept of the "civil state," which was one of the main demands during the Arab Spring and the Algerian Hirak of 2019. However, the slogan of the civil state did not carry the same meaning everywhere: in Cairo's Tahrir Square or in front of Emir Abdelkader's statue in Algeria, it was primarily directed against the army, whereas in Tunisia or Casablanca it was aimed at the authority of religious leaders.

In the Moroccan case, theoretical reflections on the issue are rare, with few connections between philosophical analyses—such as the work of the socialist thinker Mohamed Abed El Jabri on the secular foundations of the original Muslim state[27] —and the work of theologians.

This disconnect is even more pronounced in the political sphere. Ideologues have never succeeded in translating their ideas into political doctrine. Even the party with which Mohamed Abed El Jabri was affiliated—the Socialist Union of Popular Forces, for which he drafted the ideological report at its formation in the late 1970s—has been unable to transform this philosophical legacy, which outlines the conditions for a civil state, into a political project capable of giving substance to the ongoing process of separating religion and politics.

Indeed, it is difficult to discuss the civil character of the state publicly, and consequently to acknowledge that society is gradually moving towards secularism. These difficulties are sometimes compounded, as occurs when a law with a religious character is contested for political reasons, as was the case during the reform of the family law.

Morocco has witnessed the formation of two reform committees under King Mohammed VI. In each instance, religious figures were represented alongside individuals known for their secular orientations. Participants were always required to frame reforms within a juristic context, drawing on debates over interpretation and exploiting the flexibility of the Maghrebi Maliki school, which largely accounts for the modest scope of the reforms. Moving beyond the religious framework is a complex endeavour and often takes unexpected turns. The example below, illustrating the sharp debate between the Minister of Endowments and Islamic Affairs and the leader of the ruling Islamist party during the period 2011–2021, goes beyond mere narrative; it provides evidence of intense tension.

A few days after President Macron's visit to Morocco in October 2024, the Minister of Endowments and Islamic Affairs, Ahmed Al-Tawfiq, reported to the House of Representatives that he had explained to his devoutly Catholic French counterpart, Minister of the Interior Bruno Retailleau, that Morocco was a secular country, despite the king bearing the title of Commander of the Faithful. A few days later, following a surge of attention on social media, PJD leader A. Benkirane made a statement: "Moroccans have historically been attached to their religion and continue to be so, and this attachment to Islam is not limited to individual faith, but constitutes an integral part of the very essence of the Moroccan state, governed by the Commander of the Faithful." He added: "Morocco has never been a secular state."[28]

Al-Tawfiq, a distinguished historian well-versed in theoretical debates, responded in an open letter to Benkirane framed as a plea addressed to God. The press, which widely reported on this exceptional missive, published only two passages.

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27 See the four volumes by Mohammed Abed El Jabri on the *Critique of Arab Political Reason*, published in Arabic between 1984 and 2001.

28 Nawfal Kaiss, « Laïcité au Maroc : Ahmed Toufiq réfute les interprétations de Benkirane, » *MÉDIAS 24*, 4 December 2024.

In the first passage, the minister defends himself against accusations that he referred to the State as secular, suggesting that Benkirane was acting in bad faith: "You reacted to what people understood, namely that I affirmed that the State in Morocco is secular. However, I did not mention the State, since the State is that of the Commander of the Faithful, and you know that I have been involved, by the grace of God, in religious affairs for more than two decades."[29]

The letter becomes more contentious as the Minister of Endowments and Islamic Affairs confronts the former Prime Minister with the contradictions of his decade-long tenure in public office. He states: "You are the leader of a modern political party, and the modern political party is derived from a secular Western system. You were elected on the principle of equal votes for all citizens, irrespective of their beliefs or backgrounds—a principle likewise drawn from a secular Western model. During your time as Prime Minister, you worked on legislative texts that served rational interests and were submitted to parliamentary voting—again, a practice derived from a secular Western system—because, had you sought the consultation of religious sect elders, much time would have been lost due to their disagreements. You enacted a number of laws based on consensual agreements or international decisions, which are similarly taken from a secular Western model. As Prime Minister, you were obliged to uphold individual liberties as enshrined in the Constitution and to protect them through the rules of public order, a principle drawn from the Western secular context. All matters relating to citizenship were subject to your review, referencing a historical secular framework, even if, in our view, it remains distant from the details of our religious heritage."[30]

He continued: "There are dozens of other phenomena that have entered our lives with the advent of this system, which we have adopted under its banner—'progress'—without objection. To understand, before dwelling on what is ours and what is theirs, we must remain mindful that the history of all peoples, without exception, unfolds in every circumstance according to God's will, decree, and laws, and this history constitutes an open space between those who walk on the earth and those who look upon it."[31]

It appears that the most important point, and the one largely overlooked by most commentators, is the way in which Al-Tawfiq defines the concept of secularism.

Tawfiq chose to express the concept in English—*secularism*—rather than using the common Arabic translation, *al-'ilmaniyya*, in order to avoid the negative connotations that the latter may carry in the Arab world.

He returned to his role as a teacher, which he had held for many years, to explain and resolve the paradox of a secular state coexisting with the preservation of the religious institution of the Commander of the Faithful, portrayed as a uniquely Moroccan particularity. He concluded his message with a genuine lesson in the social sciences, directed at the former Prime Minister.[32]

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29 See: *https://www.yabiladi.com/articles/details/157070/laicite-maroc-ahmed-toufiq-repond.html*.
30 Available in Arabic on the following link: https://al3omk.com/1027658.html.
31 Ibid.
32 Ibid.

"Mr President, not every 'leader' can handle the discussion of secularism effectively, as it is a complex concept in political philosophy—one over which debate has not even concluded in its original context. There is, for instance, the French laïcité, which emerged within the historical context of the tense relationship between the Church and society, a tension mitigated by the French Revolution—a particular case. Then there is the form of secularism in which the state takes the religious needs of its citizens into account, as exists in other Western countries. I recall that in 2008, stemming from the same interest, I asked the German Ambassador to Morocco about the official levy collected by the state from citizens for religious expenditure, and I was surprised to learn that, for the year 2006, the amount was eight and a half billion euros."

Conclusion

The debate is far from over, but in practice the State, through its Minister of Endowments and Religious Affairs, is treading a tortuous path. It implicitly asserts that the state currently operates under secular law, connected to religion only by a tenuous, historical link that is more spiritual than regulatory.

The Minister maintains that the state has the right to manage religion as a public service and the capacity to prevent interference by religious authorities through highly bureaucratic and complex mechanisms. This was evident during the reform of the Family Code in 2001. The king entrusted the project to a committee in which scholars were a minority, imposing his view while encouraging them to seek solutions for certain issues in local customs or according to the Hanafi school. This was a precarious undertaking, as the Islamic movement at that time was very strong, capable of mobilising over a million protesters in a single demonstration.

By contrast, the reform of the Family Code twenty years later, in 2025, proved less risky. The reactivation of the Supreme Council of Ulemas and the institutionalisation of collective *ijtihad* (juristic reasoning) allowed modest but significant progress. *Ulemas* occasionally expressed reservations on certain issues, but legislative authority now rests with Parliament. Today, the outcome depends on the balance of power among the various key players in society. While Morocco is portrayed in its laws as a civil state, it remains a country where the monarchy derives its legitimacy both from its capacity for good governance and from its connection to religion.

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