

The Beginning of the Berber Dahir in Morocco and National Reactions to It (May 16, 1930)

Received date:08/01/2025 Accepted date:10/06/2025 Published date:11/06/2025

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Abstract:

The policy adopted by the French administration in Morocco was not far from the one implemented in Algeria, particularly regarding religion and identity, which aimed to weaken and divide society along religious and ethnic lines. The Berber policy, through which France sought to fragment Moroccan society into Amazigh and Arab components, ultimately failed due to the strong cohesion within Moroccan society, rooted in Islam as a unifying force. The determined opposition of the national elite to this project and to the broader French colonial policy was pivotal in thwarting France's aim of dividing the Moroccan population.

Keywords: Berber Dahir, elite, Berbers, courts, colonial policy.

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1. INTRODUCTION

The French colonial administration in Morocco implemented administrative policies that encompassed all aspects of civilization. It had developed new methods and tools for applying these policies, especially after experimenting with various projects in Algeria, which allowed it to understand the components of the social classes and the ties that bound them together. It concluded that the core foundation of society was Islam. Accordingly, the Berber policy in Morocco embodied in the Berber Dahir was adopted as a means to Christianize Moroccan society.

To achieve this objective, France viewed the Amazigh (Berber) population as the key group to implement this policy and fulfill its political goals, through which it sought to dominate Morocco and its people. The judicial system became the starting point for this strategy, with the Berbers considered the most suitable for this experiment an experiment that was expected to have harmful consequences on Moroccan society as a whole.

Based on this, one must ask: What were the reasons behind the emergence of the Berber Dahir, what were its contents, and what were the political objectives of French colonialism?

This will be examined through the historical events surrounding the 1930 Berber Dahir and its impact on the political scene in Morocco during the French occupation.

The Berber Decree of May 16, 1930 and Its Main Elements

1-1. Its Origins and Definition:

After the occupation of Morocco in 1912, the French colonial administration began devising strategies to eliminate the Arab-



Islamic Moroccan identity and replace it with a new identity loyal to French presence one that, over time, would deny its Arab-Islamic heritage and eventually become assimilated into France itself.

Among the directions taken by the colonial policy was the division and fragmentation of the country, sowing the seeds of discord among the Moroccan people, whose Arab-Islamic history had always demonstrated a strong sense of unity and shared faith. The ultimate goal was to detach Moroccans from their tolerant Islamic beliefs and replace them with a Christian Crusader ideology. (Al-Qadri, , 1992, p. 37.)

The issuance of the decree regulating what was termed "Berber justice in customary regions" was used as a pretext to ignite unrest. This unrest empowered the scattered nationalist circles across the country to expand and unite, leading to the emergence of a political party opposed to France where previously there had only been isolated voices of dissent. (Spillman, 2014, p. 57.)

The French Protectorate based its policy on a flawed assumption: that the Berbers had only superficially embraced Islam. Therefore, it considered it more appropriate to recognize and formally implement their local customary laws through special courts. Indeed, in September 1914, the French Residency issued a decree that excluded Berbers from Islamic (Sharia) jurisdiction in civil matters, assigning such responsibilities instead to the tribal or community council.

The Moroccan judicial system was divided into two parts:

- Sharia courts handled civil affairs.
- Criminal matters were judged by pashas in regional capitals or by local leaders.



Any modifications to civil judiciary matters were considered interference in religious affairs, which is why the Protectorate refrained from altering this type of judiciary across most of Morocco. Instead, it merely sought to organize it by establishing a higher council to review judicial rulings.

However, enforcing customary law came with serious difficulties, as customs varied greatly from one tribe to another, making uniform legal application nearly impossible. Furthermore, it was not easy to clearly distinguish between Arabs and Berbers or to identify the exact communities to which the Berber Decree would apply.

The **Berber Decree**, as taught in educational institutions, discussed in books on modern Moroccan history, and recounted by members of the nationalist movement, was a law issued by France on **May 16, 1930**.

1-2. Its Main Elements:

1. It is clearly a racist law aimed at spreading division among Moroccans by separating Berbers from Arabs, even though they lived side by side.
2. The law legitimized the separation of Berbers from Islamic Sharia law, reverting them to their pre-Islamic pagan and tribal customs. These customs were revived and imposed as an alternative to Sharia, which was restricted solely to Arabs.
3. The law sought to prevent Berbers from learning the Arabic language by establishing special "Berber" schools where only French and Amazigh (Berber) were taught, while Arabic—seen as a language exclusive to Arabs—was banned.

4. It was a law aimed at separating Berbers from Islam and leading them toward Christianity, the religion of colonial France. (Al-Akkad, 1993, pp. 282–283.)

Most colonial studies portrayed Morocco as a land divided into two distinct ethnic blocs—Arabs and Berbers—and two regions: the Bled Siba (areas outside the control of the central government) and the Bled Makhzen (areas under central authority). Similarly, there were seen to be two legal systems: customary law prevailing in Amazigh regions and Sharia law in Arab regions.

The **Berber Decree** was an attempt at further division, through which the French sought to dismantle the foundations of national unity and religious-social cohesion by subjecting the Amazigh population to customary courts—or even French courts if necessary—while reserving Sharia courts for Arabs.

The true origins of this decree go back to 1914, when a law was issued to recognize and respect the customary legal system in tribes where Sharia courts did not exist.

The Berber Dahir’s Goal:

The Berber Dahir aimed to detach the Amazigh population from Islam, stripping them of their faith to convert them to Christianity, the religion of France. Colonial studies commonly depicted Morocco as divided into two distinct populations—Arabs and Berbers—and into two regions: the “Land of Anarchy” (Bilad Al-Siba) and the “Land of Authority” (Bilad Al-Makhzen). This dichotomy was complemented by two systems of law: customary law prevailing in Amazigh areas and Sharia law governing Arab regions. (Bouddahan, 2009, p. 31.)

The Berber Dahir was an attempt at this division, designed by the French to dismantle Morocco's national unity and social



cohesion. The Dahir sought to subject Amazigh people to customary courts and, if necessary, French courts, while leaving Arabs under Sharia courts. The roots of this policy date back to 1914 when a decree was issued to respect and maintain the customary law practiced in tribes without Sharia courts. (Tahtah2009, p. 31)

3. The Chapters and Content of the Berber Decree

3.1 Chapters and Their Provisions:

Article 1:

Offenses committed by Moroccans in tribes governed by Berber customs under our noble protectorate are adjudicated by tribal leaders. Other offenses are resolved as stipulated in Articles 4 and 6 of this Dahir.

Article 2:

Subject to the rules governing the jurisdiction of French courts under our protectorate, civil or commercial cases, as well as disputes involving property, are to be handled by specialized customary courts. These courts also address personal status matters, such as inheritance, applying local customs.

Article 3:

Appeals of judgments issued by customary courts are presented before appellate customary courts whenever an appeal is permissible.

Article 4:

The appellate customary courts also have jurisdiction over criminal matters, initially and definitively, for the prosecution of

offenses committed by members of customary courts under the regular jurisdiction of the tribal leader.

Article 5:

Each customary court, whether initial or appellate, is assigned a Makhzen delegate authorized by the monitoring government. Each court also has a registrar who doubles as a notary.

Article 6:

French criminal courts operate under their own procedures and have jurisdiction to prosecute offenses committed in Berber regions, regardless of the perpetrator's identity. These proceedings are governed by the Dahir of August 12, 1913, related to criminal litigation.

Article 7:

Real estate disputes involving individuals under French court jurisdiction fall within the competence of French courts.

Article 8:

All regulations related to the organization, structure, and operation of customary courts are determined through successive ministerial decisions as required by circumstances.

Signed in Rabat on Dhu al-Hijjah 17, 1348 AH, corresponding to May 16, 1930. This Dahir was recorded at the Ministry of the Interior on the same date.

Signed: Mohammed Al-Muqri.

The Berber Dahir was approved for publication in Rabat on May 23, 1930, by the French Resident-General Lucien Saint. (Al-Qadri, pp. 47–48.)

The Dahir included two amendments regarding Berber judiciary practices:

• **First Amendment:**



It granted formal status to the *Council of the Tribe*, transforming it into a civil court and codifying Berber customary law as recognized legal practice for these courts.

• **Second Amendment:**

It removed jurisdiction over criminal cases from the traditional local authorities (such as the Caids and Pashas, who represented the Sultan) and established new courts in Berber regions staffed by French judges, applying French criminal law. (Al-Akkad, pp. 283–284.)

The content and articles of the decree clearly show that France aimed to create division first, between Berbers and Arabs, and second, between urban and rural populations. This was because languages and dialects were more widespread and varied in these areas, making it easier to spread Christianity and introduce new legal systems that would facilitate the eradication of Islamic Sharia law.

4. Objectives of the Berber Dahir:

The primary goal of the Berber Dahir was to dismantle Arab-Islamic civilization and disrupt the bonds of unity between urban and rural Moroccans, specifically Arabs and Berbers. By doing so, the French sought to:

- Facilitate the spread of Christianity among the population.
- Assimilate North Africa into the Aryan race and French civilization, turning the region into a fully French province with its traditions, religion, and language subordinated to French systems. (Al-Qadri p. 39.)

Promote the Christianization of the Berbers, which, in turn, faced fierce opposition from Berber tribes themselves and provoked a

significant backlash throughout the Islamic world. (Al-Akkad, p. 284.)

The Dahir of May 16, 1930, sowed the seeds of division, even though it merely legalized and formalized a pre-existing situation that had lasted for centuries. The accusations against it stem from malicious intentions fueled by hatred and disdain, often expressed by the bourgeois intelligentsia for all things Berber. (Mohamed, 2003, p. 13.)

The Berber Dahir was not just a French colonial project targeting the Berbers (Amazigh) of Morocco; it also aimed at undermining a foundational social component of the entire Maghreb region. Through its fifteen articles, France sought not only to separate the Berbers from the Arabs linguistically, culturally, and religiously, but also to eradicate their local dialects, Frenchify them, and attempt to Christianize them. These nefarious efforts were not new to Morocco (or the Maghreb in general). The efforts of the zealous missionary Cardinal Lavigerie were well known since the late 19th century, and their effects were clearly visible in Algeria, Tunisia, and finally Morocco. The goal of this colonial project was to tear apart the unified social fabric of Morocco (and the Maghreb), historically, nationally, religiously, and culturally. (Dahesh, pp. 217-218.)

It is important to note that this crusading direction of colonial policy did not limit itself to the so-called "Berber" tribes. It sought to impose the same measures on the Arabized tribes, who were all subjected to Islamic Sharia law. In 1924, the colonial administration proposed a project to organize customary law in Souss, but the French governor in the area objected, saying: "These tribes are Muslim, deeply rooted in Islam, and their customs today only concern criminal matters. Otherwise, all

these tribes resort to the Sharia judges and Islamic law." (Al-Qadri, p. 41.)

5. National Reactions:

The national protests against the Berber Dahir of May 16, 1930, spread widely across Morocco. The demonstrations began at the Grand Mosque in the city of Salé, on the banks of the river "Oued Al-Mouloukiin" (the Three Kings River), on June 20, 1930, with the slogan "Allahumma Ya Latif, Nas'alu ka al-latif bima jaret bihi al-maqadir wa la tufarriq baynana wa bayn ikhwanina al-barabira" (O Gentle One, we ask You for gentleness in what fate has decreed, and do not separate us from our Berber brothers). These protests spread to most Moroccan cities, including Rabat and Fes, in July 1930.

The events in Fes went beyond the issue of the Berber Dahir and raised concerns about the protectorate and the abuse of administrative power. Religious leaders and young nationalists played a major role in the protests. In response, the French colonial authorities resorted to violence and mass arrests. Amid these events, a group of nationalists submitted their protests to the French protectorate authorities and succeeded in securing the release of the detainees. They also formulated demands, leading to a gathering of notable figures in Fes on August 22, where 13 members were elected, six of whom were excluded. Five of these excluded members would later pursue the idea of political organization, but due to the political circumstances imposed by the colonial regime, they had to resort to secret organizations, namely the "Zaouiya" and "Taa'ifa." This period marked the initial phase of the nationalist movement before the emergence of the *Bloc des Forces Nationales* as a public organization.

(Bayya, Belfred,2020, p. 1036.)

After the issuance of the Berber Dahir, events emerged that marked a dividing line between two significant phases in the history of Morocco. The first phase was that of armed struggle, which failed to regain sovereignty and defend the national identity of Morocco, with its unique and collective characteristics. The second phase marked the beginning of peaceful political activity, using methods that had not been previously adopted by the Moroccan people. This shift was expressed by Allal al-Fassi in his book *The Independence Movements* where he said: "The period between March 30, 1912, and May 16, 1930, can be considered almost entirely as a time of pure military struggle, because the vast majority of the population declared revolution after the signing of the protectorate, and their submission was only achieved after tremendous and gradual efforts. The intellectual elite, whether from before or during the protectorate, all fled to the mountains, leading the revolution and managing the struggle. Those who were defeated by force were left in the stunned condition of the defeated soldier, who could do nothing after being disarmed. Therefore, it was necessary to wait for the emergence of a new generation, imbued with the spirit of peaceful resistance, where the weapon no longer held the primary place in every battle." This shift from armed resistance to peaceful political activism was a pivotal moment in Morocco's nationalist movement. It led to new strategies, organizing a generation focused on political and diplomatic means rather than relying solely on military confrontation. This transition marked a significant evolution in the struggle for independence.



After the issuance of the Berber Dahir, events unfolded that marked a defining line between two significant phases in the history of Morocco. The first phase was that of armed struggle, which failed to restore sovereignty and defend the national identity of Morocco, with its specific and collective characteristics. The second phase marked the beginning of peaceful political activism, relying on methods previously unused by the Moroccans. This transition was expressed by Allal al-Fassi in his book *The Independence Movements*, where he said: "The period between March 30, 1912, and May 16, 1930, can almost be considered a purely military struggle, because the vast majority of the country's population declared revolution after the signing of the protectorate. Their submission to it only came after tremendous and gradual efforts. The elite of the generation that preceded or witnessed the protectorate all fled to the mountains, leading the revolution and managing the struggle. Those who were defeated by force were stunned, like the defeated soldier who can do nothing after being disarmed. Thus, to overcome this widespread shock, it was necessary to wait for the emergence of a new generation, imbued with the spirit of peaceful resistance, where the weapon no longer took precedence in every battle." (Hleili, , 2018, pp. 163–164.)

The issuance of the Berber Dahir provoked widespread public outrage and condemnation from the Berbers themselves, as well as from the Moroccan population in general, and from Arabs and Muslims across other Arab countries and some Islamic nations. The release of this colonial project laid the strong foundation for the launch of the Moroccan national movement in 1930, which

aimed to defend the interests and demands of the Moroccan people through peaceful political methods. (Dahesh, p. 218.)

The French colonial authorities believed that this would be the only means to effectively counter the development of nationalist trends and the potential emergence of Berber regionalism in the near future. However, the Moroccans strongly opposed the Berber policy, with Islam playing a central role in unifying the components of Moroccan national unity. (Al-Qatani, 2014, p. 50.)

From this Dahir, the national movement leaders drew three key conclusions:

- It removed a significant portion of Muslims in Morocco from the jurisdiction of Sharia courts.
- The transfer of some judicial matters in the Berber lands to the French judiciary, and these two points, in their view, are the first step toward Christianization and the beginning of the new Crusades.
- It tears apart Moroccan unity, which contradicts the protectorate agreement. (Hlaile, p. 165.)
- Since the "Berber Dahir" issued in 1930, the Moroccan reaction in the north and south was unified. The political map of Morocco until 1940 showed a harmony between the National Reform Party and the National Party, as well as between the Moroccan Unity Party and the Nationalist Movement Party. There was also a unified stance between the northern Moroccan parties during World War II. Communication was continuous among the nationalists regarding their positions toward each other and their stance toward Spanish protection during the Second World War. In 1942, a charter was signed between the



National Reform Party and the Moroccan Unity Party, leading to the formation of a "National Front" to unite the struggle for unity and independence. (Dahesh, 2004, p. 132.).

Conclusion

The phenomenon of spreading Christianity, fostering division between Arabs and Berbers in the Maghreb, and promoting racism represents the essence of the Berber policy pursued by the French administration in Morocco. This policy revealed the true face of French colonialism in the Maghreb, regardless of the variety of methods and tools it employed to dominate its peoples. The French experience in Morocco, especially through the Berber Dahir project, reflects the deep cohesion of the Moroccan people, despite ethnic differences between Arabs and Amazigh. It was Islam that gave meaning to unity, brotherhood, and solidarity in Moroccan society. The national elite, which firmly rejected the Dahir and demanded its abolition, played a crucial role in preserving this unity. Although the decree aimed to Christianize and divide Moroccans, it also ignited the first seeds of political party formation and triggered intense activity among the Moroccan nationalist elite.

The Berber Dahir also gave new momentum to Moroccan intellectuals and nationalists in their resistance to French policies in Morocco. This issue is clearly linked to the missionary policies that emerged in Algeria during the French occupation. Therefore, French colonialism in the Maghreb requires further studies and research to expose and understand its true strategies

in the region, as this phenomenon left long-lasting effects on Maghrebi societies and reflects the true nature of French occupation.

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