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Islamic Activism and Anti-Terrorism Legislation in Morocco¹

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Abstract

The paper portrays the socio-legal transformation in a rural Moroccan area after the state got involved in the international war on terror following intense exposure to transnational Islamic activism. It describes a locality in south western Morocco before anti-terrorism legislation is put into effect. The paper shows how state implementation of the law is first felt as a threat to civil rights, yet how it is afterwards instrumentalised to serve larger interests. It addresses how this locality manages to restrict external control from both the state and actors linked to transnational Salafi Islam, the anti-terrorism legislation thus being used to reinforce local agency and social coherence through intense intertwining with governmental and global strategies.

¹ An earlier version of this working paper was presented at the workshop 'The Social Life of Anti-Terrorism Laws' held from May 26th to 27th, 2005 at the MPI for Social Anthropology in Halle/Saale. I would like to acknowledge that I have greatly benefited from insightful comments and suggestions made by Julia Eckert and Julie Laplante.

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Introduction

The aim of this paper is to analyse different aspects of the socio-legal transformation which the integration of the Moroccan state into the international war on terror unleashed in the country after a period of intense exposure to transnational Islamic activism. It is argued that this transformation opened up new vistas for actors with divergent interests, leading to a readjustment of their agencies under the conditions of changed interdependencies that permeate through scales and frames. The interactions between global, national and local scales are approached here as scalar arrangements. These are socially constructed through political-legal interaction and are dependent on the socio-political and juridical agendas of those actors who are empowered by those arrangements.³ The focus on scalar arrangements draws attention to the dynamics in power relations between actors at different scales.

Focusing on these scalar interdependencies, the state's response to terrorism and Islamic activism in Morocco is analysed in conjunction with the reaction of the rural population in south western Morocco – both to activities of the prominent Islamic movement in this rural area, the Salafiyya, a transnationally active movement which propagates a return to the roots of Islam in accordance with the principles of the forefathers (*salafi*) – and to the effects of anti-terror legislation. The period of time to be examined in this respect is that between the emergence of Islamic activism in one rural area in the southwest of Morocco in 1999 and the end of the year 2006. Turning points or key dates structuring this time frame are the terrorist attacks of September 11th, 2001 in New York and of May 16th, 2003 in Casablanca. The reactions to these events on state level as well as on the level of a remote rural area will be analysed as an interconnected and globally embedded process. While focusing on the consequences the adoption of an anti-terror legislation had at a local scale, these will not be considered as independent of particular social conditions the preceding Salafi impact had created.

The context of law and terror has found increasing resonance in recent times – however with reference to a quite limited and upscale empirical basis (cf. e.g. Dickinson 2005, Mazrui 2006). If one looks at the empirical lowlands where legal practice is generated, it becomes obvious and supports my argument that the intertwining of Islamic activism and anti-terror legislation triggers a series of interactions between locales, the state and a global environment. For this context, the analysis necessitates reference to rather different types of data. Sets of empirical data and information collected and extracted from oral transmissions in the form of hearsay, gossip, rumours and narratives, are included into the analysis just as are official statements and the reaction to Islamic activism in the public debate and the media in Morocco. Therefore, my argumentation is based on a balance between the analysis of selected relevant empirical facts and the analysis of selected relevant interpretations of events, adopted official discourses and oral transmissions. Using these different sources it becomes apparent that the concerns involved are divergent, but clearly interdependent. While at a national public level, security concerns and the defence of civil liberties against the range of options the new legislation provides state agents which are issues that are controversially debated, the local discourse is about social coherence and solidarity, targeting the problem of how to come to an arrangement with Islamic activists and whether to integrate them into or ostracise them from the local community. This reveals, firstly, that local cohesion is

³ See Purcel and Brown 2005 for environmental issues, and Tsing 2005 for an integration of the concept of scale in the anthropology of globalisation. See Herod and Wright 2002 for a wider theoretical frame.

challenged by both the Salafiyya activities and the state intervention in local affairs. I argue that in the resulting struggle, local people seem to be successful in restricting the external control over local affairs which both Islamic activism and anti-terror legislation have tried to exercise. This process, the argument continues, led to an expanded local agency with regard to state officials without a weakening of the state.

I further argue that this process did not prevent an adaptation of the new legal tool in local repertoires of legal practice, a process which, in turn, cannot be seen independently of its embeddedness in a wider context. So, the fact that local people make use of Moroccan anti-terror legislation for their own purposes implicitly keeps it operative and this way establishes new dimensions of interdependency throughout scales. The argument is subdivided into four successive lines. Firstly, resolute state intervention in local affairs with respect to the new anti-terror law reinforced the local people's policy of keeping away state agents from their local affairs. At the same time, the external threat enhanced the local process of reconstructing social cohesion and of reintegrating religiously deviant members of the community. Secondly, the continuing process of political liberalisation under the umbrella of the anti-terror law, combined with the new emphasis state authorities put on local tradition and values as remedies against Islamic activism, created a state of conflicting priorities. This incertitude paved the way for a strategic proceeding of local actors and contributed to the successful local management of the process of local reconciliation. Thirdly, and parallel to that process, an alternative instrumentalisation of anti-terror legislation beyond the narrower local framework of the village by the same local actors who successfully thwarted the state's application of the law in their villages took place. This was partly motivated by the possibility to take advantage of the new law by denouncing opponents to state agents in local conflicts. Reference to anti-terror laws was also employed against propagators of Salafi ideology without a local background because local people felt betrayed by the movement and unwillingly connected to the realm of terror after the bombing attack of Casablanca in 2003. Beside this, new fields for local instrumentalisation opened up by a local reading of state references to the law in different circumstances. Finally, the fourth line of the argument of scalar interdependencies in the dealings with anti-terror legislation refers to the government's re-interpretation of local references to the law as evidence supporting the instrumentalisation of the law which state agents pursued at a transnational scale.

In a more general perspective the paper further informs on the processes underlying law implementation. The illustration of the back and forth process between the locality, events on the global front and state implication shows how state laws affect local context but are also affected by local and global contexts. The paper is thus a contribution to the understanding of uses and effects of laws beyond their intent.

In order to understand the way in which anti-terror legislation was welcomed in this rural area, I start with a short overview over the previous development. In a next step, the issue of Islamic activism and anti-terror legislation will be discussed in the context of the political processes in Morocco after the enthronement of King Mohammed VI in 1999. An analysis of state-local interplay for the period after the implementation of the new legislation will follow. Two examples of a creative access to the new legal resource in multi-scale conflict constellations beyond the 'terror and security' scope will be the core of the analysis.

In a conclusion, anti-terror legislation is interpreted as a major incentive for the reconfiguration of mutual scalar interdependencies. It contributed to an expanded local agency and the

reconstruction of local identity, while at the same time offering actors on a local, national as well as on a transnational level a new instrument, the application of which for particular purposes, however, depends on the fine-tuning between actors at all scales.

Salafi Activism in the Moroccan Souss

The regional focus of this paper is the Souss plain with its adjacent mountainous surroundings of the Atlas and Anti-Atlas in southwest Morocco. Data from different villages are included in this analysis.⁴ They stem from an environment where Islam in all its local variations plays an essential role for local identity and belonging, the legal arena and the organisation of daily life.

Islamic activists appeared in the rural Souss for the first time in 1999. Intervention in the Moroccan countryside started with the arrival of foreign non-Moroccan missionaries from Middle Eastern countries, who founded a *madrasa* (Islamic school) in a medium-sized town in the region.⁵ The first three missionaries to appear in one of the villages where research was done were Moroccans who had been educated in this same school. They stood out from the local population as they had beards and wore traditional clothes (*gandura*) and traditional caps. Their beards in particular were seen to be distinctive, and for this reason they have been referred to as Shablhi (*as-shab al-lihi*), beard wearers. For the rural Soussa, the Salafi were an unknown movement which seemed not to be rooted in Moroccan Sufi Islam.

Instead, the Salafiyya (from *salaf*, ancestor; companion of the Prophet Muhammad) maintains close ties with the Sa'udi ideology of Wahhabism. Nevertheless, the movement is part of the scene of Moroccan Islamism and maintains historical relations with the elites of Moroccan political and orthodox Islam, '*ulama*' and Islamic leaders inside and outside the inner circle of political power. The Salafiyya movement propagates 'Islam as the solution' (*al-Islam huwa al-hall*), the most widespread motto of Islamic activism, indicating that the adjustment of all life spheres towards the Islamic agenda offers the only escape from current misery. Its supporters promote a return to the roots of legal Islam and demand the reorganisation of social life according to Islamic core principles. They declare that they are the ones to hold ultimate authority in the judiciary and demand official acknowledgement of the Hanbali legal code by the state. Hanbali law is closely connected to Wahhabism, while Islamic law in Morocco follows the legal school of Malik. This claim implicitly challenges the Moroccan state, which also refers to official Islam as a source of legitimation (see Eickelman and Piscatory 1996). The Salafi criticise practices of popular Islam. Veneration of local saints (in the Salafi's interpretation 'polytheism', *shirk*), pilgrimages to the tombs of saints and moussems (*mawasim*), with its many profane concomitants, Sufi practices such as trance dancing, were particular targets of their polemics. They promote the conviction that social justice can be provided exclusively by the *qur'an* and the *shari'a*.⁶ At the same time, the Salafi condemn western influence and warn against the destructive forces of transnational legal treaties

⁴ For reasons of deontology, no concrete localisation is included and the data used remain anonymous. Fieldwork on the Salafiyya was carried out for several weeks annually between 1999 and 2005. Since 2001, the fieldwork has been part of a project within the Legal Pluralism Project Group at the Max Planck Institute for Social Anthropology in Halle on "Sustainable Development and Exploitation of Natural Resources, Legal Pluralism and Trans-National Law in the 'Arganeraie' Biosphere Reserve."

⁵ Proper names and toponyms are reproduced in the commonly used spelling. Arabic terms are used in simplified spelling without diacritical marks.

⁶ For a comparison with 'classic' Salafiyya objectives in Morocco, see the literature in Turner 2006a; Turner forthcoming, a; Wiktorowicz 2006.

and development cooperation.⁷ Law and order is the paramount topic of their conversation: not only hegemony within the social sphere, but absolute control over it, was the declared goal of their strategy.⁸ In order to achieve this goal they did not shy away from activating local potential for violent action or to have recourse to violence if they felt it opportune. At the same time, an essential element of the Salafi's self-image is their role as a religious movement which provides charity and social welfare.

Mobilisation of Adherents and the Setup of a Local Rural Branch

Beginning in August 1999, a new local branch of the organisation was built up in the region of research within a few months. The institutional infrastructure built up in the local communities was rather rudimentary. Local groups were centred around a leading figure, called *amir*, and the internal structure was organised in accordance with a binding code of Salafi ideals (*manhaj*). In the course of time, however, the Salafi succeeded in attracting more and more local residents. A grass-roots network developed, connecting more than 20 villages and providing basic goods and services for its members. In May 2002, the Salafi had mobilised the majority in approximately half of the villages of the three rural districts in the focus area. Each local cell was also connected to a loose regional network and was under external control, as some adherents after their 're-conversion'.⁹ During the first phase of the Salafi project, the foreign initiators of the new wave of Islamic activities seldom reached these remote areas. But later on, after the formation of local groups, itinerant preachers came and visited the new Islamist parishes regularly, in spite of their distant location. These preachers interfered in the internal structure of the new cells and arranged duties. Some of them gave secret instructions and criticised Moroccan politics, complaining about state persecution and secular orientation. In each village of the rural district in focus, at least one praying house (*dar al-qur'an*) was established.

To discuss the manifold factors which thwarted or supported the mobilisation efforts of the Salafi would go beyond the scope of this text. In some villages, the missionaries were driven away because they so deliberately acted against local rules and behaviour patterns, in others they were not. In some cases missionaries failed to pass honesty tests villagers are used to carrying out with strangers. In other cases villagers had access to resources such as those made available by development agencies, and were therefore less susceptible to the mobilisation campaign. Furthermore, the Salafi's incessant missionary work and claim to a radical change in public and private lifestyle went on to annoy many of those who were not attracted by Salafi ideology. Suspicious to all non-adherents remained the fact that the Salafi refused to disclose the provenance of the financial means they invested in their social welfare projects. In the following, only the aspects of the Salafi mobilisation success will be addressed which are of importance for the present line of argument.

Some of the Souassa, people I have known for more than ten years, told me about their personal motivations for joining the movement. Their reasons were manifold, and not always free of contradiction. Descent ties and clan affiliation played a role. But this is not to say that Islamic activists have been particularly successful in recruiting new adherents along the lines of descent,

⁷ See for literature Wiktorowicz 2004: 7f.; Turner 2006b.

⁸ For a more detailed analysis see Turner 2006a; Turner forthcoming, a; Wiktorowicz 2006.

⁹ 'External' in this context means in contact with Moroccan and non-Moroccan urban-orthodox milieus.

although it is indeed quite often described in the relevant literature as one possible way of mobilising people (see for literature Singerman 1995; 2004). In the Moroccan case, another important social strategy used by local actors becomes apparent. In economic affairs, descent groups do not act as coherent units. According to local ideals of risk minimisation through diversification, many families delegated one or several of their members to join this new and powerful Islamic group for tactical reasons, in order to siphon off any newly available resources. Thus, a majority of particular descent groups in the movements' local cells could exist only to the extent that this also reflected local kin structure. In sum, conscious mobilisation patterns, tactics and strategies of recruitment combined with particular local conditions and considerations, such as those of job- and risk-sharing in descent groups. In addition, the weekly remuneration of ten Euro paid to most of the adherents might help in explaining the phenomenon of success – a considerable amount of money for a pauperised rural population. Invitations to religious instruction in the evenings, coupled with copious dinners, also proved very successful. This suggested the prospect of long-lasting access to sufficient food resources and raised new hopes for social security.

Remarkably indifferent during this first phase of Salafi activism in the local arena between May 1999 and May 2003 were the very different representatives of the state and the local power holders. Minor civil servants with a local background constantly tried to attract the attention of higher authorities to the complaints of many local people about the inconveniences the Salafi intervention brought about – without success. The provincial administration declared they did not intervene in religious affairs. Members of the local rural elite who held positions as elected political representatives – even if sympathising with Salafi ideals – avoided to get in touch with the movements' prominent figures and ostensibly ignored the ongoing development. A lot of rumours circulated among the villagers about the reasons of the political leaders for their restraint. Common view was that they were waiting to see whether the Salafi would qualify as possible allies in the political arena, which was not clear at that time. For on the one hand it was clear that such a vivid Islamic activism in the rural world could not have escaped the attention of central authorities, state agents from national institutions, however, did not intervene. How was that to be accounted for? On the other hand, the Salafi heavily criticised state malpractice and corruption. Therefore it was not the right moment for local political opportunists to take up a position. The issue received a new impetus only after the implementation of anti-terror legislation, as we shall see.

When discussing the reasons why the Salafi's missionary work was so successful, one has to admit that fluctuation was quite considerable and that the 'retention period' for adherents was comparatively short. Membership did have a few drawbacks. The pious lifestyle, which was the prerequisite for the development of the new resource, has been described as 'hard work' for somebody who is actually not a fervent religious enthusiast. In this respect, the Salafiyya differs from those movements of political Islam today in which political activism outweighs the basic idea of a primordial piety to a certain extent or allows for compromises between lived religiousness and civic responsibility. Despite all displays of piety, however, the Salafi never managed to smooth out all reservations of those who criticised their hegemonic approach.

The National Political Atmosphere and Framework of Islamic Activism

The following paragraph deals with the political process which framed the development of the state's attitude towards Islamic activities during the depicted course of events in the Souss. For a long time state agents, and also external experts, did not regard contemporary Islamic international terrorism as a real threat for the country. Morocco was considered to be comparatively stable, and the position of the King as the central political authority and the commander of the faithful (*amir al-mu'minin*) was seen as an assurance against a radicalisation of Islam in Morocco (see e.g. Leveau 1976; Eickelman and Piscatori 1996; Ghazi 1997; Tozy 1999; Vermeren 2001). The political process during which the attitude of the state administration towards Islamic activism notably changed can be divided into three distinguishable phases. Since much has been written on these developments during the past few years, only the most important characteristics will be summarised here with respect to their feedback in the rural area (Ben Rochd 2002; El Wardi 2003; Yassine 2003; Chaarani 2004; Kalpakian 2005; Zeghal 2005 with further literature). These phases correspond with time-marking events which required state reaction.

The first phase lasted from the death of King Hassan II and the enthronement of Mohammed VI in July 1999 to the date of the Islamist attacks against the USA on September 11th, 2001. The second phase then covers the time from September 11th, 2001 to May 16th, 2003, the date of the bombing attacks of Casablanca. Around that time, anti-terror legislation was planned but not adopted. Finally, the last phase starting at that point in time might be called 'the reign of the anti-terror law'.

With Mohammed VI the process of political liberalisation, which his late father had initiated, continued, even though not in the accelerated manner many had been expecting. The human rights movement, which had started to become increasingly effective in Morocco ever since the early 1990s, played an important role in this. The release of political prisoners, the return of political actors from exile, a coming to terms with state malpractice in the past were all put on the new agenda. The project of legal reform concerning gender relations was pushed forward. Expectations of powerful, external transnational actors may have contributed to these processes.

Local Islamic movements also benefited from the political spirit of renewal that characterised the beginning of King Mohammed VI's reign. It is noteworthy that at the same time the new wave of Salafi missionary activity started, or became obvious for the first time, in the rural Souss. Whether political adversaries hostile to the new King's trajectory paved the way for them is pure speculation, however based on the irrefutable presumption that without state connivance their activities would have been impossible.¹⁰ Without further going into detail, the point is here that an increase of Islamic activism in various facets took place in Morocco at the beginning of the new millennium.

The first real shock wave in the country was triggered by the realisation that Moroccans were involved in the terrorist attacks on September 11th, 2001 in the USA – not only as marginal helpers but as important leading figures. As a reaction to that, the implementation of new legislation against terror was launched (Bendourou 2004). In fact, Morocco had already ratified the Arab Convention against terrorism in 1998, and in the following several international agreements as well (Benyahya 2003; FIDH 2004). However, after the attacks of 9/11 the American government appealed to different states to join the U.S.-American fight against terrorism. So the Moroccan

¹⁰ Many voices were raised to that effect in the Moroccan press.

government signalled that it would be willing to adopt the U.S.-American legislative blueprint in order to strengthen its juridical arsenal, but did not go any further. At that time, the public discourse in Morocco about the consequences the adoption of U.S. strategies might have for the political progress in the country was dominated by reservations among representatives of the institutions of civil society. A polemic arose, for instance, on a national level about the commemoration of the victims in New York and elsewhere. The Makhzen, the state apparatus, organised an official memorial service in the Cathedral of St. Pierre in the country's capital of Rabat. Representatives of political Islam attended that ceremony, as well as representatives of all religious communities and political groups of Morocco, including the PJD (Party of Justice and Development; *hizb al-'adala wa-t'tanmia*), the only political party with an Islamic background accepted by the government. The King, however, was not present. The message was clear: The Moroccan state does condemn all forms of terrorism, solidarity with the USA and religious tolerance were emphasised (Zeghal 2002: 54; 2005: 255f). However, the symbolic and meaningful act of commemoration in a church instead of a mosque provoked indignation in parts of the Muslim community. A *fatwa* (legal advice) of 16 '*ulama*' (Islamic scholars) was launched, denouncing not the intention but the site of the event. The fact that the *fatwa* became internationally known embarrassed the political scene in Morocco particularly because the official council of the '*ulama*' in Morocco had been put under state control in the 1980s and the subscribers of the document escaped its authority. Part of the content of that document was the rejection of a 'political interpretation' of the terror events in the U.S. and of the extensive definition of *irhab* (terror) used by the USA. The *fatwa* contributed to the public discourse on anti-terror legislation, and in this way also implicitly to the diffident proceeding of the state actors. Large parts of the Moroccan public interpreted the fact that many representatives of Islamic movements condemned the terrorist attack against the USA as a sort of compensation for cautious reactions of state officials.

On May 16th, 2003, five simultaneous attacks of suicide bombers on international and Jewish targets in Casablanca (the Jewish Community Center; the Farah Hotel; Casa Espana; Bouziatno Restaurant and the Jewish Cemetery) caused the death of 45 people, mostly Moroccans, including 12 of the terrorists. All of the latter were Moroccans. Three surviving kamikazes were arrested on the spot before they could contribute their share to the terrorist acts. The police immediately started investigations in the shantytown of Sidi Moumen in Casablanca, from where most of the perpetrators came. Also the surroundings of the transnationally active movement of Salafiyya Jihadiyya were targeted on suspicion of maintaining relations with *al-qa'ida*. Several religious experts whose sermons were evaluated as influential to the kamikaze as well as members of the group *as-sirat al-mustaqim* (the straight path, a Salafiyya branch) were arrested, too, or if already arrested for other reasons, were treated as members of a supporting milieu or even network (Lariège 2004). The investigations were very soon extended to other Moroccan cities. Several networks of organised Islamist extremists were detected. The power of state reaction and the disclosures in the media based on official declarations gave the impression of a huge terrorist conspiracy against the monarchy as the authority representing both the state and Moroccan Islam. The fact that bomb factories and paramilitary training camps were discovered seemed to confirm this suspicion and left no room for alternative interpretation. In short, after the bombing attacks of May 16th, 2003 in Casablanca, the spirit of renewal in Morocco made way for fear, irritation and an uncertainty about the future. The attacks may be identified as the most memorable time marker in the collective memory of all Moroccans, apart from the achievement of independence in 1956.

The Invention of Anti-Terror Law and the Continuation of Political Reform in its Shadow

Under the depicted circumstances, anti-terror legislation, which had already been formulated after September 11th, 2001, came into operation very quickly by way of neglecting or, better, surmounting all political obstacles or reservations. Between January and May 2003, a highly controversial debate had blocked the political process of implementation (Bendourou 2004: 194). After the bombing attacks in Casablanca, however, the government immediately put the project back on the legislative agenda of the parliament, with slight modifications. On May 28th, 2003, the new law became operative. It was not only implemented but consequently applied after this date. This was definitely not the right moment to oppose measures in favour of state security. A wave of solidarity against terrorism swept through the country, Moroccan artists even presented an operetta against terrorism (*la lil irhab*) in Casablanca.¹¹ Nevertheless it soon became clear that the civil society beyond the Islamic milieu was developing reservations both against Islamic terror and the consequences of an absolute state (Rollinde 2004: 66). The reasons will become clear in a brief outline of the most important contents of the anti-terror legislation (Benyahya 2003; Bendourou 2004; FIDH 2004).

First of all, the definition of terror (*irhab*), already criticised in the mentioned *fatwa* in 2001, is extensive enough to include all forms of disturbance of the public order, resulting in a perceptible restriction of the exercise of public liberties.¹² While most of the law's substance conforms to the U.S. American template, a central point for the present line of argument needs to be mentioned: The notion of complicity and assistance, which may be any form of social interaction with an individual identified as a terrorist at a certain moment, paved the way for collective suspicions and served the supposition of supporting milieus. So, the simple analysis of individual behaviour may result in a deprivation of fundamental rights of the suspected. This open concept of terrorist acts is flanked by a concession of remarkably extensive room for manoeuvre to state officials, like in other national versions of anti-terrorism legislation all over the world, too (FIDH 2004).

As a result, the Makhzen sent controversial signals. On the one hand, there was the implementation and strict application of anti-terror legislation which led to a restriction of public liberties. On the other hand, and parallel to that, the process of political reform continued under the umbrella of that law. The reform of the family law (*mudawwana*), for instance, which had long been a controversial topic, passed the parliament in 2004 against resistance of important Islamic groups (Rollinde 2004: 61f.).¹³ In the political climate at that time of the immediate adoption of anti-terror law, Islamic movements experienced quite a reduced scope for action and agitation against the reformed family law. They choked back their polemics against gender equality and similar issues laid down in the new *mudawwana* in order to prevent state repression.

A parallel development to the containment of Islamic activism is, above all, the reconciliation policy after the 'Years of Lead'. A commission was formed which had to negotiate and regulate cases of past state injustice committed during the so-called 'Years of Lead' between 1960 and

¹¹ Saâïdi captions in *Le Matin*; May 5th, 2004: 'Composée par Said Limam et jouée le 12 mai au Rialto de Casablanca; une opérette pour dire «non au terrorisme»' (<http://www.lematin.ma/journal/printarticle.asp?id=33728>); see also 'L'opérette «non au terrorisme» en représentation mercredi à Casablanca: Quand sons de cloche et rythmes soufis traduisent la coexistence des religions' (*Le Matin* 8 Mai 2004: <http://www.lematin.ma/journal/printarticle.asp?id=33853>).

¹² On public liberties see REMALD Vol. 76, 2004. A whole catalogue of illegal economic and financial activities has been included in the frame of terrorist acts as well. See Bendourou 2004: 191-96f.

¹³ For the development until 2002 see Buskens 2003.

1999.¹⁴ King Mohammed VI had already charged the human rights association Conseil Consultatif des Droits de l'Homme (CCDH) with the organisation of a reconciliation committee on the occasion of his investiture on August 21st, 1999. But the King did not actually install the commission, called Instance pour l'Équité et la Reconciliation, until November 7th, 2003.¹⁵ This was seen as a complainant gesture, advancing the integration of civil society into the war on terror. However, the simultaneity of the human rights discourse and the reconciliation policy with the proceedings against Islamic activists under the new anti-terror law became an acid test for the new liberalisation, and somewhat strange coalitions came to the fore. The left-wing oriented, critical press, which itself was put under pressure by anti-terror legislation¹⁶, was anxious about the human rights standards for their worst enemies, Islamic radicals who were brought to trial. Human rights activists expressed their worries about the civic rights of imprisoned and accused suspects of terrorism in the press critical of the state, and advocated basic rights for them since human rights are indivisible.

Furthermore, there was a public discussion about all kamikazes being victims of terrorist propaganda because they were uneducated people who grew up in the poorest social conditions. Measures of state intervention in the slums around the big cities were adopted, aiming at providing better living conditions for the poorest and restricting urban migration at the same time.¹⁷ Another anti-corruption campaign was initiated and welfare organisations were implemented in order to cope with the Islamic activists' major points of criticism: state corruption and the lack of public welfare. Concerning the legal sphere, in numerous articles as well as in a speech of the King in June 2003, the dominance of the Maliki *madhad* (school) was pointed out and a clear warning against all criticism of Malikiyya was delivered. For local actors, most important for the strategies of containing the effects of anti-terror legislation in the rural zone was the fact that the King highlighted Moroccan culture and tradition as the best remedy against the virus of religious aberrance and terrorism.¹⁸ All these measures were to contribute to the drying out of the same allegedly supporting milieus the anti-terror legislation was targeting.

Operative Anti-Terror Law and the War on Terrorism at the National Scale and Beyond

Following the terror attack, Moroccan courts passed a series of prison sentences. More than 1.500 individuals were suspected of having been involved in the attacks of May 16th, or of other illegal activities with an Islamist or terrorist background. In September 2003, a total of 906 suspected Islamic extremists had been adjudged in the wake of the bombings, but the Minister of Justice, Mohammed Bouzoubaa, warned that 'the peril is still present'. Almost 50 life sentences and other heavy penalties ranging up to 30 years were handed down. As Amnesty International stated for several cases of detained Islamists, torture resurfaced under the umbrella of anti-terror legislation in

¹⁴ Instance pour l'Équité et la Reconciliation (IER). Rollinde 2004: 63-65. See: <http://www.ier.ma>

¹⁵ The matter cannot be discussed in detail at this point, particularly not the question of impunity of state perpetrators. My focus here is on the impact the human rights agencies had on the discourse of the anti-terror legislation with their decision to watch over the legitimate rights of accused Islamists.

¹⁶ See e.g. Morocco Country Report on Human Rights practices 2005: <http://www.state.gov/g/drl/rls/hrrpt/2005/61695.htm>

¹⁷ A press campaign under the motto '*lutte contre le habitat insalubre*' was launched against the emergence of slums and a political milieu favouring the expansion of slums. Cf. http://www.seh.gov.ma/Habitat%20Insalubre/charte%20nationale/charte_nationale.htm

¹⁸ An official political campaign by the government in support of local identity and culture was launched after the royal speech in July 2003: <http://www.mincom.gov.ma/french/generalites/samajeste/mohammedVI/discours/2003/Discours%20du%20Trone%202003.htm>

Moroccan prisons. The association Human Rights Watch reported an increase of arrests for 2004.¹⁹ To this day, local cells of Islamic activists are constantly discovered all over the country which obviously pursued a violent agenda. In the course of police operations under the anti-terror law, an involvement of military and other state officials in Islamic activism has been revealed and shocked the population.²⁰ The profound reshuffle in the security apparatus of the state in 2006 and the political deprivation of some of its leading figures, who had successfully accroached to themselves power as operators of anti-terror law in Morocco, were interpreted in some media as the consequence of the superiors' inability to stop the threat of terror.²¹

International cooperation in the war on terrorism also shapes how different actors make use of the new legal instrument in Morocco. One year after the suicide bombings of Casablanca the devastating train bombings in Madrid in March 2004 made it clear that a Moroccan network, operating worldwide, was involved, and disagreement between Moroccan state officials and transnational investigators over its nature and origin became obvious.²² According to newspaper interviews, Moroccan state representatives such as General Hamidou La'anigri, then Chief of Security, complained about a rather unenthusiastic support by their European colleagues after the Casablanca attacks and particularly expressed their frustration about European laws against terror being too lenient and not severe enough. The Moroccan investigators who arrested and accused [!] 2112 suspects in the country on the basis of the new anti-terror law issued 44 international arrest warrants for suspected terrorists. They also accused European countries of being slow or unwilling to extradite captured suspects.

The need for international cooperation seems to prevent the Moroccans' European partners from commenting too explicitly on the respective different standards of civil rights resulting from anti-terror legislation. Hamidou La'anigri expressed his opinion with reference to his European counterparts: 'We are victims of laws and guarantees that protect the rights of individuals at the expense of cracking down against organized crimes' (Sciolino 2004). In this context the Moroccan state adopted the position of its closest ally, the USA. Furthermore, La'anigri projected a version of anti-terror law which correlated to the states' own operational imperatives. By making the transnational template applicable to Morocco, he also fed this version back into the transnational pool as binding and this way upscaled Morocco's own version in an international context. In the unofficial public discourse, the dominant conviction was that the Moroccan submission to transnational anti-terror laws was particularly inspired by foreign policy strategies aimed at integrating Moroccan attempts to fight terrorist violence into a wider frame. Concerning the importance of anti-terror law for the internal repertoire of means at the disposal of state functionaries, there was a certain congruence of opinions on the national and the local scale. It has been said that the Moroccan state does not actually depend on a new legislation in order to increase pressure on the terror scene; but that it rather uses the law to demonstrate its perfect conformity with transnational standards and its international acceptance. Moreover, international demands

¹⁹ Human Rights Watch 2004. The report provoked vivid reactions in Morocco. See Brousky 2004 in *Le Journal Hebdo* N° 179 (23-29 October): '*Le rapport explosive*'.

²⁰ The group *ansar al-mahdi*, dismantled end of July 2006, included members of the armed forces. See e.g. Chebatoris 2007.

²¹ Chadi and Jamai entitle an article in 2006 in *Le Journal-Hebdo* N° 238 (07-20 January 2006): '*Laânigri dans la ligne de mire?*'; and Chadi et al. state in 2006 in *Le Journal-Hebdo* N° 269 (16-22 September): '*La purge?*'; To comment on hints and rumours about career strategies, competitions over competences etc. within the state apparatus in connection with anti-terror legislation would lead to far in this context.

²² There is scarcely any concrete information about these developments apart from newspaper reports, interviews etc. See Sciolino 2004.

required a definite reaction, since Moroccan citizens were perceived as major actors in terrorist planning in various circumstances. Inversely, however, in the Moroccan context itself, no transnational reinsurance was felt to be necessary in order to justify state action.

Downscaling Anti-Terror Legislation: Salafi and the state in the rural Souss and the need to reconstruct local cohesion

Let us come back to the local fields of the Souss region, where the Salafiyya, the movement which is held co-responsible for the terrorist attacks of Casablanca, became active in 1999. After 9/11, the ordinary local adherents clearly expressed their condemnation of these acts, whereas the point of view of the leading persons never became publicly known. Whatever their ideas at that time might have been, there was no official interest in them. The movement reached its peak between the two time-marking terror attacks, and no connection was established between Salafi activism and international terrorism.

But before the legal impact of the anti-terror law on the rural periphery is exemplified in more detail, I will briefly outline the course of events after May 2003 with respect to state-local conjunctions. What bothered the Souassa was the question whether the rural area must be seen as a reservoir for the recruitment of new terrorists. After the bombing attack, some previously unbelievable rumours about the motives of the Salafiyya missionary activities in rural area proved to have a serious background. For instance, big amounts of old wine bottles had been bought up at very good prices. Later, the police found several stocks of these bottles, transformed into bombs; the reason being that the glass of these old bottles is very suitable for bomb fabrication. The people who sold those bottles to Islamic activists without having any idea of the purpose were ready to take revenge for involuntarily getting involved in criminal acts. For the fact was fully recognised that this form of involvement could be interpreted as an active support of terrorism. The local activists claimed never to have had any information about these occurrences and asked for forgiveness. Suspicions started circulating. Furthermore, at least one of the Casablanca terrorists, Hasan Taoussi, 24 years old, had kin relations with Souassa, since his family, who live in the slums of Casablanca, is of Soussi origin. 20 years ago they came from the Atlas Mountains down to the plain. This news reached the rural zone in no time. It was, however, not interpreted as an undeniable connection of the Souss with the international web of terror. Instead, many Souassa argued that 'Casablanca' made him a terrorist, under the influence of transnational Salafi. Nevertheless, the mere fact of this remote connection increased the apprehension of being considered a 'milieu' by state agents and strengthened the feeling of betrayal by the Salafi.

Anti-Terror Legislation, State Intervention and the Need to Reconstruct Local Coherence

The Salafi adherents in the Souss villages to whom I am referring in this paper did not openly voice a legal or religious justification of the terrorist attacks in 2003. And they never admitted it to be the declared aim of the Salafi project to integrate Morocco into a much broader context of Islamic activism. But internal tensions within the Salafi cells soon became obvious, and the deep ideological rift that opened between the recruited local members of the Salafiyya in the rural zones and the terrorist branch active in Casablanca could not be bridged afterwards. In the first months after Casablanca, even apart from, or more precisely prior to the impact of the resolute state reactions against Islamists in the region, most of the newly recruited adherents distanced

themselves from the movement. Fear of state revenge may have played a role, but the feeling of having been deceived by the Salafiyya was predominant. An atmosphere of deprecation with regard to Salafi and all symbols of otherness was felt throughout the rural area. Against this background the new law against terrorism took effect.

The police closed down all Salafi mosques and praying houses and exerted strict control over their observable activities. Ubiquitous presence of security agents, police interventions and interrogations disturbed village life. One cause for consternation was, for instance, that the police started to control veiled women in order to check whether in fact it was a terrorist hidden behind the veil. State security agents were said to be active everywhere, in the mosques, on the markets etc., and to arrest people expressing opinions which were chargeable according to the new law.

There were imprisonments, and families broke apart. Intra-familial conflicts resulted from a split of family members into Salafiyya adherents and followers of local Islam. Drunkards, hashish consumers, persons with a good local reputation and persons of all kinds of piety might live under the same roof. There were fathers who try to convert their sons and vice versa. As the incongruities pervaded nuclear families, there was also a – hypothetical – reference to the new legal tool in domestic affairs. A father might have said: ‘I better inform the *muqaddim* (village mayor) about your clouded thoughts’, or, ‘you go on like this and the *shurta* (police) will come and arrest you.’

The expansion of investigations to the assumed supporting scene, as pre-traced in the anti-terror legislation, made the latter known to the overwhelming majority of the Souassa in a tangible form. Everybody who might possibly have been in touch with a terrorist was suspected of adhering to a vague supporting milieu. Therefore, as all Salafi were regarded as possible terrorists by the police, the rest of the villagers also felt encumbered by the new law. Everybody was in danger of being suspected of collaboration simply because their neighbours or, for instance, the grocer around the corner were known as Salafi adherents. Such was the apprehension of the villagers, and state representatives affirmed it very quickly through overzealous action. Youths, who full of mischief and just for fun claimed to be in touch with terrorists, were severely beaten by the police. The villagers interpreted state reaction to this kind of bad joke as over-exaggerated and inappropriate.

After the majority of the former adherents of Salafi Islamic activism in the rural Souss had defected, it was decided in the informal village councils to cede the discreet elimination of still remaining non-Moroccan prayers in the region to the investigators who were sent out by the central political authorities. Nevertheless, small groups of local Salafi adherents in the rural Souss still resisted, claiming both Souassa roots and free choice of orientation within the realm of Islam. They no longer received subsidies from outside and claimed to have no material interests. In the course of the following year they came to be perceived as part of local diversity, passing for one type of religious orientation within the local scope of the Islamic way of life; a process of careful differentiation between the ‘good’ Salafi and the ‘others’ started, and new criteria developed. Such criteria first and foremost include a local background; furthermore the suspension of all missionary activity and particularly the abandonment of any criticism of local religious and juridical practice. Salafi have to accept the local law, *urf*. This includes, for instance, the acceptance of the role of the Aissaoua, the locally active Islamic Sufi congregation, in conflict settlement. A ban of criticism of state institutions is not included in this catalogue of criteria. However, a certain tolerance level was conceded, which is comparable to that regarding drunkards or other troublemakers with a local rooting. This process may also be read as an indication of an internal framing dispute about to what extent demonstrations of otherness or a signalling of local rooting can be accepted. Informal village

councils and state representatives with a local identity exerted extreme social control over the village Islamists. At least during the first month of ongoing social restructuring, every single step of an Islamic activist would attract the attention of their neighbours. Incurable Salafi, who continued to annoy people in public, were threatened with denouncing them to the police. Everybody in a village was aware of the individual attitudes of each person and was averse to generalisations. The remaining Salafi activists seemed to experience a dilemma situation and expressed their feelings in various and contradicting ways. On the one hand, they recognised the protection against state intervention granted by their co-villagers and therefore accepted control. On the other hand, quarrels did, and still do, occur which must be taken seriously. The Salafi are incessantly testing the limits of the tolerance threshold, as these numerous quarrels and disputes show.

In the course of this process of re-integration, the new, or increased, state interest in local affairs resulting from an extended power of intervention called anti-terror law, proved to be extremely uncomfortable. Pressure on village life reached an extent that threatened the local reconciliation project. The villagers responded with protective measures. Since regular police controls of the village Salafi branch disturbed village life, the village council decided to suggest the Salafi should meet at night, outside of village boundaries and without attracting attention. Also, locally rooted minor civil servants contributed to the averting of danger and no longer reported local conflicts caused by the Salafiyya to higher authorities, despite still remaining tensions. Instead, the villagers now reported their problems with their incurable 'village Islamists', as phrased in talks with me, to the *qa'id* (chief administrative officer of a rural district). Other state agents, they felt, would only cause more problems than they were able to resolve.

Furthermore, other simultaneous political signals seemed to mitigate the restrictive effects of applied anti-terror legislation. When the King characterised local Moroccan tradition and religiosity as the best protection against terrorism and state officials had to go along with these directives, the local population hastily attempted to profit from this political hint. The Souassa referred to traditional values, for instance, in order to defend their informal self-autonomy in the maintenance of local order in the villages whenever the police or non-local state agents tried to intervene in local affairs without the villagers' consent. Integrated into local strategy, the 'culture argument' offered by the King efficiently helped to keep at bay over-officious investigators in some of these cases.

Another matter discussed intensively was the behaviour of the local political elites. After the sudden turn in policy and legislation with the introduction of the anti-terror law in 2003, the Souassa frequently asked why the powerful local policy makers in the course of more than four years never did intervene in order to defend the local way of life against religious fanatics. Their inactivity, however, did not provoke negative consequences or, in retrospect, the disapproval of the central authorities. On the contrary, their inactivity seemed to pay off. After their re-conversion, formerly fervent adherents of the movement as soon as in summer of 2003 started a political career with regional or local cut under the umbrella of the political party of PJD. These 'former' Salafi assisted in forming coalitions with local patrons, who stood for elections representing different established political parties. This triggered sophisticated conspiracy theories which reflect the opinion local Souassa have in general on corrupt political elites. Speculations concerned national politics and beyond, suggesting a financial influence of certain central authorities and foreign power holders in favour of the Wahhabi model of Islam. While on the one hand, the anti-terror law threatened village communities for the alleged forming of supporting milieus and had to be

domesticated in the struggle for a reconstruction of local identity, the rural political elite and the political establishment, on the other hand, remained unaffected by these developments.

So at village level, the local people experienced the pressure of the state application of anti-terror legislation against activists and their ‘milieus’; at the same time, however, they referred to that same law in order to rid themselves of non-local Salafi and used it as a hypothetical means of disciplining the remaining activists. Only in this respect is it acceptable to speak of a local instrumentalisation of the new laws at that time. This means, to successfully refer to anti-terror legislation in village affairs necessarily required keeping the gendarmes away from one’s home. The project of reconstructing social cohesion had top priority, and reference to the new tool for denunciation was assessed as to whether this contributed to the achievement of this goal or not. It is true that bearded men were attacked on local markets and the police were forced to intervene to protect them against public violence. It is also true that bearded men became victims of denunciations. However, informants did not ascribe these developments to a kind of local instrumentalisation of the law against terror. In fact, these events give evidence of people taking reservations against Islamic activists seriously. The mentioned denunciations were no attempts to profit from them.

While the effects of anti-terror legislation were ambivalent from a village perspective, as a means against external Islamic activists the new legislation was welcomed. In this context it became an instrument used by rural Souassa whenever their sensitive and ambivalent relationship with migrants of Soussi origin was affected by transnational Islamic activism. Some migrants had adopted a Salafi perspective in their respective host countries. Local Souassa voiced their concerns that while Salafi missionary activities in the region have been undermined by state intervention under the umbrella of anti-terror legislation, MRE (Marocains Résidant à l’Étranger; Moroccans living in foreign countries, in France, Belgium and the Netherlands, but of Soussi origin) could contribute to a reinforcement of the Salafiyya movement in the region. This would be – at least in the Souss – a new phenomenon, since Souassa migrants who had embraced Islamic activism had not acted as supporters of the local scene during their peak time between 2000 and 2003. But this might be a local particularity (cf. Singerman 2004: 157f).²³ In other regions, MRE Salafi played an important role in the propagation of Islamic ideas in their respective places of origin (cf. Roy 2004). Therefore, temporarily returning migrants with a Salafi background became a particular target of local rejection in the Souss. But also in cases with different background, when underlying tensions between MRE and local Souassa openly broke out, the latter sometimes availed themselves of anti-terror legislation. These tensions reverberate that on the one hand, the local villagers feel uneasy because they depend on the investments of their MRE, but complain about the arrogant manner of some of them on the other hand. In summer 2004, for instance, MRE with beards were attacked when shopping at the market in Taroudant. The *makhzenni* (auxiliary police) were forced to intervene and brought the litigants before the *qa’id*. The latter felt uncomfortable with the situation, being confronted with a Shablhi of Moroccan origin with his French spouse claiming protection against insults of local attackers who in turn wanted to see their victims

²³ There was the persistent rumor that the Moroccan state did not allow the Salafiyya to interfere with the ties between Morocco and its migrant communities. Particularly the Salafi cash flow was to run exclusively from Saudi-Arabia to the Moroccan countryside. The investments of the MRE in rural Morocco, in turn, on which many communities depend, was not to be affected by Salafi interventions in Europe diverting the money into the transnational Salafi pool or to be detracted from the usual fields of investment. Recent reports in the media hawk the opinion that political tendencies towards an exclusion of MRE from the national elections in 2007 have to do with an assumed high proportion of voters for the Islamic PJD among them.

imprisoned with reference to the ‘new law which allows to eliminate all of them’. This was the local reading of the law. In this case, however, an ordinary market dispute over quality and prices of goods seemed to be the true reason for the accusation. The state representative realised quite clearly that frequently, accusations of Islamic activism served the manipulation of local conflicts. Indeed, not only MRE, whether with or without a Salafi background, were accused on the basis of that law. Also local problems which must be reported to the *qa'id*, such as offending somebody’s sense of honour by winking at a married woman in public, seemed to be manipulated. Sometimes, offended male relatives of such women tried to turn these events into cases of an Islamist background.

The particular given constellation described in this paragraph was also put in a wider context. One apprehension often voiced in the villages was that the rural population had to pay the bill for the pressure powerful global actors and the elite of the Makhzen exerted on state agents to produce quick results in the war on terrorism. Many Souassa, however, supported the view that the state reaction would have been similar without any legal reform. People insisted on the fact that it was the locals themselves who succeeded in restricting Salafiyya influence, instead of the state, which in their eyes failed to contribute its share to this enterprise. Thus, the rural zone was not seen as being dependant on state support in managing local problems. On the contrary, the very lack of state intervention in the early stage of the Islamist appearance on the rural scene was interpreted as a deliberate strategy in order not to irritate Saudi Arabian investors, who have a bad reputation in the rural Souss. When later the police suddenly took previously dismissed complaints against Islamic activists seriously, this was said to be enforced by command of high state authorities ‘in order to please the Americans’.

Anti-Terror Law in Many Fields

A transnationalised U.S. American legal template not only becomes localised through the bottleneck of state implementation and interpretation and local adaptation. Its application at national and local scale by state agents is not independent of its transnational dimension. The rural Souassa rather interpreted references to anti-terror legislation by Moroccan state agents for a transnational context as master models for a possible use of the legal tool for their own local circumstances. Local actors picked up hints and referred to anti-terror legislation in contexts that seem to show analogies or even connections to the transnational contexts in which state actors had mentioned anti-terror measures. The state, then, at transnational scale, interprets this local instrumentalisation of anti-terror legislation as a justified field of application, like the empirical cases evidence.

So after the experiences with anti-terror legislation at village level, the scope was broadened for further alternative fields of application. Like terrorism, these fields of conflict do not only have a transnational dimension, but also national and local ones. Two examples will briefly be outlined, showing how the anti-terror law could be useful in a wider context for both the state and ordinary local people and could serve the production of realities and certainties. One example is the linkage of the Western Sahara problem with the competition between Souassa and Sahraoui over access to scarce resources, the other the association of everyday disputes in the village with the transnational fight against internationally organised drug crime.

The first mentioned national-local field of tensions that has been affected by anti-terror legislation is caused by the exceptional position Sahraoui people originating from the Western Sahara enjoy in the whole country. This includes a relative freedom of action as well as a certain immunity, and at the same time material support and further privileges granted by state institutions. This is no official state policy, but a widespread and not officially formulated opinion in Morocco. Sahraoui rarely appear in court, even when involved in criminal cases, and if they have to, they may expect being released very soon because of this political protection. This supported a certain specialisation in activities such as smuggling or human trafficking, which can perfectly be pursued under the cover of state privileges for Sahraoui nomadic economy.²⁴ The reasons behind these politics are the state's attempts to integrate the population of the Western Sahara into Moroccan society and to distance them from the independence movement of the Polisario. The Sahraoui contrive to maintain their privileges and proximity to the sphere of the state, while simultaneously threatening with separation and their capacity to organise uprisings through maintaining a state of latent tensions in their homelands. So, despite all privileges, the Sahraoui are being kept under extreme state control.

Now, some Sahraoui are attracted by the Salafiyya.²⁵ State officials somehow seem helpless, and they did not dare arrest the leaders of the Sahraoui branch of Salafi adherents. As a consequence, a strategy was forged within the Makhzen apparatus to accuse the Polisario, the political and military archenemy in the competition over the southern provinces, of fostering Islamist tendencies in an attempt to destabilise Morocco. It is not impossible that communication between violent Islamists and the Polisario indeed took place. But apart from an Islamic background, even Sahraoui representatives of civil society associations, such as human rights activists suspected of secretly advocating endeavours of independence of the Western Sahara, were arrested under anti-terror law. They were accused of disturbing public order in Morocco and of touching on the territorial integrity of the country (Amnesty International Annual Report 2003).

The anti-terror legislation could also be instrumentalised against internal enemies. This news attracted considerable attention at the local level and was immediately downscaled. The reason is that throughout the Souss, there are lines of conflict between Sahraoui nomads and local farmers competing for access to scarce natural resources (see Turner forthcoming, b). Superficially the potential for conflict can be reduced to this dichotomy. Behind it, however, there are economic interests of powerful political circles within the Makhzen. The local discourse now is on the question of whether one might accuse the Sahraoui nomads of being terrorists in order to drive them away. It is uncertain, however, how severely the state will restrict the Sahraoui scope of activity by applying anti-terror law. But how can the anti-terror legislation be activated against the Sahraoui without provoking an uprising? Locally this was considered a problem of dosage. Exaggerations and actions against Sahraoui as a collective were to be avoided. So, first anonymous

²⁴ See San Martin 2005. Human trafficking by the Sahraoui became a delicate issue in the context of the accelerated migration of Sub-Saharians through Morocco to Europe via the Spanish enclaves Ceuta and Melilla recently. Moroccan state officials hastened to accuse the Polisario of trafficking Sub-Saharians via Algeria to Morocco and to combine this accusation with allusions to the separatists' closeness to the terror scene. This strategy fits perfectly with the U.S.-American perception of the Sahel zone as an area of concentration and withdrawal for transnational terrorism. Simultaneously, the human traffic the 'Moroccan Sahraoui' had organised, or better to say, their part of the business, has been reduced. Since then the migration flow increasingly shifted to the route from the West African coast to the Canary Islands. Latest voice in the press: Cherkaoui 2006.

²⁵ Nevertheless, one has to point out that the specific versions of religiosity and spirituality which the Sahraoui are proud of are not actually compatible with Salafiyya ideals. Sahraoui nomads are used to drinking blood and to eating impure food such as lizards or turtles and habitually infringe upon nearly all of the rules the Islamic activists held essential. However, this does not inhibit tactical alliances.

denunciations of Sahraoui nomads did not refer to their illegal pasture activities. Instead, the first good opportunity was to be seized to force the police to take action against them. When the locals realised that some sub-Saharan refugees were hidden in lorries designated for camel transports, they immediately called the police, claiming that Sahraoui were helping terrorists to infiltrate the countryside. The police made an inquiry and found the refugees. On account of the anti-terror legislation the policemen refused the usual bribe and started an official investigation; the nomads were forced to withdraw from the spot and remain in custody of the state. The result in the long run was that there were no grounds for terror suspicion, and everything was swept under the rug as usual. The nomads, however, started to avoid the region where they had been denounced, and the locals celebrated their success. As a means in particular locally restricted conflicts, anti-terror legislation was found to be very helpful, and in this respect was welcomed by the Souassa on the local scene as an effective way to defeat an extremely powerful antagonist in the competition for access to scarce natural resources. Furthermore it is an option for state agents, who on the basis of local suspicions about a Sahraoui entanglement in the terror scene might instrumentalise internal power struggles between the backers of camel trading and their adversaries within the Makhzen for their own purposes (see Turner forthcoming, b).

On an international level, anti-terror legislation and the Moroccan engagement in the war on terrorism provided Moroccan state officials with strong arguments against the Polisario. With allusion to local denunciations of Sahraoui, subtly encouraged by the state itself, state functionaries accused the Polisario of being part of an Islamist network reaching from Algeria to the Sahel zone and being involved in human trafficking of sub-Saharan migrants. These arguments might be of use if the United Nations should at some point refuse to make more concessions in the conflict, if US support on the international scene seems necessary, or if a counterweight against an Algerian-U.S.-American construction of alliance in fight of the 'hotbed of terrorism' in the Sahel zone is needed (cf. Keenan 2005).²⁶

The other example of how anti-terror legislation can be instrumentalised individually also reveals a subtle local adaptability and a keen sense of interpretation of political signals. After the uncovering of two huge drug dealing organisations in northern Morocco, the police and the state security realised that these groups had massively infiltrated state authorities. Now, the involvement of state agents in the hashish trade is quite common in Morocco, to say nothing of the political elite. But these syndicates were bristling with high-tech weapons and disposed of huge sums of money. State officials dispersed the information that the syndicates had connections with the international terror scene. Obviously the claim was not completely unfounded. The police in fact does not very eagerly prosecute big drug delinquency because of its close connection to political circles. On the other hand, there is an extremely high international pressure on the Moroccan state to restrain drug traffic. Both rumours and official statements in the media agreed on the point that the state referred to anti-terror legislation because of the fear that terrorists might get hold of weapons like armed speedboats.²⁷ Others said this was just a gesture of appeasement towards the impatient international drug investigators.

Nevertheless, the connection was established and ready to use for local application. This happened for instance in a quaint drama in a remote village. A local drug baron, who had been

²⁶ For details on the Western Sahara conflict see e.g. Shelley 2004; San Martin 2005.

²⁷ Bertelsmann Transformation Index Morocco 2006: 4; the latest debate was on involvement of the Islamist cell *ansar al mahdi* in drug business; see Jaabouk 2006.

covered by the police, was involved in a simple car crash. He and his partner collided with the car of a small farmer. They completely lost their temper and tried to kill the poor man, who managed to escape. In a fit of rage, the two drug dealers burned down both cars and took up pursuit of the farmer. The latter, however, made it to the provincial city and informed the provincial police that a drug dealer of his village, who was the main financier of the local branch of Islamist activists, was pursuing him because of a car accident. It was obvious that the local gendarmes would never have intervened. But the state police alerted the state security, and an incredible raid took place – with explicit reference to anti-terror law. The dealer was arrested and was ‘treated like a terrorist’ as locals said. This is to say that the arrested was beaten up severely by the police to force a confession from him, and then transferred to one of the high-security prisons far away from the scene of the crime.

To the international public, the police intervention could be presented as evidence that the Moroccan state took indications of a connection between drug crime and terrorism seriously, due to its widely known commitment to the war on terrorism. Furthermore, it could be emphasised how severe the state reacts to drug crimes in general. This would also invalidate reproaches of international drug investigators of the Moroccan state being too negligent of its persecution of drug crimes.

Conclusion

This paper shows how a legal template claiming transnational compliance permeated a rural environment and interlinked all scales it passed through. The analysis of the diverse use of anti-terrorism legislation in larger cultural, social and political fields contributes to the understanding of how law can be instrumentalised for different purposes and potentially changes the dynamics in power relations between actors at different scales.

With the Salafiyya intervention, the local arena had become directly connected with a transnational Islamic network and indirectly with terrorism, the latter at first without the knowledge of local actors. The successful mobilisation campaign of Islamic activists and the invention of anti-terror legislation upscaled local affairs to the global war on terror. Anti-terror legislation, implemented in order to cope with terrorism and to contain Islamic activism, developed a social life of its own and was transformed and customised when again downscaled according to divergent interests and circumstances. In the fields of local application it was destined for, it was rather perceived as an obstacle than an appropriate tool. State application of the law hindered the local process of reconstruction of local cohesion and had nothing to do with the causes of terrorism. Drawing on the parallel discourse on tradition and local values, the rural Souassa were successful, however, in preventing the new legislation from perpetuating intensified state control in the villages. At the same time the law offered the villagers a reference for disciplining local Salafi and keeping external ones away. In this respect the state increased its inability or disinterest to cope with local differentiation.

Local actors interpret state reference to the law at the national scale both as an attempt to reach results on a transnational scale which the state would otherwise hardly be successful in, and as a signal for overlapping fields of interest in which the new law can be of use both for members of the state apparatus and local groups of actors. The local feedback implicitly confirms the Moroccan version of anti-terror legislation and produces facts that may be used as arguments for state policy.

In fact, local people did realise that their instrumentalisation of anti-terror legislation in many fields was not independent of implicit political fine-tuning with state agencies, and that their action would also have repercussions on government strategies. In both cases presented in the paper at hand, state agents took up local references to anti-terror legislation as evidence for existing connections between terrorism and other fields of social, political and legal problems. However, it was the state itself which had brought into play and spread these alleged connections in the first place. This evidence was useful for the argumentation of Moroccan state representatives at the transnational level of international drug crime or the Western Sahara problem.

Further to that, the following results may be summarised: National implementation of a transnational legal template empowered the local arena without weakening the state. But within both the Makhzen and the local arena, there were winners and losers of the development. As far as the Makhzen is concerned at a national scale, particularly members of the security apparatus successfully distinguished themselves through strict application of the law and this way accumulated power. At a local scale, civil servants succeeded by a selective application. Among local actors, particularly local non-Salafi widened their scope of action, while Islamic activists, but also members of the rural elite, unmasked as opportunists, had to face reduced agency. New fields of application beyond the designated frame of the global war on terror opened up by overlapping and dovetailed an interdependent course of action for both state representatives and local people. Local reference to the anti-terror law supported the state in the construction of an external terrorist threat to the country. Irrespective of the transnational consequences of this development, these scalar arrangements weaken and even absorb strategies for an intensification of state control under the analysed circumstances but in so doing at the same time acknowledge the state.

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