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SECTARISTS AND ISLAMISTS IN  
MOROCCO: PROSPECTS FOR BUILDING TRUST  
AND CIVIL SOCIETY THROUGH HUMAN  
RIGHTS REFORM

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*Abstract:* In Morocco's process of liberalization (and democratization), the dynamics between social actors defining themselves as "secular" and those labeled "Islamist" are critical. This paper probes the possibility of these actors transcending their frequent opposition and building mutual trust and "civil" interaction, thereby strengthening civil society and the possibility of continued reform in Morocco. Using Morocco's recent Equity and Reconciliation Commission as an analytical tool, the paper focuses on the human rights arena as a potentially fruitful place for Islamists and secularists to meet. To what extent

is a shared commitment to human rights norms possible for non-violent Islamists and secularists? And can a flexible idea of human rights be an effective tool to create trust despite mutual perceptions of threatening ideal aims in the "other"?

Facing an opposition with greater popular legitimacy, regimes in the Middle East and North Africa (MENA) often play on fears of "Islamists"<sup>1</sup> and accuse the Islamist opposition—sometimes subtly, sometimes not—of hiding its true intent to destroy the current state and institute an Islamic one. Because it seems likely that many regimes across the region will continue to lack legitimacy into the foreseeable future, the plurality of Islamist movements throughout the region and their large constituencies prompt a number of important questions: How can trust<sup>2</sup> be built between Islamists and non-Islamists? How can non-violent Islamists committed to respecting the rights of others convince ruling regimes and other members of society that they are not using a strategic version of *taqiyya*<sup>3</sup> to gain power, not simply wearing a temporary mask of tolerance?<sup>4</sup> Essentially, how can trust be built between secularists and Islamists who perceive each other to have incompatible philosophical assumptions and conflicting ideal aims?<sup>5</sup>

This divide between Islamists and secularists is prevalent throughout much of the MENA, where large Muslim populations have recently become receptive to the "socialist" message of many Islamist groups. From the Party of Justice and Development (AKP) in Turkey to the Party of Justice and Development (PJD) in Morocco, Islamist groups have combined extensive social justice and charity work with a religious message that has appealed to a great many Muslims. At the same time, most countries in the region also have large secularist groups and constituencies, and many regimes are secularist. The basic problem of trust between these two

groups stems from their fundamentally different orientations to the “sacred.” While Islamists recognize divine sovereignty over the Earth and seek to constitute the community of humanity with, at the least, a reference to that sovereignty, modern secularists seek to constitute their community on the idea of individual, autonomous agents who respect certain external, moral norms. Thus one could be said to be oriented to the “transcendent” and the other to the “mundane.” The challenge is to find a practical *modus vivendi* that each side can accept without having to surrender its deep philosophical assumptions. Before examining this practical challenge in more detail, however, we must establish a proper context.

Many countries in the MENA could offer illuminating examples of the tension between Islamists and secularists and the consequent effect on the possibility of trust between both intra-society elements and state and society. For the purpose of this paper, which is to use a case study to examine how this tension plays into the process of civil society building and political reform, one potentially fruitful context is Morocco. One of the most liberal Arab states, Morocco has carried out a number of modernizing and liberalizing reforms. Arguably, it has started on a slow path of democratization. While King Mohamed VI retains ultimate power—religious and temporal, enshrined in the constitution—many Western observers see Morocco as ripe for real political reform.<sup>6</sup> The U.S. and the EU have cultivated close ties with the King, granted favorable trade conditions, and made Morocco a key part of their democratization hopes for the region.<sup>7</sup> For his part, Mohamed VI has rhetorically committed Morocco to democracy, calling the country’s government a “perennial democratic and constitutional Monarchy” and asserting that, “the path we have irrevocably chosen is to strengthen civil rights for the benefit of all Moroccans—whom I view as equals, regardless of their status.”<sup>8</sup>

Many others, however, see these words as little more than evidence of the King’s need for new sources of legitimacy. According to one assessment, “Power still resides in the monarchy, which is untrammelled by constitutional provisions and institutional checks and balances... Almost twenty years into the reform process, democratization has yet to begin in Morocco.”<sup>9</sup> Under this institutional reading, Morocco’s liberalizing reforms of the economy, human rights, women’s rights, and press freedom have effected real economic and social changes but not the essential power structure of politics. While there is no doubt that Moroccan society has become more open, a “critical mass” of society pushing for further, political reform does not seem to have been reached. Perhaps more troubling, recent rollbacks in press freedoms and human rights for all Moroccans have occurred as a regime response to acts of terror committed by a few extremist Islamists. This violence considerably complicates the already existing lack of trust between non-violent Islamists and secularists. In Morocco’s process of liberalization (and possibly democratization), the

dynamics between these actors—secularists, the regime, non-violent Islamists, and violent Islamists—will be critical. This paper poses a question about one aspect of these dynamics: will non-violent Islamists and secularists be able to build mutual trust and “civil” interaction, thereby strengthening civil society and the possibility of continued reform?

If Morocco desires to continue with its stated projects of modernization and political reform, as well as increase ties with the West, it will have to address this critical question. Currently, the monarchy seems to want to avoid a definitive answer. Developments in the country’s human rights movement are instructive: first, continued rights abuses have been perpetrated by the state against non-violent Islamists not directly connected to terrorism or terrorist networks.<sup>10</sup> Second, these abuses have continued to occur during and after the timeframe of the regime-initiated Equity and Reconciliation Commission (ERC), designed (by the monarchy) to examine past state abuses of human rights, compensate victims, and “(conclude) the process of shelving a thorny issue once and for all.”<sup>11</sup> In expanding its definition of terrorism and the authority of its security apparatus, the regime appears to have encouraged and expanded the general perception of threat to the system, thereby also increasing general feelings of danger.

While continued backsliding in human rights and decreased trust between Islamists and secularists is certainly one possibility for the future of Morocco, it is by no means the only possibility. Rather, four general, schematic scenarios can be identified for the future development of the relationship between non-violent Islamists and secularists. The first scenario involves continued terrorist attacks carried out by extremist Islamists within Morocco. A high amount of violence could increase the general level of fear, perceptions of danger, and lack of confidence in both the current system of governance and social order. The possibility of trust between Islamists and secularists under these conditions would be low.

The second scenario would entail the moderate, non-violent Islamist groups—i.e. the PJD and Justice and Charity<sup>12</sup>—convincing the secularists that their different ideal aims do not, in fact, conflict. Both sides would live together, one pursuing secular, individualist goals and the other seeking religious aims. Because these goals are, to some extent, fundamentally conflicting, this possibility is really no possibility unless one or both sides were to compromise or alter their goals (see number four below).

The third potential course is for the uneasy status quo to continue. Non-violent Islamist groups would be tolerated but excluded from real politics; secularists would be divided, some allied with the regime, some independent, and some cooperating with the Islamists; and the monarchy would retain ultimate control, the arbiter above the secularist and Islamist political tension. While it is likely that the monarchy will remain above the system for quite some time, the increasing popularity and stated political ambitions of the Islamists may necessitate Islamists and secularists to

clarify their relationship and more decisively include or exclude Islamists from politics. Muddling along without a real increase in trust, however, is quite possible.

The fourth possibility is similar to the second, in that it leads to increased trust between Islamists and secularists, but it involves compromise and negotiation of philosophical assumptions and ideal aims into the practical realm. One medium through which this translation could occur is a flexible idea of human rights. Specifically, shared adherence to a negotiated concept of human rights norms could potentially lead to pragmatic compromises and the building of trust. Because secularists and Islamists in Morocco have fundamentally different visions of the ideal society, they must meet on a “physical” rather than metaphysical level. Elements from both sides have expressed enthusiasm for this route and have, to some extent, cooperated with each other.

Using a civil society framework defined below, this paper examines this fourth possibility, asking the following questions: to what extent is shared commitment to human rights norms possible for non-violent Islamists and secularists? Could such a shared commitment lead to real trust and a civil society including both non-violent Islamists and secularists? What kind of trust? And what is the impact of violence and fear on these possibilities? To answer these questions, definitions of civil society and trust will first be detailed. The Equity and Reconciliation Commission will then be used as an analytical tool to examine the human rights movement in Morocco and the possibility of a shared Islamist and secularist commitment to human rights norms. Whether human rights will be an effective tool to create trust—in the practical realm or otherwise—between “others” who feel threatened by what they perceive as incompatible ideal aims and philosophical assumptions is still uncertain. The central argument of this paper, however, is that a flexible idea of human rights *can potentially* be so used and therefore offers a robust area of inquiry.

### Civil Society, Trust, and Fear

The term civil society has a long history and has been defined in many ways. Recently it has become identified with democracy and democratization; practitioners and academics alike have come to see it as key to processes of political reform and development.<sup>13</sup> In a typical modern definition, it is (theoretically) the neutral public realm in which “a mélange of associations, clubs, guilds, syndicates, federations, unions, parties and groups come together to provide a buffer between state and citizen.”<sup>14</sup> Although the various elements of this mélange have goals and beliefs that are often at odds with those of the state and each other, all must recognize the fundamental right of others to disagree. Private beliefs can be totalizing, but must essentially be curtailed in the public realm; non-

Islamists often have trouble trusting in the ability of Islamists to recognize this “profoundly important idea that there is no right answer” in the public realm.<sup>15</sup> Also central to civil society is the concept of citizenship, which includes the contestable rights and responsibilities that define the contract between state and society. In liberal states, citizen rights are often closely connected with or founded upon natural or human rights.

In reality, associative life in the public realm of even liberal states has often been intolerant and disrespectful of citizen rights. Or, to put it more accurately, the ideas of citizenship and civility are always contested, and therefore any normative definition of civil society (like the one given above) should always be contrasted with a descriptive one.<sup>16</sup> In one sense, civil society in Morocco can be described as flourishing: there are about 5,000 non-governmental organizations and the ability of these organizations to question and criticize the government has greatly increased in the last 15 years.<sup>17</sup> However, Moroccan civil society can also be described as undergoing a crisis of identity that is causing deep fragmentation. Specifically, it is unclear whether the modernization project endorsed by the regime, many secularists, and many reformist Islamists will prevail over entrenched traditional elements of society (tribal relationships, the *makhzen*<sup>18</sup> structure of patronage authority under the king, etc.), and it is unclear whether civil society will be able to absorb and include (i.e. build a generalized trust with) the country’s growing, non-violent Islamist movement.<sup>19</sup> As in most of the MENA region, Morocco has seen an increase in religious piety in recent years, and the perception of many secularists is that the basic Islamist worldview is concerned with divine rather than human purposes (and is thus threatening). On the other hand, the moderate, non-violent Party of Justice and Development has officially declared itself purely political, distinguishing itself from its religious bases such as the group *al-Tawhid wal-Islah* (although it maintains an ambiguous reference to an Islamic *marji’iya* or frame of reference).<sup>20</sup>

Building from this descriptive reality toward a normative civil society which can potentially underpin a stable process of democratization is fundamentally related to the problem of generalizing trust. As stated, the challenge is to promote trust between two (umbrella, internally contested) groups that in general do not recognize their own selves or “selfhood” in the other group, but see an “other” with a dangerous agency operating with an external, unknown set of moral values.<sup>21</sup> Adding to this challenge is Morocco’s process of social (and, to a lesser extent, political) liberalization. Opening up (liberalizing) is by nature scary, and is all the more so when one feels threatened by an “other” with purposes that are perceived to be fundamentally different or opposed to one’s own purposes.<sup>22</sup> In one sense, managing these different purposes and goals of various actors is what politics—involving compromise and practical goals—is all about. There must be some way to “(link) a multiplicity of free agents, none of whom can know each other’s future actions but all of whom must in some

measure rely upon each other's future actions."<sup>23</sup> This need to rely on others is basic to all forms of cooperation and concerted action, no matter how small or unimportant, between individuals.

Cooperation can be attained in many ways, such as coercion or constraint, but trust implies more than cooperation. Diego Gambetta's definition asserts that trust involves a freely-chosen decision to open oneself to the action of another, based on a probabilistic assessment of the other's response. It is "a particular level of the subjective probability with which an agent assesses that another agent or group of agents will perform a particular action, both *before* he can monitor such action (or independently of his capacity ever to be able to monitor it) *and* in a context in which it affects *his own* action (emphasis original)."<sup>24</sup> The need for this probabilistic assessment arises from the basic, solipsistic human condition of ignorance; there is simply no way to know for certain what another person is thinking or how that person will act. Even if it were possible to know what another person truly believes, the link between inner belief and outer action is generally ambiguous and unpredictable.

The concept of trust can be further refined from this probabilistic assessment by applying it to the idea of social role, as Adam Seligman does in *The Problem of Trust*. From this perspective, trust is located between confidence, or belief in the efficacy of the system of roles to predict behavior, and faith, or unconditional belief in the "good will" of another's agency. Trust is located here in the freedom that remains to the actor outside his roles: "Trust then is a recognition of alter's agency, an agency which... only appears when the 'fit' between the person and the role is loose, when the role does not—indeed cannot—circumscribe all of alter's possible behavior."<sup>25</sup> Implicit in this recognition of agency is the assumption that the other, as a recognizable agent, shares something with oneself and is likely to therefore respect one's own agency. However, in the modern era, as primordial and given "webs of significance" have broken down and been replaced, to varying degrees in different modern and modernizing contexts, by rational-legal or moral norms, it is increasingly difficult to recognize agency and oneself in the other.<sup>26</sup> Instead, "we can only trust in alter's agency, meaning that his or her moral commitment that serves as the basis of their strong evaluations will limit alter's freedom in a manner consonant with a recognition of my own."<sup>27</sup> This is especially true as personal roles have become immensely diverse and segmented, or as more masks hide the "real" person underneath, who might or might not share one's moral commitment.

This inability to see oneself in the other means that "risk" can easily shift to "danger." Risk implies "a framing of life's contingencies internally, rather than in terms of an external system."<sup>28</sup> Because trust is a recognition of another's agency, even if it is the agency of someone similar to oneself, risk is a necessary concomitant to trust. The other is *free* to act; one can only trust in the other's shared ethical "values," or, increasingly in the



modern era, the other's commitment to agreed-upon, external moral norms. As shared ethical "values" become increasingly irrelevant or inapplicable to interpersonal relationships, "the resulting contingencies of alter's activity can... no longer be framed internally (i.e., role negotiation within shared symbolic boundaries) but only externally, as dangerous threats."<sup>29</sup> Probabilistic calculation, then, assesses the degree to which the larger social system, whether through normative rules (constraint) or coercion, is able to limit the other's freedom to protect one's own freedom. Thus the support for state security measures and the ability of governments to legalize wiretapping of citizens, borderline torture of "terrorists," and the like.

Even when trust (or confidence) is conferred onto another, there is always the built-in possibility of betrayal; betrayal is the "twin of trust."<sup>30</sup> When someone betrays trust or violates moral norms, they erode the possibility of future trust or, in the case of system norm violation, confidence. In this sense, extremist Islamists or others willing to use violence can have a strong negative effect on the possibility of trust and confidence. This may be especially true because religion is involved: "Religious identity tends to focus on what makes me the most different precisely when I feel the most mortally and existentially threatened by an enemy, whether he be real or imaginary."<sup>31</sup>

Feelings of threat, however, can quickly develop into more than increased group identification; physical and mental abreactions often follow. According to John Keane's "triangle of violence," threatening objective circumstances cause subjective bodily and mental symptoms, which then lead to abreactions against the original threatening object.<sup>32</sup> Because of the basic interdependence of civil society actors, this cycle of violence is extremely harmful for the development of civil society: an element of civil society "understands that it exists in proximity to others, that it is constituted by and as its exposure to them, and that therefore it can communicate non-violently with them through the 'risky uncovering of oneself, in sincerity, in the breaking up of inwardness and the abandon of all shelter, in exposure to traumas, in vulnerability.'"<sup>33</sup> If a vulnerable ego is attacked, it often builds a wall to protect itself against further attacks; in civil society, unfortunately, this closing defense-mechanism only hastens the modern process of increasing unfamiliarity and "system constraints which are, in their very nature, inimicable to the development of trust."<sup>34</sup> Steeling oneself against the world has the unfortunate concomitant of keeping people as they really are firmly outside one's doorstep. In other words, the modern ego is increasingly unable to summon the courage for genuine interaction with others.

The link between the loss of the possibility of trust, increased perceptions of threat and danger, and greater fear is perhaps especially relevant for liberal and liberalizing societies. In the liberal-individualist tradition stemming from Hume, Smith, and Kant, morality is essentially

relegated to the private sphere: “civil society as an ethical space has no intrinsic meaning, and its regulative and attendant values are there for the protection and preservation of individual liberties.”<sup>35</sup> As already mentioned, without a common morality in the public sphere the only way to regulate individual action and interaction is through constraint or coercion. Both are inimical to a completely liberal society, but constraint can more easily be justified as necessary for the protection of individual liberties. Thus a legal-juridical idea of human rights has been widely supported in both international law and the domestic law of liberal states. In a public sphere composed of private moralities, human rights perhaps offer a good possibility of pragmatic common ground on which to build a shared symbolic system (i.e. agree on a basic valuing of the human being as “sacred” and working from this assumption) and commitment to human rights norms. Whether the idea of human rights is capable of providing this pragmatic common ground, and whether trust can then be built on that ground (the fourth possible course of Islamist-secularist future relations in Morocco outlined above), will occupy the next section of this paper. Specifically, the effects of the Equity and Reconciliation Commission will be analyzed in relation to the possibility of building trust and civil society among non-violent Islamists and secularists in Morocco.

### **The Equity and Reconciliation Commission, Human Rights, and Trust**

The modern human rights movement in Morocco began in the early 1990's, when a number of international developments combined to convince the late King Hassan II that he needed to cultivate a new concept of authority if the monarchy was to survive.<sup>36</sup> The fall of the Soviet Union and consolidation of U.S. international hegemony meant that Morocco could no longer collect geo-strategic rent as a friend of the West opposing the forces of communism in neighboring Algeria. As human rights became a dominant part of U.S.-led international discourse, Hassan realized the advantages of jumping on the bandwagon. The second major shift was regional; throughout the MENA, authoritarianism was becoming increasingly de-legitimized. Human rights and liberalization offered new sources of internationally-accepted legitimacy. Finally, the country's continuing socioeconomic problems, such as very low levels of literacy and high unemployment,<sup>37</sup> also contributed to the need for a significant change. Presumably for these reasons, Hassan created the National Consultative Council on Human Rights (CCDH) in 1991.

Since then, gradual, top-down human rights reforms have continued as part of the regime's modernization and liberalization strategy. Whether committed to eventual democratization and the loss of power that democracy would entail or not, the current King Mohamed VI has staked much of his long-term legitimacy on the development of human rights and



liberalization. Central to this legitimacy is the “founding myth” of the Equity and Reconciliation Commission.<sup>38</sup> This human rights commission will be examined from the perspective of its potential to make power less arbitrary, in both state-society and intra-society relationships, as well as to generally build and institutionalize openness, trust, and respect for others, legally and culturally.<sup>39</sup>

Created or “given” by the regime, with the rules determined from above, the ERC—designed to fight impunity and “uphold human rights as a culture”—was in a sense problematic from the beginning; however, first the positives.<sup>40</sup> The ERC’s mandate entailed three main tasks. First, “unveiling the truth,” which included determining and recording past human rights violations and government responsibility for those violations, as well as redressing those the ERC determined to be victims. Significantly, victims were allowed to give testimonies on national television, describing disappearances, unfair trials, and torture. This “publicizing” of fear has been said by many to be a key function of communications media within democracy.<sup>41</sup> Supposedly, this publicizing of “the despotic potential of governmental institutions” encourages members of civil society “to believe that fear should not rule, indeed that government by fear (is) illegitimate.”<sup>42</sup> Essentially, the regime ties its legitimacy to not using tactics of fear against members of civil society. For those who testify, the experience of expressing intense personal pain is daunting but potentially liberating.

Besides publicizing past government abuses, the nationally-televised testimonies helped bring the discourse of human rights to levels of society where it would not normally penetrate. To a large extent, the history of human rights has been a history written by the middle-class and the powerful, or at least not a history written by the poor. The often-abstract language simply does not resonate with poor families struggling for survival. Through television and other media, however, human rights were made a topic of wide public discussion. As Jim Wallach asserts, “Politics as a discursive activity entails conflicting accounts of the ethical use of power.”<sup>43</sup> A government admission of guilt and a victim’s description of torture at the hands of the government, then, can be seen as powerful political tools that can shape future expectations and assumptions about the ethical use of power. Along these same lines, the simple tabulation and documentation of the large amount of government abuses in the past helps formulate limits on the acceptable use of power.<sup>44</sup>

The second and third official mandates of the ERC were to make recommendations that would ensure violations did not continue and to promote reconciliation “in order to support the democratic transition of the country, to build the rule of law, and to spread the values and culture of citizenship and human rights.”<sup>45</sup> These two tasks have been heavily criticized. While the final report of the ERC made significant recommendations to ensure that violations did not continue, politically

sensitive recommendations, including changes to the country's constitution, have yet to be implemented. The many human rights abuses reported against Islamists following the 2003 Casablanca bombings are proof for many that the outcome of the ERC was substantively empty: "Those who point to continuities between the 'black years' of 1956-1999 and contemporary government abuses assert strong opposition to the efficacy of any truth commission."<sup>46</sup> And for past victims, continued state abuses can often mean continued fear: "they are haunted by a normalcy shot through with the bizarre fears from which they thought they had escaped."<sup>47</sup> For Islamists, it certainly means a new threat to normalcy.

Along with continued abuses, the restriction on victims' testimony that perpetrators of abuses could not be named, much less criminally prosecuted (though the route of civil courts was left open), has been heavily criticized by human rights organizations and others in Morocco. Creating a dialogue of reconciliation requires two sides and a willingness to be open about one's own mistakes; self-criticism "displays in a concrete way the good faith of participants in being open-minded and willing to change through a mutually critical dialogue in which all are regarded and treated as equals."<sup>48</sup> The immunity granted government officials (the perpetrators) leads to serious questions about the "good faith" of the monarchy, continued impunity, and unresolved fear. For these reasons, many have described the ERC as little more than an attempt by Mohamed to "turn the page" and distance himself from the authoritarianism and state-terror associated with his father.<sup>49</sup> If these critics are correct, it would be difficult to claim that the ERC made power less arbitrary and began to reformulate the dominant idea of human rights in Morocco into a common ground on which secularists, Islamists, and the state could potentially build mutual trust and continue political reform.

### Conclusion: Can Human Rights Create Space to Welcome the Stranger?

While the above criticisms represent deep flaws in the ERC's effort to combat fear, impunity, the arbitrary use of power, and the erosion of trust, on both legal and cultural levels, the ERC can be further (and more positively) evaluated from the perspective of the fourth possible course (given above) for the future of non-violent Islamist-secularist relations in Moroccan society. And while the monarchy can be heavily criticized for the flaws in the ERC, the embrace of a basic respect for human rights by both secularist and non-violent Islamist elements is more heartening. Sharing experiences of forced disappearances, unfair trials, and torture, it seems, can lead even groups with radically different ideal aims and philosophical assumptions to agree about the basic "sacredness" of human life. As Elizabeth Cole and many others have noted, "collective memories of suffering" often "become a major part of group identity and group

politics.”<sup>50</sup> But can a few experiences of shared suffering and basic agreement that human life is “sacred” lead to practical cooperation or trust (i.e., can both sides respect human rights norms, even though they may do so with very different underlying, philosophical assumptions)? And what are the possibilities of this agreement leading to real trust beyond a pragmatic level?

Assumed in this question of human rights as common ground is the notion that it is possible for a human right to be truly universal, or at least universally respected. While the universalist vs. relativist debate has a long history of many unresolved questions, there are a few rights that nearly every country in the world has accepted and endorsed (through various United Nations Conventions), such as the right of freedom from torture. Other rights, such as labor rights, have had a much more contested life. This distinction between universal and relative roughly correlates with two other important distinctions. The first is between legal and moral;<sup>51</sup> it is generally much easier to make a human right legally universal than morally. In general, actors can be forced or choose to accept legal norms far easier than they can be persuaded to change deeply-held moral evaluations. The second important distinction that we will return to is between the basic human needs of integration and uniqueness, sameness and difference.<sup>52</sup>

These distinctions also roughly correlate with the two parts of Michael Perry’s definition of the idea of human rights. The first part of Perry’s definition is that every “human being is sacred—each and every human being is ‘inviolable’, has ‘inherent dignity and worth’, is ‘an end in himself’, or the like.”<sup>53</sup> Generally, this is the part of the idea on which people and groups with very different metaphysical assumptions are capable of at least pragmatically agreeing. The second half of Perry’s definition is that “because every human being is sacred... certain choices should be made and certain other choices rejected...”<sup>54</sup> These more specific qualifications almost always engender much greater disagreement than acceptance of the “sacredness” or “inviolability” of the human being. What it *means* to be sacred in a practical world and what ought to be done to protect that sacredness are controversial, culturally relative questions.

This second part of the idea of human rights is negotiated throughout the world, at all levels of politics. Various levels of pragmatic agreement are reached at the legal level, although this of course does not mean there is no moral negotiation. The important point for the purposes of this paper is that, through the idea of human rights, both sameness and difference, selfhood and otherness, are negotiated and affirmed. There are shared legal norms and moral commitments to those norms, but, at a deeper level, the self is recognized in both the idea of universal humanity and universal otherness. In the Biblical idea of *ger* (stranger), “the human situation of simultaneous sameness and difference (is reified).”<sup>55</sup> Essentially, in accepting the basic sacredness of humanity (even if pragmatically), the

ground is laid for the possibility of metaphysically recognizing the self in the other and building trust.

Of course, this is only a possibility, a common ground for possible common moral evaluations. Perhaps it would be more fruitful, then, to examine the internal contests of groups with radically different ideal aims and philosophical assumptions to assess the standing of those elements that seek to subordinate these ideal aims (such as the imposition of a particular interpretation of Islamic morals) to more practical aims (such as fighting for social justice and greater human rights standards). Empirically, it is certainly possible for groups like secularists and Islamists to subordinate their divergent ideal aims for the sake of pragmatic gains; cooperation between elements of each side to push for greater women's rights in Morocco is one example.<sup>56</sup> The real question is whether the factions who privilege pragmatic goals will win out in their various group contests and be able to cooperate with each other, possibly building trust.

The recent example of the Moroccan Association for Human Rights (AMDH) offers some hope for cooperation and, apparently, trust based on shared respect for the sacredness of human beings. While the ERC trials did not allow victims to name their torturers, the AMDH set up a number of parallel trials in which there were no restrictions on what victims could discuss. While these trials did not have the platform of national television and did not get anywhere near the same amount of press as the official trials, the importance here is more in their organization. Mustapha Ramid, a leader of both the Party of Justice and Development and the AMDH, coordinated the trials to include both secularist/leftist and non-violent Islamist victims. While the official trials could not hear testimony about abuses after 1999 (most abuses against Islamists started after September 2001), Ramid and the AMDH worked hard for greater human rights standards for *both* secularists and Islamists.<sup>57</sup>

This paper asserted earlier that this kind of pragmatic cooperation and trust could potentially lead to a more "metaphysical" trust, or essential recognition of oneself in the other. The example of Ramid and the AMDH provides possible support for this idea. As an Islamist and leader of AMDH, Ramid combined his religious commitment with a commitment to human rights. For some, this is a necessary connection: "there is, finally, no intelligible (much less persuasive) secular version of the conviction that every human being is sacred; the only intelligible versions are religious."<sup>58</sup> At base, the question is about the constitution of the human self: how can the self be *worth* anything, worth giving it rights, if there is nothing, ultimately, but itself? From one perspective, then, the non-violent Islamist point of view becomes a vital lens through which to ground the idea of human rights in a "horizon of Being,"<sup>59</sup> both a limit on human arrogance and an ultimate reason for human worth.

If Islamist and secularist are able to at least pragmatically agree on some basic human rights norms, the continued dialogue and negotiation

over the more fundamental and moral definition of human rights, carried out within a Muslim society, could allow the Islamist perspective to further strengthen this “horizon” of Moroccan human rights. While this may strike the liberal ear as odd, the increased emphasis on *duty*—as part of the idea of human rights—that may result from the Islamist interpretation and relationship to God could strengthen the possibility of building a stronger civil society and furthering political reform in Morocco. As David Novak asserts, “rights as democracy’s chief desideratum are most cogently grounded when seen as God-given entitlements or endowments to human persons created in God’s image... Furthermore, these rights provide the very reason a civil society like a democracy is instituted *ab initio*. Thus the very purpose of any humanly founded collective or polity is to implement these divinely given human rights, which are beyond its authority to either give or take away...”<sup>60</sup> The notion of rights, of course, makes little sense without the *duty* of others to respect those rights.

While the ideas of duty and responsibility to others seem to base trust in the agency of the other remaining committed to external moral norms, this misses that these duties and responsibilities, in a religious context, are directed both to others and to a higher Being. The duty is to respect the negotiated rights of others because they are created sacred by God. Thus in a shared (pragmatic or philosophical) commitment to the basic idea of the human as sacred, the negotiated details to this basic premise provide possibility, especially in a religious society such as Morocco, for a concomitant increased sense of shared responsibility and orientation to God (and God’s creation). These shared senses, then, could provide a basis for recognizing the self in the other’s agency and making affirmative calculations of trust. This possibility is, in a sense, “anti-modern,” but Morocco’s process of “modernization” is itself unique and evolving. Civil society and the relationships between secularists and Islamists in Morocco are in transition and being reformulated—to where and into what, however, are contested and uncertain. As in the practice of *taqiyya*, and, at base, every social interaction, the truth about the “other” is hidden. Yet perhaps in that hidden otherness, social actors can recognize the stranger *ger* in themselves.

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## Notes

<sup>1</sup> The term Islamist will be used in a broad sense, as someone who combines political activism with a desire to make the state and society more in tune with a particular interpretation of Islam. I will generally distinguish between Islamists who have shown a commitment to non-violence and those who use violence by designating violent Islamists as "extremist" or "radical" Islamists. Because Islam is so closely tied with traditional political power in Morocco—the King is officially the "Commander of the Faithful" and a descendant of the Prophet—and there is widespread support for the state to remain Islamic, few political actors can seriously embrace a system of "secularism." Rather, I will use the term "secularist" or "non-Islamist" to refer to political actors who do not explicitly advocate a different interpretation of Islam for the state and society, but are more concerned with mundane or "secular" politics.

<sup>2</sup> I will define trust in more depth later, but basically I use it to describe a freely-chosen decision to open oneself to the agency of another person.

<sup>3</sup> In the practice of *taqiyya*, Shi'a Muslims are allowed, and in some cases obligated, to hide their faith and profess the beliefs of those in power in order to avoid persecution and protect the faith.

<sup>4</sup> For a discussion of tolerance and otherness, see Veress Karoly, "To Be Thoughtful of the Other," *Journal for the Study of Religions and Ideologies* 7, no. 19 (2008), 94-106, [http://www.jsri.ro/new/?download=19\\_Veress\\_Karoly.pdf](http://www.jsri.ro/new/?download=19_Veress_Karoly.pdf).

<sup>5</sup> By "philosophical assumptions" I mean basic assumptions about the nature and purpose of the world and human life. I understand "ideal aims" for society in the ethical sense of individual and group visions of the "good life," of how one should ideally live, carried out in social life in "public space." By public space I mean any place beyond the private sphere of individual and primordial ties, where members of the larger society interact with each other and with the state.

<sup>6</sup> See, for example, Larry Diamond, speaking at event, "From Islamism to Muslim Democracy: The Challenges of Political Inclusion in Muslim Countries," *Woodrow Wilson International Center for Scholars*, September 6, 2005, [www.woodrowwilson.org](http://www.woodrowwilson.org).

<sup>7</sup> Albeit these hopes seem dim at present. See, for example, Middle East Program, "The U.S., the EU and Middle East reform: what can we learn from Morocco?," *Center for Strategic and International Studies* (Washington, D.C.: Center for Strategic and International Studies, 2006).

<sup>8</sup> Mohamed VI, "The speech of his Majesty King Mohamed VI," [http://www.ier.ma/article.php3?id\\_article=1297](http://www.ier.ma/article.php3?id_article=1297), n.p., and Helene Zuber, "Morocco's King Aims to Build a Modern Islamic Democracy," *Der Spiegel* 2 (2006), <http://www.spiegel.de/international/spiegel/0,1518,394869,00.html>, n.p.

<sup>9</sup> Marina Ottoway and Meredith Riley, "Morocco: From Top-down Reform to Democratic Transition?" *Carnegie Papers*.71 (2006), [www.carnegieendowment.org](http://www.carnegieendowment.org), 9.

<sup>10</sup> See, for example, "Morocco: Human Rights at a Crossroads," *Human Rights Watch* 16, no. 6 (E) (2004), 25-60.



<sup>11</sup> Mohamed VI, n.p.

<sup>12</sup> The Party of Justice and Development has accepted officially the legitimacy of the monarchy as the country's religious leader and is thus allowed to participate in formal politics. Justice and Charity (*al-Adl wal-Ihsan*) does not accept the monarchy as legitimate and is thus not allowed to participate in the government. Nevertheless, it maintains a large membership and works for social and political reform to make Morocco more in tune with what it sees as the ideal Islamic state. See Ottaway and Riley, 13-17, for a brief overview of these two Islamist groups.

<sup>13</sup> For an example of a "practitioner" usage of the term civil society, see USAID/Morocco, "Operational Plan FY 2006," USAID (2006), <http://www.usaid.gov/>. For an example of an "academic" usage, see Augustus Richard Norton, ed., vol. I of *Civil Society in the Middle East*, (Leiden: E.J. Brill Publishers, 1995).

<sup>14</sup> Norton, vol. I, 7.

<sup>15</sup> Norton, vol. I, 12.

<sup>16</sup> For a discussion of this distinction between normative and descriptive civil society in the Maghrib, see Abdou Filali-Ansary, "State, Society and Creed: Reflections on the Maghreb," in *Civil Society in the Muslim World: Contemporary Perspectives*, ed. Aryn B. Sajoo (London: Islamic Publications Ltd., 2002), 294-318.

<sup>17</sup> Carnegie Endowment, "Morocco," *Arab Political Systems: Baseline Information and Reforms* (2006), <http://www.carnegieendowment.org/arabpoliticalsystems>.

<sup>18</sup> According to Ottaway and Riley, *makhzen* is "an imprecise term originally denoting an elite of palace retainers, regional and provincial administrators, and military officers, but eventually embracing all persons in the service of the monarchy and connected to it by entrenched patronage networks," 4.

<sup>19</sup> Europe is facing a similar challenge with expanding Muslim populations. See Eduardo Terren, "Rethinking Ties that Bind. Religion and the Rhetoric of Othering," *Journal for the Study of Religions and Ideologies* 3, no. 8 (2004), 13-22, [http://www.jsri.ro/old/html%20version/index/no\\_8/eduardterren-articol.htm](http://www.jsri.ro/old/html%20version/index/no_8/eduardterren-articol.htm).

<sup>20</sup> For a discussion of this ambiguous reference, see Nathan J. Brown, Amr Hamzawy, and Marina Ottaway, "Islamist Movements and the Democratic Process in the Arab World: Exploring the Gray Zones," *Carnegie Papers* 67 (2006).

<sup>21</sup> See Adam Seligman, *The Problem of Trust* (Princeton: Princeton U P, 1997), 172-3.

<sup>22</sup> For a discussion of religious fundamentalism as a reaction against change and modernism, see Jakobus Martinus Vorster, "Analytical Perspectives on Religious Fundamentalism," *Journal for the Study of Religions and Ideologies* 6, no. 17 (2007), 5-20, [http://www.jsri.ro/new/?download=1\\_vorster\\_17.pdf](http://www.jsri.ro/new/?download=1_vorster_17.pdf).

<sup>23</sup> John Dunn, "Trust and Political Agency," in *Trust: Making and Breaking Cooperative Relations*, ed. Diego Gambetta (Oxford: Blackwell, 1988), 83, <http://www.sociology.ox.ac.uk/papers/dunn73-93.pdf> (accessed April 12, 2007).

<sup>24</sup> Diego Gambetta, "Can We Trust Trust?" in *Trust: Making and Breaking Cooperative Relations*, ed. Diego Gambetta (Oxford: Blackwell, 1988), 217, <http://www.sociology.ox.ac.uk/papers/gambetta213-237.pdf> (accessed April 12, 2007).

<sup>25</sup> Seligman, *The Problem*, 62.

<sup>26</sup> Seligman, *The Problem*, 71.

<sup>27</sup> Seligman, *The Problem*, 71.

<sup>28</sup> Seligman, *The Problem*, 172.

<sup>29</sup> Seligman, *The Problem*, 172-3.

<sup>30</sup> Dunn, 81.

<sup>31</sup> Marc Gopin, *Between Eden and Armageddon: The Future of World Religions, Violence, and Peacemaking* (Oxford: Oxford U P, 2004), 63.

<sup>32</sup> John Keane, "Fear and Democracy" (2001), [http://www.johnkeane.net/essays/essay\\_fear\\_and\\_democracy.htm](http://www.johnkeane.net/essays/essay_fear_and_democracy.htm), n.p.

<sup>33</sup> Keane, "Fear," n.p.

<sup>34</sup> Seligman, *The Problem*, 175.

<sup>35</sup> Adam Seligman, *The Idea of Civil Society* (Old Tappan, NJ: Free Press, 1992), 51.

<sup>36</sup> For a brief discussion of these developments, see Ottoway and Riley, 5-7

<sup>37</sup> These socioeconomic problems persist today. According to the Moroccan government, the illiteracy rate for women in 2005 was 62 percent in urban areas and 82 percent in rural areas. For men, it was 41 percent in urban areas and 50 percent in rural areas. Also according to the Moroccan government, unemployment was at 10.8 percent in 2005, although some union leaders said 35 percent (including underemployment) was more accurate. U.S Department of State, Bureau of Democracy, Human Rights, and Labor, "Morocco," *Country Reports on Human Rights Practices 2005* (2006), <http://www.state.gov/g/drl/rls/hrrpt/2005/61695.htm>, n.p.

<sup>38</sup> Aboubakr Jamaï (speech given at the Kennedy School of Government, Boston, MA, USA, April 10, 2007).

<sup>39</sup> Fulfilling this potential was one of the ERC's stated goals: "The Equity and Reconciliation Commission was therefore tasked to carry out the truthseeking mission and establish equity for victims of violations, in order to alleviate their sufferings, enable them to restore their dignity and sense of citizenship as well as contribute to the society's understanding of past events and pursue its efforts to foster human rights as one of the main bases for national solidarity and social cohesiveness. The Commission is convinced that this is all necessary to create the genuine conditions to overcome the tension, mistrust and despair within the society and to avert the inclination to settle conflicts through violence." *L'Instance Équité et Réconciliation, Summary of the Final Report* (Casablanca: Imprimerie najah el jadida, 2006), 22.

<sup>40</sup> Mohamed VI, n.p. For an example of a critique of the Commission, see Susan Slyomovics, "Morocco's Justice and Reconciliation Commission," *Middle East Report Online* (Apr 4, 2005), <http://www.merip.org/mero/mero040405.html>.

<sup>41</sup> Keane, "Fear," 11.

<sup>42</sup> Kean, "Fear," 11.

<sup>43</sup> Jim Wallach, "Human Rights as an Ethics of Power," in *Human Rights in the "War on Terror,"* ed. Richard Ashby Wilson (Cambridge: Cambridge U P, 2005), 111.

<sup>44</sup> Slyomovics. "Morocco's," n.p.

<sup>45</sup> "Mandate and Tasks," *L'Instance Équité et Réconciliation*, [http://ier.ma/article.php3?id\\_article=1305](http://ier.ma/article.php3?id_article=1305), n.p.

<sup>46</sup> Slyomovics, "Morocco's," n.p.

<sup>47</sup> Keane, "Fear," 35.

<sup>48</sup> John Kelsay and Sumner B. Twiss, eds., *Religion and Human Rights* (New York: The Project on Religion and Human Rights, 1994), 13.

<sup>49</sup> See, for example, Slyomovics, "Morocco's".

<sup>50</sup> Elizabeth A. Cole, "Transitional Justice and the Reform of History Education," *International Journal of Transitional Justice* 1 (2007): 118.

<sup>51</sup> See Kelsay and Twiss, 33.

<sup>52</sup> See Kelsay and Twiss generally or Gopin, 7.

<sup>53</sup> Michael Perry, *The Idea of Human Rights* (Oxford: Oxford U P, 2000), 5.

<sup>54</sup> Perry, 5.

<sup>55</sup> Perry, 7.

<sup>56</sup> Jamaï. Having both secularist and Islamist activists promoting women's rights was a key factor in persuading Mohamed VI that he needed to reform Morocco's Family Code (*mudawana*) in 2003.

<sup>57</sup> Jamaï.

<sup>58</sup> Perry, 5.

<sup>59</sup> Vaclav Havel, *The Power of the Powerless*, ed. John Keane (New York: M. E. Sharpe, Inc., 1985), 23-96.

<sup>60</sup> David Novak, "Revealed Law and Democracy," in *Islam and the Challenge of Democracy*, ed. Khaled Abou El Fadl (Princeton: Princeton U P, 2004), 91.