This is the story of the circulation and impact of a fatwa that was never issued. Or, rather, the circulation of its putative contents and the way mobilization in response to rumour built on long-standing beliefs about religion, property and justice to transform political boundaries in Tunisia — changing both how people apprehended their surroundings and how they thought of themselves.

Over the course of 1933 and 1934, tens of thousands of Tunisian Muslims participated in a movement protesting against a fatwa allegedly pronounced by the sharia court of Tunis, whereby the court had supposedly declared that Muslims who became naturalized French citizens could be buried in Muslim cemeteries. This position contradicted the growing contention among nationalists that naturalization was an act of apostasy and hence precluded Muslim burial rites. In fact, no fatwa had been officially decreed, owing to disagreement between the shaykhs representing Tunisia’s two Sunni factions — the majority Malikis and the minority Hanafis. But rumours need not be true
to be potent mobilizers of political transformation. Encouraged by a militant faction of the Destour\textsuperscript{1} nationalist party led by the future founder of the Neo-Destour party and president of independent Tunisia, the young Habib Bourguiba (1903–2000), participants in the movement contended that Islam and French nationality were incompatible. They did this through petitions, strikes, boycotts and, most dramatically, intimidating vigils outside the homes of dying naturalized persons, attempts to block burial on the day following death, and even the occasional vandalism of tombs.

Yet this was not only a fight over souls, it was a dispute over land and who controlled it.\textsuperscript{2} When all was said and done, the French administration conceded to pressure, establishing separate sections of cemeteries for ‘naturalized Muslims’ on ‘unoccupied’ land. This ‘solution’ to the cemetery conflict settled one problem while engendering another: who had the right to concede this land? The Tunisian religious land trust administration or the French government? Tunisians already associated protectorate rule with expropriation and the violation of Islamic property law, and cemeteries were especially symbolic pieces of land. Thus, a matter that initially had the potential to concern at most a few thousand of Tunisia’s almost 2.2 million Muslims\textsuperscript{3}

\textsuperscript{1} From the Arabic \textit{dustūr}, meaning ‘constitution’. The French spelling Destour has become standard.


\textsuperscript{3} Tunisia’s total Muslim population as listed in the 1931 census was 2,159,151: Régence de Tunis, protectorat Français, Direction générale de l’agriculture, du commerce et de la colonisation, \textit{Statistique générale de la Tunisie, année 1932} (Tunis, 1933), 3. Estimates of total naturalizations among Tunisians vary. As of 1923, only 329 Muslims — including Algerians and other non-Tunisians — had naturalized since the inception of the protectorate: Archives du Ministère des Affaires Étrangères, La Courneuve, Tunisie 1917–40, vol. 168-I, fo. 94. By 1933, archival figures indicate a substantial increase, with total naturalized (including family members) ranging from

(\textit{cont. on p. 107})
led to a moral victory for the populist wing of the Destour party as the galvanizing force behind the protests and to a practical problem that cut straight to the heart of who was sovereign over Tunisia.

I

On paper, the sovereignty question looked simple. The Husaynid dynasty, through the person of the bey, was sovereign, and had merely surrendered to France’s protection, which was affirmed in the Treaty of Ksar Said or Bardo Treaty (12 May 1881) and the Convention of La Marsa (8 June 1883). In the Bardo Treaty, the bey agreed to military occupation until such time that ‘order’ and ‘security’ could be restored; in exchange, the French government pledged to protect his dynasty. In practice, however, French authorities incrementally increased their institutional control over domestic affairs. This engendered new conflicts, since France’s interventions sometimes contradicted its previous arrangements with the bey and other powers having interests in the territory.

Perhaps no issue illustrated this better than nationality claims. As Rogers Brubaker argues, ascribing nationality is a form of exercising sovereignty.4 In Tunisia, French authorities had tried to bolster their power by pushing European foreigners, who outnumbered French nationals, to become French citizens. However, what France cast as magnanimity was interpreted by other European powers as an effort to change the protectorate settlement and rebuff their own rights. Britain took France to The

Hague Tribunal in 1922 over this very issue, after France claimed the right to consider as French nationals those British Maltese subjects born in Tunisia. And Italy resisted French efforts until 1935, when Mussolini agreed to the incremental incorporation of Italian subjects into French citizenship in exchange for major concessions with regard to Italy’s own colonial ambitions.  

The fact that nationality policy could drive a wedge between European rivals, even a temporary one, must have made a powerful impression on Bourguiba and his cohorts, barely in their twenties at the time that the disputes with Great Britain and Italy first took place.  

Burial had been another source of conflict in Tunisia. In 1885, only a few years after the establishment of the protectorate, a decree forbidding burials within cities, requiring medical certificates before burial, and regulating the depth of graves sparked an outcry. The policy, which mirrored public-health procedures observed in France since the revolutionary era, was aimed at all public and private urban cemeteries, regardless of religious denomination.  

Yet Muslims saw the new measures as an ‘intolerable interference’ with ‘highly symbolic spaces’ and protested by petition.  

Consulted on the matter, the Malikite and Hanafite muftis of the Tunis sharia court disagreed with each other. The

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6 Their predecessors in the Destour had also been keenly interested in turning the nationality dispute of the early 1920s to their advantage, but they did not find the means to mobilize masses in the same way that the young Destourians of the 1930s would.


8 Bili, ‘Deux communautés face à la mort’, 173.
former, whose school was followed by the Tunisian majority, had originally contended that the measures contradicted *fiqh* (Islamic jurisprudence), but changed his mind under French pressure — a turnabout that fuelled the frustration of the protesters and stimulated new written complaints. The protectorate administration then reversed itself as well by allowing a return to traditional burial rites, provided that ritual procedures such as the washing of corpses were performed by persons on an approved list. Two years later, fresh complaints emerged about a new requirement that all non-Muslim burials be performed by a private company under concession to the Tunis municipality. As with similar *pompes funèbres* services in France, the arrangement regulated the price of everything from coffins to devotional candles. Jews particularly objected to ‘the idea of a foreign company interfering in the burial of their dead’, according to the British consul, and their protests forced a compromise allowing them to continue previous practices in exchange for the payment of a new death tax. The most significant cemetery conflict prior to the fatwa incident, however, occurred in 1911, when Muslims protested against an attempt by the protectorate authorities to ‘register’ the property on which the Jellaz cemetery in Tunis was located, and the ensuing clashes reached riotous proportions.

Two decades later, the ability of Destour mavericks to combine the contentious issues of nationality and burial in a single campaign split the party and transformed Tunisian nationalism. For some time, Destour had appealed mostly to elite city-dwellers. In the 1930s, however, a new generation of militants — perhaps aware that more than a quarter of the country’s population was younger than twenty-five — began pushing to broaden nationalism’s appeal. Habib Bourguiba and his brothers exemplified this younger generation. Observing the success of labour union organization, Bourguiba’s group was ‘eager to identify

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9 Ibid., 174–5.
12 See the discussion in Section II below.
controversies around which it might rally the Tunisian masses’ for nationalist, rather than syndicalist, aims.\textsuperscript{14} To this end, politicizing burial was an inspired choice.

The ‘naturalization crisis’, as the series of events has sometimes been termed, began on 31 December 1932 with an attempt to block the burial in Bizerte of a Muslim who had become a naturalized Frenchman.\textsuperscript{15} Although this first incident was probably unplanned, Bourguiba’s faction of Destour later capitalized on it by encouraging similar such incidents throughout the protectorate.\textsuperscript{16} By April 1933, tensions had grown so great that François Manceron, the resident general, hopefully awaited a decision from the sharia court of Tunis, anticipating that it might defuse the conflict. But when the Hanafite and Malikite shaykhs came to different conclusions regarding the conditions under which a naturalized Frenchman could be buried in a Muslim cemetery, the protectorate administration blocked the fatwas from being publicized.

This was not the first time that the shaykhs had disagreed or that French officials had suppressed a fatwa with regard to cemetery conflicts.\textsuperscript{17} But in 1933, the strategy proved a tactical error — an unsuccessful attempt to influence the ‘empire of opinion’,

\textsuperscript{14} Ibid., 91.

\textsuperscript{15} Richard E. Jones, ‘The Naturalization Crisis of 1933: French Analysis and Tunisian Response’, Revue d’histoire maghrébine, vii–viii (1977); Ali Mahjoubi, Les Origines du mouvement national en Tunisie, 1904–1934 (Tunis, 1982), esp. 486–500. A number of other works on Tunisia make brief mention of Destour’s anti-naturalization campaign, and they are cited in the following pages where relevant. Most of this work is quite cursory and prone to error, particularly with respect to the publication of the fatwa. None of the works connects the campaign to the longer history of land tenure and sovereignty, which is one of my aims here. Almost nothing has been written in English, save for Jones’s short article, a brief mention in Perkins, History of Modern Tunisia, and a paragraph containing an error about the fatwa in Martin Thomas, Empires of Intelligence: Security Services and Colonial Disorder after 1914 (Berkeley, 2008), 105.

\textsuperscript{16} Mustapha Kraiem contends that Destour took advantage of popular mobilization against naturalization to advance its own rhetoric, but did not actively organize the events itself: Kraiem, Pouvoir colonial et mouvement national, 130–1, 142. This view is consistent with Bourguiba’s own effort to portray himself as channelling, rather than stirring, the popular will: Habib Bourguiba, Ma vie, mes idées, mon combat (Tunis, 1977), esp. 103–10. I concur that the movement resonated with the populace, and I argue that it can only be fully understood in the light of Tunisian attitudes towards land, religion and burial. However, the evidence that a faction of Destour instigated many of the demonstrations is too overwhelming to be denied.

\textsuperscript{17} See the discussion of the 1885 conflict above.
as Christopher Bayly has termed it. The suppression of the fatwa created an information vacuum that allowed nationalists to imagine what the fatwa would have said, and to structure their campaign against its alleged contents. In the next months, demonstrations across the country responded to the rumour that the fatwa not only acquiesced to the burial of naturalized French Muslims in Muslim cemeteries but in fact ordered it. Destour representatives orchestrated blockades of burials, organized strikes, boycotts and demonstrations, and launched telegram- or petition-writing campaigns. The movement was in no way limited to large coastal cities but also included residents in inland towns as dispersed as Béja, Gafsa and Nefta (see Map).

Thanks to clashes with the police or army that attempts to block burials engendered, the movement grew from one targeting French ‘meddling’ in Islam on the specific issue of burial to one directed against French intervention in Tunisian life more generally. Although Destour militants organized many of the confrontations, individuals also began to act on their own, showing the deep resonance of the movement: gravediggers, corpse washers and prayer leaders refused to tend to the bodies of recently departed naturalized persons, initiatives emerged to block the naturalized from attending Friday prayer or from being married in a religious ceremony, and a group of children attacked a naturalized man on his way home from work. Like the rumour of an aristocratic plot that sparked the ‘Great Fear’ in 1789, or the one that circulated at the same time in the French Antilles that the king had freed the slaves, rumours about the fatwa turned a non-incident into a transformative ‘event’.

19 CADN/TUN, 1er vers., 1816-1: no. 1152, 15 Apr. 1933.
In order to end the disruptions, the protectorate administration decided to create special cordoned-off sections contiguous to Muslim cemeteries where naturalized persons could be buried. At the same time, officials took aim at the Destour leadership, banning their newspapers and dissolving the party. These short-term solutions had long-term effects: the repression of Destour earned it new allies, as newspapers that had previously opposed Destour on this issue now offered its leaders space to air their views, while alternative modes of information transmission or ‘social communication’ became only more significant. Although the events splintered the Destour party, the dynamic new leadership — the same men who led the anti-burial campaign — emerged to head the ‘Neo-Destour’ party. Moreover, by creating separate burial grounds for French Muslims, the French administration helped solidify and perpetuate the very connections between religion and nationality that Destour had forged through the anti-burial campaign.

II

Of all the domains of Tunisian life affected by nationality law, burial arguably touched the most people. Previously, Tunisians had most frequently encountered nationality law in court, where it was supposed to determine jurisdiction. If a minority of Tunisians had learned to invoke ‘amphibious’ national identities

22 Thus instituting in Tunisia policies remarkably similar to those abolished in France by the law of 14 November 1881 forbidding distinct confessional sectors within public cemeteries. A law of 1804 had allowed for separate cemeteries (or, in smaller towns, separate sections within a single cemetery with separate entrances). See Kselman, Death and the Afterlife; Ben-Amos, Funerals, Politics, and Memory; Isabelle Meidinger, ‘Laïcisation and the Jewish Cemeteries in France: The Survival of Traditional Jewish Funeral Practices’, Jl Mod. Jewish Studies, i (2002).
23 On ‘social communication’, see Bayly, Empire and Information, passim.
24 Habib and M’Hamed Bourguiba, who had entered Destour’s executive committee in May 1933, were censured by the old guard of Destour after the campaign turned violent in Monastir in August; they resigned from Destour’s executive committee in September and from Destour altogether in December. A few months later, they formed the Neo-Destour party. On the Bourguibas and Destour, see Camau and Geisser (eds.), Habib Bourguiba; Pierre-Albin Martel, Habib Bourguiba: un homme, un siècle (Paris, 1999); Ali El Ganari, Bourguiba, le combattant suprême (Paris, 1985); Mahjoubi, Les Origines du mouvement national, esp. 501–35; Bessis, La Méditerranée fasciste, 151; John Obert Voll, Islam: Continuity and Change in the Modern World, 2nd edn (Syracuse, NY, 1994), 218; Elisabeth Mouilleau, Fonctionnaires de la République et artisans de l’Empire: le cas des contrôleurs civils en Tunisie, 1881–1956 (Paris, 2000), 228.
25 Lewis, ‘Geographies of Power’.
TOWNS MOBILIZED DURING THE ANTI-BURIAL AND ANTI-NATURALIZATION CAMPAIGN OF 1932–1934

Map drawn by R. Scott Walker
and manipulate the country’s multiple jurisdictions as they sought to settle their personal disputes over marriage, inheritance and countless other intimate matters, burial by contrast touched everyone: married, single or separated, propertied or propertyless. As the anthropologist Katherine Verdery suggests, a ‘human community consists not only of those now living in it but also, potentially, of both ancestors and anticipated descendants’. On a more abstract level, nationalism also aims to create a human community among the living, the dead and the unborn. Establishing the proper relationship among these depends, in many societies, on proper burial. By triggering incidents that politicized burial, and that did so in such a way as to connect burial directly to legal nationality, Destour gave the abstract concept of national identity visceral meaning — making it directly relevant to people’s ritual practices.

From the earliest days of the protectorate, Tunisians had objected to encroachments on the burial sites of their ancestors. In 1888, for instance, notables in Gabès complained to the Tunisian prime minister that a former khalīfa had usurped for his own use land that contained an old cemetery. In excavating the land to prepare it for his livestock, he had allegedly removed human skeletal remains. The land, according to the plaintiffs and contrary to the former khalīfa’s contention, was ‘no one’s property’ because it belonged to the domain of the public hubūs administration, and hubūs land (or waqf, similar to mortmain) was inalienable. A few years later, conflict again erupted in the same town, after the French municipality had established a second cemetery ‘for hygienic objectives’. Fifteen petitioners, almost all of whom were hajis, addressed their complaint to the region’s military commander. After asking that he be accorded divine

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29 In modern Tunisia, a *khalīfa* was not a ‘caliph’ but a Muslim notable, named by the bey to serve as an intermediary between a town and the Tunisian state.
31 ANT, E 576/3: Gouverneur de l’Arad to Premier Ministre, received 12 Apr. 1892.
mercy and blessing, they proceeded to remind him that ‘whoever breaks the bone of a human skeleton will have his own bones broken while living’ and that ‘souls never cease visiting every week their mortal remains’. The petitioners then arrived at the crux of their complaint: whatever justification the municipality offered for creating a second cemetery, doing so had allowed the former khalīfa to pursue the construction of his ‘stables, out-houses and lodgings’ on the site of the previous one — a place of special importance since it housed the tomb of Sidi Boulbaba, said to have been a companion of the Prophet Muhammad.  

As colonization progressed, such complaints more often targeted Europeans than local Muslim notables, as Europeans acquired title to, or the usufruct of, larger and larger swathes of land thanks to French-instituted reforms. In 1885 French authorities pressed the bey to issue reforms allowing for property ‘registration’, a process that removed land from the jurisdiction of the Muslim courts. A decree in the following year allowed European acquisition of ḥubūs land by inzāl, a form of perpetual rent. Eventually, French reforms allowed inzāl itself to be regarded as transferable property and, in 1898, a decree also ‘allowed’ (in fact, required) the ḥubūs administration to put public ḥubūs land at the disposal of the agriculture department as ‘terres domaniales’ (state lands). The state then allowed European settlers to serve as its ‘substitutes’ and purchase the right to exploit the land. Together, these reforms greatly increased the area under European cultivation in Tunisia but instigated new conflicts in the process — not least because, in breaking ‘trusts’ held for many generations, they violated the wishes of the dead. In Tozeur in 1896, for instance, rumours spread that ‘registration was contrary to Muslim law’ and that those who registered their property were ‘renegades’ from the religion. All too often, according to the president of the French court in Tunis, registration ‘instigated oppositions and demands that would have remained in the shadows were it not for the registration process’.  

\(^{32}\) ANT, E 576/3: petition dated 23 chaoual 1309 (28 May 1892).  

\(^{33}\) On the 1898 decree, see Béchir Yazidi, La Politique coloniale et le domaine de l’état en Tunisie: de 1881 jusqu’à la crise des années trente (Tunis, 2005), esp. 250 ff.; Jean Poncet, La Colonisation et l’agriculture européennes en Tunisie depuis 1881 (Paris, 1962).  

\(^{34}\) CADN/TUN, 1er vers., 1367: Tribunal Mixte, Cabinet du Président to Résident Général, no. 36, 18 July 1896.  

\(^{35}\) CADN/TUN, 1er vers., 1366: Note relative à la compétence immobilière, 9 Jan. 1900.
administrators, including Béchir Sfar (later famous for insisting that Tunisian land be ‘protected’ from the protectorate), began to harbour concerns about the expropriation of native land, although they also facilitated this process by reallocating for Europeans’ use the minimum quota of 2,000 hectares of public *hubūs* land per year demanded by the protectorate. 36 Even after French colonists thought the land issues had long been ‘settled’, as the pro-settler newspaper *La Tunisie française* put it in 1932, ‘for Muslim opinion, on the contrary, the question of liquidating “public *hubūs*” remains open and very current’. 37 This was especially true when the land in question contained graves.

The Jellaz conflicts in 1911 had exemplified this problem. Jellaz was particularly revered by Tunisian Muslims, in part for its shrine to Abu al-Hasan al-Shadhili (also known as Sidi Belhassen), a Sufi saint of the sixth century AH (twelfth–thirteenth centuries AD). 38 Nestled against Sidi Belhassen hill on the outskirts of Tunis, the cemetery was not clearly demarcated from the properties surrounding it. Graves gave way quickly to ‘quarries’ and ‘skid roads’ for felled trees. 39 In explaining the cemetery

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39 CADN/TUN, 1er vers., 1205: telegram, Tunis to Diplomatie, 14 Nov. 1911, 1800 hrs. Also Taoufik Ayadi, ‘Insurrection et religion en Tunisie: l’exemple de
conflict retrospectively, French officials contended that registration was necessary in order to protect the cemetery from encroachment by entrepreneurs, who were using wood and other resources from it for construction projects. Yet native Tunisians were understandably wary of a proposal to transfer land to the French-controlled municipality when they believed the land to be held in pious trust. Throughout Tunisia, cemeteries, hospitals, schools and other institutions of public utility often lay on ‘public hubās’ land, and therefore were devoted to common use. Given the recent history of land reforms that transferred such lands to entrepreneurs, the notion that the municipality might try to alienate the inalienable quickly circulated as rumour. The most prevalent of these was that the city wanted to register the land in order to prepare part of it for the passage of a tramline — a rumour that probably drew potency from the connections made between the laying of railway tracks and colonial exploitation, as well as from the fact that, a few years earlier, French entrepreneurs had indeed begun construction of a light railway line through a Muslim cemetery in Casablanca in Morocco. Tunisians’ suspicions of French motives were

(n. 39 cont.)


If this was indeed one of their motivations, the problem they proposed to resolve was nothing new. Materials had been pilfered from Jellaz by entrepreneurs since at least the 1880s: Bili, ‘Deux communautés face à la mort’, 173. It remains unclear whether the explanation offered by the protectorate authorities after the incident erupted accurately conveys what originally motivated the proposal to register the land as city property. Though coloured by the 1911 incident, the following remarks of the resident general almost a year later certainly do not suggest that protecting the integrity of Muslim cemeteries was of foremost concern to him: ‘the inviolability of cemeteries is, moreover, not an absolute dogma. The suburbs of Arab cities were practically entirely filled with cemeteries, and European neighbourhoods were, in general, constructed on these sites, in which case precautions were taken to transfer graves’: CADN/TUN, 1er vers., 1205: unsigned dispatch, 19 Sept. 1912.

When hubās property is held in ‘private’ trust, it benefits the descendants of the original trustee, until there are none.

Thus, the response was not a knee-jerk reaction against colonial technology, but a response to colonial technology that seemed to interfere with reverence for the dead and perhaps for the pre-colonial era they had lived in. On colonialism and technology, see especially Daniel R. Headrick, The Tools of Empire: Technology and European Imperialism in the Nineteenth Century (Oxford, 1981). The incident over the light railway in Casablanca occurred in July 1907, in the context of an earlier French military assault on Morocco: see C. R. Pennell, Morocco since 1830: A History (New York, 2001), 135. The rumour about the tramline has been perpetuated by nationalist historiography.
probably heightened as France’s new occupation of Fez in 1911 reminded North Africans of France’s imperialist aims.43 In any case, vehement opposition prompted the municipal authorities to retract the registration.44 When surveyors nonetheless appeared on cemetery property to take account (according to French authorities) of the withdrawal of the registration request, individuals who had gathered to object to the registration assumed that the surveyors’ arrival signified the municipality’s intent to continue as planned. Misinformation, combined with poor crowd management by the police, led to violent clashes between native protesters and French authorities. This violence then spilled over into other parts of Tunis, caused the deaths of at least four Italians and three Frenchmen, as well as an untold number of Tunisians, and led to the execution of two Muslims among the seven sentenced to death for homicide in connection with the riots. The martial law declared in Tunis as a result of the incident remained in effect for a decade.45 Numerous analysts of Tunisian nationalism, including Habib Bourguiba himself, cite the clashes over Jellaz as an important turning point in the formation of a Tunisian political identity.46 At a minimum, the Jellaz incident signalled how significant burial grounds were to Tunisians and proved the power of rumour to mobilize mass protest against protectorate rule.

At the time of the Jellaz incident, Bourguiba was only about eight years old. But the conflict that erupted in 1911 was kept alive by several smaller incidents occurring over the next two

43 al-Jı¯la¯nı¯ ibn al-Hāëj Yāhya and Muhammad al-Marẓūqı¯, Ma̺rakat al-Zalla̺j, 1911 [On the Battle of Jellaz, 1911] (Tunis, 1961), esp. 12. Thanks to May Khoury for locating and translating this source, which also indicates that French restrictions on aid to Tripolitanians in the wake of Italy’s conquest of Libya were fresh in Tunisians’ minds.

44 Between 12 and 25 October, the property conservation office received 339 official oppositions to the proposal to register Jellaz: CADN/TUN, 1st vers., 1205: Note pour M. le Directeur Général des Finances, 5 July 1912.

45 CADN/TUN, 1st vers., 1205: coded telegram no. 290, 7 Nov. 1911, 1600 hrs.; telegram, 14 Nov. 1911, 1800 hrs.; P. Dumas to Ministre de la Justice, 13 July 1912; Délegue à la Résidence Générale to M. Poincaré, Aug. 1912; unsigned document, 19 Sept. 1912; Note pour Monsieur le Directeur Général des Finances, 5 July 1912; ‘Troubles à Tunis’, Le T ème̺ps (Paris), 9 Nov. 1911, 2; ‘Tunisie: l’origine des troubles’, Le T ème̺ps (Paris), 10 Nov. 1911, 3; ‘The Troubles in Tunis: Martial Law to be Decreed’, Times, 14 Nov. 1911, 5; ‘Martial Law in Tunis’, Times, 15 Nov. 1911, 5. The exact number of Tunisian dead has never been determined with certainty.

46 Bourguiba recalled the Jellaz conflicts as having made a ‘profound impression’ on him as a child: Bourguiba, Ma vie, mes idées, mon combat, 25.
decades. In 1919, for instance, petitioners in Grombalia launched a complaint against a European rancher, Sylvio Baptista, alleging that he had trespassed on the El Arbain cemetery. Baptista had acquired property contiguous to the cemetery from the ḥūbūs administration in the form of inzāl. But the line separating his property from that of the cemetery had not been clearly distinguished, and, as a result, he had begun to develop some of the cemetery land. In 1932 a similar conflict emerged when François Consentino, a European settler owning land next to the Sidi Bou-Thenia cemetery, allowed his animals to graze freely there. Native Tunisians were particularly upset by the damage the animals wreaked on the graves of their forebears, and by Consentino’s efforts to block new burials in land he seems to have regarded as an extension of his property.

It was in the context of such pre-existing emotional debates about property, sovereignty and burial that Destour recognized the potential of bringing these issues together in a single campaign. The incident in Bizerte on 31 December 1932 then played into Destour’s hands. Upon the death of the president of a local chapter of the League of French Muslims (LFM), a naturalized man named Yahya Sha’ban (rendered Chaâbane in French), crowds formed to block his burial. The Bizerte qa‘id, Idriss Chérif, having unsuccessfully tried to disperse the crowd, turned to the local religious authorities for help. Much to Chérif’s surprise, the local mufti contended that Sha’ban should not be buried in a Muslim cemetery. The conflict only subsided when the widow conceded to bury her husband’s body in a Christian cemetery.

Why Sha’ban had become naturalized in the first place is difficult to say, but if he was a typical member of the LFM, he probably worked in some capacity for the protectorate administration,
and benefited from the 33 per cent pay supplement allotted to French nationals. This ‘colonial third’ was intended to encourage metropolitan French citizens to settle overseas by providing an incentive to become public functionaries. But in Tunisia, and probably elsewhere in the French Empire, it also gave a certain class of native civil servants incentive to naturalize. Indeed, one of the criteria that allowed for Muslim naturalization was to have rendered ‘important service’ to the French cause; this favoured veterans and those who had ‘worked in the protectorate administration for ten years’.  

52 This it is hardly surprising that the majority of naturalized Muslims were public functionaries.  

53 Even so, the number of Muslims naturalizing was small. A report of March 1933 to the resident general estimated the total number of naturalizations since the establishment of the protectorate at 3,000, while a report from December of that year put the figure at a maximum of 2,000, including the wives and children of the candidates.  

Despite the small size of Tunisia’s naturalized Muslim population, the events in Bizerte aroused considerable interest within French officialdom. Perhaps this was because naturalized persons, particularly when they were also civil servants, were seen as vital collaborators whom the protectorate could ill afford to alienate. Although _Action tunisienne_, a nationalist newspaper launched by Habib Bourguiba and his brothers only two months earlier, carried just a short item about the incident on 2 January 1933, French officials, by contrast, reacted with alarm to the local mufti’s decision, which they feared could establish a precedent. By February 1933, officials in Paris had become involved. Addressing Manceron, the Foreign Ministry’s Alexis Léger wrote: ‘While we must respect all beliefs, we cannot allow one of them to become a weapon of war against our influence.  

52 CADN/TUN, 1er vers., 1816-2: Note sur la naturalisation, 31 Dec. 1933.  
53 _Ibid_. This note gives the estimate of 56 per cent, but scholars have sometimes put it even higher, as much as 85 per cent: see Kraiem, ‘L’Échec de la politique de naturalisation’, 625.  
54 Report of Mar. 1933 cited in Kraiem, ‘L’Échec de la politique de naturalisation’, 624; report of Dec. 1933 in CADN/TUN, 1er vers., 1816-2: Note sur la naturalisation, 31 Dec. 1933. The estimates of 2,000 and 3,000 both represent substantial increases in the number of naturalizing Tunisians by comparison with just a decade before, when a report from 1923 put the total to that date at 329. See n. 3 above for a fuller discussion of these figures.  
Religious fanaticism is the most dangerous form of Arab nationalism for us, because it alone can rouse the masses’. France could not accept unquestioningly the refusal to bury naturalized persons in Muslim cemeteries simply out of respect for religion, Léger argued. The organizers of the incident should be sanctioned, and then perhaps a religious figure of greater prestige than the Bizerte mufti should be asked to rule on the matter ‘in order to stop short’ the agitators. Léger left that decision to Manceron, but not before suggesting that ‘if the Shaykh-al-Islam shows any hesitation in lending us his moral authority, the issue is important enough to merit taking action personally with the bey’. Later, French authorities would contend that the idea to provoke a fatwa from the Tunis sharia court originated with the Tunisian prime minister, the head of the bey’s government. The prime minister ultimately may have been the one to present the court with the following question:

An individual who, having acquired a nationality whose legislation differs from sharia law, appears before the qadi, declares he is a Muslim, pronounces the shahada, and rejects all religions other than Islam, must he not have, for his entire life, the same rights and obligations as other Muslims? If he dies, does he have the right to the Muslim prayer for the dead and to burial in a Muslim cemetery?

Nonetheless, Léger’s memorandum to Manceron suggests that the French administration probably initiated the inquiry.

Consulting the sharia court of Tunis on the question of naturalization and burial turned out to be a fateful mistake on the part of the French administration. While Destour had paid little attention to the Bizerte incident in itself, it devoted a great deal of energy to the issue of the fatwa, alleging that by ‘the very fact of meddling’ in Tunisia’s religious affairs, the French government ‘violated the Bardo Treaty’ and thus Tunisian sovereignty.

This was not the first time France had been accused of violating the Bardo Treaty with its nationality policies. Great Britain had initiated the case at The Hague after France had issued decrees in

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56 CADN/TUN, 1er vers., 1816-2: Léger à Manceron, no. 333, 21 Feb. 1933; italic represents pencil underlining in the original. On French assumptions that Islam alone could galvanize the masses, see also Thomas, Empires of Intelligence, esp. 105.
57 CADN/TUN, 1er vers., 1816-2: Léger à Manceron, no. 333, 21 Feb. 1933.
58 CADN/TUN, 1er vers., 1816-2: Note sur la naturalisation, 31 Dec. 1933.
59 Original question cited in CADN/TUN, 1er vers., 1816-2: Resident General to Governor General of Algeria, 26 July 1933, confidential.
60 Destour leaders paraphrased in police report, CADN/TUN, 1er vers., 1816-1: no. 494 D/1, 8 Apr. 1933.
November 1921 designed to ascribe nationality to Tunisian-born Maltese, previously considered British subjects. According to Britain’s lawyers, the 1921 decrees fundamentally altered the mixed sovereignty settlement in Tunisia, for France claimed through them a form of territorial sovereignty. Although Italians were initially exempt from the 1921 decrees and the 1923 law that superseded them, the Italian government also protested against the change in nationality policy, on the correct assumption that it would only be a matter of time before the French would try to ascribe nationality to Italians as well. Destour also registered immediate opposition to the 1923 law on the grounds that, in conceding to France the right to grant nationality via the principle of *jus soli* in Tunisia, the law violated the fundamental principles of the protectorate.

III

Many so-called ‘principles’ of the protectorate were implicit assumptions, rather than explicit agreements. One of these was that religious affairs fell under the bey’s jurisdiction. Religious and legal authorities, in turn, were remunerated not by French taxes but rather through the *hubūs* administration. Despite the ostensible separation of the French secular administration from the Tunisian religious notables, protectorate officials nonetheless saw to it that the beylical government appointed native intermediaries, including religious authorities, who were willing to work with, rather than against, French authority. The decision to consult the muftis with regard to naturalization must be understood with these long-standing practices in mind. It was in this context that Léger could expect an authoritative statement from the sharia court to pre-empt popular religious movements, whose contribution to anti-colonial nationalism he so feared. In the end, the consultation of the court achieved precisely the opposite.

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63 Ahmed Essafi, cited in Jones, ‘Naturalization Crisis’, 166. Essafi was one of the founding members of the Destour party.

64 See Mouilleau, *Fonctionnaires de la République et artisans de l’Empire*.
We shall never know what would have happened had the muftis’ apparent disagreement over the question of naturalization been made public, but we do know that the authorities’ decision to suppress the results of the consultation backfired. According to French officials, the Malikite mufti Tahar Ben Achour had concluded that Muslims who adopted French nationality could ‘at best be considered sinful Muslims, and therefore able to be readmitted into the bosom of the Muslim religion only under the condition of having repented’.65 Whereas Mohamed Ben Youssef, the Hanafite shaykh, had apparently conformed to French reasoning, confirming that naturalization did not entail a loss in rights for Muslims, Ben Achour’s interpretation suggested that he regarded naturalization as indeed incompatible with Islam.66 Although the protectorate administration was sorely disappointed by this analysis, word nonetheless spread that Ben Achour had been converted to France’s cause.67 Had that been the case, the French surely would have publicized the fatwa. Instead, because of the disagreement between the Malikite and Hanafite shaykhs, and because virtually all Tunisians followed the former school of thought, the French authorities thought it better to conceal the content of the sharia court’s deliberations.

With no official document to restrain the rumour mill, the notion of sin and repentance that had been central to Ben Achour’s thinking completely dropped out. In the process of transmission, somehow his contention that a naturalized man need only repent in order to rejoin the Muslim religion became, within a week, a directive ordering the burial of naturalized French Muslims in Muslim cemeteries.68 As Frantz Fanon later suggested with respect to the Algerian War, new forms of identity

65 CADN/TUN, 1er vers., 1816-1: no. 494 D/1, 8 Apr. 1933; italic represents underlining in the original.
66 A position with which, ironically, the French Council of State coping with Muslim immigrants in today’s France now largely seems to agree. In a decision rendered on 27 June 2008, the Council of State (France’s highest administrative court) upheld a Ministry of Justice decision to deny naturalization to a Moroccan woman, the spouse of a Frenchman, on the grounds that her wearing of the niqab (a complete covering) was evidence of ‘insufficient assimilation’: ‘Une Marocaine en burqa se voit refuser la nationalité française’, Le Monde, 12 July 2008. At the time this article was completed in the summer of 2009, the French parliament was considering an outright ban on the wearing of the niqab and the burqa in public.
67 CADN/TUN, 1er vers., 1816-1: no. 494 D/1, 8 Apr. 1933.
68 CADN/TUN, 1er vers., 1816-1: no. 1152, 15 Apr. 1933.
can emerge from the suppression of information. According to Fanon, there developed a class of expert listeners to the radio waves that the French authorities had scrambled, who interpreted for an audience of family and friends messages that the National Liberation Front was sending. As Fanon makes clear, the 'listener' had often not really heard anything, but that was beside the point: the act of interpreting the scrambled information helped to forge what could be called an 'imagined community'.

Destour activists played an important role in spreading rumours about the fatwa. On 7 April 1933, Destour led a delegation to visit the prime minister and the sharia court in order to protest against the shaykhs’ alleged contention that a repentant Muslim could be welcomed back ‘into the bosom of Islam’. The following day, on the fourth day of the Eid al-Kabir festivities, members of the crowd gathering to view the bey’s procession not only launched hostile insults at the Malikite shaykh but also jumped onto the running board of the bey’s carriage ‘to assure him of their attachment to him and to denigrate naturalization’. At the same parade, the crowd cried ‘Down with naturalization and the naturalized’, ‘Long live the Bey’ and ‘Long live the Tunisian people!’ Police also reported that onlookers cried ‘we want to keep the fez [chechia]’, a formulation suggesting the extent to which naturalization was associated with secularization and a loss of identity. Some days later, as if to drive home this point, Destour was rumoured to be planning demonstrations

\[\text{69} \text{ Frantz Fanon, ‘This Is the Voice of Algeria’, in his} A \text{Dying Colonialism, trans. Haakon Chevalier (New York, 1967); Benedict Anderson,} \text{Imagined Communities: Reflections on the Origins and Spread of Nationalism (London, 1991). Note that the case here differs from those analysed by Anderson in that it involves sound (rumour and radio) rather than print media.}

\[\text{70} \text{‘Direction générale de l’intérieur. Confidentiel. Presse Arabe. Zohra du 8 avril 1933’, CADN/TUN, 1er vers., 1815. See also CADN/TUN, 1er vers., 1816-1: no. 494 D/1, 8 Apr. 1933.}

\[\text{71} \text{‘Direction générale de l’intérieur. Confidentiel. Presse Arabe. Zohra du 8 avril 1933’, CADN/TUN, 1er vers., 1815.}

\[\text{72} \text{CADN/TUN, 1er vers., 1816-1: no. Ste` 733-5, 8 Apr. 1933. On the shouts from the crowd, see also M’Hamed Bourguiba, ‘La Manifestation de samedi’, \textit{Action tunisienne}, 10 Apr. 1933. The fez here is taken to signify Islam, even though the fez was itself a replacement for more elaborate turbans and other forms of head-covering worn by men in the Ottoman Empire before the mid nineteenth century. On this shift, see Donald Quataert, \textit{The Ottoman Empire, 1700–1922}, 2nd edn (Cambridge, 2005), 148–9.}
against the alleged fatwa that included effigies of Tahar Ben Achour hanging in chains, wearing a Western hat.\textsuperscript{73}

Intelligence reports suggest that, at least to some extent, the commotion during the Eid al-Kabir festivities on 8 April had been planned. Early that same morning, Destour’s leaders had dispatched attendees of its meetings to encourage Muslims to demonstrate against the decision of the sharia magistrates.\textsuperscript{74} By spreading rumours about the fatwa, Destour at once discredited the protectorate administration for ‘meddling’ with Islam and the muftis for ‘collaborating’ with the government. The columns of \textit{Action tunisienne} sounded these themes repeatedly, while at the same time suggesting that ‘Muslims’ or the ‘Tunisian population’ knew better:

The Muslim population is not unaware of the state of submission into which the magistrates of the sharia court have fallen vis-à-vis the Authorities. It knows that with the Government’s means of coercion, it can force our shaykhs to conform to its views and give it the response it desires.\textsuperscript{75}

Predicting that the people themselves would protect their religion, the author M’Hamed Bourguiba continued: ‘Don’t think that the population will follow the ulema if they violate the religious precepts of Islam’.\textsuperscript{76} Two days later, he called attention to the ‘wheeling and dealing’ that had gone on between the government and those members of the sharia court who were, in his estimation, ‘more attached to their prebends and their desire to please than to their sacred duty to be vigilant guardians of the faith’.\textsuperscript{77} A number of Arabic-language newspapers picked up this theme. \textit{Nadim} lauded Destour for being the only one to have fulfilled the sacred duty of defending the religion,\textsuperscript{78} while \textit{Zahou} agreed that the Qur’an is ‘definite’ on this subject.\textsuperscript{79}

\textsuperscript{73} CADN/TUN, 1\textsuperscript{er} vers., 1816-1: no. Sté 513-6, 12 Apr. 1933. It seems plausible that the planned effigy was also intended as a critique of Mustafa Kemal’s still recent (1925) dress codes in Turkey, which required men to abandon the fez for Western hats.

\textsuperscript{74} CADN/TUN, 1\textsuperscript{er} vers., 1816-1: no. Sté 484-6, 8 Apr. 1933, urgent.

\textsuperscript{75} M’Hamed Bourguiba, ‘On joue avec le feu’, \textit{Action tunisienne}, 8 Apr. 1933, contained in intelligence bureau’s clippings file with this paragraph marked in the margin: CADN/TUN, 1\textsuperscript{er} vers., 1815.

\textsuperscript{76} Ibid.

\textsuperscript{77} Bourguiba, ‘La Manifestation de samedi’.

\textsuperscript{78} Hussein El Jaziri, editorial in \textit{Nadim} (French \textit{Nédim}), 15 Apr. 1933, trans. and excerpted in CADN/TUN, 1\textsuperscript{er} vers., 1815.

\textsuperscript{79} Mustapha ben Châbane, ‘La Naturalisation’, \textit{Zahou}, 17 Apr. 1933, trans. and excerpted in CADN/TUN, 1\textsuperscript{er} vers., 1815. Actually, the Qur’an contains no prohibition on burying Muslims and non-Muslims together, though it does prohibit prayer

\textit{(cont. on p. 126)}
Destour did not rely on the Tunis-based press to spread the news. It also quickly organized a petition-signing and telegram-writing campaign. Addressed in turn to the bey, the Hanafite and Malikite shaykhs, the Tunisian prime minister and various French authorities, the telegrams from all over Tunisia followed a simple formula as they professed loyalty to the bey and demanded ‘protection of religion and nationality’. Nationalists accused the French administration of intercepting the telegrams and preventing them from reaching their addressees, but probably this simply provided an opportunity to attack the protectorate, for the process of collecting the signatures was as important to Destour as was their delivery. In fact, although the telegram petitions were almost invariably written by Destour activists based in Tunis, they allowed far-flung Tunisians to get involved in the protest and, in so doing, gave the impression of an entire nation’s will being expressed on the subject of naturalization.

By mid April, students at the Zaitouna mosque, where Ben Achour was rector, had joined the cause, boycotting classes, and Balthazard, the director of public security, reported with alarm that the ‘agitation over the question of naturalizations continues its incessant growth’, as other nationalist factions united.

See, for example, those signed by 250 inhabitants of Bizerte, dated 12 Apr. 1933. CADN/TUN, 1st vers., 1816-1: transmissions nos. 973, 974, 975.

See, for example, ‘Un vrai référendum contre la naturalisation et la trahison des pontifes’,* La Voix du Tunisien*, 15 Apr. 1933, with dispatches from Tunis, Sfax, Sousse, Sidi Naija, Methouia, El Kantara, Gafsa, Tozeur, Nefta, Feriana, Moknine, Pont-du-Fahs, Tebourba, Béja, Mateur, Ras El-Djebel and Bizerte.

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80 See, for example, those signed by 250 inhabitants of Bizerte, dated 12 Apr. 1933. CADN/TUN, 1st vers., 1816-1: transmissions nos. 973, 974, 975.

81 Telegrams in CADN/TUN, 1st vers., 1816-1: Commissariat divisionnaire, Bizerte, 15 Apr. 1933; no. Sté 833-5, 17 Apr. 1933; Feriana, Gendarmerie, secret report, 17 Apr. 1933; Chef de poste de police, Kalaa-Kebira, 19 Apr. 1933; no. Sté 557-6 re Gabès and Metouia, 19 Apr. 1933; no. Sté 594-6, 24 Apr. 1933; Commissaire de police, Ferryville, 13 May 1933; copies of telegrams from Mateur, 13 May 1933, Bizerte, 15 May 1933, and Kairouan, 18 May and 5 June 1933; no. Sté 817-6, reporting telegrams ‘from all over the regency’, including Bizerte, Mateur, Sousse, Moknine, Ksar-Hellal, Gafsa and Tozeur, 22 May 1933; Commissaire divisionnaire, Kef, no. 2752, 23 May 1933; Commissaire divisionnaire, Bizerte, 26 May 1933. The press also frequently received copies of the telegrams. See, for example, ‘Un vrai référendum contre la naturalisation et la trahison des pontifes’, *La Voix du Tunisien*, 15 Apr. 1933, with dispatches from Tunis, Sfax, Sousse, Sidi Naija, Methouia, El Kantara, Gafsa, Tozeur, Nefta, Feriana, Moknine, Pont-du-Fahs, Tebourba, Béja, Mateur, Ras El-Djebel and Bizerte.)
with Destour in a single campaign. He informed the director of the interior that he anticipated the need for army back-up in the event that nationalists tried to block a burial in the near future.\textsuperscript{82} Within a day, Balthazard made good on his prediction, bringing in troops to disperse the enormous crowds that had allegedly grown violent as they gathered in front of the home of the French national Tounès Moussa, filling the neighbouring streets after rumours circulated that Moussa was on his deathbed.\textsuperscript{83} Although police and troops did eventually disperse the crowds, the nationalist press wasted no time in presenting this as an excessive use of force, chiding the ‘petty officer feigning heroism with a revolver, showing his prowess to a group of demonstrators who did not have so much as a stick’ and mocking the French dependence on troops from the four corners of France’s empire.\textsuperscript{84} Arabic-language newspapers of varying political stripes also sharply criticized the protectorate for resorting to force in responding to demonstrations.\textsuperscript{85}

Crucially, such demonstrations, like the telegrams and petitions, were not limited to the capital. From 15 to 22 April, they included thousands of individuals in various towns (see Map).\textsuperscript{86} Although no two demonstrations were identical, each followed a similar general pattern: protests usually started very early in the morning, at the hour that the souks opened, and ordinarily lasted until late morning. Instead of opening their businesses, however, the merchants joined the procession, which then proceeded to

\textsuperscript{82} CADN/TUN, 1\textsuperscript{er} vers., 1816-1: no. Sté 811-5, 14 Apr. 1933.
\textsuperscript{83} CADN/TUN, 1\textsuperscript{er} vers., 1816-1: nos. Sté 825-5 and 829-5, 16 Apr. 1933; Note pour M. le Directeur de la Sûreté publique, 16 Apr. 1933.
\textsuperscript{84} I.Z., ‘Autour du mort-vivant’, \textit{La Voix du Tunisien}, 21 Apr. 1933, 1. For additional complaints, see also ‘Lettre ouverte au Résident Général’, \textit{Action tunisienne}, 21 Apr. 1933; ‘Pétition à S. A. le Bey’, \textit{ibid}.
\textsuperscript{85} This was true even of those papers regarded as relatively unsympathetic to the nationalists. See CADN/TUN, 1\textsuperscript{er} vers., 1815: Dossier de presse sur la naturalisation des Tunisiens musulmans: Zohra, 19 Apr. 1933; \textit{Lisan al-Shaab} (French \textit{Lissane Ech-Chaib}), 19 Apr. 1933; \textit{al-Nahda} (French \textit{La Nadha}), 25 Apr. 1933.
\textsuperscript{86} As many as 5,000 in Kairouan, 2,000 in Nefta, 500 in Gafsa, 500 in Kalaa-Kebira, 8,000 in Sousse, 4,000 in M’Saken, 2,000 in Moknine, etc. See Zohra, 25 Apr. 1933, trans. and excerpted in CADN/TUN, 1\textsuperscript{er} vers., 1815. Also CADN/TUN, 1\textsuperscript{er} vers., 1816-1: Commandant Supérieur, no. 289/2, 15 Apr. 1933, urgent; Gendarmerie nationale, no. 422, 15 Apr. 1933 (Nefta); no. 3919, 18 Apr. 1933 (Sousse); Commissariat, police de M’Saken, 19 Apr. 1933; no. 4117, 21 Apr. 1933 (Moknine); Chef du poste de police à M. le Directeur de la Sûreté publique, 20 Apr. 1933.
visit the French civil controller or the qa‘id or other native intermediary. Some ended with symbolic demonstrations at a local Muslim cemetery; some included a stop at the mosque for prayer and to gather more demonstrators. The slogans shouted during the demonstrations tended to be similar from town to town: ‘Long live the bey’, ‘Down with naturalizations’ and so on.87

Although the similarity of each demonstration bore the imprint of Destour organizing, improvisations suggested that Destour had touched a nerve, allowing for the movement to spread more organically. In M’Saken on 19 April, for instance, demonstrators first shook, and then threw rocks at, the front door of a man whom the crowd believed to be naturalized, accusing him of having ‘sold out’. The man was, according to the police, merely a disabled veteran, and the crowd had been mistaken.88 But this was of little consequence in the alternative universe that rumour had bred. In Ferryville, a fight broke out on 21 April as individuals gathered to block the burial of Bou Aklin Ben Aissa Ben Mohamed; an exchange of fire led to two individuals being seriously injured.89 In Tunis, within days of the incident surrounding Tounès Moussa, a child of about twelve years jumped Mennaye Mohamed, a naturalized officer in the auxiliary forces. According to Mohamed, seven or eight onlookers spontaneously joined in the attack, yelling ‘hit him, hit him, he’s a naturalized Frenchman’.90

As the movement gained momentum, the protectorate authorities might have simply published the deliberations of the sharia court. By exposing the differences of opinion held by the magistrates, they could have demonstrated that the French authorities had not forced the magistrates to adopt a single viewpoint on the country’s religious affairs. But this was precisely the problem. The Malikite magistrate had succumbed, according to the protectorate administration, not to French pressure but to Destour intimidation. The resulting opinion was, the resident general later confided to the governor general of Algeria, ‘so hypocritical as to

87 CADN/TUN, 1er vers., 1816-1: no. 3919, 18 Apr. 1933 (Sousse); Commissariat, police de M’Saken, 19 Apr. 1933; no. 4117, 21 Apr. 1933 (Moknine).
88 CADN/TUN, 1er vers., 1816-1: Commissariat, police de M’Saken, 19 Apr. 1933.
89 CADN/TUN, 1er vers., 1816-1: no. Ste´ 921-5, 22 Apr. 1933.
90 CADN/TUN, 1er vers., 1816-1: no. 1463, 19 Apr. 1933.
be rendered of limited use’. Publishing the result of this consultation gone awry would fail to resolve the central issue, since repentance did nothing to change a person’s legal status — only denaturalization could do that. But also it would mark a victory, from the French point of view, for the Destour party, something the protectorate authorities wanted to avoid at all costs.

As it turned out, the decision not to publish the fatwa served Destour interests anyway. Even papers that had split from the Destour movement, such as *Lisan al-Shaab*, contended that the government’s silence only convinced public opinion of what it already assumed: that it had tried to influence the magistrates to favour naturalization. The paper called on the government to ‘cut short the rumours’ and publish the fatwa. By that time, however, the two shaykhs implicated in the controversy had reportedly offered their resignation from the sharia court. Their fatwa would carry little weight now, even should the French authorities choose to disseminate it.

By May, in part because of a concern that the bey’s sympathy for the protesters might be growing, the French authorities offered some concessions. Out of what it called ‘benevolent feelings to the Muslim population’, the protectorate administration announced on 11 May, it would ‘examine the possibility of allocating in Muslim cemeteries an independent enclosed site reserved for the graves of naturalized Muslims’. This marked a victory for Destour, whose allies had called for precisely this. On 18 April *al-Nahda* editorialized that ‘since the naturalized have contempt for everything that is native, they should create a cemetery for their exclusive use’, and the following day *Lisan al-Shaab* carried an editorial calling on the government to create a...
special cemetery for the naturalized’ in order to end the con-
flict. Manceron’s decision to create special cemeteries brought
almost immediate condemnation from the LFM. At a special
meeting on the matter, they issued a resolution condemning the
proposal as the ‘gravest moral and material assault ever, in separ-
ating their graves from those of their forebears’. That, of course,
was precisely what Destour wanted: to force those who worked
with the French to realize that they could not have it both ways.

With the concessions came repression. A decree of 6 May
allowed for any Tunisian subject to be placed under surveillance
for ‘hostile acts’ against the bey, the royal family, the protecting
nation or its administration, as well as for ‘religious or political
propaganda’ or ‘movements of a nature threatening to general
security’. Recognizing the power of the nationalist press to
build on and spread rumour, the authorities extended to
French-language newspapers ‘of a political character’ the existing
restrictions on Arabic-language newspapers. Also in May
1933, the Destour party was proscribed. The repression of
Destour initially helped to unify its factions and earned it new
allies. 

Le Tunis socialiste, whose editor had previously mocked
Action tunisienne and Destour, and which claimed still to oppose
nationalism because it ‘contradicts our internationalism’, none-
theless demonstrated its opposition to the government’s repression
of the press by giving Habib and M’Hamed Bourguiba space
in the paper. By 3 June this had become a regular column
entitled ‘The Right to Asylum’. A year later, in a sign that
officials still struggled to control public opinion, a memorandum
reminded police that the occupation of newsboy, or crieur, was a
regulated one.

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98 CADN/TUN, 1er vers., 1816-1: Note pour M. le Directeur de la Sûreté publique, no. Sté 759-6, 15 May 1933.
99 Décret du 6 mai 1933 (11 moharrem 1352), Journal officiel tunisien, 10 May 1933, 1001.
100 Décret du 27 mai 1933 (2 sfar 1352), Journal officiel tunisien, 31 May 1933, 1153.
102 A. Duran-Anglivel in Le Tunis socialiste, 2 June 1933.
103 M’Hamed Bourguiba, ‘Droit d’asile’, Le Tunis socialiste, 3 June 1933.
104 CADN/TUN, 2e vers., 1305: Note pour M. le Commissaire Principal, 11 June 1934.
For all the individual attention they received in response to the government’s repression of the nationalists, the Bourguibas and their faction of Destour did not lose sight of the emotions unleashed among the masses by the anti-burial campaign. They considered the announcement regarding special sections for the burial of the naturalized to be a victory, but this did not deter them from extending the campaign. Although the resident general’s office had asked local authorities to inform the central administration of any anticipated need for special cemetery blocks as early as 23 May, in many parts of the protectorate it was months before such procedures were put into place. By late May, as plans were under way to acquire land near the Jellaz cemetery in Tunis for this purpose, Destour militants turned their attention away from the capital. As it happened, they did not have to look far. In the very town from which the Bourguiba family originated, Monastir, a child of naturalized parents was dying. This marked the first time that Destour organized in order to block the burial of a child, French by virtue of his parents’ choice, not his own. Destour probably targeted the child partly because there were so few adult naturalized persons. Bourguiba’s faction also counted on the tendency of the naturalized to be from a ‘traditional bourgeoisie very attached to its faith and very concerned to bury its dead in the family plots that it possessed in the cemeteries’. Whatever its motivation, the tactic resonated widely because it reminded Tunisians that protectorate rule affected not only the here-and-now but also the legacy they left for their descendants.

Muslim burial practices differ by sect and culture, but throughout Islam, the deceased is usually washed in a ritual fashion, prayers for the dead are read on his or her behalf, and burial takes place within a day of death. The short window of time allowed for burial proved an advantage for militants, because it helped turn ordinary funerals into urgent crises. It also required sophisticated intelligence-gathering on the part of organizers. They needed information not only on who had naturalized but also on who among these had fallen sick. Families often went to great lengths to deny publicly the illness of their loved ones, but, more often than not, Destour’s information was quite accurate.

105 CADN/TUN, 1er vers., 1816-1: L. Bonzon à M. le contrôleur civil, 23 May 1933.
106 Bourguiba, Ma vie, mes idées, mon combat, 107.
This allowed them to be ready to call for a burial to be blocked. The Monastir incident in the summer of 1933 offered a dramatic test case. Since July, militants had been following the prognosis of the ailing infant son of a naturalized man. After the 18-month-old child died on 6 August, the news spread ‘almost immediately’ throughout Monastir. That night, according to several sources, a pile of rocks was amassed near the entrance to the cemetery. The following morning, after the family had dug young Ali’s grave, they found that the tomb had been filled back in. Meanwhile, a crowd of five hundred had assembled to block the burial. After the civil controller called for back-up forces, a conflict erupted between the crowd and the armed forces, leading to one death and over forty injuries. The burial of the protester who was killed drew a crowd of a thousand the following day, to honour an apparent martyr to the cause. The numerous arrests triggered by the incident also yielded other martyrs, of whose plight Habib Bourguiba and Destour constantly reminded the public.

IV

Monastir marked a turning point. The LFM, which had previously opposed separate cemeteries on the grounds that their naturalization should not deny them access to ‘orthodox’ cemeteries, now conceded that separate blocks were necessary, at least for the time being. Even so, for some months following Monastir, the slightest rumour — however baseless — of a naturalized person’s death could be enough to trigger the assembly

107 In subsequent interrogation, the qa‘id denied that a pile of rocks had been amassed ahead of time, claiming instead that, during the demonstration, teenagers could be seen gathering the rocks. Every other report on the incident asserts that the rocks were collected in advance. The fact that the qa‘id was under fire for not having paid adequate attention to the signs of an imminent incident may have contributed to the difference between his version and those of the police, civil controller and gendarmes. CADN/TUN, 1er vers., 1816-2: Affaire de Monastir, Note pour Monsieur le Résident Général, containing transcript of the interrogation of the qa‘id. For the other accounts of the rocks, see the following footnote.

108 CADN/TUN, 1er vers., 1816-2: no. 7839, 10 Aug. 1933 (Sousse). See also no. Sté 2087-5; Rapport au sujet des incidents qui ont eu lieu à Monastir le 7 août 1933; coded dispatch, 7 Aug. 1933, 1235 hrs. Ali was quietly buried later that day under the oversight of the civil controller.

109 CADN/TUN, 1er vers., 1816-2: Commissaire divisionnaire, chef de la 12e brigade mobile à M. le Directeur de la Sûreté publique, 9 Aug. 1933.

110 CADN/TUN, 1er vers., 1816-1: no. Sté 1372-6, 25 Aug. 1933.
of a crowd to block burial. It became more difficult for the naturalized to find individuals willing to wash and pray for their dead, with some families resorting to hiring people from other towns to do these tasks, while the LFM called for municipalities to ‘requisition’ corpse washers and readers of the Qur’an so that naturalized families could be sure to honour their dead properly. Even when orthodox burials of French Muslims initially passed unnoticed, they sometimes generated conflict later. This was so with Ali Brahim, who successfully buried his infant daughter Chadlia in Sousse in October 1933. According to the local police, this ‘would have gone unnoticed if Brahim had not bragged of his accomplishment’. Following protests that Brahim had not secured a permit to bury his daughter, the qāʾid promised local Destour militants that the ‘necessary will be done’, without saying what that was. In at least one other town, where similar claims regarding the lack of a permit circulated, the civil controller oversaw the exhumation of the corpse and its reburial in a French cemetery. In other towns, new cases of tomb vandalism were recorded; this suggests that for some factions, the campaign was as much about intimidation as it was about religious observance, though tomb vandalism also had deep roots in Maghribian territorial disputes.

The crowd at Monastir and in other towns where similar incidents occurred defended not only a cause, but a turf. They blocked the entrance to the cemetery with their bodies as they sought to prevent its ‘occupation’ by French and auxiliary troops. In this way, Muslims protected the cemeteries not only as important religious sites, but also as sovereign Tunisian spaces. Ironically, this was also the legitimizing principle behind the ‘protectorate’ as a form of government: its alleged purpose was to protect a sovereign power from encroachment, and it was this

111 See, for example, the report on a false rumour in Kairouan: CADN/TUN, 1er vers., 1816-2: no. 3626d A.S., 28 Aug. 1933 (Kairouan).
112 CADN/TUN, 1er vers., 1816-1: no. Sté 1372-6, 25 Aug. 1933; CADN/TUN, 1er vers., 1816-2: no. 2277, 5 Mar. 1934.
113 CADN/TUN, 1er vers., 1816-1: no. 9647, 17 Oct. 1933.
114 CADN/TUN, 1er vers., 1816-2: no. 1759, 29 Mar. 1934 (Le Kef).
115 On vandalism, see CADN/TUN, 1er vers., 1816-1: no. 83, 12 Aug. 1933 (Ferryville); CADN/TUN, 1er vers., 1816-2: letter from Vice-President of League of French Muslims, 30 Jan. 1934; no. 266-2, 14 Apr. 1934 (Sousse). On tomb vandalism as a form of territorial claim, see Kamel Filali, ‘Guerres de sépulture de saints et luttes pour une sacralisation des territoires au Maghreb’, Archives de sciences sociales des religions, cxxiii (2003).
principle that differentiated protectorates, at least in theory, from colonies. From the early days of the protectorate, French civilian authorities claimed that they wished to avoid the appearance of military occupation. As early as January 1883, Paul Cambon, the second resident minister in Tunisia, warned that if ‘military authority became by the force of circumstance the only administrative power in the country’, as he feared it could, this would present a ‘grave danger’ for France, given that precisely such a regime had already been ‘condemned in Algeria and [was] unpopular in France’. What Cambon advocated instead was a regime that could ‘return a little prestige to the bey’.  

Now, a half-century later, the resident general justified the decision to create special cemeteries on the grounds that the occupation of existing cemeteries by troops during burial, albeit perhaps necessary for public order, nonetheless made a ‘very unfortunate impression’, and thereby contributed to the support given to the nationalists. For all the progress the authorities claimed they had made in establishing a form of French sovereignty in the protectorate, they still had to tread lightly on Tunisian soil.

To protectorate administrators, the solution of creating separate cemeteries was preferable to other suggestions, which included permitting denaturalization or allowing the bey to have a say in who could naturalize. The advocates of making Tunisians’ naturalization subject to the bey’s approval felt that it would defuse the conflict and ensure the bey’s continued cooperation with France. But this solution was rejected by the protectorate’s legal advisers on the grounds that permitting the bey to decide naturalization questions would allow him to become ‘not only the uncontested master of our naturalization policy but also the sole Sovereign’. This would be a ‘huge step backwards’ along the path France had taken since the founding of the protectorate towards legislative and international recognition.

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117 CADN/TUN, 1er vers., 1816-2: Ministre pléni potentié Résident Général de la République Française à M. Paul-Boncour, Ministre des Affaires Étrangères, Paris [1933].

118 CADN/TUN, 1er vers., 1816-2: Aide Mémoire (date 15 Nov. 1933 added in pencil).
of its ‘co-sovereignty’ in Tunisia.\textsuperscript{119} For similar reasons, the Ministry of Justice in Paris began refusing to grant denaturalization requests from former Tunisians, although prior to the conflict over burials, it occasionally had done so.

Although the protectorate arrangement always entailed a certain degree of mixed sovereignty, the principle of ‘co-sovereignty’ marked a departure from the original protectorate compromise. Where France initially claimed to exercise extraterritorial sovereignty over French and (by proxy) European subjects in the protectorate, leaving territorial sovereignty to the bey, the principle of co-sovereignty held that France actually \textit{shared} territorial sovereignty with the bey. Much as the protectorate authorities might have liked to be rid of the problem by allowing Muslims to ‘reintegrate’ into Tunisian nationality, this was rejected by officials in Paris as establishing a dangerous precedent in violation of France’s claims to share territorial sovereignty. Because French law did not allow nationality to be repudiated, reintegrating naturalized Muslims into Tunisian nationality would mean effectively admitting that they had never really lost their original nationality.\textsuperscript{120} Recognizing ‘perpetual allegiance’ in this way would contradict the very principle of naturalization whereby the ‘naturalized Tunisian is no longer Tunisian’. What was more, it risked ‘setting a precedent which could be invoked by other categories of naturalized persons (Italians or Maltese) and would gratify Destourian propaganda’.\textsuperscript{121} In fact, the Destourians already were gratified: not a single Tunisian Muslim

\textsuperscript{119}CADN/TUN, 1\textsuperscript{er} vers., 1816-2: Note pour M. le Secrétaire Général du Gouvernemen Tunisien, 27 Feb. 1934, very confidential.

\textsuperscript{120}In cases of involuntary acquisition, such as ascription to native-born children of foreigners, French law did allow for nationality to be refused in advance of ‘automatic’ acquisition at the age of adulthood, but there was never any suggestion that Muslim Tunisians could acquire French nationality through birth in the territory alone: children of naturalized French Muslims were French by descent, not by territorial ascription. The 1927 Nationality Code did allow for France to denaturalize citizens who endangered the security of the nation; some protectorate officials wanted to invoke this clause in order to denaturalize Muslims, but the Ministry of Justice in Paris remained wary of this idea for reasons developed below.

\textsuperscript{121}CADN/TUN, 2\textsuperscript{e} vers., 798: Note au sujet des Tunisiens musulmans naturalisés français en Tunisie, n.d. For similar remarks, see also CADN/TUN, 1\textsuperscript{er} vers., 1816-2: Note pour M. le Secrétaire Général du Gouvernement Tunisien, 17 Aug. 1934. For the follow-up from the protectorate authorities objecting to the Ministry of Justice’s interpretation, see CADN/TUN, 2\textsuperscript{e} vers., 798: Service juridique et de législation, note no. 2148, 26 Nov. 1934.
requested naturalization in 1934, and none would do so for at least the next three years.\footnote{Statistics for 1934–7 in CADN/TUN, 2\textsuperscript{e} vers., 798: Note au sujet des Tunisiens musulmans naturalisés français en Tunisie, n.d.}

The Monastir crisis also coincided with the end of Manceron’s tenure as resident general, for later that month he was replaced by Marcel Peyrouton. Although the idea of special cemeteries had been Manceron’s, Peyrouton was credited with the innovation, probably because it was under his watch that such cemeteries were actually created.\footnote{The newspaper Zohra, for instance, credited Peyrouton: see Zohra, 22 Aug. 1933, trans. and excerpted in CADN/TUN, 1\textsuperscript{er} vers., 1816-1.} By December 1933, in the Sousse administrative district alone (where Monastir was located), at least eighteen special cemeteries were in the process of being established in towns large and small.\footnote{ANT, E 580/4: Le contrôleur civil de Sousse à M. Peyrouton, 29 Dec. 1933 (land negotiations for cemeteries were being conducted in Sousse, Akouda, Kalaa-Srina, Enfidaville, Bou-Ficha, Kalaa-Kebira, Hammam-Sousse, M’Saken, Monastir, Moknine, Ksar-Hellal, Djemmal, Mahdia, Bekalta, Teboulba, Ksour-Essaf, Hakaïma/ Sidi Alouane and El Djem). See also ANT, E 578/24: no. 387, 2 Dec. 1933.} By the following summer, however, Peyrouton realized that recognizing Muslim cemeteries as sovereign spaces presented serious drawbacks. For one thing, it rekindled an old conflict over land tenure in the protectorate, since Muslim cemeteries often sat on land held in pious trust. In cases where the land in trusteeship extended beyond the walls of the existing Muslim cemetery, it was not clear on what grounds the protectorate administration could establish contiguous cemeteries for the naturalized. In the protectorate’s solution to the conflict over the burial of naturalized Muslims thus lay the seeds for potential future conflict. Within a month of the events in Monastir, for instance, the attempted burial of a one-month-old infant in Moknine demonstrated this. The child was to be buried in land ‘belonging to the hubûs administration’, next to the cemetery. But, ‘as soon as this became known, the natives of the area organized a demonstration to oppose the burial of the deceased child under the pretext that negotiations had begun with the hubûs administration to cede this land to the town in order to expand the existing [i.e. orthodox Muslim] cemetery.’\footnote{CADN/TUN, 1\textsuperscript{er} vers., 1816-2: no. Ste’ 2275-5, 2 Sept. 1933.} Rather than provoke the protesters, local administrators instead worked to persuade the father to agree to...
bury his child elsewhere. Another piece of land, also belonging to the ḥubūs administration but situated away from the existing burial ground, was chosen instead.\textsuperscript{126} This was just one among many objections, ranging from location to the price to be paid to the ḥubūs trustees in exchange for new parcels, that the French administration faced as plans to create the special cemeteries proceeded.\textsuperscript{127}

These and subsequent conflicts, not to mention the LFM’s lobbying for a return to the ‘status quo’, convinced Peyrouton that France had made a tactical error in conceding the principle of separate cemeteries.\textsuperscript{128} Since Bourguiba’s faction of Destour had formally split from the party in March 1934, creating the ‘Neo-Destour’ party, Peyrouton thought the time was opportune to reverse course. In July he announced the principle of ‘burying French Muslims in orthodox cemeteries any time that violent reactions are unlikely to take place’. Only in cases of ‘clear opposition by the orthodox masses should French Muslims be buried in those cemeteries reserved for their use’.\textsuperscript{129}

It is hard to say whether Peyrouton’s shift in policy yielded much in the way of results. In 1934 only seven naturalized French Muslims had been interred successfully in orthodox Muslim cemeteries, compared with eleven in special cemeteries and at least eight on private land. The following year showed a slight increase, with ten burials of French Muslims in orthodox cemeteries, only eight in special cemeteries, and several on private land.\textsuperscript{130} Despite such small differences in number, Peyrouton attributed the change to the positive effects of his policy reversal.\textsuperscript{131} Still, much depended on local circumstances. The civil controller in Béja, for instance, wrote to Peyrouton informing him that a ‘certain religious fanaticism’ persisted in his region and that the hope of burying French Muslims in orthodox cemeteries was thus ‘premature’. It would be prudent, he wrote, ‘for

\textsuperscript{126} Ibid.
\textsuperscript{127} For other objections, see the correspondence in ANT, E 578/24.
\textsuperscript{128} See, for example, the letter to Peyrouton from the League dated 15 Mar. 1934: CADN/TUN, 1\textsuperscript{er} vers., 1816-2.
\textsuperscript{129} CADN/TUN, 1\textsuperscript{er} vers., 1816-1: Projet de circulaire aux Contrôleurs Civils, marked very confidential, sent 7 July 1934. The final version of this circular also appears in \textit{Le Ne\-o-destour face à la première épreuve} ([Tunis], 1969), 49–57.
\textsuperscript{130} CADN/TUN, 1\textsuperscript{er} vers., 1814: Statistique enterrements.
\textsuperscript{131} CADN/TUN, 1\textsuperscript{er} vers., 1816-1: no. AD */152, 12 Feb. 1936, confidential.
a long time to come’ to bury naturalized Muslims in special cemeteries.\textsuperscript{132} Béja was a grain-market town in the Medjerda Valley, and the fact that burial retained such emotional power may have testified to the resonance of the Neo-Destour movement there.\textsuperscript{133} If the naturalization crisis had proved anything, it was that Neo-Destourian-style grass-roots organizing worked: to mobilize massively and on a moment’s notice, one needed a presence everywhere. It also proved that alternative forms of information transmission — the rumours and networks fostered by petition signing, for instance — were vital partners to the nationalists’ official newspapers, especially during periods of censorship. With these lessons learned, Neo-Destour proceeded after the party split to organize cells not only in cities and small provincial towns, but also in the rural areas hardest hit by the depression which the older party had, in its estimation, forgotten.\textsuperscript{134}

Try as Peyrouton might to reverse direction, the fact was that Neo-Destour was gaining ground, and the naturalization crisis had marked a watershed moment in the development of Tunisian nationalism. Nationalists had successfully drawn on long-standing attitudes about land and burial, linking them to both religion and national identity so effectively that French officials in Paris arrived at essentially the same conclusions, cautioning that henceforth naturalization should be reserved only for those ‘very exceptional’ Tunisians who followed the (secular) French Civil Code in its entirety.\textsuperscript{135} Since this dispatch came from the same official who had first encouraged Resident General Manceron to provoke a fatwa just eighteen months earlier, it testified to the transformation of attitudes on both sides of the Mediterranean in that short time. As Neo-Destour extended its militancy in the summer of 1934, Peyrouton answered with repression, placing Habib Bourguiba and other Neo-Destour leaders under house arrest in remote areas. Given the fact that the protectorate administration incarcerated Neo-Destour leaders one after another over the next year and a half, it is hard to

\textsuperscript{132} CADN/TUN, 1er vers., 1816-1: no. 493, 24 July 1934, very confidential (Béja).
\textsuperscript{133} No doubt partially due to Béja’s own cemetery disputes dating back as early as 1909. For a description of these, see CADN/TUN, 1er vers., 1205: no. 733, 17 Nov. 1911, confidential (Béja).
\textsuperscript{134} Perkins, \textit{History of Modern Tunisia}, 95.
\textsuperscript{135} Léger to Peyrouton, 23 July 1934, in \textit{Le Neò-destour face à la première épreuve}, 58–61, quotation at p. 59.
fathom how Peyrouton could conclude in February 1936 that three fewer burials in special cemeteries in 1935 as compared to 1934 marked a ‘calming’ of tensions. If anything, the fact that a significant portion of naturalized families still had to resort to using special cemeteries or private land despite Peyrouton’s instructions suggests that the connections the Neo-Destour leadership had drawn between religion and nationality had considerable staying power, even when almost all the party’s leadership was cut off from its base.

Yet the strongest testament to the transformation of Tunisian nationalism as a result of the anti-burial campaign was the reversal, by the end of 1936, in the position of the LFM themselves. The very people who had cast their lot with France, pushing throughout 1933 and 1934 for their rights as Frenchmen and practising Muslims, now acknowledged that the ‘incompatibility’ of the two had been forcefully demonstrated. Arguing that they could no longer tolerate their ‘excommunication’ from Islam, they called upon the president of the French Republic to pass a law allowing them and their descendants to ‘reintegrate into the Tunisian nationality’. Publishing the group’s letter, Bourguiba’s paper printed a special edition with a headline that reworked Tahar Ben Achour’s notion of sin and repentance to nationalist ends: ‘Better late than never: The naturalized recognize their error and want to make amends.’

V

Habib Bourguiba’s own final resting place — an enormous, ornate mausoleum — cuts a swathe through the Sidi al-Mazari cemetery in Monastir, so that the tomb of the man who once defended the sanctity of Tunisia’s Muslim cemeteries could be said to ‘profane’ one of them. Thus, Monastir’s cemetery encapsulates Bourguiba’s own trajectory. Perhaps best known

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136 CADN/TUN, 1er vers., 1816-1: no. AD "152, 12 Feb. 1936, confidential.
139 This is the view of Jelal Abdelkafi, ‘Villes et territoires de la Tunisie à l’heure du nationalisme’, in Camau and Geisser (eds.), Habib Bourguiba, plate 2, where the term ‘profanation’ is used in the caption to a photo of the mausoleum.
for instituting a secularized civil code, outlawing polygamy and abolishing the sharia courts upon becoming the first president of Tunisia, he had, as a nationalist militant, used existing religious practices as a means of galvanizing and extending a mass movement. It was through the campaign to oppose the burial of naturalized Tunisians in Muslim cemeteries that he and other young militants helped to found the basis of what would become the Neo-Destour party, the party that eventually led Tunisia to independence from France in 1956. More crucially, however, this movement helped shape a Tunisian identity by associating nationality not only with religion but also with land — in this case cemeteries. This combination of ritual practice and the assertion of cemeteries’ sovereign property status made the Tunisian nationalist movement unique.

The story of the anti-naturalization and anti-burial campaign is usually recounted as a Neo-Destour triumph of organization or, especially when told from the French perspective, mass manipulation. Bourguiba is depicted as the consummate modern politician who, perhaps taking cues from mass party politics in Europe at the same time, exploited the fears of the masses to nationalist ends. Certainly the campaign was extremely well organized. But no amount of organization could explain the resonance of the cause. To understand what ordinary people thought they were defending when they participated in blocking burials, a more anthropological perspective is required. This change of focus reveals long-standing frustrations with colonial rule in Tunisia especially with regard to the expropriation of property, frustrations that were particularly acute when the property in question held the tombs of Tunisians. Bourguiba capitalized on these frustrations, but he did not invent them. The deep roots of Tunisian hostility to French land reform explain why the movement in the 1930s was distinctive among all anti-colonial nationalist movements that were waged against the French. If we do not see a similar movement emerging in Algeria, it is not because Algerian Muslims were not pious, nor because they supported naturalization.140 But, in Algeria, piety and religious ritual did not intersect with the question of sovereignty and land tenure in

140 On Algerian defence of religion vis-à-vis the colonial power, see especially James McDougall, *History and the Culture of Nationalism in Algeria* (Cambridge, 2006). McDougall discusses naturalization on pp. 89–95.
the same way. Algeria was ostensibly part of France, and Muslims were French nationals, albeit not fully fledged citizens. Although France maintained (and indeed institutionalized) Islamic courts in Algeria, these were not seen as ‘sovereign’. Instead, France had transformed Algerian qadi justice from a ‘loosely organized system’ into a ‘highly centralized one, run along bureaucratic lines, subordinated to the French courts through the appeal process’. In Tunisia, by contrast, matters pertaining to Islam fell under the jurisdiction of the bey. The Neo-Destour movement gained success not only because it wielded religious claims on behalf of secular aims, but also because of how it did this: protesting against the fatwa—that-wasn’t put the people in the position of determining for themselves what constituted a proper Muslim burial. The protest movement also pitted Tunisian sovereignty against the protecting power, marking a departure from Tunisians’ previous efforts to work towards more modest goals within the existing power structure. Instead, Neo-Destour exploited the ambiguities of Tunisia’s mixed sovereignty arrangement to challenge the very basis of that system.

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141 While Algerians defended religious space against encroachment from the colonizing power (McDougall, History and the Culture of Nationalism in Algeria, ch. 3), a single event of a similar nature at around the same time did not gain anywhere near the same traction in Algeria. See Saddek Benkada, ‘Elites émergentes et mobilisation de masse: l’affaire du cimetière musulman d’Oran (février–mai 1934)’, in Didier Le Saout and Marguerite Rollinde (eds.), Émeutes et mouvements sociaux au Maghreb: perspective comparée (Paris, 1999).