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PART 3

The Definition of Legitimate Conflicts



Development and Countermovements. Reflections on the Conflicts Arising from the Commodification of Collective Land in Morocco

Yasmine Berriane

Abstract

This chapter analyses the links between development and conflict in the context of the protest movements that have arisen in response to the increasing commodification of collective land in Morocco. The transfer of this land, a transfer accompanied by a discourse linking the economic development of collective land to human and social development promoted by the state, renders visible—by exacerbating them—the inequalities inherent in the land tenure system introduced in the colonial era. Among the many forms of inequality, those relating to women's rights have become particularly important on the political scene thanks to action taken by a particular women's protest movement. This movement has managed to forge status for itself as a legitimate protest movement and is also contributing to the (re)creation of social boundaries based on the rhetoric of autochthony and on the politicisation of social inequalities based on tribal affiliation.

1 Introduction

This chapter provides an analysis of the links between development and conflict in the context of the protest movements that have arisen during the last decade in response to the growing commodification of collective land in Morocco. This land is subject to a particular form of land tenure that forms the basis of the collective property rights granted to 'tribes, fractions, villages and other ethnic groups',¹ and is governed by the 1919 *dahir*, a royal decree introduced in colonial times. Collective land extends over an estimated area of 15 million hectares and is home to 60 prefectures and provinces and

1 Excerpt from Article 1 of the 1919 *dahir* regulating collective land in Morocco.

4,600 communities.² This is one of the main reserves of land still available in Morocco. These areas of collective land, described by the authorities as ‘real levers of local and national socio-economic development’, attract investors and major economic projects (Mrabi, 2014). The interest shown in these areas leads to their increasing commodification and privatisation. The national debate on collective land, held in 2014 in order to better develop such land and to launch the legal and institutional reforms necessary for this development to take place, illustrates the current craze for this category of property. However, the fact that this debate did not produce a conclusive result shows the complexity of the problem and the many issues and conflicts inherent in the land tenure institution and, in particular, its reform.³

Examined from the ‘development’ point of view, the conflicts inherent in the institution that is collective land in Morocco often appear to be an obstacle to its effective exploitation, to human development and even to the maintenance of social cohesion.⁴ This approach places more particular emphasis on ‘unresolved or inadequately resolved’ conflicts within and between communities (El Alaoui, 2002, 61)—conflicts that are increasing, particularly due to the weakening of traditional authorities and the failure of those authorities to adapt to changes in the market and society, but also because of the over-exploitation of resources, the ineffectual measures taken by the state, and the inadequacy of the legal framework. To overcome these obstacles (and thus to move away from a ‘time of conflicts’ and enter a ‘time of development’), various options have been considered: legislative reforms, privatisation and registration of communal land, the revival of traditional authorities by their

2 These are the figures published by the Moroccan Ministry of the Interior on its web pages devoted to collective land: www.terrescollectives.ma (accessed on 31 May 2016).

3 Following five regional meetings that took place between March and May 2014, the ministry responsible announced that a conference would be organised in the summer of the same year to present the results of these deliberations and propose a reform of the *dahir* of 1919. This final conference did not take place. The debate on the legal and institutional reform of land tenure has since been revived at the Conference on State Land Policy (9 and 10 December 2015).

4 As Bouderbala notes, ‘the economic critique of the status of collective land’ dates back to the years 1980–90, a time of ‘[the] return to liberalism and [of] the implementation of structural adjustment programs’ (Bouderbala 1999, 343) (our transl.). As for those prospects that present collective land ‘as a dangerous obstacle to national integration’, they are particularly rooted in the ‘political ideal’ established by national movements during the consolidation of postcolonial states, an ideal that contrasts ‘state centralisation with balkanisation, national law with local custom, and written management with oral management’ (Bouderbala 1999, 340) (our transl.).

'upgrading', the organising of communities into cooperatives or development associations, and the establishment of deliberative bodies likely to encourage participation.⁵ All these measures have the advantage of offering solutions to a situation that is, to say the least, complex, but they rarely take into account the conflicts inherent in the 'development measures' proposed and the inequalities that the latter embody or emphasise. This chapter aims to illustrate the link between development and conflict by showing that 'development' (understood as a multidimensional process) can both be liberating and bring about inequalities and even social divisions. This two-pronged approach will also enable us to look in a somewhat different way at the contrast usually drawn between, on the one hand, culturalist representations of 'tradition' focused on local characteristics seen as a source of conflict and, on the other, a 'modernity' considered superior in terms of economic and managerial rationality, social justice and universal rights.

Property relations, the commodification of land, and the political movements related to it, lie at the crossroads of a great number of political and social issues. This area thus lends itself particularly well to an examination of the link between development and conflict. As noted by Jacob and Le Meur, the body of work on these issues has grown considerably over the past thirty years, 'in a new context characterised by a complex dialectic between tendencies towards deterritorialisation and the commodification of the world, the rise of environmental concern and a renewed affirmation of forms of belonging and identity' (2010, 5, our transl.). Of these inquiries, those conducted in Africa deal more specifically with processes that can be observed south of the Sahara, and analyse the link between ownership conflicts on the one hand and the formation of the state and political identities on the other (Lund, 1998 and 2011; Boone, 2014). These same processes are still understudied in North Africa.

Apprehended from the point of view of the transformation of the institution of collective land, the issue of 'development' has many meanings, on several levels (economic, legal, political, and social). In this chapter, 'development' refers first to the issue of the expansion of the land market in a global context marked by an increasing commodification of land. Second, the notion of development means the economic programmes implemented by states to 'make better use' of these territories and to the legal and administrative reforms that accompany, regulate, and make possible this accelerating commodification. Lastly, the issue of 'development' also refers to the protest movements that

5 Many analyses discuss collective land from the 'development' point of view and offer ideas about the solutions that need to be implemented in order to remove the obstacles observed. On this issue, see for example Mahdi (2009), El Alaoui (2002) and Bouderbala (1999).

have arisen in response to the inequalities created by the development of the land market, and that put into practice the lexicon of equality, social justice and human rights. These so-called universal reference points were given a prominent place in the Millennium Development Goals set out and promoted by major international organisations that place human development at the heart of their actions and objectives.

The work of Karl Polanyi (2001 [1957]), presented by Ayşe Buğra in this volume, encourages us to think of these different meanings of development simultaneously. In the context studied, they are constitutive of the same process, the development of a land market in a neo-liberal context marked by increased investments and land-grabbing in countries of the South (Bush et al., 2011). While the development of this economic sector appears as 'disentangled' from the political, it still remains dependent on the implementation of institutional reforms, and therefore on political interventions. Moreover, the expansion of this land market is accompanied by what Polanyi calls 'countermovements'. These stem from society and seek to regulate and limit the potentially devastating effects of this expansion. Therefore, the increasing commodification of collective land, the implementation of institutional reforms, and the emergence of protest movements will be discussed below as three intrinsically linked meanings of development that suggest an interpretation of the demonstrated interrelationship between development(s) and conflict(s) on different levels. What form does the interrelation between these processes take in the case of the current commodification of collective land in Morocco? What are the conflicts and inequalities that this commodification makes visible and/or generates? What are the countermovements that develop in this context?

To address these issues, I conducted a documentary survey (letters, reports on meetings, press articles), carried out ethnographic observations, and—finally—held unstructured interviews, between 2011 and 2015,⁶ with different participants in the province of the Gharb (in Qasbat Mehdiya and the environs of Kenitra) and near the cities of Meknes, Fez and Ifrane.⁷ These data underscore the fact that in Morocco the transfer of collective land is accompanied

6 In 2011 and 2012, data were collected in collaboration with Fadma Ait Mous as part of the ANR ANDROMAQUE project on the anthropology of law in the Muslim world. Between 2013 and 2015, I pursued this research alone, with the support of the Centre for Modern Oriental Studies (Zentrum Moderner Orient, ZMO) in Berlin, the University Research Priority Program 'Asia & Europe' of the University of Zurich, and the Centre de Recherche Economie, Société, Culture (CRESC) of the University of Mohammed VI Polytechnic, Rabat.

7 This collective land is not far from an urban area. It differs from collective land of the pastoral type, for example land located in steppe zones. For a description of the different types of collective land see Lazarev (2014, 36–44).

by a discourse associating the economic development of this land with the human and social development promoted by the state. This rhetoric of development calls on the state to implement legal and institutional reform by presenting so-called customary regimes and the traditional representatives of communities—both of which were institutionalised in colonial times—as the main obstacles to a fair and optimised use of collective land. This discourse draws, albeit selectively, on the protest movements that have arisen due to the exacerbation of tensions and inequalities within communities and families owning collective land, tensions that exacerbated as the result of the intensification of land commodification.

By focusing my research on one of these conflicts (between women and the representatives of their community), I will show that, among the multiple forms of inequality inherent in the status of collective land, those relating to women's rights have become particularly important on the political scene. The struggle for women's rights has indeed demonstrated its capacity to advocate a vision of development that is both 'consensual' and similar to the vision currently promoted by the state. By referring to elements related to gender equality in the Constitution and the international conventions to which the country is a signatory, this movement has forged a status for itself as a 'legitimate movement' on the national public stage. However, this process of effectively including women on the lists of land beneficiaries has also strengthened social boundaries based on a rhetoric of autochthony and the politicisation of social inequalities based on tribal membership. If this process illustrates the conceptualisation of what many authors call 'local citizenship' (Jacob and Le Meur, 2010, 9–17; Lund, 2011), it also highlights the existence of many other inequalities and asymmetries that the women's movement and the demands it is voicing both conceal and (re)produce.

2 'It's all the fault of custom': Collective Land and the Rhetoric of Development

Since its creation in colonial times, the legal status of collective land was meant to allow for the necessary economic, social and political development of the country.⁸ The administration of the protectorate passed the 1919 decree

8 See Bendella (2016) for a reflection on the different participants involved in the creation of the legal category of 'collective land' during the protectorate and the adaptation of this category to different configurations, as well as issues and paradigms of development ranging over time.

to oversee land that did not belong to the state or to individuals. Presented as a serious obstacle to economic development and the establishment of a modern state, the management of 'tribal areas' characterised by a 'use [of land] as required' following flexible rules was replaced by a collective mode of property based on the principle of 'permanent and exclusive occupation' under the supervision of the state (Bouderbala, 1996, 145–152, our transl.). The introduction of this new status was coupled with a process by which certain tribal entities were associated with specific territories, resulting in 'a mixing of the notions of entitlements to land and being an indigenous resident' (Aderghal and Simenel, 2012, 60, our transl.). This type of organisation was articulated in opposition to that in force in pre-colonial Morocco, a period during which 'localisations of tribal entities, including nomads' were fluctuating and 'the relative openness of lineage structures of nomadic and sedentary groups always helped to render impossible the correlation between ethnic identity and a specific space' (Aderghal and Simenel, 2012, 55, our transl.).

Moreover, the new land regime has contributed to the institutionalisation of 'custom', freezing a number of practices and power relations that had previously been flexible and based on the principle of 'group consensus' (Bouderbala, 2013, 190).⁹ The 1919 decree gave 'customary law' a central role in the daily management of land use. The definition and application of these 'habits and customs' were entrusted to the 'traditional representatives'¹⁰ of each community (*nouâbs*), whose mission was to resolve local conflicts, distribute land and provide an interface between the group (or *jmâa*) and representatives of the ministry responsible—namely, the Ministry of the Interior. Depending on the case, representatives from the communities concerned were also asked to develop new norms (Tozy and Mahdi, 1990). This form of government allowed the development of 'a free and separate area of rights where other participants [could] be freely active without challenging the state's monopoly' (our transl.), while relieving the state of the responsibility for managing conflicts within communities (Bendella, 2009, 292).

While subjecting much of the territory to a codified legal status, the institutionalisation of collective land thus strengthened the political control of the

9 This phenomenon has also been observed in other parts of Africa where the colonial administration has preserved previously flexible customs by codifying them, creating a conflict between the institution of customary law and positive law (Mamdani, 1996).

10 '*Nouâbs*' are generally described as 'traditional representatives.' The way this social institution operates today, however, has been deeply influenced and reshaped by the colonial experience.

central government over those territories now placed under the tutelage of the state and therefore weakened the sovereignty of communities over the land they used for their own needs. Moreover, the introduction of this legal status was also intended to protect collective land from a massive private colonisation by making it 'unseizable,' 'inalienable' and 'indefeasible'. The restrictions introduced by the 1919 *dahir* have actually allowed this form of property to remain to this day. But they have not slowed down the commodification and privatisation of a great deal of this land, which—in the colonial period—came under the control of settlers and of rural and urban notables (Bouderbala, 1996, 152–155), since the new tenure also fixed and codified the rules of the regulated transfer of land endowed with this legal status.

The commodification of collective land is not new, but it has been expanding since the late nineties with many new major economic projects such as the 'Plan Maroc Vert' in the field of agriculture, the 'Plan Azur' in the tourism sector, and the development of the extraction of raw materials such as phosphate (Mahdi, 2014). The land has also been used to respond to needs arising from demographic and urban growth. In the name of the economic, social and human development of Morocco, the transfer of this land to new owners (including public and private companies, both national and international) has therefore spread, in the form of long-term leases or final transfers for which the communities concerned have been variously compensated. In some cases, development or infrastructure projects have been implemented. In others, material compensation in the form of money or equipped plots of land has been distributed to persons identified by the delegates of the community as 'beneficiaries'.

In this transferral process, the Rural Affairs Department of the Ministry of the Interior plays an intermediary role. Project promoters must demonstrate how their proposal for 'upgrading' collective land will contribute to the economic and social development of the region. Their argument is all the more important as the law stipulates that the transfer of communal land is possible only if it contributes to economic development and meets a communal need. The speech by Mohammed VI on the occasion of the opening of the National Conference on State Land Policy, held on 9 and 10 December 2015 in Skhirat, was one of the most recent manifestations of this rhetoric. In his speech, the King developed the idea that institutional reform and an acceleration of the 'settling of the legal status of collective land' was required, as this would allow such land to be 'upgraded', ensuring 'that it can contribute to the development effort' and 'making it a means of integration of the beneficiaries [...] within the framework of the principles of law and social justice, apart from any outdated

consideration' (our transl.).¹¹ The Ministry of the Interior employs similar language on the web portal that, since 2012, has been dedicated to its strategy of 'developing collective land.' The ministry's objective is to include 'communities in the process of development', both economic and human.¹²

The Ministry of the Interior's argument creates a very clear contrast between the measures implemented by the state to modernise and reform the institution of collective land and the obstacles and resistance created by customary (or 'outdated', as the King put it in his aforementioned speech) types of management methods. These obstacles are first of a human kind: the demographic growth of communities, the resistances of their representatives and the failure of their members to take out loans or to show any initiative. They also derive from the 'bad' management, the underutilisation, or the 'anarchic' use of collective land. Of the practices presented as backward and in contradiction with the development process that Morocco is currently embarked upon, the ministry particularly denounces the way local delegates have managed women's issues. The ministry regrets that local resistance opposes the efforts made by its departments to include women as beneficiaries of collective land. Yet, the advocacy of women's right on the part of the ministry arose only recently, in response to the movement of a number of women from the communities concerned; women who, since 2007, have been struggling against their exclusion from the right to enjoy this land.

3 Distributing the 'Development Rent': Collective Land and Social Inequalities

The legal status of collective land is based, as we have seen, on the principle of 'permanent and exclusive occupation' granted to communities as a right of use. Some categories of the local population are therefore excluded by definition from this form of ownership. The law provides only a loose definition of the group owning collective land (or the community) and the individuals (or 'beneficiaries') from within this group who are granted the right to use the land. The *dahir* of 1919 only mentions that the right of use is entrusted to 'heads of households', without defining the characteristics of this category. The delicate and contentious task of managing collective land—including the distribution

11 For the full text of this speech, see <http://www.maroc.ma/fr/discours-royaux/sm-le-roi-mohammed-vi-adresse-un-message-aux-participants-aux-assises-nationales-d-o> (accessed on 31 May 2016).

12 See www.terrescollectives.ma (accessed on 31 May 2016).

of plots of land among a community's members according to criteria defined by customary use—falls to the assembly of delegates.

Consequently, the ways of sharing out the right of use vary from community to community due to the criteria chosen by each community: birthright, the effective use of the land, notability, or marriage among others. While the criteria for determining beneficiaries vary from community to community, women are denied—totally or partially—the right to be given a plot of land in almost all communities. This practice, apparently based on practices dating from the pre-colonial period, was not questioned by the *dahir* of 1919. By making 'heads of households' the main beneficiaries of collective land, this legislation has given free rein to the dominant representations that associate this role with the figure of the man.¹³

The fact that certain categories are excluded from this right of use has undeniably led to conflicts and tensions. Disputes relating to rangeland use by livestock, the sharing of territory and the exploitation of plots of land are indeed part and parcel of the management of collective land (Bendella, 2009). They have long preserved a temporary, local character, being confined to life within communities and families. In addition, 'social pressure made it extremely rare that this type of conflict was dealt with in judicial terms' (Bendella, 2016, 276, our transl.). The situation changed with the increasing commodification of collective land, which has intensified the pressure on land and increased its value. The often definitive dimension of these transactions has also introduced the concept of a 'final deadline' (Lund, 1998, 6), defined as the date after which it is no longer possible to claim a share of the indemnities or plots of land distributed at the time of the transfer. This deadline has created a sense of urgency that has exacerbated tensions and made more visible the social inequalities inherent in the status of collective land, including cases of material compensation given to the individuals comprising the community.

As individual compensation has to be distributed according to the lists established at the time of each transfer by the community's assembly of delegates under the supervision of the ministry responsible, the criteria used to define 'beneficiaries' have become a significant issue. By legitimising their choice with reference to the customary uses mentioned above, local delegates have established these lists by applying criteria that they themselves drew up, and thus excluded certain categories of the local population. In the communities studied in the regions of the Gharb and Fez-Meknes, the excluded

13 This process is found in other contexts where the land reforms introduced during colonial times have helped strengthen the power of men over women (Englert and Dalley, 2008; Chanock, 1985).

categories were women, unmarried men, people who cannot prove a patrilineal genealogy linking them to the community, adopted persons, those whose ancestors were included at a late point in the community's existence, and—sometimes—those who have emigrated. The establishment of these lists has been the source of many local conflicts between the 'excluded' on the one hand, and delegates and representatives of the Ministry of the Interior on the other. But initially, only women from communities deprived of their right to be included on the lists of beneficiaries have managed to impose their demands on the political scene.

4 The Movement for Women's Rights to Land

Women from communities were the only ones able to impose their claims on the public stage through their movement, earning the sympathy of the national and international media as well as the support of the ministry responsible. This movement began in 2007 and is now better known as the 'Soulaliyate' movement, a reference to the *soulâlâ*, the kinship between members of the same ethnic community. This movement initially demanded women's right to receive a share equal to that of men when compensation was handed out.

The fact that women were excluded from the lists of beneficiaries exacerbated existing gender inequalities. Transfers made while the land was still being used and inhabited had dramatic consequences: Men who were compensated were able to settle in other geographical areas, but women (especially those who were widowed or single) found themselves in a very precarious situation. In other contexts, gender tensions were exacerbated by the emergence or intensification of economic and social inequalities between men and women within individual families, neighbourhoods, or villages. It is with great bitterness and anger that the women interviewed mention, for example, the substantial improvement in the economic situations of their brothers while they continue to live in very modest and even precarious conditions. The aggravation of these differences has resulted in significant conflicts within families.

Resorting to an appeal to public authorities or to justice is a long, expensive and difficult process for women who very often come from modest backgrounds and are almost illiterate. For many of them, joining the Soulaliyate movement was a way of seeking advice and support. The movement was born in 2007 with the support of a number of influential civic associations, including the Democratic Association of Women of Morocco (Association démocratique des femmes du Maroc; henceforth the ADFM) whose mission is to protect and

promote the ‘universally recognised human rights of women’.¹⁴ This feminist organisation, founded in 1985, has a long history of activism and special contacts with international organisations and political representatives. It also has a good knowledge of the international instruments concerning human rights and development. The organisation became closely involved in the movement, providing it with more than just encouragement. While the *Soulaliyates* embodied the movement and were giving concrete expression to its demands, the ADFM undertook to provide logistical and material support to the women who mobilised locally. It gave them the benefit of its expertise in lobbying, contacted the national and international press, conducted negotiations with public authorities, and provided legal advice (Berriane, 2016).

Springing from the Gharb region where collective land is now rare and the pressure of investors particularly strong, the movement has since spread to other parts of the country. This expansion of the movement has led to a broadening of its demands, which now include the equal division of collective land in contexts where such land is not sold or leased. The movement is particularly distinguished by very high-profile actions that aim to turn the various local conflicts into a national problem. For example, the movement organised two demonstrations in front of Parliament in 2008 and 2009. In March 2009, following the second demonstration, six women resorted to the Rabat Administrative Court to lodge a case against the government, directly incriminating the Prime Minister and the Minister of the Interior in his capacity as the guardian of collective land. In the meanwhile, the movement is conducting negotiations with, and direct lobbying of, the public authorities handling the case, and of various elected officials.

5 Women’s Rights and Development: What Consensus?

The women’s rights movement is distinguished not only by the media exposure it has gained nationwide but also because its demands have been partially met. Between 2009 and 2012, the ministry responsible issued three circulars that gave women the right to benefit—like men—from compensation when the ownership of collective land is transferred, and a share of that land when it is divided out. The *walis*¹⁵ and governors were invited to ensure that these

14 For a description of the aims of the ADFM, see <http://www.adfm.ma> (accessed on 31 May 2016).

15 The *walis* are state representatives appointed by the king at the regional and provincial levels. They hold significant power and exercise many and diverse functions, not always

new guidelines were respected, and representatives of the Department of Rural Affairs were told not to accept lists of beneficiaries that did not contain any female names (Berriane, 2015). The Ministry of the Interior has highlighted the existence of these new regulations, and the results obtained thanks to their implementation, on its electronic portal devoted to collective land, thereby emphasising the reforming role of the state.¹⁶ According to the website, 80,000 women received material compensation between 2011 and 2013, worth USD 35.6 million in total (MAD 350 million), which represents 30 per cent of all compensation distributed. The (relatively) rapid response of the ministry in including women in the beneficiaries lists contrasts with the state's non-interventionist position in the past. In fact, until 2009, the ministry responsible did not raise any opposition to the practices of exclusion that women suffered, under the pretext that it was unable to act in the absence of any desire on the part of delegates to change customary practice.

Among the reasons that may explain the rapid reaction of the Ministry of the Interior to the Soulaliyate movement's demands is the movement's consensual approach.¹⁷ While the movement's members claimed their right to land and criticised the practices of exclusion that then prevailed, they used a set of arguments and principles that are considered to be legitimate and therefore licit in the contemporary Moroccan context.¹⁸ Their argument gives a central place to development, to which they refer in a manner similar to that employed by the state. The Soulaliyates' demands are based first on a critique of 'customary law', which they view as responsible for the exclusion of women. Depending on the individual case, this law is presented either as pre-Islamic—a legacy of the *jāhiliyya*, the era of 'ignorance'—and as contrary to the precepts

clearly defined, including reinforcing the power of the Ministry of the Interior over communities. While governors are appointed at the provincial and prefectural level, the *walis* (also known as 'super governors') are responsible for *wilayas*, which include several prefectures and provinces. The role of the *walis* in fostering development in Morocco is analysed in Nadia Hashimi Alaoui's contribution to this volume.

16 See www.terrescollectives.ma (accessed on 31 May 2016).

17 It is important to mention that this 'consensus' exists primarily at the national level. At the level of communities and families, calls for women to be included on lists of beneficiaries have met with much more resistance. Negotiations were held with communities during which other arguments were brought to the debate, such as the responsibility of men for the women in the family (Berriane, 2015). In some regions, these negotiations are still ongoing.

18 Demands relating to 'women's rights' became 'legitimate demands' following a long adversarial process in which many factors played a role, including the mobilisation of feminist organisations—such as the ADFM—over several decades.

of Islam, or as incompatible with the social and political changes occurring in Morocco today (Ait Mous and Berriane, 2016). This view is shared by the Ministry of the Interior which contrasts 'bad, backward-looking custom' with 'good, development-friendly public policy.' In distinguishing between custom and Islam, it is also possible to win the support of those participants who are critical of calls for the principle of equality between men and women to be applied, but who consider that 'customary law' is not consistent with Islamic precepts that give women the right to receive donations and legacies and to be the beneficiaries of financial transactions.

These critical voices include the women's division of the Justice and Spirituality (Al Adl Wal Ihsane, AWI) movement. As Merieme Yafout shows in this volume, AWI defends 'a vision of women's emancipation based on Islamic reference points', a vision that contrasts with those of organisations like the ADFM, which consider the rights of women to be human rights. In justifying their position by highlighting the pre-Islamic character of applied customs, AWI also promotes the inclusion of the *Soulaliyates* within the category of beneficiaries. According to this movement, these customs are indeed contrary to Islamic precepts that guarantee women the right of inheritance.¹⁹ While the ADFM and AWI do not share the same vision of the role of Islam in society, the two organisations have found common ground in their condemnation of customary law and in their defence of the principle that the economic rights of women are guaranteed (in the name of Islam for AWI, in the name of human rights for the ADFM).

The arguments used by the movement gives a central place to the constitution, which guarantees equality between men and women and to the international conventions to which the country is a signatory. It thus refers to human rights, and specifically women's emancipation and their economic and social rights as formulated by international organisations like the United Nations and the World Bank. This reference to human rights is part of the broader discourse on the country's transition towards a state of law in which these rights must be respected. The reference also appears in the three circulars issued by the Ministry of the Interior. Furthermore, according to an ADFM official interviewed in Rabat in September 2011, the reference to gender equality was the strongest argument available to the movement because the 'Ministry officials could not

19 See, e.g., <http://www.mouminate.net/ar/document/2652.shtml> (accessed on 31 May 2016). A fatwa issued in 2010 by the Higher Council of Ulama also puts forward a similar argument: the exclusion of women from the right to the income derived from the use of collective land is incompatible with the rights of women in Islam to benefit from financial transactions such as gifts or inheritance (Berriane, 2015, 69).

say they were against the idea of equality between men and women'. The consensual nature of this argument can be explained by the contemporary Moroccan context. Change is, indeed, on the agenda and the state primarily derives its legitimacy from its planned social and political reforms, focused on decentralisation, the establishment of the rule of law, and the fight against inequality and discrimination. The country also owes its reputation as a 'good pupil' of international development policies to the measures implemented to ensure greater gender equality and encourage the inclusion of women in decision-making bodies.

The Soulaliyate movement, however, does not question the actual foundations of the land policies pursued by the state via its sale of vast tracts of land to private investors. It differs in this respect from more recent local movements, which cast doubt on the scope of development of collective land as conceived and implemented by the public authorities and the companies to whom this land had been sold. Unlike the Soulaliyate movement, these movements were violently repressed or ignored by the authorities. In 2011, for example, the population of Khouribga staged a protest demanding the right to top-priority, unconditional recruitment to the Office Chérifien des Phosphates. Also, since 2011 the inhabitants of a village near Tinghir have organised daily sit-ins to protest against the abusive exploitation of natural resources (particularly water) by the Société Métallurgique d'Imider (SMI) and to demand a fairer distribution of the wealth generated. In 2013, the people of Taourirt protested against local officials and community representatives who appropriated profits from the transfer of the ownership of communal land. While public authorities can depoliticise the issue of gender inequality by presenting it as a 'special' issue created by the local 'resistance' of authorities that are applying the customs of another age,²⁰ they find it more difficult to do so when demands challenge the power relations underlying the way in which politicians, national companies and international ones are rapidly appropriating resources.

Furthermore, the demands of the Soulaliyate movement do not pose any challenge to the actual foundations of the political system. The movement even calls on the Ministry of the Interior to fulfil its supervisory role as required by law and to ensure that the egalitarian principles of the constitution and relevant international conventions are respected. The consensual nature of the movement is ultimately based on its 'disciplined' form. Drawing on over

20 Here we find a tendency to explain the experiences of women by what Abu-Lughod calls 'resorting to the cultural', an approach that makes it possible to ignore the historicity and the multiplicity of social and political processes at work in the production of gender inequalities (Abu-Lughod, 2002, 784).

twenty years of activism, representatives of the ADFM have resorted to now routine modes of protest perfectly well tolerated by the state, including *waqfa* (standing gatherings)—a type of demonstration akin to a sit-in (Vairel, 2005)—which the ADFM introduced into the repertoire of women in this movement. ADFM training workshops teach the foundations of this type of demonstration: apply for and obtain an authorisation, respect the start and end times of the event, do not spill over onto the highway, etc.

In a context in which the hegemonic conception of development places special emphasis on respecting women's rights, equality between the sexes thus functions as a powerful tool when the demand for new rights turns confrontational. When grounds for agreement exist, the link between development, conflict and consensus reveals and (re)produces certain inequalities, fuelling conflicts at other levels.

6 Development and Ethnic Divisions: Who are the Legitimate 'Beneficiaries'?

While a national consensus was created in the name of gender equality so that women can benefit from collective land, the same has not been true of the actual ways in which this land and its associated benefits have been shared out. Ministerial circulars specify neither the size of the share that women are supposed to receive²¹ nor the selection criteria for beneficiaries. Under the regulatory regime for collective land, the members of a council of delegates decide on these issues in each community. The definition of 'beneficiary' thus remains unclear, generating conflicts and inequalities based on the exclusion of certain categories of the population. As we shall see, the Soulaliyates contribute, as do others concerned, to the reproduction of these inequalities and thus to reinforcing those social boundaries that are based on the argument of autochthony. I will illustrate this point by referring to the case of Qasbat Mehdia, a town near the Atlantic coast, which is located at the heart of the land owned by the Mehdawa community. After being repeatedly excluded from the sharing out of compensation, a group of women from the community joined the Soulaliyate movement shortly after its creation. Since, nearly 800 women from the community have received financial compensation and a plot

21 The practical arrangements for the inclusion of women are unclear, especially as regards the size of the 'share' they should be assigned. The Soulaliyate movement requests that the principle of 'equal shares' be applied, but those who are inspired by religious legislation are in favour of a 'half-share', equivalent to the right to inheritance under Islam.

of equipped land. We will now turn to an analysis of the process that allowed these women to be included on the list of beneficiaries reserved for women.

With their new visibility and support from representatives of the Ministry of the Interior and from the media, the Soulaliyates of Mehdiya actively participated in drawing up this list. Their interest was focused on what they call the 'purification' (*tasfiyat*) of the list. In the person of the chairwoman of their association, a widow in her sixties, they very carefully checked the registration of the names on the list of beneficiaries reserved for women, and excluded those they considered to be 'fake Soulaliyates'. During the registration sessions, which took place on municipal premises, the main mission of the association's chairwoman and two delegates from the community was to distinguish between 'real' and 'fake' Soulaliyates, applying an analysis of the genealogy of each postulant. These three persons legitimised their role on the grounds of their age and their detailed knowledge of the different families that make up the community. Moreover, the chairwoman of the local association of Soulaliyates considered that her function as a representative conferred on her the powers necessary to carry out this task. Once the list had been drawn up, she then demanded that the local authorities strike off a number of women included on it—women she considered to be 'fake Soulaliyates'. These included women who were not related to the community by kin ties, those who had been adopted, and those residents whose ancestors had settled there well after the 'founding fathers' (believed to number ten).

The distinction between 'real' and 'fake' Soulaliyates is not specific to the establishment of lists of women beneficiaries. Genealogy occupies a central place in the land registry of collective land and, in particular, in the arrangements approved by the Ministry of the Interior when land is shared out or compensation paid. Anyone wishing to register on a list of beneficiaries must prove their membership of the community and only those related to the community by their father can be called *soulâli* (*soulâliya* in the feminine). In the current context of land ownership transfers and the distribution of compensation, the stakes of such a reappropriation of the notions of 'tribe' and filiation assume particular importance, as access to significant material resources is conditional on the 'purity' of a patrilineal genealogy.

This change was accompanied by a reconstruction of the history and genealogy of the group.²² The new version contrasts with the reality experienced by

22 For the *Mehdawa*, the genealogy of the community is reduced to some ten or so 'founding fathers'—soldiers from different regions who were united in the late seventeenth century by the usufruct granted by Sultan Moulay Ismail on the land surrounding the fortress of Mehdiya in exchange for securing it (Ait Mous and Berriane, 2016, 130–132).

the community of Mehdawa who, over the centuries, experienced numerous processes of migration, inclusion and assimilation.²³ This rewriting of the history of the 'clan' was accompanied by the establishment of a glossary distinguishing, in order of priority, between the different categories of people living in Qasbat Mehdia. The names of these categories are not new, but they took on a new vigour when the process of land commodification intensified. The first category is that of '*soulâlî*', indigenous people possessing the right to use the land because they are linked to the community through their fathers. At Qasbat Mehdia, the members of this category can benefit from these rights, even if they do not live in the community and do not work the land. Other residents are classified as part of the non-native category of 'foreigners' (*berrânî*), those who do not enjoy this right of use because their fathers are not *soulâlî*. Some *berrânî* have grown up and lived all their lives in Qasbat Mehdia. In this case, they are called 'sons or daughters of the soil' (*weld/bent leblâd*), a term which—incidentally—is also used to refer to the '*soulâlî*'. For example, children of women who come from the community but married to a *berrânî* fall into this category. Although they are 'locals', they do not have the right to land.

For the women of Qasbat Mehdia, referring to the distinction between '*soulâlî* natives', 'non-*soulâlî* locals', and 'foreigners' has turned into a prime resource. By focusing on their own patrilineal relationship with the community, they are reclaiming the rules of belonging in order to demand their right to a share of compensation. They do more than just use this genealogical link; they are actively involved in reproducing these categories. In all interviews conducted in Qasbat Mehdia but also in other parts of the Gharb, the women involved in the establishment of lists of beneficiaries stressed the importance of their role as guarantors of the 'purity' of the lists established under their supervision, in order to distinguish themselves from men who implemented practices deemed 'corrupt' when they had a monopoly on this function. The remarks made by representatives of the Soulaliyate movement show that the exclusion of 'non-beneficiaries' has become a virtue. However, this process is giving rise to new conflicts between beneficiaries (including women) and excluded groups like the descendants of *berrânî* who have lived for generations in Qasbat Mehdia.

The *soulâta* is a commonly used term in the discourse of the women of Qasbat Mehdia, but it also finds its place in the discourse of representatives of

23 As in the case of Afghanistan, described by Fariba Adelkhah in her contribution to this volume, it should be recalled that in Morocco, 'tribal identity is relative and contextual' and is 'essentially a set of principles and rules according to which political statuses and roles are defined and assigned' (Rachik, 2000, 36, our transl.).

the ADFM, for whom the genealogy of women in the movement has become an argument likely to give more weight to the demands of the Soulaliyate movement they helped to create. So members of the movement request that they benefit from a share of the compensation distributed to their brothers mainly because they are the daughters of a male descendant of the community. In other words, the Soulaliyate movement is based on the concept of social equality described above and combines it with the idea of a patrilineal descent that distinguishes some women from others. Paradoxically, the principles of equality and kinship are of equal importance in this argumentation.

This observation recalls the role played by elites in the production of representations of autochthony (Bayart et al., 2001, 181). In the cases studied, these representations are gaining in strength and visibility thanks to the actions and discourse of the movement created in collaboration with the ADFM and the use of references to the constitution, which applies to all Moroccan citizens. At the intersection of these two sources of political identity (that of autochthony and that of national citizenship), the representation of a 'local citizenship' (Lund, 2011) with a plural and 'exclusivist' shape comes into being—a representation that draws both on references to so-called universal rights and on a 'constituted equality,' which refers to 'the conception of a natural and exclusive community' (Cutolo and Geschiere, 2008, 6, our transl.).

7 Conclusion

The analysis of the transformations that are accompanying the commodification of collective land in Morocco enables us to highlight the many links between development and conflict. Thus, the transfer of ownership of collective land, which is accompanied by a discourse linking the economic assessment of collective land to the furtherance of human and social development promoted by the state, has rendered visible—by exacerbating them—inequalities inherent in such a legal status. Until now, the countermovements born of this process have mainly challenged the terms upon which the profits resulting from the transfer of land ownership are shared out. In this context, the struggle for women's rights to land has been able to impose its demands on the political scene by drawing upon references considered 'legitimate' and without questioning the state's authority. Conversely, local movements that have (sometimes violently) challenged the power relations underlying the rapid appropriation of resources by politicians and national and international companies have either been suppressed or ignored by the government.

By analysing the demands being voiced ('legitimate' versus 'ignored' or repressed) and highlighting certain inequalities, my goal here has not been to question the legitimacy of the rights claimed by the women's movement, but to show that there are inequalities between movements. Individual movements' legitimacy depends largely on the historical and political conjuncture and on the opportunity offered to them to transform reference points of development—such as women's economic rights or the dichotomy between 'custom' and 'modernity'—into powerful tools of legitimation, thus reshaping power relationships. This study also invites us to consider the inequalities and hierarchies that social movements—including those of women—help to foster, even though they are fighting for an egalitarian distribution of resources and rights in society.

The consensus that was formed at the national level around the movement for women's rights is also a vector of exclusion. Processes of exclusion crystallise around the definition of the 'beneficiary'. By invoking the argument of patrilineal descent upon which the sharing out of resources generated by collective land repose, the Soulaliyate movement reproduces and strengthens social boundaries based on 'tribal identity', a process that Fariba Adelkhah discusses with regard to Afghanistan in this volume. These boundaries are the source of new conflicts, but also of new conceptions of citizenship that refer to local and national considerations. The link between development and conflict, thus, allows us to approach from a new angle the contrast usually made between, on the one hand, culturalist representations of 'tradition' focused on local particularities that are seen as causes of conflict and, on the other, a 'modernity' considered superior in the name of economic and managerial rationality, social justice and universal rights.

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