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Mary D. Lewis’s book *Divided Rule* is a fascinating analysis of the evolution of French power over Tunisia between the conquest of 1881 and the Second World War. Influenced by new imperial history and by the postcolonial approach—she cites Edward Said and Homi Bhabha—she is interested in the questions pertaining to how, despite the “stubborn persistence of Imperial rule” (p. 6), imperialism transforms. However, she hints in her introduction, and demonstrates in her book, such a question is better answered through cases studies rather than on a merely theoretical level.

When the French conquered Tunisia, in 1881, they learned from their experience in Algeria, the conquest of which began some fifty years prior, and which was later transformed into an integral part of France. French authorities were keen to maintain the bey’s sovereignty over Tunisia. The Bardo Treaty, signed on May 12, 1881, was a protectorate treaty in all but name: it recognized French Army authority while also recognizing the international treaties signed by the bey in previous years. And this is where the expression “divided rule” takes on its meaning: while power was divided between the French authority and the bey’s government, it was also divided between European powers. The treaties of capitulation, in particular those signed with Italy and Britain, created categories of protégés that benefited from a status of extraterritoriality. Because these treaties limited the powers of the bey’s tribunals by creating consular courts to deal with these protégés, the authority of the French after the treaty was *de facto* limited. Demographics made the matters worse: at the time of the treaty, 11,200 Italians were living in Tunisia, 7,000 British Maltese, and only 700 Frenchmen (p. 20). Twenty-five years later, the number of Italians had risen to 81,000, while there were only 34,000 French nationals (p. 32). While France was trying to impose its sovereignty over the country, the French were still a minority amongst foreigners.

The question could be considered merely as a question of international relations: upon the creation of the protectorate, the French tried to suppress other European countries’ consular tribunals. Here, the author underlines subtly how connected Tunisia was with distant countries: Austria-Hungary seemed happy to renounce its consular tribunals as the French had just given up their own, in Bosnia-Herzegovina, in favor of those of the empire. The French could also argue that the British had just imposed their own judicial system over Cyprus, and brought British legal authority in Egypt into the conversation about Tunisia.

One is of course strongly reminded of other recent works dealing with similar questions of nationality and personal status in particular works by Emmanuelle Saada, which the author refers to, or works by Nourredine Amara on Algeria nationality.[1] In its approach, it is also reminiscent of Benjamin T. White’s recent book on communities and minorities in French Mandate Syria.[2] In this book, White connected the international context, the League of Nations, and the emergence of the question of minorities with individual or group strategies and practices on the ground. He showed that individuals and groups used the “confusing mixture of legal jurisdictions” as well as new concerns in international relations (here the interest in the notion of “minorities”) to develop their own strategies, forward their interests, and identify themselves in new and sometimes
complex ways.[3] What makes Lewis’s book so compelling is that it connects in similar fashion dramatically different scales of analysis: the level of international relations and that of everyday life of people living in Tunisia. She explains: “international and domestic affairs were inextricably linked in Tunisia in part because the extent to which domestic rights intersected with questions of international law” (p. 8). Throughout the book, we see examples of wives and husbands claiming different nationalities, brothers and sisters appealing to different tribunals, and small migrant groups trying to extract themselves from colonial domination by redefining themselves. The Italians seem be giving the French the hardest time: opposing arrests of Italian nationals by French authorities, they demonstrate and petition in large numbers, questioning the very legality of the arrests.

What makes the Tunisian case fascinating is that it is a small country, at the crossroads of several Mediterranean routes of migration: the constant passage or immigration of populations from Malta, French Algeria, Tripolitania, Cyrenaica, or West Soudan put every reform in legislation to the test, with unforeseen political and diplomatic effects. Individuals and groups constantly worked the law, contested its legitimacy, or used its interstices. Through marriages, divorces, and inheritances we see the direct effect for example of the extension of the French empire in Africa, with the establishment of the Federation of West Africa (1895), the “pacification” of the Sahara (completed in 1902), or the establishment of its rule in Western Sudan, each of which causes waves of migration to or through Tunisia.

All in all, the French seem to have been ensnared in their own strategy. According to the protectorate treaty, French power depended on maintaining the bey’s sovereignty against European attempts to erode it progressively. However the French couldn’t allow blurring the distinction between “Europeans” and “natives.” The author gives a fascinating analysis of the situation of populations from Algeria: colonized people from Algeria, subject to the colonial code of indigénat at home, could claim to be French nationals in Tunisia, and therefore benefit from the protégé status that would distinguish them from the majority of Tunisian population. “The practice of offering protection in Tunisia threatened that distinction in both Tunisia and Algeria not only because it gave Algerians rights they did not have at home but also because it gave Tunisians an incentive to claim to be Algerian” (p. 62): for instance, it exempted these people from Algeria from paying the contested tax of the majba, which applied to only Tunisian men. The risk was the development of a large community of colonized, Muslim people enjoying the privileged situation of any European living in Tunisia. The prospect was simply unacceptable to the French. By the same token, the conquest of Libya by Italy in 1911 questioned the distinction between “European” and “Muslim” dramatically: as Tripolitania and Cyrenaica became an integral part of Italy (and a settler colony), their native inhabitants migrating to Tunisia could claim to be Italian. Because their numbers were large—and here, as we see throughout the book, the issue of numbers is of the essence—this threatened European colonial domination over Tunisia in fundamental ways: “At the heart of these exchanges about North-Africans ‘passing’ for whatever nationality suited them at a particular moment was a fundamental anxiety over what constituted colonial authority” (p. 110).

By connecting very different scales in this way, Lewis manages—despite the lack of archives giving us direct access to their voices—to pay attention to native populations’ agency. Men and women chose to jump jurisdiction, evaded conscription, and claimed one or the other elements of the fluid social identities any one individual in Tunisia could experience. The 1913 “False Maltese” case is revelatory: Maltese birth certificates were being traded, and while the British were convinced they were counterfeits, they could not but offer their holders diplomatic and legal protection. The French managed to suppress consular tribunals, but had to make some concessions. For instance, they agreed on defining (and judging) Europeans by their personal status when personal matter matters were involved. There is something quite savory in seeing French judges struggling to grasp the old Maltese code of Rohan in order to perform their duties vis-à-vis a British Maltese individual (p. 47).

In order to solve issues of large numbers of individuals jumping jurisdiction and demanding to be recognized as European nationals, Tunisian nationality was created by two decrees in 1914 and 1921. During the same period, the French struggled to impose French nationality on other Europeans living in Tunisia, in particular Italians and British Maltese. The lines of conflicts progressively shifted in the protectorate. In the following years, the French would face new challenges to their authority over Tunisia: rather than being opposed by competing European powers, they were now confronted more directly by the native population itself.

In 1923, a new decree allowed Tunisian Muslims to become French by naturalization. This gave consid-
erable fodder to the Destour (constitution) movement, which considered such naturalization apostasy. The “naturalization crises” and the struggles over cemeteries became dramatic in 1932: was it acceptable for a Muslim Tunisian naturalized French to be buried in a Muslim cemetery? The struggle raged on through the 1930s, and the author shows very clearly how the Néo-Destour, led by future president Habib Bourguiba, mobilized Tunisians en masse to prevent such burials. Here, the contest for sovereignty, nationality and territory because tightly intertwined. This was, after all, a colonial situation.

Notes


[3]. Ibid., 163.

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