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PROTECTED PEOPLES UNDER ISLAM



Front cover:
Photograph: A JEW from YEMEN, early 20th century

Back cover:
Engraving by Y. Pranishnikoff: A MARONITE from LEBANON about 1880

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by

DAVID LITTMAN AND BAT YE'OR

Jews and Christians had been living throughout the Orient, Egypt and North Africa for centuries before they were overrun in the seventh and subsequent centuries by successive waves of bedouin invaders from Arabia who, under the banner of Islam, subjugated peoples and territories from India to Spain. Many of the more important indigenous Jewish centres from Mesopotamia to the Atlantic could lay claim, at that time, to a continuous community existence dating back one thousand years, and those in their ancient homeland, "the land of Israel", to as long as two millenia.

The initial administrative tolerance of the conquerors was dictated by expediency and *realpolitik*, but as Arab colonization took root, the social and economic condition of the local, colonized, populations worsened. During the long centuries of Arab-Muslim domination, the surviving remnants of once-flourishing Jewish and Christian communities – who had neither fled, nor been killed nor converted to Islam – were juridically and socially relegated to an inferior condition of subjection and humiliation difficult to comprehend today.

Their status was that of *ahl al dhimma*¹ – protected peoples i.e. peoples tolerated in the Muslim lands: *dar al Islam* (House of Islam) – which subjected them to the disabilities and humiliations laid down in specific regulations commonly known as the Covenant of 'Umar, which degraded both the individual and the community².

Up to the last decades of the 19th century, and even into the 20th, the Jews in most of North Africa (until European domination: i.e. Algeria (1830), Tunisia (1881), Egypt (1882), Libya (1911), Morocco (1912)), Yemen and other Muslim lands of the Orient were still obliged to live in isolated groups amidst the general population. They resided in special quarters and were constrained to wear distinctive clothing; the carrying of arms was forbidden to them, and their sworn testimony was not accepted under Muslim jurisdiction.

1 Dhimma is an Arabic word describing the relationship or covenant between the dominant Muslim power and the subjected populations belonging to the revealed religions; *dhimmi* refers to "the people of the Book" (*ahl al-kitab*), that is, the Jews, the Christians and equally the Zoroastrians and Sabeans. Others were usually given the choice between conversion to Islam or death.

2 Attributed, traditionally, to 'Umar I (634-644) but, by most European orientalist, to 'Umar II (717-740).

The indigenous Christian populations had fared no better. Throughout the Islamic lands they had, like the Jews, been reduced to the inferior status of *dhimmis*³ and had been virtually eliminated from North Africa by the 12th century during the Almohad persecutions.

For twelve hundred years, the *dhimmis* were *tolerated* in Muslim lands on the terms laid down in the covenant of 'Umar, the refusal or infringement of which could incur the death penalty.

The *dhimmi* status was recently referred to by an Egyptian, Abu Zahra, at an important conference of theologians (1968) held at the Islamic University of Al-Azhar in Cairo under the patronage of President Nasser:

*"But we say to those who patronize the Jews that the latter are dhimmis, people of obligation, who have betrayed the covenant in conformity with which they have been accorded protection..."*⁴.

President Sadat's declaration on the feast of Muhammed's birth (25th April 1972) also relates to this basic Islamic *dhimmi* concept:

*"... they [the Jews] shall return and be as the Koran said of them: 'condemned to humiliation and misery' ... we shall send them back to their former status"*⁵.

This highly evocative expression is based on a verse from the Koran (Sura 9, v. 29) and on its traditional theological exegesis; it is strangely reminiscent of a passage from a poem composed in the "golden age" of Arab-Muslim tolerance nine centuries earlier. In a bitter anti-Jewish ode against Joseph Ibn Nagrella (the Jewish minister of the Muslim ruler of Grenada in Spain), Abu Ishaq, a well-known 11th-century Arab jurist and poet, is unambiguous:

*"... Put them back where they belong and reduce them to the lowest of the low ... turn your eyes to other [Muslim] countries and you will find the Jews there are outcast dogs ... Do not consider it a breach of faith to kill them ... They have violated our covenant with them so how can you be held guilty against the violators?..."*⁶.

Nagrella and an estimated five thousands Jews of Grenada were subsequently slaughtered on the 30th December 1066. This figure is more than the number

3 Y. Masriya, *A Christian Minority: The Copts in Egypt*, SPS, Case studies on Human Rights and Fundamental Freedoms, Martinus Nijhoff, The Hague, 1976, vol. IV, pp. 77-93. Bat Ye'or, *Réflexions sur la condition de l'opprimé: le Dhimmi* (to be published).

4 D.F. Green (ed.), *Arab Theologians on Jews and Israel*, (Extracts from the proceedings of the Fourth (1968) Conference of the Academy of Islamic Research), Editions de l'Avenir, Genève 1976 (3rd edition), p. 61.

5 Ibid, p. 91.

6 Bernard Lewis, *An Anti-Jewish Ode: The Qasida of Abu Ishaq against Ibn Nagrella*, in Salo Wittmayer Baron Jubilee Volume, American Academy for Jewish Research, Jerusalem 1975, pp. 660-3.

of Jews reported to have been killed by the pillaging Crusaders throughout the Rhineland thirty years later at the time of the First Crusade.

Antoine Fattal, in his authoritative study on the legal status of non-Muslims in Muslim lands, has written:

*"The dhimmi is a second-class citizen. If he is tolerated, it is for reasons of a spiritual nature, since there is always the hope that he might be converted; or of a material nature, since he bears almost the whole tax burden. He has his place in society, but he is constantly reminded of his inferiority . . . In no way is the dhimmi the equal of the Muslim. He is marked out for social inequality and belongs to a despised caste; unequal in regard to individual rights; unequal as regards taxes; unequal in the Law Courts as his evidence is not admitted by any Muslim tribunal and for the same crime his punishment is greater than that imposed on Muslims, No social relationship, no fellowship is possible between Muslims and dhimmis . . . Even today, the study of the jihad is part of the curriculum of all the Islamic institutes. In the universities of Al-Azhar, Nagaf and Zaitoune, students are still taught that the holy war is a binding prescriptive decree, pronounced against the Infidels, which will only be revoked with the end of the world"*⁷.

Likewise Louis Gardet, a Catholic theologian and a respected orientalist, one of the leaders of the contemporary "dialogue" between Islam and Christianity, has stressed:

*"The dhimmi should always behave as an inferior; he should adopt a humble and contrite attitude. For example, on the payment of the jizya, or poll-tax, the qadi, on receiving the money, must make as if to give the dhimmi a light slap in the face so as to remind him of his place"*⁸. *The dhimmi should everywhere give way to the Muslim . . . If Islam did not invent the ghettos, it can be said that it was the first to institutionalise them. (The rules established by mediaeval Christian princes, in particular those of the Popes for the ghetto of Rome, are often copies of Muslim prescriptions relating to dhimmis. The Reverend Father Bonsirven provided a brief but evocative summing-up of the civil and political situation of the Jews in the Middle Ages in his lecture at the Catholic Institute in Paris, later published with the title "Au Ghetto" in the January 1940 number of "La Question d'Israël". In fact, and without the R.P. Bonsirven having realised it, most of the rules, prescriptions and measures that he described repeat the regulations concerning the dhimmis attributed to 'Umar I.)"*⁹.

⁷ Antoine Fattal, *Le Statut Légal des Musulmans en Pays d'Islam*, Imprimerie catholique, Beirut 1958, pp. 369-372 in Y. Masriya *Les Juifs en Egypte*, Genève 1971, p. 63.

⁸ D.G. Littman, *Quelques aspects de la condition du dhimmi: Juifs d'Afrique du Nord avant la colonisation*, YOD, Vol. 2, No 1, Publications Orientalistes de France, Paris 1976, p. 45 (letter of 1894).

⁹ Louis Gardet, *La Cité Musulmane: Vie sociale et politique*, Etudes musulmanes, Paris 1954, p. 348.

The historian of the Hafsid, Robert Brunschwig, also remarked that:

"... Islam subjected the dhimmis to special fiscal and vestimentary obligations".

He noted that, towards the end of the 12th century, in the Almohad empire (North Africa and Spain), the Jews were compelled to wear a distinctive mark, besides ridiculous clothes.

*"Would it not be strange if it were the Almohad example which decided Christendom to adopt the same sort of measure? The Jews were first compelled to wear a distinctive badge in Christian lands at the beginning of the 13th century (first officially promulgated at the IV Lateran Council of 1216)"*¹⁰.

The late renowned orientalist, Gustave von Grunebaum, wrote in 1971:

"... It would not be difficult to put together the names of a very sizeable number of Jewish subjects or citizens of the Islamic area who have attained to high rank, to power, to great financial influence, to significant and recognized intellectual attainment; and the same could be done for Christians. But it would not be difficult to compile a lengthy list of persecutions, arbitrary confiscations, attempted forced conversions, or pogroms".

He referred in detail to the well-known letter, written to the suffering Yemenite Jews in 1172 by the Jewish philosopher Maimonides, who had found refuge in Fatimid Egypt after fleeing twice (Spain and Morocco) from the intolerant Almohads:

*"... and it is known to you that no nation stood against Israel more hostile than they (meaning the Muslims), that no nation did evil to perfection in order to weaken us and belittle us and degrade us like them"*¹¹.

Bernard Lewis, the much respected historian and co-editor of the Encyclopaedia of Islam, emphasized, in a 1968 article, that:

"... The golden age of equal rights was a myth, and belief in it was a result, more than a cause, of Jewish sympathy for Islam. The myth was invented in 19th-century Europe as a reproach to Christian – and taken up by Muslims in our own time as a reproach to Jews ... European travellers to the East in the age of liberalism and emancipation are almost unanimous in deploring the degraded and precarious position of Jews in Muslim countries, and the dangers and humiliations to which they were subject. Jewish scholars, acquainted with the history of Islam and with the current situation in Islamic lands, can have had no illusions on this score. Vambéry [1904] is unambiguous: I do

¹⁰ Robert Brunschwig, *La Berberie orientale sous les Hafsid, vol. I*, Paris 1940, p. 404.

¹¹ Gustave von Grunebaum, *Eastern Jewry under Islam (reflections on Mediaeval Anti-Judaism)*, in VIATOR, Mediaeval and Renaissance Studies, University of California, vol. II, 1971.

not know any more miserable, helpless, and pitiful individual on God's earth than the Jahudi in those countries . . ."¹².

One could provide scores of similar testimonies from earlier and later travellers to the Orient and North Africa. Here are but three general comments from the fifties of the 19th century. A few other documents are annexed.

The Abbé Godard, who had travelled in North Africa, Egypt and Palestine noted in 1858:

*"It is said that in Rome the Jews never pass under Titus' Arch, but if they also keep such long memories and grudges in Muslim lands, I do not see where they could walk"*¹³.

A Rumanian Jew, "Benjamin II", who travelled extensively during five years in the Orient and the Maghreb, drew a revealing comparison:

*"How happy I would be if [by my book of travels] I could interest them [the Jews of Europe] in the plight of their correligionists who are the victims of oriental barbarism and fanaticism. Our strong and free brethren who have the good fortune to live under liberal regimes, where they are governed by wise laws and are treated humanely, will understand how deplorable and urgent is the abnormal situation of their brethren in the Orient. Religion demands it, humanity requires it. May the Almighty One lessen the burden of so many tribulations, may he reward their heroism after centuries of slavery and their indomitable faith under such cruel persecutions"*¹⁴.

Jacob Saphir was born in Poland and taken to Safed when he was ten; he fled to Jerusalem after the Safed pogroms of 1836 and later travelled widely in the Yemen and the East in 1858-59. On the conditions of the Jews of the Yemen, whose situation was pitiful, he had this to say:

*"In short, the suffering of the Jews in Yemen [1858-59] baffle all description. Even in the Holy Land things did not look rosy before 1830, as I know from my own experience. But in comparison with the Yemen, even Palestine could then be regarded as the land of freedom, as in the former country the Jew is regarded as a hated prey"*¹⁵.

¹² Bernard Lewis, *The Pro-Islamic Jews*, in JUDAISM, vol. 17, No 4, New York 1968, p. 401.

¹³ Léon Godard, *Le Maroc, notes d'un voyageur: 1858-59, Alger 1860*, p. 32, in J. Goulyen, *Les Mellahs de Rabat-Salé*, Paris 1927, p. 123.

¹⁴ Israel-Benjamin (II), *Cinq années de voyage en Orient (1846-1851)*, Alger 1855, p. XXVIII. The writer's nom de plume was chosen, so he tells us in a note, in memory of the 12th century Jewish traveller, Benjamin de Tulède.

¹⁵ Jacob Saphir, *Even Sappir*, Jerusalem 1866, p. 52, in Joshua Feldmann, *The Jews of the Yemen*, 1913, p. 16.

The detailed report (1910) of Yomtob Sémach showed that fifty years later nothing had basically changed in the deplorable condition of the Jews of the Yemen ¹⁶.

Numerous unpublished 19th-century documents, as well as reports by European travellers ¹⁷, confirm that the discriminatory status applied to the Jews under Islam continued under one form or another in most Arab lands until the early years of the 20th century. Thousands of Jews were assassinated singly, and collectively, *as Jews*, in Islamic lands from the Atlantic to the Persian Gulf during the half century before World War I. Forced conversions were not infrequent, often after girls and youths had been abducted.

It was only after the establishment of European protectorates in all of North Africa, Egypt and the Orient (with the exception of the Yemen where the Jews had to wait till 1949-50, when they were airlifted to Israel in "Operation Magic Carpet") that the remaining, oppressed, non-Muslim, minorities gained *de jure* equal rights with Muslims, and not always even then – e.g. the Jews of Morocco and the majority of those of Tunisia remained under the protection of their monarchs until the middle of the 20th century and as *dhimmi*s their sworn testimony was never legally recognized under Muslim jurisprudence.

Under European rule, Christians and Jews enjoyed physical security – and some even a certain affluence – which lasted for two or three generations. As each Arab country won its national independence, the situation of the minorities worsened, often becoming intolerable. More than one thousand Jews were killed in anti-Jewish rioting from 1938 to 1949 in Baghdad (1941/46/48), Tripoli (1945/48), Aden (1947), Aleppo (1945/7/8) and Damascus (1938/45/49), Oudja, Djerade, Cairo (1948), etc. Similar tragedies happened during the same period to many indigenous Christian groups throughout the Arab world.

One can hardly blame, anachronistically, the Zionist Congress (1897), the Balfour Declaration (1917), or the declaration of Israel's independence (1948) for past centuries of Arab-Muslim oppression.

A Moroccan Muslim, Saïd Ghallab, provided an authoritative testimony in an article published in 1965 in Jean-Paul Sartre's periodical "Les Temps Modernes":

"... The worst insult one Moroccan can make to another is to call him a Jew... My childhood friends have remained anti-Jewish. They mask their virulent antisemitism by maintaining that the State of Israel was the creation of Western imperialism. My communist comrades have fallen into this trap themselves. Not a single issue of the communist press denounces either the antisemitism of the Moroccans or that of their government... And the integral

¹⁶ Yomtob Sémach, *Une Mission de l'Alliance au Yémen*, Paris 1910 (also, Bulletin de l'Alliance Israélite Universelle, 1910).

¹⁷ D.G. Littman, *Jews under Muslim Rule in the late 19th century*, Wiener Library Bulletin Nos 35/36, London 1975; *Jews under Muslim Rule II: Morocco 1903-1912*, WLB Nos 37/38, London 1976; *Ibid*, see note 8 supra.

Hitlerite myth is cultivated among the popular class. Hitler's massacre of the Jews was acclaimed with delight. It is even believed that Hitler is not dead, but very much alive. And his arrival is awaited (like that of the Imam el Mah-di) to free the Arabs from Israel" 18.

The general Arab opposition to the existence of an independent sovereign State of Israel in its ancient homeland has its roots in traditional Islamic attitudes and *dhimmi* concepts¹⁹. The contemporary hostile Arab attitudes towards Jews (over one million have fled from a dozen Arab countries since the World War II, three-quarters of them to Israel)²⁰ and other minorities is not something unusual in the Arab world; what was unusual, for the *dhimmi*s, was the relative calm of the preceding two or three generations during the period of European domination.

The root of the present Lebanese tragedy is religious, whatever the political and social aspects. In 1860, the brutal massacre of several thousand Christians in Syria and Lebanon occurred soon after the passing of the *Hatt-i Hümayun* edict (1856), which had granted equal rights with Muslims to Christians and Jews. The French intervened militarily and combined European pressure obliged the Sultan to accept an autonomous Christian-Lebanese province, albeit still under Ottoman suzerainty. The determination of the indigenous Maronites (and other oriental Christian ethnic groups) to survive in their ancient homeland is a millenary phenomenon which should be recognized for what it is: an age-old resistance against foreign imperialist domination. To-day, whether or not the Palestinians and other groups are participating willingly or are being used by fanatical leaders to achieve the ultimate aims of *jihad* (i.e. holy war) does not change the essence of the historical pattern – simply because the slogans and catchwords used may lead to popular confusion.

A deeper knowledge of the past history of the non-Muslim minorities of these regions might help the student or observer to better understand the real aims behind some of the present-day slogans of Arab propagandists – e.g. the PLO's *secular* Arab-Palestine state which is to replace Israel. One should bear in mind that this "politicidal" goal is fully supported by all Arab leaders, including Colonel Kadhafi, who is a fervent believer in the fundamental unchangeable truths of Islam and the Koran.

It is worth considering, as a conclusion, the profound observation made in 1968 by Georges Vajda, the eminent orientalist of the French "Centre National de Recherches Scientifique":

"In the light of the foreign facts [illustrated in his article], it seems clear that, unless it denies its principles, goes against the deepest feelings of its correlative-

18 Said Ghallab, *Les Juifs sont en enfer*, in *Les Temps Modernes*, ^{juin} 1965, No 277, pp. 2247/49/51. See Sadat's "Letter to Hitler" (1953) in D.F. Green, *op. cit.*, p. 87.

19 D.F. Green, *op. cit.*, note 4 and 5 *supra*.

20 Through natural increase, their number is now from 1.75 to 2 million souls.

ists and calls in question its own *raison d'être*, no Muslim power, however "liberal" it may like to think itself (we say "it may like to think itself" and not "it claims itself to be"), could depart from the line of conduct followed in the past and continued *de facto* in the present, in conferring on the Jews anything but the historic status of "protection", patched up with ill-digested and unassimilated Western phraseology. The same applies to the Christian minority, however it may attempt to secure its position by increasingly anti-Jewish attitudes (one should not forget the recent Vatican Council), inspired by political necessity but also on account of the 'odium theologicum' that is even more firmly rooted in the Eastern than in the Western Church, and which dates from well before the birth of Islam. The present author cannot claim to make any value-judgements, still less to prophesy. His familiarity with original sources throughout a life of study has convinced him that Christian and Jewish documents could in their turn provide a very substantial contribution to a disheartening anthology of incomprehension and rancour. If there does in fact exist a path towards a harmonious symbiosis between men of divergent convictions, only those who are able to break with their past will be able to set out on it"²¹.

DOCUMENTS

Jews in North Africa and Egypt in the 19th century

MOROCCO

General Domingo Badia y Leblich was a Spaniard and a scientist, sufficiently acquainted with the language and the customs of the Moors to deceive even the Sultan Sulaïman himself. Passing as a Muslim (Ali Bey), he carried out numerous "political" errands during his travels in the first years of the nineteenth century. That reliable and prolific writer on Morocco, Budgett Meakin, in a review of all works on Morocco which he published in 1899, considered Ali Bey's *Travels . . . in Morocco* as "a standard work" and stated that "his observations may be accepted with faith". The general description of the Jews of Morocco which follows is confirmed by earlier and later travellers.

"The Jews in Morocco are in the most abject state of slavery; but at Tangier it is remarkable that they live intermingled with the Moors, without having any separate quarter, which is the case in all other places where the Mahometan religion prevails. (. . .)

²¹ Georges Vajda, *L'Image du Juif dans la tradition islamique*, in *Les Nouveaux Cahiers*, Nos 13-14, Paris 1968, p. 7.

The Jews are obliged, by order of the Government, to wear a particular dress, composed of large drawers, of a tunic, which descends to their knees, of a kind of burnous or cloak thrown on one side, slippers, and a very small cap; every part of their dress is black except the shirt, of which the sleeves are extremely wide, open, and hanging down very low.

When a Jew passes before a mosque, he is obliged to take off his slippers, or sandals; he must do the same when he passes before the house of the Kaïd, the Kadi, or of any Mussulman of distinction. At Fez and in some other towns they are obliged to walk barefoot. (...)

On my arrival, I had two Jews amongst my servants: when I saw that they were so ill treated and vexed in different ways, I asked them why they did not go to another country; they answered me, that they could not do so because they were slaves of the sultan."

(General Domingo Badia y Leblich), *Travels of Ali Bey in Morocco, Tripoli, Cyprus, Egypt, Arabia, Syria and Turkey, between the years 1803 and 1807*, written by himself, (2 vols) London 1816, vol. I, pp. 33-34.

Arthur Leared, an English doctor, had no knowledge of Arabic but, according to Budgett Meakin (1899), his "observations" were accurate. His book first appeared in London in 1876. His description of the Jewish condition at that time in Marrakesh is confirmed by the orientalist Heinrich von Maltzen and Joseph Halévy who visited the southern Moroccan capital in 1859 and 1876 respectively. Dr. Leared's comments on the Jews of Marrakesh are noteworthy.

"The disqualifications and indignities to which the Jews are subjected in the city of Marocco [Marrakesh], so far as they came under my own observation, were as follows:

- 1) *They were never allowed to wear the turban.*
- 2) *In the presence of a governor, or when passing a mosque, they are obliged to remove the blue handkerchief which the head is at other times bound.*
- 3) *They must wear black instead of yellow shoes always worn by the Moors.*
- 4) *When they go from their own quarter into the Moorish town, both men and women are compelled to take off their shoes and walk barefooted; and this degradation appeared especially painful when one had occasion to walk with a Jewish friend through the filthy streets of the Moorish quarters.*
- 5) *A Jew, meeting a Moor, must always pass to the left.*
- 6) *Jews are not allowed to ride through the city.*
- 7) *They are not permitted to carry arms.*
- 8) *The use of the Moorish bath is forbidden to the Jews.*
- 9) *In the exercise of their religion they are restricted to private houses; hence there are no public buildings used as synagogues. This restriction applies equally to other parts of the empire, except Tangier.*

No doubt there are other more or less annoying interferences with personal liberty which do not meet the eye. But the list given is enough to show that the

grievances of the Jewish community are far from being merely sentimental. They live under the yoke of an iron despotism, and, as might be excepted, betray this in their manner and appearance. The men are in general of medium height, but slender, long-visaged, and sallow. It is sad to see them walk with bowed heads and slow steps through the streets of their mother city (...)

In the southern province of Sus the Jew is regarded as so indispensable to the prosperity of the country that he is not allowed to leave it. If he gets permission to go to Mogador to trade, it is only on condition that he leaves his wife and family, or some relation to whom he is known to be attached, as surety for his return. (...)

... according to Mohammedan law, neither Christian nor Jew has, in legal matters, any locus standi. In taking evidence their oath is not received, and the presumption is always in favour of the true believer [i.e. the Muslim]."

Arthur Leared, *Marocco and the Moors*, 2nd edition, revised and edited by Sir Richard Burton, London 1891, pp. 175-6, 217, 254.

ALGERIA

William Shaler was the United States consul in Algiers from 1816 to 1828. His *Sketches* were published four years before the French military occupation of the town in 1830. The Jews of Algiers – about 10,000 – formed roughly a quarter of its population. They became the first in any Muslim land to be granted equal rights with Muslims. Dubois-Thainville, the French consul at about the same period, and others, confirm Shaler's description. In 1870, the vast majority of the Jews of Algeria were granted French citizenship by decree.

"Independent of the legal disabilities of the Jews, they are in Algiers a most oppressed people; they are not permitted to resist any personal violence of whatever nature, from a Mussulman; they are compelled to wear clothing of a black or dark colour; they cannot ride on horseback, or wear arms of any sort, not even a cane; they are permitted only on Saturdays and Wednesdays to pass out of the gates of the city without permission; and on any unexpected call for hard labour, the Jews are turned out to execute it. (...)

On several occasions of sedition amongst the Janissaries, the Jews have been indiscriminately plundered, and they live in the perpetual fear of a renewal of such scenes; they are pelted in the streets even by children, and in short, the whole course of their existence here, is a state of the most abject oppression and contumely. The children of Jacob bear these indignities with wonderful patience; they learn submission from infancy, and practise it throughout their lives, without ever daring to murmur at their hard lot ... It appears to me that the Jews at this day in Algiers constitute one of the least fortunate remnants of Israel existing."

William Shaler, *Sketches of Algiers*, Boston 1826, pp. 66-67.

TUNISIA

The situation of the Jews of Tunisia had begun to improve in the middle of the nineteenth century. The public hanging of an innocent Jew of Tunis in 1856 on the traditional accusation of blaspheming Islam became a *cause célèbre* and demonstrated the precariousness of their condition. A new constitution (Fundamental Pact) giving Christians and Jews full equality with Muslims was promulgated under French pressure by the Bey of Tunis in 1857. In the revolt of 1864, the Jews of Tunis, Nabeul and Djerba were attacked and the new constitution was swept away.

The description of the Jews of Tunis by the Chevalier de Hesse-Wartegg relates to about 1870 prior to the French protectorate (1881). The Jews of Tunisia were nonetheless better off than their brethren in Morocco at the same period.

"The oppressions to which those latter are exposed, even to this day, are almost incredible. In Algiers the French Government emancipated them some forty years ago, but in Tunis, Morocco, and Tripolis they only got certain liberties during the last few years. Till then they had to live in a certain quarter, and were not allowed to appear in the streets after sunset. If they were compelled to go out at night they had to provide themselves with a sort of cat-o'-nine-tails at the next guard-house of the "Zaptieh", which served as a kind of passport to the patrols going round at night. If it was a dark night, they were not allowed to carry a lantern like the Moors and Turks, but a candle, which the wind extinguished every minute. They were neither allowed to ride on horseback nor on a mule, and even to ride on a donkey was forbidden them except outside the town; they had then to dismount at the gates, and walk in the middle of the streets, so as not to be in the way of Arabs. If they had to pass the "Kasba", they had first to fall on their knees as a sign of submission, and then to walk on with lowered head; before coming to a mosque they were obliged to take the slippers off their feet, and had to pass the holy edifice without looking at it. As Tunis possesses no less than five hundred mosques, it will be seen that Jews did not wear out many shoes at that time. It was worse even in their intercourse with Musulmans; if one of these fancied himself insulted by a Jew, he stabbed him at once, and had only to pay a fine to the State, by way of punishment. As late as 1868 seventeen Jews were murdered in Tunis without the offenders having been punished for it: often a Minister or General was in the plot, to enrich himself with the money of the murdered ones. Nor was that all. The Jews – probably to show their gratefulness for being allowed to live in the town, or to live at all – had to pay 50,000 piastres monthly to the State as a tax!"

Chevalier de Hesse-Wartegg, *Tunis, the Land and the People*, (A new edition) London 1882, pp. 118-119.

TRIPOLITANIA (LIBYA)

Paolo della Cella's narrative describes the condition of the Jews of Benghazi before the Ottomans reasserted their more lenient rule in Tripolitania (1835). An English naval commander confirmed the similar abject status of the Tripoli Jews at about the same time. Cella, an Italian, was physician to the ruler of Tripoli.

"The Jews form the labouring portion of the population of Bengasi, the remainder [Muslims] living in idleness at the expense of those unbelievers; in return for which, there is no species of vexation and extortion to which the Israelites are not exposed. They are not permitted to have a dwelling to themselves, but are forced to pay largely for being tolerated in the house of a Mahometan, who thinks he has a right to practise every kind of knavery upon his inmate. The clothes which a poor Jew had pulled off on going to bed, I saw exposed to sale in the market next morning by the master of the house."

Paolo della Cella, *Narrative of an Expedition from Tripoli in Barbary to the Western Frontier of Egypt, in 1817, by the Bey of Tripoli. In letters to Dr. Viviani of Genoa with an Appendix containing instructions for navigating the Great Syrtis*, London 1822, p. 197.

EGYPT

"The most perfect picture of a people's life that has ever been written". Edward Lane's *Modern Egyptians* describes the Egypt he knew so well from 1825 to 1835; it has retained its reputation as a classic to this day. Lane spoke fluent Arabic, bore a resemblance to a pure Arab from Mecca and, in Egypt, dressed as an Egyptian. The passage which follows is extracted from the few pages of his book in which he portrayed the Jews of Egypt. This is thirty-five years before the opening of the Suez Canal and fifty years before the British occupation of the country, when Jews and Christians finally obtained *de jure* legal rights with Muslims.

"The Jews have eight synagogues in their quarter in Cairo; and not only enjoy religious toleration, but are under a less oppressive government in Egypt than in any other country of the Turkish empire . . . Like the Copts, and for a like reason, the Jews pay tribute, and are exempted from military service. They are held in the utmost contempt and abhorrence by the Muslims in general . . . far more than are the Christians. Not long ago, they used often to be jostled in the streets of Cairo, and sometimes beaten for merely passing on the right hand of a Muslim. At present, they are less oppressed; but still they scarcely ever dare to utter a word of abuse when reviled or beaten unjustly by the meanest Arab or Turk; for many a Jew has been put to death upon a false and malicious accusation of uttering disrespectful words against the Kur-àn or the Prophet. It is common to hear an Arab abuse his jaded ass, and, after applying to him various opprobrious epithets, end by calling the beast a Jew."

Edward Lane, *The Manners and Customs of the Modern Egyptian*, (2 vols) London 1836; Everyman Library (1 vol), London, 1963, pp. 559-560.

*Achévé d'imprimer le 30 octobre 1976
sur les presses de l'imprimerie Avenir s.a.
10 rue de l'Avenir – CH 1207 Genève*

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