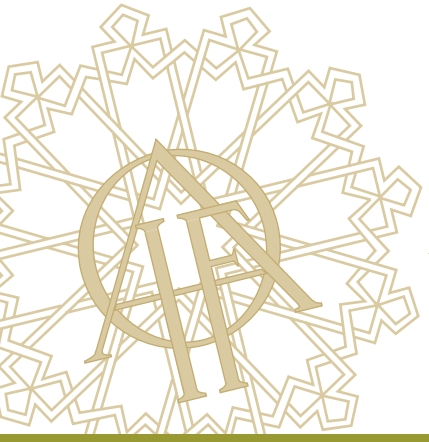
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Rudolph Peters

Egypt and the Age of the Triumphant Prison: Legal Punishment in Nineteenth Century Egypt.

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Rudolph PETERS

Egypt and the Age of the Triumphant Prison: Legal Punishment in Nineteenth Century Egypt

IN THE NINETEENTH a legal system emerged in Egypt, that complemented the shari'a. It was enforced by administrators and not by shari'a courts. Criminal law was a prominent part of this system. As from 1829 criminal codes were enacted[1] and from 1842 judicial councils were created to enforce them. An important element in this system was the notion of legality: the judicial authorities could only impose penalties by virtue of enacted criminal laws defining the offences and their punishments. Moreover, sentences should exactly specify the amount of punishment, which should be commensurate with the gravity of the crime. Thus a well-ordered and regulated system of legal punishment came into being, with capital penalty, corporal punishment and imprisonment with forced labour as its most important elements.[2]

One of the most striking developments of the Egyptian penal system in the nineteenth century is the shift towards imprisonment as the main form of punishment at the expense of corporal and capital punishment. This is very similar to what happened in Western Europe and other regions during roughly the same period, which for that reason has been dubbed "the age of the triumphant prison".[3] In the following I will study the emergence and development of the Egyptian system of judicial punishments between 1829, when the first penal code was enacted, and 1882, the year the British occupied Egypt. I will compare these developments with those in the West and examine whether the theories advanced to explain the changes in the European penal system can help us understand what happened in Egypt.

In his study *Surveiller et punir: naissance de la prison*[4] Foucault argues that there occurred in France around 1800 a marked change in the character of punishment. Corporal and capital punishment, i.e. punishment directed at the culprit's body, enacted as a public

[1] For a succinct survey of the criminal codes enacted between 1829 and the British occupation, see Appendix 2.

[2] For the development of criminal law in nineteenth century Egypt, see Peters (1990), Peters (1991), Peters (1997), Peters (1999a) and Peters (1999b).

[3] The term was coined by Perrot (1975), p. 81, who characterises the period between 1815 and 1848 in France as "l'ère de la prison triomphante".

[4] Foucault (1975).

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spectacle on the scaffold, was replaced by punishment directed at the culprit's mind and hidden from the public eye. The cruel spectacles of suffering, meant to serve as strong deterrents, were necessary in an age when few criminals were caught, owing to the lack of well organised police forces. Their replacement by imprisonment as the main form of punishment was, according to Foucault, the result of the emergence of a centralised state, capable of ensuring law and order by means of an efficient police apparatus. The near certainty of being caught replaced the deterrence instilled by spectacles of cruel executions and torture. The new form of punishment, Foucault argues, was aimed at disciplining the offender by subjecting him to a rigorous regime, to which end a centralised and hierarchical system of prisons was created. Prisons, along with schools, the army and mental asylums became disciplining institutions meant to create obedient subjects of the state.

In his study *The Spectacle of Suffering*,[5] Spierenburg criticises Foucault's ideas. He concurs with Foucault in that the nineteenth century saw the emergence of imprisonment as the ordinary mode of punishment and the decrease of capital and corporal punishment and that punishment ceased to be a public spectacle. However, his main objection to Foucault's study is that the changes described by Foucault as having occurred in a rather short period of time, were in fact part of a process that lasted for more than a century, and that in many Western European countries imprisonment in houses of correction existed already in the seventeenth century. Other points of critique are that Foucault focused exclusively on France and that some of his examples used to show the prevalence of brutal public punishment, such as the execution of the French regicide Damiens in 1757, were exceptional and cannot be regarded as ordinary forms of punishing criminal offenders.

Spierenburg asserts that torture, corporal punishment and public executions disappear in Western Europe between 1770 and 1870. Until that period the standard punishment consisted in the infliction of pain, administered in public. This included the sufferings of the "chaînes", the transport of galley convicts on their way to Marseilles and, after the abolition of the galleys, to the naval arsenals (*bagnes*).[6] An important function of publicly administered punishment, according to Spierenburg, was to emphasise the authority and power of the state. For the changes in the modes of punishment that occurred during the late eighteenth and most of the nineteenth centuries Spierenburg offers two explanations: Elias' "civilising process" (*der Prozess der Zivilisation*) and the strengthening and better integration of the Western European States. As a result of the "civilising process", the sensibilities to officially inflicted pain increase. In the first phase, a growing aversion to the sight of physical suffering prompted groups among the elite to become advocates of penal reform. These endeavours were successful and mutilating penalties, the exposure of bodies after capital punishment and torture were abolished in most Western European countries during the second half of the eighteenth century. During the second phase, roughly the first half of the nineteenth century, the various social groups became

[5] Spierenburg (1984).

[6] Spierenburg (1991), p. 278; Zysberg (1984), p. 86-91. For Spain, see Pike (1983), p. 76-9.

better integrated in the nation State and began to identify with one another. The sensibilities to spectacles of suffering began to extend to the sufferings of other classes. This resulted in new attempts to reform he system of legal punishment. These attempts could succeed since States had become better integrated and therefore more stable. Therefore, the political authorities were not anymore in need of the deterrence produced by public executions and could respond to the new sensibilities by concealing punishment from the public eye. Imprisonment became the common penalty, capital sentences were increasingly executed behind prison walls and corporal punishments such as flogging and branding decreased in importance and were finally abolished in most countries. In order to explain why these changes in the penal systems of the various Western European countries occurred roughly in the same time and order, whereas centralised nation states did not emerge simultaneously, Spierenburg has recourse to the notion of a "European network of states". In other words, he regards these developments not as related to the formation of separate states, but as a common European process.

The common element in these explanations is the emergence of centralised States. However, whereas Foucault sees the changes in the penal system as a direct consequence of the rise of a centralised, intrusive, and disciplining State, Spierenburg argues that the emergence of powerful and centralised States was a necessary condition for these changes to be successful but attributes them to changes in the mentality of the elites. In this essay I will argue, following Foucault, that penal reform in Egypt was in first instance a direct result of the centralisation of state power and the creation of an efficient apparatus of control of the population, of which the police[7] was a part. However, contrary to Western Europe, the Egyptian prisons were not transformed into instruments of discipline. Imprisonment, like corporal punishment, was a mode of repression aimed at subjecting, not at disciplining the population. Disciplining activities of the State, especially during the first half of the nineteenth century, were directed at the State servants, both civil and military,[8] and not at the population at large. That flogging and beating were abolished in 1861 cannot be explained, therefore, by the need for more effective disciplinary expedients, such as imprisonment. But it can neither be explained, as I will argue, by growing sensibilities to public suffering. Decisive were, in my view, the wish to modernise among important segments of the elite in combination with economic factors.

These aspects of nineteenth century Egyptian history, have hardly been the subject of scholarly research.[9] This is partly the result of the nature of the available sources, which imposes serious limitations on the research of the penal system. To the best of my knowledge Egypt, unfortunately, lacks the richness of sources on the subject found in most Western European countries and consisting in official and press reports, diaries, and literary texts that may add liveliness and detail to institutional history. The only available sources are official documents with information on the institutional aspects, and only rarely

[7] For the nineteenth century police, see Fahmy (1999b).
[8] For the disciplining of the military, see Fahmy (1997).
[9] The only studies known to me are Fahmy's article on the medical conditions in nineteenth century Egyptian prisons Fahmy (2000) and Peters (forthcoming b).

on the experience of those who suffered punishment. These sources, regrettably, do not allow us "to construct the history of prisons from the inside out", as a number of Western historians have done.[10]

My main sources, apart from published law codes and statutes, are official documents located in the Egyptian National Archives (Dār al-Wathā'iq al-Qawmiyya, DWQ). Since at this moment only a very small part of all documents in the DWQ is accessible, it is likely that in the future other sources will be found that will hopefully fill in the gaps in our knowledge of the penal system. The sources I have used consist of unpublished decrees and Khedival orders, of correspondence between state authorities, and of sentences of the various judicial councils. In addition I went through some years of Al-Waqā'iʿ al-Miṣriyya, which summarily recorded the trials in the Dīvān-i Hidīvī. All this is supplemented by the scarce information that can be culled from the publications of contemporary Western travellers.

To the best of my knowledge there was no public debate in nineteenth century Egypt about penal policies, nor have I found express official statements laying down e.g. a philosophy of legal punishment or the principles of penal reform. What the rulers regarded as the objectives of and grounds for punishment can only be inferred from the preambles and texts of penal codes and decrees and from the wording of criminal sentences. Here we find brief references to some aims and justifications. The two mentioned most frequently are rehabilitation and deterrence. In the 1861 decree abolishing corporal punishment (see below) this is formulated as follows: "The aim of punishment is to teach manners (*ta'dīb, tarbiya*) to those who have committed crimes, to prevent them from returning to criminal behaviour and to deter others." In most sentences we find formulas like: "for his correction / for making him repent and as a deterrent example to others (*adab*^{an} *lahu / nadāmat*^{an} *lahu wa-ʿibrat*^{an} *li-ghayrihi*). That by "teaching manners" to the offender or "making him repent" some form of rehabilitation of the convict is meant, is corroborated by some articles in the penal codes that lay down that in certain cases repentance and improvement of conduct (*ḥattā taṣluḥ ḥāluhu / ḥāluhā*) are conditions for releasing a prisoner.[11] The causal relationship between serving a prison sentence and repentance or improvement of conduct is somehow assumed and not made explicit. The same is true for deterrence. I have not seen any theoretical reflections on the matter. Protection of society is rarely mentioned, and then only as a justification for incapacitating penalties i.e. physical elimination or exclusion of the criminal through death or life sentences. That retribution, although not explicitly mentioned, was also important, is shown by the simple fact that the law codes lay down that more serious offences entail more severe penalties. That it is not referred to could indicate that it was so self-evident that nobody thought of mentioning it.

We are not well informed about the penal system before and during the early years of Meḥmed ʿAlī's reign. There are reports that in the eighteenth century there were private prisons, due to the existence of various centres of power connected with Mamluk households.

[10] See e.g. O'Brien (1982), who used the phrase "history from the inside out" (p. 9).

[11] See e.g. art. 4 PC 1829 and ch. 1, art. 15 and ch. 2, art. 5, ch. 3, art. 13 QS.

It is not clear, however, whether these can be regarded as part of a system of law enforcement or rather as tools in the struggle for power between these households. There were also state prisons, run by prison wardens as concessions.[12] We do know, however, that by 1829, a penal system was functioning based on death penalty, corporal punishment (essentially flogging and caning) and imprisonment, usually with hard labour. In that same year a central prison was created for convicts from all over Egypt. This was the notorious *līmān* (or *lūmān*) *Iskandariyya*, named after the Turkish word for harbour (*liman* from Greek *limèn*). It was part of the Alexandria Arsenal (*tarsāna*) and its establishment was prompted by the large scale construction works connected with the Alexandria harbour that had begun in the same year.[13] It resembled very much the kind of hard labour prisons connected with naval arsenals existing in other Mediterranean ports, e.g. in France (*bagnes*) and Spain, that came into existence during the eighteenth century to replace galley service for convicts.[14] During the 1840s transportation to the Sudan was introduced as a penalty for serious offenders.

In this essay I will focus on the three main elements of the penal system: capital and corporal punishment and imprisonment. I will not go into the function of the poorhouses, such as the Takiyyat Ṭūlūn in Cairo, although these sometimes served as places of detention as mentioned in the Penal Code of 1845 (Al-Qānūn al-Muntakhab, henceforth QM).[15] Their punitive function, however, was only marginal.[16] There were also other penalties of minor importance, some of them expressly meant as supplementary punishments. I will mention them here for completeness' sake, but will not elaborate. The QM introduced fining, the revenues of which were to be spent on the Civil Hospital (*Al-isbitāliyya al-mulkiyya*).[17] Later codes, however, do not mention this punishment. The QM also introduced supplementary penalties adopted from French criminal law: those sentenced to long terms of forced labour had to be paraded in their regions carrying a sign on which the offences were written for which they had been convicted.[18] Moreover, criminal sentences for serious crimes had to be publicised by posting placards in the main centres of the province.[19] Other supplementary punishments were conscription after the completion of the prison term and, for non-Egyptians, expulsion to one's country of origin. The latter measure was routinely applied, also in the case of non-Egyptian Ottoman subjects.[20] Finally, some forms of punishment were reserved for officials: discharge and demotion, and detention in the office, with or without wages.

[12] Hanna (1995), p. 12-3.

[13] Mubārak (1306 H.), VII, p. 51.

[14] See e.g. Pike (1983); Zysberg (1984).

[15] Art. 191 QM.

[16] See Ener (forthcoming).

[17] QM art. 178.

[18] QM art. 124, 125 (corresponding with articles 22 and 25 of the French Code Pénal of 1811). Although the wording of the French code was adopted in the QM, the practice itself, called *tashhīr* was already common in the Ottoman Empire and Egypt. Offenders were paraded about public places on donkeys with their faces turned to the tail and a crier precede them shouting: "Beware, o good people, of imitating their offences." See St. John (1852), II, p. 72-3.

[19] Art. 130 QM.

[20] It is mentioned in a few articles in the CP 1849 (art. 30, 86-88, 90), but not in the QS. The sentences of the Majlis al-Aḥkām show that it was standard practice that foreigners (also Ottoman subjects from other regions than Egypt) were deported to their countries of origin after completion of their prison term. See also Majlis al-Aḥkām, Qayd al-qarārāt, Sīn 7/2/1 (1273-1276), p. 11.

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Capital and Corporal Punishment

Capital punishment

During the first decades of Meḥmed ʿAlī's reign, capital punishment was frequently applied, not only for murder and robbery, but also for rebellion, official negligence[21] and recidivism.[22] It was usually carried out by hanging (*ṣalb*) or, in case of military personnel, by the firing-squad.[23] In accordance with Ottoman custom, those of high rank were beheaded or strangled with a bowstring.[24] Women who deserved capital punishment were strangled[25] or drowned in the Nile.[26] During the first half of the 1830s execution by impaling or "by other barbarous means" were abolished ("excepting in extreme cases").[27] The deterrent effect of executions was regarded as an essential aspect of the punishment. A decree issued by the Dīwān-i Hidīwī in November 1834 laid down that those brought to death were to be left one day hanging from the gallows and that placards stating the name and the crime of the culprit had to be shown at the place of execution and all over the country in places frequented by people.[28] Executions did not draw large crowds as they did in Western Europe. Even if they were carried out in market places, which was customary, those present there would continue with their business of selling and buying without paying attention to the spectacle.[29]

Public executions were not only meant for deterrence, but also had a highly symbolic function as expressions of State power. As soon as he had established full control over all regions of the country, Meḥmed ʿAlī wanted to leave no doubt that State authority and the monopoly of violence were vested in his person. Therefore, Meḥmed ʿAlī enforced the rule in the early 1830s that executions needed his approval, barring emergencies such as open rebellion.[30] Previously, the local governors could execute criminals on their own accord. Travellers report that the number of executions decreased during Meḥmed ʿAlī's reign because of greater public security brought about by a more efficient police force.[31] This trend continued until the British occupation. Executions had become relatively rare by the middle of the century.[32] The number of capital offences was small: the QM of 1845 mentioned only three capital offences: certain types of aggravated theft, arson resulting in loss of life and hiding runaway peasants. Manslaughter (*qatl ʿamd*) would only be punished with death if the qadi pronounced a sentence of retaliation (*qiṣāṣ*). Robbery ceased to be a capital

[21] Maʿiyya Saniyya to Aḥmad Pasha Yegen, 12 Ṣafar 1248 [11 July 1832] referring to Meḥmed ʿAlī's orders to the ma'mūr of Tanta to execute sheikhs who had not delivered the harvest to the storehouses. Maʿiyya Saniyya Turkī, 44 (old), doc. 91.

[22] Al-Waqā'iʿ al-Miṣriyya, 1 Shaʿbān, 1247 [5-1-1832].

[23] See e.g. Khedival order, 3 Rabīʿ II 1272 [13-12-1855] issued to the governor of the Qalʿa Saʿīdiyya to execute a soldier by shooting him. Maʿiyya Saniyya, Ṣādir al-awāmir al-ʿāliya, Sīn 1/1/5, p. 144, doc. 15.

[24] Bowring (1840), p. 123.

[25] Lane (1966), p. 111.

[26] See e.g. Sāmī (1928-1936), II, p. 365, 13 Dhū al-Qaʿda 1245 [6-5-1830].

[27] Scott (1837), II, p. 115. The last instances of impaled were recorded in 1837 or 1839. See Gisquet (n.d.), II, p. 132; Schoelcher (1846), p. 24; Guémard (1936), p. 261.

[28] Dīwān Khidīwī, Mulakhkhaṣat dafātir, Maḥfaẓa 63, No. 5 (Daftar 806 old), doc. 74, 19 Rajab 1250 [21-11-1834]; Majlis al-Aḥkām, maḍbaṭa 19 Dhū al-Qaʿda 1266 [26-9-1850], Majlis al-Aḥkām, Maḥfaẓa 2, doc. 2/31.

[29] Clot Bey (1840), II, p. 107.

[30] Scott (1837), II, p. 115.

[31] Bowring (1840), p. 123; St. John (1834), II, p. 474; see also Guémard (1936), p. 257. On the Egyptian police, see Fahmy (1999b).

[32] Couvidou (1873), p. 307.

offence in 1844.[33] After the introduction of the Penal Code of 1849, which does not mention capital punishment at all, and the Imperial Penal Code (*Al-Qānūnnāme al-Sulṭānī*, henceforth QS) around 1853, death sentences other than for manslaughter became extremely rare.[34] Other incapacitating punishments, such as lifelong banishment to Ethiopia and transportation to the Sudan, both introduced in the 1840s took the place of capital punishment.

An additional factor that may have kept the number of executions low was the conflict between the Khedive and the Sultan about the right to ratify capital sentences, that arose during the negotiations about the introduction of the Ottoman Penal Code of 1850. The Sultan insisted that this was his prerogative, inextricably bound up with his sovereignty, whereas the Khedive wanted to retain a privilege that he and his predecessors had always exercised.[35] Although there is no documentary evidence, it is possible that the Khedive, in order not to give new fuel to the conflict, instructed the judicial councils that he would not approve capital sentences except those sanctioned by qadis.

Corporal punishment

During the early years of Meḥmed ʿAlī's reign, various types of corporal punishments were applied, of which flogging was the most common. Other forms existed too but were unusual. From the early years of Meḥmed ʿAlī's reign we have two pertinent reports by the contemporary chronicler Al-Jabartī. That he included these reports in his history is an indication of the exceptional character of the penalties mentioned in them. The first report is that in 1812 the governor of Cairo sentenced three robbers to the punishment of amputation of their right hands.[36] This must have been an unusual penalty as is corroborated by Al-Jabartī's remark that the executioner was not proficient in this operation, as a result of which one of the robbers died. The executioner's lack of proficiency was no doubt a consequence of the infrequent occurrence of this type of punishment. The second report is about a market inspector (*muḥtasib*), a certain Muṣṭafā Kāshif Kurd, who went around and punished those violating the market regulations by nailing them to the doors of their shops, piercing their noses and hanging pieces of meat from them, clipping their ears, sitting them on hot baking trays and so forth.[37] These stories are often quoted as an indication of the cruelty and arbitrariness of justice in Meḥmed ʿAlī's time. Although these types of punishment reflect older Ottoman practices, they must have been exceptional in early nineteenth century Egypt, for otherwise Al-Jabartī would not have mentioned it. This is the more plausible since Muṣṭafā Kāshif Kurd was appointed by Meḥmed ʿAlī for his ruthlessness after he had heard that the lower orders of Cairo could not be made to obey Muṣṭafā's predecessor.

As from the 1830 Meḥmed ʿAlī followed a policy of putting an end to mutilating corporal punishments. When, in 1835, he learned that the governor of the Buḥayra

[33] Art. 197 QM.

[34] After 1850 I have come across only one capital sentence. It was pronounced against a soldier who was convicted for having wilfully let escape a prisoner. See the document referred to in note 25.

[35] See Baer (1969).

[36] Jabartī (1879-1880), IV, p. 144.

[37] Jabartī (1879-1880), IV, p. 278 (Ramaḍān, 1232 [July, 1817]); see also Lane (1966), p. 126, 127; Sāmī (1928-1936), II, p. 262, 542.

Province had cut off the nose and ears of a peasant who had uprooted cotton plants before finally killing him, he censured the latter and instructed him that flogging, imprisonment and death were the only punishments that he was allowed to impose for such acts, which was in accordance with the Penal Code of 1829.[38] There is no evidence that mutilating *ḥadd* penalties or *qiṣāṣ* punishment for wounding were enforced. In the rare cases that lower courts pronounced such sentences, they were invariably commuted by higher authorities.[39]

The only forms of corporal punishment mentioned in the laws issued in Meḥmed ʿAlī's time were flogging with the *kurbāj* (with a maximum of 600 stripes[40]) on the buttocks or the bastinado on the soles of the feet.[41] Unlike the older Ottoman penal codes that would define offences but not their punishment, the Egyptian codes from 1829 specify the number of strokes.[42] Beating with a wooden stick (*nabbūt*), although not listed in the codes, was also practised.[43] Flogging was the usual punishment in the countryside and the Code of Agriculture (*Qānūn al-Filāḥa,* henceforth: QF) of 1830 mentions it as a punishment in 31 out of its 55 articles. It was the preferred penalty to punish cultivators, since imprisonment would result in a decline in productivity.[44] With regard to some offences, the application of the punishment of flogging depended on the social class of the offender: those belonging to the lower classes were to be flogged, whereas those of the higher classes were to be punished with imprisonment.[45] This must reflect an explicit penal policy. The relevant provisions are part of a group of articles that are direct borrowings from the French Code Pénal of 1810, which does not list flogging as a punishment.

Under the influence of Ottoman criminal law, caning was introduced by the QS. The first three chapters of this Code, for the greater part identical with the Ottoman Criminal Code of 1850, meticulously followed the shari'a provisions for *taʿzīr*, in that the maximum number of strokes was not to exceed 79, one less than the minimum *ḥadd* punishment. However, in the chapters summarising previous Egyptian legislation (chapters 4 and 5), the traditional Egyptian system was maintained, except that the term *kurbāj* (whip) was now replaced by *jalda* (lash), a term used in the standard works of Islamic jurisprudence. The maximum number of stripes mentioned in the code was 250. Flogging or caning by way of *taʿzīr* or as a *ḥadd* punishment could also be administered in a qadi's court. From the archival material it is clear that if the qadi imposed such punishment, it was immediately carried out during the session.

[38] Orders of 2 and 22 Ramaḍān, 1251. Sāmī (1928-1936), II, p. 456, 458.

[39] See Peters (1997).

[40] QM art. 111 mentions this number as a punishment for officials committing for the third time the offence of returning late from an official journey.

[41] QF art. 25 stipulates the liability according to the shari'a of an official who causes the death of a person by hitting him on spots other than the buttocks or the soles of the feet. The technical term *falaqa* for bastinado, however, is not mentioned in the penal codes.

[42] See Peters (1999b). In a few articles the number is not specifed, probably due to editorial oversight. See e.g. PC 1849, art. 1: "an appropriate (corporal) punishment (*al-taʿzīr bi-mā yaliq*)".

[43] See e.g. Khedival order of 16 Muḥarram 1252 [3-5-1836]; Sāmī (1928-1936), II, p. 466.

[44] This is mentioned explicitly in various penal laws. See PC 1829, art. 9; QS, ch. 3, art. 19.

[45] Art. 164 and 166 QM, corresponding with arts. 330 and 309 of the French Code Pénal of 1811.

Flogging and caning as judicial punishments were abolished in 1861. In order to put this in its proper perspective, it is necessary to discuss it in the context of official violence. During the nineteenth century acts of violence committed by officials against the population were frequent and common. We can distinguish the following forms:

– generic official violence in situations where officials needed to assert their authority and force persons to carry out their orders (army, civil servants supervising *corvée*, collecting taxes etc.);

– physical pressure during criminal investigations;

– judicial corporal punishment based on sentences pronounced by qadis, councils, or officials with judicial powers.

From the middle of the nineteenth century the Egyptian government made attempts at controlling and limiting generic official violence. The motives behind these measures were diverse and I will discuss them in the conclusions. The first steps in limiting official violence were taken by Meḥmed ʿAlī who enacted legislation making officials financially and criminally responsible for excessive violence resulting in loss of life[46] and for unlawful detention.[47] This was part of his policy of curbing the arbitrary behaviour of his administrators and soldiers and to inculcate discipline into them. However, these measures were not intended to put an end to generic official violence and it remained a common phenomenon: tax collection in the countryside was usually accompanied by the whipping of those unwilling or unable top pay until at least the end of the 1870s.[48]

Until the early 1850s, torture (*al-taḍyīq ʿalā al-mathūm*) during investigation was standard procedure, sanctioned by state law[49] although not by the shari'a.[50] It consisted as a rule in flogging and beating, often on the soles of the feet. Other forms of torture were forcing people to stand for 48 hours until their feet were swollen, depriving people from food, drink and sleep, confinement in too small a cell, hanging a person from his fingers and the use of shackles.[51] When the QS was introduced in the early 1850s, one of the organic decrees issued in connection with the QS banned the use of physical pressure during criminal

[46] For liability of officials for death caused by flogging, see Khedival order, 28 Rabīʿ II 1245 [27-9-1845], i.e. before the enactment of Meḥmed ʿAlī's first criminal code] to the effect that officials who would cause the death of persons by beating would be liable according to the shariʿa and also face banishment; the order was occasioned by a report that a *ma'mūr* in the Gharbiyya province had beaten to death some persons. Sāmī (1928-1936), II, p. 356; see further: QF art. 25; QM art. 60; PC 1849 art. 46; QS ch. 1, art. 1.

[47] Officials who unlawfully imprison persons must pay a compensation of 5 to 10 piaster per day: QM art. 179; PC 1849, art. 34. The provisions were not adopted by the QS.

[48] Cole (1993), p. 87.

[49] QF, art. 26; Dīvān-i Hidīvī Lāyiḥesi (Regulations of the Khedival Bureau), issued 13 Muḥarram 1254 [8-4-1838], art. 13. Text in Maḥfaẓat al-Mīhī, doc. 20. See also Lane (1966), p. 114.

[50] During the investigation of case of manslaughter the suspects had been beaten severely and finally confessed considering that being sent to the Alexandria gaol was better than continuously being whipped. The Grand Mufti stated: "The defendants cannot be convicted for manslaughter because their confessions have been obtained by what according to the shari'a is regarded as coercion (*ikrāh shar'ī*)." Fatwa, 5 Jumādā II 1268 [27-3-1852]. Al-Mahdī (1301 H.) v, 435-6.

[51] Some of these forms of torture were routinely mentioned in official correspondence about criminal investigations. See e.g. Mudīriyyat Minūfiyya to wakīl Qism Samādūn, 6 Dhū al-Qaʿda 1260. Mudīriyyat Minūfiyya, Ṣādir, Lām 6/1/1, p. 209; Mudīriyyat Minūfiyya to al-Jamʿiyya al-Haqqāniyya, 5 Dhū al-Qaʿda 1260, *ibid.*, p. 254. Others are listed in the 1861 decree abolishing corporal punishment and torture (see below).

investigation. The prohibition was repeated in 1858[52] and in 1861, when, in the decree abolishing flogging as a penalty (see below), instructions were issued regarding the extent of pressure to be applied on suspects during the investigation. It prohibited certain methods of torture and stipulated that the *mudīr* or *ma'mūr* of the department where the investigation was carried out was to supervise the interrogation.[53] Beating during investigation was henceforth allowed only in exceptional situations as a means to induce a suspect to confess if there was already some evidence for his crime. In such a case he could be beaten but only if after some days of trying, it proved to be impossible to make him confess by psychological pressure, such as verbal abuse (*zajr*), threats (*tahdīd, takhwīf*), and showing the whip.[54] It is of course not clear to what extent these instructions were obeyed in practice. There are records of complaints of suspects who claimed that their confessions were obtained under physical pressure. These were taken seriously and resulted in official investigations.[55]

Whereas the banning, or rather, the restricting of violence during investigation was a gradual process that lasted nearly ten years, the abolition of flogging as a punishment was brought about at once, although previously certain measures had already be taken to restrict excesses: In 1858 it was decreed that if a punishment of more than two hundred lashes was to be carried out, the victim should first undergo a medical examination.[56] The penalty of flogging or caning was finally abolished on 9 July 1861. The decree is silent on the considerations for this step. Flogging was henceforth replaced by detention (*ḥabs*), which could be aggravated, for serious offenders, by providing only water and bread for food (*ḥabs al-riyāḍa*), by putting them in shackles, or by isolating them from the other inmates and denying them the right to receive visitors.[57] The decree was enforced by the courts, although in the years immediately following the decree, I have seen a few sentences imposing flogging, most of them pronounced by shari'a courts by way of *taʿzīr*.[58]

[52] See art. 14 Dhikr waẓā'if mutafarriʿa bi-l-majlis (List of further duties of the regional councils), an organic decree enacted when the QS was introduced, forbidding torture (*taʿdhīb*), suffering (*adhiyya*) and physical pressure (*taḍyīq*) during investigations, Jallād (1890-1892), II, p. 105-106; Khedival decree of 9 Ramaḍān 1274 (24-4-1858). Majlis al-Aḥkām, Daftar Majmūʿ Umūr Jinā'iyya, p. 90.

[53] Khedival decree of 19 Jumādā II 1278, and summarised in Lām 1/20/8, Muḥāfaẓat Miṣr, p. 71, doc. 3, 11 Shaʿbān 1278. Precise details on commuting sentences of flogging to sentences of detention are given in the Lāyiḥat tabdīl al-ḍarb bi-l-ḥabs (Ordinance regarding the replacement of beating by detention), an order issued by Muḥāfaẓat Miṣr on 11 Shaʿbān 1278 [11-2 1862], implementing the Khedival decree of 26 Dhū al-Ḥijja 1277 [5-7-1861] no. 120 replacing the penalty of beating by detention. Muḥāfaẓat Miṣr, Qayd al-qarārāt al-ṣādira bi-Majlis Muḥāfaẓat Miṣr, Lām 1/20/8, p. 71, doc. 3.

[54] See arts. 8 and 10 of the order implementing order issued by Muḥāfaẓat Miṣr mentioned in note 56.

[55] See e.g. decision of the Maʿiyya Saniyya, 24 Jumādā I 1268 [16-3-1852]. Maʿiyya Saniyya, Qayd al-khulāṣāt al-wārida min majālis daʿāwī al-aqālīm, Sīn 1/24 sijill 1, p. 2. Investigation by the Majlis al-Aḥkām at the request of two persons who had been convicted for theft of cattle and claimed that their confessions had been obtained by whipping them.

[56] Khedival decree of 9 Ramaḍān 1274 [24-4-1858]. Majlis al-Aḥkām, Daftar Majmūʿ Umūr Jinā'iyya, p. 90.

[57] Khedival order of 26 Dhū al-Ḥijja 1277 [6-7-1861]. Majlis al-Aḥkām, Daftar Majmūʿ Umūr Jinā'iyya, p. 155; Sāmī (1928-1936), III, 1, p. 375. A year later, in an instruction to newly founded regional courts, the interdiction of flogging was repeated. Irāda Saniyya of 22 Dhū Qaʿda 1278 [21-5-1862]. Sāmī (1928-1936), 3/1 p. 403.

[58] See e.g. Majlis al-Aḥkām, al-Maḍābiṭ al-Ṣādira, Sīn 7/10/23, p. 183, doc. 945, 8 Dhū al-Ḥijja, 1280, commuting a sentence of flogging pronounced by Majlis al-Manṣūra into imprisonment; for examples of shari'a sentences, see sentence of Cairo Shari'a Court of First Instance, 17 Rabīʿ I 1286 [17-7-1869], Dār al-Maḥfūẓāt, Maḥkamat Miṣr al-ibtidā'iyya al-sharʿiyya, Ḍabṭiyyat al-murāfaʿāt, Makhzan 46, ʿayn 22, sijill 1238, p. 84; Dīwān Majlis al-Aḥkām, Qayd al-Iʿlāmāt al-sharʿiyya, Sīn 7/31/3, no. 85, 28 Dhū al-Ḥijja, 1278, no. 253, 17 Rajab 1279 [3-1-1863].

Imprisonment

"In 1855 a certain Muḥammad ʿAlī was arrested on a charge of theft. In his home goods were impounded that he was accused of having stolen. Their owner, Muḥammad Rif'at Efendi, living in the Cairo Bāb al-Khalq quarter, accused him of having stolen money and goods from his home with a total value of about 18,000 piasters. Muḥammad ʿAlī declared that the victim's wife, with whom, he claimed, he had spent a day and a night, had given him out of her own free will a sum of money, part of which he had spent on the goods that were impounded in his quarters. The police recovered the price of the goods from the seller and returned it to Muḥammad Rif'at Efendi, together with the rest of the money that in the meantime had been found in Muḥammad ʿAlī's lodgings. At this point the suspect had admitted that he had stolen the money. When his criminal records were examined, it appeared that he had been arrested twice before, once on a charge of theft of a camel –of which he later was proven innocent–, and once for pretending to be a police spy *(baṣṣāṣ)*. Both times he had managed to escape from custody. Taking this into consideration, he was sentenced to lifelong forced labour in the fortifications of Al-Qanāṭir al-Khayriyya (also called Al-Qalʿa al-Saʿīdiyya). Later he was transferred to the Alexandria Arsenal Prison *(Līmān Iskandariyya)*. In 1858 he was selected to serve the remainder of his term in the army. There, however, he committed another theft and was sent back to the Alexandria Arsenal. When the general amnesty of March 1861 was announced, he was not released, but, being regarded as incorrigible *(shaqī)*, transferred to the Department of Industry *(Dīwān al-Wābūrāt wa-l-ʿAmaliyyāt)* for forced labour in factories. From there he escaped again. Upon being found out by a police spy, he tried unsuccessfully to prevent his arrest by threatening the police spy with a knife and wounding a person who came to the policeman's rescue. On 16 September 1861, the Cairo Police Department sent him to the Alexandria Arsenal in order to complete his life sentence. However, when Khedive Ismāʿīl succeeded Saʿīd, he instructed the Majlis al-Aḥkām (the highest judicial council in Egypt) to review the cases of inmates of the Alexandria Arsenal with life sentences or unspecified terms. As a consequence, his sentence was commuted on 19 November 1866 to five years forced labour in the Alexandria Prison. However, since he was classified as belonging to the "group of evildoers" *(zumrat al-ashrār)* mentioned in ch. 3, art. 13 of the QS, he was not to be released after this period unless it had become clear that he had become honest and of good behaviour and he could find a relative willing to be his guarantor *(ḍāmin)*."[59]

My first reaction upon reading this account was one of regret that this gaolbird did not write his memoirs. He was familiar with most larger prisons in Egypt and the story of his life behind bars would be invaluable for the penal history of Egypt. The account as we

[59] Sīn 7/10/29, Majlis al-Aḥkām, al-Maḍābiṭ al-ṣādira, p. 135-136, maḍbaṭa 133, 11 Rajab 1282 [30-11-1865]; Khedival order to the Ministry of the Navy (under whose jurisdiction the Alexandria Arsenal came), 21 Rajab 1281 [20-12-1864], Sīn 1/1/30, Maʿiyya Saniyya, al-Awāmir al-ṣādira, p. 90 and 121; Cairo Police to Muḥāfaẓat Iskandariyya, 12 Rabīʿ I 1278 [17-9-1861], letter by which Muḥammad ʿAlī was sent to the Alexandria Arsenal), Ḍabṭiyyat Miṣr, Ṣādir al-Aqālīm, Lām 2/2/5 (old 530), p. 24, no. 7.

have it is representative of the type of available sources. They are factual and written from an official point of view. Their value lies in the information they impart regarding the functioning of the penal institutions, and they tell us little about the experiences of the inmates.[60]

The story of Muḥammad ʿAlī illustrates several characteristic traits of the Egyptian prison system in the nineteenth century. In the first place it is evident from the account that there were a variety of penitentiary institutions and that, in addition, convicts were sometimes sent to the army instead of completing their sentences in prison. Secondly, the account shows that the term specified in a sentence could be subject to all kinds of changes. The period one actually spent in prison was often shorter than the term of the sentence, usually as a consequence of general amnesties, but also as a result of escapes. Prison security was not very tight and escapes were frequent in spite of the severe punishments to which guards were sentenced if they let prisoners escape. Finally, it demonstrates that attempts were made, although not very consistently, to single out habitual offenders and keep them permanently imprisoned. In the following I will discuss these and other aspects of the Egyptian prison system.[61]

The functions of prisons

Prisons had various functions: In the first place they served as penitentiaries, i.e. places of confinement for those sentenced to imprisonment. In addition, the police prisons and in the prisons of the provincial capitals held arrested suspects in custody pending the investigation of their cases. In exceptional cases, this might take a long time. I found a petition submitted by a murder suspect, who had been in custody for over seven years, because the victim's heirs could not be traced with the result that the shari'a proceedings could not be initiated.[62] Most prisons also served as debt prisons.[63] Debtors unable to pay their debts were normally held in the local prisons.[64] During Meḥmed ʿAlī's reign they were sent to the Alexandria Arsenal Prison if they proved to be insolvent.[65] In Cairo and possibly in other big cities there was a special debt prison. It seems that it was not too difficult to have a person imprisoned on this ground, for in February 1869 a decree was issued to remedy the frivolous arrest of debtors. It stipulated that persons could only be imprisoned for debts if these were duly substantiated and the creditor was willing and capable of paying for the prisoner's maintenance.[66]

[60] For a description of prison conditions in nineteenth-century Egypt, see Peters (forthcoming b).

[61] For a discussion of prison conditions, see Peters (forthcoming b).

[62] Petition, 11 Jumādā II 1291. Dākhiliyya ʿArabī, Maḥfaẓa 14 (1291), doc. 656. For the relationship between shari'a and secular justice in homicide cases, see Peters (1997).

[63] In classical Islam, this was the most important function of prisons. See Schneider (1995).

[64] Sīn 2/29/2, Dīwān Khidīwī, Ṣādir al-aqālīm, p. 43, doc. 14, 21 DQ 1243.

[65] Khedival order, 21 Dhū al-Qaʿda 1243 [4-6-1828], Dīwān Khidīwī, Ṣādir al-aqālīm, Sīn 2/29/2, p. 43, doc. 14; Khedival order, 28 Dhū al-Ḥijja 1258 [30-1-1843], Shūrā Muʿāwana Turkī 158 (old), p. 219, doc. 1053.

[66] Order, 5 Dhū al-Qaʿda 1285 [17-2-1869], Majlis al-Khuṣūṣī, al-Qarārāt wa-l-Lawā'iḥ al-Ṣādira, Sīn 11/8/13, no. 32.

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Other groups of non-criminal inmates were persons punished vicariously for acts committed by their relatives and persons, often Bedouin, held in hostage by the government as a means to coerce their relatives or tribe into obedience.[67] Vicarious punishment seems the have disappeared after the 1850s. With regard to the imprisoned Bedouin,[68] it is sometimes difficult to distinguish between those who were imprisoned for robbery or rebellion and those who had been taken hostage as a guarantee for the good behaviour of their tribes. I regularly came across Khedival orders instructing prison commanders to submit lists of the Bedouin inmates and to specify whether they had been imprisoned for a certain period or without a term.[69] During certain periods, e.g. in the 1860s, the Alexandria Arsenal also served as a place of imprisonment for foreigners who had been sentenced to imprisonment by their consular courts. They as a rule served short sentences, of a few weeks only.[70]

Almost all prisoners had to work. Many of them were attached to factories or quarries to supplement the numbers of the "free" workers, many of whom could hardly be distinguished from the convicts, having been brought by force to the industrial establishments. Moreover, as is clear from the aforementioned account of Muḥammad ʿAlī, young convicts who were physically fit, often served their terms as soldiers in the army, or were drafted immediately after the termination of their terms.[71] Prison labour had essentially an economic function as a means to provide manpower for necessary but arduous, dirty or unhealthy work. Since especially in the early half of the nineteenth century there was a chronic factory workers and soldiers, prisoners were matter-of-factly sent to industrial establishments and the military. I have found no indications that prison labour was seen as a means to rehabilitate the inmates, which occupied such a prominent place in nineteenth-century Western European debates on crime and punishment. Within the framework of penal policy, hard labour was regarded as a form of retribution. In addition it functioned as a deterrent since the inmates were not isolated from the public space and could be seen in shackles during transport or when carrying out work outside the prison.

[67] Majlis Mulkī to the Ma'mūrū al-Dawāwīn, 26 Rabīʿ II 1246 [14-9 1830], ordering that local officials must take the sons of peasants who are unable to pay their taxes and send them to the army if they are strong, or to the Alexandria Arsenal or the Turʿat al-Maʿṣara in order to carry earth if they are weak. Dīwān Khidīwī Turkī, 759 (old), p. 102, doc. no. 209. Khedive to Aḥmad Pasha al-Yegen, 12 Ṣafar 1248, Maʿiyya Saniyya Turkī 44 (old), doc. 91.

[68] See e.g. missive from Wakīl Nāẓir al-Jihādiyya to Maʿiyya, 8 Muḥarram 1272 [20-9-1855] mentioning that apart from the ordinary prisoners, there were 609 Bedouin in the Qalʿa Saʿīdiyya, Maʿiyya Turkī, Maḥfaẓa 8, waraqa 11, doc. 58 (from DWQ card index, s.v. *sujūn*); Khedival order to the Dīwān ʿUmūm Baḥriyya Iskandariyya, 3 Jumādā II, 1272, ordering the release of 71 Bedouin from the Alexandria Arsenal at the request of their sheikh, Maʿiyya Saniyya, Awāmir, Daftar 1884 (old), p. 49, doc. 28 (from DWQ card index, s.v. *sujūn*); Entry to Alexandria Prison on 19 Rajab 1279 [3-1-1863] of 82 Bedouins from Upper Egypt, called *ʿurbān ashqiyā'* (criminal Bedouin), aged between 10 and 70, without specification of prison term, Dīwān al-tarsāna, sijill 954 (register of prisoners in the Alexandria Arsenal), p. 131.

[69] See e.g. Khedival order to the commander of the Qalʿa Saʿīdiyya, 5 Jumādā II 1272 [12-2-1856], Maʿiyya Saniyya, Ṣādir al-awāmir al-ʿāliya, Sīn 1/1/5, p. 144, no. 20; same order to Alexandria Arsenal, 25 Jumādā II 1272 [3-3-1856], Maʿiyya Saniyya, Ṣādir al-awāmir al-ʿāliya, Sīn 1/1/5, p. 70, no. 29.

[70] See e.g. Dīwān al-tarsāna, 956 (old) (Register of prisoners of the Alexandria Arsenal), p. 14.

[71] That offenders could be sent to the army as a punishment is mentioned in the oldest criminal legislation: e.g. PC 1829 arts. 18-20, QF arts. 15, 7 and 27, PC 1849, arts. 8 and 11. Although it is not mentioned in the QS, the practice of sending convicts to the army continued.

Types of prisons

In order to get an insight in the type of prisons that were operative in Egypt during our period, we have to rely on archival sources and on the earliest Egyptian legislation (i.e. the Penal Code of 1829, the Code of Agriculture of 1830, and parts of the Penal Code of 1845). The texts of the other penal codes are often misleading since their terminology was copied from the foreign models that had inspired these codes[72] and did not necessarily reflect the Egyptian system. This is especially true with regard to arts. 123 to 194 of the QM, that were translated from the French Penal Code of 1811 and of the first three chapters of the QS that corresponded with the Ottoman Penal Code of 1850. Moreover, the terminology used in the various codes was not uniform: sometimes the same term is used for different modalities of imprisonment, whereas in other instances the same modality is referred to by different terms.

Although the names and locations varied, the essential traits of the system hardly changed during our period. Serious offenders were sent to national labour prisons or, from the early 1840s, deported to labour prisons in Sudan. For those whose offences were not as serious, there was the possibility to serve prison terms at forced labour locally in factories, on building sites or in menial jobs in government offices. Since the convicts were closer to their homes, this was considered to be a lighter form of punishment. Those sentenced to short terms were held locally, in police gaols in the big cities or in gaols in the provincial capitals.

At the national level there were at various times three prisons. The one that remained operative during our entire period was the one connected with the Alexandria Arsenal (*Tarsānat Iskandariyya*),[73] called *līmān* (or *lūmān*) *Iskandariyya*, where the convicts were originally employed in spadework and transporting earth and later also in the workshops.[74] In the 1830s the inmates were paid wages for their labour.[75] This prison fell under the jurisdiction of the Department of the Navy (Dīwān al-Donanma or Dīwān al-Baḥriyya). The overall responsibility, according to art. 197 QM, was with the Inspector of the Navy (*mufattish al-Donanma*) and the Director of the Arsenal (*Nāẓir al-Tarsāna*). For its daily functioning, the prison warden (*ma'mūr al-mudhnibīn*) was responsible. The number of the inmates of the Alexandria prison fluctuated between 200 and 650. In the early 1830 Bowring counts about 200 prisoners (among several thousands of non-convict workers) in the Alexandria Arsenal. This number must have been practically constant until 1845, when a

[72] See Peters (1991), p. 216.

[73] For a map of the Alexandria Arsenal as it existed in 1829, see Ilbert (1996), II, p. 766.

[74] In the sentences pronounced during the first half of the nineteenth century, the following words are used: *naql al-turāb* (transporting earth), *ḥaml al-turāb* (carrying earth), *toprak hizmeti* (earth works). Later they also worked in the workshops. See e.g. Bowring (1840) and Pückler-Muskau (1985), p. 69.

[75] *Al-Waqā'iʿ al-Miṣriyya*, 5 Jumādā II 1247 [11-11-1831]: A Gypsy (Niwari) is sent to the Dīwān al-Abniya to work there against wages (*ujra*). In the 1247 issues of the *Waqā'iʿ al-Miṣriyya* one often finds the formula "He was sent to the Dīwān al-Abniya to work there for wages but under detention (*maḥbūs*) to punish him. Bowring, writing about the late 1830s, reports that the "galley slaves employed in the different works" [of the Alexandria Arsenal] are paid 4 piasters a day, including provisions and clothing, which is only one piaster less than the other workers received. Bowring (1840), p. 59.

French traveller estimated the total number of prisoners in Cairo and Alexandria together at 300 inmates.[76] A few years later, however, in 1847, there were already about 450 prisoners in Alexandria. In the early 1860s the number of inmates varied between 250 and 650 convicts.[77] The fluctuations can be explained by changes in penitentiary policies, i.e. variations in the categories of prisoners that were sent to Alexandria and by general pardons, ordered especially when the prisons became overcrowded.

Apart from the Alexandria gaol there was a forced labour prison near the fortification at al-Qanātir al-Khayriyya (called al-Qalʿa al-Saʿīdiyya or al-Istiḥkāmāt al-Saʿīdiyya) that was operative from about 1853 until at least 1865.[78] Its inmates worked in constructing the fortress. As a prison it was much bigger than the Alexandria Arsenal. In October-November 1855, it housed some 1,100 to 1,200 prisoners, half of them Bedouin, and the wardens repeatedly complained that they did not have sufficient personnel at their disposal for guard duties.[79] Initially it fell under the authority of the War Office (*Jihādiyya*), but in 1857 it was transferred to the Department of Industry.[80] Finally there seems to have been a national prison in Sudan (apart from the deportation camps). In the beginning it held only Sudanese convicts until, in 1857, it was decided that, in order to make the punishment more deterrent, serious offenders from the Sudan would serve their terms in Alexandria, whereas those from Egypt would be sent to the Sudan.[81]

The provincial prisons and various industrial establishments held less serious offenders sentenced to hard labour. Hard labour in factories and on construction sites goes back to the late 1820s, when convicts were sent to the iron foundry (Turkish: *demürkhane*) in Bulaq or to building sites in Alexandria (Turkish: *Iskenderiye ebniyesi*). Apparently there was at that time no differentiation in the various forms of hard labour. In the 1830s and 1840s prisoners were either put at the disposal of the Department of Construction (*Dīwān al-Abniya)* or sent to the Alexandria Arsenal. Later the Alexandria Arsenal became the prison for the more serious criminals. In the early 1850s convicts were sent to various industrial establishments (*tarsāna*), such as the ones in Bulaq[82] and Khartoum, (until the latter, as we

[76] Schoelcher (1836), p. 30.

[77] This breaks down as follows: 1847: 450 inmates; 1860: 600 inmates; 1865: 400 inmates; 1866: 650 inmates; 1868: 250 inmates. I have found these figures with the help of the five sijills concerning the Alexandria Arsenal (see Appendix 3), by counting the number of prisoners that entered in a given year and multiplying it with the average period spent in the prison. These figures are confirmed by a source stating that on 4 December 1862 the number of inmates was 443. See Majlis al-Aḥkām, al-Maḍābiṭ al-Ṣādira, Sīn 7/10/23, no. 893, 28 Dhū al-Qaʿda 1280, p. 132.

[78] See note 71.

[79] Qalʿa Saʿīdiyya to the Kātib al-Dīwān al-Khidīwī, 3 Ṣafar 1272, Maʿiyya Turkī Maḥfaẓa 8, leaf 11, doc. 58; Qalʿa Saʿīdiyya to the Khāzin al-Dīwān al-Khidīwī, 29 Ṣafar 1272, *ibid.*, leaf 12, doc. 474; in 1855 there 609 Bedouins in the Qalʿa Saʿīdiyya, Wakīl Nāẓir al-Jihādiyya to al-Maʿiyya al-Saniyya, 8 Muḥarram 1272 [20-9-1855], Maʿiyya Turkī, Maḥfaẓa 8, doc. 58.

[80] Order of 16 Dhū al-Ḥijja 1273 [7-8-1857], DWQ Card index s.v. *sujūn*, Maḥfaẓa 14 Turkī, leaf 132, doc. 398; by the end of 1862 the Qalʿa Saʿīdiyya was still in use as a prison, see order of 27 Jumādā II 1279 [20-12-1862], DWQ, Card index s.v. *sujūn*, Maʿiyya Saniyya, Daftar 1905, p. 36, doc. 23.

[81] Khedival order to Mudīr Tākā, 29 Jumādā I 1273 [24-2-1857]. Majlis al-Aḥkām, Daftar Majmūʿ Umūr Jināʾiyya, p. 133.

[82] Khedival order, 29 Ramaḍān 1252 [7-1-1837], DWQ, Card index s.v. *sujūn*, Mulkiyya Turkī 5 (old), p. 174, doc. 174: Reference to prisoners in big factory in Bulaq. See also e.g. Majlis al-Aḥkām, Maḥfaẓa 2, doc. 2/63, 16 Dhū al-Ḥijja 1266 [23-10-1850] and doc. 2/82, 24 Dhū al-Ḥijja 1266 [31-10-1850].

have seen, became a national prison in 1857).[83] Finally, from the mid 1850s until late 1864, convicts were put at the disposal of the Department of Industry (Dīwān al-Wābūrāt wa-l-ʿAmaliyyāt, also called Dīwān al-Fābrīqāt wa-l-ʿAmaliyyāt) to be used as a labour pool for work in factories and quarries.[84]

Hard labour in provincial gaols existed already in 1830. It is defined in the Law of Agriculture enacted in that year, as "to be employed, with his feet in chains, on the government building site (*al-abniya al-mīriyya*) in the district (*ma'mūriyya*) where he comes from" (art. 17). The Penal Code of 1845 mentions expressly that these building sites are located both in Cairo and in the provincial centres (art. 192). Since this type of hard labour was served not too far from home, it was considered to be lighter than terms served in the national prisons. The QS referred to it with the term "lowly jobs (*khidamāt danī'a* or *ashghāl sufliyya*). Convicts serving time in the provincial prisons were employed in sweeping, cleaning and light construction labour. This type of punishment was less strenuous than hard labour in factories.[85]

Places for simple detention (*ḥabs*) were the police prisons in the big cities, the prison in the Cairo Citadel, and prisons in the various provincial capitals. These prisons fell under the authority of the local police departments or the provincial administrations (*mudīriyyāt, muḥāfaẓāt*). They were relatively small: In August 1859, about 100 prisoners were detained the Cairo police gaol, among them those held for debt.[86] The provincial prison of the Mudīriyya Beni Suweif and Fayoum housed 74 inmates in 1854.[87] For higher officials and military officers[88] there was detention in the fortress of Abū Qīr, which was in use until at least 1855.[89] I have not been able to establish whether or not the detainees were forced to work. For some time after 1849 it was replaced by imprisonment in Aswan, with a reduction of half of the prison term because of the heat.[90]

As we have seen, prisons fell under various departments: Ministry of War, of the Navy, and of Construction, the various police departments (*ḍabṭiyya*) and under the authority of the city administrations (*muḥāfaẓāt*) and the provincial administrations (*mudīriyyāt*). Therefore, the organisation of the prison system was diverse. A small measure of

[83] Khedival order to Ḥukumdār al-Sūdān, 21 Ṣafar 1272 [2-11-1855] mentioning that a person was sentenced to life imprisonment in the *tarsānat* al-Kharṭūm, Maʿiyya Saniyya, Ṣādir al-awāmir al-ʿāliya, Sīn 1/1/5, p. 79, no. 5.

[84] Majlis al-Aḥkām to Majlis Isti'nāf Qiblī, 24 Jumādā I 1281 [25-10-1864], informing this council that Al-Wābūrāt wa-l-ʿAmaliyyāt had been abolished, Majlis al-Aḥkām, Ṣādir al-aqālīm al-qibliyya, Sīn 7/4/33, p. 83, doc. 21.

[85] Majlis al-Aḥkām to al-Muʿāwana, 6 Ramaḍān 1280: transfer of a sick seventy year old convict, with bad eyesight to the lowly jobs in the mudīriyya because the work in the factory was too strenuous form him. Majlis al-Aḥkām, Ṣādir al-Dawāwīn, Lām 7/3/46, p. 5.

[86] Maʿiyya Saniyya to Ḍabṭiyyat Miṣr, 4 Muḥarram 1276 [3-8-1859], Majlis al-Aḥkām, Daftar Majmūʿ umūr idāra wa-ijrā'at, Sīn 7/33/1, p. 233.

[87] Khedival order to Mudīr Banī Suwayf and Fayūm, 9 Dhū al-Qaʿda 1270 [3-8-1854]. Maʿiyya Saniyya 1879 (old), Awāmir, p. 4, doc. 4 (from DWQ card index).

[88] Art. 62 of the Penal Code of 1849 lays down that here officials with the rank of *qā'immaqām* (lieutenant-colonel in the army and a government official at the village level in the civil ranks) or higher were held.

[89] Khedival order to the Muḥāfaẓa of Cairo, 23 Ṣafar 1272 [4-11-1855] to send a certain village sheikh to the Abū Qīr prison. Sīn 1/1/5, p. 74. The QS does not mention Abū Qīr anymore.

[90] Decree of the Majlis al-Aḥkām, 8 Rajab 1265 [30-5-1849]. Majlis al-Aḥkām, Daftar Majmūʿ Umūr Jinā'iyya, p. 133.

uniformity was introduced by the appointment of a special inspector of prisons in February 1865, with the task of checking the conditions of the prisons and ensuring the punctual release of the prisoners.[91]

Transportation

Transportation to the Sudan was regarded as the most serious form of imprisonment. We do not have any details of prison life there, but the climate, the distance from home and the working conditions must have made life very hard for the inmates. Transportation was introduced as a means of incapacitation of serious criminals by means of total exclusion from society, and thus as an alternative for capital punishment. Economic considerations played a role in its introduction. Prisoners had to work in those areas where free workers were not available: in the gold mines and quarries in Eastern Sudan and, later, in the reclamation projects in Central Sudan. In the end, however, the authorities realised that prison inmates were not very efficient and productive workers. By then it was decreed that those deported to the Sudan could work in agriculture as free labourers and had to support themselves by their own labour. The only restriction to which they were subjected was that they were forbidden to return to Egypt.

During Meḥmed ʿAlī's reign, there were three modalities of transportation. The first one was perpetual banishment from Egyptian territory. This was introduced in 1846, for those with life sentences. They were to be sent via the Sudan to Ethiopia, out of reach of the Egyptian government ("*jihat al-Ḥabash allatī hiya khārija ʿan ṣūrat al-ḥukūma bi-ṭarīqat al-Sūdān*").[92] This order, which was indeed enforced,[93] was revoked in March 1852, when the Majlis al-Aḥkām decreed that henceforth convicts with life sentences were to be sent to Jabal Qīsān.[94] The other modalities were deportation with forced labour in mines and quarries, and deportation to reclamation areas.

When deportation was first introduced as a punishment, the convicts were sent to a mountainous area in the Sennār Province on the upper Blue Nile near the Ethiopian border, where they had to work in gold mines and stone quarries. The most notorious labour camp was located in Fayzoghli, but there were other camps as well, notably in Jabal Qīsān and, more to the East, Jabal Dūl, which was located on Ethiopian territory. Fayzoghli is mentioned for the first time in the version of the QM printed in 1845.[95] By then it had become the normal destination for those convicted for embezzlement, theft, manslaughter, robbery, false testimony and forgery, even for relatively short terms of six months.[96] Before that time it was already in

[91] Appointment of Salīm Pasha al-Jazā'irlī , 9 Ram 1281 [5-2-1865]. Sāmī (1928-1936) 3/2, p. 597.

[92] See note 98.

[93] Majlis al-Aḥkām, Maḥfaẓat 2, doc. 2/70, Maḍbaṭa 21 Dhū al-Ḥijja 1266 [28-10-1850]; doc. 2-2/42, Maḍbaṭa 1 Dhū al-Ḥijja 1266; doc. 2/37, 23 Dhū al-Qaʿda 1266.

[94] Decree of the Majlis al-Aḥkām, 26 Jumādā I 1268 [18 March 1852], Daftar Majmūʿ Umūr Jinā'iyya, p. 133.

[95] The QM incorporated previous legislation such as the Qānūn al-Filāḥa of 1830 and the Qānūn al-Siyāsatnāma of 1837. Several articles of these laws as included in the QM impose deportation to Fayzoghli as a punsihment, whereas the original versions of these laws do not mention it. Therefore, deportation to Fayzoghli must have been introduced between 1837 and 1845.

[96] QM art. 201.

use as a place of exile for political opponents.[97] On 9 February 1846 (12 Ṣafar 1262) Meḥmed ʿAlī decreed that those sentenced to two years or more of hard labour, were to be deported to the gold mines (i.e. Fayzoghli and environment).[98] This order was not consistently enforced until 1848, when, at the instigation of the Jamʿiyya Ḥaqqāniyya (the highest judicial council and predecessor of the Majlis al-Aḥkām), serious offenders were indeed sent to the Jabal Dūl and Jabal Qīsān labour camps.[99] Between 1863 and 1865 Fayzoghli and the other labour prisons on the Blue Nile were closed.[100] As from 1865 prisoners with sentences longer than ten years were to be deported to the White Nile area in the Sudan.[101]

The third modality of deportation to the Sudan was hard labour in agriculture. This was introduced in 1844 as a special punishment for officials guilty of embezzlement.[102] As from 1857, peasants and rural sheikhs sentenced to five years or more for manslaughter were deported to land reclamation areas in the Khartoum Province and could be accompanied, on a voluntary basis, by their families.[103] They were not to be detained, but had to work as free labourers. One year later, this was extended to persons convicted for theft for the fourth time.[104] When these convicts and there families began to arrive in 1858, the Sudanese officials were at a loss. To be on the safe side, they imprisoned everybody and wrote to the Ministry of Interior for instructions. The query was referred to the Majlis al-Aḥkām, who had originally drafted the decree. The Majlis al-Aḥkām explained that those sentenced to banishment according to this decree were free to go anywhere in the Sudan and seek their livelihood in whatever way they wanted and that their families had accompanied them voluntarily. Therefore, they all had to be released and the government was not obliged to support them.[105]

Differentiation

As to gender and age

Male and female inmates were housed in separate prisons.[106] In Meḥmed ʿAlī's time, women in Cairo were held in a special prison called *Bayt al-Wālī* and in a women's prison connected with the shari'a court in the capital.[107] Around the same time, in the early 1830s,

[97] Shuqayr (1972), p. 113-4.

[98] Hand-written note in the printed copy of the Penal Code of 1849, found in the Egyptian National Archive. The order was given orally as appears from a later document containing a resolution of the Majlis al-Aḥkām, 27 Jumādā I 1268 (17 April 1852), stipulating that convicts with life sentences were to be sent to Jabal Qīsān. Maḥfaẓat al-Mīhī, doc. 103. That this order was enforced appears from the sijill listing the names of the convicts in the Alexandria Arsenal prison for the years 1263-1268. Dīwān al-Tarsāne, sijill 953, where there are frequent entries saying the prisoner was transported to the Sudan.

[99] For the order of the Jamʿiyya Haqqāniyya, see Al-Waqā'iʿ al-Miṣriyya, 24 Rajab 1264 [26-6-1848]; for deportations to Jabal Dūl and Jabal Qīsān, see Al-Waqā'iʿ al-Miṣriyya, 1848, *passim*, and Hill (1959), p. 83, 87.

[100] Hill (1959), p. 163.

[101] Majlis al-Aḥkām, Ṣādir al-aqālīm al-qibliyya, Sīn 7/4/33, p. 134, doc. 48, 9 Shaʿbān 1281 [7-1-1865]. The order was repeated later that year on 4 Jumādā I, 1282, Sāmī (1928-1936), III, 2, p. 625.

[102] QM art. 196.

[103] Decree of 3 Dhū al-Ḥijja, 1273. Sāmī (1928-1936), III/1, p. 230.

[104] Art. 1, decree of the Majlis al-Aḥkām, 25 Muḥarram 1275 [4-9-1858]; text in Sāmī (1928-1936), III/1, p. 294-298.

[105] Majlis al-Aḥkām, Al-Maḍābiṭ al-Ṣādira, Sīn 7/10/3, p. 115, maḍbaṭa no. 412, 6 Jumādā I 1275 [1-12-1858].

[106] I have found no evidence for Tucker's assertion that women were kept in the same prison as men as a form of additional punishment special to women. See Tucker (1986).

[107] Dīwān Khidīwī, Daftar qayd al-khulāṣāt (Turkī), S/2/40, sijill 18 (1246), p. 180, doc. 329, 15 Shawwāl 1246 [29-3-1832].

a women's prison was created in Alexandria. Before that time, women in Alexandria were not imprisoned but were given corporal punishment instead.[108] Local police prisons also had sections for women. The one in Cairo was moved to a newly rented house in 1860, because it was too close to the men's prison.[109] Where women were detained in the provincial centres is not clear. In view of the strict separation between men and women elsewhere, there is no doubt that they were confined in different localities.

Women were also sentenced to forced labour under the supervision of the Department of Construction (*dīwān al-abniya*).[110] Here the conditions left much to be desired. In 1850 it was discovered that at some places men and women not only worked together, but also had to spend the night in the same wards. When this became known, the authorities immediately ordered this to be remedied.[111] In special cases, for instance if they had to take care of small children or were pregnant, women were not sent to factories or building sites, but were allowed to serve their terms in the civil hospital.[112] Women convicts were never sent to the Alexandria Arsenal or the Sudanese labour camps. In 1856, a national prison for women sentenced to forced labour was established in a spinning mill (Turkish: *iplikhāne,* Arabic: *maghzal*) in Bulaq.[113] This must have been the result of the introduction of the QS, which, following the Ottoman Penal Code of 1850, lays down that women are to be detained in a women's prison (ch. 2, art. 22).

There is no evidence that there were special reformatories for juvenile delinquents. This in spite of art. 133 QM (corresponding with art. 66 of the French Penal Code of 1811), stipulating that boys of twelve years and older, not possessed of discretion (*ghayr mumayyiz*), shall not be punished as adults, but be detained in a reformatory (*maḥall al-tarbiya*) for a period to be determined by the government or be handed over to their parents. Most prisoners in the Alexandria Arsenal were at least seventeen years old, but I came across some instances of younger boys,[114] even younger than twelve years, the statutory minimum

[108] Khedival order to the Naẓir Majlis Iskandariyya, 11 Jumādā I 1249 [6-10-1832], instructing him to find a place where women can be imprisonment in the same way as in Cairo and to provide for their maintenance. Sīn 1/55/2 (1248-1249), p. 108. doc. 496.

[109] Khedival order to the Muḥāfaẓat Miṣr, 23 Shawwāl 1277 [4-5-1861] to rent a house for 50-75 piasters to serve as a women's prison and appoint a guard with a monthly wages of 150 piasters, because the existing women's prison in the Police Department (Ḍabṭiyya) is too close to the men's prison. Maʿiyya Saniyya, Daftar 1894 (old), Awāmir, p. 125, doc. 65 (from DWQ card index s.v. *sujūn*).

[110] See e.g. *al-Waqāʾiʿ al-Miṣriyya*, 24 Rajab 1264: a woman is sentenced to forced labour in the Dīwān al-Abniya.

[111] Order of Majlis al-Aḥkām, 1 Rabīʿ I 1266 [26-1-1850]. Majlis al-Aḥkām, Daftar Majmūʿ Umūr Jināʾiyya, p. 89.

[112] Al-Jamʿiyya al-Ḥaqqāniyya, Qayd al-khulāṣāt al-Ṣādira ilā al-aqālīm wa-l-dawāwīn, Sīn 6/11/9, 4 Jumādā II 1264 [8-5-1848], p. 189: a woman is sentenced to serve two years in the civil hospital (*isbitāliyya mulkiyya*) assisting the sick, because she is pregnant and has a baby that she is still breastfeeding. Majlis Miṣr, 3 Ṣafar 1272 [15-10-1855], Muḥāfaẓat Miṣr, Lām 1/20/1, p. 2, no. 5: woman condemned to serve in the civil hospital.

[113] See e.g. (all taken from DWQ card index s.v. *sujūn*): Khedival order of 8 Muḥarram 1272 [20-9-1855], to Mudīriyya Minūfiyya, Maʿiyya Saniyya, Daftar 1883 (old), Awāmir, p. 12, doc. 2: a woman is sentenced to six years of hard labour to be spent in a certain prison until the *iplikhāne* is opened; Khedival order of 23 Shaʿbān 1272 [29-4-1856], to Muḥāfaẓat Miṣr, Maʿiyya Saniyya, Daftar 1884 (old), Awāmir, p. 129, doc. 122: approval of a life sentence *iplikhāne* for theft.

[114] Dīwān al-tarsāna, sijill 954, p. 127, fourteen year old pickpocket with five previous offences, in first instance sentenced to life, but after revision to three years. Sijill 955 (1281-1283): inmates younger than 17 years are exceptional. Among the 135 convicts that entered the līmān between 5 Dhū al-Qaʿda 1281 and 7 Dhū al-Ḥijja 1281, I found one boy of 12 (theft) and one of 14 (desertion) years old.

age for criminal responsibility.[115] Such boys were usually put under the care of one of the foremen of a workshop for learning a trade, and special arrangements were made for their lodgings.[116] Occasionally I have found petitions of parents requesting the release of their minor children.[117]

Arts. 134 and 135 of the QM, following French law, lay down that persons of seventy years and older shall not be sentenced to a term of hard labour or to deportation for life and that the punishment of persons who reach that age while serving a sentence of forced labour shall be commuted to incarceration (*al-rabṭ bi-l-qalʿa*) with the possibility of a reduction of the term. The QS is silent on this point. That there were inmates of seventy years and older is confirmed by the records.[118]

As to the type of offender

The Egyptian prison system was not based on the idea that different types of offenders needed different "treatment", but rather on the principle of retribution requiring that serious or repeated offenders be punished more severely. The prison system was organised according to harshness, which was conceptualised as a function of living and work conditions, distance from home and length of the period of imprisonment. Those convicted for serious crimes were usually either transported to Sudan or sent to the Alexandria Arsenal. The dividing lines between both shifted continuously (see Appendix 1). Short terms were served either in the police gaols (simple detention) or in the provincial prisons (simple detention, lowly jobs), or in industrial establishments (hard labour). The boundaries between these forms of confinement were not always clear.

[115] As fixed in the Ordonnance concerning the prohibition for children and toddlers to roam in the streets (Lāyiḥa fī manʿ murūr al-awlād wa-l-aṭfāl fī al-ṭuruq) 28 Dhū al-Ḥijja 1261 [28-12-1845]; text in Majlis al-Aḥkām, Daftar Majmūʿ umūr idāra wa-ijrāʿāt, Sīn 7/33/1, p. 177.

[116] Dīwān al-Tarsāna, 954 (old), p. 131 and 956 (old) p. 7: eleven year old Sayyid Aḥmad Buḥayrī was sent to the Alexandria Arsenal on 15 Shawwāl 1281 [13-3-1865] for petty theft. He is entrusted to the regimental tailor and is allowed to spend the night at the ship Al-Zarkh. *Ibid.*, sijill 954 (old), p. 132: three days later, on 18 Shawwāl 1281, 10 years old Nūr al-Dīn Ibrāhīm Muḥammad enters the Alexandria Arsenal. Because his father is willing to vouch for him, he is allowed to spend the night outside the prison, but had to work in the forge during the day.

[117] Maʿiyya Saniyya to the Qalʿa Saʿīdiyya, 16 Rabīʿ II 1272 [26-12-1855], Sīn 1/8/40, Maʿiyya Saniyya, Ṣādir al-Maʿiyya ilā al-Dawāwīn wa-l-Aqālīm wa-l-Muḥāfaẓāt, p. 132, doc. 17, ordering the release of a minor boy in response to a petition submitted by his mother.

[118] Majlis al-Aḥkām to Al-Muʿāwana, 6 Ramaḍān 1280, ordering the transfer of a sick and nearly blind prisoner of over seventy years from forced labour in factories (*Al-wābūrāt wa-l-ʿamaliyyāt*) to forced labour in the region of residence (*Al-ashghāl al-dani'a bi-l-Mudiriyya*), Sīn 7/3/46, Majlis al-Aḥkām, Ṣādir al-Dawāwīn, p. 5; Mudīr ʿumūm Asyuṭ wa-Jirjā to the kātib al-Dīwān al-Khidīwī, 18 Ṣafar 1272 [22-10-1855], requesting the release of an eighty year old man who had been sentenced to one year of forced labour by the Majlis Qiblī, without having seen him, Maʿiyya Turkī, Maḥfaẓa 8, leaf 20, doc. 376; Majlis al-Aḥkām to Majlis Isti'nāf Qiblī, 1 Jumādā II 1281[1-11-1864], informing this Majlis of a Khedival order to transfer the former tax collector ʿAbd Allāh Ṣāliḥ from the Firqa Iṣlāḥiyya (see below) to the Alexandria Arsenal, on the ground that he is about eighty years old and cannot be corrected by the Firqa Iṣlāḥiyya, Majlis al-Aḥkām, Ṣādir al-aqālīm al-qibliyya, Sīn 7/4/33, p. 86, doc. 25; see also correspondence regarding the release from Al-Wābūrāt wa-l-ʿAmaliyyāt of four prisoners three of whom are over 70 and one nearly blind, Al-Maʿiyya al-Saniyya, Al-Awāmir al-ʿāliya, Sīn 1/1/27, p. 17, doc. 4, 17 Jumādā I 1281 and p. 25 doc. 7, 24 Jumādā I 1281; Al-Fābriqāt wa-l-ʿamaliyyāt wa-l-wābūrāt, Maḥfaẓat 311, doc. 112, 10 Jumādā II 1274 [25-1-1858].

From the early 1850s the separation of the different types of inmates became a special concern for the authorities. They proposed that separate wards or prisons be used for those held for debts, those kept in custody pending investigation and those convicted for light and for serious offences.[119] The sources do not give information on whether this differentiation was ever implemented. In 1863 a general instruction was issued to the effect that gaols (i.e. police gaols and the gaols in the provincial centres) were to keep apart the following three categories of inmates: serious criminals like murderers and thieves, light offenders together with drunks, and debtors.[120]

The first, and to the best of my knowledge only, time that the authorities showed interest in the rehabilitation of prisoners was in 1863, when a special program was initiated for convicts with sentences of three years or less, and for vagrants. The program was prompted by a concern about soaring crime rates, especially theft of cattle and cotton. Since the authorities believed that imprisonment had lost its deterrence, they ordered that the offenders be trained in crafts so that they could support themselves after their release. For the duration of their prison term they were enlisted in a special military unit, called *al-firqa al-iṣlāḥiyya*, reformatory unit, (also known as *firqat al-mudhnibīn* unit of delinquents, and *orta al-mudhnibīn,* battalion of delinquents). After the completion of their terms they would be trained in special trades and crafts companies (*bulūkāt al-ṣanāyiʿ*).[121] I have not found any information about the set up of this unit. For reasons that are not clear, this unit was operative for only a short time. Early 1865 it was disbanded and the prisoners who had not completed their sentences were sent to the Alexandria Arsenal. Those serving in the trades and crafts companies, having completed their prison sentences, were released.[122]

Release

During the early years of Meḥmed ʿAlī's reign, offenders were as a rule sentenced to imprisonment of unspecified duration and would not be released until they had repented and mended their ways. This was customary in the Ottoman Empire and Tunis before the nineteenth century.[123] In practice this meant that after some time they or their relatives would send petitions requesting their release and that the Meḥmed ʿAlī would decide whether

[119] See e.g. Dhikr waẓā'if mutafarriʿa bi-l-majlis (List of further duties of the regional councils), enacted in the early 1850s, art. 5, Jallād (1890-1892) II, p. 105-6, laying down that those held in custody and those held for debt had to be separated from the convicts, and that these had to be separated according to the seriousness of their crimes.

[120] Al-Maʿiyya al-Saniyya, Qayd al-awāmir al-karīma al-ṣādira min qalam al-majālis bi-l-muʿāwana, Sīn 1/19/2, p. 1, doc. 1, order to the Majlis al-Aḥkām, 28 Rabīʿ I 1280 [12-9-1863]. For a similar order instructing that serious offenders should henceforth be detained in the Citadel rather than in the Cairo police prison, see Khedival order of 8 Dhū al-Ḥijja 1281 [4-5-1865] (summary in card index s.v. *sujūn*).

[121] Khedival order, 12 Jumādā II 1280 [24-11-1863], Al-Maʿiyya al-Saniyya, Qayd al-awāmir al-karīma al-ṣādira min qalam majālis bi-l-muʿāwana, Sīn 1/19/2.

[122] Text of the order, 26 Ramaḍān 1281 [22-2-1865] in Majlis al-Aḥkām to Majlis Isti'nāf Qiblī, 11 Shawwāl 1281, Majlis al-Aḥkām, Ṣādir al-aqālīm al-qibliyya, Sīn 7/4/34, p. 6, doc. 83. See also Sāmī (1928-1936) III/2, p. 599.

[123] See Heyd (1973), p. 302, 306; Henia (1983).

or not the term they had already served, had been sufficient.[124] The system came to an end around 1830. The main purpose of the criminal legislation of 1829-1830 was to introduce a system in which law enforcers would pronounce specified sentences on the strength of legal provisions. This was successful. As from 1830, we can observe that criminal sentences began to define the term of imprisonment, as required in the criminal legislation of 1829-1830, and the previous practice of unspecified sentences began to be abandoned.[125]

In the early years of Meḥmed ʿAlī's reign, the local administrators would send the convicts after sentencing directly to the prisons and labour camps. From the late 1820s, we find continuous missives to these local officials directing them to send lists of these prisoners to the Civil Council (Majlis Mulkī), so that the situation of these prisoners could be monitored at the national level.[126] Even after the central government, during the 1830s, finally established its control over criminal justice, numerous missives were sent, until well into the 1860s, to prison authorities to instruct them to send lists of the inmates and their cases, so that the central government could check whether convicts were released after the completion of their term. Complaints on this account submitted by prisoners were seriously investigated at the highest instance.[127] From time to time, especially in the 1860s, the Majlis al-Aḥkām would be instructed to review the cases of those whose terms for some reason were not specified, or who had been given life sentences.[128]

Completion of the prison term did not always imply freedom: young convicts were usually sent to the army after their release.[129] On the other hand, however, convicts would often be released without having fully served their sentences due to the frequent general amnesties: between 1829 and 1869 I have found eleven instances.[130] They were probably used to ease the overcrowding of prisons. When prisoners were released, they had to find a guarantor (*ḍāmin*), who would be personal responsible to produce him if the authorities requested his presence. If he failed to do so, he himself would be detained.

[124] See e.g. Khedive to al-Ḥajj Aḥmad Agha, Naẓir al-Mabānī (Alexandria), 16 Shawwāl 1243 [1-5-1828], Sīn 2/29/2, Dīwān Khidīwī Turkī, Ṣādir al-aqālīm.

[125] See e.g. Majlis ʿĀlī Mulkī to the ma'mūr of the Dīwān Khidīwī, 16 Rajab 1246, instructing him to direct the local officials to specify terms of imprisonment according to the seriousness of the offence when sentencing offenders, and to inform the Dīwān Khidīwī of these sentences. Majlis ʿĀlī Mulkī, Daftar 759 Turkī (old), p. 144, doc. 283 (from DWQ card index s.v. *sujūn*). Unspecified sentences, however, continued to be pronounced, but only in exceptional cases. See e.g. Governor of al-Qalʿa al-Saʿīdiyya to the Khāzin Khidīwī, 19 Shawwāl 1272 [12-6-1857], Maʿiyya Turkī, Maḥfaẓa 12, leaf 24, doc. 254. Military offenders were, at least in 1861, usually sentenced without a term, *bidūn mudda*. As a rule, deserters were released after six months. Dīwān al-Tarsāna, 954 (old).

[126] See e.g. Khedival order to Wakīl Nāẓir al-Majlis, 17 Ramaḍān 1243 [2-4-1828], Dīwān Khidīwī Turkī, Daftar 744 (old), p. 31, doc. 69; Khedival order, 4 Shaʿbān 1252 [14-11-1836], Maʿiyya Saniyya Turkī, 81 (old), doc. 80 (both taken from DWQ card index, s.v. *sujūn*).

[127] See e.g. Majlis al-Aḥkām, Qayd al-ʿarḍuḥālāt al-Ṣādira, Sīn 7/9/5, p. 105, no. 1, 17 Rabīʿ II 1275: a complaint of an inmate of the Wābūrāt wa-ʿamaliyyāt (see below) that the period in which he was detained before the sentence was not deducted from the time of his imprisonment as was indicated in the sentence.

[128] See e.g. Bāshmūʿawin Janāb Khidīwī to Majlis al-Aḥkām, 29 Dhū al-Ḥijja 1279 [16-6-1863]. Majlis al-Aḥkām, Sīn 7/10/18, 29 Rajab 1280, no. 400, p. 93-95.

[129] See e.g. Majlis al-Aḥkām, Qayd al-qaḍāyā al-wārida, Sīn 7/32/4, case, 2 Shawwāl 1280, p. 30; *ibid.* case, 8 Shaʿbān 1280, p. 42. The practice was based on a decree of the Majlis al-Aḥkām which I have not been able to trace.

[130] See Appendix 4 for a detailed list.

Conclusions

In the introduction I briefly summarised the theories of Foucault and Spierenburg explaining the development of the penal systems in Western Europe. Both of them relate the emergence of prisons as the main form of punishment to the rise of strong, centralised states. Foucault emphasises that France emerged as a centralised and strong state, with an efficient police force that could catch and bring to justice many more criminals that under the *ancien régime*. Therefore, deterrence by gruesome spectacles of suffering was not necessary anymore. It was replaced by deterrence based on the great risk for criminal offenders of being apprehended. Instead of publicly executed corporal punishment, imprisonment became the main form of judicial punishment. Prisons became disciplining institutions aimed at creating obedient subjects of the state. For Spierenburg the relationship with the rise of strong centralised states is more complicated. He situates the abolition of publicly executed corporal punishment in Elias' *civilising process*. This process resulted in an aversion, among the elite, to the sight of corporal punishment and torture and the restraint of aggressive impulses. First this was restricted to the members of the elite groups, but as the nation state became better integrated the aversion extended towards all classes of society. Political action motivated by these sensibilities could be successful because the newly emerging centralised nation states were more stable and did not need anymore the spectacles of public executions and torture to enhance their authority.

As for Egypt, the link between the changes in the penal system and the process of political centralisation initiated by Meḥmed ʿAlī is obvious. The history of criminal law during his reign shows, on the one hand, how he succeeded in bringing his officials under his control and, on the other, that enacted criminal law was one of his instruments of centralisation. Officials were made to realise that they could only administer it according to Meḥmed ʿAlī's instructions and under his supervision. When once he reprimanded an official for having tortured and mutilated a peasant who had committed an offence, before finally killing him,[131] what was at stake were not humanitarian considerations but rather an assertion of Meḥmed ʿAlī's authority, since the official had violated his instructions. Once he had disciplined his officials, his policy of centralisation could succeed. From then on punishment could only be imposed by virtue of enacted criminal laws. *Prima facie* this resembles the rule of law and the principle of *nulla poena sine lege* in Western European law. On closer inspection, however, both notions of legality were quite different. In Western Europe its first and foremost function was to restrict the power of the state and to protect the citizen against its encroachments. In Meḥmed ʿAlī's realm, on the other hand, it was a tool of state control and centralisation. Meḥmed ʿAlī's criminal laws aimed at tightening his grip on the corps of officials by forbidding them to commit certain acts and penalising them, and ordering them to behave in certain ways, i.e. imposing specific punishments when trying offences committed by their subjects. The criminal laws addressed the officials rather

[131] See note 45.

than the subjects. It is illustrative that these penal laws were not officially publicised. If they were printed, then this was only for official use. The penal provisions must be read, not as guarantees for the citizens, but as instructions to officials on how to proceed when dealing with certain offences. The principal difference between the Egyptian and the Western European ideal of legality, is that according to the latter, the ruler had to obey the law, whereas the Pasha, regarding legislation as his personal commands, did not feel bound by it. His legal system can better be labelled as an instance of "rule by law", as we find in many contemporary dictatorial states, than as a form of "rule of law".[132]

By the end of his reign Meḥmed ʿAlī had established tight control over both his officials and over the population. Instruments for the control of his subjects were a network of village, neighbourhood and guild sheikhs, monitoring the doings and dealings of those under their authority, and an efficient police force, using classical methods such as police spies as well as modern, scientific ones such as forensic medicine and chemical analysis.[133] As a result of his greater grip on the country, public security increased and, as noted by contemporary European travellers, the number of executions decreased. Spectacles of brutal suffering such as death by impaling were not staged anymore after the 1830s. Banishment or deportation to the Sudan became a substitute for capital punishment. The public character of punishment, however, did not change. The execution of death sentences still took place in public and the bodies of the executed were left hanging on the gallows. And those sentenced to imprisonment and hard labour were not totally locked away behind prison walls but remained to some extent part of public life. They were transported in chains, like the columns of prisoners (*chaînes*) in eighteenth and early nineteenth century France and Spain, and those sentenced to hard labour often worked side by side with other workers, in industrial establishments as well as on construction sites. Moreover, public floggings were usual. This persistence of the public character of punishment is not exceptional. Spierenburg and others have criticised Foucault for presenting the change in penal policy as a sudden and abrupt one, and shown that it was a more gradual process. In France, for example, public executions (in some cases preceded by the amputation of the right hand) and other forms of public penalties such as the pillory and public branding were practised until the 1830s,[134] although less frequently than before. In other Western European countries public executions and floggings continued until the second half of the nineteenth century.

The abolition of flogging and caning in Egypt in 1861 deserves separate discussion. It was part of a deliberate policy to reduce official violence, which had become feasible due to certain social and economic transformations of the country. An important factor, although one for which we do not have direct documentary evidence, was the presence, among the Egyptian ruling elite, of reformers, who began to consider corporal punishment as backward and uncivilised and argued that it had to be replaced in order to modernise the country. The importance of groups of Westernising reformers for the nineteenth century developments

[132] See on this distinction Brown (1997), p. 241-2.
[133] On the development of the police, see Fahmy (1999b).
[134] Léonard (1980), p. 12.

of penal systems has been documented for non-western countries like Russia,[135] early colonial India (where the reformers, of course, were British and not Indian),[136] and Peru.[137] In Egypt, there were reformers in the nineteenth century, but they have left no documents regarding their ideas on legal punishment. Nevertheless, it is my contention that they influenced penal policy, especially with regard to the abolition of torture and corporal punishment. They must have followed the example of the Ottoman Empire, where corporal punishment had been abolished with the introduction of the Penal Code of 1858. It is doubtful, however, whether the Egyptian reformers were motivated by growing sensibilities against public punishment. The persistence of official violence outside the judicial sphere is evidence to the contrary. The ethnic gap between the Turkish speaking elite and the native Egyptian peasants must have been an effective barrier to empathy.

In order to explain why they could successfully implement their program, we first have to consider the function and meaning of official violence in nineteenth century Egypt. As I outlined in the section on corporal punishment, official violence was a mode of repression practised in three contexts: (1) as a means of coercion, to make people obey official orders (often in connection with tax collection, or drafting men for military service or *corvée*); (2) as a means to obtain confessions during criminal investigations, and, finally, (3) as a form of judicial punishment. During Meḥmed ʿAlī's reign the Turkish elite ruled by means of violence. As the crops, money and the manpower demanded by the State from the population were often excessive and endangered its subsistence, they could only be collected by using brutal force. Moreover, corporal punishment was, especially in the countryside, economically more efficient than imposing prison sentences, because after a period of recovery, the peasant could go back to work. That the use of torture was regarded as normal and as a useful and helpful method in investigating crime, stemmed from the fact that the techniques of investigating crimes were still very primitive: investigation, usually conducted by administrative officials, focused on extracting a confession from one or more suspects. In addition, the use of violence, and especially the wielding of the *kurbāj*, symbolised authority, in the same manner as public executions did. For all these reasons, the flogging of peasants by Turkish officials was common and widespread.

Meḥmed ʿAli's measures to restrict to some extent the use of violence were inspired by two factors: first, it had to be made clear that wielding the *kurbāj* as a symbol of power was ultimately controlled by the central government. Since the execution of capital punishment was the Khedive's prerogative, an official who killed a subject by an excess of beating or flogging, would intrude on the Khedive's rights. This rule was indeed enforced and officials who killed subjects were brought to justice. A second point was that violence should not damage the productive capacity of his subjects by killing or incapacitating the subjects. Within these restrictions, flogging continued to be practised as a way of repression and enforcing obedience.

[135] See Adams (1996).
[136] See Singha (1998).
[137] See Aguirre (1996).

The first substantial steps in restricting official violence were taken in connection with criminal investigation. These steps were made possible by the extension and growing efficiency of the state apparatus. By the 1850s a fully-grown, specialised police force had come into existence as well as an extensive public health administration which was also involved in police work. The increased professionalism of those involved in criminal investigations and the use of scientific methods,[138] showed that there were better ways of finding the truth than trying to obtain a confession. This led to the realisation that torture was not a very effective instrument of finding the truth[139] and made it possible for reformers as from the early 1850s to enforce measures to restrict and finally, in 1861, banning it.

It is not entirely clear what immediately prompted the abolition of flogging as a punishment in 1861, because the decree itself is silent on its considerations. At the political level, the reformers could point at the example of the Ottoman Empire where corporal punishment had been abolished in 1858. But that this reform could be effectively introduced was because the need of official violence in the countryside had decreased due to economic developments. Before 1842, Egypt was a command economy, dominated by Meḥmed ʿAlī's monopoly. Peasants produced for the Pasha, who therefore had a direct interest in their productive capacity. Corporal punishment was therefore economically more advantageous than imprisonment. This changed after the State monopoly was abrogated and the State's extraction of the rural surplus became limited to tax collection. Meḥmed ʿAlī's successors had therefore a more abstract and remote interest in the productive capacity of peasants. They were not too much concerned about the imprisonment of peasants. Connected with this development is that fact that during Meḥmed ʿAlī's reign demands on the rural population in produce, *corvée* labour and men for conscription often jeopardised their existence and could only be collected by force. With the reduction of the army in the 1840s and the easing of *corvée* in the 1850s,[140] the need for violent coercion diminished. A final but crucial factor was that the dearth of rural labour in the countryside had come to an end. If peasants fled from their villages during Meḥmed ʿAlī's time, they were forcibly returned, because their labour was needed. This changed during the 1850s with the rise of large estates and the dispossession of many small holders. Peasants became expendable and there was no need anymore to except them from imprisonment of they committed an offence. If sentenced to hard labour, they could be profitably employed in the agricultural projects in the Sudan, as was decreed in 1857 (see Appendix 1).

By the 1860s imprisonment had prevailed in the Egyptian penal system as the main punishment. By that time prison conditions had improved and mortality among the inmates had dropped drastically. This meant that imprisonment did not anymore entail the risks of gratuitous and unintended suffering and death due to pernicious prison conditions.[141] Imprisonment, therefore, became a viable substitute of flogging, as it could now also be

[138] See Fahmy (1999a).

[139] For the relationship between effective police methods and the abolition of torture in Europe, see Asad (1996), p. 1089, referring to John Langbein, *Torture and the Law of Proof*, 1977.

[140] Toledano (1990), p. 181, 188.

[141] See Peters (forthcoming b).

quantified precisely. Now, was this development linked to a change in penal policy? Did the rulers begin to regard imprisonment as a means of reform and rehabilitation of the prisoner? And did they introduce changes in the prison system to this end? There is little evidence that this was the case. There have been no attempts to set up penitentiaries and introduce prison regimes that were intended to morally improve and rehabilitate the prisoners. The only exception is the short-lived experiment of the military trade and craft units, established in 1863 because of a concern about the rise in rural crime. However, these units were dissolved a year and a half later. It is not clear how they functioned, but the fact that the experiment was not continued shows, I believe, that there was no sufficient support for the idea. Rehabilitation of offenders seemed not to have been on the agenda of the ruling elite. The reforming zeal had stopped at the banning of corporal punishment. The main punitive functions of imprisonment were not the imposition of discipline but rather deterrence and retribution. In other words, imprisonment was an instrument of repression aimed at the subjection of the population, not at the disciplining or reforming of the offender.

Appendix 1 Distribution of Categories of Prisoners over the Penal Institutions

The articles of the various penal codes specify the type and duration of imprisonment to be imposed on the perpetrator of the offence defined in the article. However, from time to time decrees were issued modifying this and laying down that certain types of offenders or persons sentenced to a certain prison term, were to be transported to Sudan or serve their time in specific prisons. Hereunder I will give a survey of such decrees in order to make clear the hierarchy and relations between the different penitentiaries.

Banishment from Egyptian Territory

1846-1852: convicts with a life sentence were to be sent via the Sudan to Ethiopia.[142]

Sudan

1844: Officials guilty of embezzlement to be sent to the Sudan to work in agriculture (art. 196 QM)

1846: prisoners with sentences of two years and more to be deported to the gold mines.[143]

1848: serious criminals to be deported to Jabal Dūl.[144]

1852: convicts with life sentences to be deported to Jabal Qīsān.[145]

1857: peasants and rural sheikhs sentenced to five years or more of forced labour for manslaughter to be deported to land reclamation areas in the Khartoum Province (could be accompanied, on a voluntary basis, by their families).[146]

[142] See note 98.

[143] *Ibid.*

[144] Al-Waqā'iʿ al-Miṣriyya, 24 Rajab 1264 [26-6-1848]; Hill (1959), p. 83.

[145] Decree of the Majlis al-Aḥkām, 26 Jumādā I 1268 [18 March 1852], Daftar Majmūʿ Umūr Jinā'iyya, p. 133.

[146] Decree of 3 Dhū al-Ḥijja, 1273. Sāmī (1928-1936), III/1, p. 230.

1858: measure extended to persons convicted for theft for the fourth time.[147]
1863: convicts with sentences longer that five years to be deported to Fayzoghli.[148]
1865: convicts with sentences of over ten years to be sent to the White Nile.[149]

Alexandria Prison

1860: convicts with sentences of one year or more to be sent to the Alexandria Arsenal.
1862: convicts with life sentences, murderers and repeated offenders had to serve their time in Alexandria.[150]
1865: convicts with terms under ten years to be sent to the Alexandria Prison.[151]
1866: only convicts with sentences up till three years served in the Alexandria Arsenal[152] as appears from the registers of the Alexandria Arsenal.

Appendix 2 **The Nineteenth Century Egyptian Criminal Laws**

Penal Code of 1829 (PC 1829)
Turkish text and translation in Peters (1999b).
Law of Agriculture (Qānūn al-Filāḥa) of 1830 (QF)
Text published as an appendix to *Lāyiḥa* (1840-1841) and in 1845 included in the QM (art. 1-55).
Penal Code of 1845 (Al-Qānūn al-Muntakhab) (QM)
Text in Zaghlūl (1900), app. 100-155 and Jallād (1890-1892), III, 351-78.
Penal Code of 1849 (PC 1849)
Printed in a bilingual (Arabic and Turkish) edition by Dār al-Ṭibāʿa al-ʿĀmira al-Mīriyya in Bulaq on 8 Rajab 1265.
The Imperial Penal Code (*Qānūnnāme al-Sulṭānī*) (QS)
Text in Zaghlūl (1900), app. 156-178; Jallād (1890-1892), II, 90-102. Jallād also gives the administrative regulations (*Ḥarakāt*) issued together with the Code (p. 102-11).
The Supplement of 5 articles to the QS drafted by the Majlis al-Aḥkām in 1275 [1858]. Text in Sāmī (1928-1936), III/1, p. 294-7.

[147] Art. 1, decree of the Majlis al-Aḥkām, 25 Muḥarram 1275 (4 September 1858); text in Sāmī (1928-1936), III/1, p. 294-297; ratification by the Khedive ultimo Ṣafar 1258, *ibid.*, p. 301.
[148] Decree, 28 Rabīʿ I 1280 [12-9-1863], Maʿiyya Saniyya, Ṣādir al-awāmir al-karīma, Sīn 1/1/25, p. 5, doc. 4.
[149] Khedival order to the Majlis al-Aḥkām, 4 Jumādā II 1282 [25-10-1865], Sāmī (1928-1936), III/2, p. 625.
[150] Missive from the Maʿiyya Saniyya 29 DH 1276 [18-7-1860]. Majlis al-Aḥkām, Daftar Majmūʿ Umūr Jināʾiyya, p. 133. Missive from Ḥāfiẓ Pasha, commander of the Navy, 12 Rabīʿ I 1278 [7-9-1862], *ibid.*
[151] Khedival order, 4 Jumādā II 1282 [25-10-1865], Majlis al-Aḥkām, maḥfaẓa 9, doc. 323/3.
[152] Dīwān al-tarsāna, 955 (old).

Appendix 3 A Description of the Five Sijills Regarding the Alexandria Prison

DWQ, Dīwān al-tarsāna, 953-957 (old), Qayd asmā' al-madhnūbīn bi-līmān tarsānat Iskandariyya [This is the title as given on the first leaf of the sijill]. On the cover, as in the index, this series is erroneously referred to as: Qayd asmā' al-madyūniyya bayān tarsānat Iskandariyya.

Sijills:
953: 29 Ṣafar 1263 till 4 Dhū al-Ḥijja 1268
954: 13 Rajab 1277 till 5 Dhū al-Qaʿda 1281
955: 5 Dhū al-Qaʿda 1281 till 24 Rabīʿ I 1283
956: 24 Muḥarram 1278 till 26 Rabīʿ I 1285
957: 26 Rabīʿ I 12 85 till 10 Ṣafar 1286

There is a gap between no. 1 (29 Ṣafar 1263 to 4 Dhū al-Ḥijja 1268) and no. 2 that begins in 13 Rajab 1277. The nos. 2 to 5 are consecutive. No. 4 seems to be an exception as no. 3 ends on 24 Rabīʿ I 1283 and the first entries are dated 24 Muḥarram 1278. The reason is that the first 20 pages of no. 4 are a recapitulation of the previous sijills, listing by their date of entry all prisoners present on 1 Jumādā I 1283, that is all prisoners convicted for homicide who had not benefited from the amnesty of 5 Rabīʿ I 1283.

The sijills give the following information:
name
beginning of detention spent before arrival
description and estimated age (is lacking in sijill 953)
short description of offence
length of sentence
date of arrival
number and date of covering letter
date of the end of the sentence
date of release or decease with date and number of pertinent correspondence

These sijills offer suitable material for statistical analysis that could deepen our knowledge about nineteenth century Egyptian criminality and the judicial system.

Appendix 4 **General Amnesties**[153]

23-6-1828 / 10 Muḥarram 1244

Amnesty for all Abū Qīr prisoners. DWQ, Dīwān Khidīwī Turkī, 739 (old), p. 6, doc. 19.

5-6-1832 / 6 Muḥarram 1248

Amnesty for all prisoners except murderers, thieves and robbers, in celebration of the capture of Akka. Sāmī (1928-1936), 2, p. 395.

17-4-1849 / 24 Jumādā I 1265

General amnesty for all prisoners except murderers and robbers. DWQ, Majlis al-Aḥkāmi

23-6-1856 / 19 Shawwāl 1272

Amnesty for all prisoners except murderers, thieves and robbers. Muḥāfiẓ al-Qalʿa al-Saʿīdiyya to Khāzin Khidīwī, DWQ, Maʿiyya Turkī, Maḥfaẓa 12, no. 24, doc. 254.

18-3-1861/ 6 Ramaḍān 1277

Amnesty for murderers, thieves and robbers in the Alexandria dockyards and employed in lowly jobs in the regional prisons, at the occasion of the circumcision the Khedive's son. Order to Mudīriyyat al-Kharṭūm, DWQ, Sīn 1/1/15, Maʿiyya Saniyya, Ṣādir al-Awāmir.

10-7-1862/ 12 Muḥarram 1279

Amnesty to all prisoners at the occasion of the circumcision of a son of the Khedive. DWQ, Maʿiyya Saniyya, Daftar 1902 (old), Awāmir, p. 79, doc. 26.

2-2-1863 / 12 Shaʿbān 1279

General amnesty, except for murderers and thieves. DWQ, Maʿiyya Turkī, Daftar 530 (old), p. 67, doc. 23.

11-2-1865 / 15 Ramaḍān 1281

Amnesty for those who, after completion of their term in the "reformatory unit" (*firqa islāḥiyya*), were drafted into the "work companies" (*bulūkāt al-ṣanāyiʿ*), DWQ, Maʿiyya Turkī, Daftar 539 (old), p. 54, doc. 53.

10-12-1865 / 21 Rajab 1282

Amnesty for all prisoners whose remaining time was less than ten months. DWQ, Maʿiyya Saniyya, Awāmir, Daftar 1921 (old), p. 99, doc. 23.

18-7-1866 / 5 Rabīʿ I 1283

Amnesty for prisoners with sentences of less than three and a half years, except murderers, robbers, and debtors. DWQ, Maʿiyya Saniyya, Awāmir, Daftar 1915 (old), p. 112, doc. 8.

22-7-1868 / 1 Rabīʿ I 1285

Amnesty for prisoners with a remaining time of three months or less. DWQ, Maʿiyya Saniyya, Awāmir, Daftar 1927 (old), p. 82, doc. 5.

3-12-1869 / 28 Shaʿbān 1286

Amnesty for 200 inmates of the Alexandria dockyards Prison at the occasion of the visit of the Austrian-Hungarian Emperor. DWQ, Maʿiyya Saniyya, Awāmir, Daftar 1930 (old), p. 24, doc. 1.

[153] If the source mentions the old classification of the DWQ registers, the reference has been taken from the DWQ card index, s.v. sujūn and not directly from the document.

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Almost all of the archival material that I used is located in the Egyptian National Archive (Dār al-Wathā'iq al-Qawmiyya, DWQ). If the lcoation is not mentioned in the note, the document belongs to the collection of the DWQ.

Dār al-Wathā'iq al-Qawmiyya
Series
Maʿiyya Saniyya, Sīn 1
Maʿiyya Turkī, maḥāfiẓ
Dīwān Khidīwī, Sīn 2
Dīwān Khidīwī, maḥāfiẓ
Al-Jamʿiyya al-Ḥaqqāniyya, Sīn 6
Majlis al-Aḥkām, Sīn 7
Majlis al-Aḥkām, maḥāfiẓ
Al-Majlis al-khuṣūṣī, Sīn 11
Muḥāfaẓat Miṣr, Lām 1
Ḍabṭiyyat Miṣr, Lām 2
Mudīriyyat Minūfiyya, Lām 6
Maḥfaẓat al-Mīhī
Dīwān al-Tarsāna
Al-Fābrīqāt wa-l-ʿamaliyyāt wa-l-wābūrāt, maḥāfiẓ
Al-Waqā'iʿ al-Miṣriyya (xeroxed)

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