

## BOOK REVIEW

JESSICA MARGLIN. *Across Legal Lines: Jews and Muslims in Modern Morocco* (New Haven: Yale University Press, 2016). Pp. 336. \$30.00 paper. ISBN 9780300218466.

In recent years, there has been a renewed interest in the modern history of Mashriqi, Maghribi, and Iranian Jewish communities. Works published mostly over the last decade reveal an important shift in perspective. They present analyses that break away from modernization theories and refrain from the use of essentialist categories such as *Mizrahiut* [Oriental Jewry] that led to the depiction of these societies as a “traditional” monolithic bloc. Rather than addressing Jewish communities as isolated islands, the new works examine them within their immediate social and historic contexts. Jessica Marglin’s book *Across Legal Lines* contributes to this critical analytic change. Arguing that the boundaries of Jewish and Islamic legal institutions were porous (41), and that the expansion of extraterritoriality did not involve the displacement of local legal institutions in nineteenth-century Morocco (145) she presents a nuanced and multi-layered historic picture.

Following the private archive of the Assarrafs – a family of successful businessmen and leaders of the Jewish community in Fez, as well as documents of others who frequented legal institutions, Marglin takes her readers through the “legal ecology” of nineteenth-century Morocco. She presents approaches made to Shari‘a courts, Jewish courts, and Makhzan courts (that included local administrative courts operated by the central government and the national court of appeal presided over by the Sultan). She convincingly argues that Jews and non-Jews alike had access to a variety of overlapping legal orders.

Marglin’s introduction and first chapter describe the legal system and specific historical context of Morocco and outline the book’s structure and main arguments. Each of the six following chapters focuses on a single type of institution or on the interaction between two sets of courts. The book thus provides a map of the jurisdictions, personnel, and roles of the various legal institutions, with an emphasis on the particular experience of Jews in using them.

As I am neither an historian of modern Morocco nor a legal historian, I read *Across Legal Lines* as a social historian of Middle Eastern Jewries. Challenging an older view of Jews as isolated within their own legal system, Marglin demonstrates how law actually “acted as a vector of connection and integration” (9) into the broader non-Jewish society. Relying on multiple documents and letters, she argues that in pre-colonial Morocco the Jewish population had legal mobility that in turn enabled them to traverse barriers separating them from the general Muslim society.

Discussing the legal fora, Marglin detects a change over time during the nineteenth century, albeit one that points to modernization being neither a linear process nor one imbued with the advantages its proponents claimed. Her analysis reveals that in contrast to the image of the French as champions of equality, which often served to justify colonialism, they were “deceptive in their false promise of religious tolerance” (9, 177). She argues that, in fact, the French understanding of the concept of law and the legal reforms they effected during the Protectorate era played a significant part in setting Jews and Muslims on divergent paths. Stating that modernized legal systems did not always constitute an improvement over distinctly non-modern ways of adjudicating the law, Marglin challenges a common narrative in Jewish studies according to which the nineteenth century was one of progress toward emancipation. Providing an in-depth analysis of the legal institutions and the difference between the pre-colonial and colonial eras, she exposes the inadequacy of this narrative to capture the experience of Jews in North Africa.

Marglin’s analysis challenges yet another linear narrative, which promotes a flat understanding of Jews as victims of discriminatory Islamic states. While Jews were indeed *dhimmi*s (meaning under the protection of the Muslim sovereign) until 1912, she shows that they were far from passive in the face of trouble, using the Makhzan courts to reassert their participation in the Moroccan polity and to bond with the ruler. At a time when a narrative of persecution is strengthening its grip over the collective memory of Jewish lives in Muslim societies, Marglin’s argument is a resounding voice.

Reading her comprehensive analysis, I could not help but think of the great potential Marglin’s sources hold for the research of the interface between the legal and the private, thus providing answers to one of social history’s most important questions: how did ordinary people experience the great changes of their time? Her sources also could have instigated an in-depth of the active role the contemporaries had in constructing a modern (Jewish) identity. In a society in which modernity became

synonymous with Europeanism, and in which consular courts were an emblem of colonial power, the choice of court was not merely a result of legal calculations but of a conscious and unconscious process of construction and appropriation of a modern identity as well.

In her discussion, Marglin intermittently uses the concept of minorities to describe the Jewish population (17, 97, 200). In a 2011 book analyzing the Syrian society during a similar period of transition from Ottoman to French colonial rule, Benjamin White discusses the construction of this analytic category, and points to the anachronistic utilization of it in the depiction and analysis of modern non-Muslim communities in the Middle East. A review of the use made of this category (or lack thereof) in Marglin's nineteenth-century legal and diplomatic documents could have significantly contributed to a better understanding of its construction as a political and analytic category, and of the impact this change had on Jewish-Muslim relations.

*Across Legal Lines* is a remarkable contribution to recent efforts to better understand Jewish Middle Eastern societies. Marglin's conclusions allow a more accurate understanding of Jewish social, political, and legal daily realities in North Africa, as well as of the concepts of colonialism and modernity in general. In addition to that, Marglin's book points to the growing need in comparative research to address Jewish Middle Eastern societies in relation to one another and in relation to other non-Muslim communities. ✂

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