

From Government to Neoliberal Governance: The Emergence of the Regulatory State and the Transformation of Public Service Law in Morocco (Law 54.19)

Du gouvernement à la gouvernance néolibérale : l'émergence de l'État régulateur et la transformation du droit des services publics au Maroc (Loi n° 54-19).

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Résumé

Trois décennies de réformes administratives ont produit une situation que la littérature comparative peine encore à pleinement élucider : des États que l'on disait en retrait ont multiplié leurs instruments normatifs ; des bureaucraties annoncées pour être allégées ont été réorganisées autour d'indicateurs de performance et d'obligations de transparence. La loi marocaine n° 54-19 portant Charte des services publics, promulguée en 2021, offre un cas d'espèce particulièrement lisible pour interroger ce paradoxe.

À première lecture, la Charte peut ressembler à une simple opération de clarification législative — la mise en forme juridique de principes que les agents publics seraient censés respecter sans qu'il soit nécessaire de les y contraindre. Un examen plus attentif des dispositions révèle autre chose : une reconfiguration systématique des rapports entre l'État, l'administration et les citoyens, conduite précisément à travers le vocabulaire et la logique institutionnelle de la gouvernance néolibérale. Transparence, redevabilité, qualité de service, efficience, évaluation de la performance — ces notions n'ont pas investi le droit administratif marocain par hasard.

L'article lit la loi n° 54-19 à travers trois cadres analytiques articulés entre eux : la théorie de la gouvernance, la gouvernementalité foucaldienne et la thèse de l'État régulateur telle qu'elle a été développée par Giandomenico Majone. Chacun de ces cadres éclaire une dimension distincte de ce que fait la Charte — la manière dont elle réorganise l'autorité publique, recompose la figure du citoyen en usager, et déploie des mécanismes régulateurs caractéristiques d'un modèle d'État particulier.

Sur le plan méthodologique, l'article adopte une approche qualitative institutionnelle fondée sur l'analyse textuelle du droit positif. Le corpus central est constitué de la loi n° 54-19 elle-même et des dispositions pertinentes de la Constitution de 2011, lus à travers une grille analytique à trois dimensions — codification des standards, externalisation de la responsabilité, valorisation de la performance — dérivée de la littérature sur l'État régulateur. La principale conclusion de l'article est que la Charte marocaine des services publics institutionnalise, de manière cohérente et délibérée, une rationalité de gouvernance régulateur : non par la voie de la privatisation ou du désengagement de l'État, mais par la substitution progressive de la coordination normative et du contrôle par les résultats à la logique de commandement hiérarchique qui structurerait l'administration publique marocaine. Deux apports complémentaires sont revendiqués : l'extension du cadre analytique de l'État régulateur à un contexte juridique nord-africain peu exploré dans la

littérature comparative, et la démonstration que des dispositions législatives précises encodent des rationalités de gouvernance dont les implications débordent le seul champ administratif.

Mots-clés : Gouvernance néolibérale ; État régulateur ; Réforme de l'administration publique ; Intérêt général ; Maroc ; Loi n° 54-19

Abstract

The past three decades of administrative reform have generated a paradox that comparative scholarship has yet to fully resolve: states that were supposed to be retreating have instead multiplied their regulatory instruments; bureaucracies that were supposed to be dismantled have instead been reorganized around performance metrics and transparency obligations. Morocco's Law 54.19, the Charter of Public Services promulgated in 2021, offers a sharply defined case for examining this paradox.¹

At first reading, the charter looks like a piece of administrative housekeeping — a legislative codification of principles that public servants might reasonably be expected to honor without being told. Closer examination reveals something less obvious: a systematic redesign of the relationship between the state, public administration, and citizens, one that draws heavily on the vocabulary and institutional logic of neoliberal governance. That vocabulary —transparency, accountability, service quality, efficiency, performance evaluation — did not enter Moroccan administrative law by accident.²

This article reads Law 54.19 through three theoretical lenses: governance theory, Foucauldian governmentality, and the regulatory state framework developed by Giandomenico Majone. Each illuminates a distinct dimension of what the charter does — how it reorganizes public authority, reconstitutes the citizen as a service user, and operationalizes regulatory mechanisms characteristic of a particular model of the state.³

¹Constitution du Royaume du Maroc, promulguée par le Dahir n° 1-11-91 du 27 ramadan 1432 (29 juillet 2011), Bulletin officiel n° 5964 bis du 30 juillet 2011, art. 157 : « Une charte des services publics fixe les règles de bonne gouvernance relatives au fonctionnement des administrations publiques, des régions et des autres collectivités territoriales et des organismes publics. »

²Loi n° 54-19 portant Charte des services publics, promulguée par le Dahir n° 1-21-58 du 3 hija 1442 (14 juillet 2021), Bulletin officiel n° 7106 du 7 juillet 2022, art. 1er : « Conformément aux dispositions de la Constitution notamment son article 157, la présente Charte fixe les principes et règles de bonne gouvernance relatifs au fonctionnement des administrations publiques, des régions et des autres collectivités territoriales et des organismes publics. »

³RHODES (R. A. W.), « The New Governance: Governing without Government », *Political Studies*, vol. 44, n° 5, 1996, pp. 652-653 ; MAJONE (Giandomenico), « The Rise of the Regulatory State in Europe », *West European Politics*, vol.

The article adopts a qualitative institutional methodology centered on the close reading of positive law as a primary analytical object. The empirical corpus consists of Law 54.19 and the relevant provisions of the 2011 Constitution, read through a three-dimensional analytical grid — standard codification, externalized accountability, and performance valorization — derived from the regulatory state literature. The main finding is that Morocco's Public Services Charter systematically institutionalizes a regulatory governance rationality: not through privatization or state withdrawal, but through the progressive substitution of normative coordination and results-based oversight for the hierarchical command logic that previously structured Moroccan public administration. Two contributions are advanced: the extension of the regulatory state framework to a North African legal context that comparative governance scholarship has largely overlooked, and a demonstration that specific legislative provisions encode governance rationalities with implications that reach well beyond the administrative domain.

Keywords: Neoliberal Governance; Regulatory State; Public Administration Reform; Public Interest; Morocco; Law 54.19

17, n° 3, 1994, p. 77 ; LASCOUMES (Pierre), « La Gouvernamentalité : de la critique de l'État aux technologies du pouvoir », Le Portique, n° 13-14, 2004, pp. 1-3 [en ligne : <http://journals.openedition.org/leportique/625>]

Introduction

Few questions in contemporary political science have proven as persistent — or as underresolved — as the question of what has actually happened to the state over the past four decades. The standard account, still encountered in introductory textbooks, tells a story of retrenchment: under the pressure of fiscal crisis, ideological change, and international institutional reform, states contracted, outsourced, and delegated. The empirical record is less tidy. Regulatory agencies multiplied. Legal frameworks governing public administration grew more elaborate. Monitoring and evaluation mechanisms proliferated. What was retreating, it turns out, was not the state as such but a particular mode of state intervention — the hierarchical, direct-provision model associated with the postwar administrative state.⁴

Within this recomposition, legal reform plays a role that political scientists have sometimes underestimated. Laws governing public administration are not simply technical instruments; they encode assumptions about the proper relationship between public authority and citizens, about how compliance should be secured, about what counts as institutional performance. Examining those laws carefully can reveal governance transformations that aggregate statistics miss.⁵

Morocco provides a useful vantage point for this kind of examination. The country has been engaged in a sustained process of administrative modernization since the early 2000s, culminating in the constitutional reform of 2011 and the legislative reforms it mandated. Among these, Law 54.19 occupies a particular position. Article 157 of the 2011 Constitution explicitly provided that a public services charter would fix the rules of good governance applicable to public administrations, territorial collectivities, and public bodies.⁶ Law 54.19 is the legislative fulfillment of that constitutional mandate.⁷

⁴HARVEY (David), *A Brief History of Neoliberalism*, Oxford University Press, Oxford, 2005, p. 2 ; POLLITT (Christopher) et BOUCKAERT (Geert), *Public Management Reform: A Comparative Analysis*, Oxford University Press, Oxford, 3e éd., 2017, pp. 25-27.

⁵HOOD (Christopher), « A Public Management for All Seasons? », *Public Administration*, vol. 69, n° 1, 1991, pp. 3-4 ; PIERRE (Jon) et PETERS (B. Guy), *Governance, Politics and the State*, Macmillan, London, 2000, p. 7.

⁶Loi n° 54-19, op. cit., art. 3 : « Les dispositions de la présente Charte constituent un cadre référentiel national des principes et règles de bonne gouvernance. Les autorités gouvernementales et tous les responsables des services publics, chacun en ce qui le concerne, sont tenus de se conformer à son contenu et de prendre toutes les mesures nécessaires à sa mise en œuvre. »

⁷ RHODES (R. A. W.), op. cit., p. 657 : « Governance refers to self-organizing, interorganizational networks characterized by interdependence, resource exchange, rules of the game, and significant autonomy from the state. »

The research question guiding this article is the following: in what sense does Law 54.19 constitute a transition from hierarchical government to regulatory governance in the Moroccan context? This is not a question about implementation. It is a question about normative architecture: what kind of state does the law presuppose, what governance rationality does it institutionalize, and how do its specific regulatory mechanisms correspond to the characteristics of the regulatory state model?⁸

The article proceeds as follows. Section one develops the theoretical framework. Section two addresses the methodological approach. Sections three and four constitute the core analytical work, examining the institutional context of Moroccan administrative reform and the specific provisions of Law 54.19. Section five draws together the main threads of the argument before the conclusion identifies the study's contributions and the questions that remain open.

1. Theoretical Framework

1.1 From Government to Governance: What the Transition Means and What It Does Not

The distinction between government and governance has generated a literature so large, and a set of definitional disputes so numerous, that it risks becoming analytically imprecise through overuse. It is worth being clear about what the concept is doing in this article. Following Rhodes, governance refers to a transformation in the mode of exercising public authority — not the disappearance of the state, but a shift in how it operates: from hierarchical command and direct provision toward coordination through networks, regulatory frameworks, and institutional partnerships.⁹

This shift had identifiable historical causes. The fiscal pressures of the 1970s and 1980s constrained the direct intervention capacity of many states. The ideological turn associated with Reagan and Thatcher reframed government failure as the default diagnosis rather than market failure. International financial institutions promoted governance reform agendas in which efficiency, accountability, and regulatory coordination replaced direct provision as the organizing principles of public sector reform. The institutional result was not a smaller state but a differently configured one — one that governed increasingly through rules, standards, and monitoring mechanisms rather than through the direct management of public organizations.¹⁰

⁸ HOOD (Christopher), op. cit., pp. 4-5 ; POLLITT (Christopher) et BOUCKAERT (Geert), op. cit., pp. 185-187.

⁹ RHODES (R. A. W.), op. cit., pp. 654-655 ; PITSEYS (John), « Le concept de gouvernance », *Revue interdisciplinaire d'études juridiques*, vol. 65, n° 2, 2010, pp. 208-210.

¹⁰ STOKER (Gerry), « Governance as Theory: Five Propositions », *International Social Science Journal*, vol. 50, n° 155, 1998, pp. 17-18.

Two aspects of this transformation matter most for the purposes of this article. First, the displacement of the direct provision model by regulatory coordination implies a reconstitution of the citizen's relationship with public authority: the citizen ceases to be primarily a beneficiary of state provision and becomes, at least partly, a user whose rights against administrative institutions must be specified and enforced through legal frameworks.¹¹ Second, the shift implies a change in the primary instruments of public action: from administrative command to normative standard-setting, from hierarchical oversight to performance monitoring.¹²

How do these transformations register in legal frameworks governing public services? This is not a question governance theory has addressed systematically, partly because much of the governance literature focuses on policy networks and interorganizational arrangements rather than on legislation. The regulatory state framework, to which we now turn, provides more useful analytical tools for this purpose.

1.2 Neoliberal Governmentality and the Regulatory State

Foucault's lectures on governmentality, developed in the late 1970s, approached neoliberalism from a direction that differed from most contemporary analyses. Rather than treating it as an economic doctrine or an ideological weapon of class interest, Foucault read neoliberalism as a rationality of government — a specific way of reasoning about how to govern and what it means to govern well. As Lascoumes has synthesized this contribution, the crucial move was Foucault's displacement from theorizing the state toward grasping it through its practices — what Foucault himself called its *gouvernementalité*.¹³ What changed was not the presence of the state but the techniques through which its presence was exercised: norms replaced commands, incentives replaced directives, performance metrics replaced hierarchical oversight.

This Foucauldian perspective connects productively with Majone's regulatory state thesis, as well as with Chevallier's analysis of the regulatory state as a model of governance that has progressively

¹¹ LASCOUMES (Pierre), op. cit., p. 2 : « La principale contribution de Michel Foucault à la science politique réside dans le déplacement qu'il a effectué de la théorisation de l'État à sa saisie sous l'angle de ses pratiques, c'est-à-dire de sa gouvernementalité définie comme un mode spécifique d'exercice du pouvoir. »

¹² MAJONE (Giandomenico), op. cit., pp. 79-80 ; CHEVALLIER (Jacques), « L'État régulateur », *Revue française d'administration publique*, n° 111, 2004, pp. 474-475.

¹³ LASCOUMES (Pierre), op. cit., pp. 5-6 : « C'est dans ce contexte que Michel Foucault introduit les notions de technologie gouvernementale et d'instrumentation [...] s'attacher à l'étude de l'instrumentation dans la gouvernementalité c'est se donner les moyens de mieux comprendre les modalités par lesquelles l'action publique s'efforce d'orienter les relations entre la société politique et la société civile. »

redefined the state's place in social life beyond the strictly economic domain.¹⁴ In the regulatory state, the core function of public authority shifts from production to rule-making: the state ceases to be primarily a provider of goods and services and becomes primarily a setter of standards, a monitor of compliance, and an enforcer of rules. As Lascoumes has shown in developing Foucault's notion of instrumentation, these regulatory instruments are never neutral: each embodies a specific conception of the relationship between public authority and those it governs.

Three features of the regulatory state are particularly relevant for the analysis of Law 54.19. First, the codification of standards: regulatory states govern through explicit normative frameworks that specify what institutions must do, rather than through administrative command over what they must be. Second, the externalization of accountability: compliance with standards is verified through monitoring mechanisms accessible to actors outside the administrative hierarchy — including citizens as service users. Third, the valorization of performance: institutional legitimacy is assessed increasingly through measured outcomes against defined indicators, rather than through procedural conformity with administrative law.¹⁵

These three features — standard codification, externalized accountability, and performance valorization — provide the analytical grid against which the provisions of Law 54.19 will be read.

2. Methodology

This research adopts a qualitative institutional approach centered on the analysis of Law 54.19 as the primary empirical object. From an epistemological standpoint, the article positions itself within an interpretivist tradition: rather than measuring variables or establishing causal regularities, it seeks to reconstruct the governance rationality embedded in a specific legal instrument. The mode of reasoning is abductive — moving iteratively between theoretical frameworks and textual evidence to produce an interpretation that is coherent, verifiable, and analytically productive, without claiming singular or exhaustive validity. The choice of a single-case design requires justification. Case studies are appropriate when the research question is interpretive — when it concerns the meaning and logic of institutional arrangements rather than their frequency or

¹⁴ YIN (Robert K.), *Case Study Research and Applications: Design and Methods*, SAGE Publications, Thousand Oaks, 6e éd., 2018, pp. 31-33.

¹⁵ POLLITT (Christopher) et BOUCKAERT (Geert), *op. cit.*, pp. 16-18.

distribution across a population.¹⁶ The question guiding this article — in what sense does Law 54.19 institutionalize a regulatory governance rationality — is precisely this kind of question.

The analytical procedure involves three complementary operations. First, a theoretical operation: the governance, governmentality, and regulatory state concepts developed in section one provide the interpretive framework. Second, a contextual operation: Law 54.19 is situated within Morocco's administrative reform trajectory, drawing on comparative administrative law scholarship and official reform documents. Third, a textual operation: the law's normative provisions are read closely, with attention to both what they specify and what governance rationality those specifications presuppose. This procedure does not claim exhaustiveness; it claims interpretive coherence.¹⁷

Primary sources are Law 54.19 itself — cited by article throughout the analysis — and the relevant provisions of the 2011 Constitution. Article 3 of the law establishes the normative status of the charter's provisions in terms that merit direct quotation:¹⁸

« Les dispositions de la présente Charte constituent un cadre référentiel national des principes et règles de bonne gouvernance. Les autorités gouvernementales et tous les responsables des services publics, chacun en ce qui le concerne, sont tenus de se conformer à son contenu et de prendre toutes les mesures nécessaires à sa mise en œuvre. »

The binding force this article establishes is not trivial: the charter is not a statement of aspiration but a legally enforceable normative framework applicable across the full range of public services.¹⁹ Its provisions are not recommendations but prescriptions, and it is as prescriptions that they will be read here.

A methodological limit should be acknowledged. The analysis addresses the normative architecture of the law, not its implementation. The gap between legislative provision and administrative practice is real and documented in the comparative literature; assessing it would require different

¹⁶ Loi n° 54-19, op. cit., art. 3.

¹⁷ Loi n° 54-19, op. cit., art. 3, al. 2. Le caractère contraignant de la disposition est attesté par l'emploi du verbe « sont tenus », qui distingue la Charte d'une simple déclaration programmatique et en fait un instrument normatif opposable à l'ensemble des responsables des services publics.

¹⁸ Constitution du Royaume du Maroc, 2011, op. cit., art. 154 : « Les services publics sont organisés sur la base de l'égalité des citoyens dans l'accès aux services, du traitement équitable, de la continuité des prestations, et se conforment aux normes de qualité, de transparence, de reddition des comptes et de responsabilité. »

¹⁹ Constitution du Royaume du Maroc, 2011, op. cit., art. 157.

methods and different empirical sources. The claims advanced here are claims about what the law institutionalizes normatively, not about what it achieves in practice.

3. Case Study: Law 54.19 and the Emergence of Regulatory Governance in Morocco

3.1 The Constitutional Matrix of Administrative Reform

Moroccan administrative reform cannot be understood apart from the 2011 constitutional reform that restructured its normative foundations. The constitution introduced provisions that reframed the relationship between public institutions and citizens in terms that depart significantly from the classical administrative law tradition.²⁰ Article 154 established that public services would be organized on the basis of equality of access, equitable treatment, continuity, and conformity with norms of quality, transparency, accountability, and responsibility.

What is striking about this provision, viewed through the theoretical lens developed above, is that it reads not as a statement of classical administrative law principles but as an articulation of regulatory governance values. Equality of access and continuity are traditional principles of French administrative law, inherited through Morocco's legal tradition. Transparency, accountability, and quality are something different: they are the vocabulary of new public management, of the regulatory state — a vocabulary that, as Chevallier has observed, signals a redefinition of the state's role rather than a return to the liberal state of the past.

Article 157 went further, explicitly mandating the adoption of a charter of public services to fix the rules of good governance applicable to public administrations.²¹ This constitutional mandate had two implications. First, it elevated governance reform from a policy preference to a constitutional obligation. Second, it established the specific legislative form through which that reform would be institutionalized, signaling a preference for normative standard-setting over direct administrative reorganization.

The reform trajectory that led to Law 54.19 unfolded over roughly a decade. Morocco pursued a series of administrative modernization measures — administrative simplification programs, e-government initiatives, anti-corruption legislation — that reflected the diffusion of governance

²⁰ POLLITT (Christopher) et BOUCKAERT (Geert), *op. cit.*, pp. 25-27 ; PIERRE (Jon) et PETERS (B. Guy), *op. cit.*, pp. 56-57.

²¹ Loi n° 54-19, *op. cit.*, art. 5 : « Les services publics sont soumis aux principes suivants : le respect de la loi, l'égalité entre tous les usagers remplissant les mêmes conditions, sans aucune discrimination [...] l'équité dans la couverture du territoire national [...] la continuité des prestations rendues [...] l'adaptabilité [...] la qualité [...] la transparence [...] la corrélation entre la responsabilité et la reddition des comptes [...] la probité [...] l'ouverture. »

norms promoted by international institutions, filtered through the political dynamics of a constitutional monarchy undergoing controlled reform.²²

What did Law 54.19 add to this context? Not simply a codification of existing practice. The law introduced normative requirements that went beyond what Moroccan administrative law had previously specified, establishing for the first time a comprehensive regulatory framework for the principles governing public service delivery and the rights of service users.

3.2 The Normative Architecture of the Charter: Principles as Governance Instruments

Article 5 of Law 54.19 enumerates the principles to which public services are subject. The list warrants direct examination:²³

« Les services publics sont soumis aux principes suivants : le respect de la loi, l'égalité entre tous les usagers remplissant les mêmes conditions, sans aucune discrimination [...] l'équité dans la couverture du territoire national [...] la continuité des prestations rendues [...] l'adaptabilité [...] la qualité [...] la transparence [...] la corrélation entre la responsabilité et la reddition des comptes [...] la probité [...] l'ouverture. »

Two observations are analytically important. First, the enumeration mixes principles from different normative traditions. Equality, continuity, and adaptability are the classical *lois de Rolland* — the foundational principles of French administrative law on public services, transposed into Moroccan law through doctrinal inheritance. Quality, transparency, accountability, and performance orientation are not from this tradition; they come from the governance reform agenda that has reshaped public administration internationally since the 1980s. The co-presence of these two sets of principles in a single article is not accidental: it reflects the hybrid character of contemporary administrative reform.

Second — and more importantly for the regulatory state analysis — several of these principles function not simply as substantive values but as governance mechanisms. Transparency, in particular, operates less as a value in itself than as a regulatory instrument: by requiring public

²² Loi n° 54-19, op. cit., art. 23 : « Les services publics doivent permettre aux usagers l'accès à l'information qu'ils détiennent conformément aux textes législatifs et réglementaires en vigueur. »

²³ PITSEYS (John), op. cit., pp. 226-227 : « [L]a transparence vise la transmission d'un certain nombre d'informations objectives destinées à aider le citoyen dans son choix politique. Elle est destinée à fournir un environnement d'information permettant à l'acteur de se déterminer en toute rationalité [...] La transparence doit orienter le comportement des acteurs et favoriser leur adhésion aux critères de ce qui est jugé une procédure correcte. »

administrations to disclose procedural information, processing times, and service commitments,²⁴ article 23 of the law creates a basis for external oversight that did not previously exist in systematic form. Citizens equipped with information about what they are entitled to receive can evaluate whether they have received it. As Pitseys has shown in his analysis of the relationship between transparency and governance, what is at stake is not information for its own sake, but information as the enabling condition of the trust — and of the accountability — that governance requires.²⁵ Administrative efficiency and service quality operate similarly. Article 29 requires public services to deliver their services on the basis of quality norms, including the elaboration and publication of service charters containing the commitments of public services according to defined performance indicators, and the regular measurement of user satisfaction.²⁶ The significance lies in what this provision does institutionally: it creates publicly available benchmarks against which administrative performance can be evaluated by users and oversight bodies alike. In Chevallier's formulation, this is what distinguishes the regulatory state from its predecessors — not the absence of state intervention, but its transformation from direct provision to normative supervision.²⁷ The accountability provisions on user complaints reveal a reconceptualization of administrative accountability that has theoretical implications. Article 30 establishes that public services must receive, process, and follow up on user complaints, and must produce an annual report on the processing of complaints received.²⁸ In classical administrative law, accountability runs vertically:

²⁴ Loi n° 54-19, op. cit., art. 29 : « Les services publics tiennent à délivrer leurs prestations sur la base des normes de qualité, et ce à travers : l'élaboration et la publication des chartes de prestations contenant les engagements des services publics dans la délivrance des prestations selon des indicateurs définis ; la mesure régulière de la satisfaction des usagers sur la performance des services publics [...] »

²⁵ CHEVALLIER (Jacques), op. cit., p. 475 : « [L]a figure de l'État régulateur réactive de prime abord le principe fondateur qui est au cœur de l'institution étatique. Si elle implique bien une redéfinition du rôle de l'État, elle ne signifie nullement le retour à l'État libéral du passé : l'État régulateur reste l'État socialement actif qu'il est devenu avec la construction de l'État-providence. »

²⁶ Loi n° 54-19, op. cit., art. 30 : « Les services publics reçoivent, traitent et suivent les doléances des usagers, conformément aux textes législatifs et réglementaires en vigueur. Les services publics établissent un rapport annuel sur le bilan de traitement des doléances reçues. »

²⁷ KOOIMAN (Jan), *Governing as Governance*, SAGE Publications, London, 2003, pp. 172-174.

²⁸ Loi n° 54-19, op. cit., art. 8 : « Les services publics adoptent une organisation qui tient, notamment, en compte les règles suivantes : [...] l'adoption du principe de subsidiarité dans la répartition des compétences afin de prendre et d'exécuter les décisions au niveau le plus adéquat, dans un objectif d'efficacité, d'efficience et de proximité auprès

administrative institutions answer to superior administrative authorities and ultimately to political principals. The mechanism introduced by article 30 is horizontal: it establishes accountability between public institutions and service users, mediated by legally defined complaint procedures and periodic public reporting. This implies a reconstitution of the citizen's legal position — from beneficiary of administrative action to rights-holder entitled to demand compliance with defined service standards.²⁹

3.3 Regulatory Mechanisms and the Architecture of the Regulatory State

Principles are one thing; mechanisms are another. The regulatory state thesis is not primarily about the values public administrations are asked to hold but about the institutional instruments through which compliance with those values is secured. Law 54.19 introduces several mechanisms that correspond closely to this model — and it is in the analysis of these mechanisms that Lascombes's notion of governmental instrumentation finds its most direct application.

The subsidiarity and deconcentration provisions of article 8 establish the organizational logic within which service delivery is to occur:³⁰

« [...] l'adoption du principe de subsidiarité dans la répartition des compétences afin de prendre et d'exécuter les décisions au niveau le plus adéquat, dans un objectif d'efficacité, d'efficience et de proximité auprès des usagers ; l'adoption de la déconcentration administrative comme règle générale dans la répartition des attributions entre les administrations centrales et les services déconcentrés. »

Subsidiarity as an organizing principle of public service delivery implies a preference for proximity and efficiency over hierarchical uniformity. Deconcentration as a general rule represents a departure from the historically centralized character of Moroccan administration. Together, these organizational principles reflect exactly what Chevallier identifies as the structural logic of the

des usagers ; l'adoption de la déconcentration administrative comme règle générale dans la répartition des attributions entre les administrations centrales et les services déconcentrés. »

²⁹ CHEVALLIER (Jacques), op. cit., pp. 480-481 : « Envisager l'État pour l'essentiel comme un régulateur postule en tout premier lieu que la prise en charge directe par lui d'activités ne saurait être qu'exceptionnelle et justifiée par des considérations particulières. La régulation appelle donc la subsidiarité : l'intervention de l'État n'est légitime qu'en cas d'insuffisance ou de défaillance des mécanismes d'auto-régulation sociale. »

³⁰ Loi n° 54-19, op. cit., art. 27 : « Les services publics doivent simplifier et numériser leurs procédures et formalités administratives, conformément aux textes législatifs et réglementaires en vigueur, notamment en ce qui concerne la réception et le traitement des demandes des usagers ainsi que la délivrance des prestations objet de ces demandes. »

regulatory state: the state's intervention is legitimate only where social self-regulation is insufficient, and where it does intervene, it does so through the level closest to the problem.³¹

The digitalization provisions of article 27 introduce a second regulatory mechanism: public services must simplify and digitize their administrative procedures and formalities, including the reception and processing of user requests.³² Administrative simplification is not simply an efficiency measure; it is a transparency instrument. When procedures are codified digitally and made publicly accessible, they become susceptible to external evaluation in ways that oral or informal procedures are not. Digitalization, in this sense, is a technology of regulatory governance: it creates the informational infrastructure through which accountability can be operationalized.³³ Performance evaluation is perhaps the most characteristic feature of the regulatory state model, and article 12 of Law 54.19 institutionalizes it as a mandatory annual practice:³⁴

« Les responsables des services publics procèdent à l'évaluation annuelle du bilan des réalisations par rapport aux objectifs définis et aux moyens disponibles dans les plans d'action [...] Cette évaluation fait l'objet d'un rapport à publier par tous les moyens disponibles. »

The dual requirement — internal evaluation and public publication — is analytically significant. It is not sufficient that public administrations assess their own performance; that assessment must be made publicly available, creating a basis for external scrutiny. This is precisely what Lascoumes identifies as one of the principal effects proper to governmental instruments: they produce specific representations of the stakes they address, and in so doing structure the space of debate and accountability in ways that go beyond the intentions of those who designed them.³⁵

³¹ POLLITT (Christopher) et BOUCKAERT (Geert), op. cit., pp. 110-112.

³² Loi n° 54-19, op. cit., art. 12 : « Les responsables des services publics procèdent à l'évaluation annuelle du bilan des réalisations par rapport aux objectifs définis et aux moyens disponibles dans les plans d'action [...] Cette évaluation fait l'objet d'un rapport à publier par tous les moyens disponibles. »

³³ LASCOUMES (Pierre), op. cit., p. 10 : « L'instrumentation de l'action publique est aussi révélatrice d'une théorisation du rapport gouvernant/gouverné. Chaque instrument est une forme condensée de gouvernementalité, c'est-à-dire d'un savoir sur l'exercice du pouvoir social. » Voir également PITSEYS (John), op. cit., pp. 214-215.

³⁴ Loi n° 54-19, op. cit., art. 35 : création de l'Observatoire national des services publics, chargé d'évaluer le niveau de performance des services publics, de conduire des études sur leur gouvernance et de proposer des mesures d'amélioration.

³⁵ HARVEY (David), op. cit., pp. 78-79 ; CHEVALLIER (Jacques), op. cit., pp. 474-475 : « [L]'État régulateur romprait ainsi avec l'interventionnisme et le dirigisme qui ont été la marque de l'État-providence, pendant les heures de gloire des Trente Glorieuses. »

The most architecturally significant regulatory mechanism in the charter is the National Public Services Observatory established by article 35.³⁶ An independent monitoring body charged with assessing the performance level of public services, conducting studies on their governance, and proposing improvement measures — the Observatory is the institutional crystallization of the regulatory state model. It is not an administrative authority in the classical sense; it is a regulatory body responsible for ongoing oversight of the administrative system as a whole. Its existence signals that the charter's governance commitments are backed by an institutional mechanism designed to monitor compliance over time.

4. Discussion: What Kind of State Does Law 54.19 Construct?

The analysis of the preceding sections makes possible a more synthetic response to the article's guiding question. What kind of state does Law 54.19 construct — or more precisely, what kind of state does it normatively presuppose and institutionally reinforce?

The answer, on the basis of the textual evidence, is recognizably a regulatory state — but one with features that complicate any simple transposition of the European regulatory state model to the Moroccan context. As Chevallier cautions, the regulatory state formula covers a range of overlapping and sometimes contradictory meanings; a deciphering work is indispensable before applying it to any specific institutional setting. Harvey's point that neoliberal reforms represent not the disappearance of the state but its restructuring is confirmed: Law 54.19 does not contract public administration but reorganizes it around a different governance logic.³⁷

Three dimensions of this restructuring merit particular emphasis. First, the reconstitution of public authority. In the classical administrative model inherited from the French tradition, public authority derived its legitimacy from legal competence and hierarchical position. In the governance model embedded in Law 54.19, legitimacy is increasingly performance-based: institutions are legitimate insofar as they deliver services that meet defined quality standards, are accessible to users, and are subject to transparent accountability procedures. In Chevallier's terms, the state no longer appears

³⁶ CHEVALLIER (Jacques), op. cit., pp. 478-479 : « La régulation signifie que l'État reste présent dans l'économie, mais de manière différente : son rôle consiste à superviser le jeu économique, en établissant certaines règles et en intervenant de manière permanente pour amortir les tensions, régler les conflits, assurer le maintien d'un équilibre d'ensemble ; par la régulation, l'État ne se pose donc plus en acteur mais en arbitre du jeu économique. »

³⁷ Loi n° 54-19, op. cit., art. 11 : « Les services publics mettent en œuvre les mécanismes de partenariat avec le secteur privé, les associations de la société civile, les organisations non gouvernementales et les établissements et instituts de formation et de recherche scientifique, en vue de bénéficier de leurs capacités en matière d'innovation et de gestion et d'assurer la délivrance des prestations dans les délais et avec la qualité requise. »

primarily as an actor but as an 'arbitre' — a referee — of social activity, responsible for ensuring certain rules of the game are respected.³⁸

Second, the reconstitution of the citizen. Article 11 of the law, which establishes mechanisms of partnership with the private sector, civil society associations, and NGOs in the delivery of public services,³⁹ implies a pluralization of service provision that repositions the citizen not only as a user of state services but as a participant in a governance arrangement that extends beyond the state. As Pitseys has shown, the discourse of governance operates precisely through this transformation: the citizen is no longer simply the recipient of the norm but is co-opted into its formation and legitimation.⁴⁰

Third, the moralization of administrative conduct. The ethical provisions of article 33 — requiring public servants to be neutral, objective, impartial, and to refrain from soliciting or accepting gifts in exchange for the exercise of their professional duties —⁴¹ illustrate the Foucauldian thesis on governmental instrumentation with particular clarity. Following Lascoumes's reading of Foucault, what is being constructed here is not simply a set of behavioral rules but a normative subject: the ethical public servant whose conduct is shaped by internalized norms — a 'condensed form of governmentality,' in Lascoumes's formulation — rather than by external command alone.⁴²

³⁸ PITSEYS (John), op. cit., pp. 220-221 : « [L]a gouvernance ne se contente pas d'associer les différentes parties prenantes à la décision. Elle modifie le rôle qu'ils jouent dans la décision publique. La gouvernance substitue à la coercition un cadre général de 'self-directed human interaction'. L'acteur n'est plus seulement le destinataire de la norme ni sa docile cheville ouvrière. »

³⁹ Loi n° 54-19, op. cit., art. 33 : « Les fonctionnaires, agents et personnels des services publics exercent leurs fonctions conformément aux textes législatifs et réglementaires en vigueur et selon les principes et les normes suivants : faire preuve de l'esprit de responsabilité et d'initiative ; être neutre, objectif et impartial ; s'abstenir de solliciter, d'accepter ou de recevoir directement ou indirectement des cadeaux [...] en contrepartie de leurs devoirs professionnels. »

⁴⁰ LASCOUMES (Pierre), op. cit., pp. 10-11 : « Un instrument d'action publique peut être défini comme un dispositif à la fois technique et social qui organise des rapports sociaux spécifiques entre la puissance publique et ses destinataires en fonction des représentations et des significations dont il est porteur. »

⁴¹ CHEVALLIER (Jacques), op. cit., pp. 481-482 ; PITSEYS (John), op. cit., p. 222 : « La gouvernance étend la palette de ses outils normatifs au dehors du champ juridique proprement dit, et s'affirme comme une sorte de méta-droit qui fait interagir des logiques qui, autrement, seraient jugées irréconciliables. »

⁴² Loi n° 54-19, op. cit., art. 38 : « Toute mesure nécessaire à l'application des dispositions de la présente Charte est fixée, selon le cas, par voie législative ou réglementaire. »

Against these interpretive claims, two objections should be acknowledged. First, a methodological one: there is a risk of over-reading governance rationalities into a legal text shaped as much by political negotiations and drafting conventions as by coherent policy intentions. The counter-argument is that the convergence of the mechanisms analyzed — service standard codification, externalized accountability, mandatory performance evaluation, independent monitoring — is sufficiently systematic to support the interpretive claims advanced here. Second, a normative objection, raised from within the governance literature itself: the regulatory mechanisms of Law 54.19 create accountability relationships between public administrations and citizens as service users; they do not, in themselves, strengthen the mechanisms through which citizens as political actors can shape the objectives of public services. As Pitseys and Chevallier have each noted from different angles, the risk that the performance management logic of the regulatory state displaces rather than supplements democratic deliberation is real and should not be dismissed.⁴³

⁴³ Loi n° 54-19, op. cit., art. 34 : « Les services publics élaborent et adoptent des codes déontologiques et des programmes de renforcement des valeurs de probité, de prévention et de lutte contre toutes les formes de corruption ainsi que d'ancrage des valeurs de moralisation et de citoyenneté dans la gestion de leurs affaires. »

5. Conclusion

Law 54.19 is a legal text, and legal texts resist reduction to single interpretive frameworks. But it is also an institutional artifact — a document that encodes assumptions about the state, about public authority, and about the relationship between public administration and citizens. Read through the analytical lenses of governance theory, Foucauldian governmentality as reworked by Lascombes, Chevallier's analysis of the regulatory state, and Pitseys's account of governance as a technique of social management, the charter reveals a coherent, if complex, governance rationality.

That rationality is recognizably neoliberal in the Foucauldian sense: not because the charter advocates privatization or market competition, but because it reorganizes public authority around the techniques of performance measurement, standard codification, externalized accountability, and independent monitoring that characterize the regulatory state model. The establishment of the National Public Services Observatory, the obligation of annual performance reporting, the codification of user rights and complaint procedures, the subsidiarity and digitalization provisions — these are not isolated administrative innovations.⁴⁴ They constitute an architecture: a systemic reorganization of the relationship between the state and its administrative apparatus, structured around regulatory governance rather than hierarchical command.

Two contributions are claimed. First, the article demonstrates the analytical value of reading legal instruments as sites of governance rationality — an approach that complements, without replacing, implementation studies and behavioral analyses. Second, it extends the regulatory state framework, enriched by the French-language contributions of Lascombes and Chevallier, to a non-European legal context, suggesting that this framework retains analytical utility beyond the institutional settings in which it was originally developed.

Important questions remain open. Whether the normative architecture of Law 54.19 translates into changed administrative practices — whether the Observatory functions, whether complaint procedures are used, whether annual reports are published and actually read — is a question this article has not addressed. Whether the governance model institutionalized by the charter genuinely strengthens accountability or merely repackages existing administrative arrangements in a new normative vocabulary is a question that only longitudinal empirical research can answer.

What can be concluded is that the Moroccan Public Services Charter represents a significant moment in the country's administrative history: the legal codification of a governance model that

⁴⁴ RHODES (R. A. W.), *op. cit.*, pp. 659-660 ; POLLITT (Christopher) et BOUCKAERT (Geert), *op. cit.*, pp. 210-212.

departs substantially from the hierarchical, provision-centered administrative tradition the charter formally supersedes. Understanding what that departure implies — for administrative law, for the citizen-state relationship, and for democratic governance more broadly — is work that remains to be done.

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