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Emancipation and Its Discontents: Jews at the Formative Period of Colonial Rule in Morocco

Daniel J. Schroeter and Joseph Chetrit

In May 1918, the sultan of Morocco promulgated a *dahir* to reorganize the Moroccan Jewish communities.¹ A *dahir* (*ḡahīr* in Arabic) was the term in Morocco for a decree or edict of the sultan. During the colonial period, the French authorities in reality wrote the decrees, but, for the purpose of legitimizing their rule in Morocco, they had the sultan rubber stamp their policies without consulting either the Moroccan sovereign or the Moroccans employed in his administration (called the Makhzan). In the case of the *dahir* to reorganize and modernize the communities, discussions on the status of Moroccan Jewry had begun well before the establishment of the protectorate in Morocco in 1912, but after the French conquest of Morocco began (with the Spanish taking control of and establishing a protectorate in the northwestern tip of the country), deliberations on the subject of the Jewish communities intensified. The goal of the French colonial authorities was first and foremost to find the most effective means to control the Jewish communities, which was not always in the interest of the Jews themselves. Balancing the French desire to control the Jews

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were a number of other considerations, including the pressures and interests of France's Jewish community, potential reactions of the Muslim population toward the protectorate's Jewish policy, and the historical legacy of Jewish emancipation and civil status both in France and in the colonies, especially in Algeria and Tunisia. These multifaceted tensions between often-conflicting interest groups shaped the relationship between colonialism and the Jews in Morocco, tensions that were comparable to Jews living in other colonial settings in the late nineteenth and early twentieth centuries.

In the discussion that follows, we shed new light on the evolving position and status of Jews in Morocco under colonial rule. We demonstrate that both the meaning and the consequences of legal and social reforms of the Jewish communities of Morocco, often referred to as "emancipation" during the colonial period and subsequently by scholars, were far more ambivalent and tentative than the term implies. To advocates of emancipation, *dhimmi* status—which defined, since the early period of Islam, the position of non-Muslims (principally Jews and Christians) as protected yet inferior religious communities who were obligated to pay an annual capitation tax (*jizya*)—was to be eliminated and the self-governing institutions of the Jewish community were to be dismantled. However, for Morocco it will be shown that the legal changes in the Jews' status and the reforms of communal institutions were designed by the colonial regime more to control the Jewish communities and their internal organization than fundamentally to transform the Jewish communities as the emancipatory rhetoric implied. Major changes took place during the colonial period, especially in modern education and the development of new types of secular associations and organizations, but this type of modernization was achieved without the general secularization of Jewish society or the abandonment of affiliation to the community. The protectorate succeeded, perhaps in an unintended manner, to create a greater sense of a "Moroccan Judaism" that bridged what previously had been very loosely connected, relatively autonomous communities, and it helped to strengthen religious life and traditional beliefs, such as in the veneration of saints on a wider scale than before.

Colonialism has been one of the most important forces affecting Jews over the past two hundred years, and yet it is often ignored in general discussions on the modern Jewish experience. A West European model of the Jews' encounter with modernity has been understood as quasi-universal, with emancipation leading to assimilation, antisemitism leading to Zionism. If the Jews of the Maghrib and throughout the Mediterranean had not yet followed the same trajectory, it was be-

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lieved to be only a time lag.² Yet the forces of modernity affected the Jews somewhat differently in the Middle East and North Africa. This was because the Jews' encounter with modernity came via the agency of colonialism and the expanding influence of European Jewry, especially through the Alliance Israélite Universelle, which sought to modernize the Jewish communities of the Mediterranean basin through Western education and political reform. Rather than these changes emerging organically out of the transformation of society as a whole, Middle Eastern and North African Jews were sometimes reluctant partners in an unequal relationship of power with European Jewry.³

The transformation of the legal and civil status of the Jews under colonial rule in North Africa has often been called "emancipation," pointing to the process in Western Europe of granting the equal rights of citizenship to the Jews. In Europe and especially in France, emancipation emerged out of the revolutionary movement to dissolve the old regime of corporate groups and hereditary estates. In this context, the emancipation of Jews aimed at dismantling the self-governing, autonomous authority of the Jewish community and assimilating Jews into the society in which they lived. Emancipation was accompanied also by regeneration (*régénération*), the necessity for social and moral improvement as a requirement of citizenship. Judaism was henceforth to be a matter of personal choice, and the individual Jew was to become an equal citizen of the secular state. This understanding and, indeed, slogan of emancipation was embraced by West European Jews as universal, and increasingly they sought to expand their influence to other parts of the world.⁴

Some Jews outside of Western Europe also began advocating emancipation but often under political and social conditions that rendered a somewhat different meaning to the term, a more ambivalent type of emancipation that was contingent on circumstances distinct from Western Europe. In the Russian Empire in the nineteenth century, for example, though Jewish advocates of emancipation (often maskilim) sought to obtain, as in Western Europe, equal civil and political status, the more selective integration policy of the tsarist state often meant that the Jews—drawing from Haskalah ideology—placed greater emphasis on "self-emancipation." This implied reform within Jewish society rather than a focus on the anticorporative agenda that characterized West European Jews.⁵

The notion of "selective integration" in Russian society of the nineteenth century was in some ways quite distinct from the presuppositions of "emancipation" in the Muslim world, especially in the North African colonial setting. Yet in certain respects the consequences were similar,

especially with regard to Tunisia and Morocco. As in the Russian Empire, emancipation in the two French protectorates in North Africa failed because the government refused to grant equal rights as citizens to Jews. The protectorate authorities in Tunisia and Morocco only allowed the selective granting of French citizenship rights. And in both the North African and Russian cases, emancipation or selective integration did not lead to the total dissolution of the Jewish community, or *kehilah* (though there were efforts in both cases to dismantle some of its authority). Distinct, however, from the Russian case was that the impetus and initiative for emancipation in North Africa came largely from influential French Jews, their organizations, and their Moroccan Jewish supporters. Unlike in either Western or Eastern Europe, colonial emancipation did not seek integration into society but, rather, the granting of French citizenship, which would place Jews on the same legal footing as the French colonizers. (This was only achieved in Algeria in 1870, as the result of the Crémieux Decree, as discussed below.) In other words, emancipation would mean detaching rather than integrating Jews in society, an agenda of “colonial emancipation” that was very different from the integrationist goals of European emancipation.

Emancipation and the principle of regeneration were nevertheless the rationales of French Jewry in support of colonialism. As Jews in France came to identify with the French nation, they believed that the conquering Western powers would bring emancipation from the oppressive environment of Islamic despotism, rescuing the Jewish communities from the decay that surrounded them and setting them on the course of Western progress and enlightenment.

The eagerness with which French Jews embraced colonialism reflected the deep anxieties that existed within the Franco-Jewish community. The debate during the Enlightenment about whether universal principles should apply to Jews may have been resolved in a political sense by the French Revolution and Napoleon, but doubts lingered about the wisdom of Jewish emancipation in France. Citizenship was a privilege that had to be earned by the Jews through “regeneration”—a slogan for revolutionary transformation that the Jews themselves internalized.⁶ Most Jews in France fully accepted the idea of citizenship and embraced the universalizing principles that French civilization was supposed to represent, but tensions remained between the discourse of universalism and the social acceptance or exclusion of Jews, especially as antisemitism grew in the latter half of the nineteenth century.⁷ The ambivalence toward the emancipation of the Jews also anticipated the ambivalence of the *mission civilisatrice*—the notion of civilizing France’s new subjects—in late-nineteenth-century colonialism.

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The new period of European imperialism beginning in the 1870s brought to the forefront the doctrine of mission civilisatrice. Although French citizens naturally assumed their own cultural superiority, the idea that the colonized subjects could be regenerated served to legitimate the contradiction of imperial conquest with the republican ideals of democracy in the Third Republic.⁸ Although the goal of the mission civilisatrice remained, its doctrine in the colonies evolved as the contradictions between the universal ideology and the material realities of colonial rule were acted out.

When the ideology and goals of colonial rule changed—reflected in the different theories of French rule in North Africa that differentiated the occupations of Algeria, Tunisia, and Morocco⁹—the stakes also became higher for French Jewry. The Jews of North Africa, or “Oriental Jews” as they were designated, were believed by French Jews to be older, un-emancipated versions of themselves, awaiting the regeneration required for full acceptance in the French nation. As Narcisse Leven, secretary and future president of the Alliance, remarked in 1864, “the emancipated West pays its debt to the regenerated Orient.”¹⁰ Yet the idea of Jewish emancipation met with the same ambivalence that was reflected in the reception of the Ostjuden in Western Europe: on the one hand, the desire to distance themselves from their eastern coreligionists with their “too Jewish” ways threatened to underscore the growing perception and argument by antisemites of the “Oriental” nature of even the most assimilated Jews;¹¹ on the other hand, they wanted to “civilize” and “regenerate” Oriental Jewry in the colonies as quickly as possible by granting them citizenship and bringing them into the modern world.

Entering into this picture were the complex realities of the colonial system itself. The tensions that continued to exist in France concerning the position of Jews in society were further complicated in the colonial setting because of the triangular relationship between colonized Jews, the colonizing power, and French Jewish citizens. Furthermore, within the colonized Jewish society were even more hierarchical layers, especially in Morocco: Jews with French citizenship and those without; Jews living in the major urban centers of Arab civilization and those in predominantly Berber rural areas; those with a French, largely secular education and those with traditional schooling or those, especially women, with none at all. The timing of French colonial rule in the Maghrib was also important, with the French experience in Algeria having an impact on the Tunisian protectorate, which in turn influenced colonial policy in Morocco.

Algeria, invaded by France in 1830, became a laboratory for colo-

nial policies in other countries in the French empire. The lay leadership of French Jewry played an active role in shaping France's policy toward the Jewish inhabitants of Algiers. The Crémieux Decree of 1870, naturalizing en bloc most Algerian Jews¹² (and not, significantly, Muslims) as French citizens, was the culmination of efforts by the Franco-Jewish leadership (and in particular the Jewish minister of justice, who had also been the president of the Alliance) and coincided with the interests of French Republicans to bolster the electorate in Algeria. This not only caused an antisemitic backlash among the settler population but also added to the already intensified anxieties of French national identity over the loss of Alsace Lorraine that year.¹³

The French measured their failures and successes in Algeria by defining the parameters of colonial rule in Tunisia. A "protectorate" rather than a colony was established in 1881, with the espoused aim of reforming the Tunisian administration under French tutelage, rather than making Tunisia an integral part of France. The French government was not as eager as Westernized Jews to accord Tunisian Jewry the jurisdiction of the French legal system. This was perhaps in part because of the rising tide of antisemitism. The French settlers were concerned about Jewish competitors. Furthermore, the question of Jewish legal status was linked to the concept of the "protectorate." Unlike in Algeria, the French government was committed in theory to keeping traditional institutions intact.¹⁴

Jews were more numerous in Morocco than anywhere else in North Africa or the Middle East. Unlike Tunisia under the reformist *Husaynid beys* (the local dynastic rulers who remained only nominally part of the Ottoman Empire), who implemented measures that transformed the Jews' civil status, Morocco was relatively untouched by the Tanzimat type of reforms that affected religious minorities in the Ottoman Empire.¹⁵ The Jewish community continued to be defined, on the one hand, by the Islamic state (as *ahl al-dhimma* or *dhimmis*, people of protection) and, on the other, by the self-governing institutions of the Jewish community. The mission of Sir Moses Montefiore to Morocco in 1863–64 to the court of Sidi Muhammad (r. 1859–73) on behalf of Moroccan Jews may have intended to pressure the sultan to implement Tanzimat-like reforms, eliminating legal disabilities associated with dhimmi status. The sultan, instead, diplomatically issued a dahir that simply reiterated the traditional Islamic system of justice and protection of the Jews, without calling for overhauling the system itself.¹⁶

More significantly, the Montefiore visit was a symbolic turning point for the Jewish communities, which henceforth, with much

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greater frequency than before, sought the intervention of foreign governments in disputes with the Muslim authorities, increasing tensions between Muslims and Jews.¹⁷ Although the dhimmi system remained essentially intact until 1912, the status of Jews had begun to change in the precolonial period, primarily the result of two causes: consular protection and the penetration of European Jewish organizations, especially the Alliance, led by Crémieux from 1863, and its British counterpart, the Anglo-Jewish Association.¹⁸ The Alliance began opening schools in Morocco's coastal cities in the 1860s, and Morocco grew to become the organization's largest field of operation.¹⁹

In the town of Essaouira, Morocco's most active seaport and largest Jewish community on the coast in the nineteenth century, foreign consulates and the Alliance often joined forces. Soon after the foundation of the Alliance in Paris, the strongest advocate and supporter of the new organization in its efforts to establish a school was the French consul in Essaouira, Auguste Beaumier.²⁰ The Alliance saw the French consulate as its chief ally in rallying support for the school. In 1888, the Alliance wrote to the French consulate in Essaouira to convene a meeting of the Jewish community to discuss the practical ways to open a boys' school.²¹ Once the school was opened through this initiative, the French consulate in Essaouira played a supervisory role in the activities of the Alliance school.

The branches of the Alliance and the Anglo-Jewish Association, which were established in Moroccan towns where there were foreign consular representatives, appealed with growing frequency to foreign governments to intervene in favor of the Jews, not only for Jews in the coastal towns where these organizations were present but also for their coreligionists in the interior of Morocco. Leaders of the Jewish communities also became accustomed to appealing directly to the foreign consulates. Incidents in Demnat of the High Atlas Mountains, N'tifa in the Eastern High Atlas, or Iligh of the Anti-Atlas, for example, were brought to the attention of the foreign consulates.²² This ever-widening network of connections between Moroccan Jews and foreign Jewish organizations and consulates affected different sectors of the Jewish population.

The number of Jewish protégés connected to the foreign powers grew in the latter half of the nineteenth century. Jews involved in foreign trade at various levels were frequently able to obtain patents of protection, coming under the jurisdiction of foreign consulates and thus gaining extraterritorial rights. This protection was supported by the European Jewish organizations that directly lobbied their governments to maintain the system, such as during the Madrid Conference

in 1880. This conference was convened to limit and control the abuses of the system of protection. Competition between the European powers over influence in Morocco was the underlying reason for the meeting. The Jewish lobby in Britain, especially the Anglo-Jewish Association, was mobilized in the days leading up to and during the conference. The Anglo-Jewish leaders as well as their American Jewish counterparts put pressure on their respective governments, claiming that consular protection was the chief reason for the amelioration of the status of Jews, especially in the coastal cities where foreign consulates were present. All Jews were seeking protection, and, according to the Jewish lobby, consular protection was the only constraint on the Muslim population. If consular protection were to be abolished, then Jews would “return” to the oppressive system of Muslim jurisdiction. The Jewish lobby had little influence, except to the extent that its position coincided with the interests of the European powers. Although some of the European powers were interested in curtailing the spread of foreign protection, competition between the powers and their unwillingness to relinquish existing privileges prevented all efforts to curtail the abuses of consular protection. The treaty that was drawn up at the Madrid Conference, therefore, merely confirmed a system that was already in place. Furthermore, the European powers obligated the Moroccan representative, Muhammad Bargash, to sign an agreement assuring religious liberty in Morocco, more or less an affirmation of the dahir issued to Montefiore in 1864.²³ In the following years, other European powers, such as Italy and Germany, entered the political arena; both saw the protection of Jewish interests in Morocco as a means of extending their influence.²⁴

The Madrid agreement did include one important innovation that implicitly recognized the concept of nationality. An article in the treaty established the principle of perpetual allegiance: Moroccans who became naturalized abroad would again be considered Moroccans after the same amount of time that they had spent abroad had elapsed after their return to Morocco. This implied that one could be a “Moroccan,” whether Muslim or Jew, and that nationality was inalienable.²⁵ But the article had no practical effect since Morocco did not have the juridical structure to give it meaning.

More important, it was in the interests of the European powers to extend their influence by extracting the maximum number of natives from the legal jurisdiction of the Moroccan sultan. Perhaps as many as 1,500 Jewish families enjoyed the protection of a foreign power.²⁶ The protection system thus established a link between the European powers and European Jews and the growing elite of Jewish protégés in Mo-

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rocco. Leaders of this new Jewish elite, generally prominent merchants, increasingly became the key arbiters in communal life. The indigenous leadership either had to adapt to the changes or risk being displaced by those who attached themselves to European interests. This resulted in important changes in the institutional structure of the communities, changes that were often contested by competing Jewish figures of authority. By the late nineteenth and early twentieth centuries, a number of communities on the coast of Morocco, such as Tangier, Tetuan, Essaouira, and Casablanca, had established permanent “committees,” giving formal structures to the communal organization traditionally called *maamad* in Hebrew and *junta* in Spanish; it was known in Arabic as *jama'at al-Yahud*. The affairs of the rabbinical courts were also being more formally regulated, with register books of cases kept with growing regularity. Alongside these communal institutions, which were becoming the vehicles through which foreign influence was channeled, were local branches of the Alliance and Anglo-Jewish Association. These branches not only sought to intervene in favor of the protégés of foreign powers but also influenced the working of the community itself. All those domains in the community that had formerly been under the control of the traditional rabbinical and merchant oligarchy were affected: education, revenues and expenditures, benevolent and charitable societies, charity, and so forth. Awareness of the anomalous position of Morocco’s Jewish community within the wider Jewish world, as one of the few “unemancipated” and still uncolonized Jewish societies, also grew in the precolonial period.²⁷

The reorganization of the institutions of the Moroccan Jewish community at the beginning of the French protectorate was therefore the culmination of a process of change brought about by the intervention of foreign governments and European Jewish organizations. The goals, however, of European Jewry and the Westernized elite in Morocco that had already sprung up in the precolonial period were not always the same as those of the French protectorate authorities. In theory, the French (and the Spanish in the north) established the protectorate in order to reform native institutions rather than to replace them, and the facade of the Sharifian government was kept in the colonial nomenclature. In practice, the Moroccan government and its legal system were dominated by French administrators under the resident-general, who instituted sweeping reforms.

Jewish advocates of Westernization, however, took the mission civilisatrice much more at face value with respect to the Jewish communities. Jews welcomed the advent of the protectorate as a vehicle to achieve emancipation—meaning, the end to dhimmi status and the

beginning of a civil culture under enlightened French rule. Thus, the committees of each Jewish community would have a more civic function. The expansion of activities of the Alliance would help lead to the “regeneration” of Oriental Jewry through secular education and vocational training. It was certainly hoped by the majority of the Western elite in Morocco that regeneration would earn the Jews full admission to European civil society and, specifically, enable them to acquire French nationality in the same way that Algerian Jews did in 1870. But Resident-General Louis Hubert Gonzalve Lyautey pursued a limiting policy of selective, individual naturalization.²⁸ The Westernized elite was therefore to be disappointed by the French authorities, who placed impediments in the path of the full emancipation of Moroccan Jewry.

The Alliance pointed out in 1912 that Moroccan Jews had always been considered by France to be “pioneers of French civilization in Morocco,”²⁹ and it advocated the gradual emancipation of Moroccan Jewry, taking into account the experience of the Jews of Algeria and Tunisia. At the very beginning of the protectorate, it attempted to persuade Lyautey to accord the Jews a legal status that would remove them from the jurisdiction of the Makhzan (the Moroccan central government administration), a measure to improve the Jews’ political status. The Alliance demanded that the Jews be granted a privilege that France gave the Jews of Algeria in the early years after the beginning of the French occupation: adjudication in the French courts.³⁰ After some deliberations, Alliance president Leven submitted the recommendations of the organization in February 1913, requesting that Moroccan Jews be adjudicated before French courts and that their status be distinct from those Jews of Tunisia who were still considered to be natives and, consequently, were subject to Muslim jurisdiction, specifically in the vizirial courts (that is, courts of the Tunisian state), where they were prejudiced by the inadmissibility of Jewish evidence. Leven also raised the matter of Jews who enjoyed French consular protection before the beginning of the protectorate and who were liable to lose this special status if they did not come under the jurisdiction of the French court system. To strengthen his argument, he pointed out that Spain—France’s competitor in northern Morocco—granted Jewish subjects a preferential legal status.³¹ Lyautey, however, decided against the recommendations of the Alliance. Leven sent another detailed response that examined in greater depth the protectorate’s policies, indicating the many shortcomings of the parallel Tunisian experience, but to no avail.³² Lyautey and French colonial thinking in general were clearly not interested in seeing the Algerian experience replicated in

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Morocco, with the granting of citizenship to the Jews and the outbreak of antisemitism among the settler populations that followed. Furthermore, the French authorities preferred to keep the Jews a subordinate class of the population to avoid agitating the Muslim population against French rule.³³

The French protectorate established two separate systems of administration: one led by the sultan and the Makhzan headed by the grand vizir; the second led by the resident-general. Thus, the French preserved the 'Alawid dynasty and the Sharifian government as a symbolic entity, using the sultan to issue dahirs and legitimize French rule. By the dahir of August 12, 1913, French courts were established, independent of the indigenous courts, to judge any cases involving Europeans; Muslim and Jewish courts were preserved, sanctioned to hear cases of personal status and inheritance. Jews who had been French protégés before the protectorate lost their privileged status, though protégés of other foreign countries generally remained under foreign protection. The Westernized Jews hoped to be allowed adjudication in the European courts, but here again they were to be disappointed. Clearly, the protectorate authorities were more concerned about gaining the cooperation of the Muslim regime that they had set up and not agitating the *ulema* than about satisfying the desire of some Jews to obtain judicial privileges. Consequently, the French decided to maintain the Jews as subjects of the sultan and under Sharifian jurisdiction. Cases between Moroccans, regardless of their religion, were to come under the jurisdiction of the Makhzan.³⁴

Although Jews were no longer subject to the stipulations governing the dhimma, nor to the inequities and disabilities of the shari'a courts based on the Maliki school of jurisprudence, they were formerly recognized as "indigenous," a status resented by the Westernized elite. The definition of Moroccan nationality remained deliberately ambiguous. In this manner, dhimmi status was eliminated de facto (though significantly not de jure), without establishing a coherent new legal framework for the Jews.³⁵

During the protectorate, the network of Alliance schools was considerably extended. The colonial authorities encouraged this expansion but, at the same time, wanted to make the schools subordinate and conform to French policy. Among other things, at the beginning of the protectorate there were considerable numbers of non-French teachers, "not only Spaniards, but Ottomans, Bulgarians, and even Austrians," wrote the director in charge of education for the French administration. "In prudently continuing this progressive extension of our authority, by subsidizing the Alliance institutions and controlling them . . . we

will be able to limit the activity of this organization and purge the personnel and, consequently, subordinate it step by step to our general Moroccan policy.³⁶ For several years, the French authorities entertained the possibility of replacing the network of Alliance schools by a system of exclusively Jewish schools, Ecoles Franco-israélites, that were created in 1916. In 1924, after the Alliance made a number of concessions to the French authorities (including giving a supervisory role to the French administration), agreement was reached with the administration that guaranteed the continuation of Alliance activities and its collaboration with the colonial regime.³⁷

At the very beginning of the protectorate, the communities also maintained considerable internal autonomy. Yet such autonomy was not to last, once the protectorate authorities consolidated their control. Within a couple of years, the French administration began planning for the reorganization of the Jewish communities. To achieve that goal, the traditional structure of the communities needed to be studied and proposals for reform submitted. One of the people appointed to the task by Lyautey was the noted Orientalist and Hebraicist Nahum Slouschz, who had already published prodigiously on his various travels and historical studies of the Jewish communities of North Africa. In 1905, Slouschz had been recruited by the French Mission Scientifique du Maroc, which had begun its activities the previous year, to study Moroccan and North African Jewry; his monographs were published in the *Archives Marocaines*, the chief journal that published the results of the research of the Mission Scientifique.³⁸ Such “scientific” studies helped consolidate French colonial designs in Morocco,³⁹ and Slouschz considered himself a part of the colonial enterprise.⁴⁰

Slouschz claimed that Lyautey appreciated his efforts at the time when the latter was serving in the Algerian Sahara. Slouschz, however, was determined to go further than the French authorities would allow, seeing his academic research linked directly to his goal of achieving the emancipation of Moroccan Jewry. He appealed for financial backing from the United States even before the beginning of the protectorate and also during World War I, after having submitted his proposals for the reform of Jewish institutions in Morocco. On his first effort to gain American support, he wrote:

But as the financial means were lacking for the pursuit of these costly expeditions I took advantage of my sojourn in the United States in 1911 to interest Jewish opinion in my African researches. Mr. Jacob H. Schiff was good enough to contribute a large sum to the Académie des Inscriptions et Belles-Lettres of Paris and this generous cooperation served as a point

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of departure for an entire period of activity in the interests of science and in favor of the emancipation of the Jews of Morocco.⁴¹

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Slouschz returned to Morocco at the beginning of the protectorate in 1912 and continued his activities connected to the study of Jewish history, establishing a section of Jewish antiquities in the Museum of Rabat and studying Jewish institutions in Fez.⁴² In December 1914, he was appointed for the year of 1915 to study and submit recommendations for the reorganization of Jewish judicial and social institutions in Morocco. In his letter of appointment, he was authorized to continue his scientific work and was promised a monthly stipend for his work on behalf of the protectorate. It was also made clear to him that the goal of his investigation and the anticipated future reforms were to provide protectorate officials with the means to supervise and control Jewish institutions.⁴³ Slouschz did not always stay in Morocco but spent part of the war years in the United States and France. His mission was renewed in 1916, and he returned to Morocco in July of that year.⁴⁴

Slouschz toured the large communities of Morocco to gain firsthand knowledge of the structure of the communities and become acquainted with the leaders of the Jewish institutions. His recommendations were submitted to his superior, the secretary-general of the Sharifian government, Henri Gaillard, who was a key figure in Lyautey's early administration and an important intermediary between the French authorities and the Makhzan. Gaillard adopted his recommendations with significant changes in a draft of a dahir that was supposed to be promulgated eventually.⁴⁵

Slouschz proposed in his memorandum to establish rabbinical courts that would include a head rabbinical judge (*dayan*) or president of the court (*av Beit Din*), two other *dayanim*, a court notary (*sofer*), and four notables of the community (reduced to two in Gaillard's proposal) knowledgeable in *halakhah* (Jewish law). The jurisdiction of the rabbinical courts was to be limited to matters of personal status and inheritance. Slouschz proposed that five regional rabbinical courts be established in Rabat-Salé, Mogador (Essaouira)-Safi, Fez-Sefrou, Marrakesh, and Casablanca. For the smaller communities, he suggested that individual *dayanim* be appointed, joined by two notables from the community, which would come under the authority of the regional rabbinical court. The salary of the *dayanim* would be derived primarily from communal taxes, especially the tax on kosher meat.

On other matters, Slouschz recommended that the decisions of each rabbinical court could be overturned by either a general provincial rabbinical court or a French court and then, if recommended, retried be-

fore a rabbinical court of a different region. Gaillard proposed instead that the decisions of the rabbinical court should be definitive and could not be overturned except by the sultan. No mention was made of appointments of individual dayanim to small communities. On communal affairs, Slouschz recommended that a general consistory (*consistoire*) or Sanhedrin, composed of 23 representatives from the rabbinical courts, be elected by the rabbis and notables of all the *mellahs*⁴⁶ to implement statutes on juridical questions affecting Moroccan Jewry in its entirety. The idea of a larger assembly, recalling somewhat the memory of Napoleon's Sanhedrin and the creation of consistories in France (and later, Algeria), also does not appear in Gaillard's recommendations. This is not surprising, considering that the purpose of reorganizing the Jewish communities was to "limit the powers of the 'jama'at al-Yahud' [djemaât el Y'houd], restricting its competence to purely cultural and charitable matters."⁴⁷ Slouschz's mission was terminated by the interim resident-general, Henri Gourand, in January 1917, when Lyautey was in Paris as part of the war effort.

Gaillard submitted in 1917 a draft of a dahir based in part on Slouschz's recommendations, though at this point Slouschz was no longer referred to as a participant.⁴⁸ Prior to completing the draft, the secretary-general distributed Slouschz's notes to senior French officials in the different centers of Morocco where there were large Jewish communities to elicit their opinions. One of them, Commander Sciard, head of municipal services for the city of Fez, claimed that Slouschz's recommendation would leave "talmudic institutions that are found in almost all the cities of the Orient where the Jewish communities have preserved the freedom to organize their public life" under the protection of "the suzerain State."⁴⁹ Here Sciard was raising a red herring, invoking the lingering misgivings of French society toward the emancipation of the Jews. Although Slouschz's notion of emancipation may have envisaged greater empowerment of the Jewish communities by removing them from the jurisdiction of the Makhzan, his vision of emancipation was hardly to furnish the "talmudic" institutions with the means to control public life since he favored reducing the competence of the rabbinical courts to matters of personal status. Sciard was also against appointing notables as advisors to the court, and, contradicting his aim to limit the autonomy of the Jewish community, he argued that their interference not only would be resented by the rabbis but would also "seem to cast suspicion on an organ we want to recreate in its original integrity."⁵⁰ Sciard expressed concern about Slouschz's choices of individual appointments, which he considered to be the prerogative of the municipality.

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His letter reflects the efforts of the new type of municipal government established by the French protectorate to control the native population and its indigenous institutions. Sciard was opposed to Slouschz's idea of basing the salaries of the rabbis on the traditional tax on kosher meat. Instead, he supported the idea of a "consistorial committee," an institution "whose utility has been long recognized." Sciard added: "If we decide to reorganize the Jewish community of Fez and place at its head a consistorial committee, that institution would be able to directly control the management of the designated meat tax." Another official argued cogently against including two notables with the three dayanim, both because of their insufficient knowledge on halakhic matters to assist the judges and because he believed that, in Slouschz's system, the plan was eventually to enable the rabbinical court to hear criminal and civil cases in matters involving Jews and to remove them from appearing in the Muslim law courts of the Makhzan.⁵¹

Gaillard's dahir proposal was also circulated among well-known members of Morocco's Jewish community, of which two personalities stand out. The first was Yahya Zagury, president of Casablanca's Jewish community council since its inception in 1907. Zagury, who had been a dragoman for the French consulate, was decorated as chevalier in the Legion of Honor for his role in guiding the first debarkation of French troops in Casablanca.⁵² In 1919, he was appointed inspector of Jewish institutions (*inspecteur des institutions israélites*), a newly created position under the Department of Sharifian Affairs that served as the major liaison between the colonial power and the Jewish community.⁵³ The second was the rabbi and dayan Raphaël Ancaoua from Salé, who was later appointed chief rabbi in 1918 and was recognized as the highest religious authority of Moroccan Jewry. The latter agreed with most aspects of the proposal concerning the rabbinical court, raising some technical questions about judicial procedure, but was categorically opposed to the idea that decisions of the courts could be brought before the sultan for appeal: "[U]nder no circumstances should the Sultan be allowed to have authority on matters touching rabbinical law."⁵⁴ Zagury, too, agreed in principle with most of the suggestions but had a number of reservations, including the required participation of the president of the court and of the *shaykh al-yahud* (the "sheikh of the Jews," or chief intermediary between the Jewish community and the government) in the meetings of the consistorial committees, the extent of the role of the two lay members of the rabbinical court, and the procedure of participation of the secondary judges in the deliberations of the courts. He was also bitterly opposed to the idea of appealing decisions of the court to the sultan: "[H]ow could the sultan judge

whether or not Jewish law had been correctly or incorrectly applied?” Instead, Zagury suggested that appeals could be brought before a different rabbinical court of equal or superior rank or, preferably, before an appeal court presided over by “a chief rabbi having jurisdiction over all of Morocco.”⁵⁵ Zagury was perhaps the first to raise the possibility of an appeal court. Ultimately, however, the purpose of soliciting the opinion of Jewish leaders was not for their advice but to give the impression that the French regime was not controlling the communities too tightly and thus gain the support of the community for the reforms. Lyautey was to report to the various officials that Ancaoua gave his blessing for the new regulations.⁵⁶

The implementation of the reforms, however, was delayed, probably because of the more urgent circumstances of World War I. Lyautey was called to Paris to become war minister from December 1916 to May 1917, and Slouschz’s mission was not renewed by Gourand. In a letter dated January 5, 1917, Gourand informed Slouschz that “the work, the advice, the suggestions which you have been moved to give with regard to my work constitute a basis which appears to suffice for present necessities and for immediate organization of Jewish communities.”⁵⁷ Undeterred by his rejection, Slouschz lobbied the French Foreign Ministry, accusing Gaillard of hostility toward him and asking to be appointed “advisor for Jewish affairs.”⁵⁸ He failed to receive this appointment. In May 1917, the office of secretary-general was abolished, and Gaillard was appointed French consul in Cairo.⁵⁹ Both Slouschz and Gaillard were now out of the picture, and their initiative henceforth was referred to as the Slouschz-Gaillard project.

Slouschz was dismissed because his personal ambitions as well as his ideology hardly made him the kind of compliant client that the French protectorate authorities sought. His ideas supporting the Zionist movement, according to Gourand, could cause inconveniences if they were disseminated in Morocco. The protectorate authorities saw the Zionist movement as countering the efforts of the Alliance, an organization that sought to assimilate the Jewish communities to French universal principles rather than promoting Jewish nationalism.⁶⁰ Furthermore, the French authorities were concerned about the potential for Jewish favoritism toward the British in gratitude for the Balfour Declaration and subsequent creation of the Mandate in Palestine, which they feared would come at the expense of French influence.⁶¹

Slouschz traveled to the United States to lecture on the history of the Jews of North Africa at colleges in New York and Philadelphia.⁶² He took advantage of his stay there to promote France’s war efforts against Germany, though it was made quite clear in advance of his trip

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that he was there on his own accord and not on any mission for the Foreign Ministry.⁶³ In the United States, he published an article in *The American Hebrew* on his ideas and activities for the emancipation of Moroccan Jewry, a copy of which he sent to Lyautey. Anticipating Lyautey's return to Morocco, he again tried to secure a role from the resident-general in the protectorate administration.⁶⁴ Although Slouschz was full of praise for Lyautey, the resident-general shared the belief that the services of the renowned scholar were no longer desirable. Lyautey did not approve of Slouschz's efforts in the United States to enlist support for Zionism nor his various contacts with American Jewish leaders, which included Stephen Wise, president of the UAHC (the Union of American Hebrew Congregations, the umbrella organization of the Reform movement), the wealthy banker Jacob Schiff, and Supreme Court Justice Louis Brandeis.⁶⁵ His interventions with the foreign minister must also have irked Lyautey. Slouschz renewed his efforts to secure an appointment from the Foreign Ministry in 1919 as "advisor of the Moroccan State"; the ministry, in turn, solicited the opinion of Lyautey.⁶⁶ Slouschz also made the claim that Jews all over Morocco, including the Moroccan colony from Palestine exiled in Corsica, "spontaneously appealed to me to represent them at the [Paris] Peace Conference."⁶⁷

At this point, however, Zagury, who by then occupied the position of inspector of Jewish institutions, was regarded as more useful and subservient to the protectorate authority. Spelling out the differences between Slouschz's plan and the actual reforms, Lyautey wrote to the foreign minister that Slouschz's recommendations had only a limited influence on the reorganization of the Moroccan Jewish communities. Slouschz had also requested the creation of a special chair in Jewish language and civilization, which, according to Lyautey, would be "destined to become a center for rallying the Jewish youth of the Orient and America":

Furthermore, in the current state of ideas, that would be the equivalent to creating an organ for Zionist propaganda. For, Your Excellency knows how extremely important it is, in the present circumstances, to keep the Jewish colony of Morocco distant from the Jewish [national] movement, in which, by the way, its propaganda until now has not had, so to speak, any echo.⁶⁸

In addition to fears of the political repercussions that Slouschz's program might arouse in the Jewish communities, the protectorate authorities were concerned about the position of the French regime in Morocco and North Africa generally, especially during the war, and so

were fearful of how the Muslim population might react if the Jewish population were singled out for special treatment. These various concerns were brought before senior officials in the French protectorate, whose opinions concerning the reforms were elicited in 1916 even before Slouschz had submitted his recommendations. The heads of both the Sharifian Judiciary Services and the Department of Sharifian Affairs were of the opinion that under no condition should the Jews be removed from the jurisdiction of the sultan and the Makhzan—both contrary to Slouschz’s vision of emancipation of Moroccan Jewry. They believed that only cautious reforms of the political and legal status of the Jews and their institutions should be implemented. This was compatible with the goal of closely controlling the communities.⁶⁹

The opinions of senior ranking French officials, Moroccan Jewish leaders, and the Alliance were the principal influences that shaped the direction of the reforms that were eventually implemented, drawing on what was perceived to be the successes and shortcomings of the Tunisian and Algerian models. According to the Tunisian model, the Jews of Morocco were supposed to stay under the authority of the sultan and Makhzan as subjects of the sultan; the symbolic expression of this idea was granting the sultan the power to overturn the decisions of the rabbinical courts on appeal. Such a system would not allow the Jews access to the new French courts, which would likely lead them to insist on their removal from the jurisdiction of the Makhzan and to eventually demand the granting, en bloc, of French citizenship. The Alliance campaigned against the Tunisian option because it believed that such a system would seriously impair the rights of Jews and their property, and, since the Tunisian system was still characterized by inequities, this would certainly also be the case in Morocco. Furthermore, the heads of the Alliance argued that this system was no longer compatible with the new political and social developments that had emerged since the Italian invasion of Libya and the resultant migration of many Libyan Muslims with Italian citizenship to Tunisia.

Because of the obvious legal shortcomings and the inequities in this system, the protectorate did not adopt the Tunisian model. Other proposals suggested a somewhat modified Tunisian type of model, such as the creation of regional courts, with a president and two assessors belonging to the religion of the parties involved in the claim, and it also suggested establishing a new Sharifian High Court, in which a Jewish councillor would be a member, and to draft a single legal code that would apply to both Jews and Muslims.⁷⁰ But this model was not adopted, either, since the intention of the protectorate authorities was to maintain a separation between Jewish and Muslim judicial institu-

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tions in personal matters and probably also since they feared that Muslims would react negatively to what would be perceived as yet further erosion of their status.

The new Jewish elite and the heads of the Alliance preferred the Algerian model since it was considered the path to emancipation. But the protectorate authorities saw this as the worst possible solution, fearing that it would likely arouse the ire of the Muslim population in Morocco and agitate Tunisian Jews, who were still living unhappily under the vizirial judicial system. This measure would also open the door to French citizenship for all of Moroccan Jewry, a step opposed by the protectorate authorities. The French policy makers considered the naturalization of Algerian Jews by the Crémieux Decree a grave mistake and, as they saw it, with this unsuccessful experiment in mind, adopted a paternalistic attitude toward Moroccan Jewry. The position of the Department of Sharifian Affairs was that the Jews of Morocco needed first and foremost to improve conditions of health and education, not to advance their political status. Against this background, the recommendations of Slouschz were also rejected, since it was felt that they would lead to the complete emancipation of Moroccan Jewry and the politicization of the Jewish communities.⁷¹

French Jewish leaders and the Alliance continued to lobby the administration in Morocco in 1917 and 1918 for greater empowerment of Moroccan Jews. The Jewish military chaplain, Farb, who was sent to Morocco in 1917 to serve the spiritual needs of Jewish soldiers, reported to the chief rabbi of France that French officers were maltreating Jews in various communities. Farb attempted to influence Lyautey, whom he met by chance, to act against this cruel treatment and for the advancement of reform. Among Farb's proposals was to create a kind of Jewish high commissioner with real authority to represent the Jews' interests to the protectorate authorities.⁷² The Alliance in Paris was then contacted by the chief rabbi about Farb's initiative, and the Alliance told Farb that neither it nor the chief rabbi had been able to secure any information on the intentions of the resident-general regarding the status of the Jews of Morocco. The Alliance did not agree with the idea of a high commissioner but seemed to prefer a system, similar to France, of local consistories, with a central consistory in Rabat or Casablanca.⁷³ Farb continued his efforts to influence the protectorate's Jewish policy in Morocco, stressing the importance of consolidating the civilizing mission among the Jews and reforming "some of their morals, produced by the fanaticism and long oppression which, not only has no basis in our religion, but . . . is severely condemned."⁷⁴ He also insisted to Lyautey that Moroccan Jews were de-

voted to the protectorate and could be very useful because of their good relations with Muslims, but that they needed to be regenerated by education, manual professions, working the land, gymnastics, and military preparation to develop their muscles; in addition, a modern seminary should be created in order to train future rabbis.⁷⁵

Not only did Lyautey and the French protectorate authorities reject the Slouschz-Gaillard proposal (or at least many parts of it), but they were apprehensive about the far-reaching reforms advocated by the Alliance and the French Jewish leaders, preferring to keep them in the dark about the various deliberations that led up to issuing the dahirs to reorganize the Jewish communities in 1918. A new and comprehensive reform of the rabbinical courts and the communal organization was prepared, based on the following principles: to preserve the Jews under the authority of the sultan; to subject them to the jurisdiction of the modernized Makhzan courts for criminal, civil, and commercial matters; and to grant relative autonomy to rabbinical judicial institutions. It was decided that the rabbinical courts would hear cases of personal litigation and inheritance matters, and that a superior court of appeals of three dayanim would be named. It was also decided that officials of the protectorate would continue their investigation of the larger communities to study firsthand the structure of the community, the local system of leadership, voluntary societies and their activities, communal revenue drawn from the religious endowments (*hekdesh*), and the income of the communal organizations. The authorities would continue their consultations with the leaders of Moroccan Jewry concerning the planned and desired reforms. The investigations were conducted for the rest of 1917 and the beginning of 1918 in Fez, Meknes, Casablanca, Rabat, Salé, Marrakesh, Essaouira, Safi, and El Jadida (Mazagan).⁷⁶

These consultations led to the elaboration of the idea of a high court of appeal and the appointment of a dayan to head it. From the point of view of the protectorate authorities, this new court could supervise the caliber of the dayanim so that appeals on halakhic decisions could be brought before a Jewish rather than a Muslim court and, thus, not involve the political authority of the sultan with his religious authority as commander of the Muslim faithful in Morocco. However, the idea of a general assembly (which had been suggested by Slouschz) was rejected by the protectorate authorities on the grounds that it might encourage the politicization of Moroccan Jews.

With the conclusion of the investigations and consultations, the first principal reform was promulgated by dahir at the end of May 1918 and signed by the sultan. The domain of responsibility of the commu-

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nity “committee” was specified: administration of religious affairs, organization of charitable institutions, and management of hekdesh. The committee was composed of a president of the local rabbinical court or a rabbi and a number of notables, appointed by the grand vizir (who was the head of the Makhzan) from lists established by the community (which really meant subject to the approval of the French administration). The committee, which was to consist of four to ten members, depending on the size of the community, was appointed for two years and could be renewed. In effect, the dahir gave the administration considerable control of the running of the community, further regulated in 1919 through the creation of the post of inspector of Jewish institutions, itself an office of the Department of Sharifian Affairs. Although the ostensible reason for the reorganization was to modernize native institutions, the effect was to render the community subservient to colonial rule without providing it with the means to adapt to new changes.⁷⁷ As Lyautey wrote to the foreign minister in 1919: “The system with which we have endowed these institutions is based on an extremely discreet control. This control is guaranteed by the Judiciary Service of the Department of Sharifian Affairs, which must, for this purpose, appoint an Inspector of Jewish Institutions.”⁷⁸

Leaders of the Moroccan Jewish community were clearly dissatisfied with the dahirs. Lyautey explained to the foreign minister that “the Jews have no cause for complaint against the protectorate, which is always committed to keeping the equal balance between them and the Muslims, in enabling them to benefit from all the reforms realized in this country.” But Lyautey’s perception was that the war and pressures from American Jews encouraged by the success of Zionism caused some Moroccan Jews to seek a special status. The claim, Lyautey pointed out, that the Jewish community was regulated by rabbinical jurisdiction functioning outside governmental control, recognized by the Makhzan itself, no longer applied after the reforms of the Jewish communities. The second claim, that they were still subject to the unacceptable system of justice of the urban governors (*bashas*) or rural or tribal chiefs (*qa’ids*), still unreformed after eight years of the protectorate, would soon be invalidated, according to Lyautey.⁷⁹

The judicial reforms were of the greatest concern to the Jewish communities of Morocco. The rabbinical court, or Beit Din, had retained substantial authority over the affairs of the Jewish communities until the establishment of the protectorate. More than any other formal institution, the Beit Din had defined the autonomous status of the Jewish community from within. The intentions of the reform of the rabbinical courts were to create a bureaucracy that the administration

could easily control and to limit the competence of the rabbinical courts to matters of personal litigation and religious ritual. A dahir in August 1913 had already, in theory, limited the competence of the rabbinical courts to “religious” matters, such as marriage and divorce, inheritance, Jewish pious foundations, and the administration of synagogues. Seven “courts of first instance” were to be created in the most important urban centers at the time under the control of the French: Casablanca, Fez, Marrakesh, Meknes, Essaouira, and Oujda. (In fact, four were created by vizirial decree in June 1918 in Casablanca, Fez, Marrakesh, and Essaouira; a fifth was established in Meknes in 1923.) The courts were to consist of three rabbi-judges, of which one would be president, and a court clerk, who was to be appointed by the French authorities. The dahir of 1918 codified the functions of the rabbinical courts, with their competence limited to questions of personal status, or matters of cult. Another dahir of the same date created a High Rabbinical Court that was to serve as an appellate court. The courts were to come under the control of the inspector of Jewish institutions, who, in turn, was part of the central protectorate authorities. All the courts were to keep registers in Hebrew but had to submit the record of their proceedings in French translation at the end of each month to the grand vizir.⁸⁰ While the judicial reforms removed from the Jewish authorities jurisdiction over a range of spheres the rabbinical courts had previously enjoyed under the precolonial system, they granted new powers to a centralized institution by creating a kind of national rabbinical court presided over by the newly created position of chief rabbi. By vesting centralized power in the “traditional” rabbinical leadership while regulating, bureaucratizing, limiting, and attempting to control the entire rabbinical court system, the French authorities sought to link the interests of the Jewish community as a whole to the colonial system and, by so doing, avoid having to acquiesce to the demands for full emancipation (that is, granting French citizenship) advocated by the Moroccan Jewish Westernized elite and its supporters.⁸¹

The French authorities had hoped that, by fiat, they could severely restrict the autonomy of the Jewish communities and render them subservient to colonial rule, but in many cases the Jewish community continued to seek the arbitration of the rabbis, and not the French, for various matters now technically outside the competence of the Beit Din. The acting civilian supervisor (*contrôleur civil*) of Meknes wrote in 1919 that “they have, in effect, the tendency to want to submit all their matters to their rabbi, which will end up creating a State within the State,”⁸² hinting at the old canard (which had existed since emancipa-

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tion in France) that Jews could never really become full-fledged citizens because of their adherence to Jewish law. (Yet, ironically, in the case of Morocco, citizenship was not even being offered.) The president of the rabbinical court of Fez had sent a letter to the dayan of Meknes to be read in synagogues, urging obedience to the regulation that limited the competence of the rabbinical courts to matters of personal status and insisting that commercial and property matters needed to be submitted to the basha or the *qadi* (Muslim judge who adjudicated according to shari'a). Though approving of the aim of the rabbi from Fez, the acting *contrôleur civil* objected to his having circumvented the surveillance of the French authorities by writing directly to the dayan of Meknes.⁸³ Lyautey sent out an order to the municipalities to ensure that all correspondence between members of the rabbinical jurisdictions be transmitted through the French authorities.⁸⁴

The still newly constituted municipal authorities sought to enforce the *dahir* of 1918 regarding the reorganization of the Jewish communities.⁸⁵ Often the elections ensured the continued leadership of the chief Jewish notables in the principal towns of Morocco. Although the judges of the rabbinical court were supposed to be appointed directly by the authorities, the French authorities usually relied on the community to choose their *dayanim*. In the following years, the municipal authorities, together with the *contrôleur civils*, sought to ensure that the election of committee members and the selection of rabbinical court judges conformed to the bureaucratic regulations. Although members of the community continued to play an important role in the selection of the judges and president of the rabbinical courts, the municipal authorities and the *contrôleur civils* became the chief arbiters in deciding whom to appoint in the event of internal divisions in the community.

Such was the case, for example, in 1922, when the Jewish community of Essaouira divided between support for Rabbi Moïse Bensimon, not a native of Essaouira, and a younger, native candidate, Rabbi David Knafo. The head of Municipal Services recommended to the *contrôleur civil* that a respected native of Essaouira who was serving on the High Rabbinical Court of Rabat, Rabbi Joseph Benattar, or Rabbi Abraham Bensousan, residing in Fez but well known in Essaouira, be appointed as president. Either candidate, he believed, would be acceptable to the community, and such an appointment would avoid the rivalry that one of the rabbis already at the court in Essaouira would elicit.⁸⁶ In response to the letter, the *contrôleur civil* met with the community committee and reached the same conclusion, choosing Bensousan as his first choice. He also proposed a third candidate, Rabbi

Moshe El Yaqim, the former judge of Essaouira who had left a year and a half previously for Palestine and was currently residing in Tiberias.⁸⁷

Once the process became bureaucratized, the formal role of rabbinical judges became somewhat devalued. Now that the activities of the court were strictly regulated and a uniform salary determined by the government for all the towns, rabbis of the rabbinical court were clearly deprived of some of the informal services they had previously performed to subsidize their income. The president of the rabbinical court of Essaouira, Messod Knafo, wrote to the protectorate authorities in 1919, pointing out that recent increases in salaries should also include indigenous officials. "You know very well that we have nothing but our salary purely and simply. We have been granted no compensation, yet life is expensive and the wages we receive are insufficient for our needs."⁸⁸ In 1924, the president of the court of Essaouira, Abraham Bensousan, together with the clerk, wrote to the administration in Rabat asking for more remuneration because of the increasing cost of living. Their request was turned down.⁸⁹

In addition to the communal authority of the Jewish communities being limited, Jews suffered inequities in a colonial system that espoused the principle of equal treatment between religions. Lyautey, deploying the rhetoric of emancipation, expressed the idea that Jews were granted the same civil and political rights as Muslims as a result of the reforms. But though Jews were represented, in a somewhat limited fashion, in the newly created public organs such as municipal councils and chambers of commerce, they were left out of the Makhzan, the exclusively Muslim administration that the French authorities reconstituted and used as the instrument of their rule.

Nowhere was the inequity of the system more apparent than in the judiciary. Jews were no longer subjected to the disabilities associated to dhimmi status under the shari'a, but they actually lost much of the judicial autonomy that the Islamic state had guaranteed. Furthermore, the erosion of the old system was not replaced by the empowerment of Jews in the new Makhzan system. Jews were not appointed as bashas (*pachas* in French) or as qa'ids (*caïds* in French) because this would have meant that Jews would preside over disputes involving Muslims. First and foremost, the protectorate authorities were concerned with the acquiescence of the Muslim population, and the promotion of Jews in positions of legal authority over Muslims, they feared, would upset the subtle balance they sought to maintain. The dhimmi system was never formally abrogated, even if it had de facto ceased to be enforced.

For many matters formerly under the competence of the rabbinical courts, or for disputes between Jews and Muslims formerly under the

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authority of the qadis in the shari'a courts, Jews were now to be adjudicated in the indigenous Makhzan courts presided by a Muslim judge (a basha or qa'id). Before the protectorate, the qa'ids' jurisdiction mainly involved penal matters, but the protectorate authorities, while restricting the scope of their power and limiting the amount of fines and time in prison they could impose, widened the domain of the qa'ids to include civil and commercial matters that had been under the jurisdiction of the shari'a. These courts were controlled by the newly created post of government commissioner, usually represented by local French Native Affairs (Affaires Indigènes) officers.⁹⁰ The reorganization of the old chieftaincy system under the control of the protectorate authorities was one of the foundations of colonial domination through indirect rule, and the French authorities did all they could to co-opt the qa'ids, which meant giving them free rein over their districts provided that it did not conflict with French interests. Local qa'ids would appropriate large amounts of property, implement corvée labor, and embezzle funds through the local judiciary system under their control, often without any interference from the Native Affairs officers.⁹¹

Jews now had to appear before the Makhzan courts for a wide variety of issues that used to be dealt with internally in the Jewish community. Jews frequently claimed during the protectorate period that a Jew's testimony did not carry the same weight as that of a Muslim. They often complained of the arbitrariness of the Makhzan courts and resented their "indigenous" status. Furthermore, Jews continued to go before rabbis to settle civil and commercial matters in areas of competence that had been formally removed from them in the dahirs of 1913 and 1918, leading the French government to order the officials in charge of controlling and inspecting Jewish institutions to ascertain that limitations of competence of the rabbi-judges be respected and to oblige the Jews to bring their judicial matters before the proper courts.⁹² Although the reorganized legal system in theory placed Jews on the same footing as Muslims by maintaining separate shari'a and rabbinical courts and creating Makhzan courts that would hear cases of both Jews and Muslims, in fact Jews were prejudiced in the new system where all kinds of matters, formerly heard by the rabbis, were required to be heard by Muslim judges.

The efforts by the administration to control, bureaucratize, and limit the authority of the Jewish communities were only partially successful. The rabbinical court, one of the principal institutions of Jewish autonomy before the protectorate, was now limited to matters concerning marriage, divorce, and marital disputes. However, despite

the clear limitation of competence of the Beit Din to matters of personal status, the Jewish communities continued to seek the intervention of the rabbinical court to settle a variety of disputes between individuals in the community: domestic violence, disputes between landlord and tenant, property matters between family members, disputes over business deals, questions of credit and debt, and other matters related to upholding the moral fabric of Jewish society.⁹³ Thus, the rabbinical courts continued to serve as a moral authority in the Jewish community, mediating on a variety of matters outside of questions of personal status.

For many of the rural areas outside the major urban centers, and especially in the rural south, the reforms implemented in the early part of the French protectorate had little impact. The southern districts of Morocco were not “pacified” by the French military until the 1930s,⁹⁴ and, even then, there was little interest or effort to integrate the Jews of the countryside into the new administrative and judicial bureaucracy. The daily lives of the communities were regulated by the traditional leaders.⁹⁵ In the villages where Jews lived, the local Jewish sheikh (sometimes called the *muqaddim*) continued to serve as the intermediary with the governing authorities, fulfilling the same kinds of functions as before the establishment of the protectorate. The traditional religious leaders remained important moral authorities in the community, arbiters in disputes, and spiritual guides. Halakhic authority remained intact.

The bureaucratization and subordination of Jewish institutions by the French authorities were nevertheless far-reaching, and they continued with new measures of centralization and surveillance after World War II on a national level. In 1945, a national representative assembly for all of Moroccan Jewry was constituted as the Council of the Jewish Communities of Morocco under the control of the Department of Sharifian Affairs. Similarly, in 1947, a new type of national rabbinate was instituted, the Council of the Rabbis of Morocco, with the power for the first time to issue ordinances (*takanot*) within the restricted domains with which the rabbinical courts were empowered under the control of the colonial authorities—namely, religious practice and personal status.⁹⁶

Although it could be argued that the communal and rabbinical leadership became part of the apparatus of the late colonial state, the newly constituted organs gave the leadership greater power than ever before, expanding its influence on a national scale. The opening statement of the first assembly of the Council of Rabbis in 1947 clearly shows that the rabbinical leaders saw the new powers granted to them by the colonial state as an opportunity to extend their influence:

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But now Morocco is considered to be one great Metropole, and the communities are related to one another in all matters, and many people have moved from one town to another because of their business. Also, many marry between communities. Thus, now that there is no longer any particularity nor isolation of any community, it is incumbent upon all the communities to be unified in their takanot and local customs [*minhagim*], and in all their judicial management in an appropriate manner that is the same for all of them.

For this venerated situation, the rabbis had aspired for so long. But they had been unable to obtain it, without help.⁹⁷

Although their official jurisdiction concerned those areas defined in the first major reforms of the protectorate, namely personal status and religious affairs, in fact the newly constituted Council of Rabbis issued takanot and *hanhagot* (guides on conduct) on a range of issues demanding attention because of changes emerging from modern transformations of a more open society. The council stated as its purposes: "Purifying the halakhah, Jewish laws and customs, which are not the same for all the communities of Morocco," and "[establishing] takanot and guides on conduct according to the context, for the benefit of religion, Judaism, and life."⁹⁸ During the fourth session, held in 1952, the Council of Rabbis made a distinction between two categories of their decisions: ordinary takanot (which were legally binding), and *azharot* (literally "warnings"), recommendations to the spiritual leadership of the communities and the population. These recommendations dealt with religious education and conduct, addressing the problem of laxity in religious practice and changes in social behavior in the community.⁹⁹

One of the important areas that increasingly came under the purview of the centralized, national Jewish leadership was the cult of saints, a phenomenon that greatly expanded in the colonial period.¹⁰⁰ Concentrated in rural and mountainous regions, yet helped by modern transportation and an expanding infrastructure of roads, pilgrimage to the shrines of holy men (and occasional women) on the anniversaries of their deaths (*hilulot*) became an increasingly important communal activity. The promotion of shrines by local initiative, often supported by the colonial authorities, in some instances led to "national" pilgrimages and the centralized institutions of larger communities. The colonial authorities attempted to gain control over local committees, leading eventually to the establishment in the late 1940s of a relatively short-lived Commission for the Regulation of Moroccan Jewish Shrines and Pilgrimages. The Council of the Jewish Communities of Morocco and the chief rabbi made subsequent efforts to regu-

late the *hilulot*, especially to control what could be perceived as embarrassing manifestations of popular practice and belief that tarnished the image which the modernizing Jewish community and its leadership purported to represent. Yet these attempts at centralizing local initiative and bureaucratizing popular practice were resisted and never fully realized.¹⁰¹

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In the first few years after the establishment of the French protectorate, the autonomous institutions of the Jewish community were deeply affected and made subordinate to the French administration. Nonetheless, the changes were not as far-reaching as in Algeria, where the Jews were made citizens and entirely integrated into the institutional structure of the Jewish community of metropolitan France. Ideologically committed to retaining indigenous institutions, the French administration in Morocco rejected the idea of establishing consistories and of granting Moroccan Jewry French nationality as it did in Algeria by the Crémieux Decree in 1870. Although the autonomous authority of the Jewish community was effectively transformed, it did not lead to what the Europeanizing educated elite demanded: the granting of full rights of French citizenship. One of the consequences was the relatively restricted access to French society, resulting in a much more limited process of secularization.

Furthermore, though the concept of Moroccan citizenship (for Jews as well as Muslims) had existed since its recognition at the Madrid Conference of 1880, it had nothing to do with emancipation except in the minds of its advocates. The conditions imposed on dhimmis according to Islamic law had come to an end, especially the act of paying the annual capitation tax (*jizya*), but neither the French nor the Moroccan authorities after independence categorically abrogated dhimma as a legal category. It is indicative that the noted scholar and colonial officer A.-G.-P. Martin, writing in 1920, referred to the indigenous Jews of Tunisia and Morocco as “former tributaries” (that is, dhimmis) and “simple protégés without dues” (that is, no longer paying *jizya*, but dhimmis all the same).¹⁰² In legal documents produced by Muslims, the term *dhimmi* continued to be used in reference to Jews.

After independence, the positive, protective aspect of the *dhimma* contract in precolonial Morocco—with the role of the sovereign as protector of the Jewish communities—was emphasized in royal discourse and by Jews as an expression of nationalist ideology.¹⁰³ Although the legal disabilities of *dhimmi* status had disappeared and

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Jews were considered Moroccan citizens just like Muslims, an author of a recent book on the contemporary Jewish community of Morocco felt compelled to point out, under the subheading “The *Dhimma* Today,” that, in a speech by the king to a Moroccan emigrant community in Spain in 1989,

[T]he term *dhimmi* had completely disappeared from the vocabulary of the Sharifian sovereign. Jews like Muslims are henceforth considered subjects and citizens: subjects from the fact of the perpetual allegiance that connects the commander of the believers to the community of Moroccan believers, and citizens by virtue of the Moroccan Constitution that recognized both their rights and their duties.¹⁰⁴

The notion of a “protected” rather than an “emancipated” Jewish community has remained until the twenty-first century.

The reforms of the Jewish community may have created a more centralized system and a keener sense of a Moroccan national community, but there was no equivalent to the French consistory to serve as an instrument of assimilation, which is what the advocates of emancipation desired. Unable to fully integrate into the French colonial world, and in the absence of an indigenous civil culture to which Jews could assimilate, most Moroccan Jews continued to be intimately connected to both a universal halakhic culture and an increasingly Jewish culture of Morocco that was culturally related to Moroccan practices found among the Muslim population yet always related to the larger world of Judaic practice. While colonialism set in motion a process of change by eroding the independent authority of the *kehillah*, it did not eliminate communal identity or the religiosity of the vast majority of Moroccan Jews. In the absence of the formal communal institutions, the Jewish community turned increasingly to new types of informal leaders, saints, and localized practices. It seems paradoxical that, though aspects of modernity were assimilated, the community drew closer to indigenous and highly parochial forms of culture, fostered by the colonial state. Whereas advocates of colonial emancipation—both the Jewish elite in Morocco and its French Jewish supporters—sought to make Moroccan Jews into Frenchmen, colonialism helped, ironically, to produce a new type of “national” Moroccan Jewish cultural identity—yet an identity that was detached from the emerging nation-state ideology of the independence movement.

Notes

Unless otherwise indicated, all translations from foreign-language sources are ours.

- 1 The reform of the Jewish communities of Morocco has been explored in our previous study, "Ha-reformot ba-mosadot ha-yehudiyim be-Maroko be-reshit ha-shilton ha-koloniali (1912–1919)," *Miqqedem Umিয়am* 6 (1995): 71–103.
- 2 Walter P. Zenner and Shlomo Deshen, "Jews Among Muslims in Precolonial Times: An Introductory Survey," in *Jews Among Muslims: Communities in the Precolonial Middle East*, ed. Shlomo Deshen and Walter P. Zenner (London, 1996), 10.
- 3 See Daniel J. Schroeter, "A Different Road to Modernity: Jewish Identity in the Arab World," in *Diasporas and Exiles*, ed. Howard Wettstein (Berkeley, 2002), 150–63. See also Michel Abitbol, "The Encounter Between French Jewry and the Jews of North Africa: Analysis of a Discourse (1830–1914)," in *The Jews in Modern France*, ed. Frances Malino and Bernard Wasserstein (Hanover, N.H., 1985), 32–53.
- 4 Aron Rodrigue, "L'exportation du paradigme révolutionnaire: Son influence sur le Judaïsme sépharade et oriental," in *Histoire politique des Juifs de France: Entre universalisme et particularisme*, ed. Pierre Birnbaum (Paris, 1990), 182–83.
- 5 Benjamin Nathans, *Beyond the Pale: The Jewish Encounter with Late Imperial Russia* (Berkeley, 2002), 75–79.
- 6 On the evolving meanings of regeneration in revolutionary France and especially the impact of its uses by Abbé Grégoire, see Alyssa Goldstein Sepinwall, *The Abbé Grégoire and the French Revolution* (Berkeley, 2005), 56–105.
- 7 Jewish identity in France and the evolving meaning of regeneration is explored in detail by Jay R. Berkovitz, *The Shaping of Jewish Identity in Nineteenth-Century France* (Detroit, 1989).
- 8 Alice L. Conklin, *A Mission to Civilize: The Republican Idea of Empire in France and West Africa, 1895–1930* (Stanford, 1997), 1–3.
- 9 For the evolution of French colonial policy in the Maghrib, see Daniel Rivet, *Le Maghreb à l'épreuve de la colonisation* (Paris, 2002), 213–52.
- 10 Cited in Rodrigue, "L'exportation du paradigme révolutionnaire," 186.
- 11 On attitudes toward East European Jews in Germany, see Steven E. Aschheim, *Brothers and Strangers: The East European Jew in German and German Jewish Consciousness, 1800–1923* (Madison, Wis., 1992). On "Oriental" perceptions, see Paul Mendes-Flohr, "Fin de Siècle Orientalism, the *Ostjuden*, and the Aesthetics of Jewish Self-Affirmation," in *Divided Passions: Jewish Intellectuals and the Experience of Modernity* (Detroit, 1991), 81–83; see also John M. Efron, "Orientalism and the Jewish Historical Gaze," in *Orientalism and the Jews*, ed. Ivan Davidson Kalmar and Derek J. Penslar (Hanover, N.H., 2005), 86–87.
- 12 The case of the Jews of Ghardaïa in the Mزاب region of the Algerian Sa-

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- hara was exceptional. The region was not firmly under French authority until 1882, well after the Crémieux Decree, and the French authorities refused to grant them naturalization until 1947. See Régine Goutalier, "La 'nation juive' de Ghardaïa," in *Communautés juives des marges sahariennes du Maghreb*, ed. Michel Abitbol (Jerusalem, 1982), 131–34.
- 13 The process of "emancipation" of Algerian Jews has been explored in numerous studies. For overviews, see Pierre Birnbaum, "French Jews and the 'Regeneration' of Algerian Jewry," *Studies in Contemporary Jewry* 19 (2003): 88–95; Michel Abitbol, *Le Passé d'une discorde: Juifs et Arabes du VIII^e siècle à nos jours* (Paris, 1999), 152–66; and Richard Ayoun and Bernard Cohen, *Les Juifs d'Algérie: 2000 ans d'histoire* (Paris, 1982), 119–49. For the earlier encounter of French Jews and France, see Simon Schwarzfuchs, *Les Juifs d'Algérie et la France (1830–1855)* (Jerusalem, 1981). An older but still useful study is Michel Ansky, *Les Juifs d'Algérie: Du décret Crémieux à la Libération* (Paris, 1950). The period after the Crémieux Decree is treated in detail by Charles-Robert Ageron, *Les Algériens musulmans et la France (1871–1919)*, 2 vols. (Paris, 1968), 1: 583–608.
 - 14 For the Jews of Tunisia in the colonial system, see Paul Sebag, *Histoire des Juifs de Tunisie* (Paris, 1991), 135–284. On the transition to colonial rule, see Yaron Tsur, "Takrit ha-levayot: Yehude Tunis be-maavar le-shilton koloniyali," *Zion* 66 (2001): 73–102.
 - 15 Norman A. Stillman, "Réflexions sur l'influence des Tanzimat sur la condition sociale et juridique des Juifs d'Afrique du Nord au XIX^e siècle," in *Les Relations entre Juifs et Musulmans en Afrique du Nord, XIX^e–XX^e siècles* (Paris, 1980), 49–55.
 - 16 In addition to Montefiore's own account, the most detailed analysis of his mission is found in Mohammed Kenbib, *Juifs et Musulmans au Maroc, 1859–1948* (Rabat, 1994), 123–73; see also Abitbol, *Le Passé d'une discorde*, 168–72.
 - 17 Khalid Ben-Srhir, *Britain and Morocco During the Embassy of John Drummond Hay, 1845–1886* (London, 2005), 162–66.
 - 18 On the involvement of foreign Jewish organizations in the question of consular protection in Morocco, see Kenbib, *Juifs et Musulmans*, 193–252, 331–39. The activities in the port of Essaouira (Mogador) are examined in Daniel Schroeter, "Anglo-Jewry and Essaouira (Mogador), 1860–1900: The Social Implications of Philanthropy," *Transactions of the Jewish Historical Society of England* 28 (1984): 60–88.
 - 19 The history of the Alliance in Morocco is the subject of a detailed study by Michael M. Laskier, *The Alliance Israélite Universelle and the Jewish Communities of Morocco: 1862–1962* (Albany, N.Y., 1983). For a general discussion of the Alliance and the context of its foundation and goals, see Aron Rodrigue, *French Jews, Turkish Jews: The Alliance Israélite Universelle and the Politics of Jewish Schooling in Turkey, 1860–1925* (Bloomington, Ind., 1990), 1–24.
 - 20 *Ha-magid* 10 (1866): 12; Archives de l'Alliance Israélite Universelle, Paris (hereafter AIU), France VIII D 42, Mogador, Mar. 26, 1866, June 30, 1869, Nov. 4, 1871, Aug. 1, 1872, Jan. 2, 1874, Beaumier to Crémieux; see also Laskier, *Alliance Israélite Universelle*, 62–63.

- 21 AIU, France VIII D 42, Mogador, Aug. 23, 1888, Naggiar to President of the Alliance; Archives des Affaires Étrangères, Centre des Archives Diplomatiques de Nantes (hereafter AEN), Tanger, Consulat de Mogador, 1032, Mogador, Aug. 17, 1888, Naggiar to members of the Jewish community.
- 22 Ben-Srhir, *Britain and Morocco*, 193–200; Ahmed Toufiq, “Les Juifs dans la société marocaine au 19^e siècle: L’exemple des Juifs de Demnate,” in *Juifs du Maroc: Identité et dialogue* (Grenoble, 1980), 152–66; Kenbib, *Juifs et musulmans*, 224–29, 235–40. On Iligh, see AIU, Maroc III.C.10, Mogador, July 10, 1889, Elmaleh; “Aheinu ha-rehokim,” *Ha-magid* 33, no. 38 (1889): 297–98; “Bein aheinu ha-rehokim,” *Ha-tsefirah* 18, no. 141 (1891): 573 and no. 142 (1891): 577; AEN, Tanger 95, Mogador, Aug. 23, 1889, Lacoste.
- 23 On efforts by the Jewish lobby at the Madrid Conference, see Kenbib, *Juifs et Musulmans*, 209–24, and Schroeter, “Anglo-Jewry and Essaouira,” 70–71. Documents relating to Anglo-Jewish lobbying efforts prior to the conference are found in *Al-Watha’iq* 5 (1982): 343–60, 466–75. On the Madrid Conference, see F. V. Parsons, *The Origins of the Morocco Question, 1880–1900* (London, 1976), 79–86. On the Jewish question at the Madrid Conference, see Laskier, *Alliance Israélite Universelle*, 48–54. On the efforts of the American Jewish lobby and the American role in the conference, see Margaret Landenberger, “United States Diplomatic Efforts on Behalf of Moroccan Jews: 1880–1906” (Ph.D. diss., St. John’s University, 1981).
- 24 Laskier, *Alliance Israélite Universelle*, 68–70; Parsons, *Origins of the Morocco Question*, 143, 245. The Germans did exercise some restraint, despite French fears to the contrary, of granting protection to natives. However, they rapidly increased their numbers of agricultural associates (*mukhlats*). Pierre Guillen, *L’Allemagne et le Maroc de 1870 à 1905* (Paris, 1967), 498–505.
- 25 Leland L. Bowie, “An Aspect of Muslim-Jewish Relations in Late-Nineteenth-Century Morocco: A European Diplomatic View,” *International Journal of Middle East Studies* 7 (1976): 5–6; André Chouraqui, *La condition juridique de l’Israélite marocain* (Paris, 1950) 60–62; Abitbol, *Le passé d’une discorde*, 173–74; Doris Bensimon-Donath, *Évolution du judaïsme marocain sous le Protectorat français, 1912–1956* (Paris, 1968), 103–4.
- 26 Parsons, *Origins of the Morocco Question*, 67, 539–42.
- 27 Joseph Chetrit, “Mudaut hadashah la-anonaliyut ve-la-lashon—Nit-saneha shel tenuat haskalah be-Maroko be-sof ha-meah ha-19,” *Mi-kedem u-mi-yam* 2 (1986): 129–68. On these developments in Essaouira, see Daniel Schroeter and Joseph Chetrit, “The Transformation of the Jewish Community of Essaouira (Mogador) in the Nineteenth and Twentieth Centuries,” in *Sephardi and Middle Eastern Jewries in Modern Times*, ed. Harvey Goldberg (Bloomington, Ind., 1996), 99–116.
- 28 Daniel Rivet, *Lyautey et l’institution du Protectorat français au Maroc, 1912–1925*, 3 vols. (Paris, 1996), 2: 266–67; Laskier, *Alliance Israélite Universelle*, 163–71.
- 29 Archives du Ministère des Affaires Étrangères, Paris (hereafter AEP), CPC, NS 222, Apr. 29, 1912, “Note remise par le comité de l’Alliance Is-

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- raélite Universelle à Monsieur le Président du Conseil, Ministre des Affaires Etrangères.”
- 30 In Algeria, together with subjecting Jews to the jurisdiction of the French courts went dismantling the powers of the rabbinical courts and, eventually, granting French citizenship in 1870. For this process in the first decades of French rule in Algeria, see Simon Schwarzfuchs, *Les Juifs d'Algérie et la France (1830–1855)* (Jerusalem, 1981).
- 31 AIU, I.J.2, Feb. 14, 1913, Leven to Lyautey.
- 32 AIU, I.J.2, Dec. 15, 1913, Leven to Lyautey.
- 33 Kenbib, *Juifs et Musulmans*, 405–8.
- 34 *Ibid.*, 408–9.
- 35 Bensimon-Donath, *Évolution du judaïsme marocain*, 102–3; Laskier, *Alliance Israélite Universelle*, 163–65; Chouraqui, *La condition juridique*, 63.
- 36 AEN, Maroc, Cabinet Diplomatique, 666, Rabat, Feb. 18, 1918.
- 37 Laskier, *Alliance Israélite Universelle*, 156–63.
- 38 Nahum Slouschz, “Études sur l’histoire des Juifs au Maroc,” *Archives Marocaines* 4–6 (1905–06).
- 39 See Edmund Burke III, “The Image of the Moroccan State in French Ethnological Literature: A New Look at the Origin of Lyautey’s Berber Policy,” in *Arabs and Berbers*, ed. Ernest Gellner and Charles Micaud (London, 1972), 184.
- 40 Slouschz’s various activities have been explored in Harvey Goldberg, “The Oriental and the Orientalist: The Meeting of Mordecai Ha-Cohen and Nahum Slouschz,” *Jewish Culture and History* 7 (2004).
- 41 Nahum Slouschz, “Emancipation of Morocco Jews,” *The American Hebrew*, Apr. 20, 1917, p. 828.
- 42 *Ibid.*, 829.
- 43 AEN, Maroc, Direction des Affaires Chérifiennes (henceforth DACH) 101, Rabat, Dec. 15, 1915, Arrêté Résidentiel.
- 44 Slouschz, “Emancipation of Morocco Jews,” 829.
- 45 AEN, Maroc, DACH 101. Some essential documents are clearly missing from the file. Slouschz’s recommendations appear in the form of handwritten notes, which he presumably would have submitted after his return to Morocco in July 1916. The notes were sent by Commandant Sciard, Chef des Services Municipaux de la Ville de Fez, in a letter dated Oct. 28, 1916, to Gaillard, who was critical of Slouschz’s report and dissatisfied with its brevity. It is not clear if Slouschz actually submitted a report in a more complete form.
- 46 Originally referring to the Jewish quarter in Fez, where the Jews were compelled to reside in the fifteenth century, the term *mellah* (Arabic *millah*) came to refer not only to Jewish quarters but to the Jewish community or “Jewry” of a given location. See Simon Lévy, “Hara et Mellah: Les mots, l’histoire et l’institution,” in *Histoire et linguistique*, ed. Abdelahad Sebti (Rabat, 1992), 41–50.
- 47 AEN, Maroc, DACH 101. In an unsigned and undated memo, entitled “Projet de réorganisations avant projet Gaillard.”

- 48 The documents suggest that, in August 1916, a draft proposal of the dahir was completed, and Slouschz's name was proposed as a member of the commission. But his name was crossed out, and it did not appear on a second document, dated May 11, 1917. It seems that this was when the dahir project was actually submitted to the resident-general. It is worth noting that, in May 1917, the office of secrétaire général was abolished and Gaillard was appointed as French consul in Cairo.
- 49 AEN, Maroc, DACH 101, Oct. 28, 1916.
- 50 Ibid.
- 51 AEN, Maroc, DACH 101. The letter is unsigned and without a date, but it is included in the "Projet: Gaillard-Schlouch" documents.
- 52 AEP, CPC, M-Maroc, 55, dossiers individuels, Dec. 4, 1926 (Le Ministre plénipotentiaire, délégué à la résidence générale de la République française au Maroc [Urbain Blanc]).
- 53 Kenbib, *Juifs et Musulmans*, 412.
- 54 AEN, Maroc, DACH 101, "Réformes des institutions juives: Observations présentées par diverses notabilités israélites . . .," no date.
- 55 Ibid.
- 56 Kenbib, *Juifs et Musulmans*, 413–14.
- 57 Slouschz, "Emancipation of Morocco Jews," 829.
- 58 AEP, Maroc, CPC, 778, Cadix, Jan. 28, 1917, cited in Kenbib, *Juifs et Musulmans*, 411 n. 10.
- 59 On Gaillard and his role in the administration, see William A. Hoisington, Jr., *Lyautey and the French Conquest of Morocco* (New York, 1995), 49.
- 60 AEN, Maroc, DACH 101, Marrakesh, Jan. 5, 1917, Gourand, Commissaire Résident Général de France, to M. le Président du Conseil, Ministre des Affaires Etrangères, and response, Jan. 10, 1917. On Lyautey's policy toward Zionism, see David Cohen, "Lyautey et le Sionisme, 1915–1925," *Revue Française d'Histoire d'Outre-Mer* 67 (1980): 269–300.
- 61 AEN, Maroc, DACH 101, Mogador, May 28, 1920, Le chef de bataillon Barthel, commandant le cercle des Haha-Chiadma, to Monsieur le Colonel Commandant la Région de Marrakech.
- 62 In 1906, Slouschz had explored employment possibilities at a new institution that was to become Dropsie College. See Goldberg, "The Oriental and the Orientalist," which is based on correspondence between Slouschz and Cyrus Adler, the first president of the college.
- 63 AEP, CPC, M-Maroc, 381, Jan. 29, 1917, Foreign Minister to French Consul in Cadix.
- 64 AEN, Maroc, DACH 101, New York, Apr. 24, 1917, Slouschz to Lyautey.
- 65 Slouschz wrote to the French Foreign Ministry of his trips to the United States and details of his activities there (AEP, CPC, Levant-Palestine, vol. 12, Jan. 20, 1919).
- 66 AEP, CPC, M-Maroc 381, Feb. 14, 1919, Slouschz to Ministry, Apr. 25, 1919, Ministry to Slouschz; AEP, Maroc, CPC 778, Jan. 14, May 6, and Aug. 14, 1919, cited in Kenbib, *Juifs et Musulmans*, 411, nn. 10–11; AEP, CPC, Palestine 778, Marrakesh, Jan. 5, 1917, no. 421; AEP, CPC, Casa-

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- blanca, June 8, 1919, no. 652; AEP, CPC, Palestine 12, n.d., p. 67, cited in Kenbib, *Juifs et Musulmans*, 487, n. 27.
- 67 AEP, CPC, M-Maroc 381, Feb. 14, 1919.
- 68 AEN, Maroc, DACH 101, June 8, 1919, Lyautey. See also the discussion in Kenbib, *Juifs et Musulmans*, 2–3, 411. For a number of years, Slouschz sought to find permanent and influential positions in the academy in various countries (such as Morocco, the United States, France, and Palestine) as part of his wider agenda to promote the Jewish national renaissance. He remained marginal to the academic world, even in Palestine, where he eventually settled. See Goldberg, “The Oriental and the Orientalist,” 18–22.
- 69 AEN, Maroc, DACH 101, Feb. 1916, Services Judiciaires Chérifiens to Lyautey; the memo from the Direction des Affaires Chérifiennes is undated.
- 70 AEN, Maroc, DACH 101, Note Weisgerber a/s du Comité des Israélites de Mazagan (no date).
- 71 AEN, Maroc, DACH 101, “Les réorganisation des institutions israélites.” Lyautey later wrote to the foreign minister that Slouschz’s proposal had a limited impact on the reorganization of the rabbinical courts. AEN, Maroc, DACH 101, June 8, 1919.
- 72 AIU, I.J.2, Sept. 11 and Oct. 26, 1917, Farb to le Grand Rabbin.
- 73 AIU, I.J.2, Nov. 28, 1917. This is a copy of a letter sent from the Comité Central to Farb, with parts crossed out and notes in the margin, so it is not clear what was actually sent.
- 74 AEN, Maroc, DACH 101, Dec. 17, 1917, Farb to le Général Commandant la Subdivision de Meknes.
- 75 AEN, Maroc, DACH 101, May 5, 1918, Farb to Lyautey.
- 76 The archives contain detailed reports on the deliberations and consultations on the “*dahir* project” to reorganize Jewish institutions in Morocco, found in AEN, Maroc, DACH 101, May 15, 1917, L’Intendant Général délégué à la Résidence Générale to le Secrétaire Général du Gouvernement Chérifien. Bruno, “commissaire du Gouvernement près les juridictions chérifennes,” consulted with various French authorities and Jewish notables in Marrakesh, Mogador, Safi, and Mazagan (El Jadida) to investigate questions concerning the reorganization of the rabbinical courts and the communities. The notes date from 1917–18.
- 77 Bensimon-Donath, *Évolution du judaïsme marocain*, 87–88; Chouraqui, *La condition juridique*, 181–82; Paul Marty, “Les institutions israélites au Maroc,” *Revue d’Études Islamiques* 4 (1930): 299–314; Édouard Mouillefarine, *Étude historique sur la condition juridique des Juifs au Maroc* (Paris, 1941), 114–19, 126–32.
- 78 AEP, CPC, M-Maroc 381, June 8, 1919, Lyautey.
- 79 AEP, CPC, M-Maroc 826, June 13, 1918, Lyautey to Foreign Minister.
- 80 Chouraqui, *La condition juridique*, 123–30, 254–57; Marty, “Les institutions israélites,” 301, 308–16.
- 81 For an excellent analysis of the reforms of the Jewish communities and

- courts, see Oren Kosansky, "All Dear unto God: Saints, Pilgrimage and Textual Practice in Jewish Morocco" (Ph.D. diss., University of Michigan, 2003), 137–41.
- 82 AEN, Maroc, DACH 104, Meknes, Feb. 24, 1919.
- 83 Ibid.
- 84 AEN, Maroc, DACH 104, Rabat, Mar. 3, 1919.
- 85 On the implementation of reforms in other communities, see Yvette Katan, *Oujda, une ville frontière du Maroc (1907–1956): Musulmans, Juifs et Chrétiens en milieu colonial* (Paris, 1990), 484–93, and David Ovardia, *Kehilat Tsefru*, 4 vols. (Jerusalem, 1975–85), 3: 173–77.
- 86 AEN, Maroc, DACH 105, Mogador, Jan. 17, 1922, Le Champion.
- 87 AEN, Maroc, DACH 105, Mogador, Feb. 8, 1922, Cortade.
- 88 AEN, Maroc, DACH 105, Dec. 11, 1919.
- 89 AEN, Maroc, DACH 105, Aug. 12, 1924, and response sent to the Chef des Services Municipaux, Aug. 27, 1924.
- 90 Dahir of Aug. 4, 1918, found in Code de droit privé et d'organisation judiciaire (Casablanca, 1952), Part 2: 32–35; Alain Plantey, *La réforme de la justice marocaine: La justice mahzen et la justice berbère* (Paris, 1952), 67–74; J. Goulven, *Traité d'économie et de législation marocaines*, 2 vols. (Paris, 1921), 2: 13, 23–28; Robin Bidwell, *Morocco Under Colonial Rule: French Administration of Tribal Areas, 1912–1956* (London, 1973), 268.
- 91 Abdeslam Baita, "'Reversion to Tradition' in State Structures in Colonial Morocco," in *The Moroccan State in Historical Perspective, 1850–1985*, ed. Abdelali Doumou, trans. Ayi Kwei Armah (Dakar, 1990), 39–44.
- 92 Chouraqui, *La condition juridique*, 128.
- 93 Records of the rabbinical court of Essaouira, found in the Central Archives for the History of the Jewish People, Jerusalem (CAHJP), MA/Mg 24–32; AEN, Maroc, DACH 105, État des jugements, Jan. 1921.
- 94 Moshe Gershovich, *French Military Rule in Morocco: Colonialism and Its Consequences* (London, 2000), 153–61.
- 95 In a report on the Jews of Beni Hayun, Beni Sbih, and M'hamid al-Ghozlan, a French military official explained that at the head of each melah was a *muqaddim*, or sheikh, who had no direct relationship with the officers of Native Affairs. See Ittihad Archives, Casablanca, "Les Juifs dans les territoires du Sud: Ktawa et Mhamid," Lieutenant Vizioz, Feb. 20, 1951.
- 96 Kosansky, "All Dear unto God," 152–55.
- 97 *Sefer ha-takanot: Ha-mishpat ha-ivri bi-kehilot Maroko*, intro. Moshe Amar (Jerusalem, 1980), 213.
- 98 Ibid.
- 99 Ibid., xxxiv, 284.
- 100 Jewish saints and pilgrimages in Morocco have been the subjects of numerous studies since the early colonial period. For a comprehensive analysis of this literature and a study of the phenomenon of Moroccan Jewish saints and pilgrimages, see Kosansky, "All Dear unto God." For a comprehensive listing of saints and hagiographies, see Issachar Ben-Ami, *Haarat sat ha-kedoshim be-kerev yehude Maroko* (Jerusalem, 1984); a shortened

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English version of Ben-Ami's book was published as *Saint Veneration Among the Jews in Morocco* (Detroit, 1998).

- 101 For a detailed history of the development of the shrines and their control and administration during the French protectorate, see Kosansky, "All Dear unto God," 132–35, 142–50, 156–76 (Ben-Ami, *Saint Veneration*, 125–29).
- 102 A.-G.-P. Martin, *Précis de sociologie Nord Africaine*, 2 vols. (Paris, 1913–20), 2: 243.
- 103 Arlette Berdugo, *Juives et Juifs dans le Maroc contemporain* (Paris, 2002), 29–32; Germain Ayache, "La minorité juive dans le Maroc précolonial," *Hespéris-Tamuda* 25 (1987): 147–68.
- 104 Berdugo, *Juives et Juifs*, 31.

Abstract

In 1918, the sultan of Morocco, under the control of the French protectorate authorities, issued a decree to reorganize the Moroccan Jewish communities. Often represented as "emancipation," the meaning of the legal and social reforms of the communities of Morocco were much more ambiguous and tentative than the term implies. Although the autonomous institutions of the Jewish community were weakened by the changes implemented by the protectorate government, Jews remained indigenous Moroccan subjects, and advocates of colonial emancipation failed to obtain French citizenship for Moroccan Jews, as was the case in Algeria. The French colonial government, European Jewry, and the Moroccan modernizing elite brought about far-reaching changes, but modernity was achieved without producing the general secularization of Jewish society. A larger sense of "Moroccan Judaism" was created out of what had formerly been loosely connected and relatively autonomous communities.

Keywords: Morocco, emancipation, French colonialism, Algeria, Nahum Slouschz