

The Impact of Impunity for Violating Cultural Rights in Morocco

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Abstract

In the Eurocentric narratives that pervade fundamental rights discourse, the West is associated with progressive values, while North Africa and the Middle East are often painted as regressive. Taking Morocco as a case study, I will show that politics have and continue to produce the cultural stasis suffered by Morocco's citizens. Morocco's political elite appropriates the state apparatus, including the justice system, and violates the cultural rights of citizens with impunity. In order to do so, the ruling elite deliberately deprives citizens of access to education and knowledge, actively prohibits the development of a culture of human rights, and employs political violence in the form of censorship, arbitrary arrests, and torture. These are but a few mechanisms that function to amputate potentially rich expressions of national culture and, instead, produce cultural stagnation.

Introduction

This chapter argues that in Morocco, and in North Africa and the Middle East generally, power structures in place rather than cultural determinism produce the human rights violations prevalent in those regions. Of course, few would be surprised to learn that Morocco ranks among the world's worst nations in terms of its human rights record.ⁱ In fact, the commonplace abuses committed by the Moroccan state against its citizens reinforce popular beliefs that equate Arab-Muslim nations with authoritarianism. The unbridled violation of human rights is essential to authoritarian regimes after all. This

reality has led some scholars to argue that Arab-Muslim culture is intrinsically authoritarian and, therefore, incompatible with democratic values.ⁱⁱ Others have gone as far as to divide the globe into two opposed camps: a despotic East and a democratic West.ⁱⁱⁱ

Historical narratives about the development of human rights over time perpetuate a similar discourse. In fact, much of the current academic literature suggests that human rights originated in Europe.^{iv} According to one version of this largely Eurocentric perspective, civil and political rights, as recognized by the Universal Declaration of Human Rights^v and by the International Covenant on Civil and Political Rights, were first articulated in the Magna Carta, a treaty made between King John of England and English Lords in 1215 acknowledging the right of powerful aristocrats to individual liberty and to freedom from arbitrary arrest and abusive taxation. Similarly, according to others, the social upheavals caused by the nineteenth-century industrial revolution in Europe produced the economic, social, and cultural rights later seen in the Universal Declaration and in the International Covenant on Economic, Social and Cultural Rights.

The Eurocentric approaches to the history of fundamental rights discussed above are also orientalist in nature. I define orientalism as a hegemonic method of perceiving otherness and of creating a hierarchy based on the other's proximity, or inversely, the other's distance from European values and institutions.^{vi} By adopting a European identity as the standard for all of humanity, orientalism defines alterity according to a European norm, or more precisely an idealized European norm. In other words, orientalism implies that

the East is as despotic as the West is democratic. Similarly, the East is deemed as patriarchal or misogynistic as the West is liberal, or a great defender of the principle of gender equality.

Approaching the history of fundamental rights from a Eurocentric and orientalist perspective has three serious consequences. First, it would seem as if no history exists but European history. Even Marx, whose philosophy has inspired a number of non-western revolutionaries, believed that eastern societies were static ones, and consequently that the East's only hope at achieving modernity was through European colonization.^{vii} Second, world history's key events are perceived as exclusively European in nature. Human rights history along with, the history of the industrial revolution, the market economy, market values, and individualism begin almost exclusively in Europe. Third, in an attempt at political correctness, some scholars will even question whether fundamental rights are at all applicable in non-European societies.^{viii} Others propose disassociating the legitimacy and acceptance of fundamental rights from their alleged European origins: though human rights are believed to be western, they could be valuable tools for non-western societies as well.^{ix}

However, increasingly, west-centered history is being called into question. Several academics, for instance, have deconstructed the assumption that no history exists but European history.^x They have demonstrated that the region studied here experienced modernity and the social upheavals it often brings –industrialization, accelerated urbanization, the rise of a market economy, the dislocation of traditional solidarity, the

penetration of the private and public spheres by market values, and the destabilization of traditional gender roles— in its own way, although much later than Europe. This kind of revisionist approach to the history of fundamental rights has given a greater voice to the local populations of North Africa and the Middle East by enabling them to rewrite their histories from non-European points of view.

Recent research in the field has destabilized further the Eurocentrism that pervades many historical narratives of fundamental rights. Indeed, in celebration of the Universal Declaration's anniversary, political scientist Johannes Morsink, law expert Mary Ann Glendon, and historian Paul Gordon Lauren rewrote the history of the Universal Declaration in consultation with the United Nations archives.^{xi} The researchers revealed that small states, some more than others, participated in the development of the Universal Declaration. The research of Morsink, Glendon, and Lauren turned the attention of scholars to the presence of states representing non-European civilizations in the international project of protecting human rights.

Political scientist Susan Waltz later built upon the research of Morsink, Glendon and Lauren. She examined the United Nations archives documenting the development of the International Charter of Human Rights (i.e., the Universal Declaration, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights).^{xii} Waltz showed how there is little historical support for the widespread belief that the great powers, following their victory in the Second World War, conceived the international project of universal rights and were its ardent defenders.^{xiii}

Her work also undermined the widely held assumption that small states played no role in the project at all or, at the very least, a passive one.^{xiv} In an article concerned with Muslim states exclusively, Waltz went even further by relating the contributions of Muslim delegates to the International Charter of Human Rights.^{xv} She cited, for example, article 3 of both Covenants. Proposed by Iraqi delegate Badia Afnan, the articles require Member States to ensure equal rights for women and men.^{xvi} More recently, human rights expert Steven Jensen has confirmed the varied and widespread origins of human rights by documenting the pivotal role played by the Global South in the development of universal rights during the era of the Cold War.^{xvii}

For our purposes, the impact of this historic research is twofold. It suggests the origins of human rights also lie in the history of North Africa and the Middle East, even if this history is not well known. The imbalance between the lack of knowledge on the history of human rights in these regions and the preeminence granted to European history explains why a certain essentialism still exists in scholarship on human rights. As a result, the West continues to be associated with progressive values like democracy, human rights and the principle of gender equality. North Africa and the Middle East, on the contrary, are monolithically associated with a backwardness manifested in cultural stasis, acceptance of human rights violations, and women's supposedly inherently inferior status in society. Lawyer Makau Mutua neatly summarizes this essentialism. He deplores the fact that real discourse about fundamental rights is often reduced to the metaphor of savage-victim-savior, where the savages—and the victims—are non-western states, and the corpus of fundamental rights are the savior, with the United Nations, western

governments, international NGOs and other western charitable institutions playing primary roles.^{xviii} In other words, according to this essentialist perspective, one must either be western or “westernized” to adhere to human rights values.

This chapter deconstructs certain aspects of this essentialism. Employing Morocco as a case study, I will demonstrate how the immobilism (i.e., extreme conservatism and opposition to change) associated with this country in particular, and with North Africa and the Middle East in general, results not from cultural defect. Rather, politics produce this perceived resistance to change. Part one examines how Morocco’s ruling elite has pursued a policy of illiteracy, and deprived citizens of access to knowledge and education since Independence in 1956. These serious attacks on learning have not stopped activists, intellectuals, artists, and ordinary citizens from challenging the status quo. Politically conscious citizens continue to labor for the advent of a state that respects human rights. As explained in part two, however, the ruling elite works against these activities to prohibit the development of a human rights culture in the country. Because of the impunity granted to those who violate human rights, the elite has been mostly successful in preventing citizens from inscribing their culture within contemporary ideological currents. In part three, the role played by impunity in manufacturing cultural immobilism in Morocco is exposed.

Official Culture: a Political Product

Let us begin with two foreign women's impressions of their time spent in Morocco. The first, Scottish teacher Mary Hubbard, traveled to Morocco on her own despite being warned not to by friends and family:

I knew that there were likely to be difficulties in travelling as a woman alone around Morocco. I'd been warned by numerous sources about hustling and harassment and I was already well aware of the constraints imposed upon women travellers within Islamic cultures.^{xix}

Upon arrival, Hubbard confronted the difficulties that women traveling alone in Morocco are often faced with:

It was not until I emerged the next morning into the bright daylight of Casablanca that I experienced my first reaction to Morocco.

Nothing could have prepared me for it. Almost instantly I was assailed by a barrage of "Would you like to have sex with me ... Have you ever had sex in Morocco ... Come with me Madame ... come miss." Whatever I had to say was ignored at will and wherever I went I felt constantly scrutinized by men.^{xx}

The author never spoke of Moroccan or Muslim culture as backwards. Nor did she paint western culture as superior, at least in terms of women's treatment in the public sphere. And, to her credit, Hubbard emphasized that she had formed friendships with men during her stay:

That isn't to say that it's impossible to have a more relaxed relationship with Moroccan men. I made good friends on two occasions with Arab men and I'm still corresponding with one of them.

The author Sue Benett, however, resorted to dichotomies of West/East, North/South, progress/backwardness to describe her sojourn in the country:

Sadly the next morning we had to leave our medieval time wrap and return to twentieth-century Spain. Clara needed to go to Tetouan, and offered to give us a lift to Ceuta. The drive in her ancient camper van, decked out with voluminous drapes, joss-stick holders and candles, felt like flying. Charlie and I clung on for dear life, as once again I found myself fearing for our lives as we sped through the

fantastic gorges and ravines of the Rif Mountains. As we neared Tetouan, Clara slowed down for a donkey laden with bundles, on top of which sat a fat man. Behind trudged a woman swathed in heavy woven cloth, her face hidden by the traditional *hijab*. Thirty kilometers later we returned to the Western world. Southernmost Andalucia seemed extraordinarily modern.^{xxi}

In Benett's account the West is synonymous with modernity, development, and the superior treatment of women, while Morocco appears medieval, under-developed, and a society with retrograde attitudes vis-à-vis women: it forces them to wear the veil and positions them "behind" men. True, rarely do individuals succeed at perceiving others through a value system other than their own. However, being both Moroccan and a woman, I would be lying if I said that Hubbard and Benett's descriptions were completely Eurocentric. I would be even more embarrassed to make an argument for cultural relativism here, and attempt to explain such attacks on women's dignity by pointing to some sort of glorious local tradition. I agree with these authors. The harassment of women in public is a retrograde practice. I also agree that the need for women to travel in public with a male companion or, to be frank, a male guardian is well and truly anachronistic and medieval.

Nonetheless, I demonstrate in this chapter that such "cultural" issues are not intrinsic to Morocco but, rather, are produced politically. More precisely, they are the direct results of policies pursued by a leading elite who have monopolized the state apparatus, including the justice system. This allows human rights violations to be committed with impunity. More broadly, impunity plays a key role in perpetuating a political status quo

that reproduces the cultural immobilism suffered by the country's citizens. Let me explain this situation step by step.

First, I should specify that a monarchy governs Morocco. Indeed, while the Constitution was amended in response to the 2011 Moroccan revolts, King Mohamed VI is still virtually all-powerful. The king is chief of the royal armed forces; presides over the Superior Security Council; holds a quasi-totality of the executive power; chairs the Superior Council of the Judicial Power;^{xxii} and monopolizes human rights policy.^{xxiii} He also names Morocco's representatives at international human rights forums, and decides whether Morocco will ratify international treaties protecting human rights or not. In other words, there is no separation of powers in the country. The parliament purportedly represents the will of the citizens, but the king has the authority to dissolve parliament at any time. And, through a strategy of repression, co-optation, and division, the monarchy successfully keeps the objectives of the majority of Morocco's main political actors aligned with its own.

In this context of concentrated power, the monarchy also monopolizes the definitions of culture, traditions and religion in the country (recall that the king is also the Commander of the Faithful).^{xxiv} By deploying culture, traditions, and official religion to justify its power, the monarchical elite can make violations of cultural rights go unseen. As I will demonstrate, political programs that foster illiteracy, limit access to education and knowledge, suppress human rights culture, and promote political violence like

censorship, torture, and arbitrary arrests, are mechanisms used to manufacture the cultural immobilism suffered by the Moroccan people.

Illiteracy and Limiting Access to Education and Knowledge

In his work on Morocco, the anthropologist Paul Rabinow concluded that the opposite of tradition is not modernity, but alienation.^{xxv} While formulated differently, the great historian of Morocco Abdellah Laroui espoused a similar idea.^{xxvi} Laroui distinguished tradition from deliberate policies of ‘traditionalization’. The elite employs policies of traditionalization in the form of rhetoric and political programs to determine what is and isn’t considered ‘tradition’. In contrast, tradition is the chosen and conscious acceptance of the past by citizens. This acceptance is only possible when progress coexists with tradition. Or, in other words, when the state institutions allow citizens to choose between progress and tradition, or something else in between. These institutions must guarantee the access of citizens to contemporary ideological currents, the free circulation of progressive ideas, and the respect of public and individual freedom. In the absence of progress, only unconscious traditions produced by a policy of traditionalization exist. Thus, it is generally when its ancient privileges are threatened that the ruling monarchy will recreate, and compel its citizens to behave according to outdated customs. For example, despite being denounced as the symbols of an anachronistic relationship between a master and a servant, royal protocol still requires that individuals bow and kiss the hand of the king. One of the main pillars of this traditionalization policy that helps manufacture cultural immobilism – i.e., a political life characterized by inertia and antipathy to change – is depriving citizens of access to education and knowledge. After

the student riots of 23 March 1965 King Hassan II made the following announcement in a televised speech:

Allow me to tell you that there is no greater danger to the state security than the one represented by so-called intellectuals. You would have been better off illiterate.^{xxvii}

Since Hassan II made this point openly, the systematic sabotage of the educational system has methodically followed. It is within this framework of sabotage that the government began Islamizing the educational system near the end of the 1970s. Before we continue, it is important to distinguish Islam from deliberate policies of Islamizing. The sociologist Marnia Lazreg writes that spirituality is an expression of personal faith, while Islamizing policies colonize private and public spaces by perpetuating anachronistic values and behavioral codes. These are made to appear representative of the national religio-cultural patrimony, even if they have actually been foreign to the everyday lives of citizens.^{xxviii} For example, it is through the Islamizing policies of the ruling elite that the official version of Islamic studies became an obligatory discipline at the start of the 1980s.^{xxix} School manuals convey crude, and even degrading images of women, depicting them as submissive, ignorant and irresponsible.^{xxx} Meanwhile, the study of philosophy and sociology is suppressed in all universities except two.^{xxxi}

It is not the goal of this chapter to exhaustively examine the Moroccan educational system. I will briefly mention however, that according to a recent UNESCO report, Morocco is among the worst countries in the world in terms of education.^{xxxii} In addition to this educational deficit, teaching methods in Morocco –those employed in public schools in particular– are archaic. Based on memorization, these methods promote

indoctrination, standardization, dogmatism, and suppress critical thinking. At the same time, translated books are rare in the country.^{xxxiii} We need only cite the *United Nations Development Report Programme* to appreciate the scale of the deficit not just in Morocco but across the Arab world in access to knowledge:

The aggregate total of translated books from Al-Ma'moon era [786-833] to the present day amounts to 10,000 books – equivalent to what Spain translates in a single year. This disparity was revealed in the first half of the 1980s when the average number of books translated per 1 million people in the Arab world during the 5-year period was 4.4 (less than one book for every million Arabs), while in Hungary it was 519, and in Spain 920.^{xxxiv}

This startling fact reveals that the majority of Morocco's citizens do not have access to the latest social, human, and scientific knowledge produced globally.

Some might point out here that Morocco is not a wealthy country. The state lacks the means for providing a quality education to all of the Kingdom's children. In reality, the problem is not lack of means but a lack of political will. Morocco spends astronomical sums annually maintaining its army, purchasing highly sophisticated military equipment, and financing futuristic intelligence and surveillance services. As one example of this, after the 2011 revolts as part of its PopCorn project Morocco spent two million dollars (19.4 million dirhams) on electronic surveillance infrastructure purchased from the French company Amesys. The computer program enables the government to spy on emails and other forms of Internet communication throughout the globe^{xxxv} (on a side note, France considers itself a model of democracy, human rights and progress yet has no qualms selling electronic infrastructure that enables police states to monitor, intimidate, and punish their citizens at will).

The failure of the educational system in Morocco is not a problem of resources. It is a political choice. Children of the elite classes benefit from a quality education in private schools and at foreign universities. However, this privileged class shares socio-economic interests with the ruling elite and therefore, tends to support the status quo. Outside of this privileged class, the state pursues a policy of illiteracy for a political purpose. People deprived of education and knowledge are limited in how they can analyze and renew their culture and politics.

Prohibiting a Culture of Human Rights

By depriving citizens of access to education and knowledge, the elite produces cultural immobilism. The anachronistic culture that exists as a result is promoted as the country's national culture. The elite must therefore prohibit all discourse that could destabilize its control over the definition of culture, traditions, and religion. In fact, today's culture of human rights is a major threat to the stability of the current regime. The ruling monarchy adopts a dual strategy to confront this threat. First, it appropriates all policies related to human rights. Second, it represses civil society and activists working in the field. The activities of the Moroccan human rights movement, as well as those of journalists, thinkers, and activists are either hindered or banned completely.^{.xxxvi} In fact, Mohamed VI's current policies are merely continuations of his predecessors' policies.

On 18 November 1955, King Mohamed V confirmed the Moroccan state's adhesion to the Universal Declaration in a speech given in celebration of the country's

independence.^{xxxvii} In 1962, the preamble to the first Constitution re-confirmed Morocco's adherence to the United Nations and its charter's provisions related to the protection of fundamental rights.^{xxxviii} Later, the constitutional reforms of 1992 introduced the concept of human rights explicitly in the preamble.^{xxxix} Furthermore, during the World Conference on Human Rights held in Vienna in 1993,^{xl} Morocco reaffirmed its adherence to human rights and to the principle of universality.^{xli} With its 2011 reforms an entire chapter of the Moroccan Constitution was dedicated to fundamental rights and freedoms. Plus, with the exception of a few protocols,^{xlii} the Moroccan state has ratified all treaties related to the protection of fundamental rights. Finally, in 2014, the country hosted the World Forum on Human Rights at Marrakesh. Western economic partners and nations praised the Moroccan ruling elite for having initiated this transition to democracy.^{xliii}

However, if Morocco appears to espouse a progressive perspective on democracy and human rights, the reality is quite different. Yes, Mohamed V adopted a multiparty system post-Independence. Far from democratic however, Mohamed's multiparty system enabled him to "divide and conquer".^{xliv} The popular front was unified, strong and mobilized at the conclusion of the anti-colonial struggle. Under the leadership of the great Istiqlal (Independence) party, various individuals and groups worked together for the implementation of social, economic and political reforms. By encouraging even the smallest of groups to become independent political parties, Mohamed succeeded at fragmenting what had previously been a largely unified popular movement. Under these circumstances the king effectively managed to repurpose the goals of his political

opponents by associating them with the government, and excluding and punishing the incorruptible among them. For instance, Abdallah Ibrahim's government was dissolved in 1960 because he attempted to form a democratic regime.^{.xlv} After Mohamed V's death, his successor Hassan II adopted a hard line approach of political "annihilation" through censorship, abduction, torture, arbitrary imprisonment, exile and the assassination of intellectuals and activists struggling to present the people with alternatives to the monarchy. Leftists or activists of the extreme left working for the advent of a socialist regime in Morocco in the 1970s were the chief victims of Hassan's policy of political annihilation.^{.xlvi} The Moroccan human rights movement emerged from this highly repressive political context. The Moroccan Association of Human Rights (AMDH) for example, was founded in 1979 following a series of arbitrary arrests and physical attacks, and a mass trial indicting hundreds of socialist or Marxist activists.^{.xlvii}

From its founding, the AMDH adopted the principle of universal rights and worked to alter relationships of power between citizens and the ruling elite. The ADMH denounces human rights violations in the country, organizes sit-ins and demonstrations, holds conferences aimed at educating, informing, and improving awareness about human rights, and arranges summer camps in an effort to teach youth about the culture of human rights. While these activities and discussions are performed in a peaceful manner, the members of the Moroccan human rights movement in general, and of the AMDH in particular are regularly subjected to harassment. They are monitored and continue to be subject to arbitrary arrest and to physical attacks. The state noose tightened even more after the Moroccan Spring. Local governments refused to renew the licenses of certain

branches of the association in a roundabout attempt to prevent them from operating and, since July 2014, the activities of the AMDH have been systematically banned making it almost impossible for the AMDH to do even basic activities such as organizing conferences or summer camps for youth.^{xlvi}

In addition to banning the discourse and activities of the Moroccan human rights movement, censorship weighs equally on the works of journalists, thinkers, activists, and artists who have questioned the power structures in place; individuals like Maria Moukrim, Ali Amar, Abou Bakr Jamaï, Ali Anouzla, Maâti Monjib and the filmmaker Nabil Ayouch.^{xlix} Ayouch did not attack the ruling elite directly in his censored film *Much Loved*. Rather, he documented how women's economic marginalization forces many into prostitution. Ayouch's film was censored because it questioned the traditional gender hierarchy.

Certain narratives argue that Morocco's intellectual elite and human rights movement are not representative of the will of the vast majority of Morocco's population. Of course, activists and intellectual elites are minorities in almost all societies; by stigmatizing their activities and their discourse, the Moroccan state deliberately hinders the spread of human rights culture. The result is that citizens are denied access to fora where it is possible to question the power structures of their country, evolve their culture, and possibly inscribe it with how human rights can inform greater respect for our common dignity. Alas, the manufacturing of cultural immobilism is well and truly a deliberate political program.

Impunity: A Political Choice

Impunity plays a primary role in maintaining the cultural immobilism suffered by the Moroccan people. Indeed, if the justice system were independent, the cultural rights of citizens or, more precisely, the right of citizens to an education, access to knowledge, and to freedom of speech, could be challenged. Morocco has laws, judges and courts like any seemingly democratic nation. The country even established an Equity and Reconciliation Commission (ERC) in 2004. A close examination of this Commission's activities reveals much about the ruling elite's twofold political game. Generally, reconciliation commissions are founded following a change in regime. Marking the end of a usually brutal regime, these commissions aim to shed light on the violence perpetrated against citizens in an effort to give them justice, to establish social peace, and to build a unified nation. Morocco's ERC is different because it was created within a context of regime continuity and was established by royal decree without jurisdictional authority.ⁱ Morocco's ERC also distinguishes itself from other equity and reconciliation commissions by its limited mandate at least at two levels. First, the Commission limits itself to violations that occurred prior to 1999 when Mohamed VI came to power.ⁱⁱ This is odd given that various forms of political violence have been perpetrated since, especially after the terrorist attacks on Casablanca in 2003.ⁱⁱⁱ Second, this Commission addresses abductions, torture, and arbitrary imprisonment without naming the individuals responsible for the violence and, therefore, without bringing perpetrators to justice.ⁱⁱⁱⁱ Those who give the order to commit serious violations of human rights, and those who

execute those orders, retain their positions and continue to violate the rights of citizens with impunity. In other words, impunity is a political choice.

Morocco established the ERC at the end of the Cold War when Morocco lost its importance as a strategic ally of western nations.^{liv} No longer protected from criticisms against its poor human rights record, the ruling elite attempted a series of reforms in the area, including the creation of the ERC. The mission of this commission was thus twofold: it sought to rectify Morocco's image in the international community, and to address the demands of citizens, but without altering the power structures in place.

Despite the ERC, it is not surprising to see that torture continues to be perpetrated with impunity today. Here are two examples: The leftist and February-20th-Movement (M20F) activist, who is also a member of the AMDH, Wafaa Charaf, a young woman aged twenty-six, was abducted, tortured for several hours by strange men, and threatened with future harm if she continued her activities after her participation in a workers' demonstration in Tangier in April 2014. After her ordeal, she obtained a medical certificate, which she presented as a complaint to the city's judicial authorities. This led to Charaf's subsequent arrest and indictment for slander against the Moroccan police. Charaf is still in prison, serving a two-year sentence.^{lv}

A similar verdict was given to Oussama Hosne, a twenty-year old member of the AMDH in Casablanca, and a M20F activist. Hosne was abducted and tortured by unidentified assailants in May 2014 after he left a demonstration organized in solidarity with political

prisoners. In a video posted on YouTube, Hosne claims that his torturers burned his skin with a heated iron rod, and raped him with their fingers. The YouTube video led to Hosne's immediate arrest; he was later sentenced to three years in prison for slander against the Moroccan police despite the fact that Hosne never identified his assailants. At present, Hosne is being held at Oukacha prison in Casablanca.^{lvi}

Morocco has ratified the Convention against Torture and its Optional Protocol. In principle, the state should investigate seriously all allegations of torture made by citizens. Instead, the state imprisons citizens who claim to have been tortured. The message is clear: the ruling elite can and will violate human rights, and those who contest such violations will go to prison. In other words, the price of dissidence is publicly fixed. Everyone knows what to expect and citizens consequently feel themselves to be in a state of provisional freedom. They know they must obey, be silent, and fear –fear the state and its agents, fear the political reality, fear having an opinion, fear expressing themselves, and fear taking initiative in order to stay out of prison. This internalized fear impacts every aspect of the public sphere, including intellectual production, artistic creation, and the establishment of unions as well as professional and political organizations.

Conclusion

An analysis of Moroccan politics reveals that the ruling elite has appropriated the state institutions. The Constitution codifies the monarchy's absolute power rather than safeguarding the rule of law. Instead of dispensing justice in society, the judicial system protects those in power. Impunity pervades the power structures in place at every level.

State policies do not promote progress nor the collective well-being of citizens. Rather, these policies ensure that those in power will remain in power. A civilizational defect did not produce the “despotic East,” as most Orientalist literature would have us believe. When such despotism does exist it is, rather, the result of institutional and political failure. If the victors are the ones who write history, then they are also the one who “write” culture, traditions, and official religion. Policies that result in illiteracy and censorship as well as systemic violations of freedom of expression and other forms of political violence reinforce the monopoly of ruling elites to control official culture. In so doing, the victors protect their power at the price of condemning national culture to immobilism.

We should recall that such despotism plagues the international order too. Western nations have appropriated global power structures via the UN. Indeed, if democracy appears alive and well in the United Nations General Assembly with the adoption of the “one country, one vote” rule, true power remains vested in the Security Council. The Council has five permanent members with the power to adopt military and economic sanctions against other states. With their veto power, these five countries can block any decision that does not suit them. Yet this despotism is rarely seen for what it is. Similarly, international justice fails in the sense that it grants impunity to the great powers. For example, the United States blithely violated international law when it invaded Iraq in 2003, sanctioned abductions, and practiced torture and degrading treatment on prisoners in Iraq and Guantanamo Bay. No international criminal tribunal has ever judged these crimes against

humanity. The abuse of power is neither eastern nor western. In fact, it is absolute power that corrupts absolutely.

The analysis presented in this chapter has exposed the decisive role cultural rights play in a given country. Yet, within the field of human rights, the exercise of cultural rights is problematic. Current literature pits universal rights and cultural (or religious) rights against one another.^{lvii} Inevitably, the practice of cultural rights appears negative. This chapter has attempted to displace this paradigm by turning the negative exercise of cultural rights into a positive one. It is the systemic violation of cultural rights that confuses culture with political productions, traditions with traditionalization politics, and spirituality with official religion and Islamization politics. The exploitation of religion by state elites for example, perpetuates retrograde concepts of power, degrading relations between leaders and the governed, and patriarchal interpretations of religious texts. When cultural rights are presented as being incompatible with human rights, rather than accepting this assumption it is instead necessary to unpack the political factors producing this supposed incompatibility.

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- iii Samuel Huntington, *The Clash of Civilizations and the Remaking of World Order* (New York : Touchstone, 1997).
- iv Micheline Ishay, *The History of Human Rights, From Ancient Times to the Globalization Era* (Berkeley: University of California Press, 2004), 65.
- v Referred to hereinafter as Universal Declaration.
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- ix Jack Donnelly, "Human Rights and Asian Values: a Defence of 'Western' Universalism", in *The East Asian Challenge for Human Rights*, eds. Joanne Bauer & Daniel Bells (Cambridge: Cambridge University Press, 1999), 69.
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