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Book Review

Across Legal Lines: Jews and Muslims in Modern Morocco

Jessica M. Marglin
Yale University Press (2016), 336 pages

In the words of historian Niall Ferguson, “the law of unintended consequences is the only real law of history.” Nineteenth century Morocco boasted a rich legal life. Yet early twentieth century Morocco, with newly imported ideas of modernism, equality and legal reform, limited legal freedoms and reified religious differences. By 1912, the French imposed Protectorate marked “the beginning of the end of minority integration in the Islamic world” (p. 17).

In her innovative, illuminative and wide-reaching account, Jessica Marglin follows the rich and complex legal pluralism of Morocco during the nineteenth and early twentieth centuries. In seven chapters, an introduction, and an epilogue, Across Legal Lines transports its readers to the intersection of three fields of history: Jewish, Middle Eastern and legal. Marglin “reveals a world in which law was a site of encounter among Jews and Muslims and a key ingredient in the glue that bound Jews to the broader society in which they lived” (p. 3). Through the transnational legal life of a 19th century prominent Moroccan Jewish family from Fès, the Assarafs, Marglin “reinserts
Across Legal Lines is positioned against an academic backdrop of contemporary historians’ and scholars’ inquiries into Morocco and the lives of its de-facto second class Jewish inhabitants. Marglin’s account, however, seeks to provide a picture that goes above and beyond the two-dimensional approaches of her academic peers, whose narratives are often restricted to one lens of documentation. “By focusing on intra-Jewish cases in non-Jewish courts, scholars have largely neglected the full extent to which law acted as a vector connecting Jews to the broader society in which they lived” (p. 10). Through the rich variety of sources she draws upon, Marglin ambitiously covers a multiplicity of key institutions in pursuit of painting a holistic image of Morocco’s legal pluralism. As just a glance at the 101 pages of endnotes and bibliographies will signal, Across Legal Lines is a compilation and analysis of extensive documentation of all types of archival sources. Marglin draws upon legal documentation from Islamic, Jewish, Consular and Makhazan (the central government) courts, as she follows numerous government correspondences, consular archives and court cases from seven countries and in eight languages. It is perhaps this fruitful documentation that sets Across Legal Lines apart from its contemporaries.

The nineteenth century Morocco of Marglin’s historical account is “a stage for which international rivalry for influence unfolded,” a time of “tumultuous change” (p. 3). For the Moroccan Jew, the reality of religious hierarchies, a weak central state, and overlapping jurisdictions presented unanticipated legal freedoms. The crux of Marglin’s argument stipulates the law as “a gate that opened the Jewish community up to the wider society, rather than one that closed them in” (p. 10). Marglin interrogates the established narrative of the isolation of dhimmi (a historical term referring to non-Muslim inhabitants of Islamic states with legal protection) Jews within their own legal system. Instead, she highlights the paradox of the nineteenth
to early twentieth century Jew, whose subordination came hand in hand with increased legal mobility. It is in this pre-French Protectorate Morocco that Jews and Muslims alike coexisted in a mutually conscious and interwoven legal landscape. This was conducive to what Marglin depicts as “forum shopping,” whereby litigants moved from Moroccan Jewish courts to Islamic Shari’a courts, and later to European consular courts in pursuit of favorable outcomes to their legal disputes.

Where subordination elicited forum shopping, modernization and equality under French colonial reforms curtailed legal mobility and widened racial and ethnic cleavages in an already identitarian Morocco. Where law once acted as a “vector of integration, it also contributed to ‘driving Jews and Muslims apart under colonial rule and to setting the stage for Jews’ exodus from Morocco” (p. 20). Debunking a story of “Jewish emancipation” in the Middle East, *Across Legal Lines* reveals a colonialist modernization story imbued with unintended consequences: “the deceptions of colonial modernity” (p. 20).

Identifying and satisfying a chasm in myopic and misrepresentative scholarship, Marglin’s work offers a deep understanding of the vibrant complexity of the pre-French Protectorate Moroccan legal world both in theory and in practice. By offering the perspective of the legal consumer himself, such as with the case study of the Assarrafs, Marglin deftly provides the consumers of her book with insight into the ways in which Jewish individuals navigated the full array of legal institutions at their disposal, and how the dynamic institutions themselves adapted in response. Perhaps what is most interesting about *Across Legal Lines* is the light Marglin sheds on the modern and French colonial mechanisms that inadvertently hardened conceptions of the “Muslim” and the “Jew” in twentieth century Morocco.

As Marglin herself confesses in her introduction, the scope of her account is somewhat limited in nature by means of its focus on the unrepresentative elite. Marglin, however, is quick to come to her own defense as she notes that
it is the degree rather than type of consumption of law that varied between the social classes. While Moroccan Jews in rural areas remain beyond the scope of her book, *Across Legal Lines* delivers a significant contribution to the history of Jews in the Middle East and North Africa.

*Across Legal Lines* provides excellent insight into the conditions and legal realities of Jews in a Muslim Morocco, as well as the short and long term impacts of colonial modernization on the Jews of North Africa. Due to her accessible style of writing, Marglin’s work is fit for the likes of educated students and expert scholars alike. This is especially true to those with some bearing for Jewish history, Middle East and North African history, and/or legal histories.

Sarah Abbasi is a senior from London majoring in Politics, Philosophy and Economics. She has an insatiable curiosity about the human condition, the science and the art of human behaviors, judgments and decision making.