

# ISSUE BRIEF **06.22.20**

## **The Moroccan *Soulalyat* Movement: A Story of Exclusion and Empowerment**

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Moroccan women began mobilizing for their rights long before the country's independence in 1956. However, between 1998 and 2003, a confrontation emerged between a pro-gender equality movement and a conservative movement, leading to the reform of the Personal Status Code (*Mudawana*) in 2004. This landmark reform involved many changes, including the requirement that spouses share responsibilities rather than obligating a wife's obedience, the abolishment of marital guardianship for adult women, the establishment of a minimum age of 18 for marriage for both genders, and the implementation of new procedures to facilitate a woman's right to divorce.

Emerging out of pressure from the feminist movement, new governmental reforms resulted in the recognition of the right of women to transmit their nationality to their children in 2007, the establishment of positive discrimination mechanisms in national and local elected offices, the revision of certain provisions of the penal code, and, finally, the adoption of a law combating violence against women in 2018. The 2011 constitutional reform also enshrined equality and parity between men and women in all fields.

However, these reforms—among the most advanced for Arab countries—have not helped to reduce large gender inequalities in many areas. By maintaining the obligation of the husband to provide for the needs of his wife, by not recognizing domestic work and care performed by women, and by continuing the practice of inheritance inequality, the

2004 Family Code preserved the economic and symbolic foundation of the patriarchal contract of *Qiwâma*.

*Qiwâma*, a system considered to be natural and divine, refers to a strict hierarchical distribution of tasks performed by men and women. It is endowed with such symbolic and cultural force that it goes beyond the framework of family relations to permeate the entire legal system and all public policies. Under this system, men are tasked with taking responsibility for their female relatives. Nevertheless, the old family and tribal order which guaranteed a certain security to women is disappearing. Various factors have reshaped the model of the traditional patriarchal family, including sharp declines in consanguineous marriages and fertility rates, the increase in urbanity, and the fact that people are getting married at younger ages. These changes have had an impact on the customs governing the management of collective lands in Morocco and have particularly impacted women, most of whom lack their own resources and are excluded from owning land.

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### **THE ISSUE OF LAND INHERITANCE**

Morocco has nearly 12 million hectares of land belonging to 4,631 ethnic communities (*soulala*), comprised of 2.5 million rights-holders. These lands are collective, undivided, and inalienable,<sup>1</sup> and can either be assigned in shares allocated to rights-holders, or not assigned and operated on



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behalf of the community.<sup>2</sup> These lands represent the highest concentration of land in Morocco and present critical political, economic, and social issues.

After independence, Morocco did not break with the customary practices of the French Protectorate era, which, in most cases, did not recognize women as beneficiaries and excluded them from compensation after the transfer of land. As one *soulalyat* interviewee explained,

“I am a widow, with a family of six children and no financial resources. I was convinced that God wanted it that way. My feelings of injustice were exacerbated on the eve of Eid al-Adha in 2007. My brother received 270,000 dirhams as compensation for the transfer of land and bought the most expensive sheep without paying attention to the needs of my family. Since then, I have sworn to take back my rights and those of my sisters, and that was the start.”

—Mennana, Mehdiya-Gharb<sup>3</sup>

As this excerpt shows, the situation of the *soulalyats* could no longer be governed by customs or reliance on the goodwill of the representatives of the ethnic community—who were exclusively men.

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## THE UNPRECEDENTED SOULALYAT MOVEMENT

The momentum of reforms surrounding women's rights in Morocco contributed to the emergence of the *soulalyat* movement beginning in 2007. Supported by the Democratic Association of Moroccan Women (known by its French acronym ADFM), the *soulalyats* formed groups in several regions to end the *hogra*—feelings of injustice and humiliation—and began to confront their families, representatives of the tribe, and even local authorities to demand equality in land ownership and inheritance.

Often the strongest resistance came from family members. Several women found their male siblings vehemently opposed to granting them inheritance rights.

“I helped my brother financially in his studies, but afterwards, he fiercely opposed my right to the usufruct of the land.”

—Rkia, Haddaa-Gharb

“Right after my father died, my brothers asked me to renounce my rights following the ancestral example of the women of the tribe. When I dared to ask them why, the answer was: ‘this is how things work in the tribe. The woman is not even entitled to the private *melk* and now you raise the question of her right to collective lands.’ To claim my right, I spent two years staying all day outside the door of the Caïd<sup>4</sup> without daring to enter because I was afraid that my family, informed of my attempt, would accuse me of having brought shame and dishonor on them.”

—Fatima, Meknes Region

The *soulalyats* movement is unprecedented in Morocco. Historically, women had no access to land, whether collective or privately-owned (*melk*).<sup>5</sup> In general, they ceded their share to their male relatives so as not to be excluded from the family and the tribe. Male family members and tribal leaders thus felt threatened by the new demands of women.

“The representatives of the Jmaâ told me: if you succeed in obtaining your rights, then you could wear the djellaba [traditional male dress] and the beard and we men, we will wear the caftan [traditional female dress]. At our age, we are not going to give rights to dogs.”

—Zahra, Ait Ouahi-Moyen Atlas

Overcoming this prejudice and discrimination was a matter of initiating a multi-staged process. First, the issue needed to be brought to the attention of the public. This involved an educational campaign of alerting the general populace to the issues faced by women living on collective lands. Second, the movement favorably shaped public opinion through organizing conferences, inviting national and international media to report on the

experiences of women, and arranging field visits for journalists. Third, it was necessary for the movement to take the issue up with decision-makers and leaders. It did so by making complaints to administrative courts in order to ask for compensation for women, calling for protests in the capital city of Rabat and other regions, and maintaining an ongoing dialogue with competent authorities at both the central and local levels.

### ADOPTED APPROACHES: LEARNING AND SOLIDARITY

In response to requests from women who were mostly illiterate and poor, the challenge for the ADFM was to help the *soulalyats* clearly formulate their requests and build a united movement. The ADFM used its expertise in advocacy and its knowledge of Moroccan institutions to support the *soulalyats* so that they themselves could mobilize and achieve their goals. The success of this approach is evident in testimonies:

“These acquired abilities have made us credible. The men of the tribe and the local authority, who made fun of our demands, take us seriously now because they know we can win. They see us on television, in the newspapers, and that counts.”

—*Mennana, Kenitra Region*

“Without collective action and knowledge, acquired thanks to the Association, none of us could have obtained our rights. When we had to meet the local authorities, we were prepared: what to say and the questions to ask. It was the only way for them to listen and respect us.”

—*Hajiba, Kenitra Region*

The material and non-material achievements of this campaign—underway since 2007—can be attributed to the perseverance and solidarity of the *soulalyats* as well as the political support and close supervision of the ADFM.

In terms of material achievements, the Moroccan Ministry of the Interior issued two circulars in 2009—the first pertaining to the Gharb region and the second to the country as a whole—which enshrined the right of the *soulalyats* to benefit from the income generated by the transfer of the land. After the adoption of the 2011 Constitution, a third circular issued in 2012 incorporated their right to land ownership, including land that has not been transferred.

Even though they lacked the force of law, these circulars still allowed many women to obtain their rights, thus helping to further mobilize new groups of women. However, given the administrative nature of the circulars and the extent of the resistance from men and tribal leaders, their effective implementation was not always guaranteed.

After years of struggle, Law 62-17 was passed in August 2019 concerning ethnic communities and the management of their property. The law stipulated that members of ethnic communities, both men and women, can obtain usufruct of all community properties to which they belong (article 6) and that both genders have access to the representative bodies of their communities (article 9).

While the struggle of the *soulalyats* is primarily economic, it is also a story of collective empowerment that has fostered the emergence of a feminist conscience and engendered feelings of confidence and pride. As two women explained,

“When my right to land was recognized, I started to be treated with respect by my community and this encouraged other women to claim their rights. In fact, I realized that my problem is just a small part of a larger one.”

—*Laaziza, Ain Cheggag- Middle Atlas*

“When the first circular of the Ministry of the Interior was published, I had not yet gained my rights, but my joy and my pride were limitless because I knew that I had contributed in one way or another. Knocking on the Association’s door was the most important step. I understood the roots of my problem.”

—*Mennana, Kenitra Region*

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In turn, this new confidence generated determination. Perhaps the most important gain has been the ability to overcome fear and to realize the importance of solidarity among women.

“This piece of land that I have plowed has given me priceless value before my family, the tribe and local authorities and gave courage to the other women of the tribe to fearlessly address the authorities. I achieved a lot thanks to our movement. I helped limit the power of tribal representatives who can no longer sign or speak for women. I finally taught the local authority to respect women.”

—Fatima, Meknes Region

This movement has also generated new female leadership. Currently, nearly 30 women sit in the representative bodies of their communities (*naibates*), which were previously exclusive to men. Their numbers will increase in line with the promulgation of the new law on the management of collective lands.

“As the first *soulalyat* to run for Naib, I faced enormous difficulties. But the hardest part was the requirement to produce 12 male tribe witnesses to support my candidacy. Again, I had to fight for gender equality in the witness group and I won the battle. It was a matter of principle because I could not accept this systematic rejection of women.”

—Rkia, Haddaa-Gharb

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## CONCLUSION

The empowerment of predominantly poor women and their proven abilities to resist, mobilize, and organize, have challenged existing power relations within the family, the community, and the patriarchal contract of the *Qiwâma*. This model of empowering the most economically and socially vulnerable women in society to demand inheritance equality and access to private land can be utilized in other legislative fields that are characterized by direct discrimination against women and where resistance is needed at both the political and social levels.

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## ENDNOTES

1. In 1951, the law authorized the transfer of collective land located near cities to the state, public institutions, and local communities. Between 1970 and 1980, the transfer of these lands for the implementation of economic and social projects and the access of those entitled to compensation were regulated. In 1969, the Agricultural Investment Code transformed collective land from irrigated perimeters into undivided privately-owned lands (*melk*).

2. Land ownership in Morocco is governed by customs and traditions, including Sharia and the jurisprudence of Islamic law, and by modern legal systems.

3. This testimony and those that follow are taken from a series of interviews conducted by the ADFM (*Association démocratique des femmes du Maroc*) with ten *soulalyats* in 2018 and translated from Arabic by the author.

4. The *Caïd* is the representative of the Ministry of the Interior at the local level.

5. According to Sharia law, women have the right to inheritance even if, placed in the same degree of kinship with respect to the deceased, their share is lower than that of men.

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## ABOUT THE SERIES

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