Between Customary Institutions and the State: The Experience of the Majlis al-A'yān in Municipal Governance of Ghardaïa, Algeria

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Abstract:

Since the disappearance of the Rustamid Imamate in the Maghreb, the Mozabite community of Ghardaïa in Algeria no longer possesses an autonomous state authority. In order to preserve its social, religious, and political organization, it has developed its own normative system, administered by its own institutions (the Halqa of the Azzabas and the Djama'a). This system has historically been maintained through forms of adaptation and compromise with successive dominant powers in order to preserve the collective interests of the community.

The independence of Algeria in 1962 marked a major political change. The community had to adapt to a new state framework that largely tolerated their distinct customary and traditional practices.

In this context, the nobles of the Ksar (city) of Ghardaïa engaged, from 2006 onwards, in a process of reactivation and reorganization of traditional institutions, foremost among them the Djama'a. These dynamic aims to reinvest local governance based on vernacular political knowledge. As such, it plays a central role in structuring the electoral process, supporting Ibadi local elected officials throughout their mandates, and managing as well as mediating political and social conflicts.

Keywords: *Ksar of Ghardaïa; customary; Algerian law; 'Orf; Majlis al-A'yān; Municipal Governance.*

1. INTRODUCTION

Since Algerian independence in 1962, the Mozabite community has found itself in a paradoxical situation, marked by the need to adapt to a new state framework that largely disregarded its customary practices and distinct traditional forms of organization. The separation of the Djama ‘a—a secular institution composed of nobles and non-religious figures, functionally comparable to a customary municipal council—from the formal municipal structure, (Augustin, 2015, p. 615), contributed to the gradual marginalization of its political functions.

The political liberalization initiated in the early 1990s introduced new institutional arrangements—namely multipartism and pluralist elections—largely inspired by Western models of state governance. However, their partial and conflictual implementation within the Mozabite context generated significant political and social tensions. These developments revealed a structural mismatch between state-based political mechanisms and the social, normative, and political frameworks specific to this community.

In response to this context, the civil society, such as, the noble and celebrity’s persons of the *Ksar* of Ghardaïa (city), have since 2006, engaged in a process of reactivating and reorganizing traditional institutions, foremost among them the Djama‘a. This dynamic seeks to reinvest local governance through the mobilization of vernacular political knowledge, while redefining the modalities of interaction between Mozabite society—structured around ‘Orf-based normative practices—and the national law of State.

This paper aims to study the political experience of the customary Institutions of the *Ksar* of Ghardaïa in municipal management from 2006 to the present. It focuses on the return of the Djama’a to municipal governance: its stakes and objectives (01), through the reorganization of traditional institutions (02), the redefinition of the relationship between the Djama’a and the State (03), and finally the process of implementing these objectives during the mandate of the municipal assembly (04).

2. Historical and Institutional Foundations of local Governance in *Ksar* of Ghardaïa

The Moabites populations live in the M’Zab Valley, organized in small towns called ksour (cities). They have long organized their social and

political life around Qanouns—oldest customs and traditions—which constitute the foundation normative framework of the community. It is administered by traditional institutions such as the Halqa of the Azzabas and the Djama'a. This local legal system ensured the regulation of collective affairs according to the values of Islam.

Vernacular forms of regulation thus operate according to two complementary dimensions: on the one hand, the customary legal system ('Orf), and on the other, the institutional order responsible for its application and regulation.

2.1 The 'Orf of M'Zab: Normative Support of Society

The 'Orf, or custom of M'Zab, originates in the oldest rules of "Qanouns and Itifaqatt," meaning laws and regulations. It combines oral traditions, customs, and local users transmitted from generation to generation to regulate both private and public matters, adopted by the institutions of the city (Bentoumi, 2010, p. 35). This normative corpus constitutes the legal foundation of Ghardaïa cities since their creation (Gueliane, 2020, p75). From the 11th century onward, it gradually acquired a religious dimension, drawing inspiration from Islamic law (Sharia) according to the Ibadi tradition (Belhadj, 2014, p. 167; Graba, 2025, p. 97).

The sources of Qanouns are found both in local customs and traditions and in the Qur'an and the Sunna. Historically, custom played a central role in legal system, often occupying a primary place in legislation (Belhadj, 2014, p. 169-170), particularly before the introduction of Ibadism and the establishment of the Halqa of the Azzabas. Subsequently, legislative authority passed to the councils of the Azzabas, which regularly incorporated certain customary practices into legislation, as long as they did not contradict the fundamental principles of Islam (Belhadj, 2014, p. 05). In this way, the 'Orf of M'Zab appears as a hybrid normative system, combining customary norms and Islamic law.

Its fields of application are divided between private and public customs. The first concerns personal matters (wedding, inheritance) and religious matters (waqf), while the second governs public affairs of the city

(municipal organization, social regulation).

In the public domain, particularly in local governance, the customary system establishes rules applicable to city planning, water management, and the organization of housing (Belhadj, 2014, p. 201). It also defines institutional roles, modes of city organization, mechanisms for resolving internal conflicts, and the management of political affairs and external relations (Belhadj, 2014, p. 15).

2.2 The Halqa of the Azzabas and the Djama'a: Social-Political Regulation

Mozabite social organization is based on a hierarchical institutional order structured around two main bodies: the Halqa of the Azzabas and the Djama'a. The Halqa of the Azzabas constitutes the supreme religious authority; composed of scholars, it ensures the management of the mosque, Qur'anic teaching, and the perpetuation of doctrinal tradition. (Cherifi, 2003, p. 296).

The Djama'a[1], for its part, is a civil institution composed of non-religious nobles. It exercises executive functions: it ensures local governance, oversees the implementation of decisions of the Azzabas, and intervenes in the daily management of the city's affairs, similar to a communal municipal council (Bendrissou, 2016, p. 344; Daddi Adoun, 1990, p. 24; Hamouda, s. d., p. 53).

These two institutions jointly participate in the political and legislative authority of the city. On the judicial level, the Shaykh of the Azzabas exercises the function of judge (qadi), while the Djama'a ensures the

[1] Originally, the institution bore the name Majlis ādūmān. During the French colonial period, it came to be referred to as the Djama'a, more precisely the Djama'at al-ādūmān.
In fact, this term originally referred to the name of Assembly al-ʿAwām, that is, the prior to French colonization. The term denoted the muqaddamūn, ḍumān, or (aʿyān). Following the French occupation, however, the institution came to be designated as the Djama'a, an abbreviated form of Djama'at al-Ādūmān. (Source: Interview with Hadj Said Mohamed Lakhbourat, member of the Tourath Association, Ghardaïa, 15 June 2026.)

execution of decisions rendered.

3. Transformations of the Institutional Order: From Colonial Supervision to State Centralization

French colonial occupation in the M'Zab brought about a profound reconfiguration of the pre-existing normative and institutional order. Without formally abolishing these local norms, the colonial administration progressively integrated, redefined, and supervised them within the imperial legal architecture, subjecting them to procedures of control, validation, and hierarchical organization in accordance with French policies.

In this perspective, it reorganized the management of M'Zab cities into administrative units to which it assigned certain powers previously held by the Djama'a and the Halqa, establishing local authority or the municipality (les Communes) in each city between 1882 and 1962. This process introduced forms of administrative acculturation, imposing categories and management practices foreign to local logics. In response to these transformations, the indigenous populations developed strategies of adaptation based on compromise with the colonial administration.

The Djama'a saw its political functions reduced: its representatives were integrated into the colonial administrative structure, notably through the Gaids, becoming intermediaries between the population and the central authority to ensure the implementation of its instructions within the cities of Ghardaïa (Merghoub, 1972, p. 54). At the same time, the *Halqa* of the Azzabas of each city retained its powers in social and normative regulation through the High Confederative Council of the M'Zab Valley, although its autonomy was progressively limited, particularly through the obligation to submit certain decisions (such as the Itifaqatt) for approval by the colonial administration(Merghoub, 1972, p. 57-58).

The introduction of Civil Partnership Status (Merghoub, 1972, p. 66) constituted a decisive stage in the statization of social relations in Ghardaïa, replacing lineage-based logics with a written and centralized system of proof. These reforms aimed to integrate Mozabite society into a durable

administrative model, contributing to a profound transformation in the system of customary governance of the institutions of the Halqa of the Azzabas and the Djama'a.

These transformations mark the transition from a religious order, based on the tradition's institutions and legislative autonomy, to a civil order based on administration and colonial law. Despite these changes, indigenous elites maintained a reserved attitude toward unilateral decisions by colonial authorities, seeking to preserve their social and cultural autonomy (Augustin, 2015, p. 38; Merghoub, 1972, p. 66)

3.1 State Centralization and Vernacular Structures after Independence

The Algerian legal and institutional framework inevitably bore the imprint of colonization, due to the temporary continuation of colonial legislation in force in the immediate aftermath of independence (Mahiou, 2012). Law No. 62-157 thus maintained existing norms, except those contrary to national sovereignty, in a context where political urgency did not allow the immediate development of a new legal system adapted to the needs and aspirations of the Algerian population (Mahiou, 2012).

Within this process of centralization, several major transformations affected the cities in Ghardaïa: all municipal councils were dissolved and replaced by special delegations appointed by national authorities (augustin, 2015, p. 325) At the same time, the Djama'a was institutionally separated from municipal activity, putting an end to its indirect supervisory role over communal structures inherited from the colonial period (Augustin, 2015, p. 325)

Despite this changes, traditional structures did not disappear. They persisted informally under the designation of "al-ḥayāt al-'urfiyya" (customary's institutions), governed by the 'Orf. This situation generated a lasting institutional duality: on the one hand, state institutions governed by national law; on the other, traditional institutions governed by customary norms (Gueliane, 2020b).

3.2. Internal Reconfigurations: Reformists and Conservatives

In this post-independence context, Ibadi society in the M'Zab was also

marked by internal divisions inherited from the colonial period, opposing two main currents: reformists and conservatives (augustin, 2015, p. 309).

The reformists represented a movement aimed at modernizing religious practices while integrating the community into a broader national dynamic. The conservatives defended Ibadi cultural and jurisprudential tradition and the authority of religious institutions, particularly, they relied more heavily on the 'Orf as a framework for social and political regulation (augustin, 2015, p. 309).

These tensions originated in debates related to the administrative integration of M'Zab into northern Algeria in the 1940s. Reformists supported this integration, while conservatives opposed it, invoking the need to preserve the autonomy of the community.

After independence, these divisions evolved into lasting social and political tensions, influencing electoral participation and the management of local affairs, particularly in the *Ksar* of Ghardaïa.

4. The Crisis politique and the Reactivation of Vernacular Regulation

From 1990 onwards, the central government introduced new institutional mechanisms—such as multipartism and pluralist elections—drawn from Western state models. However, their implementation in the Algerian context, marked by the security crisis of the 1990s, remained partial and conflictual. This period of violence disrupted political dynamics and suspended democratization processes.

In Ghardaïa, the gradual return to elections was accompanied by an intensification of political and communal tensions. The importation of exogenous partisan logics contradicted traditional modes of regulation, generating internal and intercommunal conflicts.

These events revealed a structural gap between state political mechanisms (parties, electoral competition) and vernacular forms (consensus, mediation, customary regulation). In this context, the nobles of the Ksar of Ghardaïa engaged in a process of reactivating and reorganizing traditional

institutions, foremost among them the Djama'a[1].

4.1 Rehabilitation of Vernacular Political Knowledge and Recompositing of the Political-Institutional mission

The *Djama'a* institution has undergone a significant transformation from the colonial period to the post-independence era. Initially designated under the name *Majlis ādūmān* (assembly of guarantors), it brought together representatives from different tribal fractions (*ta'chīrt or 'āshīra*) (Daddi Adoun, 1990, p. 24).

After independence, the separation of the *Djama'a* from the municipal institution, combined with its progressive weakening under the single-party system of the FLN, led the nobles to initiate a process of internal reorganization.

This recompositing is based on a functional differentiation between social, security, and political functions, through the creation of new structures: the *Majma' al-'Ashā'ir*[2] (Council of Tribals Structure), responsible for coordination among different tribes and the management of social affairs; the *Majma' al-Mahāḍir*[3] are security institutions, coordinate security functions within the community; and the *Majlis al-A'yān* (the Council of Nobles),

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[1] An interview with a former member of the Majlis al-Aʿyān in the Ksar of Ghardaia.

[2] *The Majmaʿ al-ʿAshāʾir* (Council of Tribals) was established in the *ksar* of Ghardaïa in 2010 in the aftermath of the 2008 floods. It constitutes a customary institutional body composed of representatives from all tribal and lineage-based groups (*ʿashāʾir)* within the *ksar*. Its primary function is to coordinate relations among these constituent groups for the distribution of social assistance to disadvantaged families and vulnerable individuals through their representatives within the council. (Source: Interview with Hadj Said *Mohamed Lakhbourat*, member of the *Tourath* Association, Ghardaïa, 16 June 2026.)

[3] *The Majmaʿ al-Maḥāḍir* was established especially in the *ksar* of Ghardaïa in 2002 with the aim of separating the responsibility of security duties from that of the traditional *Qurʾānic schools (maḥāḍir*). This institution, whose members named the *Imasurdan*, was organized into several units known as *maḥdir* (sing. *maḥḍara*), in order to restructure and coordinate security functions within the community. (Source: Interview with Hadj Said *Mohamed Lakhbourat*, 15 June 2026.)

entrusted with political and the representation into state institutions and their officials.

This restructuring reflects an adaptation of the customary system to contemporary requirements while preserving its internal organizational logic. It has enabled the investigation of traditional political norms in relations with state authorities, in accordance with the principles of *Ibadi* political sources, particularly during periods of political tension and uncertainty. In this respect, two principles are especially significant: the principle of flexibility and the principle of maintaining a safe distance from the dominant authority(BECIS; & REMITA, 2022, p. 509, 510).

These principles reflect to *Ibadi* communities to adopt a pragmatic approach that allows them to adapt to changing political circumstances. They imply that, when required by circumstances, cooperation with—or even submission to—the dominant political authority may be accepted in order to safeguard collective security, ensure the continuity of the community, and preserve its customary institutions. Such an approach is grounded in negotiation, compromise, and the pursuit of institutional arrangements that protect communities values while advancing the collective interests of society(BECIS; & REMITA, 2022, p. 509, 510).

5. The *Majlis al-A'yān*: An Institution of Mediation and Political Regulation

5.1 Emergence of the *Majlis al-A'yān*: A Political Institution of Mediation

Following the political crisis of the 1990s and the gradual return to electoral competition in Algeria, Ghardaïa society was confronted with a complex new political environment characterized by instability, fragmentation, and the absence of collective regulation of electoral practices.

In this context, religious institutions, particularly the *Azzabas*, were initially perceived by public authorities as privileged interlocutors. However, in Mozabite tradition, the management of political affairs historically falls to the nobles of the city rather than to religious authorities.

This distinction constitutes a fundamental principle: the *Azzabas* exercise religious and normative authority, while the nobles ensure the political and social management of the city.

Infront of the rise of partisan competition and the growing influence of exogenous political logics in the society, an initiative was undertaken to create an institution specifically dedicated to the political affairs of the city, distinct from religious structures: the *Majlis al-Aʿyān*, formalized officially in 2006.

This initiative aims to clearly dissociate the religious from the political, limit the influence of doctrinal divisions on public affairs, and adapt local governance to the constraints of the contemporary state system.

The *Majlis al-Aʿyān* thus constitutes an institution both rooted in customary structures and oriented toward interaction with the State.

This council is composed of representatives of different institutions customary, influential nobles, representatives of local associations, and former local or national elected officials (Bahaz, 2020). It gradually established itself as the central body of political regulation within the *Ksar* of Ghardaïa.

The main functions of the *Majlis al-Aʿyān of Ksar* of Ghardaia include the supervision of electoral processes, mediation between local society and state institutions, coordination of community political strategies, and negotiation with public authorities regarding local development and access to public services.

5.2 The *Majlis al-Aʿyān* as a Central Institution customary of Local Governance

Since its creation, the *Majlis al-Aʿyān* has established itself as the structuring actor of local governance in *Ksar* of Ghardaïa society. It operates in coordination with other traditional institutions (*Halqa* of the *Azzabas*, *Majmaʿal-ʿAshāʾir*, *Majma ʿal-Mahāḍir*, and the institution of the *Oumanas*), while occupying a dominant position in defining political orientations[1].

[1] In the contemporary context, the relationship between the Ḥalqat al-ʿAzzāba and the Majlis al-Aʿyān is primarily one of consultation, coordination, and information-sharing

Such as, it becomes the principal interlocutor of state authorities, and the regulator of internal balances. This centrality is based on its capacity to produce consensus and to frame political practices according to customary norms adapted to the contemporary context.

The Majlis al-Aʿyān also collaborates with other federal institutions of Mʾzabi society, particularly the Majlis Abū ʿAbd al-Raḥmān al-Kurthī. This cooperation becomes especially significant during major political events, such as presidential and senators' elections, when mechanisms of coordination are established to harmonise the positions and political orientations of the community across the seven ksour of the M'Zab[1].

5.3 Internal Organization and Professionalization of Political Work

The nobles of the *Ksar* of Ghardaïa introduced reforms aimed at rationalizing and structuring the functioning of the *Majlis al-A'yān*, through the creation of an executive committee composed of members selected by criteria based on competence, social legitimacy, and the professionalization of candidates; a general assembly representing the various components of

with respect to political decisions adopted by the Majlis al-Aʿyān. This arrangement appears to be particularly characteristic of the ksar of Ghardaïa, according to interviews conducted with a former member of the Majlis al-Aʿyān as well as the explanations provided by Professor Hadj Said Mohamed Lakhbourat. This professor described the current relationship between two institutions as follows: the Ḥalqat al-ʿAzzāba is no longer the principal authority supervising the activities of the Nobles, as was formerly the case; rather, the relationship is now based on coordination and mutual communication, where the Majlis al-Aʿyān informs the Ḥalqat al-ʿAzzāba of the political decisions and initiatives it undertakes.

[1] According to a former member of the Majlis al-Aʿyān (Council of Nobles) of the ksar of Ghardaïa, the Council of Abū ʿAbd al-Raḥmān al-Kurthī does not intervene directly in municipal elections within the ksar of Ghardaïa. Rather, its authority is primarily exercised over the politics of the community issues affecting the seven ksour of the M'zab collectively. By contrast, the Majlis al-Aʿyān of Ghardaïa retains considerable autonomy in the selection of electoral candidates and in the mobilisation of voters for both legislative and municipal elections, reflecting its enduring position as a local institution of customary governance in Ksar of Ghardaia.

society; and specialized committees (education, health, urban planning, agriculture, etc.)[1].

These developments reflect the urge to adapt customary mechanisms to the requirements of efficiency and modern governance.

5.5 The Strategy of the *Majlis al-Aʿyān*: Return to Vernacular Logics

Following the reintroduction of electoral procedures by the national authorities in 1997, the Mozabite political practice was marked by fragmentation. Each religious group (reformist or conservative) adopted distinct partisan strategies, aligning with different national parties.

This dispersion produced a non-coherence municipal assemblies (APCs) and governance difficulties. In response, the *Majlis al-Aʿyān* implemented a strategy based on the unification of political choices and the production of community consensus. This strategy involves the development of a common political project, the selection of a unified list of candidates, arbitration between independent candidacies and partisan affiliation, and full supervision of the electoral process[2].

This process aims to ensure coherence in municipal action, local political stability, and unified representation of the community.

The strategy is grounded in a political logic based on mediation and compromise, excluding extremists' opposition considered incompatible with local objectives. The customary system is not opposed to the State but functions as a complementary mechanism aimed at adapting public policies to local social realities[3].

6. Hybrid Political Governance: Connection between tradition institutions, and the State

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[1] Source: the member of the *Majlis al-Aʿyān* of the *ksar* of Ghardaïa,

[2] Ibid.

[3] Source: an interview with the former member of the *Majlis al-Aʿyān* of the *ksar* of Ghardaïa.

The reactivation of the political tradition of the customary system through the *Majlis al-A'yān* aims to achieve a dual objective: overcoming governance challenges in *Ksar* of Ghardaïa and preserving the cultural identity of the community in its interaction with the national political space.

Within this framework, this council coordinate with traditional institutions to define a stable and sustainable political strategy based on consensus among internal groups. This approach reduces tensions related to electoral competition and structures candidate selection processes.

The strategy to a unified electoral list serves as an important mechanism for producing consensus and ensuring political coherence within the Municipal People's Assembly (APC), considered essential for effective local public policy implementation.

The choice between independent candidacy or integrate to the national parties remains secondary to the primary objective: constructing a common political project for the community, privileging collective representation over partisan alignment[1].

6.1 The Process of the Customary Electoral Model

The electoral process supervised by the *Majlis al-A'yān* is based on structured stages: consultation meetings, convening of '*ashā'ir* for candidate proposals, establishment of a selection committee, validation of candidates according to criteria combining legitimacy, competence, and accordance with national law, and the formalization of a customary contractual commitment binding candidates to the community[2].

The electoral campaign is collectively managed by nobles, deploying local social networks to ensure support for the selected list.

6.2 Strategy of Political Neutrality

[1] Ibid.

[2] Ibid.

A key principle of the *Majlis al-Aʿyān* is relative neutrality into national political model, reflected in the preference for independent candidate lists in municipal and legislative elections(Cherifi, 2003, p. 296).

6.3 Post-Electoral Supervision and Participatory Governance

The *Majlis al-Aʿyān* extends his strategy beyond elections to post-electoral supervision. It anticipates the composition of executive cabinet, especially in municipal election, designating the future Mayor, deputies and others delegations of the mayor.

During the five years of electoral mandate, it implements monitoring mechanisms, including annual public presentations of municipal performance. This constitutes a form of customary participatory democracy, reinforcing accountability and citizen engagement outside formal state frameworks.

6.4 *Majlis al-Aʿyān* as an Interface between State Legality and Customary Legitimacy

The *Majlis al-Aʿyān* in *Ksar* of Ghardaïa illustrates a hybrid governance model combining state legality and customary legitimacy. It does not replace or oppose the State but operates as a mediating mechanism adapting public policies to local realities and stabilizing social relations.

According to our interviewees, the legitimacy of the *Majlis al-Aʿyān* rests on two fundamental conditions. First, its activities are governed by a charter formally adopted and approved by the various customary institutions of the community[1]. Second, the council is required to present periodic reports on its activities to the representatives of these institutions, ensuring an internal mechanism of accountability and oversight[2].

By contrast, the question of state legality remains a significant issue with regard to the institution's compatibility with the requirements of national law. However, its existence does not appear to encounter opposition from

[1] Ibid.

[2] (Source: Interview with Hadj Said *Mohamed Lakhbourat*, member of the Tourath Association, Ghardaïa 18 January 2025).

public authorities, as the Algerian State implicitly recognizes the role such institutions can play as mechanisms of mediation and articulation between governmental authorities and the local population(Cherifi, 2003).

4. CONCLUSION

The analysis of the experience of the *Majlis al-A'yān* in *Ksar* of Ghardaïa highlights the capacity of community customary institutions to reconfigure themselves within a context of political and institutional transformation.

In front of the limitations of the centralized state model and tensions generated by partisan competition, Mozabite nobles have developed political regulation mechanisms rooted in vernacular knowledge while remaining within the national framework. This dynamic reveals the existence of a hybrid mode of governance based on the complementarity between traditional institutions and state structures.

The *Majlis al-A'yān* emerges as a key institution in this recomposing, ensuring political consensus, electoral stability, and mediation between the community and the State.

Beyond the case of *Ksar* of Ghardaïa, this experience invites a rethinking of the relationship between the State and traditional societies in plural contexts, recognizing the mission of vernacular institutions in the construction of alternative forms of governance.

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