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# Neutralization through Reform?

Constitutional Reforms in Morocco 2011 and the Legitimacy of  
Contested authoritarian Regimes

Paper prepared for ECPR General Conference 2016, Prague

## Keywords

Authoritarianism, Legitimation, Constitutional Reform, Authoritarian Stability, Authoritarian Legitimacy, Contentious Politics, Constitutional Reform, Contestation, Resilience, Protests

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## **Abstract**

This paper aims to investigate the capacity of authoritarian regimes under pressure to contain political dissent and contestation through constitutional reforms. It builds on the revival to study legitimacy in non-democratic contexts (Gerschewski 2013; Kailitz 2013a; Backes and Kailitz 2013; Burnell 2006; Holbig 2013). In particular I am interested in the often-overlooked relevance of political processes and associated claims of legitimation by competing actors in the context of political contention.

Drawing on an in-depth account of the Moroccan constitutional reform process in 2011 based on a descriptive assessment of the political process and semi-structured actor-interviews conducted during 2013-2016 vis-à-vis survey data from the Arab barometer rounds in 2007 and 2013, this paper emphasizes the importance of looking into political processes in order to detect processes of legitimation in authoritarian contexts.

The use of constitutional reforms by incumbent authorities to restore control over pathways of political contestation and dissolve more fundamental threats to political authority is a phenomenon observable common in all kinds of political systems. Particularly authoritarian regimes often instrumentalize constitutional reforms to subvert dissent. In moments of contestation, regimes may use reforms to hijack the discourse on progress and political change and by the same token signal responsiveness to the subjects. However channelling reforms into institutional and thus more controllable pathways allows a higher degree of control over the outcome of the process. Of course constitutional reforms can also be a cornerstone in transitional dynamics however they oftentimes are embedded in an attempt to appease protesters with limited concessions while seldomly altering the underlying power structures.

The paper proceeds in three steps. First, the main concepts for analyzing processes of regime legitimation are spelled out. In a second step I will illustrate the conceptualized process through a case study of Morocco's constitutional reform process of 2011. The conclusion draws on an assessment of legitimacy claims and perceptions of citizens before closing with an outlook for further research.

## Introduction

This paper aims to investigate the capacity of authoritarian regimes under pressure to contain political dissent and contestation through constitutional reforms. It builds on the revival to study legitimacy in non-democratic contexts (Gerschewski 2013; Kailitz 2013a; Backes and Kailitz 2013; Burnell 2006; Holbig 2013). In particular I am interested in the often-overlooked relevance of political processes and associated claims of legitimation by competing actors in the context of political contention.

This paper is rather an endeavor of theory development than an exercise in testing concrete hypothesis. However the at this stage still incomplete case studies will –at a later stage– incorporate a triangulated chain to illustrate the theorized mechanisms at play.

Authoritarian regimes witnessing wide spread protests can inherently in a crisis of legitimacy. Protests as an indicator for dissent illustrate the grievances of the citizenry. At large, constitutional reforms are often the result of extraordinary episodes of contestation (Elster 1995). In such contexts the use of constitutional reforms by incumbent authoritarian regimes to restore control over the discourse, and signal responsiveness in order to avert more fundamental threats is a strategy often employed (Parolin 2015). From a regime perspective channeling dissent into institutional and thus more controllable pathways allows a higher degree of control over the outcome of the process.

Drawing on an in-depth account of the Moroccan constitutional reform process in 2011 based on a descriptive assessment of the political process and semi-structured actor-interviews conducted during 2013-2016 vis-à-vis survey data from the Arab barometer rounds in 2007 and 2013, this paper emphasizes the importance of looking into political processes in order to detect processes of legitimation in authoritarian contexts.

This paper proceeds in four central steps: The first three sections will introduce the central concepts and theoretical building blocs while at the same time pointing to the gaps in the literature that this paper aims to address. The following paragraphs will introduce the research design and methodological underpinnings. Thereafter the empirical background will be laid out through a regional and historical contextualization of the subsequent case study resting on speech-

es, account evidence and survey data. Finally, I draw conclusions from this theory-generating endeavor and propose venues for further research. At this point not all sections of this paper have been finalized thus placeholders as in the following lines are to be found.

### Mobilizing for Democracy and episodes of contestation

*---Missing: Political contestation in non-democracies & mobilization for reform---*

#### Claims to Legitimacy and Citizen Support

Recent works have highlighted the importance of legitimacy in non-democratic regimes (Backes and Kailitz 2013; Kailitz 2013b; Gerschewski 2013; Holbig 2013; Burnell 2006; Gilley 2008a) and brought the concept into the debate on exploring the persistence and resilience of non-democratic rule.

However the analytical tools and concepts developed to empirically assess legitimacy in democratic contexts may not be adequately suited for non-democratic contexts. Although nowadays, most authoritarian regimes feature a phalanx of democratic institutions (Gandhi 2008; Gandhi and Przeworski 2007), such as political parties (Magaloni and Kricheli 2010; Magaloni 2006; 2008), competitive elections (Schedler 2006; Levitsky and Way 2002; 2010) and constitutional courts, they regularly violate the integrity of these institutions (Merkel 2004; Bogaards 2009). Such analysis is important because it helps to highlight the different nature of seemingly democratic institutions in authoritarian regimes. However, it falls short of answering questions on how legitimacy is created, sustained, perceived, debated or even contested in authoritarian regimes.

With regards to research on legitimacy in authoritarian regimes, quantitative assessments primarily rely on rather crude proxies, such as economic growth as a proxy for output legitimacy or the amount of protests as a proxy for input legitimacy (Chenoweth and Stephan 2012). Obviously, these measures remain rather distant operationalizations of the processes of legitimation in authoritarian contexts. Hence, qualitative methodological approaches provide another option to investigate relevant political processes in non-democratic settings.

Rather than taking stock of a certain level of input or output legitimacy or the evolution of these forms of legitimacy, I want to explore the vested relationship

between constitutional reforms and the contestation of political order in non-democracies. I thus follow David Beetham's (1991) approach, in understanding legitimacy as an interdependent process between the rulers and ruled through claims and recognition of authority. Introducing this interdependence between legitimacy claims or narratives and citizens' beliefs and acceptance Beetham points out, that any "[...] given power relation is not legitimate because people believe in its legitimacy, but because it can be justified in terms of their beliefs" (Beetham 1991, 11). Such an assessment does not entail any normative element besides the conviction that any authority has to be justified in a way that the ruled can adhere to the claims of the rulers.

Based upon this understanding of legitimacy as a continuous process that is ultimately socially constructed between the subjects and rulers, a focus on processes of legitimation claims by incumbents and their perception in the citizenry draws attention to observable political processes that are associated with sustaining legitimacy in authoritarian contexts. In sum, legitimacy in this understanding is not static and has no finality; on the contrary, it is constantly recreated and contested. This relational approach allows an approximation of the effects certain political processes have on the attitudes of citizens towards the governing political authority and thus its legitimacy (Beetham 1991, 11). It thus allows or an empirical investigation of important political processes and events that can be expected to have had crucial impact upon popular support or any incumbent authority and enables an assessment of the effects of specific strategies carried out by incumbent authorities.

### Constitutional Reform Processes

This paper focuses on one rarely investigated but crucial political process that is constitutional reform in non-democratic contexts. Constitutional reforms allow us to observe legitimacy claims by incumbents through the narratives and justifications they are accompanied with. Reviewing the literature on authoritarian regimes, the role of reform has received little attention so far (Parolin 2015, 32). In line with Parolin's observations, I understand constitutional reform processes as a regime strategy to neutralize an imminent vertical challenge. Particularly when regimes are facing increasing pressure, reforms can have signalling effects.

This makes constitutional reforms powerful political acts.<sup>1</sup>

I argue that such visible and extraordinary political processes are of particular importance within authoritarian environments, where other exclusively democratic sources of legitimacy are not present. Constitutional reform processes are usually initiated and led by the ruling elite, even if they constitute a reaction to political contestation. In many cases, fundamental constitutional changes that could impair the authority of the ruling elite cannot be expected. Along these lines, constitutional reforms fulfil an important function for authoritarian regimes. If applied smartly, reforms might allow the regime to avoid an episode of contentious politics by delegitimizing challengers. Paradoxically constitutional reforms can hence help preserve the status quo.

I propose that we can single out such guided constitutional reforms by turning our attention to the degree of uncertainty regarding the outcome. If there is no uncertainty about the outcome of a constitutional reform process, regarding the balance of power and privileges of the ruling elite, I consider such reform initiatives mere instruments to overcome demands from below culminating in contention.

Constitutional reform processes at least discursively open up a space for debate about the foundations of political authority. In such processes the incumbent regime is to some extent 'forced' to justify their rule. Secondly, in the process of constitutional reforms, the incumbent authorities nowadays tend to justify the process and the changes. This gives us an opportunity to study the claims by the incumbents and the perception within the citizenry. In contrast to more contentious forms of change, constitutional reform processes press change into a formalized process that is easier to control.

By investigating regime responses to contestation in the form of constitutional reforms and the claims associated with them by incumbents in their specific contexts we can grasp effects on citizens perceptions of legitimacy. Constitutional

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<sup>1</sup> The effects of speech acts have been pointed out in international relations research especially with a focus on its influence on diplomacy (Duffy and Frederking 2009; Holzinger 2004; Debrix 2002). To my knowledge there is no such research on the role of speech acts with regards to legitimacy in authoritarian regimes. However the crucial role of speeches by King Mohammed VI has been pointed out during all my interviews in the field and by several country experts in various publications in the grey literature and more policy oriented publications.

reforms as a response to mass protests are amongst the most common policy responses by authoritarian regimes. Constitutional reforms that are the result of increased levels of political contestation create windows for enhanced debates, claims and contestation surrounding the question of legitimate rule (McAdam, Tarrow, and Tilly 2001; Tarrow 2015). This makes constitutional reforms in the wake of high levels of political contestation a unique but at the same time interesting and relevant phenomenon to study when investigating legitimacy in non-democratic regimes. Constitutional reforms as a response to protests inherently open up a debate about the foundations of a polity. However, reforming a constitution always entails a certain degree of uncertainty, as the pillars of legitimacy and with it the right to exert authority are brought to the fore of the public's attention and political debate.

Thus, such reforms make it possible to study the effects of political reform processes on legitimacy as perceived by the populous as well as the claims by the incumbent regimes'. The struggle over legal norms and formal standards for constitutional reforms is inherently a struggle over the rules of the game and with that the power structure of the principal political authority.

Authoritarian regimes can instrumentalize reforms to channel discontent into formalized and controlled pathways (Gilley 2008b). Particularly in moments of contestation (Su, Zhao, and He 2013), regimes may use reforms to hijack the discourse on progress and political change. On the narrative level, contested regimes make use of constitutional reforms in order to regain hegemony over the discourse on political change and to delegitimize their challengers in the eyes of the subjects as well as external observers. By signalling responsiveness and channelling demands into constitutional reforms, autocrats formalize change within controllable pathways and thus remain in control over the outcome. Constitutional reform initiatives can put contested regimes' back into the driver's seat, as they are making the rules for any reform process and the opposition merely has the choice to play along or refuse to participate.

In the not yet finalized following empirical part of this paper, I am going to provide some evidence from Morocco in order to clarify the theorized process of procedural legitimacy through reform.

## Methodology and Research Design

Through the claims in regime speeches, press releases and semi-structured interviews with members of the constitutional council, political elites, as well as opposition activists from a broad spectrum of organizations, I will try to reconstruct the justifications of regime related actors and the impact they had on the mobilization capacity of the opposition movement. In addition I will try to assess the citizens' attitudes and beliefs in these claims using Arab Barometer data from the 2007 round before the constitutional reforms and from the 2013 round afterwards.<sup>2</sup> Moreover in a more consolidated version of this paper I would like to include protest data as a proxy for the level of popular discontent.<sup>3</sup> Taken together, these multiple sources of data enable a more comprehensive picture of the role of the constitutional reform process during the Arab Uprisings 2011.

*---Missing: Classification o Morocco case and comments on external validity ---*

## Constitutional Reforms as regime strategies in North Africa

*---Missing: historical account of constitutional reforms in the region---*

### Morocco before 2011

Morocco is widely acknowledged as an authoritarian regime in which, despite its multi-party parliament, the king reins over crucial policy fields through appointing key ministers. Furthermore, he is the chief of all security forces and can dissolve parliament at anytime (Benchemsi 2012a). A long history of political reform as response to political contestation in the kingdom long before the time of the current king Mohammed VI. (Willis 2012).

In a recent study Erdmann et al conclude that the “[...] monarchies of Jordan and Morocco rely [...] on strong historical religious claims to legitimate their rule.” (Erdmann et al. 2013, 14). In the Moroccan case, this religious prerogative is even enshrined in the constitution (old and new), as the King is not only the head of state and the chief commander over the armed forces but also the “commander of the faithful”. The religious legitimacy of the King seems to be the defining

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<sup>2</sup> Until now only two questions from the Arab Barometer have fed into the empirical part of this paper. However I aim to include more in a more refined version.

<sup>3</sup> This part still has to be developed in the empirical section.



feature of the legitimacy claims by the regime (Hoffmann and König 2013, 8–9; Bouasria 2013; Benchemsi 2012a, 62; Joffé 2009, 155; Willis 2012, 145; Waterbury 1970).

The socio-economic dimension of output legitimacy in Morocco seems to have played a rather minor role during the last decade due to high and rising socio-economic inequality, only moderate economic growth rates<sup>4</sup>, high unemployment<sup>5</sup> and the highest degree of illiteracy in the entire Arab World<sup>6</sup>; the Human Development Index (HDI) views Morocco's development in the recent decades as positive but below that of the average human development.<sup>7</sup>

Stability and security are the main pillars of the regime's output legitimacy. It has a good record in providing effective domestic security, even in light of a secessionist insurgency in Western Sahara, which effectively has been militarily defeated into exile and a thin strip of desert land of the Sahara. With the exception of rare terrorist activities the security situation has been stable over the course of the last three decades.

Having accounted for the classical sources of regime support in terms of the well established categories of input and output legitimacy; I will now focus on Morocco's constitutional reform process and its importance for legitimizing the monarchy and its hegemony in Moroccan political life.

### Morocco's Constitutional Reform process in 2011

During the Arab Uprisings most countries in the MENA<sup>8</sup> region faced high levels of contestation through protests. Mixed strategies through co-optation of new

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<sup>4</sup> The average annual GDP growth since 2000 was around 4% with great discrepancies ranging from 1.5% up to 8% growth in subsequent years according to the IMF and has recently slowed down (23.10.2013)

<http://www.imf.org/external/pubs/ft/scr/2013/cr13110.pdf>

<sup>5</sup> The official unemployment rates are around 10% with actual numbers expected to be much higher. Furthermore youth unemployment is a structural issue with much higher numbers than average unemployment also amongst university graduates:

<http://www.imf.org/external/pubs/ft/scr/2013/cr13110.pdf> (IMF Report 2013)

<sup>6</sup> Illiteracy was ranging around 48% in 2009 according to the World Bank Edstats: <http://go.worldbank.org/XRUNYCJET0> (23.10.2013)

<sup>7</sup> According to the HDI the average schooling years per adult are 4.4 and the overall rank of Morocco is 130/190.

<sup>8</sup> Short for Middle East and Northern Africa

groups, increased public spending<sup>9</sup>, targeted repression, and constitutional changes were amongst the repertoire of authoritarian response throughout the region (Heydemann and Leenders 2014). However constitutional reforms were the most common and visible reaction to the emerging pressure from the streets (Parolin 2015).<sup>10</sup>

On February 20<sup>th</sup> 2011 the first protesters in Morocco claimed the streets to express their grievances and demands. The so-called 20<sup>th</sup> February movement mobilized up to thousands of people across 40 cities and towns all over the country in the following weeks.<sup>11</sup> In contrast to other regimes that were struck later by the protest such as in Syria, Yemen or Bahrain, Mohammed VI. decided to not fall back on a coercive repression strategy. Instead, he employed a smart mix of stability and reform rhetoric, and initiated a guided reform process.

The constitutional reform process adopted in Morocco was a direct response to these protests against the authorities and contestation of their legitimacy to rule. The reforms aimed to appease the opposition and restore the regime's grip on power (Hoffmann and König 2013; Benchemsi 2012a; Tourabi 2011; Bank 2012; Saliba 2016). Ultimately the reform culminated in a referendum in July 2011, and early parliamentary elections later that year. Both can be understood as direct responses initiated by the palace to the large-scale contestation across the kingdom during the spring of 2011 (Benchemsi 2012a; Belkeziz 2012, 28; Bank 2012; Molina 2011, 437–438). The amount of protests and political contestation were unprecedented in the era of King Mohammed the VI.

Inspired by the Arab Uprisings in Tunisia and Egypt in 2011, the 20-February movement was able to mobilize diverse groups in society and organize the largest demonstrations in Morocco in at least a decade (Molina 2011, 437). The heterogeneous groups and individuals that assembled under the umbrella of the 20<sup>th</sup> February movement were united only by their criticism of the oppressive autocratic practices in the kingdom (Madani, Maghraoui, and Zerhouni 2012, 11).

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<sup>9</sup>Especially on commodity and basic goods subsidies as well as investments in crucial public services and infrastructure such as health care and education. Furthermore policies such as increasing wages in the public services were observable.

<sup>10</sup> Governmental modifications and / or institutional changes occurred all over the MENA region from Oman to Morocco. Such changes were adopted in Morocco, Syria, Jordan, Yemen, Egypt, Tunisia, Libya, Bahrain and Kuwait.

<sup>11</sup> <https://www.hrw.org/news/2011/02/20/morocco-thousands-march-reform>

The desire for more accountability, transparency and meaningful participation and representation was at the center of the political demands raised by the movement.

The response by the incumbent regime referred to as the Makhzen<sup>12</sup> was remarkably fast and effective. Within weeks of the seminal speech by King Mohammed VI on March 9, the protest movement's ability to rally large demonstrations and keep up the pressure for political change faded.

As one activists put it:

*"I think that the palace reacted quickly with the king's speech on 9<sup>th</sup> of March after just two big demonstrations. The announced reform of the constitution led to splits amongst the movement. The reaction of the palace was seen as a success by many sympathizers. Thus after the speech it was more difficult to mobilize large crowds of protesters."<sup>13</sup>*

--Missing: More quotes from activist on how response created splits in opposition--

Setting the goals and guideless in his speech the 9<sup>th</sup> of March 2011, King Mohammed VI announced the constitutional reform process headed by a commission of experts, led by the former royal advisor and constitutional lawyer Mr. Mennouni. In his seminal speech Mohammed VI. announced a number of goals that the new constitution should enhance. Although slightly diffuse these claims can be understood in a narrative of justification and thus as claims to transition to democracy and a more socially just system of governance.<sup>14</sup> In his speech the king highlighted the constitutionalization of the plurality of Moroccans identity and the aim to improve the existing institutions to guarantee individual freedoms. Furthermore a consolidation of the separation of powers was announced. In this abstract the nomination of the chief of government from the strongest political party in parliament was already mentioned as a means to balance out the powers between the parliament and the executive. Another crucial point were references to the principles of human rights and good governance as well as the

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<sup>12</sup>According to Benchemsi a Moroccan scholar and publicist the Makhzen describes "an unofficial network of patronage & allegiance-based relationships built around the King. It includes the royal court, the ministry of interior, the armed branches, and high ranking civil servants appointed by the King." (Benchemsi 2012a)

<sup>13</sup> Founding member of the 20<sup>th</sup> February movement, interviewed in Rabat 2015

<sup>14</sup> In the pivotal speech on the 9<sup>th</sup> of march he mentioned the word democracy or democratization seven times alone.

protection of freedoms (Tourabi 2011, 3–4).<sup>15</sup>

With regards to the process of reform Mohamed VI in this speech also pointed to a ‘participatory’ mechanism that shall be established for civil society.<sup>16</sup> The king furthermore pointed out that a popular referendum that would stand of the end of such a reform process. Furthermore manifold references to an advance in democratization and calls upon the national identity and patriotism of the citizens were urged in the speech.

However there was no elected body such as a constituent assembly or the parliament. Instead the king appointed a commission for the revision of the constitution. Abdellatif Menouni, a close advisor to the king, headed the commission keeping the palace in control of the proceedings at all times. The members of the advisory commission on the constitution, were as one member put it, known experts selected from various backgrounds:

*“The palace has experience how to select the right people for such a commission. It is based on cooptation of important political forces and experts that represent different strands of society. It is in general the aim to be representative while staying in control through selecting the participants. The commission represented the mosaic of the Moroccan society.”<sup>17</sup>*

In addition to the advisory commission on the constitution a political commission was established. In this second commission the largest eight parties in parliament were represented.

Reflecting the Crown’s preference for a “participatory approach”<sup>18</sup> the newly established consultative body named *mécanisme de suivi* initiated hearings with political and societal organizations in which they could put forward their demands regarding the revised constitution. These hearings were generally open to any organization that submitted drafts or demands towards the constitutional

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<sup>15</sup> All the aforementioned points were mentioned in King Mohammed VI speech aired on March 9th and available in english at: <http://www.moroccoboard.com/news/5302-morocco-text-of-kings-speech-english>.

<sup>16</sup> This mechanism was further spelled out in the subsequent speech of the king just two days later.

<sup>17</sup> Member of the advisory commission on the constitution, interviewed 2015 in Rabat

<sup>18</sup> Quote from a constitutional lawyer and member of the constitutional commission in Morocco from an interview conducted in Rabat during Spring 2014

committee. The organizations that made use of this mechanism were mainly already coopted actors such as parties and royalist civil society got engaged.

Most political parties, labor unions, business associations and NGOs participated in these hearings.<sup>19</sup> However some crucial organizations, such as the country's most important labor union, the Confédération démocratique du travail and three leftist parties<sup>20</sup> boycotted the participation, criticizing the lack of credibility due to the composition of the committee and the lack of transparency with regards to the decision making procedures in the commission.<sup>21</sup> Likewise, the umbrella organization that organized the major protests across the country during 2011 – the 20<sup>th</sup> February movement – did not participate in the hearings of the consultative commission.

The participating groups submitted their input for the new constitution, but there was formal procedure on how these suggestions would be debated or fed into the actual work of the committee. In fact, the debate over the submissions and the final text of the constitution was solely limited to the appointed committee. Neither parliament nor the public or any other organization or institution participated in a discourse on the actual constitution. The organizations that participated in the *mécanisme de suivi* were presented a written draft of the constitution on the 16<sup>th</sup> of June, just one day before the second important speech by King Mohammed VI concerning the new constitution was televised. Just two weeks later, the constitution was put to a referendum of the Moroccan people with a simple yes or no vote.

Furthermore the narrow time frame between the first publication of the draft and the referendum hindered a comprehensive public debate on the constitution. No forum for an open debate was established. There was no possibility to submit applications to change the text or present alternative texts.

The referendum approved the new constitution with a landslide majority of 98.5% yes votes against 1.5% no votes. But in this case, these numbers don't tell the whole story. The overall population of Morocco is estimated around 35 mil-

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<sup>19</sup> Parties that hold seats in the newly elected parliament participated

<sup>20</sup> Parti Annahj Addimocrati, Parti socialiste unifié and the Avenue de la résistance

<sup>21</sup> Statement by the CDT available online at: [http://m.lemag.ma/Un-syndicat-marocain-appelle-au-boycott-du-referendum\\_a56882.html](http://m.lemag.ma/Un-syndicat-marocain-appelle-au-boycott-du-referendum_a56882.html)

lion<sup>22</sup> of which nearly 20 million are eligible to vote due to the large share of young people under the voting age of 18 amongst the overall population. However, according to official numbers only 13.4 million people registered to vote and 9.8 million actually cast their vote at the referenda's ballot box. Overall that means that the turnout at the referendum in relation to the population was below 50%. If one takes the boycott of the referendum by the 20<sup>th</sup> February movement into account, the numbers tell a different story regarding popular support for the constitution than is oftentimes portrayed.<sup>23</sup>

This process was seemingly open and democratic although the palace pulled all the strings, so that the regime could rest assured that the outcome of the reform process would not negate his will (Benchemsi 2012; Volpi 2012). The previous brief description of the reform process illustrates how the palace was in control at all times and the aforementioned uncertainty was not given due to the design of the reform process.

Without the massive use of force, which could have had unintended delegitimizing consequences, the King thus managed to regain the control over the pathways of political contestation through channelling the demands into formal non-revolutionary political channels (Volpi 2012: 1).

Indeed, channelling the demands for political change through controlled channels is nothing new in Morocco. It has a long-standing tradition of reformist regime response in the face of protest and opposition (Joffé 2009; Bank 2012). In line with this tradition the monarchy kept a tight control of the reform processes through appointing the members of the committee and decreeing the rules for the constitutional process. The strategic twist of delegitimized the opposition through establishing a reform process that seemed like a grand gesture towards the demonstrators. The 20<sup>th</sup> February movement, which decided to boycott the reform process early on, faced decreasing support from the population.

Through putting the palace at the forefront of the reform efforts the regime displayed itself as a responsive initiator of a reform process: "The moves by Morocco's King Mohammed VI, for instance, to offer limited but significant constitu-

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<sup>22</sup> According to the CIA factbook estimate for 2013

<sup>23</sup> Media reports usually report a near 73% turnout at the ballot box treating the registered 13.4 million voters as 100% of the population.

tional reforms seemed designed to pre-empt mass protests, which might otherwise have built up momentum as they did in Egypt and Tunisia” (Heydemann and Leenders 2014, 9).

Applying a consensual and empathic language in his seminal speech on the 9<sup>th</sup> of March 2011 and establishing the committee on the revision of the constitution brought the King back into the driver’s seat. The importance of TV screened speeches to regain control over the discourse and signal responsiveness was crucial in order to regain control over the political discourse.

The regime regained the control of the direction of a previous uncertain outcome in an episode of contentious politics. One of the interviewed activists called this somewhat bold move “[...] the reoccupation of the opposition movement.”<sup>24</sup> According to another member of the 20<sup>th</sup> February movement “there was like two things that have killed the movement. The first thing was the discourse after March 9<sup>th</sup> and the king had the speech and said he is going to change many things [...] nothing has changed at all”<sup>25</sup>. A regime-affiliated advisor to the finance minister illustrated this perception: “If the parties are not able to find solutions, the king intervenes to solve the problems. We need him in order to guide the process of change and reform.”<sup>26</sup> He further acknowledged that:

*“[...] The protests have accelerated the process of reform. Many people argue that even before there has been a process of reform and that is correct but the movement did trigger a certain reaction. Objectively the February 20<sup>th</sup> movement accelerated the process reform and political change in Morocco.”<sup>27</sup>*

Another regime affiliated ministry official from the ministry of social affairs concluded:

*“As political reforms were introduced the protests quickly faded. The reforms were the answer to the people’s demands. Now we have to implement the changes that have been confirmed by the population through the referendum on the new constitution.”<sup>28</sup>*

The focus on the reforms -as a process- strikes the reader in this quote. Relating

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<sup>24</sup> ATTAC activist Interview 002

<sup>25</sup> Human Rights activist Interview 005)

<sup>26</sup> Advisor to the finance minister interview 001

<sup>27</sup> Secretary at the Federal Ministry of Work & Social Affairs Interview 007

<sup>28</sup> Advisor to the finance minister interview 001

to the outcome that still has to be implemented while at the same time stating that the demands of the people have been met by the reforms seems at first sight ambiguous. Taking the effect of the reforms however it illustrates the official narrative that emphasizes the responsiveness of the monarch to his subjects dimension into account, it explains how the reforms by themselves have answered the people's demands to a large extent irrespective of the actual outcome.

Eventually the regime was successful in restoring its authority and overcoming the episode of contentious politics through initiating a reform process. One of the activists from the 20th February movement commented on the crucial impact of the reforms: "Everything that the Makhzen does, also all the reforms historically speaking have been created to seem reformist but in reality enhancing the influence of the Makhzen itself and its machine."<sup>29</sup> Another activist put it: "I think that the regime reacted quickly with the revision of the constitution to recalibrate the power and I think that this process of revision contributed to a transition that calmed down the spirits and the trajectories in Morocco that we did not have problems. But it was not the constitution that allowed, that [...]"<sup>30</sup> It is notable how this quote subsumes explicitly that the regime response was crucial. Finally, Madani and colleagues arrive at the conclusion, that "[...] the entire constitutional reform process was driven by the king's agenda" (2012, 6).

Tourabi calls the institutional reform process in Morocco "participatory yet controlled process" (Tourabi 2011, 4). While on the one hand to some extent there was a formal opening through participatory mechanism, on the other the last word was always behind closed doors and there was whether a wider debate nor any rules on how the raised suggestions would exactly feed into the new constitution.

With regards to the outcome of the new constitution in the decisive distribution of power between the monarchy and the other political institutions changes have been marginal. In sum, "The king continues to retain major executive powers without accountability on the Moroccan political scene—in contradiction of his 9<sup>th</sup> March speech, which insisted on the notion of accountability." (Madani,

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<sup>29</sup> February 20th movement activist Interview 008

<sup>30</sup> Law Professor Interview 006



Maghraoui, and Zerhouni 2012, 50).

Overall the Makhzen's<sup>31</sup> containment strategy used in confronting the 2011 protests in Morocco was partly successful due to its use of a constitutional reform process, which channelled the grievances and demands for change into constitutional procedures. While signalling responsiveness, the formalization of change through the reform process has been crucial for the regime in order to regain sovereignty over the political discourse and ultimately control the outcome of the process. In sum, there are indications that the reform process increased the resilience of the regime in the face off severe contestation, as it led to decisive dissolution of the heterogeneous opposition movement and it had an effect upon its ability to mobilize support in the population.

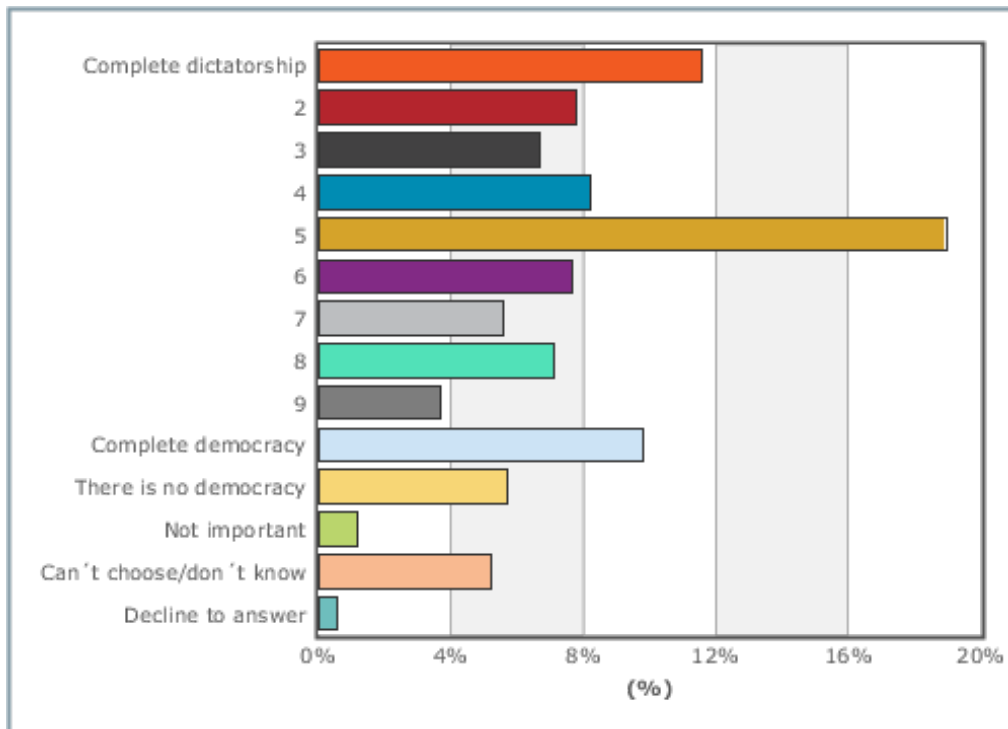
#### Citizens' beliefs in Morocco before and after 2011

When it comes to the perception of the citizens however an ambiguous picture arises. Interestingly the Moroccan citizens perceive a decline in the state of democracy between 2007 and 2013 (see figure 1 and figure 2). With regards to the outgoing claims and justifications as formulated by the king, especially with the reform advancing the process of democratization this development seems to show an opposing perception by the citizenry. This raises a couple of questions regarding the impacts of the constitutional reform process in 2011. First and foremost we might need to disentangle the immediate (primary) effects of the process of constitutional reform in the midst of an episode of contentious politics especially with regard to effects on the oppositions ability to mobilize and put challenge the incumbents legitimacy from a (secondary) more medium or long term effect on the perception of the democraticness of the state.

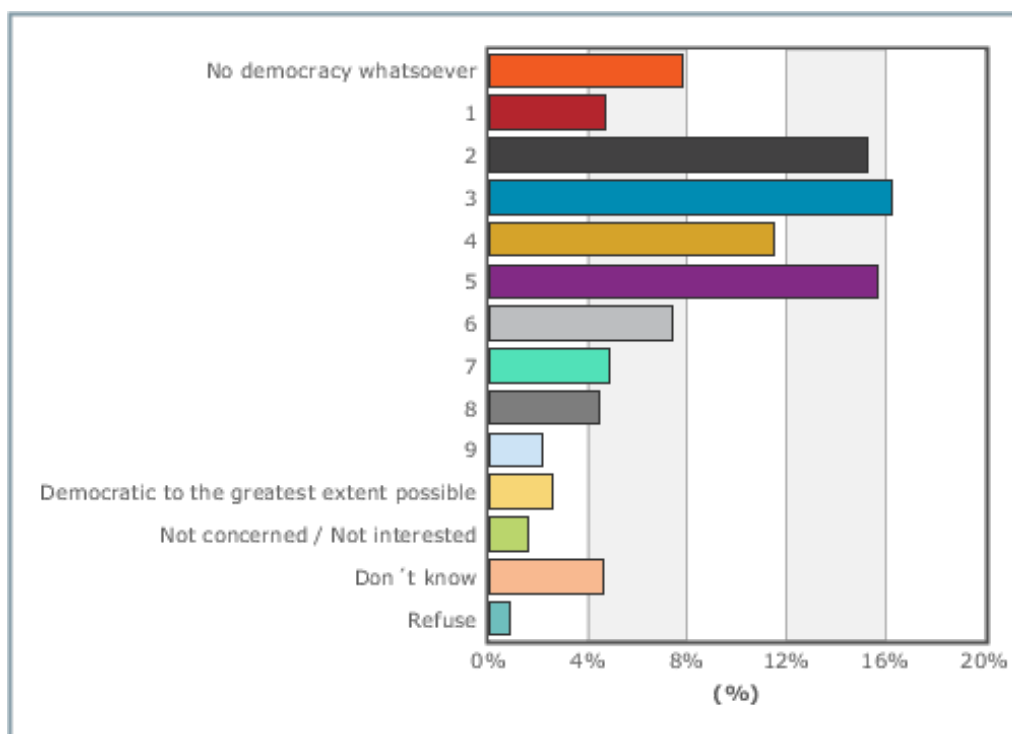
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<sup>31</sup> The Makhzen is the ruling elite of the Moroccan regime as defined by Benchemsi: "an unofficial network of patronage & allegiance-based relationships built around the King. It includes the royal court, the ministry of interior, the armed branches, and high ranking civil servants appointed by the King." (Benchemsi 2012b, 1)

**Figure 1 Arab Barometer 2007: How democratic is your country?**



**Figure 2 Arab Barometer 2013: To what extent is your country democratic?<sup>32</sup>**

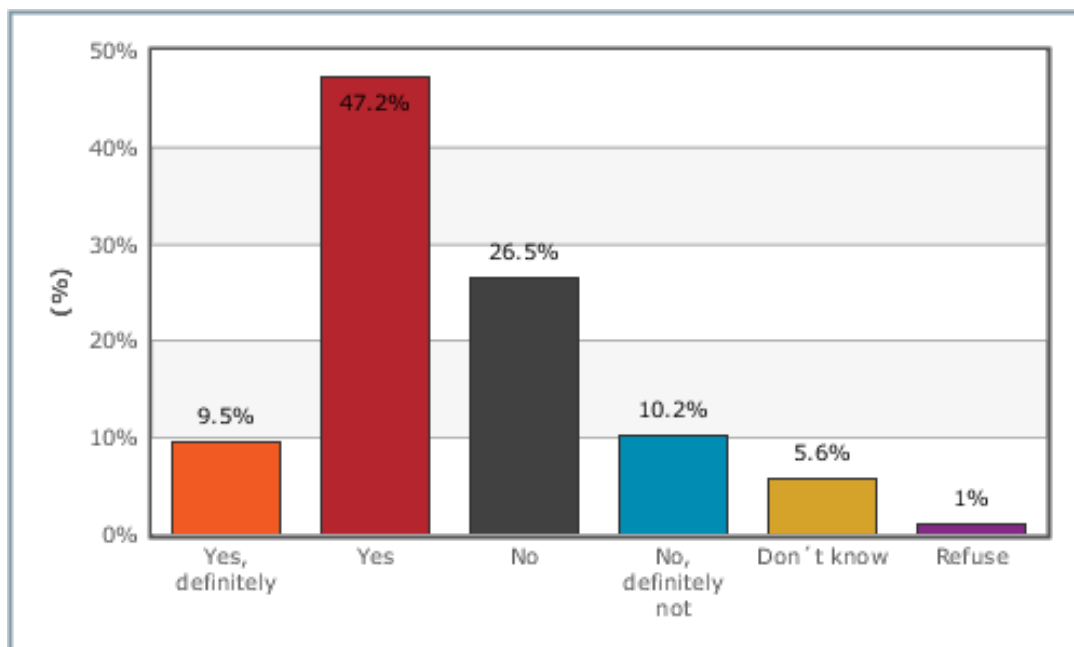


<sup>32</sup>Notice the difference in the question as unfortunately the questionnaire of the Arab Barometer has slightly changed from the first version in 2007 to the latest in 2013. However the extend to which the question and the answer possibilities are varying is marginal and thus a direct comparison still is plausible.

Secondly, these results to some extent put a question mark behind Beetham's conceptualization of legitimacy or at least its application in non-democratic contexts. As it seems that the congruency of the regimes' claims and the perception of the citizens have widened over the last five years but the regime successfully survived and withstood the largest protests it witnessed over the past two decades.

Contrary to what one might expect after this display of perception of democraticness of their own country it seems that, despite the perceived decline in democratic quality, the citizens are to a large extent acknowledging the reform efforts undertaken by the regime as figure 3 from the 2013 Arab Barometer shows. It seems that responsiveness in itself and detached from its perceived and real outcome had an impact on the regime's resilience in 2011. It thus highlights the signalling role of constitutional reforms in episodes of contestation under authoritarian rule.

**Figure 3 Arab Barometer 2013: Is the state currently undertaking far-reaching and radical reforms and changes in its institutions and agencies?**



Understanding legitimacy in non democracies and political processes that illustrate more specific mechanisms through which legitimacy unfolds an impact up-

on mobilization of dissent or support is still largely a black box to political science.

Furthermore how different layers of legitimacy interact and reinforce each other could also be questions worth further investigation. As this paper has shown with the case of Morocco in 2011 citizens do not necessarily have to perceive their rulers and regimes as democratic in order to be satisfied at least to the extent that they continue large scale mobilization against them to express their grievances. On the other hand, signaling responsiveness through constitutional reform during episodes of political contestation, irrespective of the outcome of such reforms, might have a surprisingly strong effect upon the capacity of opposition movements to mobilize against an incumbent regime.

Given the preliminary case study at hand, one might conclude that there may not be increasing legitimacy as a result of constitutional reform but the act of a constitutional reform itself might –under certain conditions– have a decisive effect on the ability of challengers to mobilize against the incumbent authorities and contribute to dissolve the threat posed by the opposition movement as a symbolic speech act.

Constitutional reforms are a phenomena not as seldom as one might think. In non-democracies and democracies alike comprehensive constitutional revisions oftentimes are related to prior political contestation. In this light more case studies but also comparative or even large-n studies might be ways forward for investigating the effects of constitutional reforms on the legitimacy and resilience of authoritarian regimes under pressure.

#### Protests in numbers: Morocco during 2011

*---Missing: protest data for the time period of Dec 2010 until Dec 2011---*

#### Tentative Conclusions and ways forward

This paper set out to demonstrate how constitutional reform processes impact the legitimacy of authoritarian regimes under pressure and the ability of challengers to mobilize. It provides a process-oriented approach to improve our understanding on how legitimacy is sustained and support or challengers is neutral-

ized through regime actions in episodes of contentious politics under authoritarian rule. The importance of non-repressive and non-material political strategies employed to dissolve dissent and their direct impact on legitimacy have been largely overlooked by scholars of authoritarian regimes until now.

Clearly this research is rather conceptual and explorative in nature and thus needs a more robust and comprehensive empirical underpinning and a more sophisticated research design. More extensive fieldwork and data collection as well as the diversification of evidence and cases investigated are necessary next steps on this path.

*--Missing: Other questions and topics that still need to be addressed--*

- Under what conditions are constitutional reforms successful?  
Or in other words: When does signaling responsiveness work or autocrats?
- Alternative explanations for the resilience such as cooptation or repression or other sources of legitimacy (e.g. international, traditionalist, religious)
- International environment: Spreading violence across the region leads to status quo bias in population.

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