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KITCHENER: RULER OF EGYPT
1911-1914

By

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INTRODUCTION

However brief, the period of Kitchener's Proconsulship in Egypt was highly important and significant. It has not received the attention it deserves, and this thesis is an attempt to provide an account and preliminary assessment of it. I have tried to bring together relevant material and to organize it in such a way as to increase understanding of Kitchener's impact on Egypt during the few years he was there.

A fear of Russian designs on the Muslim world, from Constantinople to Kabul and beyond, and a two century old rivalry with France had made Egypt a major concern in British policy-making even before the Suez Canal's opening enhances that country's strategic importance. Yet when Kitchener arrived in Egypt, diplomacy had provided a basis for Anglo-French co-operation and a halt to the rivalry with Imperial Russia, most notably on the frontiers of British India. Despite the fact that France and Russia were, however tentatively, ranged in alliance with Great Britain, Her Majesty's Government's "thin red line of Empire" winding through the Mediterranean and down the Red Sea still remained under threat. Germany had obtained an ascendancy over Turkey. The Balkans were again boiling, following Serbia's humiliation during the Bosnian crisis

of 1908. Italy actively prepared to create a second African Empire. What had been an Ottoman Empire was nothing but a power vacuum.

If Sir Eldon Gorst's illness necessitated his retirement, Lord Kitchener's experience in India, Cyprus, the Sudan Campaign and the Fashoda crisis provided Great Britain with a highly qualified replacement.

CHAPTER I

GORST IN EGYPT

To understand Lord Kitchener's impact and work in Egypt, we should go back and study briefly the Proconsulship of Sir Eldon Gorst in Egypt, which I think provides important insights into Lord Kitchener's policy during his brief and significant Proconsulship in Egypt.

APPOINTMENT OF SIR ELDON GORST:

Sir Eldon Gorst replaced Lord Cromer as Agent and Consul General at Cairo in the spring of 1907. His credentials justified the choice. The "Daily Mirror" said that his appointment was welcomed by everyone. They had confidence in his abilities. Moreover, he was a student of Lord Cromer, a man of strong will, and a resident of Egypt for many years, having thus acquired a good knowledge of the country, its administration, and people.¹

Advancement had come early and easily to Sir Elson. When he left Cambridge, he joined the diplomatic service, and was posted to Cairo. There his talent created an immediate and favorable impression. It was a time when service in Egypt seemed to offer great possibilities.

¹Al-Moqattam, April 20, 1907, p. 3, column 6.

However, in 1890, on the advice of Lord Cromer, he joined the Khedivial Government. He took interest in the Egyptian finances and later he became advisor to the Ministry of Interior, and in 1898 he was appointed financial advisor, the highest post an Englishman could hold in the Khedivial Service, Thus in less than eight years Sir Eldon had climbed from the bottom to the top of the official ladder.²

Egyptian Internal Situation: General conditions x

The Egypt to which Grost returned in 1907 was not the Egypt he had known before. A different spirit inspired the people. In place of tranquil acceptance of British guidance, there was a noisy challenge of it, and a tendency to dispute its benefits. Time had brought about a change in Grost himself. He had spent the intervening years in the Foreign Office, where he had been able to review his theories about Egypt. He rid himself of certain obsessions common to his contemporaries, but he acquired others in their place. He was now satisfied that the Egyptian people would rally round the dynasty of Mohammed Ali, that their aspirations would be met by a generous measure of local self-government, and that the direction of administration should rest in their hands. Conviction perhaps was not the only cause of those conclusions. The Liberal Party was in power, and its left wing was curious about the administration of Egypt. The Khedive also had paid a visit

²Lieut.-Col. Elgood, P.G., The Transit of Egypt (London: Arnold and Co., 1928), p. 183.

to London, and his conversations had made an excellent impression upon people in authority.³

Gorst would have been less than human, if he had not taken note of these facts, and modified his beliefs in accordance with them.⁴ It was indeed no less than his duty to do so.⁴

At the time when Gorst took up office in 1907, the situation was extremely grave. The tragedy of Deneshwai in 1906 was still in the forefront of men's minds. No sooner had Lord Cromer departed than the vernacular press attacked the occupation more outwardly. His strong hand being removed, the Nationalists—that is to say, those Egyptians who wished to terminate the British Occupation and to introduce self-government—freely stated, and seemed actually to believe, that his resignation had been brought about by triumphant policy and that the home government had required his removal owing to his stern treatment of the 'Deneshwai ruffian,' British prestige suffered a very palpable fall and it was thought that self-government was imminent.⁵

Internally, the country seemed highly unstable. The journal Al-Mogattam wrote in 1907 that law and order, and public security were far from being perfect. Opinions

³Ibid., pp. 184-185.

⁴Lord Lloyd, Egypt Since Cromer (London: MacMillan and Co., Vol. 1, 1933), p. 66.

⁵Weigall, Arthur E.P., A History of Events in Egypt from 1798-1914 (London and Edinburgh: William Blackwood & Sons, 1915), pp. 208-209.

varied as to the cause or causes of this situation and, and hence, to the solutions to be put in force to correct it. The criminals were becoming stronger and more dangerous every day. They committed their crimes and were afraid neither of the law officials nor of the law itself.

Al-Moqattam hoped that with Sir Eldon Gorst's experience with similar conditions, when he served as adviser to the Ministry of the Interior and played an important role in reorganizing law and order, he would again enforce whatever steps were necessary to ensure that law and order were re-established.⁶

Sir Eldon Gorst arrived, without pomp or ceremony. All eyes were turned upon him for some sign of his policy, and it was not long before indications were given of the direction in which he intended to move. He declared himself desirous of seeing more intimacy between the native point of view and that of the resident English-man. For sometime the relations between the Khedive and the British Agent had been strained, and Sir Eldon made it his first concern to institute more friendly feeling. This he did with such marked success that His Highness was soon completely won over by the careful deference paid to his rank and by ^{the} cordial

⁶Al-Moqattam, July 30, 1907, p. 2 col. 6.

attitude adopted towards his person.⁷

The "Observer" journal wrote under the title, 'The Cordial agreement between His Highness the Khedive, and the British':

One of the great Egyptian influential notables living in Paris wrote to us that he knew that the Khedive agreed cordially with the British Ministry for Foreign Affairs that he would stop his opposition to the British occupation in Egypt, and that he would prevent anything to happen that might cause hatred to the British in their attempt to govern the country. Moreover, His Highness, will suggest to the news-papers to be more moderate in their writings in order to reconcile between the interests of both the British, and the Egyptians, because if it had continued in its extremism it would be a reason to found new obstacles leading to slow down both the progress and civilization of the country.⁸

No sooner had the Khedive laid aside his differences with the Agency than the Nationalists turned upon him, accusing him of disloyalty to his country, and threatening to dethrone him. It must had been with profound satisfaction that Sir Eldon watched this break between the Khedive and the Nationalists. The latter party had suffered a ^{severe} ~~some~~-blow by the death of its leader, Mustafa Kamel, and very soon their political redoubtability was reduced to an irritating but not very dangerous agitation.⁹

⁷Lord Lloyd, op. cit., p. 105.

⁸Al-Moqattam, August 3, 1907, p. 7, col. 6.

⁹Weigall, op. cit., pp. 209-212.

In his first year of office Gorst took another important step towards the overthrow of militant Nationalism. A peculiar situation existed amongst the Nationalists. The vast majority of the Egyptians were Moslems and the occupation against which the patriotic movement was directed was Christian. It became important politically for the Nationalists to capitalize on the religious differences in their agitation against the occupation. However, a large number of educated Egyptians were Coptic, i.e. Christians. therefore the Nationalist party had to decide whether they would eliminate the religious aspect of their movement and incorporate the Coptic patriots, or whether they should retain the important asset of religious fervor and dispense with the services of the minority of native Christians. The Moslem Nationalists insulted by the appointment of Boutros Ghali, a Copt to the office of Prime Minister, they turned against their Christian colleagues. Soon the two were at one another's throats, and at last Boutros paid for his elevation with his life, being assassinated by a Moslem Nationalist.¹⁰ The Copts now turned to the British for support; they expected encouragement from Sir Eldon. However, they received none. Sir Eldon considered their

¹⁰Weigall, op. cit., pp. 214-216.

complaints groundless, thereby estranging them from the British. Thus Egypt, which presented a fairly united front in 1907, was now in 1911 divided into four distinct factions: the Occupation and its supporters; the Khedive and his loyal adherents, the Copts; and the Nationalists who themselves were much divided. In 1907 Sir Eldon found the British Agency besieged by an earnest crowd all shouting for autonomy; in 1911 he left the Agency and that 'Crowd' was fighting within itself.

Sir Eldon, unlike Lord Cromer, was not a born ruler in every sense of the word, but he was clever. His policy in regard to the larger aspect of the Egyptian question was straight forward and logical. "British intervention in the affairs of this country," he wrote in one of his reports, "is directed to the sole end of introducing and maintaining good administration and gradually educating and accustoming the Egyptians to carry this on for themselves."¹¹ "Certain offices previously held by Englishmen, were handed over to natives upon becoming vacant. This caused a storm of indignation amongst the English officials, who had felt that Egypt was a British possession under the sole management of British officials. Sir Eldon, therefore,

¹¹Weigall, op. cit., p. 217.

addressed himself in his 1910 report to the Englishmen in the service of the Egyptian Government in the early days of the occupation:

"Egyptians had of necessity to be given offices; but that his country -man need not on that account fear that their positions were endangered, for self-government was not yet in sight, as long as the standard of the Englishman employed was retained at a high level they could not fail to be useful to Egypt. The only justification for the employment of non-Egyptian officials is found in their possession of qualities which do not exist among the natives of the country."¹²

Nevertheless, the English officials were considerably disturbed and ^{the}slightly increased powers of the Egyptians were deeply resented. They regarded the British Agent with feelings of bitter mistrust and Sir Eldon, on his part, did not always hide his irritation with them. He was aware of his unpopularity with the majority of them, who did not trouble to acquaint themselves with the difficulties of his position. The feud between the British Agent and the English officials developed and the uncompromising tone of the Agent, the hard, unrelenting, fearless abruptness which characterized his actions was misinterpreted as vindictiveness. His policy was entirely misunderstood, and he was called a weak man, though nobody who came into direct contact with him laboured for long under that delusion.¹³

¹²The Times, May 11, 1911, p. 11c.

¹³Weigall, op. cit., p. 221.

The policy followed by Sir Eldon in Egypt was that of 'Guiding Pressure.' It directed the Egyptians along the path upon which they ought to tread, but brought pressure to bear them at all times. That policy was pursued with the sanction of the home government and of Lord Cromer. It gave the Egyptians a certain control over their own affairs, but it held the power of veto unquestionably with England. It was felt that England had no right to take Egypt's freedom from her so long as that freedom was not abused. On the other hand, the policy's advocates believed that England had a certain right to be in Egypt, and they deemed it correct to ensure the acknowledgement of that right, if the country were threatened with interference from Turkey or any Western power. English officials were urged to deal sympathetically with their native colleagues, but to keep an eye upon them, and to exert to the full their powers in the control of evil practices. The policy stated that Egypt was not ripe for self-government, nor for the preservation of order without the aid of the Army of Occupation; but it endeavored, nevertheless to give the native every chance, and to place him in any post which could be safely given to him.¹⁴

¹⁴Lord Lloyd, op. cit., p. 105.

In an interview with a correspondent of the newspaper, Al-Moqattam, Sir Eldon was stated to have said that:

There was absolutely no truth in the report that Great Britain would shortly proclaim a protectorate over Egypt or was considering the question of annexation. Great Britain had given solemn pledges to Turkey and to the European Powers to respect the Sultan's rights in Egypt, and did not desire to go back on that engagement. The rumour was also unfounded that Sir Eldon had been instructed to introduce a constitutional regime in Egypt as a consequence of recent events in Turkey, as the latter in no way affected the question of self-government in Egypt. Egypt already had a constitution that had been laid down by the Organic Law, and the British people were quite ready to co-operate with the Egyptians for its general extension as far as the intellectual standard of the population warranted such a case. It would, however, be folly to think of introducing unrestricted parliamentary government, as the conditions for the proper administration of the country under that system did not exist at present. Such an experiment would have had a bad effect in England and abroad and could only result in reaction. The wild and foolish agitation on this question only served to confirm the impression that the Egyptians were not yet fit to govern themselves. As long as the British Occupation lasted, the decision as to what measures of self-government might usefully be granted rested with His Majesty's Government, and would be based on what they considered the true interests of inhabitants. In the opinion of Sir Eldon, the Egyptians must progress gradually towards self-government by the development and improvement of existing institutions. The Egyptian Government had already prepared a measure giving them the opportunity of taking a much greater part in local affairs. If, as Sir Eldon hoped and believed, the experiment proved a success, the question of improving the organization and enlarging the powers of the existing elective bodies might

profitably be considered. Moreover, Sir Eldon asked the Egyptian to have confidence in the intentions of Great Britain and to seize every opportunity of proving to the British people that the institutions already existing and the forthcoming Provincial Councils could do useful work. This would constitute the best possible argument in favor of extending their powers.¹⁵

Owing to a number of causes, crime in the provinces had increased to an alarming extent, and there were many cases ^{of} brigandage with which the police seemed powerless to cope. On February, 1909, Boutros Ghali, the Prime Minister, was assassinated, and in the same year, Sir Eldon introduced the much discussed exile laws, by which a certain class of undesirables were liable to be transported to a criminal colony in an oasis in the Western Desert. The crime rates at once began to go down. Also, because of the dangerous agitation of the local Nationalist press, the Press Law was applied on a few occasions against newspapers which had published extremely inflammatory material.

Sir Eldon in his report for the year 1909, dealt with the subject of Crime and the Press Law in Egypt more extensively. His report opened with a paragraph on the murder of Boutros Ghali Pasha, the late Prime Minister on February 20. "One of those terrible and futile political crimes which from time to time disgrace the age in which we live but from which

¹⁵The Times, October 24, 1908, p. 9 d-c.

Egypt had been happily free."¹⁶

Sir Eldon reported that:

The motives of the crime were purely political. The murderer had no personal grudge against his victim, and was not acting under the influence of religious fanaticism. In defense of his deed merely repeated the accusation which had 'in season and out of season' been alleged against Boutros Pasha in violent and threatening language in the columns of the Nationalist Press... The leaders of the Nationalist Party were morally responsible for the murder of Boutros Pasha. For years they had promoted and fomented those attacks in full knowledge of the fact that their words would stir the ignorant and excitable youths to whom they were addressed to the acts of violence which they pretended to deplore. It was an example of irony of fate that the blow due to the criminal incitements of those 'self-styled' patriots fell upon the first genuine Egyptian who had risen to the highest position in the service of his country.¹⁷

The crime /Sir Eldon's report stated/ came at a time, when the Nationalist Party was losing ground and the enthusiasm in the schools diminishing, when such critics as were opened to conviction were beginning to be convinced that the policy of gradually training the Egyptians for self-government was intended to be a reality... The improvement which had begun to manifest itself in the attitude of the country towards its rulers should be cut short by the mad act of one individual, and that justification should be given to the numerous elements which advocate a policy of stern repression, would indeed be a calamity, and the best tribute which his former colleagues, who are responsible for carrying on his policy, can pay to the memory of Boutros Pasha is to ensure the continuation of the work of pacification which characterized his

¹⁶The Times, April 28, 1910, p. 5e.

¹⁷Al-Mogattam, May 4, 1910, p. 5, col. 4.

brief tenure of office as Prime Minister.¹⁸

Dealing with the Press Law, the report admitted that it was applied "with great, perhaps too great moderation." After mentioning the suppression of one native paper it proceeded:

These warnings were not, however, successful in preventing the extreme Nationalist Journals from continuing to pour odium and contempt on the authorities, and the government may perhaps be blamed for not having used more freely the powers which they possessed to put a stop to these abuses. The Ministers against whom the diatribes of the Nationalist writers were chiefly directed were reluctant to utilize the law to repress personal attacks upon themselves, and they preferred to take up the attitude of treating unfounded and libellous accusations with silent contempt. Sad experience has, however, now shown that this attitude does not suffice in Egypt. It is possible, though not, I fear, probable, that those who have been engaged for the last few years in stirring up the evil passions of the ignorant and credulous may at last perceive that they are playing with fire, and endeavour to mend their ways. If this should not turn out to be the case, it will become necessary to apply the Press Law with greater severity than heretofore. No obligation of government is more imperative than to protect efficiently the lives and reputations of those who devote themselves to the service of their country.¹⁹

THE EGYPTIAN LEGISLATIVE COUNCIL: Attempts at Self-Government

The Legislative Council met on December 1, 1908, to consider the budget, and afterwards unanimously adopted

¹⁸The Times, April 28, 1910, p. 5e.

¹⁹Ibid., p. 5f.

a motion asking the Khedive's Government to prepare a law conferring on the motion the right of effective participation in the internal administration of the country. The opinion was expressed in the motion that any such law should confer on a newly elected Assembly the right of voting laws without appeal from its decisions, on condition that such laws should only be applicable to natives in so far as direct and indirect taxation was concerned. The new arrangement proposed in the motion was in no way to affect treaties or the Capitulations, the law regarding the liquidation of the public debt, or the rights of the Europeans; but when a new law was drafted by the government it should be transmitted to the Legislative Council for its opinion according to the Organic Law.²⁰

Sir Eldon in his report for the year 1909 favorably reviewed the proceedings of the Legislative Council under the new system by which the Ministers participated in its debates, which were then public, and answered questions on administrative matters. He wrote that, although as he had pointed before, good work had been done by the Council during the past year, further progress had yet to be made before it could be said to render the full utility of which it should be capable and recent proceedings had shown that

²⁰Ibid., December 2, 1908, p. 7e.

the members occasionally failed to take a broad view of the matters under discussion and to discriminate between what was important and what was a matter of detail. They also had a difficulty in freeing themselves from false ideas put into their heads by those who were permanently hostile to their existing regime, and in looking at the business laid before them with an open mind.²¹

The constant opposition to grants for the development of the Sudan was among the shortcomings of the Assembly. As also as was its constant carping about the budget. Sir Eldon noted that those errors were not to be regarded too seriously and were natural enough in a body that was as yet inexperienced in public affairs. The weak points of the institutions were that the majority of the members were easily led astray by the more turbulent ones, and that the chief preoccupation of all of them was to avoid being abused in the native press for want of patriotism, which was the inevitable result of any support, however mild, given to proposals of the government.

With time and patience it might be hoped that the members would free themselves from those faults, and would gradually become able to form an independent judgement on the matters brought before them, without being overawed by the talkativeness of some of their colleagues,

²¹Ibid., April 28, 1910, p. 5f.

or led astray by Nationalist slander. The government has gone as far as possible in the direction of giving every facility to the Legislative Council to utilize the powers, which they possess, and no extension of functions is desirable until the proceedings of the Council show that such a course could be adopted without danger to the well-being of the community... The future development of the institution depended upon the discretion and wisdom displayed by the members themselves.²²

In 1910 Sir Eldon was forced to acknowledge that the experiment of admitting the Egyptians to a larger share in the administration had proved a failure, so far as the Legislative Council and the General Assembly were concerned. The council had done some useful work where non-contentious questions outside politics had been under consideration, but in the first half of 1910 both sides "displayed a steadily increasing tendency to become mere instruments of the Nationalist agitation against the occupation. They kept asking for full constitutional government, while their conduct was a convincing demonstration of their unfitness for it." Their spirit remained that described by Sir Eldon in his speech in the House of Commons eleven months before, when he said that the main object of the movement was "undoubtedly to bring the British Occupation to an end by making our task in Egypt impossible."²³

²²Ibid., p. 5g.

²³The Times, May 11, 1911, p. 11c.

Sir Eldon stated that since November the Council had been less impracticable. The discussions had been more reasonable, and some valuable measures had been passed with useful amendments, amongst which those for the reform of the El-Azhar University and the courts of the 'Mehkemehs' and the 'Meglis Hasby Tribunals' administering certain semi-religious matters in accordance with the jurisprudence of the Koran, were particularly noteworthy. Nevertheless, Sir Eldon was forced to the conclusion that the policy of ruling Egypt in co-operation with native Ministers was incompatible with that of encouraging the developments of so-called representative institutions. The Council represented only the class of wealthy Beys and Pashas while true representation of the people was impossible where out of population of eleven million only 600,000 could read and write. He attributed the failure to a cause which perhaps had been foreseen in dealing with an Oriental Country - to the fact that both the Egyptians and the local European colonies assigned the concessions made in the direction of self-government to weakness and to an intentional lessening of British authority. The remedy he explained was that dictated by common sense - to teach the Egyptians that 'we were not going to be hustled into going further or faster along this path than we deemed well for the people as a whole.'

He trusted that the warning of the Secretary of State for Foreign Affairs, that there could be no hope of further progress in Egypt until the agitation against the British Occupation had ceased, and he practically observed that the most convincing argument and perhaps the only one that would bring the lesson home, would be when the events had shown that those statements were not mere fragments of speech.²⁴

Sir Eldon found that conditions within Egypt necessitated a revision in the penal code. He sent a despatch to Sir Edward Grey forwarding the Egyptian Law of July 4, 1909 for placing certain persons under police supervision.

It indicated that in recent annual reports on the condition of Egypt attention had been drawn to the unsatisfactory state of affairs in general to public security in the provinces, and the great difficulties which lay in finding an effectual remedy, but that the government was considering ways and means to deal with dangerous characters who terrorized the districts in which they resided.²⁵ The main features of the resultant July 4 law and the only

²⁴Ibid., p. 11c.

²⁵Ibid., p. 11d.

point to which Sir Eldon called Sir Edward's attention, was that, under certain circumstances, and with guarantees which were sufficient to prevent abuses being committed, measures which to a certain restricted liberty could be applied to professional blackmailers and other dangerous characters without necessarily been convicted of a definite offence of the Penal Code by a regular tribunal.

The principle justification for this punishment without recourse to trial was the difficulty, amounting sometimes to impossibility, of obtaining a conviction in this type of case. The European Judicial system, which had been introduced into Egypt, depended for its success on the co-operation of law - abiding citizens in the repression of crime. In Egypt, the mass of the population partly from fear of vengeance if the accused was acquitted, and partly from a hereditary disinclination to be involved in judicial proceedings, even if the character of the witness was comparatively harmless, were unwilling to give evidence in cases where well known dangerous characters were implicated. In those circumstances, the most notorious criminals frequently escaped punishment and were encouraged by this immunity to preserve in their criminal practices.²⁶
persevere

²⁶Ibid., p. 1, col. 1.

In view of those considerations, all the authorities in Egypt, both English and Egyptian, were of opinion that special measures were necessary to cope with the special difficulties of the situation. At the same time every care had been taken that the measures considered necessary for ensuring a proper degree of protection to the community in general should not involve the commission of injustice in individual cases, and that all humanly possible guarantees should be afforded against the inclusion of innocent people in the category of dangerous persons. The commission which was to hear those cases, though not judicial tribunals in the strict sense of the term, had a considerable judicial element in the composition, and this feature equally applied to the revising committee before which appeals were heard, and which was composed of the Minister of the Interior as president, and the president of the native Court of Appeal and the Procureur General as members.²⁷

Further, the measures applied to those who came under the category in question were in themselves as little primitive in character as possible, and were solely directed to keeping those individuals under conditions, in which it would be difficult if not impossible, for them to commit crime.

²⁷Ibid., p. 1, col. 2.

In other respects, their freedom of action was interfered with police supervision over persons residing in their own villages carried with it few practical inconveniences except in the case of professional criminals. The further and more severe measures of obligatory residence in a place designated by the government would only be applied to such dangerous persons who failed to give satisfactory security for good behaviour, or to persons under police supervision who violated the regulations to which they were subject, or were convicted by the ordinary tribunals of an offence. Even in those cases, the conditions of residence in the appointed locality had no penal character, and resembled those which had been frequently suggested in the case of compulsory labour colonies for able-bodied vagrants. Persons there confined would be allotted a residence to which they could bring their families and were allowed and encouraged to earn their livelihood in any way they pleased. Further, those who had no means of subsistence were provided with suitable employment for which they received proper remuneration.²⁸

In the conclusion of his report to the Foreign Office, Sir Eldon added that he hoped that not only would the system

²⁸Ibid. p. 1, col. 3.

just described have a speedy and permanent effect in improving the state of public security in the provinces, but that in the long run it would lead to the reformation of many human beings whose existence was at that time merely a curse to themselves and their neighbors.²⁹

A marked increase in the hostility of Moslem and Copts to each other had been another unpleasant feature of Gorst's early years in Egypt.

The Copts seemed to be chiefly responsible for this. They were a small and scattered minority of some 700,000, and had prospered exceedingly under the occupation, which had enabled them to exercise their great business abilities with freedom and success. But from the beginning of the occupation they had cherished expectations which were doomed to disappointment. They hoped, that as the English were Christians, they would favour them as fellow Christians at the expense of the Moslems. When they found out that the English were not going to do anything of the kind, they looked upon them as unjust. The presence of Boutros Pasha in the Ministry tended to keep them in check. (Boutros Pasha was assassinated as a result of Muslim Nationalist-Christian friction). But as a result of the murder of the Coptic

²⁹Ibid., p. 1, col. 4.

Premier and the exultation of the Nationalists over the crime, the Copts became exasperated. A small clique of wealthy Coptic landowners in Upper Egypt, not representing more than 12000 of their brethren, held a congress for the exposition of their alleged grievances at Assiut- A step from which both the Egyptian Government and their own Patriarch vainly sought to dissuade them. The orators indulged in a good deal of rehetoric about liberty, equality, and fraternity, and the demand of the Egyptian Nation for a full measure of representative self-government and they pointed to the exalted posts which Copts had held under Mohamed Ali and Ismail when there were no "foreign advisers" in the land, and when, it might be added, the Coptic population groaned under the general oppression excercised by those enlightened rulers.³⁰

In his 1910 report to the Foreign Office Sir Eldon discussed the demands formulated by this congress, though he noted that they had never been brought personally to his attention. First among them came the religious education question. Elementary education was partly under the government and partly under the Provincial Councils,

³⁰Al-Mogattan, May 10, 1911, p. 4, col. 4.

which had taken it up with remarkable zeal. The Copts represented in the Congress demanded that the proportion of the education tax which they payed should be allotted in each province to their own schools. Some but not all the Councils had complied with that request, and Sir Eldon declared that in his opinion compliance was not in their interests in the many districts in which they were scattered. All the schools were of course open to them, but in the elementary vernacular schools (the Kuttabs), the religious difficulty assumed a formidable shape. The Koran was the indispensable basis of an Arabic education, and the Kuttabs were originally purely Moslem foundations. The Coptic agitators, however, claimed that their priests were to have a "right to entry" to the Kuttabs. Sir Eldon feared that the day had not yet come when the sheikh and the priest could safely be allowed to impart rival religious instructions to children of the lowest classes simultaneously and in the restricted space of the Kuttab. The conclusion to which he came was that in some provinces the Copts received rather more, and in other, perhaps, rather less, favorable treatment than their numbers entitled them to. It seemed that whereas they were in some respects at a disadvantage in educational matters, the government was disposed to do all that it reasonably could to improve their position. The

sufficient answer to their demand for a large share of the higher administration posts was that experience showed them to be unfit for such posts. They had many admirable qualities, but decision and the power of command were not amongst them. The position of a Coptic Mudir e.g. would not be enviable, Sir Eldon remarked, nor would that of the authorities who had to support him. The Copts he affirmed had no real grievances of any importance.³¹

ASSESSMENT OF GORST'S WORK IN EGYPT

An announcement that Sir Eldon who had been British Agent and Consul General in Egypt since 1907, was to leave Egypt on a prolonged holiday had produced the inevitable comments and conjectures including various irresponsible attempts to name his successor. Sir Eldon's health had, unfortunately been far from satisfactory for quite a time, but there was every reason to expect that six months rest and treatment was enough to restore it and to enable him to resume his official duties in the autumn as usual.³²

Sir Eldon went to London in April on leave expressly for medical advice. His original intention was to take cure in Italy, but later he decided to proceed to London with as little delay as possible. His illness

³¹Ibid., p. 4, col. 5.

³²Ibid., April 7, 1911, p. 8e.

had taken so serious a turn as to cause the gravest anxiety to his family. He underwent an operation in a nursing house in London, and on the advice of his physicians he was removed to Castle Combe, on Friday June 16, 1911.³³

In reply to a question in the House of Commons on Thursday, July 6, 1911, whether Lord Kitchener was to be appointed Consul-General in Egypt or to any another post of authority there, Sir Edward expressed the great regret of the Government that Sir Eldon's serious illness prevented any choice of his being able to return to Egypt and had made his resignation necessary. He added that he was unable to make any further announcement at that time.³⁴

The condition became very grave and the Khedive travelled to England in a strictly private capacity specially to see him on Friday, July 7, 1911. Sir Eldon, died on Wednesday, July 12, 1911, at Castle Combe, the residence of his father. His untimely death had a note of tragedy. His life had been devoted to the service of Egypt, and after more than twenty years of laborious work he had attained the high distinction of becoming the successor of Lord Cromer. Soon after his appointment as

³³Ibid., June 17, 1911, p. 8e.

³⁴Ibid., July 7, 1911, p. 8e.

Agent and Consul-General he encountered a series of difficulties which eventually involved him in severe criticism, both in England and Egypt. His policy might not always have been in every respect judicious, but like many another officer of state, he had to bear in silence the blame for conditions he had not created and for acts for which he was not always primarily responsible. He was firmly supported and implicitly trusted by Sir Edward Grey, so that he succeeded in the end in overcoming most of the perplexities which beset him. In the last twelve months of his consulship, Egypt had emerged from its storms into an atmosphere of comparative calmness.³⁵

When Sir Eldon was selected to succeed Lord Cromer, he assumed the post of British Agent and Consul-General to Egypt at a very critical time. The period of abounding riches had produced wild speculations, and the financial disorder which followed was accentuated by bad cotton seasons. The Denshwai episode, with the exemplary punishment, had created a ferment. Lord Cromer's policy of mild disregard of the excesses of the native press had left an unfortunate legacy of organized sedition. The wave of unrest which disturbed India was not without its influence,

³⁵Ibid., July 13, 1911, p. 5e.

and the Turkish Revolution produced far more definite and unfortunate consequences. The activities of the "Young Egyptian" Party were persistently directed towards paralyzing the British control. There was a growing uproar for representative institutions of a character for which Egypt was decidedly unfitted. On the other hand, a considerable section of the foreign population of the country was inclined to perceive a great many dangers which were probably non-existent. The position was complicated by the return of the Liberal Party to power in England and by the constant attacks of extreme radical politicians upon British policy in Egypt.³⁶

It was commonly supposed at that time that Sir Eldon went far towards undoing the policy of his predecessor. That was by no means the case. Throughout the period of stress he never lost the general support of Lord Cromer, who had entire confidence in him, and had been largely instrumental in securing his appointment. Lord Cromer had, indeed plainly indicated when 'laying down his burden' that certain changes were necessary. In the same way, there was always a complete understanding between the British Agent and Sir Edward Grey, who more than once in the House of Commons bore generous

³⁶Al-Moqattam, September 11, 1911, p. 5, col. 2 & 3.

testimony to the value of Gorst's work. He said that "if fault was to be found, it should be found with the policy of His Majesty's Government, and no one could have carried out that policy with more knowledge, and ability and skill, than Sir Eldon Gorst, whoever was responsible, there can be no doubt now that changes of method and machinery were too rapidly made."³⁷ The British Agency and the Foreign Office were alike anxious to satisfy Egyptian aspirations within prudent limits, but some of the steps taken to that end though well meant, were at least premature. It was manifestly desirable to give Egyptian Ministers and officials a larger share of responsibility and initiative, but British supervision was too rapidly weakened. The murder of the Prime Minister, Boutros Pasha, though it had little relation to the reforms marked the period when greater caution began to be exercised.³⁸

Gorst's death was a great loss to Egypt and to England. Whatever might had been the defects of the policy which he initiated, it was clearly vital to its success that the brain which initiated the scheme should carry it through. It would not be unfair to point out that the program he

³⁷The Times, op. cit., p. 5g.

³⁸Ibid., p. 5g.

commenced contained certain obvious weakness. It was, in the first place, an attempt to mix two elements which could not in their nature coalesce. On the other hand, it was logically possible to select and apply a policy of training a native bureaucracy to work under native Ministers, and so of establishing an autocracy designed to be more stable and progressive than in the past, or on the other hand it was possible to adopt a democratic policy and to lay the foundation of representative institutions. But it was not possible to do both those things at once. If representative institutions were to be successfully fostered, the only hope of achieving this laid in restraining with a firm hand the political activities of the Khedive and of the autocracy which he represented: but if an autocracy particularly a strengthened and improved one, was to remain the constitution of Egypt, it was misleading and purposeless to encourage representative institutions. Yet Gorst attempted both, and the temptation was very strong to find the reason for this in unenlightened instructions coming from elsewhere out of a surplus of uninstructed sentimentalism. The lack of comprehension and of definition, accompanied as it was by symptoms of misdirected goodwill, must be taken as strong presumptive evidence of the intervention of a British administration. The keen desire to cultivate democracy

at random and regardless of the suitability of the soil only served to corroborate that view. The result was merely a diminution in the strength of governmental authority, with the inevitable consequence of lawless unrest.³⁹

It is not, however, entirely fair to Gorst and to his policy to judge them only upon the results achieved between 1908 and his death. It has to be remembered first of all that those years were years of an economic depression which was not of his making, which his own financial ability would have done much to alleviate. Economic difficulties do not mitigate political unrest and although Gorst could not be absolved from the blame of choosing such a moment for political excursions, yet it is very probable that some of the unrest which was put down to his activities was in reality due to economic causes. It must also be remembered that the period of his rule was very short, and that in laying his plans he was looking further ahead than destiny, in fact, permitted. His later policy would assuredly have been guided by the results of his experiment in its early years, and in the light of those results he himself would have been proceeded to alter course or amend methods.

If Gorst made a serious mistake in attempting the

³⁹Lord Lloyd, op. cit., pp. 104-107.

task of 'buttoning' a growing boy into a ready-made suit that did not fit, he at least began the task on the right lines. The only hope of success lay in gently easing the 'child' into the sleeves and trouser legs. The Provincial Councils which Gorst inaugurated were at least a sensible attempt to begin at the beginning of the task, and the attempt was fairly justified by the results. The Councils showed a keen interest in their work, and an encouraging readiness to shoulder responsibility. In education they showed especial promise. The seed of self-government was planted in the most favourable soil, and, given a series of mild seasons might have well born fruit.⁴⁰

⁴⁰Ibid., p. 211.

CHAPTER II

KITCHENER IN EGYPT

REPLACEMENT OF GORST:

Kitchener was in search of a job, a significant one. When he failed to obtain India, he then looked towards either Egypt or the Embassy at Constantinople. The progress of Gorst's illness, and the intentions of the British Government, if Gorst should die, occupied Kitchener's mind. Early in May, 1910, Kitchener became aware that Gorst was dying of cancer and that Cromer had written to suggest to Grey that Gorst had only one possible and suitable successor. Kitchener became restless until 17th of June, 1910, when he received a letter from Grey asking him to call at the Foreign Office in order to discuss, "a matter which though important, is not urgent."¹ Kitchener saw Grey at 3.00 P.M. on Monday, the 19th.

Grey told him that a strong man was needed to replace Gorst; and he asked Kitchener whether, "without putting the clock back, he would be able to channel the energies of the Egyptians into constructive work and away from a Nationalist agitation which almost amounted to a rebellion."²

¹Magnus Philip, Kitchener: Portrait of an Imperialist (New York: E.P. Dutton and Company, 1959), p. 259.

²Ibid., p. 260.

Kitchener expressed his confidence that he would be able to pacify Egypt and to guide the country along progressive lines.

On the 20th Grey wrote to him: "the King approved very cordially of your going to Egypt, and the arrangement is one that has evidently given him much pleasure,... I should like the formal announcement and appointment to be dependent, to some extent, upon the news of Gorst's health; but as the question is now practically settled, there is no reason why your friends should not know."³

Gorst did not formally resign until a few days before his death on July 10th. The Khedive, Abbas Hilmi, came to London as already mentioned, and saw him before the end. On July 16th, Grey informed the House of Commons that Kitchener had been appointed in succession to Gorst in Cairo; moreover, no change from civil and administrative reform to military policy was contemplated.⁴

Arrival in Cairo:

Kitchener arrived in Cairo on September 29th, and was received with full military honors. His reception was impressive and as he drove to the British Agency he was

³Ibid., p. 260.

⁴Ibid., p. 261.

escorted by the 21st Lancers and had to acknowledge continuously the cheers of the Egyptians who had assembled in large numbers along his route.

The impression of Kitchener's arrival, as stated in Sir Ronald Storrs' memoirs, suggest something of the man's personality and charisma. To emphasize the impressiveness of Kitchener's arrival at Cairo, few passages from the memoirs of Sir Ronald Storrs may be quoted:

Shortly before 7.30 in the evening of Thursday, September 28, 1911, the arrival platform of the Cairo Railway Station was crowded by the representatives of the powers, officials, religious, and financial as well as diplomatic. As the special train showed in, watches were pulled out of pockets and it was observed as natural that Lord Kitchener had arrived one minute before his time. From the coach there stepped that figure famous everywhere, erect, and martial, but conspicuously civilian in the classic grey frock coat and top hat traditionally reserved for the representative of Great Britain. He appeared in high good humour, which was increased by his advantages nowhere so valuable as in the Near East, of knowing personally a large proportion of those assembled to greet him. He paced down the red blaize through the great central doors opened only for personages of the highest distinction; inspected the guards of honour mounted by the British Army of Occupation and the Egyptian Army and accompanied by the loud and demonstrative hand clapping of the Egyptian crowd generally impassive and on this occasion expected even to be hostile owing to the extremist press campaign against the 'Butcher of Khartoum', proceeded to Kasr al-Dubara. Some of those present contrasted these acclamations with the departure of Lord Cromer, as he drove to the station in that

same carriage through streets lined by troops armed with ball cartridge, amid a silence chillier than ice."⁵

DIFFICULTIES FACING KITCHENER ON HIS ARRIVAL:

War Between Turkey and Italy:

On the day he arrived in Cairo, Kitchener's problems were complicated by an outbreak of war between Italy and Turkey. An Italian Army sent to conquer Libya met with initial reverses which affected European prestige throughout the Middle East. Although the sympathies of the Egyptian People as Moslems were pro-Turkish, Kitchener's presence and prestige were mainly responsible for the safe passage of Egypt through that critical period of the Tripoli War. His prompt gesture in contributing £ 100-0-0 to the Turkish Red-Cross as a personal gift was extremely well received by the Egyptian public.

The immense prestige which Kitchener enjoyed, in an Oriental country where personalities counted more than policies, made it easier for him to control the situation. Moreover, he did not depend only on this, but also kept the country busy with its own affairs and with the initiation of enduring economic reforms.

⁵Storrs, Ronald, The Memoirs of Sir Ronald Storrs (New York: F.P. Putman's Sons, 1937), p. 10.

However, the conflict between Italy and Turkey did not go by unnoticed in the House of Commons. Several discussions took place when a member of Parliament, Mr. Dillon, asked whether the British Government could give particulars of all Turkish Subjects, not Egyptians, that were arrested in Egypt within the last three months, and the grounds on which they were arrested, and the proceedings consequent on their arrest, and particulars of any goods stopped in Egypt on the ground that they were intended for Tripoli; and on what principle of international law such interference with transit goods was based?⁶

England prescribed strict neutrality for Egypt, but anxiety was felt as to a possible manifestation of popular feeling among the Egyptians during a conflict between a Christian Power and a Potentate who was once their Caliph and their suzerain. The people took it, however, very quietly. No strong Nationalist party was raging. The Ministers as sensible men saw clearly on which side Egyptian 'bread and butter was buttered.' Some excitement, fostered by certain newspapers, hardly "survived a short rap over the knuckles administered to those organs of disaffection."⁷

⁶Great Britain, Hansard Parliamentary Debates, Vol. 34, (February 14- March 1, 1912), p. 413.

⁷Arthur George, op. cit., p. 314.

Moreover, the British Agent had a quiet way of quenching inconvenient military ardour. Early in the war a respectable Moslem deputation suggested to Kitchener that he despatch a few Egyptian Battalions to help the Turks. He replied bluntly: "that is quite a good idea, only as I could not improvise fresh Egyptian troops, I might have to ask for some English battalions to come here."⁸ The dry retort hit its mark and the audience melted silently away.

On another occasion several Egyptian officers asked leave to volunteer for the Turkish Army. "By all means; only I should warn you, that as the establishment of officers must be kept up to strength, your places will necessarily be filled by promotions from the junior ranks, so that when you return you will find yourselves automatically on the retired list."⁹ That reply was enough to dismiss that thought.

Yet one more deputation this time of Bedouin Sheikhs, sought permission to raise desert levies for the Caliph's service. Kitchener complimented them on their warlike spirits, but was sure "it would be a thousand pities if

⁸ Ibid., p. 315.

⁹ Ibid., p. 316.

Egypt were to loose services of men of so fierce a fighting quality; "and he undertook that, on their return, they should come under the law of conscription from which they had been specially exempted. The matter was reconsidered and the request withdrawn. The examples are typical of the diplomacy, alertness, and firmness with which Lord Kitchener helped to keep the country in peace throughout the war between Italy and Turkey.

Restoration of Internal Stability:

A contemporary account of the condition of Egypt given by an English resident described the state of affairs in Egypt in the summer of 1910 as:

so exuberantly disorderly in the capital and the provinces that the lives of European residents were in danger. There was public knowledge of the spread of sedition in the army and disorganization prevailed in the Ministry of Interior. Moreover, there were arrangements for a general massacre being arranged by the Society of Mutual Brotherhood and other organizations. There were distasteful outrages, assaults and thefts which were condoned if not encouraged, and public functionaries were known to be fomenting religious animosities.¹⁰

The responsibility for this state of affairs (public opinion in England, and foreigners in Egypt) placed on Sir Eldon Gorst, whom they accused of permitting

¹⁰Little, Tom, Egypt (Earnest Benn Ltd., London, 1958), p. 123.

so many concessions that British authority declined disastrously.

At this critical moment Lord Kitchener seemed the man best fitted to counter-act the deteriorating situation. "... the Consul-General went forth in splendour, a monarch without a throne; and there can be little question that many Egyptians, wearied of the threat of disorder welcomed at that time the fact that a firm hand was once again on the country."¹¹ Lord Kitchener applied a new Criminal Conspiracy Act, a Press Censorship Act, and a School Discipline Act with unflinching severity. He was equally severe in his relations with the Khedive. He prevented Abbas Hilmi's sale of the Mariut Railway, reformed the Wakfs, cut the Khedive's income and cowed the Nationalist movement.¹²

However, Lord Kitchener quickly realized that coercion was not the whole solution for the Egyptian problem. In 1913, he gave Egypt a new constitution with representative institutions. This constitution constituted an effective step towards self-government. The Provincial and Municipal Councils were accorded effective powers and the Legislative

¹¹Ibid., p. 124.

¹²Ibid., p. 125.

Council and General Assembly were permitted a more real say in the governing of the country.

By 1914 the relations between Britain and Egypt were better than they had been at any time since the middle nineties of the previous century. Had Lord Kitchener been able to remain for some years to guide the Egyptian People towards responsible self-government and to educate the British Government to accept it, the way might have been set for a rational evolution of Anglo-Egyptian relations. It is true, that this change in His Majesty's Government's attitude could only have been brought about if the Government had been prepared to return Egypt in due course to the Egyptians.

The new Constitution was accepted by most Egyptians as one step towards independent government. In the manner of all semi-representative institutions the Legislative Council might have been expected to become the 'spearhead' of a movement for more Egyptian rights. The matter was never put to the test. In 1914, war broke out and Lord Kitchener, who was absent from England at the time, was called to the supreme command of the British forces. The Khedive, Abbas Hilmi, who was in Constantinople, was told not to return. On November 5, 1914, Turkey joined the war on Germany's side. Egypt automatically became a sector of the Eastern front. The war situation drove the British Government to

legalize its relations with Egypt, and at long last, in December, 1914, it declared Egypt a protectorate. Abbas Hilmi was deposed and was replaced by Hussein Kamal.

Lord Kitchener's responsibilities as pro-Consul in Egypt lasted only three years, from 1911 to 1914. During this period he tried to restore stability to a deteriorating internal situation, not merely by coercion or force, but also by understanding and evolution. We shall now focus attention on his internal policies.

CHAPTER III

AGRICULTURAL REFORMS

THE EGYPTIAN FELLAH:

The Egyptian Fellah was the backbone of the country. Like his forbears for generations he continued to work in the fields, cultivating to the best of his ability the few feddans that constituted his patrimony, and contributing by his efforts to the prosperity of the country. It was from the land tax that over thirty percent of the direct revenue was derived, and the important factor in the situation which the peasant population constituted might be gauged from the fact that the land tax was levied on cultivated land on a scale in proportion to its fertility, and that of the 5,458,608 feddans which represented the cultivated and hence taxable area of Egypt in 1911, 4,752,017 feddans were owned by 1,433,423 natives.¹

In no country in the world (not even excepting India) was paternal Government, and consequently paternal legislation more necessary than in Egypt. The indebtedness of the Fellah, a subject which Lord Cromer had discussed at considerable length in many of his reports was proverbial, but little had been done effectually to relieve the Fellah

¹The Times, May 24, p. 7a, 1913.

of the millstone which his thriftlessness, and the peculiarly unfortunate circumstances under which his forebears lived had combined to hang around his neck. Education had, it was true, of late years received a very wide extension in Egypt. The rise of the public instruction budget from £E 96,000 to £E 555,000 in twenty years was clear proof of that, but the ignorance of the masses was still there, and the fellah had, in general not yet learnt the folly of his ways. Indeed, in many cases, even if he had realized that a continuance in his mode of living and of financing himself was surely leading him along the road to ruin, it was impossible for him, unaided, to cry halt, for he was securly in the clutches of that section of the community which drove a lucrative trade by combining money lending with dealing in all commodities which the fellah required in his daily life and work.²

It was a surprising fact, (while few seemed to realize) that from one cotton season to the other, the cultivator had remained in the debt of the man who supplied him with the cottonseed, furnished him with agricultural implements and cattle for tilling his holding, purchased his cotton and other crops, and advanced him money for wedding and other ceremonies. He obtained at each deal which had been forced on the Fellah by the conditions imposed in the preceeding transaction, a securer hold on

2 Ibid., p. 7b.

him and his possessions. Many had been the instances where a Fellah was forced to sell his property not for the amount of his original debt (long since settled), but for the interest and other legal expenses that had accrued on the renewals. Often he had declined from an employer land owner to a hired laborer on what was very often formerly his own estate.³

Efforts had been made to remedy this state of affairs from the top, i.e. by affording financial assistance on easier and more equitable terms. But those efforts had proved unavailing. Great things were expected from the institution in 1902 of an Agricultural Bank, which was created with the express object of assisting the Fellahin. But the condition of the latter in 1913 was as bad as it ever was. In the first place, the Fellah was an exceedingly conservative and withall a shy person. He did not at all like the publicity attaching to a visit to a bank, nor did he approve of the inquiries and the period of waiting which were the necessary preliminaries to the obtaining of a loan. The local money lender with whom he had had many dealings already, arranged the matter far more speedily and with greater privacy, and with no obligation on the borrower to take one of those journeys which were not only costly but were a veritable nightmare to the

³Ibid., p. 7b.

average Fellah, who rarely left his province. So, although the local usurer charged much higher for the accommodation, he still retained his custom. On the other hand, money obtained from the Agricultural Bank had in nine cases out of ten been devoted to anything but agricultural requirements.⁴

Under those circumstances it became necessary to seek a remedy. Thrift had ever been unknown quality among the fellahin classes, and Lord Kitchener decided that means must be devised to, instil that virtue into them. Despite the institution of the post office savings bank in 1900 and the Fetwa from the Grand Mufti legalizing the acceptance by Moslems of interests on deposits made therein, little or no advantage had been taken of the innovation. At the end of 1911, eleven years after the inception of the bank the account deposited was only £E 480,000, the number of depositors being 117,650. It was quite possible that the Fellah had not made use of this institution because it was too much trouble to journey to the nearest bank, and because he had more confidence in his field as a safe receptacle for his surplus cash,

⁴Ibid., p. 7c.

when he had any. Lord Kitchener ordered that, as an experiment, the system should be extended to the villages, in each of which the local tax collector was authorized to accept deposits of one piaster tarrif (two and a half penny) upwards and to honor withdrawals. In addition the umdahs (sheriff) were instructed to explain the system to their villages. The experiment had been a very great success, for during the year 1912 the deposits increased by over £E 100,000 and the depositors had more than doubled in number. When it is borne in mind that most of the deposits were in small amounts, it would be seen that a good start had been made.⁵

The next move was in the direction of affording the Fellah some effective protection from the throttling grasp of the usurers, who like parasites had preyed on him for decades battering the scant profits which he derived from his crops. Lord Kitchener therefore introduced a usury law which forbade the lending of money at more than nine percent interest and empowered the courts to inflict penalties, a fine or imprisonment, on any one who charged more than that rate of interest.

Ibid., p. 7d.

The Five Feddan Law:

The Five Feddan Law was for the protection of the small-holder and aimed at preserving to him a homestead on lines similar to those adopted in other countries. He would of course still be free to sell his land, but that would not in any way affect the benefits which this law was intended to confer. When it is mentioned that the area of 1,376,370 feddans was owned by 1,292,398 natives in holdings of five feddans or less, one will understand how far reaching the benefits of that measure was.

Briefly the new law laid down that ditraint could not be levied on the agricultural property of cultivators which consisted of five feddans or less. This immunity was extended to the dwellings and outbuildings of such cultivator, to his beasts of burden and to agricultural implements necessary for cultivation. In view of the fact that this law treated existing creditors somewhat arbitrarily, seeing that it was depriving them of the right to touch the land on the security of which they had quite legally lent their capital, it was arranged that all creditors whether substituted or original, had all their rights reserved to them provided the documents in support of their claims had been registered at the courts before the date on which the law came into force. It was also agreed that all such

creditors might without having any of their rights affected, grant renewals or extensions of time to their debtors, provided that the date of the last maturity expired five years of the coming into effect of the law. As soon as it was known that those concessions to existing creditors had been sanctioned, there ensued a tremendous rush to register loan deeds, and the Mixed Tribunals were so congested that special registration offices had to be opened in the Native Courts. Subsequent investigation elicited the curious fact that a large number of those loan deeds were not for loans already granted, but, that they were for loans to be granted in the near future, and, further those deeds were not presented by credit as to be, but by prospective borrowers who were anxious to make certain that they would be able to procure money in the immediate future.⁶

All the measures which had been put into effect or were still in process of elaboration were part of what was turning out to be a most ingenious scheme for the amelioration of the lot of the Fellahin and the consolidation of the economic position of the country. The manner in which they dovetailed with and complemented each other

⁶Al-Mogattam, July 3, 1912, p. 4, col. 1.

was certainly a revelation. The Five Feddan Law, while ensuring the establishment of a community of smallholders and restricting their credit, was awakening among the Fellahin a spirit of co-operation which they never envinced before. In addition, it was forcing them, whether they liked it or not, to take advantage of the facilities which the government held out to them in other directions. Thus, it was making it difficult say impossible for them to obtain on credit, as usual, from dealers and local usurerstheir seed, nitrates, cattle for ploughing, and agricultural implements. Financiers and economists objected strongly to the Five Feddan Law, but Kitchener was glad to ride rough road over the self-interest of alien usurers as he fought to transform the submerged mass of the peasantry into a secure and conservative tenant class.

In the meantime, another scheme had been initiated for the benefit of the Fellahin. Extensive drainage works were in progress in Lower Egypt to relieve the waterlogging of the Delta, which had been the main cause of the decline of the cotton crop in both quality and quantity. About 1,000,000 feddans were to be drained and about 130,000 feddans were to be reclaimed from the lake district in the course of the work, which was to cost about £E 2,500,000.

This vast area hence became available for cultivation, but of course it required to be further reclaimed and levelled before it was fit to produce crops.⁷

Lord Kitchener tried the experiment of leasing this land to Fellahin who possessed no land of their own, and in autumn 1913, six hundred and ten feddans situated at Biela, in the Sharbia province, were distributed by him in lots of five feddans to one hundred and twenty two landless Fellahin. Briefly the conditions of the scheme were as follows:

Each plot was leased to a Fellah for three years starting from November first, at a nominal rental of one Piaster Tarrif per feddan. During those three years the tenant had to reclaim and render the land fit for cultivation, If he did this within that period the lease would be renewed for a further ten years at an annual rental of Piaster Tarrif one hundred and five per feddan, to which would be added the land tax. Should the tenant pay the rent and tax regularly and cultivate his land properly, his lease at the expiration of the ten years would be renewed for life. The lease became void on the death of the tenant. But if he had left a written request that he would like the lease

⁷Ibid., November 7, 1912, p. 4, col. 1.

handed on to any particular son, his wishes would be deferred to, provided that son was duly qualified to sign the deed. Failing any such written request, the lease would be handed on to the eldest qualified son. The tenant had to clear all the drains or canals running through or past his plot, but if he could not do this the government would execute the work at his expense. Under certain conditions, and only with the consent of the government, the tenant might transmit his lease to another cultivator but if he failed to comply with the conditions, or to pay the rent or tax, the land could be taken from him without any compensation being due to him.⁸

Lord Kitchener also gave his attention to the question of justice, especially in so far as the Fellahin were concerned. From observations and reports it became evident that they were not receiving the sort of justice that they could understand. The courts were becoming congested with cases involving petty amounts and trivial questions of dispute. The fact was as the Judicial Advisor wrote in one of his reports, that "with a total disregard for the primitive condition of a large part of the indigenous population we have introduced a European system

⁸Ibid., p. 4, col. 2.

of dispensation of justice which was far in advance of its social state." This remark was made in reference to the increase of crime, which even in 1913, in spite of repressive measures, was attaining serious proportions. But it applied equally well to the dispensation of justice for petty offences committed by the fellahin, or in cases of civil disputes between them. It was decided to take a bold step and to have recourse to an old jurisdiction which was popular years ago. Before the Native Courts were organized in 1883, there existed a court, known as the Meglis Daawi (Judgement Council), in every village. It consisted of the Sheikh el-Balad (village) and two local notables, elected by the village, and it tried all cases that came before it according to local custom. In addition it acted as a sort of conciliation court, and endeavoured to bring about a settlement, in all cases that were beyond its competence before they were taken before the high jurisdiction. The Meglis Daawi had certain obvious defects due to the general condition of the country at the time, on which there is no need to dwell at present, but it had the great advantage of affording the Fellahin a style of justice which they fully appreciated and understood.⁹

⁹The Times, May 24, 1913, p. 7d.

Impressed with the fact that the Fellahin preferred Village Justice in the settlement of their local disputes, even though that justice may at time be somewhat harsh, Lord Kitchener decided to institute a system of Village Courts on the model of the Meglis Daawi, and so he ordered the creation of what was known as the Cantonal Courts. To start with, only thirty six of these tribunals were instituted, but so successful were those pioneers that their number had been increased to two hundred twenty eight. The Cantonal Courts enjoyed practically the same competence as the Meglis Daawi, and in some points they had received an extension of jurisdiction. Every precaution was however, being taken to prevent any recurrence of the defects which characterized the proceedings of the old Meglis. The members of the Cantonal Courts were to be elected by the Government and not by the villagers, and the Summary Court Judge could preside at the sitting whenever he chose. In their first year of operation those courts had considerably lightened the cause of the higher jurisdictions, and had enabled the Ministry of Justice to carry out a re-organization of those jurisdictions which had proved most beneficial.¹⁰

Lord Kitchener elaborated and introduced another

¹⁰Ibid., p. 7d.

legal reform which, while it more directly benefited the richer natives and large landowners was bound to have some effect on the smaller Fellah. This reform entailed the transfer of the jurisdiction in guardianship and trusteeship matters to the Native Courts. Hitherto, if a man died leaving estates, the heirs to which were minors or, if the owner of estates became mentally incapable of safeguarding his own interests, at once a guardian or trustee was nominated by a special council (Meglis el-Hasbiji), as the case might be. But the institution failed to carry out any further control over the acts of its nominees, although it was supposed to do so. As a result, there had been an enormous amount of abuse and large estates had been squandered owing to either dishonesty or incompetence on the part of the responsible administrator. In 1910, a superior council was constituted and appeals relating to the administration of estates were supposed to be made to it, from the lower council, which had appointed the trustee or guardian. This measure did not effect the required amelioration although at the start it worked very well and so the Egyptian Government had decided to suppress this jurisdiction altogether. At the same time, it was understood that a system of succession duties was to be instituted, the details were still under discussion, but

the Times correspondent understood that it was intended to tax all estates above a certain figure, the tax payable being on a sliding scale, proportionate to the size of the estate. The amount realized from those duties was devoted to meeting the extra expenses occasioned by the transference of the supervision of guardians and trustees to the Native Courts, and any surplus would be expended on educational and such like deserving purposes.¹¹

The Agricultural Question:

Whilst the foregoing measures demonstrated the very lively interest taken by Lord Kitchener in the lot of the Fellahin, they constituted but a portion of the important program of work he carried out. Indeed, it was by the masterly manner which he had handled the agricultural question, and especially that of the cotton crop, that the British Agent had demonstrated that he realized in what direction Egypt's most vital interests were. When he came to Cairo, matters were far from being in a satisfactory state. The long discussed and much needed Department of Agriculture had been formed under an able director general, but it was still in its embryonic stages, and owing to the

¹¹Ibid., p. 7e.

small credit placed at its disposal it had been quite unable to execute the excellent program that had been drawn up. Complaints from Lancashire of the deteriorating quality of the cotton were rife, and it was also becoming evident that a diminution in the average yield per feddan was taking place. It had been proved that this falling off in quality was due to overcropping, over watering, cotton pest ravages, mixture of cotton, planting of inferior seed and negligent cultivation amongst other causes - but little had been done to apply a remedy to any of those defects.¹²

Very drastic measures were taken for combatting the cotton and ball worms. The cotton worm campaign had been most efficiently organized under a special European staff by Mr. P.W. Machell, but on his retirement from the advisership to the Ministry of the Interior, other ideas prevailed and it was decided to allow the native staff to carry on the work. The result was an absolute failure and very considerable damage to the crop, and the special staff had to be requested once more. One of Lord Kitchener's first decisions was to sanction the appointment of a permanent inspectorate, whose task was to carry on, year

¹²Ibid., p. 7f.

in and year out, the cotton worm campaign. This was a very practical improvement on the previous scheme, for it did away with the inconvenience and loss of time entailed at the beginning of each campaign and the necessary instruction of the new staff. It meant that the inspectorate could keep permanently in touch with its several districts. In addition to, the campaign regulations, decrees had been issued obliging the Fellahin, under pain of heavy penalties to conform to certain rules having for their object the removal of the means of subsistence of the cotton pests between the seasons. Thus a decree was issued forbidding the watering of that crop after May tenth, so as to ensure that the cotton worm did not jump from the young shoots, when they became succulent a month or so later. This measure resulted in an appreciable diminution in the havoc wrought as a rule in the early summer.¹³

Meanwhile, the question of the admixture of cotton was investigated. It was found that this effected in the process of ginning, and that unscrupulous merchants in Lower Egypt, were in the habit of mixing first class Egyptian cotton with second class cotton. This admixture was then sent on to the market as first class cotton. Owing

¹³Al-Mogattam, November 16, 1912, p. 1, col. 1.

to the clever manner in which the operation was carried out, it was rarely possible to detect it until the bales were opened at the mills. This cotton was graded as first class, and consequently the Egyptian variety acquired a very bad reputation. The Egyptian Government, therefore, took the bold step of prohibiting the transport of unginned cotton from Upper to Lower Egypt. This action met with very great success, and the mixing of cotton entirely stopped.¹⁴

Cotton Halakas: (Cotton Circles)

Finally another scheme had been inaugurated. The Fellah had for years past been mercilessly exploited by unscrupulous dealers in the matter of short weight and fictitious prices. There had been no means of checking scales, and the merchants had invariably adjusted them to meet their own requirements. Then again it was customary to base the purchase price of cotton on the prices ruling at Minet el-Bassel market in Alexandria. But the unfortunate Fellah in his village had never had any means of ascertaining what the Alexandria prices were, and so he had always been robbed most shamefully. Some cultivators had from

¹⁴Ibid., p. 1, col. 2.

time to time managed to find out that they were being tricked, and in certain districts various devices were resorted to in order to get even with the dealers. There had been cases where bricks and dead kids were found in the center of the bales when they were opened at the ginnery, whilst the favourite dodge was to damp the cotton and so fictiously increase its weight. This plotting and counter plotting had been, of course, most harmful to the industry, especially as the dumping tended not the cotton. Lord Kitchener decided that cotton markets should be established over the country.¹⁵

These cotton markets, of which there were at first eighty nine, consisted of compounds situated in the most suitable positions. Each market had an official weighing machine, which was under the supervision of the new weights and measurements service that had just been created, and the Fellahin had the right to have their cotton weighed on it free of charge. In addition, every morning the opening prices for ginned cotton was telegraphed to the cotton market from Minet el-Bassel and was posted up on a prominent board, whilst rises or falls of five or more

¹⁵Ibid., p. 1, col. 5.

Piaster Tarrif were also notified in a similar manner during the day. Thus a further means of protection was afforded to the Fellahin. In addition to the foregoing, each cotton market distributed cotton seed on behalf of the Government, and nitrates for account of the Khedivial Agricultural Society since it also contained one of the village savings banks.¹⁶

In 1910 further important and very interesting experiment was begun on behalf of the rural districts. Responsibility for local education was handed over to the recently constituted Provincial Councils. The necessary funds were provided by a percentage on the land taxes. The Ministry of Education had been careful not to interfere with the manner in which the various educational schemes prepared by the Provincial Councils had been carried out, although it had been always ready to give advice and assistance when asked to do so. The councils took up the work with enthusiasm, and undoubtedly, under their supervision and control, a great impulse was given to education. That new departure introduced a much needed elasticity and diversity into the system of instruction and had enlarged

¹⁶Ibid., November 22, 1912, p. 1, col. 6.

the field of free education.¹⁷

What seemed most required for progress in this direction was to evolve the best type of rural school, adapted to the special practical needs of agricultural districts, and when this had been done Lord Kitchener confidently hoped to see a considerable increase in the number of boys educated.

Nonetheless, rural exodus in Egypt was feared as an economic and social disaster of considerable magnitude. To avoid contingency, a half time system of education allowing for labour in the fields for the remainder of the day, with holidays fixed in accordance with agricultural necessities seemed the best solution.¹⁸

EGYPT'S DRAINAGE SYSTEM:

Problems

One of the first matters to engage the attention of Lord Kitchener on his arrival in Egypt was the question of the improvement of the drainage of Lower Egypt, which had been rendered necessary by the increased irrigation given to the country. Areas foremerly comparitively well

¹⁷ Al-Moqattam, May 30, 1912, p. 1, col. 1.

¹⁸ Al-Moqattam, May 30, 1912, p. 1, col. 1.

drained were falling out of cultivation, because drainage had not kept pace with irrigation. The existing system of drainage had been designed principally as a measure of immediate relief, and not as an ultimate solution of the problem. Further, it was contended that the drainage facilities of Lower Egypt were continuously improved. It was however, admitted, that in many places drainage was bad and ought to be improved, and that progress had not been unaccompanied by relapses. Nevertheless, it was only in a very small number of cases that the condition of lands served by a drain was as bad as it was before drainage was introduced.¹⁹

The principal object in view was the improvement of lands where a system of drainage already existed. Incidentally, however, the execution of the work lead to the reclamation of nearly 130,000 acres of land at present under water. Of those, 55,000 acres were in West Behera, under Lake Mareotis, and the remainder in Gharbieh, under Lake Borillos. The drying of those tracts was the natural corollary of lowering the level of the water in the drains to a meter and a half. It was into those lakes that the drains lead, hence a corresponding reduction of the level

¹⁹The Times, March 18, 1912, p. 5b.

of the water in them was necessary. In the case of the West Behera, the water was pumped direct into the sea from Mex, where a pumping station already existed; while in the case of Gharbieh it was pumped near Baltim into Lake Borillos, which had a natural outlet into the sea. In each case, the pumps, in order to cope with the flood water, were required to lift about seven and a half million tons of water per day.²⁰

The work began on March 18, 1912. It was to be completed in four years, and the cost of execution for each of the two districts was estimated at £E 1,250,000. This sum sufficed however, only for the work of drainage, and new lands which had been dried would eventually represent an asset to the state, the value of which must be calculated at millions of pounds. For the work of the year 1912, a sum of £E 3,000,000 had been placed at the disposal of the Ministry of Public Works.²¹

As for the drainage work in the Nile Delta, preliminary arrangements were made by Messrs C.J. Wills and Sons to start work on their contract in connection with the drainage of a portion of the Nile Delta. This contract

²⁰ Ibid., p. 5c.

²¹ Ibid., p. 5c.

involved the enlargement of a small canal from a point near el-Hamul to the south-east of Lake Borillos, into

which the water would be lifted by a large pumping station to be erected near Baltim. The canal was to be sixteen kilometers long and twenty meters wide at the bottom, thirty eight meters wide at the top, and six meters deep, and its object was to lower the water level by two meters over an area of about five hundred square kilometers. The Egyptian Government was about to build a light railway from Biala to the neighbourhood of Baltim in order to enable the contractors to transport their plant to the site, and it was expected that this would be finished by the end of the year. Actual operations on the canal were then to be started, and it was anticipated that about 4,000,000 cubic meters of material would be shifted from the canal and deposited on the banks in about two years.²²

Nature of the Improvements:

Roughly speaking the improvements contemplated fell under two heads: first the rendering more effective of the present system, and second the drainage with a view

²²Ibid., October 23, 1912, p. 24c.

to ultimate reclamation, of lands which were either under water or water logged. The question of improvement appeared to resolve itself to a great extent into a question of facilitating the clearance of the channels. Drains which when first made, might work well enough, in course of time deteriorated from natural causes. On pecuniary grounds it had been customary to make the clearance occasional and heavy, since that method costed less than frequent light ones. But for such clearances the use of dredgers was necessary, and in many cases the drains, which were constructed in order to obtain a maximum efficiency at once with a minimum expenditure, were not so made as to allow of dredging. Further, it had in many cases been found feasible to pay for the cost of clearing, out of the maintenance budget, and the question of clearance had therefore frequently been dependent upon special financial provisions. The result was that under existing conditions it was practically impossible to maintain the constantly extending drainage of Egypt in the state in which it should be maintained.²³

To remedy this state of affairs the first step to be undertaken was the provision of the necessary facilities

²³Ibid., February 4, 1912, p. 22c.

for passing dredgers along drains where clearance must be carried out by means of mechanical excavators, drains were deepened, banks strengthened, and all fixed bridges over the drain in question were to be replaced by opening bridges. In addition, schemes for the ultimate reclamation of extensive tracts in the extreme north, which lied at just about, or in some cases even below, the level of the sea, and great areas of which were actually under water. Those districts would have to be dealt with by pumping stations, and, with the exception of West Behera it would appear that no definite proposals had yet been formulated. With regard to the district in question, however, it was recognized that the plant at the pumping station at Max which already served West Behera, was out of date, and simultaneously with the possibility of the reconstruction of this station a scheme for the drainage of Lake Marcotis was being considered.²⁴

The total area of the western half of the province of Behera was approximately 480,000 feddans and all of it drained to Lake Marcotis. Of those 480,000 feddans 50,000 were made up by the lake itself, which was about one meter

²⁴Ibid., p. 22e.

in depth, a similar area consisted of waste tracts adjacent to the lake, while the remainder was mostly cultivated land, although much of it suffered from defective drainage and parts of it were not adequately irrigated. Roughly speaking, about half of this total area was below sea level, while parts of the remaining portion rose to a height of about three meters. In the scheme under consideration the existing drainage system would be retained for the high lying half, a new channel being excavated across the area now covered by the lake to Mex. Those drains would continue to serve the existing pumps at Mex, which raised the water through a height of about three meters. With regard to the low lying area, the drainage would be collected into a large trunk drain leading to a second pumping station to the old one, but provided with pumps capable of a lift of about six meters. The drains would be designed to allow, so far as possible, dredgers being used for clearance, and it would be essential that several such machines would be kept permanently in the main channels. It would thus be seen that the question of dredging would form a very important item in the whole program of reforms, and in view of the large amount of such work to be done it was not impossible that the Government might decide to work

plant of its own in addition to that possessed by the various dredging companies which at that time had contracts with the Government.²⁵

It was clear that, apart from ultimate reclamation and irrigation, the schemes proposed required several years to execute and entailed a very great expenditure. Although allusion to the projects was made by the Financial Advisor in his recent note of the Budget, no limit was given as to how the requisite money would be found. It was however, stated that the prospect could be faced with perfect equanimity, and with that assurance the assurance the public must for the present be content. But, great though the cost might be, there could be no question as to the ultimate value to the country of the investment as regards to the improvement of the existing system and the reclamation of new lands. In consequence of the former, areas at present poorly cultivated would be rendered more fertile, and as a result of the latter wide tracts of ultimately valuable country would come into the possession of the state.²⁶

The prompt inauguration of the great undertaking had been greeted with general satisfaction, and while no one would pretend that Lord Kitchener was the first to see

²⁶Ibid., 21c.

the necessity of improved drainage, it was recognized that the thanks of the country were due to the British Agent, for the active manner in which he took up and had put into execution a scheme of which the result must be to increase to an enormous extent the value of agricultural land and with it the wealth of Egypt.

As regarding the question of irrigation, a reference to the opening of the Aswan Dam in December, 1911, led Lord Kitchener to make a general review of the position with regard to irrigation. The general conclusion arrived at by Lord Kitchener from his survey of the irrigation question were:

1. That the necessary supply of irrigation water for the present greatly extended area of cultivation was secured.
2. That sufficient water for all probable extension in the Delta during the next fifteen years was also assured, except in the event of a very low summer river.
3. That as it was advisable to allow some extension of perennial cultivation in Upper Egypt and to meet the demands for water for extended cultivation in the Delta in years of low supply, fresh works were necessary to increase the quantity available for

distribution. The proposed dam on the White Nile was expected to be sufficient for this purpose.²⁷

²⁷Ibid., p. 5f.

CHAPTER IV

THE ORIGIN AND RISE OF THE EGYPTIAN ASSEMBLY

Whatever the value of a party system may be in a western political life, it is evident that its application to an intensely democratic community, the essential basis of whose social life is the brotherhood of man, combined with respect for learning and the experience of age, is an un-natural proceeding, fraught with inevitable division and weakness. The development and elevation of the character of a people depends mainly on the growth of self control and the power to dominate natural impulse, as well as on the practice of self-reliance and perserverance, combined with reasoned determination. None of these elements of advance are assisted in any way by party strife. Calm and well-considered interest in political affairs is good for both the governed and those who rule; but fictitious interest generally based on misrepresentation and maintained by party funds and party tactics, does nothing to elevate or develop the intelligent character of an oriental race. In those circumstances Lord Kitchener sought to devise an acceptable constitutional framework undercover of which he ruled Egypt.

Egypt in 1911 possessed a small and select Legislative Council and a more democratic General Assembly.

Their functions were consultative, except that the consent of the Assembly was required to measures involving the imposition of fresh general taxation, and that foreign policy was excluded from the debates of both bodies. Nevertheless, under Sir Eldon Gorst both bodies had grown increasingly obstreperous and in 1909-10 a major crisis had occurred. The Suez Canal Company asked that its concession which was due to expire in 1968, be extended for ^{forty} another years and in return it would firstly pay £ 4,000,000 and secondly an annual share of the profits. The offer was accepted by Boutros Pasha, the Prime Minister, who suggested that the deal would be strengthened if it were endorsed by the General Assembly. When the ministerial decision was submitted to a vote, only one member of the General Assembly dared to support it and Boutros Pasha was assassinated on February 10, 1910.¹

Kitchener promulgated a revised organic electoral law, designed to secure a predominate representation of land lords in what was termed the legislature. He then abolished the Legislative Council as well as the General Assembly, and created a new Legislative Assembly. He conferred upon the new body all the powers which the former

¹Philip Magnus, op. cit., p. 264.

two had possessed, with what he termed "certain important extensions." Those extensions empowered the new Assembly to: first, to initiate legislation which the governor could veto for reasons stated. Second, to delay legislation for a brief period. Third, to require the Government to state its reasons for insisting upon legislation of which the Assembly disapproved.²

Machinery was established at the same time for enabling the Government, if it so wished, to consult the electors directly by means of a referendum, about any proposition to which the Legislative Assembly was opposed.

So long as his strong hand and the glamor of his name and inspiring personality continued to hold Egypt under his spell, Kitchener's confidence appeared to be justified. But the coming of the World War and the proclamation of Egypt a protectorate put a stop to that constitutional experiment.

The Legislative Assembly

It was officially announced on July 21, 1913, that the Legislative Council and the General Assembly were

²Ibid., p. 266.

going to be combined into one Legislative Assembly, consisting of the Ministers and sixty six elected and seventeen nominated members; the latter comprising the President, the Vice-President, four Copts, three Arab Beduins, two merchants, two doctors, one engineer, two educational representatives, and one municipal representative. The Legislative Assembly would initiate legislation, save where it concerned Constitutional Laws. The mandate of elected and nominated members would be for six years, a third retiring every two years.³

The preamble of the decree stated that it was desired to endow the country with an enlightened system of Government, ensuring good administration, protection of individual liberty, and the development of progress and civilization. Such result could only be obtained by the loyal co-operation of all classes and the co-ordination of all interests with a view to the calm and thoughtful development of a system of government which, without being an imitation of Western method should be capable of favouring the prosperity of the Egyptian people.⁴

³The Times, July 22, 1913, p. 7a.

⁴Ibid., p. 7a.

The new Organic and Electoral Laws of Egypt were published in a white paper on July 22, 1913. In one of his despatches, Lord Kitchener observed that the principal features of the amendments introduced were the amalgamation of the Legislative Council and General Assembly and the adoption of a more liberal system of election. Lord Kitchener in his report for the year 1913 referred to the matter and said that the General Assembly rarely met and had one other effective legislative duties than those of approving new direct, personal, or land taxes. The Legislative Council, though exercising purely consultative functions took quite an effective part in the elaboration of laws. He concluded by saying that it seemed, therefore, advisable to enlarge the Legislative Council and to confer upon it the powers hitherto exercised by the General Assembly.⁵

Lord Kitchener gave a summary of the principal advantages of the new Legislative Assembly over the old Legislative Council. The number of members eighty nine against thirty was nearly trebled. The number of elected members sixty six out of eighty nine, as against sixteen out of thirty - gave one representative to about every 200,000 inhabitants. The improvement in the electoral system, with elections in two degrees and one elector delegate for every 50,000 inhabitants instead of for each town, village, or kism

⁵Ibid., June 12, 1913, p. 7e.

(department), would ensure a far more real and adequate representation.⁶

In the event of a minimum representation not being secured at the elections by certain classes of the population, the Organic Law obliged the Government, to secure such minimum representation by its powers of nominating members. Thus there would always be four Copts, three Beduins, two merchants, and so on. Both the elected members and the nominated members would be renewed more frequently than hitherto. Elections would be by absolute majority of votes, with second ballots when necessary. Finally, the assent of the Council of Ministers was necessary for a dissolution.⁷

While the new Legislative Assembly combined the powers of both the Legislative Council and the General Assembly, various improvements had been made. Every law or decree had previously to be submitted to the Council before promulgation. The new Assembly was also given a certain power of initiative, and means of compelling the Government a careful and prolonged study of laws which do not meet with the approval of the Assembly.⁸

⁶Ibid., p. 7f.

⁷Ibid., p. 7f.

⁸Ibid., June 20, 1913, p. 7f.

The new procedure would ensure at least three public discussions by the Legislative Assembly and one private conference with the Government, represented by the Council of Ministers, whenever there was a disagreement between the Assembly and the Government concerning any project of law. The first discussion took place when the project was first sent by the Government to the Assembly; the second when the project was returned to that body by the Government; when the latter did not accept the proposed amendments; and the third after a conference with the Government and an adjournment of fifteen days.⁹

It might be anticipated with some confidence that a project which had been the subject of such prolonged discussion would not be promulgated by the Government against the wishes of the Legislative Assembly unless there were weighty reasons for such a course, while the lengthy debates to which such a project had given rise, and its promulgation, if it was considered to have successfully stood the test of much discussion, might be taken as a safe guarantee that the law was really sound. The matters which could not be discussed by the Assembly would in future include the service of the civil list, it being desirable that everything touching the person of the Khedive should be removed

⁹Ibid., p. 7f.

from the area of political discussion, and also all questions concerning foreign powers and the relations of Egypt with them. As a general rule, voting in the Assembly was to be public. As regards the budget, when the Finance Minister rejected the proposals of the Assembly, the Assembly would have the right to discuss the explanations furnished.¹⁰

Elections

The new Electoral Law aimed at obtaining a more equitable representation of the people in the Legislative Assembly and the Provincial Councils. Kitchener hoped to obtain that end by means which he summarized as follows:

1. Considerably increasing the number of electors delegates and stipulating that their number in each town or village should be proportional to the population.
2. Providing that all the elected members of the Legislative Assembly should be elected direct by the electors delegates.
3. Increasing the number of electoral areas, and stipulating that one member should be elected to the Legislative Assembly for every area.
4. Stimulating in this manner the interest of the rural population in the elections, so as to gradually render

¹⁰Ibid., June 24, 1913, p. 7b.

them sufficiently well informed to require from the members of the Assembly and of the Provincial Councils a faithful representation of their interests. No one could become a member both of a Provincial Council and the Legislative Assembly, as it was considered impracticable for any one person to combine satisfactorily the exercise of both those functions, since during the greater part of the year, the Legislative Assembly and the Provincial Councils would sit simultaneously.¹¹

Harvey Pasha, Commandant of the Police, on July 31, 1913, called together all ma'murs (officials) of the Cairo districts and conveyed to them instructions how the elections for the Assembly were to be made. The new form of constitution appeared to have a mixed reception among the native population. While some regarded it as a serious step forward towards absolute self-government, others regarded it as a defective reply to the nation's demands.¹²

The preliminary elections for the new Legislative Assembly took place on October 26, 1913, all over Egypt. The elections were of the first degree, that is to say, for the nomination of one elector delegate by each group

¹¹Ibid., July 23, 1913, p. 7b.

¹²Ibid., July 31, 1913, p. 5b.

of electors. The second degree elections were to begin on December 13, when the electors delegates would proceed to choose the members of the Assembly. The authorities were taking the greatest care that no coercion should be used and that the electors should realize that they were free to vote as they liked. Numerous circulars explaining the rules and emphasizing the liberty of the vote had been issued by the Ministry of the Interior. The Advisor of the Ministry of the Interior and other officials had been touring the country to impress those facts on the local officials and the electors, and to encourage the electors to exercise their privileges.¹³

The preliminaries so far had not attracted any marked attention among the general body of electors. This apathetic attitude was not wholly unexpected in view of the experience of past elections to the Provincial Councils. It was probable that the people hardly realized as yet the importance of the alteration in the country's representative institutions and the privileges conferred by the more direct vote. Chief interest would however, be centered in the second degree elections, when the competition among the candidates, especially in the Behera, Garbieh, and

¹³Al-Moqattan, October 27, 1913, p. 4, col. 1.

Sharkieh provinces and certain districts of Cairo and Alexandria, would become keen and it was reasonable to expect that public interest should become somewhat more stirred.¹⁴

The elections of the first degree for the new Legislative Assembly passed off very quickly. Public interest was not aroused to any marked degree, and in many places the work of the electoral commissions was very light- for example in Alexandria, where out of nearly 19,000 registered electors only 1,900 voted, while in one district no one put in an appearance at all. A similar tale was told in Cairo, and in the Provinces. The attitude of the electors was marked also with the same indifference.¹⁵

The Times Correspondent motored through part of the Delta, but could notice nothing unusual - in fact the Fellahin continued working in their fields as if the day was just an ordinary one and did not mark a step forward in the progress of their country. The Correspondent added that it was possible that the interval up to December 13, when the elections of the second degree took place, might prove more interesting. Also, once the names of the successful electors delegates were definitely known, it would be instructive to watch the way in which the candidates

¹⁴Ibid., p. 4, col. 1.

¹⁵The Times, October 29, 1913, p. 7c.

canvassed their districts and whether any of them would come forward with a definite program.¹⁶

A lead to all the other candidates was given on October 29, 1913, by Saad Zaghloul, ex-Minister of Justice, who in the *Moqattam* announced his candidature for election to the Legislative Assembly and published at the same time a program which he pledged himself to support.¹⁷

Polling in the First Stage

In the first elections in many instances the same "elector delegate" was chosen by more than one district. As this was irregular, and the delegate thus elected had to choose the constituency for which he wished to stand, supplementary elections were held in order to provide "electors delegate" for the centers thus deprived of representatives, and also for those whose delegates for some reason or other were disqualified after election. From the statistics published it appeared that of the registered electors only 6.69 and 4.98 per cent went to the poll in Cairo and Alexandria respectively. While in the provinces the highest percentage was at Girga with 20.09 per cent,

¹⁶Ibid., p. 7c.

¹⁷Al-Moqattam, op. cit., p. 8, col. 1.

and the lowest at Aswan with 15.39 per cent. Even in the densely populated province of Menufia only 19.15 per cent polled.¹⁸

The example set by Saad Pasha Zaghoul in the publication of his program was followed by some candidates, notably by Markos Bey Simeika, a prominent Copt and member of the old Legislative Council. Slightly more interest was shown in the second degree elections, though it was feared that this was due to the activity of the candidates and their friends rather than to desire on the part of the electors to secure the return of any particular candidate.¹⁹

Mazloun Pasha, formerly Minister of Finance, had been appointed President for the new Legislative Assembly, with the salary of a Minister and precedence on official occasions after the Premier. All preparations had been made for the final elections, which had been fixed for December 13, but the lack of public interest continued.²⁰

Polling in the Second Stage

On December 13, 1913, second stage of the general elections were held all over Egypt for the new Legislative

¹⁸Ibid., p. 8, col. 1.

¹⁹Ibid., p. 8, col. 2.

²⁰Ibid., p. 8, col. 3.

Assembly. Sixty six members had to be elected by the delegates chosen by the electors in the first stage of the election. Every effort had been made by the Government to facilitate the work of the electors by the division of constituencies into districts with readily accessible polling stations. The elections passed without any untoward incidents. In many districts there was considerable excitement and keen competition, especially in Cairo, where Saad Zaghloul was elected in two out of four constituencies receiving sixty per cent of the total votes polled in those two constituencies and in overwhelming majority over his opponents. Other notable successful candidates in Cairo were Abdul Khalek Pasha Makdur, head of the Merchants Guild and Sheikh Abdel Rahman el Demerdade, a well known landowner in Behera Province.²¹

Owing to the slowness of the arrival of the notifications the complete list was not available for several days. It was evident that the delegates included a number of members of the old Council, and that a good many constituencies were to have a second election in a week's time owing to the candidates not obtaining an absolute majority or for other reasons.²²

²¹The Times, December 15, 1913, p. 7e.

²²Ibid., p. 7e.

Further reports from the provinces confirmed initial impressions that there had been an increase in interest and greater activity in the electoral centers. According to the statistics available there were still twenty nine seats vacant, for which a second ballot had to be held. The Minufia, Behera, Miria, and Aswan Provinces and the Port Said and Damietta Governorates alone completed their elections, whilst no one had been elected for the Gizeh and Banisuef Provinces owing to the keen competition.²³

The Khedive signed a decree approving the composition of the Legislative Assembly, nominating the Government representatives and fixing the inauguration for January 22. The Government and the British were quite satisfied with the result of the election.²⁴

²³Ibid., December 16, 1913, p. 7a.

²⁴Ibid., December 26, 1913, p. 5e.

OPENING OF THE EGYPTIAN ASSEMBLY:

On January 22, 1914, the Khedive was to inaugurate the Legislative Assembly in the presence of the Khedivial Family, Lord Kitchener, the Diplomatic Corps, and the leading officials. The route from Abdin Palace to the Ministry of Interior, where the Chamber was situated, was lined with troops, partly British. Twenty one guns were fired when the Khedive left the Palace and one hundred and one guns when the inaugural speech had been delivered. The day was proclaimed a public holiday.²⁵

The new Egyptian Legislative Assembly, which so conspicuously marked the political development of Egypt, was inaugurated by the Khedive with much brilliant ceremonial and amid keen, if, somewhat undemonstrative public interest. The people of Cairo were astir early, and before, during, and even after the ceremony crowded the soldier-lined route from the Palace of Abdin, along which the Khedivial procession passed.²⁶

The meeting place of the Assembly was the chamber in the Ministry of the Interior in which the Legislative Council used to sit - a rectangular room with a circular space at the south end, where the presidential dais and the ministerial seats had been placed, and over which hung pictures of Mohamed Ali, the founder of the Dynasty, and the reigning Khedive. The seats of the eighty two delegates rose up in seven tiers, each with a desk in front, and in the centre of the hall, facing the delegates, stood the secretaries' table. The delegates were present early, and took their seats according to an order settled by the decree confirming the elections. Before the Khedive arrived the hall was crowded. Lord Kitchener, a conspicuous figure in his Field-Marshal's uniform with the Grand Cordon of the Osmanieh, stood on the right of the Presidential Chair, whilst on the left were the Ministers, the Grand Cadi (judge), the Grand Mufti, the Coptic Patriarch, and other church dignitaries. In the galleries on the first floor to the right were the Princes of the Khedivial Family, the advisers

of the Diplomatic and Consular Staffs, and the under-secretaries; to the left the Commissioners of the Public Debt, and the Judges. On the second floor the galleries were occupied by senior Government Officials and leading native and European notables. Press accommodation had been provided on the floor of the hall.²⁷

The departure of the Khedive from Abdin Palace was marked by a salute of twenty one guns. He drove to the Assembly Hall attended by a brilliant escort, and arrived shortly after ten o'clock. He was received by the Ministers and the President of the Assembly. After a short rest, accompanied by the Ministers and his Staff, he entered the hall and saluted the Assembly, which rose on his approach. His Highness shook hands with the members of the distinguished crowd gathered behind the Presidential Chair, converted for the time being into a throne. When he ascended the dais, the Chamber presented an aspect of great brilliance, a brilliance heightened by the forenoon sun. All present, whether Delegated Ministers or guests, wore official garb and orders. A striking contrast to the blaze of Pashas, Beys, and military uniforms was afforded by those delegates who, disdaining Western dress and Gala Garb, donned the National turban and flowing robes. The Diplomatic Corps, the Ministers, and Clergy on either side of the throne contributed a bright and picturesque touch.²⁸

At a sign from the Khedive, Mazlum Pasha, the President declared the Assembly open, and proceeded to take the oath of fealty. Thereafter, the Ministers, with Saad Pasha, the Premier at their head, and the delegates in their order, headed by Saad Zaghoul Pasha, proceeded to the foot of the throne, and, mostly with uplifted hand, took the oath under the ministration of Mazlum Pasha. During the proceeding Djemal-el-din-Bey the late Turkish Sheikh al-Islam, arrived and took up a position beside the Throne.²⁹

The Khedive then proceeded to read his inaugural speech. He expressed satisfaction at seeing gathered before him his People's Representatives,

and stated that the new Assembly realized the intentions he expressed two years ago regarding bringing the representative system more into conformity with the Country's interests. His Highness recapitulated the improvements and reforms effected, including the extension of the electoral system, the better regulation of the procedure, and the greater offered to men of capacity. Above all, he emphasized that the number of nominated members was limited to the indispensable minimum figure which will alone ensure the representation of Minorities. He drew the attention to the procedure providing an exchange of views between the Government and the Assembly, by which it would be possible to have discussions conducive to cordial understanding. He laid stress upon power given to the Assembly to prepare and propose laws for the economic well being of the country, and advised the delegates to be circumspect and prudent so that the right of initiation possessed by the Assembly might have useful consequences.³⁰

The Khedive enjoined the Assembly the safeguard and the well-being of every class of population, especially the small cultivators, and to pay particular attention to every thing which might foster the development of the sources of public wealth, and especially to questions relating to agricultural matters. His Highness concluded by expressing the hope that the Delegates would cooperate cordially with the Government and intimated that on their conduct of affairs depended the future of representative government in Egypt. At the conclusion of the Khedive's speech Mazlum Pasha called out, "Thrice long live the Khedive" and the cry was taken up and repeated by the united Assembly. The Khedive then took leave of the Diplomatic Corps, and a salute of twenty one guns were fired as he left the building.³¹

The sitting was adjourned until the afternoon to enable the Delegates to pay a visit of thanks to the Khedive, who, surrounded by his Ministers, received them at Abdin Palace and addressed them in terms similar to those of his inaugural speech. At the afternoon sitting

*openings

Saad Zaghloul Pasha was chosen as second vice-president by sixty five votes. A discussion followed regarding the rules of procedure to be adopted, and the Assembly adjourned without a decision having being reached.³²

Thus the much looked for day which, as the Khedive said, opened a new era in Egypt's modern history had come and gone. Egyptians were launched on a voyage which, if the barque was piloted sagely and carefully, could eventually bring them to the much desired haven of extended self-government, but which by reckless steering easily lead to the shipwreck of their hopes.

²⁵Al-Moqattam, January 22, 1914, p. 4, col. 1.

²⁶Ibid., p. 4, col. 1.

²⁷Ibid., p. 4, col. 2.

²⁸Ibid., p. 4, col. 3.

²⁹Ibid., p. 4, col. 3.

³⁰Ibid., p. 4, col. 4.

³¹Ibid., p. 5, col. 1.

³²Ibid., p. 5, col. 1.

THE EGYPTIAN ORGANIC LAW CONSTITUTIONAL AMENDMENT:

On January 30, 1914, the Times correspondent reported that he understood that an amendment to article sixteen of the Organic Law would be announced in virtue of which, in the event of a dissolution of the Assembly owing to its disagreement with a bill submitted by the government, the latter agreed to accept the decision of the new Assembly on the matter as final.³³ Notwithstanding this concession, the Government would still maintain control under the provisions of the alternative course permitted to it by article fifteen.³⁴

ACTION IN THE EGYPTIAN ASSEMBLY

The conduct of the Assembly was disappointing to

³³Article 16: In the event of the dissolution of the Legislative Assembly, under the provisions of article 15, on account of the continuance of disagreement between the Government and the Assembly, the bill which has given rise to such disagreement may be submitted to the new Assembly at its first sitting, and shall in that case take precedence of all questions except the budget. The bill thus submitted shall be considered as a new bill, and shall be examined in the ordinary manner.

³⁴Article 15: If after the adjournment provided in article 14 the Assembly and the Government are still in disagreement, the latter may either dissolve the Assembly, or may promulgate the law in the form in which it last put it forward, or with such modifications as it may think right to accept it. The Government shall inform the Assembly of the reason which have led it to disregarding the opinion of the Assembly.

the hopes reposed in the new Assembly, especially in the case of Saad Zaghloul Pasha, who walked out of a session on March 17, 1914 amid much uproar and followed by twenty seven members.³⁵ It was evident that the Assembly differed little from its predecessors and did not yet realize that the first duty of representative institutions was to respect the decision of the majority. After the meeting a large deputation called at the Agency to protest against the manner in which business was handled. Many agriculturist delegates declared that if the lawyer element persisted in fighting, instead of attending to the wider business of the country, they would return to the provinces, as they could not afford to waste their time.³⁶

Practically nothing had been done in the two months following the inauguration of the Assembly, and it was threatened that if a certain section persevered in its present line of conduct, the possibility of suspending the sitting for an indefinite period, would be contemplated as in the case of the previous Assembly.³⁷ In fact, on the

³⁵The Times, March 20, 1914, p. 7f.

³⁶Ibid., p. 7e.

³⁷Ibid., p. 7e.

eve of June 17, 1914, the Assembly was prorogued until November 1, 1914.

All things considered, the experience of the first session could not be regarded as unsatisfactory. There had been some regrettable incidents, as for example during the debates in the legacy of the creation of the Wakfs Ministry. Undoubtedly a certain section had shown itself sensitive to outside influence and had resorted to obstructionist tactics. But it would be unfair to saddle the entire Assembly with the errings of a proportion of its members, although the latter's attitude, on any continuation or subsequent imitation of it, must necessarily affect the policy of the Government, in so far as it concerned the further extension of the Assembly's powers.

Since its inauguration on January 22, the Assembly had held forty five sittings many of which had been of great duration. During its first session, it had disposed of considerable amount of business, with which the Government and the country should have been well satisfied. Unfortunately with the advent of World War One in 1914, all parliamentary life came to an end in Egypt. This was very regrettable because it came in a time when the country was slowly developing its political institutions. And,

had Egypt been fortunate to have Lord Kitchener, as the strong man, to steer its ship, I think that all its history would have changed because it would have had a gradual building up of its political maturity.

CHAPTER V

THE MIXED COURTS

In addition to these attempts at the establishment of effective organs of self-government, Lord Kitchener tried to reform the Mixed Courts. In this he was not successful because of many obstacles which I will discuss very briefly.

Origin and Purpose

To understand better the Mixed Courts we must take a brief look at the origin of those Courts. On the site of the ancient city of Philadelphia, there was discovered a few years ago a papyrus which bore on its back the copy of a letter addressed by the Roman Emperor, Claudius, to the people of Alexandria. The letter dealt with many topics, e.g. birthday, honors, the erection of golden statutes, the request of the Alexandrians for a Senate, - but its final paragraph was reserved for an expression of imperial indignation over the feuds "or rather," says the Emperor, "if the truth must be told, the war" between the Alexandrians and the Jews. In turn the Emperor addressed himself to each of the contending factions, and to the Alexandrians giving this stern but fatherly admonition. "Wherever I

conjure you yet once again that you show yourselves forbearing and kindly towards the Jews and permit them to observe their customs as in the time of the Divine Augustus, which customs I also, after hearing both sides, have solemnly confirmed."¹

In such documents as these, we see reflected the remoter origins of special privileges for foreigners which came to extend itself throughout the entire Ottoman Empire and whose manifold abuses eventually led in Egypt to the founding of the Mixed Courts.

The special privileges enjoyed by foreigners in the Ottoman Empire are commonly taken as having their origin in the formal concessions or capitulations granted to Western nations by the Ottoman rulers after the capture of Constantinople in 1453. The most important of the early Turkish Capitulations was that granted to Francis I of France in 1535.

The principal privileges guaranteed by the Capitulations were the exemption of the foreigners from arbitrary taxation, their freedom from searches in their homes without the consent or presence of their consul, their right to

¹Brinton, J. Yates, The Mixed Courts of Egypt (Yale University Press), New Haven, 1930, pp. 1-2.

enjoy very large immunities from the jurisdiction of the Turkish Law Courts. Those latter immunities might be summarized as follows: To the consul was reserved jurisdiction over all disputes between foreigners of the same or different nationality. Consuls also experienced jurisdiction over criminal offences, not involving natives, as well as in all questions of personal status, involving marriage and divorce, testamentary succession, guardian and ward questions. On the other hand, civil and commercial litigations between foreigners and natives was, in the latter stages of the system, tried either before special commercial tribunals composed of three Turkish Judges and two foreigners, or before the ordinary Turkish Courts, but always in the presence of a Consular dragoman, who exercised a very material control over the proceedings.²

Such was the system as it existed in Turkey at the beginning of the War. It was a system whose definition depended essentially on the attitude of the various parties concerned. The Capitulations disappeared with the opening of World War I, and its suppression was finally recognized by the Powers in the Treaty of Lausanne.

The evils which resulted from a system of some sovereign Consular Jurisdictions, functioning at the same

²Ibid., pp. 6-7.

time as local national courts, can be readily imagined. The administration of Justice in Egypt fell into what aptly termed a state of Judicial chaos.

Defects of The Mixed Courts:

In an April, 1912, despatch The Times correspondent in Cairo wrote about the defects of the Mixed Courts and said that for many years the Egyptian Government as well as the community at large, had been well aware of the defects of the Mixed Courts system. Lord Cromer in his report upon Egyptian affairs for 1905, sketched the outlines of the scheme of reform. On closer examination, however, the essential portion of that project was considered unworkable. Although no fresh proposals had yet been definitely formulated, the subject was once more attracting a large amount of public attention. There was a general feeling that the time had arrived when some more satisfactory system of civil jurisdiction as between foreigners and Egyptians, and between foreigners of different nationalities should be introduced. It was hoped that the energetic hand of Lord Kitchener might hasten the necessary negotiations to this end.³

³The Times, April 15, 1912, p. 7e.

It might be useful here to summarize the construction of those Courts which, since their establishment some thirty five years before, had been responsible for rendering judgement in all civil cases when plaintiff and defendant were of different nationality. There were three courts of first instance, composed partly of Europeans, partly of Natives, the former always being in the majority, sitting at Cairo, Alexandria, and Mansourah. On those Courts all the powers that had Capitulatory agreements with the Porte were respected. There was further, a Court^{of} Appeal made up of ten Europeans and six Native Judges, which sat at Alexandria, Judges were nominated theoretically by the Egyptian Government, which was obliged however, to obtain from the foreign government concerned its assent to the proposed appointment. In practice, this procedure was not infrequently modified and not always to increase the efficiency of the Courts. Justice was administered according to codes which were based upon those in use in France. However, every five years the assent of the Powers had to be obtained for the continued maintenance of the system.⁴

⁴Ibid., April 30, 1912, p. 5b.

No one would deny that the jurisdiction exercised by the Mixed Courts was an immense advance upon the condition of affairs prior to 1876. At the same time, it was equally impossible not to admit that the system in its apparent form had failed to justify itself as a permanent institution. In his report for 1903, Lord Cromer, gave as his opinion that the position of the Mixed Courts "will be strengthened rather than weakened by every step taken to show the utility of the institution and its power of adopting itself to the growing requirements of the country."⁵ One of the most important factors in the prosperity of Egypt was the steady development of business on a sound basis. But for the successful transaction of business, it was of prime importance that the Law Courts competent to deal with commercial cases should be reasonably rapid in pronouncing their verdicts and should possess a form of procedure which inspired the business with entire confidence as to the manner in which the work of the courts was carried out. This was precisely where the shortcomings of the Mixed Tribunals were most evident. It was hardly an exaggeration to say that, for business purposes, they were useless. So protracted was the procedure in action

⁵Brinton, op. cit., p. 305.

for the recovery of debt, for instance, that it was not an uncommon practise for a European firm nominally to make over a debt owned by a native debtor to one of its native clerks in order that the latter brought action in the Native Courts where justice was dispensed speedily and efficiently.⁶

In considering the question of the reform of the Mixed Courts, one point must always be borne in mind. So long as the Capitulations were in force, no modification of the system could be made unless all the powers that adhered to the reform of 1875 approved of the change. Under existing conditions, it was improbable that reform could be carried out to the extent required to make of the Mixed Courts the effective instrument for administering justice that they ought to have been. Consequently, the fact that the question was known to be receiving the attention of the competent authorities was doubtless one of the reasons for the general impression that some modifications of the Capitulations was contemplated. It was suggested that the only remedy for the unsatisfactory condition of the system was to stamp it out root and branch, setting up in its place new courts with new codes. A solution of the problem

⁶Ibid., p. 332.

which, while opening good prospects of success, would probably receive much more readily the approval of the powers, would have been upon the lines of a fusion of the Native and the Mixed Courts. This method would have had the advantage of simplifying the existing complicated judicial system of Egypt, and it might further have been possible to transfer to the reformed courts thus created, the criminal jurisdiction exercised by the Consular Courts.⁷

Lord Cromer's scheme for the establishment of an International Council to regulate the affairs of the Mixed Courts had been definitely abandoned under Kitchener. The essential thing was felt to be that those Courts should cease to be a law unto themselves, and should come definitely under Government control. While they were responsible to no one, with the President of the Court of Appeal dependent for his position upon the votes of his colleagues, there was no check upon the delays caused by prolonged vacations and a lack of extra sittings to catch up on arrears. With a president appointed by the Government for a term of years, definite regulations laid down and fixed by law

⁷Ibid., pp. 333-335.

and thus no longer left to be determined by the judge himself, much of the dilatoriness exhibited by the Courts would disappear automatically. The appointment of judges would likewise have to be not only theoretically, but in reality, in the hands of the Government. Whatever other changes might have been made, it seemed probable that the French codes on modified form, which were found to work fairly satisfactorily in the Native Courts, was to be retained. The majority of the bench which was to preserve its international characters would be drawn from the nations other than Great Britain, since in all probability, British Judges were not conservant with the administration of justice on those lines.⁸

The operant quinquennial did not expire until 1915, and it was obvious that far-reaching reforms of the kind outlined could not be effected over-night, Hitherto, no important modification of the laws administered by the Mixed Courts could be made without the consent of the powers through their representatives in Cairo. However, after many years of negotiations, article thirteen of the Civil Code had been altered so that modifications and

⁸Ibid., pp. 336-337.

additions could be made by a general assembly of the Mixed Court of Appeal, on which all powers were to be represented. Some good was expected to accrue from this change, as it appeared to be a distinct improvement upon the cumbrous method of legislation by diplomacy. At the same time, it remained to be seen whether the members of the Court of Appeal, of which the Assembly would be largely composed, would be able to perform satisfactorily the duties of legislators. One of the principal complaints levelled at the Court of Appeal was in fact, the delay in the rendering of verdicts; and it was felt that those delays might in future be still further prolonged. If this were to prove to be the case a remedy was suggested to reduce the number of judges necessary to form a court from eight to five, thus forming three benches in place of two. Owing to the opposition of the powers this proposal had been without success, proving once again - if any more proof be needed - the difficulties attendant upon legislation diplomacy.⁹

From this we see very briefly the difficulties that faced Lord Kitchener in his attempt to reform the Mixed Courts. Those difficulties were felt also by his predecessors. However, the period spent by Lord Kitchener

⁹The Times, April 30, 1912, p. 5b.

in Egypt was too short to allow him to handle the problem more adequately.

CHAPTER VI

HEALTH AND SANITATION

A further field in which Lord Kitchener had only limited success was in the improvement of sanitation. "The construction of the villages and their surroundings," he indicated in his report to the Foreign Office for the year 1913, "were generally such that a standard of sanitary excellence in accordance with Western nations could only be very slowly achieved."

The houses were over-crowded - congeries of mud walls badly built and badly ventilated. There was generally an entire lack of convenience arrangements, and man and domestic animals lived in close relations. The water supply was mainly from canals which were open to all sorts of contamination, and as the subsoil water was near the surface, pools abounded almost everywhere... How to cure the evil of such conditions? To start with, the people must be educated in the elements of hygiene. They must be taught the relation between dirt and diseases, and an elementary primer on the subject should be used as a text book in all the village schools. Old soldiers experienced in the discipline of the Egyptian Army would probably make very suitable sanitary inspectors.¹

As for fighting the diseases, it was the way of the system to build upon itself. It was necessary to enlist every trained hand in the fight against sluggishness and fatalism,

¹Ibid., May 27, 1913, p. 7c.

and superstitious intolerance, In this region these were the inherent allies of disease. Results were beginning to show. Because of this, Lord Kitchener was able to say in his report for the year 1913 that:

The people no longer object to being isolated from infectitious diseases... The people have, moreover, to some extent overcome their dislike of sanitary measures. The notification of infectitious diseases is now general, and concealment is the exception and not the rule as formerly... It is a very striking fact that a few years ago it was a matter of the very greatest difficulty to account for and medically examine the pilgrims who return to their homes, This now proceeds quite smoothly, and instead of being run to earth with difficulty in their villages they come on their own accord to be examined.

The results are gratifying. Plague is well under control, and appears to be yielding to the steady campaign which had been waged against it since its appearance in 1889.²

The other great plagues of the human race in Egypt were the eye diseases. They were fife in Egypt as long as 3500 years ago. Lord Kitchener fought them on scientific lines. Similarly with the high rate of infant mortality. The problem was to correct the methods of mothers and midwives, whose fatal ignorance was sanctioned by immemorial tradition. The system had entered on the task by the establishment of maternity schools and childrens dispensaries in the provincial towns. Lady doctors travelled around

²Ibid., p. 7d.

inspecting and instructing, Midwives were taken from the villages, trained, and sent back.³

³Ibid., p. 7e.

CHAPTER VII

ASSESSMENT OF KITCHENER'S TENURE AS BRITISH AGENT AND CONSUL GENERAL

Kitchener's tenure of office, like that of Gorst, was of very brief duration. It is difficult, therefore, to assess fairly his value as an administrator. The salient facts of his three years at the head of the Egyptian administration are clear enough. For the main direction and intent of his policy, the people of Egypt, owe and have given him their lasting gratitude. His policy was to promote the material welfare of the Fellahin. He had his own schemes for the purpose, and what interested him was that those schemes should be put into operation as little modified and with as little delay as possible. Those schemes, however open to criticism in detail, were conceived on fair-seeing lines and based upon a clear insight into the needs of the situation. Questions relating to political progress he regarded either as routine duties or as fields for entertaining experimentation. What he did for administration and agriculture was, therefore, fine, enduring work.

After the economic collapse of 1907, recovery had been slow, and it was not until 1911 that the Egyptian revenue

again showed a tendency to expand, in response to the general economic recovery. The lean years of 1907 to 1911 were the same years in which political unrest had been at its worst, and in any other Eastern country except Egypt, it would be legitimate to infer that there was a definite causal connection between these two facts. In almost all Asiatic countries it is true to say that political agitation does not really become really dangerous unless economic distress is prevalent.

When Kitchener arrived in Egypt, the tide of economic prosperity had turned, and was on the flow again. But even if, contrary to normal experience, it is this fact which was the real cause of the return of tranquility, and even if Kitchener's task was rendered easier by the recovery, still, the whole story is not that simple.

The tranquility which ensued may have its origin in natural prosperity but to Kitchener's insight belongs the credit for having recognized the opportunity to develop and capitalize on it. He has been criticized for extravagant expenditure, but that expenditure was mostly of a productive character, all tending to promote cheerful confidence and sense of well being of the people. Egypt was feeling well; measures were being

taken to make her feel better still; sickness was rife; but her guardian was wise and firm in directing her relations within and with the outside world. She had therefore a great deal to lose and very little to gain by agitation, and things were good as they were.

To say that Kitchener merely had good luck and made good use of it would be to do much less than justice to the man's great qualities. In the East especially, personality counts for very much. Defects are condoned in its possessor, or often regarded as symptoms of greatness. Cromer had the quality, and so had Kitchener, and both were successful. Yet Kitchener was not of Cromer's stature. He had not, in the first place, the variety and intensity of interest which was a fundamental cause of Cromer's greatness, and never fails to astonish the observer. While Cromer was always ready to explore every field of administrative activity, even of human with the same impartial concentration, Kitchener contemptuously dismissed certain branches as being unworthy of attention. When they were thrust upon his notice in the course of his duty, he dealt with them in much the same spirit, giving to them only as much of his time and energy as might suffice to clear them out of the way.

In the second place, although Cromer was capable of a considerable sternness towards opposition, and although his detachment made him seem at times forgetful of the debt he owed to the service rendered him by those who worked for him, he never exhibited the ruthless impatience which more than once characterised Kitchener's dealings with his subordinates. There were instances in which Kitchener's dismissals and appointments were made rather with a view to stifling independent view than to retaining or procuring the best material available; and in these circumstances, it was fortunate that the Consul-General reposed a large measure of confidence in Mr. Storrs, who, as a member of the Ministry of Finance, had known Egypt and the Egyptian Government since 1904, from within as well from without, and had identified himself with the life of the country. But in general it was true of Kitchener that once his mind was made up, he was unable to tolerate criticism of his plans, however disinterested and sincere, and he exhibited even a worse defect, which is the complement of this attitude of mind, for he was liable to be deceived by inefficiency and dishonesty, provided that it displayed a sufficient agreement with his own views. The worst result of this was probably not its direct effect upon the standard of

administration, but that indirectly there grew a lack of touch between the Residency and the individual officials who were serving in the higher posts in Egypt. Of this lack of touch, the most dangerous effects only became apparent during the war.

This narrowing of his field of vision rendered Kitchener great as he was the inferior of Cromer. Judged by intellectual standards only, Kitchener was almost certainly the inferior of his predecessor, Gorst, but he had flashes of intuition which were often triumphantly accurate, and he had that imposing force of personality which, for purposes of administration, is, at the lowest computation, of equal value to reasoning power.

Thirty two years had now elapsed since the occupation began, and Britain had certainly given Egypt the best she had produced during that generation. That she should have done so was perhaps of much greater importance than the policy which she directed them to carry out, for it is probable that personalities count more than policies in the countries of the East. But best of all is undeniably a policy based upon principles that are simple and sound and a careful selection of the best agents to administer it. Cromer was handicapped

at every stage because the policy he was asked to promote was at variance with the facts as they actually were. Nevertheless, he achieved a large measure of good administration, because he refused to be blind to the facts: He continually modified the policy to make it suit the facts, and to the extent of that modification he was successful. But he would never admit that the policy was based upon a theory which would not be universally applied, and out of that attitude arose many of the subsequent difficulties in Egypt. Gorst attempted, on the other hand, to apply the policy more fully in disregard of the facts, and the facts were too much for him; but his career was too short for us to form any opinion as to whether he would subsequently have reverted to Cromer's realist tactics, or even have urged a change of policy. It might have been naturally anticipated that Kitchener would have shown himself the sternest of the three. A soldier by profession, a strong man with wide experience and a natural distaste for political programs, he might confidently have been expected to throw over a policy based upon mere theory, to resist the dictation of a party government; and to produce a practical plan based upon the actual needs of the situation and upon those needs alone. Instead we find him condemning party strife and

then introducing a measure of political reform which greatly increased the intensity of that strife in Egypt. It is impossible to refrain from speculating as to what would have been the developments under Kitchener had the war never broken out. If he had returned from England in the autumn of 1914, with authority to issue an ultimatum to the Khedive, and if necessary to depose him, he would still have had to deal with the Legislative Assembly which he had himself created. In that Assembly Zaghloul and the solid phalanx of his followers were a force which would have demanded to be reckoned with, for they had it in their power to make the work of the Ministry difficult, if not impossible. It seems more than probable that before long the stage would have been set for a battle between Zaghloul and Kitchener, and that would have been the acid test of statesmanship of both.

When Kitchener sailed for England in 1914, Egypt was busy with her own problems. The stage was occupied with scene of normal economic and political activity: and upon it the protagonists were busy in the discussion of those same questions that had so long held the field.

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TABLE A (1)

The Number of Employees - Copts and Moslems -
in the Egyptian Government (the ratio is per 100)

<u>Department</u>	<u>Moslems</u>	<u>% per 100</u>	<u>Copts</u>	<u>% per 100</u>
Ministry of Interior	2346	37.7	3878	62.30
Ministry of Public Works	604	70.64	251	29.36
Ministry of Justice	1261	85.15	220	14.85
Ministry of Education	995	93.86	66	6.14
Ministry of Finance	1301	55.76	1032	44.24
Railway - Telegram	2700	51.92	2500	48.08
Defense	307	69.45	135	30.55
TOTAL	9514	54.68	8082	45.32

¹Al-Mogattam, May 10, 1911, p. 1, col. 1.
(Sir Eldon's Gorst Report for the year 1910)

TABLE A (1)

The Number of Employees - Copts and Moslems -
in the Egyptian Government (the ratio is per 100)

<u>Department</u>	<u>Moslems</u>	<u>% per 100</u>	<u>Copts</u>	<u>% per 100</u>
Ministry of Interior	2346	37.7	3878	62.30
Ministry of Public Works	604	70.64	251	29.36
Ministry of Justice	1261	85.15	220	14.85
Ministry of Education	995	93.86	66	6.14
Ministry of Finance	1301	55.76	1032	44.24
Railway - Telegram	2700	51.92	2500	48.08
Defense	307	69.45	135	30.55
	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL	9514	54.68	8082	45.32
	<u> </u>	<u> </u>	<u> </u>	<u> </u>

¹Al-Moqattam, May 10, 1911, p. 1, col. 1.
(Sir Eldon's Gorst Report for the year 1910)

TABLE B (1)

The Number of Employees - Copts and Moslems in
the Various Departments of The Ministry of Finance

<u>Department</u>	<u>Moslems</u>	<u>Copts</u>
Accounts	74	109
Legal Section	9	30
Inspector General	00	1
Inspection	12	3
Secretariat	28	10
Property	128	134
Estimated Money	22	50
Taxes	<u>19</u>	<u>16</u>
TOTAL	292	353
 <u>Various Departments</u>		
Post	405	120
Customs	149	49
Coast Guards	63	42
Ports - Light Houses	27	19
Survey	11	1
All Other Departments	<u>354</u>	<u>448</u>
TOTAL	1009	679
 Total.... 1009 + 292 = 1301 679 + 353 = 1032		

¹ Al-Mogattam, May 10, 1911, p. 1, col. 2
(Sir Eldon's Gorst Report for the year 1910)

The Debts of the Fellahin who Own Five Feddans and Less and Who Benefit from the Five Feddan Law - A Summary of their Debts as Appeared in the Report of Lord Kitchener

<u>The Indebted</u>	<u>Property Indebted From Five Feddans and Less</u>	<u>No. of Proprietors</u>	<u>Area of Acres</u>	<u>Value of Debt</u>		<u>On Acre</u>
				<u>Actual on Proprietor</u>	<u>£/s</u>	
al-Sharkieh	8615	62494	1601214	27317	25622	
al-Kaliloubieh	55389	29111	1096992	32255	57685	
al-Damhaliéh	70751	71480	2159579	27317	30212	
al-Manoufieh	105934	92578	5137208	30815	33887	
al-Qharbieh	100635	101702	3076055	29614	30246	
al-Bouhaira	44178	48729	1145239	30566	23500	
al-Qiza	16594	17151	491245	25927	28642	
Beni-Swaif	15861	16386	383794	29604	23422	
al-Fayoum	23139	24754	316675	24197	12735	
al-Mina	15171	15617	315689	13685	20214	
Assiout	33619	37977	669186	20808	17620	
Gerga	48822	50404	919775	19905	18247	
Kana	47780	46020	921512	18840	13505	
Aswan	4639	4811	56501	12179	11744	
	619107	619214	15990660	251838	251824	