
In Democracy's Shadow: The 'New' Independent Press and the Limits of Media Reform in Morocco

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Abstract

This study examines the burgeoning of a new 'independent' press that has emerged in the last decade in Morocco, heralding the decline of the traditional partisan press. An analysis of two partisan newspapers reveals that the partisan press has failed to promote press freedom and frequently engages in self-censorship when confronting 'red line' issues in Moroccan politics. In contrast, the enterprising independent press has sought to broaden the margin of freedom through insisting on broaching those sensitive issues. As such, it has had great ramifications and implications at the level of readership and for the political reform debate raging in the country. Paradoxically, however, while attacking the old school of journalism for its partisanship, the new independent press has carved out a new form of 'partisanship', functioning as a conduit for an oppositional political discourse. The article reviews the debate surrounding those 'red lines' and discusses the prospects of reforming the press codes as one way of ensuring the survival of this independent streak of journalism.

Introduction

The status of press freedom in Morocco is undergoing some deep shifts, particularly with the pre-eminence of a new independent press. Media critics and watchdogs have observed that, despite their incessant tussle with the government, Morocco's print media have traditionally fallen prey to a self-induced policing. This was partially due to the fact that, until the late 1990s, most influential dailies were the official mouthpieces of political parties, a clearly partisan press. *Al-Alam* and *Al-Ittihad Al-Ichtiraki (Al-Ittihad)*, which belong to Al-Istiqlal ('The Independence') and Al-Ittihad Al-Ichtiraki ('The Socialist Union of Popular Forces') parties respectively, could be designated as illustrations. Further, partisan newspapers' financial viability has always remained foggy and shadowy, both preventing strong linkages with their readership and eluding accountability. The language of publication, mostly French or Arabic, falls into the mix, particularly leading to differences between French-language and Arabic-language newspapers with regard to their editorial policies, readership and circulation (Hafez, 2001; Zoubir, 1999).

The end of the 1990s witnessed the production of the first popular independent newspapers, specifically *Le Journal*, *Assabifa* and *Demain*. While those titles have now dwindled in popularity and influence, and some have vanished from the media market, they have led to a second wave of independent newspapers within the last eight years, such as *Al-Massae* ('*The Evening*'), *Assabah* ('*The Morning*') and *Al-Watan Al-An* ('*The Nation Now*'). The new independent press, particularly in its second wave, has carved out a different terrain that should be looked at in order to comprehend how it has shifted the debate regarding press freedom and media reform in Morocco. This article examines the burgeoning new independent press that has emerged since 2000, which both heralded and capitalized on the decline of partisan journalism. This enterprising new press has had huge ramifications and implications, both at the level of readership and for the political reform debate raging in the country.

This article argues that the new breed of journalists has capitalized on the absence of a strategic and strong political opposition to attract new readers and gain credibility in the cultural media landscape. Paradoxically, while attacking the old school of journalism for its partisanship, the new independent press has adopted a new form of 'partisanship', functioning as a conduit of oppositional political discourse. The legal reform entailed in the latest Press Code of 2002 has not been totally responsible for the observed shift in journalism, with a growing trend toward professionalization embodied in the independent newspapers. The present article first examines the traditional partisan press, how its self-censorship, and thus reaffirmation of the power of 'red lines', constrains its coverage even when opportunities to defend freedom of speech and the press are plainly available.

Through a content examination of partisan newspapers' coverage of two such incidents, this research reveals how the partisan press has repeatedly backed down in relation to those 'red lines', rendering ideological differences among partisan newspapers moot. The second section of the article offers a sampling the new independent press. First, the analysis reveals how the new independent press is venturing into 'red line' territory. Second, the research postulates that this brand of journalism reflects a crisis among members of the Moroccan political elite, and the absence of a legitimate and strong political opposition. Anachronistically, what seems like a new journalism in fact resembles an old partisan press paradigm, albeit not in terms of party affiliation. Beyond the crisis, however, the rise of new journalism remains overall a very positive development that expands freedom of the press in general, despite the constraining power of the state.

What 'Red Lines'? A Review

Both external and internal forces have combined to impose on the Moroccan press a historically persistent wall of censorship. A frail economic base, a historically

discordant relationship with the political regime and unhealthy alliances with political parties constitute forces to be reckoned with in any analysis of the development of the country's press. Still, as Amin (2001) observes, it is true that global factors and recent political developments, chiefly the ascendancy of satellite broadcasting and the internet, in the Arabic-speaking regions have broken down the stagnant, stultified and favour-currying reporting practices of many in Arab media establishments. To the chagrin of authoritarian regimes, hot button concepts like freedom of expression and the press are hotly debated, contested and promulgated (Amin, 2002). As a positive harbinger of this openness in Morocco, past infringements on human rights and the long repression of political opponents have been given air time on official television and radio networks ('Arab political systems ...', 2005). Such a move has whetted the appetite of local journalists clamouring for more transparency, openness and independence.

Structural hurdles persist in complicating the growth, expansion and potential impact of print media, however. In addition to ownership and partisanship issues, illiteracy continues to be an insurmountable block, restricting readership size – reflected in an abysmal total circulation recently estimated at 390,000 in a population exceeding 30 million. An analytic report in the *North Africa Journal* prefaces its assessment of the growth potential of the media market in Morocco with a similar observation, recognizing that: 'The newspaper and magazine market in Morocco remains very small and lacks growth prospects' ('Media market ...', 2005: n.p.). Although a plethora of niche publications characterize the media market in the country, the fact remains that these segmented publications are not necessarily symptomatic of vibrant and viable media enterprises. Setting aside those legitimate concerns over the economic health of the media market, there remains a persistent inability to penetrate and gain a larger readership that is a prerequisite for fostering an informed citizenry and participatory democracy based on public deliberation.

Professional ethics and (self-)regulation form another area of concern in the local media landscape. In a comparative study of journalism ethics in North Africa, the Middle East and Europe, Hafez concludes that the last decades have witnessed 'a growing universalization' of the ethics of 'truth and objectivity' and 'freedom of expression', notwithstanding state repression and incursions on the basic freedoms of the press and speech (2002, 225). It is sobering to remember, as Hafez (2002) argues, that the role of the state is only one element among others that define journalistic/professional practices in a region which has traditionally viewed the infamous 'triangle of sex, politics and religion' as taboo issues never to be encroached upon or openly debated. In unison, the drive toward regulation and a 'universal' journalistic ethic have unleashed forces calling for unbridled freedom of expression, and for shaking a thinly veiled censorious professional culture (Vogt, 2002).

Members of the Moroccan press have been cognizant of their need both to self-regulate their profession as well as to expand the legal guarantors of their freedom (Vogt, 2002). In the Moroccan mediascape, the Syndicat national de la presse marocaine (SNPM) has produced a 'Code of Ethics', and SNPM requires editors and reporters to abide by its dictates. With the apparent goal of upholding 'the citizen's right to information', this charter calls for truthful and impartial reporting without jeopardizing freedom of expression (International Journalists' Network [IJN], 2005). A positive development was similarly registered on the part of the government, particularly its 'transfer from the executive to the courts the authority to try journalists accused of insulting the royal family' ('Arab political systems ...', 2005: 10). But such efforts still face the restrictions of the penal and press codes. Newly enacted press laws (the Press Code of 2002) persist in arming the authorities, represented by the Prime Minister, with the right to license or revoke the licence for publications ('Arab political systems ...', 2005: 9). Coupled with this restriction is the Constitution's prohibition on criticizing the monarchy, which explicitly states in Article 23 that 'the person of the King shall be sacred and inviolable'.

Those 'sensitive' issues that still test the courage of Moroccan reporters, as well as the political tolerance of the regime, most notably include the monarchy, religious issues (Islam) and territorial integrity (i.e. the conflict with the Polisario separatists in the Sahara provinces).¹ According to the Committee to Protect Journalists (CPJ) report:

[Morocco]'s 2002 Press Code criminalized criticizing the king, 'defaming' the monarchy, and challenging Morocco's right to Western Sahara. Violators may be sentenced to up to five years in prison. The government may also revoke publication licences, suspend newspapers, and confiscate editions deemed to threaten public order. (CPJ, 2004)

Questioning the monarchy's legitimacy, or the mere reporting on the intimacies of the royal palace, is considered a crime.² On territorial integrity, local journalists hesitate to discuss the Sahara dispute in ways that could appear to break away from what is generally known in Morocco as 'the national consensus'. The Moroccan monarchy has historically used the Sahara dispute to reinforce its political legitimacy as the guarantor of national unity and territorial integrity among the people (Hammoudi, 1997). Apart from a few voices from the radical left, political parties and the media avoid questioning the official handling of the Sahara issue for fear of being portrayed as unpatriotic or treasonous. Similarly, talking critically about Islam carries a double jeopardy: censure and opprobrium would emanate from both Islamists and the government.

These issues illustrate the legal constraints imposed on freedom of expression, the backbone of a vibrant media environment. Covering such topics for the press is fraught with personal and professional perils. Analysts of Moroccan affairs have observed that journalists broach these issues occasionally, but only when assuming the guise of 'loyal critic' (Shelly, 2005). Indeed, 'adopting the stance of loyal critic has become a familiar tactic, enabling issues to be aired, blame cast on occasion, and loyalty asserted but, importantly, giving the reader enough material to start thinking' (Shelly, 2005). Despite legal and personal risks, as both the CPJ's 2004 report and Shelly's quote indicate, Moroccan newspapers remain among the most vocal and 'aggressive in the Arab world' (CPJ, 2004). A mixed portrait of the Moroccan press emerges from this brief literature review, articulating the monarchy, Islam and territorial integrity as veritable 'red lines' not to be meddled with. The 'red lines' have fostered an insidious culture of self-censorship among partisan newspapers, as the following case study illustrates.

A View from the Partisan Press: Cases of Self-censorship

Despite a new openness of the political landscape associated with the young monarch, King Mohammed VI, those 'red lines' have continued to hold, regardless of the ideological affiliation of newspapers. In a study of the Moroccan press's coverage of two contentious stories that shed light on the issue of press freedom, Douai (2005) discussed the persistence two specific 'red lines', namely criticizing the monarchy and discussing the nation's territorial integrity, as insurmountable roadblocks hampering the rise of a free press. Partisan newspapers' coverage failed to promote 'frames of freedom', despite some opportunities. It is instructive to review those findings, since they illustrate how content analysis might provide insight into self-censorship and thus enrich a legal analysis of media laws. Choosing two partisan newspapers of opposed ideological and editorial stripes showed that ideological affiliations are moot when it comes to confronting those 'red lines' (Douai, 2005). The first contentious incident concerned the critical stance on the monarchy taken by Nadia Yassine (an Islamist activist). The second pertained to the coverage of the comments of Ali Lmrabet, a journalist, on the disputed Sahara provinces.

Douai (2005) analysed all related articles, news stories, OpEds and press releases published in two partisan newspapers *Al Abdath al-Maghribiya* ('*The Moroccan Events*', hereafter *Al-Abdath*) and *Attajdid* ('*The Renewal*'). The content analysis was carried out in August 2005 and examined stories published by both newspapers regarding the Lmrabet and Yassine incidents. The related stories and articles were available and archived on the newspapers' websites. To retrieve the stories, Douai (2005) used the keywords 'Ali Lmrabet' for the period between 17 November 2004 and 25 June 2005, and 'Nadia Yassine' for the period of June and July 2005 on the search function of each paper's website. The time spans were chosen to capture

the time right after the controversies were sparked and thus constituted a timely object of news coverage. The web search yielded a number of stories that did not necessarily pertain to the actual controversy, although they contain the key terms. Such stories were eliminated, and only articles that directly addressed the incidents were kept for further analysis. As a result, the stories retained for analysis spread over nine issues from each newspaper.³

In an interview with a Moroccan weekly in May 2005, Nadia Yassine, an Islamist activist and the daughter of the spiritual leader of the banned movement, 'Justice and Charity' ('Al-Adl wal-Ihsane'), declared that the Moroccan monarchy is no longer viable and needs to be replaced by a republican system of government.⁴ Her 'radical' critique had drawn much publicity in local media, and generated an almost unanimous and shrill protest. Further, the government pressed charges against her and against the editor of the magazine that published this controversial interview (International Press Institute [IPI], 2006). The event and its dramatic aftermath came on the heels of a concerted official effort that purportedly sought to extend the margins of press freedom, a new drive to 'liberalize' the local media, pending the licensing of new television networks ('Arab political systems ...', 2005).

The same year (2005) brought another controversy and similar ubiquitous condemnation following the publication of Ali Lmrabet's interview with the leaders of Polisario. The interview, published in Spain's influential daily, *El Mundo* in November 2004 and republished later in a Moroccan weekly, intimated that the people 'sequestered' in the Polisario 'camps' were not held against their will. The interview had dared to broach and challenge another 'national consensus' issue (IPI, 2006). The offending journalist was hurled into a prolonged legal battle that ended in a harsh sentence prohibiting him from 'exercising his profession' for ten years (Jamai, 2006). Lmrabet had been testing the patience of authorities over recent years, and had even been jailed for allegedly disrespecting the monarchy, but his travails draw attention to those 'red lines' as persistent dangers (Whitlock, 2005).

Having all the elements of news stories that challenge the 'red lines', press coverage of Lmrabet's and Yassine's interviews represented a proper object of scrutiny. The selected newspapers, *Al-Abdath* and *Attajdid*, are extremely militant in their editorials and belong to opposing camps of the political spectrum (the secular left and the Islamists, respectively). Based on its genealogical development (the political affiliation of its seasoned staff), historical context (its break away from *Al-Ittibad*) and its editorials, *Al-Abdath* identifies itself with the forces of democratic reform and modernization in the country. The editorials' frequent searing criticism of Islamist fundamentalists has pitted *Al-Abdath* against the Islamists. *Attajdid* occupies the opposite end of the Moroccan political spectrum, identified with Islamists. Admittedly the mouthpiece of the self-described 'moderate' voices of the

Islamic movement, *Attajdid's* editorial tack and general coverage reflect this alliance.

Despite their ideological divides, both newspapers failed to 'frame' the incidents around the primacy of press freedom and free expression. Casting Lmrabet in an unfavourable light, while refraining from explicitly championing freedom of expression/the press, reaffirms the proposed notion of 'red lines' and self-induced censorship. The news stories retrieved from *Al-Abdath's* coverage of the Lmrabet incident show no qualms about taking a negative slant. No article dared to tackle the issue from the perspective of freedom of expression and the rights of journalists to divulge alternative viewpoints. As the coverage indicates, *Al-Abdath* did not call directly for Lmrabet to be repressed and punished. That job seems to have been achieved through indirect and oblique means: frequent interviews with former POWs and Sahrawi associations that berated Lmrabet for his precipitous and, in their view, 'misleadingly inaccurate' report. Instances of such oblique criticism abound. The overall effect of the coverage is of an attempt to shatter the credibility of the reporter, discrediting his professionalism, and even to incite retribution from the government. The sparse coverage of the case in *Attajdid* does not successfully frame the incident as an issue of freedom of the press and speech either. No editorials were found to support Lmrabet's professional freedom, and the coverage remains largely neutral in the reportage of the incident. Nevertheless, unlike *Al-Abdath*, *Attajdid's* coverage reported on the position taken by the SNPM in support of free speech and open media. *Attajdid's* approach to the incident sought to remain impartial without crossing the red line associated with territorial integrity. Still, the newspaper's failure to promote the clear case of free speech violation is underscored in its restrained reporting.

Yassine's interview evidently falls within the realm and practice of freedom of speech that is supposed to be legally guaranteed and safeguarded in democracies. What further explicates its ties to the freedom of the press is the nature of the coverage, mostly censorious and upbraiding, it has attracted. *Al-Abdath's* coverage, as a qualitative assessment indicated, sought to frame the interview and the activist's criticism of the monarchy as an Islamist extremist's threat to democracy. The focus was on the non-viability of Islamist ideology as a democratic choice, the less than novel nature of criticizing the monarchy, and her publicity-courting intent, all of which discredit Yassine's claims. The acrimonious nature of *Al-Abdath's* criticism is understandable given the paper's secular bent and the larger context of its anti (-Islamist) fundamentalism campaign.

The treatment of Yassine's interview in *Attajdid* revealed somewhat qualified and guarded criticism. The newspaper vacillated between condemnation evident in its editorials, and raising the issue of freedom of expression, opinion and the press. *Attajdid* did not fail to point to the murkiness of the 2002 Press Code, especially

Article 41, which criminalizes disrespect of the monarchy and national institutions. *Attajdid's* conflicting treatment stems from its ideological affiliation with its Islamist party ('The Party for Justice and Development' [PJD]). The scrutinized coverage sought to disentangle and distance the paper (and the PJD) from the political consequences of Yassine's interview while obliquely tackling the thorny issue of freedom of the press. Overall, its coverage was unable to construct a dominant frame of the event either. The oscillation between condemning 'transgression' and 'extremist opinions', on the one hand, and the freedom of expression issue, on the other, indicates the treacherous waters the newspaper was negotiating. By and large, there is a failure to frame the incident and thereby emit a single, unified and sturdy position vis-à-vis the controversy. While the newspaper's coverage did not dare to break away from the 'national consensus' mantra, it nevertheless attempted to dislodge the discourse enveloping the incident in other newspapers as in, say, its nemesis *Al-Abdath*.

The interpretive analysis of related news stories reveals striking similarities in each paper's treatment of the incident, as well as the pertinent frames emerging from the coverage. *Al-Abdath's* coverage of both incidents is downright negative, and never sought to engage the issues of freedom of expression, speech and the press despite their evident pertinence. Both incidents in *Al-Abdath's* coverage illustrate the 'red lines' – the national consensus on the monarchy and territorial integrity – that block unfettered and genuine freedoms in Morocco's print media. Challenging these 'red lines' appears to be an impermissible transgression for the partisan press, regardless of the new and open environment of political reform. An important difference in *Al-Abdath's* coverage can be seen in its attempt to discredit Lmrabet's claims as being biased, a veritable threat; for that purpose, the newspaper marshals condemnatory press releases and other witness reports, without getting directly involved. The Yassine incident received a more direct and harsher critique, which portrayed it as an emblem of the extremism associated with Islamist fundamentalists as a whole. While the newspaper's treatment of the Yassine incident could be rationalized, when we recall that *Al-Abdath* aligns itself with liberal, secular and modernist voices, its coverage of the Lmrabet story belies its freedom call. To be sure, *Al-Abdath's* negative coverage of these two incidents proved partisan and, in consequence, neglected the more vital issues of freedom that the incidents unabashedly raise.

This analysis stresses the absence of solid 'freedom' frames in both newspapers, without shrugging off subtle differences. *Attajdid* did a relatively better job, albeit in a very subdued fashion, in obliquely tackling the delicate questions of freedom of speech and the press in the incidents under consideration. As discussed earlier, *Attajdid's* sparse coverage of the Lmrabet incident only hinted at the relevance of the freedom question. More prominently, however, the controversial interview was framed as a critique, merely a journalist's departure from the national consensus on

territorial integrity and hence it had engendered condemnation. *Attajdid* certainly refrained from blindly discrediting Lmrabet's story or attacking his credibility. The newspaper achieved this precarious balance through impartial coverage, without risking its neck by dwelling on the issue of freedom of the press. A similar strategy was pursued in the newspaper's treatment of the Yassine incident, with one striking difference: utter opprobrium for Yassine's enunciations.

The 'failed' freedom frames might thus be explained by the political affiliations and arguments of the press: partisanship as an impediment. The political line that a newspaper espouses subordinates and overrides the vital subject, or frame, of freedom. On the one hand, *Attajdid's* approach purveys a profound struggle to be both 'politically correct' and 'politically safe'. The coverage disentangled the professional from the political, drawing a very fine line between freedom of opinion and a 'red line' in local politics and media. *Attajdid's* treatment of Yassine's interview was definitely coloured by its own affiliation with an Islamist party that was wary of becoming embroiled in the controversy and incriminated by it. Nevertheless, there remains a clear allusion to the main issue of freedom of speech and the murky nature of related laws (criminal and press codes). On the other hand, *Al-Abdath's* embrace of freedom of expression as a democratic and principled given never rises to prominence. Instead, it is straitjacketed inside the ideological persuasion of Yassine, her religious fanaticism or 'undemocratic' ideology. Less than veiled calls for legal retribution and punitive measures are frequent. Finally, *Al-Abdath's* readers never obtain a sense that Yassine's controversial interview raises freedom of expression and press issues. While *Al-Abdath's* frame of 'a threatening extremism' could be legitimate, it bolstered the 'red line' of national unity discourse. No attempt to challenge this red line could therefore register in the newspaper's coverage. 'Political correctness', or so it seems, unfortunately suppresses the potential for a robust 'freedom' frame.

Overall, both newspapers' failure to articulate either Lmrabet's or Yassine's legal predicament as a 'freedom' issue bespeaks of a concerted, and overly conscious, effort to abide by the dictates of the 'red lines'. In both cases, the 'failed' frame poses significant questions regarding self-censorship, as well as regarding the legal restraints of the penal and press codes in the country. Subtle differences exist in how partisan newspapers broach those 'red lines', though. *Attajdid's* treatment slightly differed from *Al-Abdath's* coverage in its indirect and less than robust allusions to freedom issues. A factor that could illuminate these subtle differences, as proposed earlier, is the partisan affiliation and persuasion of the newspapers. In covering the incidents, scoring political points looks more appealing, and politically expedient, than fighting for freedom of expression. Underscoring the shortcomings of the partisan press here is in no way intended to diminish the vital call for legal reforms to put an end to the risks and taboos associated with covering

all political issues. That constitutes a genuine barometer of a free press that new independent publications have variously ventured into.

The Age of ‘Independence’: A View of their Own?

While the cases discussed above demonstrate the persistence of the ‘self-restraint’ that muzzles the development of a truly free press, the media landscape has concurrently given birth to a new press without the traditional partisan garb. Morocco’s independent press has developed through two loose stages or waves. The first wave took place at the end of the 1990s, with *Assabifa* (*‘The Journal’*) and its sister *Le Journal* gaining prominence. Mushrooming legal problems and restrictions led to the eventual demise of *Assabifa* and a lacklustre *Le Journal*. The second wave, referred to in this article as the ‘new independent press’, began roughly after 2000. This new press breed has sought to establish a professional journalistic tradition in the country and taking on this mantle are new publications, such as the most popular daily Arabic language newspaper, *Al-Massae* (*‘The Evening’*), *Assabah* (*‘The Morning’*), as well as news weeklies like *Nichane* (*‘Directly’*) and *Al-Watan Al-An* (*[Al-Watan] ‘The Nation Now’*). These publications serve as a new model of journalism which, in its explicit pursuit of different editorial policies, has substantially challenged those ‘red lines’ plaguing the country’s print media. The term ‘independent’ here refers to the fact that these new publications have no obvious ‘partisan’ affiliation. What sort of factors have contributed to the rise of this breed of journalism? How have independent newspapers treated the ‘red lines’? And what impact will the new independent press have on the future of press freedom in the country?

A Partisan Press in Crisis

It is important to reiterate that the rise and popularity of these latest publications has come close on the heels of a decline of all partisan papers (Alyaan, 2007). For instance, the Union Socialiste des Forces Populaires (USFP) party’s once leading newspaper, *Al-Ittihad*, has been ailing as its readership declined. *Al-Ittihad* can be used as a textbook example of the crisis of legitimacy that the Moroccan partisan press is currently experiencing. Gone are the days when it boasted of its status as the most widely read newspaper in the country. The credibility crisis, according to analysts, is due to the perception, widely spread among Moroccan readers, that *Al-Ittihad*’s coverage has become bland and offers no critical appraisal of the government’s work (Alyaan, 2007). The ‘uncritical’ coverage is the outcome of a shifting political reality: the USFP has become part of the governing coalition with the ‘experiment’ of the so called ‘alternance’ governments since 1998 (Ottaway and Riley, 2006). The newspaper’s former credibility and wider readership stemmed from the fact that it had provided ‘quality’ content until then. The term ‘quality’ is

treacherous, for it has been reduced to simply providing coverage critical of the endemic political corruption and lack of a genuine democratic process.

Stated differently, the newspaper's legitimate credibility was part of the legitimacy that the USFP commanded among large swaths of Moroccan readers and voters prior to its assuming power. As soon as the party assumed power in 1998, its newspaper could not carry on with the oppositional discourse and critical stances of old. Hence the crisis of the partisan press inevitably reflects the legitimacy crisis from which their political parties suffer. The general election in September 2007 was a witness to that political crisis as more than 60 percent of eligible voters boycotted the elections (Hamzawy, 2007). While party affiliation generally allows the partisan press some secure financial backing, the same backing has insulated partisan newspapers from demands for professionalism and restless readers' longing for political change. In the end, party affiliation has become the latest curse to erode the former trust between readership and the press: the partisan press seems to have lost its footing with regard to fighting for its professional mandate and readership, as decreasing circulation numbers show (Rachidi, 2007).

Disaffected readers have instead turned to new independent newspapers, such as *Al-Massae* and *Assabah*, for content that does not toe the official line, be it partisan or governmental. Independent publications have garnered huge support from those readers as long as their coverage continues to shed light on the new corruption and inefficiency of the old political opposition now in power. *Al-Massae's* success provides evidence for this observation, with the unprecedented following and popularity of its director's daily column, Rachid Nini's 'Shouf Tshouf' ('Look, You Will See', loosely translated) among other aspects. The column has regularly indulged in a searing critique of government officials and decried their widespread corruption. It is no secret that the column, stylistically mixing Moroccan dialect with standard Arabic, has populist tendencies (Arab Press Network [APN], 2008a). *Al-Massae's* Rachid Nini has become a national celebrity as a result of his populist tack and seeming courage in 'speaking truth to power' (or at least appearing to do so). Moreover, this newspaper routinely covers juicy topics that draw more readers, with regular reports that range from infiltrating sex rings to the political machinations enveloping the formation of a new government. In the summer of 2007, *Al-Massae* covered a scandal over a land deal favouring a close aide of the king (Alyaan, 2007). In its coverage of an alleged marriage of two homosexual men, the newspaper was blamed for inciting violence while seeking to bolster its image as the new 'guardian' of traditional values (APN, 2008b). The newspaper's related coverage of the alleged homosexuals' marriage has led to a defamation lawsuit. No wonder that some critics blame *Al-Massae* for having a hidden Islamist agenda. The director of the Centre for Media Freedom in the Middle East and North Africa (CMF-MENA), Said Essoulami, argued as much:

'In broad terms, *Al-Massae* defends the traditional values close to the Islamic standpoint' (APN, 2008b).

Assabah newspaper, another daily, the most direct competitor to *Al-Massae*, has tried to emulate its competitor's editorial line in focusing on topics that appeal to readers without falling prey to claims of 'populist' tendencies. There is an important difference between the two newspapers in that *Assabah* refuses to curry favour with Islamists, an accusation frequently levelled at *Al-Massae*'s populist tendencies. For instance, in its coverage of the same alleged gay marriage, *Assabah* took pains to strike a different tone by arguing that the uproar was politically motivated and largely driven by Islamist groups. Targeted readership (demographics) partially explains *Assabah*'s divergent editorial line: its readers include a broad swath of affluent readers, professionals with higher educational levels, according to its own 'Fiche Technique' ('Fiche technique', 2007). Further, *Assabah* belongs to a more established media company, Eco-Medias, which owns a broadcast outlet as well as a French-language newspaper, *L'Economiste*. The newspaper's success intimates a drive toward more professionalization of the practice of journalism and 'independent' media in the country led by pragmatic entrepreneurs ('L'Actionnariat de *L'Economiste*', 2008).

'Prometheus Unbound': Broaching the 'Red Lines'

Another area that some members of the new independent press are stepping into is the stubborn attempt to challenge social and political taboos, the traditional 'red lines' that the partisan press has not dared to venture to cross. The case of the weeklies *Al-Watan* and *Nichane* highlights this approach. In different ways, these two weeklies have broached the 'red lines' discussed earlier in this article, with the consequence of expanding (or attempting to expand) the scope of press freedom. Daring to tackle the perilous area of the monarchy and religion, these publications represent a positive development that may strengthen the fragile voices of the independent press. Their experiences and run-ins with the law have attracted attention to the calls that press laws need to be reformed, and journalists need to be afforded more legal safeguards in terms of both access to, and dissemination of, information.

Al-Watan has consistently tackled issues pertaining to the monarchy and 'sensitive' political questions, an endeavour that caused its staff to run into problems with the authorities. An examination of the headlines of 23 random issues revealed that topics pertaining to the monarchy constitute more than 60 percent of its coverage. For instance, issue 267 (published 3 December 2007) had a bold headline: 'How has Morocco benefited from Mohammed VI's diplomacy?' The issue critically examined the king's diplomatic initiatives, observing that those initiatives have miserably failed to promote any thaw in the country's frosty relations with its

eastern neighbour, Algeria. The issue delved into the intricacies of how the kingdom's ambassadors are appointed. *Al-Watan* issue 272 (31 December 2007) strongly questioned the king's developmental initiatives, after a UN assessment of Morocco's efforts at eradicating poverty gave the country and abysmal score on human development.⁵ Such instances are rare, if impossible, to find in the reporting of the partisan press these days.

In a real sense, *Al-Watan* has broached the formidable topic of the monarchy, which has led to harassment by the authorities. In August 2007, Abderrahim Ariri, *Al-Watan's* director, and Mustapha Hurmatallah, a reporter for the magazine, were arrested by the authorities for having published 'sensitive security information' relating to the country's terrorism preparedness. The Court of Appeals has failed to overturn the jail sentence imposed on the reporter, Hurmatallah. While the SNPM condemned this, the harsh sentence still points to the gaping legal holes journalists face when pursuing information. The criminal code is still used to prosecute journalists, who can face hefty fines and the threat of incarceration. In a defamation case, *Al-Massae* was ordered to pay about half a million euros, a record fine certain to bankrupt the newspaper. In addition to outright legal suppression, the independent press faces indirect repression in the form of a hefty economic stick. Companies affiliated with the government, the biggest advertisers in the media market, tend to boycott independent newspapers that are deemed too critical of the government. The 'constant commercial war', according to an independent newspaper publisher, 'clipped [their] wings' and pushed some newspapers into bankruptcy (Lang, 2005). *Al-Watan*, *Le Journal* and *Al-Massae* are no strangers to this economic crackdown.

On a similar front, the weekly *Nichane* represents another attempt at broaching the 'red lines' and thereby enhancing the level of press freedom. *Nichane* is the only publication to be exclusively published in 'Addarija', the popular Moroccan dialect, 'making it accessible to the man of the street' (APN, 2008a). Taking a satirical line, the weekly has become famous for its iconoclastic coverage of domestic politics, which disregards self-muzzling practices of the old partisan press (APN, 2008a). In spring 2007, the magazine's editor and a journalist were prosecuted for having published popular jokes that allegedly insulted Islam and abetted immorality (Lalami, 2007). While the government rushed to confiscate the publication, the accused journalists received death threats and had to issue a public apology. For press watchdogs, like Reporters without Borders (RSF), the incident constituted a 'serious blow' to freedom of speech (Hamilton, 2007). *Nichane* made headlines again in the summer of 2007 when the government confiscated an issue that was perceived to insult the king. Headlined 'O Brother, Where Are You Taking Us?', *Nichane's* issue was accused of disrespecting the king in using such colloquial, informal expressions. Equally important is the magazine's unabashed 'modernist'

and 'liberal' agenda, which has placed it at the forefront of the struggle against fundamentalists.

Looking Ahead: Impact and Future of Press Freedom in Morocco

The comparative analysis provided throughout this article highlights some key findings concerning the contributions of both the 'partisan' and the new 'independent' press in Morocco. First, despite its historically contentious relationship with the government, the partisan press has still failed to broaden the extent of press and speech freedoms. Partisan newspapers have remained hostage to the political dictates of their parties, a situation that explains why they staunchly veer away from topics that cross the 'red lines'. Political partisanship aside, the partisan press is aware of the legal threats it is likely to face if it engages in such activities. The crisis of the partisan press has led to its capitulation to the dictates of the state, often toeing the official line and in the process losing its hard-earned legitimacy and credibility. The second key finding is that the independent press is successfully broadening press freedom through a consistent wrestling with those 'red lines'. By calling those constraints into question, the new independent press is challenging their legitimacy through daring reporting on what is traditionally taboo: the monarchy, religion, sex and territorial integrity.

Capitalizing on the weaknesses of partisan newspapers, the new independent press has thus garnered both new readers and well-earned legitimacy. While circulation numbers remain small, those numbers do not reflect real newspaper readership since many readers tend to share one newspaper (Al-Fathi, 2007). Nevertheless, record circulation numbers have been reset. For instance, only a few months after its first issue, *Al-Massae* newspaper was catapulted into first place in circulation numbers (with 132,000) in September 2007. *Assabah* newspaper experienced a similar growth in its circulation numbers, which exceeded 130,000 in October 2007. According to Dilami, the general director of Eco-Medias, the diversity and professionalism of the new independent press have brought in new readers (Essaket, 2007). The remaining challenge, observes Dilami, is 'knowing the real needs of these readers' and catering to those needs (Essaket, 2007). In other terms, insulating newspapers from the demands of readers and the market is an unaffordable luxury. The competitive newspaper market imposes new professional standards that new publications have to meet.

The present study has examined a small sample of the new independent press. While all strands of the independent press have positioned their publications as alternatives to the old partisan newspaper, there remains some variation between their editorial lines and policies. Whether 'liberal' or 'conservative', their strength hinges on providing original reporting, largely critical of the government. That leads to the observation that the success of this new breed of journalism lies in its

oppositional role in the political arena. The label 'oppositional' is used sparingly because it would be an overstatement to assert that the Moroccan press is playing a role in imposing 'checks and balances' on the government. To be able to do so, the press needs legal guarantees similar to those in the First Amendment in the US Constitution. The Moroccan press does not enjoy such legal guarantees, as is demonstrated by the low press freedom rating and the harassment of journalists that international press watchdog organizations have routinely documented (CPJ, 2004; HRW, 2006; IPI, 2006).

Some members of the independent press, such as *Al-Massae*, are transcending their professional mission in attempting, rightly or wrongly, to carve a niche as virtual political parties. In other terms, the strength of their appeal to the reader does not solely lie in providing an alternative to the traditional partisan press, but actually lies in them assuming the role of a vibrant political opposition that the country currently lacks. The success of the new independent publications can hence be taken as a symptom of the crisis of democracy, and the wilderness to which the political class has migrated. The failure of the 'alternance' experiment has largely deflated the vaunted hopes associated with the democratic transition of the late 1990s (Ottaway and Riley, 2006). The political parties' traditional calls for more freedom, if not respect for law and order, have been transposed into the editorial lines of the independent press. With no small hint of irony, the oppositional stance adopted by the new independent press, or at least some of its leading representatives, engages in many forms of the old partisanship.

While constituting a strategy that expands the readership, circulation and credibility of the new independent press, assuming the mantle of 'opposition' may backfire. In fact, many members of both the political and media establishments, especially those who have been the subject of *Al-Massae's* criticism, are passing on rumours that the newspaper's daring criticism would not have been tolerated but for the tacit support of powerful officials (APN, 2008b). Some have whispered about the support of powerful business interests, providing the newspaper with the necessary financial sustenance in the form of advertising (APN, 2008a). Others went even further as they associated the newspaper with secret US influence and support. The rumours are jarring to the ears of those who have been galvanized by the paper's aggressive reporting. The newspaper's editor in chief and director, Mr Nini, has frequently denied such charges, and claims that the publication serves no master except readers hungry for the 'truth'.

The courage of the new independent press in staking out positions that challenge the 'red lines' cannot go on forever unless there is legal reform regarding the press laws. Prosecuting journalists according to the criminal code, with the threat of jail and hefty fines, eventually takes a toll on independent press. The current Press Code (Code de la Presse), adopted in 15 November 1958 (Dahir # 1-58-378) and

amended by Parliament in March 2002, entrenches those (in)visible ‘red lines’. The 2002 amendment of the Press Code continued to give the Minister of Interior and the Prime Minister the power to seize any publication deemed threatening to the public order (Articles 25, 42, 43, 44). In defamation cases, journalists convicted of libel face imprisonment, according to the current Press Code. The government used the Press Code to ban two Moroccan weekly newspapers, *Al-Sabiffa* and *Demain* in December 2000 (CPJ, 2001). Their crime was to publish articles questioning the country’s military activities in the disputed Western Sahara, a veritable ‘red line’, as this study has illustrated. Antiquated press laws were invoked to ban Ali Lmrabet from ‘exercising his profession’ for ten years (IPI, 2006; Jamai, 2006). In 2008, discussion is proceeding regarding a new Press Code that would grant more protection to the press. SNPM, the National Union of the Moroccan Press, has clearly and frequently indicated its desire for a new Press Code that does not incarcerate or penalize journalists broaching the subjects of ‘the monarchy, territorial integrity, or Islam’ (M’Jahed, 2008). Such a call has been reiterated by organizations like Human Rights Watch (HRW), which is urging the Moroccan government to:

- introduce amendments to the press code that will abolish or drastically limit criminal penalties for speech offenses;
- make libel a strictly civil matter;
- eliminate provisions that punish statements deemed ‘insulting’ to Moroccan and foreign officials;
- abolish or narrow the scope of provisions punishing statements that are deemed to ‘undermine’ the monarchy, Islam or the country’s territorial integrity, or are judged to contain ‘false information’ that ‘disturbs the public order’. (HRW, 2006)

According to many interviews, journalists, editors and publishers briefed on the proposed version of the Press Code have indicated that these proposals would ‘minimize’ the frequency with which journalists are likely to face imprisonment (Al-Younsi, 2007). The spirit of the proposed amendments appears, however, to preserve the prohibitions related to the monarchy and other red-line issues (Al-Younsi, 2007).

As well as prison sentences for defamation, freedom of the press in the country remains inhibited by the absence of a law that guarantees the right to access public information, as the International Research and Exchanges Board (IREX, 2006) report on the sustainability of Moroccan media concluded. According to the IREX report on Moroccan media, the country’s ‘media sector [is] approaching the first stages of sustainability, rating it at 2.05 overall ... the supporting institutions [remain] the strongest aspect of the sector at 2.23, and the professionalism of journalists the weakest at 1.82’ (2006, 47). Professionalism refers here to the quality of reporting, its fairness, objectivity and sourcing, and whether journalists follow

recognized ethical standards. It also refers to how journalists, publishers and editors are likely to encourage and practise self-censorship. The legacy of the new independent press regarding these issues cannot but remain mixed as some objective obstacles tend to mesh with subjective considerations. For instance, the absence of a law that guarantees 'the right to know' and access to public information complicates sourcing. The new independent press may have succeeded in pushing forward legal reform to abolish the 'red lines', but it still has to show and foster more professionalism on the part of its constituents.

Notes

¹ The Polisario is a political group that fights for an independent Western Sahara on the contested area that used to be occupied by Spain.

² The Moroccan Constitution grants the king unchecked political power by explicitly proclaiming the king the 'supreme representative of the nation' (Article 19). By virtue of Article 60, the king appoints and can dismiss the prime minister; members of the government are accountable primarily to him and only secondarily to the Parliament. Articles 23 and 28 make it a crime to criticize the king's decisions and policies. For a cogent analysis of the monarchy's complex role in Morocco, see Abdeslam M. Maghraoui's 'Monarchy and political reform' (2001).

³ The issues from *Al-Ahdath Al-Maghribiya's* website (<http://www.ahdath.info>) included: 2 January 2005; 5 and 15 February; 15 April; 9, 13, 18 and 25 June; 1 July. The issues from *Attajdid's* website (<http://www.attajdid.ma>) included: 7 February 2005; 13 and 14 April; 7, 13, 15, 16, 23 and 27 June.

⁴ Nadia Yassine's full interview is published on the movement's official website: http://www.aljamaa.com/ar/detail_khabar.asp?id=2608&IdRub=14

⁵ *Al-Watan* issues cited here are available on the weekly's website: <http://alwatan.press.ma>

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