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GENERAL HUSAYN AND HIS LEGACY: SLAVERY,
MANUMISSION AND NATIONALITY
IN IMPERIAL CONTEXTS

M'hamed Oualdi

EUROPEAN UNIVERSITY INSTITUTE, FLORENCE
MAX WEBER PROGRAMME

*General Husayn and his Legacy:
Slavery, Manumission and Nationality in Imperial Contexts*

M'HAMED OUALDI

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Abstract

In 1887, six years after the colonization of Tunisia by France, General Husayn, a former slave serving the Tunisian state died in Florence. From that moment, a legal conflict over his legacy ensued involving the Tunisian, French, Ottoman and Italian authorities. Husayn had no legitimate heirs. He was born in Circassia. He spent a large part of his life in the Ottoman province of Tunis, serving the *beys*, the governors of Tunis, and he was in charge of political missions to Istanbul and to European countries, including Italy, France and Great Britain. By taking this as a case study, I will show how, after the French colonization of Tunis, we can and we must explore North-African history beyond the traditional colonial framework, taking into account the persistence of imperial and international webs and ways of circulation which are strong in General Husayn's case. Even during the colonial era, North Africans still maintained their own interests and their own relationships with different countries, acting without the permission of the colonial authorities, in different international webs. Moreover the multiple actors and the claims of this kind of legal conflict reveal changes in the connections between various Mediterranean societies, governed by changes in the communication of news, in the transport of people and in the circulation of money.

Keywords

History and Law – Ottoman Empire – French Colonial Empire – Tunisia – Slavery

M'hamed Oualdi

Max Weber Fellow, 2009-2010

Introduction

This paper reports on research begun here in Florence. It's a transitional work, half way between my thesis, to be published by the Sorbonne University Press, and a new research project on the social effects of the end of slavery in North Africa in the 19th century that I conceived during my Fellowship with the Max Weber Programme. In this paper the protagonist is General Husayn, one of the mamluks, a servant of the state and often a convert to Islam. However, here, I am not focusing on the group of mamluks Husayn belonged to. Instead, I am more interested in the end of the mamluk phenomenon and on the repercussions of this on the legal conflict around General Husayn's legacy. This last aspect is one of the social effects of the end of slavery that I am planning to study, beginning with the question of credits, debts and changes in social dependencies.

General Husayn's case is apparently simple in theory: the conflict lies in the legacy of a former servant and slave who did not officially have children. Nevertheless, this case is not as simple as it might be, because of the number of countries it involves: General Husayn was born in Circassia, he spent a large part of his life in the Ottoman province of Tunis, serving the *beys*, the governors of Tunis. As a general, a dignitary and a minister of the Tunisian regime, he became wealthy and he was in charge of political missions to Istanbul and to European countries, including Italy, France and Great Britain. The general left Tunisia when French colonization began in 1881 and he died in exile in 1887, leaving a fortune behind him. It is a matter of fact that, all these countries in which he lived or which he visited are more or less involved in the conflict over his legacy, both diplomatically and also socially: many individuals coming from various social classes in these countries are also involved in the affair.

The fact that this case is an international one is not only a way of stressing the importance of a connected history versus a global history. By taking this case as a case study, I will rather show how, after the French colonization of Tunis, we can and we must explore North-African history beyond the traditional colonial framework, taking into account the persistence of imperial and international webs and ways of circulation which are strong in General Husayn's case. In other words, my goal here is to see how the colonial history of North Africa could be better understood, by showing how North Africans and North Africans still maintained their own interests and their own relationships with different countries, acting without the permission of the colonial authorities, in different international webs.

Of course, the conflict in General Husayn's case is only a single case. And as such, some will say that it's not really adequately representative. However, I will try to prove that the importance here is not the fact that this is one case but, rather, that this case helps to reconstitute different social webs. As I am at the beginning of this research, I will try here to draw a broad picture, putting the characters involved in this affair in a hierarchy of facts, hypotheses and questions. My aim will be to add, in a second step, the other datas I have been unearthing in the Italian Archives, and what I hope I will find in other archives in France, Tunisia and Turkey. Later I will also go more deeply into the debate on the imperial history as a way of changing our vision of colonial history.

The diplomatic conflict on the legacy of General Husayn, between Istanbul and Paris/Tunis, began on 1 July 1887 when the consul of the Ottoman Empire tried to control access to the two houses in Florence belonging to General Husayn. According to French sources, the consul of 'Turkey' was the first to inspect both places. He testified that the rooms he visited were in a terrible mess and that he could not find money but only papers which he couldn't read because they were written in Arabic¹. By

¹ ANT, SH, C. 12, d. 113, arch. 8762, French Consul (FC) to French Foreign Affairs (FFA), 1 July 1887, le consul « a ajouté qu'il avait trouvé les deux maisons dans le plus grand désordre – il n'y avait ni objets de valeur ni argent comptant, mais un certain nombre de papiers et de lettres éparpillés partout, dont il n'a pas pu apprécier l'importance, car il ne sait pas l'arabe ».

closing and inspecting the houses of General Husayn before the French authorities, the consul wanted to show that the General's legacy belonged to the Ottoman Empire. In that sense, the French colonization of Tunisia did not prevent the Ottomans from conceiving Tunisia or at least Tunisian citizens as part of the old Empire. The Tunisian dynasty of governors, the beys, even reinforced this imperial pretension, right at the start, by refusing to bury the body of the General in Tunis and by keeping him in the Ottoman cemetery of the Tuscan port of Leghorn. The Ottoman consul used this opportunity to ask for a transfer of the body to Istanbul².

It was not that important for the beys to let the General's body to the Sultan. The priority was to prove that the General was their mamluk, their creature, and their intimate servant: the beys were seeking to demonstrate that the legacy of the general was their own legacy. The General and the beys had disagreements: Husayn had been collecting, for example, writings against his former masters, which could have been scandalous if published³. However the beys could not give up this inheritance for the sake of Istanbul: it was them, after all, who had made Husayn wealthy, giving him huge wages, lands and houses in Tunis and the Tunisian province. In one document, 'Alî Bey (1882-1902), asked to be reimbursed 100.000 French francs, wrongly given to the General when he was fired, and a further 200.000 French francs for the mistakes General Husayn had made in judicial and financial affairs⁴. In the beylical (Tunisian) and the colonial view, Ottoman officials should not have control over part of this wealth; this would have given them a key to intervene in Tunisian affair. In their view, the General's properties had to be used by the local administrations: by the French and the Tunisians. For instance, the bey decided to sell a huge house in Tunis, inherited from the General, to the French military administration. Husayn had apparently already rented this palace of 61 rooms to the French War Department for at least three years, from 1882, for 15.000 French francs per year⁵.

This kind of disagreement, between Tunis and Istanbul, was not new at all. Before the French colonization of Tunis, at least during the 19th century, the beys were always negotiating their position among the other provinces of the Ottoman Empire⁶. One of the Tunisian governors' sources of legitimacy came from Istanbul: in order to rule, a new bey needed the sultan's investiture. In exchange, the beys did accept the necessity of sending gifts or troops to help the central power, but they refused any kind of regular tribute or the permanent nomination of any Ottoman official in their

² ANT, SH, C. 11, d. 113, arch. 8908, FC to FFA, 12 Nov. 1887 : « Ce refus, tout au moins inconsidéré, quoique indirect, de restituer Hussein à la patrie tunisienne, fut l'origine des démarches tentées auprès de la Sublime Porte »; arch. 8909, Khayr al-Dîn to Santillana ; arch. 8907, FC (Florence) to FCA, 11 Nov. 1887. ANT, SH, C. 11, d. 113, arch. 8913, French Ambassador in Constantinople to FFA, Pera, 30 Nov. 1887, « Hier, le corps du Gal Hussein est arrivé, il a été débarqué immédiatement et enterré à Stamboul. Kherredine assistait à cette cérémonie. »

³ ANT, SH, C. 11, d. 113, arch. 8803, FC, Florence, 19 Aug. 1887: « un petit cahier, enfin, contient des Notes sur les Princes de la famille beylicale, d'un caractère intime » ; ANT, SH, C. 11, d. 113, arch. 8820, FC to FFA, Florence, 7 Sept. 1887, « Déposé dans les archives ottomanes, l'écrit d'Allala pourrait, un jour ou l'autre, par une circonstance absolument fortuite être livré à la publicité et, malgré l'insuffisance de mes souvenirs V.E. a pu juger que cette publication nous serait fort désagréable ».

⁴ ANT, SH, C. 11, d. 98, arch. 22, « réclamation de la succession du Gal Hussein », (E) Une différence de cent mille francs omise par erreur dans le calcul des appointements dus au Gén^{al} Hussein au jour de sa révocation ; G) Le paiement de deux cent mille francs en principal déposés au trésor tunisien par le Général Hussein, plus les intérêts à raison de 5% l'an depuis le 23 octobre 1884. » ANT, SH, C. 11, d. 98, arch. 58, French Colonial Administration (FCA), résidence générale, Tunis, 24 Dec. 1891: « Au mois d'octobre 1884, le Gouvernement tunisien s'est reconnu débiteur envers le général Hussein d'une somme de 200.000 francs dont le paiement a été différé » car dans affaire Nissim, Hussayn « avait, paraît-il, signé des contrats, commis des fautes qui engageraient sa responsabilité. »

⁵ ANT, SH, C. 11, d. 103, arch. 1, beylical decree on the sale to the French military administration de « la maison appartenant à ce défunt et sise au quartier Yosef Dey (bi-hûma al-marhûm Yûsuf Dây) près Djamaâ Elkassar à l'intérieur de la ville de Tunis moyennant un prix de 170.000 francs. » ANT, SH, C. 11, d. 103, arch. 5/7726, « bail de location de l'immeuble dit Heussein sis à Tunis pour le logement de M. le Général commandant le corps d'occupation et l'installation des Bureaux des Services de l'Etat major et des renseignements. »

⁶ Asma Moalla, 2003, *The Regency of Tunis and the Ottoman Porte 1777-1814. Army and government of a North-African Ottoman eyâlet at the end of the eighteenth century*, Routledge Curzon, Londres et New-York, Dhiyâf. No central study on that topic. Ahmad Ibn Abî al-Dhiyâf, 1989, *Ithâf ahl al-zamân bi-akhbâr mulûk Tûnis wa 'ahd al-amân*, Tunis, Maison tunisienne de l'édition.

own provincial administration. In the colonial context, the Tunisians beys were still claiming more than autonomy vis-à-vis the Ottoman sultans and they counted on the French officials to help them in that sense. Thus, the colonization was not only a shift of domination, from Ottoman to French protection, it was also conceived as another means to perpetuate complex relationships with Istanbul. In General Husayn's case, the principal aim for the beys was to increase their legitimacy over Husayn's legacy and to refute Ottoman pretensions.

Here again, this kind of judicial international or 'inter-imperial' affair was not new in this Mediterranean context. Italian justice, for instance in Leghorn (Livorno), had to deal with the legacy of other mamluks and renegades at least since the 16th century. When leaving for an Islamic country, these converts to Islam might have left an Italian family behind them. The courts of the Inquisition were continuing to judge these men after their capture, or their return to their Christian country, as late as the beginning of the 19th century⁷. However in the case of General Husayn's legacy, the change of scale in this kind of judicial conflict was obvious. This affair did not only set in opposition the Tunisians and the Italians, as was usually the case in the past. General Husayn's case concerned at least four political forces: two imperial forces, the French and the Ottoman State; and two new national entities, the Italian and the Tunisian States.

Here again, the French colonization should not be seen only as a breaking force, cutting Tunisia off from other influences, unifying the Tunisian administrative and legal fields according to the French model or, more precisely, to a Napoleonic model of standardization of the law. On the contrary, in this judicial field, there were some imperial and colonial interests going against the colonial attempts at standardization of the law in Tunisia. For instance, the General Husayn affair was judged in Italian courts. Against the Ottomans, the French and Tunisian interests were defended by David Santillana, a lawyer in Florence, born in Tunis and the author of books on Islamic law⁸. Tunisians who were still living in Istanbul, after the French occupation of their country, also shaped some of the French arguments in this case. In Paris, other Tunisians, servants of the beylical family, were trying to produce a false will attributed to General Husayn.

Moreover, the legal categories used by Santillana and the anonymous Tunisian advisors came from different traditions and different legal contexts. In his many letters to the French authorities, David Santillana, for example, referred at the same time to Islamic institutions (such as the *shara'a* and the *qadi* from the *hanafi* school); to the Roman legal tradition (regarding manumission which Santillana found similar to the Islamic world); to the French appeal court in Algiers; and to the Italian post-unitary law which considered matters of inheritance according to the *de cuius*⁹. However General Husayn's case was not a fictional case, nor was it a perfect occasion for intellectual speculations and influences. This case also had consequences for the imperial, colonial and national processes of legislation, or at least for those of Tunisia and France. In one of his reports, the lawyer David Santillana suggested to the French authorities that they would have to abrogate not only the slavery done in the 1840s and then in 1890, but also all the institutions linked to slavery in Tunisia¹⁰.

These French interventions on the legal aspects of slavery could be seen as limited interventions in a small and not very important colony. However, seen in a French imperial context,

⁷ Bartolomé et Lucile BENNASSAR, 1989, *Les Chrétiens d'Allah. L'histoire extraordinaire des renégats. XVIe-XVIIe siècles*, Paris, Perrin.

⁸ David Santillana, *Istituzioni di Diritto Musulmano Malichita con riguarde anche al sistema sciafita*, vol. I, Istituto per l'Oriente, 1938-1943.

⁹ ANT, SH, C. 11, d. 113, arch. 8762, Santillana, Florence, 1 July 1887, « D'après la loi italienne, les successions sont régies par la loi personnelle du de cuius, sous tous les rapports : c'est donc la loi musulmane, voir même le rite hanéfite, qui s'appliquerait dans l'espèce ». Arch. 8775, FC to FFA, Florence, 6 July 1887. « Je regrette beaucoup, je l'avoue, de n'être pas versé dans les questions de statut personnel musulman, car en raisonnant par analogie avec le droit romain, j' imagine qu'en tout état de cause l'ancien maître devenu patron de son esclave (mameluk) devrait hériter de lui. »

¹⁰ ANT, SH, C. 12, d. 113, arch. 9109, Santillana to the FCA (résident général de France à Tunis), Florence, 9 Feb. 1888: « toute institution, ayant sa racine dans l'esclavage, doit disparaître également du droit Tunisien » ; arch. 9145-, FFA to FCA (Résidence Générale de France à Tunis), Paris, 7 April 1888. ANT, SH, C. 12, d. 113 b, arch. 9146, question on the legacy of the Mamelouks.

together with other interventions on slavery in colonial Algeria, in West-African French territories and even in the Caribbean Islands of Guadeloupe and Martinique, all these shifts and transformations of the legal processes could prompt us to reconsider historically the idea of a national homogeneity and unity of law in France in the 19th century, before the perturbations of globalization (Mireille Delmas Marty). This idea of a national homogeneity and unity of law can be defended only if the perspective of the researcher comes from the centre of France, from the point of view of the French State that attempted, from the period of Absolute Monarchy and the Napoleonic era, to unify the many laws and customs of the various provinces of the state. However when imperial and colonial France is seen from the peripheries, this idea of standardization of the law has to be examined against legal plurality, and the circulation and influences among various cultures.

The plurality of law, the perpetuation of Ottoman claims on Tunisia and Tunisian subjects even after the French colonization, the use of French domination in order to contest these Ottoman pretensions: here I do not want to contest the importance and the harshness of French domination in the Tunisian experience. What I want to prove by using General Husayn's case is that the colonial process did not put an end to the imperial identity and the Mediterranean plurality of Tunisia and of the beylical power in Tunisia. French colonization did not only pave the way for standardization and nationalization. The beylical dynasty and the French colonial administration were also using the plurality and imperial legacy of Tunisia. This pragmatic strategy is more obvious if we analyze the two main categories used in this affair: that is to say, nationality and patronage.

The French authorities tried to build the beylical position on the first notion: on the modern category of nationality. They wanted to prove that General Husayn was Tunisian. As the French consul in Florence stated, if his colleague, the 'consul of Turkey', could succeed in proving that Husayn was Turkish, the consequences would be dramatic for Tunisian finances¹¹. As a former slave, with no officially recognised offspring, or any parents that he could remember, the General would have no other legal heir than the Ottoman State if proved that he was Turkish, and no other heir than his masters, the beys, if his Tunisian nationality was established.

From July to November 1887, the French consul in Florence, de Laigue, tried to find the main arguments to establish General Husayn's Tunisian nationality. On 1 July, he understood nationality as the result of public reputation: he claimed that, for six years, since he was in charge of the French consulate, he could confirm that the General was seen as Tunisian ('il passait pour Tunisien') in Florence and in Leghorn (Livorno). He added that even though Husayn was born Turkish, coming from Circassia, he became Tunisian the moment he began to serve in the Tunisian regular army and he entered the Military School of the Bardo, in the beys' city palace.¹² In mid July, in order to reject Ottoman pretensions more strongly, the French consul tried to find two new arguments: 1/ General Husayn's Circassian origins could not link him directly to 'Turkey' because the General himself was always arguing that he came from the Circassian tribe of Schamil who became Russian at the end of his lifetime; 2/ according to the Tunisian Organic laws (Kanoun), the subjects of the Tunisian beys could not put an end to their subjection, they had to remain subjects of the beys, and Husayn himself defended this argument in at least one judicial case (Caïd Nissim Shmama's case) raised by the Tunisian state against a former dignitary who left Tunisia for Europe, by using diplomatic protection¹³.

At the end of August, Consul de Laigue changed this logic. From the readings of General Husayn's papers with his 'colleague from Turkey' (collègue de Turquie) and with the help of David Santillana as translator, the French consul discovered that Husayn kept among his personal papers, all the important documents relating to his career and which proved his nomination to different ranks in the Tunisian army and administration. He kept even letters in which he was asked the French and the Prussians for diplomatic protection. The French consul pretended that among these documents, only

¹¹ ANT, SH, C. 12, d. 113, arch. 8775, FC to FFA, 6 July 1887, « si comme je le lui ai demandé formellement, le Consul de Turquie arrive à prouver par documents précis que feu Hussein est devenu turc, les conséquences seront fâcheuses pour le trésor tunisien ».

¹² ANT, SH, C. 12, d. 113, arch. 8764, FC (Florence) to FC (Turkey), Florence, 1 July 1887.

¹³ ANT, SH, C. 12, d. 113, arch. 8786, Florence, 15 July 1887.

three could confirm a link with the sultans: two certificates showing that Husayn received Ottoman decorations; and a letter in which an Ottoman wage was accorded to him¹⁴.

From this moment, the French consul also began to have doubts: he concluded that none of the documents were satisfactory proof of Husayn's nationality¹⁵. General Husayn's nationality was very difficult to establish. At the end of November 1887, Consul de Laigue understood that the Ottomans could claim that the Tunisians were also Ottomans, as Tunisia was one of the Empire's provinces. De Laigue also had to admit that he found a letter in which Husayn asked for Turkish nationality. Nevertheless, at the same time, he did not guess to what extent this letter was effective and he could only renew his first and main argument: Husayn was Tunisian because as a freed slave, he had the same nationality as his master¹⁶.

All this nationality was weak, fragile. The French authorities were trying to put General Husayn's life in a box that it did not fit at all. Husayn was a mamluk and this particular status of mamluk could hardly be understood by the European framework of nationality. The mamluks did often come from abroad, from Italy, Greece or the Caucasus. Their origins were not totally forgotten, but in the country where they lived, they had to trust their masters, in this case the beys of Tunis. During their lifetime, they could consider themselves Tunisian (Tûnisî), but in the narrow meaning of resident in the small country around the city of Tunis. An identification with the whole province of Tunisia was much more explicit in the second half of the 19th century. General Husayn was one the dignitaries who expressed this kind of identification, not in terms of 'nationality' but much more in terms of trust and loyalty to the beys and to the country in which the mamluks were raised and which they served.

As implied in the last argument of consul de Laigue, the 'patronage', that is to say the importance of the personal relationships between Husayn and his masters - the beys - was much more useful for an understanding of the General's case, and in order to defend the beys' position, than the modern category of 'nationality'. Here again, the French authorities did not impose their own categories of analysis, or did not always succeed in doing so. A legal and social notion such as 'patronage' (*walâ'*) used in Islamic law could spread from Tunisian, and more broadly Arabic, writings to colonial sources and even to a diplomatic institution such as the French consulate in Florence.

This notion of 'patronage' was crucial from December 1887 to April 1888 in the correspondence between the French Embassy in Istanbul, the Foreign Department in Paris, the lawyer David Santillana in Florence and the colonial administration in Tunis. In order to understand to what extent the Islamic conceptions of patronage and manumission had an effect on the distribution of General Husayn's legacy, French authorities had to ask various actors. A first report on the legal effects of patronage and manumission on Husayn's legacy was sent at the end of December 1887 by the French ambassador in Constantinople to the French foreign department. This report was based on information given by an anonymous informer of the French Embassy, a Tunisian who had lived in Istanbul for many years and who was the main intermediary regarding every Tunisian matter that reached the centre of the Ottoman Empire¹⁷. On a later occasion, 9 February 1888, David Santillana sent a second report from Florence to the French administration in Tunis (la "résidence générale"), in which he contested the first one¹⁸. Finally, in April of that year, the French Embassy in Istanbul had the opportunity to send an answer to Santillana's criticisms of the Tunisian informer¹⁹.

As we can see, all of these people were to be found in three different kinds of web: 1/ some made the link between different strata of the French administration, from the colonial periphery to the

¹⁴ ANT, SH, C. 12, d. 113, arch. 8804, FC (Florence) to FFA, 22 Aug. 1887.

¹⁵ ANT, SH, C. 12, d. 113, arch. 8808, Florence, 22 Aug. 1887, « La question reste donc entière, quant à la nationalité du défunt puisque les pièces ne prouvent rien qui ne soit déjà connu. »

¹⁶ ANT, SH, C. 12, d. 113, arch. 8900, FC (Florence) to FFA, 22 Nov. 1887.

¹⁷ ANT, SH, C. 12, d. 113b, arch. 9014, FFA to FCA (Résident Général de France à Tunis) Paris, 8 Jan. 1888.

¹⁸ ANT, SH, C. 12, d. 113, arch. 9109, Santillana to FCA (Résident Général de France à Tunis), Florence, 9 Feb. 1888.

¹⁹ ANT, SH, C. 12, d. 113b, arch. 9145, 9146, FCA, Paris, 7 April 1888.

Parisian centre, and the diplomatic representations in the Ottoman Empire; 2/ others were actors of the former imperial circles operating between Tunis and Istanbul; 3/ finally, a member of the Jewish and Tunisian diasporas, like David Santillana, could ease the connections between Tunisia, France, Italy and even the Near East. The French colonial Empire was therefore still connected, and even crossed, by many imperial and social networks. The French authorities were even a bit lost when faced with all these legal interpretations. At some point, they could also be manipulated from outside by the colonized Tunisian power: for instance, in his report written on 9 February, David Santillana suspected manipulation by the Tunisian informer of the French Embassy who, in Santillana's mind, might have maintained strong relations with the beys and could even have been inspired by the Tunisian dynasty²⁰.

By using all these connections and by focusing on patronage, the French authorities succeeded in going beyond the tricky questions of 'nationality'. At least, Santillana and the Tunisian informer living in Istanbul agreed on the fact that the beys, as former masters of Husayn, had rights over his legacy. Even when they disagreed, both advisors helped the French authorities to understand with greater clarity exactly who were the main actors in this case, and how the case could be solved. They helped all the parties involved go deeper into two kinds of question in which they each contested the other's point of view. The first concerned General Husayn's manumission. Was Husayn freed from slavery? Could this manumission be proved? How could this eventual emancipation affect the distribution of his legacy? The second, discussed by Santillana and the Tunisian informer, was the matrimonial status of Husayn and the effect of this status on the legacy.

According to the Tunisian informer from Istanbul, Husayn was still a slave when he died. He did not possess any certificate of manumission. Even though he was once married to a Tunisian and even though he had children he officially recognised, these children would also be considered slaves and the beys would therefore be the only official heirs²¹. In opposition to this, Santillana argued that the mamluks didn't need a formal certificate of manumission. In order to prove that Husayn was free, Santillana argued that presumption was enough: for instance, the fact that Husayn became a minister of the bey was crucial. According to Santillana, only a free subject could be a minister. As a freed slave, recently divorced, Husayn had to give only two-thirds of his legacy to the beys²².

All these discussions helped French officials to understand the complexity and the adaptability of the Islamic legal system within the colonial and the imperial frameworks. The French colonial administration was not closed to other interpretations of the law. The idea of the Republic did not forbid the understanding of other legal systems. Both advisors even asked for French intervention in the field of Islamic law. The Tunisian advisor wanted a *fatwa*, a judicial decision issued by the most important religious dignitary of the Ottoman Empire, the shaykh al-islâm, on this kind of affair²³. Santillana rejected this solution as that could put the case into the hands of the 'Turkish authority'

²⁰ ANT, SH, C. 12, d. 113, arch. 9109, Santillana to FCA (Résident Général de France à Tunis), Florence, 9 Feb. 1888: « La note me paraît donc très suspecte, et parce qu'elle dit, et parce qu'elle tendrait à faire admettre et je ne serais pas surpris qu'elle puisse provenir, indirectement d'un individu ayant des rapports avec la famille Beylicale, et sous l'inspiration de celle-ci. »

²¹ ANT, SH, C. 12, d. 113b, arch. 9014, FFA to FCA (Résident Général de France à Tunis) Paris, 8 Jan. 1888 : « de tous ces Mamlouks achetés des deniers du Beylik de Tunis, aucun n'a été affranchi : ni le Général Hussein Bey, ni Kheïr Eddin Pacha, ni Rustem Pacha, son gendre, mort il y a environ deux ans, ni Khaznadar, l'ancien Premier ministre de Tunis (...) ne possèdent ou n'ont possédé la pièce libératoire indispensable pour établir leur qualité d'affranchis et, par conséquent, leurs enfants, esclaves comme eux, ne peuvent hériter de leurs biens : le seul et unique héritier de ces Mamlouks est Ali Bey, Régent de Tunis ». ANT, SH, C. 12, d. 113b, arch. 9145, 9146, FCA, Paris, 7 April 1888.

²² ANT, SH, C. 12, d. 113, arch. 9109, Santillana to FCA (Résident Général de France à Tunis), Florence, 9 Feb. 1888: « Il n'est pas exact que le Mamlouk ait besoin d'un acte formel d'affranchissement pour être libre : le droit musulman, est, au contraire, extrêmement libéral à ce sujet, comme le Droit Romain, il admet même des présomptions pour en induire la liberté, et c'est toujours en faveur de la liberté qu'il résout les cas douteux. »

²³ ANT, SH, C. 12, d. 113b, arch. 9014, FFA to FCA (Résident Général de France à Tunis) Paris, 8 Jan. 1888. « On pourrait, au besoin, provoquer un jetva ou décision juridique du cheikh-El-Islam, établissant la doctrine du « chéri » ou la loi canonique en cette matière, jetva qui serait valable pour tous les pays musulmans. Les jetvas étant toujours rendus sur des qualités, présentées sous des noms supposés, il n'y aurait que des avantages d'obtenir une pièce de ce genre »

(dans la main de l'autorité turque). To solve Husayn's case, and all the issues regarding the mamluks' legacies, the lawyer proposed putting an end to all the institutions rooted in the practices of slavery, such as the 'patronage'. All the mamluks' legacies would be received by the State or would have to be shared with the official families of the deceased²⁴. Was this institutional abolition possible? The anonymous informer warned the French authorities that this kind of solution implied the manumission of all the beys' mamluks and slaves (who were not part of the legal abolition of the 1840s) and these manumissions would not allow the beys to obtain a part of all these legacies²⁵.

This circulation of individuals, norms and legal influences, between and inside colonial and imperial areas, meant that Tunisia continued to deal with a plurality of identity and laws, at least until the end of the 19th century. However, this circulation not only affected important judicial cases and dignitaries like General Husayn, it also concerned other people in various spaces who had close relationships with the General. In the same way as Husayn's destiny, the humble lives of these more modest individuals who interrelated with the General could also be understood outside colonized Tunisia, analyzing the simultaneous changes in the relationships between different strata of the French administration, among Mediterranean diasporas, between the Ottoman Empire and the former province of Tunis, according to an imperial legacy.

Outside France and Tunisia, and the French colonial empire, General Husayn's case did have consequences at least in Egypt, in London, and of course in Istanbul. In Egypt, General Husayn lent money to the heirs of a Tunisian subject, Sîdî Ibrâhîm al-Sannûsî. Soon after the death of Husayn, in mid July 1887, another Tunisian, al-Hâdî Zarrûq, informed his Prime Minister, Muhammad al-'Azîz Bû 'Attûr, that the General asked him to put the case "in the front of the Egyptian courts"²⁶. As General Husayn's unique and official heir, in 1891, the bey sued one of the Sannûsî heirs before the Alexandrian courts, for the recovering of 80.000 French francs²⁷. This example alone demonstrates the extended implications of Husayn's case, not only on Italian, French and Tunisian institutions but also on Egyptian ones.

In London, one year after the General's death, a banker (M. Gadban) had to evaluate Husayn's legacy. He was asked to do so by the French Consulate in Florence, which was charged with winding up this legacy in the name of the Tunisian bey. The accounts showed a net profit (of £359.10.6) in favour of the banker who found it fair enough that Husayn paid his English debts given that he had considerable wealth²⁸. Here, contrary to the Egyptian situation, the courts were not referred to. However the English banker's testimony demonstrates that the legacy had to be recovered not only in Tunisia and Italy but also in other parts of Europe. Financial connections were more sophisticated than the national and colonial frameworks.

In Istanbul, as in Egypt, the implications of this case were first raised in 1887 and then in 1891 but outside the courts, in the Sultan's entourage and among the Tunisian community. In 1887, the former Tunisian Prime Minister and former vizier of the Sultan, Khayr al-Dîn, explained to the Sultan that the legacy had to go to the bey. The French officials claimed that Khayr al-Dîn, who became their enemy, acted in his own interests. Before Husayn's death, this former vizier obtained the legacy of another Tunisian mamluk, Rustum, who was a colleague and friend of Husayn and Khayr al-Dîn²⁹. In 1891, another issue was raised on the properties that belonged to Husayn, near Tunis, in the harbour of La Goulette. The incomes of these properties were used in order to finance the pensions of Ottoman

²⁴ ANT, SH, C. 12, d. 113, arch. 9109, Santillana to FCA (Résident Général de France à Tunis), Florence, 9 Feb. 1888.

²⁵ ANT, SH, C. 12, d. 113b, arch. 9145, 9146, FCA, Paris, 7 April 1888.

²⁶ ANT, SH, C. 11, d. 104, arch. 7729, al-Hâdî Zarrûq to Prime Minister, Muhammad al-'Azîz Bû 'Attûr, 15 July 1887.

²⁷ ANT, SH, C. 11, d. 98, arch. 90, FCA (Résidence générale) to FC (Alexandria), around May 1891.

²⁸ ANT, SH, C. 12, d. 108, arch. 7969 : M. Gadban, banker in London to FC (Florence), 13 July 1888.

²⁹ ANT, SH, C. 12, d. 113, arch. 8818, Khayr al-Dîn Bâshâ to Tunis' Bey, 15 hijja 1304 (4 Sept. 1887), arch. 8817, Khayr al-Dîn.

soldiers. According to the French Ambassador in Istanbul, intrigue surrounded this, involving a group of about half a dozen Tunisians³⁰.

Between Egypt, Istanbul and London, all the connections were financial ones: credit in Alexandria, debts in London, an income on property in Istanbul. However in each country, different institutions were used by the beys, the French authorities and the actors in General Husayn's case: the courts in Egypt, the banking-system in Great Britain and the Sultan's entourage in the centre of the Ottoman Empire. The financial webs used to solve General Husayn's case reveal broader and deeper links between Tunisia and Tunisians and the outside world than the diplomatic and bilateral links emphasized between France and Tunisia in colonial history. Some of these links were old ones. Tunisian communities had long been present in Egypt and in Anatolia. In Egypt, they were called Maghrebis. Even the links with Great Britain were not so new. The British consuls were as influential as their French counterparts during the 19th century. However the effects of Tunisian influence on Great Britain have been less studied than the same effects on France.

The financial issues of General Husayn's case did not connect only various institutions and various spaces outside Tunisia. This international – and not only colonial – case affected the lives of modest people inside and outside Tunisia as they used the plurality of law in the Mediterranean area or as they were trapped in this pluralism. Some notable families could have been involved at some point in the General's case, such as the Khaznadâr household founded by the mamluk and former Prime Minister, Mustafâ Khaznadâr. Mustafâ and his family fought General Husayn over properties near the harbor of La Goulette for a long period, from the mid 1860s³¹. However this particular point in the case seems to have been solved a year before General Husayn's death. In 1886, a German-Italian railway company presented an offer to buy the properties that were crossed by a railway. When the General died, the government had already divided the land between the company, a favorite of the bey and the municipal council³².

The people who were involved in Husayn's case tended to be the General's former servants and agents. Some of these were Muslims: in Florence, Husayn's private secretary was a young Egyptian called Mohamed Sengherzy³³; in Tunisia, the General could rely on Ibrahim Benzeïneb, his *wakil* in charge of his personal goods³⁴; between Florence, Tunis and Paris, Husayn relied on Omar Bou Hajeb who was related to a scholar of the Grand Mosque of Zitouna and who executed Husayn's will ("exécuteur testamentaire")³⁵. Husayn's other intermediaries were Jews. The most important, Eliahou Elmilik, was in charge of the General's accounts and helped Husayn in another legal conflict over the legacy of the caïd Nissim Scemama, which left Tunisia with a part of the public finances he was responsible for³⁶. Another personal assistant, Attia Guetta, helped Husayn in Scemama's case over fourteen years, from 1873 to 1887³⁷.

The fact that Husayn hired Jews was interesting. At the start of the 1860s, in a polemic with the scribe Ahmad Ibn Abî al-Dhiyâf, General Husayn defended the idea that the Jews should not have their own representative in the Highest Council (*majlas al-akbâr*) because the State did not have to consider them. According to him, Jews were suspected of not being loyal to the beys and of duplicity as they were always looking for European diplomatic protection³⁸. At the end of his life, Husayn

³⁰ ANT, SH, C. 11, d. 98, arch. 61, FFA, Paris, 24th of Dec. 1891, arch. 62, French Ambassador (Constantinople) to FFA, Péra, 8 Dec. 1891.

³¹ ANT, SH, C. 11, d. 98, arch. 103, 23rd of July 1889 ; arch. 146, lawyer of Gal Husayn, Tunis, 7 April 1887.

³² ANT, SH, C. 11, d. 98, arch. 155.

³³ ANT, SH, C. 12, d. 113, arch. 8791, FC (Florence) to FFA, Florence, 20 July 1887.

³⁴ ANT, SH, C. 12, d. 107b, arch. 7949, La Goulette, 3 April 1886.

³⁵ ANT, SH, C. 12, d. 113, arch. 8810, Florence, 26 Aug. 1887.

³⁶ ANT, SH, C. 11, d. 98, arch. 12, « Règlement entre le bey et le gouv't sur la succession de Husayn » ; arch. 7772, Husayn to Eliahou Elmilik, 29 rabi 2nd 1295.

³⁷ ANT, SH, C. 11, d. 98, arch. 32, Livourne, 5 June 1890, Attia Guetta.

³⁸ L. Bercher, 1939, « En marge du Pacte « fondamental » », *Revue tunisienne*, p. 85 : « Tous ceux d'entre eux qui manifestent des signes de richesses répondent aux bienfaits du pays par l'antipathie et l'ingratitude. Ils se donnent

began to spread French anti-Semitic ideas³⁹. However, after his death, the respective religion of his intermediaries did not often have a strong effect on their position in this legal case.

Each of these intermediaries, whether a Jew or a Muslim, had a particular attitude towards this case. Their names could be found in various legal institutions. The Egyptian secretary, Mohamed Sengherzy, was brought to Paris by bey's agents to write a false will⁴⁰. Husayn's *wakil*, Ibrahim Benzeineb, saw his land in La Goulette seized (sequestre) by the beylical authority and he was sued in the shara⁴¹. Omar Bouhajeb's family sued a European citizen, Cardoso, in a Tunisian court because Cardoso had not paid the rent of the house he was using in La Goulette and which, in a way, belonged to the Bouhajeb's family (habous)⁴². El Melik became part of the bey's coalition and Gueta was helped by Santillana's mediation⁴³.

The positions of these individuals in Husayn's case were explained by their social positions and influences. The Egyptian secretary, Mohamed Sengherzy, may have had no other choice than to follow the bey's agents to Paris in 1887. He depended on Husayn and after the General's death, he might have looked for another boss in Tunisia. Two years later, in 1889, as a part of the religious establishment, the Bouhajeb found the strength to sue the European Cardoso⁴⁴ but before that, in 1888, Omar Bou Hajeb had to step back on another aspect of Husayn's case: the colonial administration sent messages to Omar's brother (Khalil) and father in order to prevent Omar from advising another of Husayn's heirs⁴⁵. From another point of view, Santillana defended Attia Guetta's claims on a part of Husayn's legacy in 1890, arguing that Guetta was the father of a family, that he was sick and that Husayn had made the promise to make him rich. At the same time, Santillana did not help Anna Azan, the widow of another personal assistant of General Husayn⁴⁶.

This importance of the social positions and influences was even more clear in a legal conflict between Husayn's two former agents: El Melik and Benzeineb. From the start, El Melik had the intelligence, and even the cynicism, to help the bey and his eldest son, Mustafâ, in their claims⁴⁷. In September 1887, the most important French official in La Goulette (from the 'contrôle civile') saw El Melik's hand in the Benzeineb misfortune, when Benzeineb was sued⁴⁸. After that, El Melik's influence seems to have declined. El Melik's heirs were not allowed to sue the bey regarding Husayn's legacy⁴⁹. All these modest individuals, who were not really from the elite, prove the necessity of going outside the colonial framework to understand the imperial webs by linking the social positions to this broader perception of a colonized country.

(Contd.)

l'apparence extérieure des étrangers afin d'échapper aux lois du pays pour toutes les contributions. Ils travestissent leur identité pour induire la police en erreur ou bien ils cherchent un moyen de se soustraire entièrement aux lois du pays [...]. ».

³⁹ He read Edouard Dumont's book, *la France juive* and he sent this book to Khayr al-Dîn, (1992, vol. III, *Lettres du Général Hussein à Khérédine (XIX^e siècle)*, éd. Ahmad Abdesslem, Carthage, Bayt al-Hikma, p. 197 : lettre 290, Husayn to Khayr al-Dîn, 3 April 1887 (9 rajab 1304)).

⁴⁰ ANT, SH, C. 12, d. 113, arch. 8791, FC to FFA, 20 July 1887.

⁴¹ ANT, SH, C. 12, d. 107b, arch. 7, 29 hijja 1304, 17 Sept. 1887 ; arch. 7957, La Goulette, 12 Oct. 1887, FCA, (secrétaire général du gouvernement tunisien); arch. 7960, La Goulette, 22 Nov. 1887.

⁴² ANT, SH, C. 11, d. 98, arch. 4, « Extrait des minutes du Greffe du Tribunal Civil de Première instance de Tunis », 28 March 1889.

⁴³ ANT, SH, C. 11, d. 98, arch. 32, Leghorn, 5th June 1890 ; ANT, SH, C. 12, d. 106, arch. 7895, Santillana to FCA (Secrétaire général Tunis), Florence, 6 Nov. 1888.

⁴⁴ ANT, SH, C. 11, d. 98, arch. 4, « Extrait des minutes du Greffe du Tribunal Civil de Première instance de Tunis », 28 March of 1889.

⁴⁵ ANT, SH, C. 11, d. 100, arch. 7577, Paris, 27 Aug. 1788 ; arch. 7579, 21 Aug. 1788, FCA (délégué résidence) to Santillana, Florence.

⁴⁶ ANT, SH, C. 11, d. 98, arch. 32, Leghorn, 5 June 1890, arch. 34, 35.

⁴⁷ ANT, SH, C. 11, d. 100, arch. 7524, FCA (direction politique du Protectorat), 26 Sept. 1887.

⁴⁸ ANT, SH, C. 11, d. 107b, arch 7960, FCA (contrôle civil) to FCA (résident général), La Goulette, 22 Nov. 1887. Si Brahim « se trouve au prise avec la volonté du Prince Sidi Mustapha Bey dirigée par l'immoralité du Juif nommé Elmelick »

⁴⁹ ANT, SH, C. 11, d. 98, arch. 12, « Règlement entre le bey et le gouvernement sur la succession de Husayn. »

General Husayn's case had a lasting and deeper effect on the lives of other individuals. The judicial treatment of this conflict over the legacy could reshape intimate life, conceptions of families and women's education. In the last decade of his life, General Husayn already had a different intimate life compared to other Tunisian mamluk dignitaries. Unlike other mamluks, General Husayn was not married to beys' daughter. He even refused to become engaged to the daughter of Khayr al-Dîn, the former Prime Minister who had protected him over a major part of his career⁵⁰. His quiet and unusual way of life, and the legal decisions on his legacy, affected at least four women: an Italian, Fortunata Bertucci, and her daughter, Myriem/Maria; a German, Eva Keush, who became Madame Meuville and her daughter, Emina, sometimes called Emma. General Husayn's will stated that the two daughters had a right to share a third of Husayn's legacy⁵¹.

Why did Husayn include these two women and their daughters in his will? To what extent were they related to General Husayn? If the historical sources remain silent on Fortunata Bertucci's life before General Husayn's death, showing only that the Muaddeb family protected Bertucci⁵², they offer a great many details on Eva Keush's origins and fascinating history. Eva Keush was born in the state of Baden in 1853. She 'lived with her parents across Algeria'; she then lived in Marseille, Florence and in Leghorn where she gave birth to Emma/Emina in 1876. After that, she crossed the Atlantic. In 1888, her French husband, B. Meuville, was living in New York, working in a goods store ('mercerie')⁵³. More than Fortunata Bertucci's existence based in Italy, Eva Keush's traveling life and her links to Husayn's case confirm the hidden connections between various worlds, including Tunisia and the French colonial Empire.

As she was the wife of a French citizen, as she cut off her relationship with Husayn's entourage for at least ten years, as she was not protected by Muaddeb, and as she was asking for justice from the French colonial administration, the sources on Eva's life suggest many hypotheses on General Husayn's links to her daughter. Eva Keush's position in these different worlds, and even in different social classes, and her links to the colonial Empire, explain at the same time why much more material was produced on her case rather than on the Bertucci case, and why the hypothesis on the father of her daughter, Emina/Emma, was so explicit. On this issue, the French authorities had two versions. In the official version, based on a birth certificate issued on 1 March 1876, Emina/Emma was presented as the daughter of 'Eva Catarina Keush' and 'Saddock Muaddeb'. In the official version, then, Emina/Emma was seen as Husayn's illegitimate daughter: Saddock Muaddeb was the General's 'aide-de-camp', he disappeared and made no attempt to care for Emina/Emma⁵⁴. The fact that Emina/Emma's case became public created a public and common truth, that is to say that the greater part of the actors chose to stick to the official version. In order to defend her rights on the legacy, as mother of Emina/Emma, Eva Keush-Meuville claimed in July 1888 that Husayn adopted her daughter in 1879 because he wanted to 'marry her off as his own child' ("dans l'intention de pouvoir la marier comme si c'était sa propre fille")⁵⁵. Before that, in January 1888, Eva's husband, Meuville stated that his wife had been 'seduced by the General's cowardly adopted son' (Saddock Muaddeb) when she was a 'housekeeper' in Husayn's home⁵⁶.

⁵⁰ ANT, SH, C. 12, d. 113, arch. 9109, Santillana to FCA (résident général de France à Tunis), Florence, 9 Feb. 1888 : « Quant à Hussein, son mariage avec la fille du Général Khérédine a été rompu quelques mois avant sa mort – un acte formel de divorce a été dressé et la jeune fille avait cessé, depuis quelques mois, d'être la fiancée de Hussein, lorsque survint la mort de ce dernier : elle n'aurait donc eu, en tout état de cause, aucun droit sur la succession. » Other version : arch. 8913, M. de Montebello, French Ambassador in Constantinople to FFA (M. Flourens), Pera, 30 Nov. 1887, « Hussein avait épousé une des filles de Khereddine lorsque celui-ci était encore à Tunis. A la mort de Hussein, il y a trois ans, sa veuve est venue à Constantinople et a été aussitôt mariée au seconf dils de l'émigré tunisien Zarrouk, malgré les prescriptions de la solennité musulmane qui exige certains délais. »

⁵¹ ANT, SH, C. 12, d. 113, arch. 8810, Florence, 26 Aug. 1887.

⁵² ANT, SH, C. 11, d. 100, arch. 7579, 21 Aug. 1888, FCA (Délégué résidence) to Santillana, Florence.

⁵³ ANT, SH, C. 11, d. 100, arch. 7658, 12 Jan. 1889.

⁵⁴ ANT, SH, C. 11, d. 100, arch. 7645, « Note relative à un legs fait par le Gal Hussein à la mineure Emina ou Emma ».

⁵⁵ ANT, SH, C. 11, d. 100, arch. 7672, Eva Keush to French President, Florence, 28 July 1888.

⁵⁶ ANT, SH, C. 12, d. 113b, arch. 9116, B. Meuville to Bey of Tunisia, New York, 27 January 1888.

This uncertain situation was not easy at all. The daughters of Fortunata and Eva were living between two worlds. Each of their names, Emina/Emma and Myriam (close to Maria) expressed this duality. Husayn had been torn in another way: he really became attached to Emina and Myriam and, at the same time, to his former Islamic and Tunisian culture. He, and then the beylical authority, tried to link the mothers and their two daughters one way or another to the former General's entourage and to attract them to Tunisia or more broadly into the Islamic community. As his role as a father could not be legitimized, nor was it even claimed by Husayn during his lifetime, and as the adoption was forbidden by Islamic law, the General added two main conditions to his will: Omar Bou Hajeb was to be in charge of the two daughters' education, custody and the third of the legacy until the two girls came of age, at which time they had the choice to marry or not to marry Muslim men⁵⁷.

The legal process shaped in Italian, colonial and Tunisian courts transformed again these moral and cultural compromises, which were creating new conceptions and new practices of family and women's education. The beylical authority did not really take into account Husayn's wishes and refused to acknowledge the validity of the will. A beylical decree authorized two mediators, Angelo Guttiere and Rafailo Morino to 'find an agreement with the ladies', not on the third of the legacy as was stated in the will, but on 'what remains on their claims' on Husayn's legacy⁵⁸. Fortunata Bertucci and Eva Meuville reacted in two different ways to the beys' legal strategy. Both were attracted to Tunis, the country where Husayn lived until 1881, near to the beys' entourage. However Fortunata Bertucci resisted the beylical authority less than did Eva Meuville. More precisely, she was seen as less of a danger. In a colonized regime, the beylical authority, dominated by French authority, could always master weaker groups and individuals as long as they were not directly protected by French authority. In that sense, the French Protectorate could be seen as an extended regime of protection involving Tunisian and French authorities.

The Italian woman, Fortunata Bertucci, could have tried to resist the bey. At the end of August 1888, a French report stated that her Tunisian protector, Omar Bou Hajeb, instead of convincing her to accept a deal, had a bad ('factieuse') influence on her⁵⁹. The French authorities asked Omar's brother and father to intervene. At the beginning of September 1888, Fortunata Bertucci finally agreed to live in Tunis⁶⁰. She also accepted 80.000 french francs and 3% of the legacy ('actif de la succession')⁶¹. Eva Keush-Meuville tried to defend her rights for longer, but apparently without success. In mid September 1888, her lawyer asked for the same 'advantages' received by Fortunata Bertucci⁶². More than three years later, 2 December 1891, Eva and Emina/Emma were still poor. Emma/Emina's doctor testified that the girl needed food even though she was getting better⁶³. Eva Meuville may have been depending on the fact that Husayn preferred Emma/Emina to Myriem. However she did not have the Bouhajeb family on her side⁶⁴. In February 1888, Omar Bou Hageb refused to take charge of Emma/Emina until her mother respected the 'spirit' of Husayn's will, i.e., as

⁵⁷ ANT, SH, C. 12, d. 113b, arch. 8810, to FCA (Secrétaire Général de la Résidence française) Florence, 26 Aug. 1887: « ledit exécuteur devra administrer directement les biens constituant ce tiers, surveiller l'éducation des enfants, avoir la garde de leur personne, jusqu'au moment où elles seront d'âge à décider si elles veulent accepter la condition imposée par le testament, c'est à dire d'épouser des musulmans »

⁵⁸ ANT, SH, C. 11, d. 100, arch. 7605, beylical decree.

⁵⁹ ANT, SH, C. 11, d. 100, arch. 7577, Paris, 27 Aug. 1888.

⁶⁰ ANT, SH, C. 11, d. 100, arch. 7567, Florence, 8 Sept., Santillana, « Bertucci accepte élire domicile Tunis ».

⁶¹ ANT, SH, C. 11, d. 100, arch. 7608, « Extrait des minutes du greffe du tribunal civil de première instance de Tunis ».

⁶² ANT, SH, C. 11, d. 100, arch. 7560, Florence, 14 Sept. 1888.

⁶³ ANT, SH, C. 11, d. 100, arch. 7522, Dr Bertholon « docteur en médecine de la faculté de Paris ».

⁶⁴ ANT, SH, C. 11, d. 100, arch. 7609, « situation spéciale de la jeune Emina – on fit valoir – ce qui était de notoriété publique – l'intérêt que le Général Hussein portait à cette enfant qu'il avait fait élever chez lui – de nombreux documents, trouvés au cours de l'inventaire de la succession fait au Consulat de France à Florence, ont démontré le vif attachement que le Général nourrissait pour cette jeune fille ».

long as Emma/Emina was not brought to Tunis to receive an Islamic education⁶⁵. Here the French colonial authority did not try to defend a woman married to a French citizen. M. Meuville was, perhaps, too poor and Eva too weak and illiterate.

Conclusion

Before adding other historical sources and before referring more explicitly to historical debates on colonial and imperial history, what have I learned that goes beyond the colonial framework in this first exploration of General Husayn's case?

First, a confirmation: seen in the 'longue durée', taking into account the Ottoman past of Tunisia, the colonization appears to be a complex process. Of course, French colonial administration aimed to clarify, unify and in some way nationalize laws, territories and identities in Tunisia. However this process of homogenization started before the occupation of Tunisia in 1881. It was clearly a local policy at the beginning of the 1860s. And, even during the French colonization, this process of legal unification never forbade other legal influences and the use, for instance, of Islamic law: in General Husayn's case, the French authorities used the Islamic category of *walâ* because it was much more efficient for an understanding of the case and for the defence of beylical rights, than was the European category of nationality. More than this, by referring to Islamic law, and by seeking advice from lawyers and Tunisians, French officials could become lost and sometimes manipulated by local colonized actors.

Of course the colonization was a global process of violent domination. However in this process, the actors might have been ambivalent in concrete situations. General Husayn, for instance, contested the French occupation yet at the same time he rented a building to the French Army; he escaped from Tunis after 1881, but at the same time he asked the French authorities if he could return. Above all, the colonization was not a closed process, involving only France and Tunisia. It was shaped and transformed by the social history of Tunisia. Protection and patronage remained important, at least at the beginning of the colonization: we saw how the protection of Muaddeb helped Bertucci in her approach to the Tunisian and French authorities. The colonization was also shaped and transformed by the Ottoman legacy in Tunisia. Ottoman officials were in a way still considering Tunisia and Tunisians as a part of their Empire. Tunisian governors were still using European powers in order to design their complex relations with Istanbul. Between Tunisia and Istanbul, North African diasporas were still perpetuating financial and social circulations between the Imperial center and the former periphery.

In that sense, the French colonization of Tunisia was the product of an imperial, a local and a European history. Tunisian history in that moment was produced by various circulations of people inside and outside the French colonial Empire. The second and last point of this conclusion is this: this probable intensification of the circulation of people, norms and influences has to be taken into account much more in our understanding of the colonization. The fact that a Tunisian judicial case can be judged in Italy or in another European country is not new. However the multiplication of the actors and of the claims in this kind of affair reveals changes in the connections between various Mediterranean societies enforced by changes in the communications of news, in the transport of people (we saw the amazing journey of Eva Keush from Baden to Algeria, Italy, New York and Tunis) and in the circulation of money. This last point, which in this affair linked various cities such as Alexandria, London and Istanbul, is crucial but has not been fully explored. At the very least, the international aspect of this affair demonstrates that the French colonial Empire was still connected and even crossed by many imperial and social circulations and that these circulations not only concerned elites but also ordinary people in their public and private lives as we can see in the cases of the French and Italian mothers of Emina and Myriem.

⁶⁵ ANT, SH, C. 11, d. 100, arch. 7629, Florence, 17 Feb. 1788, to FCA (Résident général) : « Sy Omar Bon Hageb, que le Général Hussein aurait constitué exécuteur testamentaire refuse de s'occuper de la jeune fille à moins qu'elle ne se conforme à ce qui serait d'après lui l'esprit du testament et qu'elle se rende à Tunis, chez lui afin de recevoir une éducation musulmane. Mme Meuville a refusé avec raison de se soumettre à ces exigences, en attendant elle a la plus grande difficulté à vivre. »

