

Enclosure 7

PAST AND PRESENT CONDITION OF THE JEWS
IN MOROCCO

NOV. 1944

FROM THE ORIGINS TO THE ADVENT OF THE FRENCH AND
SPANISH PROTECTORATES IN 1912

The first settlements of Jews in Morocco took place during the Phœnician colonisation, and centuries later, during the Roman domination of North Africa, a considerable number of important Jewish communities spread and flourished in the country. Their influence was so great that that a number of the most important Berber Tribes, who constitute the prime autochtone stock of the country's population, turned from idolatry into judaism.

When the Arabs invaded the country in the VIIth century, the main obstacle to their conquest was a large confederation of Jewish communities with judaised Berber tribes who contained the invaders during many years of hard fighting. At the end, they were vanquished in the VIIIth century by the Champion of Islam, Idriss I, founder of the first Mohammedan dynasty in Morocco.

The conqueror offered the defeated the then liberal terms imposed by Mohammedan Rulers in the countries who fall under their dominion viz., the alternative of embracing Islam with the enjoyment of all privileges acknowledged to the members of the Mohammedan community or, if they preferred to keep their own religion, the acceptance of the "Ahl el-Dhimmah" ("Protected Tributaries") Pact under which both Jews and Christians could be tolerated in Mohammedan Countries. This status provided the payment by the "Protected" or tributaries of an annual poll tax called "El-Jaziah" and the imposition of certain restrictions by which they were put outside from the Mohammedan community and considered as a foreign element tolerated among them. On the other hand, the Mohammedan Rulers granted them protection for their lives, property and occupation, freedom to practice their own religion and complete autonomous communal administration.

Many of the Berber judaised tribes accepted conversion whilst a few others and the original Jews preferred to loose their independence and national rights rather than give up their faith. As all the few christianised Berbers at the time embraced Islam, not a single christian community was left and the only "Protected Tributaries" living in the country were Jews. Except very few cases, the Christians to be found in the Moorish Empire for centuries were mostly slaves.

The Jews were always permitted to live a complete autonomous communal life electing their own Communal Council who had authority to levy money contributions and whatever taxes on meat, wine, etc., deemed necessary to support their own administration. By these means they provided schools for their children, study houses for their scholars, synagogues and institutions for charity and social assistance. Besides, every community had its own

התעלה
לחקר ההעלה
777

"Beth Din" or Jewish Court with duly elected "Dayanim" (Magistrates) who administered justice according to Jewish Law in all matters affecting Jews amongst themselves, dealing with all civil, religious and commercial cases. Jews only appeared before Mohammedan justice only in such cases when Moslems were concerned. Both the Jewish Communal Leaders and their Courts enjoyed recognised absolute power on their correligious by the Moroccan Authorities. The Sultan appointed a Jewish Representative mainly responsible for the payment of the regular poll tax and other occasional exactions. Invested by the Government with executive powers to enforce the Jewish Court decisions, this liaison officer was called by the Jews "Ha-Nagid" and by the Arabs "Cheikh el-Yahud" ("Elder of the Jews").

Except on very rare occasions, the Jews never suffered of an official persecution of a racial or religious nature. Although enjoying of the protection of most of the Sultans of the country, they endured nevertheless, in the course of their long history, all sorts of vexations, humiliations and iniquities of a social character. It is also true that the mass of the Mohammedan population also was not much happier and the cause of this lied on the lack of effective authority of the Kings in certain districts, the brutal despotism of their Governors and the unsettled and anarchical state of the country inherent to the decadent and uncivilised condition of its inhabitants.

During the golden age of the Arab civilization, under the Caliphs in Spain and under several successive enlightened rulers in both that country and Morocco, the Jews enjoyed though the best of treatments and many attained the highest positions in the State, Science, Commerce and Industry, contributing thus to a great extent to the development of the highest civilization at the time. It can be said that the degree of culture or decadence of the Mohammedans marked at all times their liberal or oppressive attitude towards the Jews.

When the Jews expelled from Spain and Portugal, at the end of the XVth century, arrived in Morocco, the Sultan received them very well and ordered camps to be erected in his capital to shelter the refugees.

The Spanish Jews who came in masses were of a much higher degree of civilization than their native correligious to whom they brought a moral and material improvement. They introduced in the country foreign trade relations and commerce developed mainly through their ability and influence bringing thus a general asset to the country. They distinguished themselves, not only as scholars and traders, but also provided a long record of Statesmen to the Moorish kings, down to the XIXth century.

Last century the decadence of Morocco attained its climax; internal revolutions, the war with Spain in 1859-60, the more active interference of Foreign Countries in Moroccan Affairs, were the cause of fanatic movements, despotism and tyranny of local rulers who paid but very little attention to their Sultan's orders. Outrages and murders were committed all over the country.

the Jews being the victims in most cases. This situation provoked many a humanitarian intervention of the Representatives of Foreign Countries in favour of the Jews.

December

In 1863, the well known English Jew Philanthropist, Sir Moses Montefiore, proceeded with a mission to Morocco in favour of his correligionists. Accompanied by H.B.M.'s Consul, Mr Thomas Felloe and other distinguished personalities, he paid a successful visit to the Sultan who delivered the following Imperial Edict, on the 5th February 1864 in Marrakech. The Emperor of Morocco, Sidi Mohammed Ben Abderrahman, received the mission on the 16th. of February 1864 when Sir Moses presented to him the following memorial:

"To His Sheriffian Majesty the Sultan of Morocco.

"May it please Your Majesty,

"I come supported by the sanction and approval of the Government of Her Majesty the Queen of Great Britain, and on behalf of my co-religionists in England, my native country, as well as on the part of those in every part of the world, to entreat Your Majesty to continue the manifestation of Your Majesty's grace and favour to my brethren in Your Majesty's Empire.

"That it may please Your Majesty to give the most positive orders that the Jews and Christians dwelling in all parts of Your Majesty's dominions shall be perfectly protected, and that no person shall molest them in any manner whatsoever in anything which concerns their safety and tranquillity; and that they may be placed in the enjoyment of the same advantages as well as all other subjects of Your Majesty's empire. Such rights were granted to me by through me by His Imperial Majesty Abdel Medjid, the late Sultan of Turkey, by his Firman given to me at Constantinople and dated 12th Ramazan 1256; and in the month of May last confirmed by His Imperial Majesty Abdul Aziz, the present Sultan of Turkey.

"Permit me to express to Your Majesty my grateful appreciation of the hospitable welcome with which Your Majesty has honoured me, and to offer to Your Majesty my heartfelt wishes for Your Majesty's health and happiness, and for the prosperity of Your Majesty's dominions."

Sir Moses Montefiore's petition was agreed by the Sultan who delivered him on the 5th February the following Imperial Edict:

"In the Name of God, the Merciful and Gracious.

"There is no power but in God, the High and Mighty.

"Be it known by this our Royal Edict -may God exalt and bless its purport and elevate the same to the highest heavens, as he does the sun and moon! - That it is our command that all Jews residing within our dominions be the condition in which the Almighty God has placed them whatever it may, shall be treated by our Governors, Administrators, and all other subjects in manner conformable with the evenly balanced scales of justice, and that in the Adminis-

לחקר ההתעלה
711-236

"tration of the Courts of law, they (the Jews) shall occupy
 "a position of perfect equality with all other people, so
 "that not even a fractional portion of the smallest imaginable
 "particle of injustice shall reach ~~them~~ any one of them nor
 "shall they be subjected to anything of an objectionable nature.
 "Neither they (the Authorities) nor any one else shall do
 "them (the Jews) wrong, whether to their persons or to their
 "property. Nor shall any tradesman among them, or artisan,
 "be compelled to work against his will. The work of every
 "one shall be duly recompensed, for injustice here is unjust-
 "ice in heaven and we cannot countenance it in any manner
 "affecting either their (the Jews) rights or the rights of
 "others, our own dignity being itself opposed to such course.
 "All persons in our regard have equal claim to justice and
 "if any person should wrong or injure one of them (the Jews),
 "we will, with help of God punish him.
 "The commands herein before set forth have been given
 "and made known before now, but we repeat them and add force
 "to them, in order that they may be more clearly understood,
 "and more strictly carried into effect, as well as serve for
 "a warning to such as may be evilly disposed towards them
 "(the Jews), and that the Jews shall thus enjoy for the
 "future more security than hithertofore whilst the fear to
 "injure them shall be greatly increased.
 "This Decree, blessed by God, is formulated on this
 "25th of Shaban of the year 1260 - Peace."

Following Sir Moses Montefiore's adventure, the Alliance Israelite Universelle gradually opened schools in all the principal towns in Morocco. A new era started for the Jews whom in very few years changed their mediaeval thoughts into modern aspirations. Meanwhile the decadent Empire was disintegrating through internal rebellions and anarchy. All the weakened energies of the Moroccan Government tended to resist without efficiency the invading tide of foreign penetration which had to end in the French and Spanish Protectorates.

The Jewish Alliance schools were always opened to Jewish and non Jewish children. Apart from a few Spanish Catholic Missionary schools in certain towns, they constituted for more than half a century, the only modern educative opportunities offered in the country. The Mohammedans, being not prepared yet to accept a foreign instruction for their children, did not take advantage of the occasion whilst many Christians born in Morocco over fifty years ago received their education in such schools.

Sidi Mohammed's Edict in favour of the Jews had not much effect on account of unsettled conditions in the country. The Jewish Communal Board in Tangier, solicited in 1864, the intervention of the Diplomatic Body in their favour. England, France, Spain and Sardinia gave orders to their Diplomatic Representatives to give protection to persecuted Jews.

The Sultan was unable to stop all sorts of injuries and crimes committed in different parts of his dominions. H.E.H.'s

לחבר ההעפלה
 (2)
 236
 1912

Minister in Tangier, Sir John Drummond Hay, dissatisfied with the unaccomplishment of guarantees given to Sir Moses Montefiore, was the first to make personal representations to the Moroccan Government. Subsequently a common decision was taken by him and the Representatives of France, the U.S.A., Italy and Portugal, with a view to send a note to the Sultan's Representative in Tangier, in which they expressed a "all the horror they felt with regard to the persecutions which the Jews affirmed to be the victims". These steps led to the decision taken by the Moroccan Government to give further theoretical satisfaction, but the Sultan's authority being rather weak, no remedy could be noticed in practice.

The increasing deteriorated situation again provoked further steps and strong protests to the Sultan by the Diplomatic Body. New protests were raised by the French Minister in 1873 and the Anglo-Jewish Association with the Central Committee of the Alliance Israelite Universelle in 1874. The Sultan gave personal assurances to the British and French Ministers as to the fulfilment of the Imperial Decree granted in 1864 by his father to Sir Moses Montefiore and ordered his Representative in Tangier to reply to the Anglo-Jewish Association and the Alliance Israelite Universelle in the following terms:

"Praise unto God alone.

"To our Honourable Friends, the President and the Elders of the Jewish Communities in Europe.

"... With regard to your brethren in the immense empire of our lord (may God give him glory!), he has placed them under his protection. Our prophet -may God exalt the prayers through his intervention-, has recommended that the Submitted and Tributaries be protected; our lord -may God assist him!- will order the observance with all due respect, of the Decree in favour of the Jews, published by our lord -may God bless him him!- and our lord will continue to put it in vigour and will extend to them (the jews), with God's help, his justice and benevolence not permitting any injustice to be committed to them nor allow anybody to prevent them of obtaining justice in whatever place in the country..."

At the same time the Sultan ordered the publication in the neighbourhood of the Great Mosque in Tangier of an official warning commanding that all his jewish subjects be treated like the other inhabitants and not molested in their property or persons, and that any act of violence against them be the object of immediate justice.

The archaic status of "Protected Submitted Tributaries" who comprised both Christians and Jews in Morocco had already suffered a serious derogation by the end of the XVIIIth century when the Foreign Governments consolidated their prestige and imposed their fear to the Moroccan Government. A few foreign merchants were established in the country and it was no longer possible to accept such a status for their nationals. The Consuls of several countries accredited in Morocco not only protected their own nationals against all arbitrary action but imposed on the Moroccan Authorities their right to administer

המחלקה הכלכלית
 תל אביב
 236
 חידושים
 ש"ס שאול אביגור