

## The King's Position in the Structure of the Moroccan Political System



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The laboratory of the Public Policy and Regional Security of Algeria,

Received date: 02/08/2025

Accepted date: 09/10/2025

Publication date: 01/01/2026

### **Abstract:**

*This study investigates the role and position of the Moroccan king within the structure of the country's political system, with a particular focus on the monarchy's influence over the decision-making process. Through a historical and institutional analysis, the research reveals that the Moroccan political model has not fully transitioned from its traditional foundations. The monarchy—rooted in the legacy of the sultanate—continues to occupy a central position, functioning as the primary and most influential actor in political life. Despite successive constitutional reforms and modernization efforts, the king retains broad and decisive powers across the executive, legislative, and judicial branches. Consequently, the Moroccan system exhibits a hybrid nature, blending formal democratic features with deeply entrenched traditional authority.*

**Keywords:** Moroccan King; Morocco; Political decision-making; Executive Authority; Legislative Authority; Judicial Authority.

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### Introduction:

The Moroccan political system is among the political models that combine traditional and modern elements in the organization of power. It is based on the principle of constitutional monarchy, with the monarchy maintaining a pivotal role in various aspects of political and institutional life. Throughout history, the monarchy has been the center of gravity in the management of public affairs, not only as a symbol of national unity, but also as a central actor that monopolizes political decision-making and wields broad powers spanning religious, legislative, executive, and judicial spheres. The Moroccan political system has witnessed numerous constitutional experiments, either driven by a desire to inject a modern, institutional character into traditional state structures or in response to pressures. The most prominent of these was the 2011 Constitution, which came in a turbulent regional context marked by the "Arab Spring." Constitutional reforms were announced that strengthened the position of representative institutions and expanded the scope of rights and freedoms. However, these transformations, despite their importance, did not affect the core of the regime's traditional structure, as the monarchy continued to play the central role, sparking a profound debate about the effectiveness of the distribution of powers and the true institutionalization of political life.

Based on these facts, we seek to address the following question: **What is the position of the king in the structure of the Moroccan political system? What is the nature of the Moroccan political system?**

To answer this question, we relied on the descriptive and case study approaches, in addition to the legal-institutional approach. We divided this study into three sections: The first section provides a historical overview of the Sharifian Alaouite state. The second section addresses the position of the king in the structure of the Moroccan political system. The third section addresses the role of the constitutional authorities (legislative, executive, and judicial) in the political decision-making process. The conclusion presents summaries and conclusions related to the study.

### 1. A Historical Overview of the Sharifian Alaouite State:

The Sharifian Alawi dynasty or Alaouite (sulālat al-'alawīyyīn al-fīlāliyyīn), was established in the seventeenth century, specifically in 1631, when Moulay Sharif ibn Ali established himself as Sultan of the Tafilalt region in southeastern Morocco. This event paved the way for the establishment of the Alaouite dynasty, as Moulay Rachid, one of Moulay Sharif's sons, succeeded in unifying Morocco and

ending the rule of the Saadi dynasty (as-sa'diyyūn), (1510–1659). This was achieved through a series of military campaigns that enabled him to extend his authority over most of the country.

Like the Saadians before him, the Alawites relied on religious legitimacy to consolidate their authority, based on their lineage to the Prophet's family—the descendants of the Prophet Muhammad (peace and blessings be upon him) through his grandson, Hassan ibn Ali, specifically Hassan ibn al-Qasim, known by the nickname Hassan al-Dakhil, who is credited with arriving in the Tafilalt region. Through this noble lineage, the Alawites were able to build an authoritarian project that combined religious and political leadership. This was embodied in the title "Commander of the Faithful," which grants them a supreme spiritual status and is considered the primary channel of legitimacy in the Moroccan governmental system. This religious-political legitimacy has remained a fundamental axis for the continuity of Alawite rule and has made the Alawite state a distinct model for combining temporal (political) authority with religious authority in the Islamic world. Although religious legitimacy, represented by **Sharifism**, is one of the most prominent foundations upon which the Alawite state established its authority, this is not the only explanation. Several researchers have proposed different visions that explain the success of the Alawites and the continuity of their rule from more complex sociological and political perspectives. Among these approaches, the thesis of the thinker and sociologist **Jacques Berque** stands out. He argues that the secret to the Alawites' success lies not only in their prophetic lineage, but also in their ability to create distance between themselves and the rest of the masses. This symbolic and social distance, according to Burke, was necessary to establish prestige and strengthen political dominance. This distance was manifested on two main levels:(Al-Masati,2011, p38).

1. **The topographical/spatial level:** The Alawites worked to create fortified urban spaces such as kasbahs (plural of kasbah), which served as closed and fortified centers of power that reinforced the ruling elite's separation from the local population and granted them a symbolic and military superiority. The kasbah was not only a residence but also a symbol of dominance and control over the area.

2. **The military/social level:** This was represented by the construction of an army independent of the tribal structure, which had previously formed the backbone of military power. The Alawites established a private army composed of slaves, known as "**Abid al-Bukhari** (Black Guard) " soldiers of African origin recruited outside traditional tribal frameworks. This gave the sultan a military tool loyal to him personally, not to the tribes. In doing so, the Alawites broke the classical

reliance on armed tribes and laid the foundations for a stronger and more independent central authority.

The long period of Alawite rule, from its founding until independence (with the exception of the French and Spanish protectorates), was marked by a clear sense of extreme centralization and political traditionalism. This reflects the historical structure of power in Morocco before the emergence of the modern state. Centralization revolved around the Sultan, who was the supreme and absolute authority in the state, with all powers concentrated in his hands—legislative, executive, and judicial. There was no separation of powers; rather, the Sultan was considered the sole source of decisions and legitimacy, and the center of the entire political system. Alawite rule, as was the case with the Saadians before him, was based on religious legitimacy (the honor of Prophetic lineage) and traditional authority derived from history, custom, and the symbolic status of the Sultan as Commander of the Faithful, without relying on mechanisms of representation or broad political participation. This is not to mention the Makhzen system, which formed the cornerstone of the practice of government. This system represented the traditional administrative and bureaucratic apparatus that included the elite of society loyal to the sultans, such as tribal leaders and sheikhs, scholars, clerics, and military leaders.

In general, the Alawites exercised absolute power as princes and sultans until 1912, when the French and Spanish protectorates were imposed on Morocco. The colonial authorities maintained the symbolic character of the Alawite Sultanate, with the sultans retaining a limited representative status within the colonial system.

## **2. The Position of the King in the Structure of the Moroccan Political System:**

Based on the evolution of the Alawite state throughout its political history, it can be said that it witnessed three main types of government systems: The first system extended from the founding of the Alawite state in the seventeenth century until 1912, and was characterized by a traditional sultanic model based on the centralization of political decision-making in the hands of the sultan, who combined temporal and religious authority under the legitimacy of the "Commander of the Faithful." The second system crystallized during the period of the Protectorate (1912–1956), when France and Spain shared sovereignty over Morocco. Actual power remained in the hands of the protectorate authorities, while the Alawite sultans retained a limited symbolic status, limited to representing the historical and religious legitimacy of Moroccans.

Following independence in 1956, Morocco entered a third phase of a political system that attempted to keep pace with post-colonial transformations by introducing institutional and constitutional reforms aimed at modernizing the governance structure (ASHFORD,1961, pp 3-24), without altering the core of the centralization of power. The king has maintained a pivotal position within the political system, whether at the executive, legislative, or religious levels. This is clearly reflected in the constitutions that Morocco has known, from the first constitution in 1962 to the 2011 constitution, which introduced some amendments aimed at strengthening the position of the government and parliament, without compromising the essence of royal authority (The Constitution of the Kingdom of Morocco,2011, Chapter 42, Chapter 47).

The king is the central actor in the structure of the Moroccan political system, a position rooted in two complementary dimensions: a historical dimension based on the central role played by the Alaouite sultans throughout the ages, and a personal dimension related to the position of Sultan Mohammed V, who gained exceptional legitimacy through his active involvement in the national movement and his positions rejecting French tutelage during the protectorate period. This process cemented the image of Mohammed V in the Moroccan collective imagination as a national hero and a symbol of independence, alongside the Istiqlal Party, both considered the main actors in the national liberation struggle.

Popular support for the monarchy was also strengthened by the religious role the king assumed as Commander of the Faithful. In the collective consciousness of Moroccans, Mohammed V was viewed not merely as a political leader spearheading the struggle for independence, but also as a devout spiritual leader who embodied Islamic values and performed a profound symbolic and moral function in society. This spiritual dimension contributed to consolidating Mohammed V's position not only as head of state or a symbol of national unity, but also as a pivotal political actor with religious and historical legitimacy that enabled him to exert effective influence in various political decision-making circles. (Storm,2007, p 14).

However, King Mohammed V, particularly in the early years following independence, was not the only influential actor on the Moroccan political scene. The Istiqlal Party was a prominent competitor, viewing itself as a key partner in building an independent Morocco, based on its central role in the national liberation movement. The king's lack of a monopoly over legitimate means of violence, such as the army and police, contributed to weakening his dominance during this formative phase. However, Mohammed V quickly reshaped the balance

of power by establishing the National Police and the Royal Armed Forces in May 1956, enabling him to secure the loyalty of two pivotal institutions within the new state. This shift marked the beginning of the rise of the monarchy at the expense of the Istiqlal Party, whose influence gradually declined, ultimately leading to the concentration of power and the monopoly of political decision-making in the hands of the monarchy (Waterbury, 2013).

King Mohammed V established a monarchy in which he retained a significant portion of his powers. However, his reign as king was short-lived (Vermeren, 2009, pp 45–48), as he was succeeded by his son, King Hassan II, on March 3, 1961. Many scholars consider Hassan II the true architect of Morocco's post-independence political system. He sought to institutionalize the state and reinforce its modern character, while preserving the essence and centrality of royal authority. To this end, he enlisted the help of a number of constitutional law experts, particularly from the French school, led by **Maurice Duverger**, to formulate a consensual constitutional formula that would enshrine the king's privileged position within the structure of the political system. It is worth noting here that the Kingdom's first constitution, issued in 1962, was the result of a direct royal initiative, as stated in the speech addressed by King Hassan II to the nation on November 1, 1962. Since then, the King has issued four successive constitutions (1970, 1972, 1992, and 1996), making him the main actor in formulating the constitutional and political framework of contemporary Morocco (Tozy, 1999 pp112–115).

The 1962 Constitution established Morocco as a constitutional monarchy, establishing a political system based on power-sharing between the king and constitutional institutions. Under this system, the king remains supreme in the religious, executive, legislative, and judicial spheres, dominating all aspects of government. The Constitution also established a bicameral parliament and established the judiciary as a pillar of the Moroccan political system. Following the death of Hassan II in 1999, his son, Mohammed VI, ascended the throne. Following the popular protests that swept the Kingdom in 2011, part of the movement that swept the Middle East and North Africa in what became known as the Arab Spring, Mohammed VI issued a new constitution in 2011. This constitution was part of attempts to expand political freedoms and develop constitutional institutions in Morocco, reflecting a response to social and political pressures.

According to the 2011 Constitution, Morocco's system of government is a constitutional monarchy, a parliamentary and social democracy. The king sits at the top of the political pyramid, and the king combines two functions: the religious

function as Commander of the Faithful (The Constitution of the Kingdom of Morocco, 2011, Chapter 46), as Chapter 41 of the Constitution states: "The King, Commander of the Faithful [Amir Al Mouminine], sees to the respect for Islam. He is the Guarantor of the free exercise of beliefs [cultes]." The king also exercises a political function (Chapter 41), as he is: "The head of state, its supreme representative, the symbol of the nation's unity, the guarantor of the permanence and continuity of the state, and the supreme arbiter among its institutions. He ensures respect for the constitution, the proper functioning of constitutional institutions, the preservation of democratic choice, the rights and freedoms of citizens, both male and female, and groups, and respect for the Kingdom's international commitments." The transfer of power is hereditary, as indicated in Chapter 43: "The throne of Morocco and its constitutional rights are passed on by inheritance to the eldest male child of His Majesty King Mohammed VI, then to his eldest son, and so on, unless the King appoints another of his sons, other than the eldest, as his successor during his lifetime. If there is no male child among the King's descendants, the throne is passed on to his closest male relative, then to his son, in accordance with the aforementioned order and conditions." The new king is also pledged allegiance to by the scholars, followed by the sharifs, members of the royal family, and notables, who sign the pledge of allegiance document, acknowledging the death of the King and the accession of his successor to the throne (Hassan II, 1993, p 55).

The Moroccan constitution clearly demonstrates the concentration of power in the hands of the king, who enjoys a broad range of political and constitutional powers, making him the most prominent actor in the Moroccan political system, whether in appointing officials, directing public policies, or directly intervening in vital state agencies. Although the political system is presented as a parliamentary constitutional monarchy, the king—by virtue of the constitution—retains a set of powers that enable him to control the state's institutions and direct the course of the political process, directly or indirectly.

The most prominent constitutional powers enjoyed by the King can be summarized as follows: (The Constitution of the Kingdom of Morocco, 2011, Chapter 41, Chapter 47, Chapter 48, Chapter 50, Chapter 51, Chapter 53, Chapter 54, Chapter 55, Chapter 56, Chapter 57, Chapter 58, Chapter 95, Chapter 96)

-Appoints the Prime Minister from the political party that wins the most parliamentary elections;

-Appoints members of the Government upon the proposal of the Prime Minister;

-Chairs the Council of Ministers, in which general policies and basic laws are presented;

-Has the power to dissolve the Government;

-Opens the legislative session;

-Issues the order to implement laws;

-Has the power to dissolve both or one of the Houses of Parliament;

-Requests a new reading from both Houses of Parliament of any draft or proposed law;

-Serves as Commander-in-Chief of the Royal Armed Forces;

-Oversees appointments to senior military positions;

-Chairs the Supreme Security Council and oversees the direction of security and strategic policies;

-Formulates the State's foreign policy;

-Appoints ambassadors to foreign countries and international organizations, and accredits foreign ambassadors;

-Signs and ratifies international treaties;

-Chairs the Supreme Council of the Judiciary;

-Appoints judges in accordance with his constitutional powers;

-Exercises the right of pardon;

-Laws issued by Parliament are only effective after the issuance of a royal decree;

-He has the power to declare a state of emergency;

-He chairs the Supreme Council of Ulema (a Moroccan governmental religious institution);

- He can declare war through the Council of Ministers.

The king also plays the role of arbiter within the state and the system, and between the various forces and institutions that are often in conflict, by not allowing any group to become too strong, and encouraging all possible rivalries and

divisions to prevent the dominance of any one of them, and on the other hand not accepting the extinction of any group, whatever it may be. He is the greatest distributor of privileges and vice versa, and the Commander of the Faithful is the greatest religious figure in Morocco, regardless of his religiosity or not (Waterbury, 2013, p 208-215).

### **3. The Role of Constitutional Authorities in the Political Decision-Making Process**

#### **First: The Legislative Authority**

The Moroccan Parliament emerged in the context of the political transformation that followed independence, specifically with the promulgation of the 1962 Constitution. It was established as one of the fundamental pillars of the constitutional political system. This institution has undergone significant development in terms of structure and function, making it one of the institutions that has undergone the most structural and substantive changes through the various constitutional amendments that the Kingdom witnessed between 1962 and 2011.

Initially, a bicameral system was adopted under the 1962 Constitution, followed by a unicameral system between 1970 and 1996, before the bicameral system was reinstated with the 1996 Constitution. This system was also enshrined in the 2011 Constitution, whereby Parliament consists of the Chamber of Representatives and the Chamber of Councilors. At the level of constitutional status, the most notable development came with the 2011 Constitution, which explicitly stipulated, for the first time, that Parliament is a "legislative authority," as stated in Chapter 70 and following of Part Four of the Constitution. This represents a conceptual and institutional development compared to previous constitutions, which considered Parliament merely an institution within the state, without recognizing its full "authority," as is the case with the executive branch or the king.

The Moroccan Parliament is a bicameral legislative institution, consisting of the Chamber of Representatives and the Chamber of Councilors, as stipulated in Chapter Four of the 2011 Constitution. The Chamber of Representatives consists of 395 members elected by direct universal suffrage for five-year terms, while the Chamber of Councilors consists of between 90 and 120 members elected by indirect ballot by elected bodies, such as local authorities, professional chambers, and employee representatives, for six-year terms. (The Constitution of the Kingdom of Morocco, 2011, Chapter 60-63).

The 2011 Constitution granted Parliament relatively broad powers compared to previous constitutions, defining its core competencies in three core functions:

1 (Legislation: by enacting laws in various areas defined in Chapter 71 of the Constitution, including public freedoms, fundamental rights, the judicial system, and financial laws.

2 (Oversight of government action: through several mechanisms, such as oral and written questions, monthly accountability sessions for the Prime Minister, and fact-finding and investigation committees.

3) Evaluation of public policies: This is a relatively new function stipulated in Chapter 101 of the 2011 Constitution, which aims to strengthen the oversight dimension of the parliament and ensure the effectiveness of government performance.

In addition to the three aforementioned pivotal functions, Parliament possesses a set of additional powers that enhance its role within the Moroccan political and constitutional system and contribute to enshrining the principle of separation of powers. The most prominent of these powers are:

-Approval of constitutional revisions: Constitutional revision bills, after being referred by the King or proposed by one of the two chambers, must be submitted to Parliament for ratification before being submitted to a popular referendum, in accordance with Chapter 174 of the Constitution;

-Hearing statements made by the Prime Minister: This includes statements related to public policies or major national and international issues, thus strengthening institutional communication between the executive and legislative branches;

-Presentation of the annual draft finance law: Parliament discusses the finance law and approves it after a detailed study of its provisions and directions. This law is considered one of the most important tools for parliamentary oversight of the state's economic and social policy;

-Discussion of the liquidation law (implementation of the finance law);

-Appointment of the government: The government is not officially appointed until it has obtained the confidence of the Chamber of Representatives, through an absolute majority vote on the government program, in accordance with the provisions of Chapter 88 of the Constitution.

-Possibility of bringing down the government: Through a motion of censure, submitted by at least one-third of the members of the Chamber of Representatives, and adopted only if it secures a majority of the members of the House, as stipulated in Chapter 105 of the Constitution. This motion is one of the most prominent tools for balancing the executive and legislative branches, despite the difficulty of implementing it in practice (Abdelkarim, 2021, p 68).

- Hearing foreign heads of state and government. The Prime Minister may also request the Speakers of the Chamber of Representatives and the Speakers of the Chamber of Councilors to convene joint parliamentary meetings to hear statements related to issues of important national importance.

### **Second: The Executive Authority**

The executive authority is one of the fundamental pillars of the Moroccan constitutional system. It consists primarily of the King and the government. The King exercises his powers as head of state and chairman of the Council of Ministers, while the government, headed by the Prime Minister, is responsible for managing public affairs. It includes, in addition to the Prime Minister, the Prime Minister and may also include Secretaries of State.

The King appoints the Prime Minister from the political party that leads in the legislative elections. He appoints the remaining members of the government upon the proposal of the Prime Minister, pending confirmation by the Chamber of Representatives in accordance with the provisions of Chapter 88 of the 2011 Moroccan Constitution.

The government is one of the primary institutional spaces for the exercise of executive authority, performing tasks of a decision-making and advisory nature within the Council of Government, which convenes under the chairmanship of the Prime Minister. Chapter 92 of the 2011 Constitution specifies a set of issues and texts that this council deliberates on, including:

-The state's general policy, before presenting it to the Council of Ministers, chaired by the King;

-Public policies, which constitute the frameworks guiding government action across various sectors;

-Sectoral policies, i.e., the strategic directions specific to each government sector;

-Requesting a vote of confidence from the Chamber of Representatives, a procedure that allows the government to affirm its political legitimacy in order to continue fulfilling its executive responsibilities;

-Current issues related to human rights and public order, which require collective deliberation due to their sensitivity and political and social impact;

-Draft laws, including the draft finance law, before their referral to the Bureau of the Chamber of Representatives, without prejudice to the exclusive powers of the Council of Ministers under Chapter 49;

-Decree-laws, which are adopted in exceptional circumstances under Chapter 81 of the Constitution;

-Draft regulatory decrees, which fall within the executive powers of the Prime Minister;

-Draft decrees, primarily related to the implementation of laws or the declaration of a state of legislative emergency;

-International treaties and agreements, before their submission to the Council of Ministers, particularly those that affect sovereignty or require parliamentary ratification;

- Appointing senior administrative and academic officials, such as general secretaries, directors of central departments, university presidents, deans, and directors of schools and higher institutions.

### **Third: The Judicial Authority**

Theoretically, the judiciary is an independent authority, as stipulated in the 2011 Constitution, which enshrined the principle of separation of powers and judicial independence as one of the guarantees of the rule of law. However, in practice, the judiciary remains within the royal sphere of influence. The King retains a pivotal role as the "guarantor of the independence of the judiciary" and "chairman of the Supreme Council of the Judiciary," effectively making him the country's first judge (The Constitution of the Kingdom of Morocco, 2011 Chapter 107).

The Superior Council of the Judicial Power is the institutional embodiment of this authority. It enjoys administrative and financial independence and undertakes essential tasks related to managing the career paths of judges, including appointment, promotion, and discipline, in addition to overseeing the proper functioning of the judicial system. According to Chapter 115 of the

Constitution, the Council is composed of : (The Constitution of the Kingdom of Morocco, 2011, Chapter 115-116).

- The King, as President;
- The First President of the Court of Cassation, as President-Delegate;
- The Attorney General at the Court of Cassation;
- The President of the First Chamber of the Court of Cassation;
- Four representatives of the judges of the Courts of Appeal, elected by these judges from among themselves;
- Six representatives of the judges of the Courts of First Instance, elected by these judges from among themselves;
- The Mediator;
- The President of the National Council for Human Rights;
- Five individuals appointed by the King, known for their competence, impartiality, integrity, and distinguished contributions to judicial independence and the rule of law; one of them proposed by the Secretary-General of the Supreme Council of Scholars.

The fact that the King chairs this council, and the Minister of Justice serves as a member, raises fundamental questions about the extent to which the judiciary has achieved effective independence from royal authority. In the same context, the Public Prosecution Service remains a point of tension in the relationship between the judiciary and the other branches of government, despite the transfer of its presidency from the Minister of Justice to the Attorney General at the Court of Cassation in 2017. However, the latter's appointment is made by royal decree, thus perpetuating the continued dominance of the royal elite over judicial decision-making processes (- Al-Qaraqi, 2016, p 89-90).

#### **Conclusion:**

The Moroccan political system is a complex political model, in which traditional structures intertwine with the requirements of political and institutional modernization. Furthermore, understanding the characteristics of the Moroccan political system cannot be achieved without an understanding of the historical, religious, and cultural dimensions that frame the work of its institutions.

A study of the king's position within the Moroccan political system highlights the centrality of the royal institution in shaping and structuring the

political system, both through constitutional text and actual political practice. Since the establishment of the Alawite dynasty, the king has maintained a prominent position at the top of the power hierarchy, relying on a complex mix of religious, historical, and political legitimacy. Tracing successive constitutional transformations also reveals that most reforms, while adopting the language of political modernity and strengthening representative institutions, have not touched upon the central essence of royal authority, which has continued to hold the initiative and monopolize the strategic decision-making sphere. The combination of the presidency of the state, command of the armed forces, chairmanship of the Council of Ministers, and the Superior Council of the Judicial Power, in addition to the power to appoint senior officials, clearly demonstrates the king's guiding and supervisory role in various aspects of public affairs. Therefore, understanding the nature of the Moroccan political system is incomplete without considering the centrality of the monarchy as the solid core around which the remaining powers revolve. This gives the Moroccan model a complex uniqueness that is difficult to summarize within the classical classifications of political systems.

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