

Jessica M. Marglin, *The Shamama Case: Contesting Citizenship across the Modern Mediterranean* (Princeton University Press: Princeton, 2022), pp. 384.

by M'hamed Oualdi

*The Shamama Case* follows the legal conflicts that erupted after the death of Nissim Shamama in the winter of 1873, in the Italian port city of Livorno and that lasted for more than a decade. This case is indeed fascinating: Shamama was a prominent official, a tax collector, the director of Tunisian finances and the head (*qâ'id*) of the Jewish community in this country. He escaped to Europe in 1864, in the context of a major uprising that spread across Ottoman Tunisia against the implementation and the increase of a new poll tax. Shamama went first to France and lived in sumptuous palaces in Paris from 1864 to 1868 and then in Livorno from 1868 to 1873. After Shamama passed away, his different lives across the Mediterranean triggered much controversy and litigation as regards his nationality and citizenship. Did Shamama remain Tunisian after he left the country? Was he more broadly an Ottoman subject? Did he belong to a Jewish nation? Did he become Italian during his stay in Livorno? Ascertaining his actual nationality would indeed determine which national law to apply to his huge estate, which was valued at between 12 million francs, according to an Italian Jewish newspaper, and 30 million francs, according to a French Jewish newspaper. It should be noted that “the average estate of the wealthiest 0,1 per cent of the population of Paris in 1872 was 4,6 million francs” (pp. 98-99).

Through this specific and major case, Marglin's ambition is to reassess the “history of law in the Modern Middle East” and North Africa. In the same vein as the historian of colonial Algeria Nouredine Amara and the historian of 19<sup>th</sup> century Tunisia Fatma Ben Slimane, Marglin succeeds in showing that citizenship and nationality, and more broadly what she defines as legal belonging (which involved “both the formal bonds that tie people to a state, as well as forms of membership that stray beyond the strict boundaries imposed by words like ‘citizen’ and ‘national’”, p. 1) were not imported from Europe to the Muslim world: this type of belonging “emerged from an entangled process of legal change across the Mediterranean”(p. 4), mostly as the outcome of “competing, overlapping and

intersecting tales” (p. 8). To explore this revised history of nationality, citizenship and legal belongings, Marglin gives a clear and concrete sense of most of these competing tales in her brilliant narrative of the life and afterlife of Shamama “with a beginning, middle, and end of sorts” (p. 8). By employing the narrative technique to the 19<sup>th</sup> century legal and other primary sources that she used, the author follows a classical historical genre in history, much echoing the literary creation of the novels and *feuilletons* of 19<sup>th</sup>-century Europe.

As regards this genre of historical narrative, the historian Francesca Trivellato has warned us that writing micro-history does not mean crafting an “elegant narrative” but that it should lead historians “to employ the micro-scale of analysis to test the validity of macro-scale explanatory paradigms.”<sup>1</sup> However, in the case of *The Shamama Case*, such “elegant narrative” is more than useful in helping the readers to follow quite easily (which is a *tour de force*) the many versions of this story and even more so the fascinating rationales and theories that famous Italian and more broadly European legal scholars, as well as Muslim and Jewish North Africans, elaborated concerning the notions of “nationality”, “citizenship” – and what Marglin coins as “legal belongings”. Chapters 6, 7 and 8 are in particular very well composed and explain clearly how and why different lawyers argued that Shamama was, according to their divergent arguments, Italian, Tunisian or Jewish. Students and researchers interested in the history of North Africa, the Mediterranean and Jewish communities in these different settings will find new paths for research and historical debates in this rich and very well-researched book. As regards literacy among Tunisian and North African Jews, for instance, we learn on page 19 that Shamama knew how to write in Tunisian Judeo-Arabic but never learned to read or write standard Arabic. We also learn much about the 19<sup>th</sup>-century legal life of these communities which, in common with other Jewish communities, looked to the rabbis of Jerusalem as a major legal reference (p. 111). There are fascinating passages on Nissim Shamama’s descendants, fragments of the North African Jewish diaspora in Italy and Europe, some of whom were involved in anarchism (p. 219) while others were victims of Italian fascism (p. 220).

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<sup>1</sup> Francesca Trivellato, “Is There a Future for Italian Microhistory in the Age of Global History?,” *California Italian Studies* 2, no. 1 (2011):4,9.

One remarkable thread throughout the book is its unfolding of 19<sup>th</sup>-century debates about the legal situations of Jews in Tunisia, and more broadly across the Ottoman Empire and the Muslim world. Marglin reminds us that European legal scholars believed that “states like Italy and France had emancipated their Jews, while ‘backward’ states like Tunisia had not.” The author rightly argues that the “reality of Jews’ legal belonging, though, was murkier than this binary admitted” (p. 142). The official representing the Tunisian state in this story, Husayn ibn ‘Abdallah, and, to a certain extent, Elmilik, the Algerian-French Jew who assisted Husayn in the Shamama case, persisted in writing legal pamphlets that flew in the face of this Eurocentric narrative. Husayn defended the idea that Shamama and other Jews were equally subjects of the local governors of Ottoman Tunisia. He understood processes of emancipation of Jews in Europe as conditional on their “abandonment of religiosity” and that “this sort of absolute equality denied Jews their religious rights” (p. 176). Neither Husayn nor Elmilik, his ally at that time, won the legal battle over Shamama’s nationality and his estate. Their perceptions of Jewish rights and Husayn’s understanding of equality could not be heard. How could European legal scholars fully listen to this kind of argument while they were, as many still are to this day, shaping a Eurocentric and imperialistic position on so-called “International law”? This fascinating questioning and this critical perception of the 19<sup>th</sup>-century creation of international law can still be investigated by extending the scope to the case of other North Africans, be they Muslim or Jews, in the precolonial and colonial periods.

A related major thread in the book is its exploration of race, racism and antisemitism. On the European side, Marglin shows how Italian legal scholars such as Mancini thought that “race, religion, and language were important in the construction of a nation” in addition to the “consciousness of a nationality” (p. 130). In chapter 8, she exposes in a remarkable way divergent understandings and approaches regarding Jews as “a nation”. On the Tunisian side, Marglin also tries to understand to what extent Nissim Shamama was targeted as a Jew during the 1864 revolt, “especially at a time when modernizing reforms had disrupted the social hierarchies ensuring Muslims’ superiority” (p. 57). Marglin takes the case of 1864 rebels from a Berber background (*Zwâwa*) who were planning to attack Shamama’s house and kill him. This episode is one of the many instances during which Jewish courtiers advising or working for Muslim sovereigns could be under

attack. But in 1864, rebels went against many officials representing the Tunisian state including prominent mamluks, the slaves of Caucasian and Greek origin who had converted to Islam. Mamluks were blamed for implementing reforms that led to the violent exploitation of common people. Building, later in the book, on a story that she heard from the owner of the last kosher restaurant in the port of La Goulette, close to Tunis, Marglin suggests as well that there was in Tunisia, a “popular image of Nissim—as a gold-hungry traitor who had profited from Tunisia’s financial ruin—[that] was shot through with antisemitic stereotypes” (p. 234). While it is true—as Marglin reminds the reader—that Jean Ganiage’s *Les Origines du Protectorat française en Tunisie*, was influential in spreading this antisemite perception of Shamama, one can nonetheless say with confidence that Shamama is not known by the common people in Tunisia—and as a consequence, that there is neither an “unpopular” nor “popular” image of him. Moreover, Shamama was not the only official to have been in charge of Tunisian finances and to have escaped to Europe. One considers his predecessor, Mahmûd Ibn ‘Ayyad, a member of a major Muslim family of tax collectors and traders. Mahmûd Ibn ‘Ayyad’s departure to France was seen as a huge scandal, weakening the Tunisian administration. This crucial history of antijudaism and antisemitism in the precolonial and colonial Mediterranean still needs to be faced up to and written about, drawing on local sources – maybe along the same lines as this study of “legal belonging” as a violent byproduct of “competing, overlapping and intersecting tales”, of preconceived ideas, resentment, rejection and hate.

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