

# COMPETING GLOBAL PLAYERS IN RURAL MOROCCO: UPGRADING LEGAL ARENAS<sup>1</sup>

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## Introduction

This chapter analyses the socio-legal consequences of the competition between different transnational actors for the opportunity to implement their respective legal standards in a plural legal constellation in rural Morocco. The analysis reveals how development cooperation intersects with increasing Islamic activism. On the one hand, development organisations seek to popularise the ideals of the so-called 'western' way of life, defining it as development, democratisation, good governance, sustainability and environmental protection. This approach is institutionalised in powerful organisations, integrated within a worldwide network of global players, and connected to the institutions of the global economy. On the other hand, there is today an increase in transnational movements that convey religious and moral messages, claiming at least the same degree of universal validity as the propagators of salutary concepts of sustainability or nature conservation. The message of the main representative of Islamic activism in the region, the Salafiyya movement, is the propagation of a return to the roots of legal Islam. On an organisational and institutional level, such religious global players are obviously able to keep up with economically or developmentally oriented

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<sup>1</sup> I am grateful to Franz von Benda-Beckmann, Keebet von Benda-Beckmann, Tatjana Thelen, all members of the legal pluralism group, and Gordon Woodman for insightful comments on earlier versions of this paper and to Jacqueline Cottrell for proofreading.

transnational actors. Interestingly, the messages and approaches of both of these transnational competitors are laid down in the form of legal models. The partial incompatibility of these legal models has affected the local area where the fieldwork was conducted and has led to considerable confusion in the legal arena in South West Morocco. Furthermore, these different impacts not only interact differently within a variety of local legal repertoires; they also transform themselves in response to competition. The paper sets out to explore how these processes affect the social working of legal agency in rural Morocco.

Processes of globalisation have not only drawn much anthropological attention,<sup>2</sup> they also continue to pose a theoretical and methodological challenge and stimulate intensified self-reflection within the discipline (Amselle 2002). In addition, the globalisation of law has been analysed intensely, particularly by those focusing on international and transnational law from an economic perspective. With reference to the consequences of the transnationalisation of law, tendencies towards standardisation and homogenisation of legislation and legal practices have been hypothesised.<sup>3</sup> Furthermore, much has been said about the transnational legal impact on local fields, particularly with respect to development and migration.<sup>4</sup> The imposition of legal structures as an integral part of development cooperation, leading to transnational dominance over local legal arenas, has been conceptualised as ‘project law’.<sup>5</sup> Para-statal structures have been seen to result from these processes (von Trotha 2000) and transnational actors have even been expected to take over the responsibilities of the State by filling a gap or even replacing the State itself.

What makes the Moroccan case particularly interesting is the type of transnational religious actor involved: the Salafiyya movement. Islamic activism and Islamic networks as transnational phenomena have increasingly attracted the interest of

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<sup>2</sup> See e.g: Appadurai 1998; Inda and Rosaldo 2002; K. Friedman and J. Friedman 2006.

<sup>3</sup> E.g: Gessner and Budak 1998; Wiener 1999; see also Wanitzek and Woodman 2004: 15-20.

<sup>4</sup> F. von Benda-Beckmann 1989; F. von Benda-Beckmann et al. 2005a, 2005b; K. von Benda-Beckmann 2001.

<sup>5</sup> Thomson 1987; F. von Benda-Beckmann 1991; Weilenmann 2005.

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social scientists in recent times.<sup>6</sup> One characteristic they have in common with other transnational actors is the strategy of legal framing. This means that transnational actors mobilise law in order to frame their objectives.<sup>7</sup>

The claim to turn the global-local interface into a preferred object of study was already postulated almost 20 years ago (Alger 1988). Nevertheless, a deficiency in this regard remains evident in empirical studies today (Woodman et al. 2004), although the issue has been treated at length in development studies and postcolonial legal anthropology (Merry 1992). The complexity of transnational-state-local interaction has been reflected in the conceptualisation of legal pluralism as an analytical tool (F. von Benda-Beckmann 2002), which inevitably has repercussions for the socio-legal theory of legal transnationalisation. This contributes considerably to the conceptualisation of legal configurations in a transformative process.<sup>8</sup>

The socio-legal consequences of competition between transnational actors for the control of local contexts have been rarely addressed and theorised, however.<sup>9</sup> Transnational impact has often been described as contributing to the revitalisation of tradition (see F. von Benda-Beckmann et al. 2003). The thesis in this paper is that an account of the competition between global players for local control has further explanatory power, as it reveals that competition accelerates the dynamics of transnational-state-local interaction. Each of the involved actors operates on the basis of its own legal order but is at the same time forced to refer frequently to the other relevant legal repertoires. This cross-referencing has implications for the whole design of normative ordering. Moreover, it seems that transnational-local interaction in a four-way constellation composed of two opposing types of competing global players, as well as the state and local actors, is much more complex than in a constellation with just one isolated transnational actor. The

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<sup>6</sup> Wiktorowicz 2004; Bayat 2005; Toth 2005.

<sup>7</sup> Legal framing strategies are particularly theorised in social movement studies but also contribute to a general understanding of transnational actors' policies. See e.g.: Pedriana 2006. For Islamic activism, social movement theory and framing see Wiktorowicz 2004; Meijer 2005.

<sup>8</sup> E.g. also: Santos 2002; Günther and Randeria 2003; Randeria 2003.

<sup>9</sup> See: Woodman et al. 2004; Santos and Rodríguez-Garavito 2005; F. von Benda-Beckmann and K. von Benda-Beckmann forthcoming.

competitive element in this four-way constellation affects processes of norm generation or normative ordering and produces partly unintended social dynamics (e.g. Randeria 2003) in a particular way. I argue that the rising degree of legal cross-referencing serves to boost the legal agency of local actors. Local law, including its religious components and intermixtures, becomes more effective in plural legal constellations, and at the same time more accessible for external impact and more closely integrated in mutual transformative processes. Local actors have come to appreciate that the competitive element in interaction may be activated for the empowerment of local legal agency. Neither a revitalisation of tradition nor a strict rejection of interaction with external interveners has evolved, but rather, this interaction has had far reaching consequences for local power constellations and the way in which social conditions are reflected by the law. The ability to canalise transnational interventionism and to create sufficient room to play transnational actors off against each other has affected both the relationship between the local arena and the state and between the state and the transnational environment. It is of particular significance that the sphere of state-local legal interaction, as well as the state's contribution to the local legal arena, are both directly and indirectly affected by the processes that result in gains for local agency.

Subsequently the paper goes on to develop a concept of 'empowered legal agency' achieved by an emphasis on socio-legal identity and local culture. Increasing legal initiative and the assumption of legal responsibility on the community level, self-confidence and continuing emancipation from state control and transnational requirements modified those social conditions that accompanied the increased scope of the legal arena. This in turn expanded room available for legal manoeuvring. However, the data available only permit to a limited extent the drawing of conclusions about the question of how far these processes affect the legal standards which transnational actors are transmitting, and about the ways in which these actors are developing their strategies beyond the local field.

Contributing to the analysis of these processes, this paper focuses on significant events which have stimulated the local discourse on normative ordering. In this discourse, the responses of local actors reflect the challenge to their legal agency that results from exogenously stimulated growing social tension and conflict. The chapter addresses how the incongruities of transnational legal impacts initiated and informed local discourses on violence, conflict, and identity. A central point of the analysis is the question of how local actors cope with factual transnational competitors, what differences, interfaces and similarities they identify between

them and what conclusion they draw with regard to their attitude towards exogenous legal initiatives. Thus, the socio-legal consequences of transnational intervention in the rural legal arena are examined along the different comparative axes reflected in these discourses: the potential for conflict and violent action; the impact on local identity; and the intention to link the local legal arena with transnational standardisation.

Before referring to ethnographic data, the paper briefly sketches the social and legal local environment. In a second step, the global players and their fields of intervention, their overlap and their differences, are outlined. In a third step, the presentation of three ethnographic examples highlights major points of reference in ongoing local debates. The analysis that follows refers to empirical data focusing on the process of legal transformation. The effects of competing transnational interventions on the local legal arena are addressed with reference to conflict and violence, the role of the state, and the local cohesion and identity challenged by these processes. Finally, the conclusion summarises a concept of empowered legal agency deriving from the empirically informed analysis.

## Social and Legal Local Environment

### *The local setting*

The Souss is a plain surrounded by the mountains of the Atlas and Anti-Atlas in South West Morocco. Most of the Souassa are *fellahin*, farmers and peasants.<sup>10</sup> The diverse local forms of agriculture practised are combined with small-scale livestock breeding. There are zones of conventional and zones of hyper-modern agrarian production, irrigated zones and rain-fed cultivation. Large farms with citrus fruits and vegetable plantations as well as green-houses dominate the landscape in the central plain.

The Souss is also the area of the Argan Forest, a unique ecosystem and object of transnational development intervention. Argan trees (*Argania Spinosa L.*) are endemic relics of the tertiary era and the only trees building forests in the semi-

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<sup>10</sup> Proper names, toponyms, etc. are in commonly used spelling; Arabic terms are in simplified spelling without diacritical marks.

arid area which are potentially able to curb progressive desertification. The Argan Forest provides the essential means of livelihood for large parts of the local population. Apart from sylvo-pastoralism, the collection of Argan fruits for oil production, the rain-fed cultivation of cereals, and, in recent times, irrigated cash crop production, are the main activities taking place in the forest.<sup>11</sup> The multiple exploitation of the forest, in the first place for pasture, is considered responsible for the continuous degradation of the Argan tree population.

The majority of the resident Souassa are Berber (*Tashlhit*) speaking, whose self-designation is *Ishilhayen*. However, there is a high proportion of Arabic-speaking people living on the plain, particularly concentrated in the urban centres and in some enclaves in the countryside.

Clan affiliation, the patri-lineage system and segmentation, and the Souassa's elaborated alliance system are the main factors in social cohesion.<sup>12</sup> Further social criteria of inclusion and exclusion, such as territorial bonds and neighbourhood solidarity, transcend descent and affinal bonds. These criteria together define the type of socio-political organisation, called *taqbilt* (berb.) or *qabila* (arab.), that is the basic frame of reference for local identity. A *qabila* is a named territorial group that understands itself as a social unit, and in which solidarity obligations transcend the descent group. These units are sometimes referred to as tribes, sometimes as tribal fractions, and sometimes as completely different types of social units. They provided the basis for the administrative division of rural areas during the French Protectorate (1912-1956) and have since been integrated into the Moroccan state administration. For this reason, *qbail* (pl. of *qabila*) also persist in the form of rural districts (sing. *commune rurale* (fr.); *jma'a l'qarawiyya* (arab.)). A rural district in the Souss, and so a *qabila*, consists of a number of villages and hamlets. There is no one dominant pattern of internal social organisation in the villages. Some are composed of or dominated by members of one lineage; others consist of roughly equal numbers of members of different lineages.

Political organisation in these rural districts oscillates in practice between tendencies towards the centralisation and decentralisation of power. This concerns

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<sup>11</sup> See: M'Hirit et al. 1998; Bouchelkha ca. 2001; El Aich et al. 2005; Nouaim 2005.

<sup>12</sup> These criteria have given rise to extensive debates in anthropology; see e.g: Montagne 1930 (1989); Hatt 1996.

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official as well as informal institutions, whether based on informal organisation or integrated within state administration: in some villages, prominent figures or elitist oligarchies of wealthy landholders dominate the political sphere, while in others informal collective organisations take responsibility for leading and organising the community.

In the case of rural Morocco considered here, there is no evidence of weak state structures.<sup>13</sup> State influence has always been significant, although never homogenous. At the level of official administration, a village is headed by an appointed village leader, the *muqaddim*, a larger settlement or a group of villages by a *shikh*. The appointed head of a rural district is the *qa'id*. The former two positions are usually occupied by locals, while the *qa'id* falls into the category of rotating state functionaries. The respective authority of these state officials depends on their individual reputation and familiarity with the local situation. Formally, there is a parallel but interwoven administrative structure of elected representatives at the communal level. At district level, it is the district president (*président de la commune* (fr.), *ra'is al jma'a* (arab.)) who is elected; in the village his – almost inactive – representative exercises authority, together with a formal committee. Quite often, representatives of these two administrative structures indulge in complicated competition to establish who actually has competence.

Influential members of the local political elite usually act as elected representatives and exert considerable influence on local affairs. They are, however, not involved in the activities of informal self-organisation in the villages. In sum, there is a muddle of overlapping, neglected or competing competencies and duties which render it necessary to consider the concrete local composition of power relations. In one village, the *shikh* may be the effective holder of power, in another, it may be the representative of the *ra'is*, in a third village, it might be a collectivity of the heads of household. In addition, if political power is centralised to a certain extent, informal structures may be essential for the maintenance of order at the village level.

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<sup>13</sup> Vermeren 2004; Tozy 1999. Nevertheless, some regions of the Souss still enjoy a certain reputation for having inhabitants that desire freedom. This is due to their past as parts of the *siba*, the land of insurrection - that part of Morocco that did not come under effective state control until the French occupation. See also Jensen & Santos 2000: 15-21 on the 'weak state consensus', one of the four consensuses on globalising tendencies.

In the case discussed in this paper, the informal village council of a village in the mid-Souss is the main actor in local legal affairs. The council is understood locally to be the successor of the traditional former representative body of the village community. Today it falls into the category of local NGO, according to transnational legal standards, as well as to the Moroccan law of civil society structures.<sup>14</sup> The institution itself is still called a *jm'a*, i.e. a council. As an NGO and institution of rural civic society, the council enjoys a certain connection to the official sphere and quasi state recognition. The council is not, however, as in other cases, a result of the most recent transnational encouragement of development cooperation, which has generally led to the creation of new village-NGOs representing the organisational web of the civil society. The council in this case owes its transformation into a state-recognised entity to the local self-administration of water supply which the state demanded some fifteen years ago. All families and households of the village send male representatives to the council. This includes local state representatives, who link the informal council with the state administration. As well, the council is a powerful institution in terms of the financial means it has at its disposal. It is responsible for collecting contributions from every household for water and the maintenance of equipment. In addition, as virtually the only local, functioning structure, it has accumulated many more duties and responsibilities in the course of time. For example, the institution controls the regular support payments for the religious infrastructure, the mosque and the *fqih*, the religious clerk. Furthermore, the *jm'a* has taken over the neglected duties of the officially-elected local representatives.<sup>15</sup> All important decisions on the village level are reached in council negotiations. Decision-making by consensus is preferred.

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<sup>14</sup> Roque 2004; see also Benyahya and Bouachik 2002 for the legal aspects, and Venema with Mguild 2002 for comparable data on informal village councils in the Middle Atlas. All forms of institutionalised collective action in Morocco such as citizens' initiative groups and committees are today called NGOs (fr. *ONG*) with reference to the transnational buzzword. Almost all villages in the Souss today have their own 'NGO for rural development' (*jema'iyya at-tanmiyya al hadariyya*), and informal village institutions have transformed themselves into NGOs.

<sup>15</sup> The council organised e.g. the distribution of state subsidised staple food and decided on the proofs of entitlement.

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The empirical data presented here refer to a rural community located in the centre of this region, where an exceptionally high number of natural and social factors have combined to engender a particular constellation, which in turn singles out this site from others with less complex kinds of transnational-local interaction.<sup>16</sup>

*The local configuration of legal pluralism*

The legal arena contains various legal regimes and constitutive elements of widely differing provenance and sources of legitimation. These are not necessarily regarded as optional, parallel or hierarchically ordered legal regimes. For most people in the village, it is the traditional law, *'urf*, that shapes basic understanding for the construction of a local normative order. It marks the point of departure for legal reasoning, as it reflects rural conditions and local ideas of correct behaviour. In this local perspective, state law and religious order are regarded as hardly suitable for rural conditions. However, as they remain operative in the legal arena, they have to be accommodated within local socio-legal conditions. A great variety of blueprints for local legal repertoires in the Souss emanate from this state of affairs. They may vary in their spatial and chronological validity and in their effectiveness and degrees of fusion.<sup>17</sup> For those people who feel less rooted in the rural environment and its moral and normative standards, the state legal system provides a normative umbrella for all subsidiary legal constructions in specific social fields or local contexts. In fact, state representatives exert legal influence and exercise state power and control in even the remotest parts of the country.

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<sup>16</sup> The data on which this paper is based have been anonymised. Fieldwork on transnational legal impacts on the local legal arena was carried out for several weeks annually between 1996 and 2005. Data from different settings and concrete constellations in the Souss plain are included in the analysis. Since 2001, the fieldwork has been part of a project of the Legal Pluralism Project Group at the Max Planck Institute for Social Anthropology in Halle, Germany on Sustainable Development and Exploitation of Natural Resources, Legal Pluralism and Transnational Law in the 'Arganeraie' Biosphere Reserve.

<sup>17</sup> There is an excellent comparative basis for the analysis of the dynamics, changes and recent conditions of local legal repertoires, if older sources are examined with proper critical distance; cf: Ben Daoud 1924, 1927; Montagne 1930; Lafond 1948; Marcy 1954; Surdon 1928 (critical). See Turner 2001.

To a certain extent, however, the state acknowledges, as an integral part of the Moroccan state ideology, that there must be room for local variety. For this reason, it confines itself to remaining informed and exercising control. Apart from this state acceptance of local room for legal manoeuvre, there is also a parallel stratum of state controlled ‘customary law’. During the era of the Protectorate, many elements of customary law were included in state legislation. During this period, such regulations were codified, and so today they often do not meet changing conditions such as demographic development. This body of law is of particular relevance for the local regulation of access to natural resources and constitutes a stratum of law that differs from living customary law.

Furthermore, Moroccan state law refers in some legal domains to the sphere of Islamic law, while it shows affinities with the legal system of the former political regime of the French Protectorate in others. While family and inheritance law, even since its reform in 2003, continues to have an affinity with official Islamic law, all other legal domains are dominated by secular legislation originating from the Protectorate. Nonetheless, official Islam is also a source of legitimisation of the state, as expressed in what Eickelman and Piscatory (1996) called Muslim Politics. This includes control over symbols and institutions that produce and sustain legitimacy, such as mosques and other religious institutions.

In the Islamic law several strands are distinguishable. The official Islamic law of Maliki *madhab* (legal orientation) in Morocco has, as a legal frame of reference independent from local conditions, little scope to cope with local problems or to improve its ability to do so in cases of local crisis. It is rooted in urban intellectual Islamic legal circles of *ulama* (the body of scholars trained in Islam and Islamic law) and is, as unchangeable divine doctrine, never questioned. In practice, however, official Maliki law (*chra'*) has exerted a strong influence on local custom (*'urf*) for centuries, leading to different degrees of amalgamation; a process that has rendered the contours of official Islamic legal orientation in a local legal environment sometimes barely identifiable.<sup>18</sup>

The second Islamic contribution to the legal arena is a strong and influential Sufi tradition. Religious experts connected with sanctuaries or representatives of Sufi congregations intervene in legal affairs as advisers or mediators. Connected with

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<sup>18</sup> Marcy 1954. The regulation of homicide is one of the most discussed scenarios, because in this case local actors have merged officially Islamic and local prescriptions to develop new models of regulation: see Turner 2005a.

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but exceeding this legal tradition is the third Islamic component in the legal arena, the local variety of Islamic piety, often referred to as 'local', 'popular' or 'tribal' Islam. As we shall see, redistribution of goods, which is of enormous importance for oiling the cogs of society, is just one example of the effects of a set of rules operating through reference to popularised religious values.

From the perspective of the individual actor, different legal institutions are accessible for the regulation of legal affairs and the settlement of conflict. All the state representatives mentioned, the *shikh*, the *qa'id*, the *muqqadim*, and others, may perform juridical duties and intervene in disputes, making more or less reference to their state authority. Furthermore, at the level of a rural district, a justice of the peace, the *hakim*, acts as legal intermediary, adjudicating minor offences according to local *'urf* and with reference to state law as well (see e.g. Rosen 2000: 111-132). They control contact with the police, who are based some kilometres away from the rural area in question in the next town, and who, it is considered, should be kept away from local affairs. Together with members of the post-independence elite, local state representatives control access to the administration of the judicial system at the provincial level, to the state legal apparatus, and to the courts. The police intervene only on demand. The closest trial court is in the next town a few kilometres away. The criminal courts are in Agadir and Taroudant, some 45 km away. Whether a conflict – be it a minor offence such as occasionally dealing in hashish, or a less minor, such as homicide – leads to official criminal prosecution depends on many factors, constellations and individual decisions and strategies. Local people do not frequently address official juridical institutions outside their rural district, thus avoiding unpredictable expenditure and outcomes. But they are ready to do so when other legal mechanisms fail, or if they feel they have a greater chance of achieving their goal. Despite the wide range of institutions, forum shopping is, however, only to a limited extent an option (cf. K. von Benda-Beckmann 1981).

A last and increasingly influential component in the legal arena is derived from transnational actors. Transnational legal standards enter the local field through different routes. Some have been incorporated into state legislation and affect the legal practice of state officials in the countryside. This process already reflects the ongoing interpretation of transnational legal requirements, first on the level of Moroccan state legislation, and second in the course of their application in practice. This chain of legal invention and transformation via the bottleneck of state apparatus is not the only channel open for transnational intervention: parallel

to this, direct implementation of transnational law in local fields is also taking place.

## The Global Players – Fields of Intervention

### *Western global players and development cooperation*

The challenge posed by the combination of hyper-modern agriculture and an ecosystem worth protecting make the region a preferred arena of intervention. In the process of intervention widely differing transnational institutions and organisations seek to implement their respective agendas. In 1998, the whole area of the ‘*Arganeraie*’ was classified as a UNESCO Biosphere Reserve, making the Argan tree ecosystem known worldwide and generating a tremendous increase in activity.<sup>19</sup> The spectrum of involved agencies includes UNESCO, the World Bank and the International Monetary Fund (IMF), and organisations of development cooperation such as Oxfam Québec, the German Association for Technical Cooperation (GTZ), the Agence Française de Développement (AFD), the US Agency for International Development (USAID), and many others financed by industrialised countries.

The main objective of development agencies and international donor organisations is the implementation of international standards of environmental protection and sustainable development. Their programmes for sustainable development involve regulating access to scarce natural resources, as well as alleviating the increasing rural poverty. The principal legal set of relevant regulations is laid down in the UNESCO program ‘Man and the Biosphere’ and the UN program to combat desertification (PAN/LCD) (MADR 2001; UNESCO 1995).<sup>20</sup> The wider framework has been set up in international conventions such as the ‘Rio Convention’ of 1992 (CNUED-Rio 1992) and the ‘Convention to Combat Desertification’ (CCD-Paris 1994). Though transnational incentives to persuade the Moroccan state to incorporate international conventions on sustainable resource management into its national law were to some extent successful they did not,

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<sup>19</sup> For more details see Turner 2005b.

<sup>20</sup> Since 2001 PAN/LCD has been realised as a *programme d’action nationale* in Morocco. For the wider context of environmental legislation see also Davis 2006.

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however, achieve the desired results. Legal reform is widely perceived as having failed or as having progressed too slowly in Morocco, without ever becoming effective. Furthermore, not all aspects of legal reform have reached the rural areas.

This failure has led actors involved in development cooperation and powerful donor organisations to a strategy of making these standards directly operative in local environments, bypassing the state. They hoped that reference to local legal ideas would facilitate the rapid spread of their transnational legal agendas, and so they encouraged the revitalisation of local tradition. This strategy was regarded as an appropriate means of transmitting the ideology of sustainability and western perceptions of environment. The massive effort devoted to the mobilisation of local collectives in order to develop structures and institutions of a civil society as contact partners for transnational actors is also part of the same strategy. From 1997 neighbourhood associations, territorial clubs, cooperatives (sing. *ta'a'uniyya*), and village NGOs (sing. *jema'iyya*) have been established on a large scale with the support of transnational actors to deal with development initiatives such as electrification, provision for the supply of drinking water, or environmental protection. These local institutions were to function as multipliers of what transnational actors identified in state law as 'good', but no longer practised, tradition. This transnational initiative was embedded in the rhetoric of democratisation and good governance. On the local level, these associations have been socially constructed following local models of religious and political administration (Roque 2004).

Within the group of development organisations active in the region, however, there is disagreement about the priorities, approaches and strategies of intervention. They hold different views of sustainability, which are visible in e.g. different models of forest exploitation and cooperatives. At the same time, some development agencies are also involved in hyper-modern agrarian production. Accordingly, the positions they take up may follow either a development or an economically oriented trajectory. During the intensified development intervention of the last decade, there has been a great deal of competition between providers of different development ideologies. The lack of cooperation between them provoked confusion and competition over, for instance, ecologically and socially acceptable models for the establishment of production cooperatives for women.

An important factor in the discussions on development cooperation and transnational investment was the national background of the development

organisations themselves, and of the representatives of the global players on the ground in the rural world. All transnational rhetoric on environmental issues and sustainability, and the related investment, was related to the economic activities which other actors of the same national background were concurrently undertaking in the region. In the case examined here, local actors assumed there was a close relationship between what they considered expropriation of communal land occurring in the Souss and the activities associated with development cooperation. For example, the Moroccan state grants access to land to transnational investors in modern agriculture. This policy has been interpreted at the local level as a strategy to pass on transnational pressure for market liberalisation to local communities. It has consequently weakened the credibility of actors who shared a national background with those neoliberal investors who acted upon capitalist economic criteria without reference to the rhetoric of development or good governance.

Although the ambitions of these investors in the Souss were not fully realised, the transformative processes they initiated constitute the most effective input of western oriented global players to the competitive constellations addressed in this paper (cf. Davis 2006).

#### *The Salafiyya movement*

The second intervention in local affairs was in the field of religion, and came with the Islamic movement of the Salafiyya between 1999 and 2003. Salafiyya has no roots in Moroccan Sufi Islam and piety, but maintains close ties with the Saudi ideology of Wahhabism. Nevertheless, the movement has contacts with Moroccan Islamism, as well as historical relations with Moroccan political Islam and orthodoxy (Charani 2004). The activities of the Salafiyya are a recent development in the context of intensified Islamic activism in the rural zone. Intervention in the Moroccan countryside started with the arrival of foreign non-Moroccan missionaries from Middle Eastern countries, who founded a *madrasa* (Islamic school) in the next town. The first three missionaries to appear in the village were Moroccans who had been educated in this school. In the course of time, these Salafi missionaries succeeded in attracting more and more local residents. By May 2002 almost half of the inhabitants in approximately half of the 20 villages of the rural district referred to here had joined the movement and a new local branch of the organisation was built up (for more details see Turner 2006).

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The Salafiyya movement propagates 'legal Islam as the solution', the most widespread motto of Islamic activism, meaning that the adjustment of all spheres of life towards the Islamic agenda offers the only way out of misery. Its supporters promote a return to the roots of legal Islam and demand the reorganisation of social life according to Islamic core principles. They declare that they hold ultimate authority in the judiciary and demand official acknowledgement of the Hanbali legal code by the state. Hanbali law is closely connected with Wahhabism, while Islamic law in Morocco follows the legal school of Malik. This claim impliedly challenges the Moroccan state, which also refers to official Islam as a source of legitimation (Eickelman and Piscatory 1996). The Salafi promote the conviction that social justice can be provided exclusively by the *qur'an* and the *shari'a*.<sup>21</sup> The legal protection of the traditional family unit as the last stronghold of religion, including the absolute control of men over the women's sphere, and an Islamic legal regulation of charity and economy are essential elements of their legal approach. Law and order is the paramount topic of their conversation: not only hegemony within the social sphere, but also absolute control over it, was the declared goal of their strategy.

The Islamic activism of the Salafiyya is linked to a further transnational legal factor. In this respect the period of this investigation, 1997 to 2005, falls into two distinct phases, namely, that before and that after the implementation of anti-terror legislation. Following a severe bombing attack in Casablanca in May 2003, for which the Salafiyya has been held responsible, anti-terror legislation, based on the US American blueprint, was implemented later the same year. This profoundly changed the four-way relationship between the state, the local field and the two transnational protagonists.

### *Organisational similarities and differences*

Both types of global players have, however, very few external experts on the ground. Development agents running projects tend to be based at regional centres. They instruct and advise local personnel and act as consultants. Development agencies recruit most of their local employees among the young unemployed intellectuals from the region with university diplomas. The Salafi movement is headed by a few religious leaders who transmit Salafi ideology via Islamic schools

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<sup>21</sup> See for comparison with 'classic' Salafiyya objectives in Morocco: Michaux-Bellaire 1928; Abun Nasr 1963; Halstead 1964.

(*madrassa*) in the towns. Our research found that the two leading figures were not Moroccans, but came from Middle Eastern countries. They had graduated in Islamic theology from the university in Riyadh, they said. They educate local scholars and assist with the formation of local supporters. Both types of players mobilise adherents to form local organisational structures and vie to attract local adherence and support. In fact, both are reliant on special local personnel and local activists; the one on development brokers,<sup>22</sup> the other on local missionaries. Local development brokers connect global players with local fields of intervention and also with any state offices concerned. Some of them are affiliated to state administration and are charged with realising at village level the transnational standards in development concepts already mentioned. The local Salafi brokers are engaged in missionary work. The Salafiyya organised a regional charity network of local cells, while development agencies worked towards self-help, organising production cooperatives and sustainable forms of resource management.

### Discourse on Transnational Competition at the Village Level

The relationship between the transnational interveners had repercussions in the village. The majority of the members of the council acknowledged on several occasions that there were tensions within the community and voiced concern about the increase of violence and the social splitting of the village community, as a result of villagers preferring to ally themselves with external actors. The composition of the council itself reflected this trend. While almost half of the members of the local community were Islamic activists at that time, those who had a positive attitude towards the development agencies and argued in their favour in the council, including outstanding intellectuals acting as development brokers, were a minority. The incidents outlined briefly below and the ways in which they have been debated in the council serve to highlight the impact of transnational competition on the attitudes of local actors. In the course of time, discontent led to resistance to external intervention. The first case may serve as a significant example of clashes between local morality and customary law on the one hand and the various recommendations the transnational interveners proposed against local practice on the other.

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<sup>22</sup> For more information on the notion of a ‘development broker’ see: Bierschenk et al. 2002; Mosse and Lewis 2006.

*Contradictory transnational advice: the Ramadan lottery and challenged local distributive obligations*

In the 'ramadan lottery' in autumn 2005, a villager won a small sum of money. This became a big issue in the community. The man, a pious Muslim, was searching for advice on what to do with this money and raised the issue in the village café. A public debate arose. According to religious ideas, the money is impure because it comes from a lottery that is *haram*. For this reason, it would not make sense to invest the sum, because one cannot benefit from *haram* money. This religious attitude has had a strong impact on local practice. The local grocer who had granted a credit to the man announced he would accept money for the redemption of the debt without hesitation, because that would not mean 'investment'. This solution would have been approved by the majority of the villagers. The argument was, firstly, that the interpretation of the grocer was convincing and, secondly, that it is good behaviour and fosters the traditional system of the local economy to pay a debt earlier than necessary once in a while.

The local model of economic cooperation enjoys a longstanding tradition and is perceived as an expression of local solidarity. Customary regulation has contributed much to the economic development of a local moral economy since the 1980s, which has been developed within the cash crop sector (Turner 2003). The local credit system allowed for the reinvention and financial hedging of sharecropping arrangements. Thus, sharecropping basically relies on a local legal arrangement that includes the informal credit system because the state legal order considers it an outmoded mode of production, and Islamic law, as we shall see also has reservations to sharecropping. The local peasants prefer to raise credit during the period between sowings and harvest by that local grocer they trust. The grocers customarily only charge very low interest rates and are more interested in committing the debtors to their enterprise.

A local development broker completely disregarded all existing reservations and proposed to the winning villager that he use his money for granting micro-credits to others, which would be a 'good deed'. At the same time, the money would generate capital surplus, with which one could even increase the number of good deeds. Once fed in the circle of benefits, the money would be cleaned and no longer remain *haram*.

The man caused a great deal of consternation when he put forward this proposal. Micro-credits which had been previously introduced by external actors had earned a bad reputation. They had been introduced as an instrument against rural poverty, and in order to strengthen self-help, and were widely promoted by development actors. The micro-credits were tied to specific small-scale economic enterprises as stipulated by the creditors (see Benyahya 2004) – but the system was not under the control of its initiators for long. Alongside Moroccan organisations granting micro-credits on behalf of the transnational creditors, some black sheep appeared and made credits available with extortionate conditions and for highly risky economic activities. The debtors realised too late what was happening and felt they were in serious trouble. Because of this, nobody was prepared to act publicly against the prohibition on making a profit by exploiting the need of the members of the community.

The development expert's further suggestions merely provoked a shaking of the head. He proposed investing the money in fencing the mans' plot in the forest with cacti lines, a favourite project of the environmental protectors. This is, however, against local law, because even plots where the holder is exercising exclusive exploitation rights must remain openly accessible, because pasture is a common right.

The Salafi, in turn, proposed transforming the *haram* money into *halal* money by way of the winner surrendering it to them as a charity donation (*sadaqa*). This was cause for common amusement. A *sadaqa* donation is defined as a voluntary pious donation to people in need. The act of giving *sadaqa* protects the giver against possessiveness and purifies his soul and his property and is agreeable to God. Accordingly, there is no need for an intermediary. But there was still a more concrete reason for the public reaction. In the village there is a Salafi grocer, not the lottery winner's creditor, who is well known as an expert in 'ritual transformative transactions'. The line of argument that he and his co-adherents put forward was not generally convincing, because they were perceived as pretending to transform all *haram* money into *halal* simply by investing it in the movements' charity work. When making such investments, the grocer does not shy away from cheating people, as he argues that they earned their money in a *haram* way and are, therefore, unable to give a *sadaqa*, which the grocer then organises for them. Thus, the Salafi embezzle *haram* money and invest it in the Salafiyya's charity network in the previous owner's stead, in order to provide the involuntary and deceived giver – and themselves – with spiritual remuneration. At the same time the grocer benefits from the donation itself because there is a 'financial reflux'

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from the recipients of charity. However, *sadaqa* brings spiritual benefits for the giver only if the donation is consciously made with good intent. As a result, few trust in this Salafi grocer, and his clientele these days is made up exclusively of his brothers in belief. In this particular case, when the Salafi grocer offered the same service to the lottery winner, he preferred to redeem the larger part of his debt and to remain loyal to his own grocer.

The implicit effect on the debate was that the villagers experienced a growing external challenge to their local model of distributive obligations, which is based on ties of solidarity within the village and on mutuality between people living together. The Salafi criticised the local credit system, while misusing it at the same time. This was because the powerful local social work and mutual aid structures, including redistributive rules, are deeply rooted in local religiosity and are connected with local religious rituals; and for this reason, the Islamists explicitly refused to contribute to it. The Salafiyya accepted only those distributive rules which were in accordance with Islamic law such as *zakat*. An additional argument the Salafi employed was to contend that the local model of mutual material support simply balances out the lack of state assistance for social security. The development agents, on the other hand, emphasised that transnational financial support should be kept apart from local distributive obligations. They explicitly claimed that micro-credits and extra money for environmental protection measures should remain exempt from these obligations. Furthermore, the development agencies overrode the gendered economic circles of good exchange and mutual support. They wanted to integrate 'the rural woman' into the development agenda and made them principal earners of their household on several occasions. But they ignored the importance of women's entitlement to explore particular resources such as Argan oil production and to decide autonomously on the use of money they earned within the female sphere (for more details see Turner 2005b).

How to profit from the investments all transnational actors are offering without paying for them with losses for the local economy and local social cohesion remains a matter of considerable debate.

*Disputing environmental protection, pasturing and sharecropping*

One of the first events which made the village council active was a violent conflict between a local herdsman and members of the environmental NGO in the village, the so-called 'Argan-gang', which was backed up by development brokers. The

conflict was about access to pasture in the forest. The ‘Argan-gang-NGO’ had introduced a sort of parallel legal regime for the protection of the environment and tried to impose fines against non-observance of environmental principles. The NGO had announced a period of *agdal*, a closed season in the forest. This had not been done for more than 10 years, because the villagers did not feel they were in an economic position to suspend the exploitation of the forest, even temporarily. NGO members who controlled the observance of the closed season had detected a herdsman with an ‘illegally’ grazing herd and announced they would fine him. The herdsman commented on this with his fists. The case was debated in the council meeting the following day in order to avoid escalation and the attention of state officials, the forest rangers, or even the police. The authority to announce a period of *agdal* actually lies in the hands of the council, but the NGO appropriated this right, because the council showed no willingness to renew *agdal*. The strategy of the young and modernist supporters of the environmental party, of arguing that they were simply revitalising the good traditions and local institutions of their forefathers, was disapproved by the council as insolence. Furthermore, some members of the council reproached the NGO for having created more opportunities for state agents to interfere in local affairs. The cooperation of international development agencies with state officials had resulted in the involvement of state agents in the ongoing competition for resources. Whether the NGO should be dissolved was discussed.

The supporters of the respective transnational actors demanded modifications to the local model of sharecropping arrangements, but each did so for very different reasons. The development faction demanded adaptation of the local model of sharecropping to standards of sustainable resource exploitation, without explaining how this could be achieved. The clients of wealthy landowners argued that the state agricultural office was hostile to these arrangements, and they saw this as a hindrance to agrarian modernisation. The Salafi, in turn, who emphasised the Islamic Hanbali legal code, did not campaign against sharecropping in principle, despite the fact that sharecropping is actually extremely restricted or even prohibited as a risk-oriented economic activity. They insisted, however, on somewhat obscure additional regulations concerning the participation of women in agricultural labour. They demanded that women were correctly dressed, even while doing agricultural labour. ‘Correctly’ meant among other things wearing a veil and perhaps even gloves. Furthermore, they insisted that the fences which were installed as windbreaks around the fields should be higher. In other words, they insisted on changing from windbreaks to screens, thus increasing the costs of

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production to be assumed by the investor in any sharecropping cooperation.<sup>23</sup> Moreover, even investors were to be required to shout when approaching the fields, which was inconsistent with the controlling function of an investor. But the most curious request was the forbidding of traditional singing during work in the fields. The council decided to restrict the operating range of the environmental activists and to withdraw the issue of sharecropping from the agenda. The majority of the council members declared it would be impossible to consider all these more or less specific demands at once, arguing this would bring sharecropping to an end. They understood that this was the actual intention behind all these demands and showed implicitly that they had learnt their lesson. The others felt unmasked and protested only diffidently against the postponement. These examples reveal that essential parts of the local economy have been exposed to even more legal insecurity than before.

*Refusal of transnational investment: cooperatives and the modernisation of the local drinking water system*

The problems with Argan oil production cooperatives for women in neighbouring communities gave rise to controversial debates over an offer by development agencies to establish a cooperative in the village. It became clear that the villagers had varying expectations of this project and it was not only Salafi activists who argued against the offer. Other villagers as well feared a reduction of their access rights to scarce resources, irrespective of whether there were good reasons for this or not. The discussion of the experiences of other communities led to a decision to refuse the offer. Arguments referred to cases of mismanagement of cooperatives leading to indebtedness, not of the transnational actors, but of the local members. It was clear that members of the council were apprehensive about facing unintended consequences after the establishment of a cooperative.

That decision had an effect on the arguments that dominated the debate over another proposal some time later from the German GTZ. Within the framework of the international PAN project to combat desertification, GTZ-teams composed of Moroccan employees were working on village development plans in three focus areas in the Souss. The village that is the focus of this paper belongs to one of these areas. The GTZ's offer came at the end of 2004, long after the anti-terrorism

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<sup>23</sup> In a sharecropping contract, the investor finances the material means of production. The other party provides his labour. See Turner 2003.

law had disturbed the local scene and the Salafiyya's charity network had disappeared. By that time, the elected representative of the council was a bearded Salafi. The GTZ addressed the council directly. Development consultants suggested a model of cooperation. They offered to contribute to the financing of the planned new well for drinking water, on condition that the community accepted the task of planting Argan trees and irrigating them until they were established enough to survive alone. After intensive debate it was decided that the offer constituted a sort of risk management contract depending on uncertain success and was therefore *haram*. Particularly influential were the arguments of the Salafi that risk management and neoliberalism and Christianity were all different names for the same thing. Another reason for the council's reluctance to accept the GTZ's offer was the cooperation between the GTZ and the national forest administration. As soon as trees are growing somewhere, even on privately owned land, the forest rangers claim control. This situation is better avoided, especially in the vicinity of the village. Furthermore, the newly installed ranger turned out not to accept 'special investments' (bribes) and gave the impression of taking environmental matters seriously. This meant that potential additional costs would remain incalculable. But the most controversial point was the *haram* question. The long-term consequences of the engagement seemed to be unforeseeable: What would happen if the trees died off and the GTZ wanted its money back? The villagers wanted to negotiate what would happen if only a certain percentage of the trees matured, but they did not receive a clear response. The GTZ consultants signalled their inflexibility and did not welcome modifications to their development agenda. The question of whether a smaller investment, free of additional requirements, would be possible was answered negatively. Furthermore, previous bad experiences with micro-credits strengthened the opinion of the Salafi. Though the Salafi representative of the council would not have rejected European money as *haram* in principle, and the final goal of the development approach found acceptance, the inability of the development agents to clarify the difference between their approach and high risk investment finally led to a rejection by the villagers.

### The Legal Arena and the Competing Transnational Interventions

The first part of this section outlines the most striking similarities of and differences between the two major competing transnational actors in order to embed the analysis of the empirical data in the broader context of transnational interaction.

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In the second part the process of legal transformation is briefly outlined, exemplifying how exogenous legal standards have been adapted to local conditions. Thereafter various effects of competing transnational interventions in the local legal arena are analysed, with the focus on particular conjunctions within the legal sphere, including the increase of violence, changes in state-local relationships, identity, and cohesion.

### *Overlap, factors of difference and fields of competition*

The two main competing groups differ in terms of their objectives and structure, but target the same social environment and did not try to stay out of each other's geographical zone of influence. A mostly indirect competition between these different powerful transnational actors for the exertion of legal influence took place. Both tried to reform or to define local tradition, and to identify and separate 'useful' from 'pernicious' parts of it. Both were framing law and targeting women. Both were emphasising property relations and social obligations, while talking about future developments. Both particularly emphasised the fight against poverty, and claimed to know how to ameliorate the precarious conditions of life. The development agencies propagated a sustainable exploitation of resources as the best strategy to cope with poverty, while the Salafi counted on the solidarity of the movement's network. Both insisted that an adaptation of local legal practices to the respective legal standards they stood for would be inevitable, but nevertheless did not necessarily contradict local values and morality. In this sense, sometimes competing transnational actors even became involuntary allies. The Salafi position was that one might abide by those parts of the *'urf*, the traditional law, which were not in contradiction to the Hanbali *madhab* (legal school). The development brokers proposed the selection of good and useful objectives of the *'urf* and the reform of the remainder in accordance with the policy objectives of the *'urf*, i.e. sustainability, environmental protection, some allusions to gender equality, grassroots democracy, etc.

Differences between the competing actors become particularly obvious when looking at their attitudes towards each other and their implicit mutual interpretation. Officially, development agencies are indifferent towards the religious sphere in general and towards Islamic activism in the region in particular. They have a number of close contacts with state representatives at various levels from state government through to local administration, with the exception of

religious officials. When asked about their opinion concerning the increase of Islamic activism and the criticism by the Salafi of the pagan neoliberal development agenda, local development brokers representing the GTZ and Oxfam Canada denied even recognising the existence of an Islamic opposition to their agenda. The project leaders did not even apply for funding offered by their own organisations for running programs against the increasing influence of Islamist groups.

The Salafiyya, in contrast, addressed the issue of development impacts and openly criticised effects they interpreted as negative. Development cooperation was for the Salafiyya one major target for their legal polemics. They condemned western influence and warned against the destructive forces of transnational legal treaties and development cooperation.<sup>24</sup> The Salafi avoided giving the impression that their criticisms were expression of the incompatibility of their own ideology and that of development organisations. Instead, they characterised their intervention as integrated within a general discourse on growing tensions between western lifestyle and Islam. Thus, they contributed to an already ongoing internal debate about the benefits and disadvantages of concepts of sustainable development in the kind of resource exploitation propagated by western development agencies.

*The legal arena and the transformation of external legal standards*

The interaction described above between the villagers and the representatives of transnational organisations reveals that a body of incoherent transnational legal standards needs to be adapted to the local legal arena. This adaptation has, in turn, contributed to modifications in local legal practice. In this process, the local population increasingly came to adopt the language of both transnational parties. Traditional values such as hospitality, retaliation or the spiritual dimension of property have been expressed in relation to new buzz words like civic rights or accountability. Local multipliers of transnational messages contributed considerably to this process. Some local development brokers seized the initiative and sought to alleviate the discrepancy between unachievable development goals and local conditions. They encouraged the interpretation of transnational legal standards in accordance with local ideas in order to make them applicable in practice. They did not, however, always keep their superiors in the development organisations informed of their actions.

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<sup>24</sup> See for comparative literature Wiktorowicz 2004: 7f.

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They tried, for instance, to effect a compromise between the rules of local forest users, the state's legal regulations, and the GTZ environmental program. One of the most delicate points was to agree on a new regulation of the so-called 'regeneration cut' of the Argan trees. This euphemism means a tree-cut. Those interested in reaping the benefits of wood sales pretend that the practice accelerates tree growth. Local state representatives make an illegal business out of it, often in order to refinance their election campaigns. Moroccan forest law accepts this local custom as part of state law. Officially, additional requirements are to be observed after the cut, in particular, a closed season in the forest for several years. These requirements remained theoretical, however, and in response, the German leader of the GTZ environmental project strictly refused to make any concessions to this practice and insisted on the abrogation of the law. He pursued this policy in a way that made it impossible for the other parties to agree. But he did at least accept the commissioning of an independent appraisal report to investigate whether the practice really did damage the forest. The result was clear. The local 'independent commission' found that the 'regeneration cut' did not harm the trees. However, the commission proceeded on the assumption that the law was fully observed, which had never actually been the case. Nevertheless the commission finding was considered to justify continuing the practice, and so the head of the GTZ project did not secure acceptance for his model. Afterwards, the local development broker obtained an informal agreement between state representatives and local users to restrict the practice to a certain span of time after election campaigns, a settlement which implied a close season over several years, even if no regular cycle was stipulated.

In another case, a development broker successfully intervened in a conflict about debt redemption between an Argan local oil-producing cooperative and its transnational partner. The development agency financed the project with a credit and attended to the international commercial distribution of the product. The cooperative could not amortise the debt in the agreed time and lost their access to the market. The conflict arose from a typical divergence between the local understanding of legal debt regulation and the legal model adhered to by the development agency. To solve the problem, the intervening development agent discreetly arranged sales of Argan oil behind his employers' back via tourists and migrants who resold the product in France. With the money thus earned, the cooperative was able to pay a first instalment and negotiate new conditions with the transnational creditor. These were just two brief examples of the many norm-

generating processes that in practice led to compromises between state officials, development agents and local users.

The Salafiyya legal model also proved to be amenable to local interpretation. The Salafi attitude towards sharecropping arrangements constitutes a typical compromise with local practice. However, it did not immediately become clear that there were inconsistencies between the legal reasoning and the religious practices propagated by the Salafi themselves. The inconsistency was less a result of conscious concessions to local conditions than of a simple lack of knowledge among local adherents of Wahhabi-Hanbali law, the legal foundations of Salafiyya, which was compensated for with local legal knowledge. With an increasing number of newly recruited adherents, the Salafi became victims of their own success, as entire local groups of Sufi adherents changed fronts, thus diluting the universal doctrine. As a consequence, they developed a particular interpretation of local practices such as sharecropping arrangements and other economic and social activities. They were so fixated on a small number of issues, such as on their notions of using the law to control women, that they did not realise their potential to establish themselves as guarantors of legal security, which might have given them much credibility. One of the most effective contributions of the Salafis' legal reasoning to local discourse was their incessant differentiation between right and wrong, or permitted (*halal*) and prohibited (*haram*). This model of classification of human behaviour as conforming or deviant contradicts local perceptions of balanced individual agency and was transformed accordingly in the local legal arena.

#### *The legal arena and violent conflict*

The aggressive atmosphere that arose in the village in response to transnational intervention was a cause for concern which was intensively discussed in the council. The debates focused on worries that the development would lead to a weakening of local institutions of conflict settlement. Most members of the council held the view that the various transnational actors differed in their attitudes towards violence. Despite the fact that Islamic activism shares some typical characteristics with other transnational actors, a categorical difference was noticeable between Salafiyya activism and other kinds of external intervention.

Initially, the Salafiyya's attempts to undermine the local order were relatively successful, since at that stage the alternative they offered corresponded, at least

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ostensibly, to the local sense of justice. Salafi activists, however, deliberately created new fields of violence, and justified employing more and more high-level violence with religious arguments. 'Contempt of religion', for instance, was a Salafi reproach applicable to a wide range of aspects of social life and was capable of provoking violence, even in spheres of social proximity, neighbourhood or kin, where resort to violence was unacceptable according to the local moral code. They accepted domestic violence against women, and acted violently against different-minded people, their critics, and disadvantaged groups. The most discussed matter in the village was their presumed involvement in a series of prostitute killings in the next town. But their most insidious act was their drawing of the local group of adherents into the sphere of transnational Islamic terrorism, leaving local people feeling that they had become unwittingly involved in a transnational terror network.

The transnational intervention of western agencies may also activate local potential for violent action. This might, for instance, happen when development programs provoke intensified competition over resources rendered increasingly scarce through restrictions on use, and a concurrent re-evaluation of the forest products. In these cases, however, what happens is merely the accessing of existing local spheres of low-level violence in connection with the legal regulation of access to scarce resources, rather than the creation of quite new cycles of violence. Furthermore, such interaction is unintended.

### *The legal arena and the challenged state*

An increasingly important factor in this field of interaction was the ambiguous or changing position of state officials. Their attitude towards development agents tended to oscillate between cooperation and obstruction. They ignored the Salafiyya movement for years, but intervened with force in 2003 after the bombing in Casablanca. In this instance, the police persecuted everybody with a Salafi background.

State legal actors and diverse representatives of Moroccan legal Islam quite soon became aware that the transformative effect of transnational-local interaction within the legal sphere in the countryside might come to affect their own operational effectiveness. This motivated them to intervene in order to maintain their standing in the local legal configuration. One should emphasise here, however, that the villagers never regarded the state representatives as a

homogeneous group. A clear differentiation was made between small local employees in the state administration and the elected representatives, members of the political elite, whose corruption was evaluated quite negatively in comparison with that of the first category. Political elites tried to maintain the legal status quo, as it was the basis for their political power, but were not entirely successful. The local state agents easily adjusted to paying more attention to the modified local legal repertoire, thus retaining their hold on their position. This attitude contributed to the invigoration of the local order.

Thus far, external state agencies such as the police, the judicial apparatus, or the provincial administration, have not been mentioned. At first glance, the transformation process did not affect local attitudes towards these agencies and the villagers continued to regard external state agencies with ambivalence. First, the villagers are well aware that they still have not the slightest influence over the central government and its legal activities. Second, they continue to perceive the King as exempt from the category of external state agents because of his religious status as the commander of the faithful. However, the villagers are well aware that all these categories of state agents interpret and transform the law in different ways and attend to different interests. As has already been suggested, some transnational impacts arrived at the village level transformed through the bottleneck of the state legal apparatus. The state adapted transnational legal blueprints and intervened with anti-terror legislation at a time when the local population was already arranging their internal problems without the state support they had demanded earlier, but which the state had refused. These politics affected the standing of the state in the rural zone, but made state institutions more easily accessible for local purposes. In this way, a promising resource for manipulating conflict matters was opened up.

Another factor affecting the position of the state in the four-way legal constellation rested on its perceived need to guard against the increasing influence of Islamic movements in the rural area. An official political campaign by the government in support of local identity and culture was launched in the media after the terrorist attacks in Casablanca. The state realised that the best way to prevent intellectual infiltration was the political revalorisation of tradition as a source of local self-esteem and identity, a move that was widely accepted in the countryside.<sup>25</sup> The

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<sup>25</sup> This was also emphasised in the royal speech in July 2003: <http://www.mincom.gov.ma/french/generalites/samajeste/mohammedVI/discours/2003/Discours%20du%20Trone%202003.htm>

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Souassa understood this campaign as an invitation to express their social ideals in rhetoric that depicted customary law as cultural property and local knowledge. Tradition became a legal argument. In spite of this, the relationship with the state remains contradictory, oscillating constantly between support and resistance. State officials, however, retain their reputation of being predictable – and to a certain extent manipulable – in terms of their actions. The ‘weak state syndrome’ which Jenson and Santos identified as one of the generally expected accessory packs of globalisation (Jenson and Santos 2000: 17-19) does not seem to have arisen in state-local interaction in rural Morocco.

### *Challenged local identities and the reconstruction of local cohesion*

Transnational development activities also initiated, or at least supported, processes of class formation and social stratification. Development cooperation mobilised particularly educated people, such as most of the few young unemployed graduates in the village. People with prominent positions profited most from the transnational cooperation and made the village a target for external intervention.

Simultaneously, a strong rhetoric of radical equality prevailed amongst Salafiyya activists, while a strong hierarchy dominated the internal structure of the movement. However, the most challenging demand of the Salafiyya was to adopt their legal discourse as the basis of an all-Islamic identity, in contrast to a local legal discourse associated with Souassa identities. Their message was that the true law should be exclusively applied and would create identity. This intransigent position has not been appreciated at all, and the explosive force of their attitude split local society. Simultaneously, local rifts in the construction of identity also became obvious.

Already at the peak of Salafiyya involvement in the local arena, processes of rapprochement began. When faced by the threat of *fitna* (fission), the council mobilised all those portions of the local repertoire of values that spoke in favour of the compatibility of these values with the Salafiyya ideology, portraying its local manifestation as one type of religious orientation within the local scope of the Islamic way of life, and under certain conditions not contradictory to a Souassa identity. The issue might also be read as an indication of an internal ambiguity on the margins of community belonging, raising the question of how far demonstrations of ‘otherness’ may go, and how important it is to signal local belonging.

In the course of a careful differentiation between the ‘good’ Salafi and the others, new criteria have been developed. The criteria mention local background as being of primary importance, and further, the suspension of missionary activity, particularly the abandonment of any criticism of local religious and juridical practice. After anti-terrorism law became operative, the informal village council and state representatives with local identity exerted extreme social control over the village Islamists. Incurable adherents who continued to annoy people in public were threatened with denunciation. They responded with a certain adaptation to local conditions. Coexistence is part of the local reality of life and accordingly, part of local conflict. Quarrels arose and arise again and again, which had and still have to be taken seriously. However, a certain threshold of tolerance has been conceded, comparable to that for drunkards or other trouble makers with local roots. In this respect, the new anti-terror law posed a real problem for all actors who regarded the local arena as a coherent unit. In the course of this integration, while an arrangement was negotiated, the new state interest in local affairs, based on extended powers of intervention in the wake of the ‘war against terrorism’, proved uncomfortable. Everybody could be suspected of collaboration when the neighbours or, for instance, the grocer around the corner, were known as Salafi adherents. This situation became so extreme that even local state functionaries no longer informed higher authorities about conflicts caused by the Salafiyya, despite the remaining tensions, in an effort to avoid any action unfavourable to regulation on the village level.

On the other hand, some individuals gained prestige because of their pious way of life as Islamic activists, comparable to that of people who had performed the *hajj*. They have the reputation of not being corrupt, and for this reason they are charged with public duties in the village. These few individuals represent the trust factor with which the Salafiyya could have accumulated much more social capital. In several villages, for instance, the representative of the village-based ‘NGOs for rural development’, the creation of which was encouraged by development agencies, is a Salafi with an ‘Islamic beard’, the mark of distinction. The main function of those who preside over an NGO actually should be to provide an interface for the implementation of transnational standards of environmental protection, sustainable development, and to fight rural poverty, etc. The ‘president’ of the NGO has to act as a contact person, and in so doing attract external investment. This, at least, is the idea donor organisations associate with the notion of village NGOs. Nevertheless, one cannot avoid the impression that by making a Salafi president of the village NGO, people have very consciously

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created a counterweight to the increasing influence of transnationally active development agencies on the local level.

### Conclusion

In our conceptualisation of the currently developing empowerment of local legal agency in this particular setting, a set of criteria have emerged. These may be considered to be constitutive and reflective of particular social conditions. It is not claimed that the constellation analysed can be generalised for all kinds of transnational-state-local interactions, but it may highlight some of the typical transformations that the challenge of transnational competition generates in local fields (Woodman and Wanitzek 2004: 21).

The analysis shows that local legal agency has been boosted during the process of legal re-configuration on the local level, thus restricting the degree of transnational legal standardisation. This does not mean that the legal standardisations of both transnational actors – the development agencies and the Salafiyya – had no influence at all on the local legal repertoire. The local discourses and negotiations show to what extent external intervention has contributed to the maintenance and construction of legal order. Indeed, competing parallel attempts at a de-pluralisation of the legal repertoire initiated an upgrading of the local legal order. Transnational competition contributed to a confirmation of local order, and to its transformation at the same time. Furthermore, transnational impacts also affected the local economy and local power constellations, as has been shown. Rather than these transnational impacts becoming dominant, however, they have simply been integrated within the local discourse and practices. To name this development a ‘conscious counter-hegemonic strategy’ would nevertheless go too far (Santos and Rodríguez-Garavito 2005).

The mitigation of state control and state intervention in legal affairs did not weaken the state’s legal range, and no para-statal structures emerged. The realisation on the part of the locals that the representatives of the state were also facing the transnational challenge and were vulnerable to it increased local legal agency, but did not result in their disavowing the state. The umbrella of national law was never questioned. The state’s parallel strategy of increasing legal pressure on the one hand while conceding more room for legal self-determination on the other contributed considerably to the local attitude towards all transnational actors.

Paradoxically, the resulting relationship is based not so much on state intervention as on a higher degree of state-local interaction.

The competitive nature of transnational intervention posed a challenge for local cohesion that was new in terms of both its quality and its intensity. Local actors came together as village-NGOs, production cooperatives or religious movements in order to access external resources. This provoked serious misunderstandings regarding the judicial competence and intervention potentialities of these new institutions in local areas of conflict. In particular, the potential for violence they activated posed a real challenge to local institutions of conflict management.

The most pressing and challenging task in the discursive process turned out to be the re-evaluation of criteria of local identity and local belonging – which in turn had consequences for the local configuration of economic power-relations.<sup>26</sup> The informal village councils intensively discussed the implications of the various legal repertoires for local identity formation. Identity and social belonging proved to be resilient, as well as indispensable, as a basis for trust and legal security. Individual and communal legal agencies refer to identity when facing external impulses. This reaction must not necessarily be interpreted as ‘taming globalisation’ and pseudo-framing (Geschiere and Meyer 1998; see also Niezen 2004). For instance, the Salafiyya challenge, as well as the connection of local knowledge to the world market economy as a globally-known producer of Argan oil as an organic ‘slow food’, had an effect on the construction of local identity (Melucci 2004). The emphasis on local identity was accompanied and informed by transnational references. Local identity retained its interface with other levels of identification that correspond with the nation state, religious orientation or a migration background.

The problem of analysing the repercussions of these developments on the transnational agencies themselves has not been fully addressed and requires further analysis. On the higher level of development planning, the problem of competition with other actors has been recognised as a practical issue, and programmes have been developed to support project administrators in precarious situations. Despite the existing contingency plans of development organisations precisely for circumstances such as those described, in this particular case the representatives on the ground, particularly the non-Moroccan members of staff, ostentatiously

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<sup>26</sup> For a critical view on the relationship between globalisation and identity see Bayart 2005.

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ignored the competing situation. There is no evidence that development agencies tend to react more open-mindedly about legal pluralism in a global-local interaction after these experiences. Rather, we can assume that most development representatives did not even take any notice of the constellation. They acted self-referentially and concentrated on the performance of their respective development guidelines. With their non-reaction to the Islamists' defamations, they passed up the chance to refine their own arguments and to analyse the constraints and inconsistencies of both sides' interpretations of legal reality.

This led in turn to a social process that can be described as empowering legal agency, giving more influence to popular religion and less to the state, as a remedy against the increasing social disintegration evoked by contradictory inputs. This does not necessarily entail a revitalisation of local tradition, but rather results in a certain autonomy in negotiating 'the legal references' of a local order.

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