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COLONIAL MINORITIES: JEWISH-MUSLIM RELATIONS IN SOUTHERN MOROCCO RE-EVALUATED

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This article focuses on Jewish-Muslim relations in the Anti-Atlas villages during the nineteenth and the first half of the twentieth century. It examines the nature of social connection and isolation generally ignored by many European scholars who tended to look at Jews as less embedded in Muslim communities. I look at three domains of interaction: neighborhoods, farming and ritual beliefs. By using local manuscripts, oral histories and fairy tales, I argue, through a modified Weberian concept of social closure and its cultural, economic and religious implications, that a new historical approach is needed to de-ghettoize the Jews of colonial writings through a historical revision of local texts, and by shedding light on implicit and fluid movements across space and religious beliefs that governed Jewish-Muslim politics and social relations.

In order to move away from the colonial dyadic relationships and the focus on how Jews were treated by Muslims, I contend that historians of southern Moroccan villages have to highlight the ways in which Jews, despite their low political and religious status, negotiated relations and interacted with Muslim neighbors. Historical studies of southern Moroccan Jewries tend to be broad and general, with little focus on what Hollander calls "relationship histories."(1) In his work on Jewish-Muslim relations in Yemen, Hollander uses a micro-historical analysis to reconstitute "real life" and highlight "invisible structures within which … lived experience is articulated."(2) By focusing on lived experiences involving Jews and Muslims in southern oases, there is a potential to avoid the essentialist and homogenizing nature of colonial ethnographies and therefore "undermine the 'verities' of the colonial vulgate."(3)

(1) Isaac Hollander, *Jews and Muslims in Lower Yemen: A Study in Protection and Restraint 1918-1949,* Leiden, Brill, 2005.

(2) Carlo Ginzburg and Carlo Poni, "The Name and the Game: Unequal Exchange and the Historiographic Marketplace," In *Microhistory and the Lost Peoples and Europe*, E. Muir and G. Ruggiero, eds. Baltimore, The John Hopkins University Press, 1991, p. 8.

(3) Edmund Burke, III and David Yaghoubian, "Middle Eastern Societies and Ordinary People's Lives: Rethinking Middle Eastern History," In *Struggle and Survival in the Modern Middle East*, Berkeley, University of California Press, 2006, p. 9.

Fluid minority and social closure

French travellers of the Geographic Society of Paris and ethnologists of the Protectorate described southern Moroccan ethnic identities as territorially demarcated in-groups with distinct cultural values and tribal characteristics.(4) As societies with plural ethnic identities, southern Moroccan communities were colonially seen as divided; travelers and scholars put little emphasis on social connections between various ethnic groups. Recent ethnographic studies in southern Morocco and newly discovered legal documents in family collections have shown that ethnic groups in many villages throughout the south experienced more inter-group interactions than colonial writers and travellers claimed. These contacts and their patterns took place not only in markets, but also in social domains and their patterns were regular in time and place.

Therefore unlike the general colonial focus on the *mellah* as a closed physical space of interactions, I argue that postcolonial historiography should rethink this premise and consider its approach to Jewish presence in southern Morocco from the standpoint of social space. As *dhimmis*, Jews were able to expand their social ties and personal political networks within and outside Muslim communities where they lived. They interacted with Muslims inside their houses, shrines, and farms despite the religious boundaries between them.

In this context, I rethink the construction of Jewish-Muslim relations in colonial literature in the context of Weber's notion of *social closure*. Weber argues that closure is a means by which a group of people maximizes its access to economic resources and opportunities by limiting the access of others. Accordingly, closure is a monopolization strategy that blocks outsiders from sharing economic resources. Weber noted how "usually one group of competitors takes some externally identifiable characteristic of another group of (actual or potential) competitors – race, language, religion, local or social origin, descent, residence, etc. – as a pretext for attempting their exclusion."(5) However, the case of Jews of southern Morocco paradoxically both supports and challenges the Weberian definition of social closure. As religious outsiders, Jews were able to have access to Muslim villages, markets and houses despite the potential economic challenges they could pose for the Muslim majority. The economic basis of Weberian social closure benefited rural Jews in southern more than it excluded them from being socially embedded in the rural economy. Jewish peddlers were needed for the economic survival of

(4) Charles de Foucauld, *Reconnaissance au Maroc,* Paris, Challamel, 1888.
(5) Max Weber*, Economy and Society*, New York, Bedminster Press, 1968, p. 342.

Muslim tribal communities who had a strong interest in opening their social environment to Jews either as peddlers or artisans.

Through their occupational importance, Jews made their association to Muslims not just necessary, but extremely important in different villages of southern Morocco. Accordingly, despite their low status, Jews were an integral part of the social closure of tribal society in southern Morocco. Arthur de Capell Brooke, a British fellow of the Royal Society, captures this ironic nature of Jewish-Muslim relations in the nineteenth century:

> *Beaten, taunted, unprotected by the laws, a by-word of reproach and contempt, with the hand of every urchin lifted against them without daring even to complain, it is the Jew, nevertheless, that does every thing, and the whole commerce of the country is carried on through his means. To the European consuls the assistance of a Jew is indispensable, both in diplomatic affairs and in every kind of business. Even the sultan himself cannot do without Jews, and their services are requisite in a variety of ways connected with the highest offices. In short, the Jew of Morocco, abject as his state is, has succeeded by his address in ruling the Moor himself.*(6)

Instead of being a source of social exclusion, as Weber would argue, the monopolization of economic sectors became a source of openness to Jews and their relative acceptance in Muslim, Berber and Arab societies.

Setting the economic angle of social closure apart, I use the concept of social closure to describe and underline the extent to which the religious status of dhimmitude limited social interactions between Jews and Muslims as European colonial scholarship emphasized. Based on my historical and anthropological research in southern Morocco, I argue that French ethnologists and travelers have ignored the spaces of closeness between Jews and Muslims, highlighting social and structural boundaries without historicizing moments of interactions and movements between the groups. I also contend that the postcolonial nationalist narrative has unconsciously reproduced some ideas of the colonial historiographical paradigm without questioning its underlying assumptions.(7)

(6) Arthur de Capell Brooke, *Sketches in Spain and Morocco*, London, Colburn and Bentley, 1831, p. 249.

(7) New research has began to challenge these historical principles, see Gottreich and Schroeter, *Jewish Culture and Society in North Africa,* Bloomington, Indiana University Press, 2011.

French colonial discourse and social stratification in Saharan oases

At the start of the colonial project in Morocco, French administrators promised to the Jewish minority that they would introduce and implement drastic changes to its social and legal status.[8]The French political promise culminated in the legal shift of Jewish status from *dhimmi* to "indigènes de droit commun."[9]This judicial transformation of Jewish status began in 1913 following the legalization of the freedom of worship through the *Dahir* of July 4. The law gave Jews the freedom to worship freely, teach their children in synagogue in accordance with their religious beliefs, and manage their *heqdisch* (religious endowments). The *Dahir* also regulated Jews' freedom of movement outside the ghetto of the *mellah* (Jewish neighbourhood), and their right to obtain passports. The *Dahirs* of 1914 and 1917 added more "rights" which included the freedom to build places of worship, associations, and to establish newspapers. These legal changes postulated that Moroccan Jews, rural and urban, had been "enslaved" by the *Cherifian* Islamic law and its practitioners.

This new ethnic vision of the French Protectorate in Morocco should be understood in the context of European paradigms of colonial ethnologies and the chronicles of North African society.[10] As Burke argued, French colonial ethnological writing focused mostly on "the intolerance and fanaticism of Islam" and therefore ignored the nuances of social categories and ethnic cultural connections.[11]Equally important, Schroeter noted that the newly emancipated European Jewry also played a role in the "orientalization" of North African Jews during the nineteenth century and portrayed them as inferior not only to Europe but also to the Western Jews themselves.[12]

Although Burke does not focus on the place of colonial scholarship and its discussion of minorities, his work highlights the importance of the 1903 *Mission Scientifique du Maroc* wherein the main objective was to enable future French administrators to apply colonial policies with enough knowledge of local histories and tribal traditions and avoid French mistakes in Algeria.As

(8) André Chouraqui and René Cassin, *La condition juridique de l'Israélite marocain,* Paris, Presses du Livre Français, 1950.

(9) Edourad Mouille farine, *Etude historique sur la condition juridique des juifs au maroc,* Paris, Université de Paris, 1941, p. 80.

(10) Paul Landau and Deborah Kaspin, *Images and Empires: Visuality in Colonial and Postcolonial Africa*, Berkeley, University of California Press, 2002; Edmund Burke III, "The Sociology of Islam: The French Tradition," in *Genealogies of Orientalism: History, Theory and Politics, Edmund Burke II and David Prochaska, eds,* Lincoln, University of Nebraska Press, 2008, p. 160.

(11) Edmund Burke, III, "Fez the Setting Sun of Islam: A Study of the Politics of Colonial Ethnography." *The Maghreb Review 2*(4), 1977, p. 6.

(12) Daniel Schroeter, "Orientalism and the Jews of the Mediterranean." In *Journal of Mediterranean Studies 4(2)*, pp. 183-198, 1994.

a member of the French scientific mission, Nahum Slouschz, a key player in French orientalist policies in Morocco, carried out the majority of early research on North African Jewries. He was behind general Lyautey's legal plan to reform the Moroccan Jewish community during the early decades of the twentieth century.(13)

Slouschz built most of his observation about the social life of Moroccan Jewish communities on the literature of European travelogues. There was little historical emphasis on documentation in his work. His writings also lacked "rigorous historical analysis."(14)In his account *Travels in the Atlas and Southern Morocco: A Narrative of Exploration*, Joseph Thomson, a Scottish geologist, explorer and member of the Royal Geographical Society wrote about the Jews of Morocco:

> *Among the many attractive studies which Morocco presents to the mind of the inquirer, none is of more surpassing interest than the position of the Jews.We started from England on our quest of the new and the wonderful with the current ideas regarding the shameful oppression under which, in the Sultan's "happy dominions," the Jews are supposed to eke out a miserable existence. We understood that they were in a position of semi-serfdom, compelled to huddle together in filthy stys, known as Mellahs, subjected to the most degrading restrictions, liable to be murdered and tortured with impunity, their wives and daughters the legitimate prey of the lustful passions of their oppressors*.(15)

This personal sketch highlights the popular attitude many Europeans held about the perceived treatment of Jews in urban and rural Morocco. Moroccan Jews, European travellers noted, were subjected to the religious, social and economic restrictions of the larger society.

Exclusive Jewish quarters were established mostly in urban spaces between the fifteenth and nineteenth centuries to protect Jews in times social unrest. Even though the spatial boundaries of the *mellah* limited mobility and religious interactions between Jews and Muslims, it did not erase social contacts.In the case of Muslim-Jewish encounters, French sociological and ethnological studies were largely fixated on the legal status of Jews in Muslim

(13) Nahum Slouschz, *Travels in North Africa,* Philadelphia, Jewish Publication Society of America, 1927.

(14) Emily Gottreich and Daniel Schroeter, "Rethinking Jewish Culture and Society in North Africa," in *Jewish Culture and Society in North Africa*, Emily Gottreich and Daniel Schroeter, eds., Bloomington, Indiana University Press, 2011, p. 7.

(15) Joseph Thomson, *Travels in the Atlas and Southern Morocco: A Narrative of Exploration,* London, George Philip and Son, 1889, p. 414.

societies and their "captivity" inside the geographic space of *mellah*. There was a tendency to highlight Muslim-Jewish contact mainly in terms of the economic interactions and religious segregations instead of looking at other forms of social cooperation and intimacy that took place in synagogues, homes, farms, and neighborhoods. The reader of French ethnologies on Jews gets the feeling that Jews and Muslims lived separate lives, in separate worlds, and that the only liminal space in which they encountered each other was the market.(16)

On December 15, 1821, the Geographical Society of Paris (SGP) was founded in Paris leading the way for the establishment of other societies in Europe and beyond. European geographic societies provided financial support and logistical assistance for explorers and geographers to collect and disseminate ethnographic and statistical data about Europe's colonies. Manuals were designed to introduce European colonies to their skeptical populations, and educate them about the benefits and risks of colonial expansion to other continents. Travelers, however, lacked formal training on how to conduct research about "native and uncivilized" populations. In his preface to *Travels through Central Africa to Timbuctoo*, René Caillé acknowledged the shortcomings of his travel account:

> *With regret I acknowledge that important observations upon the political and religious institutions, and upon the manners and customs of the people amongst whom I have sojourned, will not be found here; even had my prior studies directed my mind to this species of reflections, the scanty resources at my disposal, and the consequent necessity of a rapid passage, did not permit my residence in any place for a sufficient length of time to furnish a solid foundation for such researchers*.(17)

The short stay and lack of linguistic preparation presented a major handicap for many Europeans in gathering well-informed data.Caillé and other French travelers collected information on West African and Sub-Saharan territories without spending too much time among the local populations. In addition, the strong competition between Europe's geographic societies impeded its scientists from information sharing and collaboration. However, in 1871, the first Geographical Congress was held in Antverpon, Belgium where national geographical societies were represented and a new age of

(16) Aomar Boum, *Memories of Absence: How Muslims Remember Jews in Morocco,* Stanford, Stanford University Press, 2013.

(17) René Caillé, *Travels through Central Africa to Timbuctoo and across the Great Desert to Morocco,* vol. 2, London, Henry Colburn and Richard Bentley, 1830, pp. vi-vii.

information sharing began between Europe's colonial enemies over colonial territories including Africa.

In France, the colonial exploration of southern Morocco entered a new stage with René Caillé as the first French traveler to travel to Timbuktu and return safely through the Sahara between 1824 and 1828. His personal travel narrative was published in three volumes and awarded the annual prize of the Geographic Society of Paris. Caillé, and later other European explorers, provided some descriptions of the population they encountered and defined their social classifications based on their personal observations. Caillé noted:

> *The population of th[e] district [of Tafilet] is divided into several classes, and the distinction of social ranks is rigorously observed. Labourers by the day or month are considered as belonging to the lowest grade; those who esteem themselves of a higher order treat them a very inferior race of beings. There are also in Tafilet many negro slaves, and some emancipated negroes, who, however, are never suffered to intermarry with the Moors….Throughout the districts of el-Drah and Tafilet are found Jews, who inhabit the same villages with the Musulmans; they are in a pitiable condition, wandering about almost naked, and continually insulted by the Moors; these fanatics even beat them shamefully, and throw stones at them as at dogs: the smallest children may abuse them with impunity, since they dare not revenge themselves, and cannot expect protection from authority….Some are peddlers, others artisans; they manufacture shoes and mats from palm-leaves; some of them also are blacksmiths. They lend their money upon usury to the merchants trading in the Soudan, whither they never go themselves.Their only visible fortune consists in their houses, but they often take lands as a guarantee for the money which they lend.*(18)

Despite the general nature of this account, it provided one of the early descriptions of social groups within southern Moroccan villages. Later, colonial ethnographic works reinforced these social structural models outlined by Caillé and other European travelers. Many colonial and postcolonial studies did little to transcend artificial social walls that early travel accounts erected between different social groups in southeastern Morocco. Postcolonial histories have reinforced the social stratification of oases communities throughout southern Morocco. By the middle of the twentieth century, ethnicity and race came to define the social stratification in French colonial

(18) *Ibid*., pp. 187-189.

works on southern Moroccan communities. Colonial works continued to revolve around differences between Arabs, Berbers, Jews and Muslims and Haratine and Shurfa. There was a limited scholarship that investigated the social histories and interactions between all these social groups.

Many studies interrogated the colonial paradigms of ethnic identities and relations in North Africa. In *Making Algeria French*, David Prochaska argues "ethnic or "vertical" divisions did not coincide completely with class or "horizontal" divisions."[19] Using the case of Jews in colonial French society, Prochaska demonstrates how France naturalized Jews in 1870 allowing them to escape the restrictions of the *dhimmi* status creating "status anxiety" among the lower class Europeans and upper class Algerians.In *Imperial Identities*, Patricia Lorcin, examines the relationships between French colonial intellectual discourse and Algerian administrators regarding racial concepts and "the formation of social hierarchies."[20] French racial discourse, Lorcin argues, created misleading generalized descriptions ethnic, social and geographic dichotomies between Arab and Berber (namely Kabyles), nomads and sedentary, and plain and mountain dwellers. These imagined qualifications provided a distorted colonial lens on Algerian society composed of bad Arabs and good Berbers. Instead of looking at the internal dynamics and spatial encounters between the Algerian diverse populations, the French colonial administrators focused on the mythical binary polarities. Lorcin notes that this "Manichean dimension of the dichotomy…has come to be known as the 'Kabyle Myth'."[21] French colonial authorities reinforced their Berber preference by stressing sociological, religious and cultural differences, which provided the basis to assimilate Berbers to the French colonial project in Algeria and subsequently Morocco.

Jewish integration inside the walls of the village

Throughout their history in southern Morocco, Jewish communities maintained a social presence among Muslim communities through a process of intraregional mobility.[22] This process of historical mobility between the regions of Draa, Sous, Ziz, Tafilalt, and Dades allowed Jewish families in different hamlets to relocate in times of risk. Accordingly, mobility became an adaptive strategy to manage political, economic and environmental risk in an

(19) David Prochaska, *Making Algeria French: Colonialism in Bône, 1870-1920,* Cambridge, Cambridge University Press, 2004, p. 153

(20) Patricia Lorcin, *Imperial Identities: Stereotyping, Prejudice and Race in Colonial Algeria*, London, I.B. Tauris, 1999.

(21) *Ibid.*, p. 2.

(22) This "intraregional mobility" is explored further in Aomar Boum, *Memories of Absence: How Muslims Remember Jews in Morocco*, Stanford, Stanford University Press, 2013.

arid region usually affected by drought, epidemics and tribal wars. This created social resilience across the region among Jewish communities forcing them to support displaced Jews and cohabit by sharing limited space and resources. Morokvasic argues that this kind of strategic mobility can be "empowering, a resource, a tool for social [solidarity] and agency and an important dimension of social capital."[23] This mobility was ensured through family connectivity, occupational mobility, peddling, and rabbinical networks.

As the social and familial networks expanded, the economic opportunities for rural Jews and peddlers grew over time. This allowed many Jewish families to settle in new Arab and Berber villages either as one family, two or group of families. The larger the economic opportunities were the bigger the community became. By the late eighteenth and early nineteenth century, the population within *mellahs* throughout the southern region increased as reported by many European travellers.[24] Jewish peddlers and artisans strengthened these social connections, benefiting from the welcome of the local Muslim population, which was in dire need for workers in these occupations.

Initially, Jews settled inside Muslim communities as outsiders with no rights to own land and property. As Muslims began to depend on their services, their access to property, water rights and farming lands increased. By settling in neighborhoods within Muslim villages and hamlets throughout the Anti-Atlas, Jews became native to the region over time. Legal cases involving Jews and Muslims referred to Jewish individuals as "al-Akkawi," "al-Susi," "al-Tahali," "al-Ilighi," etc. These names establish Jewish belonging and membership in the minds of local judges who ruled over these cases to the villages of Akka, Tahala and Iligh as well as the whole region of Sus. The underlying principle of Jewish-Muslim relations was founded on the notion of *dhabiha*, a slaughter ritual, which initiated the friendship and protective relation between Jews (or the Jewish community) and their Muslim patron-protectors.[25]Muslims were not allowed to break the *dhabiha* ritual, guaranteeing Jewish security inside the villages. Families and tribes could go to war if this contract was broken since shame (*'ar*) and honor regulated Jewish-Muslim relations. Jewish protection is therefore enshrined in the local customs as the following laws show:

(23) Mirjana Morokvasic, " 'Settled in Mobility': Engendering post-wall migration in Europe," *Feminist Review 77 (*2004): p. 7.

(24) Charles de Foucauld, *Reconnaissance au Maroc,* Paris, Challamel, 1888. André de la Porte de Vaux, "Notes sur le peuplement juif du Sous," *Bulletin Economique et Social du Maroc 15,* pp. 54-55, 1952.

(25) Edward Westermarck, *Ritual and belief in Morocco*, London, Macmillan, 1968, p. 535.

- The Jew is treated as the *'ar* of the tribal council (*al-jama'a*). He is a guest stranger to be protected. He is like a poor man who does not have the power to insult or fight back.
- When a *dhimmi* offers a *dhabiha* to someone in the village and obtains his protection nobody else in the village can be the protector of the Jew.

Jews were seen as weak; like women, their protection was required by the general society. It was this perceived weakness that allowed Jews to cross otherwise impermeable Muslim spatial boundaries and enter Muslim households without male presence.(26) Unlike European travellers who described the *mellah* as space separated by walls from the rest of Muslim settlement, the economic and social intermingling of Jews and Muslims in southern Morocco shows that both groups were able to develop personal relations that were protected by tribal laws.

The colonial discussion(27) of Jewish-Muslim relations in southern Morocco ignores on many levels the ambivalence of social contacts. This ambivalence, Bilu and Levy write, "was governed by the dialectics of social intimacy; imposed by physical proximity, economic interdependence, and ethno cultural and moral-religious distinctions; sharpened in the context of political inequality."(28) Throughout the mellahs of southern Morocco, Jewish-Muslim relations entailed an interconnected network cemented by social relations guaranteed by economic and religious principles. Many Jewish peddlers traveled across the southern villages of the Anti-Atlas. In their tours, they visited Muslims' houses, bartered with Muslim women, and even observed the Shabbat with Muslim friends. The similarity of dietary laws between both communities allowed these Jewish traders to be part of the cultural and social Muslim closure. In Foum Zguid and Tissint, for instance, some of my interviewees related stories of Jews staying at their parents' houses for days because there were no Jewish settlements. The fact that Muslims respected the dietary restrictions of Jews (sharing food and observing the Shabbat) also shows that their contacts were stronger than what early colonial writings claimed.

(26) Harvey Goldberg, *Jewish Life in Muslim Libya: Rivals and Relatives,* Chicago, University of Chicago Press, 1990, p. 75.

(27) Charles de Foucauld, *Reconnaissance au Maroc,* Paris, Challamel, 1888, Pierre Flamand, *Diaspora en terre d'Islam: Les communautés israélites du sud marocain,* Casablanca, Presses des Imprimeries Réunies, 1959, Voinot, etc

(28)Yoram Billu & André Levy, *"Nostalgia and Ambivalence: The Reconstruction of Jewish-Muslim Relations in Oulad Mansour,"* in Harvey Goldberg, ed. *Sephardi and Middle Eastern Jewries: History and Culture in the Modern Era,* Bloomington, Indiana University Press, 1996, p. 306.

The tribal economy allowed Jews to be part of social tribal closures. Villagers throughout southern Morocco wanted Jews to live inside their villages to sustain their economy and farming needs. Overtime this economic bond became personal, developing into lifelong partnerships, sometimes for generations. Farming is a context where we can see the development of social relations between Jews and Muslims contrary to the silences and misinterpretations of European travellers. Throughout the south, many Jews were indirectly participating in agricultural activities.(29) Landownership and water rights are one for the most valuable resources in southern Moroccan oases.(30) Despite their regulations by tribal and inheritance laws, Jews were able to buy land and water rights from members of the village. These transactions took place through the local legal systems in Shari'a courts with Muslim judges oversaw cases of sale between Jews and Muslims.(31)

Jewish-Muslim Encounters in Courthouses

According to Pierre Bourdieu, law is the instrument of symbolic power and domination.(32) In the context of Jewish-Muslim relations in Akka and other oases of the Anti-Atlas, Jews appealed their cases in front of Muslim judges because they enforced their rulings. The use of Muslim courts also showed the degree of Jewish integration in these rural societies. Muslim courts and their laws also enabled Jews to engage in "forum shopping" by presenting their cases in different court systems to resolve their disputes with Muslim and Jewish litigants.(33) During my ethnography on the Jewish communities of southern Morocco, I noticed that Jews relied on *Shari'a* courts, *'urf* and personal settlements to solve personal cases. This is very similar to what Jessica Marglin found in many urban communities arguing that Jews were "able and willing to choose among different legal orders" to present their claims. Marglin built her work on studies of legal pluralism to analyze the participation of Jews in Moroccan legal systems during the nineteenth century. Therefore, "rather than argue that Jews either benefited

(29) Daniel Schroeter, "In Search of Jewish Farmers: Jews, Agriculture and the Land in Rural Morocco," in *The Divergence of Judaism and Islam: Interdependence, Modernity and Political Turmoil*, Michael Laskier and Yaacov Lev, eds., Gainesville, University of Florida Press, 2011.

(30) Abdellah Larhmaid, "Jewish Identity and Landownership in Sous Region of Morocco," In *Jewish Culture and Society in North Africa*, Emily Gottreich and Daniel Schroeter, eds., Bloomington, Indiana University Press, 2011.

(31) Aomar Boum, *Memories of Absence: How Muslims Remember Jews in Morocco*, Stanford, Stanford University Press, 2013.

(32) Pierre Bourdieu, "La force du droit: elements pour une sociologie du champ juridique," *Actes de la recherche en sciences sociales* 64, 1986, pp. 3-19.

(33) Ido Shahar, "Forum Shopping between Civil and Shari'a Courts: Maintenance Suits in Contemporary Jerusalem," In *Religion in Disputes: Pervasiveness of Religious Normativity in Disputing Processes*, Franz von Benda-Beckmann, Keebet von Benda-Beckmann, Martin Ramstedt and Bertram Turner, eds., New York, Palgrave, 2013.

from the tolerance of Islamic societies or suffered from the discriminatory nature of Islamic rule," she highlighted the "quotidian interactions among Jews, Muslims, and the various non-Jewish legal institutions which Jews frequented."[34]

In case of southern Moroccan Jewries, *'urf* played a significant role in their arbitration with Muslim neighbors. Although *Shari'a* was officially recognized as the legal code that organized social, economic and political relations, tribal chieftains relied largely on customary law to settle cases involving Muslims and Jews. Throughout the southern tribal communities, customary laws, locally known as *izerf*, were applied to solve disputes between Jews and Muslims. However, with regards to cases involving land and water ownerships Jews always presented their cases in front of local judges to document their property. Written documents guaranteed vulnerable Jewish litigants the protection of their rights.

In the rural agrarian villages of the Anti-Atlas, ownership of land and water shares was an important asset. In Akka and other communities, *rahn* was the most common way through which Jews owned land. *Rahn* is a legal term that refers to the transfer of property from one person to another as usufruct until the creditor is reimbursed. The following text from manuscript on water *rahn* shows the importance of these assets for Jews when they lent money to Muslims. It describes a legal case in which Mohamed ibn Ahmed Ashkuk pledged his water share in the *Haratine Spring* to al-Hazzan David ibn Yusouf ibn David.

Praise to Allah alone,

> *Mohamed ibn Ahmed Ashkukfrom hisnat [village] al-Shu'ayb summoned me to testify that he received in addition (bi-wajhi al-ziyada) all of (kaffat) two riyals and a half Hassani from its holder (masikihi), the al-Hazzan David ibn Yusouf ibn David yahud mellah below the hisnat al-Shu'ayb and that is in addition to (ziyadatan) what he has received for his allotted share of water from his ancestors' garden (bhayrat), the bhayra of 'al-'ag in the land (turab) of spring ('ayn) al-haraṭine, and this is a true addition comprising one unit to be redeemed along with the initial payment at the same time on the day of redemption (al-iftida' wa al-iftikak). By him for himself at the middle of Shawal in the year 1340 [1922], the humble slave al-Khudr ibn Mohamed ibn Abd*

(34) Jessica Marglin, In *the Courts of the Nation: Jews, Muslims, and Legal Pluralism in the Nineteenth-century Morocco*. Ph.D. Dissertation, Princeton University, 2013, p. iii.

al-Raḥman Rabbaḥ from hisna al-Shu'ayb. God's Grace to him Amin! Judge's Seal. [recent two line-note in Judeo-Arabic]

I encountered hundreds of cases like this one in the personal collections of families throughout southern Morocco. Maliki judges permitted such practices because of the social need for capital especially in times of drought and famine. Although this practice alarmed many Muslims in the region, Jews were allowed to hold Muslim lands and water shares as security until Muslims paid back their loans. Sometimes, as in the case presented here, the loan is increased after the deadline, when the Muslim debtor needed more time and money. From the 1920s until the late 1940s, many Muslims could not pay back their Jewish creditors, and Jews held their farming land for generations. These transfers of land and water shares go against the colonial belief that Jews were segregated. The fact that agricultural lands were exchanged between Jews and Muslims demonstrates that there is a need to re-evaluate the extent of social exclusion of Jews in these Muslim societies.

Although Jews, as many informants reported, were not involved in agricultural activities, the economic value of land and water in this semi-arid environment was a valuable investment. After the *rahn* took place, Jews exploited the land in the form of sharecropping, usually by hiring Muslims as laborers, especially from the black ethnic group indigenous to southern Morocco and locally known as Haratine.During my ethnographic research in southern Morocco, I noticed that Jews hired mostly members from the Haratine ethnicity to take care of their livestock and farm the land they held as usufruct. As partners of Jews, these dark-skinned agriculturalists received a fifth (*khums*) of the agricultural harvest.(35)These partnerships reinforced an interdependent relationship between Jews and the stigmatized Haratine.

The relationship between Jews and Haratine as sharecroppers is also ignored in the colonial and postcolonial literature despite the similarity between Jewish-Muslim contacts and Haratine-Shurfa encounters. In fact in 1955, captain Moureau described Haratine as segregated groups who "live on their own, marry among themselves and celebrate their own feasts. In short, they form a distinct community from which the clear-skinned community [*shurfa*] keeps aloof."(36) As this description shows there is a tendency within the colonial literature to concentrate on spatial boundaries and overlook the intimate and close relations between members of distinct groups.This discourse

(35) D. Jacques-Meunié, "Hiérarchie sociale au Maroc présaharien," *Hespéris 45*, 1958, 3e-4e trim., pp 239-269.

(36) Capitaine René Moureau, "Les societies des oasis: Haratin, parallèle entre son évolution et celle des autres races des oasis," *Archives de Centre des Hautes Études sur l'Afrique et l'Asie Moderne 2(431)*, 1955, p. 6.

of spatial segregation is also tied to colonial discourse of racial purification that was built around the Arab-Berber divide. In *Histoire du Maroc*, Henri Terrasse argued that indigenous Moroccan Berbers were contaminated by marriage and cultural contacts with the arrival of the colonizing Arab troops.(37) This colonial discourse would later influence French documentation of the relationship between Jews and Muslims.

Social History, Fairytales and Jewish-Muslim Relations

Dov Noy collected many fairy tales among Moroccan Jewish immigrants in Israel.(38) These tales show that Muslims visited Jewish sages "whenever they were confronted by some puzzling or inexplicable phenomenon. They believed that, with the help of their saints, Jews could fathom mysteries."(39) In these Jewish fairy tales we see a duplexity of positive and negative sentiments, which highlights the historical realities of complex social relations between Jews and Muslims. Using the structural language of binary oppositions and polarities, scholars belabor stereotypes about southern Moroccan Jewries.

Folk and fairytales have become key sources to study social history and the cultural interactions between ethnic and social groups. Many studies have used fairly tales as primary sources to look at social contacts, conflicts and daily lives of societies. Ruth Bottigheimer argues that "folk and fairy tales are historically determined …. [and that their] content, style and plot grow out of the surrounding culture rather than … an ageless and unchanging tradition."(40)Thus, fairytales provide many clues to understanding micro social and cultural contacts between Jews and Muslims in southern Morocco. Although many scholars ignore folktales as historical documents that can explain social issues, fairytales are imbued with motifs that explain the nature of Jewish-Muslim contacts.

Shrines, demons, cemeteries, and magic highlight the physical and cultural interconnection between Muslim and Jews in rural villages. Jews and Muslims appealed their cases in front of a Jewish shrine where they both take oath at the saint's tomb. Jewish storytellers narrated stories of confrontation where supernatural elements dominated the plots of the legend. In these encounters the Jewish miracle-worker wards off the danger threatening the Jewish community, peddler, rabbi, or women. Sometimes Jews and Muslims

(37) Henri Terrasse, *Histoire du Maroc: des origines à l'établissement du protectorat français,* Casablanca, Éditions Atlantides, 1950, p. 20.

(38) Dov Noy, *Moroccan Jewish Folktales,* New York, Herzl Press, 1966.

(39) Issachar Ben-Ami, *Saint Veneration among the Jews in Morocco,* Philadelphia, Wayne State University, 1998, p. 134.

(40) Ruth Bottigheimer, "Fairy Tales, Folk Narrative Research and History," *Social History 14(3)*, 2008, p. 343.

sought the arbitration of a rabbi whose final decision was usually accepted by both sides out of respect and fear. Muslims relied on Jews to heal bodies, realize wishes and bring rain. They also believed that Jews possessed special powers- *baraka*. A Muslim's visit to a Jewish shrine could help fertilize the field and make herds prosper.(41) Jews were thought of as a social group that embodies positive and negative magical skills. While Jews, like women and blacks, were not allowed to enter a granary, approach the hives of the bees, their saints were visited in times of by Muslim men and women. The story of Rabbi Yitshaq Abihasira demonstrates how Jewish living and dead saints were implored to bring rain:

> *One time there was no rain in Morocco. The rainy season had passed…. Then people came to him, Arabs and also Jews. They asked him to pray for rain. He told them: All right! In a little while there will be rain. Never fear! They said to him: No! We must have it [now]!" He went outside, raised his eyes to the sky, and before the people could get home, it started to rain very hard…. All the Arabs respected his parents, and they all knew that he was a saint.(42)*

This tale and other forms of folklore such as jokes show a Jewish-Muslim interdependence moving between exclusion and inclusion and closeness and dissociation.

In his work on rites of transition, Van Gennep described marginal groups are usually treated as polluting and dangerous.(43)The spatial seclusion of Jews was intended to limit their "polluting nature" in the eyes of Muslims. Accordingly, they were limited access to shrines, water, granaries and farming lands. At the same time, however, Jews like women were believed to have the power to grow vegetables and protect people from harm. Westermarck notes that Jews were associated with fertility and that Muslims relied on their magical powers to grow vegetables and bring rain.

The Jews and Haratine were needed in the social context of the southern oases as cultural brokers of the state of purity. The ritual of *dhabiha* as a sacrifice ritual is the first stage of purification before Jews enter the village. That is why they have to follow the law and restrictions that would pollute the Muslim context such as entering the granary, walking with their shoes in front of a mosque, building higher houses etc. As long as these rules were respected they do not present any danger; they could even enter a Muslim's

(41) Charles de Foucauld, *Reconnaissance au Maroc,* Paris, Challamel, 1888, p. 122.
(42) Issachar Ben-Ami, *Saint Veneration among the Jews in Morocco,* Philadelphia, Wayne State University, 1998, p. 67.
(43) Arnold Van Gennep, *The Rites of Passage,* London, Routledge, 1960.

house without his presence. In case of droughts or sickness, the Jew is called upon because of his supernatural powers and closeness to the spirits of subterranean demons. In this context the Jewish position in the Muslim social closure is necessary since, as Dumont notes, "the execution of impure tasks by some is necessary to the maintenance of purity for others."(44)

To conclude, recently, social historians of southern Moroccan have begun to revisit local family archives to reconstitute Jewish-Muslim life in the late nineteenth and early twentieth centuries in southern Moroccan villages. Unlike the accounts of colonial works, the local documentation shows more contacts involving food, religious practices, gift exchange and land sale. The scale of relations was not limited to economic relations as most of the literature highlights. Therefore Jews had some access to the social closure of Muslims allowing both groups to nurture some degree of social comfort and familiarity toward each other. At the same time, as others in the tribal societies of southern Morocco, Jews needed to maintain contacts with their Muslim protectors by having some access to social closure, but they also kept a solidaristic closure(45) to preserve their religious identity from the influences of majority. Colonial studies have focused on the solidaristic closure of Jews and their presumed ghettoization. I believe that more microscopic social studies are needed to test how Jews and Muslims negotiated their social relations in an unbalanced political context. This opens the possibility for lifting the veil on more historical accounts and sources of Jewish-Muslim relationsgenerally defined in negative views by a European gaze influenced by the colonial vulgate.

ملخص:

لم تكن العلاقات بين المسلمين والأقلية اليهودية في الجنوب المغربي عند نهاية القرن التاسع عشر وبداية العشرين على ما صورتها عليه الكتابات الكولونيالية من الألوان السلبية وأوصاف التنافر والانزواء. فإن آخر ما جد في البحث التاريخي بشأن هذا الموضوع يبدي مدى ما كان بين الجانبين من أواصر التواصل والتعاون والتعامل بناء على واجبات التعايش والجوار القائمة على اعتداد كلا الملتين بثوابتهما ووقوفهما عند حدودهما.

(44) Louis Dumont, *Homo Hierarchicus. The Caste System and its Implications,* Chicago, The University of Chicago Press, 1966, p. 55.

(45) Frank Parkin, "Strategies of Social Closure in Class Formation," in *The Social Analysis of Class Structure*, Frank Parkin, ed., London, Tavistock Publications, 1974.